

State of Rhode Island

County of Washington

In Hopkinton on the twentieth day of August 2018 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

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

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO CONVENE OPEN SESSION AND ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. 42-46-5(A) (1) BOARD/COMMISSION INTERVIEWS – PLANNING BOARD.

POLL VOTE:

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO RECONVENE IN OPEN SESSION.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

Council President Landolfi stated that the person being discussed has been notified in advance in writing and advised that they have the right to have the discussion held in open session.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

Council President Landolfi stated no votes were taken in Executive Session.

The regular meeting was called to order with a moment of silent meditation and a salute to the Flag at 7:00 PM.

HEARINGS

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO SIT AS A LICENSING BOARD.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

SPECIAL EVENT PERMIT

The Council opened a hearing on an application for a Special Event Permit filed by Karen Windsor on behalf of Foster Parrots, Ltd. for their Annual Fundraiser with tour, live music and buffet, scheduled for September 16, 2018 from 12:00 PM to 7:00 PM at the Foster Parrots, Ltd. facility located at 87 Woodville Alton Road, Hope Valley, RI 02832.

Karen Windsor was present. The application was complete and the filing fee submitted. A waiver of the police presence and license fee was requested.

Council President Landolfi indicated that this was a nice event and he had attended it last year. Councilor Capalbo indicated that she had also attended the event the previous year and thought it was run beautifully. Ms. Windsor added that this was a nice community event. Councilor Thompson asked how many volunteers Foster Parrots had and Ms. Windsor indicated that they average about 50 volunteers which equates to two to five volunteers a day. They have a paid staff of seven people. Councilor Capalbo asked Town Clerk Elizabeth J. Cook-Martin if it was possible to waive the filing fees since this was a non-profit organization. Town Clerk Elizabeth J. Cook-Martin indicated that the filing fee had been paid but there was a request for a waiver of the licensing fee. Councilor Thompson indicated that if they waived the filing fee the Town Clerk's Office wouldn't be reimbursed for the \$76.00 advertisement cost. The total fee that would be waived was \$200.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE SPECIAL EVENT PERMIT FOR FOSTER PARROTS REGARDING THEIR ANNUAL FUNDRAISER SCHEDULED FOR SEPTEMBER 16, 2018, WITH A WAIVER OF THE FEES BUT WITH PAYMENT OF THE ADVERTISING COST, 1A COUNCIL CONTINGENCY.

Town Clerk Elizabeth J. Cook-Martin mentioned that there was also a request for the waiver of police presence. Councilor Capalbo indicated that she wished to amend her motion to add in the waiver of the police presence and this was seconded by Councilor Husband.

No one from the public had any comment or objection.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

Councilor Thompson congratulated Ms. Windsor on Foster Parrots receipt of a Certificate which acknowledged that they are now classified as a rescue from the State of Rhode Island DEM, Division of Agriculture.

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

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

CONSENT AGENDA

The Petition of National Grid & Verizon for a joint pole on Mechanic Street and the July 30, 2018 Workshop Notes were removed from the Consent Agenda.

Councilor Capalbo indicated that concerning the July 30, 2018 Workshop Notes, one page 11 where it discussed the mad cow-disease being traced back to a central slaughterhouse in Florida, that should be Germany. Councilor Husband indicated that he was a little concerned with there being approximately 40 double poles

along Route 3 which were just installed in the last few weeks. There was discussion that this was a process to have all the wires moved from the old pole to the new pole but once that has been done the old poles would be removed. Councilor Husband indicated that he didn't mind new poles but he doesn't want double poles.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO APPROVE CONSENT AGENDA AS FOLLOWS: Approve Executive Session Minutes of July 16, 2018; July 23, 2018 Workshop Notes; Accept the July 2, 2018 transcript as the record of the Zoning Ordinance Amendment & Comprehensive Plan Future Land Use Map Amendment hearing filed by Rhode Island Solar Renewable Energy III, LLC; Approve abatements resulting from adjustments on motor vehicles, tangibles & real property submitted by Tax Assessor.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE JULY 30, 2018 WORKSHOP NOTES WITH THE CORRECTION AND APPROVE THE PETITION OF NATIONAL GRID AND VERIZON FOR A JOINT POLE ON MECHANIC STREET.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

PUBLIC FORUM

No one spoke during the first public forum.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported that on August 17, 2018 he attended the Wood River Health Dinner honoring Michael Lichtenstein who retired as President and CEO of Wood River Health Center. Mr. Lichtenstein is moving on to a job which is being funded by the federal government to assist in helping

various hospitals save money with the Medicaid process. Council President Landolfi also indicated that he had scheduled a workshop with the RI Office of Energy Resources to discuss what they would like to see regarding solar projects and this will be held on August 27, 2018 at the Town Hall unless there were too many people planning on attending and then it would be moved to a different location. Lastly, it was acknowledged that tomorrow, August 21, 2018, was the Chariho Alternative Learning Academy Ribbon Cutting ceremony at 4:30 p.m. which he was unable to attend; however, Councilor Thompson would be attending to say a few words on behalf of the Town.

OLD BUSINESS

SET HEARING DATE FOR ZONE ORDINANCE AMENDMENT/COMP PLAN FLUM AMENDMENT FILED BY LR6-A OWNER, LLC RE: BRUSHY BROOK

This matter had been scheduled to discuss and consider scheduling a hearing date for October 1, 2018 regarding a Zone Ordinance Amendment filed by LR6-A Owner, LLC re: Brushy Brook Solar continued from July 16, 2018 and August 6, 2018.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO SCHEDULE THE HEARING DATE FOR THE ZONE ORDINANCE AMENDMENT FILED BY LR6-A OWNER, LLC REGARDING BRUSHY BROOK SOLAR TO OCTOBER 1, 2018.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

Councilor Thompson asked what LR6 stood for and Town Clerk Elizabeth J. Cook-Martin indicated that it was the limited liability company's name and also indicated that she had placed calls to the Ashaway Elementary School and the Hope Valley Elementary School to see if either of those locations would be available as an alternate location for that hearing. Ashaway School was not available; however, Hope Valley Elementary School is available and this change of venue would need to be included in the hearing notice in the newspaper three weeks in advance of the hearing. Council President Landolfi indicated that they

should air on the side of caution and schedule the hearing at Hope Valley Elementary School.

NEW BUSINESS

ADJUST OFF UNCOLLECTIBLE MOTOR VEHICLE & TANGIBLE TAXES OF DECEASED TAXPAYERS

This matter had been scheduled to discuss, consider and vote to adjust off uncollectable motor vehicle taxes in the amount of \$1,010.58 and uncollectable tangible taxes in the amount of \$735.45, as taxpayers are deceased.

Rita Deane, the Tax Collector, was present. It was indicated that Ms. Deane was retiring at the end of the month after 23 years with the Town. Councilor Husband questioned the uncollectable taxes and asked if someone dies could they not go after the heirs of the estate to pay those taxes? Tax Collector Deane indicated that if there was a probate estate opened they would file a lien with the Probate Court; however, if there was no other name on the bill there was no place to go. Council President Landolfi indicated that they should vote on the small amount which was the uncollected motor vehicle taxes.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ADJUST OFF UNCOLLECTABLE MOTOR VEHICLE TAXES IN THE AMOUNT OF \$1,010.58 AND UNCOLLECTABLE TANGIBLE TAXES IN THE AMOUNT OF \$735.45 AS TAXPAYERS ARE DECEASED.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

ADJUST OFF 2005 UNCOLLECTABLE MOTOR VEHICLE & TANGIBLE TAXES

This matter had been scheduled to discuss, consider and vote to adjust off the following uncollectable taxes: 2005 motor vehicle taxes in the amount of \$14,445.02, 2006 motor vehicle taxes in the amount of \$13,742.02, 2005 tangible taxes in the amount of \$8,602.66 and 2006 tangible taxes in the amount of \$5,740.17. Tax Collector Rita Deane was present.

Councilor Husband asked Town Council President Landolfi to explain why this was being done and he requested Town Manager McGarry explain this matter.

Town Manager McGarry indicated that he had met with Tax Collector Deane and they had put together a plan to do these adjustments in two year period increments. Last year in June, they went through the same process for years 2003 and 2004 and wrote off approximately \$34,000 in unpaid taxes. This year was for years 2005 and 2006. Councilor Husband asked Town Manager McGarry if this was a statute of limitation situation where by law anything due and owing after a certain amount of time could not be collected. Tax Collector Deane indicated that the general rule was that anything ten years or older was uncollectable. Councilor Capalbo asked why these sums could not be collected. Tax Collector Deane indicated that most people have moved out of state. Councilor Capalbo asked why these people couldn't be tracked to where they had moved and Ms. Deane indicated that in the past they had used a firm that sent these people initial notice but then indicated to the Town that they couldn't help them. Councilor Capalbo questioned if the Motor Vehicle Department could be notified in the state where these people have moved. Town Manager McGarry indicated that most people do not let us know where they have moved. Councilor Capalbo stated that surely someone must know where they have moved and she felt this was an enormous amount of money to take off and we would be doing the same thing next year. Tax Collector Deane indicated that they are maintaining a collection rate of 98% and these amounts are only for the remaining 2%. She stated the bills were for the prior year's taxes and they come out half way into the next year. If the people have moved and the mail comes back, they have no way of tracing them. Councilor Capalbo replied that with computers now it should be easier to track where the car goes. She indicated that she understood they have to do this adjustment but she finds it extremely frustrating because all other citizens are paying for these people who are not paying their taxes. Town Manager McGarry indicated that they do put a block on those taxpayers' motor vehicles and if they want to register a car in the State of Rhode Island they will not be able to until those taxes are paid. Councilor Thompson questioned if that went on after ten years and Tax Collector Deane indicated that it did. Town Manager McGarry

indicated that they had no authority to attempt to track these people into other states; that they were out of Rhode Island jurisdiction. Councilor Husband stated that possibly they could track these people through the post office if they have put in a forwarding address request. Councilor Thompson indicated that most people know when they have taxes that are due and they don't want any bills to follow them so they might not put in a forwarding address change with the post office. It was acknowledged that Tax Collector Deane is very good at collecting taxes and she works with the taxpayers in an attempt to set up payment plans if needed. Councilor Capalbo asked if there was a belief that the amounts would be less for future years. Tax Collector Deane indicated that the DMV has improved their systems and there have been more payment from people who have moved in state; however, there will still be people who are deceased or who have moved out of state. Councilor Husband stated that the Town is taxing people less and less every year on their motor vehicles. Councilor Thompson asked what would happen if they just left these people on the rolls and did not take them off. Tax Collector Deane indicated that they do this in a 10 year cycle. If it was left on the rolls it would look like a collectable when it actually would not be.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO ADJUST OFF UNCOLLECTABLE TAXES: 2005 MOTOR VEHICLE TAXES IN THE AMOUNT OF \$14,445.02, 2006 MOTOR VEHICLE TAXES IN THE AMOUNT OF \$13,742.02, 2005 TANGIBLE TAXES IN THE AMOUNT OF \$8,602.66 AND 2006 TANGIBLE TAXES IN THE AMOUNT OF \$5,740.17.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

PUBLIC FORUM

Mr. Moreau wished to verify the meeting for September 4, 2018 would be held at the Chariho Middle School and Council President Landolfi indicated that was correct. Thereafter, Eric Bibler asked the Town Solicitor, through the Chair, if the Town has determined whether or not the Town Council requires a super

majority vote to override the advisory opinion of the Planning Board, which he states was an issue on the Woodville Alton Road project, as well as Brushy Brook project. Council President Landolfi indicated that this was a public form and this matter was not on the agenda. He asked Town Solicitor McAllister if he would be ready to provide an opinion at the September 4, 2018 hearing, to which Town Solicitor McAllister replied that his duty, when appropriate, was to provide a legal opinion to the Council, who was his client, and thereafter he would be ready to discuss it when the Council authorized him to do that. Mr. Bibler believed that it was important that they understand this before the vote. He also wished to note for the record and he referred all the Town Council members to his correspondence with Kevin Nelson, the Supervising Planner for the State of Rhode Island, as well as his correspondence with the Chief of Statewide Planning. He stated that he had proposed four questions to Mr. Nelson which were: (1) Is a change to the Future Land Use Map considered a change or amendment to the Comprehensive Plan; he indicated in his opinion it was; (2) How many changes to the Comprehensive Plan may be made in a given year and his answer was no more than four; (3) I asked him about the responsibility of individual municipalities to provide notice to the State concerning any revisions to the Comprehensive Plan and he indicated that the notice provision is no more than thirty days after the changes are approved; and lastly, (4) I asked him if the Town of Hopkinton has recorded any changes to their Comprehensive Plan in 2018 and his answer was none. Mr. Bibler went on to state that on May 21, 2018 the Council took a vote for the Maxson Hill Road and Main Street project which was noticed as a change to the Comprehensive Plan and he believed there were two others, so the Town is currently remiss in terms of their responsibility to report these changes. Council President Landolfi interjected that he had received Mr. Bibler's email and had sent it to the Town Solicitor who would report on it when it is appropriate. Mr. Bibler asked if Council President Landolfi thought it was inappropriate for him to bring these issues up and Council President Landolfi indicated that none of this was on the agenda so the Council could not respond. Mr. Bibler requested that the Town Council consider a moratorium on solar energy and he indicated that he would forward the Council the moratorium that

was recently enacted in the Town of Foster on June 7, 2018. The summary preamble on their solar moratorium very accurately describes the same conditions that Hopkinton is facing, so their reasons for invoking this moratorium are identical. He went on to state that there are twelve projects in this Town that have been approved and we have nine proposed projects pending. There has been a deluge of applications and if you speak with the Town Planner or anyone else in Town you hear that there are many more in the gestation phase. Mr. Bibler indicated that he would forward the Council that moratorium and he wished them to keep an open mind when reviewing it. Councilor Thompson asked Solicitor McAllister and Council President Landolfi if he could explain the moratorium right now and Council President Landolfi indicated they could not but at the September meeting they would get all of these questions answered.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk