

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of March 2024 A.D. the said meeting was called to order by Town Council President Michael Geary at 6:00 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 DAVIS AND SECONDED BY COUNCILOR BURNS TO RECESS TO EXECUTIVE SESSION UNDER: RIGL SEC. 42-46-5(A)(1) – INTERVIEWS: BOARDS & COMMISSIONS: SCHOOL BUILDING COMMITTEE AND BOARD OF CANVASSERS.

POLL VOTE:

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST 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, Moffitt, Burns, Davis and Geary announced they were present.

APPROVAL OF AGENDA ORDER

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MOFFITT TO MOVE UP #4 UNDER NEW BUSINESS.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

Resolutions Opposing House and Senate bills

This matter was scheduled to discuss, consider, and possibly vote to adopt Resolutions Opposing several House and Senate bills being proposed.

Interim Town Planner Ashley Sweet was present via zoom. She provided the Council with a summary of several House bills which she felt they should be aware of. Regarding 7950, she felt this gave too much authority to the administrative officer for setting bond amounts. She did not feel the Council necessarily needed to oppose this; however, they may want to mention that there is a concern with an administrative officer setting bond amounts for public infrastructure. She suggested the Council oppose Bill 7951 for it limits the Council's ability to implement growth management ordinances and moratoriums under certain provisions and restricts them to a 60-day moratorium. There are certain circumstances that warrant growth management ordinances and the implementation of growth management practices and moratoriums beyond what is being permitted under this bill. Bill 7958, although this Bill did not directly affect the Town of Hopkinton, there is a concern about local control. This would mandate that municipalities with populations over 40,000 have to permit all types of housing in all residential zones. This would take away the ability to determine density in residential districts. Regarding Bill 7978, the Council may want to ask questions or make a point that this is something that needs to be funded by the

state because this would require online permitting for all zoning and planning applications, and in theory it is a good idea, but the cost may fall on municipalities. Bill 7981 should be opposed because it mandates residential uses be permitted in all commercial zoning districts and she felt municipalities should have the ability to decide for themselves. Bill 7986, the Council should be aware of what the municipal cost will be of renewing this list every year and then having to put it on the website and notify people by first-class mail. Ms. Sweet noted that she would oppose Bill 7382 which amends the definition of what a household is for it is not clear what the purpose is and there is a general concern that allowing up to five unrelated individuals to live in a dwelling unit is going to promote the purchase of houses by investors for short-term or seasonal rentals, which would take away from year-round housing stock which there is already a lack of around the state. Bill 7942 is the House version of the accessory dwelling unit ordinance, which has already passed the House and now gone to the Senate. The Senate has a companion Bill 2630 that does not match the House Bill. The APA RI opposes the House Bill but they support the Senate bill and this would be something they should look at closer to determine whether or not it regulates ADU's in a way that would make Hopkinton comfortable. It does mandate them, but it does retain a considerable amount of control with the municipality; they felt that the House bill did not do that. Bill 7324 removes the reference to the floor area ratio, although this is not a tool Hopkinton uses, she would be opposed to this because it is a tool for managing growth and development. Councilor Davis asked Ms. Sweet to comment on Bill 7979, and she explained that it was enabling only. It would allow the municipality to combine their planning and zoning boards into a single regulating body. This is not a mandate; it is enabling only. Councilor Geary felt combining them would be a bad idea, but he is content with what Ms. Sweet explained. Solicitor Sypole questioned Bill 7981; he did not understand how this was different than RIGL Section 45-24-37 which he thought stated that residential would be allowed in commercial and industrial zones unless it is prohibited for public health or safety reasons. Ms. Sweet felt in RIGL 45-24-37 it lists households, community residences and family daycare and she felt a household was not really a use. Solicitor Sypole noted that it was a defined term in the Act

which basically was a single-family residential living unit. Ms. Sweet was unsure, but her initial reading differentiates residential uses and households and would require that municipalities permit them in all zoning districts. She noted that the bill added a fourth category of residential uses. Councilor Burns questioned Bill 7378 regarding homesteads and Ms. Sweet had not seen this but would look at it and get back to the Council with her opinion. Councilor Moffitt felt if they were to oppose any of these bills, it would be the ones Ms. Sweet had suggested. Councilor Davis wished to go through the draft Resolutions that were in the Council packets. She noted that Solicitor Ken Sylvia had recommended several changes to the draft Resolutions which she also wished to be made. Due to Ms. Sweet's comments, she did not wish to send the Resolution regarding Bill 7979. Regarding Bill 7378, which was not a mandate, should they still oppose the Bill or wait until it is mandatory. Tax Assessor, Tiana Zartman's reasoning for bringing this Bill into question, was because the financial impact to Hopkinton would be detrimental as it would enable cities and towns to offer a homestead exemption of up to 20% of assessed value of residential properties. If this legislation were to become a requirement, the financial impact on Hopkinton would be detrimental. As long as Hopkinton did not enact a homestead exemption, there would be no financial burden. If Hopkinton were to offer a homestead exemption, a large population would be eligible. There would also need to be certain criteria and requirements to ensure correct eligibility. Solicitor Sypole thought that this was written to be optional. Town Manager Rosso noted that it was permitted at this point to offer a homestead exemption, but it would have to be passed by the Town Council. Councilor Davis went on to discuss Bill 7651 relating to towns and cities low-income housing 8% alternate tax rate. This would amend the eligibility requirement for the low-income housing 8% alternate tax rate. Presently, residential properties that restrict either the rents that may be charged or the incomes of the occupants of the property are subject to a tax of 8% of the property's previous year's gross rental income. This legislation amends the statute in order to require that a property meet both rent rolls and the renters income information conditions to remain eligible for the alternate tax rate. There would be a need to monitor which properties are restricting their rents and the

income of the occupants. Councilor Davis noted that Ms. Zartman receives a tax roll from each property owner to determine the tax rate. Ms. Zartman did not like that they would have to receive the renter's income, and this would result in a need to monitor which properties are restricting their rents and the incomes of the occupants to enforce this legislation. It would also hold the Town liable for now maintaining the renter's personal information. Councilor Hirst felt that it was important for the Council to support town staff and noted that the state wanted to put more work on municipal employees. Councilor Hirst noted that Bill 7978 had a typo and said "reasonable" which should be changed to "responsible". Councilor Davis felt that during this legislative session it has become obvious that it is difficult for a municipality to keep track of the Bills introduced and to determine which ones would have a negative effect on Hopkinton. She appreciated the Town Manager, various town departments, and the RI League of Cities and Towns' review of these Bills. It has facilitated the Town Council's review and helped them propose several Resolutions.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR HIRST TO SEND A RESOLUTION IN OPPOSITION OF BILL 7980.

IN FAVOR: Hirst, Davis, Moffitt, Geary

OPPOSED: Burns

MOTION PASSES

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO SEND A RESOLUTION IN OPPOSITION OF BILL 7981.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO SEND A RESOLUTION IN OPPOSITION OF BILL 2018.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO SEND A RESOLUTION IN OPPOSITION OF BILL 7378.

IN FAVOR: Hirst, Davis, Moffitt, Geary

OPPOSED: Burns

MOTION PASSES

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO SEND A RESOLUTION IN OPPOSITION OF BILL 7651.

IN FAVOR: Hirst, Davis, Geary

OPPOSED: None

ABSTAIN: Moffitt, Burns

MOTION PASSES

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR BURNS TO SEND A RESOLUTION IN OPPOSITION OF BILL 7681.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO SEND A RESOLUTION IN OPPOSITION OF BILL 7683, BILL 2361, AND BILL 2372.

IN FAVOR: Hirst, Davis, Burns, Geary

OPPOSED: None

ABSTAIN: Moffitt

MOTION PASSES

PUBLIC COMMENT

Joe Moreau of Old Depot Road wished to speak about communication. Recently there were some changes made to the Planning Board agenda and he had some questions regarding that. He had sent an email to the Planning Board but did not

receive a response. He then called the Planning Department clerk, Danielle, who brought his question to the Planning Board solicitor and got right back to him. At a Planning Board meeting he advised the Board that he had sent an email and never received a response and Interim Planner Sweet advised that their emails were not correctly set up and went nowhere. Also, he advised that the Town Council agenda was not posted on the website within 48 hours of the meeting and as a resident he would like to be able to review the information before a meeting. He wished that at the beginning of each month, all events for the month be posted. Communication on the website needs to be improved.

Edward Lowe of Brook Drive asked the Council to reopen the deadline to receive applications for interested people who wished to be on the Chariho Building Committee. He attended the March 5th Chariho School Committee meeting and questioned the deadline for the formation of the Building Committee and did not receive an answer. Now he has found out that it has already come and gone. He felt that he was denied the opportunity to participate. His understanding of the makeup of the Building Committee is that it can only consist of one school committee member and three citizens at large from each town. Some people are interpreting this to mean that an administrator from the school, teacher, or a school committee member can switch their hat from that respective group and put on their citizen hat and apply for membership on the building committee. Mr. Lowe disagreed with that and believed the reason for the building committee was to consider the cost for construction, furnishing, and equipping of three schools, and to report their findings to the school committee and three Town Councils. The limitation of one school committee member being on the building committee is the anticipation that they could facilitate as a liaison between the building committee, the school committee, the administration and possibly the Department of Education. The three other citizens on the committee are considering respective reasons for doing the construction and other particulars. He believed the presentation given by Superintendent Picard several weeks ago did not justify the need for building new schools. The building committee was going to review those reasons given for the justification for building new schools and in their opinion report back to both the school committee and the respective town councils as to

whether they agree or disagree that those are valid reasons to necessitate building. The membership of the building committee cannot be comprised of administrators or teachers because that consideration would include going against the decision already made by the administration. They report through the chain of command to the superintendent who made the decision that building three new schools is necessary.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR HIRST TO ADJOURN THE MEETING FOR THREE MINUTES.

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

OPPOSED: None

SO VOTED

OATH OF OFFICE SWEARING-IN OF KENNETH SYLVIA AS TOWN SOLICITOR

Town Clerk, Marita Murray swore in Kenneth Sylvia as Town Solicitor.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR DAVIS TO RECONVENE THE TOWN COUNCIL MEETING.

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

OPPOSED: None

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR DAVIS TO APPROVE TOWN COUNCIL BUDGET WORKSHOP MINUTES OF FEBRUARY 29, 2024.

IN FAVOR: Hirst, Davis, Burns, Geary

OPPOSED: None

ABSTAIN: Moffitt

SO VOTED

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR DAVIS TO APPROVE TOWN COUNCIL MEETING MINUTES OF MARCH 4, 2024; APPROVE MONTHLY REPORT: TOWN CLERK; APPROVE CORRECTED TOWN MANAGER'S CONTRACT.

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

OPPOSED: None

SO VOTED

PUBLIC HEARING

Proposed Amended Ordinance Re: Peddlers and Solicitors

This matter was scheduled to open a hearing on an amendment to the Code of Ordinances, Chapter 12 “Peddlers and Solicitors”, Sec. 12-2 to increase the amount of fees.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR BURNS TO APPROVE THE INCREASE TO THE PEDDLERS AND SOLICITOR’S FEES. – This motion was withdrawn.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR HIRST TO CLOSE THE HEARING AND SET APRIL 1, 2024 AS THE DATE FOR THE DECISION.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR DAVIS TO SIT AS A LICENSING BOARD.

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

OPPOSED: None

SO VOTED

Huck Finn – Special Event Permit

This matter was scheduled to open a hearing on an application for a Special Event Permit filed by Steven Minick on behalf of the Ashaway Sportsman’s Club in order to hold their annual Huck Finn Day on Sunday, June 2, 2024, from 8:00 a.m. to 3:30 p.m. with a rain date of Sunday, June 9, 2024.

Steven Minick of Overlook Drive was present on behalf of the Ashaway Sportsman’s Club and noted that this would be the 76th year of Huck Finn Day.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR BURNS TO APPROVE A SPECIAL EVENT PERMIT TO THE ASHAWAY SPORTSMAN’S CLUB FOR THEIR ANNUAL HUCK FINN DAY AND TO GRANT A WAIVER OF ALL FEES.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO ADJOURN AS A LICENSING BOARD AND RECONVENE AS COUNCIL.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

Gravel Bank Registration Renewal

This matter was scheduled to review/approve the Kenyon Earth Removal Registration Renewal Application.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR HIRST TO APPROVE KENYON EARTH REMOVAL REGISTRATION RENEWAL APPLICATION WITH A WAIVER OF THE FILING FEE.

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

OPPOSED: None

SO VOTED

School Building Committee Formation

This matter was scheduled to have a discussion regarding the formation of the Building Committee requested by the Chariho School Committee.

Councilor Davis did not believe the Building Committee would determine whether it would be feasible to build these schools; that would be the bond vote

which decided that. Mr. Lowe disagreed due to their charge. Councilor Burns felt they should have waited until after the bond vote to form this committee.

A MOTION WAS MADE BY COUNCILOR HIRST THAT THE NOMINATION OF ANY CANDIDATES FOR THE BUILDING COMMITTEE BE MOVED TO THE NEXT TOWN COUNCIL MEETING AND OTHER APPLICATIONS BE ACCEPTED. – The motion was not seconded.

Councilor Geary did not support the building of three new schools due to his fear of cost overruns; however, it is up to the voters. After the March 5th Chariho meeting, they received a letter from the School Committee stating that they were forming a Building Committee and all three towns had to appoint three members. They placed an announcement on the website with March 15th as their deadline. That building committee is scheduled to meet next week. He agreed with Councilor Burns and felt this was putting the cart before the horse. Councilor Davis noted that when they received the letter from Chariho, it suggested that the building committee was going to have their first meeting on March 25th, so they needed to choose who would be on the committee. Councilor Hirst noted that he had spoken with Charlestown Town Council President, Deborah Carney, and Charlestown is not appointing anyone to this committee until April 8, 2024. Not everyone knew about the deadline and he believed that everyone interested should have a chance to apply.

Revival of the Old Saybrook to Kenyon Bypass

This matter was scheduled to discuss, consider, and possibly vote to adopt a Resolution in Opposition to any Revival of the Old Saybrook to Kenyon Bypass.

Councilor Geary noted that several years ago they wanted to do a highspeed railroad line from East Lyme and up, but in order to do this they would have to cut through a farm in Charlestown that has been around for more than 200 years. This was defeated in the past, but it has raised its head again. Councilor Moffitt supported the adoption of this Resolution.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR BURNS TO ADOPT A RESOLUTION IN OPPOSITION TO ANY REVIVIAL OF THE OLD SAYBROOK TO KENYON BYPASS.

Discussion on the motion:

Councilor Hirst did not see any reason to disrupt people's lives to save a few minutes on the train. Discussion ended.

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

OPPOSED: None

SO VOTED

VACANCIES AND APPOINTMENTS

Board of Canvassers

This matter was scheduled to discuss, consider, and possibly vote to appoint a member to the Board of Canvassers.

A NOMINATION WAS MADE BY COUNCILOR GEARY AND SECONDED BY COUNCILOR MOFFITT TO APPOINT JEAN PRELLWITZ TO THE BOARD OF CANVASSERS.

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

OPPOSED: None

SO VOTED

School Building Committee

This matter was scheduled to discuss, consider, and possibly vote to appoint members to the School Building Committee.

A MOTION WAS MADE BY COUNCILOR HIRST TO MOVE THIS VOTE TO APRIL 1, 2024. – The motion was not seconded.

A MOTION WAS MADE BY COUNCILOR BURNS AND SECONDED BY COUNCILOR HIRST TO HOLD THE SELECTION OF BUILDING

COMMITTEE MEMBERS UNTIL AFTER THE BOND VOTE. Discussion on the motion:

Councilor Moffitt noted that this was not what the Chariho Act says. At the March 5th Chariho Annual School District Meeting public hearing, twenty-five members from each community voted to establish this committee which gives the Town Council the responsibility to fill the committee with three members of the Town Council's choosing. He was of the opinion that the Council needed to make a decision. Councilor Geary noted that the letter they had received indicated that the member should be seated by the first meeting of March 25, 2024. Councilor Hirst felt that the deadline to appoint members and for the committee to hold their first meeting could be changed. Discussion ended.

IN FAVOR: Burns

OPPOSED: Hirst, Davis, Moffitt, Geary

MOTION FAILED

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR DAVIS TO APPOINT GREG ZENION, GREG AVEDISIAN, AND CAROL KLANG-PETERSON TO THE SCHOOL BUILDING COMMITTEE.

IN FAVOR: Moffitt, Davis, Burns, Geary

OPPOSED: Hirst

SO VOTED

TOWN MANAGER'S REPORT

Grant Updates

Mr. Rosso noted over the last two years the Town has received or potentially will receive \$5.3 Million Dollars in grant money through various federal and state agencies. Part of that was a Municipal Resilience Grant in the amount of \$1.3 Million Dollars for the Collins Road culvert and bridge repair. Mr. Rosso noted that all town staff have been crucial in assisting in obtaining these grants. The Public Works generator is still pending but looking positive. Through a RIPTA program, the Town will receive two 16-passenger buses with handicap

accessibility for no tax dollars. The Town received \$465,000 for the razing of the 1904 building with no town match. For many of these grants there is not a town match required. We received \$500,000 for storm water abatement at Crandall Field and the repaving of the parking lot; \$50,000 for Learning365; a DEM grant of \$350,000 which does require a town match and they have earmarked ARPA funds for that; and, they will receive \$326,000 from the Municipal Road and Bridge Fund to help repave some roads. Lastly, they recently received an award for a new HVAC system for the Thayer House. They had applied for a new roof and new windows, but they did not receive anything for that.

PUBLIC COMMENT

There was no public comment.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR HIRST TO RECESS TO EXECUTIVE SESSION UNDER: RIGL SEC. 42-46-5(A)(5) – ANY DISCUSSIONS OR CONSIDERATIONS RELATED TO THE ACQUISITION OR LEASE OF REAL PROPERTY FOR PUBLIC PURPOSES, OR OF THE DISPOSITION OF PUBLICLY HELD PROPERTY WHEREIN ADVANCED PUBLIC INFORMATION WOULD BE DETRIMENTAL TO THE INTEREST OF THE PUBLIC.

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: Hirst, Davis, Moffitt, Burns, Geary.

OPPOSED: None

SO VOTED

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

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

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

OPPOSED: None

SO VOTED

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR HIRST TO ADJOURN IN MEMORY OF ALBERT I. “IKE” HAWKINS, JR.

SO VOTED

Marita D. Murray

Town Clerk

Sydney Fernandes

Deputy Town Clerk