

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of June 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.

CHARIHO BASEBALL CHAMPIONSHIP

Council President Landolfi congratulated the Chariho Boys Baseball Team who were present, for winning the Division II Championship. He thanked Coach John Devereaux and all the parents and players for their efforts and indicated that it had been 52 years since they last won this championship.

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

HEARINGS

Zone Amendment & Comprehensive Plan Future Land Use Map Amendment – RI Solar Renewable Energy III, LLC

The Council opened a hearing on applications for a Zoning Ordinance Amendment and a Comprehensive Plan Future Land Use Map Amendment filed by Rhode Island Solar Renewable Energy III, LLC, 43 Creston Way, Warwick RI 02886 for property owned by George Townsend, Rose Townsend & Carleen Bowen, Trustee, 350 Woodville Alton Road, Hope Valley, RI 02832 for property located at 350 Woodville Alton Road identified as Assessor's Plat 11 Lot 57 zoned RFR-80; Stephen M. Delpozso, Jr., 18 Grantville Extension, Hope Valley, RI 02832 for property located at 18 Grantville Extension identified as Assessor's Plat 15 Lot 11 zoned RFR-80; Paul & Mary Dijulio, 6 Townsend Road, Hope Valley, RI 02832 for property located at 6 Townsend Road identified as Assessor's Plat 11 Lot 57D zoned RFR-80. The Zoning Ordinance Amendment is filed in accordance with Section 16 of the Zoning Ordinances of the Town of

Hopkinton as amended. The Comprehensive Plan Amendment is filed in accordance with Ch. 2, Art. II, Div. 5, § 2-116(a).

The applicant is proposing to change portions of the properties from RFR-80 Zone to Commercial Special Zone with a limitation to solar use for the portions of the properties to install a Solar Array to allow the erection and installation of solar panels to generate approximately 20 megawatts of energy per year utilizing 97.5 acres of the 97.5 acres of Assessors Plat 11 Lot 57; utilizing 4.8 acres of the 28.5 acres of Assessors Plat 15 Lot 11; and utilizing 2.8 acres of the 5 acres of Assessors Plat 11 Lot 57D.

Vincent Naccarato, Esq. was present representing the applicants. The filing fees were paid, notice had been posted as required and abutters notified. The hearing commenced with Attorney Naccarato reporting that the Delpozso parcel, Assessors Plat 15, Lot 11 was no longer a part of this application and that will reduce the amount of acreage on the application and reduce the amount of output that is on the application from 20 mg to 13.75 ac mg. He indicated that they are proposing a four lot subdivision. Attorney Naccarato had nine expert witnesses in attendance. He called on the following individuals who were sworn in as expert witnesses: Audie Osgood/DiPrete Engineering; Robert Hoffman/Hoffman Engineering, Kevin Alverson/Landscape Architecture, Nicole Mulanphy/Sage Environmental, Jake Wilson/Solar Designer & Electrical Engineer. The Council asked questions of each individual and public comment was taken. The following persons came forward to speak: Andrew McBride, David Curren, Michael Church, Conservation Commission Chairman Harvey Buford and Paul Dijulio. A stenographer was present to record the proceedings. A copy of the transcript will be attached and made part of this record. The Town Council continued the hearing to July 2, 2018.

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of June 4, 2018; Executive

Session Minutes of June 4, 2018; Accept the court transcript of May 21, 2018 as the record of the hearing regarding Hopkinton/Coastal Plastics Zone Amendment hearing; Accept the court transcript of May 21, 2018 as the record of the decision regarding the RI Solar Energy Renewal, LLC/Maxson Hill LLC Zone Amendment/Comprehensive Plan FLUM decision; Accept the following monthly financial/activity report: Town Clerk; Set July 2, 2018 as a hearing date for a Multi-Event Permit filed by Holly Tree Campground; Approve request of National Grid and Verizon for a joint pole on Alton Bradford Road.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

No one spoke during the first public forum.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported he and Councilor Capalbo had attended the Chariho Graduation on June 8, 2018. He noted it was a good ceremony and included impassioned speakers.

TOWN MANAGER REPORT

Town Manager William McGarry reported during the first week in June, he worked with Planner Jim Lamphere to set up a meeting for June 21, 2018 with Town staff and Dave Westcott of Mason & Associates, Inc. to resurrect the Zoning Ordinance Rewrite project now that the Town's Comprehensive Plan has been completed and approved by the Town Council and State officials.

OLD BUSINESS

RECONSIDERATION OF CONDITION #6 OF RHODE ISLAND SOLAR RENEWABLE ENERGY LLC AND MAXSON HILL LLC DECISION

This matter was before the Town Council to discuss, consider and possibly vote on the motion for re-consideration of condition #6 in the proposed decision of Rhode Island Solar Renewable Energy LLC and Maxson Hill LLC submitted by Vincent Naccarato, Esq. Attorney Naccarato was present.

Attorney Naccarato indicated that the Solicitor had sent him a proposed decision which he has no problem with, except for item no. 6 which refers to a standard that does not exist. The crux of the matter is where is the 40 decibels measured

from? Is it from the property line or three meters from the inverter? He indicated that their argument is that the standard is that it is from where somebody else can hear it which means the closest point would have to be the property line and it makes no sense to be three meters from the inverter because that could be in the middle of a field somewhere. Nicole Mulanphy of Sage Environmental indicated that in all of the towns that she has worked with everything has always been measured at the property line. Both Warwick and Cranston have solar ordinances that have built in sound requirements which are at the property line. In Cranston it is 40 decibels at the property line and for Warwick it is 55 decibels at the property line and 3 decibel difference, which means that you look at what the background sound is and then you look at the sound by adding in whatever the noise generating projects are and as long as it is not greater than 3 decibels it is okay. Richmond is at the property line and it is 60 decibels; Westerly at the property line is 55 decibels; South Kingstown at the property line is 50 decibels; and Burrillville at the property line is 43 decibels. Rhode Island doesn't have a state line noise regulation whereas Connecticut does and theirs is 45 decibels and this is for residential properties; commercial properties are different. Attorney Naccarato asked Ms. Mulanphy if there was a standard in the World Health Organization for measuring the decibel level and she indicated no, the World Health Organization is based on the human ear hearing and sound and the effects it is going to have on someone. The report that she provided to the Council went through the study that the Organization had done, looking at nighttime noise, just audible sounds that a human would hear and what type of health impacts it could cause. Their conclusion was that as long as it doesn't exceed 40 decibels then it is not going to have any health impacts to someone. Councilor Husband indicated that he would like to have the option, if they do have a problem with the noise, to put a buffer around the inverter. Ms. Mulanphy indicated that she would propose having a noise study performed after the project has been set up where they would monitor the sound from the parameter and wherever it exceeds 40 decibels there be a requirement to put in a buffer to reduce the decibels. There was agreement by the Council that the noise level should be measured at the property line. Councilor Capalbo spoke about the sensitive population being the elderly, people

who are ill and also shift workers. She indicated that we are a community which has a lot of shift workers. She would like it put in the record that she believes that 35 decibels would be better than the 40 decibels because 40 decibels is equivalent to the lowest observed adverse effect for night noise. Above 55 decibels the cardiovascular effects become a major public health concern.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO ESTABLISH A NOISE LEVEL OF 40 DECIBELS OR LESS AT THE PROPERTY LINE.

Discussion on the motion: Councilor Capalbo read that the conclusions of the report indicated there was a risk factor for sleep disturbance and health effects for shift workers, elderly, people who are ill. The report indicates that the ill effects start at 30 decibels, not 40 decibels and get increasingly dangerous. Councilor Buck stated that they are looking at 40 decibels from the property line during the day and there would be no noise at night and Councilor Capalbo argued that shift workers, babies and elderly sleep during the day. Council President Landolfi interceded saying there was a Motion that had been made and discussion and he asked if anyone else had any particular issues with the 40 decibels at the property line versus the inverters. Councilor Husband believed that they should put a condition in the agreement for this project that if the noise level at the property line exceeds the 40 decibels then they will have to put up a buffer.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO AMEND THE MOTION TO STATE THAT IT WILL BE 40 DECIBELS AT THE PROPERTY LINE AND IF THE NEIGHBORS FEEL THAT IS TOO HIGH THE DEVELOPERS WILL INSTALL UP A BUFFER OR SHROUD AT THE INVERTER.

Vote on the amendment to the motion:

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

OPPOSED: None

SO VOTED

Vote on the main motion as amended:

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

OPPOSED: None

SO VOTED

1904 SCHOOL BUILDING SUBCOMMITTEE CHARGE

This matter was before the Town Council to discuss and consider developing a charge for the proposed 1904 School Building Subcommittee. A draft charge had been prepared for review.

Council President Landolfi indicated that some of the things that were important to him were funding options and salvage companies to look at possibly offsetting the cost for the razing of the building. Councilor Capalbo indicated that she would like to have the committee determine what is of value in the building including the items that can be salvaged and used by the Town, such as the weathervane which can be kept in the vault. Councilor Buck to serve on the subcommittee as Town Council liaison member.

NEW BUSINESS

FINANCIAL RESOLUTIONS & TAX RESOLUTION

There were five Financial Resolutions and the Tax Resolution prepared and before the Town Council for consideration now that the June 12, 2018 Budget Referendum has concluded and the proposed budget for FY 2018/2019 approved by the voters.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ADOPT THE FINANCIAL RESOLUTIONS AND THE TAX RESOLUTION FOR THE FISCAL YEAR BEGINNING JULY 1, 2018.

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

OPPOSED: None

SO VOTED

The Financial Resolutions and Tax Resolution follow:

**TOWN OF HOPKINTON, RI
FINANCIAL RESOLUTIONS**

RESOLUTION NO. 1

RESOLVED: In accordance with R.I.G.L. 44-5-1 et seq, that the electors of the Town of Hopkinton qualified to vote on any proposal to impose a tax or for the expenditure of money, in a Town Financial Referendum, lawfully assembled on the 12th day of June A.D. 2018 and approved a budget for Fiscal Year 2018-2019. The estimated tax rate for Real and Tangible property is \$20.07 *no change* from the current rate of \$20.07. The tax rate for Motor Vehicles is \$21.18.

RESOLUTION NO. 2

RESOLVED: That the Town Finance Director be and is hereby authorized and empowered to credit to any appropriations fund any receipts or donations which apply against that fund and all others not so designated to the General Fund.

RESOLUTION NO. 3

RESOLVED: That the several appropriations specified be expended under the direction and supervision of the Town Council, except those pertaining to public school, bills payable, and interest which sum shall be disbursed and paid out by the Town Finance Director.

RESOLUTION NO. 4

RESOLVED: That the Town Finance Director of the Town of Hopkinton be and is hereby authorized and empowered to borrow upon the credit of the Town as the same may be necessary during the present Fiscal Year such sum or sums as may be required to meet the expenses and obligations of the Town, provided however, that such loans shall not at any time exceed the sum of one million five hundred thousand dollars (\$1,500,000.00).

RESOLUTION NO. 5

RESOLVED: That the over-expenditures in the 2017-2018 Fiscal Year Budget, identified by the Town Finance Director, are hereby approved.

TAX RESOLUTION

RESOLVED: That the Town Council of the Town of Hopkinton based on the budget adopted by vote of the Town Council on June 18, 2018 pursuant to section 2370 of the Hopkinton Town Charter following approval of the proposed FY 2018/2019 budget by the voters at the Financial Town Referendum on June 12, 2018, hereby impose a tax levy at a Town Council Meeting held this 18th day of June 2018, and order the apportionment and collection of a tax on the ratable real estate and tangible personal property in a sum not less than \$17,902,591.00 and not more than \$18,702,591.00. Said tax is for ordinary expenses and charges of the Town, for payment of interest and indebtedness, and for the purposes authorized by Law. The Assessor shall apportion said respective taxes upon the assessed valuations of the ratable property of said Town as determined by the said Assessor of the Town as of the 31st day of December A.D. 2017, at twelve o'clock midnight, according to Law. The said respective Tax Levies shall be applied to the assessment roll as aforesaid and the resulting tax roll certified by the Assessor to the Town Clerk not later than the 15th day of July A.D. 2018. The Town Clerk on receipt of said completed tax roll shall forthwith make a copy of the same and deliver it to the Town Finance Director, who shall forthwith issue and affix to said copy a Warrant under his hand, directed to the Collector of Taxes of said Town, commanding her to proceed and collect said taxes of the persons and estates liable therefore. Said Taxes shall be due and payable on and between the first day of August and the eighth day of September A.D. 2018 next, and/or may be paid in equal quarterly installments, the first installment of twenty-five per centum on or before the eighth day of September A.D. 2018, and the remaining installments as follows:

Twenty-five per centum on the eighth day of December A.D. 2018, twenty-five per centum on the eighth day of March A.D. 2019 and twenty-five per centum on the eighth day of June A.D. 2019. Each installment of taxes, if paid on or before the last day of each installment period, successively and in order shall be free from all charge for interest.

EXCEPTING HOWEVER, that where the combined total of said tax and additional tax levied is an amount not in excess of one hundred dollars (\$100.00) it shall be due and payable in a single installment on and between the first day of August and the eighth day of September A.D. 2018.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective installment period, or periods, as they occur, then the unpaid quarterly

payments shall be due and payable immediately and shall bear interest on any unpaid quarterly payments at the rate of twelve (12) per centum, per annum.

RESOLVED: That the Collector of Taxes shall collect and pay unto this Town's Treasury, as the same is collected, the tax this day ORDERED.

DISCUSSION RE: FARM VIABILITY ORDINANCE AMENDMENT RE: CROP FARM DEFINITIONS

This matter had been scheduled to discuss and consider proposed Farm Viability Ordinance amendment re: crop farm definitions submitted by the Conservation Commission. Conservation Commission Chairman Harvey Buford was present. Council President Landolfi asked Conservation Commission Chairman Harvey Buford to briefly state the objective on the changes. Councilor Thompson indicated that this should possibly be scheduled for a workshop along with the 911 Locator Sign Ordinance. Solicitor Kevin McAllister indicated that the topic of amending the solar ordinances came up at a Planning Board meeting and they are operating under the assumption that there is going to be a workshop jointly with the Council. The Planning Board is working on broader amendments. Mr. Buford indicated that they would be willing to attend a workshop.

CONSIDER A WORKSHOP RE: E-911 LOCATOR SIGNS ORDINANCE

This matter was scheduled to discuss whether to schedule a workshop relative to the funding, purchase and enactment of an Ordinance for E-911 locator signs to provide a means of locating residential, business and other structures for expedient emergency responses by police, fire, rescue and other emergency services. Police Chief David Palmer was present.

Chief Palmer indicated that the Police Commission has worked with Sherri Desjardins in this regard and are considering making placards, which are little reflectors, to go on mailboxes. Chief Palmer indicated that they had found some for \$12.00 several years ago, which included a pole, but that price may have gone up by now. Funding was the issue and they were hoping to obtain some assistance from the fire departments and possibly ambulance corps. He stated that they had spoken with Fire Chiefs Ron Sposato and Justin Lee who both seemed interested and if there was to be a workshop Chief Palmer believed they should be included. Chief Palmer indicated that Sherri Desjardins had sent a letter to Governor Raimondo which got sent to the 911 Department asking to receive some funds in this regard. They are hoping to receive enough money to fund the first

1,000 placards and then have the residents come in to pick them up and pay for them and that would fund the next 1,000 placards. Councilor Buck asked Chief Palmer if he was suggesting that they will force the residents to buy these and he indicated yes. Councilor Thompson indicated that in the 1990's when 911 first started the Town did purchase reflectors, or house numbers, and people did not come and pick them up, she believed they were mailed. Councilor Thompson did not believe they needed a workshop to talk about the fact that the Town has new roads and there is a need for house numbers. She believed they should be able to work this out in-house. Chief Palmer indicated that the ordinance had previously been changed; however, it may need to be revised again to indicate exactly where those placards should be placed. They need to be visible when lights are shined on them. Councilor Thompson indicated that she would like to receive a copy of the ordinance to review for it has been years since it had been adopted. Council President Landolfi indicated that he felt this was a worthy cause and he would speak with Town Manager McGarry to reach out to everyone concerned and see when they can schedule a workshop in the near future.

RESOLUTION RE: TEACHER CONTRACT CONTINUANCE

A Resolution opposing pending legislation in the Rhode Island General Assembly requiring the indeterminate continuation of the terms and conditions of expired teacher collective bargaining agreements until such time as replaced by a newly-executed collective bargaining agreement.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE RESOLUTION.

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

OPPOSED: None

SO VOTED

The Resolution follows:

**TOWN OF HOPKINTON, RHODE ISLAND
RESOLUTION OF THE TOWN COUNCIL**

CONTRACT CONTINUATION

WHEREAS: Current state law does not provide for mandatory continuation of an existing teacher collective bargaining agreement; and

WHEREAS: A Superior Court justice recently ruled that state statute, defining when a contract ends, obviates any clause, agreed to, allowing for a continuation of a public employee contract; and

WHEREAS: School districts and cities and towns have seen a calamitous reduction of state aid; and

WHEREAS: There is a 237 million dollar revenue/expenditure gap predicted for the FY 2019 budget and municipal taxpayers are already burdened by some of the highest property taxes nationally; and

WHEREAS: School districts and cities and towns must comply with RIGL §44-5-2, that caps the property tax levy, for FY 2013 at 4%; and

WHEREAS: According to §16-2-9(d) “The school committee of each school district shall be responsible for maintaining a school budget which does not result in debt”; and

WHEREAS: School committees are required to implement mandated Rhode Island Department of Education’s regulations, including the Basic Education Plan, teacher evaluations, the Common Core, assessments and other RIDE rules and regulations; and

WHEREAS: Contract continuation would serve as a disincentive for unions to bargain in good faith and allow existing employee wages and benefits to continue unchanged indefinitely forcing districts to possibly violate state-mandated property tax caps and RIDE’s rules and regulations.

NOW THEREFORE, be it

RESOLVED: That the Hopkinton Town Council respectfully requests the Rhode Island General Assembly to oppose any and all legislative proposals that would mandate expired teacher contracts must continue at the existing terms and conditions; and be it further

RESOLVED: That a copy of this Resolution be forwarded to every Rhode Island Municipality, School Committee, State Senator, State Representative and the Governor.

MEETING ROOM CHAIRS

This matter had been scheduled to discuss, consider and vote to appropriate funds not to exceed \$1,500.00 for five (5) new meeting room chairs from Town Council Contingency line item #5065-001.

Councilor Thompson stated that for three or four years now she and Councilor Capalbo have discussed the need for new meeting room chairs. Council President Landolfi indicated that from his perspective if he doesn’t have to spend money, he won’t and he felt he didn’t need a new chair but if individual counselors had an ailment and felt they needed a new chair he would support that. Councilor Husband stated he did not need one either. Councilor Capalbo had found some chairs that were rated well, reduce the pressure of back and knees, go up and down, swivel, have better lumbar support and can sustain weight. Their current chairs are very old and she would like to be able to lean back and not feel like she is slouching.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROPRIATE FUNDS NOT TO EXCEED \$1,500.00 FOR FIVE (5) NEW MEETING ROOM CHAIRS FOR THE TOWN

COUNCIL, PLANNING BOARD AND ZONING FROM TOWN COUNCIL
CONTINGENCY LINE ITEM #5065-001.

IN FAVOR: Capalbo, Thompson

OPPOSED: Landolfi, Buck

ABSTAIN: Husband

MOTION FAILED

PUBLIC FORUM

No one spoke during the second public forum.

ADJOURNMENT

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

SO VOTED

The meeting was adjourned at 11:00 PM.

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk