

State of Rhode Island

County of Washington

In Hopkinton on the sixteenth day of December 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, Sharon Davis; Town Solicitor Kevin McAllister; Town Manager William McGarry; Deputy Town Clerk Marita Murray. Absent: Sylvia Thompson.

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, Davis

OPPOSED: None

SO VOTED

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

IN FAVOR: Landolfi, Hirst, Capalbo, 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 DAVIS TO SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

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

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 December 2, 2019; Special Town Council Meeting Minutes of November 25, 2019; Accept the following monthly financial/activity report: Town Clerk; Approve Petition of National Grid & Verizon for a joint pole replacement on Spring Street; Approve abatements resulting from motor vehicle corrections and a real property adjustment submitted by the Tax Assessor.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joe Moreau of Old Depot Road spoke about the old days when everyone felt safe and how things have changed. He spoke of the town being in upheaval over the solar matters and wished to have two police officers present at any further meetings concerning the proposed Chase Hill Road solar project. Edward Lowe of Brook Drive spoke of his opposition to Council President Landolfi's desire to limit public forum. Mr. Lowe spoke concerning resident's freedom of petition and freedom of speech. He believed that Council President Landolfi chose what was put on the agenda and if someone wished something to be placed on the agenda and he did not, then public forum was their only opportunity to be heard. He asked that the Council not approve a limitation on topics or time allowed to speak. Louanne McCormick of Lisa Lane stated that she was shocked, given the amount of upheaval in the town and the amount of difficulty that residents have had, by Council President Landolfi's idea of curtailing anybody's ability to speak at public forum. She felt they should be having more workshops and inviting more and more people to speak. Councilor Hirst stated that if someone informs

him of a topic that they would like to see on the agenda he would, as a courtesy, ask the Council President to put it on the agenda. Ms. McCormick stated that it would not be guaranteed to be placed on the agenda and therefore her only option would be to speak at public forum. She asked the other councilors if they were okay with the fact that any and all matters placed on the agenda were at the sole discretion of Council President Landolfi. She also questioned Councilor Capalbo about a prior statement she had made regarding the Maxson Hill solar site, that the land would never be reforested. Ms. McCormick advised that they went from the idea of the land being automatically reverted back to residential to never having a forest put back on it and stated that she was confused how this happened. Council President Landolfi stated that the Council cannot respond to her questions to the extent that she was looking for, only for informational purposes. Councilor Capalbo explained that in the ordinance which was adopted states that the Council is to assure the property is converted back to RFR80; however, RFR80 is not necessarily reforesting; it could be farm, forest, residential and open space. The property may eventually be used for open space, farming, a cornfield, a meadow or reforesting. The idea that someone will put hundreds of thousands of dollars into reforesting will probably not happen. Ms. McCormick reiterated again that she did not feel public forum topics should be limited to only what was on the agenda. Tammy Walsh of Woodville Road was deeply concerned about the limiting of public forum to only items on the agenda. Her four points were: (1) that it was the Council President who decided what went on the agenda regardless of what anybody else on the Council wanted; (2) the purpose of public forum is for constituents to share their thoughts, ideas and concerns; (3) emailing the Councilors is only one-on-one and is not in a public situation for everybody else to hear; and (4) the Council President is the intermediary between the other Councilors and members of the constituents. She advised that she is opposed to any changes or limits to the public forums. Dorothy Gardiner believed that at Town Council meetings, she had the right to feel safe and secure; the right to speak; and, a right to be able to listen. There have been times in the past that the audience has been very loud, rowdy and unruly with outbursts being yelled when someone is not agreed with. When someone is being disruptive, she would like to

see them removed because they interfere with her rights to be able to speak and be heard and to be able to listen to other people who are speaking.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported that he wished to discuss possibly modifying public forums as it pertained to regular (twice-monthly) Town Council meeting agendas beginning January 6, 2020, due to recent threats, yelling and profanity. He indicated that he was proposing a new process for public requests for future regular bi-monthly agenda items would be as follows: (1) that members of the public would be able to request items be placed on a future meeting agenda but must submit said request in writing to at least one Council member, the Town Manager, the Town Clerk or Town Solicitor, who may submit the request to him for consideration; (2) eliminate the second public forum from the meeting agenda so that there will be only one public forum on the agenda for future regular Town Council meetings; (3) place the remaining public forum right after the Consent Agenda items and before any Council action on proposed action items listed under new business or old business so that people can comment before a decision is made on an agenda item; (4) he wished to limit the comments from the public to Council action items listed on the regular meeting agenda; (5) maintain the Council President's right and discretion to limit members of the public to five minutes or less; and (6) the Council President ordinarily will limit the total time of speakers from the public to a maximum of thirty minutes. Council President Landolfi explained that the bi-monthly Town Council meetings are primarily to accomplish the town's regular business as within the purview of the Town Council in an orderly, timely and efficient manner; input, comments and questions from the public remain invited and encouraged relative to the listed meeting agenda items. The placement of the public forum just before the Council action items allows for the interaction of the public on specific agenda items prior to Council decision. Any items not on the agenda can and should be communicated to the Town Manager, Clerk or any Council member so it can be addressed and looked into for resolution. Council discussion:

Councilor Hirst advised that other towns limit public forums; some do not have them at all; and, a lot only have one. He felt there should be a set of rules for governing the Town Council, which all Council members would vote on, and

everyone would follow. He did believe that the public should have a right to speak and he would have concerns about eliminating the second public forum because people may forget a point that they wished to discuss. Councilor Davis was adamantly opposed to any change of the public forum and did not feel that any topic should be off-limits. She felt that emotion was the problem. Council President Landolfi stated that for the last year the public forums have been very contentious and without a set of rules in which to operate under it is presenting a problem and has resulted in personal attacks. Councilor Davis stated that the topics have been contentious and Council President Landolfi has been very defensive which acts to raise the tension higher, but admitted that if he lets it roll off, people think he doesn't care, so it is a lose-lose situation. Council President Landolfi stated that the public forums have not been productive, with the Councilors not being able to converse with the residents, they can only respond for informational purposes. Councilor Capalbo appreciated the comments made by Mr. Lowe; however, their freedom of speech and freedom of assembly has limitations and is not an unfettered right. She did have a concern with the amount of time each person could speak and felt it should be limited to ten minutes with a total public forum of forty minutes. She also believed public forum should be on non-agenda items as individuals could speak about agenda items after the Council has discussed them. Councilor Davis agreed with a ten minute time limit but didn't feel it should be limited to agenda or non-agenda items and read a portion of the open meeting statute, R.I.G.L. 42-46-6(d). Solicitor McAllister read the remainder of R.I.G.L. 42-46-6(d) which stated that nothing required a public body to hold an open forum session or to entertain or respond to any topic, nor did it prohibit a public body from limiting comment on any topic at such an open forum session. An open forum is not required at all and in his experience, Hopkinton having two public forums is unique. Most councils do not have two open forums, some have one and others have none. The business agenda of regular council meetings is for town business, such as the budget, and having lengthy public forums makes it difficult to get all of the town's work done and some matters, such as the budget, have deadlines set by State law and the Town Charter. He went on to state that Council President Landolfi's proposal would not apply to zoning hearings, for state statutes require there to be a public hearing for zone

changes. Some residents have been questioning individual Councilors on legal issues that are in Superior Court which is inappropriate. The purpose of the Open Meetings Act, R.I.G.L. 42-46-1, Public Policy states: “It is essential to the maintenance of the democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy.” The open meetings act is about not doing things in secret; everything should be open in front of you. He went on to state that nobody is talking about curtailing the public’s right to speak or to petition the government. There still will be a public forum; there still will be public hearings on zone changes; and, everyone still has the right to ask one of the Councilor members to ask the Council President to have something put on the agenda. Councilor Davis felt there was a communication problem regarding how citizens find out about the meetings and what was on the agenda. She felt public forum still needs to be there for residents to discuss whatever they wish to discuss; however, in a civil manner. Council President Landolfi stated he would like to limit public forum to thirty minutes. Councilor Capalbo also asked the public to keep municipal employees out of their discussions in public forum. If someone has an issue or problem with an employee, it should be taken to the Town Manager. Councilor Hirst reiterated that he felt the Council should have a set of rules to follow. He felt it would be good to have hand-outs that the Town Clerk could provide to residents regarding the procedures and timelines, something that people could refer to so they are not confused. Council President Landolfi asked Mr. McGarry if he had anything to add to the discussion and Mr. McGarry advised that his role was to handle the day to day operations of town government and he is the liaison between department heads and the Town Council.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO MOVE ITEM 3 UNDER NEW BUSINESS TO BE HEARD FIRST.

APPROVED: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

NEW BUSINESS

PURCHASE OFFER RE: 0 HIGHVIEW AVENUE, AP 27 LOT 16

This matter had been scheduled to consider a motion and possibly vote on whether to accept offer to purchase the Town’s interest in a parcel of land located at 0 Highview Avenue, AP 27, lot 16.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO ACCEPT THE OFFER TO PURCHASE THE TOWN’S INTEREST IN A PARCEL OF LAND LOCATED AT 0 HIGHVIEW AVENUE, AP 27, LOT 16 WITH THE STIPULATION THAT THESE TWO PROPERTIES WOULD MERGE INTO ONE LOT.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

CERTIFIED BUILDING OFFICIAL HOPKINTON-RICHMOND MEMORANDUM OF AGREEMENT

This matter was before the Town Council to discuss, consider and possibly vote to authorize the Town Council President to execute a Memorandum of Agreement between the Towns of Hopkinton and Richmond to share the services of a Certified Building Official to administer and enforce the provisions of the State Building Code, State Property Maintenance Code, and other applicable state and municipal codes and ordinances.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO AUTHORIZE THE TOWN COUNCIL PRESIDENT TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE TOWNS OF HOPKINTON AND RICHMOND TO SHARE THE SERVICES OF A CERTIFIED BUILDING OFFICIAL TO ADMINISTER AND ENFORCE THE PROVISIONS OF THE STATE BUILDING CODE, STATE PROPERTY MAINTENANCE CODE, AND OTHER APPLICABLE STATE AND MUNICIPAL CODES AND ORDINANCES.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

CHARIHO AUDIT SUBCOMMITTEE RECOMMENDATIONS RE: CHARIHO DRAFT AUDIT

This matter was scheduled to hold discussion of Chariho School Committee's December 10, 2019 Action on its Audit Subcommittee's November 21, 2019 recommendations regarding Chariho draft audit report, and consideration and possible motion and vote to send correspondence to the Chariho School Committee – requested by Council Vice President Hirst.

Councilor Hirst stated that he wished to thank Dorothy Gardiner and the Chariho Audit Subcommittee for their service to the town. Ms. Gardiner advised the Council that in over fifty years there has never been a periodic risk management review performed and they would recommend that this be done. She also noted that the Audit Subcommittee approved the audit for fiscal year ending June 30, 2019 contingent upon four conditions being met, which were not done; however, the Chariho School Committee has approved the audit. She wished the Council at the Omnibus Meeting, to question why this audit was approved by the School Committee when the Audit Subcommittee did not approve it. Councilor Capalbo agreed that they should bring up the issue of having a periodic risk management review at the Omnibus Meeting. Councilor Hirst questioned if Council President Landolfi should send the Chariho School Committee a letter asking for a more detailed audit of Chariho's finances and also the idea of having an outside management study performed and also to show the town's support of the Audit Subcommittee. Councilor Capalbo suggested that Council President Landolfi should check with the School Department to see what was in their packet, before sending that letter, but she felt that a letter asking for a more advanced audit would be in order. Councilor Hirst asked that this matter be tabled to the next meeting and Council President Landolfi agreed and hoped to have some answers.

BOARDS & COMMISSIONS

Conservation Commission Reappointment

This matter was scheduled to discuss, consider and possibly vote to reappoint Deborah O'Leary to the Conservation Commission.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT DEBORAH O’LEARY TO THE CONSERVATION COMMISSION.

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joe Moreau of Old Depot Road advised that a lot of residents had come out to the meeting concerning the proposed Chase Hill Road solar project and were unable to speak due to the time constraint. He stated that the attorney, developer and paid witnesses had unlimited time to speak and he felt the residents should be allowed more time. Also when the meetings are held at one of the schools, it is very difficult to hear which adds to everyone’s frustration. People need to talk and have conversations, otherwise how will these issues be resolved. Edward Lowe of Brook Drive agreed that state law did not require public forums at these meetings; however, asked how were the residents to be heard? He advised that he could not find any procedure in which to address issues with the Councilors. He suggested possibly having the first public forum be for items specifically on the agenda and the second public forum being for anything else and limiting the time for individuals to speak.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADJOURN IN MEMORY OF BETTY LOIS BLIVEN, ERNEST O. FINDEISEN AND GAIL PRONTEAU.

SO VOTED

Marita D. Murray

Deputy Town Clerk