

State of Rhode Island

County of Washington

In Hopkinton on the nineteenth day of September 2016 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 02832.

PRESENT: Frank Landolfi, Barbara Capalbo, Sylvia Thompson, Thomas Buck; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin. Absent: David Husband.

HEARINGS

PROPOSED DIGITAL SIGN ORDINANCE

The Council opened a hearing on an amendment to Code of Ordinances, Chapter 134 – Appendix A “Zoning” Section 27. Signs, to add a proposed new section entitled “Digital Sign Ordinance” which shall also include replacement language for Section T introduced and sponsored by Councilor Barbara Capalbo.

Council President Landolfi read from the explanation that the ordinance will establish definitions for Digital Signs, including definitions for Light Emitting Diodes (LED); Organic Light Emitting Diodes (OLED); Monument Sign; Free Standing Sign; Static_Message and Nit - a unit measurement of luminance.

Replacement language for Section T will describe and define self-illuminated outdoor signs, billboards and digital media displays allowing the use of Light Emitting Diodes (LED) or Organic Light Emitting Diodes (OLED) panels, collectively referred to in this subsection T as “Digital signs” for the purposes of advertisement in public display, provided specific terms and conditions are met and adhered to. Section T will specify where they are allowed, requires digital signs display only static messages, governs the size of the sign, its brightness, the size of the text or graphic, addresses display time and lists the colors that will be allowed in specific zones and colors to be used by specific agencies.

All other Sections of Chapter 134, Section 27 to remain in full force and effect.

The amendment shall take effect immediately upon passage.

Council Discussion:

Councilor Capalbo explained that this ordinance had been discussed in detail over the course of a number of meetings; it was important that Light Emitting Diodes be controlled by the town; that lighting has changed dramatically from incandescent and fluorescent lighting. She felt if the LED's would be used them for signage, that they be controlled as they are exceptionally bright and very distracting when moving. She felt it was a thorough ordinance and noted four years ago the town had banned them outright but the lighting can be dimmed now. She commented that this is a rural town with quiet neighborhoods and we want it to remain so; the intent was to make the LED lighting as soft as possible.

Councilor Buck noted the Council had reviewed the proposed ordinance over a number of meetings and he was happy with it as written. Councilor Thompson stated the Council had banned LED's in the past because the Town didn't want them. She asked about the ordinance and in regard to the two gas stations signs if they were free standing or monument signs. Councilor Capalbo responded they were free standing signs, not monument signs; monument signs were typically under six feet in height. She added this ordinance only applied to the lighting within the sign. Councilor Thompson questioned page 2, subsection a., "200 foot from residential property line" relative to how it worked; was it the distance between the property lines or was it the distance between the property line and the commercial sign. Councilor Capalbo responded it was from the property lines on both sides and added the intent was to try to protect residences in Neighborhood Business Zones. Councilor Thompson stated in that same subsection, she would like to see removed "in places of assembly", so LED signs won't be allowed in any residential areas. She felt the ordinance had become too broad and went beyond addressing the issues with the two gas stations that the Town had been forced to address. She made two suggestions: that the Town Council delay approving the ordinance and work with the two garages separately so we don't have to have LED's town-wide, perhaps considering a "monetary sum" adjustment. Her other suggestions was to see the ordinance narrowed a bit; no monument signs, that only free standing be allowed and that "places of assembly"

located near residential zones be removed. Council President Landolfi questioned Councilor Capalbo about the meaning places of assembly. Councilor Capalbo first explained she felt it was better to allow monument signs at commercial businesses, as they are positioned low to the ground. We should encourage monument signs as they do in the Town of Bristol has, instead signs being higher in the air. She would like to keep it in the ordinance. As far as the places of assembly was concerned, Councilor Capalbo stated she had no problem taking places of assembly out. She has seen rotating LED signs at churches, grange halls, 4-H halls, schools, etc. so she had no issue taking that sentence out entirely, though noted they could be considered community information signs, so that was another consideration. Councilor Thompson was not sure about how much money the two garages had into the signs. She stated appreciated the work Councilor Capalbo had put into the ordinance, but she is concerned about the town ten years down the road as it doesn't seem to promote a rural feel. Councilor Buck noted with the ordinance, the town has controls on LED's; without the ordinance, the town can be challenged. Council President Landolfi added that it was the first swipe at it, an attempt at correcting a wrong, but not enacting it could be considered the town saying they couldn't have LED's and we would be going back on our word. Councilor Buck agrees with taking places of assembly out. Councilor Buck added that it had been a stay on LED lighting. Council President Landolfi stated it is a way to right a wrong. Councilor Capalbo added that LED is considered energy efficient lighting; the best we can do is place controls on them and the Council can change it in the future. Four years ago there was little ability to dim the lights, but dimming can be done now. She agreed about removing "in places of assembly" and taking that whole sentence out. There was consensus on this.

Public Comment:

Michael Geary, 229 Ashaway Road commended the Council for trying to keep 50 foot signs and control LED signs. He asked whether the ordinance would restrict or hinder a new business coming in to Town. Councilor Capalbo explained that the Town already has full sign ordinances in place now; it did not stop or prevent a sign, this ordinance is a way to limit and control LED signs which affects

residents. Mr. Geary just did not want to see someone make a decision to go to another town to locate a potential business. No other comments were made.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR BUCK TO CLOSE HEARING AND SET A DATE TO CONSIDER ADOPTION OF THE ORDINANCE.

IN FAVOR: Landolfi, Capalbo, Thompson, Buck

OPPOSED: None

SO VOTED

The Council set October 3, 2016 as the date to consider adoption of the ordinance.

CONSENT AGENDA

The Executive Session Minutes of September 6, 2016 were removed from the Consent Agenda.

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

FOLLOWS: Approve Town Council Meeting Minutes of September 6, 2016; Set November 7, 2016 as the hearing date for renewals of Liquor Licenses and Victualling Licenses; Approve Petition of National Grid & Verizon to install new utility pole #43.5, support pole #43.5S and anchor on North Road. Accept the following monthly financial/activity report: Town Clerk; Approve abatements due to corrections/adjustments to motor vehicles submitted by the Tax Assessor.

IN FAVOR: Landolfi, Capalbo, Thompson, Buck

OPPOSED: None

SO VOTED

Councilor Thompson noted that the Executive Session Minutes of September 6, 2016 had not been sealed and questioned if they should be titled differently. The Town Clerk responded that the Council had conducted the interview in Executive Session so was uncertain how the Council would like them identified. There was no change to the title of the minutes.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED

BY COUNCILOR CAPALBO TO APPROVE THE EXECUTIVE SESSION
MINUTES OF SEPTEMBER 6, 2016.

IN FAVOR: Landolfi, Capalbo, Thompson, Buck

OPPOSED: None

SO VOTED

PUBLIC FORUM

Ronald Spears, 15 River Meadow Drive addressed the proposal to remove the Wyoming Dam. He noted his parents had purchased their home on River Meadow Drive in 1978 and that he had been born and raised here living on the river, boating and swimming and it is where he now lived having purchased it to raise his own family there. In the summer of 2014 they were enjoying the usual activities of fishing and kayaking and where you could see about 20 kayaks and canoes per hour go by his house on a typical weekend with residents and tourist enjoying the river. He stated the low level release of the dam broke in August 2014 and the river drained. When he walked to the river he nearly cried and there was a stench from the rotting organic material in the mud. There was no way to get to the river through the muck, no one fishing and no one boating. He submitted two Google Earth aerial maps to the Council that showed the current level of the water and the aerial map from 2014 about a week after the low level release broke. He reported temporary fix was made to the low level water release and the water came back. Based on the research conducted by himself, DEM and Channel 10 it was determined that the low level release broke during WWII. They did not have the money or materials to fix it at the time so it went unrepaired. He estimated the floods in 2010 further damaged the dam and it failed four years later. DEM has labeled this to be a high hazard dam which does not mean that the dam being structurally sound is a hazard but means imminent loss of life to residents below the dam. However, the dam was inspected at that time and has been inspected every two years and passed each inspection as being sound. The DEM has deemed the dam to be replaced and he feels that is the only logical alternative. He referred to the 2016 map which shows it as a muddy unusable stream with uneven terrain and no fish. He noted every summer it typically is lower, but without the dam there, it would be unusable to the houses around the

river. He expressed concern about house values for homes on the river and in the surrounding area. He also is concerned about the impact of the wells. He has two wells and has had issues with them but without the dam and the river, it would cause a further negative impact on his wells. He understood there were new neighbors in attendance that he had not yet met and he felt their decision to buy property there was because of the river and paid a major role in their purchasing the property. He stated another neighbor of his bought property ten years ago planning for her retirement. So she paid taxes there until she built her dream home and eventually retired there. Removing the dam would mean they would no longer be on the river but on a smelly marsh field with a small stream several hundred feet away that can no longer be used. Local businesses like URE Outfitters, West Bakery and Hope Valley Bait and Tackle would be impacted. He noted he often sees people coming off tour busses at the dam coming in to kayak. He noted he has travelled this country and others and has had an opportunity to see in person various waterways around the world including the Tigris and Euphrates rivers and he swam in the Dead Sea but nothing beats a kayak on the Wood River because it is his home on the river. He requested the Council to reject the WPWA proposal to remove the Wyoming Dam, to support the decision of the DEM and encourage the rapid replacement of the dam as soon as possible so everyone now and in future generations can enjoy what we have.

Denise Poyer, Wood Pawcatuck Watershed Association Project Coordinator indicated they were not asking for the dam to be removed; but were looking for the Council to ask the DEM to look into alternatives that might mitigate flooding throughout the whole watershed that could involve bridges, culverts and dams and could cause flooding up stream; to ask for a study. She noted she shared their love of the Wood River but felt they must look at all pluses and minuses and consider different ways of managing the watershed. Without further information you can't make the best decision. It was not a request to remove the dam, but to ask the DEM to study alternatives.

Tom St. Clair, 78 Nooseneck Hill Road noted when he finished his career, he

found a house in the area and brought up his children here. He noted when the water is low it jeopardizes his well. He stated he was glad to hear they were not asking for the dam to be replaced. He offered his assistance to the WPWA with the DEM but wanted to keep the dam intact.

Donald Way, 27 Skunk Hill Road has lived there for 40 years and has upgraded his property. He felt it is our pond and you can't just take it away, it is too important. He felt every person should have known these discussions were happening and they should have considered notifying the property owners.

Dorothy Gardiner, 50 Canonchet Driftway noted she doesn't own property on the pond but enjoys watching kids learning to fish and groups of canoers enjoying the water while having her lunch there and felt it would be a crime to take it away. She asked that they not be allowed to take the dam down.

A young lady by the name of Maya who lives on River Meadow Drive stated she liked to go down to the water sitting on the rocks watching the animals and plants blossom and camping. She did not think they should take the dam away.

Mike Spring, 18 Aldrich Street indicated he works for a quasi-State organization and knows how it would work if the repairs to the dam were stopped, the money would go elsewhere. He noted he has lost his well and it cost him to replace it. If they change the repair schedule, the money would go elsewhere.

Carol Derosier, 16 Pleasant View Drive moved here last year and felt the dam is a symbol of the area; they have gone kayaking there and without the dam she did not know what Hope Valley had to offer.

State Representative Justin Price, 214 Shannock Village Road stated he represents a portion Hopkinton, and this matter has been brought to his attention as has the low water levels, one of the issues. He stated he has been working with the DEM to bump up the repair schedule sooner rather than later. He too has lunch by the

river and has a soft spot for the area. He said he has heard from a lot of citizens who live along the pond who are concerned that the dam would be removed. He felt the time it would take for a study of alternatives may set back repairs on the dam. He did not feel there were other alternatives, based on the residents' feelings presented tonight.

Martha Botelle Vita, owns two homes at 1064 and 1066 Main Street recalled as a girl, after a Nor'easter, the water was eleven feet over the dam and the owner of the dam eventually donated it to the State assuming the State would remediate the repairs immediately and that was over 60 years ago. So finally, there is money available, so when an opportunity to remediate a dam that over 300 years old, it should be done. Delaying won't help the ecology because there is an eco-system in place that is alive and active; there is a wetland near her house and the animals and life that has developed including wet-rooted trees that would die without water. She suggested maybe, there should be talk about retaining runoff from our properties but there are many things a town can do to remediate flooding vs. dispossessing the dam. We have a high water table for over 300 years because of the river; we have an ecosystem in place, it was not just a whim. Once the money is there, we should say thank you to the State and allow them to do the repairs. She felt we need to have this 1791 dam to be repaired or we will be dry, meaning we lose our wells and lose the center of economy to the area, which is a draw to the area. She stated there is only one street in town with town-water. She added the Town's plan of development is to encourage the use of natural resources.

Rich Parry, 20 Prospect Square noted he swam in the pond as a kid and is concerned to the damage to the ecosystem; but if they take the dam out it would affect fire protection. He added that where they've taken the dams out, it has presented more hazards.

Sylvia Stanley, 960 Main Street noted over the course of 56 years and the dam has been important. Her husband Fred Stanley had rescued one person during his

years as Chief. She added that the dam holds water that feeds the Richmond Water System so it is not just about the impact to individual wells along the river. If it is not fed from somewhere, it will impact those people who use the Richmond water system too.

Ron Bryant, 8 Frances Barber Drive stated he just found out about this matter this afternoon and supported the people who spoke and who want the dam to stay. He felt it was too easy for a decision to be made to remove the dam. He felt it was very important for the aquifers, for fire protection, wildlife and tourism.

Lisa Huftalen, 13 River Meadow Drive stated they bought their home because of the river. They have a one hour commute to Connecticut. In the winter, they can watch them skating on the pond. The river makes it the area beautiful and there is osprey, turtles, foxes, a large amount of wildlife that would lose. She added that her fire insurance rates were dependent upon having a pond in the back yard.

Chris Shields, 19 Skunk Hill Road stated his family had owned the property for years. He felt the study requested by the WPWA was not needed and that Mr. Fox, the WPWA Director should be told this. The DEM says repairs were needed to fix the problem. He felt the people that were directly affected were not notified. He asked if the dam was high risk why were people allowed there; why was the boat ramp still there and why was there no caution tape or signage present. If it was such a high risk there would be signage in place and it would be blocked off. He felt that if Mr. Fox lived on the pond, he wouldn't support it either. Mr. Shields went on at length, elaborating his points in support of his argument favoring repair of the dam without delay. He was advised that he should allow the Town Council to move on and deal with the matter when it came up later on the agenda.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported that twenty people had attended the Superintendent's Open Forum held at Town Hall on September 14, 2016 that was conducted by Superintendent Ricci. The RYSE School Project that will appear on

the November ballot was discussed and there were questions, answers and many free-flowing ideas expressed.

TOWN MANAGER REPORT

Town Manager William McGarry reported during the month of August, National Grid officials are conducting a visual inspection of the remaining double utility poles in town to verify their existence and determine who owns the remaining wires on the poles. This inspection is expected to last a few weeks. Once completed, we plan to meet with National Grid, Verizon and Cox Communications officials to eliminate or at least significantly reduce the number of double poles in town. This is a work in progress. He reported during the month of August, the town issued the three Requests for Proposals: DPW Electrical Upgrade and Fire Alarm System Installation that will be scheduled for the October 3, 2016 Town Council Meeting, the Hope Valley Income Survey and the Water Meter Plumbing Installation Services (Bid/Re-bid) that is scheduled on this evening's agenda. He reported during the month of August, we began working to develop a proposed Hopkinton Waterline Use Ordinance, draft water meter installation correspondence, created a policy delineating town staff responsibilities, revised the new and existing town application forms and hookup requirements for town water service and prepared other related documents to formalize the policy, procedures and practices relating to the Town's waterline customers. Working with the Town Waterline Review Committee, the goal is to completely revise and update *all* aspects of the Town's waterline distribution system. On August 30, 2016 he attended a sub-committee meeting of the Waterline Review Committee in the Town Hall Council Chambers to discuss and get input on the development of an Ordinance, Employee Responsibility Policy, along with the drafting of several related forms and documents related to water line usage. A fifth meeting of the Waterline Review Committee has been scheduled for September 30, 2016 to review all the water meter installation plans and approve the documents prepared, in advance, for the switchover from the old to the new meters.

NEW BUSINESS

WOOD PAWCATUCK WATERSHED ASSOCIATION REQUEST RE: WYOMING DAM

Wood Pawcatuck Watershed Association (WPWA) request for the Hopkinton Town Council to formally request the RIDEM Director to conduct a public study of all alternatives re: Wyoming Dam.

Denise Poyer, Wood Pawcatuck Watershed Association Project Coordinator did not have anything more to add; she felt the letter the WPWA had sent was pretty clear. Councilor Buck commented that he felt that this was a perfect example of why people should be allowed to speak on agenda items and not at public forum. If they had been allowed to speak on the item they would have realized, that most of the Council was against this. He requested the Council President to change the format for the remainder of his term to allow people to speak on the item, not just at public form. Councilor Buck stated he is against studying other options. He noted he had heard about the Potter Hill Dam perhaps being removed. He stated he has hunted and fished all his life, has fished at the Wyoming dam in Hope Valley; fished and swam at Potter Hill. A fish ladder is in place at Potter Hill and he noted the alewives have diminished since he was a kid, but the reasons why is unknown, but it is not the fish ladder. He stated he has no desire to delay repairs and wants to see the dam fixed. He stated when he was Council President, Fred Stanley former Hope Valley Wyoming Fire Chief had sent a letter regarding degradation of the Wyoming Dam during the 2010 flooding; now the funds are available, so the dam needs to be fixed. Councilor Capalbo stated she has lived here for 24 years and had taken a picnic at the dam, but she does not fish or swim. She was glad to hear all perspectives and reasons for removal of dams, such as the White Rock Dam removal which she agreed with. As far as the Potter Hill Dam and Bradford Dam was concerned, she asked Ms. Poyer for information. Ms. Poyer explained the intent was to study flood resiliency in the whole watershed so they have looked at Potter Hill and the Bradford Dam individually to see if it contributes to flooding. Removal would be a separate action. The study is a tool for the Town to use as they have identified culverts that need to be addressed. The two dams are under the study as to whether or not they contribute to flooding or not. They are looking at fish passage. With the Bradford Dam, the Nature Conservancy is involved and something that could be considered could be rock

ramp installations like was done at Kenyon Industries; so there would be seven separate little dams. She stated the two dams are under study but no decision has been made. Councilor Capalbo is interested in keeping the Wyoming Dam and understood the citizens point of view and there were more residences and businesses around the dam. She asked how the pond worked for fire suppression purposes. A resident who served as Lieutenant in the North Stonington, CT Fire Department said there is a dry hydrant there and they take the water from there for fire suppression. Councilor Capalbo felt that was another important reason to keep it. She stated she was glad the RIDEM has set money aside to repair it and did not intend to give it up and a delay could mean losing it. She did not support the WPWA using their grant monies on the Wyoming Dam but understood they were studying culverts and the other two dams. Ms. Poyer reported they would release a preliminary report in October and would hold community meetings and would involve all of the Towns. Ms. Poyer will release the report and will seek feedback. She applauds the passion, she loves the rivers too. Their point is that the study could help with flooding, but the WPWA will take the Town Council's answer as the answer, they will not push the matter further. Councilor Capalbo recommended they notify the residents; the WPWA needs to send a letter out to the residents around the pond; this letter was to the Town Council. Ms. Poyer noted this was a great community that cares and that she applauds the passion for the rivers. Councilor Thompson noted she grew up in Hope Valley on Fairview Avenue a few miles from the pond. She stated when she heard about this in the newspapers and that the Richmond Town Council supported studying alternatives, she thought was a stupid decision. She noted her farm had many cows and hayed all over the area and when haying was done her father took them swimming there. In the past the legion beach could be used but it is now marked as no trespassing and the Ashville Pond closed, so there were small isolated places to swim, but you went to the Wyoming pond to swim and explore. There once was a huge tree with a rope swing, the tree was taken down but she noticed another in its place. She felt the dam important to the Town and we want the DEM to repair it as soon as possible. Council President Landolfi felt this was an easy decision to make with all that has been said. He added that if one or both Council's decided not to study

alternatives, it would die on the vine. Ms. Poyer confirmed this. No further comments were made.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO SEND A LETTER TO THE RI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND ASK THAT THE SLATED REPAIR TO THE WYOMING DAM PROCEED AS SOON AS POSSIBLE.

IN FAVOR: Landolfi, Capalbo, Thompson, Buck

OPPOSED: None

SO VOTED

WATER METER PLUMBING INSTALLATION SERVICES RFP

The Council discussed and considered awarding a bid for Water Meter Plumbing Installation Services to J. N. Jordan Plumbing, LLC, of Shannock, RI, the low bidder, in the amount of \$33,525.00, with an additional charge of \$40.00, per site, for the bonding of copper water services, if needed, funded from the Town's restricted waterline savings account #05-200-1040. A motion was made and seconded which led to discussion. Councilor Buck questioned the funding source seeking clarification that the \$33,535.00 figure would come from the waterline savings account. The figures reviewed and this was confirmed. The water meters themselves had been purchased separately. Councilor Buck asked about the warranty, on the workmanship and the equipment. Joshua Jordan of J.N. Jordan Plumbing was present and he noted he could not respond to the water meters themselves but there is a one year warranty on the installation per RI General Laws. Mr. McGarry added that the RFP solely covers the installation/plumbing for the water meters that had already been purchased. He stated he would have to go back and review the water meter details. Councilor Capalbo asked about the date of completion. Mr. McGarry explained it would commence after his assistant was back from vacation and after the October 7, 2016 the water line committee meeting; that a letter was prepared and ready to go out to the subscribers on the water line. The plan was to finish the work before the end of the calendar year. Mr. Jordan had done the water meter work for the Town of Richmond. He explained that some people do not want anyone in their homes, so it had taken

over a year to complete in Richmond. The last hold outs were notified that their water would be shut off so they were completed recently. Mr. McGary added that the scheduling component would be handled by his office. Council President Landolfi commented that the bid requirements show the dimensions with a quote symbol not an inches symbol and felt this should be clarified. There was no further discussion and the Council proceeded to vote as follows:

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON THAT THE HOPKINTON TOWN COUNCIL AWARD THE BID FOR WATER METER INSTALLATION AND PLUMBING SERVICES TO J.N. JORDAN PLUBMING, LLC, THE LOW BIDDER IN THE AMOUNT OF \$33,525.00 WITH ADDITIONAL CHARGE OF \$40.00 PER SITE FOR THE BONDING OF COPPER WATER SERVICES, IF NEEDED.

IN FAVOR: Landolfi, Capalbo, Thompson, Buck

OPPOSED: None

SO VOTED

PUBLIC FORUM

No one spoke during the second public forum.

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk