

State of Rhode Island

County of Washington

In Hopkinton on the seventh day of October 2019 A.D. the said meeting was called to order by Town Council President Frank Landolfi at 6:30 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 DAVIS TO CONVENE OPEN SESSION AND ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. SEC'S 42-46-5(A) (2) AND/OR (4) PERTAINING TO CURRENT AND ONGOING LITIGATION.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

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

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

CONSENT AGENDA

The August 19, 2019 transcript re: prohibition of wind turbines and the September 16, 2019 Town Council Meeting Minutes were removed from the Consent Agenda.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Special Town Council Meeting Minutes of September 23, 2019; Approve request of Hope Valley First Baptist Church identified as Assessor's Plat 27 Lot 129 to excavate a trench to connect a service pipe to the waterline; Approve refunds resulting from abatements granted by the Town Council on 09/16/19 submitted by the Tax Collector; Approve abatements resulting from 2019 motor vehicle adjustments submitted by the Tax Assessor.

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

OPPOSED: None

SO VOTED

Councilor Thompson noted that she could not vote on the September 16, 2019 minutes because she had not attended that meeting. Councilor Hirst advised that he had not read the transcript, but when looking through it he noticed that on page 56, line 4, Louanne McCormick's name was misspelled and on page 44, it stated "Marty" instead of "Marnie" McNamara.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO ACCEPT THE AUGUST 19, 2019 TRANSCRIPT AS THE RECORD OF THE ZONING ORDINANCE AMENDMENT DUT AMENDMENT & COMPREHENSIVE PLAN TEXT AMENDMENT HEARING RE: PROHIBITION OF WIND TURBINES WITH MINOR CORRECTIONS NOTED.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO APPROVE TOWN COUNCIL MEETING MINUTES OF SEPTEMBER 16, 2019.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

ABSTAIN: Thompson

SO VOTED

PUBLIC FORUM

Joe Moreau of Old Depot Road stated that he and his wife had attended a recent Conservation Commission meeting and he wished to thank all members for their hard work and dedication to our town. He stated that the main reason they had attended that meeting was to find out more about what they do. They had also attended a Land Trust meeting to find out about their role in our town. He advised that he had received some additional information about the Conservation Commission and what their purpose was and as stated in the Home Rule Charter, Division 3, Section 2-66 it is to promote and develop the natural resources, protect the watershed resources, and preserve natural aesthetic areas within the town, and it goes on to say also about the preservation of open areas, streams, shores, wooded areas, road sides, farms, marshlands and natural aesthetic areas to include recreation areas for the town. Nowhere does it mention anything about solar or wind turbines, both of which are defined as industrial manufacturing by definition of the Rhode Island Supreme Court. Mr. Moreau went on to state that the Home Rule Charter does not mention creating a wind energy conversion system ordinance and in his opinion writing ordinances is the job of the Planning Board and Town Council and not by members of the Conservation Commission. He thanked John Pennypacker for being the only one to vote against the wind energy conversion system ordinance. He continued that in the minutes of the workshop meeting of January 29, 2018, Councilor Husband had questioned whether there was a conflict of interest because one member of the Conservation Commission wanted to install a wind turbine on his farm property. At that meeting Councilor Buck asked what the benefit would be to the town as a whole

and indicated that he would not vote on an ordinance that would only benefit one person when the Council had every resident in the town to think about. Mr. Moreau also mentioned a Westerly Sun article that was printed on April 18, 2019 with a headline that read: “In Hopkinton debate over solar projects gets personal.” One comment made was that when the Council was considering the Brushy Brook proposal, Councilor Capalbo said she and Conservation Commission Chair Harvey Buford came up with a list of additional benefits the town might receive from the developer, Southern Sky. Mr. Moreau questioned why the Chair of the Conservation Commission was involved in this process in the first place. He believed there were also conversations about installing five wind turbines at Brushy Brook by Mr. Buford at the workshop of January 29th. He believed that several members of the Conservation Commission have lost their focus of the purpose of the Conservation Commission and felt that if this reappointment was approved, that written notice should be given by the Town Council to the Conservation Commission and other Boards explaining what that Board’s responsibilities are, what the expectations are, and the need for them to follow our Home Rule Charter. In his opinion, if someone on a Board or Commission does not follow the Home Rule Charter, they should not be appointed.

Carol Baker, who has lived in Ashaway for thirty years, stated that she was on the Land Trust and has been on it for twenty years, since it was first formed; however, she was speaking as a private citizen. She advised that she had received an email and when she read it she was first dismayed, disheartened and then disgusted. She stated that Harvey Buford is one of the kindest, gentlest, honest people she has ever met. He is a true conservationist and he loves Hopkinton and wants to maintain its rural character like everyone else. She indicated that the Conservation Commission was formed forty or fifty years ago and at that time wind power and solar power were not envisioned. The Conservation Commission makes recommendations, they do not write policy. It is hard for the town to get public servants to sit on these committees and she feels that Harvey Buford is the best thing that has ever happened to this town; he is the hardest working conservationist in this town.

Marilyn Grant, Chair of the Land Trust, stated that she was there to support the reappointment of Harvey Buford to the Conservation Commission and indicated that he has worked to preserve and promote conservation with a vision that has led to numerous significant projects and improvements to the town. She stated that the town needs people with positive energy and vision, like Mr. Buford, to continue this work.

Louanne McCormick of Lisa Lane didn't feel this was a personal issue, but she did hear someone say that Mr. Buford is not involved in writing policy; however, it was her understanding that Mr. Buford did write some sort of documentation about wind turbines, so she feels he did write policy and had a conflict of interest. She suggested that perhaps the Conservation Commission has strayed from its purpose and given the huge changes and huge impact of both solar and wind, she didn't feel it was in the purview of the Conservation Commission to deal with these issues.

Harvey Buford was present. Mr. Buford did not know how anyone could state that the Conservation Commission's charge was to promote and develop the natural resources of the town but had no business looking at the natural resources of the town and trying to use them wisely, including conservation purposes, and stated that wind and solar are natural resources. He stated that the Conservation Commission has been trying to use that so they can acquire additional property and support farmers so they can provide open space for the town and still be able to pay their taxes. The Conservation Commission enabling legislation is probably about fifty-five years old now.

Kevin Blacker of Noank, Connecticut operates a farm and rents farmland in Stonington, North Stonington and Ledyard. He asked the Council to keep an open mind and not unilaterally prohibit the construction of windmills in the Town of Hopkinton. He believed it was important to find clean, responsible, renewable sources of energy, as well as needing to protect the ability to produce food and keep farms economically viable so that young people will want to go into farming. Mr. Blacker advised that he has been involved in a fight for the past year with the Connecticut Port Authority and the State of Connecticut over offshore wind where Connecticut, as well as Rhode Island, will be paying billions

of dollars to foreign companies, such as Danish Oil and Natural Gas, and he would ask people to consider that we should be focusing all of this money that is going to be spent to benefit our country and our farmers, and find a way to work around some of the legitimate concerns.

Henry Wright, President of the Rhode Island Farm Bureau spoke about the implications going forward into the future. He stated that one of the Governor's first accomplishments was to double the agricultural output of the State of Rhode Island which at the time it was 1% of our needs. He noted that New England as a whole, imports food. We have three days of supply and after that we do not have enough food for the State of Rhode Island and for Southern New England and it was of utmost importance to keep our farms operational. He felt that solar has made big strides, but windmills put out tremendous amounts of electricity on small acreage and you can farm right up to the base of the acreage. Windmills today are not the windmills of the past; they are quiet and they have the ability to detect when they are going to impinging upon a homeowner and they can shut themselves down. We need to keep land productive or it will end up going to the land trust or the State which brings in absolutely no tax money and supports no one. Hopkinton was once an industrialized town and the natural resources that we have, we have, and we have to make good use of them.

Jeff Light of 43 Forest Glen Drive stated that he was not sure how land trust or land conservation had anything to do with the conserving of land. He thinks people should focus on their expertise and not speculate on what they feel might be best.

COUNCIL PRESIDENT REPORT

Council President Landolfi expressed his appreciation to his fellow council members for their leadership regarding the recent licensing board show cause hearing and decision relative to ABK, LLC d/b/a Boneyard Barbeque and Saloon's liquor license.

OLD BUSINESS

DECISIONS:

This matter was before the Town Council to render a decision re: proposed text amendments to the Town's Comprehensive Community Plan and a proposed text

amendment to the Town's Zoning Ordinance re: Prohibition on Wind Turbines, heard on August 19, 2019. A stenographer was present to record the proceedings.

Council Deliberations: Councilor Thompson recommended making a decision on the Zoning Amendment first and the Comprehensive Plan Amendment second.

All agreed with this suggestion.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE ZONING AMENDMENT TO APPENDIX A; CHAPTER 135 SECTION 5 DISTRICT USE REGULATIONS PLACING "N" IN ALL DISTRICT USE CATEGORIES. Discussion on motion:

Councilor Thompson stated that she understood that wind turbines were not in the District Use Tables and they had gotten legal advice that if it is not there, then it is not allowed; however, she wished to make it clear to developers that wind turbines are not welcome at this time. She doesn't feel the technology is there yet and she felt that wind turbines would adversely affect the residents and surrounding neighborhoods. Councilor Hirst stated that being on the Council is tough and at times it pits you against friends and acquaintances. He stated that he supported the prohibition that Councilor Thompson is proposing and he apologized to John Palmer and his family, the Rhode Island Farm Bureau Federation, Conservation Commission and Harvey Buford. He agreed that the town does have to prepare for our future energy needs. He is disappointed with our Governor for not addressing the future energy needs of our state. His issue is education funding because 75% of every tax dollar goes towards education.

Councilor Capalbo stated that she is for renewable energy and believes it is absolutely crucial. She feels we need to address renewable energy in all of its forms, but we do not have to agree to them all. She does not believe this request is necessary and she agrees with the Planning Board that it is unnecessary since wind turbines are already banned in town. We do allow the citizens to bring matters forward and the Council should listen, but wind turbines are not allowed in town and this ordinance will be redundant. Councilor Davis stated that if the

residents who elected them made it plainly known that they are against wind turbines, then the Council needed to listen to them. She has researched wind turbines and believes them to be harmful and therefore supports Councilor Thompson's District Use Table amendment regarding prohibition of wind turbines. Council President Landolfi agreed with the Planning Board that this amendment is redundant and not necessary. He stated that currently there is no wind energy conversion system ordinance on the books, only a draft. He believes the draft does not allow a developer the right to apply for relief under the wind energy conversion system in any zone for they would need an ordinance for that. He also believes this exercise of prohibiting wind energy in town further divided the community unnecessarily. He stated that the Land Trust and Conservation Commission are fully supporting the wind energy conversion system in town; both Boards are full of dedicated stewards of the town. Council President Landolfi read an email dated October 6, 2019 that the Council had received from Mr. Wood of the Land Trust, requested that the town not ban completely a non-fossil fuel energy source. He advised that if this proposal passes it would not prevent future developers from petitioning the town for a zone change or stop Boards and Commissions from having workshops to further discuss these matters. Councilor Hirst agreed that wind turbines do not generate a lot of money for our tax base. He also noted that the State of Connecticut does not support wind turbines. Discussion ended and the Council voted as follows:

IN FAVOR: Thompson, Hirst, Davis

OPPOSED: Landolfi, Capalbo

MOTION CARRIED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE AMENDMENTS TO 2016 HOPKINTON COMPREHENSIVE COMMUNITY PLAN PUBLIC SERVICES & FACILITIES SECTION-ENERGY: GOAL PSF5; RECOMMENDATION 14 BE AMENDED BY DELETING THE WORDS "WIND POWERED ELECTRICITY" AND RECOMMENDATION 19 BE DELETED IN ITS ENTIRETY; AND THE NEXT COMPREHENSIVE PLAN REVIEW WILL LIST IN THE ACCOMPLISHMENT SECTIONS THAT THE TOWN

EVALUATED WIND TECHNOLOGY AT A 2019 HEARING AND DETERMINED WIND TURBINE TECHNOLOGIES ARE NOT APPROPRIATE IN ANY ZONING DISTRICT AT THE CURRENT TIME AND BOTH AMENDMENTS ARE IN KEEPING WITH THE INTENT OF THE COMPREHENSIVE PLAN AND BOTH AMENDMENTS WILL PROTECT THE HEALTH, SAFETY AND WELFARE OF THE TOWN AND ARE IN THE BEST INTEREST OF THE COMMUNITY. Discussion on motion:

Councilor Thompson stated that she suggested this because it is clear that the Comprehensive Plan recommends that the town evaluate wind and solar energy and they have evaluated it and found that it is not right for the town at this time. Councilor Capalbo feels that it is foolish to refuse to listen and research any and all new technologies that allow for the extraction of energy. If the town refuses to listen to new ideas, the town will be going backwards. Councilor Davis believes that she has had enough research presented to her to believe there is potential harm in wind turbines and she feels this is the next appropriate step to take. Councilor Hirst felt the past year has been very tough regarding solar and wind mills and whatever position the town takes, the residents should all try to get along and respect everyone's opinion. Councilor Thompson stated that we have looked at energy consumption and with their approved solar projects they were very close to what the town used. Councilor Davis stated that the town uses 98 mw per day and before the Skunk Hill and Lisa Lane projects were approved, we had approved 51 mw and with the Skunk Hill approval we are now at 81 mw. In her opinion she feels we have reached Governor Raimondo's goal. Council President Landolfi stated that he would like to keep the energy discussion going so he did not support this. Discussion ended and the Council proceeded to vote as follows:

IN FAVOR: Thompson, Hirst, Davis

OPPOSED: Landolfi, Capalbo

MOTION CARRIED

NEW BUSINESS

UNCOLLECTED TAX POLICY RE: DECEDENTS ESTATES

This matter was scheduled to discuss, consider and possibly vote to adopt a written policy related to the collection of uncollected property taxes and all matters incidental thereto, utilizing the lawful claims process pertaining to newly filed and/or pending decedents' estates filed in the Hopkinton Probate Court, as a means of collecting previously unpaid property taxes owed to the Town of Hopkinton incurred by persons now deceased.

Town Manager McGarry stated that he had been working with the Town Clerk, Tax Collector, Probate Judge and Solicitor to draft this policy and he asked the Town Council to consider adopting this policy in the form presented as a means to collect previously unpaid taxes incurred by persons now deceased. In the past there has been a lot of money written off due to a person being deceased but now, when there is a new estate opened, the Tax Collector will be notified and if there are any outstanding taxes due she will file a claim with the estate.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO ADOPT A WRITTEN POLICY RELATED TO THE COLLECTION OF UNCOLLECTED PROPERTY TAXES AND ALL MATTERS INCIDENTAL THERETO, UTILIZING THE LAWFUL CLAIMS PROCESS PERTAINING TO NEWLY FILED AND/OR PENDING DECEDENTS' ESTATES FILED IN THE HOPKINTON PROBATE COURT, AS A MEANS OF COLLECTING PREVIOUSLY UNPAID PROPERTY TAXES OWED TO THE TOWN OF HOPKINTON INCURRED BY PERSONS NOW DECEASED.

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

OPPOSED: None

SO VOTED

BOARDS & COMMISSIONS

Conservation Commission

This matter had been scheduled to discuss, consider and possibly vote to reappoint Harvey Buford to the Conservation Commission. Mr. Buford indicated in writing that he would like to be reappointed.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT HARVEY BUFORD TO THE CONSERVATION COMMISSION. Discussion on the motion:

Councilor Thompson thanked Mr. Buford for his commitment and service to the town and stated that just because she didn't agree with wind turbines coming to town did not mean she would not want him to continue on the Conservation Commission. She felt Mr. Buford was a valuable member of the Commission. Councilor Hirst thanked Mr. Buford for his decades of service and supported his reappointment. Councilor Capalbo was very happy that Mr. Buford wished to remain on the Conservation Commission and believed him to be one of the most wonderful human beings in the town and always a gentleman. Councilor Davis thanked Mr. Buford for his letter regarding the Conservation Commission's support of wind turbines. She was impressed by his length of service to the town and did not believe there was anything wrong with the Conservation Commission working on solar or wind, and stated that the Council needs to hear everyone's viewpoint, whether they agree or not. Council President Landolfi stated that Mr. Buford was a friend and selfless advocate for the town and he thanked him for his time and efforts. Discussion ended and the Council proceeded to vote:

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joe Moreau of Old Depot Road thought that the first responsibility of the Council was to listen to the residents. He stated that he was tired of Councilors preaching to him. Just because it states in the ordinance now that we can't have wind he believes we will be fighting this battle in the future because some developer will come and make a presentation. He is also tired of hearing that a solar project is allowed "by right" and mentioned the Palmer Circle project. He stated that it was a myth that you wouldn't see these solar panels. He thanked Harvey Buford for his service and stated that they can agree to disagree but that is what it is about. It's not about preaching to someone, it is about listening.

Steve Wiehl of Old Depot Road agreed with Mr. Moreau and stated that the patronizing attitude of Councilor Capalbo was outrageous. He stated that she did not have to insult people who had a different opinion regarding these issues. He advised that he likes the idea of renewable energy and agrees that they need to fight global warming; but, the issue was how that should occur. He felt that Council President Landolfi supported every project that came into town in terms of solar. He believed Council President Landolfi went on to state that anyone could come back before the Council and ask to rezone the property and overrule the ordinance. Mr. Wiehl felt that the Council sent a lot of mixed messages; they pass an ordinance and in the same moment have a conflicting statement about what it means. If it is prohibited, it should be prohibited.

Council President Landolfi indicated that he had stated that irregardless of whether the District Use Table was changed to N's, which means no in all zones, it still does not prohibit a landowner or a developer from coming to the town to seek relief for a zone change or a District Use text amendment. Mr. Wiehl stated that was just how he perceived Council President Landolfi's comments.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO ADJOURN IN MEMORY REVEREND WHEELER, LINDA PERRA, MARY BLIVEN AND DONNA JOUBERT WILLIAMS.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk