

State of Rhode Island

County of Washington

In Hopkinton on the twentieth day of February 2018 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, Thomas Buck, Barbara Capalbo, Sylvia Thompson, David Husband; Town Solicitor Kevin McAllister; Town Manager William McGarry; Town Clerk Elizabeth Cook-Martin.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO ENTER INTO EXECUTIVE SESSION UNDER R.I.G.L. 42-46-5(A) (2) POTENTIAL LITIGATION.

POLL VOTE:

IN FAVOR: Landolfi, Buck, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

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

IN FAVOR: Landolfi, Buck, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

Council President Landolfi reported that no votes were taken in Executive Session but a vote could be taken in open session later on the agenda.

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

IN FAVOR: Landolfi, Buck, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

The meeting opened with a moment of silent meditation and a salute to the Flag.

Public Works Director Timothy Tefft introduced Monica Gordon as the new DPW custodian. He noted Mrs. Gordon has lived in Town most of her life and raised her two children here adding she comes in to work smiling. Mrs. Gordon stated she had met many nice people in town offices and was beginning her second week of work.

The Council welcomed Mrs. Gordon.

HEARINGS

Councilor Barbara Capalbo had recused herself from the following matter.

PETITION FOR ZONING ORDINANCE AMENDMENT AND COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT – Oak Square Partners/Eminel Holdings, LLC

The Town Council opened the continued hearing on a Petition for a Zoning Ordinance Amendment involving a zoning map amendment and a comprehensive plan map amendment filed by Oak Square Partners, 119 Brain Street-Suite 211, Boston, MA 02134 for property owned by Eminel Holdings, LLC, 12 North Road, Pawcatuck, CT 06379, located on High Street, Ashaway, RI 02804 identified as Assessors Plat 4 Lot 2 an RFR-80 Zone. The applicant is requesting an amendment to the zoning map and comprehensive plan map to allow for a rezone of the subject property from RFR-80 to Commercial to allow for the installation of a solar array and is filed in accordance with Appendix A; Zoning; Section 16 of the Zoning Ordinances of the Town of Hopkinton as amended. This matter was continued from January 16, 2018 in order to receive the advisory opinion on said petition from the Hopkinton Planning Board which was rendered on February 7, 2018 following a separate public hearing.

George Comolli, Esq. was present representing Oak Square Partners. A stenographer was present to record the proceedings. The transcript will be attached and made part of this record.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR BUCK TO CLOSE THE PUBLIC HEARING AND SET A DATE FOR A DECISION.

IN FAVOR: Landolfi, Buck, Husband, Thompson

OPPOSED: None

SO VOTED

The Council set March 5, 2018 as the date for a decision.

Councilor Capalbo was reelected.

PETITIONS FOR ZONING ORDINANCE AMENDMENT AND COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT – Rhode Island Solar Renewable Energy, LLC/Maxson Hill, LLC

The Town Council had scheduled to open a hearing on Petitions filed for a Zoning Ordinance amendment and an amendment to the Hopkinton Comprehensive Plan Future Land Use Map filed by Rhode Island Solar Renewable Energy LLC, 43 Creston Way, Warwick, RI 02886 and Maxson Hill LLC, 10 Wicasta Farm Road, Hope Valley, RI 02832 for property owned by Maxson Hill LLC and located at 310 Main Street identified as Assessor's Plat 4 Lot 25 an RFR-80 Zone. The applicants are requesting an amendment to the zoning map and comprehensive plan map to allow for a rezone of the subject property from RFR-80 to Commercial Special, limiting the use to solar energy collection, to allow for the installation of a solar array and is filed in accordance with Appendix A; Zoning; Section 16 (A) – (E) of the Zoning Ordinances of the Town of Hopkinton as amended.

Kelly Fracassa, Esq. was present representing the applicants. He asked for a continuance on this matter as the Planning Board would not be rendering an advisory opinion until March 7, 2018.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO CONTINUE THE HEARING TO MARCH 19, 2018.

IN FAVOR: Landolfi, Buck, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

CONSENT AGENDA

The Town Council Meeting Minutes of February 5, 2018 and Executive Session Minutes of February 5, 2018 were removed from the Consent Agenda to vote on them separately.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE CONSENT AGENDA AS

FOLLOWS: Approve Workshop Notes of January 29, 2018; Set March 5, 2018 as a hearing date for a Special Event Permit for Huck Finn Day filed by Ashaway Sportsman's Club; Accept the following monthly financial/activity report: Town Clerk; Approve abatement due to motor vehicle adjustment submitted by the Tax Assessor; Approve refunds resulting from overpayments of 2017 real property tax submitted by the Tax Collector.

IN FAVOR: Landolfi, Buck, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF FEBRUARY 5, 2018 AND THE EXECUTIVE SESSION MINUTES OF FEBRUARY 5, 2018.

IN FAVOR: Landolfi, Buck, Capalbo, Husband

OPPOSED: None

ABSTAIN: Thompson

SO VOTED

Councilor Thompson abstained as she had not been present.

PUBLIC FORUM

No one spoke during the first public forum.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported he had attended a Breakfast Meeting on February 10, 2018 w/Superintendent Ricci; budgetary items were discussed as well as other argument points. No one from Charlestown was in attendance, just representatives from Hopkinton and Richmond. He also reported the first Budget Workshop was held on February 12, 2018 with more workshops scheduled.

NEW BUSINESS

LEGAL SERVICES AGREEMENT RE: MULTI-DISTRICT LITIGATION RELATING TO WRONGFUL DISTRIBUTION OF PRESCRIPTION OPIATES

Council President Landolfi reported the Rhode Island lead attorney Eva Mancuso, Esq. was expected to address the Council on this matter but had not yet arrived so asked that the matter be held to the end of the agenda.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO MOVE THE LEGAL SERVICES AGREEMENT RE: MULTI-DISTRICT LITIGATION RELATING TO THE WRONGFUL DISTRIBUTION OF PRESCRIPTION OPIATES TO THE END OF THE MEETING.

IN FAVOR: Landolfi, Buck, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

CHARIHO TRANSPORTATION CATEGORICAL AID

This matter had been scheduled to hold discussions relative to Chariho Transportation Categorical Aid. Finance Director Brian Rosso was present.

Council President Landolfi noted this matter came about because he was hearing something in the community about the transportation aid the school district was supposed to get through the state legislature that is typically level funded involving approximately \$588,000.00; 36% of that amount would be Hopkinton's portion. He was hearing that the Chariho District wants to keep the transportation categorical aid money in order to fill some holes in their five year capital campaign. He noted he was not happy to hear that. He reported the matter was discussed with the Superintendent on February 12, 2018 and that he was not very comfortable with where they were on their five year capital campaign. He had scheduled this matter as he would like the Council to agree to send a letter to the Superintendent and the School District informing them that the Town does not want them to keep any of the transportation categorical aid funds and if the funding is restored, that we expect to get our share of the money. He indicated he was not particularly concerned about how much money they were behind with their capital campaign; that is a school district issue and he noted would not be calling them if there was a hole in the Town's budget. He stated he was adamant about this and hoped the Council would be too. Councilor Thompson asked Mr. Rosso to provide the Council with some history on the subject. Mr. Rosso responded he was not very knowledgeable about the transportation categorical aid subject and would have to research its early history. His familiarity with the subject was that the aid came to the district and was split

between the three towns. Mr. Rosso reported he had contacted the Chariho District for information but it was difficult to come to a conclusion as to where they stand with their plan. He reported the information he received from Chariho was that \$2.1 million had been budgeted, but according to the agreement with RIDE, it has to be spent, not budgeted. He was not able to ascertain a figure from Chariho on what had actually been spent, so he was not able to come up to speed on where they were. It had been difficult for him to get the information needed. He was able to get a copy of the RIDE agreement with Chariho, but did not have the information on what's been spent. He was able to provide what has been funded since the five year plan was started and that was the \$2.1 million dollar figure. Council President Landolfi noted they were three years into their five year capital plan. Mr. Rosso indicated that was correct. Council President Landolfi indicated that it appeared by the numbers Mr. Rosso provided that they will be okay as long as they continually fund this item. Mr. Rosso explained that it was \$6.5 million that according to the school district they will have to spend 50% of by the end of FY 2021. He noted they've budgeted \$2.1 million, how much they've spent is another matter. The explanation given to Mr. Rosso was that some of the bigger projects are budgeted over multiple years but just because they've funded them in previous years did not mean they have spent the money. He was told they have had to incrementally fund projects similar to what the Town has done for some of our projects. He noted that doesn't help them as far as what has been spent which is another pitfall they've come across. He stated this is the information he was able to gather from the Chariho District. Council President Landolfi noted his objective is to send a letter to the Superintendent letting them know that anything short of returning the categorical aid funds to the town was not acceptable. The RI General Law that addresses this aid is continually level funded. This year in particular it is about \$588,000.00 and our share of 36% of that would've balanced our budget. He noted the legislature is a separate piece and he has reached out to whoever he could in an effort to make sure they restore it but it is not known what will happen. Councilor Thompson commented that the Chariho district holds on to roughly 2% of funding; if they need money they have over a million dollars they have access to and could use for capital expenditures if they wanted to. Councilor Capalbo noted she attends all School Committee Meetings and it is true,

they have a 2% surplus that is kept the same way the Town keeps a fund balance that we need to protect the town or to bond out. She noted the school surplus protects the school district for unexpected issues, like the Richmond Elementary School roof collapse, which was unplanned for in the budget and they used the fund balance to take care of that. She noted the last several years they have postponed capital improvements like the Richmond Elementary School turnaround which will be several million dollars and involves a lot of work so they will have to set aside funds over many years to fund it and they cannot do the project until they have all the funds. She noted over the last several years they have postponed capital improvements and the funding for capital improvements which lowers prior budgets; they lowered their school budgets by not funding the capital plan and now they need to have the money to spend for capital projects in order to continue to get housing aid. If they don't spend it we are out much more money in housing aid. She believed that to be in the millions. They have cut their capital expenses in order to lower our budgets and she understands the reason they want to keep the transportation categorical aid to fill the holes. If we are given back the transportation categorical aid she felt we will just be taxed in the future for the holes this aid would have filled. She suggested maybe a compromise could be had where they could keep a percentage. Council President Landolfi noted the compromise is they give the town back the money; this aid is for transportation, it is not for filling holes in their capital campaign. Councilor Buck thought that the Chariho Act required that they keep the schools updated and maintained. He indicated if the School District does not maintain the school's which is required in the Chariho Act, that does not mean the Town has to cut its budget; Chariho needs to cut their budget and not short the repairs that are required of them. Councilor Capalbo indicated they did cut their budget. Councilor Buck disagreed and indicated their budget went up 2%. Councilor Capalbo noted they cut their budget a couple of years as requested by Hopkinton and Richmond and when they cut they cut from their capital budget. Councilor Buck noted that was correct but the budget itself was not cut, it still increased. Councilor Buck has been down this road many times and both he and Councilor Capalbo have gone through their budget line by line; the budget goes up every year and still, every year they end the year with a surplus. Councilor Husband

added that there is a surplus every year and the figure the Chariho budget goes up by is the new maintenance of effort figure going forward. He felt we are darned if we do, darned if we don't in this situation; if they give us back the categorical aid money, next year the school district will add this into their budget and increase their budget and if the taxpayers approve it, next years' maintenance of effort figure will be even higher. Councilor Thompson commented that the easy math is to keep two months' worth of expenses in the fund balance because municipalities get the majority of money through taxes. We don't get our taxes on July 1 so in August you need that two months' worth in fund balance so your checks don't bounce; that makes sense. She noted the School Department never used to keep, or need, a fund balance; that is a new thing that came up a few years back. She noted the time the Hope Valley Elementary School needed to have the brick facade repointed and the cost was about \$1 million; this had been unexpected and unbudgeted, so they took the money from the available balances they had and at the end of the year even after spending the \$1 million for the repair they had over \$2.5 million left over in surplus. She feels they do not need a fund balance; on July 1 they send us a bill and at the end of the month we better pay them. Chariho gets their money by sending out a bill and they get it within 30 days or so; they are going to get their money. She noted they say they need the money in case something horrible happens and something horrible did happen and that was the biggest unexpected expense ever for the district; even the Richmond Elementary School roof. She stated it is not an issue because they have plenty of money. She stated they hang on to fund balance; the Town needs a fund balance and we have talked about getting our fund balance built up to the proper level but the Town needs a fund balance; the school department does not need a fund balance. They didn't need to call upon the Town for the money for the Hope Valley Elementary School repair they just pulled it out of surplus. She felt this will not change their minds. Councilor Capalbo commented that some if it had to do with the new auditing processes and added there isn't a business, town or school out there whose CPA that doesn't advise setting aside money. She felt 2% a small percent. Council President Landolfi noted they would agree to disagree. He referred to the material illustrated in their packets provided by Mr. Rosso shows there is money set aside already for this capital campaign and if they continue to fund it for the next

couple of years, they will have close to \$3.25 million. Mr. Rosso noted if they spend what has been budgeted they should be okay; they have to get to 50% of \$6.5 million. Council President Landolfi noted in that instance and if they continue to fund for two more years, their argument of plugging holes doesn't hold any water with him. Councilor Capalbo noted once they spent the \$3.25 million capital, they will need to have that same amount again. Councilor Husband noted every year they have big surpluses and he suggested they use surplus. Discussion ended and the Council proceeded to vote.

A MOTION WAS MADE BY COUNCILOR HUSBAND AND SECONDED BY COUNCILOR THOMPSON TO SEND A LETTER TO THE CHARIHO SCHOOL DISTRICT THAT ALL TRANSPORTATION CATEGORICAL AID BE SENT BACK TO THE MEMBER TOWNS.

IN FAVOR: Landolfi, Buck, Husband, Thompson

OPPOSED: Capalbo

SO VOTED

LEGAL SERVICES AGREEMENT RE: MULTI-DISTRICT LITIGATION RELATING TO WRONGFUL DISTRIBUTION OF PRESCRIPTION OPIATES

This matter had been scheduled to discuss, consider and possibly vote to authorize the Town Manager to sign a proposed Legal Services Agreement by which the Town would join several other Rhode Island municipalities as plaintiffs in certain multi-district litigation against those entities legally responsible for the wrongful distribution of prescription opiates and to recover damages caused by those so responsible.

Attorney Eva Mancuso was present. Attorney Mancuso stated she has worked for 35 years as a trial attorney; was born and raised in Rhode Island. She reported this had been her 26th presentation before a city or town council and 25 communities had already signed on. She noted for the past 15 years or so has worked with national lawyers on different issues affecting public health and related issues so she has familiarity working with lawyers doing this type of work. Time to time they would contact her on different suits they were involved with. She reported that last year she was contacted and they informed her they had evidence that opioid distributors have

been circumventing the law and not doing what they were supposed to do being gatekeepers for the prescription drugs and were instead colluding together and so they would be filing a lawsuit against them and they asked if she felt RI would be interested in joining. She agrees that it is a real problem and reported she has worked with Lt. Governor Daniel McKee in the past on education issues when she was Chair of the Board of Education. She knew he had a consortium of Mayors and Town Managers that were meeting on a regular basis so she contacted him and spoke to him about addressing this group about what was going on and brought in her national counsel so it could be described what they were doing. Over the last two months it has been a whirlwind of activity spending nights before Town Councils explaining what we are doing in terms of making sure the big three distributors are being held responsible for their role in the opioid crisis. She noted there had been a channel 6 story filmed and aired with parents and addicts on the road to recovery and the pain they have suffered with opioid issues and that every city and town has been affected by this disease and illness. She stated in 1970 congress knew opioids would be a strong medication but it would need monitoring. This medication has a place in our society, it is not like tobacco, asbestos or lead paint that have no redeeming qualities. Opioids have a place for use in end stage cancer treatments or chronic pain. Congress knew this and in 1970 set up distributors to monitor the manufacturers and to sound the alarm if a community, pharmacy or physician had unusual activity. She noted what we know now is they did not sound the alarm but instead colluded together with the manufactures. She reported in 2016, in one year, the big three distributors made \$460 billion in revenue. She noted this was an eye opener and felt that not only did they not monitor; with this amount of money, they not only looked the other way, they colluded together. She reported there are over 400 cities and towns involved in the suit, which were consolidated, and it is considered multi-district litigation and it is in Federal District Court in Ohio now for discovery purposes. The first five lawsuits are ready to be filed. She noted if the Town decided to hire them, they'll file on behalf of the Town of Hopkinton. She reported this would not be a top down effect; they will come in and work with Town Officials, Solicitor and Manager to determine any damages suffered by the Town and Attorney Mancuso described it as three buckets. The first bucket involves the past

amount including the costs for law enforcement, first responders and cost of narcan or any tools used up to this point. This first one is tricky to formulate as it may not have been documented that way if it was a domestic or it could be school absenteeism; the tentacles of this disease are everywhere; the second bucket is the treatment, not that the Town would need to have a treatment facility but it would be nice if the Town could have money to be set aside and used for treatment; she noted there are thirty day treatment plans but it takes six months for opiates to clear the system. The third bucket is education to train kids in the middle and high school to let them know prescription drugs are just as dangerous as illegal drugs. This would be a multi-disciplined approach and she noted they would be honored to represent Hopkinton. She noted the Federal Judge in Ohio is quite astute and called everyone together, the plaintiff, defense lawyers and lawyers for the drug companies and told them this is a national epidemic. She was unsure if they will be successful or not but promised to fight whatever comes from the other side. These lawyers have joined together and have dedicated millions of dollars of their own money to take on this fight.

Councilor Thompson questioned what would happen if there was a counter suit. Attorney Mancuso responded she had never seen a counter suit from manufacturers; not with tobacco, asbestos or lead paint; she can't guarantee anything but can't imagine they would have the gall to file a counter suit. Councilor Capalbo commented the suit involved the pharmaceutical industries. Attorney Mancuso confirmed this and noted physicians and pharmacies were already losing their licenses, so it is the distributors and manufacturers they are going after. Councilor Capalbo asked if proven in court was there a way to break out the black market opiates. Attorney Mancuso responded it all started at the distributor and manufacturer level. Councilor Capalbo confirmed no other addictive drugs were involved. Attorney Mancuso explained it was oxycontin, hydrocodone and fentanyl; the heavy duty drugs. Councilor Capalbo asked about the other 400 other cities and towns. Attorney Mancuso explained they were from all over the country. Councilor Capalbo noted Attorney Mancuso defined it as a disease. Attorney Mancuso noted the medical field identifies it a disease of addiction. Councilor Husband

congratulated them for addressing the issue and expressed his support. He noted many times psychology, behavior, psychoanalysis has been a component but they finally would be going after the cause and get to the root of the problem. He asked what was the benefit of having more and more communities involved. Attorney Mancuso explained it spread the costs of litigation over more cities and towns; that there would be many experts involved in putting together a matrix. There would be no charge for the Town; payment will come from the proceeds of the settlement, a percentage of the amount recovered. If it is spread out, all would share in the costs of this multi-district approach and if there is a settlement it would be shared with the clients and would give Town Council control where the money goes and in what bucket. Councilor Husband noted it would seem the muscle of the State would be stronger than individual Towns. Attorney Mancuso explained they wanted to make sure the money goes to the local communities. If it went into State coffers the town may never see it. Joining in the litigation with the other 25 cities and towns who are signing on involves about 75% of the population of the State. Councilor Capalbo asked if North Kingstown had signed on. Attorney Mancuso responded yes, North Kingstown has signed on as well as South Kingstown. Council President Landolfi asked for an explanation of the role the distributors played as gatekeeper as it seemed they turned a blind eye. Attorney Mancuso felt it was worse than turning a blind eye, from her perspective it was more like organized crime where people joined together in a criminal enterprise. They get the data from the manufacturer and instead of being a whistleblower like they were supposed to be, they fired the DEA Agents. There were lobbyists hired; the DEA Agents will tell you the distributors and manufacturers colluded together. In one Town in West Virginia 250,000 pills went into a town of 11,000 people. In RI in Washington County in 2016, 63 opioid prescriptions were written for every 100 residents, in Kent County 72 opioid prescriptions were written for every 100 people. When these drugs were introduced, everyone knew them to be addictive. What they did was worse than turning a blind eye; they took the information and used it for their own purposes. She pointed out the numbers - \$460 billion in one year for the big three distributors in one year just for opioids. These drugs were legally prescribed and prescribed to children and children are predisposed to addiction. Councilor Capalbo asked how the money

could be used with regard to treatment or a treatment facility if money came to the Town; how it would be distributed across the three buckets. Attorney Mancuso did not know the answer, her job is to get the money; there are other experts that will do that but ultimately the decisions will be made by the Town. Attorney Mancuso reported the suit is on-going, plans were being developed; there was a lot of collaboration and discussions occurring. She noted the Town may decide there was a need for boots on the ground or mobile units, but that medical professionals will have to answer those questions. No decision was made on this matter as the Council wished to take all the information received into consideration and will take this matter up again on March 5, 2018.

BOARDS AND COMMISSIONS

Charter Commission

This matter had been scheduled to discuss, consider and vote to appoint Ian Anderson to the Charter Commission. Mr. Anderson had been interviewed on February 5, 2018.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR HUSBAND TO APPOINT IAN ANDERSON TO THE CHARTER COMMISSION.

IN FAVOR: Landolfi, Buck, Capalbo, Husband, Thompson

OPPOSED: None

SO VOTED

PUBLIC FORUM

No one spoke during the second public forum.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR BUCK AND SECONDED BY COUNCILOR HUSBAND TO ADJOURN IN MEMORY OF THE VICTIMS OF THE STATION FIRE.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk