

State of Rhode Island

County of Washington

In Hopkinton on the second day of November 2020 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, Sylvia Thompson, Barbara Capalbo and Finance Director Town Manager Brian Rosso were present in the Meeting Room; Sharon Davis; Town Solicitor Kevin McAllister and Town Clerk Elizabeth Cook-Martin attended remotely.

The Meeting was held remotely due to the Covid-19 pandemic. The agenda included instructions for participating in the meeting. The meeting was called to order with a moment of silent meditation and a salute to the Flag.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO CONVENE OPEN SESSION AND RECESS TO EXECUTIVE SESSION UNDER: R.I.G.L. 42-46-5(A)(1) DISCUSSION OF POSSIBLE APPOINTMENT OF FINANCE DIRECTOR BRIAN ROSSO AS INTERIM TOWN MANAGER DUE TO RETIREMENT OF TOWN MANAGER WILLIAM A. MCGARRY EFFECTIVE NOVEMBER 2, 2020 AS RECOMMENDED BY TOWN MANAGER MCGARRY. MR. ROSSO HAS BEEN NOTIFIED IN ADVANCE IN WRITING THAT HE MAY REQUIRE THAT THE DISCUSSION BE HELD AT AN OPEN MEETING.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO CONSIDER AND VOTE ON MOTION 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.

Town Council members remarked on the occasion of William A. McGarry's retirement as Town Manager after eleven years of dedicated service to the Town. Councilor Capalbo noted that she and Councilor Thompson were on the subcommittee of the Council to interview all perspective hires and they both chose William McGarry. When they went back to the Council with their findings they were asked for their top three choices so that the full Council could conduct interviews. She noted that both she and Councilor Thompson suggested that they had only chosen Bill McGarry because he was hands down the best but they would pick two others. After the Council interviewed the three candidates they understood that there was no comparison and this was a very easy decision to make. At the time, the Town's budget was in disarray and Bill started the Capital Improvement Plan noting that the Town should save money in order to spend it; he helped put the Town on a strong financial footing.

Councilor Thompson noted that one of the things that Bill brought to the Town was his experience with the State Police and thereafter as the Smithfield Chief of Police where several times he had to fill in as Interim Manager because the Manager at the time had surgery or had left. One of Hopkinton's problems at the time of his hire was the overtime budget in the Police Department and when Bill was hired he sat down with Chief Scuncio and was able to rectify the situation. Councilor Thompson felt that Bill was very good at delegating and hiring and

seemed to have a knack for hiring the right person for the job; he had a way of making the Council look good because of his experience and his mannerism. She wished him well.

Councilor Hirst noted that Bill was very helpful to him personally and felt that the Town Manager has a role and the Town Council has a role and his biggest fear is that whomever they hire to replace Bill might not have an appreciation of that.

Councilor Hirst did not feel that the Town Manager should undercut the Town Council, who were elected by the people and were accountable to the people. The Council makes the policy and the Town Manager carries it out. He noted that Bill McGarry appreciated his role and he did not undercut the Council.

Councilor Davis felt that during Bill's tenure, he ran a tight ship. She noted that everyone has been very responsive to her needs under his leadership and Bill personally worked very well with her. She wished him the best in his retirement.

Council President Landolfi noted that he has worked very closely with Bill over the past eight years and he has gotten to know him very well. He noted that Bill had an amazing ability to take a problem or a situation and look at it from all sides, which was pretty unique. He never really got himself involved in Council matters; he would give his opinion and let the Council do whatever they felt best. He is an amazing person with unparalleled integrity and is sorry to see him retire. He wished him well and thanked him for his years of dedicated service.

HEARINGS

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS 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.

Kersten Melchiori, Store Manager of Hopkinton Liquor Depot was present.

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

Dennis Plante, President of D&M Liquors, Inc. was present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO RENEW THE CLASS A LICENSE FOR HOPKINTON LIQUOR DEPOT AND VILLAGE PLACE LIQUORS 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

Class BV:

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

Applicant or representative was not present.

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

Denise Teklinsky was present.

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

Danny Zeng, President of Lucky House Restaurant was present.

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

Kathleen Thompson, President of Wood River Golf was present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO GRANT RENEWAL OF THE CLASS BV

LICENSE FOR FENNER HILL COUNTRY CLUB, LUCKY HOUSE RESTAURANT AND WOOD RIVER GOLF 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

Class B-LIMITED:

Main Street Pizza, Christopher Hoinsky, President, CHS, LLC, 229 Main Street, Ashaway, RI 02804.

Applicant or representative was not present.

Class C:

Village Place Studio, LLC, Sherri Desjardins, President & Norbert Ansay, Jr., Manager, 999 Main Street, Hope Valley, RI 02832.

Sherri Desjardins, President of Village Place Studio was present.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO GRANT RENEWAL OF THE CLASS C LICENSE TO VILLAGE PLACE STUDIO 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

No one spoke for or against the renewal of these licenses.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO SET THE LIMIT ON LIQUOR LICENSES:

CLASS A: 2; 1; CLASS BV: 4; CLASS B-V LIMITED: 1; CLASS C: 1.

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

OPPOSED: None

SO VOTED

The renewal of the Class B license for Brick Oven Restaurant and Class B-Limited license for Main Street Pizza was continued to the November 16, 2020 meeting.

LIQUOR LICENSE TRANSFER (OWNER) HEARING

The Council opened a hearing on an application for the Transfer of a Class A Liquor License filed by D&M Liquors, Inc., Dennis Plante, President, d/b/a Village Wine & Spirits, 26 Alton Bradford Rd., Bradford, RI 02808 for property located at 26 Alton Bradford Road transferring to M2 Wines, LLC, Venkat Doddapeneni, President, 5 Whitehall Way, Bellingham, MA 02019.

Mr. Doddapeneni, President of M2 Wines, LLC and Dennis Plante, President of D & M Liquors were present.

Fees are pending and notices were posted.

It was noted by the Council that they had received notice from Sinapi Law Associates of two creditors of D & M Liquors: RI Distributing - \$8,903.08 and Horizon Beverage - \$4,585.39.

Mr. Plante noted that his liquor store has been open for two and a half years. Councilor Thompson asked Mr. Doddapeneni about his application, noting that where it asked if the applicant owned the property he had indicated no and he had also stated that he did not lease the property. Mr. Doddapeneni stated that he was in fact leasing the property and that was just a mistake. Councilor Thompson wished to know what experience Mr. Doddapeneni had with running a liquor store and he advised that he had worked in a liquor store as a student back in college and his wife currently owns a liquor license in Providence, which he manages for her.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO GRANT APPROVAL TO THE TRANSFER OF D & M LIQUORS LIQUOR LICENSE TO M2 WINES, LLC, SUBJECT TO D & M LIQUORS PAYING THE DEBT TO RI DISTRIBUTING OF \$8,903.08 AND HORIZON BEVERAGE OF \$4,585.39 AND ALSO 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

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.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY
COUNCILOR THOMPSON TO GRANT RENEWAL OF THE VICTUALLING
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 HIRST AND SECONDED BY
COUNCILOR CAPALBO TO ADJOURN AS LICENSING BOARD AND
RECONVENE AS COUNCIL

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

Councilor Davis noted that on page 2 of the September 28, 2020 transcript as the record of the Centrica Business Solutions & Comolli Granite Co., Inc. hearing, line 21 states: “...over the past two years I have served...” and it should read this “Council...” ; page 3, line 16, the word “identifies” should become “and been advised”; line 22 should read: any perception... the word is “from”, not “for” my participation; and, line 25 that “more so” should be “nor do”. Councilor Hirst noted that on page 22, line 23 it reads “Fox Falls” but should be “Clark’s Falls” and page 76, line 23 where it notes Barbara Green, her last name should have an “e” at the end of it.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of October 19, 2020; Accept the October 14, 2020 Transcript as the record of the Centrica Business Solutions & Comolli Granite Co., Inc. hearing; Approve abatements due to tax value changes submitted by the Tax Assessor; Ratify and approve the Eleventh Local Declaration of Emergency from November 2nd, 2020 to January 3rd, 2021.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO ACCEPT THE SEPTEMBER 28, 2020 TRANSCRIPT AS THE RECORD OF THE CENTRICA BUSINESS SOLUTIONS & COMOLLI GRANITE CO., INC. HEARING WITH CORRECTIONS.

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

OPPOSED: None

SO VOTED

COUNCIL PRESIDENT REPORT – There was no report.

OLD BUSINESS:

Councilor Davis had stepped down and recused herself from the following matter.

DECISION - COMPREHENSIVE PLAN & ZONING ORDINANCE AMENDMENT RE: CENTRICA BUSINESS SOLUTIONS/COMOLLI GRANITE CO., INC.

This matter was before the Town Council to discuss, consider and vote on a motion to either approve or reject the petition for an amendment to the Hopkinton Comprehensive Plan Future Land Use Map and an amendment to the Hopkinton Zoning Ordinance and Map filed by Centrica Business Solutions, 1484 Candlewood Rd., Ste. T-W, Hanover, MD 21076 and Comolli Granite Co., Inc., 15 Franklin St., Westerly, RI 02891 for property located at 0 Chase Hill Rd., identified as a portion of AP 2 Lot 73 an RFR-80 Zone following completion and closing of the public hearing on October 13, 2020.

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

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO APPROVE THE APPLICATION SEEKING THE ZONING AMENDMENTS CHANGING THE ZONING CLASSIFICATIONS FOR THE PARCELS DESCRIBED ABOVE FROM RFR-80 TO COMMERCIAL SPECIAL IN ACCORDANCE WITH SECTION 16[A] – [E] OF THE ZONING ORDINANCES OF THE TOWN OF HOPKINTON AS AMENDED, AND ALSO TO APPROVE THE APPLICATION FOR THE REQUESTED AMENDMENTS TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP REFERRED TO ABOVE, AND TO THEREBY ADOPT THE TWO (2) PROPOSED ORDINANCES, BASED UPON THE FOLLOWING FINDINGS, AND SUBJECT TO THE FOLLOWING CONDITIONS:

FINDINGS

SUBJECT TO THE CONDITIONS WHICH FOLLOW, AND BASED UPON THE EVIDENCE AND TESTIMONY OF RECORD PRESENTED AND SUBMITTED AT THE PUBLIC HEARING REFERRED TO ABOVE AS WELL AS THE COMPREHENSIVE PLAN AS AMENDED INCLUDING ITS STATED GOALS AND RECOMMENDATIONS, THE PROPOSED ZONING ORDINANCE AMENDMENTS AND THE PROPOSED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENTS TO MAP 13 ARE BOTH CONSISTENT WITH THE GENERAL AUTHORITY RESERVED TO THE

COUNCIL UNDER THE COMPREHENSIVE PLAN TO IDENTIFY THOSE AREAS IN TOWN WHERE SUCH USES ARE APPROPRIATE AND TO IDENTIFY THE CONDITIONS UNDER WHICH SUCH USES MAY EXIST, AND SPECIFICALLY WITH THE FOLLOWING ASPECTS OF THE COMPREHENSIVE PLAN: **CONSERVATION GOAL #1** (TO PROMOTE CONSERVATION OF HOPKINTON’S NATURAL RESOURCES, PARTICULARLY THE PROTECTION OF THE GROUND AND SURFACE WATERS); **NATURAL RESOURCES GOAL #1** (TO PRESERVE, CONSERVE, AND PROTECT THE SIGNIFICANT NATURAL RESOURCES OF HOPKINTON AS AN ENDOWMENT FOR THE FUTURE OF THE TOWN); **NATURAL RESOURCES GOAL #5**, (TO PROMOTE ENERGY SELF-SUFFICIENCY USING RENEWABLE ENERGY AND ENERGY CONSERVATION); **CONSISTENCY WITH STATE GUIDE PLANS** [REFERENCED AT P. 2 OF COMPREHENSIVE PLAN, INCLUDING THOSE ADDRESSING *ENERGY* (PP. 40-41), *STRATEGIC ENERGY PLANNING* (P. 41), *RENEWABLE ENERGY* (P. 43), AND *CHALLENGES* (P. 44)]; **PUBLIC SERVICES AND FACILITIES GOAL #3** (TO PROVIDE A SAFE, HIGH QUALITY AND SUFFICIENT DRINKING WATER SUPPLY TO THE TOWN ALONG WITH EFFECTIVE WASTEWATER MANAGEMENT AND SOLID WASTE DISPOSAL REDUCTION WHICH IS SENSITIVE TO ENVIRONMENTAL CONCERNS AND GROWTH MANAGEMENT); **PUBLIC SERVICES AND FACILITIES GOALS #5 AND #17** (TO REDUCE HOPKINTON’S ENERGY CONSUMPTION AND HELP IMPLEMENT RECOMMENDATION 14, WHICH IS TO EVALUATE THE FEASIBILITY AND COST OF INSTALLING PHOTOVOLTAIC AND/OR WIND POWERED ELECTRICITY GENERATING TECHNOLOGIES; AND RECOMMENDATION 18, WHICH IS TO EXPAND THE CURRENT ZONING REGULATIONS’ ALLOWANCE OF PHOTOVOLTAIC INSTALLATIONS IN RESIDENTIAL DISTRICTS); **ECONOMIC DEVELOPMENT GOAL #1** (PROVIDE FOR EXPANSION OF THE TOWN’S TAX BASE BY ENCOURAGING DEVELOPMENT OF NEW AND EXISTING LIGHT AND/OR HEAVY INDUSTRIAL & OFFICE/COMMERCIAL BUSINESS AND

ITS RECOMMENDATION #4); AND **LAND USE GOALS #7 AND 20** (USE THE FUTURE LAND USE PLAN TO UPDATE AND IMPROVE THE ZONING ORDINANCE WHICH SHOULD BE CONSISTENT WITH THE FUTURE LAND USE MAP). IT IS FURTHER FOUND THAT THE CHANGES PROPOSED WILL PROVIDE BENEFITS TO THE TOWN IN TERMS OF REMOVING AT LEAST ONE SIGNIFICANT PRE-EXISTING NON-CONFORMING USE ON THE PROPERTY IN QUESTION, *I.E.* THE STONE QUARRY AND RELATED USES ASSOCIATED WITH THE ACTIVE QUARRY MINING; ENHANCED TAX REVENUES TO BE RECEIVED FROM THE PROPERTY AS RESULT OF THE DEVELOPMENT OF THE SOLAR ARRAY; THAT THE CHANGES PROPOSED WILL PROMOTE AN IMPORTANT LOCAL, STATE AND NATIONAL OBJECTIVE SEEKING ALTERNATIVE ENERGY SOURCES THAT ARE SAFE FOR THE ENVIRONMENT AND THE CITIZENS OF HOPKINTON; THAT THE PROPOSED CHANGES WILL NOT ADVERSELY AFFECT THE HEALTH, SAFETY OR WELFARE OF THE TOWN AND ARE IN THE BEST INTERESTS OF THE COMMUNITY; THAT THE PROPOSED CHANGES ARE SUITABLE TO THE CHARACTER OF THE LOCATION IN QUESTION AND CONSTITUTE A NON-NOXIOUS USE; AND THAT THE PROPOSED USE IS IN CONFORMANCE WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN AS SET FORTH ABOVE. AS CONDITIONS FOR THE APPROVAL OF THE PROPOSED CHANGES, THE PETITIONERS AND/OR THEIR SUCCESSORS-IN-INTEREST, MUST ADHERE TO THE FOLLOWING:

1. THE ZONING DISTRICT CLASSIFICATIONS ARE CHANGED FROM RESIDENTIAL RFR-80 TO COMMERCIAL SPECIAL WITH THE RESTRICTIONS THAT THE PROPERTIES USE HEREAFTER IS LIMITED TO THE CODE 486 PHOTOVOLTAIC SOLAR ENERGY SYSTEMS ALONG WITH THE RESTRICTIONS FURTHER PLACED UPON THE USE STATED IN CHAPTER 134 IN EFFECT AS OF THE TIME THE APPLICATIONS WERE SUBSTANTIALLY COMPLETED AND FILED WITH THE TOWN, AND WITH THE FURTHER

CONDITIONS THAT (A) THE ZONING DESIGNATIONS FOR THE PROPERTIES SHOULD REVERT BACK TO RFR-80 ZONE SUBJECT TO FURTHER HEARING AND ACTION BY THE HOPKINTON TOWN COUNCIL PURSUANT TO RIGL SECTION 45-24-53 ONCE THE PROPOSED USE AND/OR ACTUAL USE OF THE PROPERTIES AS AN OPERATING PHOTOVOLTAIC SOLAR ENERGY SYSTEM IS ABANDONED OR TERMINATED, CONSISTENT WITH THE INTENT OF THE TOWN COUNCIL THAT NO OTHER COMMERCIAL USE OF THE PROPERTY IS HEREINAFTER AUTHORIZED; AND (B) THAT THE APPLICANTS HAVE RECEIVED ASSURANCES FROM NATIONAL GRID THAT THE USE OF THE PROPERTIES AS AN OPERATING PHOTOVOLTAIC SOLAR ENERGY SYSTEM AS PROPOSED HAS RECEIVED THE ASSURANCE FROM NATIONAL GRID THAT SUCH AN INTERCONNECTION APPROVAL WILL BE GIVEN FINAL APPROVAL BY NATIONAL GRID AT THE APPROPRIATE TIME, WHICH IS AT THE COMPLETION OF THE COMBINED PROJECT.

2. THE APPLICANTS ARE HEREBY ALLOWED TO EXPAND UPON THE COVERAGE RESTRICTIONS OTHERWISE SET FORTH IN CHAPTER 246, SECTION A (13) OF THE TOWN ORDINANCES AS ADOPTED JANUARY 22, 2019 BEYOND THE 3% OR 3 ACRES, SO THAT THE FENCED-IN LAND AREA WITHIN AP 2 LOT 73 DELINEATED AS LAND CONDOMINIUM UNIT 2 UPON WHICH THE SOLAR ARRAY WILL BE CONSTRUCTED, MAY CONSIST OF NO GREATER THAN 9.07 ACRES AND AS SHOWN IN AS ZONING AMENDMENT CONCEPT B, DRAWING NUMBER C-1 (BY ESS GROUP) OF THE REVISED PLAN SUBMITTED ON OCTOBER 9, 2020 BY THE APPLICANTS' ATTORNEY, WHICH IS INCORPORATED HEREIN BY REFERENCE.
3. ALL DECOMMISSIONING AND OTHER PROVISIONS IN PLACE FOR PHOTOVOLTAIC SOLAR ENERGY SYSTEMS AS SET FORTH IN CHAPTER 134 AS AMENDED, AS WELL AS UNDER HOPKINTON PLANNING BOARD REQUIREMENTS, SHALL BE COMPLIED WITH, INCLUDING BUT NOT LIMITED TO THE POSTING OF A

DECOMMISSIONING CASH ESCROW BOND IN AN AMOUNT DETERMINED BY THE PLANNING BOARD.

4. TO THE EXTENT AND IN THE MANNER DETERMINED AND REQUIRED BY THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (DEM) IF ANY, THE APPLICANTS AND/OR THEIR SUCCESSORS AND ASSIGNS SHALL REMEDIATE ANY ADVERSE ENVIRONMENTAL CONDITIONS RESULTING FROM THE OPERATION AND LOCATION OF THE FORMER JUNKYARD/AUTOMOBILE GRAVEYARD ON THE SITE.
5. WITHIN A REASONABLE TIME FOLLOWING DECOMMISSIONING OF THE PROPOSED PSES FACILITY ON THE SITE, THE APPLICANTS AND/OR THEIR SUCCESSORS AND ASSIGNS SHALL CONVEY BY APPROPRIATE LEGAL INSTRUMENT A CONSERVATION EASEMENT FOR THE PROPERTY IN QUESTION TO BE CONVEYED FOR THE BENEFIT OF THE HOPKINTON LAND TRUST, ITS SUCCESSORS AND/OR ASSIGNS;
6. IN CONJUNCTION WITH THE DECOMMISSIONING AND OTHER PROVISIONS REFERRED TO ABOVE, AND IN ADDITION TO THE DECOMMISSIONING CASH ESCROW BOND DESCRIBED ABOVE, THE PETITIONERS SHALL PREPARE A RE-FORESTATION PLAN IN CONSULTATION WITH THE HOPKINTON LAND TRUST, TO BE APPROVED BY THE PLANNING BOARD AND POST AN ADDITIONAL CASH ESCROW BOND IN A REASONABLE AMOUNT TO BE DETERMINED BY THE PLANNING BOARD DESIGNED TO ENSURE IMPLEMENTATION AND COMPLETION OF THE RE-FORESTATION PLAN SO APPROVED;
7. ALL PROPERTY NOT WITHIN THE PSES FENCE LINE WITHIN AP2 LOT 73 DELINEATED AS LAND CONDOMINIUM UNIT 2 AS PROPOSED SHALL BE CONVEYED BY APPROPRIATE LEGAL INSTRUMENT TO THE HOPKINTON LAND TRUST AS A CONSERVATION EASEMENT TO BE DEVELOPED BY THE TRUST FOR THE BENEFIT OF THE PUBLIC;

8. ALL QUARRY AND MINING OPERATIONS ON THE SITE SHALL CEASE PERMANENTLY AND IMMEDIATELY ON PASSAGE OF THIS ORDINANCE BEFORE COMMENCEMENT OF THE CONSTRUCTION OF THE PSES FACILITY CONTEMPLATED FOR THE SITE;
9. THE BOTTOM OF THE PERIMETER FENCING REQUIRED BY SECTION 5.3 OF CHAPTER 134 SHALL BE RAISED SIX INCHES (6”) ABOVE THE GROUND SO AS TO ALLOW MIGRATORY PASSAGE OF SMALL SPECIES THROUGH THE SITE;
10. THE APPLICANTS SHALL PREPARE AND SUBMIT TO THE PLANNING BOARD FOR APPROVAL A REASONABLE PLAN DESIGNED TO SUSTAIN THE NATIVE SPECIES IN AND AROUND THE PSES DURING ITS OPERATION UNTIL THE FACILITY’S CLOSURE;
11. WHILE OPERATING, THE NOISE LEVELS FROM THE EQUIPMENT WITHIN THE PSES SHALL NOT EXCEED THE WORLD HEALTH ORGANIZATION’S (WHO) STANDARD OF 40 DECIBELS MEASURED AT THE PROPERTIES BOUNDARY LINES. THE APPLICANT SHALL PAY FOR AN INDEPENDENT QUALIFIED COMPANY SELECTED BY THE TOWN TO CONDUCT APPROPRIATE SOUND TESTING BEFORE LOGGING AND CONSTRUCTION HAVE COMMENCED AND AGAIN AFTER THE PROJECT IS COMPLETED AND OPERATIONAL;
12. DURING OR AFTER CONSTRUCTION, NO BLASTING, CHEMICALS, OR HERBICIDES ARE ALLOWED; AND ALL TOPSOIL WILL REMAIN ONSITE; AND THE TOWN’S ENGINEER OR REPRESENTATIVE SHALL BE ALLOWED TO DO PERIODIC INSPECTIONS; AND THE APPLICANTS SHALL REIMBURSE THE TOWN FOR THIS COST; AND THE APPLICANTS AND FUTURE OWNERS WILL BE REQUIRED TO SUBMIT ANY AND ALL INSPECTION REPORTS TO THE TOWN MANAGER OR HIS REPRESENTATIVE EVERY MONTH DURING CONSTRUCTION OF THE PSES PROJECT;
13. DURING THE SITE PREPARATION AND INSTALLATION STAGES OF THE CONSTRUCTION OF THE PSES SUCH WORK SHALL BE PERFORMED ONLY DURING THE MONDAY THROUGH FRIDAY

WORK WEEK, AND ONLY BETWEEN THE HOURS OF 8:00 AM AND 5:00 PM DAILY; AND THE APPLICANTS, IN COORDINATION WITH THE HOPKINTON POLICE DEPARTMENT, WILL ARRANGE FOR APPROPRIATE PUBLIC SAFETY OVERSIGHT TO HELP MANAGE THE ARRIVAL AND DEPARTURE FROM THE SITE OF ALL LARGE CONSTRUCTION VEHICLES DURING THE PREPARATION AND INSTALLATION PHASE OF THE PSES PROJECT TO ASSIST IN THE PREVENTION OF ANY INJURY AND/OR ACCIDENTS INVOLVING THE PUBLIC'S USE OF THE ROADWAY DURING CONSTRUCTION.

14. WAIVERS THAT WERE REQUESTED BY THE APPLICANT, INCLUDING SEPTIC SYSTEM AND EVIDENCE OF WATER SUPPLY, ARE HEREBY APPROVED;
15. PRIOR TO CONSTRUCTION, APPLICANTS WILL SIGN APPENDIX B – RIDEM'S SAMPLE STORMWATER FACILITY MAINTENANCE AGREEMENT BETWEEN THE TOWN AND THE LANDOWNERS;
16. AFTER COMPLETION OF THE PROJECT, THE APPLICANTS AND ANY FUTURE OWNERS WILL ALLOW THE TOWN TO CONDUCT AN INSPECTION IN APRIL OF EVERY YEAR FOR THE LIFE OF THE PROJECT AND WILL REIMBURSE THE TOWN FOR THIS COST; AND
17. THE ADOPTION OF THESE ORDINANCES IS CONSISTENT WITH THE TOWN OF HOPKINTON'S COMPREHENSIVE PLAN AS NOTED EARLIER, AND ALSO WITH THE PLAN'S OBJECTIVE LU-1 RESTRICTING, REMEDIATING AND ABROGATING POTENTIAL POLLUTING LAND USES, AND WITH THE PLAN'S GOAL ED-3 TARGETING DEVELOPMENT THAT IS CONSISTENT WITH ELIMINATING ANYTHING THAT IS ADVERSE TO THE QUALITY OF LIFE INCLUDING ESTABLISHING BUSINESS INTERESTS THAT WILL HAVE LIMITED IMPACT TO THE ENVIRONMENT.

Councilor Thompson noted that she did not hear in Councilor Capalbo's motion the fact that the trucks would have to exit onto Route 216 because they had agreed to that. Councilor Capalbo indicated that they could make an amendment to No. 13.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HIRST TO AMEND NO. 13 OF THE MOTION TO INCLUDE THAT ALL TRAFFIC WILL ONLY ENTER AND EXIT CHASE HILL ROAD FROM ROUTE 216.

Councilor Thompson, Councilor Hirst and Council President Landolfi all explained the reasoning for their decision, which is reflected in the stenographer's transcript.

Vote on the motion to amend:

IN FAVOR: Landolfi, Thompson, Capalbo, Hirst

OPPOSED: None

SO VOTED

Vote on the main motion as amended:

IN FAVOR: Landolfi, Hirst, Capalbo

OPPOSED: Thompson

MOTION CARRIES

NEW BUSINESS:

APPOINTMENT OF INTERIM TOWN MANAGER

This matter was before the Town Council to discuss and possibly vote on the appointment of Brian Rosso to serve as Interim Town Manager effective November 2, 2020 and continuing until further action by the Hopkinton Town Council.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO APPOINT BRIAN ROSSO TO SERVE AS THE INTERIM TOWN MANAGER EFFECTIVE NOVEMBER 2, 2020 AND CONTINUING UNTIL FURTHER ACTION BY THE HOPKINTON TOWN COUNCIL AND THAT IT BE AT THE PAY SCALE OF THE TOWN MANAGER BECAUSE HE WILL BE ASSUMING THE ROLES OF FINANCE DIRECTOR AND INTERIM TOWN MANAGER.

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

OPPOSED: None

SO VOTED

CHIEF OF POLICE REPORT:

Chief Palmer acknowledged Bill McGarry's numerous lifetime accomplishments and wished him and his family good health and happiness in his retirement.

Chief Palmer went on to explain that on October 24, 2020 they held a DEA Drug Take Back where they accumulated 66 pounds of drugs which were delivered to the DEA. He wished to encourage people to bring any unneeded or unused drugs to the drop box at the police station which is always available; there are no questions asked and this helps get these drugs off the street. In Hopkinton there have been five overdose deaths this year and last year there were over 300 overdose deaths in Rhode Island. There are a lot of organizations which offer help to users as well as their family members. Anita Jacobson who runs the Community First Responder Program, contacted Detective Forbes to see if the police department would agree on having a booth at the DEA Take Back and to possibly hand out Narcan which is the nasal spray that reverses an opioid overdose and they gave out 25 doses on that day. This was so successful that they decided to hold another event on November 14, 2020 from 10:00 a.m. to 4:00 p.m. at the Hope Valley Fire Station. This is not just for users but is also for family members and anyone else and is anonymous. Each and every person could be a first responder. There also is a Hope Initiative held in conjunction with the RI State Police which five officers of the Hopkinton Police Department have signed up. These police officers contact individuals after they have suffered an overdose and attempt to get them the help that they need so this will not occur again.

Lastly, approximately three months ago, all of the RI Police Chiefs signed on to the Twenty for 2020, which is a pledge from each one of the 39 Police Chiefs to show more transparency and foster a better community relationship between the communities that we serve. One of the twenty pledges is to bring the fact that we are exploring having officers wear body cameras and installing in-service cameras in the police cars. The Rhode Island Police Chief's Association is researching the cost associated with this and they are trying to obtain state and federal funding. Chief Palmer believed a one-time initial cost to purchase the cameras would be approximately \$7,000 which would include cameras for the cruisers and twelve

cameras for the officers; thereafter, there would be a cost of \$15,000 per year for storage of these videos.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT – TOM & CYNTHIA SCULCO

This matter was scheduled to discuss and consider setting a hearing date for a proposed zoning ordinance text amendment filed by Peter Skwirz, Esq. on behalf of Tom & Cynthia Sculco, 192 Woodville Road, Hopkinton, RI and 132 E. 95th St., New York, NY to amend the table of permitted uses as to solar energy systems and to update the review and approval process for solar energy systems throughout town. This proposed zoning ordinance text amendment is being introduced and sponsored by Councilor Hirst.

Councilor Hirst advised that he and Councilor Davis had received an email from Attorney Skwirz requesting them to introduce this proposed zoning ordinance text amendment, which he had not read but sponsored as a courtesy. Councilor Hirst asked Solicitor McAllister how the Council should proceed in this regard. Mr. McAllister indicated that this particular application fell under Section 3210 of the Town Charter which requires an ordinance of this nature to be sponsored by a Council member. This proposed ordinance amendment is not specific to one parcel of land but is a comprehensive town-wide zoning ordinance that has implications for similarly zoned properties throughout the town. Once the application is accepted and sponsored, the state's zoning ordinances take over and this application should then go before the Planning Board for an advisory opinion and thereafter, according to the statute, it will come back to the Council for a public hearing and decision. It is only before the Council to set a date to proceed. Council President Landolfi felt the next Council should be the one to schedule this as it was the current Council's last meeting. Mr. McAllister stated that state statute required them to send this to the Planning Board for consideration and then after that the Planning Board and/or the Council can work with Attorney Skwirz to schedule if needed.

Attorney Skwitz noted that they are willing to work with the Planning Board and the new Council to fit this in their schedule and noted that the Planning Board did have them on the agenda for their November meeting. Councilor Capalbo questioned Solicitor McAllister how someone who did not live in town could come

to a Town Council member and bring forth a draft amendment to the town's entire ordinances? She noted that she had quickly reviewed the proposal and found it to be very complex and felt that it will abrogated the rights of people who have solar on their rooftops, who would no longer be able to sell excess energy back to the grid and would abrogate farmer's rights, which she felt was appalling. She believed this proposal to be far too complex for a new Council who also has to hire a new Town Manager; and, because of COVID, has to do everything by phone and without meetings. She felt it should be withdrawn especially because these people do not live in town. Attorney Skwirz noted that his clients are taxpayers in town.

The Council set January 19, 2021 for the next meeting before the Council.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO PROHIBIT ADDITIONAL GAS AND DEISEL STATIONS

This matter was scheduled to discuss and consider setting a hearing date for a proposed zoning ordinance text amendment to (1) prohibit any additional gas/diesel stations and (2) allow electric charging stations in commercial, manufacturing & neighborhood business zones, including the two current gas stations. This proposed zoning ordinance text amendment is being introduced and sponsored by Councilor Thompson.

Councilor Thompson suggested that a change should be made to the District Use Table prohibiting any new gas stations or diesel stations and allowing electric charging stations.

It was discussed that this matter would be sent to the Planning Board for their advisory opinion and the Council set February 16, 2021 for the next meeting before the Council.

PUBLIC FORUM

Joe Moreau of Old Depot Road wished to clarify that the solar debate in town has been about changing residential property to commercial and has never been about homeowner's installing roof top solar. He went on to state that he and his wife have lived in town since May of 2000 but he wasn't involved in the town until approximately June of 2018 when there was an attempt to change residential

property across from them to commercial special for solar. He indicated that the past 29 months have been difficult for the residents, town employees, boards and commissions and town council members. He has made a lot of new friends since 2018 and knows every town hall employees' name. He hoped that the three Town Councilors who were not running for re-election would stay involved and fill some of the vacancies on the boards and commissions and he wished Bill McGarry good luck in his retirement. He noted that Sharon Davis has completed her first term; Scott Bill Hirst has served seven terms over the years; Sylvia Thompson has been on the Council for 22 years and has served many, many years before that; Barbara Capalbo has been on the Council for 14 years; and, Frank Landolfi has been on the Council for 10 years and before that, the Planning Board. He wished to thank all of the current members of the Council for their service and wished them well.

DEPARTING COUNCIL MEMBERS' THOUGHTS, REFLECTIONS AND REMARKS

Departing Town Council Members Frank Landolfi, Sylvia Thompson and Barbara Capalbo will have the opportunity to share their respective parting thoughts, reflections and remarks as their terms of office draws to a close.

Councilor Capalbo stated the following:

I ran for council 14 years ago during the Big Box Controversy. People were as riled then as they are now. Today, we don't have large retail stores, or truck stops or film studios or Welcome centers, but we do have Ray Quinlan and Hopkinton Industrial Park, and solar facilities and a manufacturing plant or two. No new office buildings, stores, banks, pharmacies, hotels, restaurants or health care facilities (other than Wood River Health which needs to expand and Boneyard BBQ which has closed). I hope the new council can attract these businesses and find the land and newly zoned areas you will need to support these critical community services – we couldn't, maybe you can. Before running for council, I attended school board meetings, recreation, planning and zoning meetings, chaired the Economic Development Commission – to learn all I could about Hopkinton. Certainly you want to make a change – so did I, There is much to know about our town and its priorities in order to best serve all its citizens.

You will inherit a fine municipal staff – the Clerk's office, run by Lisa Cook-Martin, has the kindest, most amenable and helpful persons a citizen could hope to

meet. Our Assessor Liz Monty is a steel magnolia – fair and soft spoken but with a powerful backbone. Mary Lynn Caswell, our amenable Tax Collector always works with anyone who has trouble paying taxes. At Public Works, led by Tim Tefft and now Dave Caswell, the men and women, who are out all hours of the night and day physically caring for this town, they are my heroes. Our Chief Palmer and the Police department know this town and all its citizens and neighborhoods personally. Each police shift knows its issues and has kept this town quiet, calm and protected for years. Our Recreation Department is simply a joy for children to seniors and everyone in between. Mary Sawyer has been a God-send during all her decades serving this town. Brian Rosso is a superb and creative Finance Officer, Jim Lamphere at Planning tries to keep everyone on track and Sherri Desjardins and Anthony Santilli at the Building and Zoning office try to solve problems and keep everyone apprised of our unique and complex zoning laws. Ron MacDonald has kept us ready for emergencies, Chris Scheib performs IT magic. Over the last 14 years we have kept Hopkinton’s budgets balanced and in the black. Just like a good household budget, we save for all our large and small expenditures. We did not pay for major equipment, personnel or police cars using bonds. Bonds are for items that still have a purpose after twenty years -- schools, roads and land. This council has also saved almost a million and a half dollars for the new addition to the Town Hall. You’ll need another \$200,000 or so – and probably a new set of plans since the existing ones are eight years. Municipal Taxes are always the issue - for ambulance service, dead trees, snow and other hazards, the waterline, equipment, personnel, school buildings, school taxes, school problems. Plus mental health, marijuana, opiates, counseling, IT services, manpower, buildings and office space. Solar facilities and re-zoning RFR80 have been the primary issues in this election cycle, but our bottom line problem results from the lack of a commercial tax base. Homes and local small businesses cannot support Hopkinton. “Don’t cut down the trees! Raise my taxes!” - won’t work for most of our citizens. You too will have to listen to those who are angry, those who are quiet and those who do not speak at all. You serve all of them, all the time, with every vote, with every consideration, with every budget, with every choice you make. Listen to your attorney – Pat Buckley, for the first eight years and

Kevin McAllister for the last six, have served us well and kept us on legally sound footing. Of course you'll argue with them, but they have the town and your best interests at heart. I hope you will all make a positive difference, and I hope you all will find joy and usefulness as you serve. Let your points of view evolve as you gather more data. Compromise and don't let the Perfect be the Enemy of the Good. I wish you well. To all of Hopkinton – thank you for your support and trust over many years. It has been an honor, a challenge and a formidable pleasure. Councilor Thompson noted that the last three years have been very heated and there has been a split of the residents in town. There have been incidents of intimidation, complaints and threats of physical violence and during all of that the police department calmly investigated and calmed the residents, which she very much appreciated. She noted that she was grateful to a long list of people who have helped her over the years. In 1979 she started helping non-profit organizations and taught self-defense to severely disabled and elderly people. In the 1980's she was able to get Hopkinton in the pilot program to receive community development block grants and she thereafter assisted West Greenwich and Richmond obtaining grants. There have been numerous occasions when the town has needed to rise up to stop things from coming to town like the federal prison being put on the Brushy Brook property; the dog track at Exit 1; and the big box issue. She noted that in the beginning she has been on many Boards and Commissions which was a very good place to start to learn more about the town. She wished to thank all of the wonderful people that she has met along the way and she asked people to assist with some of the Board, Commissions and non-profits that do so much.

Council President Landolfi noted that he has been involved in town government for ten years. He explained that he had gotten involved by accident when a neighbor asked him to interview to be on the Town Council because someone had resigned after twelve months in office and he was appointed the position. He ran at the next election and lost and then sat on the Planning Board for about six to eight months before running again for election. He has spent the last eight years as President and has dealt with every department head along with the solicitor very closely. It has been a very amazing and rewarding experience and he hoped that

the new Council embraced all that the Town had to offer. He noted that he is still learning things after ten years and wished the new Council to have an open mind, embrace the learning experience, and ask a lot of questions. He felt that this Council was leaving the town in good shape but next year the budget may be more difficult because of COVID-19.

Councilor Hirst noted that this had been an interesting experience for him and indicated that not everyone on the Council will have the same perspective. He noted that nobody could deny that Frank Landolfi, Sylvia Thompson and Barbara Capalbo have taken their Council duties very seriously and unless you sit on the Council you can't really appreciate all of the work that is done and all of the responsibility involved. He thanked them for their service to the Town of Hopkinton.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR TO ADJOURN IN HONOR OF WILLIAM A. MCGARRY AND IN MEMORY OF KEVIN J. KENNEDY, ROGER GIBSON, MARJORIE N. REKOWSKI AND HAZEL N. DOUTHITT.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk