

State of Rhode Island

County of Washington

In Hopkinton on the third day of February 2020 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, Scott Bill Hirst, Barbara Capalbo, Sharon Davis; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin. Absent: Sylvia Thompson.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO CONVENE OPEN SESSION AND ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. 42-46-5(A)(1) INTERVIEWS – CHARIHO SCHOOL COMMITTEE.

POLL VOTE:

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

Councilor Thompson was present.

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

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

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, Davis, Thompson

OPPOSED: None

SO VOTED

The meeting was called to order with a moment of silent meditation and a salute to the Flag at 7:12 PM. The executive session had exceeded 30 minutes.

**CONSENT AGENDA**

The Town Council Meeting Minutes of January 21, 2020 were removed from the Consent Agenda.

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

FOLLOWS: Approve Executive Session Minutes of January 21, 2020; Set March 2, 2020 as a hearing date for a Special Event Permit filed by the Ashaway Sportsman’s Club for the annual Huck Finn Day; Approve tangible tax abatement resulting from duplicate billing submitted by the Tax Assessor.

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

OPPOSED: None

SO VOTED

Councilor Hirst noted in the January 21, 2020 minutes on page 8, fourth line from the bottom of the page, it stated forensic audit and he didn’t believe the term “forensic” had been used. Councilor Capalbo disagreed, stating that she did definitely state that she did not agree with a forensic audit. Councilor Hirst thereafter believed he made a mistake when he stated that the town rents out the schools for \$1.00 and believed it should be \$2.00, but the other Councilors advised him that he was correct in that the rent was \$1.00 per school.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF JANUARY 21, 2020 WITH NO CHANGES.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

ABSTAIN: Thompson

SO VOTED

**PUBLIC FORUM**

Attorney Steven Surdut was present acknowledging his intent to address the Centrica matter scheduled on the agenda.

### **COUNCIL PRESIDENT REPORT**

Council President Landolfi addressed the Chariho Regional School District Budget on his report for discussion purposes. He noted that the next meeting was February 11, 2020 to adopt the budget and supposedly they were to reduce the budget by \$1.2 Million Dollars, which remains to be seen. He has had email contact with Catherine Giusti; Jane Daly, Acting Superintendent; Finance Director Sue Rogers; as well as the Chairperson, Ryan Callahan and advised them that they should not wait until the last minute to make these reductions because they have had three meetings where no reductions were made; they made one reduction at one meeting and they are leaving everything until the last meeting. He asked them to schedule a supplemental meeting to go over the reductions requested by Catherine Giusti, but no one has replied to his email.

Councilor Hirst wished to acknowledge Council President Landolfi's leadership on this issue which he felt was very crucial to the operation of town government. He also noted that Councilors Davis and Capalbo are also following this process closely and he wished to thank them as well. Councilor Hirst advised that he would not vote to approve the budget unless they have included a management study in the budget. Councilor Thompson mentioned that she wished Council President Landolfi to follow-up on a question which she has asked every year, which was how many people are retiring, for new hires will start out at a lower income rate. She wished him to ask, over the past five years, how many employees have been put into the budget and how many have actually retired.

### **OLD BUSINESS**

#### **CENTRICA BUSINESS SYSTEMS**

This matter was before the Town Council to discuss, consider a motion, and possibly vote on whether to provide written notice to Centrica Business Systems and other listed applicants concerning the Town Council's intention to impose a deadline and possible conditional dismissal date for the pending Zone Amendment and Comprehensive Plan Future Land Use Map Amendment applications for the below-listed properties, as requested by Councilor Davis

following receipt of correspondence from applicants' Attorney, Steven Surdut, Esq., dated January 14, 2020 (received by the Town Clerk on January 21, 2020) in response to the January 7, 2020 letter from the Town Clerk writing on behalf of the Town Council requesting a status report on the below-listed applications.

c. Maitland Fothergill, 10A Crandall Lane; AP 2, Lot 001;

and,

d. Fated Farmer, 0 Wich Way; AP 7, lot 20.

Councilor Davis read a portion of Attorney Surdut's response letter dated January 14, 2020: "C. Fothergill Project. This Project has been delayed due to a number of deaths family and the impact on the chain of Title and ownership, which have had an impact on the developer's ability to move forward despite the best efforts of the developer. As soon as these issues are resolved we will move forward." Councilor Davis felt that their recommendation should be to dismiss this project immediately. "D. Wich Way: This project is currently awaiting interconnection permitting at the regional level to determine viability. As soon as we have more information we will move forward." Councilor Davis requested that the Town Council ask the developer to have National Grid send them a letter by February 17, 2020 stating where this project is in the pipe-line of projects waiting for interconnection viability letters and a projected date from National Grid that this project will receive a pre-approval viability letter. Council President Landolfi explained that he had spoken with the Town Solicitor who felt that they should give the applicants ninety days to either move forward or not. He also mentioned that out of the four applications that had been questioned, one would be withdrawn and one would convert to a farm viability project. Councilor Thompson felt that this had gone on for too long, but the Council had allowed it to happen. She felt that they should give the applicant a deadline of thirty days to schedule a hearing or not. Councilor Hirst felt that sixty days would be appropriate and Councilor Capalbo agreed with sixty days for this would give the Council time to finish the school and town budgets.

Attorney Steven Surdut clarified that the deaths in the Fothergill family have created a probate situation. The primary landowner had passed away and then the executor of the estate had passed away. He felt that they could move forward on

their application if given ninety days. Councilor Davis questioned whether this could be done within sixty days. Solicitor McAllister advised that this could not be done tonight and they are in unchartered territory, noting that he had researched this issue and reviewed the statute. He noted that there has to be some due process invoked, such as written notice sent to the applicants giving them a reasonable deadline with conditions that have to be met. He felt thirty days was not reasonable; ninety days would be reasonable; and, sixty days was right on the edge. He believed ninety days would hold up in court but was unsure whether sixty days would. Councilor Thompson reiterated that they could provide written notice to the applicants giving them ninety days and agree to do that tonight; Solicitor McAllister agreed and noted that they could also add that if nothing is done by that time the matter would automatically be dismissed. Solicitor McAllister suggested the Council could provide each applicant a period of no more than ninety days in which to formally withdraw its original request for the town to delay the processing of these two applications and to require each applicant, by that point, to initiate forthwith the Planning Board and Town Council proceedings set forth in R.I.G.L. 45-24-51 for consideration, requesting amendments to the zoning ordinance and to the future land use map to the comprehensive plan. Should either applicant fail to meet that ninety day deadline, the Council can vote that each noncompliant application would be dismissed automatically as of that date without further action of the Council.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO SEND NOTICE TO CENTRICA BUSINESS SYSTEMS, GIVING EACH APPLICANT A PERIOD OF NO MORE THAN NINETY (90) DAYS IN WHICH TO FORMALLY WITHDRAW ITS ORIGINAL REQUEST FOR THE TOWN TO DELAY PROCESSING OF THESE TWO APPLICATIONS AND TO REQUIRE EACH APPLICANT TO INITIATE FORTHWITH TO THE PLANNING BOARD AND TOWN COUNCIL PROCEEDINGS SET FORTH IN RIGL SEC. 45-24-51 FOR CONSIDERATION OF THE REQUESTED AMENDMENTS TO THE ZONING ORDINANCE AND TO THE FUTURE LAND USE MAP OF THE

COMPREHENSIVE PLAN; SHOULD EITHER APPLICANT FAIL TO MEET THAT NINETY (90) DAY DEADLINE, THE COUNCIL CAN VOTE THAT EACH NON-COMPLIANT APPLICATION WOULD BE DISMISSED AUTOMATICALLY AND WITHOUT ANY FURTHER ACTION OR VOTE OF THE COUNCIL.

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

OPPOSED: None

SO VOTED

**CHARIHO AUDIT SUBCOMMITTEE FOLLOW UP LETTER**

This matter is a continuation of discussion of Chariho School Committee's December 10, 2019 Action on its Audit Subcommittee's November 21, 2019 recommendations regarding Chariho draft audit report, and consideration and possible motion and vote to send further correspondence to the Chariho School Committee discussed on December 16, 2019, including but not limited to a possible follow up letter to Chariho School Committee. Requested by Council Vice President Hirst.

Councilor Hirst believed they should support a more detailed audit for the advice that the Audit Subcommittee received was to obtain a more detailed audit.

Councilor Davis agreed that there needed to be a management study and Councilor Hirst explained that this was a request for a more detailed audit in addition to the management study. Councilor Capalbo indicated that she is against the audit and did not feel that this was what the Chariho Audit Subcommittee had requested.

She felt they wished the auditor to add language to the management letter to include a periodic risk management review policy, which she felt would be valuable. Councilor Thompson was in favor of an independent audit as part of the overall risk management program. She notes that when leadership changes, when finance officers change, an audit should be performed; and, the auditor agreed that this is important; she believed what was needed was not a forensic audit but to look at their overall risk management and perform a safety audit. She felt if they decide to do this they should make sure that Richmond and Charlestown understand their reasoning. Councilor Capalbo believed there should be an efficiency study, which was not an audit, and she felt a risk management policy

was a good idea. Council President Landolfi felt they should ask for an independent audit due to the fact that the financial manager is leaving in March and there is an interim Superintendent. There is a question of who will pay for this audit and Council President Landolfi assumed it should be Chariho.

Dorothy Gardiner of the Audit Subcommittee indicated that during their meeting, Mr. Wilkinson agreed that there should be an overall risk management program. She felt an independent audit was called for even if the towns had to pay for it. Councilor Capalbo asked Ms. Gardiner if the School Committee had complied with the Audit Subcommittee's request for receipt of a legal letter and whether they had made the requested language changes. Ms. Gardiner did not believe so and stated that she had never received a letter from an attorney nor a management letter. Ms. Gardiner advised that the minutes of the Audit Subcommittee meeting were sent to the School Committee so that they would know that there were supposed to be two letters appended to their report.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO FOR THE HOPKINTON TOWN COUNCIL TO SEND A LETTER TO THE RICHMOND AND CHARLESTOWN TOWN COUNCILS URGING THEM TO AGREE THAT AN INDEPENDENT AUDIT/STUDY, AS PART OF AN OVERALL RISK AND EFFICIENCY MANAGEMENT ASSESSMENT PROGRAM, BE DONE ESPECIALLY WHEN THERE ARE LEADERSHIP CHANGES AND WHEN FINANCE OFFICERS LEAVE THE CHARIHO REGIONAL SCHOOL DISTRICT.

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

OPPOSED: None

SO VOTED

#### **BOARDS-COMMISSIONS-COMMITTEES**

##### **CHARIHO SCHOOL COMMITTEE**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPOINT DAVID STALL TO FILL THE VACANCY AND SERVE AS HOPKINTON'S REPRESENTATIVE ON THE

CHARIHO SCHOOL COMMITTEE UNTIL NOVEMBER, 2022; Discussion on the motion:

Councilor Capalbo was very impressed with Mr. Stall, who has five children in the school system. He is a resident of Ashaway; the Pastor of the First 7<sup>th</sup> Day Baptist Church; well-spoken and interesting; and, she felt he will be a wonderful addition to the School Committee. Councilor Hirst was proud that Mr. Stall was appointed and felt he was a leader and will be an asset for Hopkinton. Councilor Thompson believed Mr. Stall knew about the residents and taxpayers' needs and would have their best interest in mind. Council President Landolfi was impressed by Mr. Stall's interview and noted that the only reason why he wouldn't support him was because another candidate had asked for his support; however, if there was not enough support to appoint him, he would certainly have supported him.

Vote on the motion:

IN FAVOR: Hirst, Capalbo, Davis

OPPOSED: Landolfi

ABSTAIN: Thompson

SO VOTED

#### **PUBLIC FORUM**

Louanne McCormick of Lisa Lane spoke about the Skunk Hill Road solar project and the three Councilors who had voted yes. She indicated that one comment she heard over and over was that the town needed the money, and asked if an individual needed money and they robbed a bank, would that be okay? She felt that the fact that the town needed the money did not make it okay to spot zone. She stated that during the prior solar workshop, Councilor Thompson had stated that she did not understand why people were saying that they did not understand why the Council was doing this; people were asking why the Council ignored the unanimous Planning Board opinion; why did the Council involve themselves in the planning process; why did they spot zone an area so close to neighborhoods; and, why did they vote to put these projects in without having an adequate understanding of the decommissioning that was going to be involved. Ms. McCormick indicated that her biggest issue with Councilor Thompson was when she held up the green certified mail receipt that the abutters received with their

notification of the meeting, and told the residents to make sure when they received that notice to come to the meeting. She asked what good did that do the residents of the Skunk Hill project? The residents did come to those meetings and voiced their concerns but it did no good. Council President Landolfi asked Ms. McCormick to stop, noting that he felt she was attacking Councilor Thompson. Councilor Davis felt she should be heard. Ms. McCormick stated that she felt Council President Landolfi was making it more difficult for the residents to express their difficulties with what is going on.

Denise Marvel of 120 Woodville Alton Road agreed with Ms. McCormick when she stated that it had been insinuated that if the residents of the Maxson Hill Road project had come to the Council meetings and expressed concern about solar coming in, that it might have made a difference. She believed this would not have made a difference, such as with the Skunk Hill solar project where the residents did come out and begged and pleaded with the Council to deny that project. She felt that when residents come up to speak at public forum they should not be interrupted. Councilor Thompson explained that if people responded to the certified mailings, it might not stop the Council from voting for a project, but the residents could make their concerns known which in turn would assist the Council in making changes so that the project may not impact them so dramatically.

Councilor Capalbo added that the 310 Main Street project was the first approved solar project and there was a learning process; they realized that they had made some mistakes and have tried to correct them.

Joe Moreau of Old Depot Road felt that they were sugarcoating the word “audit” and advised that he agreed with Ms. Gardiner that an audit keeps people honest. When he hears the word “study” he thinks of efficiency. People should realize that they have to be held accountable. Also, regarding the solar applications, he believed the developers need deadlines. The pending applications were submitted prior to the new solar ordinance being adopted, even though they were not ready to be processed and that should not be allowed. He also wished to thank the Finance Director, Town Solicitor and Council members who worked on the Chariho budget and went to the Chariho budget meetings. He noted that it was like crickets in that room when they listened to Hopkinton’s representative

disputing some of the numbers. He noted that very few people had attended the town's budget meetings in the past and believed this year's budget will be different as the Palmer Circle solar project and the Alton Bradford Road project should be up and running in the very near future. Mr. Moreau suggested that he would like to see on the upcoming budget, a separate line item for solar and underneath that list Palmer Circle and list the revenue and expenses; and do the same thing for each solar project that comes up. This way the residents can see what the revenue is and if it is what was promised, as well as if there are expenses tied to these projects. His concern is that the Town will not be monitoring what is received to assure that it is what was promised. Council President Landolfi advised that there are no expenses involved with these projects. Mr. Moreau mentioned the Palmer Circle project which will need to redesign their drainage for the third time and suggested that they have left debris in the cul-de-sac.

Councilor Capalbo noted that this is a construction site and felt that the Town Planner, James Lamphere, would be in charge of that.

Ron Prellwitz of 278 Main Street spoke regarding the school budget and indicated that he would like to know where money is being spent. He believed an outside audit or study is always a good thing. He also felt that people should do their own research concerning solar and not just listen to the lobbyists.

**ADJOURNMENT**

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk