

State of Rhode Island

County of Washington

In Hopkinton on the twentieth day of May 2019 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:00 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.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO CONVENE IN OPEN SESSION AND ENTER INTO EXECUTIVE SESSION PURSUANT TO RIGL SECS. 42-46-5(A) (1) & (A)(2) FOR DISCUSSIONS CONCERNING A PENDING LAW SUIT AND ITS PROPOSED SETTLEMENT, AS WELL AS THE RELATED PENDING COLLECTIVE BARGAINING GRIEVANCES/ARBITRATION, BOTH LEGAL PROCEEDINGS HAVING BEEN BROUGHT AGAINST THE TOWN AND TOWN OFFICIALS BY FORMER EMPLOYEE A; AND FURTHER TO DISCUSS THE RECOMMENDATIONS OF THE TOWN MANAGER CONCERNING THE PROPOSED TWO (2) EMPLOYMENT CONTRACTS WITH THE COLLECTIVE BARGAINING UNITS REPRESENTING THE PROFESSIONAL TECHNICAL EMPLOYEES (PTE) AND THE CLERICAL EMPLOYEES AND FURTHER TO DISCUSS THE RECOMMENDATIONS OF THE TOWN MANAGER REGARDING THE TWO (2) PROPOSED INDIVIDUAL EMPLOYMENT CONTRACTS FOR THE INFORMATION TECHNOLOGY/GEOGRAPHICAL INFORMATION SYSTEM OFFICIAL, AND FOR THE FINANCE DIRECTOR.

POLL VOTE:

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

OPPOSED: None

SO VOTED

Council President Landolfi reported that the individuals being discussed in Executive Session have been notified in advance in writing of this Executive Session agenda and each individual involved has been advised in writing that he and/or she may require that the discussion(s) be held in Open Session.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO RECONVENE IN OPEN SESSION.

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

OPPOSED: None

SO VOTED

Council President Landolfi reported that no votes were taken in Executive Session.

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

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

OPPOSED: None

SO VOTED

The meeting was called to order with a moment of silent meditation and a salute to the Flag at 7:10 PM.

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

The Council opened a hearing on a proposed Ordinance - Chapter 5.5, entitled “Adoption of the State Property Maintenance Code for the Town of Hopkinton”, introduced and sponsored by Council President Landolfi. The State Property Maintenance Code is a section of the State Building Code. Chapter 5.5, entitled “Adoption of the State Property Maintenance Code for the Town of Hopkinton,” provides language enumerating that the State Property Maintenance Code serves as the Property Maintenance Code for the Town of Hopkinton. This Ordinance also adopts municipal jurisdiction language for grass and weed length, along with a fine for each violation. Key elements of the proposed ordinance:

- The State Property Maintenance Code to be adopted as the Property Maintenance Code for the Town of Hopkinton.
- The Town will adopt a maximum of ten (10) inches as the maximum allowable height of grass and weeds.
- The Town may assess a fine of twenty-five dollars (\$25.00) per day, per violation.

This amendment shall take effect immediately upon passage.

The Town Council began its discussion on the proposed ordinance. Deputy Zoning Official Sherri Desjardins was present. Council President Landolfi advised that most of the complaints that are received stem from maintenance issues. Town Manager McGarry indicated that this proposed ordinance was initiated by Deputy Zoning Official Sherri Desjardins due to the numerous complaints she receives on an annual basis regarding property maintenance issues in town. Deputy Zoning Official Desjardins stated that Chapter 5.5 Code of Ordinances adopts the State Building Code as Hopkinton's Building Code. This property maintenance code is part of the State Building Code and left it up to individual jurisdictions to establish the height of grass. Councilor Thompson stated that in 1993 the Town adopted the Rhode Island Housing Maintenance and Occupancy Code and Deputy Zoning Official Desjardins indicated that was correct until the State Building Code was adopted in 2010. Councilor Hirst stated that some people just mow around their house and what would happen to people who owned two or three acres, would they be accountable for their entire parcel. Deputy Zoning Official Desjardins indicated no, the ordinance was just basically for around the house. Councilor Hirst asked if they had certain dimensions in mind and Deputy Zoning Official Desjardins advised that they did not and they were not looking to be the lawn police. The height did not have to be 10 inches, it could be higher. Councilor Hirst stated that he was concerned about people who had large parcels of land and wished to know just how much had to be mowed to comply with the ordinance. Deputy Zoning Official Desjardins indicated that this was more a property maintenance issue for sanitary issues. Councilor Thompson stated that there are exemptions, such as open space and recreational properties,

agricultural operations, and specific portions of private properties in all zoning districts and several others. She stated that her first reaction to this proposed ordinance is “you’ve got to be kidding.” Deputy Zoning Official Desjardins advised that when someone calls about a property, she has nothing to enforce. Councilor Capalbo believed that 10 inches was too low and felt it should be 18 inches, but she did agree with the \$25.00 per day fine. There was discussion among the councilors concerning an appropriate height and most expressed agreement with 15 inches.

Dorothy Gardiner asked if they were adding a height minimum for grass or were they adopting an entire maintenance code. Council President Landolfi stated that it was a maintenance code adoption and Ms. Gardiner asked what else was included in the maintenance code or was it only to do with grass. Deputy Zoning Official Desjardins advised that this was already part of the State Building Code, which is what the town operates under and just was an amendment to that. Martin Liese of Ashaway Road believed this amendment to be helpful and stated that if you let a lawn go unkempt, it impacts the value of the neighbor’s property. Justin Bentley of 138 Maxson Hill Road questioned the necessity of this ordinance and stated that one of the major complaints with solar projects is the fact that they are eye sores and he felt that would be the number one reason why neighbors would complain about someone’s grass height. He went on to state that one of the big pushes for solar projects is that the Town needs money, but to defend and look out for the poor, the tired, and people who are on a budget, and to fine them \$25.00 a day when they can’t afford gas, a working lawnmower, or to pay someone to mow their lawn, seems to be unnecessary. Town Manager McGarry indicated that this ordinance has nothing to do with solar and he and Deputy Zoning Official Desjardins had spoken about drafting an internal policy which will give people seven days to cut their lawn; and also, if there are extenuating circumstances such as being on vacation or out of state, there will be an inspection first and in seven days if they are still out of state or unavailable they are going to give them another seven days or until they come back. The seven day notice only begins once they receive the actual written notice of the violation. They are going to provide plenty of time in order for the ordinance to be complied with. Walter

Czerkiewicz believed there should be a couple of warnings before people were assessed a fine. Lauren Turner wished to keep consistency in how different matters are viewed; and asked what happened to the view that people can do whatever they want with their land, which she has heard many, many times regarding solar. She felt this was a waste of time and resources when there was no perceived health hazard in having long grass. She questioned how much the value of someone's home would go down if a neighbor didn't cut their grass compared to if a solar array went in next door. Councilor Thompson asked Ms. Turner if she had an opinion on the grass height and she stated she did not.

Tammy Walsh of Woodville Road asked if they were receiving complaints from neighbors of vacant properties. She believed they should be dealing with that issue and not create something that is for everyone who lives in town. She believes the problem is with vacant properties and felt they should deal with that specific issue. Council President Landolfi stated that there is currently a vacant and abandoned property ordinance in effect. Deputy Zoning Official Desjardins stated that this ordinance would apply to vacant or abandoned properties as well for even though we have the vacant and abandoned property ordinance there is nothing in it that specifies grass height and without a number she cannot enforce this. Councilor Capalbo added that in the past there had been a vacant piece of property across the street from her and it wasn't the high grass that people were worried about, it was the rats that were living in it. The town had to have the grass cut and they had to get rid of the rats. Brian Benoit of Woodville Alton Road stated that there are a lot of senior citizens in this community who may be sick; have family problems or may not even own a lawnmower; and he really doesn't have any lawn; he has two acres of woods. He believes this will be an undue burden on senior citizens. He indicated that he moved back here twenty years ago from New Jersey where they had the police stand over people and make them mow their lawns and he does not want to see that here. Councilor Hirst stated that he was concerned about voting to enforce a rule that had no specific dimensions around a residence. Councilor Capalbo indicated that the fine could be changed from \$25.00 a day to \$25.00 a week per violation. Council President Landolfi indicated that money wasn't really the issue; it was just to get a

response. Ms. Boyd of Spring Street wished to clarify that if this was to become an ordinance there should be specific dimensions outlined for around the residence. If a home is not on a public road and no one sees your lawn then this ordinance should not apply. She believed there needed to be a real definition of what the ordinance should be so that it is clear and there are no arbitrary decisions made.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO CONTINUE THE HEARING AND HAVE DEPUTY ZONING OFFICIAL DESJARDINS REVISE THE PROPOSED ORDINANCE TO INCLUDE SOME OF THE REQUESTS MADE BY THE PUBLIC.

Councilor Thompson indicated that she didn't see a need to continue the hearing; however, Council President Landolfi and Councilor Capalbo felt it prudent to address some of the comments made.

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

The May 6, 2019 Town Council Meeting Minutes were removed from the consent agenda. Councilor Hirst noted on page 3 that the Town's slogan was "Not to be silent nor off our guard." On page 4 Mr. Geary's first name was Michael not James and on page 19 Elaine Caldarone's name was incorrectly spelled.

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

FOLLOWS: Approve the Financial Town Assembly Minutes of May 7, 2019; Special Town Council Meeting Minutes of May 13, 2019; Set June 3, 2019 as a hearing date for a Special Event Permit filed by Ashaway Pack 1 Cub Scouts for the annual Family Camp-Out; Accept the following monthly financial/activity report: Town Clerk; Approve refunds as a result of an escrow company's overpayment of 2018 real estate tax & and overpayment of 2016 motor vehicle tax submitted by the Tax Collector; approve proposed settlement of a pending law

suit and the related pending collective bargaining grievances/arbitration proceedings having been brought against the Town and Town Officials by former Employee A; authorize the Town Manager to execute on behalf of the Town the two (2) proposed employment contracts with the collective bargaining units representing the Professional Technical Employees (PTE) and the Clerical Employees; and authorize the Town Manager to execute on behalf of the Town the proposed individual employment contracts for both the Information Technology/ Geographical Information System Official and the Finance Director.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADOPT THE TOWN COUNCIL MEETING MINUTES OF MAY 6, 2019 WITH CORRECTIONS.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Eric Bibler and Joe Moreau explained that they were part of a group called Hopkinton Citizens for Responsible Planning which they started in August. They stated that their mission was to support the Planning Board and their efforts to defend the integrity of the comprehensive plan, the planning process and the authority of the Planning Board to perform its mission. They wished to present their first time award on behalf of the organization to Tom Holberton, retired member of the Planning Board. Mr. Bibler went on to state that Mr. Holberton, over a 33 year period, had served for 22 or 25 years on the Planning Board and he also, at the request of the Town Manager or the Town, on four different occasions served as the Interim Town Planner when the town didn't have a Town Planner so the town could continue to function in that important role. They presented Tom Holberton with a plaque to express their appreciation. Tom Holberton of 2 Cayer Trail advised that at the last Town Council meeting the Councilors chose not to reappoint him to the Planning Board which left him a little relieved because he

hasn't enjoyed the Planning Board for the past year; however, stayed on because of dedication and he felt he could help. He indicated that the only reason why he asked to be reappointed was because he felt that he needed to see the solar projects through; he had been around when the federal prison came up; the dog track, the big box stores and Six Flags. Mr. Holberton stated that he understood that anyone who volunteers for the town sits at the pleasure of the Town Council and he completely supports that and he completely supports that they did not reappoint him. However, the day after that meeting he started to receive phone calls and had people coming to his home to tell him what had occurred at that meeting. He went on to state that if the Councilors had just not reappointed him and went on to the next agenda item, everything would have been fine; however, they did not do that and he felt they trashed him, which was inexcusable and a personal, blatant attack when he wasn't even present. Mr. Holberton asked the Council to apologize for their comments. He believed they had some damage control to do regarding some of the other Boards and Commissions because no one is going to volunteer if they thought they might be spoken about like that. Mr. Holberton also questioned how the Council could have done this without having Council Davis, the Planning Board liaison being a part of it. Council President Landolfi stated that they could not have a conversation now but he advised Mr. Holberton to call him. Councilor Davis stated that she would have voted to reappoint him. Jan Holberton of 2 Cayer Trail spoke next and stated that she was appalled and angry that the Town Council spoke about her husband without him being present. She felt that if they were unhappy with the Planning Board the best course of action would have been to call a meeting with Al DiOrio, the Chair, or all of the Planning Board members. She believed they should have at least had the decency to speak with Tom before the meeting. Their conduct was despicable and they spoke negatively about Tom without him being present to challenge their criticism or to defend his character. She felt they should have conducted an executive session and not done this publicly and if they believed he was doing something wrong, they should have told him so he could have corrected it. Mrs. Holberton addressed Councilor Thompson who had indicated that it was not about votes; that people had complained. She wished to know who

had complained and why they complained, stating that Tom or the Planning Board should have been able to answer. She went on to state that Councilor Capalbo had called Tom an embarrassment, uncivil and rude. Mrs. Holberton disagreed and stated that he had given up many family nights to go over the Planning Board agenda and then been at meetings until after 10 p.m. She believed Tom had the best interest of Hopkinton in mind. Council President Landolfi had indicated that he had personally witnessed Tom being rude and critical but he had never met him. Council President Landolfi stated that he had been to a Planning Board meeting and Mrs. Holberton injected one. Council President Landolfi disagreed and said that he had been to more than one meeting. Lastly, Mrs. Holberton thanked Councilor Hirst for his kind words in support of Tom. She requested that the Council apologize to Mr. Holberton for their actions at the May 6, 2019 Town Council meeting and she hoped that no other volunteer ever had to go through this. Joe Moreau of Old Depot Road indicated that he had attended all but one Planning Board meeting since July and had found all Planning Board members to be honest, respectful and very knowledgeable concerning their job. He stated there was one meeting where an attorney presented a two page document for a particular solar project and he felt that even he could have done a better job. Mr. Holberton told the attorney what he thought about his presentation and was honest; he never raised his voice nor was he disrespectful. He told the truth and it needed to be said. At another meeting the chair of the Planning Board had to tell a paid witness from SAGE Environmental, that he had to chastise him for a minute, his point being a 44-page email which was received on a Tuesday for a Wednesday meeting. The Town Council has stated many times that they need more volunteers for different boards and commissions and residents need to get involved. Mr. Moreau stated that his concern with the Town Council meeting of May 6, 2019, was that Mr. Holberton was not even told there was an issue and he was raked over the coals by three of the four Town Council members. Mr. Moreau stated that before he retired he was a Human Resource Manager at East Side Marketplace in Providence which had several hundred employees and also was a District Manager for CVS for 16 years responsible for twelve to fifteen stores at any given time. In both jobs, if there

was an issue with an employee they knew it. First there was a verbal warning where they talked about it and if there wasn't any improvement it went to a written warning; if the issue continued that individual was suspended and lastly terminated. They had an opportunity to defend themselves and more importantly, to correct their actions. Mr. Moreau felt Mr. Holberton was a victim and the Town Councilors should ask themselves what they would do if this had happened to them. Dorothy Gardiner asked if these comments had taken place in executive session or open meeting. Council President Landolfi stated open session and Ms. Gardiner stated that was not good. Eric Bibler wished to clarify that the award they gave Mr. Holberton was for outstanding public service. Mr. Bibler stated that he performs about 700 hours of public service every year and sometimes they have to terminate people, which is always difficult; however, they would never do it like this. He indicated that the people in the room were not supporting the Council's point of view and they wished to give Mr. Holberton the award for outstanding public service over a sustained period of time and are giving the award as a demonstration of their appreciation for his service and integrity and wished to thank Mr. Holberton for his professionalism and trying to deal with the issues in good faith. Tammy Walsh stated that at the May 6th meeting she did speak about how incredulous she was about the way the situation was handled. She stated that she has worked in Human Resources for close to 35 years and they would never have treated anybody like that and felt their comments were hypocritical. She felt they should have contacted the Chair of the Planning Board or had a conversation with Mr. Holberton and this should not have been discussed at a public meeting. She suggested that when they are appointing new members to Boards and Commission that they provide them with a written explanation of their expected behavior; and, also if they expect the Chair of the Boards and Commissions to speak with their members about behavioral issues, then they need to advise the Chair of that fact because she did not believe they knew this. She stated that she would never volunteer for anything in the town given the way Mr. Holberton was treated.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported on May 17, 2019 he attended a meeting with Mr. Vincent Murano re: AP 11, Lot 47A located on Palmer Circle which he believed was around 250 acres. He stated that he met with Town Manager McGarry, Planner James Lamphere and Zoning Official Desjardins to review Mr. Murano's very ambitious plan. His plans encompassed a hotel, self-storage, some medical facilities and things of that nature. This would be a very expensive project and he is going to meet with the condominium association first; Council President Landolfi suggested a workshop to have everyone weigh in on the project.

TOWN MANAGER REPORT

Town Manager William McGarry reported that on May 8, 2019 he attended a meeting at the Crandall House with Planner James Lamphere and the Stubtown Road Landfill abutter, John Crooker and his family. They discussed the future remediation of the landfill. On May 13, 2019 he met with Council President Landolfi, Solicitor McAllister and Planner Lamphere to discuss the current status of the Stubtown Road landfill with respect to remediation efforts in conjunction with DEM regulations.

Councilor Davis asked Town Manager McGarry what the outcome was and Manager McGarry advised that currently Planner Lamphere was spending a lot of time dealing with RIDEM as far as developing a work action plan and also fulfilling some of the recommendations of DEM regarding the old landfill. Once they satisfy those DEM requirements they can move forward and obtain a final confirmation to close the old landfill. The new landfill is already approved as far as being closed. Thereafter they will conduct a study to determine if it is appropriate to put a solar farm on that site. DEM's regulations are very comprehensive and complex so he believes this will take anywhere from two to four years to complete.

NEW BUSINESS

AWARD BID RE: LANGWORTHY FIELD PHASE II

This matter was scheduled to discuss, consider and possibly vote to award a bid for Langworthy Field Phase II improvements to Yard Works, Inc. of Warwick, RI in the amount of \$608,500, funded through a RI Department of Environmental

Management grant and CDBG funding. Town Planner James Lamphere and Geoffrey Marchant were present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO AWARD A BID FOR THE LANGWORTHY FIELD PHASE II IMPROVEMENTS TO YARD WORKS, INC. OF WARWICK, RI IN THE AMOUNT OF \$608,500. Council had discussion:

Council President Landolfi explained that Town Planner Lamphere had asked Yard Works, Inc. to reduce the bid due to the fact that there wasn't enough money. Planner Lamphere advised that they negotiated to bring the amount down which enabled them to do some add-alternate features. Councilor Capalbo asked what some of the add-alternate features were and Mr. Lamphere stated a stone veneer seat wall with a granite cap as you enter the property; the baseball backstop; and, to pave the walking paths because they have found that the stone dust path has experienced a great deal of erosion. Mr. Lamphere indicated that the nice feature is that they are going to have Fuss & O'Neil inspect the path much closer, actually directing the paving and pitching of the path. Council President Landolfi asked what the estimated time table for completion was and Mr. Lamphere hoped this would be done by Labor Day. He felt that construction would commence around June 10th. Town Manager McGarry thanked Planner Lamphere and Geoff Marchant for all of the work they have done on this project and declared that all of the money for this project, Phase I and Phase II, have been entirely funded through CDBG money and RI DEM grants. Councilor Thompson asked what amount the CDBG paid and questioned whether it was done in one year or several years. Mr. Lamphere advised that the CDBG funds were in the neighborhood of \$300,000. Mr. Marchant stated that there were two rounds of funding totaling approximately \$300,000. Discussion ended.

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

OPPOSED: None

SO VOTED

COUNCILOR SHARON DAVIS TOPICS FOR DISCUSSION

Councilor Sharon Davis requested discussion on the following topics:

- Time limitation relating to presentations/public comments for Zoning Ordinance Amendment & Comprehensive Plan Amendment hearing(s).
- Town Engineer involvement re: Solar Projects in Commercial Zones and RFR-80 Zones via Farm Viability Ordinance.
- Residents Open Forum re: Economic Development.

The Council held discussion on the first item, which was first read by Councilor Davis: “The many myriad solar development project which have come before us and those which are scheduled to do so, and not to mention the many possible others which people are projecting have brought a greatly increased workload to the Town Clerk’s Office, the Planning Department, the Planning Board, and the member of this Council with the need to disseminate and conscientiously review documentation. In addition, this dissemination and review often has to take place under very limited time constraints because the materials and/or documents the developer needs to submit is not submitted far enough in advance to allow a more ordered and measured consideration. This, in my view, leads to four serious problems: First, giving each proposal due consideration becomes needlessly more difficult-especially if a councilor wishes to do any research of his or her own regarding the project or formulate penetrating questions regarding benefits or pitfalls. Second, since the developer sensibly wishes to make sure we learn as much as possible of the benefits and details of the project, the actual hearing must be lengthened to allow the developer to present verbally information which would normally be presented in written form. And third, because of the time used in both the developer’s presentation and questions by the council we often are forced to choose between cutting things short or stretching the hearing out to a second or even a third hearing date. So far, more hearings has been our choice. This constant extensive use of time leads to a fourth issue. These projects impact the residents of Hopkinton. So far, since I’ve been involved with the Council, each project has generated interested citizens-residents-who wish to provide an opinion or points of interest to the council. Some even want to present legally based objections. But because of the uncertainty of time generated by how we are currently handling these solar project presentations, the council is forcing these citizens to come to a council meeting, sit through the developer’s long verbal presentation and then not be recognized to speak because of time constraints. I cannot tell you how many residents have complained to me that they have taken

time off of work, engaged baby-sitters, lost wages, forgone dinner, prevailed upon their relatives to help them get to and from the council meeting, or undergone other personal inconveniences in order to simply have an opportunity to voice their views-pro or con- or simply ask a question. This does not include the simple act of gathering the required courage to step out in front of a large gathering and no longer be faceless and nameless. The simple palliative “well come back next meeting” does not quell the rage generated. Therefore, due to the intense emotional strain on our Hopkinton residents, greatly increased workload required by the Town Clerk’s Office, Planning Department, Planning Board, plus due consideration of the information presented by the solar project developers seeking Comprehensive Plan and Zone Changes, I would like to make the following motion regarding the format and scheduling of proposed solar project hearings before the Town Council: “I move that proposed solar project developer presentations seeking Comprehensive Plan and Zone change approvals by the Hopkinton Town Council be limited to one and half hours (1 ½) hours and that resident response of abutters and others be limited to one and half hours (1 ½). The solar project developer should present written information to the Town Clerk to be forwarded to the Town Councilors two weeks in advance of the scheduled public hearing date to allow ample time for the Town Councilors to review the information and prepare pertinent questions to be discussed during the public hearing. Residents can continue contacting the Town Council via email and phone calls prior to and after the hearing to share their views.” This will allow each project to be covered in one Town Council meeting and voted on at the following Town Council meeting. To date, there are six projects beyond the Skunk Hill and Arcadia Road/Lisa Lane projects in the pipeline requesting Comprehensive Plan and Zone changes. I believe passage of this motion will help to expedite these projects through the public hearing process, reduce the town’s administrative workload, and reduce the emotional strain on our residents while allowing a fair process to all parties.” There would be no vote as this was for discussion purposes only.

Council President Landolfi stated that they would discuss Councilor Davis’ first point of the limitation of time. Councilor Capalbo felt that Councilor Davis made

some very good points and she thought it would be helpful if they could rearrange their meetings slightly. She did feel it was a problem that the citizens were heard last but felt that these hearings could not be done in one evening. She thought possibly the first hour or hour and a half of the hearing could be devoted to listening to citizens and abutters so people could thereafter leave if they had to; then the developer could be heard for an hour or hour and a half; then continue to the next hearing in the same format, where the citizens could speak first and then the developer and if there was time after the developer finished, the people could speak again. She still thought the public should be kept to five minutes a piece. Councilor Capalbo also stated that they receive a big binder from the developer prior to the meeting, which is what they are presenting at the meeting. She indicated that as they hear from the public and the developer, they come up with questions that they wish to ask. Councilor Hirst stated that he would like the developer to respond to the Planning Board's report before coming to the Council. Council President Landolfi asked Councilor Hirst to weigh in on the time limit that Councilor Davis was proposing. Councilor Hirst felt her time limit was fine or they could even shorten it because every proposal and every argument was pretty much the same. He felt that the Council needed to be better organized. Councilor Thompson stated that there are solar projects that are large and solar projects that are extremely small; there have been presentations that have gone on for hours and those that were twenty minutes; and, this includes other hearings as well as solar. People need to hear about the proposal before commenting. She reminded everyone that on January 22, 2019 they amended the Solar Ordinance so that any new proposals coming in had to adhere to certain requirements. The Skunk Hill project was the last large project that came in before the new Solar Ordinance was adopted and anyone else wishing to amend the zoning ordinance will be restricted to three acres, whether they have four hundred acres, six hundred acres or a thousand acres. The most they can use is three acres. Councilor Davis reiterated that she believed an hour and a half was enough time for their presentation since they are all saying the same thing and the residents are either for it or against it. She felt this would be a way to reduce the stress on all sides. Council President Landolfi stated that he is all for making things quicker

and in concept it sounds great, but he did not believe it was practical. He felt that they could try some variation of this, such as if people are on a time restraint they could let them speak first, and they could try this with the next solar project that comes before them. Councilor Thompson stated that with the next solar project they should just vote at the beginning of the meeting before they even hear the project because it doesn't adhere with the new ordinance. They are asking for a zone change in a residential zone. Councilor Davis asked if the meeting needed to be continued, could they limit the developer to an hour and a half and limit the public to an hour and a half and then make the decision as to whether there really needs to be more information from the developer. An audience member indicated that maybe the issue is that the Council needs to let the developers know that there are certain criteria – she is appalled as a resident and a taxpayer, when she hears the developers telling the Council what their job is, the power that they have and what our school budget is and you have to consider that. None of those things have anything to do with the proposals they are presenting. These developers are not staying on topic, they are trying to coerce the Council and this doesn't have anything to do with the proposals that they are putting forth. Eric Bibler stated that he is always limited on the amount of time that he can speak and he has to pick and choose what he should talk about. There is a reason that they call these hearings and there is a reason why the time limit shouldn't be rigid. He indicated that he really couldn't think of anything worse than this proposal from the standpoint of a resident and abutter. He stated that he does a lot of research about the projects before the meetings and takes notes while the developers are speaking for several hours. He may know that something that was said is blatantly false but when he gets up to speak he is just another guy who gets five minutes and he is not in a position to make any kind of sustained critique. He would like to comment on the proposal and rebut things that the developer said. Councilor Davis indicated that Mr. Bibler could give them all the information in an email but Mr. Bibler stated in a public hearing the point was for others to understand the issue better as well. It is an educational process for all of them. Council President Landolfi asked Mr. Bibler if he was in favor or opposed to the time restraint and he indicated that he was opposed. The developer spends a

couple of years in the gestation period and then they come with a plan and they are in a profit seeking project and they have their experts; the abutters get a legal notice in the mail which they don't understand and they have two weeks to find out what it is all about and they don't get a binder like the council. Mr.

Czerkiewicz agreed with Councilor Davis but he did state that he does not have a computer and cannot email her. Dorothy Gardiner objected to changing the way the Council reviewed these projects. She felt the residents should be able to speak and the developers should be able to present their projects. Ms. Gardiner also indicated that the Planning Board members are appointed and they sit at the pleasure of the Town Council. They give their opinion and advice, but this is not law. Councilor Hirst stated that if you want to recruit volunteers and they give you their recommendation you should not ignore them.

The Council held discussion on the second item, which was first read by Councilor Davis. "Although solar projects that are being placed in Commercial zoned areas and solar projects that are being built as part of the Farmer's Viability Ordinance do not come before the Town Council for approval, I think that it is still the responsibility of the Town Council to at least recommend that a Town Engineer be hired as an independent contractor, reporting to Jim Lamphere of the Planning Department, to work with the developers of these solar projects to ensure that appropriate buffers are maintained when trees are being cut down. I have long advocated for this and desire that this topic be placed on the next available Town Council Meeting Agenda for discussion."

Councilor Thompson indicated that she had already spoken with the Town Manager about this before seeing this letter and she pointed out that those projects that the Council had previously approved, Route 91 and Exit 1, a condition was that they are able to send their engineer once a month to review the project and if a complaint is made the engineer can go at any time. Councilor Davis stated that she wishes this specifically to be done when the developer is scheduling tree cutting. Councilor Capalbo believed this is something that the Planning Board should request rather than the Council. Councilor Davis understood that but felt that the Council should give this advice to the Planning Board.

The Council held discussion on the third item, which was first read by Councilor Davis. “I applaud the residents who came to the Hopkinton Town Council meeting on Monday, April 22, 2019 to make their opinions known regarding the Skunk Hill and Arcadia Road solar projects. I encourage all of the residents affected by the other solar projects that the Town Council has to review to also share their opinions. Your opinion counts! The Town of Hopkinton is “between a rock and a hard place”. As a result, placing potential solar plants in residential areas in an effort to generate future revenue are being considered despite their disruptive consequences on the community. As one of the residents said at the Monday night meeting, the real problem is the lack of economic development in Hopkinton. I agree with this statement and I would like to propose having a Resident’s Open Forum to discuss/brainstorm possible ways that we can solve this problem other than by changing zoning for solar plants. Examples of some of the ideas that have been suggested to me or that I have thought of are: (1) forward a list of our available commercial properties to the Ocean Community Chamber of Commerce to be entered into its database. New companies moving into the area often first contact the Chamber for potential places to locate their businesses. They do this to save time and to obtain comparative information for decision making; (2) contact the RI Economic Development Office regarding current business opportunities in the state pipeline. Lobby for having some of these new businesses locate in Hopkinton with our excellent school system and reasonably priced homes; (3) research several economic development companies to determine the kinds of projects other than solar that are being undertaken today in Rhode Island, Connecticut and Massachusetts. Determine if similar projects would be successful in Hopkinton; and (4) there are a number of buildings and other properties in town that can become hosts of businesses compatible with town goals if only our citizens and developers can learn that they exist. I am sure there are many other ideas and suggestions in our community. The point is to become proactive. Instead of waiting for a business to discover Hopkinton, we should be actively marketing our town. We are all Hopkinton residents and we should work together to solve our economic problems. Therefore, I am requesting

that the Town Council schedule an Economic Development Brainstorming Open Forum.”

Councilor Capalbo stated that most of the Town’s commercial properties are managed by their owners and most have them listed with the Ocean Community Chamber of Commerce. She also indicated that in the past she was on the Economic Development Commission which is now defunct, but could be reinstated. She advised that there is not that much vacant commercial space in town.

SET HEARING DATE RE: ZONING ORDINANCE AMENDMENT & COMPREHENSIVE PLAN FLUM AMENDMENT – EDWARD CARAPEZZA & SOLAR DG, LLC/CLEARWAY ENERGY GROUP

This matter was scheduled to discuss and consider setting a hearing date re: Zoning Ordinance Amendment & Comprehensive Plan FLUM Amendment Petition filed by Edward Carapezza and Solar DG, LLC/Clearway Energy Group for property located at 336 Woodville Road identified as AP18 Lot 36 an RFR-80 Zone for proposed installation of a photovoltaic solar array.

The Council set July 22, 2019 as a hearing date at the Chariho Middle School Auditorium at 7:00PM.

SET HEARING DATE RE: ZONING ORDINANCE TEXT AMENDMENT – NORBERT ANSAY, JR.

This matter was scheduled to discuss and consider setting a hearing date re: Zoning Ordinance Text Amendment filed by Norbert Ansay, Jr. for property located at 999 Main Street identified as AP 27 Lot 102 a Neighborhood Business Zone to add proposed use category(s) for: Art Gallery/Studio.

Attorney Steven Surdut was present. The Council set June 17, 2019 as a hearing date at the Town Hall at 7:00 PM.

TEE SPONSOR DONATION

This matter was scheduled to discuss, consider and vote to authorize a \$100.00 Tee Sponsor donation from Town Council Contingency line item # 5065-001 to sponsor a tee to support and contribute towards the June 8, 2019 Hopkinton Police Department/IBPO Local 498 2nd Annual Golf Tournament Fundraiser.

Councilor Thompson stated that she didn’t believe they should use town funds to sponsor a tee donation; however, she would be very happy to personally

contribute towards a donation. Councilor Hirst agreed and indicated he would donate.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR THOMPSON TO DECLINE TO DONATE \$100.00 AS A TEE SPONSOR BUT WISH THE IBPO SUCCESS ON THEIR TOURNAMENT.

Councilor Capalbo agreed that they should not use town funds and stated that her husband was playing in the tournament. Council President Landolfi did not agree and also stated that he and his son would be playing in the tournament.

IN FAVOR: Hirst, Capalbo, Thompson, Davis

OPPOSED: Landolfi

SO VOTED

PUBLIC FORUM

Carol Desrosiers of Pleasant View Drive thought that the new PSES ordinance stated that there would be a town engineer who shall inspect the solar projects at the expense of the applicant weekly during construction and annually thereafter. She hoped that everyone could work together and make good things happen with the 245 acres. She found it odd that in 2016 they paid \$72,298 in property tax and then it dropped in 2017 to \$20,568, so the town lost about \$52,000 in tax revenue on that property since 2017 and she doesn't know why. Eric Bibler spoke about the grass height ordinance and wished to remind everyone that at the solar sites they have forty-foot paddle poles with high transmission lines; there is a six-foot cyclone fence around every project and danger signs posted; and, in the most recent project the panacea to make it all palatable was that the abutters should all be thrilled to learn that there will be a twelve-foot dirt wall that they can look at. He asked the Council to keep this all in perspective. Mr. Bibler stated that if the Council looks at the Comprehensive Plan that was approved in February of 2018, there is a table on page 102 which shows the number of acres in every classification and commercial was listed at 72 acres. A single project like Maxson Hill was twice as big as that. That project tripled the amount of commercial space in town. Mr. Bibler also advised that he had an issue with the recent action to make Hopkinton a second amendment sanctuary city. He listened

to an interview which Council President Landolfi had with Dan Yorke, a conservative radio host. Some of the important points that Mr. Yorke brought up was how did you know that your constituents wanted that; how did you determine that and did you think about the fact that branding your town in this manner might not be what everyone wants or that some people might really object. Mr. Bibler objected because this didn't accomplish anything; it is one of the most divisive issues across the country; it was gratuitous; and, this is a classic wedge issue and there was no reason for it. He believes the community is already divided and he felt there was no reason to add this on. Steve Wiehl of Old Depot Road found the meeting regarding the second amendment sanctuary city offensive. He disagreed with Councilor Hirst who had stated that liberals and progressives are getting the gun control issue wrong in the state and country. He stated that every time there is a school shooting or a mass murder the politicians do not do a thing to keep their citizens safe. He agreed with Councilor Capalbo that this is unenforceable. He believed they should have put this matter on a referendum for the town to vote on so there would have been citizens from the community and not just the gun club to sanction or not sanction the identification of this issue. He suggested that he wished to go on the record as not being in favor of Hopkinton being a sanctuary city for anything illegal, including immigration. Walter Czerkiewicz felt that there should be an armed, qualified, licensed person in schools to cut down on the violence that has been happening.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADJOURN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk