

State of Rhode Island

County of Washington

In Hopkinton on the fifteenth day of April 2019 A.D. the said meeting was called to order by Town Council Vice-President Scott Bill Hirst at 7:00 P.M. in the Chariho Middle School Auditorium, 455B Switch Road, Wood River Jct., RI 02894.

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

At 6:50 P.M. the Council conducted a Board & Commission Interview relative to the Wild & Scenic Rivers Stewardship Council. Applicant Eric Bibler was present. Vice President Hirst asked why Mr. Bibler was interested in the position and the reason he felt he would be a good fit on the council. Mr. Bibler felt it was an exciting development; he has been a member of the Wood-Pawcatuck Association (WPWA) for 30 years and had an opportunity to meet its founder many years ago. He stated he canoes the Wood River and Pawcatuck River and felt the rivers were treasures. He follows what the WPWA was doing obtaining grant money to take out the dams and installing fish ladders; he felt the WPWA had done a great job with stewardship on their own; but to be part of the scenic rivers system will further help the WPWA. He felt the rivers were vitally important to Hopkinton and felt it was important for the Town to appoint someone to represent the Town who acknowledges that fact. He noted he does not have any science degrees but he was willing to work hard. Councilor Thompson noted up until now there may have been issues the two of them didn't agree on but it is clear to her that when he believes in something he will get in front of it to secure a positive outcome; his actions have shown he can jump into environmental issues, be dedicated and attend meetings. She noted the Wood River means everything to us and she agreed with him that the WPWA has been a good steward of the rivers. She stated this wild and scenic designation was something the Town and others have wanted for so long. She was pleased he wants to become involved. Mr. Bibler had provided a copy of a letter he received

from National Parks Conservation Association years ago; he explained the reason behind this was that about ten years ago a 400 foot wind turbine was to be situated in the middle of a national park near his mother-in-law who was fortunate enough to live in midst of a national park. The superintendent of the park was in favor of the wind turbine project and there was a small group who got involved and they found out there were plans being made to install wind turbines throughout the national park. He was involved with the Save Our Seashore group, serving as President, and they successfully persuaded the Town of Wellfleet and the sound engineering group involved in the project not to put them in and the project was abandoned; he added this could have had repercussions across the entire country. Councilor Capalbo was pleased that a number of people had come forward for this position noting there had been a lot of community volunteerism of late and there have been others interviewed interested in serving on the Wild & Scenic Rivers Stewardship Council. She was interested in knowing if the qualifications he brings included experience working with fish and wildlife, working with DEM, or salt water fishing/fresh water fishing groups. She noted this is public land and access to the rivers by the public is a concern of hers; she wants to make sure children, the elderly and those with mobility issues have access to the river to sit or fish or kayak. Mr. Bibler indicated he did not have any qualifications specific to the scientific aspects of the river; he noted he was a Lit Major in college so he could not pretend to know of the specific issues on accessibility to the rivers but he believes he has a long history of volunteering with many organizations. He sees this more of a problem solving, managerial group; he felt the Wild & Scenic Rivers Stewardship Council would be more involved with the ability to reach consensus and find resolutions to most of the important problems of the rivers. Councilor Capalbo commented that the stewardship council may have to handle federal funds; so it may be more of an independent organization. Mr. Bibler felt this group would be analogous to the on Cape Cod National Seashore Advisory Committee – a federal advisory commission which the Governor appoints various members to; they have no powers to do or enact, they are advisory only, like he felt this one would be. Councilor Capalbo felt this was true; she noted a number of Towns would have representatives on the stewardship council; they will have

to be able to work together on consensus; a collaborative effort to work with very different points of view. Mr. Bibler indicated he was aware there were other strong candidates with experience and qualifications who've been interviewed. He is volunteering to serve as he feels he could make a difference. Councilor Thompson noted there were two positions available; one full member and one alternate. There were no other questions and the interview concluded.

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

HEARINGS:

PETITIONS FOR COMPREHENSIVE PLAN AND ZONING AMENDMENTS:

PLEASE NOTE THAT THIS MATTER WAS REQUESTED TO BE CONTINUED BY ROBERT CRAVEN, ESQ. TO APRIL 22, 2019 AT THE CHARIHO MIDDLE SCHOOL AUDITORIUM, 455B SWITCH ROAD, WOOD RIVER JCT., RI 02894 AT 7:00 P.M.:

Re: hearing to consider 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. This matter was continued from January 14, 2019 to April 15, 2019 as was announced during the advertised and noticed January 14, 2019 Town Council Meeting. 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.

There was no applicant or a representative present.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO CONTINUE THE 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 02903 FOR PROPERTY LOCATED AT 0 MAIN STREET IDENTIFIED AS PLAT 7, LOT 32; PLAT 10, LOT 87 AND PLAT 11, LOT 35 IN AN RFR-80 ZONE TO MAY 28, 2019 AT 7:00 PM AT THE CHARIHO MIDDLE SCHOOL AUDITORIUM.

IN FAVOR: Hirst, Capalbo, Thompson

OPPOSED: None

SO VOTED

CONSENT AGENDA

The April 1, 2019 Town Council Meeting Minutes were removed from the Consent Agenda.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE CONSENT AGENDA AS FOLLOWS: Approve Executive Session Minutes of April 1, 2019; Special Town Council Meeting Minutes of March 25, 2019; Hopkinton Town Council Minutes at Chariho School Committee Meeting of March 26, 2019; Accept the following monthly financial/activity report: Town Clerk; Approve refund as a result of a taxpayers overpayment of 2018 real estate tax submitted by the Tax Collector.

IN FAVOR: Hirst, Capalbo, Thompson

OPPOSED: None

SO VOTED

Councilor Capalbo stated that there needed to be a correction to the April 1, 2019 Minutes on page 5, the last sentence before the motion where it stated: “Town Manager McGarry” which should be “Recreation Director Mary Sawyer”. It was

also noted that Councilor Thompson was not present at the beginning of that meeting; however, arrived just prior to the regular session.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF APRIL 1, 2019 AS AMENDED.

IN FAVOR: Hirst, Capalbo, Thompson

OPPOSED: None

SO VOTED

PUBLIC FORUM

Tammy Walsh of 229 Woodville Road stated that she wished to comment on Eric Bibler's application to the Wood-Pawcatuck Wild & Scenic Rivers Stewardship Council. She indicated that she has lived in Hopkinton since 1983 and had met Mr. Bibler in 1988 when they purchased their property. She expressed her appreciation for Mr. Bibler wishing to maintain the rural nature of the town and believed he would be an asset to that Council. Ray Cox of Main Street stated that he had spoken with both Senators about assuring that there be three-foot wide shoulders on all state roads; however, he has not heard anything back from them. He felt there are too many road signs and the state should take some of that money and put it into the widening of the road shoulders. He also expressed his dislike for the yellow plastic fluorescent lighting on the telephone poles which he believes are litter. He indicated that he takes great pride in his property and he feels that the Town is becoming ugly. Mr. Bibler offered support for Steve Wiehl who has applied to the Planning Board, and believed Mr. Wiehl to be very intelligent, perceptive, hardworking, energetic and dedicated. Mr. Bibler also stated that during Carolyn Light's appointment as an alternate to the Planning Board, he believed there was a misconception regarding the Hopkinton Citizens' Group for Responsible Planning which both Carolyn Light and Steve Wiehl had contributed to. He stated that he had contacted the Ethics Board and read through numerous laws and ethics which mostly pertained to personal gain. He also advised that Attorney Donnelly had submitted a Memorandum regarding "grandfathering" and stated that they do not believe that the applications

regarding solar which were submitted prior to the Amended Solar Ordinance being approved should be grandfathered and required to be heard. He felt only people who enjoyed a right should be grandfathered to that right; people can't be vested in a right if they don't already enjoy it; and, all of the meetings that are being held for these solar applications are a waste of time. He urged the Councilors to review the memorandum which he felt would avoid the need to hear the nine applications that are currently pending. Mr. Bibler stated that he felt the number one priority of the Town Council should be to determine how they will proceed in this regard. Jeff Light of 43 Forest Glen Drive, Hope Valley stated that Mr. Bibler and Mr. Wiehl both have a passion for what they do. He also felt the Town Council should fortify its commitment to the Planning Board members and asked that the Town Council work together in this regard. Mrs. Turner of Stone Bridge Way indicated that she was very concerned on two issues, one being the super majority vote and the second being some of Mr. Bibler's statements. She stated that opinions are not law; the law is the law. Councilor Hirst stated that they do not need a super majority on the votes. Councilor Thompson stated that they possibly could have an answer at the April 22nd hearing. Mr. Bibler wished to have a written response, not a verbal response, to the super majority vote issue.

TOWN MANAGER REPORT

Town Manager William McGarry reported that on March 29, 2019 Town Planner Lamphere, Clerk Sean Henry, DPW Director Tim Tefft, engineering consultant Steve Cabral of Crossman Engineering and he inspected the newer and older landfills located on Stubtown Road to assess the feasibility of using the town-owned property for future solar development. The adjacent property owner, Mr. Crooker, was also present. Although RIDEM has basically confirmed the proper closure of the new landfill, Steve Cabral is going to prepare a brief proposal on what work needs to be done to prevent any further erosion of the landfill and this is a long term project. Town Manager McGarry also noted that on April 1st his office drafted an RFP for the sale of three police vehicles that are no longer used. An advertisement will be published on April 7th with bids due on April 26th and a bid award date scheduled for May 6th. All bid information has been posted on the

Town's website. Also on April 1st, Town Planner Lamphere and Geoff Marchant drafted an RFP for the Langworthy Field Improvement Project (Phase II) with the same applicable dates used as the police vehicle RFP. This project is funded through two RIDEM grants and CDBG funding. Lastly, during the first week in April he worked very closely with Solicitor McAllister in an attempt to resolve the ongoing administrative differences with RIDOH, which really seem to be a moot issue at this time now that they have approved the Town's application to become a licensed consecutive community water system which was given final approval in a letter dated March 11, 2019; however, they are still awaiting their response at this time.

Councilor Thompson asked if Geoff Marchant was still assisting in acquiring grants and Town Manager McGarry responded that he was, but for South County Consortium.

BOARDS & COMMISSIONS:

Historic District Commission

This matter was scheduled to discuss, consider and possibly vote on reappointment of Michael McNamara to the Historic District Commission.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO REAPPOINT MICHAEL MCNAMARA TO THE HISTORIC DISTRICT COMMISSION.

IN FAVOR: Hirst, Capalbo, Thompson

OPPOSED: None

SO VOTED

Tax Board of Review

This matter was scheduled to discuss, consider and possibly vote on the appointment of Elizabeth Goor to the Tax Board of Review. Mrs. Goor was interviewed on April 1, 2019.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPOINT ELIZABETH GOOR TO THE TAX BOARD OF REVIEW.

IN FAVOR: Hirst, Capalbo, Thompson

OPPOSED: None

SO VOTED

Recreation Commission

This matter was scheduled to discuss, consider and possibly vote on the appointment of Matthew LaBounty to the Recreation Commission. Mr. LaBounty was interviewed on April 1, 2019.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPOINT MATTHEW LABOUNTY TO THE RECREATION COMMISSION.

IN FAVOR: Hirst, Capalbo, Thompson

OPPOSED: None

SO VOTED

Planning Board Alternate

This matter was scheduled to discuss, consider and possibly vote on the appointment of Steven Wiehl to the Planning Board (Alternate).

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO MOVE THE DISCUSSION, CONSIDERATION AND POSSIBLY VOTE ON THE APPOINTMENT OF STEVE WIEHL TO THE PLANNING BOARD (ALTERNATE) TO THE NEXT COUNCIL MEETING.

IN FAVOR: Capalbo, Thompson

OPPOSED: Hirst

SO VOTED

PUBLIC FORUM

Ray Cox of Main Street asked about the status of the building of a new town hall.

Councilor Capalbo indicated that this has not been fully funded. Mr. Cox

suggested it might be cheaper for the Town buy the old greyhound building and renovate it. Councilor Thompson indicated that the building has too many major problems. Mr. Bibler asked if there was a commitment to provide a written response regarding a super majority vote. Solicitor McAllister stated that this was an issue pending in the Superior Court and he had previously given a confidential written opinion to the Council which he urged the Council not to require while there are two pending issues in the Superior Court. Mr. Bibler also stated that there is a petition being circulated in the town for landowner's rights which he believes one of the Councilors assisted in preparing. These land owners believe they should have the right to put solar on their RFR80 property; however, they do not. He didn't believe that the 3% idea pertained to residential properties and he believed that petition should be dismissed.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk