

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of May 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

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of April 20, 2020; Accept the following monthly financial/activity report: Town Clerk.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Carolyn Light of 43 Forest Glen Drive wished to express her support of the town in vehemently opposing the Chariho School Committee from being able to pass the 2020/2021 budget without having residents vote on the same. Jeff Light noted that he agreed with Carolyn on this issue. Joe Moreau of Old Depot Road spoke about the welfare director's position and noted that the resident whom he was trying to assist had no idea about the heating oil assistance program nor the town's program to reduce property taxes based on a person's income; therefore,

he was in favor of this position being filled in an effort to assist individuals in need and make them aware of what may be available to them. He also agreed with Carolyn Light's statement about the Chariho budget.

COUNCIL PRESIDENT REPORT

Council President Landolfi reported that the Ashaway Sportsmen's Club had to cancel Huck Finn Day and noted that it was the first time in 70 years that they had to cancel this event with no reschedule date. Also, he noted that the town's budget was adopted on May 13, 2020 and he hoped the taxpayers and residents will support the Council and approve the budget in June. The current mill rate is projected to be \$18.28 per thousand based on the new assessed values and the Council collectively agreed that the excess in the fund balance of approximately \$61,000 would be left there due to the unknown with the revenue projections going into the next fiscal year.

OLD BUSINESS

CHARIHO BUDGET VOTE STATUS

Chariho Budget vote status: Discussion re: sending a letter to Governor Raimondo relative to Council objection for the Chariho School Committee to enact a budget without a vote of the residents. Requested by Council Vice President Hirst.

Council President Landolfi noted that he had received a call from the Chairperson of the Chariho School Committee, Ryan Callahan, who conveyed to him that it was the intent of the School Committee is to have a vote by all the residents of all three towns. Their idea was to add on the three towns' budget referendums another section to vote on the school budget. Councilor Thompson asked for that to be explained further. Council President Landolfi indicated that Mr. Callahan had suggested that their attorney, John Anderson, was going to prepare a letter to all three towns asking for feedback on adding the Chariho budget to each town's budget referendum as a separate item.

Councilor Hirst noted that usually the Chariho budget is a separate vote and the town's budget and school budget were not decided on the same day. The problem he foresaw was that each town would not have their vote on the Chariho budget

on the same day. Clerk Cook-Martin believed that Charlestown's ballots were prepared, printed, and may have already been sent out and Hopkinton's ballot had already been sent to the Board of Elections with the caveat that there may be changes made. Council President Landolfi asked Ms. Cook-Martin when Charlestown's referendum was held and she believed it was either June 1, 2020 or June 2, 2020. Councilor Hirst noted that he would still like to have a letter sent to the Governor requesting the right to vote on the Chariho School budget and noted that they could add into the letter the possibility that this issue may be resolved between the three towns.

Councilor Capalbo felt that sending a letter would not hurt and it should note that the residents are adamant about wanting to vote on the municipal and school budgets.

Councilor Davis agreed that a letter should be written and sent and they needed to preserve the residents' rights to vote on both the Chariho School budget and the town budget. She was concerned about having both questions on the same ballot and noted that if they voted down the school budget they may just automatically vote down the town's budget. She wondered how voters would know what the real impact will be if we do not have the school budget voted upon first.

Councilor Thompson agreed that a letter should be sent to the Governor. She understood that there was a Bill and information circulating about authorizing the School Committee to vote on the Chariho School budget without a vote of the people. The difficulty with voting on these two budgets simultaneously would be that if the Chariho budget is voted down and the town's budget is approved, the town's budget would not be correct. The school budget should be decided before the town's budget is voted on.

Councilor Capalbo also agreed that these votes should be separate and not on the same ballot. She felt that the municipal budget vote could be held at the end of June, allowing the Chariho district to vote in the middle of June. She believed the town could hold a referendum continuing the budget vote into July if need be in order for Chariho to have their budget approved first.

Councilor Davis questioned Clerk Cook-Martin about how much notice was needed in order to schedule the town budget referendum; and, would it be an in-

person vote. Clerk Cook-Martin advised that they needed five or six weeks to put everything together. She noted that there was no mechanism in the Charter for a mail-in ballot so there may need to be some sort of a resolution by the Town Council to enact that; she didn't believe there was a mechanism in the Chariho Act to do a mail ballot either so that may also require a special resolution. The difficulty we are encountering is having enough people to staff the polls. There are a lot of things that have to be worked out, such as whether there can be mail ballots sent.

Councilor Thompson wished for Council President Landolfi to work with the Town Manager and Solicitor McAllister regarding the legal issues. She felt that he would also have to work with Clerk Cook-Martin, the Board of Elections, Governor's Office and Department of Health as well. Town Manager McGarry felt that they should check with the Solicitor; however, if the Charter did not prohibit mail-in ballots then he felt it would be okay to do that. Mr. McAllister noted that the Charter was clear on how this is normally done and his instinct told him that they would probably need some sort of state authorization to have a strictly absentee ballot vote.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO THAT COUNCIL PRESIDENT LANDOLFI BE EMPOWERED TO SEND A LETTER TO THE GOVERNOR AND ANY OTHER STATE OR FEDERAL OFFICIAL THAT HE DEEMED NECESSARY REGARDING PRESERVING THE RIGHT OF VOTERS TO VOTE ON THE CHARIHO SCHOOL BUDGET AS WELL AS THE TOWN BUDGET.

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

OPPOSED: None

SO VOTED

HOPKINTON BUDGET REFERENDUM/CHARIHO BUDGET REFERENDUM

Discussion was held on legal considerations for conducting the Hopkinton Budget Referendum for FY 2020-2021, including but not limited to: possible consideration of, and possible vote upon, a resolution of the Town Council to change the date for the Hopkinton Budget Referendum to allow the Town

sufficient time to prepare and send out mail ballots; discussion and possible vote upon the use of mail ballots for said Hopkinton Budget Referendum (requested by Council Vice President Hirst); and discussion and possible vote upon whether to send the Governor a letter asking her to ensure that the Chariho School Committee does not approve a budget for FY 2020-2021 without a resident vote from the Chariho member Towns (requested by Council Vice President Hirst and Councilor Thompson).

Councilor Thompson asked Clerk Cook-Martin if she had advertised the budget yet and asked what the deadline was for doing that. Clerk Cook-Martin replied that she had not advertised the warning of the meeting which needed to be done seven to eight days before the event. Councilor Thompson stated that they would not be able to hold the municipal vote on June 9, 2020 and there was discussion about holding the referendum on June 30th. Council President Landolfi was a little nervous about holding this referendum on the last day of the month and asked Clerk Cook-Martin what her thoughts were. Clerk Cook-Martin noted that if the referendum was held on June 30th, then they would not be able to adopt the routine financial resolutions and set the tax levy in June. Councilor Capalbo asked if it would be better to have the referendum on June 23rd and the Clerk suggested they come up with a timeline backing up the dates and should this referendum be by mail ballot, they will need to have ballots printed, postage prepaid mail envelopes prepared to the voters, as well as for the voters to return them to the town hall; ballots printed; and, many more things to consider. Council President Landolfi felt June 23rd would be a better date so there would be more time to adopt the resolutions and set the tax levy. Councilor Thompson asked if it would be a big issue to adopt the resolutions in July. Solicitor McAllister felt they should target June 23rd for the referendum date and to state if necessary, no later than June 30th.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR CAPALBO TO SCHEDULE THE TOWN'S BUDGET REFERENDUM TO JUNE 23, 2020 AND IF NECESSARY TO HOLD IT NO LATER THAN JUNE 30, 2020.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

AWARD BID RE: PROFESSIONAL ENGINEERING & RELATED CONSULTANT SERVICES

This matter had been scheduled to discuss, consider and possibly vote to award professional engineering and related consultant service contracts to Crossman Engineering of Warwick, RI and Beta, Inc. of Lincoln, RI from July 1st, 2020 through June 30th, 2023.

Mr. McGarry noted that they had gone out to bid for professional engineering and related consultant service contracts for the current contract expires on June 30, 2020. Mr. McGarry noted that they had received eight bids. He and Town Planner James Lamphere selected Crossman Engineering and Beta, Inc. as the town's two on-call engineering service firms.

Councilor Davis wished to commend the Town Manager and Town Planner on the way they went out for bids and felt they did an excellent job. She suggested having some type of feedback as to whether the town was pleased when these services are used.

A MOTION WAS MADE BY COUNCILOR THOMPSON AND SECONDED BY COUNCILOR DAVIS TO AWARD THE PROFESSIONAL ENGINEERING AND RELATED CONSULTANT SERVICE CONTRACTS TO CROSSMAN ENGINEERING OF WARWICK, RI AND BETA, INC. OF LINCOLN, RI FROM JULY 1ST, 2020 THROUGH JUNE 30TH, 2023.

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

OPPOSED: None

SO VOTED

KENYON GRAVEL BANK REGISTRATION RENEWAL

This matter had been scheduled to review and approve the Kenyon Earth Removal Registration Renewal Application.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE KENYON EARTH REMOVAL REGISTRATION RENEWAL APPLICATION.

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

OPPOSED: None

SO VOTED

DISCUSSION RE: PROCEDURURES FOR REIMBURSEMENT OF LEGALLY MANDATED OUT OF POCKET EXPENSES

Discussion re: 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. Requested by Councilor Davis.

Councilor Davis noted that the Town Clerk had sent letters to two attorneys representing solar development projects requesting the payment of outstanding expenses that had not been reimbursed the town; noting that one concerned a solar project that was decided in October of 2019. She wished to know what could be done to assure that all expenses incurred by the town were paid, as obviously letters did not work. She wondered if a call from the Town Solicitor might get them to pay and what other legal recourse might be available to the town to assure reimbursement of the expenses.

Clerk Cook-Martin explained that she monitors and bills out these expenses periodically during the application process before the Town Council. The ordinances state that the applicant is required to pay certain things and typically she bills the attorney who presents the matter before the Town Council. That attorney usually assures that the person responsible pays these costs. She was unsure of the options and alternatives to having these outstanding expenses paid. Solicitor McAllister advised that he had spoken with Councilor Davis and he thereafter contacted the two attorneys who received the past due invoices. He hoped that would be enough to result in the collection of expenses for these two matters. Future options to consider may be obtaining an advance, almost like a bond, from developers to assure the town is not left holding the bag on expenses required by law; or, they could possibly come up with a collection process which

would include the requirement to pay attorney’s fees for collection efforts. Mr. McAllister advised that he would be happy to put together a draft option plan for the Council to review.

Councilor Capalbo felt that was a good idea and the Mr. McAllister should proceed with establishing a plan.

Councilor Thompson asked if Mr. McAllister could consider charging an applicant for additional items such as if there is a need to use a school to hold a hearing and any employee’s extra time, such as the IT Director having to go to the school to set up equipment and take down equipment. Mr. McAllister indicated that he would be happy to look at that going forward.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR CAPALBO TO ADJOURN IN MEMORY OF CHARLES LEONARD NILES JR. AND ALDEN THOMPSON.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk