

State of Rhode Island

County of Washington

In Hopkinton on the thirtieth day of July 2018 A.D. a Workshop was held beginning at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833 to discuss proposed revisions to the Streets & Roads Ordinance and proposed revisions to the Farm Viability Ordinance.

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

Also present: Chief of Police David Palmer, Captain Mark Carrier; Ashaway Fire Chief Ronnie Sposato; Hope Valley-Wyoming Fire Chief Justin Lee; Police Commission - Philip Scalise; Building & Zoning Official Sherri Desjardin; Town Planner James Lamphere; EMA Director Ron MacDonald, Conservation Commission- Harvey Buford and John Pennypacker.

Council President Landolfi opened the workshop and turned it over to Police Chief David Palmer to begin discussions on the funding, purchase and enactment of an Ordinance amendment 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.

Chief Palmer thanked the Town Council for holding the workshop, everyone in attendance, and Sherri Desjardin for spearheading the ordinance amendment. Chief Palmer explained that there was clearly a need to change this ordinance as the old ordinance had no enforcement provision and they cannot make people become compliant; and, another issue was funding. He stated that in speaking with Chief Lee and Chief Sposato, they had indicated that the fire districts could possibly come up with some money if the Town was to contribute as well. Chief Palmer indicated that pursuant to the ordinance, the placards would all be the same size and had an enforcement fee of \$25 with a thirty day response time to

comply. He suggested placing a notice in the Westerly Sun, as well as possibly sending out a Code Red message; and, posting this on social media. The thought pattern behind this was that if they purchased 1,000 placards, they believe there are approximately 4,000 residences and businesses and the cost to the individuals will be about \$11.00. Once they receive a certain amount of money from residents buying the placards, they would thereafter buy another 1,000. They came up with a figure of \$3,368.00 as the one-third amount of money they will each need to come up with. Chief Palmer went on to explain that Phil Scalise had prepared a memorandum of understanding and given it to Solicitor Kevin McAllister for his review, explaining that in a perfect world what would happen once the ordinance went into effect, was that everyone would have numbers on their property and the Town and fire districts would get their money back because the residents would be paying for these placards. Council President Landolfi asked Chief Palmer to explain the placement of these placards and if they needed to be a certain distance from the road. Chief Palmer explained that originally they had suggested fifty feet but thereafter changed that so that the placards would be placed 25 feet from the road and on the right side of the driveway. Council President Landolfi noted his house was more than fifty feet from the road and questioned where would he place his placard and the Chief answered that the numbers could be placed on a mailbox, on a fence or on a post. Their idea was that everyone put up their numbers in a uniform fashion. Councilor Husband asked Councilor Thompson if this had been done in the past and she indicated yes but she believed the Town had paid for this and didn't require the residents to pay. Chief Palmer didn't believe \$11.00 would be taxing on the residents. Councilor Buck asked Chief Palmer about what would occur when there are several mailboxes in a row; would people be required to put numbers on both sides of the mailbox, for one side of the mailbox is hidden. Chief Palmer stated that those residents would need to put up a post near their driveway with the house number on it and they would be willing to work with the residents as to where they should place their number. Building & Zoning Official Sherri Desjardin explained that the intention behind the ordinance was that a lot of our Town's driveways are long so by placing the placards on the right side of the driveway or on the

mailboxes, this was to establish a system so that emergency responders will know that if the number is on the right of the access side then that is where they need to be. They do not want the placards on mailboxes that are across the street from the access drive. Councilor Buck responded that if the mailbox was across the street then the price would go up because the residents would be required to buy a post to put in the ground and possibly cement to secure it. Building & Zoning Official Sherri Desjardin indicated that they could go smaller with the signs but the feedback from emergency response was that they want to be able to see these numbers at night. Councilor Thompson questioned if there are a number of driveways with no mailboxes next to the homes, who is going to put the posts in? She felt to get this done correctly they should have Public Works put these placards in during work hours, one road at a time, or possibly a police officer. Someone would need to approach the house because there are elderly and handicapped people who wouldn't be able to install these signs. Building & Zoning Official Desjardin indicated that it all boils down to money and how much they wanted to spend. Councilor Capalbo agreed that something needed to be done; however, if they had reflective stickers that were three inches in height on the mailbox that would be easy for them to see. She felt that there should be easier ways to do this but they need to do this effectively. Chief Palmer indicated that the fire departments have also offered to assist with notification to the elderly and Councilor Thompson suggested that whoever wanted to help with this might receive a stipend for their time. Council President Landolfi asked what if someone had no mailbox and a long driveway; could they place the placard on a tree? Building & Zoning Official Desjardin indicated that this is what they were attempting have be uniform in the ordinance, by having a sign on a post, a fence or on a tree to the right of the driveway; the numbers need to be visible from both directions. Council President Landolfi suggested that some people won't want this on their lawn for aesthetic reasons. Building & Zoning Official Desjardin advised that the ordinance was just a draft right now. The second draft has a specific description of where the signs should be placed. The first draft was not specific, it just basically said that the numbers need to be visible in both directions from the road and be reflective color contrasting numbers. Councilor Capalbo

stated that at this point she was more comfortable with the first draft due to the fact that in small neighborhoods it would be like prison cells, but she did understand the need for this if someone has a long driveway and you could not see the house. She felt there should be different sizes and different ways that people can try to be compliant and that there should be different alternatives. Building & Zoning Official Desjardin advised that she could look into obtaining smaller signs which may be more cost effective. Councilor Husband asked if the emergency responders could set up a program something like GPS where you plug in the address and it takes you right to that spot. Chief Palmer stated that GPS is only semi-accurate and there are dead spots and when there is an emergency he wouldn't want to rely on this. Councilor Buck questioned Chief Sposato about the fire district purchasing computers several years back for the fire trucks so that they could punch in an address and see what the house looked like before they responded. Chief Sposato indicated that this was a long time ago and it didn't pan out and they didn't even have them anymore. Chief Sposato indicated that at 2 a.m. it was not easy to find some of these houses. He did not believe the current signs were too big and believed they wouldn't even be noticed when everyone had them up. Chief Lee stated that Rockville has no mailboxes and that is an area where there is very poor signage. Councilor Buck asked how they would handle a situation where someone had a larger lot and then decided to divide it; how would the ordinance be set up for future development? Chief Palmer stated they would use A, B and C after the house number if needed. Council President Landolfi agreed that they could get the word out by social media and newspaper but he didn't think people were going to rush to comply. Building & Zoning Official Desjardin said they were planning on establishing a campaign and once the ordinance was ready and adopted than they would start the campaign and have a day when the two fire districts would be open to hand out numbers. She stated they would be marketing this and getting the message out to the public that this was for their benefit. Councilor Capalbo again asked if putting numbers on mailboxes or mailbox posts for the smaller lots would suffice rather than having a metal sign. Building & Zoning Official Desjardin thought that was fine for the small lots that have mailboxes at their driveway. She indicated that

what they were trying to accomplish was getting visible numbers for the houses that were off the road in the woods and had longer driveways, such as Tomaquag Road and Canonchet Road. Councilor Capalbo stated that if they could use stickers for the smaller neighborhoods where they had mailboxes then they could save money and use the money and time needed for the roads that are more difficult. Chief Palmer indicated that the police, as well as fire officials, would spread the word by word of mouth as well. Town Manager McGarry asked the price of the signs and Building & Zoning Official Desjardin indicated \$11.00 which the Town Manager did not believe was exorbitant and indicated that the Town and fire districts may want to consider paying for this expense. He believed that residents would be much more willing to put up the signs if there was no cost to them, which is what they had done with the water line. Councilor Thompson asked if they were recommending the purchase of the larger signs but smaller numbers could go on mailboxes and Building & Zoning Official Desjardin indicated that they hadn't discussed this and they deferred to the Council to assist with that. Councilor Husband asked if people could just go out and buy numbers to put on their mailboxes, but it was the consensus that they wish these numbers to all be uniform in nature. EMA Director Ron MacDonald indicated that he was involved with Westerly's ordinance. He explained that Westerly has a four inch requirement and they have to be contrasting color and they use fifty feet instead of twenty-five feet. They didn't mandate use of a sign such as is being proposed, but stated that any driveway that was fifty feet from the house had to be on a post or mailbox in contrasting color or reflective. Mr. MacDonald thought maybe the Town and fire districts could purchase these signs for people with a hardship, who were elderly or of poor health. He felt it was important to have these signs at a consistent height, in contrasting and reflective color and at the same distance. Council President Landolfi questioned the fire districts to see if they were agreeable to splitting the cost one-third each. Chief Sposato indicated that he was okay with the initial \$10,000 but if it becomes more than that they could do it but would need some time. He indicated that there are 4,000 homes and they were only buying 1,000 signs for the first round, so he believed the cost would now be \$12,000 a piece before they were done. He stated

that he did not have the amount allocated right now but he didn't believe this was time-sensitive and could be added to the budget next year. Chief Lee indicated that he did not believe they would have any problem with this figure but he would have to discuss it with the Board of Directors. Chief Sposato indicated that their Board of Directors was on board with this and they have a fund that they could use but it didn't have that kind of money in it. Councilor Thompson asked the Fire Chiefs what they thought about the numbers being used at the present time. She stated that she has numbers on her mailbox that are gold and black and asked if those would have to come off. Councilor Capalbo felt that white on green was the best choice if you really want to see it. Building & Zoning Official Desjardin said she didn't see a problem with the gold and black numbers being left on the mailboxes; however, they are not trying to identify mailboxes, they are trying to identify access driveways. Councilor Capalbo went on to state that aesthetically, in the small neighborhoods, people were not going to want to put a separate post in their yard on the right and that would be costly for the citizens and the Town. Council President Landolfi did not believe the residents would put up these signs themselves and he acknowledged that as far as the funding was concerned they would have to come up with an idea of whether they were okay with doing this themselves and splitting it with the fire districts or passing some cost on to the residents. Councilor Capalbo indicated that she was in favor of the Town and fire districts paying for the numbers and having the residents doing the work and putting them on their own properties. She felt they should have some flexibility with exactly where and how high they would be placed. Building & Zoning Official Desjardin indicated that they just want to establish uniformity so these numbers are recognized as emergency response numbers. They could possibly look at subdivisions a little differently. Councilor Thompson reiterated that there would be three choices of where to put these numbers, either three inch numbers on the mailbox if it were situated in the correction location, larger numbers on the house if the house was close to the road, or on a post to the right of the driveway. Councilor Buck believed that posts would be more uniform and then emergency responders wouldn't have to shine lights from the sides of their vehicles looking for numbers on houses. The Council requested Building & Zoning Official

Desjardin to obtain a price for the posts. Council President Landolfi asked the Council if the Town would cover the cost and Councilor Buck indicated that if these signs were going to be mandatory the Town should cover the cost.

Councilor Thompson suggested that the Town could start the process and begin this with this year's budget but it would also need to be put in next year's budget.

Councilor Capalbo wished to have an idea of the cost of the post and the larger numbers. Councilor Husband indicated that they could start this piecemeal and see what the response from the public was. Councilor Buck suggested they start right down Route 3. Councilor Thompson asked the emergency responders where they would like to start. Chief Sposato indicated that they could put a few on a rural street and then possibly Sweet Valley Estates. Chief Lee added that each area has its own set of problems. Council President Landolfi stated that he believed they were okay with this ordinance initially and then asked about enforcement. He indicated that if the Town and the fire districts paid for these signs the people would be more apt to comply but if for some reason they did not want to comply that would be their right. He felt there should be some type of waiver for people to sign if they opted to not comply, though this still did not assist emergency responders. Building & Zoning Official Desjardin advised that in the existing ordinance it states that people are required to have a 911 number posted; however, she has received calls from the police, as well as the Fire Departments and Ambulance Corps, advising her that they could not find someone's driveway. Thereafter she will send a letter to that residence with a copy of the ordinance asking them to please post their 911 number and explaining that the importance of having the number posted was so emergency responders can find them. Then she will follow-up a few weeks later to see if they have complied; however, there is nothing in the existing ordinance to assure they comply. Chief Palmer indicated that the proposed ordinance provides for a \$25 fine for noncompliance which gives them the ability to indicate to someone that they can charge them this fee for noncompliance but they did not wish to do that, and having this number posted could save their life. Councilor Capalbo replied that if someone did not wish to comply then they should be required to sign a waiver. EMA Director Ron MacDonald indicated that in Westerly residents are

forced to shovel the sidewalk in front of their homes which they do not own and the Town does enforce this ordinance. At one time the residents tried to challenge this and lost. This ordinance wasn't meant to be controversial and they are happy to go out and assist anybody who states that they cannot install these themselves. Building & Zoning Official Desjardin stated that the first step would be to review the ordinance. Councilor Capalbo indicated that they should figure out the cost and decide where they would like to start and have a trial period. Councilor Buck thought that the numbers would look better vertical rather than horizontal and thereafter the size of the numbers was discussed. The thought was that residents would be more apt to put up smaller signs. Chief Sposato suggested obtaining several sizes of signs, putting several up and having the five agencies get together at night to view them and decide what they thought would be best. There were no comments from the audience.

7:35 PM

Harvey Buford was present to discuss proposed Farm Viability Ordinance amendments re: crop farm definitions submitted by the Conservation Commission.

Mr. Buford stated that it had been about a year since they first drafted the ordinance and in speaking with the farmers recently many have said they did not need a RI tax number so they removed that requirement from the ordinance. They still file their 1040F's so they still qualify as a farm in that way. Retail sales floor space was discussed and they expanded those numbers. They also added a section about slaughterhouses. He explained that originally people processed their animals on the farm but now there was a system in Rhode Island where farmers send animals to a USDA slaughterhouse in Johnston where they slaughter the animal and ship the meat down to Westerly Packing. Westerly Packing cuts up the meat and packages it. They also added a section to the ordinance about riding academies and tack shops. One was meant to support the other so they tightened that up. Council President Landolfi asked if this ordinance was a collaboration between the Conservation Commission and the farmers and Mr. Buford indicated it was and stated they have had many workshops which were well attended. They asked the farmers how they could assist them and how the Town could help support the farms. Council President Landolfi agreed with all of the changes that

Mr. Buford had made. Councilor Capalbo asked about a crop farm being two acres and if that meant that it could be in an R-1 zone. Mr. Buford stated no, it would only be in an RFR-80 zone. Mr. Buford indicated that the ordinance read that anyone who had 80,000 square feet of land could be a crop farm. Councilor Capalbo wanted them to check to assure that there were no two acre parcels of land in an R-1 zone in town, but the way the ordinance was written someone in an R-1 zone who had 80,000 square feet of land could be a crop farm and she would have a problem with that. She wished to see the ordinance specifically state that there be no crop farms in an R-1 zone, as well as wording that specifically states that there be no animals. Councilor Thompson added that no animal products would be allowed to be sold on a crop farm. Councilor Husband stated that if they change the word product to produce that would make a big difference but Councilor Thompson didn't believe that would matter. Councilor Thompson stated that crop farms should be able to grow whatever they want in their gardens and sell their products, but not animals or animal products. Councilor Buck stated that he didn't see a problem with them having a certain number of chickens for fresh eggs. Councilor Capalbo indicated that she didn't feel a few chickens for their own personal use would be a problem; however, when they want to sell products such as eggs, they would not have just a few chickens, it would end up being a lot of chickens. Town Clerk Cook-Martin indicated there have been many complaints received that someone in an R-1 zone acquires chickens and it causes a problem with the neighbors because of the smell or a rooster crowing. Chickens are not allowed in an R-1 zone. RFR-80 is rural farm residential and that is where the farm is supposed to be. In an R-1 zone you can have pets but not farm animals. Mr. Buford said that they should state specifically no farm in an R-1 zone. Mr. Buford indicated that they used Festival Farm owned by Mr. and Mrs. Grey as an example. They have some animals and they are two acres, he was not sure if they had 80,000 square feet or more but they did not have three acres. Councilor Thompson indicated that in this town and in nearby surrounding towns they have problems with fighting between neighbors who put materials, such as manure, on or near property lines. She doesn't want to make this worse. She did not agree with having animals on property of 80,000 square feet. She indicated

that the Greys are not selling animal products, they have a petting zoo. Councilor Capalbo indicated that there still was a scent associated with having animals. She agreed that a crop farm should have no animals but the Grey farm is grandfathered in. Councilor Buck did not want manure sales to be allowed from a small farm of 80,000 square feet, he would like that to be only for larger farms. It was agreed by all that R-1 zones were to be excluded from the ordinance.

Councilor Thompson questioned the definition of farm products on the first page which listed livestock products, compost, poultry, eggs and dairy products. She asked where dairy came from and were the farmers going to have a cow on a crop farm? She asked the Council to look at the definition. Council President Landolfi stated that he didn't read it that way and he thought they were getting too granule. Councilor Thompson did not believe they were. It was stated that they wanted to help the farmers but the ordinance is for anyone who lives in the correct zone.

The other councilors agreed with Councilor Thompson that people would push the limits. Council President Landolfi indicated that they should make the distinction that farmers could bring in and sell dairy products but not have a cow on a small crop farm. Councilor Capalbo stated that two acre farms are hobby farms and not real farms and they were trying to help real farmers with real problems and real needs. She felt they should make this ordinance very specific.

Councilor Thompson indicated that on the front page where it states farm product it specifically states "that are produced on the farm" and if they are not producing dairy products on the farm than they cannot be selling dairy products. She also did not want to see compost, manure or dairy products in an RFR-80 zone.

Councilor Thompson indicated that on page 2, the fifth paragraph under definitions with the headline, "Real Case or Realistic Shadow Flicker," was a mistake and should come out. There were also two typographical errors on the third page which needed to be corrected. Councilor Capalbo questioned there being a 30' by 20' building allowed on a crop farm, along with a house and a garage and it was stated yes, that would be allowed. Councilor Thompson pointed out that on page 3, Sec. 5.5-3(b)(1) would need to be changed and there should be a list of what farmers can or can't do. Councilor Capalbo indicated that in Sec. 5.5-3(d)(1) it states that a farmer may sell their products within a principal

dwelling; however, if someone were selling products from their home than that would be a commercial business. Council President Landolfi thought they were trying to address occupancy. There was a question about Pelloni Farm selling ice cream and Councilor Capalbo indicated that was fine because they were a large farm. Councilor Buck thought they might explain it as farm products that do not constitute a nuisance to adjoining property owners. The Councilors thereafter discussed what constitutes a nuisance and how that differs from person to person. Town Clerk Cook-Martin indicated because Pelloni Farm sells ice cream that is pre-made off the premises, they must have the Department of Health come in to inspect and that is more of a commercial business. Councilor Husband asked if the Council had the power to grant exceptions and it was indicated no. Mr. Buford stated that they could add to any of the definitions; and, by adding a statement that says, “nothing herein shall prohibit this category from importing the following products: ice cream, cheese, milk...” Councilor Capalbo requested that language be added to page 4, section (d)(4) regarding slaughterhouses, and that they also need to receive some kind of certification from the Department of Health. She believed that it should require this be mandated by the Department of Health which would be fair across the board and also because of the mad cow disease which was traced back to a central slaughterhouse in Germany. Councilor Buck stated any time there are meats sold the Department of Health was involved. Councilor Husband read (d)(1) asked to get rid of “that may be” in the last sentence. Mr. Buford indicated that he will have to make some revisions to the ordinance. Councilor Thompson requested Mr. Buford make those revisions and send a copy to each of the councilors and anyone else who needs to review it and they would review and get back to him advising if it was ready to be set down for a hearing, or the Councilors would advise Council President Landolfi if there was need for another workshop.

The Workshop was closed at 8:20 PM.

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk