

State of Rhode Island

County of Washington

In Hopkinton on the twenty first day of June 2021 A.D. the said remote 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, Scott Bill Hirst participated remotely; Michael Geary was present in the Meeting Room, Town Solicitor Stephen Sypole; Acting Town Manager Brian Rosso; Town Clerk Elizabeth Cook-Martin participated remotely.

At 6:30 P.M. a 90-Minute QPR (Suicide Prevention) Training Class was conducted. Registration ahead of time was required in order to participate.

At 8:00 PM, the 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 June 7, 2021; Accept the following monthly financial/activity report: Town Clerk; Approve refund due to overpayment by taxpayer on 2020 R.E. tax.

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

OPPOSED: None

SO VOTED

OLD BUSINESS:

DECISION - PROPOSED DUT AMENDMENT RE: PROHIBITION OF ADDITIONAL GAS-DIESEL STATIONS

This matter was before the Town Council to discuss, consider and vote on a motion to either approve or reject an amendment to Chapter 134 Zoning Ordinance, Section 5 District Use Table to prohibit any additional/gas diesel stations following completion and closing of the public hearing on June 7, 2021:

Proposed amendments to the Zoning Ordinance, Appendix A; Chapter 134

Section 5 District Use Regulations are shown in bold italics:

Section 5 – District Use Regulations.

District Use Table – P = Permitted N = Prohibited S = Special Use Permit A = Aquifer Protection Permit

Use Category	RFR-80	RES-1	NB	Comm.	Mnufct.	Aquifer Overlay	
						Primary	Secondary
554 Gasoline Service Stations	N	N	N	P	S	N	A
<u>Proposed amendments in bold italics:</u>							
<i>554 Gasoline Diesel Service Stations</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>

Councilor Geary asked if this ordinance would allow for a transfer of ownership of an existing gas station; and, if a station closed for several years and someone wished to reopen it, would they be allowed to have a gas station there. Solicitor Sypole responded by saying that if the use continued it would be able to remain a gas station; however, if the use was abandoned then generally it would not be allowed to be re-established as a gas station. Councilor Geary indicated that since that was the case, he would not wish to limit gas stations. Council President Moffitt did not feel that there was a need for any more gas stations in town since there were other gas stations in close proximity. Councilor Hirst noted that there were no gas stations in the northern part of town and if they were to put a limit on the size of a tank that a gas station be allowed to have, this may help to regulate the size of a gas station. Councilor Moffitt added that he drives by at least fifteen gas stations on his way to work in Groton and he didn't feel that any more were needed in Hopkinton.

Clifford Heil of 211 Chase Hill Road asked if the Planning Board had provided an opinion in this regard and Council President Moffitt noted that they wished to allow gas stations with a special use permit. Mr. Heil felt that closing the door entirely on any further gas stations coming to town might be a little extreme and allowing a gas station by special use permit might be the way to go because they could address applications in a case-by-case manner.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO REJECT THE PROPOSED AMENDMENTS TO THE DISTRICT USE TABLE.

IN FAVOR: Geary, Hirst

OPPOSED: Moffitt, Davis, Marvel

MOTION FAILED

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE PROPOSED AMENDMENTS TO THE DISTRICT USE TABLE.

IN FAVOR: Moffitt, Davis, Marvel

OPPOSED: Geary, Hirst

MOTION CARRIED

TOWN MANAGER JOB POSTING

The Council discussed and considered finalizing the Town Manager job posting and authorizing the Town Clerk to post the position.

Council President Moffitt noted that he hoped that Brian Rosso would apply for this position and believed they should move forward with advertising for this position. He felt that the pay scale would need to be revised. Councilor Geary asked if the current pay structure aligned with the new position that they were offering. Council President Moffitt did not feel they could pay less than what they had previously been paying. Councilor Davis noted that what Mr. McGarry had earned when he retired was based on how long he had held the position and she did not believe they needed to start someone out at that same salary. She asked if Council President Moffitt had a range in mind and wished to know what Richmond and Charlestown were paying their Town Managers. Councilor Hirst noted that he was concerned about the wording in the job description and wondered what similar towns were paying their Town Managers. Councilor Davis felt that the 2009 ad was fine; she just wished to determine a salary range. Council President Moffitt indicated that based on a 2018 Rhode Island municipal salary survey, Town Managers were earning \$122,000 in Charlestown and \$78,000 in Richmond. He noted that the current base pay is \$103,000 to \$104,000 which is how much Mr. McGarry was earning when he left. He also believed the job description used in 2009 was sufficient. Councilor Davis suggested a salary range of \$90,000 to \$105,000. Councilor Hirst felt that they should set the range at \$85,000 to \$110,000 or \$120,000 based on education and

experience. He wished to assure that the Town Manager understand that the Town Council sets the policy. He also wished for the Town Manager to be familiar with the Town Charter, town ordinances and understand the role of a town manager. Councilor Davis suggested possibly adding a sentence to the ad to make it clear that in Hopkinton the Town Council sets the policy and the Town Manager runs the everyday operation of the town. Councilor Hirst wished to add that “Hopkinton is a Council Manager form of government.” It was discussed that the pay range should be \$85,000 to \$120,000 based on experience; however, Councilor Davis noted that anyone apply for this job will wish to receive the highest number. It was agreed by all Councilors to establish the pay range at \$85,000 to \$115,000. It was noted that the Town Clerk would prepare the ad for the Councilors to review before posting. Councilor Geary asked if they would advertise this position nationally or just locally and it was suggested that they would advertise in the Westerly Sun, post the position with the RI League of Cities and Towns and look at other possibilities.

APPOINTMENT RE: POTTER HILL DAM INFORMATION COMMITTEE

This matter had been scheduled to discuss, consider and possibly vote to appoint Clifford Heil Jr. to Potter Hill Dam Information Committee.

Councilor Hirst noted that Mr. Heil was currently an alternate to the Pawcatuck River Stewardship Council and he believed that both he and Ms. Calderone had influence in that regard; he thought someone else should be used to fill this vacancy. Councilor Davis noted that Mr. Heil was the individual who sent out a lot of the information concerning the Potter Hill Dam and she would welcome his participation in this committee.

Clifford Heil of Chase Hill Road indicated that he had submitted this application because he had already participated in several public information sessions concerning the Potter Hill Dam as the alternate member of the Wood Pawcatuck Wild & Scenic River Stewardship Council and they also held their own workshop with the people involved with the project. He felt that he would be an asset to this Committee because he was already doing things for the Stewardship Council and

some of that work might be useful to the Town. He did note that the town's goals concerning the dam were different than that of the Stewardship's goals.

Councilor Geary asked Mr. Heil what his thoughts were concerning the removal of the dam. Mr. Heil noted that the 2010 flood was a wake-up call regarding the risks associated with this dam and he believed there will be an impact to residents' drinking water and wells. He did not think they could stop this project from going forward; however, he felt as a town they should be attempting to mitigate the impact that it will have. We should be figuring out how we can diminish the negative impact that this is going to have on the town. He believed that in the past DEM has drilled new wells for people so this was something we should be considering. Mr. Heil felt that they should not only be looking at the cost of removing the dam, but assuring that there is a line item for drilling new wells for everyone impacted by the removal. Mr. Heil also noted that when they took down the Bradford dam there was no change in the water level.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO APPOINT CLIFFORD HEIL JR. TO THE POTTER HILL DAM INFORMATION COMMITTEE.

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

OPPOSED: None

SO VOTED

NEW BUSINESS:

FINANCIAL RESOLUTIONS & TAX RESOLUTION FOR FY BEGINNING 07/01/2021

The Financial Resolutions and Tax Resolution for the fiscal year beginning July 1, 2021 had been prepared and were ready for adoption. Councilor Moffitt read the Financial Resolutions:

**TOWN OF HOPKINTON, RI
FINANCIAL RESOLUTIONS**

RESOLUTION NO. 1

RESOLVED: In accordance with R.I.G.L. 44-5-2(c) (4), that the electors of the Town of Hopkinton qualified to vote on any proposal to impose a tax or for the expenditure of money, in a Town Financial Referendum, lawfully assembled on the 8th day of June A.D. 2021 and rejected the proposed budget for Fiscal Year 2021-2022. The estimated tax rate for Real and Tangible property is \$18.53, an increase of \$0.25 from the current rate of \$18.28. The tax rate for Motor Vehicles is \$21.18.

RESOLUTION NO. 2

RESOLVED: That the Town Finance Director be and is hereby authorized and

empowered to credit to any appropriations fund any receipts or donations which apply against that fund and all others not so designated to the General Fund.

RESOLUTION NO. 3

RESOLVED: That the several appropriations specified be expended under the direction and supervision of the Town Council, except those pertaining to public school, bills payable, and interest which sum shall be disbursed and paid out by the Town Finance Director.

RESOLUTION NO. 4

RESOLVED: That the Town Finance Director of the Town of Hopkinton be and is hereby authorized and empowered to borrow upon the credit of the Town as the same may be necessary during the present Fiscal Year such sum or sums as may be required to meet the expenses and obligations of the Town, provided however, that such loans shall not at any time exceed the sum of one million five hundred thousand dollars (\$1,500,000.00).

RESOLUTION NO. 5

RESOLVED: That the over-expenditures in the 2020-2021 Fiscal Year Budget, identified by the Town Finance Director, are hereby approved.

Councilor Hirst asked Solicitor Sypole if these resolutions should be voted on individually or collectively. Solicitor Sypole was unsure and asked Finance Director Brian Rosso for his opinion.

A MOTION WAS MADE BY COUNCILOR HIRST TO APPROVE

RESOLUTION NO. 1. Motion was withdrawn.

Mr. Rosso suggested that historically they have been voted on collectively as a Financial Resolution but he did not see an issue of voting on them individually. Council President Moffitt questioned Councilor Hirst if he had an objection to any one of the resolutions and Councilor Hirst did not. Councilor Davis wished to note that Resolution No. 1 was an increase and not a decrease for they will be going from \$18.28 to \$18.53. Councilor Marvel indicated that he read this the same way; however, right above that it notes that the voters rejected the increase. Mr. Rosso explained that when the voters rejected the proposed budget on June 8, 2021, it meant that the town would have to go back to using the alternate budget which was last year's budget adjusted for this year's school budget. There was an increase in the school budget so therefore there will be an increase in the town budget to cover that cost. They will use the operating budget from FY 2021 but update the figures from the school budget, which was an increase of roughly \$500,000.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPROVE FINANCIAL RESOLUTIONS NO.1 THROUGH RESOLUTION NO.5.

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

OPPOSED: None

SO VOTED

Council President Moffitt read the Tax Resolution:

TAX RESOLUTION

RESOLVED: That the Town Council of the Town of Hopkinton based on the budget adopted by vote of the Town Council on June 21, 2021 pursuant to section 2370 of the Hopkinton Town Charter following rejection of the proposed FY 2021/2022 budget by the voters at the Financial Town Referendum on June 8, 2021, hereby impose a tax levy at a Town Council Meeting held this 21st day of June 2021, and order the apportionment and collection of a tax on the ratable real estate and tangible personal property in a sum not less than \$19,600,413 and not more than \$20,600,413. Said tax is for ordinary expenses and charges of the Town, for payment of interest and indebtedness, and for the purposes authorized by Law. The Assessor shall apportion said respective taxes upon the assessed valuations of the ratable property of said Town as determined by the said Assessor of the Town as of the 31st day of December A.D. 2020 ~~2021~~, at twelve o'clock midnight, according to Law. The said respective Tax Levies shall be applied to the assessment roll as aforesaid and the resulting tax roll certified by the Assessor to the Town Clerk not later than the 15th day of July A.D. 2021. The Town Clerk on receipt of said completed tax roll shall forthwith make a copy of the same and deliver it to the Town Finance Director, who shall forthwith issue and affix to said copy a Warrant under his hand, directed to the Collector of Taxes of said Town, commanding her to proceed and collect said taxes of the persons and estates liable therefore. Said Taxes shall be due and payable on and between the first day of August and the eighth day of September A.D. 2021 next, and/or may be paid in equal quarterly installments, the first installment of twenty-five per centum on or before the eighth day of September A.D. 2021, and the remaining installments as follows:

Twenty-five per centum on the eighth day of December A.D. 2020 ~~2021~~, twenty-five per centum on the eighth day of March A.D. 2022 and twenty-five per centum on the eighth day of June A.D. 2022. Each installment of taxes, if paid on or before the last day of each installment period, successively and in order shall be free from all charge for interest.

EXCEPTING HOWEVER, that where the combined total of said tax and additional tax levied is an amount not in excess of one hundred dollars (\$100.00) it shall be due and payable in a single installment on and between the first day of August and the eighth day of September A.D. 2021.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective installment period, or periods, as they occur, then the unpaid quarterly payments shall be due and payable immediately and shall bear interest on any unpaid quarterly payments at the rate of twelve (12) per centum, per annum.

RESOLVED: That the Collector of Taxes shall collect and pay unto this Town's Treasury, as the same is collected, the tax this day ORDERED.

Councilor Marvel indicated that some of the language in both resolutions was that the residents of the town had voted to reject the budget. He was concerned that only 160 residents came out to vote; however, the overwhelming response that he received when questioning residents was that they did not know that the budget was being voted on.

Councilor Geary asked if the town had a Facebook page. Council President Moffitt noted

that they should put this matter on the next agenda to discuss how to get information out to the public. Councilor Hirst felt that they should mail out notice to residents.

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR DAVIS TO ACCEPT THE TAX RESOLUTION AS READ.

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

OPPOSED: None

SO VOTED

PRESENTATION RE: RIDEM WYOMING UPPER RESERVOIR DAM REPAIRS

A presentation was conducted by representatives from the RI Department of Environmental Management regarding proposed Wyoming Upper Reservoir Dam Repairs. RIDEM Public Affairs Officer Michael Healey and RIDEM Conservation Engineer Jillian Thompson were in attendance.

Mr. Healey noted that DEM was ready to start the work on repairing the Wyoming Dam, which is a high priority for the State of Rhode Island because it is classified as a high hazard dam. This means that there are real risks to life and property in the event of a failure. In DEM's eyes this repair work is primarily about protecting public safety. Mr. Healey noted that passage of the 2018 Green Economy Bond provided funding to ensure that this project would go forward. The 2018 bond passed with almost 71% of the vote, with more than 2,300 Hopkinton residents supporting it. He noted that repairing a dam is a very complicated project and highly contingent on the weather. DEM cannot promise that there will be no problems between now and the end of this job; however, DEM has promised that they will be accessible, accountable and responsive when there are problems. Ms. Thompson noted that the Wyoming Dam is one of seven high hazard state-owned dams. DEM's 2014 inspection of this dam showed that there was overgrown vegetation; sink holes forming; leakage through walls; and, an inoperable low-level outlet and therefore this dam was rated unsafe. JH Lynch & Sons was awarded this project and DEM expects Phase I construction to begin in the next few weeks. Councilor Geary noted that this was a very active fishing area and was handicap accessible; if they took that parking area away they should make a local statement to inform people of what will be occurring. Ms. Thompson noted that this was in their press release and they have contacted the Wood-Pawcatuck Water Shed Association who will update their website, their maps and their information. Councilor Geary asked if the local State

Representatives and Senators have been briefed on this project and Ms. Thompson advised that they had. Phase II should start in September and they hope to have the project completed by April of 2022.

Chris Shiels of 19 Skunk Hill Road noted that this issue that has been allowed to occur over the last ten years. He was angry that the abutters and residents were not notified or been made aware of meetings. He stated that his concern was the fact that he has had a point well system since 1976, which has never failed, and its life blood is the pond that is directly behind his house. When the water is drawn down, if an issue should arise where they do not have water; who in DEM do they contact and how will this situation be rectified. Mr. Healey suggested that if there is a problem they should contact him at Michael.healey@dem.ri.gov; he could not provide Mr. Shiels with an answer as to what they will do to assist him should his well fail because they do not know what the water level will be when the draw-down occurs; but he noted that he would have an answer for him before they get to that point. Mr. Shiels indicated that many times the people who are directly affected by a project do not get notified and are never called. He felt that tonight's meeting should have been placed on the front page of DEM's website and it should have stated that anyone interested in what was going on with this pond and this dam, should attend. Mr. Healey responded that DEM had put out a press release on Friday letting the press know that they were offering this overview of the repair project to the Town Council tonight and they also put it on their social media channels.

Mr. Healey wished to thank Acting Town Manager Rosso for connecting with him and DEM and asking them to talk about this and they will work with Mr. Rosso and use whatever town channels they have to do some more community outreach.

David Syren of 114 Arcadia Road asked if the look of the dam would change, noting that they had indicated that there would only be repairs performed. Ms. Thompson noted that the dam would look the same and the only area that might change in look would be the right embankment for there will be a new concrete retaining wall. Everything will be loamed and seeded after the work is done and there will be some downstream vegetation removed so it will look a little more cleared out. Mr. Syren was curious as to whether they planned on installing a fish ladder and Ms. Thompson noted that there were no fish runs here so no fish ladders would be installed.

Councilor Hirst asked what the average depth of the pond was and he asked how many people on the pond had points versus wells. Mr. Healey noted that he could follow-up with the Wood-Pawcatuck Water Shed Association to see if they have any data in that

regard. Councilor Geary wished DEM to place signs at the dam stating that the area will be closed for a period of time so people will not be surprised when the work begins.

COMPENSATORY TIME PAY-OUT TO ACTING TOWN MANAGER BRIAN ROSSO

This matter had been scheduled to discuss, consider and possibly vote to approve the pay-out of 160 hours of Compensatory Time, the amount accrued in fiscal year FY20/21, to Acting Town Manager Brian Rosso.

Councilor Geary noted that he was in favor of this pay-out; however, wished to know how the Town Manager’s contract is written in this regard. Mr. Rosso noted that the Town Manager’s contract does not specify this and there is no cap to accrual. He noted that in the past former Town Manager McGarry was paid out on several occasions for his comp time. Mr. Rosso noted that he had taken three days off and came back to find 242 emails; he thereafter realized that there was no way he could use his four weeks of comp time as well as his vacation time. He believed he would be losing some of his vacation time this year but did not wish to lose his comp time as well. He didn’t feel this would be a burden to the town due to the savings the town would realize in not having to pay benefits and salary for that position.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO APPROVE THE PAY-OUT OF 160 HOURS OF COMPENSATORY TIME TO ACTING TOWN MANAGER BRIAN ROSSO.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

No one spoke during public forum.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO RECESS INTO EXECUTIVE SESSION

UNDER: R.I.G.L. 42-46-5(A)(4) ANY INVESTIGATIVE PROCEEDINGS

REGARDING ALLEGATIONS OF MISCONDUCT, EITHER CIVIL OR
CRIMINAL.

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

OPPOSED: None

SO VOTED

The Council reconvened in open session. Council President Moffitt reported no
votes were taken during the Executive Session.

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

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

OPPOSED: None

SO VOTED

ADJOURNMENT

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

SO VOTED

Meeting adjourned at 10:48 P.M.

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk