

**Talia Jalette**

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**From:** Eric Bibler <ebibler@gmail.com>  
**Sent:** Friday, March 12, 2021 1:06 PM  
**To:** Elizabeth Cook-Martin; Brian Rosso  
**Cc:** Stephen Moffitt; Sharon Davis; Scott Bill Hirst; Geary, Michael J {FLNA}; Bob Marvel; Stephen Sypole; James Marusak; Margaret Hogan; Alfred W. DiOrion; Ron Prellwitz; Emily Shumchenia; Carolyn Light; Keith Lindelow; John Pennypacker; James Lamphere; Talia Jalette; Harvey Buford  
**Subject:** Public Records Requests

Elizabeth Cook-Martin  
Town Clerk

Mr. Brian Rosso  
Acting Town Manager  
Town of Hopkinton

March 12, 2021

Re: Public Records Requests

Dear Ms. Cook-Martin and Mr. Rosso,

I am writing to request several public records, as follows:

**1. Meeting Minutes and Meeting Videos for the Hopkinton Conservation Commission and the Hopkinton Land Trust**

I am writing - and not for the first time - to request copies of meeting minutes and meeting videos for the Hopkinton Conservation Commission and the Hopkinton Land Trust.

Neither of these public committees has posted copies of their meeting minutes to the town website since *October* of last year.

In addition, to my knowledge, neither of these public committees has ever posted a video record of any meeting to the town website.

As the town clerk knows, the failure of these two public bodies to provide the public with timely access to meeting minutes by posting them to the town website is a chronic problem. This is not the first time that I have had to make a formal public records request in order to compel the Conservation Commission and the Land Trust to comply with public transparency laws.

In the past, I have been told that the meetings of these public bodies are not recorded, for reasons unknown.

This is troubling on its face since the Conservation Commission and Land Trust have been actively involved, in recent years, in discussions and/or negotiations with wind and solar energy developers concerning possible payments, stipends, development rights, easements, donations of land and proposed ordinances to foster the development of wind and solar energy.

As you know, the proceedings of the town council and the planning board relating to these developments and proposed amendments to town ordinances are available for public review, and with good reason. But the involvement of the Conservation Commission and the Land Trust remain shrouded in mystery since they do not provide any video record of their meetings and virtually never post their meeting minutes on a timely basis.

I also note that there have been no public meetings at town hall since last March and that ALL of the meetings of these two public bodies have been conducted remotely, via Zoom, since that time. It is inconceivable to me that the Zoom meetings have not been recorded by the meeting host.

If so, all of these recordings should be posted to the town website.

If not, the town management and town council should require these public bodies to record the meetings and post the video records to the town website, effective immediately.

I prefer that you respond to this records request by posting all of these documents and records to the town website and informing me as soon as this has been accomplished so that Hopkinton residents other than me will also have access to these records.

Above all, I hope that you will insist that these public bodies meet their burden to make these records publicly available on a timely basis in the future.

**2. All records, including copies of checks and payment receipts, relating to a "one time" \$20,000 contribution to the Hopkinton Land Trust by "Atlantic Solar," or any related entities.**

At the budget meeting workshop of the town council on March 8, 2021, Marilyn Grant, Chair of the Hopkinton Land Trust, informed the town council that the Land Trust had received a "one-time payment" of \$20,000 from "*Atlantic Solar*" that was "negotiated by Councilor Capalbo."

As you know, Atlantic Solar Energy, and/or related entities, has received conditional town council approval for a zone change to install commercial solar developments in two residential neighborhoods in town. The projects are typically referred to as Skunk Hill Solar and Atlantic Solar / Main Street.

Both of these zoning approvals are being contested in Superior Court by Hopkinton residents.

"Atlantic Solar" (an affiliate of Energy Development Partners) has appeared before the Hopkinton Planning Board for pre-application meetings in connection with both projects.

In neither case, as of this date, to my knowledge, has the developer submitted a Master Plan that has been certified to be "substantially complete" by the town planner.

Neither of the proposed projects has achieved any planning board or permitting approval, nor is it clear that either of them will ever be approved for construction by the planning board or the town building official.

Furthermore, it seemed apparent that the town council was completely unaware of any "negotiations" by Councilor Capalbo and/or the Land Trust with this developer, who currently has two land development pre-applications pending before the planning board and the Town of Hopkinton.

To my knowledge, there is nothing in the public meeting minutes or other public records of the Hopkinton Town Council that suggests that the Council was ever informed of these negotiations or this donation by the developer until the proposed budget for the Land Trust was presented to the Council.

I hereby request all public records relating to any discussions of, or negotiations for, this payment to the Land Trust by the developer, including copies of the check, or other form of payment, received by the Town of Hopkinton and any payment receipts or other acknowledgement issued by the Town of Hopkinton to the developer.

**3. Copies of all records, including emails and correspondence, relating to Councilor Capalbo's negotiations with Atlantic Solar of the \$20,000 donation to the Hopkinton Land Trust**

As noted above, Chairman Grant informed the town council that it was "Councilor Capalbo" who "negotiated" the one time payment from the developer to the Town of Hopkinton, through the Land Trust, clearly indicating that Councilor Capalbo was acting in some official, or quasi-official capacity as a member of the town council in procuring this donation to the town while the donor had two major land development proposals awaiting approval by the planning board and the building official. All emails and other correspondence relating to this activity are public records.

**4. Copies of all records evidencing the Hopkinton Town Council's knowledge and/or approval of Councilor Capalbo's negotiations with Atlantic Solar and/or the receipt of this donation by the Hopkinton Land Trust.**

Please provide any public records that document whether any member of the current, or former, town council was aware of Councilor Capalbo's "negotiation" of the payment by the developer to the Land Trust.

Thank you in advance for your cooperation with these public records requests.

Eric Bibler

Cc: Marilyn Grant, Hopkinton Land Trust  
Cc: Harvey Buford, Conservation Commission  
Cc: Town Council  
Cc: Town Manager  
Cc: Planning Board  
Cc: Town Planner  
Cc: Town Solicitor  
Cc: Planning Solicitor