

State of Rhode Island

County of Washington

In Hopkinton on the fourth day of November 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.

HEARINGS

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO SIT AS A LICENSING BOARD.

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

OPPOSED: None

SO VOTED

LIQUOR LICENSE RENEWALS

The Council opened a hearing on renewal of the following Liquor Licenses:

Class A:

Hopkinton Liquor Depot, Lynn Marie Finn, President of PLW Hopkinton. Inc. – 229 Main Street, Ashaway, RI 02804. A representative was present.

Village Place Liquors, Dennis Plante, President of D&M Liquors, Inc., - 26 Alton Bradford Road, Bradford, RI 02808. Mr. Plante was present.

Class BV:

Brick Oven Restaurant – Keith Knott, President, Brick Oven Restaurant of Ashaway, Inc., - 209 Main Street, Ashaway, RI 02804. Mr. Knott was present.

Fenner Hill Country Club, LLC – Ronald Levesque, President, - 33 Wheeler Lane, Hope Valley, RI 02832, w/courtesy cart. A representative was present.

Lucky House Restaurant, Inc. - Danny Zeng, President – 32 Main Street, Ashaway, RI 02804. No one was present. This matter would be held until such time as Mr. Zeng is in attendance.

Wood River Golf, LLC - Kathleen Thompson, President, - 78A Woodville Alton Road, Hope Valley, RI 02832, w/courtesy cart. Mr. & Mrs. Thompson were present.

Boneyard BBQ, William Beggs, President, ABK, LLC, 15A Frontier Road, Ashaway, RI 02804. No application was received. No one was present.

Class B-V LIMITED:

Main Street Pizza, Christopher Hoinsky, President, CHS, LLC, 229 Main Street, Ashaway, RI 02804. A representative was present.

Filing fees paid on all who applied for renewal and notice had been posted. No one spoke for or against the Liquor License renewals.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO TABLE THE BONEYARD BARBEQUE CLASS BV LIQUOR LICENSE.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO GRANT RENEWAL TO THE HOPKINTON LIQUOR DEPOT AND VILLAGE PLACE LIQUORS CLASS A LIQUOR LICENSES SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO GRANT RENEWAL TO BRICK OVEN RESTAURANT, FENNER HILL COUNTRY CLUB, LLC AND WOOD RIVER GOLF, LLC CLASS BV LIQUOR LICENSES SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO GRANT RENEWAL TO MAIN STREET PIZZA CLASS B-V LIMITED LIQUOR LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

The Council delayed setting a limit on liquor licenses until later on the agenda.

VICTUALLING LICENSE RENEWALS

The Council opened a hearing on renewal of the following Victualling Licenses:

Back in Thyme Herb Farm & Kitchen, 493 Main St., Hopkinton; Brick Oven Restaurant, 209 Main St., Ashaway; Dunkin' Donuts, 231 Main Street, Ashaway; Fenner Hill Country Club, 33 Wheeler Ln., Hope Valley; Lucky House Restaurant, 32 Main St., Ashaway; Ma & Pa's Country Cookin, 865 Main St., Hope Valley; Ma & Pa's Country Store, 1044 Main St., Hope Valley; Main Street Pizza, 229 Main St., Ashaway.; Pete's Grocery, 244B Ashaway Rd., Bradford; Spring Street Market, 1 Spring St., Hope Valley; West's Bakery, 995 Main St., Hope Valley; Wood River Golf, 78A Woodville Alton Rd., Hope Valley.

Boneyard BBQ, 15A Frontier Rd., Hopkinton. No application was received.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO TABLE THE BONEYARD BARBEQUE VITUALLING LICENSE.

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

OPPOSED: None

SO VOTED

No one spoke in favor, or against, the Victualling License renewals.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO GRANT RENEWAL TO THE VICTUALLING LICENSES WITH THE EXCEPTION OF BONEYARD BARBEQUE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO ADJOURN AS LICENSING BOARD AND RECONVENE AS COUNCIL.

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

The Town Council Meeting Minutes of October 21, 2019 were removed from the Consent Agenda.

A MOTION WAS MADE BY COUNCILOR THOMPSON SECONDED BY COUNCILOR HIRST TO APPROVE CONSENT AGENDA AS FOLLOWS:

Approve Executive Session Minutes of October 21, 2019; Accept the September 30, 2019 transcript as the record of the show cause hearing re: ABK, LLC d/b/a Boneyard Barbeque & Saloon; Consider and approve a petition from National

Grid to install a new utility pole numbered #20-50 and anchor to pole #19 on Sawmill Road.

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

OPPOSED: None

SO VOTED

Councilor Davis noted corrections were necessary on page 5, line 2 from the top and line 5 from the bottom, to change the word “roll” to “role” in the Town Council Meeting Minutes of October 21, 2019.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF OCTOBER 21, 2019 AS CORRECTED.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Walter Czerkiewicz of Rockville wished to clarify something he previously stated about a house in Hopkinton, located near a solar project, that recently sold for over a half Million Dollars; and, regarding windmills, he has a friend in West Greenwich who has a windmill almost in his back yard and he did not mind it being there. He had told him that it didn't bother him and only on occasion if the wind was just right, did he hear anything. Mr. Czerkiewicz asked how much it cost to run the Town per taxpayer. Council President Landolfi believed it to be around \$3,107 per person. Mr. Czerkiewicz mentioned the Brushy Brook project that was in the works and asked how the Town was going to pay for these new children that will be going into the school system. Mr. Czerkiewicz stated that on Rte 138 there are six new houses going up and several large lots that were recently sold and felt there was a lot of building going on in Town.

Danny Zeng had arrived during the Public Forum portion of the agenda. The Council handled the renewal of the Lucky House Liquor License and thereafter the public forum resumed.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO SIT AS A LICENSING BOARD.

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

OPPOSED: None

SO VOTED

Class BV Liquor License Renewal:

Lucky House Restaurant, Inc. - Danny Zeng, President – 32 Main Street, Ashaway, RI 02804. Mr. Zeng was present.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO GRANT RENEWAL TO THE LUCKY HOUSE CLASS BV LIQUOR LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO GRANT RENEWAL TO THE LUCKY HOUSE VICTUALLING LICENSE SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO SET A LIMIT ON LIQUOR LICENSES: CLASS A: 2; CLASS B-V LIMITED: 1; CLASS BV: 5.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO ADJOURN AS LICENSING BOARD AND RECONVENE AS COUNCIL.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM – resumed.

Joe Moreau of Old Depot Road explained to the people in the audience that public forum was the time to speak and let the Council know what they were thinking and he encouraged the people to do that. Tim Ward of 42 River Road, Ashaway, stated that if he were looking to purchase a home in Hopkinton or any other town and had an unlimited budget, he would not purchase a home next to a solar farm. He indicated that he had asked the Council a month ago if the Council had a plan for a budget connected to the solar funds that are purportedly generated, and Councilor Capalbo had responded no. Mr. Ward was curious to know if there was now a plan moving forward as to how much is enough for solar, as far as our budgetary needs are concerned. Councilor Capalbo advised that as far as she knew, they did not. Councilor Thompson advised that they deal with this issue in January when they prepare the next year's budget. Councilor Davis advised that she feels they have allowed enough solar and have replaced Hopkinton's usage by 80%. They have approved 80 mw and Hopkinton uses 99 mw. Council President Landolfi stated that he would forward him the information concerning revenue generation for these projects and he would be happy to speak with Mr. Ward regarding this matter. Mr. Ward wished to know that our Town, moving forward, has a vision and a plan, financially speaking, because that was the largest justification for these projects; he would like to know that there is a plan; what the end game is; and what that plan looks like. Councilor Thompson suggested that the Manager ask the Tax Assessor to prepare an updated summary of revenue sources that were coming in due to solar. That letter should be received within a week and that letter would be available for anyone to view. Mr. Ward asked at what point do we say enough is enough? Councilor Thompson stated that the January 22, 2019 solar ordinance stated that and no more proposals can come in.

Councilor Hirst stated that the public should have turned out earlier when the Maxson Hill project was first being discussed. Eric Bibler had some concerns about the open meeting law and indicated that it stated that any member of the public body may respond to comments by a member of the public including answering questions for informational purposes only. He stated that at the previous meeting regarding Atlantic Solar and 0 Main Street, the matter was tabled and he wasn't sure what that meant. He felt since the applicant had added another property to their project they would need to reapply. Mr. Bibler questioned what "tabled" meant and how they were going to determine how to proceed and how would the public be informed. Council President Landolfi advised that if the applicant did not revert back to the original plan, it was his understanding that they have a choice as a legislative body to decide on that project. Solicitor McAllister wished to assure the public that nothing further will happen on that project unless and until it is fully advertised. Mr. Bibler stated that his main concern was regarding the Maxson Hill solar project which had commenced work and that there is almost no buffer. He feels there is a substantial risk to the town because of the fact that this project is in litigation. The old and new PSES ordinances are identical regarding this sentence, under Planning Board review, Section (d), "The prospective owner of a proposed PSES shall be the only party eligible to submit an application to the Planning Board seeking development plan approval for a proposed PSES. The prospective owner of a proposed PSES shall be referred to herein as the applicant." The application that was filed for this project dated December 28, 2017 and the applicant is RI Solar Renewable Energy which was a limited liability company established by Anthony DeVicario. Mr. Bibler stated that this limited liability company had been revoked on December 1, 2017, so Mr. DeVicario applied for this project with an entity that was not certified to do business in the State of Rhode Island. The attorney for this project had indicated that this was easily fixed and they could reinstate this limited liability company; however, this has not been done and Mr. DeVicario has nine other limited liability companies which are all revoked. He also mentioned the advisory opinion of the Planning Board who unanimously disapproved this project and Ordinance 260 which references RI Solar Renewable

Energy, LLC as the applicant, which is an entity defunct and does not exist. Mr. Bibler believed that the Council had approved an application for an entity which does not exist and now that entity is trying to sell this project. He also submitted articles concerning Green Development, LLC, who is the party performing the work at the Maxson Hill site, regarding a Coventry project that they had been denied approval for, but had commenced anyway. DEM told them to stop, but they continued anyway until the Court got involved. The items that Mr. Bibler submitted were two ecoRI news articles; July 8, 2019 Town Council Minutes of the Exeter Town Council; Chapter 260 (310 Main Street); Planning Board advisory opinion; Application for 310 Main Street; and Secretary of State listing concerning Anthony DelVicario.

Town Planner James Lamphere indicated that he was there to discuss the solar development activity in town and to assure the citizens that the staff is on top of all of these projects and is monitoring them. Regarding 310 Maxson Hill Road, this is an approved solar project and the role of Town staff is to make sure that the plan is followed in detail as well as all other pertinent rules and laws. Mr. Lamphere discussed what the Town has been doing regarding truck access for this site and advised of his discussions with the developer and DEM regarding an existing farm road on the site. The observation from DEM was that the farm road could be modified on a temporary basis such that truck traffic could enter and exit the site and take everything out onto Route 3. At the conclusion of the construction, the farm road will be restored to its previous condition and allowed to revegetate on its own. Mr. Lamphere believed that within a week or so, there would no longer be any truck traffic relating to the construction of that solar site on Maxson Hill Road, everything should be coming in and out of Route 3. He also noted that the developer has adhered to the limits of clearing that are on the plan and every Friday he has a meeting with the developer at the site and he is given a tour and an update of what they have done during the past week. Mr. Lamphere suggested that anyone having specific issues with the project send him an email and he will be glad to meet with them and go over the plans to determine what can be done. Mr. Lamphere also verified that there was a tremendous amount of planting to be done in the spring, as well as fencing installed.

Justin Bentley stated that it was his belief that this project did not have final approval and there currently was no money being held in escrow. He asked how this project could be started without the final plans being approved. Mr.

Lamphere responded that the final plans have been approved by the Planning Board; it was his understanding that they have a building permit approved by the Building & Zoning Department; they have posted a performance bond in the amount of \$270,000+ which was the bond imposed by the Planning Board to assure that this project is done per plan; the decommissioning bond has not been put in place yet but they are working with the Solicitor to have \$264,500 placed in escrow to decommission the project; and, on Wednesday night the Planning Board is going to speak with the developer about posting a reforestation bond for reforesting the site at the end of the life cycle of this project.

An audience member asked Mr. Lamphere what his hours were and he responded 8:30 a.m. to 4:30 p.m. and his office was located on the second floor of the post office. Another audience member advised that there are large trucks on Maxson Hill Road, Diamond Hill Road and Collins Road and they should be required to wait until the farm road was ready to be used. Mr. Lamphere advised that they have already started to prepare the farm road and they have put down some gravel and matting. Councilor Thompson offered that the developer, Anthony DelVicario, was willing to have a meeting at the town hall with any neighbors and abutters to find out what is going wrong; what he is going to do to correct it; what he is planning in the future; and, what their concerns are. Audience members reiterated that they wished all truck activity to stop on Maxson Hill and the developer should wait until they can access Route 3. Mr. Lamphere explained that it never was a condition of approval by the Town Council or the Planning Board, that they only access Route 3; the applicant suggested that they would do that, but it was never a condition of approval. Mr. Lamphere suggested that he would speak with the developer on the following day and ask him to cease his truck activity on Maxson Hill Road and to wait until the farm road was ready to be used. Mr. Bibler asked how they came up with the limits of clearing being twenty-five feet and was that in an ordinance; part of the approval; or, in a Planning Board decision? Mr. Lamphere indicated that it was the setback

requirement for a commercial zone and there was an additional Planning Board condition of approval that the developer hadn't complied with yet which was to have the Town's zoning officer rule whether the access road is a structure and if it is it may require a further setback from the property line which will lower the number of solar panels. An audience member asked about the stone walls that were being knocked over and Mr. Lamphere indicated that there would be a wooden fence and a lot of planting that would be happening in the spring. Someone asked about the setback requirements and Mr. Lamphere indicated that the side setbacks were twenty-five feet, the front setback was sixty feet and rear setback along Maxson Hill Road is fifty feet; however, they did provide for sixty feet on their plan. If the access road is deemed to be a structure, then the setback from that access road would be one hundred feet. Someone suggested that they be required to put berms in along the road before planting the vegetation. Someone else suggested, due to the value of the comments being made and the many variables that the Town has not yet considered, that they form a subcommittee that has experience regarding retention ponds, wetlands, etc. to guide the Town and the Planning Department. Mr. Moreau reiterated that Mr. Lamphere would make himself available for any questions and he would do anything he said he would do. Someone asked about the hours of operation at the site and Mr. Lamphere answered 8:00 a.m. to 5:00 p.m. It was noted that they are starting much earlier and running much later. Mr. Lamphere suggested that he had heard that and had spoken with the developer about that. The developer had asked if they could work in conjunction with the noise ordinance which is 7:00 a.m. to 5:00 p.m. and also on Saturdays in an effort to get the project done sooner. The audience members were not in favor of this so Mr. Lamphere advised that he would speak with the Building and Zoning Office and assure that condition was adhered to. Someone asked if the Skunk Hill project could be started even though it was in litigation. Council President Landolfi stated that the developer could start the project but it would be at their own risk. Councilor Thompson asked Mr. Lamphere to speak with them about the requirements put in place by the State that the developer had to adhere to. Mr. Lamphere stated that the developer has a RIPDES permit to remove the stumps and a forestry permit to cut the trees. Mr.

Lamphere advised that he would have Crossman Engineering review the site and provide their opinion as to what is being done. Mr. Ward wished the Council to impose an additional type of impact fee on any new projects that are approved in the future that would pay for independent advisors to help support the Planning Department. Councilor Thompson indicated that a developer had offered that every time the town needed to have an engineer out to the site, they would pay for that cost and every time the town required an expert for something to do with that project, they would reimburse the town. Someone asked what the benefit of this solar project would be to the town. Councilor Thompson indicated that these projects should be bringing about \$250,000 a year, so the benefit is revenue. Mr. Bibler believed the Council to be reckless and felt they disregarded the comprehensive plan. Edward Lowe from Hope Valley advised that he had previously requested the Town Council to consider issuing a letter of censure to Mr. Buford of the Conservation Commission based on his written description of fellow citizens participating in town government; and, he also requested the Town Council to consider removing the mandate that they have given the Conservation Commission to study industrial power generation using wind turbines. He asked the Council to address those requests and provide him with a response.

NEW BUSINESS

SCHOOL LOCATOR CARD ISSUANCE POLICY

This matter had been scheduled to discuss, consider and possibly vote to adopt a written policy related to the issuance of student locator cards by the Town of Hopkinton for purposes of establishing student residency/eligibility to attend the Chariho Regional School District (CRSD) and all matters incidental thereto, including four types of Affidavits for parents, guardians, persons acting in loco parentis or on behalf of homeless children/students to insure Town residency of children/students seeking to enroll in the CRSD, consistent with RIGL Title 16, Chapter 64, RIDE Rules and Regulations and any applicable Town Ordinances.

Mr. McGarry reported over the last several weeks, his office had been working with the Town Clerk and Town Solicitor Kevin McAllister on drafting a proposed School Locator Card Issuance Policy for the Town of Hopkinton along with four

accompanying affidavits. The Town of Hopkinton recognizes the value and importance of educating its students in the Chariho Regional School District and the costs associated with providing such an education. It is respectfully requested that the Town Council consider adopting this policy and accompanying affidavits as a means to make school residency determinations to insure that students seeking to enroll in the Chariho Regional School District qualify consistent with Rhode Island General Law Title 16-Chapter 64, Rhode Island Department of Education Rules and Regulations, and any applicable Town Ordinances.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS FOR THE HOPKINTON TOWN COUNCIL TO ADOPT A WRITTEN POLICY RELATED TO THE ISSUANCE OF STUDENT LOCATOR CARDS BY THE TOWN OF HOPKINTON FOR PURPOSES OF ESTABLISHING STUDENT RESIDENCY/ELIGIBILITY TO ATTEND THE CHARIHO REGIONAL SCHOOL DISTRICT AND ALL MATTERS INCIDENTAL THERETO, INCLUDING FOUR TYPES OF AFFIDAVITS FOR PARENTS, GUARDIANS, PERSONS ACTING IN LOCO PARENTIS OR ON BEHALF OF HOMELESS CHILDREN/STUDENTS TO INSURE TOWN RESIDENCY OF CHILDREN/STUDENTS SEEKING TO ENROLL IN THE CRSD, CONSISTANT WITH RIGL TITLE 16, CHAPTER 64, RIDE RULES AND REGULATIONS AND ANY APPLICABLE TOWN ORDINANCES.

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

OPPOSED: None

SO VOTED

BOARDS & COMMISSIONS

Police Commission:

Mr. Gilmore had submitted a request to be reappointed to the Police Commission.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO REAPPOINT STILES M. GILMORE, IV TO THE POLICE COMMISSION.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

The second public forum was not held.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY
COUNCILOR DAVIS TO ADJOURN IN MEMORY OF HONORABLE
CONGRESSMAN ELIJAH CUMMINGS OF THE STATE OF MARYLAND.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk