

State of Rhode Island

County of Washington

In Hopkinton on the seventh day of June 2021 A.D. the said remote 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., conducted the meeting remotely. Scott Bill Hirst, Michael Geary and Deputy Town Clerk Marita Murray were present in the Meeting Room, Stephen Moffitt, Jr., Sharon Davis, Robert Marvel, Town Solicitor Stephen Sypole and Acting Town Manager Brian Rosso participated remotely.

The Council recessed to Executive Session.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ENTER INTO EXECUTIVE SESSION UNDER RIGL SEC. 42-46-5(a)(2) EXISTING LITIGATION AND RIGL SEC. 42-46-5(A)(1) INTERVIEWS – POTTER HILL DAM COMMITTEE.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR HIRST TO RECONVENE IN OPEN SESSION.

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

OPPOSED: None

SO VOTED

Council President Moffitt reported that no votes were taken in Executive Session.

A MOTION WAS MADE BY COUNCILOR GEARY AND SECONDED BY COUNCILOR HIRST 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 at 7:00 p.m. with a moment of silent meditation and a salute to the Flag.

HEARING

**PROPOSED ZONING DISTRICT USE TABLE AMENDMENT TO PROHIBIT
ADDITIONAL GAS/DIESEL STATIONS**

This matter was scheduled in order to reconvene the hearing on proposed text amendments to the Town’s Zoning Ordinance District Use Table. The intent of the proposed amendments are to prohibit any additional gas/diesel stations; to allow electric charging stations in commercial, manufacturing and neighborhood business zones, including the two current gas stations. This proposed amendment had been introduced and sponsored by former Councilor Sylvia Thompson, scheduled on the November 2, 2020 Town Council Agenda where the hearing date was set for February 16, 2021. The hearing was continued to March 15, 2021 on February 16, 2021. The hearing was held and was continued to June 7, 2021 during the March 15, 2021 Town Council Meeting.

Proposed amendments to the Zoning Ordinance, Appendix A; Chapter 135

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

Proposed amendments in bold italics:

<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>
<i>559 Electric Charging Stations</i>	<i>N</i>	<i>N</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>

Section 8. Nonconforming development (C. Addition, enlargement, expansion, replacement or intensification of a nonconforming development shall be allowed by special use permit. ***Unless prohibited in the district use table.***

Sylvia Thompson was present and all fees were paid and notices posted.

Council President Moffitt asked Ms. Thompson to recap her proposal and she advised that currently gas stations were permitted in commercial zones and allowed in manufacturing zones with a special use permit. She proposed that there be no new gasoline/diesel stations allowed. She noted that the Planning Board's first advisory opinion did not agree with her suggestion; however, they did wish to recommend changing a gasoline diesel station in a commercial zone to be by special use permit. She was proposing prohibiting any new gas stations to ensure that no large truck stop could come into town and to protect the aquifer for the 99% of the town that relies on groundwater. She noted that the vote to deny the Love's Truck Stop was a 3-to-2 vote; and, this was appealed. The town was in litigation for over ten years before it finally won before the Supreme Court. Ms. Thompson noted that there were already two gas stations in town, three stations within a mile of the Connecticut border and four gas stations in Hope Valley so residents have easy access to nine gas stations. She noted that the Planning Board advisory as written, allows for gas stations as well as large truck stop style gas stations.

Councilor Geary understood that they did not wish a large truck stop to come to town; however, he did not want Hopkinton to be known as business unfriendly. He further noted that the Ashaway and Bradford gas stations were extremely busy this past weekend.

Councilor Hirst felt that there should be a potential to have a gas station in the northern part of town and possibly restricting the size of the tank to limit the size of the gas station may be in order. He indicated that he would be receptive to requiring a special use permit for a gas station in a commercial zone.

Councilor Marvel believed that the Council's first priority should be in the protection of the town and its residents and therefore they should consider the aquifer. He was in favor of prohibiting gas diesel stations across the board. He also noted that he was in favor of bringing businesses to town, but not just any business and he felt that gas stations were not appropriate.

Council President Moffitt and Councilor Davis both agreed with Councilor Marvel and noted that they were in favor of Ms. Thompson's proposed amendment.

Councilor Hirst believed that the State is being more restrictive on gas tanks and where they are stored and they have better regulations in place.

Councilor Marvel responded by indicating that hybrid vehicles have been around a long time and he believes we will be seeing all electric vehicles in the very near future.

Ms. Thompson suggested closing the hearing on gasoline diesel stations and scheduling that for a decision and referring the Planning Board's advisory opinion regarding the matter of electric charging stations to the town's engineering firm asking them to provide language to the Planning Board so they could provide a new advisory opinion.

Solicitor Sypole indicated that they could treat gasoline diesel service stations and electric charging stations as separate issues.

Roger Perry of Chase Hill Road felt that by only having two gas stations in town, there was not enough competition. He also felt the Council should put a limitation on the size of the storage tank that a new gas station might have so that a truck stop style station would not be allowed.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO CLOSE THE HEARING REGARDING GASOLINE/DIESEL SERVICE STATIONS AND TO SCHEDULE THAT FOR A DECISION.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO SCHEDULE A DECISION REGARDING THE PROPOSED TEXT AMENDMENT PROHIBITING ADDITIONAL GASOLINE/DIESEL SERVICE STATIONS TO THE JUNE 21, 2021 MEETING.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO CONTINUE THE HEARING ON THE PROPOSED TEXT AMENDMENT REGARDING ELECTRIC CHARGING STATIONS IN ORDER TO OBTAIN ADDITIONAL INFORMATION FROM THE TOWN’S ENGINEERING FIRM AND A NEW ADVISORY OPINION FROM THE PLANNING BOARD.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO CONTINUE THE HEARING REGARDING ELECTRIC CHARGING STATIONS TO TUESDAY, SEPTEMBER 7, 2021.

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO Approve Town Council Meeting Minutes of May 17, 2021; Set Tuesday, July 6, 2021 as the first meeting in July due to the Independence Day Holiday; Set Tuesday, September 7, 2021 as the first Town Council Meeting in September due to the Labor Day Holiday; Approve refunds due to overpayments by escrow companies submitted by the Tax Collector: Ratify and approve the Fifteenth Local Declaration of Emergency from June 7th, 2021 to July 6th, 2021.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

1. This matter was scheduled to discuss and consider setting June 21, 2021 for a 90-minute QPR (Suicide Prevention) Training, sponsored by Councilor Davis.

Councilor Davis indicated that she was on the committee for “Healthy Minds/Healthy Bodies” and she had visited the Chariho Youth Council where there was a representative who indicated that he had made this training available to the Richmond Town Council and she felt that it would be good for the Hopkinton Town Council to take this training.

Councilor Hirst felt that the Councilors should be focusing on town policies, ordinances and things of that nature. He felt that possibly having the police officers take this training, as well as Wood River Health Services or the South Shore Mental Health Clinic would be in order, but he not interested in spending 90 minutes on this issue.

Council President Moffitt noted that he was in favor of having this training and felt it was a worthy discussion and he was willing to host this event.

Councilor Geary supported this training; however, indicated that he would not attend due to having received this training through his employment in the past.

Councilor Marvel was in favor of having the training and felt it could be held during a regular council meeting or at a different time.

The Council scheduled this training for the June 21, 2021 meeting to commence at 6:30 p.m.

2. This matter was scheduled to discuss and consider development of a charge for the Potter Hill Dam Committee including establishing a suitable name.

Councilor Hirst suggested that name of this committee be the Potter Hill Dam and Pawcatuck River Committee because the issues are not strictly related to the dam. He felt this committee should look at the financial implications of removing the dam and determine whether DEM will provide low cost loans for residents who will need to install new wells. He also noted that he would like to be a liaison to this committee.

Council President Moffitt suggested the name of the committee be the Potter Hill Dam Information Committee because he would like to see this committee tasked with gathering information.

Councilor Hirst suggested that there was debris from the mill which impacts neighboring properties.

Councilor Geary noted that he liked the name that Council President Moffitt had suggested and he liked all of the candidates that they had interviewed. He suggested that once this Committee is formed, they should all meet with the Westerly Town Council and all others involved in this project and come up with a plan.

Council President Moffitt felt that the committee should come up with pros and cons and have a fact-finding mission regarding wells, property values, docks and wildlife habitat.

Councilor Davis reiterated that there are only two options being considered at this time and that was to do nothing or to remove the dam.

Councilor Marvel asked what was expected of this committee; would they just obtain information or would they be making a recommendation and it was noted that they would do both.

There was discussion on whether there should be five or seven members of this committee. Councilor Hirst believed this should be a seven member special committee, noting that there had been another application submitted to the Town Clerk's office today to make six interested persons. He felt that this committee should start as soon as possible, would only be used for this purpose and would disband after this matter was concluded. He felt that the committee should make reports to the Council from time to time.

Council President Moffitt suggested their goal be to make a recommendation based on the information that they gather.

A MOTION WAS MADE BY COUNCILOR HIRST TO ACCEPT THE CHARGE OF THE POTTER HILL DAM INFORMATION COMMITTEE AS RECOMMENDED BY THE TOWN CLERK AND THEY SHALL MAKE A RECOMMENDATION TO THE TOWN COUNCIL. (Motion withdrawn.)

Council President Moffitt noted that there had to be some guidelines established and there would need to be a chairman appointed, establish a schedule of

meetings, frequency, location and they will have to post agendas and minutes.

Councilor Hirst noted that the Town Clerk should set up an initial meeting of this committee to select a Chairperson and Secretary and to establish a meeting schedule to include frequency of meetings and location of meetings. Regarding their charge, he wished it to be as noted and he wished to add (1) financial support and loans for residents if the river and dam situation is changed; and (2) removal of debris from the mill impacting neighboring properties as well as the local fire district added as part of the committee's charge.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADOPT ALL AREAS OF STUDY AS OUTLINED IN THE POTTER HILL DAM STUDY COMMITTEE MEMO AND THAT THE COMMITTEE BE IN EFFECT FOR AN INDEFINITE PERIOD OF TIME UNTIL DISCHARGED BY THE TOWN COUNCIL.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ADD THAT THIS COMMITTEE ALSO BE CHARGED WITH STUDYING THE DEBRIS FROM THE MILL IMPACTING NEIGHBORING PROPERTIES AND THE TOWN OF HOPKINTON AND LOCAL ASHAWAY FIRE DISTRICT AND FINANCIAL SUPPORT AND LOANS FOR PRIVATE RESIDENCES IF THE RIVER AND DAM SITUATION IS CHANGED.

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

OPPOSED: None

SO VOTED

Gina Fuller, District Manager of the Southern RI Conservation District of 19 Moriah Drive, Westerly, RI stated that she thought it was great that they were setting up this committee to get some answers as to the Potter Hill Mill Dam Project. She wished the Council to know that they will be having their second informational meeting on Thursday, June 10, 2021 at 6 p.m. to share information

regarding wetlands, wildlife, results of their well study and additional information. This meeting, as well as the last meeting in March will be recorded and placed on the Town of Westerly's website. This would be a good opportunity for the committee to ask questions and they should look on the Town of Westerly's website for information.

Council President Moffitt advised that it was hard to find information on the Town of Westerly's website and Ms. Fuller indicated that she would check and assure that it would be on their main page.

Joseph Moreau of Old Depot Road stated that he had sent an email to a member of the Town Council asking if someone could contact him concerning the proposed Potter Hill Dam project. He noted that he had lived in Coventry for over forty years and they were having similar issues at the Johnson Pond. He felt that it might be helpful for someone to reach out to the Johnson Pond Association to discuss this matter.

3. This matter was scheduled to discuss, consider and possibly vote to appoint members to Potter Hill Dam Committee.

Councilor Hirst indicated that he would like to nominate Robert Gelinas and Marie Ward even though they had not been interviewed and he supported all of the candidates that had been interviewed.

Council President Moffitt also indicated that he knew Ms. Ward and would agree to her appointment to this committee.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO APPOINT TO THE POTTER HILL DAM INFORMATION COMMITTEE THE FOLLOWING INDIVIDUALS WHO WERE INTERVIEWED: JAMES DUKSTA, ROGER PERRY, HOWARD MILLS AND CARL ROSEN.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO APPOINT ROBERT GELINAS TO THE POTTER HILL DAM INFORMATION COMMITTEE.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO APPOINT MARIE WARD TO THE POTTER HILL DAM INFORMATION COMMITTEE.

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

OPPOSED: None

SO VOTED

4. This matter was scheduled to discuss and consider the Town Manager hiring process.

Council President Moffitt thanked Brian Rosso for his hard work over the last six to seven months. It was agreed by all councilors that they should address the hiring of a Town Manager. Councilor Hirst wished that this matter be advertised and that they follow the Town Charter. He noted that he was looking for someone who was qualified, experienced and had good people skills; he wished the Manager be someone who respected the Town Council. Councilor Hirst suggested that they come up with a questionnaire for potential candidates to complete for the Council's review. Council President Moffitt thought that they needed a salary range for advertising. Councilor Hirst wished this matter added to the next agenda in order to obtain some prices for advertising; to get a better idea of how they would be proceeding; and, where they would like to advertise. Councilor Davis noted that the Town Clerk had previously provided them with information about the process.

It was agreed that this matter would be continued to the next regular agenda of June 21, 2021 to determine how to proceed in this regard.

PUBLIC FORUM

Joseph Moreau of Old Depot Road wished to thank Solicitor Sypole and Brian Rosso for responding to one of his recent emails. He noted that it has been very difficult lately to receive answers to questions from some Council members as well as Planning Board members; noting that the Planning Board has changed its operating procedures. Mr. Moreau stated that at the Planning Board meeting of June 2, 2021 he asked, through the Chair, for answers to two questions concerning site visits and what the process was for the Planning Board attorney to answer questions from residents, but never received an answer. He sent an email to a Town Council member discussing his concerns but has not received a response. On June 3, 2021 he sent an email to the Planning Board Chair, Planning Board attorney and Town Council liaison but has not received any response. He noted that the residents pay the salary of the Planning Board attorney and they deserve answers to their questions. He noted that he thereafter called Al DiOrio, the Planning Board Chairman who returned his call the next day. Mr. DiOrio explained to him that the Board has been issued new guidelines not to respond to questions concerning projects before the Board. Mr. Moreau felt that was a 360 degree change from what was in effect before. He wished the Planning Board attorney would have discussed the new guidelines months ago. He suggested in his email that the Planning Board attorney should explain the changes at a future meeting because the residents deserved answers. He has never received a response from the attorney. If they want more residents to be involved with Boards and Commissions, they need to listen to their concerns and questions and provide them with answers.

Councilor Geary was concerned that the Planning Board attorney would make a statement like that before consulting with the Town Council. Mr. Moreau added that Mr. DiOrio was very respectful and did respond to his phone call; but the guidelines have changed and he did not agree with that. He noted that his question was simple, who would be allowed to go on site visits. If a resident showed up at a site visit, who would tell that resident that he/she could not attend the site visit with the representatives and the Planning Board. He felt this was a very simple question but he has yet to receive a response. He also was

disappointed that he has not received any response from the liaison of the Planning Board.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO ADJOURN IN MEMORY OF PATRICIA PATNOAD HARRISON.

SO VOTED

Marita D. Murray

Deputy Town Clerk