

State of Rhode Island

County of Washington

In Hopkinton on the seventeenth day of May 2021 A.D. the said remote meeting was called to order by Town Council President Stephen Moffitt, Jr. at 7:00 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 and Michael Geary were present in the Meeting Room, Sharon Davis, Robert Marvel, Town Solicitor Stephen Sypole, Acting Town Manager Brian Rosso and Town Clerk Elizabeth Cook-Martin participated remotely.

The Council convened the meeting with a moment of silent meditation and a salute to the Flag. Instructions for participating in the remote meeting were included on the agenda.

HEARINGS

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

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

OPPOSED: None

SO VOTED

MULTI – EVENT PERMIT HOLLY TREE CAMPGROUND

This matter was scheduled to open a hearing on an application for a Multi-Event Permit filed by Jennifer Johnson of Holly Tree Campground to hold two music entertainment events for their campers on the following dates: Saturday, July 31, 2021 and Saturday, September 4, 2021. The events will be held in the Camp Pavilion at Holly Tree Campground located at 109 Ashaway Road, Ashaway, RI 02804 from 7:00 PM to 11:00 PM. The events are not open to the public. This matter was continued from May 3, 2021.

Jennifer Johnson was present on behalf of the applicant. Filing fees were paid and notice posted.

Ms. Johnson explained that they have had these two bands play in previous years. Councilor Hirst noted that this license was routinely approved unless there were complaints by abutters.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO APPROVE A MULTI-EVENT PERMIT TO HOLLY TREE CAMPGROUND TO HOLD TWO MUSIC ENTERTAINMENT EVENTS ON SATURDAY, JULY 31, 2021 AND SATURDAY, SEPTEMBER 4, 2021.

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

The FTA Meeting Minutes of May 4, 2021 and monthly financial/activity report: Town Clerk, were removed from the Consent Agenda.

Councilor Davis noted that one page of the May 4, 2021 FTA Minutes reflected the incorrect date of May 5, 2021. Also, on page 3 in the third paragraph, third line, the word “interesting” should be changed to “interested”. Regarding the monthly financial/activity report: Town Clerk, the words “their own” were in there twice and one should be stricken.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO APPROVE: THE TOWN COUNCIL MEETING MINUTES OF MAY 3, 2021; THE FTA MEETING MINUTES OF MAY 4, 2021 WITH CORRECTIONS; SPECIAL TOWN COUNCIL MEETING MINUTES OF MAY 10, 2021 AND MONTHLY FINANCIAL/ACTIVITY

REPORT: TOWN CLERK WITH CORRECTIONS.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

RESOLUTION SUPPORTING HOUSE BILL H 6287 AND SENATE BILL S 0871

This matter was scheduled to discuss, consider and possibly vote to support a Resolution in support of legislation, House Bill H 6287 and Senate Bill S 0871, to Request to Waive the Local Maintenance of Effort (MOE) Requirement for Schools.

Acting Town Manager Brian Rosso noted that this had been sent to them by the Rhode Island League of Cities and Towns and there are several municipalities in Rhode Island that are supporting this resolution. He believed this would give the town flexibility if federal funds come in and the town feels the need to reduce funding to Chariho. He felt this was harmless but would give the town some freedom and flexibility. Councilor Hirst noted that Chariho was the only tri-town regional school district in Rhode Island and their school budget was not decided by the Town Councils but rather by the voters. He wondered how this resolution applied to Hopkinton, Richmond and Charlestown. The Councilors discussed what they felt this legislation meant. Mr. Rosso believed the resolution was asking the General Assembly and Rhode Island Department of Education to loosen up on state regulations to provide an exemption of a one-time COVID cost for local maintenance of effort. This would allow the school district to be able to start their budget at 95% rather than 100%. Councilor Geary noted that this Bill has not even made it through the Finance Committee yet and felt that it should just be monitored. Councilors Moffitt and Davis both noted that they supported this resolution. State Representative Brian Patrick Kennedy noted that this Bill was introduced on April 29, 2021, after the deadline, and was a Rule 7 piece of legislation and would apply to fiscal years 2021, 2022 and 2023. He believed that if the school could keep the budget to the 95% level this would give communities an opportunity to recover. Council President Moffitt asked if it was possible that

this Bill could be introduced and voted on in the State budget and Representative Kennedy stated yes and felt that all communities would see a benefit if this legislation was enacted; if enacted it could be included in the budget article dealing with education aid. Council President Moffitt noted that he supported this legislation. Councilor Hirst felt that the school budget mostly consisted of salaries; he asked Representative Kennedy what the position of the American Federation of Teachers and the National Education Association was regarding this legislation and Representative Kennedy noted that he had not received any communication from either entity probably because this bill was so recently introduced. Council President Moffitt read the Resolution:

RESOLUTION OF THE TOWN OF HOPKINTON, RI
REQUEST TO WAIVE THE LOCAL MAINTENANCE OF EFFORT (MOE)
REQUIREMENT FOR SCHOOLS (H 6287, S 0871)

- WHEREAS, the State of Rhode Island, municipalities and school departments are set to receive unprecedented Federal aid; and
- WHEREAS, together we must prioritize the responsible use of this funding to avoid the creation of structural deficits and unsustainable financial challenges for years to come; and
- WHEREAS, all cities and towns are required by Rhode Island General Law to contribute the same level of funding as was allocated in the previous fiscal year to their respective school districts.
- WHEREAS, many school districts are reportedly experiencing surpluses for remote instruction and other COVID-19 impacts, but cities and towns cannot reduce their mandated education maintenance of effort amount; and
- WHEREAS, during the “great recession”, the General Assembly allowed cities and towns to reduce their local maintenance of effort in 2010 and 2011; and
- WHEREAS, with significant Federal funding coming to school districts from the American Rescue Plan school budgets should first rely on Federal funds rather than local taxpayers and similar maintenance of effort relief is warranted; and
- WHEREAS, unless Rhode Island Department of Education exempts one-time COVID-19 costs from local maintenance of effort calculations, cities and towns could face an artificially high spending bar, coupled with tax cap restrictions, that will be unsustainable when Federal funds expire in 2023.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Hopkinton ask that the General Assembly temporarily waive the state MOE requirements for cities and towns allowing them to reduce their local MOE contributions to 95% of their past spending levels for FY 2022 and FY 2023.

BE IT FURTHER RESOLVED that the members of the Town Council of the Town of Hopkinton hereby endorse and urge passage by the General Assembly of House Bill 2021 H 6287 and Senate Bill 2021 S 0871, An Act Relating to Education- School Funding.

Passed as a resolution of the Hopkinton Town Council this 17th day of May, 2021.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY
COUNCILOR GEARY TO ADOPT A RESOLUTION IN SUPPORT OF

LEGISLATION, HOUSE BILL H 6287 AND SENATE BILL S 0871, TO REQUEST TO WAIVE THE LOCAL MAINTENANCE OF EFFORT (MOE) REQUIREMENT FOR SCHOOLS.

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

OPPOSED: None

SO VOTED

RESOLUTION OPPOSING SENATE BILL S 0832

This matter was scheduled to discuss, consider and possibly vote to oppose Senate Bill S 0832 Relating to Taxation – Renewable Energy. An act that would require cities and towns to assess renewable energy resources to be taxed as tangible property and the real property on which the renewable energy sources are located shall not be reclassified, revalued or reassessed, except farmland, which shall be reclassified, revaluated and taxed at the predated farmland classification.

Councilor Geary stated that as of last week this bill was held for further study.

Councilor Hirst suggested that Rhode Island had the most expensive farmland per acre in the United States and farms were very crucial. Council President Moffitt indicated that the Tax Assessor, Elizabeth Monty, had submitted a letter regarding this matter and Mr. Rosso advised that Ms. Monty had done a lot of research and provided testimony on behalf of the town to the Rhode Island League of Cities and Towns. Ms. Monty noted that the Assessor's Association of Rhode Island has discussed this Bill in depth and determined that it will prevent the assessors from valuing property at market level; and also, it will be a retroactive Bill which would mean they would have to pay people back. Part of a valuation is based on the use of the parcel. If someone has solar as a commercial use, they are earning commercial money and this Bill would prevent them from assessing the property in that way. They would only receive the tangible tax of \$5.00 per kilowatt AC capacity on the name plate capacity, which is a past legislation that is used for the tangible tax. This legislation would change any rezoned property back to its original zone. Councilor Davis asked Representative Kennedy if they should go on record saying that they are opposed to this Bill even if it is being held for further study. Representative Kennedy noted that he was not aware of this Bill

but he did feel that it would be in the town's best interest to go on record with their objection. Councilor Davis asked if the Council should draft a resolution and Representative Kennedy felt that the town should either draft a resolution or submit a letter to the sponsor of the Bill as well as the Committee Chair and the Senate President to put it on record. Councilor Davis requested that the Council use Ms. Monty's letter as the basis of their objection. Council President Moffitt was in agreement and Mr. Rosso noted that he could work with Ms. Monty to draft something in this regard. Councilor Hirst asked if the Rhode Island Farm Bureau Federation had taken a stand on this legislation and Representative Kennedy noted that the House has not received any communication regarding this proposed legislation; and, was unsure of what was received on the Senate side. Councilor Hirst believed in encouraging agriculture and felt this was well-intentioned but probably should be reworked.

A MOTION WAS MADE BY COUNCILOR HIRST TO TABLE THE TOWN'S POSITION REGARDING SENATE BILL S 0832 RELATING TO TAXATION – RENEWABLE ENERGY. There was no second to this Motion.

Councilor Geary felt there was room for discussion, which was agreed to by Council President Moffitt. Councilor Davis noted that if this Bill passed they would have to pay back any money the town had received. Council President Moffitt wished to support the issuance of a resolution. Councilor Hirst felt that the Council did not have to weigh in on every topic or support every resolution. Solicitor Sypole offered his assistance in drafting a letter should it be needed and agreed that Ms. Monty's letter and the statement by the Rhode Island League of Cities and Towns provided a very good basis to prepare something.

A MOTION WAS MADE BY COUNCILOR GEARY AND SECONDED BY COUNCILOR HIRST TO OPPOSE SENATE BILL S 0832 RELATING TO TAXATION – RENEWABLE ENERGY BY SUBMITTING A LETTER FROM THE TOWN COUNCIL.

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

OPPOSED: None

SO VOTED

DISCUSSION RE: POTTER HILL DAM PROJECT COMMITTEE

This matter was scheduled to discuss and consider organizing a committee re: Potter Hill Dam project.

Councilor Hirst advised that there was a lot of concern about water tables, wells and depreciation of real estate values in the area of the river if this project was to proceed. He felt wished to organize a committee of five to seven members made up of people who would be most impacted to look at this proposed project in greater depth.

Councilor Geary agreed with Councilor Hirst noting that he was receiving a lot of feedback and emails. He understood why Westerly would want to take down the Potter Hill Mill but he did not understand why they wished to remove the dam; though he has heard that the dam is in disarray and was going to collapse.

Councilor Hirst was concerned about economics and felt that if they removed the dam some abutters would need to install new wells if the water level were to drop significantly. He wondered if the town would have a revolving fund to assist people with low interest loans so they could install new wells. Council President Moffitt felt that Westerly had included the dam with the mill because they are attempting to use grant monies to pay for this. He did agree that they should organize a committee to be made up of residents and subject matter experts.

There was discussion about what the committee charge should be. Councilor Davis asked if the Town Clerk could create a form for people who wished to be on the committee and wished for Jim and Carolyn Duksta, be on the committee.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO SET UP A COMMITTEE OF FIVE TO SEVEN MEMBERS TO REVIEW HOW THE POTTER HILL DAM PROPOSAL WILL IMPACT HOPKINTON RESIDENTS.

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

OPPOSED: None

SO VOTED

DISCUSSION RE: ADJOURNMENT CERTIFICATE

This matter was scheduled to discuss the creation of an adjournment certificate requested by Councilor Hirst.

Councilor Hirst wished to have a certificate prepared with the town seal in the middle to be used to honor someone. It would be signed by the Council President, entire Council or Town Clerk and felt this would be a nice keepsake. Town Clerk Cook-Martin noted that this had not been discussed with her and no one had asked how this would impact her office. She believed that it was very thoughtful and appropriate to adjourn a meeting in honor of or in memory of someone and that tribute remained a part of the permanent record as part of the meeting minutes. She did not feel any more than that was necessary and this would be another job that her office would be required to do. Clerk Cook-Martin suggested that she is usually open to responsible requests but believed this would lead to a lot of work and would be costly to the Town, including staff time, certificate paper, letterhead, mailer envelopes, postage, someone to deliver these and someone to research who would receive them. Clerk Cook-Martin felt this should be given some thought before being enacted, noting that her office had quite a lot to do already and she was not certain that she supported this other than in the meeting minutes as an adjournment in honor of someone.

Councilor Hirst apologized for not consulting the Town Clerk but felt this really would not take long to prepare. Council President Moffitt suggested that he put this on the agenda for Councilor Hirst but his first thought aligned with what Ms. Cook-Martin had stated. He felt that it was very nice to honor people by adjourning in memory of them but to prepare certificates for each one would be too much. Councilor Davis agreed with Council President Moffitt and did not wish to add more work to the Clerk's Office.

Councilor Hirst noted that he would withdraw his request; however, may resurrect it in the future.

PUBLIC FORUM

Representative Brian Patrick Kennedy of Westerly was very happy that the Council was going to organize a committee regarding the Potter Hill issue. He noted that he represents both sides of the river and has received communications from his constituents from Westerly as well as Hopkinton. He believed the main focus of the committee should be any potential change to the water level of the river and specifically if the dam is removed, how we can keep the present water level at what it is today. The information received at the initial public hearing back in March was if there is a drought like last year, they could see a five to six foot drop in the water level, which doesn't include the fact that the sides of the river would decrease resulting in docks along the river being in wetlands rather than the river. Any significant change like that would have a very negative affect on the value of the homes along the river both in Westerly and Hopkinton, but more so on the Hopkinton side because so many people have dug wells.

Representative Kennedy noted that the Westerly water line stopped at the Potter Hill bridge and if Westerly wished to extend that water line into Hopkinton, that might be something that could be part of the discussion. He felt this was a good proactive step to take in order to move forward but he did not believe the committee would have any authority to talk about the mill even though there is a small corner of the mill property located in Hopkinton. He also wished to thank Mr. and Mrs. Duksta for inviting members of the Town Council to take a riverboat ride in order to see what the potential effects could be.

Councilor Davis asked Representative Kennedy who made the decision regarding this proposal, was it the Town of Westerly or at the State level. Representative Kennedy noted that the following parties would ultimately make the decision: Gina Fuller representing the Southern RI Conservation District; Janet Coit of RI DEM; numerous stakeholders including the Towns of Hopkinton and Westerly and the Wood Pawcatuck Watershed organization because this river has been designated for its scenic beauty. Councilor Davis asked who would pay to have the mill and dam taken down. If it was at the state level, possibly the town could request that if the water level decreases by five or six feet, that the state be responsible to pay for impacted abutters to drill deeper wells. Representative

Kennedy advised that when they removed the small Bradford dam, they were able to do so without affecting the level of the water in that area.

Jim and Carolyn Duksta of Chase Hill Road wished to thank Representative Kennedy and the Town Council for allowing a committee to be formed in this regard. They have taken the levels of the river and they are planning on tracking this during the summer. She noted there are a lot of shallow spots in the river even now. She noted that Roger Perry, their neighbor, would also like to be involved in this committee.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ADJOURN IN MEMORY OF SALLY L. (MAIN) CHURCH AND WILLIAM A. (BILLY) CORBIN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk