

State of Rhode Island

County of Washington

In Hopkinton on the sixth day of May 2019 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, Scott Bill Hirst, Barbara Capalbo, Sylvia Thompson, Sharon Davis; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO MOVE ITEMS 9 AND 10 UNDER NEW BUSINESS TO THE BEGINNING OF THE AGENDA.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

RESOLUTION - SECOND AMENDMENT SANCTUARY TOWN

This matter was scheduled to discuss, consider and possibly vote to approve Resolution declaring Hopkinton a Second Amendment Sanctuary Town – see attached.

The Council entered into the following discussion: Councilor Hirst stated that he believed in the Bill of Rights and the Second Amendment of the Constitution. He was appalled that State leaders would try to take away that right. He supports the Second Amendment and this Resolution and felt they needed to take a stand in that regard. Councilor Thompson added that Rhode Island gun sales already require in-state residency, background checks, an eight-day waiting period and a “Blue Card”, which is the DEM certification for a class you are required to take in order to purchase handguns. Rhode Island gun laws prohibit gun purchases for the following reasons: “on behalf of another person; or for anyone under indictment or convicted of a felony or any crime for which the judge could imprison said person for more than one year; or for anyone who is a fugitive from

justice; or for any unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug or any controlled substance regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes; or for anyone adjudicated as a mental defective OR has ever been committed to a mental institution; or for anyone who has been discharged from the Armed Forces under dishonorable conditions; or for anyone who is subject to a court order restraining said person from harassing, stalking, or threatening their child or an intimate partner or child of such partner; or for anyone who has been convicted in any court of a misdemeanor crime of domestic violence; or for anyone who has renounced their United States citizenship; or for anyone who is an alien illegally or unlawfully in the United States.” Councilor Thompson advised that she had contacted the Governor’s office who sent her a list of the seven (7) bills that have gone to the Senate. She spoke of her childhood and growing up in Hopkinton, where her family had a farm, farm animals and a considerable amount of acreage. There were times when something might threaten their animals and as a child she had to use their .22 caliber gun and shoot the woodchucks. She stated that she supports the red-flag law which is about being able to take guns away from someone who has a mental illness. In 1993 or 1994 she went through DEM and was allowed to purchase guns and bought a .9 millimeter semi-automatic and a .20 gauge shotgun, which she intends to keep. She felt that this was only a Resolution and the Police Department was going to do what they are required to do under the law; however, she is in favor of the Resolution as written. Councilor Capalbo agreed with the right to carry guns by all law-abiding citizens; however, she did not agree with the third “Resolved”. She believed that this is a document that needed calm consideration and discussion and was just for a “feel good” purpose. She explained that there is no pending legislation to take guns away from law-abiding citizens; both the Senate and the House have put them in committee which is one way of squashing them. She finds that this Resolution is totally unenforceable and the Town cannot instruct the police or military to disobey State or Federal laws. She believed this is an all or nothing proposal. Councilor Davis believed people had the right to own a gun; however, there needed to be some adjustments made due to the massacres that have been

happening around the country. She indicated that she is against people owning assault weapons and if this Resolution is an all or nothing resolution than she would be opposed. Council President Landolfi indicated that he is in support of the Second Amendment Resolution. He felt the law-abiding gun owner is not the problem, it is the bad people with guns which is the problem and no law is going to prevent them from obtaining guns and he supported this Resolution. Councilor Hirst indicated that no Bill of Rights is absolute and what they are doing here is taking a stand for the Second Amendment.

Chief David Palmer was asked his opinion regarding this Resolution and he indicated that this was a Town Council resolution and he didn't feel it was appropriate to comment. Ben LaFazia of 131 Skunk Hill Road stated that he and his wife supported this Resolution. He indicated that Stephen Hopkins, the founder of the town, was one of the original signors of the Declaration of Independence; the town's seal has three firearms in it; and, our town slogan is "Not to be silent nor off our guard." He felt this town is built around the Second Amendment. John LaBrosse of Main Street stated that he bought his first assault rifle right after 9-11 when he realized that his country could not protect him and he needed to protect himself and his family. He felt that high capacity magazines and assault rifles should be allowed to protect people from riots and people can obtain licenses and permits to own fully automatic weapons or military-style weapons. Mr. LaBrosse asked Councilor Capalbo what she did not like about the third resolution. Councilor Capalbo indicated that it was the clause that read that the Town Council will not appropriate funds for capital construction of building space or purchase of storage systems to store weapons seized, and she felt that the Town Council would have no control over this or any other provision in this Resolution and this Resolution was a piece of paper which had no intrinsic value and is unenforceable. Councilor Hirst wished to recognize Representative Elaine Morgan who thanked the Council for bringing forth this Resolution. She indicated that they are not trying to change any laws, just enforce the existing laws. She stated that she took an oath to protect our Constitution, our amendments and our Bill of Rights and that is why she is stepping forward. Elizabeth Dalton of 6 Soap House Lane stated that she wished the laws to be

followed, but supported what Councilor Capalbo stated that this was just a Resolution; it had no power; and, she felt that it would only lead to confusion in terms of the residents and in terms of enforcement of the laws by the local police and urged the Town Council to vote no. Thomas Padula of 147 Woodville Road suggested that R.I.G.L. 11-47-60 states that if you are eligible to meet the requirements of R.I.G.L. 11-47-11 you can carry a handgun on school property, elementary and secondary schools. Governor Raimondo made an executive order, which was a feel-good order, that there would be no guns on any Rhode Island schools. Mr. Padula asked Chief Palmer if someone had a permit to carry a concealed weapon would he arrest them and Chief Palmer responded that it would depend on what the law says. Council President Landolfi agreed that this was a confusing aspect. John Donahue of 1 Juniper Drive, Ashaway, explained that he was a combat Vietnam veteran and the government had given him an automatic M16 which he used. He felt this Resolution was useful in advising the State that the Town of Hopkinton is backing gun rights. Justin Price, State Representative for Hopkinton, Richmond and Exeter, agreed that this was a Resolution which was powerful in that it demonstrated support from various towns and he disagreed that this Resolution wouldn't have any weight at the State level. John LaBrosse, Jr. believed that the residents wished to "feel good" that the Town Council had their best intentions in mind regarding their Second Amendment rights. Michael Geary of 16 Tomaquag Road urged the Town Council to pass this Resolution. Tammy Walsh of 229 Woodville Road stated that she supports people's right to own guns; however, she agreed with Councilor Capalbo that passing this Resolution would mean absolutely nothing. She felt that the Council should pass a Resolution stating that they support the Second Amendment rights which would take the politics out of this matter. An audience member, who was not a member of the town, stated that he felt this Resolution was the best way to send a message to the Governor and the State.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO ADOPT THIS RESOLUTION ON THE SECOND AMENDMENT.

Council discussion ensued in which Councilor Hirst stated that a Resolution has no force of law; it was simply making a statement. Councilor Davis stated that she is appalled at the massacres that have happened in our country and she believes that banning assault weapons and multiple magazines is not too much to ask. Discussion ended and the Council proceeded to vote.

IN FAVOR: Landolfi, Hirst, Thompson

OPPOSED: Capalbo, Davis

SO VOTED

The Resolution follows:

Hopkinton Town Council
Resolution declaring the Town of Hopkinton a
“SECOND AMENDMENT SANCTUARY TOWN”

- Whereas, the Town of Hopkinton Town Council pursuant to Rhode Island statute and the Town of Hopkinton Charter, is vested with the authority of administering the affairs of the Town of Hopkinton, RI, and
- Whereas, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms, and
- Whereas, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home, and
- Whereas, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms”, as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment and is applicable to the states, and
- Whereas, the United States Supreme Court in *United States v. Miller*, 307 U.S. 174 (1939), opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment, and
- Whereas, Article I, Section 22 of the Rhode Island Constitution provides that “The right of the people to keep and bear arms shall not be infringed”, and
- Whereas, Article I, Section 6 of the Rhode Island Constitution provides that “The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation and describing as nearly as many as may be, the place to be searched and the person or things to be seized”, and
- Whereas, Rhode Island gun sales already require in-state residency, background checks, an eight-day waiting period and a “Blue Card” [RI Department of Environmental Management Pistol/Revolver Certification] for handgun purchases; and prohibits all gun purchases
- on behalf of another person,
 - or for anyone under indictment or convicted of a felony or any crime for which the judge could imprison said person for more than one year,

- or for anyone who is a fugitive from justice,
- or for any unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug or any controlled substance regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes,
- or for anyone adjudicated as a mental defective OR has ever been committed to a mental institution,
- or for anyone who has been discharged from the Armed Forces under dishonorable conditions,
- or for anyone who is subject to a court order restraining said person from harassing, stalking, or threatening their child or an intimate partner or child of such partner,
- or for anyone who has been convicted in any court of a misdemeanor crime of domestic violence,
- or for anyone who has renounced their United States citizenship,
- or for anyone who is an alien illegally or unlawfully in the United States, and

Whereas, it is the desire of the Hopkinton Town Council to declare its support of the Second Amendment to the United States Constitution and to the provisions of the Rhode Island Constitution which protect Hopkinton Citizens' inalienable and individual right to keep and bear arms, and

Whereas, the Hopkinton Town Council Members each took an oath to support and defend the United States Constitution, and the laws of the State of Rhode Island which are not deemed unconstitutional by a court of competent jurisdiction, and the Charter of the Town of Hopkinton.

NOW, THEREFORE, BE IT RESOLVED by the Hopkinton Town Council that the Town of Hopkinton be, and hereby is, declared to be a "Second Amendment Sanctuary Town".

BE IT FURTHER RESOLVED that the Hopkinton Town Council affirms its support for the Hopkinton Police Department to exercise sound discretion when enforcing laws impacting the rights of citizens under the second amendment.

BE IT FURTHER RESOLVED that the Hopkinton Town Council will not appropriate funds for capital construction of building space or purchase of storage systems to store weapons seized pursuant to the requirements set forth in any legislation if such bill is enacted by the Rhode Island General Assembly and/or for the purpose of enforcing any other law that unconstitutionally infringes upon the right of the People of the Town of Hopkinton to keep and bear arms.

Councilor Davis left the meeting.

2nd CDBG HEARING

The Council opened a second public hearing on the PY 2018 Community Development Block Grant application. Present: Town Planner James Lamphere, Geoffrey Marchant.

Councilor Hirst stated for the record that he would be abstaining from voting.

Planner Lamphere stated that on March 14, 2019 they had a multi-town meeting at the Richmond Town Hall where the rules of the program were laid out to applicants. On May 1, 2019 the Planning Board reviewed three proposals and

found that none of the projects conflicted with the Town's comprehensive plan. The first activity is the Hope Valley Water Line Extension Feasibility Study for \$46,650; the second activity is for Looking Upwards which is a nonprofit organization that provides assistance to disabled individuals for housing improvements and they are asking for \$5,818 for replacement windows; the third project is the Tri-County Community Action Program that is running a job training program where they are going to give vouchers to train licensed practical nurses and they are asking for \$60,000 for 20 vouchers; and, finally we have administration fees of the program for Washington County Community Development Corporation in the amount of \$16,971, which is a standard 15% of the above activities added together. In total, there is an application package of \$129,439. Town Planner Lamphere asked the Council to prioritize and approve the projects. Councilor Capalbo questioned Mr. Lamphere about the Tri-County Action Program regarding their training of people as LPN's and asked if he knew if there was anyone from Hopkinton that would be participating in that program. Mr. Lamphere did not know but indicated that there very well could be. Mr. Lamphere advised that the State has encouraged nonprofits to apply for all of their funds through a single community. Councilor Thompson questioned what happened to South County Community Action and Mr. Lamphere stated he believed Tri-County Action was the successor organization. Geoff Marchant advised that many years ago South County Community Action had some management issues and the State asked Tri-County Action of Johnston to manage South County Community Action. A few years back they decided to merge the entities. Councilor Thompson spoke of the feasibility study as it pertained to the Hope Valley water line extension and advised that she had spoken with Town Manager McGarry about this matter. Before the Hope Valley water line can be extended there still was one item that had never been completed. In the past, the State advised that before any extension could be done they want us to know what the septic loading is and they would need all the ISDS permits for properties involved. Mr. Lamphere felt this was just a feasibility study and before any extension was done they would have to comply with the State's requirement. Councilor Capalbo liked the way these projects were listed and all Councilors

agreed. Council President Landolfi stated that the Hope Valley Water Line Extension Feasibility Study would be first; Looking Upwards, second; and, Tri-County Community Action Program third. Deirdre Murphy was present representing Looking Upwards. She explained that Looking Upwards is a shared residence in Hopkinton where three individuals with disabilities reside and they wished to replace the windows in that residence.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO ADOPT THE FOLLOWING RESOLUTION:

AUTHORIZING RESOLUTION OF THE LOCAL GOVERNING BODY

TOWN OF HOPKINTON, RI

WHEREAS, funds are available under the Rhode Island Community Development Block Grant Program, administered by the Department of Administration, Division of Planning, Office of Housing and Community Development; and,

WHEREAS, the Governor of the State of Rhode Island has authorized the Director of said Department/Office to disburse such funds; and,

WHEREAS, it is in the interest of the citizens of the Town of Hopkinton that application be made to undertake a Small Cities Community Development Program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HOPKINTON:

That the filing of this application for the amount of \$129,439.00 to implement the activities proposed herein hereby authorized and that Frank T. Landolfi, Town Council President is hereby authorized and directed to file this application with the Office of Housing and Community Development, to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the Representative of the Town of Hopkinton in all matters relating to this application and any award which may be based upon this application.

IN FAVOR: Landolfi, Thompson, Capalbo

ABSTAIN: Hirst

OPPOSED: None

SO VOTED

CONSENT AGENDA

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

FOLLOWS: Approve Town Council Meeting Minutes of April 15, 2019;

Approve Special Town Council Meeting Minutes of April 22, 2019; Accept the

March 25, 2019 Court Transcript & April 22, 2019 Court Transcript as the

records of these hearing(s) for the Zone Amendment & Comprehensive Plan Future Land Use Map Amendment filed by Atlantic Solar, LLC involving Gordon Excavating, Inc. and Hopkinton Land 1, LLC; Approve refunds as a result of a taxpayers overpayment of 2011 ~~2018~~ real estate tax & 2018 motor vehicle tax submitted by the Tax Collector.

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joe Moreau of Old Depot Road spoke about hearing a lot of talk about the Town needing additional business to receive more revenue. He reviewed the mill rate for Richmond which was \$21.36 and is going up to \$22.20 and Hopkinton's mill rate is \$20.07 going up to \$20.87. He also compared the mill rates for Coventry at \$21.61; Foster \$22.84 and West Greenwich \$23.70. Mr. Moreau stated that he drove from the Little League field in Hope Valley, which he believed was the town's border, just over a mile and there are 46 businesses in that stretch. He believed Richmond has a lot of solar projects and felt it hasn't helped lower their mill rate. Mr. Moreau went on to state that he had read an article in the Westerly Sun which he found very disturbing, which he thereafter read in part and was titled 'In Hopkinton the debate over solar gets personal' which spoke of a personal attack against Councilor Hirst which he felt was uncalled for. Lastly, he found the Land Owner Rights Petition very disturbing and felt that it wasn't appropriate that two members of the Town Council signed that petition.

COUNCIL PRESIDENT REPORT

Council President Landolfi expressed his appreciation to Ben LaFazia and Senator Elaine Morgan regarding their Second Amendment efforts.

TOWN MANAGER REPORT

Town Manager William McGarry reported during the second week of April 2019, Mr. McGarry worked with Recreation Director Mary Sawyer, who applied for an AARP Community Challenge grant in the amount of \$6,361 to match the DEA grant received last month to install a new epoxy floor in the Crandall House Recreation Activity Center. Councilor Barbara Capalbo forwarded this grant

application to the Recreation Department. The new floor was recently installed in the Activity Center and is a vast improvement over the previous worn tiles. He reported on April 9, 2019 he worked with Recreation Director Mary Sawyer and they applied for a \$1,000 Senate legislative grant, which will be used for the purchase of several new picnic tables at Crandall Field. This application was forwarded to them by Senator Elaine Morgan. He reported during the month of April, he spent a considerable amount of time working with Town Planner James Lamphere and others on the older and newer sections of the Town-owned Stubtown Road landfill. They've met with Steve Cabral of Crossman Engineering, the abutting property owner, RIDEM officials, Al DiOrio, DPW and others. This is a long-term project which is in the infancy stages of assessing the feasibility of a future solar project on the landfill sites with much more work to be done. Crossman Engineering has prepared a Field Review Memorandum on work that needs to be completed at the newer landfill (phase II). They are also preparing a proposal to formulate a Remedial Action Work Plan (RAWP) for the older landfill, as required by RIDEM. He reported on April 26, 2019, he, Jim Lamphere and Sean Henry met with Chris Kearns of the RI Department of Administration to learn more about applying for a RIDEM grant for remedial and economic development of the landfill. He noted the former property owner is involved and this is a work-in-progress and according to the DOA it will be a two to three year project. He reported during the month of April, he worked with Deputy Zoning Official Sherri Desjardin and Solicitor Kevin McAllister to draft a newly-proposed Ordinance - Chapter 5.5, entitled "Adoption of the State Property Maintenance Code for the Town of Hopkinton". One of the benefits of this newly-proposed Ordinance is that it would allow the Town to adopt a maximum allowable height of grass and weeds on properties in town.

Councilor Capalbo asked if the new ordinance was for state-owned properties or any property and Town Manager McGarry advised that this would be a town-wide ordinance which adopted state law. Councilor Thompson stated that they had adopted a similar ordinance many years ago but there had been some changes. Regarding the landfill, Councilor Thompson advised that the older part of the landfill never had an issue of criminality and there was never any evidence that

anything illegal went into that section of the dump. DEM only had concerns about what went into the new section of the landfill and that is why it had to be covered with a membrane and they had to monitor the wells.

OLD BUSINESS

ATLANTIC SOLAR LLC REQUEST FOR CONTINUANCE (SKUNK HILL SOLAR)

This matter was scheduled to discuss, consider and possibly vote to grant request of Robert Craven, Esq. to reschedule the May 28, 2019 public hearing date: re: an amendment to the Hopkinton Zoning Ordinance and the Hopkinton Comprehensive Plan Future Land Use Map filed by Atlantic Solar LLC, 260 West Exchange Street, Providence, RI 02903 and Atlantic Control Systems, Inc., 318 Dry Bridge Road, North Kingstown, RI, RI 02903, the land owner for property located at 0 Main Street identified as Plat 7, Lot 32; Plat 10, Lot 87 and Plat 11, Lot 35 an RFR-80 Zone. This matter was continued from April 15, 2019 to May 28, 2019 as was announced during the advertised and noticed April 15, 2019 Town Council Meeting.

Councilor Hirst stated that continuing these matters is an inconvenience for the Council and residents and he believed these law firms should have another attorney available to cover these meeting.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO GRANT THE REQUEST OF ROBERT CRAVEN, ESQUIRE TO RESCHEDULE THE MAY 28, 2019 PUBLIC HEARING DATE RE: AN AMENDMENT TO THE HOPKINTON ZONING ORDINANCE AND THE HOPKINTON COMPREHENSIVE PLAN FUTURE LAND USE MAP FILED BY ATLANTIC SOLAR LLC, TO JUNE 10, 2019 AT 7:00 P.M. AT THE CHARIHO MIDDLE SCHOOL AUDITORIUM.

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

ASHAWAY AMBULANCE CORP ONGOING FINANCIAL REQUIREMENTS

This matter was scheduled to receive information regarding on-going financial reporting requirements re: Ashaway Ambulance Corp; update on cost of same from Ashaway Ambulance Treasurer Eric Perrin.

Eric Perrin, Treasurer of the Ashaway Ambulance Corp wished to go through the past precedence that was set forth over a year ago. He explained their monthly cost for payroll and budgeting has just increased \$75.00 per month. In an effort to save money they no longer wished to provide financial reporting documentation on a monthly basis. Council President Landolfi stated that they were only asked to report quarterly, not monthly. Mr. Perrin indicated that they had met those conditions for a year and they resolved all issues and wished this obligation to cease. Councilor Thompson suggested possibly reporting every six months and Mr. Perrin indicated that this would still cost them \$50.00 per month. Councilor Thompson questioned whether they needed this information for their end of year reporting and Mr. Perrin stated that they did; however, it was costing them extra to have this done and sent to the Town Council. Councilor Capalbo questioned if their information was being sent to the Town Manager once a month and Mr. Perrin indicated that he had thought it was being sent to Town Manager McGarry but then found out that it hadn't been. He indicated that his point was that they had to provide all financials to the Town Council every year to obtain their grant and all the prior issues had been resolved since he had become treasurer, and he is just attempting to save money. Mr. Perrin advised that there is a new State regulation from the Department of Health, which requires all drivers to be trained as EMRs. Councilor Thompson asked what an EMR was and Mr. Perrin indicated it was an emergency medical responder who would not be a licensed EMT but would know first aid and CPR. Mr. Perrin explained their payroll company is charging them an additional \$600 a year to prepare the documents and send them to the Town Manager. Councilor Capalbo wished to continue the guidelines to June 30th and if they received everything they required consistently and completely then she felt they could relax those guidelines. Mr. Perrin indicated that he would be willing to sit down with the Council to discuss how they can move forward. Councilor Hirst asked how often Mr. Perrin dealt with the bookkeeper and he indicated at least once a week. Mr. Perrin asked the

Council what they were using the requested information for and why they needed run information and personnel information. Town Manager McGarry recommended that the Ambulance Corp send in their required information every six months. Councilor Capalbo advised that they wished to see a consistency in personnel and the way the organization was run. Mr. Perrin stated that he cannot control what happened in the past. Council President Landolfi indicated that he agreed with the Town Manager that they should receive the requested information every six months and Councilor Thompson added that this may not need to continue but the Manager is suggesting that as of July 1st they send in their quarterly submittal. She stated that their concern in the past was that the ambulance was going to fail. Mr. Perrin stated that they should look at the Charter overall for they were having trouble following their Charter. Councilor Capalbo stated that if that was the case maybe they should look into changing their Charter to make it work.

NEW BUSINESS

BID AWARD FOR DIESEL FUEL

This matter was scheduled to discuss, consider and possibly vote to award a bid for diesel fuel to Ginger's Service Station of Westerly, RI, the low bidder, for the total fixed added price of \$0.39, per gallon, from July 1st, 2019 through June 30th, 2022.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO AWARD THE BID FOR DIESEL FUEL TO GINGER'S SERVICE STATION OF WESTERLY, RI, THE LOW BIDDER, FOR THE TOTAL FIXED ADDED PRICE OF \$0.39, PER GALLON, FROM JULY 1ST, 2019 THROUGH JUNE 30TH, 2022.

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

BID AWARD FOR #2 FUEL OIL

This matter was scheduled to discuss, consider and possibly vote to award a bid for #2 fuel oil to Ginger's Service Station of Westerly, RI, the low bidder, for the fixed added price of \$.06, per gallon, from July 1st, 2019 through June 30th, 2022.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO AWARD THE BID FOR #2 FUEL OIL TO GINGER'S SERVICE STATION OF WESTERLY, RI, THE LOW BIDDER, FOR THE FIXED ADDED PRICE OF \$.06, PER GALLON, FROM JULY 1ST, 2019 THROUGH JUNE 30TH, 2022.

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

BID AWARD FOR PURCHASE OF WINTER SAND

This matter was scheduled to discuss, consider and possibly vote to award a bid for the purchase of winter sand to Rawson Materials of Putnam, CT, the sole bidder, for a price of \$13.00, per ton (picked up), and \$15.70, per ton (delivered), from July 1st, 2019 through June 30th, 2022.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO AWARD THE BID FOR THE PURCHASE OF WINTER SAND TO RAWSON MATERIALS OF PUTNAM, CT, THE SOLE BIDDER, FOR A PRICE OF \$13.00, PER TON (PICKED UP), AND \$15.70, PER TON (DELIVERED), FROM JULY 1ST, 2019 THROUGH JUNE 30TH, 2022.

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

BID AWARD FOR PURCHASE OF MID-GRADE GASOLINE

This matter was scheduled to discuss, consider and possibly vote to award a bid for the purchase of mid-grade gasoline to Petro of Warwick, RI the low bidder, for the total fixed added price of \$0.455, per gallon, from July 1st, 2019 through June 30th, 2022.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO AWARD THE BID FOR THE PURCHASE OF MID-GRADE GASOLINE TO PETRO OF WARWICK, RI THE LOW BIDDER, FOR THE TOTAL FIXED ADDED PRICE OF \$0.455, PER GALLON, FROM JULY 1ST, 2019 THROUGH JUNE 30TH, 2022.

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

BID AWARD FOR PURCHASE OF HEATING AND COOLING SYSTEM MAINTENANCE SERVICES

This matter was scheduled to discuss, consider and possibly vote to award a bid for the purchase of heating and cooling system maintenance services to Petro of Warwick, RI, the sole qualified bidder, for \$105.00, per hour, on Mondays through Fridays from 8:00 a.m. to 4:00 p.m. and \$125.00, per hour, on Mondays through Fridays from 4:00 p.m. to 8:00 a.m. including Saturdays, Sundays and holidays, and a 10% discount from the parts list from July 1st, 2019 through June 30th, 2022.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO AWARD THE BID FOR THE PURCHASE OF HEATING AND COOLING SYSTEM MAINTENANCE SERVICES TO PETRO OF WARWICK, RI THE SOLE QUALIFIED BIDDER, FOR \$105.00, PER HOUR, ON MONDAYS THROUGH FRIDAYS FROM 8:00 A.M. TO 4:00 P.M. AND \$125.00, PER HOUR, ON MONDAYS THROUGH FRIDAYS FROM 4:00 P.M. TO 8:00 A.M. INCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS, AND A 10% DISCOUNT FROM THE PARTS LIST FROM JULY 1ST, 2019 THROUGH JUNE 30TH, 2022.

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

BID AWARD FOR PURCHASE OF PROPANE GAS HEATING FUEL

This matter was scheduled to discuss, consider and possibly vote to award a bid for the purchase of propane gas heating fuel to Quality Propane of North Stonington, CT, the low bidder, for a total fixed added price of \$0.30, per gallon. This bid also includes burner service in the amount of \$95.00, per hour, Mondays through Fridays from 8:00 a.m. to 4:00 p.m. and \$125.00, per hour from 4:00 p.m. to 8:00 a.m. including Saturdays, Sundays and holidays, less a 15% discount from the parts list from July 1st, 2019 through June 30th, 2022.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO AWARD THE BID FOR THE PURCHASE OF PROPANE GAS HEATING FUEL TO QUALITY PROPANE OF NORTH STONINGTON, CT, THE LOW BIDDER, FOR A TOTAL FIXED ADDED PRICE OF \$95.00, PER HOUR, MONDAYS THROUGH FRIDAYS FROM 8:00 A.M. TO 4:00 P.M. AND \$125.00, PER HOUR FROM 4:00 P.M. TO 8:00 A.M. INCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS, LESS A 15% DISCOUNT FROM THE PARTS LIST FROM JULY 1st, 2019 THROUGH JUNE 30th, 2022.

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

PROPOSED NEW ORDINANCE, CHAPTER 5.5 – ADOPTION OF THE STATE PROPERTY MAINTENANCE CODE FOR THE TOWN OF HOPKINTON

This matter was scheduled to discuss and consider setting May 20, 2019 as a hearing date for a proposed new ordinance entitled “Chapter 5.5 - Adoption of the State Property Maintenance Code for the Town of Hopkinton”.

It was agreed by the Council to set May 20, 2019 as the hearing date for the proposed new ordinance entitled “Chapter 5.5 - Adoption of the State Property Maintenance Code for the Town of Hopkinton”.

BID AWARD FOR SALE OF THREE USED POLICE VEHICLES

This matter was scheduled to discuss, consider and possibly vote to award the sale of three used police vehicles to the highest bidders, as follows:

- The sale of a 1991 Hummer to Westerly Auto Sales in the amount of \$10,200.
- The sale of a 1987 Hummer to Paul Buonaiuto in the amount of \$11,000.
- The sale of a 2006 Nissan Altima to Wyoming Towing in the amount of \$1,000.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO AWARD THE SALE OF THREE USED POLICE VEHICLES TO THE HIGHEST BIDDERS AS FOLLOWS: THE 1991 HUMMER TO WESTERLY AUTO SALES IN THE AMOUNT OF \$10,200; THE 1987 HUMMER TO PAUL BUONAIUTO IN THE AMOUNT OF \$11,000; AND, THE 2006 NISSAN ALTIMA TO WYOMING TOWING IN THE AMOUNT OF \$1,000.

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

BOARDS & COMMISSIONS

TAX BOARD OF REVIEW

This matter was scheduled to discuss, consider and vote to reappoint Michael Brocato to the Tax Board of Review.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO REAPPOINT MICHAEL BROCATO TO THE TAX BOARD OF REVIEW.

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

PLANNING BOARD

This matter was scheduled to discuss, consider and vote to reappoint Thomas Holberton to the Planning Board.

A motion was made by Councilor Hirst to reappoint Thomas Holberton to the Planning Board; however, there was no second.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO NOT REAPPOINT THOMAS HOLBERTON TO THE PLANNING BOARD. Discussion on the motion:

Councilor Hirst wished to know the reason why they did not want to reappoint Mr. Holberton to the Planning Board. Councilor Thompson explained that several residents had contacted her and asked her to watch certain videos. She stated that they wished to have people on the Boards who were thoughtful, not rude and not aggressive. She stated that there are videos, one in particular, where Mr. Holberton is not representing the Town in an appropriate way. Councilor Capalbo indicated that she adores Mr. Holberton; however, when the issue of solar comes up, which is brought up by developers by right, whether you like solar or not, they need to be handled and spoken to in a professional, calm and respectful manner and this is not and has not been happening on the Planning Board for the last year. Mr. Holberton is very passionate and intense, as other members are as well, and she feels this needs to be done in a more civil manner; is an embarrassment; and, is not professional, respectful or civil. Councilor Hirst indicated that he would speak to Mr. Holberton and review the videos. Council President Landolfi advised that he has attended several Planning Board meetings and agreed that Mr. Holberton is over the top, disrespectful and rude to abutters, applicants, witnesses, everyone involved and this has no place in town government. Vote on the motion:

IN FAVOR: Landolfi, Thompson, Capalbo

OPPOSED: Hirst

SO VOTED

PLANNING BOARD

This matter was scheduled to discuss, consider and possibly vote on the appointment of Steven Wiehl to the Planning Board (Alternate).

Town Clerk Cook-Martin advised the Council that Mr. Wiehl had approached her prior to the meeting and advised her that he would be withdrawing his interest on

being appointed to the Planning Board and he will be submitting something in writing.

WOOD PAWCATUCK WILD & SCENIC RIVERS STEWARDSHIP COUNCIL

This matter was scheduled to discuss, consider and vote to appoint one of three applicants: Michael Warner, Elaine Caldarone, Eric Bibler, to the Wild & Scenic Rivers Stewardship Council as full member.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPOINT ELAINE CALDARONE AS THE FULL MEMBER OF THE WILD & SCENIC RIVERS STEWARDSHIP COUNCIL. Discussion on motion:

Councilor Thompson advised that they had three very good candidates; however in reference to Ms. Caldarone, she was a Marine Biologist, an avid kayaker, and is a 34 year resident of Ashaway. Councilor Capalbo liked the fact that she was very interested in assuring that rivers are assessable to children, the elderly and disabled and she had a lot of experience with that as well. Councilor Hirst indicated that he was hoping to make this motion because she has been his neighbor for many years and he felt that she was a great choice. Vote on motion:

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

**WOOD PAWCATUCK WILD & SCENIC RIVERS STEWARDSHIP COUNCIL
ALTERNATE MEMBER**

This matter was scheduled to discuss, consider and vote to appoint one of three applicants: Michael Warner, Elaine Caldorone, Eric Bibler, to the Wild & Scenic Rivers Stewardship Council as alternate member.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPOINT MICHAEL WARNER AS THE ALTERNATE MEMBER OF THE WILD & SCENIC RIVERS STEWARDSHIP COUNCIL. Discussion on motion:

Councilor Hirst indicated that with no offense to Mr. Warner he would be voting no because he had wanted to appoint Eric Bibler. Councilor Thompson indicated

that she supported Mr. Warner because of his past and current work. He is a Board member and has been for the past nine years of the Rhode Island Salt Water Anglers Association; he is the Chairman of the Anglers Association; he has worked over the last ten years on legislation action that would assist in his Angler Association; in addition, he is a 30 year military veteran; he volunteers as a coach for Hopkinton's baseball and basketball league; and, he has been very active in the salmon passage and dam removal along our rivers. She felt he is very qualified. She did agree that she would like to see Eric Bibler active in the commissions or committees because he knows how to get things done and when he believes in something he follows through with his actions. Councilor Capalbo agreed with the appointment of Mr. Warner. Vote on the motion:

IN FAVOR: Landolfi, Thompson, Capalbo

OPPOSED: Hirst

SO VOTED

Town Clerk Cook-Martin indicated that the Wood Pawcatuck Watershed Association had called and asked her to extend to the applicants that their first meeting would be on May 22, 2019 at 6:00 p.m. at their headquarters and they are going to be meeting the fourth Wednesday of each month. The Council asked Town Clerk Cook-Martin to advise the applicants, as well as Mr. Bibler, who may wish to attend as an audience member.

PUBLIC FORUM

Joe Moreau wished to thank Manager McGarry and others who worked on the Stubtown Road dump possible solar project. Mr. Moreau also wished to speak about Palmer Circle which is commercial property and indicated that he did not know what guidelines are imposed for properties of this type, but if there are no restrictions or guidelines this needs to be looked at. Council President Landolfi advised that Rosemary and spoken with Town Planner Lamphere and they have a game plan going forward. Mr. Moreau also believed the Town Manager's request to obtain certain information from the ambulance association was a simple request. He did not believe it was unrealistic to request certain guidelines be followed and the Town Council should be able to ask questions. Lastly he indicated that he has been to a majority of Planning Board meetings this past year

and he felt there are some residents and some Town Council members that have also been disrespectful to people. He stated that he had not seen Mr. Holberton any more disrespectful than himself, members of the town or Town Council, and he was disappointed with their vote. A member of the audience spoke on behalf of Mr. Holberton and indicated that she had been going to the Planning Board meetings and felt this vote was politically motivated and she found Mr. Holberton to be diligent and dedicated. Another audience member indicated that her background was human resources and she suggested that if they had a problem with someone they should have spoken to that individual directly. She was very disturbed that the Council's way of dealing with this matter was to just not reappoint Mr. Holberton. Also, she wished to express her concern with what is going on at Palmer Circle and she is hoping this project is under control because in looking at the solar developments that are going up in the town, you can see everything about them. She will be dead before the trees and undercover have grown enough to hide them. At the last Town Council meeting there was public comment on the solar proposal and Solicitor McAllister stated that his opinion was the new ordinance did not apply to proposals submitted prior to the enactment of the ordinance. She believed it would be a good idea to obtain an outside opinion in that regard as Attorney Donnelly disagreed with that opinion. John Donahue of 1 Juniper Drive provided some background for the Ashaway Ambulance and stated that he was President for two years back in the 1980's. At that time they were all volunteers and no one was paid. He believed Ashaway Ambulance's paid crew is only paid half of what Westerly Ambulance employees are paid. He advised that last week Ashaway Ambulance had gone to Hope Valley to provide mutual aide. He believed Ashaway Ambulance is not asking for anything they do not need and it is really tough to get volunteers and expensive to train these individuals. He felt they were doing a great job. An audience member who had spoken before wished to add to her prior comments and stated that the ordinance that was to be considered on May 20th suggested there was a limit on how tall your grass can be. She suggested that she lived on the old part of Woody Hill Road and no one can see her house from the road. She asked what would happen if she went on vacation or visited her mother for a

month and a half and her grass was more than 10 inches? She stated that what bugs her most is the fact that they just approved a Resolution affording people their Second Amendment rights but now they are going to tell people that they have to keep their grass under 10 inches. Another audience member, who stated that he was a solar proponent, stated that if the Council responded to the solar proponents, if they got together and plead their case with the Council, with the same zeal that they did for the folks who were for gun rights, and responded the same way to the people who are against solar, the same way they did to the people who were against guns, he would really be pleased. He stated that he had posed some questions, most recently about the Skunk Hill proposal, about consistency. The arguments for the Skunk Hill proposal are basically the same arguments as the Brushy Brook proposal; however, the Skunk Hill project is more densely populated with residential homes. They disapproved the Brushy Brook proposal and he doesn't see how they could approve the Skunk Hill proposal for basically the same reasons. He believed the old Stubtown Road landfill would be a perfect place for a solar array and he asked if the Council was pursuing that and Council President Landolfi indicated they were. He advised that there was a gentleman at the last meeting who stated that he was an engineer and a large landowner who wished to put solar on his property; however, he stated that he was also in favor of alternatives and was hoping that the Council would entertain other alternatives.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO ADJOURN IN MEMORY OF SANDRA WHITE-FOURNIER WHO WAS THE MOTHER OF FORMER TOWN COUNCIL MEMBER THOMAS BUCK.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk