

State of Rhode Island

County of Washington

In Hopkinton on the second day of August 2021 A.D. the said meeting was called to order by Town Council President Stephen Moffitt, Jr. at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Stephen Moffitt, Jr., Sharon Davis, Scott Bill Hirst, Michael Geary, Robert Marvel; Town Solicitor Stephen Sypole; Acting Town Manager Brian Rosso; Deputy Town Clerk Marita Murray.

**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) REVIEW OF TOWN MANAGER APPLICATIONS.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

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

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

**CONSENT AGENDA**

Councilor Hirst noted a correction was required in the Town Council Meeting Minutes of July 19, 2021 on page 12, last line, where the word resolution should be changed to resignation.

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

FOLLOWS: Approve Town Council Meeting Minutes of July 19, 2021 as corrected; Approve abatements to 2021 tax roll as a result of motor vehicle corrections, tangible and real property adjustments submitted by the Tax Assessor; Approve refund due to an overpayment by the taxpayer on 2021 MV tax submitted by the Tax Collector; Set August 16, 2021 as a hearing date for a Special Event Permit filed by Ashaway Sportsman’s Club for Huck Finn Day.

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

OPPOSED: None

SO VOTED

**PUBLIC FORUM**

Joe Moreau of Old Depot Road commented that it was nice to be back in-person, face to face in the same room. He noted that the Public Forum had been moved up in the agenda and questioned whether people would be allowed to comment on Council discussions of agenda items. Council President Moffitt responded that the plan was for this to be the only time for the public to speak, suggesting that he moved the public forum up on the agenda to allow anyone who wished to speak to whatever was on the agenda prior to the Council voting on any matter. Mr. Moreau wished to discuss the statue at Polish Park which was discussed at the last Council meeting of July 19, 2021. He noted that as of this date the statue has been taken down and is in the process of being turned around to face the road. He noted that as a Veteran he has a lot of concern when it comes to military statues and Vietnam memorial walls. He stated that this statue was actually called the Polish American Citizens Club Statue and there are thirty-nine names listed in very small print which are very hard to read. He went on to state that there are two small stone benches and two wooden benches in the park which are in horrible shape and there is a low rail probably about two feet off the ground. With the statue being turned around, if someone went over that rail they would land close to the road and that part of the road is very dangerous. When you visit that site you have to park on the side of the road and on one side of that road there is no parking at all. In any park or memorial that he has ever visited, he noted that

you can sit in the park and look at the names on the statue and he did not understand the logic in turning the statue around; however, the bigger question was the ownership of the statue. Lastly, he spoke about the Ashaway Ambulance Association requesting an advance of their quarterly disbursement, noting that he has attended all of the budgeting workshop meetings since 2019. His opinion was that the representatives of the Ambulance Association make a presentation and make it sound like we owe them that money and sometimes are looking for more money. He believed that the Ambulance Association was a family affair and suggested that the former Town Manager, William McGarry, had to withhold payments until they provided the correct required paperwork. He believed that at that time there was a bookkeeper and a treasurer so they should have been able to provide the required paperwork. He also noted that he was recently told that there was a check that had been lost. He advised that he knew very little about this organization and he did not know if any financial audits were being performed. He wished there to be an outside audit prepared and reviewed by the town. Fifty-Two Thousand and No/100ths (\$52,000.00) Dollars was a lot of money and he would ask that an audit be done to make sure that the Ambulance Association is operating as efficiently as possible. He wished to thank the volunteers for their time as well as all of the people who are involved in the organization.

Gerard Zarrilli of French Village wished to speak about the Potter Hill dam and noted that he has owned his property for about two years. He asked what phase the Council was at regarding the drafting of the letter to the Town of Westerly requesting a meeting concerning the Potter Hill dam. Council President Moffitt noted that the letter was drafted and had been sent out and he would be reading it. Mr. Zarrilli explained that he had a lot of factual questions about the outcome of tearing down the dam which he believed will have a huge effect on the town. Council President Moffitt advised Mr. Zarrilli that on Tuesday, August 3, 2021 there would be a Potter Hill Dam Information Committee meeting which he should attend and that would be the proper forum to direct his questions.

Denis Rivard of French Village questioned how willing the Dam Committee was to fight to keep the dam intact and was this a priority for everyone involved?

Councilor Davis noted that the land that the dam occupied was in receivership for

the Town of Westerly and they were not interested in any maintenance if they were to repair the dam. Mr. Rivard noted that both Hopkinton and Westerly should make an effort to try to keep the dam in place; the Council agreed that this is what they were trying to do. Council President Moffitt noted that the jurisdiction of this matter was in Westerly and the letter that was sent requests a meeting; however, Westerly does not have to meet with Hopkinton, they do not have to respond at all. The question is, is Westerly willing to allow Hopkinton to be a part of this decision. Mr. Rivard noted that he did contact Senators Reed and Whitehouse but has received no response and he wished the Council to contact them as well. Council President Moffitt noted that a copy of their letter to Westerly had been sent to all of the State Representatives, Congress and Senate. Mr. Rivard wished it pointed out to Senators Reed and Whitehouse that the Biden administration was handing out money like it was candy to overseas causes and this matter should be more important. Council President Moffitt noted that this was a local issue. Mr. Rivard asked what the chances were of Westerly wanting to work with Hopkinton in this matter and Council President Moffitt hoped that it would be a very good chance, though he does not believe the dam will remain in place; he would like to see Westerly do something to fix the dam, but he did not believe that would happen. Mr. Rivard wished that Westerly would look at the possibility of adjusting the height of the water at the dam which would be perfect flood control.

Kadir Koseoglu of Laurel Street stated that he has resided in his home for twenty years and has never had an issue with his well. He believed that if the dam was removed he would lose his water supply. He asked what would happen if he lost his water supply and Council President Moffitt advised that they were attempting to have a meeting with Westerly and were trying to obtain answers to those questions.

Denis Rivard of French Village noted that if people started losing their water, they could not say that they were not going to pay their taxes because the town or Westerly took away their water. Council President Moffitt noted that this was a very different situation. Mr. Rivard reiterated that they just wish the Council to fight for them. Council President Moffitt indicated that they were fighting and

asked for residents to give them a chance. He suggested that anyone interested should go to the Potter Hill Dam Information Committee meeting on Tuesday. Solicitor Sypole indicated that the private landowners might have a remedy available to them through the Court system. This would be a private legal action that might be possible if they were negatively affected by the removal of the dam. This would be a completely separate matter from what the Town Council is able to do. Councilor Hirst indicated that the Council, as much as practical, was trying to advocate with what the public wanted. Mr. Rivard noted that in October of 2017 they dug out the trench in front of the fish ladder because the fish could not get up the ladder. They dug out seventeen yards of material and it was deemed a success for the fish started climbing the ladder again. He thought it just might possibly need a deep cleaning again or possibly a new fish ladder. Council President Moffitt indicated that the dam and mill building were a package deal for Westerly and they want to use NOAA government money and donations in kind to take them both down; they can kill two birds with one stone this way. He believed for Hopkinton this was more of a mitigation situation where we want to advocate for the least amount of impact on wells, property values and the river level. He noted that the Bradford and White Rock dam removals were done with minimal changes in river level. This is the task that the Potter Hill Dam Information Committee is on, to turn over every stone so they can have their ducks in a row when they speak with Westerly. Mr. Rivard believed there was a date set to take the dam down in October but Council President Moffitt advised that this was not the case, October was slated as the end of Phase I; and, that this project was being discussed in phases and Phase II would then begin.

Kadir Koseoglu of Laurel Street asked what if he should lose water in January; should he consider drilling a new well now for the ground might be frozen then. Council President Moffitt suggested he attend tomorrow's meeting of the Potter Hill Dam Information Committee and that he could not answer hypothetical questions. Mr. Koseoglu stated that he has to think of his family and if he lost his water in January or February what would his legal rights be against the Town of Westerly. Council President Moffitt suggested that his right would be to

potentially sue the Town of Westerly; however, he believed that this dam would not be removed in the near future.

### **COUNCIL PRESIDENT REPORT**

Council President Moffitt read the letter that was sent to the Town of Westerly:

“Dear Ms. Pellegrini,

The purpose of my letter is to request a meeting with the Town of Westerly and its partners regarding the proposed Potter Hill Dam removal. The Hopkinton Town Council has appointed a committee to investigate the concerns of residents and would like this committee to be part of any meeting that may be agreed upon to discuss their findings.

This matter was brought to the Town’s attention this past March 2021 when the Town Council was informed that a meeting was being held in Westerly. No notification was provided to Hopkinton Officials. During the site visit, assurances were made that Hopkinton would be involved; unfortunately, this has not happened. Hopkinton has had no seat at the table.

Hopkinton residents are very concerned about the effects and consequences of dam removal and would like to ensure it will be done with great care and sensitivity not only to fish and wildlife but to residents whose wells will be impacted and whose properties will be devalued. Serious consideration should be given to a dam removal plan and design like the one used in the Bradford dam removal and the Kenyon dam removal that will have no impact on residents’ well water; maintain water levels at or near current status; that will improve fish passage; that will remove the risk of dam failure; and, that will have no loss of wildlife habitat.

Hopkinton would like assurances from Westerly that funding has been planned for and will be available to Hopkinton families whose well may need to be replaced because it has failed. The Town of Westerly has Town water. The Town of Hopkinton does not have this infrastructure; we have individual wells.

I appreciate your consideration and attention to this matter of importance to the Town of Hopkinton, RI. Should you wish to contact me, correspondence may be sent to my attention to the Hopkinton Town Clerk’s Office, 1 Town House Road, Hopkinton, RI 02833 and I may be reached by phone at (401) 741-1276. Thank you.

Sincerely,

Stephen Moffitt, Jr., President  
Hopkinton Town Council”

Councilor Hirst noted that he would have liked to include other language which he may put in a letter to the editor or to read at tomorrow night’s meeting of the Potter Hill Dam Information Committee: “Hopkinton would like a discussion on dam retention as a possible option and that federal and state funds be explored, this especially so as the federal government is considering infrastructure legislation. In addition, the boundary of both Westerly and Hopkinton is in the river. The Department of Environmental Management stocks fish on the

Hopkinton side.” He believes this to be a very serious topic and he resents the suggestion that the Potter Hill dam is the same as the dam that existed in Bradford or the other sites because the Potter Hill dam is a large dam. The residents of both towns that border that river are going to face a real estate value loss. Council President Moffitt explained that this process is moving forward and as far as Westerly is concerned this is private property. Councilor Hirst advised that he would possibly like to see low cost loans available for anyone needing a new well. He requested that the Council write a letter to the four members of Congress indicating that we would like some of the infrastructure funds in order to assist the residents of our town. Council President Moffitt noted that the letter that he had read was just to attempt to get Westerly to the table.

**NEW BUSINESS:**

**AWARD BID RE: DPW UNIFORM & MATERIAL RENTAL & CLEANING SERVICE**

This matter had been scheduled to discuss, consider and vote to approve a bid award for DPW’s uniform and material rental & cleaning services submitted by Swiss Uniform Services, Vernon, CT in the amount of \$125.00 per week, from September 1, 2021 through June 30, 2024, funded through DPW’s work uniforms/cleaning (#4170) and maintenance (#5370) accounts.

Acting Town Manager Brian Rosso noted that they had received two bids, one from Swiss Uniform Services and the other from Unifirst and these bids were not even close in comparison, Unifirst being \$235.00 per week and Swiss being \$125.00 per week. Councilor Geary asked if Public Works Director David Caswell was happy with the services provided by Swiss Uniform Services in the past and Mr. Rosso advised that he was.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO APPROVE THE BID AWARD FOR DPW’S UNIFORM AND MATERIAL RENTAL AND CLEANING SERVICES TO SWISS UNIFORM SERVICES.

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

OPPOSED: None

SO VOTED

**ADVANCEMENT OF QUARTERLY DISBURSEMENT TO ASHAWAY AMBULANCE ASSOCIATION**

This matter had been scheduled to discuss, consider and vote to approve a request from the Ashaway Ambulance Association for an advance on the quarterly disbursement from the Town's Grants & Contributions Budget Line Item #5160-032.

Eric Perrin of 4 Pine Terrace in Westerly explained that he was the Treasurer of the Ashaway Ambulance Association and in looking at their current bills noted that they were getting low on funds; their next quarterly payment of grant money was due to be received around September 1<sup>st</sup>. Mr. Perrin explained that they did obtain a \$30,000 PPP grant but that money was now gone. In the last ten years they have received the same amount of funds from the town, though payroll and insurances have increased and last month an ambulance broke down. They also had to have a plumber come to the ambulance building due to there being no water which cost them \$1,300. Mr. Perrin explained that many years ago the \$52,000 that they received from the town was used to cover payroll for they do not have 24 hour paid coverage; however, last year's payroll was close to \$140,000. The two grants that they receive, one from the town and the other from the fire district, do not even cover payroll. Additional costs they incur are the fuel bill to the town every month, taxes, as well as a professional group that handles their billing and payroll. He also noted that the town receives an audit every year prepared by a CPA which costs the Ambulance Association approximately \$2,500 to have prepared. He noted that they did not need this money right away but should he need to call and request it a week or two early if wished to know that it would be available. Mr. Perrin indicated that he has been a member of the Ambulance Association since 1986 and he was just trying to keep the association afloat; he noted that he has never been paid, he earns no stipend and it cost him money to attend tonight's meeting. He noted that something has to be done as an organization and Hope Valley Ambulance is in the same boat; small town ambulance corps are closing because there is no money left and volunteerism is down. Mr. Perrin stated that the EMT/cardiologist for Ashaway Ambulance

Association earns \$17.50 an hour with no benefits and no vacation time; basic EMTs earn \$15.50. Their building needs to be fixed and they could use a new ambulance. They need to get more money from somewhere and the fire districts do not want the ambulance corps because then their budget is cut. Councilor Hirst noted that in Cranston the ambulance was actually part of the municipal fire department and Mr. Perrin agreed that this was the case in every other town except for Charlestown, Richmond and Hopkinton. Councilor Hirst asked if there was going to be a need to advance funds again and Mr. Perrin indicated that they are receiving minimal money for runs due to health insurance reimbursements and costs are up so he did not know. Councilor Hirst believed that fire departments and ambulances should go together. Mr. Perrin noted that there was no EMS district anywhere. Some fire districts, such as Ashaway, can fund the ambulance association for it is in their charter, but then fire district taxes will increase. If the two entities merged together then residents would expect 24/7 EMS coverage, which means they would need to have two ambulances, sleeping quarters and a paid administrator to be in charge of all the staff. Right now he was just looking to survive and he believed they could continue going on as they are if they had a couple hundred thousand dollars a year. Councilor Hirst suggested having a special committee for public safety, namely ambulance and fire. There should be a discussion with the Fire Chiefs and ambulance personnel so the town knows what is occurring. Councilor Davis asked Finance Director Rosso if they were able to advance the next quarterly payment and Mr. Rosso indicated they could. Council President Moffitt indicated to Mr. Perrin that a lot of residents do not know they exist until they are needed and they would want someone to show up. He indicated that it would be nice to at some point figure out how to fix this. Safety and health are worthwhile and he would be in favor to advance these funds. Mr. Perrin indicated that he was open to meet at any time and he believed that this was a discussion that should have occurred a long time ago. He asked what happens when they cannot continue to operate. Councilor Geary commented that safety is the number one issue and he agreed with them receiving their quarterly disbursement early. Councilor Davis questioned the ambulance association becoming a part of the fire department. Mr. Perrin indicated that the

money has to come from somewhere and would they tax the taxpayers through the fire district or tax the taxpayers through the town? At the end of the day, he wished to assure that there continues to be an ambulance association, fire department and volunteers. Councilor Davis indicated that she liked Councilor Hirst's suggestion of holding a workshop with both ambulance associations, fire departments, town representatives and residents present. Councilor Hirst indicated that he would send the Council an email, for discussion purposes, regarding how they would like to approach this situation; either by holding a workshop or forming a committee.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO APPROVE THE REQUEST OF THE ASHAWAY AMBULANCE ASSOCIATION FOR AN ADVANCE ON THE QUARTERLY DISBURSEMENT FROM THE TOWN'S GRANTS & CONTRIBUTIONS BUDGET LINE ITEM #5160-032.

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

OPPOSED: None

SO VOTED

#### **INTERVIEW OF APPLICANTS FOR TOWN MANAGER POSITION**

Councilor Hirst noted that they wished to hold two interviews before the next regular Council meeting of August 16, 2021; one to be at 6:00 p.m. and the other at 6:30 p.m.

#### **PROPOSED ORDINANCE AMENDMENT TO CHAPTER 20 TRAFFIC AND MOTOR VEHICLES TO ADD ARTICLE IV RELATING TO THE USE OF RECREATIONAL VEHICLES**

Councilor Marvel introduced and sponsored an amendment on behalf of the Hopkinton Land Trust to Chapter 20, Traffic and Motor Vehicles. He noted that the purpose of the amendment was to restrict the use of ATV type vehicles on personal property when the operator does not have the landowner's permission, on all conservation land managed by the Land Trust and others to prevent damage to trails, fields, parks, etc., as well as protecting hikers and other users from potentially hazardous encounters.

Councilor Geary asked if there was an uptick of people riding on town land or Land Trust land. Councilor Marvel did not know about an uptick but he did know that this was an ongoing issue. Councilor Hirst suggested that if they were not going to allow recreational vehicles on different sites, they should put up signage stating that it was not allowed so people could not claim ignorance. Council President Moffitt noted that this would have to be advertised before the meeting and they should possibly set it down for a hearing in September. The Council scheduled this matter to be heard on Tuesday, September 7, 2021.

**BOARDS & COMMISSIONS:**

**JUVENILE HEARING BOARD RESIGNATION**

This matter was before the Town Council to discuss, consider and possibly vote to accept the resignation of Frances Ethier from the Juvenile Hearing Board.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ACCEPT WITH REGRET THE RESIGNATION OF FRANCES ETHIER FROM THE JUVENILE HEARING BOARD.

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

OPPOSED: None

SO VOTED

**RECREATION COMMISSION APPOINTMENT**

This matter was before the Town Council to discuss, consider and possibly vote to appoint Melissa Perry to the Recreation Commission.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR GEARY TO APPOINT MELISSA PERRY TO THE RECREATION COMMISSION.

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

OPPOSED: None

SO VOTED

**CONSERVATION COMMISSION RESIGNATION**

This matter was before the Town Council to discuss, consider and possibly vote to accept the resignation of Lydia Lamphere from the Conservation Commission.

Councilor Hirst noted that he was voting against this as he was concerned with the state of the Conservation Commission if Ms. Lamphere was to resign; they would be down to three members. In the spirit of giving her some public support, he was going to vote against her resignation. Councilor Geary wished to thank Ms. Lamphere and noted that he agreed with Councilor Hirst and would also vote against her resignation. Council President Moffitt thanked Ms. Lamphere for her efforts and her time on the Conservation Commission. Councilor Davis indicated that if someone wrote a letter indicating that they no longer wished to be on a board or commission, she did not understand how they could not honor their decision.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO ACCEPT WITH REGRET THE RESIGNATION OF LYDIA LAMPHERE.

IN FAVOR: Moffitt, Davis, Marvel

OPPOSED: Geary, Hirst

MOTION CARRIES

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADJOURN.

SO VOTED

Marita D. Murray

Deputy Town Clerk