

State of Rhode Island

County of Washington

In Hopkinton on the third day of December 2018 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 7:00 P.M. in the Chariho Middle School Auditorium, 455 Switch Road, Wood River Jct., RI 02894.

PRESENT: Frank Landolfi, Scott Bill Hirst, Barbara Capalbo, Sylvia Thompson, Sharon Davis; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin.

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

HEARINGS

1. ZONING ORDINANCE AMENDMENT & COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT

The Council opened the continued hearing to consider an amendment to the Hopkinton Zoning Ordinance and the Hopkinton Comprehensive Plan Future Land Use Map filed by Southern Sky Renewable Energy RI, LLC, 117 Metro Center Blvd #2007, Warwick, RI 02886 for property owned by LR6-A Owner LLC and Realty Financial Partners VI LP, 56 Kearney Road Suite D, Needham, MA 02494 for property located at 130 Dye Hill Road, Hope Valley, RI identified as Plat 32, Lots: 1, 2, 6, 8, 10, 12, 14, 16, 17, 19, 21, 23, 25, 27, 30, 32, 34, 36, 38, 40, 41, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 63, 65, 67, 68, 69, 70 & 71, an RFR-80 Zone heard on October 1, October 29 and continued from November 13, 2018. The applicants propose to utilize the existing property listed as Assessor's Plat 32 Lots 1-71 which in total contain approximately 358 acres to construct ground mounted Solar Energy Array Systems. The proposal to utilize the property will require approval of the proposed Comprehensive Plan Future Land Use Map Amendment from Open Space/Conservation to Commercial Special and a Zoning Map Amendment from RFR-80 to Commercial Special.

Attorney Shekarchi was present representing the applicant. A stenographer was present to record the proceedings. A copy of the transcript will be attached and made part of this record.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO CLOSE THE HEARING AND SET JANUARY 28, 2019 AS THE DATE FOR A DECISION.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

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

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

2. HOLIDAY SALES LICENSE RENEWALS

The Council opened a hearing for new applications for Holiday Sales Licenses:

Petrogas Group New England, Inc., 206 Main Street; Village Wine & Spirits, 26 Alton Bradford Road; The Blue Fairey, LLC, 5 Mechanic Street.

There were no objectors present.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO GRANT APPROVAL TO THE PETROGAS GROUP NEW ENGLAND, INC.; VILLAGE WINE & SPIRITS; AND THE BLUE FAIREY, LLC HOLIDAY SALES LICENSES SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

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

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

COUNCIL APPOINTMENTS

Appointment of Town Solicitor
Appointment of Zoning Solicitor
Appointment of Prosecutions Lawyer
Appointment of Probate Judge

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPOINT KEVIN MCALLISTER AS THE TOWN SOLICITOR; VERONICA ASSALONE AS THE ZONING SOLICITOR; MICHAEL COZZOLINO AS PROSECUTIONS LAWYER AND M. LINDA URSO AS PROBATE JUDGE.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

COUNCIL PRESIDENT APPOINTMENT:

Council President Landolfi will serve as Council Personnel Liaison.

APPOINTMENTS OF COUNCIL REPRESENTATIVES TO BOARDS, COMMISSIONS, COMMITTEES:

Affordable Housing Partnership – To be determined upon activation

Animal Control Commission – To be determined upon activation

Conservation Commission - Scott Bill Hirst

Historic District Commission - Sharon Davis

Juvenile Hearing Board – To be determined upon activation

Land Trust - Sylvia Thompson

Planning Board - Sharon Davis

Police Commission - Sylvia Thompson

Recreation Commission - Scott Bill Hirst

Zoning Board of Review - Barbara Capalbo

APPOINTMENT OF MARITA BREault AS DEPUTY TOWN CLERK

Consider and vote to provide approbation for the Town Clerk's appointment of Marita Breault as Deputy Town Clerk to November, 2020.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO PROVIDE APPROBATION FOR THE TOWN CLERK'S APPOINTMENT OF MARITA BREault AS DEPUTY TOWN CLERK TO NOVEMBER, 2020.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

CONSENT AGENDA

The Town Council Meeting Minutes of November 19, 2018 were removed from the Consent Agenda to vote on them separately.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve refunds resulting from overpayments of 2018 real property tax, 2018 & 2013 motor vehicle tax and 2017/2016 tangible tax; Approve abatement resulting from motor vehicle tax value change submitted by the Tax Assessor.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE Town Council Meeting Minutes of November 19, 2018.

IN FAVOR: Landolfi, Capalbo, Thompson

OPPOSED: None

ABSTAIN: Davis, Hirst

SO VOTED

PUBLIC FORUM

Joe Moreau of Old Depot Road indicated that he received an email from Councilor Thompson and they have set up an appointment to meet. Mr. Moreau went on to state that at the November 5th Town Council meeting he realized that he didn't understand all of the do's and don'ts of a public forum so he performed some research on the Attorney General's website and was able to obtain some information on public forum and public comment. Mr. Moreau believed that it was difficult to speak at these meetings with the time limit that was being imposed; except for the last meeting which he felt was very well run. He received word that a workshop would be scheduled regarding the Stubtown Road dump in the future. Mr. Moreau stated that he had done some research including reading the comprehensive plan where it concerned solar which was pages 102 to 104 and reviewing a DEM assessment regarding the solar project in Cranston. His concern is that the solar project in Cranston violated DEM regulations for they were approved to clear cut five acres; however, they went ahead and clear cut forty acres. His concern is that this developer will do the same thing in Hopkinton and there are many cases of these developers not following the rules. In Gloucester and other towns they have put moratoriums in place. Mr. Moreau indicated that someone stated that it is a tough job as a Town Council member to always make the right decision but this time the Planning Board and citizens have tried to make it easier for them by indicating that most of these solar projects are not consistent with the stated goal of the comprehensive plan. He felt the Councilors are not listening to what the residents are trying to say. Since the third week of June they have provided hours and hours of vast information to Councilors as well as to residents to contest the solar sprawl in a rural town. The residents have asked the Council to stop the madness. He also believes one Town Council member is now focusing on the money. He finished by stating that the only good thing that has come out of all this is that he has made many new friends. Ron Bryant of Frances Barber Drive wished to state his opposition to the solar projects. He and his wife have been present for several public meetings and he has heard the residents' comments which they have mostly agreed with. Now they have heard through the grapevine of two other projects that are being proposed adjacent to their street. Prior to moving here twenty years ago they

verified zoning designation and regulations to assure that the rural characteristics of the area would be preserved. The potential of a large residential community being built next door is not what they wish to see, but something that they knew was a possibility when they moved here. He has investigated the possible negative impacts of these solar projects which include the loss of trees and vegetation and the impact to the environment, which has been documented in previous meetings. Of all of the dangers he uncovered, the greatest was to the aquifer. He also indicated that these solar panels can include toxins which may infiltrate into the aquifer. Mr. Bryant provided documents to the Town Clerk. Jeff Light stated that the applicant's attorney had made an assumption that of the 8,119 residents in Hopkinton only 500 people signed the Petition and therefore the other 7,500 people of Hopkinton were in favor of the project; however, he has not seen any of those 7,500 come to support the projects. Justin Bentley of Diamond Hill Road wished to ask the Town Councilors to please stop referring to he and his children as being burdens to the Town. Councilor Thompson commented that residents were not burdens. Linda LaPierre of Maxson Hill Road spoke about the silent majority and people not showing up at meetings. She believed there could be a coding program prepared that would give a geographic and geometric calculation for the next town planning meeting. Also, the attorney for the applicant said something that gave her the chills which was, you can do whatever you want as a Council, and she believed this was slippery ethics. She stated that she would expect a little more than that from the Council. John Pennypacker indicated that there seems to be a consensus that the Town needs help but we don't really know what we want to do. The Council does have to hold these hearings but they are not bound to listen to how the project will be done; they are not bound to take expert testimony; they can accept the fact that this is a change to the ordinance and say no and this was a way around putting a moratorium in place. He questioned why there were no solar projects on municipal property and why there weren't more roof-top solar panels. He is surprised that at these public hearings the public isn't allowed to speak; it is the paid experts who get to speak. Carolyn Light of Forest Glen Drive indicated that we are coming into the holiday season she asked that everyone reflect on the legacy that we are going to leave to

our children. We should create a legacy, not for a bucket list, but to practice on a daily basis.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported that on November 11, 2018 he attended the Wreaths Across America Event held at Boneyard Barbeque and explained that this is where they place wreaths on deceased veterans graves in December. On November 14, 2018 he attended the Coventry Annex Seminar with RIDEM regarding the dying trees across the state. He indicated this was a very eye-opening discussion on why these trees have died. On November 24, 2018 he attended the Fred Stanley Building Dedication. He had served 51 years as Chief and 67 years in that organization in total.

TOWN MANAGER REPORT

Town Manager William McGarry reported that on November 28, 2018 they held the first meeting of the Hazardous Tree Removal Committee at the Crandall House. This endeavor represents a long term town project to remove dead trees that line town roadways causing a widespread threat to homes, roads and power lines. It is work that, most probably, will have to be outsourced and require a significant amount of funding for a few years. He indicated that he and Finance Director Brian Rosso will work with DPW Director Tim Tefft to prepare a financial impact statement for the upcoming budgetary process.

OLD BUSINESS

SET DATE FOR CONTINUED HEARING RE: PROPOSED AMENDMENTS TO CHAPTER 246 NON-RESIDENTIAL PHOTOVOLTAIC SOLAR ENERGY SYSTEMS (PSES)

The Council set Monday evening, December 17, 2018 as the date for the continued hearing re: proposed amendments to Chapter 246 Non-Residential Photovoltaic Solar Energy Systems (PSES). The meeting will begin at 7:00 PM and it will be held at the Hope Valley Elementary School located on 15 Thelma Drive in Hope Valley, RI. Councilor Davis indicated that she had a lot of changes she wished to incorporate into that ordinance.

NEW BUSINESS

CHARIHO OMNIBUS MEETING

Councilor Hirst had requested discussion on the following Chariho Omnibus Meeting:

1. Going back to old previous formats where individual towns can request items placed on the agenda.
2. Discussion of promoting a state wide demand from municipalities and school districts to request more state commitment to fund education.

Councilor Hirst advised that at the Chariho Omnibus Meeting which is held annually, they only deal with the school budget; however, he would request that the Council send a letter requesting that other items be placed on that agenda. He wished to start a statewide dialogue with all municipalities and school districts in order to hold the State government accountable for more financial commitment to education. Councilor Hirst indicated that he has drafted a letter for the Council to review which he commenced to read and he asked that this be signed by the Council President. Councilor Thompson suggested that they make the request to Richmond and Charlestown versus the School Committee. Town Solicitor McAllister advised that the Council could not vote on this matter for it was only on the agenda for discussion and it would be technical violation to vote on this matter. It was decided that this would be placed on the next agenda for vote. Councilor Capalbo thought another way to accomplish this might be to ask Barry Ricci to place this on a School Committee agenda; however, Councilor Thompson believed the School Committee would say no. Council President Landolfi stated that this matter would be placed on the December 17, 2018 meeting for vote on sending a letter to the Chariho School Committee.

BOARDS & COMMISSIONS

Board of Canvassers

Discuss and consider voting to reappoint Judith Scholfield to the Board of Canvassers.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO REAPPOINT JUDITH SCHOLFIELD TO THE BOARD OF CANVASSERS.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

Land Trust Board of Trustees

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT W. EDWARD WOOD TO THE LAND TRUST BOARD OF TRUSTEES.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

Land Trust Board of Trustees

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR CAPALBO TO REAPPOINT SARAH WINDSOR TO THE LAND TRUST BOARD OF TRUSTEES.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

Land Trust Board of Trustees

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT MARY GIBBONS TO THE LAND TRUST BOARD OF TRUSTEES.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

Animal Control Commission

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO REAPPOINT HOLLY GREENE TO THE ANIMAL CONTROL COMMISSION.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis, Thompson

OPPOSED: None

SO VOTED

PUBLIC FORUM

No one spoke during the second public forum.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO ADJOURN IN MEMORY OF PRESIDENT GEORGE HERBERT WALKER BUSH.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk