

State of Rhode Island

County of Washington

In Hopkinton on the twentieth day of November 2023 A.D. the said meeting was called to order by Town Council President Michael Geary at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Michael Geary, Scott Bill Hirst, Stephen Moffitt, Jr., Sharon Davis, Robert Burns; Town Manager Brian Rosso, Town Clerk Marita Murray, and Solicitor Stephen Sypole.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR DAVIS TO RECESS TO EXECUTIVE SESSION UNDER: RIGL SEC. 42-46-5(A)(1) – INTERVIEWS: BOARDS & COMMISSIONS: PLANNING SOLICITOR.

POLL VOTE:

IN FAVOR: Geary, Hirst, Davis, Burns, Moffitt

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR DAVIS TO RECONVENE IN OPEN SESSION.

IN FAVOR: Geary, Hirst, Davis, Burns, Moffitt

OPPOSED: None

SO VOTED

Council President Geary reported that no votes were taken in Executive Session.

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

IN FAVOR: Geary, Hirst, Davis, Burns, Moffitt

OPPOSED: None

SO VOTED

**CALL TO ORDER**

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

**ROLL CALL**

Councilors Hirst, Davis, Burns, Moffitt and Geary announced they were present.

**PUBLIC COMMENT**

There was no public comment.

**APPROVAL OF AGENDA ORDER**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO MOVE THE APPOINTMENT OF PLANNING BOARD SOLICITOR TO THE TOP OF THE AGENDA.

IN FAVOR: Hirst, Davis, Moffitt, Burns, Geary

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

Councilor Hirst pulled the November 6, 2023, minutes for he wished two changes. The first change being on page 14 to state mill “property” and the second change on page 6 where it stated Class A-2; and there was a number 1 after that which should be deleted.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MOFFITT TO APPROVE TOWN COUNCIL MEETING MINUTES OF NOVEMBER 6, 2023, WITH CORRECTIONS; APPROVE TOWN COUNCIL EXECUTIVE SESSION MINUTES OF NOVEMBER 6, 2023; ACCEPT MONTHLY REPORT: TOWN CLERK.

IN FAVOR: Hirst, Burns, Moffitt, Geary

OPPOSED: None

ABSTAIN: Davis

SO VOTED

## **NEW BUSINESS**

### **Planning Board Solicitor**

This matter was scheduled to discuss, consider, and possibly vote to appoint a new Planning Board Solicitor.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPOINT SCOTT LEVESQUE AS THE NEW PLANNING BOARD SOLICITOR.

IN FAVOR: Hirst, Davis, Moffitt, Burns, Geary

OPPOSED: None

SO VOTED

## **HEARINGS:**

### **Animal Control Ordinance**

This matter was scheduled to open a hearing on an amendment to the Code of Ordinances, Chapter 4 “Animals”, Article 1, Sec. 4 to repeal this Chapter and replace it with a new Chapter 4, Article 1, Sec. 4, introduced and sponsored by Councilors Hirst and Burns.

Councilor Burns wished to thank Chief Palmer, Animal Control Officer Samantha Bowen and others who have worked on revising this ordinance. He had asked for several revisions, which were made, and his only remaining concern now was on page 7 which read: “No animal shall be allowed in any schoolyard, private or public, either at large or under restraint, except service animals as allowed by law.” He asked if they could add the words “during school hours” at the end of that sentence because many residents walk their dogs while their children play on the playgrounds. ACO Bowen believed this to be a liability for children may crowd a dog which could then result in the dog becoming anxious and bite. She noted that this issue had occurred at Langworthy playground when she was there with her children. A resident was walking their dog, children ran over to the dog and the dog became anxious and ended up biting a child in the face. Councilor Moffitt asked if this section in the ordinance reflected state law. Solicitor Sypole noted that in the draft of the ordinance there were various state statutes

referenced, but this section did not. Councilor Moffitt noted that he does not bring his dog into public places where someone may not feel comfortable with dogs. He understood that families go to these playgrounds, but not everyone liked dogs. Councilor Davis noted that she supported dogs not being allowed in school yards. Councilor Hirst asked Solicitor Sypole how many towns require the registration of cats and asked if this was a state law or a local requirement. Solicitor Sypole believed that all of the ordinance regarding registering cats came directly from state law. Councilor Burns thanked Ms. Bowen for her change to the leash law regarding being on your own personal property. Councilor Geary noted that he was a dog lover and felt that Councilor Moffitt was correct in that it always became the dog's fault when something bad happens, not the child who is grabbing at the dog. He noted that real service dogs wear a vest that states "Do not touch me" and he felt there was a reason for that. Councilor Davis advised that she had several corrections which were: page 11, where it stated, "within the jurisdiction of the court and praying", praying should be paying; page 12, where it stated, "the ownership of any animal, in any state, municipal or other private public agency" should be to any state...; and, page 26 where it stated, "the fee for the permit is Twenty-Five Dollars (\$100.00) should be (\$25.00). Ms. Bowen also asked the Council to make two changes, the first being on page 16, Section 4-44, Leash Law. She wished to add the description of the violations as number 4 and change 4 to 5. She believed people will not want to read the whole ordinance to find out what the violations are. Lastly, at the top of page 6, she wished to change the number of people who needed to be disturbed to one instead of two, being that some of our houses are further apart than others. The Council agreed to make all of the suggested changes. Chief Palmer thanked ACO Bowen and Jill McDade for working on this ordinance and he reiterated that nuisance abatement is the biggest issue that they have at the police department. Also, regarding the Animal Control Commission, he indicated that they have never met in the twelve years that he has been employed by the Town, and if they kept that in the ordinance the verbiage should change for it stated that they were to assist in the operations of the pound and to assist the animal control officer in the performance of her duties, which was his responsibility. He noted that they take suggestions from residents

without this commission, and anyone can call them. Councilor Burns agreed with Chief Palmer and felt there was no need for an Animal Control Commission. Councilor Moffitt felt that if the Animal Control Commission remained in the ordinance, the duties needed to be revised. Councilor Hirst stated that the Police Commission does not direct the police but is only an advisory board and if you read the Animal Control Commission it states that they have power. He felt the Council should entertain the idea of abolishing this commission. Solicitor Sypole advised that the Commission is not part of the Charter. It was decided that they would take any reference to the Animal Control Commission out of the ordinance. Councilor Davis asked if the ordinance solved the problems with the traveling cow and Ms. Bowen noted that it did. There was discussion regarding whether the fines were large enough and Ms. Bowen felt they were appropriate. Mr. Rosso noted that the violation fees are written in state law, so if they were to change them, they would need to ask for a special amendment from the State. Solicitor Sypole thought it might be a good idea to ask their state representative to get the enabling legislation in place to make sure there are no issues with that. Mr. Rosso suggested at the next meeting when they make a decision on this ordinance amendment, they could include something in the agenda to determine whether they wish to make a request for larger violation fees. Solicitor Sypole advised that he could work with Ms. Bowen and Mr. Rosso to draft a letter to the state representative.

Joe Moreau of Old Depot Road thanked Chief Palmer and Animal Control Officer Samantha Bowen for their work on this ordinance. He suggested that it would have been helpful to have the draft ordinance on the website or with the agenda so the public could review it as well. Solicitor Sypole noted that the newspaper ad advised that people wishing to review the ordinance could get a copy from the Town Clerk's office.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR BURNS TO CLOSE THIS HEARING AND SET A DATE OF DECEMBER 4, 2023 TO CONSIDER ADOPTION OF THIS ORDINANCE.

IN FAVOR: Hirst, Davis, Moffitt, Burns, Geary

OPPOSED: None

SO VOTED

**NEW BUSINESS**

**Architectural Design Services**

This matter was scheduled to discuss, consider, and possibly vote to award the bid for architectural design services regarding the Hopkinton Multipurpose Community Center.

Mr. Rosso noted that at previous meetings he had noted that the town had received funding for improvements from Governor McKee's capital project fund and the appropriation is approximately \$1.4 million, but this could be increased. There was a need to commencing preparing an architectural design and they had gone out for bid for an RFQ (request for qualifications) and they received three applications from DRA, Ed Wojcik Architect LTD and Azzinaro Architects and Associates Inc. According to the town's policy and state regulations, with an RFQ, they must form a committee to review the submittals. Mr. Rosso stated that he formed a three-person committee with Mary Sawyer, Leianne Spears and Elizabeth Monty who felt that the Town should move forward with Ed Wojcik Architect LTD, and he supported their suggestion.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR BURNS TO AWARD THE ARCHITECTURAL DESIGN SERVICE BID TO ED WOJCIK ARCHITECT LTD OF PROVIDENCE RHODE ISLAND, TO PROVIDE ARCHITECTURAL DESIGN SERVICES FOR THE EXPANSION AND RENOVATION OF THE HOPKINTON MULTIPURPOSE COMMUNITY FACILITY AND PARKING LOT.

IN FAVOR: Hirst, Burns, Davis, Moffitt, Geary

OPPOSED: None

SO VOTED

**Hopkinton's Code of Ordinances**

This matter was scheduled to discuss, consider, and possibly vote to set a date for a public hearing to consider amendments to the articles and sections of

Hopkinton's Code of Ordinances, Appendix A, Zoning, to comply with newly enacted state statutes that take effect on January 1, 2024.

Councilor Davis asked when the Council would receive the proposed amendments. Solicitor Sypole explained that at the last Planning Board meeting they were working on the drafts with Attorney Per Vaage from his office and they will be discussing this one more time on December 14, 2023. Mr. Rosso noted that the Planning Board will hold a special meeting to discuss the Zoning Ordinance amendments on December 14, 2023, and a regular meeting on December 13, 2023. The Planning Board will come up with their recommendations to the Town Council on December 14, 2023. Councilor Burns asked if the new Planning Board Solicitor would be involved with that and Mr. Rosso indicated yes. Solicitor Sypole noted that the drafts that Attorney Ellsworth prepared went to the Planning Board for their review and suggestions. He noted that if they wished to get a head start in reviewing them either he or the Town Clerk could send them the amendments prepared by Attorney Ellsworth, but they are subject to potential changes before they are sent from the Planning Board. Mr. Rosso felt the Council should receive the amendments sooner rather than later so they could get a start on reviewing them. Councilor Moffitt indicated that the Council sets a date for the public hearing where they discuss the matter and then it is continued for a decision. He asked if there would be time to do this before the end of the year. Mr. Rosso noted that they had a backup date of December 27, 2023, if needed; however, they would try to push this through on December 18, 2023. Solicitor Sypole explained that the Town Council will have to amend the Zoning Ordinance. The Planning Board looks it over and makes a recommendation, but the Town Council will vote on it. The amendments to the Land and Subdivision regulations are enacted by the Planning Board. He noted that he would speak with Attorney Levesque to determine who will be handling this matter before the Planning Board.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR DAVIS TO SET DECEMBER 18, 2023, FOR A PUBLIC

HEARING TO CONSIDER AMENDMENTS TO THE ARTICLES AND SECTIONS OF HOPKINTON’S CODE OF ORDINANCE, APPENDIX A, ZONING, TO COMPLY WITH NEWLY ENACTED STATE STATUTES THAT TAKE EFFECT ON JANUARY 1, 2024.

IN FAVOR: Hirst, Davis, Burns, Moffitt, Geary

OPPOSED: None

SO VOTED

**Christmas Tree Lighting**

This matter was scheduled to discuss the lighting of a Town Hall Christmas Tree on Saturday, December 9, 2023, introduced and sponsored by Councilor Burns.

Councilor Burns explained that many neighboring towns have tree lightings, but not Hopkinton. He reached out to Council President Geary and Mr. Rosso regarding this fact and advised that he would donate a tree and wished it to be put up near the flag pole across from the Town Hall. Mr. Rosso reached out to Mary Sawyer who added this to the annual holiday stroll which will be December 9, 2023. The tree lighting will occur at 3:00 p.m. at the Town Hall. Councilor Burns noted that he spoke with DPW Director Dave Caswell, and they will pick up the tree and set it up. Councilor Davis asked who would be providing the decorations and Councilor Burns advised that this would be up to Mr. Rosso. Mr. Rosso felt that the cost for decorations would have to come out of the Town Council contingency funds. Councilor Geary also wished there to be a Christmas tree behind the Council table and advised that he would take care of that.

**TOWN MANAGER’S REPORT**

**Message Board with Camera**

Mr. Rosso stated that Chief Palmer and EMA Director Ron MacDonald were involved in the process of obtaining a \$64,000 message board with camera for the town at zero cost. The grant for this was submitted in January of 2021 and was awarded on September 27, 2021; however, the town was just now receiving it. Councilor Davis asked where this would be placed, and Mr. Rosso noted that it was on a trailer so it could be placed wherever they wished. Councilor Geary



asked who would have access to programming the board and Mr. Rosso noted that it would be the Chief and Mr. MacDonald.

## **PUBLIC COMMENT**

Joe Moreau of Old Depot Road advised that at last Planning Board meeting they had a discussion regarding the creation of a technical advisory committee. A former member of the Planning Board mentioned that this should be a technical person, like an engineer or someone who understands surveying and that type of work. It took years to get residents to apply to the Economic Development Commission and Charter Commission and there were other boards that were inactive. He did not feel that this committee was necessary. Councilor Davis asked where this was coming from, and Solicitor Sypole explained that with the new legislation there was more work being shifted to the Town Planner and the Planning Department. For example a minor subdivision will be able to be approved by the Planning Department without the Planning Board ever hearing it. They can appoint a technical review committee to work with the Town Planner on applications that are not big enough to go in front of the Board. A lot of times this technical review committee are made up of the Town's consulting engineer, someone from the police department and someone from the fire department or the fire district. It will be a policy decision on whether or not they create that committee. The benefit of having that is because there is so much work being shifted to the Planning Department. Councilor Davis asked if the members of that committee would be appointed by the Town Manager and Solicitor Sypole believed that the statute that the State passed indicated that they were appointed by the municipality. He felt that they should not discuss this matter in more detail because it was not on the agenda. Councilor Moffitt did not think it should be dismissed but felt there needed to be a discussion and Solicitor Sypole agreed that it should be discussed further when it is on an agenda.

Council President Geary wished the community, staff and employees a Happy Thanksgiving.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MOFFITT TO ADJOURN IN MEMORY OF HOPKINTON’S FORMER TAX COLLECTOR RITA DEANE, AND FORMER FIRST LADY, ROSALYNN CARTER.

SO VOTED

Marita D. Murray

Town Clerk

Sydney Fernandes

Deputy Town Clerk