

State of Rhode Island

County of Washington

In Hopkinton on the sixteenth day of November 2020 A.D. the said remote meeting was called to order by Town Council President Stephen Moffitt, Jr. at 7:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Stephen Moffitt, Jr., Scott Bill Hirst, Michael Geary, Robert Marvel; Town Solicitor Kevin McAllister; Interim Town Manager Brian Rosso; Town Clerk Elizabeth Cook-Martin and Deputy Town Clerk Marita Murray were present in the Meeting Room; Sharon Davis attended remotely.

The Meeting was held remotely due to the Covid-19 pandemic. The agenda included instructions for participating in the meeting. The meeting was called to order with a moment of silent meditation and a salute to the Flag.

#### **TOWN COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, COMMITTEES**

The Council began discussion regarding Town Council representative appointments to Boards, Commissions and Committees.

Councilor Davis noted that she would like to be the liaison for the Planning Board. Councilor Hirst wished to retain his liaison with the Conservation Commission and Recreation Commission. Councilor Marvel also expressed an interest to be the liaison for the Conservation Commission. Council President Moffitt appointed Councilor Marvel as liaison to the Conservation Commission and Councilor Hirst as liaison to the Recreation Commission. Councilor Geary was appointed liaison to the Zoning Board, Animal Control Commission and Economic Development Commission. It was noted that Council President Moffitt would be the personnel liaison. The other Boards, Commissions and Committees would be decided at a later date.

#### **TOWN COUNCIL APPOINTMENTS OF TOWN SOLICITOR, ZONING SOLICITOR, PROSECUTIONS LAWYER, PROBATE JUDGE**

The Council began discussion regarding appointments of Town Solicitor, Zoning Solicitor, Prosecutions Lawyer and Probate Judge.

Council President Moffitt opened this discussion by reading the following statement: “I am opening this discussion process regarding our town’s legal representation in order to evaluate and to take a good look into what is best for the town and our newly elected town council. Newly elected town councils typically make appointments of employees and advisors for the new term early on. This newly elected council should have the ability to choose our own advisors to provide us with legal counsel for various functions. This is to include the town solicitor, zoning solicitor, and planning board solicitor as they are vital to the legal ins and outs of our daily and long-term operations. They will guide us in our decision-making processes and keep us on sound legal footing. Therefore, I suggest to this council that we move forward with the process to obtain our own legal advisors; it is with optimism that we will find the right fit for this new council. I propose that we move forward as follows for discussion.

- Town council solicitor and zoning board solicitor will share the same legal advisors and allow the planning board to have separate legal advisors.
- The planning board should have separate representation because the zoning board is the avenue of appeal for the planning board decisions and should not be all encompassed together. This is the type of arrangement that many towns choose to follow.
- The town council would then be soliciting proposals from law firms to provide services for two functions: A) town council and zoning B) planning board

I am comfortable with the current Prosecutions Attorney and the Probate Judge because they serve more of an operational function than the strategic function that Solicitors provide the town council, boards and commissions

**Proposed Process for Soliciting Applications and/or Proposals for Town Solicitor**

- Make it known that the council would like to open the process to choose its own legal representation; being the current solicitors or candidates chosen from applicant proposals.

- I would like to propose to place notices in the Westerly Sun and the Providence Journal to receive submitted proposals to provide our necessary legal services. Proposals to be received no later than November 30<sup>th</sup>.
- I would also like to ask the town's current legal advisors, being the town solicitor, zoning solicitor and planning board solicitor to provide letters to the town council indicating whether they would like to continue in their capacities. If so, they must also submit a proposal for consideration.
- Town council members would then review and narrow down the proposals and choose candidates for interviews that they believe are qualified. I recommend each councilor chose two candidates for interview consideration, then ultimately narrowing candidate proposals down to two candidates to be interviewed by the council.
- Schedule interviews with candidates, presumably during executive session or at a special meeting. Date and time to be announced. The town council can discuss the merits and qualifications of the candidates at this meeting.
- Set date to appoint at a regular town council meeting.”

Councilor Geary noted that currently the Town Council and Planning Board shared the same solicitor and the Zoning Board had their own. Council President Moffitt explained that he would like the Planning Board to have separate counsel from the Town Council and felt that the Town Council and Zoning Board could share the same solicitor. There was discussion that an ad should be placed in the paper requesting bids.

Councilor Hirst believed that there should be continuity in town government and believed that Kevin McAllister should remain as Solicitor for he brought an element of professional expertise and continuity; he understood the town; and, he is a solicitor who did not give the Council political advice.

Councilor Geary noted that he knew Kevin McAllister from his work on the Zoning Board and he felt that if the system is working and somebody is doing their job, they should probably stay in that job.

Council President Moffitt noted that Mr. McAllister is welcome to submit a bid.

Councilor Davis agreed with Mr. Moffitt and also felt that the Planning Board should have separate counsel than the Town Council.

Councilor Marvel supported the decision to look at their options concerning solicitors and agreed that the Planning Board should have their own representation.

Councilor Geary questioned the Town Clerk as to what the past practice has been regarding which Boards and Commissions used the same solicitor. Ms. Cook-Martin noted that it depended on what the firm offered; some firms in the past had attorneys who could take care of everything and some only handled certain areas. She noted that the Council could authorize her to prepare an ad, which they can thereafter review and edit. Council President Moffitt authorized Ms. Cook-Martin to prepare that ad. Councilor Davis noted that Council President Moffitt had suggested that bids be returned by November 30<sup>th</sup>; however, she believed that would not be enough time and wished to extend that date.

Solicitor McAllister indicated that he wished the Council to consider that the solicitor's job is more than advising the Town Council, Planning Board or Zoning Board. He explained that on a daily basis the solicitor gets consulted by members of the administration: Town Manager, Police Chief, Tax Assessor, Town Clerk and other departments. Also, the Town gets involved in litigation which is litigated by the Town Solicitor. He believed that most of the legal work is other than attending those Board meetings.

## **CONSENT AGENDA**

The Town Council dispensed with the Consent Agenda at the request of the Town Clerk as the incorrect year was listed for the setting of hearing dates. Set January 4, 2020 as a hearing date for renewal of Campground Licenses; Set January 19, 2020 as the second Town Council Meeting in January due to Martin Luther King Day Holiday; Set January 19, 2020 as a hearing date for renewal of Commercial Haulers Licenses.

## **BOARDS & COMMISSIONS**

### **Planning Board Appointments**

This matter was scheduled to discuss, consider and possibly vote to reappoint Alfred DiOrio to the Planning Board.

Councilor Hirst took exception to these appointments, indicating that historically the Council conducts interviews of the candidates. He wished the Council President to put on the next meeting agenda a discussion on meeting procedures and organization, including appointments and how they would be handled.

Councilor Davis noted that Mr. DiOrio had wished his interview to be held in open session so she thought they would be interviewing him at this meeting.

The Town Clerk disagreed with Councilor Hirst and noted that typically if someone is already serving on a Board or Commission, it was a courtesy to just put them on before the Council and if the Town Council wished this to be changed it could be.

Councilor Davis wished to know if Mr. DiOrio or Ms. Shumchenia were anticipating being interviewed tonight and Ms. Cook-Martin advised that she had not contacted them.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO REAPPOINT ALFRED DIORIO TO THE PLANNING BOARD.

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

OPPOSED: None

SO VOTED

This matter was scheduled to discuss, consider and possibly vote to reappoint Emily Shumchenia to the Planning Board.

A MOTION WAS MADE BY COUNCILOR GEARY AND SECONDED BY COUNCILOR MARVEL TO REAPPOINT EMILY SHUMCHENIA TO THE PLANNING BOARD.

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

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

Carol Desrosiers of Pleasant View Drive thanked the Council members for running for office and indicated that she was looking forward to the new Council working together. An unidentified woman called in concerning a liquor license renewal and it was noted that the matter would be rescheduled for the December 7, 2020 meeting at 7:00 p.m. Joe Moreau of Old Depot Road congratulated the new Council and noted that it was difficult to tell who was speaking so at least for a while they should state their name before they speak. He also wished to get some resolution as to the outstanding fees of \$2,800± that was due on the denied Carapezza solar project. Lastly, he felt that Solicitor McAllister really enjoys working with the Town and he felt he understood the Town. He believed that Solicitor McAllister has really done a good job for the Town. Eric Bibler thanked the new Councilors for serving the Town and congratulated them. He indicated that the Town Charter gives the Council the right to create rules of procedure to govern its own activities and felt this was a great opportunity to formulate some rules of procedure or bylaws.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADJOURN IN HONOR OF THE RETIRING TOWN COUNCIL MEMBERS, FRANK T. LANDOLFI, BARBARA ANN CAPALBO AND SYLVIA K. THOMPSON.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk