

State of Rhode Island

County of Washington

In Hopkinton on the sixth day of July 2020 A.D. the said remote 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, Sylvia Thompson; Town Manager William McGarry were present in the Meeting Room; Barbara Capalbo, Sharon Davis; Town Solicitor Kevin McAllister and Town Clerk Elizabeth Cook-Martin attended remotely.

This meeting was held remotely. Instructions for participating remotely were included on the Town Council Agenda.

PETITION FOR AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND A ZONING ORDINANCE AMENDMENT

This matter had been scheduled to open a hearing to consider an amendment to the Hopkinton Comprehensive Plan Future Land Use Map and the Hopkinton Zoning Ordinance, filed by Centrica Business Solutions, 1484 Candlewood Road – Suite T-W, Hanover, MD 21076 and Maitland Fothergill, 16 Wollen Drive, Cumberland, RI 02864 for property located at 10-A Crandall Lane #B, Ashaway, RI 02804 identified as Plat 2, Lot 001, an RFR-80 Zone.

The applicants propose to construct a 3.9± MW DC ground-mounted solar installation on 15.32± acres of property on Assessor's Plat 2, Lot 001. The proposal to utilize the property will require approval of the proposed Comprehensive Plan Future Land Use Map Amendment from Low-Density Residential to Commercial and a Zoning Classification Amendment from RFR-80 to Commercial.

Council President Landolfi noted that a continuance had been requested by the applicant's attorney, Steven H. Surdut, who wished this matter be postponed until it could be heard in person and not remotely. Solicitor McAllister noted that Attorney Surdut had indicated that he wished this matter to be rescheduled to

some unknown date when the Town Council was back to normal meetings with an audience in the meeting room. Mr. McAllister noted that when a new date is selected, this matter will need to be re-advertised and certified mailings sent to all abutters again. Councilor Hirst stated that he was very disappointed because a lot of people were very interested in this proposal and he felt that the applicant and attorney should have requested a postponement much sooner. Councilor Thompson noted that the application was filed in January of 2019 and she was not willing to postpone this matter indefinitely; she wished to pick a date to continue this matter to and advise the attorney that there would be no more extensions. She believes they should have 90 minutes to present their proposal and the public could have 90 minutes to speak. Councilor Hirst agreed with Councilor Thompson and felt this continuance was an insult to the town. Councilor Davis also agreed with Councilor Thompson and suggested they pick a continuance date tonight. Councilor Capalbo indicated that she understood Councilor Thompson's perspective and generally agreed with it; however, she suggested setting a date in August. She believed it was important for the citizens to be present at these meetings which involve them directly and suggested using the auditorium at the high school where they could seat people six feet apart. She was unsure if they could allow a time limit on how long people could speak. Solicitor McAllister noted that the Council could continue this meeting for it noted that possibility on the agenda; however, he did not believe they could put a time limit on the application for this was not noted on the agenda and therefore would violate the Open Meetings Act. He believed that if they did wish to limit the time of testimony they could put that on an agenda prior to the hearing date; however, the applicant is entitled to make a reasonable presentation. There was discussion amongst the Councilors as to the date of the hearing and whether it would be held at the school or town hall.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO CONTINUE THE HEARING OF CENTRICA BUSINESS SOLUTIONS, 1484 CANDLEWOOD ROAD – SUITE T-W, HANOVER, MD 21076 AND MAITLAND FOTHERGILL, 16 WOLLEN

DRIVE, CUMBERLAND, RI FOR PROPERTY LOCATED AT 10-A
CRANDALL LANE #B, ASHAWAY, RI AND RESUME THE PUBLIC
HEARING ON AUGUST 17, 2020 AT THE TOWN HALL.

Solicitor McAllister noted that they had not commenced this hearing and the motion should be reworded.

Councilor Thompson withdrew her motion, which was seconded by Councilor Hirst.

Councilor Capalbo wished to attempt to have this meeting in person and noted that some people could attend by phone if they preferred.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED
BY COUNCILOR DAVIS TO RESCHEDULE THE PUBLIC HEARING OF
CENTRICA BUSINESS SOLUTIONS, 1484 CANDLEWOOD ROAD – SUITE
T-W, HANOVER, MD 21076 AND MAITLAND FOTHERGILL, 16 WOLLEN
DRIVE, CUMBERLAND, RI FOR PROPERTY LOCATED AT 10-A
CRANDALL LANE #B, ASHAWAY, RI TO AUGUST 17, 2020 AT THE
TOWN HALL.

IN FAVOR: Landolfi, Hirst, Thompson, Davis

OPPOSED: Capalbo

SO VOTED

CONSENT AGENDA

The Special Town Council Meeting Minutes of June 25, 2020; Town Council Meeting Minutes of June 15, 2020; Special Town Council Meeting Minutes of June 11, 2020; Special Town Council Meeting Minutes of May 13, 2020; Financial Town Assembly Minutes of May 5, 2020 were removed from the Consent Agenda.

Councilor Hirst noted that he was not in attendance at the Financial Town Assembly and therefore he would need to abstain from voting on those minutes. Regarding the Town Council Meeting of June 25, 2020, Councilor Hirst noted that on pages 1 and 2 it should refer to Hope Valley Ambulance as “Squad” and not “Association”. Council President Landolfi noted on page 2, first paragraph, last sentence it indicated that he said there had been additional runs; however,

there were not additional runs and that was why they were running into cash flow issues. There were limited runs by the Ambulance Corps. Councilor Capalbo noted in the first paragraph on page 2, that it should read that Councilor Capalbo doubted that this would be an ongoing issue and not an ongoing expense for they had not used the contingency fund in full for many years. This was an anomaly because of COVID. Councilor Thompson felt that the minutes should reflect what was said at the meeting, even if it was incorrect.

Regarding the Town Council Meeting Minutes of June 15, 2020 and Special Town Council Meeting Minutes of June 11, 2020, Councilor Hirst had no corrections.

Councilor Hirst noted on page 5 of the Special Town Council Meeting Minutes of May 13, 2020, “councilor” was spelled incorrectly.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Refund resulting from overpayment of 2019 real property taxes by the taxpayer submitted by the Tax Collector.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve a 7th Declaration of A Local Emergency from July 6th through August 3rd, 2020.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE SPECIAL TOWN COUNCIL MEETING MINUTES OF JUNE 25, 2020 WITH CORRECTIONS.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF JUNE 15, 2020; SPECIAL TOWN COUNCIL MEETING MINUTES OF JUNE 11, 2020 AND SPECIAL TOWN COUNCIL MEETING MINUTES OF MAY 13, 2020.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE FINANCIAL TOWN ASSEMBLY MINUTES OF MAY 5, 2020.

IN FAVOR: Landolfi, Capalbo, Thompson, Davis

ABSTAIN: Hirst

OPPOSED: None

SO VOTED

PUBLIC FORUM

Jeff Light of 43 Forest Glen Drive felt it was ridiculous to base town business on an applicant's desired type of meeting. He noted that this application had been pending for a year and a half and to keep postponing it seems like a waste of time. Tim Ward of 42 River Road suggested that he represented an abutter who lives at 20 Amelia Street and felt that it was unfair to the abutters to postpone this matter once again. He noted that the applicant and their attorney did not have a problem presenting their proposal to the Planning Board via the telephone and to call postpone this matter at the last minute shows a disregard for the abutters in the same way that the change of plans led to a disregard of the abutters. He wished for the Town Council to request the project managers and attorneys for these solar projects to put together in-depth Power Point presentations to be accessible via the town's website, for members of the audience to view while the applicant is giving their presentation. Rob Henninger of 24 Edgewood Avenue thought it was ridiculous that concessions were being made for this company who could not seem to get their act together. He felt that it was quite obvious that this project

was not wanted in town and this company especially seemed to have a lot of issues with being able to do things correctly. Joe Moreau of Old Depot Road wished to thank the Town Clerk and IT Director who have done a wonderful job with the Zoom meetings. He also wished to thank the Town Manager, Town Planner and anyone else involved in the Stubtown Road project. He also stated that previously when they were discussing the Chase Hill Road solar project, Chip Heil had wanted a face-to-face meeting which could not be done because of COVID and the Council had set a date for August 3, 2020. Lastly, he noted that Attorney Surdut also represents the Cherenzia solar project which has been delayed many times and he felt enough was enough. Sherri Desjardins, Deputy Zoning Official spoke concerning the Fothergill solar site and noted that the applicant had never received a Zoning Certificate for this project. Councilor Hirst thanked Ms. Desjardins for letting the Council know and felt this showed a blatant disregard for town government and the Council personally. Ms. Desjardins also noted that there are property code maintenance issues with this site and noted that they had received complaints which they had attempted to address and had sent letters to the Fothergills, who have given them the run-around. She was not sure how this had gotten to development plan review at this point. Council President Landolfi thanked her for bringing this to their attention and noted that he would have the Town Manager, Planner or Solicitor look into it. Don Coleman of 946 Main Street agreed with Mr. Henninger and others, that it seemed like this company did not have any respect for the residents' time or the town, and they should not keep enabling them and letting them drag this out. He felt that they should be given a deadline in which to submit everything needed or be made to start the process over again.

COUNCIL PRESIDENT REPORT

Council President Landolfi noted that all three towns had passed the Chariho School budget and was proud of the Council and the town administration for charting our own path to getting this budget voted on by the taxpayers and residents of the town with enough time to set our own tax rate and tax levy.

NEW BUSINESS

ADJUST OFF UNCOLLECTABLE TAXES FOR TAX YEAR 2004-2009 FOR THE TOTAL AMOUNT OF \$11,100.72 SUBMITTED BY THE TAX COLLECTOR

Mary Lynn Caswell, Tax Collector, explained that the town could not collect taxes that were ten years or older.

Councilor Davis wished to know if there was a line item in the budget for the write-off and Ms. Caswell stated she did not believe so. Councilor Capalbo noted the collection rate was set at 97%, leaving 3% for possible uncollected taxes for they know there is a certain percentage that may not be collected.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO ACCEPT THE TAX COLLECTOR'S RECOMMENDATION TO ADJUST OFF UNCOLLECTIBLE TAXES FOR TAX YEARS 2004-2009 FOR TOTAL AMOUNT OF \$11,100.72.

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

OPPOSED: None

SO VOTED

AUTHORIZE TOWN OF HOPKINTON TO ISSUE A REQUEST FOR PROPOSALS FOR COMPETITIVE BIDDING TO POSSIBLY LEASE TO ONE OR MORE PRIVATE DEVELOPERS THE FORMER TOWN LANDFILL SITE PARCEL LOCATED AT 0 STUBTOWN ROAD AND DESIGNATED AS ASSESSOR'S PLAT 13, LOT 27, PHASE II (NEW SECTION) OWNED BY THE TOWN OF HOPKINTON, IN ORDER TO STUDY, DESIGN AND POSSIBLY CONSTRUCT A PHOTOVOLTAIC SOLAR ENERGY SYSTEM (PSES) SOLAR INSTALLATION ON THE SITE.

James Lamphere, Town Planner, noted that this agenda item was prompted by a discussion with RI DEM and the Office of Energy Resources on June 22, 2020. During that conversation it was suggested by the Office of Energy Resources that in an effort to facilitate the development of this site for a solar array, the town should, as soon as possible, send out an RFP and enter into some sort of relationship with a solar developer. In the interest of establishing a solar development at that site they contacted DEM to get a meeting of the minds as to where the closure of the landfill stood. DEM suggested there were seven items that the town needed to complete in order to bring the closure into compliance and they were still working on those issues. He agreed that a relationship with a solar developer would show that the town is sincere about placing a solar array at the site and it also would enable the town to transfer the costs that it was incurring on a daily basis to a solar developer. Whether the town goes forward with a solar

array or not, it is still going to have to maintain that site in compliance with the state, which is quarterly ground water monitoring at a cost of \$2,500 a quarter and other costs such as maintaining the cap. He suggested that right now we have an asset that is non-performing; however, if we can generate some funds it may allow us to deal with Phase I of the landfill which is still open.

Councilor Thompson advised that this was exactly what they had discussed years ago with Tony Delvicchario. You have the developer do all of the work and the town can reap the rewards. Councilor Capalbo agreed with Councilor Thompson and felt this was the right way to move forward. Councilor Davis also agreed this was an appropriate place for a solar array. She questioned Mr. Lamphere as to how many megawatts this site might produce. Mr. Lamphere did not know but indicated that they would have a better idea of that when the responses were received from the RFP. Councilor Hirst noted this was the only potential use they would have for this landfill property and he would be in favor of solar at this site. Town Manager McGarry agreed with Mr. Lamphere and the Councilors and suggested this site will be very expensive for the town if nothing is done with it. He noted that there were two issues that will need to be considered: (1) this property will require a zone change for it is currently zoned RFR80; and, (2) there is a general misunderstanding that because this will be a solar project on town property, that there is an exemption in the ordinance for that, which is incorrect. It would still have to go to the Planning Board and all the other specific aspects of the ordinance would apply. Then it would have to go from the Planning Board to the Town Council.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE THE TOWN OF HOPKINTON TO ISSUE A REQUEST FOR PROPOSALS FOR COMPETITIVE BIDDING TO POSSIBLY LEASE TO ONE OR MORE PRIVATE DEVELOPERS THE FORMER TOWN LANDFILL SITE PARCEL LOCATED AT 0 STUBTOWN ROAD AND DESIGNATED AS ASSESSOR'S PLAT 13, LOT 27, PHASE II (NEW SECTION) OWNED BY THE TOWN OF HOPKINTON, IN ORDER TO

STUDY, DESIGN AND POSSIBLY CONSTRUCT A PHOTOVOLTAIC SOLAR ENERGY SYSTEM (PSES) SOLAR INSTALLATION ON THE SITE.

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

OPPOSED: None

SO VOTED

ZONING ORDINANCE DISTRICT USE TABLE FILED BY ALBERT I. HAWKINS, 20 LAUREL AVENUE, WESTERLY, RI 02891 FOR PROPERTY LOCATED AT 813 MAIN STREET IDENTIFIED AS AP 14 LOT 47, A MANUFACTURING ZONE TO ADD A USE CATEGORY ENTITLED “MEDICAL MARIJUANA COMPASSION CENTER STATE OF R.I. REGULATED”

This matter was before the Town Council to set a hearing date for a proposed amendment to the Zoning Ordinance District Use Table.

Dates were discussed and Councilor Thompson asked the Solicitor if this matter could be put off for the new Council to hear. Solicitor McAllister felt that the applicant was entitled to begin the process at the next available date; however, because this was a zoning amendment it had to go to the Planning Board for an advisory opinion before the Council would hear it. Council President Landolfi asked if September 21, 2020 would be okay to set this matter down for a hearing and the consensus was yes. Mr. Lamphere noted this matter was scheduled for an advisory opinion before the Planning Board on August 5, 2020.

APPLICATION FOR CLASS C LIQUOR LICENSE FILED BY NORBERT ANSAY, JR. FOR PROPERTY LOCATED AT 999 MAIN STREET, IDENTIFIED AS AP 27 LOT 102, A NEIGHBORHOOD BUSINESS ZONE

Councilor Thompson wished to ask Sherri Desjardins if she had an approximation of how much time she would need at a hearing. Councilors Thompson and Capalbo felt they could include this matter on an upcoming agenda for it shouldn't take long. The Town Clerk noted that she would need to advertise the hearing date for two weeks and send out regular mail notice letters to abutters.

This matter was scheduled for a hearing on August 3, 2020.

ESTABLISH AN ANNUAL FILING FEE FOR A CLASS C LIQUOR LICENSE CONSISTENT WITH §3-7-8(B) WHICH ALLOWS A MINIMUM \$400.00 AND A MAXIMUM OF \$800.00 PRORATED TO THE YEAR ENDING DECEMBER 1 IN EVERY CALENDAR YEAR.

Councilor Thompson questioned the fees for other liquor licenses in town.

Council President Landolfi felt that businesses were taxed enough and they should go on the low side of \$400. Councilor Davis wished the fee to be \$800.

Councilor Thompson asked the Town Clerk if there were any liquor license fees

less than \$400 and she responded no, they were all over \$800. Councilor Davis wished to reiterate that she felt the Class C liquor license fee should be \$800.

Councilor Capalbo suggested setting the fee for the Class C liquor license at \$500.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON THAT THE MINIMUM OF \$400 BE ENACTED FOR THE CLASS C LIQUOR LICENSE IN THE TOWN OF HOPKINTON.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson,

OPPOSED: Davis

SO VOTED

PROPOSED AMENDMENT TO CHAPTER 229 OF THE CODE OF ORDINANCES OF THE TOWN OF HOPKINTON, SPECIFICALLY SECTION 19-2(B)(1)(a) OF CHAPTER 19, TAXATION, ARTICLE I, ENTITLED *WHEN INTEREST WAIVED*, INTRODUCED AND SPONSORED BY COUNCIL PRESIDENT LANDOLFI.

Council President Landolfi explained that in March of 2013 he had sponsored and the Council had passed this ordinance which states that if a resident misses a tax payment for whatever reason but hasn't been late on their tax payments for the prior five years, the tax collector would grant an interest waiver of one quarter's worth of interest. He now wished for this ordinance be amended to apply to businesses as well as residents.

The Council set this matter down for a hearing on July 20, 2020.

BOARDS & COMMISSIONS

ZONING BOARD OF REVIEW REAPPOINTMENT

Philip Scalise had requested reappointment as alternate to the Zoning Board of Review.

A MOTION WAS MADE BY COUNCILOR HIRST TO REAPPOINT PHILIP SCALISE AS ALTERNATE TO THE ZONING BOARD OF REVIEW.

Councilor Capalbo noted that Mr. Scalise had not been a member for several years so they would actually be appointing him as an alternate member.

Councilor Hirst withdrew his motion.

Council President Landolfi asked the Town Clerk to explain how this came about.

He believed there was a conflict between two Zoning Board members and Mr.

Scalise needs to fill the gap. Clerk Cook-Martin read a letter submitted by Tax Assessor Monty: “As of late, the Zoning Board finds itself in a difficult predicament. Being short one alternate member the Board is unable to move forward with a recent petition for expansion of a commercial building along Alton-Bradford Road. In order for a petition to move from pre-application status to hearing status so that a decision can be made, five members must sit for the hearing. The Board finds itself short one member to be able to accomplish this task as two members have conflicts of interest with the petitioning party. One party is related to the applicant and the second party has performed work for that applicant. This is not an uncommon matter in a small town like Hopkinton. Therefore, the Board asks for the assistance of the Town Council to appoint prior Zoning Board Chairman, Phil Scalise, to the position of alternate Zoning Board member at their earliest convenience so that he may assist in this task at hand. Mr. Scalise’s many years as Hopkinton’s Police Commissioner and Hopkinton Zoning Board Chairman show consistent service on his behalf. The Zoning Board would be honored to see his return, albeit in the limited capacity of alternate. The Zoning Board has asked that the Town Council kindly consider this reappointment at your next meeting so that the petition currently in front of the Board for the expansion of the building at Marino’s Auto Works may continue for the next scheduled Zoning Board meeting. Time is of the essence as the next Zoning Board meeting is scheduled for Thursday, July 16, 2020 at 7:00 p.m. Please contact the Zoning Board clerk with any questions to be referred to the Zoning Board. Thank you.”

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO APPOINT PHILIP J. SCALISE AS ALTERNATE TO THE ZONING BOARD OF REVIEW.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joe Moreau of Old Depot Road indicated that he and Mr. Lamphere had spent a considerable amount of time two years ago discussing the Stubtown Road dump as a possible solar site. He indicated that he had spoken with a developer and noted that there was a considerable amount of interest there because they are .9 of a mile from three phase power. The other point was that there are only two homes on that road and nothing after the site, so no one would be driving by to see it. Mr. Moreau also suggested that a developer was trying to tie in an abutting property owner's land with the dump site so that it would be a good sized solar array. Lastly, Mr. Moreau stated that at the Planning Board meeting Mr. Lamphere questioned whether the Fothergill project really fell under the grandfather clause because they had submitted a new map. He indicated that he had spoken with a member of the Council who was checking into it and they thought that the overall size and square footage of the project had not changed so it would still fall under the grandfather clause because they didn't increase the lot size. Mr. Moreau believed that Ms. Desjardins' comments brought up some new points that we were not aware of, so he wished the Town Council to check into that matter.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF THE LATE HELEN TELLA.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk