

State of Rhode Island

County of Washington

In Hopkinton on the twentieth day of July 2020 A.D. the said remote 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, Sylvia Thompson, Barbara Capalbo, Town Manager William McGarry; Participating remotely; Town Solicitor Kevin McAllister; Town Clerk Elizabeth Cook-Martin.

Absent: Sharon Davis.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO CONVENE OPEN SESSION AND RECESS TO EXECUTIVE SESSION UNDER:

1. R.I.G.L. sec. 42-46-5(a)(2), status and discussion of pending and potential litigation involving the Town.
2. R.I.G.L. sec. 42-46-5(a)(1), Board/Commission interview – Land Trust Board of Trustees.

POLL VOTE:

IN FAVOR: Landolfi, Hirst, Thompson, Capalbo

OPPOSED: None

SO VOTED

Councilor Sharon Davis joined the meeting after the Council voted to recess into executive session.

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

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

OPPOSED: None

SO VOTED

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

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

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

OPPOSED: None

SO VOTED

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

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO MOVE NEW BUSINESS ITEMS UP ON THE AGENDA.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

EXTEND DATE FOR PAYMENT OF LOCAL MOTOR VEHICLE TAXES TO THE TOWN OF HOPKINTON FROM SEPTEMBER 8, 2020 TO A FUTURE DATE, PENDING FINAL DETERMINATION FROM THE STATE ON THE MOTOR VEHICLE TAX EXEMPTION AMOUNT FOR RHODE ISLAND CITIES AND TOWNS

Finance Director Brian Rosso and Tax Assessor Elizabeth Monty participated remotely.

This matter was scheduled to discuss, consider and possibly vote to extend the date for payment of local motor vehicle taxes to the Town of Hopkinton from September 8th, 2020 to a future date, pending final determination from the State on the motor vehicle tax exemption amount for Rhode Island cities and towns.

Finance Director Brian Rosso explained that the Governor was proposing a tax exemption rate that is different from what the town currently has in their tax roll in accordance with current Rhode Island General Law. He advised that until we have a decision by the State as to what that tax exemption will be, it will not make sense for the town to send out tax bills. In the past, they had made the mistake of sending out the bills prematurely and then the state changed some legislation and they had to send out over fifty refund checks. Tax Assessor Elizabeth Monty agreed and noted the Governor was proposing to change the current excise exemption from \$4,000 to \$3,500 per vehicle.

She noted that Article 9, Section 44-34-1.1 of the General Laws deals with the excise tax phase out. This section will change over the next three years. This year and the future two years were supposed to be exemptions of \$4,000, \$5,000 and \$6,000 per vehicle, respectively; however, this may be changed to \$3,500, \$4,000 and \$4,500. Councilor Hirst noted that the fire districts were questioning when they would be able to send out their bills because they needed the information from the town in order to do that and Ms. Monty advised that she was able to split the tax roll and now had one roll for motor vehicles and one roll for real property and tangibles. She stated that she was able to work with Vision and had sent both fire districts what they needed so they could send their bills out on time.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO EXTEND THE DATE FOR PAYMENT OF LOCAL MOTOR VEHICLE TAXES TO THE TOWN OF HOPKINTON FROM SEPTEMBER 8TH, 2020 TO A FUTURE DATE, PENDING FINAL DETERMINATION FROM THE STATE ON THE MOTOR VEHICLE TAX EXEMPTION AMOUNT FOR RHODE ISLAND CITIES AND TOWNS.

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

OPPOSED: None

SO VOTED

AUTHORIZE TOWN COUNCIL PRESIDENT TO SEND A LETTER OF SUPPORT TO THE RHODE ISLAND SENATE REGARDING PENDING LEGISLATION DESIGNATED AS H-7555 AND ENTITLED “AN ACT RELATING TO AN AMENDMENT OF AND IN ADDITION TO AN ACT TO INCORPORATE THE FIRST HOPKINTON CEMETERY ASSOCIATION”

This matter was scheduled to discuss, consider and possibly vote to authorize the Town Council President to send a letter of support to the Rhode Island Senate regarding pending legislation designated as H-7555 and entitled “An Act Relating to an Amendment of and in addition to an Act to Incorporate The First Hopkinton Cemetery Association”, the purpose of which is to amend the corporate charter of The First Hopkinton Cemetery Association passed at the January, 1880 session of the Rhode Island General Assembly, as subsequently amended.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO AUTHORIZE THE TOWN COUNCIL

PRESIDENT TO SEND A LETTER OF SUPPORT TO THE RHODE ISLAND SENATE REGARDING PENDING LEGISLATION DESIGNATED AS H-7555 AND ENTITLED “AN ACT RELATING TO AN AMENDMENT OF AND IN ADDITION TO AN ACT TO INCORPORATE THE FIRST HOPKINTON CEMETERY ASSOCIATION”, THE PURPOSE OF WHICH IS TO AMEND THE CORPORATE CHARTER OF THE FIRST HOPKINTON CEMETERY ASSOCIATION PASSED AT THE JANUARY, 1880 SESSION OF THE RHODE ISLAND GENERAL ASSEMBLY, AS SUBSEQUENTLY AMENDED.

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

OPPOSED: None

SO VOTED

HEARINGS

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

IN FAVOR: Landolfi, Hirst, Capalbo, Davis

OPPOSED: None

SO VOTED

It was agreed that all three requested licenses would be heard together.

CLASS BV LIQUOR LICENSE VICTUALLING LICENSE HOLIDAY SALES LICENSE

The Council opened a remote hearing on an application for a Class BV Liquor License, Victualling License and Holiday Sales License filed by New Frontier, LLC – Teresa Dove-Rottinghaus, President, 44 Oak Street, Westerly, RI 02891 for property located at 15A Frontier Road, Ashaway, RI 02804 owned by BCP, LLC, 15 Frontier Road, Ashaway, RI 02804.

The applicant was present remotely along with Attorney Petrarca and Attorney Maselli. Filing fees were paid and notices posted, with notice to abutters.

A stenographer was present remotely to record the proceedings. The transcript will be attached and made part of the record.

The Town Council deliberated and discussed the matter. Each Councilor made their statements pro and con. At the conclusion of deliberations, the Council offered the following motions.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO DENY THE BV LIQUOR LICENSE TO NEW FRONTIER, LLC/TERESA DOVE-ROTTINGHAUS.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson

OPPOSED: Davis

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO GRANT THE VICTUALLING LICENSE FILED BY NEW FRONTIER, LLC/TERESA DOVE-ROTTINGHAUS.

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

OPPOSED: None

SO VOTED

Attorney Petrarca felt that the Motions were improper for the original motion was for a BV license and he felt that the B was for the alcohol license and the V was for the victualling license and should be separated. Solicitor McAllister suggested, just to make it clear, that they have a new motion just referring to the BV license as a liquor license.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO WITHDRAW THE MOTION TO DENY THE BV LIQUOR LICENSE TO NEW FRONTIER, LLC/TERESA DOVE-ROTTINGHAUS.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR HIRST TO DENY THE APPLICATION FOR A LIQUOR LICENSE FILED BY NEW FRONTIER, LLC/TERESA DOVE-

ROTTINGHAUS, PRESIDENT, 44 OAK STREET, WESTERLY, RI 02891
FOR PROPERTY LOCATED AT 15A FRONTIER ROAD, ASHAWAY, RI
02804 OWNED BY BCP, LLC, 15 FRONTIER ROAD, ASHAWAY, RI 02804.

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson

OPPOSED: Davis

SO VOTED

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED
BY COUNCILOR HIRST TO APPROVE THE HOLIDAY SALES LICENSE
FILED BY NEW FRONTIER, LLC/TERESA DOVE-ROTTINGHAUS,
PRESIDENT, 44 OAK STREET, WESTERLY, RI 02891 FOR PROPERTY
LOCATED AT 15A FRONTIER ROAD, ASHAWAY, RI 02804 OWNED BY
BCP, LLC, 15 FRONTIER ROAD, ASHAWAY, RI 02804.

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 TO
RECONVENE AS COUNCIL.

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

OPPOSED: None

SO VOTED

PROPOSED ORDINANCE AMENDMENT TO CHAPTERS 272 AND 273

This matter was scheduled to open a public hearing to consider amendments to Chapters 272 and 273 of the Town of Hopkinton Zoning Ordinance requested by Hopkinton Town Councilor Sylvia Thompson for property owned by Atlantic Solar LLC, 260 West Exchange Street, Providence, RI 02903 and Atlantic Control Systems, Inc., 318 Dry Bridge Road, North Kingstown, RI 02852, for property located at 0 Main Street, Hopkinton, RI, identified as Plat 7, Lot 32; Plat 10, Lot 87 and Plat 11, Lot 35 an RFR-80 Zone.

The Town Council shall consider an amendment relative to one of the conditions in each ordinance setting the amount of the cash decommissioning bond for the

proposed PSES project to be constructed on said property, by striking the phrase “of \$25,000 per Megawatt AC” and substituting therefor the phrase “to be determined by the Planning Board”.

Attorney Robert Craven and Frank Epps were present remotely.

Notice had been published along with notice sent to abutters.

A stenographer was present remotely to record the proceedings. The transcript will be attached and made part of the record.

The Town Council deliberated and discussed the matter. Each Councilor made their statements pro and con. At the conclusion of discussion, the Council offered the following motion.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO CLOSE THE HEARING AND SET A DATE FOR THE DECISION TO AUGUST 3, 2020.

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

OPPOSED: None

SO VOTED

PROPOSED ORDINANCE AMENDMENT TO CHAPTER 229

This matter was scheduled to open a public hearing to consider an amendment to Chapter 229 of the Hopkinton Code of Ordinances, requested by Hopkinton Town Council President Frank Landolfi, specifically Article I, Section 19-2(B)(1)(a) of Chapter 19, “Taxation”. Article I, entitled “When Interest Waived”. The proposed amendment would correct a typographical error in the reference to the Rhode Island General Laws found in said Section 19-2(B)(1) where it reads RIGL “section 44-5.8-“, and substitute for that citation RIGL “section 44-5-8.1”. In addition, the proposed amendment, if enacted, would add the clause “or place of business” after the word “residence” and before the phrase “of the taxpayer” found in Section 19-2(B)(1)(a) of Chapter 229. The purpose of this portion of the proposed amendment would be to extend to taxpayer-owned places of business the opportunity to seek a waiver of payment of one quarter’s worth of interest on

one overdue property tax payment, subject to the same conditions currently applicable to taxpayers' personal residences.

Council President Landolfi reiterated that he was approached by a taxpayer who owns a business severely affected by COVID-19. They advised him that when they went to make their tax payment they were charged a \$200 late fee and wished to know if there was anything that could be done to have this penalty waived. He noted that the ordinance that was enacted in 2013 was to allow residents to have one late fee waived every five years and he felt that they should add to the ordinance a component for businesses. This would help local businesses in their time of need and would affect the town very minimally in terms of financial end.

Councilor Hirst commended the Council President for his leadership on this issue. Councilor Capalbo also appreciated Council President Landolfi bringing this change and noted that a late fee could only be forgiven once every five years. Councilor Davis noted that she was in favor of this change. Councilor Thompson felt that this was a great idea and should have been included originally.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO CLOSE THE HEARING AND SET A DATE FOR A DECISION TO AUGUST 3, 2020.

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

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

Approve July 6, 2020 Town Council Meeting Minutes; Set Tuesday, September 1, 2020 as the first Town Council Meeting in September due to Labor Day Holiday on September 7 and the Primary on September 8, 2020; Accept the following monthly financial/activity report: Town Clerk.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joseph Moreau of Old Depot Road wished to thank Council President Landolfi and the Council for working with businesses in town, and he noted that he agreed with the Councilors' comments. He spoke about the existing Palmer Circle solar project and noted that there were two other solar projects at Palmer Circle being started, as well as other projects in the pipeline. Mr. Moreau suggested that the Palmer Circle array started generating power on November 21, 2019 and explained that as of today, none of the plantings for the buffer have been done; the retention pond still has issues that have not been fixed; and, there are still pallets, a blue tarp and a silt fence at the site. The project may not be finished, but it is generating power and it has been like this for almost a year and an abutter next door to the site had to dig a ditch in order to stop the water from running onto his property. Mr. Moreau stated that one-tenth of a mile away from this site there is already another solar project under construction and another one-tenth of a mile away from that is a huge array called Stone Ridge. He spoke with Jim Lamphere suggesting that the town should not allow future solar arrays to start generating power until the town signed off on the project. Mr. Lamphere had advised him that once the developer performs a litmus test with National Grid, the town cannot stop the generation of electricity. Mr. Moreau indicated that Mr. Lamphere believed that the Planning Board will have to put in place a performance guaranty ensuring the project will be built according to the approved plans, including landscaping. He also noted that he had gone up to Palmer Circle today and found the gate unlocked and the lock on the ground. He understood that some of these projects were put up "by right" but the residents want them to be done right. The Palmer Circle developer, Pine Gate, is based out of North Carolina and recently the developer damaged the road in two places and had to repair it; now there is a small pile of asphalt left over by the blue tarp. He is very concerned about a follow-up being done on this project as well as other projects.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY
COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF FORREST B.
WRIGHT, ROBERT MORGAN AND THE LATE UNITED STATES
REPRESENTATIVE JOHN LEWIS OF GEORGIA.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk