

State of Rhode Island

County of Washington

In Hopkinton on the twenty first 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. 42-46-5(A) (5) PERTAINING TO DISCUSSIONS AND OR CONSIDERATIONS RELATED TO THE DISPOSITION OF PUBLICLY HELD PROPERTY WHERE ADVANCED PUBLIC INFORMATION WOULD BE DETRIMENTAL TO THE INTEREST OF THE PUBLIC.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

Council President Landolfi reported no votes were taken in the executive session.

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

The meeting was called to order with a moment of silent meditation and a salute to the Flag at 7:00 P.M.

**2<sup>nd</sup> CDBG HEARING**

The Council opened a second public hearing on the PY 2019 Community Development Block Grant application.

Councilor Hirst stated he would be abstaining from voting on the matter.

Alice Buckley, Executive Director of the Washington County Community Development Corporation, the non-profit entity that manages the Town's community development block grants, was present. She advised that the application in front of them was for the town's home repair program which has been ongoing for several years. The amount is left blank and is increased as residents request grants and they are approved. Councilor Davis questioned the amount being left at zero. Ms. Buckley advised that they have a zero contract in place to allow them to submit applications; as a resident's application is approved, the contract is amended to add that amount. Councilor Davis asked if there was a maximum amount and Ms. Buckley stated no there was not. Ms. Buckley advised that Hopkinton provides loans at 3% interest and 0% for elderly or if a resident is under a certain income level.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO ADOPT THE AUTHORIZING RESOLUTION:

Discussion on the motion: Councilor Davis asked if there was a listing of the grants that Hopkinton has awarded and Ms. Buckley advised that they prepare quarterly public information reports which are provided to the Town's Finance Director which include a list of everyone they have loaned money to with the amount of the loan. Councilor Davis mentioned that when she was involved with the Rental Rehab Program with the Affordable Housing Partnership, she had been aware of two applications that had been pending and wished to know their status. Ms. Buckley advised that one applicant has not moved forward and the other

applicant had backed out due to the monitoring fees that were required because this was a deed restriction placed on the property. Councilor Thompson asked how much the monitoring fee was and Ms. Buckley indicated \$1,000 initially and then if the owner was to sell the house or if a tenant moved out and there was a new tenant moving in, the owner would be charged again. Town Clerk Cook-Martin wished to clarify that the resolution would state zero as the amount and Ms. Buckley confirmed that.

Discussion ended and the Council proceeded to vote.

IN FAVOR: Landolfi, Capalbo, Thompson, Davis

OPPOSED: None

ABSTAIN: Hirst

SO VOTED

The resolution follows:

AUTHORIZING RESOLUTION OF THE LOCAL GOVERNING BODY

TOWN OF HOPKINTON, RI

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

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

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

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

That the filing of this application for the amount of \$0.00 to implement the activities proposed herein hereby authorized and that Frank T. Landolfi, Town Council President is hereby authorized and directed to file this application with the Office of Housing and Community Development, to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the Representative of the Town of Hopkinton in all matters relating to this application and any award which may be based upon this application.

**CONSENT AGENDA**

The September 23, 2019 transcript as the record of the Solar DG LLC/Clearway Energy Group/Edward Carapezza Comprehensive Plan and Zoning Amendment hearing was removed from the Consent Agenda.

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

FOLLOWS: Approve Town Council Meeting Minutes of October 7, 2019; Executive Session Minutes of October 7, 2019; Special Town Council Meeting Minutes of September 30, 2019; Executive Session Minutes of September 30, 2019; Accept the following monthly financial/activity report: Town Clerk; Approve abatement as taxpayer no longer owns vehicle, submitted by the Tax Assessor; Approve refunds as a result of motor vehicle and real property overpayments, submitted by the Tax Collector.

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

OPPOSED: None

SO VOTED

Councilor Capalbo noted on page 37, line 13 of the September 23, 2019 transcript; the word “stability” should be “instability”.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ACCEPT THE SEPTEMBER 23, 2019 TRANSCRIPT AS THE RECORD OF THE SOLAR DG LLC/CLEARWAY ENERGY GROUP/EDWARD CARAPEZZA COMPREHENSIVE PLAN AND ZONING AMENDMENT HEARING AS AMENDED.

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

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

Carol Desrosiers of 16 Pleasant View Drive spoke about solar projects and whether or not the Council had an end game in mind. She questioned how the Town Council could lead the town effectively and successfully without having a strategic plan in place. She believed the reactive nature of the Council’s decision-making was ineffective and done in an inequitable way, favoring some property owners over others. She suggested they create an overall plan as a governing body to present to their constituents for input and review and that the town should be run like a business and every business has a plan for growth and development. Ms. Desrosiers went on to state that the town needs a plan for economic development to address the need for new commercial tax revenue. She asked that

the town resurrect the Economic Development Commission and the Council actively participate and lead it. She read that the role of the Economic Development Commission was to be responsible for studying, investigating, promoting and encouraging the preservation, expansion and sound development in the town of industry, business, commerce and tourism.

Luther Davis of 100 Cedarwood Lane indicated that back in the spring during many of the budget workshops, there was considerable discussion regarding the trimming and cutting of trees along the roadways and that during the last storm there were a lot of residents without power due to trees coming down which were not on their property. He urged the Town Council to go back and reconsider the financial allocation towards the removal of these vulnerable trees so we don't have three and four-day power outages the next time there is a storm.

Steven Wiehl spoke about a letter to the editor that Harvey Buford had written, as well as the Council's statements related to Mr. Buford's reappointment to the Conservation Commission. He noted that he did not know Mr. Buford individually or publicly, other than what he has seen, heard or read about as to his efforts to bring wind turbines to properties in Hopkinton. The Council spoke of how wonderful he was as a man and how much he had contributed to the town over the years. He believed Mr. Buford was trying to financially support a very small segment of our population with a very special financial entitlement by the introduction of wind turbines to Hopkinton. He thanked Ms. Thompson for her efforts to hold off this technology. Mr. Wiehl believed this was the wrong time, the wrong technology and the wrong geographical location for wind turbines. He went on to state that his problem was with the review of Mr. Buford, the Chairman of the Conservation Commission, believing that he chose to ignore the clear guidelines of the Commission and instead be a representative of large energy developers with a great benefit to a few and potential detriment to many. He felt the Council missed the boat in not advising Mr. Buford of what his role was as described in the Conservation Commission mission.

Louanne McCormack of Lisa Lane stated that at the last meeting there was a comment made that many of the town's people were not forging ahead into the twenty-first century regarding renewable energy technology. She believed

everyone has to listen to the good, the bad and the ugly to be responsible about renewable energy and what they have heard so far has only been the good from the developers and the landowners. She felt that they have used twenty-first century technology to look up the bad and the ugly and they have brought it all to the Council. She suggested the cost of decommissioning these solar projects could bankrupt the town and stated that she is not against renewable energy; she is against the bad and ugly of renewable energy. She also suggested there were many qualities of solar panels and advised that she has never heard anyone ask what quality the solar panels were that were being placed next to neighborhoods and on top of aquifers.

Edward Lowe from Hope Valley submitted a letter to the Council that he had written, which he then read. He requested that the Town Council void their mandate to the Conservation Commission to evaluate industrial power generation and he asked that the Council generate a letter of censure to Mr. Buford for his attack on citizens' rights to participate in government and his denigration of the citizens' viewpoint.

Joe Moreau of Old Depot Road felt that every time he spoke some Councilors did not care about what he was saying; some spoke among themselves; and, many wouldn't even make eye contact. He indicated that he started attending these meetings in July of 2018 to protest their actions as a Town Council. In August of 2018 he gave the Council information regarding the Stubtown Road dump which he tried to place on an agenda but was denied, and he was told there would be a workshop but it never occurred. He went on to state that in August of 2018 he gave the Council and the Planning Board a study of information from New York concerning decommissioning costs. This was a study done on a 2 mw system with a 2.5% inflation rate for twenty years which suggested it would cost the town \$99,000; he factored in a 20 mw system and suggested decommissioning would almost be One Million Dollars. He believed the highest amount of cash bond in escrow currently is about \$325,000 and felt these solar projects are underfunded. Mr. Moreau also stated that during the budgeting workshops he provided the Council with information concerning revenue from cell phone towers which could be disguised as flag poles but there has never been a response from the Council.

This past August he suggested they come up with a plan concerning the rescheduling of hearings and he was told that the Solicitor was on vacation and that it would be discussed and he was unsure if that had happened but he has heard nothing. In October 2019 he suggested that written notice should be given to all Boards and Commissions to outline their duties and responsibilities, but he believes this will not happen either. He stated that the Council encouraged the Chair member to continue as usual regarding wind, with one member stating that anyone can ask the Town Council for an amendment to change. He believed the Economic Development Commission should be reactivated.

Tammy Walsh of 229 Woodville Road stated that after attending the October 7, 2019 meeting, she believed the Council seemed to be directing the Conservation Commission to continue work and research on industrial scale wind turbines. She was confused as to why the Conservation Commission would be tasked with something like that; particularly since the Home Rule Charter uses the word develop. When she thinks about develop and conservation, it would not be to bring industrial uses to the land and resources that are being conserved. She attended the October 10, 2019 Conservation Commission meeting and inquired if the Town Council had actually defined the word “develop” as it relates to the Commission’s charge. She was told that the Council actually directed the Conservation Commission to work on a wind ordinance separate from the Farm Viability Ordinance. She believed that if this was something that the Council is directing them to do, then it should be looked at by an Economic Development Commission.

#### **COUNCIL PRESIDENT REPORT**

Council President Landolfi reported that a Town-Wide Resident-Only Shred Day had been scheduled for November 16, 2019 from 8:00 AM to 12:00 PM noon at Department of Public Works Headquarters, 395 Woodville Road. There will be a three box or bin limit and is for paper products; no electronics. This event is only for residents.

Town Manager McGarry noted that there is a flyer that will soon be passed out; this will be advertised in the Westerly Sun on Sunday, November 3, 2019 and Sunday, November 10, 2019; and, it will be placed on the town’s website. This

will be the first time the town has held this event and it will be free to residents. The company that performs the shredding takes all the paper away and the total cost to the town will be \$800.

## **NEW BUSINESS**

### **DISCUSSION RE ASSESSORS PLAT 5 LOT 108 ON TOMAQUAG ROAD**

This matter had been scheduled to discuss, consider and possible vote to convey the Town's interest in a small slice of land along Tomaquag Road, property identified as Plat 5 Lot 108, to the Hopkinton Land Trust. Land Trust Chairwoman Marilyn Grant was present.

Marilyn Grant stated that the property required a survey in order for the town to prepare a Bargain and Sale Deed. Solicitor McAllister explained that a Bargain and Sale Deed basically conveys whatever the town owns when it is not clear on what title the town has to a piece of property; it is a deed without warranties or guarantees; buyer beware. He also suggested that if the town gave it to the Land Trust in order to construct a parking area, it comes with issues of liability. The purpose of requesting a survey is so it is very clear what the boundaries are; what is being the subject of the Bargain and Sale Deed. The property is a small slice, less than an acre and runs along the road; the town cannot assume liability or guaranty title. Ms. Grant questioned Solicitor McAllister's statement about not assuming liability because her understanding was that Land Trust properties were all covered under the town's liability insurance. Solicitor McAllister explained that this piece of property was a separate parcel that the Land Trust was asking the town's permission to use without acquiring it or even surveying it. That was asking the town to assume an unknown amount of potential liability. We should not be giving permission for a third party to do something on a piece of property that the town does not even know how much of it, it owns. Councilor Davis asked who was paying for the survey and it was indicated that the Land Trust would be because they wanted to acquire this parcel. Councilor Davis asked Solicitor McAllister if he was saying that even if the town allows the Land Trust to have this property, the town would still be legally responsible for it; and he stated no. Council President Landolfi explained that if this property became part of the Land Trust's properties, it would be added to the town's overall property

that is insured by the town. Ms. Grant advised that the diagram that she had provided the Councilors showed why this small piece they wished to obtain would be the best area for parking.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO CONVEY THE TOWN'S INTEREST IN A SMALL SLICE OF LAND ALONG TOMAQUAG ROAD, PROPERTY IDENTIFIED AS PLAT 5 LOT 108, TO THE HOPKINTON LAND TRUST.

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

OPPOSED: None

SO VOTED

### **NEIGHBORS HELPING NEIGHBORS**

An expression of appreciation to the Neighbors Helping Neighbors organization was requested by Councilor Thompson.

Councilor Thompson wished to send out a thank you to the Neighbors Helping Neighbors organization as well as to all of the volunteers who helped an elderly man remain in his home and explained that they had replaced his roof after a tree had fallen on his house. The man was unable to obtain insurance because his house was in disrepair and therefore he couldn't qualify for the home repair program. She had a letter she wished to send out to the Executive Director of the Neighbors Helping Neighbors organization thanking them for really making a difference, one home at a time. She also wished to send letters to Robert Shaver and Henry Ferrara, both of Lawton Foster Road South, who, the day after the storm during the winter, took the tree off of the house and did their best to plug up the sixteen holes left by the tree. There was also a letter to Jason Tefft who, the day before the roof was put on, cut down the other six or seven big trees that would have hit the house if they had fallen. This was a combined effort and she wished to say thank you to everyone for their assistance. Councilor Capalbo acknowledged and thanked all of the residents who assisted their neighbors during and after this last storm.

**PUBLIC FORUM**

Councilor Davis advised that she is preparing a letter to the editor in response to Mr. Buford's letter and also that the reason the Economic Development Commission was inactive was because it needed five people to be on the commission and there are currently only two. Clerk Cook-Martin stated that the two members who were on the commission in the past would need to be contacted to determine if they were still interested in being on this Commission.

An audience member asked if the open positions for Boards and Commissions could be advertised and Clerk Cook-Martin indicated that it was on the website and she would put an ad in the newspaper.

Joe Moreau of Old Depot Road read an article written by Attorney John Grasso regarding the Boneyard Barbecue & Saloon show cause hearing. He stated that from what he read, the Department of Business Regulations overturned the Council's decision to revoke the liquor license, and it was the employees who were going to lose in this case. He felt that this incident could have been avoided many months ago if someone did their job. He lastly noted that the Maxson Hill case was moving forward, the Judge ruled not to dismiss the case. It was noted by the Council that this was a misstatement and they asked Solicitor McAllister to respond to the comments about the show cause hearing. Mr. Moreau asked why Solicitor McAllister could respond in open forum and Council President Landolfi stated because it was an ongoing legal matter. Mr. Moreau thereafter stated that during future public forums when he or other residents had a question, he would like to have them answered and President Landolfi stated if it was a pending legal matter it would be and if it wasn't Mr. Moreau could call him any time for an answer. Solicitor McAllister stated as to the pending litigation involving the Boneyard Barbecue liquor license situation which was currently on appeal before the Department of Business Regulation; they are going to have a retrial hearing and it was not accurate to say that the verdict of the Town Council sitting as the Licensing Board was overturned. In fact, the only ruling that was issued by the Department of Business Regulation was that the Boneyard management would have to create or draft a safety plan for future limited operation; including perhaps limiting the hours they could be open, perhaps having police details, etc. and

present that back to the Council as a Licensing Board; and unless and until they do that they cannot open again with a liquor license. He also noted that in the 14 page written decision of the Department of Business Regulations there was not one word suggesting that the Town Council sitting as the Licensing Board, had not operated a fair, complete and comprehensive hearing. There was no criticism whatsoever as to the Council's behavior or process that night. Solicitor McAllister stated that John Grasso is a lawyer that he personally knows and he has great respect for. He was an advocate for one of the owners and license holder that night and he wrote that letter to the editor as an advocate for one party to that proceeding, which was his right to do, but that is not something that should be taken as objective truth; it is the advocacy of an attorney of record for that procedure who participated at the hearing that night and that was only his opinion. Councilor Thompson asked Solicitor McAllister to clarify the decision regarding the Maxson Hill case. He stated that he was in Court today and there were two Maxson Hill cases; one case was dismissed and the other was not dismissed. Mr. Moreau asked which case was dismissed and Solicitor McAllister stated that the first case which was filed, the 2018 case, was dismissed. The second case which was filed in 2019 was not dismissed.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO ADJOURN IN MEMORY OF ALBERT RUSSO, LOUISE CARD, RONALD JOHN KENNEDY AND RICHARD HOWARD.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk