

State of Rhode Island

County of Washington

In Hopkinton on the seventeenth day of October 2016 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02832.

PRESENT: Frank Landolfi, Barbara Capalbo, Sylvia Thompson, David Husband, Thomas Buck; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin.

**CONSENT AGENDA**

The Town Council Meeting Minutes of October 3, 2016 were removed from the Consent Agenda to vote on them separately.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Accept the following monthly financial/activity report: Town Clerk: Approve refund as a result of Escrow overpayment submitted by the Tax Collector.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband, Buck

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF OCTOBER 3, 2016.

IN FAVOR: Capalbo, Husband, Buck

OPPOSED: None

ABSTAIN: Thompson, Landolfi

SO VOTED

Councilor Thompson and Council President Landolfi abstained as they had not been present.

**PUBLIC FORUM**

Council President announced the first public forum, explaining that it is the time to speak on anything listed on the agenda. Mrs. Macaruso asked for clarification and an explanation to those present about each public forum. Council President Landolfi said the first public forum was to speak on items on the agenda and the last public forum is for matters not on the agenda such as if there was something a person wanted to bring to the Council's attention. Councilor Thompson stated that was a policy that changed in 2015. Councilor Capalbo noted that if someone wanted to speak on the RYSE School they needed to do so now. Mrs. Macaruso confirmed that if there were persons present that were part of the RYSE presentation, they would be able to speak at that point. Council President Landolfi confirmed this. No one spoke during the first public forum.

#### **COUNCIL PRESIDENT REPORT**

Council President Landolfi reported he had attended a Neighborhood Meeting on October 6, 2016 at Beechwoods Estate relative to the on-going detention pond issue. Also present was Town Manager Bill McGarry, Solicitor Kevin McAllister, Planner James Lamphere, Planner Assistant Sean Henry and DPW Director Timothy Tefft. He felt the residents appreciated their presence at the meeting and added that the Manager would be reporting further on the matter.

#### **TOWN MANAGER REPORT**

Town Manager William McGarry reported on October 6, 2016 at 5:30 P.M., he and Council President Frank Landolfi, Solicitor Kevin McAllister, Town Planner James Lamphere, Planner Assistant Sean Henry and DPW Director Tim Tefft met with 36 residents of Beechwoods Estate at the gazebo located within the subdivision. The purpose of this meeting was to bring them up-to-date on the future maintenance of the three detention ponds in the subdivision and the documents required for the Town's to obtain legal access to maintain them. This meeting also served as an opportunity for them to ask any questions about the proposed maintenance of the ponds. The Solicitor had reached out to the Picerne Property group, who were amenable to granting permission to the Homeowners Association for the required easements. This matter is a work in progress. Mr. McGarry reported on October 7, 2016 he convened a meeting, hopefully the last meeting, of the Waterline Review Committee at the Crandall House to allow them

to review and comment on all the upcoming changes related to the replacement of water meters and the associated multiple documents needed to increase the accountability of the waterline system. The meeting went very well and all proposed improvements were approved by committee members. On October 12, 2016 Administrative Assistant Courtney Hyland mailed letters to 50 water line property owners notifying them of the upcoming water meter replacements, requesting dates and times for installation that would be mutually agreeable to them and the installation team. During the months of November and December, the plumbing contractor would be removing the old meters and installing the new meters at no cost to the homeowner. In addition they would be moving to quarterly billing. Mr. McGarry reported that during the last several weeks, the Town has received the following grants: A \$10,000 grant from the RI Foundation for the construction of a gazebo at the Crandall House that was constructed and delivered on October 12, 2016. He gave special thanks to Recreation Director Mary Sawyer for her work on this project and noted he had included a color photo of the gazebo; Received two \$25,000.00 grants: a \$25,000 grant from RIEMA to hire an outside consultant to prepare emergency action plans (EAPs) for several high and significant hazard dams in Hopkinton. He gave special thanks to EMA Director Ron MacDonald for preparing and submitting this grant request. Mr. MacDonald had submitted the grant for the past two to three years, and finally received the grant award; a \$25,000 grant from RIEMA to update the Town's Hazardous Mitigation Plan. He gave special thanks to Planner Jim Lamphere for preparing and submitting this grant request; A \$5,500.00 grant from RIEMA, that will off-set half the cost of the EMA Director's \$10,000.00 stipend. Mr. McGarry reported on October 13, 2016, he responded to West's Bakery and met with the Lieutenant Governor Dan McKee and several other residents and business owners, as part of the Lieutenant Governor's 39 Cups of Coffee Small Business Tour. He found the Lieutenant Governor to be very amenable and reachable. Mr. McGarry reported on October 13, 2016 he and his assistant Courtney Hyland met with engineer Tony Nenna to discuss the status of the Town's wetlands permit application currently pending before RIDEM, regarding the possible future consolidation of offices and expansion of Town Hall. That the deadline to submit

had been met and they were now negotiating with the RIDEM; we will be grandfathered in.

Councilor Buck asked whether the Town would be taking over maintenance of all detention ponds throughout the Town. Mr. McGarry stated it was throughout the entire Town. Councilor Buck asked if the Planning Board and Zoning Board were aware of this as there may be additional provisions necessary. Solicitor McAllister explained that presently, they were focusing on the three Beechwood detention ponds as there were more complications: two of the detention ponds are located on the open space owned by the residents; the third detention pond has 25% of it located on common space owned by the residents and 75% of it located on a parcel owned by one resident, which was tricky. He noted a uniform policy has been considered for the town to take over responsibility and this is a first step towards that idea. It is more complicated because of that one detention pond where a property owner has 75% of the detention pond located on their property. He stated the developer's involvement was coming to an end and if the homeowners association doesn't take over, no one will be looking at it; taking over the maintenance responsibility, or handling other similar type issues. The intent is to address the problems in this development first and they can then address similar type detention pond issues going forward. Councilor Buck noted that the Town taking over detention pond maintenance was something new then. Solicitor McAllister stated the Town is responsible for most of the detention ponds already with a couple of exceptions, Beechwoods is a big chunk of that, then the Town will look at one or two more, but the intent is to get the situation under control and get them subject to the same type of procedures because in the end it is a health and safety issue. Councilor Buck indicated he was under the impression that they all were owned by Homeowners Associations within the development. He felt their maintenance would place an additional burden on the Public Works Department. Council President Landolfi noted that it had to do with storm water runoff coming off of a town road that enters into a storm drain, then it reverts to the town's responsibility. Solicitor McAllister explained some of the complications date back to the early 2000's, there were not uniform policies in

place at that time that would determine responsibility of a detention pond that handles the run off from storm water from town roads. The private paperwork governing the law of the Beechwoods subdivision at the time, called for the homeowners association to be responsible for the maintenance of the detention ponds, which was contrary to the existing zoning regulations on file with the Town at the time dating back to 1995. The situation now with Beechwoods is that the developer is transitioning out and no plans appeared to be in place to address who would maintain the detention pond if the homeowners association went away, there was no structure. This was when the matter began to be addressed by the Town Manager, Council President and Planner's Office, to address it before it became a crisis. Mr. McGarry agreed and stated it was important to note that of the 22 detention ponds in Town, 16 were currently maintained by the Public Works Department with 16 easements on each one in place. Councilor Capalbo felt that was excellent and better for health, safety, consistency and efficiency.

Councilor Thompson asked if the Lieutenant Governor had had a "bismark" when he was at the bakery. Mr. McGarry was unfamiliar with a bismark. The Council would make sure Mr. McGarry sampled one.

## **OLD BUSINESS**

### **RYSE SCHOOL BUILDING PROJECT PRESENTATION – RYSE SCHOOL BUILDING COMMITTEE**

RYSE School Building Project Presentation – RYSE School Building Committee.

The Hopkinton representatives on the Building Committee Members present: Lisa Macaruso, Etta Zasloff, Marie Glass and Fred Stanley. Also present: Special Education Advisory Counsel, Parent Chair Sara Algieri, also a resident. Mrs. Macaruso thanked her husband, children and mother who were present in the audience, for their support during her time on the committee.

Mrs. Macaruso reported this was the final presentation and last stop by the committee to the Town to provide up to date accurate information and address concerns before the November 8, 2016 Election where this RYSE School proposal would be on the ballot. The committee had held open houses at all

schools in the district, had conducted presentations before the School Committee and three Town Councils. She referred to her involvement with the task force that had initially been formed to study the matter and had recommended a shared-wall addition to the Middle School. A Special School District Meeting was needed in order to authorize the formation of a building committee. Quorum requirements were met and she reported nearly fifty Hopkinton residents attended. The creation of a building committee and its related funding was approved. The three Town Council Presidents worked on how the Towns would pay for the share the state would not cover before the committee came back to the Council to seek approval of the resolution. The three Town Councils did vote to approve the resolution. Senator Elaine Morgan had sponsored legislation which was passed in both houses and the bonding question would be before the voters on November 8, 2016. She stated RIDE reviewed all the data and information and on independent tracks supported the schematics on the building and the funding and the legislation was also approved. She noted the financial impact of the trailers was understood. There is an equity issue regarding the students in the RYSE facility. Rhode Island Department of Education (RIDE) ranked this project here as number one in the State in terms of need because it inequitable to the surrounding buildings and because it was a leased property for a permanent program so it will receive 61% reimbursement, which was better than the 56% reimbursement. She further explained that RIDE will give 61% directly to the bond holder and the district will pay 39%, so it was more a cost share vs. reimbursement, this was something she learned when attending the Richmond Town Council Meeting. In May 2017 the leases on the trailers end; there is no state reimbursement for the trailers, the cost to the district is \$110,000.00 annually and it will cost much more to replace them. If the voters approve Question 8, the RYSE project cost estimate was \$5.2 million dollars, it cannot exceed \$6 million; the three Towns will share the remaining \$2.28 million. She distributed information to the five Councilors and explained it was information related to the remediation of the oil plume located under the Middle School. There had been some concerns voiced that the oil spill could cause problems. The information distributed included the April GZA report and minutes associated to it – that determined there would be no

impact; the architect statement that concurs, the RIDEM statement that concurs. RIDE and State Legislators were made aware of this as well. She noted as of today, October 17, 2016, a new letter was received from DEM and GZA, which again confirmed there would be no impact on the addition; the DEM was satisfied with the GZA report. Council President Landolfi noted he was not aware there had been an oil spill. He asked where it came from and questioned how it could affect the building and if it had been remediated. Mrs. Macaruso explained sometime before 1999, there had been an oil tank leak at the south end at the Middle School that was presently under the supervision of the DEM and GZA is the engineering firm hired to handle the remediation. The estimate is that in five years it will possibly be complete. The oil plume is flowing in the opposite direction to the addition. There was an earlier addition to the Middle School closer to the plume and there had been no concerns voiced at that time and no issues resulting. She noted Senator Morgan came through and had toured the facility and as she had heard the concerns from the same people which she took seriously and came away with the same information. Councilor Thompson indicated it was her understanding that there is an estimated 20,000 gallons of oil in a bubble under the Middle School which is why there were questions of where is it going and would there be a problem. She mentioned that the Council is being reassured that it would not be a problem based on the studies done and noted the DEM would be the agency that would have a problem if there was one. She understood that the plume could move to the south, but it was being treated with disbursing agents with a certain amount of oil being taken from the site periodically and the building would be built on a slab. Mrs. Macaruso deferred to the experts who have indicated it would not pose a problem and noted the power point presentation by GZA in April indicated in their technical language that it was not an issue and DEM concurred. Committee Member Fred Stanley stated the oil plume had been caught in time; it had been an in-ground leak, not above ground. He had been concerned about the wells at the time as he had been the Hope Valley-Wyoming Fire Chief then. He indicated Switch Road runs south to north; the school runs south to north, the leak occurred at the south end of the school and would have been heading in the direction towards Route 91. He had

learned that they got in their soon enough and had been able to draw the plume back. He was not sure the 20,000 gallons of oil was still there as they have been pumping it out over the course of many years. There were three classrooms added a few years ago within 30 feet of the oil tanks. He commented on the complainants and asked where the complainants had been earlier as there are two wells that cover the Career & Tech building and Middle School so he questioned the intent of the complainants. Council President Landolfi asked about the oil plume and why they can't take it all out at once. Mr. Stanley indicated it could only be done a little at a time and he doubted there was still 20,000 gallons left. Councilor Buck confirmed with Mr. Stanley that treatment included pumping a cleaning compound into the ground and separating it out. Councilor Thompson stated then what is left in the ground would be 20,000 gallons of a mix of soil, oil and dispersing agent. She stated the complainants had concerns, they were not spreading lies, and the concerns had been addressed by DEM. Councilor Thompson noted the last chart showing a graph of money spent shows that costs have been reduced because they went out to bid. GZA has been remediating the area and costs had gone down from \$181,000.00 to \$17,000.00. Councilor Husband asked whether the foundation would act as a cap to the oil spill in the ground under the building, he wouldn't think the material would leak through concrete so questioned the basis of the complaint. Mr. Stanley explained the addition would be on the auditorium end of the building and the only problem is the seniors would not have access. Mr. Stanley indicated he initially had concerns and asked about what they would run into when they excavate the soil for the addition and was told there was nothing to worry about. Both Mrs. Macaruso and Mr. Stanley confirmed the area of the oil spill was nowhere near the addition. Councilor Buck stated he was aware the complainants concern would be that in disturbing the ground it may pop this bubble and the oil could leak out. The Council has now learned that it is not near the area of the proposed addition. Mrs. Macaruso noted at the next building committee meeting, the architect will be present so she will ask these questions about the re-capping theory. She stated no one present her tonight has the qualifications or the degrees to address these questions but Kaestle Boos and GZA does and there is a large volume of

information assembled and in binders about the addition. They are satisfied. RIDE says it is a non-issue as do our State Legislators. Councilor Husband asked about once the school is completed how many students would use the school. Mrs. Macaruso responded 55. Councilor Husband asked what the capacity was. Mrs. Macaruso indicated RIDE sets capacity, and it could not exceed 70, but that is not a comfortable fit according with the Superintendent and Director Garlic based on the students that would attend the program so it would be less. Councilor Husband asked about the future use and capacity load/expansion in the event there is a need. Mrs. Macaruso stated RIDE approved this program based on the special use of the need of these particular students; one half of the program will deal with students that have IEP disabilities. In this instance it is clinical mental health disabilities so it is a specialized use and in this case there are actual clinical offices that are built in. She stated they were at 55 students now, one half the students will be in the clinical program and one half will be in the alternate program. They will have 13,000 square feet in the building so there is room for growth. She indicated Ms. Glass and Ms. Zasloff wanted to address the Council. Ms. Zasloff stated she was thrilled to be involved in the program; it would be a positive addition in the community and acclaimed throughout the State. She felt to take care of the students here, instead of bussing them outside of district is huge and will enhance our community. She thanked the Council for their support and looked forward to it being built. Ms. Glass stated this project was near and dear to her heart as she had been employed by RYSE and earlier, the off-campus alternative learning school. She noted one of her C&T students won a national award in the carpentry program. She thought this to be a great program and it makes her sad when people say they only need a trailer. It was great that the Town Council supported it. Mr. Stanley also indicated he was pleased to have been involved. Ms. Algieri thanked the Town Council for their support as the students deserve a building that's equitable.

Councilor Buck asked about how they were doing coming up with a name for the RYSE School. Mrs. Macaruso indicated she would serve as chair of the new school name committee with the first meeting scheduled for October 25, 2016

where they would set some general criteria for a school name and establish an email address for people to submit ideas perhaps incorporating “Chariho” in the name in order to make it unified. It will go out to the public for input and the committee will eventually submit names for consideration to the School Committee. Councilor Thompson thanked everyone who worked on the committee. Councilor Capalbo commented she had been to most meetings and thanked the Hopkinton committee members who were in attendance all the time. She stated this was a big project, they’ve done a great job and she was very proud. She thanked Mr. Stanley for serving as well. Council President Landolfi asked about the term of the bond. Mrs. Macaruso explained that would be determined once it was the referendum was approved. It could be as little as ten years or as high as twenty years but it is a separate group puts bonds together for school districts across the State to get the best rates. Council President Landolfi indicated to Mrs. Macaruso that during the Superintendent’s presentation he estimated the mill rate was 5 cents relative to debt service but there was no credit given for the lease payments and he would like to see a dollar for dollar credit on the new building so when the leases expire that would be about 8.5 cents. Mrs. Macaruso will let the Superintendent know and confirmed that Assistant Superintendent Jane Daly heard this as well.

## **DIGITAL SIGN ORDINANCE**

This matter was scheduled for the Town Council to render a decision on the proposed Digital Sign Ordinance, which is an amendment to Code of Ordinances, Chapter 134 – Appendix A “Zoning” Section 27. Signs, to add a proposed new section entitled “Digital Sign Ordinance” which shall also include replacement language for Section T introduced and sponsored by Councilor Barbara Capalbo, heard on September 19, 2016 and October 3, 2016. The ordinance will establish definitions for Digital Signs, including definitions for Light Emitting Diodes (LED); Organic Light Emitting Diodes (OLED); Monument Sign; Free Standing Sign; Static\_Message and Nit - a unit measurement of luminance. Replacement language for Section T will describe and define self-illuminated outdoor signs, billboards and digital media displays allowing the use of Light Emitting Diodes (LED) or Organic Light Emitting Diodes (OLED) panels, collectively referred to

in this subsection T as “Digital signs” for the purposes of advertisement in public display, provided specific terms and conditions are met and adhered to. Section T will specify where they are allowed, requires digital signs display only static messages, governs the size of the sign, its brightness, the size of the text or graphic, addresses display time and lists the colors that will be allowed in specific zones and colors to be used by specific agencies. All other Sections of Chapter 134, Section 27 to remain in full force and effect. The amendment shall take effect immediately upon passage.

Council Deliberations:

Councilor Capalbo felt there was little more to say about the ordinance as the ordinance had been thoroughly reviewed. Council President Landolfi noted the town did not have a town-wide digital sign ordinance before now. This was the Town’s first attempt at it and he indicated the ordinance could be amended at a later date if necessary.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ADOPT THE DIGITAL SIGN ORDINANCE.

IN FAVOR: Landolfi, Capalbo, Thompson, Husband, Buck

OPPOSED: None

SO VOTED

The ordinance follows:

**TOWN OF HOPKINTON, RHODE ISLAND**

**CHAPTER 249**

**The Town Council of the Town of Hopkinton does hereby ordain the following amendment to Code of Ordinances, Chapter 134, Appendix A. Zoning. Section 27. Signs.**

**Definitions**

**Light Emitting Diodes (LED)** - a light source that contains semiconductors and electroluminescence to create light, using a small semiconductor crystal with reflectors and other parts to make the light brighter and focused into a single point.

**Organic Light Emitting Diodes (OLED)** - a light source used for visual displays that contains thin flexible sheets of an organic electroluminescent material.

**Monument Sign**- a ground sign generally having a low profile with little or no open space between the ground and the sign that has a structure constructed of masonry, wood, or materials similar in appearance.

**Free Standing Sign** - a sign that is detached from a building and has a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick.

**Static Message** - text, graphic or other digital displays that show little or no change in movement.

**Nit** - A unit measurement of luminance or the intensity of visible light, where one nit is equal to one candela, per square meter.

1. Chapter 134, Section 27 of the Code of Ordinances of the Town of Hopkinton, Rhode Island is hereby amended to delete subsection T, as adopted on June 25, 2012, in its entirety, and to adopt, in its place, the following subsection T to enhance and protect public safety, assure compatibility of signage with surrounding land uses, enhance the local economy, and maintain the tranquil environment of residential areas in the Town of Hopkinton:

T. Self-illuminated outdoor signs, billboards and digital media displays may use Light Emitting Diodes (LED) or Organic Light Emitting Diodes (OLED) panels, collectively referred to in this subsection T as **“Digital signs”** for the purposes of advertisement in public display, provided the following terms and conditions are met and adhered to:

- a. Digital signs are prohibited in residential zones within two hundred (200) feet of any residential property line.
- b. Digital signs shall only be used in conforming free standing or monument signs and shall not be allowed as canopy, wall, billboard or awing signs, as defined in Section 27 of this ordinance, except as otherwise provided in this ordinance. Monument signs with a digital display shall not be taller than six (6) feet in height and shall comply with all measurement requirements, as defined in Section 27 of this ordinance.
- c. Digital signs shall only display static messages; they shall not display scrolling, fading or flashing messages on any portion of the design or pictorial segment of the sign, nor shall they vary in light intensity during the display of any single message. Transitions between messages shall not use frame effects or other methods that result in movement of displayed images during transition.
- d. Digital displays shall not exceed fifty percent (50%) of the total sign face and shall be located beneath the static message area of the sign.
- e. Each individual static message shall be displayed for a minimum of six (6) hours.
- f. Digital signs are prohibited from projecting beams or rays of light of such intensity or brilliance so to impair the vision of an operator of a motor vehicle or obscure or interfere with the effectiveness of any official traffic sign, device or signal.
- g. Digital signs shall possess a light sensing device that can automatically adjust the brightness of the display based on natural ambient light in the surrounding area.
- h. Digital signs shall not operate at a brightness level higher than .20 footcandles above the ambient light level, as measured at a distance of one hundred twenty-five (125) feet.
- i. Digital sign brightness limitations shall not exceed 40 Nits between 5:00 a.m. and 10:00 p.m., and shall not exceed 20 Nits between 10:00 p.m. and 5:00 a.m.
- j. Each line of text or graphic in a digital display shall not be greater than twelve (12) inches in height.
- k. Digital sign owners shall provide the Town’s building and zoning official with contact information of a person who is available to respond within twenty-four (24) hours to correct a malfunction or non-compliant operation and who will be able to promptly turn off or disable any digital sign until such time as the sign can be repaired or otherwise brought into compliance.
- l. Digital signs shall not use, house or contain interactive features or components, or function as an interactive sign.
- m. Digital displays shall not extend beyond the width of the sign structure.

- n. Town of Hopkinton officials may request certification of a digital display's brightness and/or conformance by its building and zoning official or by any qualified, independent contractor, at the owner's expense, with or without cause. If certification results in a finding that the digital sign or its components exceed brightness levels specified in subsection T, the owner of the sign shall turn off or disable the sign within twenty-four (24) hours until the brightness level is corrected, repaired or otherwise brought into compliance.
  - o. Electrical supplies and components for all digital signs shall be concealed through the use of underground cables.
  - p. The following colors shall be used in digital signs:
    - 1. Blue, Green or Amber for digital signs in Commercial, Neighborhood Businesses, Industrial or Manufacturing Zones;
    - 2. Blue or Green where allowed by Special Use permit in Residential or RFR 80 Zones;
    - 3. Blue, Green, Amber or Red for Emergency Fire/Ambulance; and
    - 4. Blue, Green, Amber, Red or White for Hospital or Healthcare Facilities, or Police.
2. All other Sections of Chapter 134. Section 27 to remain in full force and effect.
3. This amendment shall take effect immediately upon passage.

**NEW BUSINESS**

**PROPOSED TOWN WATER LINE DISTRIBUTION SYSTEM ORDINANCE**

This matter has been scheduled in order to set a hearing date regarding a proposed Town water line distribution system ordinance, introduced and sponsored by Councilor Sylvia Thompson. Councilor Thompson felt there would not be enough time to advertise the ordinance and render a decision prior to the election. She suggested holding off the hearing until after the election. Councilor Capalbo also felt it should be done after the election. It was the consensus of the Town Council to hold the hearing after the election. The Council set December 5, 2016 as the hearing date.

**PUBLIC FORUM**

No one spoke during the second public forum.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO ADJOURN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk