

State of Rhode Island

County of Washington

In Hopkinton on the 5th day of March 2018 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 02833.

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

The Town Council Meeting was called to order with a moment of silent meditation and a salute to the Flag.

HEARINGS

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR BUCK TO SIT AS A LICENSING BOARD.

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

OPPOSED: None.

SO VOTED

SPECIAL EVENT PERMIT

The Council opened a hearing on an application for a Special Event Permit filed by Martin Liese on behalf of the Ashaway Sportsmen's Club, 45 Gun Club Path, P.O. Box 257, Ashaway, RI 02804 to hold the annual Huck Finn Day scheduled for Sunday, June 3, 2018 from 8:00 AM to 3:30 PM (rain date June 10, 2018) at Crandall Field, 188 Main Street, Ashaway, RI 02804.

Martin Liese was present. The application was complete. No waivers were requested. The event is co-sponsored by the Recreation Department.

Mr. Liese was asked how many years the Ashaway Sportsmen's Club has been hosting this event. He thought it was either the 69th year or possibly the 70th year. Councilor Buck asked Mr. Liese if the Ashaway Sportmen's Club stocked fish in the pond at Crandall Field and he indicated yes, they catch pumpkinseed and blue gill and stock the pond the day before. He indicated that they used to stock it

ahead of time but the local kids would see them and then go fishing. There were no other questions or discussion. There were no objectors present.

A MOTION WAS MADE BY COUNCILOR BUCK AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE SPECIAL EVENT PERMIT FOR THE ANNUAL HUCK FINN DAY SCHEDULED FOR SUNDAY, JUNE 3, 2018 FROM 8:00 AM TO 3:30 PM (RAIN DATE JUNE 10, 2018) AT CRANDALL FIELD, 188 MAIN STREET, ASHAWAY, RI 02804.

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

OPPOSED: None.

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ADJOURN AS LICENSING BOARD AND RECONVENE AS COUNCIL.

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

OPPOSED: None.

SO VOTED

CONSENT AGENDA

The Town Council Meeting Minutes of February 20, 2018 were removed from the Consent Agenda.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE CONSENT AGENDA AS

FOLLOWS: Accept the February 20, 2018 Court Transcript as the record of the hearing for Oak Square Partners & Eminel Holdings, LLC Zone Amendment & Comprehensive Plan Amendment; Executive Session Minutes of February 20, 2018; Approve refunds resulting from the Motor Vehicle Phase-Out Program & overpayments of 2017 real property tax submitted by the Tax Collector.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Scott Bill Hirst of 20 Maple Court, Ashaway asked the Council to remember Margaret (Peggy) Roever, a long time fixture at the Ashaway Free Library. He also reminded people that the Chariho budget hearing was set for March 6, 2018. Council President Landolfi asked Mr. Hirst if he knew who the moderator would be and he indicated that it would be someone from Richmond.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported that at the February 26, 2018 Budget Workshop there were just a couple of changes made, which were: an expenditure decrease of \$2,412; a decrease from the Town Manager’s Department wages of \$5,613; an increase came from the Police Department of \$3,200; and a decrease from the CIP of \$61,000 from the fund balance. He stated that there will be a need for a fifth budget workshop to deal with the fund balance questions and suggestions as well as some slight declining revenues on the motor vehicle assessments. He also reported FEMA had sent a notice that the flood maps are being revised. These flood hazard determinations will become the basis for the flood claim management measures that a community must adopt or show evidence of having in effect to qualify for the participation of a national flood insurance program. Before any new or modified flood hazard information is effective for flood claim management purposes, FEMA will provide community officials with the appeal process. There are maps for people to review and there is an appeal period of ninety (90) days. If someone is in a low-lying area, they will have to agree with their property being included on this flood map or not. It really does affect people who have mortgages secured by their property because they would have to obtain flood insurance if they didn’t already have it. Sherri Desjardins of the Building and Zoning Office wrote an explanation of what would be occurring. He believed that this notice was going to be posted on the Town’s website and in the Town Hall. Town Clerk, Elizabeth Cook-Martin indicated that FEMA had prepared a notice which they were publishing and she had spoken with Sherri Desjardins, who suggested that this could be put on the website and provided to Cynthia Drummond of the Westerly Sun and also indicated that the

flood maps are available to be viewed at the Town Clerk's Office and at the Building and Zoning Office.

OLD BUSINESS

This matter had been scheduled in order to render a decision on the Petition for a Zoning Ordinance Amendment involving a zoning map amendment and a comprehensive plan map amendment filed by Oak Square Partners, 119 Brain Street-Suite 211, Boston, MA 02134 for property owned by Eminel Holdings, LLC, 12 North Road, Pawcatuck, CT 06379, located on High Street, Ashaway, RI 02804 identified as Assessors Plat 4 Lot 2 an RFR-80 Zone as a result of hearings held on January 16, 2018 and February 20, 2018.

Councilor Capalbo recused herself from these deliberations.

Councilor Husband indicated that he was seeing a lot of these solar operations going up around town. He questioned whether Oak Square Partners had to change the zoning on that piece of property. Council President Landolfi indicated that they did. Councilor Husband asked about the solar farm that was being put up at the old Enchanted Forest and Council President Landolfi indicated that he had not heard about that one. Councilor Thompson had some findings from Town Solicitor Kevin McAllister. She pointed out that she would like to limit the amount of land that they will use to put up the panels. Councilor Thompson went on to ask if the section entitled Decision was to be part of the Motion and Town Solicitor Kevin McAllister indicated yes, however, he did not know what the Council was going to propose as conditions on this project. He stated that several conditions had been discussed and he used what the Council had considered in the past; and his draft language was going to be incorporated in the ordinance as an exhibit; and the Council did not have to vote on that. What was important was that the Council summarizes the findings that they had found important and to use or not use what he had drafted. Then they could impose whatever conditions they felt the passage should be conditional upon. After those things are clear, than a vote would be in order. Councilor Thompson read part of Town Solicitor McAllister's draft as follows: "After a public hearing held on January 16, 2018 and February 20, 2018, on a Petition for a Zoning Ordinance Amendment and a

Petition for a Comprehensive Plan Future Land Use Map Amendment to Map 13 filed by Oak Square Partners, 119 Brain Street, Suite 211, Boston, MA 02134 for property owned by Eminel Holdings, LLC, 12 North Road, Pawcatuck, CT 06379, located on High Street, Ashaway, RI 02804 identified as Assessors Plat 4 Lot 2 in an RFR-80 Zone, and following deliberations by the Town Council thereon on March 5, 2018 for the Petitioners' proposal to install a solar array involving the erection and installation of solar panels on the parcel's approximately 6.6 acre site in order to generate approximately 11.5 megawatts AC of energy, requiring a Zone change from RFR-80 to Manufacturing in accordance with Section 16[A] – [E] of the Zoning Ordinances of the Town of Hopkinton as amended. The following findings will be made part of the record: Subject to the Conditions listed below, and based upon the evidence and testimony of record presented and submitted at the January 16, 2018 and February 19, 2018 hearing, the Town Council determined that the proposed Zoning Ordinance Amendment and the Proposed Comprehensive Plan Future Land Use Map Amendment to Map 13 are consistent with the authority reserved to the Council under the Comprehensive Plan to identify those areas in Town where such uses are appropriate, and to identify the conditions under which such uses may exist; that the changes proposed will provide benefits to the Town in terms of enhanced tax revenues to be received from the property as result of the development of the solar array; that the changes proposed will promote an important local, state and national objective seeking alternative energy sources that are safe for the environments and the citizens of Hopkinton; that the proposed changes will not adversely affect the health, safety or welfare of the Town and are in the best interests of the community; that the proposed changes are suitable to the character of the location in question and constitute a non-noxious use; and that the proposed use is in conformance with the provisions of the Comprehensive Plan.” The conditions are as follows: As conditions for the approval of the proposed changes, the Petitioners and/or their successors- in-interest must adhere to the following:

1. The zoning district classification is changed from Residential RFR-80 to Commercial with the restrictions that the property's use hereafter is limited to use

486 Photovoltaic Solar Energy Systems along with the restrictions further placed upon the use stated in Chapter 134, Section 5.3 AND with the further conditions that (a) the zoning designation for the property shall revert back to RFR-80 automatically and without further action of the Hopkinton Town Council once the proposed use and/or actual use of the property as an operating Photovoltaic Solar Energy System is abandoned or terminated; (b) that as a condition for approval, the applicant explicitly agreed to abandon the prior existing legal non-conforming use of the property relative to its prior zoning classification as RFR-80; and (c) that as a condition for approval, has also represented that the use of the site as a Photovoltaic Solar Energy System has received the final interconnection approval of the solar array facility by National Grid;

2. All decommissioning and other provisions in place for Photovoltaic Solar Energy Systems as set forth in Chapter 134 as amended, as well as under Hopkinton Planning Board requirements, shall be complied with, including but not limited to the posting of a decommissioning cash escrow bond in the amount of \$9,970, which is found to be fair and reasonable and based upon the presented evidence of record;
3. The bottom of the perimeter fencing required by Section 5.3 of Chapter 134 shall be raised six inches (6”) above the ground so as to allow migratory passage of small species through the site;
4. While operating, the noise levels from the inverters within the solar array shall not exceed the World Health Organization’s standard of 55 decibels measured at a distance of 3 meters from each of said inverters;
5. Preparation of the site and installation of the solar farm will be done only Monday through Friday from 8 a.m. to 5 p.m.; and
6. Allowing the zone change to Commercial for a solar farm meets the objective LU1 in the comprehensive plan, restricting potential polluting land uses from any aquifer zone and ED3, which is the economic section, targeting development to eliminate anything that is adverse to the quality of life including establishing business interests that will have limited to no impact on the environment;
7. The actual panels will be limited to 3.73 acres of the 6.6 acre site; and

8. The waivers that were requested at the hearing are granted.

Council President Landolfi indicated that he did not recall the time frame of the wording and Councilor Thompson indicated that she took this right out of the minutes and Mr. Comolli was nodding in agreement. Council President Landolfi also stated that the applicant had asked for certain waivers including a traffic study and he wished to make this part of the record as well.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO ADOPT CHAPTER 257, THE ORDINANCE APPROVING THE ZONING AMENDMENT.

IN FAVOR: Landolfi, Buck, Thompson, Husband.

OPPOSED: None.

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO ADOPT CHAPTER 258, THE ORDINANCE APPROVING THE COMPREHENSIVE PLAN MAP AMENDMENT.

IN FAVOR: Landolfi, Buck, Thompson, Husband.

OPPOSED: None.

SO VOTED

Councilor Capalbo was reseated.

LEGAL SERVICES AGREEMENT RE: MULTI-DISTRICT LITIGATION RELATING TO WRONGFUL DISTRIBUTION OF PRESCRIPTION OPIATES

This matter had been scheduled to discuss, consider and possibly vote to authorize the Town Manager to sign a proposed Legal Services Agreement by which the Town would join several other Rhode Island municipalities as plaintiffs in certain multi-district litigation against those entities legally responsible for the wrongful distribution of prescription opiates and to recover damages caused by those so responsible. The matter had been held over from February 20, 2018.

Council President Landolfi indicated that Town Solicitor McAllister had gotten a response from the Trust regarding this matter. Town Solicitor McAllister indicated that there would be no problem if the Town initiated litigation and a

counterclaim was filed. The Trust would cover a countersuit pursuant to the language in the policy. Council President Landolfi indicated that he believed that the Town could always step out of the litigation, even if there was a Counterclaim, and he is in favor of this suit. Councilor Capalbo indicated that she was also in favor of this suit, especially if the Town could take themselves out of the suit if they choose and the Trust at least has some instance where they will cover the Town if a countersuit should come about.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO AUTHORIZE THE TOWN MANAGER TO SIGN A PROPOSED LEGAL SERVICES AGREEMENT BY WHICH THE TOWN WOULD JOIN SEVERAL OTHER RHODE ISLAND MUNICIPALITIES AS PLAINTIFFS IN CERTAIN MULTI-DISTRICT LITIGATION AGAINST THOSE ENTITIES LEGALLY RESPONSIBLE FOR THE WRONGFUL DISTRIBUTION OF PRESCRIPTION OPIATES AND TO RECOVER DAMAGES CAUSED BY THOSE SO RESPONSIBLE.

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

OPPOSED: None.

SO VOTED

NEW BUSINESS

RESOLUTION RE: 2018 HOPKINTON HAZARD MITIGATION PLAN UPDATE

This matter had been scheduled to discuss, consider and possibly vote to adopt the Resolution approving the 2018 Hopkinton Hazard Mitigation Plan Update.

Council President Landolfi asked James Lamphere, Town Planner, if he wished to speak in this regard. Mr. Lamphere indicated that he would urge the Council to pass the Resolution. The Hazard Mitigation Plan has been approved by FEMA conditionally to the Council approving the plan as is.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE ADOPTION OF A

RESOLUTION CONFIRMING THE 2018 HAZARD MITIGATION PLAN
UPDATE.

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

OPPOSED: None.

SO VOTED

The Resolution follows:

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HOPKINTON
AUTHORIZING THE ADOPTION OF THE
2018 HOPKINTON HAZARD MITIGATION PLAN UPDATE**

WHEREAS, the Town of Hopkinton recognizes exposure to natural hazards that increase the risk to life, property, environment, within our community; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; the 2018 Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Hopkinton from impacts of future hazards and disasters; and

WHEREAS, adoption by the Town Council demonstrates their commitment to hazard mitigation and achieving goals outlined in the 2018 Hopkinton Hazard Mitigation Plan Update.

NOW, THEREFORE, BE IT RESOLVED that the Town of Hopkinton

- 1) Adopts in its entirety, the 2018 Hopkinton Hazard Mitigation Plan Update (the “Plan”) as the jurisdiction’s Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Hazard Mitigation Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan every five years.

PASSED AND ADOPTED on March 5, 2018

**RESOLUTION RE: OPPOSING PROPOSED NORTH ATLANTIC REGION,
NATIONAL OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM**

This matter had been scheduled to discuss, consider and possibly vote on whether to approve a Resolution opposing the proposed inclusion of the North Atlantic Region in the National Outer Continental Shelf Oil and Gas Leasing Program as requested by Governor Gina Raimondo.

Council President Landolfi indicated that he had received an email about having this Resolution voted on. He indicated that he had ignored this email previously due to the fact that repeatedly in the past State aid gets cut and the categorical aid gets level funded for transportation. He indicated that he did not know much about this resolution other than it may affect the fishing environment. Councilor Capalbo indicated that she opposed the drilling proposed and did not think it would be very wise to be drilling for oil and gas near our shoreline since that is our economic base, especially in Rhode Island as the ocean state. Councilor Husband also agreed.

A MOTION WAS MADE BY COUNCILOR THOMPSON SECONDED BY COUNCILOR CAPALBO TO APPROVE GOVERNOR RIAMONDO'S REQUEST TO ADOPT A RESOLUTION OPPOSING THE PROPOSED INCLUSION OF THE NORTH ATLANTIC REGION IN THE NATIONAL OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM.

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

OPPOSED: None.

SO VOTED

The Resolution follows:

**TOWN OF HOPKINTON, RI
A RESOLUTION IN OPPOSITION TO THE PROPOSED INCLUSION OF THE NORTH
ATLANTIC REGION IN THE 2019-2024 NATIONAL OUTER CONTINENTAL SHELF OIL
AND GAS LEASING PROGRAM**

WHEREAS, the Bureau of Ocean and Energy Management (BOEM) in the U.S. Department of Interior has released the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program, a draft program proposal for offshore oil and gas leasing for the next five years; and

WHEREAS, the proposal would open the federal waters of the North Atlantic region to oil and gas exploration and drilling, an area that begins just three miles off the coasts of New Jersey through Maine, within which the State of Rhode Island is centrally situated; and

WHEREAS, Rhode Islanders have long relied upon New England's marine environment as a source of food, jobs, and recreation and, through strong laws and leadership at the state and local level, have conserved and protected our fisheries, habitats, and coastal resources; and

WHEREAS, Rhode Island's commitment to sound marine and coastal stewardship has reaped enormous cultural, environmental, and economic benefits for the citizens of the State, with healthy coastal communities, a vibrant Narragansett Bay, a thriving tourist industry, and productive fisheries all serving as hallmarks of the Ocean State; and

WHEREAS, Rhode Island has long been committed to sound ocean planning as a basis for accommodating new, sustainable ocean uses such as wind energy and is home to the nation's first off-shore wind farm; and

WHEREAS, Rhode Island recognizes and is acting upon the need to ensure that its coastal communities are resilient in the face of rising sea levels and other impacts associated with climate change; and

WHEREAS, oil and gas drilling has never been viewed as compatible with our state and regional interests and thus has been removed from consideration for decades; and

WHEREAS, prior experience has shown the devastating consequences of oil spills; and

WHEREAS, now, more than ever, Rhode Islanders, in every community, stand opposed to the use of our offshore waters to oil and gas drilling;

NOW, THEREFORE, we, united in our determination to protect our cultural heritage, our marine ecosystem, and our economic future, hereby call upon the Secretary of the Interior to remove the North Atlantic region from consideration for oil and gas exploration and drilling.

PASSED AND ADOPTED on March 5, 2018

PUBLIC FORUM

Scott Bill Hirst of 20 Maple Court, Ashaway indicated that as far as the Resolutions from the Governor were concerned, the Town Council did not have to take a stand on everything because a lot of times silence is golden. He believes that sometimes you shouldn't take a stand, pro or con, on anything unless you feel reasonably strong about it. He believes that politics is a two-way street.

ADJOURNMENT

Upon adjournment Councilor Capalbo commented that Peggy Roever had been involved with the Ashaway Library and ran the book club. She noted she had been a wonderful addition to the library. Councilor Buck requested the Council also adjourn in memory of Phyllis Buck, who was his great aunt.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ADJOURN IN MEMORY OF MARGARET (PEGGY) ROEVER AND PHYLLIS BUCK.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk