

State of Rhode Island

County of Washington

In Hopkinton on the fourth day of October 2021 A.D. the said meeting was called to order by Town Council President Stephen Moffitt, Jr. at 6:45 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, Michael Geary, Town Solicitor Stephen Sypole; Acting Town Manager Brian Rosso; Town Clerk Elizabeth Cook-Martin.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO CONVENE OPEN SESSION AND RECESS TO EXECUTIVE SESSION UNDER RIGL SEC. 42-46-5(A)(1) - INTERVIEW: PLANNING BOARD.

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

OPPOSED: None

SO VOTED

The Town Council reconvened in open session and the Council President reported that no votes were taken in Executive Session.

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

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

OPPOSED: None

SO VOTED

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

SWEARING IN CEREMONY TOWN MANAGER BRIAN ROSSO

Newly appointed Town Manager Brian Rosso was sworn in by Town Clerk Elizabeth Cook-Martin. Mr. Rosso's wife and daughter were in attendance.

Mr. Rosso stated that it was an honor to be appointed as the Town Manager and he would do the best of his ability to assist the Council and to manage the operations of the town.

CONSENT AGENDA

The Town Council Meeting Minutes of September 20, 2021 were removed from the Consent Agenda.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO APPROVE THE CONSENT AGENDA AS

FOLLOWS: Approve abatement due to a 2021 Motor Vehicle tax adjustment submitted by the Tax Assessor.

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

OPPOSED: None

SO VOTED

Councilor Hirst noted that at the bottom of page 13 it states ATO and should just be TO in the motion to adjourn.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF SEPTEMBER 20, 2021 WITH THE AMENDMENT.

IN FAVOR: Davis, Hirst, Geary, Marvel

OPPOSED: None

ABSTAIN: Moffitt

SO VOTED

TOWN SOLICITOR REPORT

Town Solicitor Stephen Sypole provided an update regarding the Potter Hill Mill/Dam receivership, noting that he had discovered that the mill property and the dam were in receivership which was being overseen in the Superior Court with Attorney John Dorsey having been appointed the Receiver. For all intents and purposes, this meant that Attorney Dorsey is the owner of the property and anything that is done with this property has to go through him and ultimately through the Superior Court Judge that is overseeing the receivership. Attorney

Dorsey's letter and a review of the Court's records show that no decision has been made as to what to do with the dam and Westerly's priority is taking down the mill buildings. Solicitor Sypole indicated that the dam removal was not imminent and not necessarily something that was going to happen.

Councilor Geary noted that there were water turbines under the mill building.

Councilor Davis believed the permitting process had to occur in October of this year in order to receive approval for the removal project to commence in July of 2022. She wondered what permitting they were considering and if any of that permitting had to do with the dam or whether it was all concerning the mill; if it had anything to do with the dam then the Receiver needed to know about it.

Solicitor Sypole noted that the article that recently appeared in the Westerly Sun indicated that individuals on the Town's staff who were trying to move this project along, were not on the same page with the Receiver nor the Westerly Town Council. Solicitor Sypole believed everything first had to go through the Receiver and the Superior Court in order to be approved. Councilor Hirst noted that he had spoken with Mr. Richard DeFino of the Governor's Office and Westerly Town Council President Sharon Ahern and had sent an email to Mr. DeFino who forwarded it to the Department of Health and also to the Department of Environmental Management. Ms. Ahern indicated that Mr. Rooney, the Town Manager who just resigned, actually signed some paperwork without the authority of the Town Council. Councilor Hirst did not believe the Westerly Town Council had taken a stand regarding the removal of the dam. Council President Moffitt indicated that at 5:30 p.m. this evening the Westerly Town Council met with the Receiver and Council President Ahern addressed this same issue. She said that there was a long way to go and no decision would be made until they knew every option. Councilor Davis noted that Westerly did vote to spend \$400,000 to take the mill down. Council President Moffitt indicated that the Receiver said that they wanted the Town of Westerly to chip in to help clean up the mill because it would take away a dangerous place and increase the value of the property, so the Receiver could maximize creditor payments. As far as the dam is concerned, they do not have a definite direction on which way to go. The Receiver indicated that

Westerly could or could not move forward with the dam removal. Councilor Davis still recommended that they send out a letter which was agreed to by all Councilors. Solicitor Sypole indicated that he has known the Receiver for many years and felt that Attorney Dorsey was easy to work with. It was agreed that the Council would invite Mr. Dorsey to attend a Council meeting so that they could ask him questions. Councilor Davis read a draft letter that she had prepared:

Dear Mr. John Dorsey:

Listed below is an update of the Potter Hill Dam situation from the Hopkinton Town Council's perspective. Please review and let us know if you can attend our next Town Council's meeting on October 18, 2021 at 7:00 pm to explain what you think are the next steps in this situation.

Potter Hill Dam Update 09/29/2021

1. The Town of Westerly applied for and received a grant from NOAA to take down the Potter Mill and the Potter Hill Dam. They are in year two of this grant. If they want to take down the dam by July 2022, they are scheduling to begin the permitting process in the month of October 2021.
2. Hopkinton and Westerly recently concluded a well survey of potential properties that could be negatively affected by the Potter Hill Dam coming down and causing the water level of the Pawcatuck River to drop up to six and a half feet. There were 126 responses. There is considerable concern that many current wells will run dry.
3. Since the NOAA grant is not large enough to cover the total cost of replacement wells for such a large number of properties, Hopkinton has requested the Potter Hill Dam project to help determine potential funding from other agencies or reconsider other alternatives to taking the dam down.
4. At this point, members of the Hopkinton Town Council have spoken with the new Westerly Town Manager about not taking any immediate action that would negatively affect the properties above and below the Potter Hill Dam. However, the Westerly Town Council has voted funds to take down the Potter Mill building and clean up the site.
5. As the court appointed receiver of the Potter Mill and Potter Hill Dam properties, we acknowledge that you have legal control over these properties and we are asking you for your opinion of what should be the next steps and timing in this situation.

Thank you for your cooperation.

Councilor Hirst felt that they should stress that unlike Westerly which has a municipal water system, Hopkinton only has private driven wells, dug wells and points and drinking water sources for Hopkinton need to be bolstered and maintained. Council President Moffitt advised that this letter was only to reach out to the Receiver to put him on notice that they would like interaction with him and they wanted him to know what was going on. Solicitor Sypole suggested that he would be happy to communicate with Mr. Dorsey to help make whatever arrangements were needed.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO SEND THE LETTER TO THE RECEIVER, JOHN DORSEY.

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

OPPOSED: None

SO VOTED

OLD BUSINESS

DECISION RE: PROPOSED AMENDMENT TO CHAPTER 20

This matter had been scheduled to discuss, consider and vote on a motion to either approve or reject an amendment to Chapter 20. Traffic and Motor Vehicles to add Article IV relating to the use of recreational vehicles, introduced and sponsored by Councilor Marvel following completion and closing of the public hearing on September 20, 2021.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO APPROVE THE AMENDMENT TO CHAPTER 20. TRAFFIC AND MOTOR VEHICLES, TO ADD ARTICLE IV RELATING TO THE USE OF RECREATIONAL VEHICLES.

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

OPPOSED: None

SO VOTED

The ordinance amendment follows:

Chapter 20 Traffic and Motor Vehicles, Article IV.

ARTICLE IV – RECREATIONAL VEHICLES

Section 20-66. Recreational Vehicles Defined

“Recreational vehicle” means a motor vehicle, including minibikes, dirt bikes, and snowmobiles, designed to travel over unimproved terrain and which has been determined by the division of motor vehicles as unsuitable for operation on the public way and not eligible for registration for such use. This shall not be construed to include golf mobiles or golf carts, riding lawn mowers, or garden tractors, which are not registered as farm vehicles, but shall include any three (3) wheel driven vehicle and any other four (4) wheel driven vehicle, regardless of type or design, including all classes of all-terrain vehicles.

Section 20-67. Certain Uses Prohibited

Recreational vehicles are strictly prohibited from public streets, public parks, or any walkway, trail, grassy area, field, forest, or in any area within the Town where motor vehicles are not allowed, and shall not be operated, driven, caused to be driven, walked, or parked on public streets, public parks, or any walkway, trail, grassy area, field, forest, or in any area within the Town where motor vehicles are not allowed, or within the boundaries of any public park, or within the boundaries of any property of the Hopkinton Land Trust (HLT).

Section 20-68. Riding on Private Property

No person shall operate any recreational vehicle upon any property or premises owned by another person without the consent in writing of the owner of the property or premises.

Section 20-69. Violations and Penalties

Any violator of Section 20-67 or 20-68 shall be subject to a fine of \$100 for a first offense, \$200 for a second offense, and \$300 for each offense thereafter. Any vehicle used in violation of this ordinance shall be impounded at the owner's expense and shall not be released until all fees have been paid and/or court action has been completed. Violators will be responsible for the cost of all necessary environmental remediation. The Municipal Court has jurisdiction over violations of this section.

Section 20-70. Eluding a Police Officer

No person operating any recreational vehicle in violation of this article shall elude any police officer upon being signaled to stop or upon being told to stop. This section shall apply upon the occurrence of any lawful act by a police officer in telling or signaling any vehicle operator to stop by any oral statement, siren, flashing lights, hand signal, or other signal. This shall apply whether the police officer ordering or signaling the stop is in a vehicle or on foot. This section is intended to prohibit acts to elude a police officer, including acts consisting of increasing speed, changing directions, turning lights off, or taking similar steps to avoid or escape apprehension. Any person in violation of this section shall be subject to an additional penalty of \$200.

Section 20-71. Severability

If any provision of this article is held invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby. The invalidity of any section of this article shall not affect the validity of the remains of the article.

Section 20-72. Exceptions

This ordinance shall not apply to any employee or agent of the Town or HLT or any other local, state, or federal government official or first responder, including authorized members of any fire district or ambulance company, while engaged in the actual performance of his or her duties, nor to any vehicles and/or equipment used by vendors who are under contract with the Town or HLT to provide goods or services or to persons that otherwise have the written permission of the Town or HLT for the use or operation of a recreational vehicle.

This amendment would take effect upon passage. All other sections of Chapter 20 are to remain in full force and effect.

NEW BUSINESS

BID AWARD RE: CRANDALL FIELD PLAYGROUND IMPROVEMENTS PROJECT

This matter was scheduled to discuss, consider and possibly vote to award the bid for the Crandall Field Playground Improvements Project to Yard Works, Inc.

Town Manager Brian Rosso reported that in 2020 they had received a grant from DEM and the town had funded 20% of this project incrementally over 2020 and 2021 through the CIP. The RFP was for the drainage and landscaping work and they received two bids; Mr. Lamphere's recommendation was for Yard Works, Inc. which was significantly cheaper than the other bid. He noted that the Town already had a working relationship with Yard Works as they had worked on the Langworthy Field project. Town Planner Jim Lamphere reiterated that they had received two bids, with the low bid being \$114,986.50 and the other being \$142,961.75; these bids being for the base bid and five alternates which was broken down that way to provide the town flexibility to choose what things the

town staff might be able to do because they have to come up with a match for the grant that they received. Town staff has already demolished the tennis court and old playground and the access road was rough graded in. Mr. Lamphere suggested that they wish to have this project completed as soon as possible in order to be able to plant grass in the growing season. He noted that the plan was to send out another RFP for the playground itself, hopefully this fall, but if not, in the spring.

Councilor Geary questioned whether this playground would be handicap accessible and Mr. Lamphere indicated yes, that was factored into the initial grant that was applied for; there would be accessible playground components.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO AWARD THE BID FOR THE CRANDALL FIELD PLAYGROUND IMPROVEMENTS PROJECT TO YARD WORKS, INC.

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

OPPOSED: None

SO VOTED

BOARDS & COMMISSIONS

Resignation - Wood Pawcatuck Wild & Scenic Rivers Stewardship Council

This matter had been scheduled to discuss, consider and possibly vote to accept the resignation of Elaine Caldarone from the Wood Pawcatuck Wild & Scenic Rivers Stewardship Council.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ACCEPT THE RESIGNATION OF ELAINE CALDARONE FROM THE WOOD PAWCATUCK WILD & SCENIC RIVERS STEWARDSHIP COUNCIL WITH REGRET AND APPRECIATION.

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

OPPOSED: None

SO VOTED

Appointment - Wood Pawcatuck Wild & Scenic Rivers Stewardship Council

This matter was scheduled to discuss, consider and possibly vote to appoint alternate Clifford Heil Jr. as representative to the Wood Pawcatuck Wild & Scenic Rivers Stewardship Council and post the alternate position vacancy.

Councilor Hirst felt that Mr. Heil was a very accomplished individual; however, had a hard time working with people and needed to be a better listener.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO APPOINT ALTERNATE CLIFFORD HEIL JR. AS REPRESENTATIVE TO THE WOOD PAWCATUCK WILD & SCENIC RIVERS STEWARDSHIP COUNCIL AND POST THE ALTERNATE POSITION VACANCY.

IN FAVOR: Moffitt, Davis, Marvel

OPPOSED: Hirst, Geary

MOTION CARRIED

Resignation - Chariho School Committee

This matter had been scheduled to discuss, consider and possibly vote to accept the resignation of David Stall from the Chariho School Committee and commence advertising of the vacancy.

Councilor Hirst believed that the treatment of Pastor David Stall was despicable and deplorable and he felt that the Chairman of the School Committee should be censured for her conduct of not putting items on the agenda as requested by Mr. Stall. He also stated that the School Committee was complicit in the treatment of Mr. Stall. Councilor Geary also admonished the School Committee for their treatment of Mr. Stall.

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR DAVIS TO ACCEPT THE RESIGNATION OF DAVID STALL FROM THE CHARIHO SCHOOL COMMITTEE AND COMMENCE ADVERTISING OF THE VACANCY.

IN FAVOR: Moffitt, Davis, Marvel

OPPOSED: Hirst, Geary

MOTION CARRIED

Town Clerk Cook-Martin advised that she would assure that the vacancy was posted on the town website and advertise for applications to be submitted by October 19, 2021. Thereafter, they could hold interviews at the end of the month or in the beginning of November. Council President Moffitt also noted that he would not object to holding a special meeting for interviews. Councilor Hirst asked the Town Clerk to obtain party affiliations of any applicants.

PUBLIC FORUM

Clifford Heil of 211 Chase Hill Road advised Councilor Davis that her statement that Westerly had received grant money to take down the Potter Hill mill and the dam was incorrect; they only received grant money to take down the dam. Any money that Westerly has allocated for the mill was not part of the grant money. Councilor Davis indicated that the Town Council voted to spend money for the mill. Mr. Heil reiterated that the grant was only for the dam and not the mill. He noted that while listening to Westerly's presentation tonight there was an amendment of the agreement that they have with Fuss & O'Neill for the level of work that they are to conduct for years one and two. He believed Westerly has allocated or agreed upon, or were discussing tonight, agreeing on giving Fuss & O'Neill \$250,000 in support of pursuing the background research of taking down the dam. This is an amendment to an agreement that was signed last year. Mr. Heil noted that he was the only member of the Potter Hill Dam Information Committee who did not live on the river and he has been a dissenting voice on that committee. He noted that his goal was to try to be upfront, honest and straightforward with the data that is being received. He felt they should be very cautious on how they interpret some of this and noted that he had read a letter prepared by Representative Kennedy who referred to 100 properties that are going to cost One Million Dollars; as part of the Committee he noted that they have not come up with that conclusion. They have come up with a list of over 200 people that might be affected. They have not come to any conclusion about the number of people that are going to be affected; they are just trying to put all of the people that may possibly be affected on a list so that if there are any remediation

procedures that occur everyone will be on the list. He felt the town should find people to assist in providing information and get potentially affected residents on the well survey list. Councilor Davis advised that there were still 100 people who had not replied to the well survey and she asked Lisa Pellegrini if they could extend the time for people to respond to the survey which was agreed to. Mr. Heil noted that there were some people who responded to the survey indicating that they had point driven wells, which are very shallow, and they indicated that they did not want to be contacted by the project team. He thought this was scary because if there is any change in the water level associated with the dam, people with point driven wells are going to be the most affected. Councilor Marvel believed that residents should fill out the well survey and allow an engineer to review their well in person. Mr. Heil believed they only wanted to know the depth of the well and what type of a well it was.

Robert Gelinas of the French Village in Ashaway advised the Council that he lives fifteen feet from the river and his point well is seven feet deep. He believed that if the water level dropped he would lose his well and to drill a new well would cost him between \$15,000 and \$20,000. He advised that he is retired and could not afford to drill a new well. Lastly, he asked if the Town had received any COVID money, noting that Woonsocket and Pawtucket had already started spending their money. Council President Moffitt noted that he was unsure if the town had received any money, but it would be allocated for certain things. Mr. Gelinas indicated that Woonsocket was painting and replacing fire hydrants and asked if the town had applied for this money. Council President Moffitt advised that the town would be receiving some money and Town Manager Rosso noted that this money did not have to be applied for, it was something that the State was giving to the cities and towns based on population and there were certain stipulations on the money; it could not just be put in the general fund. Hopkinton was to receive \$1.2 Million Dollars. Mr. Gelinas asked how the town planned on spending that money and Council President Moffitt noted that they would discuss that when it appeared on an agenda. Mr. Gelinas then inquired who received the car taxes money and Mr. Rosso indicated that the town kept that money.

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