

State of Rhode Island

County of Washington

In Hopkinton on the seventeenth day of June 2019 A.D. the said meeting was called to order by Town Council Vice President Scott Bill Hirst at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Scott Bill Hirst, Barbara Capalbo, Sylvia Thompson, Sharon Davis; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin.

Absent: Frank Landolfi.

Town Clerk Cook-Martin indicated that the Zoning Ordinance Text Amendment filed by Norbert Ansay for property located on Main Street in Hope Valley was inadvertently left off the agenda. The applicant and attorney had been informed and the matter will be rescheduled.

**CONSENT AGENDA**

The Special Town Council Meeting Minutes of June 10, 2019 were removed from the Consent Agenda.

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

FOLLOWS: Approve Town Council Meeting Minutes of June 3, 2019; Executive Session Minutes of May 20, 2019; Executive Session Minutes of June 3, 2019; Executive Session Minutes of June 10, 2019; Accept the following monthly financial/activity report: Town Clerk.

IN FAVOR: Hirst, Capalbo, Thompson, Davis

OPPOSED: None

**SO VOTED**

Council Vice President Hirst noted corrections may be necessary on page 8 relative to the correct spelling of Frances ~~Francis~~ Barber Drive and Beverly ~~Ann~~ Ann Drive.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPROVE THE SPECIAL TOWN COUNCIL MEETING MINUTES OF JUNE 10, 2019 WITH REQUIRED CORRECTIONS.

IN FAVOR: Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

#### **PUBLIC FORUM**

Harvey Buford of the Conservation Commission indicated that wind turbines are not listed in the District Use Table which means that they are automatically prohibited. Mr. Buford advised that the Conservation Commission has been working on the concept of wind turbines in Hopkinton for the past three years. They have had multiple meetings and workshops with the Town Council on the topic and they have been working on a way to put up a trial wind turbine so people in town could get a feel for these. They believe they have found an appropriate parcel of land where they wish to try this, which is the Palmer farm near Exit 1 and Rhode Island Harvester. He went on to state that a majority of that land is zoned manufacturing so by right they could install solar; however, the owner wishes to continue his farm use and feels a wind turbine would be more appropriate. Mr. Buford felt that the Town could set some stringent protections in place and this would be a way for them to test the wind turbine issue. He suggested that the nearest residential neighbor was over one thousand feet away and was in favor of this project. Councilor Davis asked how tall the wind turbine would be and Mr. Buford stated that a standard turbine is 415 feet. Gary Williams stated that he would be the property owner closest to the proposed wind turbine. He advised that he had been approached by John Palmer and also by a representative of the development company, and he felt that this certainly deserved a hearing. Mr. Williams advised that his family has lived in Hopkinton for thirty-three years and he would like to see the Palmer property remain a hay field. He stated that on June 25, 2019 they are going to visit another wind turbine which this same company has installed and he invited the Council to attend. He asked the Council that rather than reject this idea out of hand that they at least

look at this possibility. Louanne McCormick of Lisa Lane stated that nowhere in the comprehensive plan does it legitimize the rezoning of residential land to commercial to facilitate the installation of a private industrial scale utility and it did not matter how the Councilors felt about a solar project; it mattered how the abutters felt. She believed they were lied to when they were told they would never even know the solar project was there. She felt the property value report prepared by Mr. Scotti was skewed and should not have been introduced after the closing of the hearing and advised that they were told that no further public input would be taken and she felt the rules must be different for the councilors. She believed that any unbiased realtor would agree that there will be property value changes, particularly for direct abutters. Ms. McCormick stated that the Council made a significant miscalculation if they believed that things were just going to quiet down and go back to business as usual. Steven Wiehl of 11 Old Depot Road stated that he is opposed to industrial sized solar facilities in residential areas and over the past year has found certain inconsistencies. When objectors first started showing up a year ago concerning the Woodville Road project, the Council indicated that they had approved the prior projects because there was no opposition to those projects. Things have changed since then and he did not believe that sending notice to abutters within two hundred feet was sufficient when these projects may be as large as one hundred acres. Mr. Wiehl did not feel there was enough notification about important matters in the town and believed there was unfairness in the process; developers pay for experts to say whatever they like about these projects. He asked that the developer pay for experts who are not tied to the project, to give independent objective testimony. Mr. Wiehl called to question the Landowners' Rights Petition which spoke of the ability of landowners to do what they wished with their property and stated that this had been signed by Council President Landolfi and Councilor Capalbo and stated that when any public official who sits in judgment of an issue which required a vote, throws their weight on any side of that issue, they have an appearance of impropriety. There were also references of councilors asking for large sums of money to be put forth for purchases of private property as parts of solar projects and he had questioned the Ethics Commission about this; they indicated that if a

councilor was not receiving a personal gain there was nothing wrong with that. The appearance of impropriety is just as bad as the impropriety itself. Mr. Wiehl also advised that a Planning Board member who was at the June 10, 2019 Town Council meeting, posted on Facebook that the anti-solar people have a professional lobbyist and an expensive lawyer and many talking points they present are false and only agitate people. He reiterated that this was a sitting member of the Planning Board that votes on these topics and these issues and felt that where someone is sitting in a position of authority or a position where you've been assigned or appointed, you should not engage in these types of things publicly for thereafter you cannot be trusted to be objective. Joe Moreau of Old Depot Road advised that it was rude for Council members to speak while someone was speaking during open forum. He spoke of seeing the massive wind turbines while driving down Route 6 where they didn't stop at just one, there were seven or eight. Also, he has a friend who lives on the Quidnick Reservoir in Coventry and when you sit on his dock overlooking the water you see the flashing lights of the wind turbine and at certain times of the day they can hear it and they are miles and miles away. He thereafter spoke about the town calendar and indicated that this was his fourth complaint about it. When he looked at the date of June 10, 2019 it indicated that the start time of the Town Council meeting was 7:00 p.m.; however, when he reviewed the agenda on Saturday, June 8<sup>th</sup>, it stated that the meeting started at 6:30 p.m.; and, regarding that June 10<sup>th</sup> meeting there were three police officers which he thought was unusual and he could tell that the Town Council members were told to tone down their demands which were used in the Brushy Brook project. Mr. Moreau read a note from Solicitor McAllister from January 2018 which suggested that Councilor Capalbo had been dealing with Southern Sky directly for several months regarding her monetary requests if the project was approved. He noted that concerning the Skunk Hill project there were suggestions made, but he saw these as demands as well. It was asked that the developer consider purchasing Plat 14, Lot 59 for at least \$280,000 which is 64 acres of property owned by Dorothy Gardiner. During the Old Depot Road project, Attorney Naccarato said the developer would purchase the Gardiner property and give it to the Town and they could do whatever they wanted with it.

He also indicated that Council President Landolfi did not have the right to present new evidence once the hearing was closed. He also was told that Peter Scotti was a paid witness by a solar developer for the approved projects in Bradford and Maxson Hill and felt this may be a conflict. Mr. Moreau read three points of the comprehensive plan which he felt the Councilors ignored in their June 10, 2019 decision and he thanked Councilors Davis and Hirst for listening to the residents.

**COUNCIL PRESIDENT REPORT**

In the absence of Council President Landolfi, there was no report.

**NEW BUSINESS**

**ADOPT FINANCIAL RESOLUTIONS AND TAX RESOLUTION**

The Financial Resolutions and the Tax Resolution for the fiscal year beginning July 1, 2019 were before the Town Council for consideration. Finance Director Brian Rosso was present to answer questions. He reported that the Town proposed budget was rejected on June 11, 2019 at the Financial Referendum. Section 2370 of the Town Charter states that the Town will use an alternate budget which will be last year's budget with the exception of the school expense and state aid revenue. We established the budget and the proposed mill rate will be \$20.68. Councilor Capalbo asked how much money would have to come out of the fund balance to balance the budget and Mr. Rosso indicated \$500,000. The previous year we used \$630,000.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ADOPT FINANCIAL RESOLUTION NO. 1 THROUGH NO. 6.

IN FAVOR: Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

Financial Resolution No. 1 through No. 6, follow:

**TOWN OF HOPKINTON, RI  
FINANCIAL RESOLUTIONS**

**RESOLUTION NO. 1**

RESOLVED: In accordance with R.I.G.L. 44-5-2(C) (4), that the electors of the Town of Hopkinton qualified to vote on any proposal to impose a tax or for the expenditure of money, in a Town Financial Referendum, lawfully assembled on the 11<sup>th</sup> day of June A.D. 2019 and rejected the proposed budget for Fiscal Year

2019-2020. As a consequence of that rejection, on June 17, 2019, the Town Council voted to accept a flat municipal budget for Fiscal Year 2019-2020 pursuant to Charter section 2370. The estimated tax rate for Real and Tangible property is \$20.68, an increase of 2.97% over the current rate of \$20.07. The tax rate for Motor Vehicles is \$21.18.

**RESOLUTION NO. 2**

RESOLVED: the voters of the Town of Hopkinton in consideration of the question on the June 11, 2019 Town Financial Referendum Ballot did approve the following:

Local Question 1. To authorize the use of \$51,000.00 in the Off-Site Improvements Fees Restricted Account #02-014 to be earmarked for the purpose of Town-wide tree removal of potentially dangerous trees.

**RESOLUTION NO. 3**

RESOLVED: That the Town Finance Director be and is hereby authorized and empowered to credit to any appropriations fund any receipts or donations which apply against that fund and all others not so designated to the General Fund.

**RESOLUTION NO. 4**

RESOLVED: That the several appropriations specified be expended under the direction and supervision of the Town Council, except those pertaining to public school, bills payable, and interest which sum shall be disbursed and paid out by the Town Finance Director.

**RESOLUTION NO. 5**

RESOLVED: That the Town Finance Director of the Town of Hopkinton be and is hereby authorized and empowered to borrow upon the credit of the Town as the same may be necessary during the present Fiscal Year such sum or sums as may be required to meet the expenses and obligations of the Town, provided however, that such loans shall not at any time exceed the sum of one million five hundred thousand dollars (\$1,500,000.00).

**RESOLUTION NO. 6**

RESOLVED: That the over-expenditures in the 2018-2019 Fiscal Year Budget, identified by the Town Finance Director, are hereby approved.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO ADOPT THE TAX RESOLUTION.

IN FAVOR: Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

The Tax Resolution follows:

**TAX RESOLUTION**

RESOLVED: That the Town Council of the Town of Hopkinton based on the budget adopted by vote of the Town Council on June 17, 2019 pursuant to section 2370 of the Hopkinton Town Charter following rejection of the proposed FY 2019/2020 budget by the voters at the Financial Town Referendum on June 11, 2019, hereby impose a tax levy at a Town Council Meeting held this 17<sup>th</sup> day of June 2019, and order the apportionment and collection of a tax on the ratable real estate and tangible personal property in a sum not less than \$18,630,297.00 and not more than \$19,630,297.00. Said tax is for ordinary expenses and charges of the Town, for payment of interest and indebtedness, and for the purposes authorized by Law. The Assessor shall apportion said respective taxes upon the assessed valuations of the ratable property of said Town as determined by the said Assessor of the Town as of the 31st day of December A.D. 2018, at twelve o'clock midnight, according to Law. The said respective Tax Levies shall be applied to the assessment roll as aforesaid and the resulting tax roll certified by

the Assessor to the Town Clerk not later than the 15<sup>th</sup> day of July A.D. 2019. The Town Clerk on receipt of said completed tax roll shall forthwith make a copy of the same and deliver it to the Town Finance Director, who shall forthwith issue and affix to said copy a Warrant under his hand, directed to the Collector of Taxes of said Town, commanding her to proceed and collect said taxes of the persons and estates liable therefore. Said Taxes shall be due and payable on and between the first day of August and the eighth day of September A.D. 2019 next, and/or may be paid in equal quarterly installments, the first installment of twenty-five per centum on or before the eighth day of September A.D. 2019, and the remaining installments as follows:

Twenty-five per centum on the eighth day of December A.D. 2019, twenty-five per centum on the eighth day of March A.D. 2020 and twenty-five per centum on the eighth day of June A.D. 2020. Each installment of taxes, if paid on or before the last day of each installment period, successively and in order shall be free from all charge for interest.

EXCEPTING HOWEVER, that where the combined total of said tax and additional tax levied is an amount not in excess of one hundred dollars (\$100.00) it shall be due and payable in a single installment on and between the first day of August and the eighth day of September A.D. 2019.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective installment period, or periods, as they occur, then the unpaid quarterly payments shall be due and payable immediately and shall bear interest on any unpaid quarterly payments at the rate of twelve (12) per centum, per annum.

RESOLVED: That the Collector of Taxes shall collect and pay unto this Town's Treasury, as the same is collected, the tax this day ORDERED.

#### **FIVE YEAR UPDATE RE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN**

This matter was before the Town Council to discuss, consider and vote to adopt the Town's updated, five-year Comprehensive Emergency Management Plan.

EMA Director Ron MacDonald was present to answer questions. He reported that the revisions were basically formatting in order to mirror the State

Comprehensive Emergency Management Plan; however, there were a few technical corrections to the storm/weather portion due to their changing the office location. Besides that, everything remained the same.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ADOPT THE TOWN'S UPDATED, FIVE-YEAR COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

Councilor Capalbo thanked Mr. MacDonald for his work on this plan. Councilor Thompson also thanked Mr. MacDonald for performing this task. Being no further discussion, vote was taken:

IN FAVOR: Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

**ADJUST OFF TAXES UNCOLLECTABLE TAXES**

This matter was before the Town Council to discuss, consider and vote to adjust off as uncollectable the 2007 motor vehicle, motor vehicle supplemental and tangible taxes along with the 2008 motor vehicle, prepaid and real property/tangible taxes, in the amount of \$46,793.32 consistent with RIGL 9-1-13. Tax Collector Mary Lynn Caswell was present to answer questions. There were no questions from the Town Council.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS THAT THE HOPKINTON TOWN COUNCIL ADJUST OFF AS UNCOLLECTABLE, THE 2007 MOTOR VEHICLE, MOTOR VEHICLE SUPPLEMENTAL AND TANGIBLE TAXES ALONG WITH THE 2008 MOTOR VEHICLE, PREPAID AND REAL PROPERTY/TANGIBLE TAXES, IN THE AMOUNT OF \$46,793.32 CONSISTENT WITH RIGL 9-1-13.

IN FAVOR: Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

**SET HEARING DATE RE: ZONING DISTRICT USE TABLE AMENDMENT TO PROHIBIT WIND TURBINES IN ALL ZONES**

This matter was before the Town Council to discuss, consider and vote to set a hearing date for an amendment to the Zoning District Use Table to prohibit wind turbines in all zones – introduced & sponsored by Councilor Thompson.

Councilor Thompson also realized that since this was a zoning change they should also look at the Comprehensive Plan in two sections where it asks them to consider a proposal. If they are to move forward with this amendment they will also need to move forward with changes to the text in the Comprehensive Plan and refer it to the Planning Board so they can comment and/or offer advice.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO SET AUGUST 19, 2019 AS A HEARING DATE REGARDING AMENDING THE ZONING DISTRICT USE TABLES AND

THE COMPREHENSIVE PLAN TEXT TO PROHIBIT WIND TURBINES IN ALL ZONES AND TO REFER THIS MATTER TO THE PLANNING BOARD FOR THEIR COMMENT PRIOR TO SAID HEARING DATE WHICH WILL BE HELD AT ONE OF THE SCHOOLS. Discussion: COUNCILOR CAPALBO WISHED TO AMEND THE MOTION TO INCLUDE REFERRING THIS MATTER TO THE CONSERVATION COMMISSION TO REVIEW AS WELL, WHICH WAS SECONDED BY COUNCILOR DAVIS. VOTE ON THE MOTION TO AMEND:

IN FAVOR: Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

VOTE ON THE MAIN MOTION AS AMENDED:

IN FAVOR: Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

Jeff Light of 43 Forest Glen Drive indicated that a consistent theme of many meetings was that we need more money. The root cause of needing more money is the bad deal with the school budget and our obligations to our school. Until the crappy deal with the school goes away, the Town is going to have a money problem.

**ADJOURNMENT**

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Breault

Deputy Town Clerk