

State of Rhode Island

County of Washington

In Hopkinton on the fifth day of August 2019 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:15 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.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO CONVENE OPEN SESSION AND ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. 42-46-5(A) (2) PERTAINING TO POTENTIAL LITIGATION.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

Council President Landolfi reported that no votes were taken in Executive Session.

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

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

OPPOSED: None

SO VOTED

The meeting was call 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 CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO SIT AS A LICENSING BOARD.

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

OPPOSED: None

SO VOTED

SPECIAL EVENT PERMIT

The Council opened a hearing on an application for a Special Event Permit filed by Jennifer Johnson of Holly Tree Campground to hold one musical entertainment event for their campers on the following date: Saturday August 31, 2019. The event will be held in the Camp Pavilion at Holly Tree Campground located at 109 Ashaway Road, Ashaway, RI 02804 from 6:30 PM to 10:30 PM. The event is not open to the public.

Jennifer Johnson was present. The application was complete, no waivers were requested. No one from the public spoke in favor, or in opposition to the Special Event Permit.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE SPECIAL EVENT PERMIT FILED BY HOLLY TREE CAMPGROUND.

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

OPPOSED: None

SO VOTED

MULTI EVENT PERMIT

The Council opened a hearing on an application for a Multi Event Permit for a series of three free Music in the Valley Concerts filed by Christine Anderson on behalf of the Friends of the Hopkinton Land Trust scheduled for Saturday, July 13, 2019, Saturday, August 10, 2019 and Saturday, September 14, 2019 from 4:00

PM to 7:00 PM to be held at Depot Square Park, 1 Mechanic Street, Hope Valley, RI 02832 identified as AP 27 Lot 176. (This is a continued matter).

Martin Bide was present representing the applicant. The application was complete and included waiver requests. No one from the public spoke in favor, or in opposition to the Special Event Permit.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE MULTI EVENT PERMIT; TO GRANT THE WAIVER REQUESTS AND AUTHORIZE PAYMENT OF THE \$92.25 ADVERTISING FEE FROM COUNCIL CONTINGENCY.

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

OPPOSED: None

SO VOTED

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

FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE CONSENT AGENDA AS

FOLLOWS: Approve Town Council Meeting Minutes of July 15, 2019;

Executive Session Minutes of July 1, 2019; Set September 3, 2019 as the first

meeting in September due to Labor Day Holiday; Approve abatements resulting

from tangibles, motor vehicle and real property adjustments (2016, 2017, 2018,

2019) submitted by the Tax Assessor; Approve refund as a result of overpayment

of 2018 motor vehicle payment submitted by the Tax Collector; Approve petition

of National Grid & Verizon for a joint pole and anchor on Woodville Road.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joseph Moreau of Old Depot Road wished to thank the Department of Public Works for working in the hot weather on cutting down the dead trees on Woodville Alton Road. He also indicated that he had been doing some research on the Town's website and in reviewing the Conservation Commission noted that the only thing they had posted were agendas; there were no Minutes of any meetings. He advised that this Commission had a budget of \$4,500 and he would like to know where that money is being spent. Clerk Cook-Martin stated that all Boards and Commissions were filing their Minutes on the Secretary of State's website and if the Council wished she would reach out to Mr. Scheib, the IT Director, and ask that the Minutes be posted to the Town's website. Mr. Moreau then went on to state that there continue to be issues with the Town calendar. Most recently, the Planning Board meeting for Wednesday, August 7th indicated that it would be held at the Town Hall but in fact was to be held at the Chariho Middle School auditorium. He advised that residents are looking to the Town's website for information and they do not want to look at the Secretary of State's website. Clerk Cook-Martin stated that once an agenda is filed with the Secretary of State a link is automatically posted on the front page of the Town's website and if you click on the link, it brings you to the agenda on the Secretary of State's website. Mr. Moreau didn't feel this was good enough and asked that it be posted on the town's website. He also felt that the website should indicate who is sitting on Boards and Commissions. His third point was the rescheduling of solar meetings and he believed that Atlantic Solar had rescheduled five times. He stated that when an application is submitted, the clock starts ticking for the Town where they have 45 days, then 90 days, etc. It was his opinion that the same should be true for the developer; they should not be allowed to continue to postpone hearings. Mr. Moreau stated that he had tried to obtain revenue for the Town and help the Town; however, he could not get the matter of the Stubtown Road dump on the agenda; and, he also spoke about using flagpoles to obtain revenue for the Town by having cell phone carriers' hook up to the flagpoles, but he hasn't heard a word about any of this. His point is that Steve Wiehl was one of

the first residents to speak on the Old Depot Road project and he brought up the point of the unfairness of the whole process. Mr. Moreau believes the problem is that it has gotten worse since then and there is no easy way to get information. He asked how he would go about finding out who was on Boards and Commissions. Council President Landolfi advised him that he should check with Clerk Cook-Martin. Eric Bibler stated that Clerk Cook-Martin has been incredibly responsive with every request that he has made and he did not believe this was an issue of the Town Clerk. He also stated that he has never seen a Town website that did not list the members of Boards and Commissions or state what their function is; and, typically for every committee to have a contact email. He also stated that the Council should require all Boards and Commissions to post their minutes to the Town's website. Mr. Bibler stated that he reviewed the agendas of the Conservation Commission and found that wind and solar energy development were standing agenda items and he found this odd because commercial wind and solar energy are manufacturing activities and the production of wind and solar energy is a commercial activity which has nothing to do with conservation. He believed that the Conservation Commission is outside of the boundaries of their function by doing this. He also felt that they have spent a lot of time over the last two years working on ordinances or proposed ordinances regarding green energy, and what was most troubling to Mr. Bibler was that in January of 2018 there was a workshop between the Town Council and members of the Conservation Commission and one of the invited guests was the largest industrial wind energy operator and developer in the State of Rhode Island. Then in January of 2019 this same head of business development or green energy, was the invited guest of the Conservation Commission to speak about a wind turbine ordinance and the formulation of the same. How is it that the Conservation Commission is inviting commercial developers in to talk about developing land? He believes they are going beyond the boundaries of the Commission and it is not very easy on the Town's website to find out what they are up to. Mr. Bibler went on to state that he had recently made some record requests, some dating back several months, which he believed were for public records that were refused to him. His impression was that the Town Clerk was urged to consult with the Solicitor

regarding his record requests and the Town Clerk after consulting with the Solicitor refused him certain items. He explained that one category of record request which was refused had to do with one of the solar projects where there was quite a bit of correspondence back and forth with the developer in between the dates of the public hearing. He had an issue with that and he requested copies of any and all correspondence between the developer and any Town Council members and he was refused. The explanation cited was a section of the law that basically says that correspondence between Councilors and individual constituents are not public records. He felt that correspondence between developers who are proposing development in the Town which are addressed to Council members in their official capacity and are negotiating with them the terms of approval of the project, are not covered by that provision. Also, the Town Council as a body received a letter from the Rhode Island Home Builders Association; which he hasn't seen, but it is his understanding that the General Counsel of the Rhode Island Home Builders Association laid out some concerns to the Town Council suggesting that some of the activities that they were doing were not entirely legal. Those actions that were flagged by this trade association were some of the same actions that he had protested about personally that the Town Council had engaged in. Mr. Bibler asked how this letter could be secret when it was addressed to the Town Council as a body and he requested reconsideration of this decision. Lastly, Mr. Bibler spoke about the Council vote which made Hopkinton a Second Amendment Sanctuary; he indicated that this issue is a divisive one and he asked that the Council reconsider the Second Amendment Sanctuary proclamation. He noted that Council President Landolfi had an interview with a radio host in which the radio host raised a question that Mr. Bibler thought was very on-point, which was why would you want to brand your town in this manner on such a divisive issue knowing full well that even if a slim majority of the members of your town favored such a thing there is certainly a very large majority that do not want this. This serves no purpose except to flame people's passions about this subject and he felt this had no place in local politics. Steve Wiehl of Old Depot Road spoke concerning the Second Amendment Sanctuary proclamation which the Council passed and injected that

less than 48 hours after this vote, there was another mass murder that was committed. He requested that the Council bring this issue up again and reconsider the same and at best he felt this should be a Town vote on an election ballot.

Tammy Walsh of Woodville Road reported that she had gone into the Town Hall to request information and Clerk Cook-Martin had been wonderful and extremely helpful and she was very appreciative of this. She agreed with Mr. Bibler that there should be a landing page for Boards and Commissions and if there were openings to these Board and Commissions, to include whatever was needed to apply.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported that since the deregulation of electricity people can choose their electricity supplier. He stated that these contracts do not cost anything; all they ask for is your address and your National Grid account number. When his contract expired he was paying about 18 cents a kilowatt for supply and he just signed new contract at .985 per kilowatt hours and he is expecting to save approximately \$60.00 a month.

Councilor Thompson asked who is called if there was a problem and he indicated that he still calls National Grid. Joe Moreau indicated that he used a different company and agreed with Council President Landolfi that this was a money saver and National Grid was still contacted if there was a problem. Council President Landolfi advised anyone interested who had questions, to contact him.

TOWN MANAGER REPORT

Town Manager William McGarry reported that on July 10, 2019 he convened a meeting with Vin Ragosta, the Town's labor attorney, Richmond and Hopkinton staff, and Hopkinton Union representatives to discuss a possible shared services agreement for the position of a Building Official. Because of a lack of availability of certified building officials in the State, this initiative seemed to make pretty good sense. A second meeting has been scheduled for August 19th in Richmond which will include the Solicitors, Managers and Finance Directors from Hopkinton and Richmond to work on finalizing a contract between the two Towns.

Councilor Davis asked if the time would be split fifty percent per town and Town Manager McGarry indicated that the current proposal is sixty percent to Hopkinton and forty percent with Richmond or 25 hours per week in Hopkinton and 15 hours per week in Richmond. Town Manager McGarry advised that on July 16th he met with Finance Director Brian Rosso, IT Director Chris Scheib, and three Cox representatives to discuss a complete upgrade on the Town's telephone system. Our current telephone system is now obsolete and Cox is requiring an upgrade to all current service programs. According to the numbers that Cox has shown them, they should see a savings of about \$2,000 a year and the service should be significantly upgraded. This system will be tailored to the Town's needs and serve the Town Hall, Thayer House, Crandall House and the Department of Public Works. Town staff met again on July 22nd to review and confirm the proposed internal telephone system needs which were then forwarded to Cox Communications for community plan development. It will take approximately six to eight weeks before the system is designed and thereafter installed. Lastly, Town Manager McGarry stated that on July 18th a meeting was held with engineers, Robert Hoffman and Steve Cabral; Town Planner Jim Lamphere; DPW Director Tim Tefft; Foreman Dave Caswell and himself regarding the newer section of the Town's former landfill. Mr. Hoffman showed the town officials exactly what type of remedial repair and maintenance work needed to be completed and where it had to be done as mandated by DEM. Hoffman Engineering is currently conducting some groundwater surface tests of the water on the site and it is going to be long road before they can determine what is in there and what remedial plans need to be conducted; and, thereafter, an evaluation of whether or not it is going to be feasible to put solar on town property. He believed this would be twenty-four to forty-eight months away.

PUBLIC FORUM

Luther Davis indicated that they have Cox Communications service their home and business and they had to purchase an extra battery box from Cox to put into the input that comes in from the street in order to maintain phone service if the power goes out. The line doesn't work without power and it doesn't work with the generator. Town Manager McGarry indicated that he would look into this

issue. Eric Bibler indicated that he had submitted information that was in the Town Councilors' packets which had to do with the upcoming hearings. He went over some of the information that he submitted, one of which was a lot of basic information from a website called National Wind Watch which included facts about all sorts of aspects about the technology, how big they are, how you transport them, etc. and he suggested that the Councilors were going to receive an avalanche of material in about two weeks. Mr. Bibler submitted a copy of what he had given them for the record. He also stated that he would send them a link to a 350 page document from Australia where there are a ton of wind turbines. There was a foundation established there to collect research and to make their own government officials aware of some issues. The Australian Senate convened a select committee on wind turbines and they returned a whole series of recommendations, which Mr. Bibler was providing to the Councilors. Mr. Bibler went on to state that he has been involved in this issue for ten years now and has met with Senator Richard Blumenthal who called for a moratorium in the State of Connecticut on wind turbine development. Senator Blumenthal said that this is a lawless industry, not meaning that they were breaking the law; just that there were no laws or regulations of any kind, and no understanding of what to do to try to regulate peoples' rights and keep them safe. Mr. Bibler stated that what was interesting about this document was that these recommendations are all geared towards describing a regulatory regime that did not exist in Australia and which does not exist in Rhode Island or the United States, for a national acoustic standard; but one of the things that figures prominently in the recommendations are all sorts of abilities to monitor and take enforcement actions and so forth. In the past when someone spoke about the issue of low frequency sound or infrasound, they were characterized as people wearing tin foil hats. This entire regime for Australia is prescribing a lot of research and a lot of mandatory investigation and compliance with standards for this low frequency sound which is where a lot of the harm comes from with wind turbines. Mr. Bibler indicated that there is no money to study these things, but in Wisconsin and Michigan it was found that the cows stopped giving milk. One of the things he had provided in the Councilors' packet was the regulations that had been obtained from Cape Cod. The Cape Cod

Commission, which is a highly regarded body that went through a lot of extensive work, established a setback provision of ten times the rotor diameter; so, for the wind turbines in Kingston that would be 3,250 feet. You cannot find a site in Cape Cod with a setback of 3,250 feet. He indicated that the State of Connecticut did have a meeting in 2011 or 2012 and the Connecticut legislature passed a temporary moratorium on wind turbine development in the entire state pending a formulation of adequate regulations. It was also concluded that the wind resource in Connecticut was extremely poor. He advised that on the first page of the packet that he submitted to the Planning Board is a document from the Rhode Island Department of Energy Resources which concludes that Rhode Island's wind resource is modest, and 95% of the wind resource in Rhode Island is off-shore. Mr. Bibler also stated that they have gone through numerous commercial solar proposals and a lot of the controversy regarding whether or not there is a place to put these turbines which makes sense from an energy policy standpoint because we want to encourage renewable energy; however, the other issue is revenue to the Town because we don't have much of an industrial base. They looked at solar projects which had huge footprints and generated 58 megawatts or 28 megawatts or 16 megawatts, etc. and the tangible end tax is \$5,000 per megawatt. A 400 foot wind turbine is a 1.5 megawatt machine; it is going to have a red beacon on the top which is going to flash all night long; it is going to produce noise that is going to travel well over a mile; it is going to produce flicker; it will be three or four times the size of a cell tower; and, if you have a clear view of the tower you will be able to see it from ten miles away. It is quite a stunning package of impacts, including health risks and the revenue to the town from one wind turbine would only be \$7,500 per year. If you put up three wind turbines that would compound the problems exponentially and the revenue doesn't go up that much. Joe Moreau of Old Depot Road stated that he had a friend that lives on Quidnick Reservoir in Coventry and there are six wind turbines in West Greenwich off of Route 102 near Saw Mill Farm. When his friends built their house twenty years ago, they built it so their bedroom and living quarters were all facing the reservoir and they would sit on their balcony and watch the beautiful sunsets across Quidnick Reservoir. Now if you look off to the

left there are seven red beacons or flashing lights from the wind turbines that he could see that were in West Greenwich. His friends had to install curtains in their bedrooms because they could not sleep with the red lights flashing in and they do not sit out on their balcony anymore. At the Planning Board meeting on Wednesday, Mr. Palmer's proposal will be heard. Mr. Moreau recently heard that Mr. Palmer owns several pieces of property in Voluntown, Connecticut and was wondering why he didn't put up a wind turbine there. Then he found out from Eric Bibler that Connecticut has a moratorium on wind turbines so it can't be built there. Steve Wiehl said as we approach another winter he is concerned about power outages and storms which leave the area of Old Depot Road without power for several days to a week at a time. He asked the Council if there was something they could do to get National Grid to go out and look at this area to see if there is some better setup that could be done for them. He stated that previously he lived in Maine for ten years and he has experienced more power outages in this town for that length of time than when he had been living in the mountains in Maine. Councilor Thompson asked if they could have the Public Works Director or workers look at the street and make a determination of what can be done and determine if this is a National Grid issue. Maybe there are trees or branches around the wires that could be trimmed or cut. Councilor Davis stated that this was not the case, National Grid turns the power back on based on population and they have too few residents. Mr. Wiehl stated that the wires run through trees to get to the poles because they are in a wooded area and he felt that it would be helpful to have the Department of Public Works come and view the area and the lines.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk