

State of Rhode Island

County of Washington

In Hopkinton on the first day of June 2020 A.D. the said remote meeting was called to order by Town Council President Frank Landolfi at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Frank Landolfi, Scott Bill Hirst, Sylvia Thompson; Town Manager William McGarry were present in the Meeting Room; Barbara Capalbo, Sharon Davis; Town Solicitor Kevin McAllister and Town Clerk Elizabeth Cook-Martin attended remotely.

This meeting was held remotely. Instructions for participating remotely were included on the Town Council Agenda

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

#### **CONSENT AGENDA**

The May 5, 2020 Financial Town Assembly Remote Meeting Minutes were removed from the Consent Agenda as they did not make it into the Town Council's information and the Special Town Council Remote Meeting Minutes of May 13, 2020 were removed for revisions.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Town Council Remote Meeting Minutes of May 4, 2020; Town Council Remote Meeting Minutes of May 18, 2020; Approve abatement resulting from 2019 totaled motor vehicle submitted by the Tax Assessor; Ratify and approve the Sixth Local Declaration of Emergency from June 1<sup>st</sup>, 2020 until July 5<sup>th</sup>, 2020.

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

OPPOSED: None

SO VOTED

Regarding the Special Town Council Remote Meeting Minutes of May 13, 2020, Councilor Capalbo noted that on page 6, there was discussion by Councilor Thompson regarding the stipend that the Charlestown Town Council receives and she wished the minutes to reflect that Councilor Thompson had also noted that the stipend amount was the entire amount for the five councilors, not the amount that each councilor received. Councilor Thompson also noted that the very top sentence of page 3, it states that Mr. Rosso suggested that the Recreation Department's revenue outweighed the expenses. She wished to assure that people realized this statement was only regarding their programs. She noted that her comment after that statement had been made was that this was true, but not when you include the entire Recreation budget; the revenue does not meet or exceed the expenses of the total department.

#### **PUBLIC FORUM**

Joe Moreau of Old Depot Road spoke concerning the Minutes of the May 18, 2020 Town Council meeting, under New Business, number 3, regarding existing and potential future procedures to ensure that the Town is protected in terms of being reimbursed for legally mandated out-of-pocket expenses advanced as a result of applications filed for zoning, planning and other land use relief. He noted that the two projects that he knew had outstanding expenses totaled over \$6,900. He wondered three things: (1) if liens could be placed on those properties to assure reimbursement; (2) if the owner was to apply for a permit and there were outstanding fees due, would it be a requirement that they pay these outstanding fees before obtaining a permit; and (3) was there an update from the last meeting regarding these outstanding fees.

Solicitor McAllister indicated that he was unsure of whether or not a lien could be put on these properties. He felt it would be difficult because there was currently no policy on the books, but he was researching this matter. Concerning an update, he noted that he had followed up with both attorneys the previous week and they both noted that they had submitted the claims to their clients and they were waiting to hear back. He was hopeful that this will resolve those two outstanding debts. Solicitor McAllister noted that if the owner applied for a building permit, they could decide not to issue that permit until all fees had been

paid. He felt it would be best to write that into a specific policy for the Town Council to consider.

## **OLD BUSINESS**

### **CHARIHO BUDGET VOTE STATUS – JUNE 9, 2020 CHARIHO BUDGET REFERENDUM**

Council President Landolfi announced the Chariho Budget Referendum for Hopkinton voters, scheduled for June 9, 2020. He read into the record the letter sent to Chariho School Committee Chairman Ryan Callahan dated May 28, 2020:

Dear Dr. Callahan:

The purpose of this correspondence is to respectfully inform you of the Town of Hopkinton's opposition to proposed legislation that would allow the Chariho School Committee to approve its own budget after a public hearing, without voter approval.

At its May 18<sup>th</sup>, 2020 meeting, the Hopkinton Town Council unanimously voted to oppose any effort to allow the Chariho School Committee to approve its own budget, without voter approval, as required by the Chariho Act.

I have learned that draft legislation that has been prepared to amend Section 45-2-3.2 of Chapter 45-2 of the Rhode Island General Laws entitled "General Powers" would, in part, allow the Chariho School Committee to adopt its own budget.

The Town of Hopkinton is insistent on the need for voter approval and has scheduled a referendum solely for the Chariho School budget on June 9<sup>th</sup>, 2020. This referendum will be conducted to approve or reject the Chariho budget voted on by the Chariho School Committee in March, 2020 for FY 2020-21.

If the Chariho School budget is approved by the Hopkinton voters on June 9<sup>th</sup>, then Hopkinton's member contribution from the School Committee's proposed FY 2021 Chariho School budget will be entered as the education expense in the June 23<sup>rd</sup>, 2020 referendum on the Town's municipal budget. If, however, the Chariho School budget is rejected by the Hopkinton voters on June 9<sup>th</sup>, then a level-funded Chariho School budget from FY 2019-20 will be entered as the education expense, adjusted pro rata for increases in Hopkinton's verified October 1, 2019 student enrollment, in the June 23<sup>rd</sup>, 2020 referendum on the Town's Municipal budget.

We reached a consensus that this approach reflects a good faith effort on the part of the Town of Hopkinton to comply with the spirit and the letter of the Chariho Act as much as possible, given the interference and impacts we have encountered due to the pandemic that forced the cancellation of the planned April 14<sup>th</sup> Chariho budget referendum.

We also discussed the latest budget-related information we have from Charlestown and Richmond, in terms of their plans to submit the Chariho budget to their respective voters. Charlestown has mailed to its eligible voters a ballot to be returned by June 1<sup>st</sup>, 2020 that addresses Charlestown's municipal-side budget for 2020-21, but the ballot in Charlestown does not include an amount for Charlestown's contribution to the Chariho FY 2020-21 Budget for the voters to consider. Apparently, there is currently no plan in Charlestown to have its voters weigh in on the proposed Chariho budget approved by the School Committee in March of this year.

Richmond, in contrast to Charlestown, intends to hold its Town Financial Meeting on June 1<sup>st</sup>, 2020, with their voters voting on the Richmond FY 2020-21

Budget that does include consideration of the amount approved in March by the Chariho School Committee for its FY 2020-21 proposed budget. Richmond, arguably, is thereby indirectly submitting the Chariho proposed budget to its voters, but not in a separate vote apart from the proposed new municipal budget.

As you may be aware, the annual proposed Chariho budget must be voted on by the voters from Chariho's three member municipalities according to the Chariho Act. If the proposed Chariho budget is to be adopted under the Chariho Act, it must gain a majority vote from the combined voting from the three towns involved. Given Charlestown's position to not afford its voters the opportunity to vote on the Chariho proposed 2020-21 FY budget, it appears that provisions of the Chariho Act will not be complied with this year due to the pandemic's limitations. Hopkinton cannot control what Charlestown does, and all Hopkinton can do under the circumstances is to make our best effort to comply with the Chariho Act to the greatest extent possible. We are satisfied that we are accomplishing that goal by proceeding as planned and as described above.

We discussed draft legislation that has been prepared by the Rhode Island League of Cities and Towns to be submitted to the Rhode Island General Assembly to provide local municipalities and regional school districts with some flexibility and relief to municipal charter and statutory requirements. We all recognize that the General Assembly has not met since the pandemic struck Rhode Island, and some of us express skepticism that any emergency legislation will be enacted any time soon. For planning purposes, we agreed that we cannot assume relief will be forthcoming from the General Assembly in terms of following through on Hopkinton's current plans to approve the FY 2020-21 budget. I have attached a copy of the draft legislation and its related explanation summary for your review.

In summary, we reached a consensus that while Hopkinton's current plans to comply with the Chariho Act and approve a budget for FY 2020-21 may not address all potential contingencies, our plans do represent a comprehensive and good faith effort on Hopkinton's part to comply with both the spirit and the letter of the Chariho Act under the limitations created by the current pandemic and at the same time adopt a budget before July 1<sup>st</sup>, 2020 that will ensure uninterrupted Town functioning as the new fiscal year begins.

Thank you, in advance, for your consideration in this matter and, hopefully, you and the other members of the Chariho School Committee, will schedule a date for a referendum for voters from Charlestown and Richmond to approve or reject the school budget for FY 2020-21.

Council President Landolfi noted that a copy of this letter was sent to Brian Daniels, Executive Director of the RI League of Cities and Towns; Charlestown Council President Virginia Lee; Richmond Council President Rich Nassaney; Representatives Brian Patrick Kennedy and Justin Price; and, Senator Elaine Morgan.

Councilor Hirst thanked Council President Landolfi for his leadership on this issue and noted that the Chariho School Committee decided not to have their vote in April. He indicated that he holds them accountable for not rescheduling this vote. He also believed that Charlestown had a responsibility to put the Chariho vote before their voters and they also tabled his recommendation to have an

outside management study performed, as well as the Audit Commission's recommendation to have an audit performed.

Councilor Thompson noted that the Chariho Act states that within thirty days after the School Committee adopts its final proposed budget for the ensuing year, a budget approval referendum must be held in each of the members towns on a single day to be determined by the regional School Committee. Based upon that language, in speaking with Charlestown Council President Virginia Lee, who noted that section, Councilor Lee indicated that legal had said that they needed to hear from the School Committee; however, they did not. The Chariho Act also goes on to state that if a budget is not adopted by the Regional School Committee and approved by the voters before July 1<sup>st</sup> of each year, than the Regional School Committee shall operate according to the provisions in Section 16.2.23 of the General Laws which spells out those rules, including that they would have to adhere to the previous year's budget but they could expend money on contractual obligations. The member towns shall make payments to the Regional School District based upon the amount appropriated for the support for the schools by the member towns in the preceding fiscal year. She suggested to Council President Lee that if they did not have a vote than the budget would fail because there has to be a combined vote of the three towns. After July 1<sup>st</sup>, if Hopkinton finds that the number they used in their budget for education is incorrect, there is a mechanism in the Town Charter under Section 23-13, referred to as Special Financial Town Meetings, which would allow the Council to call a special financial town meeting to impose a tax for the expenditure of money. She advised that she did appreciate what the School Committee, Administration, Interim Superintendent, Principals and all the Departments did to decrease the expenses of the budget.

Councilor Capalbo noted that should the budget for Chariho be the prior year's budget, it still will increase our budget due to the additional number of children attending from our town.

Councilor Davis noted that in the past Charlestown's vote has out-passed Richmond and Hopkinton's votes together. She also wished to thank the Chariho School Committee for reducing the budget.

Mr. Ike Hawkins noted that there presently were no allocations for a compassion center within the town and asked Council President Landolfi what procedure he would need to follow. Council President Landolfi asked Mr. Hawkins to call him at a later date and noted that he had spoken with the Town Planner and developer and a plan would need to be presented to the Planning Board.

Councilor Hirst noted that this was not a scheduled agenda item.

Carolyn Light of Forest Glen Drive spoke about the Chariho School budget and noted that the school district had probably saved over a Million Dollars due to the current COVID-19 condition. She inquired if there had been any consideration of how that extra money was going to impact the town's costs for next year, as the facilities were not being used, there was no transportation and any of those savings should be reflected in what we would need to provide for them next year.

Councilor Davis indicated that she had asked this question before at the town's last financial meeting and someone said that the Chariho School Committee can use their savings at their discretion, so she felt that whatever they saved would probably be put into their fund balance and unfortunately not come back to the town.

Councilor Capalbo believed that to be correct and noted that they could ask to use money from the fund balance to offset the budget in the next year, though it would be a fight.

Solicitor McAllister noted that he had not made the statement that the Chariho School Committee could use their savings at their discretion and he was never asked that question.

#### **HOPKINTON BUDGET REFERENDUM – JUNE 23, 2020**

Council President Landolfi announced the Hopkinton Budget Referendum was scheduled for June 23, 2020.

Council President Landolfi asked the Town Clerk if there was any update in this regard and Ms. Cook-Martin noted that we had received confirmation from the RI Board of Elections that we would be receiving the voting equipment for both the June 9<sup>th</sup> and June 23<sup>rd</sup> voting dates. The privacy booths would be kept in the meeting room until all referendums have been conducted. She noted that she was

still looking for poll workers, this was a paid position, and if there was anyone interested, they should call the Town Clerk's office.

Councilor Thompson noted that this was the first time that she can remember where there have been three voting days held in a month.

Council President Landolfi asked about the qualifications for working the polls.

Ms. Cook-Martin noted that ideally the person should be at least 18 years old.

Councilor Thompson asked if someone from a Board or Commission could volunteer to be a poll worker and receive pay, because people on Boards and Commissions are not allowed to be employees of the town. Clerk Cook-Martin noted that poll workers are paid a stipend for the day. Councilor Capalbo noted people could volunteer to be a poll worker and not be paid. Councilor Davis noted that she had been a poll worker before she was elected and at the time she had been on the Affordable Housing Partnership Committee.

**SPECIAL TOWN COUNCIL MEETING TO ADOPT ROUTINE FINANCIAL RESOLUTIONS AND SET THE TAX LEVY**

The Town Council discussed the setting of a date for a Special Town Council Meeting to adopt routine financial resolutions and set the tax levy for FY 2020-2021 Town Budget.

The Council set Thursday, June 25, 2020 as the date for the Special Town Council Meeting to adopt routine financial resolutions and set the tax levy for FY 2020-2021 Town Budget at 6:30 PM.

**CENTRICA BUSINESS SOLUTIONS/CHERENZIA ZONE AMENDMENT & COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT**

The Town Council discussed the scheduling resumption/continuation of the public hearing on a request for an amendment to the Hopkinton Comprehensive Plan Future Land Use Map and an amendment to the Hopkinton Zoning Ordinance filed by Centrica Business Solutions, 1484 Candlewood Road – Suite T-W, Hanover, MD 21076 and Karen M. & James W. Cherenzia, Jr., 201 Chase Hill Road, Ashaway, RI 02804 for property located at Chase Hill Road as Plat 2, Lot 32, an RFR-80 Zone continued from December 9, 2019 to January 13, 2020 – meeting cancelled and continued to February 18, 2020 - meeting cancelled and rescheduled to March 16, 2020. The March 16, 2020 meeting was cancelled due

to the declared State of Emergency re: Covid-19. On April 6, 2020 the resumption/continuation of the public hearing was scheduled for June 15, 2020 provided the hearing could be held in-person. Due to limitations on capacity and distance requirements and the discussion by Town Council on April 6, 2020 regarding a possible resumption of the public hearing on June 15, 2020, resuming the public hearing on that date is no longer feasible and a new date should be scheduled.

The Town Council set August 3, 2020 at 7:00 p.m. as the date to resume the hearing.

**NEW BUSINESS**

**AWARD BID RE: MUNICIPAL WASTE REMOVAL SERVICES**

Discuss, consider and possibly vote to award a bid for municipal waste removal services to RPE Waste Services, Wood River Junction, Rhode Island, in the amount of \$425.00, per month, from July 1<sup>st</sup>, 2020 through June 30<sup>th</sup>, 2023.

Town Manager McGarry noted that they had placed ads in the Providence Journal and the Westerly Sun for the re-bid for municipal waste removal services and the town received two bids. Waste Connection from Seekonk, MA in the amount of \$449.09 per month and the second bid was from RPE Waste Services of Wood River Junction for \$425.00 per month. After review, it was recommended that the town award the bid to the low bidder, RPE Waste Services.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO AWARD THE BID FOR MUNICIPAL WASTE REMOVAL SERVICES TO RPE WASTE SERVICES, WOOD RIVER JUNCTION, RHODE ISLAND, IN THE AMOUNT OF \$425.00 PER MONTH FROM JULY 1, 2020 THROUGH JUNE 30, 2023.

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

OPPOSED: None

SO VOTED

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY  
COUNCILOR THOMPSON TO ADJOURN IN MEMORY OF ROGER BLISS.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk