

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of December 2017 A.D. the said 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, Barbara Capalbo, Sylvia Thompson, David Husband; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin. Absent: Thomas Buck.

The meeting was called to order with a moment of silent meditation and a salute to the Flag.

CONSENT AGENDA

The December 4, 2017 Town Council Meeting Minutes were removed from the Consent Agenda.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Executive Session Minutes of December 4, 2017; Town Council Meeting Minutes of November 20, 2017; set February 20, 2018 as the second Town Council Meeting in February due to President's Day Holiday; Accept the following monthly financial/activity report: Town Clerk; Approve refunds resulting from the Motor Vehicle Phase-Out Program submitted by the Tax Collector.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

On page 4 of the December 4, 2017 Town Council Meeting Minutes, Council President Landolfi suggested inserting the names of the Councilors who motioned and seconded the authorizing resolution so it is consistent with the formal motion that followed after the resolution was read. The minutes will be revised to include the names of the Councilors who motioned and seconded.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF DECEMBER 4, 2017 AS AMENDED.

IN FAVOR: Landolfi, Husband, Thompson

OPPOSED: None

ABSTAIN: Capalbo

SO VOTED

Councilor Capalbo had abstained as she had not been in attendance.

PUBLIC FORUM

No one spoke during the first public forum.

TOWN MANAGER REPORT

Town Manager William McGarry reported during the last two weeks, he worked with RI Department of Transportation, RI Department of Environmental Management and Hopkinton Department of Public Works Officials on the Woody Hill Road (South) Bridge. The RIDOT recently classified the bridge as being in critical status and consistent with their recommendation, DPW placed several plastic traffic barriers on the west side of the bridge to significantly reduce or eliminate weight on the rotted beams. Mr. McGarry noted the RIDOT had been very good to deal with and according to the RIDOT, RIDEM owns the bridge, dam and spillway, and on December 1, 2017 he forwarded correspondence to RIDEM Director Janet Coit, requesting that she expedite the replacement of the bridge, which incidentally is the Town's number one priority project on the RIDOT/RIPTA's 2018-27 STIP 10-year plan. He also reported during December, his office began the process of developing the Town's FY 2018-19 Annual Goals and FY 2020-22 Multi-year Goals in preparation of the upcoming budgetary process. Department heads are required to submit their respective goals on December 20, 2017, and they will be discussed and tentatively selected at the January 4, 2018 department head staff meeting. The final goals will be forwarded to the Town Council for review and adoption at a later date.

Councilor Husband asked when the bridge work was expected to be completed.

Mr. McGarry did not know as the State decides the timetable. Councilor Husband asked if the bridge would be wide enough for larger vehicles like fire trucks and

ambulance with the barriers in place. Mr. McGarry responded yes and that the bus company was notified and they told him they have not used that portion of the road for last ten years. He added they notified the Fire Department and Hopkinton Police Department as well.

OLD BUSINESS

Registration & Maintenance of Vacant and/or Abandoned Property Ordinance

This matter had been scheduled for the Town Council to render a decision on a proposed ordinance identified as “Registration and Maintenance of Vacant and/or Abandoned Property” initially introduced and sponsored by Council President Landolfi and would be sponsored by Councilor Capalbo. The hearing on the ordinance was held on December 4, 2017. The purpose of this Ordinance is to protect residential, commercial, manufacturing, industrial and mixed use real property in the Town of Hopkinton from being blighted, as a result of inadequate maintenance and lack of security at vacant and/or abandoned properties and to strengthen the Town’s ability to respond to nuisance and/or hazardous properties to protect the health, safety and welfare of residents. In addition, the Town intends this Ordinance will hold accountable all owners and other individuals and entities with an ownership interest in -- and or with control of -- each such individual parcel of vacant and/or abandoned real property for failing to comply with its mandates. The draft ordinance includes the following sections: Definitions, Vacant & Abandoned Property Database, Registration of Properties, Registration Fees, Maintenance Requirements, Security Requirements, Enforcement Actions, Removal from the Vacant & Abandoned Property Database. There are two related forms: a Notification of Vacant and/or Abandoned Property Registration Form and a Notification of Vacant and/or Abandoned Property Local Agent Form. This Ordinance shall take effect immediately upon passage.

Council Deliberations:

Councilor Thompson noted at the hearing, the ordinance had originally been sponsored by Council President Landolfi but now listed Councilor Capalbo as its sponsor. Council President Landolfi stated he served as the default sponsor and explained he found later that Councilor Capalbo had been very involved in

crafting and developing the ordinance. Councilor Thompson suggested both individuals be its sponsor. Councilor Capalbo stated the development process began about one year ago when addressing a property on Lynn Lane and from then on had been a group effort involving Sherri Desjardin in the Building & Zoning Office, the Town Manager and Solicitor when they began to pull together information and ordinances on vacant and abandoned property. She expressed her appreciation to the Solicitor and Ms. Desjardin, but in particular expressed her thanks to Mr. McGarry who had been actively involved not only with the ordinance development but in handling a vacant property in her neighborhood of Bethel Village, which she and her neighbors greatly appreciated. She reviewed the discussion and comments made during the hearing in the meeting minutes. Council President Landolfi commented there had been many draft versions of the ordinance. Mr. McGarry confirmed that there had been 13 drafts. Councilor Husband felt this type of ordinance was needed in every town. He stated it did not impose a heavy hand on properties in town that might be in need of paint or removal of a tree; the ordinance addressed the maintenance of vacant and abandoned property in Town in a proper and healthy way. Councilor Thompson noted there are problems when a property is vacant to find the owner or bank was complicated. Discussion ended and the Council proceeded to vote.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ADOPT THE REGISTRATION AND MAINTENANCE OF VACANT AND/OR ABANDONED PROPERTY ORDINANCE.

IN FAVOR: Landolfi, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

The Ordinance and related forms will be attached and made part of this record.

NEW BUSINESS

SET HEARING DATE RE: OAK SQUARE PARTNERS/ EMINEL HOLDINGS, LLC ZONING ORDINANCE AMENDMENT & COMPREHENSIVE PLAN AMENDMENT

This matter had been scheduled to discuss and consider setting a hearing date for a Zoning Ordinance Amendment & Comprehensive Plan Map Amendment filed

by Oak Square Partners/Eminel Holdings, LLC. George Comolli, Esq. was present representing Oak Square Partners who are requesting a rezone of the property owned by Eminel Holdings, LLC, which has a clouded history in this Town. He noted he requested of his previous clients: Bethel Village Neighborhood Association, the Church, Mr. Quinlan and others to waive their conflict, all of which they have done so. He does not represent Eminel Holdings, LLC, only Oak Square Partners. He stated this matter involved a request to change the zone on the 6.6711 acre property from RFR-80, a pre-existing, legal non-conforming use as a gravel pit to Commercial. He felt the Solicitor could confirm that when considering a rezone it is usually limited to that property and the Council has the right to condition it for a particular use. They are proposing a 997 KW Solar facility on 3.73 acres. Oak Square Partners has already received National Grid approval on the site. He noted they were asking for waivers of the following: Soil Erosion and Storm Water Control Plan - the applicant is going to be using the existing site conditions with no change in topography other than the installation of the solar array; Location of the existing septic system or an application for OWTS – the applicant is not proposing any septic at the site; Evidence of water supply – the applicant is not proposing any buildings or any use of water at the site so there is no need for a well head; Traffic Study – no traffic is anticipated to be using the site after the installation of the solar array. He felt the application was in order and asked that it be forwarded to the Planning Board for referral and to schedule a public hearing. Council President Landolfi asked the Town Clerk for some proposed dates; due to the fact that it had to be advertised three times, two upcoming dates were January 16 or February 5, 2018. The matter had already been sent to the Planning Board and it is scheduled for January 3, 2018. Councilor Capalbo noted she was part of the Bethel Village Water Association and she will have to recuse herself at the hearing. She asked if the request for a Commercial Zone would be exclusively for a solar array. Attorney Comolli deferred to the Solicitor but noted according to the Zoning Enabling Act the use can be specifically conditioned. Councilor Capalbo stated she did not want it zoned commercial unless it was for a solar array. She also asked once the use is changed, it would no longer be a gravel bank. Attorney

Comolli again referred to the Town Solicitor as it pertains to abandonment of a preexisting nonconforming use, but noted you have to do so intentionally and objectively; such as you say you abandon the use and then it is used for another purpose. Councilor Husband suggested this had been done on a parcel in Hope Valley. Councilor Thompson commented she wanted to pass along to the owners her thanks. She noted when she saw this was happening she thought this would be a great Christmas present for the neighborhood; it solves a lot of problems and the owner will still enjoy the property in our town and will not have everyone mad at him. The Council set Tuesday, January 16, 2018 as the hearing date.

COMPREHENSIVE PLAN UPDATE

This matter had been scheduled to discuss and consider setting January 16, 2018 as a hearing date for an update to the Comprehensive Plan. Councilor Thompson asked for additional information. Council President Landolfi noted the Planner had provided some information to the Manager. Mr. McGarry explained he had spoken to Town Planner Jim Lamphere this day and that he supported a hearing date of January 16, 2018. Council President Landolfi added that State Wide Planning had given tentative approval. Mr. McGarry explained if the Council approved the plan without any changes, we will be all set. If there are changes, it will have to come back to the Town Council. Councilor Thompson questioned what exactly was happening. Town Clerk Elizabeth Cook-Martin reported the Town Council would be receiving information relative to the changes in the Comprehensive Plan ahead of the hearing in their off- week material. Councilor Thompson noted then that it would include Planning Board changes and asked if this would be the time to address and point out any mistakes. Council President Landolfi noted in speaking with the Planner that it would be best to approve the plan without any changes as this is the document that went to State Wide Planning; if the Council doesn't approve it in the form that it went to State Wide Planning, it will have to come back to the Town Council; it will delay approval and further delays the Zoning Board working on the re-write. Councilor Thompson commented that it wasn't a mistake in the Comprehensive Plan but on one map that has the wrong zoning designation. Solicitor McAllister noted he was aware of one issue and it may be the same one she is referencing. It was his

thought, and the Town Planners thought, to approve the plan as is and then address the other matter separately. He was currently working on an ordinance to address the error. The Council set Tuesday, January 16, 2018 as the hearing date.

PUBLIC FORUM

Scott Bill Hirst, 20 Maple Court offered season's greetings. He hoped the Council would invite the Towns representatives in the General Assembly to an upcoming Council Meeting to discuss any legislative bills or ideas for the upcoming session; he noted he was disappointed that there was an effort at Chariho to go after our Republican President; that he did not agree with everything the President said but felt people were too free with words, whether it be the media or the academia, but it was important that all points of view be presented. He felt the students should decide for themselves and offered to give his perspective as local Chair of the Republican Town Committee; lastly, he stated the Chariho Omnibus Meeting used to be a forum to discuss multiple topics but now it is just relegated to the budget. He hoped in the future, there would be an effort to discuss other topics as it would serve the community better.

Michael Geary, 229 Ashaway Road offered season's greetings and commented he had hope for a better turnout for the RIDOT environmental assessment forum regarding the proposed truck tolls and he felt tolls would come. He concurred with Mr. Hirst that politics should not take place in school. Councilor Thompson noted the low turn-out was most likely affected by the location change that occurred at the Middle School; once the meeting moved there was no one there to direct people to the room it was moved to, so they probably lost people as a result.

ADJOURNMENT

The Council wished everyone Happy Holidays.

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk