

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of November 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, Thomas Buck, Barbara Capalbo, Sylvia Thompson, David Husband; 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.

CONSENT AGENDA

Councilor Husband asked that the November 13, 2018 Town Council Meeting Minutes be removed from the Consent Agenda to vote on them separately as he had not been present for this meeting.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of November 5, 2018; Executive Session Minutes of October 15, 2018; Executive Session Minutes of October 15, 2018; Accept the October 9, 2018 transcript as the record of the of the Zoning Ordinance Amendment & Comprehensive Plan Future Land Use Map Amendment hearing filed by Rhode Island Solar Renewable Energy III, LLC.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson

OPPOSED:

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE SPECIAL TOWN COUNCIL MEETING MINUTES OF NOVEMBER 13, 2018.

IN FAVOR: Landolfi, Buck, Capalbo, Thompson

ABSTAIN: Husband

OPPOSED: None

SO VOTED

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Thomas Buck and David Husband stepped down and the audience gave a round
of applause to the two exiting councilmen.

SWEAR IN OF ELECTED TOWN OFFICIALS

A ceremony to swear in the newly elected officials commenced. Senator Elaine Morgan and Representative Brian P. Kennedy were present.

Senator Morgan gave the oath of office to Frank Landolfi and Scott Bill Hirst. Representative Kennedy gave the oath of office to Barbara Capalbo. Town Clerk Elizabeth Cook-Martin gave the oath of office to Sylvia Thompson, Sharon Davis, Matthew Urbec, George Abbott and Sylvia Stanley.

Upon completion of the ceremony to swear in the newly elected Town officials, the newly seated Town Council took their seat.

CALL TO ORDER BY TOWN CLERK

The Town Clerk called the meeting to order for the purposes of nominating and electing a Council President and a Council Vice President.

NOMINATIONS AND ELECTION OF COUNCIL PRESIDENT

The Town Clerk called for nominations for Council President. Sylvia Thompson nominated Frank Landolfi. Sharon Davis nominated Sharon Davis. There were no other nominations. Vote on the nomination of Frank Landolfi as Council President:

IN FAVOR: Thompson, Hirst, Landolfi

OPPOSED: Davis

ABSTAIN: Capalbo

Nomination approved: Frank Landolfi will serve as Council President.

There was no vote on the nomination of Sharon Davis as Council President.

NOMINATIONS AND ELECTION OF COUNCIL VICE PRESIDENT

The Town Clerk called for nominations for Council Vice President. Frank Landolfi nominated Scott Bill Hirst as Council Vice President. There were no

other nominations. Vote on the nomination of Scott Bill Hirst as Council Vice

President:

IN FAVOR: Landolfi, Hirst, Thompson

OPPOSED: None

ABSTAIN: Davis, Capalbo

Nomination approved: Scott Bill Hirst will serve as Council Vice President.

Council President Landolfi assumed the chair.

This event was immediately followed by a Town Council Meeting with the newly seated Town Council.

Elizabeth J. Cook-Martin

Town Clerk

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of November 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, 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.

Town Manager William McGarry introduced Town Manager Administrative Assistant Virginia Evans who began working for the Town on October 15, 2018 and Tax Assessor Senior Clerk Tiana Zartman who began working for the Town on October 1, 2018.

HEARINGS:

ZONING ORDINANCE AND THE HOPKINTON COMPREHENSIVE PLAN FUTURE LAND USE MAP FILED BY ATLANTIC SOLAR LLC, 260 WEST EXCHANGE STREET, PROVIDENCE, RI 02903 AND ATLANTIC CONTROL SYSTEMS, INC., 318 DRY BRIDGE ROAD, NORTH KINGSTOWN, RI, RI 02903, THE LAND OWNER FOR PROPERTY LOCATED AT 0 MAIN STREET IDENTIFIED AS PLAT 7, LOT 32; PLAT 10, LOT 87 AND PLAT 11, LOT 35 AN RFR-80 ZONE

This matter had been scheduled to discuss, consider and vote to reschedule the following matter to December 3, 2018 at the Chariho Middle School Auditorium:

A hearing on an amendment to the Hopkinton Zoning Ordinance and the Hopkinton Comprehensive Plan Future Land Use Map filed by Atlantic Solar LLC, 260 West Exchange Street, Providence, RI 02903 and Atlantic Control Systems, Inc., 318 Dry Bridge Road, North Kingstown, RI, RI 02903, the land owner for property located at 0 Main Street identified as Plat 7, Lot 32; Plat 10, Lot 87 and Plat 11, Lot 35 an RFR-80 Zone. The applicants propose to install a ground-mounted photovoltaic solar array on the existing 29.7 acre property listed as Assessor's Plat 7, Lot 32; Plat 10, Lot 87 and Plat 11, Lot 35 to construct a

ground mounted Solar array on the property. The proposal to utilize the property will require approval of the proposed Comprehensive Plan Future Land Use Map Amendment from RFR-80 to Commercial Special and a Zoning Map Amendment from RFR-80 to Commercial Special.

The Town Clerk reported she had received an email from Mr. Frank Epps asking that this matter and the Skunk Hill Solar matter be continued to January 2019. She had inquired about the availability of the schools and found that the Chariho Middle School Auditorium was available on January 7, 14, 22 and 28, 2019. The January 7, 2019 Council Meeting would be held at the Town Hall as it was the renewal hearing for Campground Licenses and the Campground owners would be in attendance. The Commercial Haulers renewal hearing would commence on January 22, 2019, but the Commercial Haulers were not required to attend.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO SET JANUARY 14, 2019 AS THE HEARING DATE FOR THE MAIN STREET SOLAR PROJECT AND SET JANUARY 22, 2019 AS THE HEARING DATE FOR THE TWO SKUNK HILL SOLAR PROJECTS.

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

OPPOSED: None

SO VOTED

PROPOSED ORDINANCE AMENDMENT TO CHAPTER 4; SEC. 4-8. - NUISANCE ABATEMENT

The Council opened a hearing on an amendment to Chapter 4; Sec. 4-8. - Nuisance abatement – Generally, of the Code of Ordinances of the Town of Hopkinton as amended; that was introduced & sponsored by Councilor Capalbo and Councilor Buck. The proposed amendment would add language to Section 4-8 shown italicized and underlined: Sec. 4-8. - Nuisance abatement—Generally. The keeping or harboring of any animal, whether licensed or not, which by habitual howling, yelping, barking or other noises disturbs or annoys two (2) or more neighborhood residents, each of whom must reside in separate residences located on separate lots and neither or none of whom are related by blood or

marriage, after complaints to that effect *have* been filed with the police department *and/or animal control officer and thereafter investigated and verified,* is *deemed to be* unlawful and is hereby declared to be a public nuisance. *After the keeper(s) of the offending animal(s) has or have been cited by the police department or other authorized Town official for violation of this ordinance, each subsequent day during which the same condition constituting a public nuisance continues and for which one or more further complaints are made and received in accordance with the requirements of this chapter* shall constitute a separate offense. All other Sections of Chapter 4 to remain in full force and effect. This amendment shall take effect immediately upon passage.

Council Discussion:

Councilor Capalbo noted this proposed amendment related to complaint from two individuals in the same house who made a complaint about roosters crowing. The Police Department is obliged to check it out and if two people complain they must issue a \$10.00 fine and possible attendance at municipal court. The ordinance amendment would revise the existing language about complaints that it would be two people in two separate homes; two separate lots. That would be the only change and the remainder of the ordinance would stay the same. An RFR-80 zone allows farm animals and farm equipment. Councilor Thompson added this ordinance would apply to any issue around town if there was a nuisance violation and she suggested repealing the whole section; to send it to zoning to work on it or perhaps exempt RFR-80 zone; whatever is allowed in an RFR-80 zone.

Council President Landolfi stated it is implied that animals will make noise.

Councilor Thompson was not in favor of the new language though it could apply to commercial kennels. Councilor Capalbo did not feel it was a zoning issue; but something the Town Council would have to address and try to resolve; the police department and zoning official had received complaints from a neighbor that were in an RFR-80 zone, a farm zone that provides them the right to have these animals. Council President Landolfi agreed with Councilor Thompson and he felt the entire ordinance should be reviewed and re-worked. It needs additional work and he supported kicking it over to Town staff to review. Councilor Hirst commented on his experience with Future Farmers of America (FFA)

organization and has had roosters in the past. He is concerned about allowing something by right so supported having Town staff review further. He felt that when you move to a Town you know the zone you live in and what is expected in that zone and with RFR-80 you might see farm animals and smell farm odors. He commented that felt it was a legitimate concern when it is a matter of neighbor against neighbor. He supported having zoning review.

Public Comment:

Jeff Light, Forest Glen Drive suggested instead of using the word neighbor, to use the word abuttor as we are all neighbors.

Jeremy Palmer, North Road, stated he was the person involved and that he had lived here all his life. He had addressed this matter through a face book post; the issue had consumed a large part of his life but people knew of the situation. He expressed concern that it could happen to anyone. He noted his children had gotten chickens and roosters and all was fine until contact was made with his neighbor and an effort had been made to determine his intentions. He felt this Town was the last frontier and commented that in Richmond you need a permit to have a rooster. He wanted to stand up for the fundamentals of the community and added that others were agreeing with him. He stated the Town's crest was "Not To Be Silent Nor Off Our Guard". He stated he had the right to own these animals and felt we should stand up for what we believe in.

Steven Kessler, Lake Court commented that what was going on was legal so questioned how the nuisance law can play into it. He did not feel this law should apply in that zone.

Stephanie Brass, North Road stated she was the neighbor on the other side who was also ticketed. Town Solicitor McAllister reported letters went out; the citation had been vacated. He suggested the only way to stop the ticketing and stop the harassing would be to make the RFR-80 zone exempt from the nuisance ordinance. He noted there were some people who would find a loop-hole. He suggested a decibel reading for various noises such as a certain decibel level for

birds; a certain decibel level for roosters, etc. This suggestion was not met with any support. It was noted that it was not an ordinance problem, but a people problem. Animals make all sorts of noises at all hours for different reasons.

Holly Greene, North Road had a question for Chief Palmer. She commented she felt sorry for the officers who had to deal with this situation responding to complaints numerous times so questioned if there were any sanctions for the persons making the complaints. Solicitor McAllister stated the person has the right to file a complaint; there is no sanction for the complainant. The Chief had called him and asked to discuss the issue and he came to the conclusion that the application of this ordinance had no appeal; the animal is clearly allowed in an RFR-80 zone. Solicitor McAllister added our Police Department is excellent; the issue was address and two tickets were issued related to the roosters. He noted that subsequently, Councilor Capalbo had asked about how to address it; ideally every ordinance would work for every zone, it doesn't work in this zone. He reported he did receive a nice, polite email from the complaining neighbor and he congratulated everyone for being pretty classy about the situation.

Chief of Police David Palmer commented that he was happy that this matter was about a rooster and not something more serious. He gave Jeremy Palmer a lot of credit as he came in and sat with him in an effort to resolve the neighborhood dispute. He stated it was a unique problem as most often the complaints of this nature were about barking dogs. He indicated it was not his goal to issue \$10.00 citations and preferred to resolve problems.

Councilor Thompson suggested closing the hearing but to look at the ordinance in total and review so that the revision could be written in a clear fashion. Councilor Capalbo agreed. Thomas Buck suggested that copies of neighboring towns' nuisance ordinances be assembled for review which he felt would be a good reference for the Council. The Town Clerk's Office will assemble and provide this information. Discussion ended and the Council proceeded to vote.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO CLOSE THE HEARING.

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Set January 7, 2019 as a hearing date for renewal of Campground Licenses; Set January 22, 2019 as the second Town Council Meeting in January due to Martin Luther King Day Holiday; Set January 22, 2019 as a hearing date for renewal of Commercial Haulers Licenses Accept the following monthly financial/activity report: Town Clerk; Approve refunds resulting from adjustment to 2011 & 2012 motor vehicle value change.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

No one spoke during public forum.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF ERIC BURTON.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk