

State of Rhode Island

County of Washington

In Hopkinton on the sixth day of July 2021 A.D. the said meeting was called to order by Town Council President Stephen Moffitt, Jr. at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Stephen Moffitt, Jr., Sharon Davis, Robert Marvel attended remotely; Scott Bill Hirst, Michael Geary were present in the Meeting Room, Town Solicitor Stephen Sypole; Acting Town Manager Brian Rosso; Town Clerk Elizabeth Cook-Martin attended remotely.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO RECESS TO EXECUTIVE SESSION.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO ENTER INTO EXECUTIVE SESSION

UNDER: R.I.G.L. 42-46-5(a)(1) Any discussions of the job performance, character or physical or mental health of a person or persons; and R.I.G.L. 42-46-5(a)(4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal. All persons to be discussed under subsection (a)(1) have been duly notified.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

The meeting was called to order with a moment of silent meditation and a salute to the Flag at 7:00 PM.

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO APPROVE CONSENT AGENDA AS FOLLOWS:

Approve Town Council Meeting Minutes of June 21, 2021; Ratify and approve the Sixteenth Local Declaration of Emergency from July 6th, 2021 to July 23rd, 2021.

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

OPPOSED: None

SO VOTED

OLD BUSINESS

**POTTER HILL DAM:
REQUEST TO MEET WITH TOWN OF WESTERLY**

The Council discussed sending a letter to the Town of Westerly for in-person meeting re: Potter Hill Dam.

Councilor Hirst wished the Council to send a letter to the Town of Westerly requesting several dates that they would be available to meet and the Council could then choose a date at their next meeting.

A MOTION WAS MADE BY COUNCILOR HIRST TO SEND A LETTER TO THE WESTERLY TOWN COUNCIL ASKING FOR CONVENIENT DATES TO HOLD A MEETING. This Motion was withdrawn.

Council President Moffitt felt that this was vague and he felt that the letter should specify what they wished to discuss in order to have a productive meeting.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO SEND A LETTER TO THE WESTERLY TOWN COUNCIL ASKING FOR CONVENIENT DATES AND POSSIBLE AGENDA

ITEMS IN ORDER TO HAVE A MUTUAL PRODUCTIVE MEETING. This motion was withdrawn.

Councilor Davis felt that they were not going to be very successful with the whole situation. She believed they would need information from NOAA because the grant they were providing may need to be amended or increased. She noted that there needed to be a way to include Hopkinton and Westerly has asked for money to do the dam their way and they billed it as if they were going to reclaim the land, which would be wonderful for the plants and animals. Westerly has given no thought to Hopkinton's residents whose wells will be affected and therefore she wished to have a representative from NOAA present at any meeting. Council President Moffitt reiterated that they should request a meeting with all parties involved and not just the Town of Westerly. He noted that the Potter Hill Dam Information Committee was gathering information and they should be invited to attend this meeting as well. Councilor Hirst noted that there would be a lot of people involved with everyone trying to talk without any direction. He felt it would be best to see how they wished to proceed and then speak with the Council President before talking with the specialists or government agencies on the state or federal level, which may reduce repetition and provide a common theme. Council President Moffitt did not want to get ahead of the committee that they had appointed and he wished them to be involved. Councilor Davis asked if they should wait on sending a letter until the committee was ready to submit a report to them. Council President Moffitt wished to send a letter to the Westerly Town Council advising them that they wish to have a meeting in the future. Councilor Davis stated that she had read an article which indicated that the Potter Hill mill, owned by Mr. Carrapezza, was in receivership and that was why the town has control of it. She believed that the town did not want to spend any money repairing the dam and that was why they had applied for this grant. Councilor Hirst questioned if any public works infrastructure funds could be used; and, asked if anyone has been in contact with Senator Whitehouse, Senator Reed or Jim Langevin to ask for federal help. Council President Moffitt suggested asking the Potter Hill Dam Information Committee to appear at their next meeting and

include them in this discussion; and thereafter, they can move forward with reaching out to Westerly. In the meantime, Councilor Hirst could reach out to the senators and representative if he wished.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO TABLE THIS MATTER TO THE NEXT REGULAR MEETING OF THE TOWN COUNCIL OF JULY 19, 2021.

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

OPPOSED: None

SO VOTED

WELL SURVEY

The Council discussed the well survey that had been sent out to some properties from the Southern Rhode Island Conservation District.

Councilor Hirst noted that he had attended the last Potter Hill Dam Information Committee meeting and there was concern about a response to the well survey for it was believed that not everyone has responded to this survey. It was noted that anyone who has received the well survey should make sure to complete that and not all residents in Hopkinton have received that, only those deemed to be potentially affected. If anyone has questions in this regard, they should contact Gina Fuller of the Southern Rhode Island Conservation District.

NEW BUSINESS

DISCUSSION RE: RESUMPTION OF IN-PERSON MEETINGS

Councilor Hirst had requested discussion on Town Council Meetings and Boards and Commission Meetings to be held in-person.

Council President Moffitt read a statement received by the RI League of Cities and Towns concerning the Open Meetings Act. “Guidance has changed again since last week’s update. Legislation allowing and requiring virtual guidance under the Open Meeting Act will not pass the General Assembly this session.

The Governor’s Office has said that they do not currently plan to extend the Executive Order beyond July 23, 2021. We recommend that you plan to return to

in-person meetings after July 23, 2021. If you are scheduling hearings or meetings for matters that require a longer advertising period, for example zoning matters, we would recommend conferring with your solicitor before scheduling. If you are unsure whether the meeting will be held in person or virtual/hybrid, you can provide public notice with both scenarios. Attached is an example of one such agenda.” “Though members of public bodies will need to meet in person after July 23rd, several municipal officials have asked whether they can maintain virtual participation in meetings by the general public once the Executive Order expires. In discussions with the Department of Business Regulation and the Attorney General’s Office, we have been told that there is nothing in the current Open Meetings Act that prevents public bodies from live-streaming their meetings or allowing the public to watch/participate virtually. However, the ability to allow virtual public participation may depend on the type of meeting and any applicable state law and local ordinances. Municipal officials should work with their solicitors if they would like to continue offering virtual participation for the public. If you proceed with virtual public participation, it is important that the experience for both in-person and virtual participation is similar or equal. An example is testimony that is given virtually must be audible to everyone in the public space.” Councilor Hirst felt that people have been disenfranchised from their government and people have a right to see their officials in person. He recently attended a Chariho School Committee meeting, which was both virtual and in-person. He felt that public officials should face the public and he asked Solicitor Sypole how they can comply with state law. Council President Moffitt felt that they should have in-person meetings as well as a virtual feature for anyone in the public unable to attend in person. Councilor Marvel felt that the hybrid model would be the best approach going forward for it would help open up government participation to the largest number of residents by allowing people to dial in remotely to listen in and/or participate when they cannot make it to a meeting. Councilor Davis agreed that the Councilors should meet in person but asked what the protocol would be for mask wearing. Councilor Geary noted that masks were now optional. Acting Town Manager Rosso noted that the town would follow the RI Department of Health guidelines. He noted that the hybrid

model has been in the works for a while and there was a bill purposed in both the senate and the house to allow for hybrid meetings; however, it did not pass. Prior to that bill not passing, everyone in the State at the municipal leaders meetings, was under the impression that they were going to go to a hybrid format so he and IT Director, Jeff Frenette, started obtaining quotes from vendors because the town does not have the technology to hold a hybrid meeting. He noted that they have obtained quotes from various vendors but because every municipality in the state is trying to implement this hybrid technology, the vendors are backed up. Council President Moffitt felt that they should continue this discussion at the next regularly scheduled meeting of July 19, 2021. Councilor Marvel asked that the protocol should include that all Council members and others sitting in close proximity be required to prove that they have been vaccinated since they will not be wearing masks. Councilor Geary did not agree and felt this was private information that should not have to be disclosed. Council President Moffitt hoped that anyone who was not vaccinated would wear a mask out of respect for others. Councilor Geary asked for Solicitor Sypole's legal opinion and he indicated that he was following the Governor's Executive Orders. Council President Moffitt asked Solicitor Sypole if it would be a good idea to have a protocol in place as to how they will handle the in-person meetings; Solicitor Sypole suggested that it would be advisable to have an agreed upon plan in place. He noted that he would work with the Town Manager and the Clerk to come up with a recommendation. Council President Moffitt wished some clarification prior to their next meeting. Solicitor Sypole believed the situation right now seemed to be the honor system; most people he has seen in the city are not wearing masks, but some are. He felt there should be a policy in place to be followed by all. Councilor Geary noted that at the previous week's school committee meeting everyone had to wear a mask, whether vaccinated or not. Councilor Marvel suggested that his comment was not for the general public but for the Council and the town's representatives because they were in close proximity and they do a lot of talking. Councilor Davis questioned Town Clerk Cook-Martin about possibly putting up Plexiglas shields and it was agreed that they would come up with some rules of procedure.

DISCUSSION RE: PARTICIPATION IN LOCAL BUDGET REFERENDUM EVENTS

Councilor Marvel had requested discussion regarding improving the dissemination of information to encourage participation in local budget referendum events.

Councilor Marvel was disappointed with the low turnout for the budget vote noting that the budget had been rejected by less than 100 residents. He felt that the Town Council had not done a very good job with getting the word out about the vote and he wished to discuss what they could do different next year. He indicated that he had polled people concerning the robo call that was made and was told that they either did not receive it, did not answer so it went to voice mail, and otherwise didn't hear it until after the vote. He noted that the town has a social media account, an official Facebook page and a website. He felt, at the very least, after the financial town meeting, they should put together a letter that summarized what was being proposed and provide some detailed information about the budget and detailed information on where and when to vote. They then should follow-up with robo calls and information in the paper and on the website. Councilor Hirst noted that not one Councilor had written a letter to the editor defending the town's budget. He suggested that the town obtain a bulk-mailing permit and send a mailing out concerning all voting, including the Chariho budget. Councilor Hirst also noted that the Town Council needed to be more politically sophisticated; noting that the residents overwhelming rejected the Chariho budget and were very concerned about spending. Councilor Geary asked Acting Town Manager Rosso who was in charge of updating the town's Facebook page because he noticed that the last real update was from April 2, 2021. Mr. Rosso explained that the town's Facebook page was started by the Town Manager's secretary who has since left. She had given her credentials to the IT Director but the importance of keeping this updated was not stressed to him because historically this account was not active until the solar issues arose. Mr. Rosso noted that as far as notifying the public, there were three posts in the Westerly Sun; notice posted in seven places around town, including the libraries; a robo call; it was posted on the town's website; and, they put signs up around town. He believed they had done an adequate job of getting the word out and if

people are not paying attention, they are not paying attention. Councilor Geary wished the Facebook page to be updated on a regular basis and Council President Moffitt noted that the budget vote was held at the same time every year; there was no participation by residents in the budget discussions or in the budget process. He stated that it would be nice if residents came and made suggestions on how they might cut the budget or what they should do with the budget. Council President Moffitt asked Councilor Hirst if the town budget normally had a low turnout. Councilor Hirst noted that the turnout has never really been big. Council President Moffitt felt that Councilor Marvel had some good ideas and he liked the idea of a bulk mailing. Councilor Marvel felt that they should have put an article in the newspaper and if they prepare a letter to be sent to the residents, they could possibly submit that same letter to the newspaper. He also noted many people follow Facebook and this was something they should look into. Another idea that he had was to start this process with a flyer to be sent with everyone's tax bills. This flyer should lay out the town's contact information, including the town's calendar, asking them to get involved. Council President Moffitt indicated that they would possibly bring this matter up in the future to discuss any progress made in this regard.

DISCUSSION RE: REQUEST FOR STREET LIGHT

Councilor Hirst requested discussions re: request for a street light from the State for pole 388 or pole 389, on Route #3 the French Village vicinity to improve lighting in the area. Police Chief David Palmer and Public Works Director David Caswell were present.

Councilor Hirst indicated that Bob Gelinis had spoken to him about this issue on several occasions and he felt that pole 388 was the best place to have a street light, noting that coming into Hopkinton from Meeting House Bridge was a very dark area and should be lit, especially because it was the beginning of town. Route 3 is a state road and there is a procedure that would have to be followed in order to ask the state for a street light. Acting Town Manager Rosso indicated that general past procedure was that someone would contact the Town Manager, who then reached out to the Police Chief and Public Works Director. In the past,

the Chief would send a patrolman to see if the area actually warranted a light and they would check with the Public Works Director to assure that there was no safety issue. If they felt a light was warranted, they would reach out to the RI Department of Transportation to request the same. Chief Palmer indicated that he would call the State Traffic Commissioner after sending an officer to review the site. Mr. Rosso believed this matter was something that could be handled internally. Councilor Hirst noted that Roger Perry had suggested putting a traffic light at the intersection of Chase Hill Road and Route 3 due to a lot of truck traffic in that area.

DISCUSSION RE: TRAFFIC SITUATION CHASE HILL ROAD & ROUTE #3

Councilor Hirst requested discussion on the traffic situation at the Chase Hill Road and Route #3 intersection including consideration of a traffic light. Police Chief David Palmer and Public Works Director David Caswell were present.

Councilor Hirst felt that there are additional areas in town that should also be considered for a traffic light such as Maxson Street/Route 3, Maxson Hill Road/Route 3 and Oak Street/Route 3. Councilor Geary noted that Chief Palmer had told him that a traffic study had been performed for the Chase Hill Road/Route 3 area. Chief Palmer explained that Representative Kennedy had received a complaint about this intersection in July of 2019 and contacted the Chief and RI DOT. A traffic study was performed by the State Traffic Commission in December of 2019 which included speed data, traffic volumes, crash data and site distance. Based on their study it was determined that traffic volume and crash data did not justify either a traffic signal or flashing beacon at this intersection. To address concerns, it was recommended that they add warning signs and an additional stop sign on Chase Hill Road, which they did. Chief Palmer suggested that he could contact the RI DOT and ask them to add another sign that was more strongly worded and suggested putting the traffic sign in that location with a message indicating that there was a dangerous intersection ahead. Chief Palmer noted that there was also a traffic study performed at the Maxon Street Road/Route 3 intersection which he believed had very similar results. Councilor Geary asked Director Caswell if he believed it would be beneficial to

have a warning painted in the road coming up to the intersection. Director Caswell noted there were other alternatives that could be looked at, such as edge of the road signage or painting warnings in the road, all of which would have to be approved by DOT.

BOARDS & COMMISSIONS:

AFFORDABLE HOUSING PARTNERSHIP

Mary Karlsson responded in writing a request to be re-appointed to the Affordable Housing Partnership.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT MARY KARLSSON TO THE AFFORDABLE HOUSING PARTNERSHIP.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joe Moreau of Old Depot Road advised that he had Gina Fuller's telephone number and if anyone needed it they could email him. Mr. Moreau felt that there may be unintended consequences if the Council started asking if someone was vaccinated or not and this was really no one's business; though he agreed with Council President Moffitt that it was the right thing to do to wear a mask. He noted that he had commented at a prior meeting about how difficult it has been to obtain answers to his questions, noting that he had asked for a contact person for the Potter Hill Mill area a few weeks ago prior to the Committee being established for he wished to share a similar issue that was happening in Coventry at Johnson's Pond. He finally forwarded some information to Clifford Heil. He also wished to remind the Council that he went through the same process as they did to become an elected official of the town. Recently he has had to file a police report; a complaint with the Ashaway postmaster; a No Trespass Order against one individual with the police department; and, he has had to obtain a No Trespass sign for his property. He noted that he is also looking into purchasing a camera system. He had asked for a sit down meeting with the Acting Town Manager and

another party, but the other party never got back to him. He had hoped that his email sent on May 21, 2021 would elicit a response from both parties; however he heard nothing. On June 17, 2021 he sent another email to six individuals concerning site visits at the Comolli and Stone Ridge projects; no response. On June 27, 2021 he sent another email to four individuals concerning site visits; no response. He now wished to ask again if Attorney Hogan was being paid to attend these site visits and he did not know how he could get an answer to this question. Council President Moffitt indicated that he did not know the answer to this question. Mr. Moreau advised that Attorney Hogan had attended a site visit for both projects and he did not know what her contract stated, but he believed there were billable hours involved. He felt the Planning Board solicitor was at the Planning Board meetings to provide legal opinions and he did not see a need for the solicitor to attend site visits. At the May 21, 2021 Planning Board meeting a certain individual indicated that he was going to speak to the Chair of the Planning Board and the Chair of the Council. Mr. Moreau noted that this individual was concerned because Mr. Moreau was stating true facts. Since that time, Mr. Moreau has been unable to get a response to his questions or a response to his emails. Mr. Moreau believed it was time to heal the town and noted that people wondered why they could not get volunteers to serve on our Boards and Commissions. He suggested that an individual who devoted over thirty years to the town, over a period of eight months, is now gone and he would not be surprised if the entire Board resigned. Lastly, Mr. Moreau advised that in a questionnaire entitled: *Hopkinton, Rhode Island Key Development Topics*, which was completed by a current member of the Town Council before the 2020 election, they answered: “I am only interested in making Hopkinton a better place to live for everyone in the community and I will listen to ideas from anyone that brings them forward.” He stated that if you want residents to be involved you need to respond to their questions; in order to heal the town they need to stop listening to someone who is not productive and help the residents that need help. Carolyn Light of 43 Forest Glen Drive wished to comment regarding budget participation and virtual meetings. She asked how many people were participating in this evening’s meeting and Council President Moffitt stated 14.

Ms. Light thought there would be less people attending an in-person meeting and she did not believe there would be a seating capacity issue even if people were distanced. The Council would also be aware if there was a topic on the agenda that would require them to hold the meeting in a larger venue. She believed that when the State of Rhode Island said that virtual meetings are done for government, there should not be any question about it because people have always found a way to participate in person. She felt that the quantity was a reflection of government engagement. She believed that there was an overwhelming number of communications that came from one Council member and those comments were everywhere, including Facebook, in the Westerly Sun and in emails. If the Town Council was really concerned about getting participation in the budget format, it was their responsibility to make the community aware that there are budget discussions going on. She felt that this Town Council was not engaging with the community. Ms. Light stated that if the word on the street was correct that Harvey Buford had been asked to resign, than she would like to know who was going to perform all the work he does. They would not just be getting rid of somebody that they perceived to be an issue; you have to participate in his meetings to say that and you have to participate and know what his job truly is and what he does passionately. If it is true that Mr. Buford will not be running the Conservation Commission then this was yet another 2021 disappointment on behalf of the Town Council and she cannot be proud to call this Council hers.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO ADJOURN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk