

State of Rhode Island

County of Washington

In Hopkinton on the seventh day of December 2020 A.D. the said meeting was called to order by Town Council President Stephen Moffitt, Jr. at 6:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

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

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)(2), STATUS AND LEGAL ADVICE FROM TOWN SOLICITOR REGARDING PENDING AND POTENTIAL LITIGATION INVOLVING THE TOWN, AN OVERVIEW OF THE OPEN MEETINGS ACT AND THE ACCESS TO PUBLIC RECORDS ACT, THE TOWN'S LIABILITY INSURANCE AND PROCEDURAL INTERACTIONS WITH ITS INSURER (THE TRUST), GENERAL COLLECTIVE BARGAINING PROCESS, GENERAL PUBLIC BIDDING PROCESS, AND MISCELLANEOUS STATUTORY AND CONTRACTUAL OBLIGATIONS AND LIABILITIES.

POLL VOTE:

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO RECONVENE IN OPEN SESSION AND CLOSE THE EXECUTIVE SESSION.

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

OPPOSED: None

SO VOTED

Council President Moffitt reported no votes were taken in 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, Hirst, Geary, Marvel

OPPOSED: None

SO VOTED

The regular meeting session was called to order with a moment of silent meditation and a salute to the Flag at 7:00 PM in honor of Pearl Harbor Day. Instructions for participation were included on the agenda.

HEARINGS

LIQUOR LICENSE RENEWALS

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO SIT AS A LICENSING BOARD.

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

OPPOSED: None

SO VOTED

The Council opened a hearing on renewal of the following Liquor Licenses continued from November 16, 2020:

Class BV:

Brick Oven Restaurant – Keith Knott, President, Brick Oven Restaurant of Ashaway, Inc., - 209 Main Street, Ashaway, RI 02804. The applicant was not present.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO HOLD THE MATTER UNTIL LATER ON THE AGENDA.

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

OPPOSED: None

SO VOTED

Class B-LIMITED:

Main Street Pizza, Christopher Hoinsky, President, CHS, LLC, 229 Main Street, Ashaway, RI 02804. Fees were paid and notice posted. Manager Justin Madden called in remotely.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO GRANT RENEWAL OF THE CLASS B LIMITED LIQUOR LICENSE TO MAIN STREET PIZZA SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

Class BV:

Brick Oven Restaurant – Keith Knott, President, Brick Oven Restaurant of Ashaway, Inc., - 209 Main Street, Ashaway, RI 02804. Keith Knott of the Brick Oven Restaurant called in remotely. Fees were paid and notice posted.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO GRANT RENEWAL OF THE BV LIQUOR LICENSE TO THE BRICK OVEN RESTAURANT CLASS SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

There were no objections to the renewal of the two licenses.

HOLIDAY SALES LICENSE

The Council opened a hearing for a new application for Holiday Sales License: Village Wine & Spirits, 26 Alton Bradford Road filed by Venkat Doddapeneni, M2 Wines, LLC. There were no objections to the issuance of the license.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY

COUNCILOR MARVEL TO GRANT APPROVAL OF THE HOLIDAY SALES LICENSE FOR VILLAGE WINE & SPIRITS SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ADJOURN AS A LICENSING BOARD AND RECONVENE AS COUNCIL.

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

The November 16, 2020 7:30 PM Town Council Meeting Minutes 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 November 16, 2020 6:30 PM Town Council Remote Meeting Minutes; November 16, 2020 7:00 PM Town Council Remote Meeting Minutes;; Set January 4, 2021 as a hearing date for renewal of Campground Licenses; Set January 19, 2021 as the second Town Council Meeting in January due to Martin Luther King Day Holiday; Set January 19, 2021 as a hearing date for renewal of Commercial Haulers Licenses; Approve abatements due to condition adjustments and duplicate billings submitted by the Tax Assessor; Approve refund due to an overpayment by a taxpayer on 2020 real property tax submitted by the Tax Collector.

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

OPPOSED: None

SO VOTED

Councilor Hirst noted that the middle initial of retiring Councilor Frank Landolfi was incorrect; it should be a “T” instead of “D” in the last paragraph on page 6 of the November 16, 2020 7:30 PM Town Council Meeting Minutes.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO APPROVE THE NOVEMBER 16, 2020 7:30 PM TOWN COUNCIL REMOTE MEETING MINUTES AS AMENDED.

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

OPPOSED: None

SO VOTED

COUNCIL PRESIDENT REPORT

Council President Moffitt wished to express the Town Council’s condolences to Chief Palmer and his family for their recent loss.

TOWN MANAGER REPORT

Acting Town Manager Brian Rosso reported that due to the surge in Covid-19 numbers, he had implemented a staggered work schedule of Town Hall employees during Governor Raimondo’s Two-Week Pause and he would continue to follow the Governor’s guidelines.

Mr. Rosso advised that he had interviewed five candidates for the position of Public Works Director and he believed the previous foreman, Dave Caswell, was the best candidate for the position. He noted that Mr. Caswell has worked for the town for thirteen years and has been the foreman for the last nine years. Mr. Rosso felt that Mr. Caswell was easy to work with and got the job done.

Councilor Hirst thanked Mr. Rosso for being the Acting Town Manager and noted that the previous Town Manager, William McGarry, had a very high regard for him.

Councilor Davis concurred with Mr. Rosso’s appointment of David Caswell as the Director of Public Works and noted that Mr. Caswell has responded to her and her neighbors regarding tree cutting and she felt he was a great employee.

Councilor Geary thanked Mr. Rosso for his work and also believed that Dave Caswell was an excellent choice for Director of Public Works.

Council President Moffitt also thanked Mr. Rosso and noted that he was very responsive to any requests.

COUNCIL APPOINTMENTS

APPOINTMENT OF PROSECUTIONS LAWYER

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR GEARY TO REAPPOINT MICHAEL COZZOLINO, ESQ. AS PROSECUTIONS LAWYER.

IN FAVOR: Moffitt, Davis, Geary, Marvel

OPPOSED: None

ABSTAIN: Hirst

SO VOTED

APPOINTMENT OF PROBATE JUDGE

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO REAPPOINT M. LINDA URSO, ESQ. AS PROBATE JUDGE.

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

OPPOSED: None

SO VOTED

OLD BUSINESS

The Council discussed filling the remaining Town Council representative appointments to Boards, Commissions and Committees.

Councilor Marvel was appointed the liaison for the Land Trust and the Police Commission.

Councilor Hirst was appointed the liaison for the Committee on Aging.

Councilor Geary was appointed the liaison for the Historic District Commission.

NEW BUSINESS

RESOLUTION OF THE TOWN COUNCIL RELATING TO STATE ASSISTANCE DURING THE COVID 19 EMERGENCY

Council President Moffitt read the Resolution.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADOPT A RESOLUTION OF THE HOPKINTON

TOWN COUNCIL RELATING TO STATE ASSISTANCE DURING THE
COVID 19 EMERGENCY.

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

OPPOSED: None

SO VOTED

The resolution follows:

Town of Hopkinton, RI

Resolution of the Town Council Relating to State Assistance During the COVID 19 Emergency

WHEREAS, the Governor and municipal leaders across the state have declared a state of emergency as a result of COVID-19; and

WHEREAS, municipal leaders have worked cooperatively and productively with the state administration to respond to and contain the virus; and

WHEREAS, the Town of Hopkinton has incurred expenses associated with its efforts to respond to and contain the virus; and

WHEREAS, cities and towns have been given guidance that there will be delays in receiving reimbursements from the Federal Emergency Management Agency (FEMA) for qualifying COVID-19-related expenses; and

WHEREAS, the state has received \$1.25 billion dollars under the CARES Act's Coronavirus Relief Fund to cover state and municipal costs associated with the emergency; and

WHEREAS, the U.S. Department of the Treasury has stated that the Coronavirus Relief Fund may be used for COVID-19 expenses not otherwise reimbursable by FEMA, including public safety expenditures, personnel costs associated with COVID-19 response and the mandatory local match for expenses submitted to FEMA; and

WHEREAS, according to the National League of Cities, Rhode Island is one of only three states that have not distributed a portion of their Coronavirus Relief Fund to local governments; and

WHEREAS, cities and towns across Rhode Island face potential revenue risks resulting from the economic impacts of COVID-19, including a possible reduction in state aid programs, lower collection rates of property taxes, and other business activity revenue losses, all of which could exceed \$100 million; and

WHEREAS, the state has withheld scheduled state aid payments in the current fiscal year by over \$50 million dollars through the beginning of August; and

WHEREAS, the state has not yet completed a budget for Fiscal Year 2021, creating even greater uncertainty about expected aid to local governments and schools.

NOW, THEREFORE, BE IT RESOLVED that this Council calls on the Governor to execute a plan for distributing CRF funds to cities and towns taking into account expenses incurred and revenues lost by each city and town as a result of the emergency; and

BE IT FURTHER RESOLVED that the Council urges the General Assembly to fully fund the state education funding formula at the FY 2021 projected levels and to support total state aid to local governments at the same aggregate levels as in FY 2020.

DISCUSSION RE: SENIOR CITIZENS ISSUES/CONCERNS – REACTIVATE COMMITTEE ON AGING

The Council began discussion on senior citizen issues and concerns including discussion on reactivating the Committee on Aging requested by Councilor Hirst.

Councilor Hirst noted that Hopkinton had a significant senior population and senior issues and needs should be addressed. He wished to remind people that usually commencing in January, senior citizens were entitled to request a reduction of their property taxes depending on their income. He wished to have the Committee on Aging reorganized because a good active committee can check on resources and hold exhibitions in town to let senior citizens know what services are available to them. He felt that the biggest problem in the town was transportation. He asked the Council members to see if they can recruit people to populate the Committee on Aging and to check what other towns are doing in this regard. He noted that anyone, no matter their age, can contact United Way (2-1-1) for assistance. Councilor Hirst wished the Committee to come up with a print-out of information and resources that may be available to assist the elderly. He asked the Council to help get the word out and maybe put up some posters to try to get individuals to volunteer to sit on this Committee.

Councilor Geary asked the Town Clerk how many people were needed to sit on this Committee and she indicated five.

Council President Moffitt noted that the elderly did not always have access to computers or cell phones so they should make their recruitment approach to everybody; not necessarily just the elderly.

Councilor Marvel thanked Councilor Hirst for bringing this matter to their attention.

Councilor Davis thought this was a great idea and wondered when this Committee was last active; and noted that during Covid there are a lot of other resources available to deliver or pick up food for the elderly. She believed that having one place where all of this information can be collected and then disseminated was a great idea. Town Clerk Cook-Martin noted that she would check to see when this Committee was last active.

LAND TRUST REQUEST FOR WAIVER OF BUILDING PERMIT FEE

Councilor Geary asked the Town Clerk if she could explain what this project was about and she indicated that she had sent a copy of the agenda to Marilyn Grant, the Chairperson for the Land Trust. She noted that this has to do with a trail that the Land Trust is putting in by the Depot Square in Hope Valley known as the

river walk and indicated that this building permit fee was a large sum for a non-profit organization to pay. Deborah O’Leary of the Conservation Commission was present and noted that the project was for an accessible trail, meaning that people in wheelchairs or people pushing strollers would be able to use it. This project has been a lot of work and a long time coming; it will be an excellent area for seniors to access. She also noted that most of the money used to make this trail came from a DEM grant. Councilor Marvel asked Ms. O’Leary if there was a site plan or diagram of what the proposed project would look like. Ms. O’Leary indicated that she would ask Harvey Buford if he had a copy of the plan and she would get it to the Council.

A MOTION WAS MADE BY COUNCILOR GEARY AND SECONDED BY COUNCILOR HIRST TO APPROVE THE REQUEST OF THE HOPKINTON LAND TRUST BOARD OF TRUSTEE CHAIRWOMAN MARILYN GRANT FOR A WAIVER OF THE \$1,020.00 BUILDING PERMIT FEE FOR BUILDING PERMIT #11154 FOR PROPERTY LOCATED AT 9 MECHANIC STREET IDENTIFIED AS AP 27 LOT 182B, FOR THE CONSTRUCTION OF THE DEPOT SQUARE/BRUSHY BROOK TRAIL.

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

OPPOSED: None

SO VOTED

TOWN CLERK APPROBATION OF MARITA MURRAY AS DEPUTY TOWN CLERK

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO GRANT APPROBATION FOR THE TOWN CLERK’S APPOINTMENT OF MARITA MURRAY AS DEPUTY TOWN CLERK TO NOVEMBER, 2022.

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

OPPOSED: None

SO VOTED

PROPOSED AMENDMENT TO ZONING DISTRICT USE TABLE – TOM & CYNTHIA SCULCO

This matter was scheduled to discuss and consider scheduling a workshop regarding the petition to amend the Zoning District Use Table to amend permitted

uses for solar energy systems and to update the review and approval procedures for solar energy systems submitted by Peter Skwirz, Esq. on behalf of clients Tom & Cynthia Sculco.

Town Clerk Cook-Martin noted that she had sent a copy of the agenda to Attorney Skwirz asking if there were any dates that he would not be available; however, she had not received a response prior to the meeting. Councilor Hirst noted that he had initially sponsored this as a courtesy to Attorney Skwirz. He asked Solicitor McAllister if there would be any problem with the Council putting this matter off until the next meeting in order to wait for a response from Attorney Skwirz. Mr. McAllister noted that there was no problem putting this matter off until the next agenda in order to get that input; however, this matter was already scheduled for a hearing before the Council on January 19, 2021.

A MOTION WAS MADE BY COUNCILOR HIRST TO PUT THIS ON THE AGENDA FOR THE NEXT COUNCIL MEETING OF DECEMBER 21, 2020 FOR DISCUSSION. Said Motion was withdrawn.

Councilor Davis noted that the proposed changes were substantial and believed this proposal should be talked about in a more informal way. She did not feel that putting this off to pick a date would be helpful and she wished to pick a date now so that they can talk about it in an informal way. She noted that this proposal would change the Farm Viability Act, the PSES ordinance and zone designations. She felt that they should have time to talk about it in an informal way to make sure they totally understand the full parameters of this proposed ordinance, before the January hearing. Solicitor McAllister noted that Councilwoman Davis was correct and this was an enormously complicated proposal. He noted that there was a time table set forth in R.I.G.L. 45-24-51 which requires the Town Council to hold its public hearing 65 days after receipt of the proposal. The January 19th date could not be extended unless the applicant, through, Attorney Skwirz, agreed to it; they have a statutory right to force the Council to stick to the statutory time table. Solicitor McAllister noted that because of the complexity of the proposal

he felt that Councilwoman Davis was correct in that it would be best to pick a date tonight to talk about this proposal informally. Councilor Hirst felt that this matter might take more than one workshop to sort through the many issues it presented. Councilor Davis felt that in order to do this right, they needed to hear why the lawyer wrote this the way he wrote it and she believed that this was going to take a lot of discussion. She suggested that they pick December 28th and reach out to Attorney Skwirz to get further information on what he has taken out of the old ordinances and what has changed; she noted that they would need to have the solar and farm viability ordinances in front of them. Councilor Marvel wished Attorney Skwirz to explain his proposed ordinance to them so that they are not making assumptions.

Councilor Geary felt that this proposed ordinance would really change the farm viability and solar ordinances and advised that it proposes to limit how many solar panels you can have on your house; it states that you cannot sell electricity back to National Grid; and, the panels need to be the same color as the roof.

Council President Moffitt indicated that he had read the proposed ordinance and noted that it was something that they needed to discuss, but believed it had a lot of merit. He wished a workshop to be scheduled as soon as possible.

The Council scheduled December 14, 2020 and December 28, 2020 at 7:00 p.m. as workshop dates to discuss the proposed ordinance.

BOARDS & COMMISSIONS

A MOTION WAS MADE BY COUNCILOR GEARY AND SECONDED BY COUNCILOR HIRST TO APPOINT DANIEL BARUTI AS FULL-TERM MEMBER OF THE ZONING BOARD OF REVIEW AS REQUESTED BY THE ZONING BOARD OF REVIEW.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

Joseph Moreau of Old Depot Road noted that he had not known about the passing of Chief Palmer's father until he had read the tonight's agenda. He indicated that

he was grateful that this was included on the agenda. He also wished to congratulate Dave Caswell on his promotion; and, thanked Brian Rosso for doing his dual jobs. Mr. Moreau noted that he had discussed the Committee on Aging with Councilor Hirst and felt that he, as the Director of Public Welfare, would be able to assist with that committee. He was working with Town employees on having a voice mail set-up in order for people to call him. He went on to state that he felt that the town had been divided due to the attempt to change residential properties to commercial; Rhode Island currently has the highest daily Covid cases in the country according to the CDC Covid tracker; and, life is too short. We need to unite our town again and we need to work together to improve the quality of life in our town.

Deborah O'Leary of Pleasant View Drive felt that having a workshop on the proposed ordinance was a very good idea and noted that this was a proposed ordinance so it could be changed as the Council saw fit. She explained that when the Conservation Commission dealt with revisions to the farm viability ordinance, they had a meeting with many of the farmers in town to get their input, they met with a representative of DEM and also held three workshops. She noted that some of the things in the proposed ordinance were disturbing to her.

Clifford Heil of Chase Hill Road welcomed the new Town Council members. He felt that having a workshop regarding this proposed ordinance was a good idea. He asked that the proposed ordinance be made available to the public before the workshop so that people could be prepared. Lastly, he felt that the Planning Board meeting held this past week was a travesty. He noted that he was really disappointed in how that went and noted that it was sad to see some staff and other people in the town being non-supportive and actively working against those efforts. He noted that he has applied to be on the Economic Development Commission and would be willing to sit on any council, commission or board that the Town Council deemed necessary or helpful, but that sort of behavior makes it difficult to want to help this town. Instead of discouraging residents from participating in local government and playing an active role, we need to be encouraging them and supporting them. We need to make sure that it is not just the Town Council supporting them, but also staff members and solicitors.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO ADJOURN IN MEMORY OF THE LATE GARDNER PALMER AND THOSE WHO LOST THEIR LIVES IN THE PEARL HARBOR ATTACK ON DECEMBER 7, 1941 AND FOR SERVING THE UNITED STATES OF AMERICA.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk