

State of Rhode Island

County of Washington

In Hopkinton on the twenty first day of September 2020 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:45 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Frank Landolfi, Scott Bill Hirst, Sylvia Thompson, Barbara Capalbo and Town Manager William McGarry were present in the Meeting Room; Sharon Davis; Town Solicitor Kevin McAllister and Town Clerk Elizabeth Cook-Martin attended remotely.

The Meeting was held remotely due to the Covid-19 pandemic. The agenda included instructions for participating in the meeting.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO CONVENE OPEN SESSION AND RECESS TO EXECUTIVE SESSION UNDER: R.I.G.L. 42-46-5(A)(1) BOARD & COMMISSION INTERVIEW – CONSERVATION COMMISSION.

POLL VOTE:

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO RECONVENE IN OPEN SESSION AND SEAL THE MINUTES OF THE EXECUTIVE SESSION.

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

OPPOSED: None

SO VOTED

Council President Landolfi reported that no votes were taken in the Executive Session. The meeting was called to order with a moment of silent meditation and a salute to the Flag.

**CONSENT AGENDA**

The August 3, 2020 transcript, August 17, 2020 transcript and the September 1, 2020 Town Council Minutes were removed from the consent agenda.

Councilor Hirst noted a spelling error in the September 1, 2020 Town Council minutes on page 4 in that the drug prevention program, CODAC, was incorrectly spelled as Kodak.

Regarding the August 3, 2020 transcript, Councilor Capalbo noted that on Page 43, Clifford Heil's last name was incorrectly spelled.

Regarding the August 17, 2020 transcript, Councilor Capalbo advised that on Page 114, it indicates that President Landolfi asked for a motion all in favor and it did not note that she had said aye.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE CONSENT AGENDA WITH AMENDMENTS AS NOTED AND AS FOLLOWS: Approve Town Council Meeting Minutes of September 1, 2020; Accept the August 3, 2020 transcript as the record of the decision re: amendments to Chapters 272 and 273; Accept the August 3, 2020 transcript as the record of the hearing re: Centrica Business Solutions/James & Karen Cherenzia request for an amendment to the Comprehensive Plan & Zoning Ordinance; Accept the August 17, 2020 transcript as the record of the hearing re: Centrica Business Solutions/Maitland Fothergill request for an amendment to the Comprehensive Plan & Zoning Ordinance; Accept the following monthly financial/activity report: Town Clerk; Approve refunds due to an overpayment by the escrow company on a 2019 motor vehicle tax and due to overpayments by the escrow company on 2020 real property taxes submitted by the Tax Collector; Approve abatements resulting from a correction to 2020 tangible tax re: year of camper submitted by the Tax Assessor; Set October 5, 2020 as a hearing date for a Class F Liquor License for a virtual wine tasting fundraiser event filed by Langworthy Public Library.

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

OPPOSED: None

SO VOTED

**OLD BUSINESS:**

**CENTRICA BUSINESS SOLUTIONS/CHERENZIA, 201 CHASE HILL ROAD**

This matter has been scheduled to discuss, consider and vote on a motion to either approve or reject the petition for an amendment to the Hopkinton Comprehensive Plan Future Land Use Map and an amendment to the Hopkinton Zoning Ordinance filed by Centrica Business Solutions, 1484 Candlewood Road – Suite T-W, Hanover, MD 21076 and Karen M. & James W. Cherenzia, Jr., 201 Chase Hill Road, Ashaway, RI 02804 for property located at Chase Hill Road as Plat 2, Lot 32, an RFR-80 Zone following completion and closing of the public hearing on August 3, 2020.

A stenographer was present to record the proceedings. A copy of the transcript will be attached and made part of the record.

Each Councilor made a statement as why they either approved or rejected this application which will be noted in the transcript.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO DENY THE PETITION FOR AN AMENDMENT TO THE HOPKINTON COMPREHENSIVE PLAN FUTURE LAND USE MAP AND AN AMENDMENT TO THE HOPKINTON ZONING ORDINANCE FILED BY CENTRICA BUSINESS SOLUTIONS, 1484 CANDLEWOOD ROAD – SUITE T-W, HANOVER, MD 21076 AND KAREN M. & JAMES W. CHERENZIA, JR., 201 CHASE HILL ROAD, ASHAWAY, RI 02804 FOR PROPERTY LOCATED AT CHASE HILL ROAD AS PLAT 2, LOT 32, AN RFR-80 ZONE.

IN FAVOR: Thompson, Davis, Hirst, Landolfi

OPPOSED: Capalbo

SO VOTED

**CENTRICA BUSINESS SOLUTIONS/FOTHERGILL, 10-A CRANDALL LANE #B**

This matter has been scheduled to discuss, consider and vote on a motion to either approve or reject the petition for 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 following completion and closing of the public hearing on August 17, 2020.

A stenographer was present to record the proceedings. A copy of the transcript will be attached and made part of the record.

Each Councilor made a statement as why they either approved or rejected this application which will be noted in the transcript.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO DENY THE PETITION FOR 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.

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

OPPOSED: None

SO VOTED

#### **PUBLIC FORUM**

Joe Moreau of Old Depot Road felt that the first responsibility of Town Council members was to the town, not the state; and, he believed the town has done more than its fair share when it comes to solar projects. He spoke of the proposed Chase Hill Road solar project and noted that his friend Ted Dionne, who passed away on March 1, 2020, was one of the two closest abutters. He agreed with Council President Landolfi when he noted that the Grills and the Dionne families have been very respectful throughout this whole process. Mr. Moreau noted that DPW Director, Tim Tefft, had retired and he hoped the town would appoint

David Caswell in his place. Lastly, he noted that at the March 18, 2020 Town Council meeting, under New Business (3) there was discussion about future provisions being put in place to assure that the town was protected in terms of being reimbursed for legally mandated out-of-pocket expenses incurred as a result of applications being filed and he had suggested placing a lien on these properties or denying future building permits. It was noted that a lien could not be placed on the applicant's property; however, there would be a serious discussion if the landowner applied for a building permit. Mr. Moreau believed that the landowner should be held accountable for outstanding expenses. Carol Desrosiers thanked the Council for their decisions but noted her dismay with one Town Council member berating another Town Council member in a public forum. Sherri Aharonian stated that in the Land and Subdivision Regulations of the town's ordinances, there is a section which relates to zone changes and indicates that if a zone change is required, it goes before the Planning Board for an advisory opinion; then to master plan; and lastly, before the Town Council. She interpreted this to mean that if the Planning Board issued a positive advisory, the applicant would go before the Town Council with a master plan and then the Town Council would approve or reject the project. She felt that the Council was the fail-safe, but only when the Planning Board had issued a positive opinion of a project. Solicitor McAllister explained that an advisory opinion is when an applicant applies for a zone change for a particular piece of property which is governed by state law, R.I.G.L. 45-24-51 and 45-24-53, and it specifies the procedures to be followed for the zone change and the time frame in which this has to be considered. Thereafter, the application for the zone change is referred to the Planning Board for an advisory opinion; the Planning Board has to hear it at a public hearing; and, thereafter sends an advisory opinion to the Town Council. The key word in the statute is advisory which means it is not mandatory or binding on the Council. In the end it is a legislative process and the Council can amend or not amend the zoning ordinance and classification. This is a process governed by the two-step state process and makes no reference to master plans or subdivision regulations.

**ADJOURNMENT**

Councilor Thompson wished to make a motion to adjourn in memory of Ruth Bader Ginsberg and W. Edward Wood. She shared an article posted in the Providence Journal entitled “Rhode Island Environmental Leader Ed Wood dies at 79.”

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO ADJOURN IN MEMORY OF SUPREME COURT ASSOCIATE JUSTICE RUTH BADER GINSBURG AND W. EDWARD WOOD.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk