

State of Rhode Island

County of Washington

In Hopkinton on the seventh day of September 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; Town Solicitor Stephen Sypole; Acting Town Manager Brian Rosso; Town Clerk Elizabeth Cook-Martin. Absent: Robert Marvel.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR GEARY TO CONVENE OPEN SESSION AND RECESS TO EXECUTIVE SESSION UNDER RIGL SEC. 42-46-5(A)(1) TOWN MANAGER POSITION.

IN FAVOR: Moffitt, Davis, Hirst, Geary

OPPOSED: None

SO VOTED

The Council reconvened in open session. The meeting was called to order with a moment of silent meditation and a salute to the Flag.

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

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

IN FAVOR: Moffitt, Davis, Hirst, Geary

OPPOSED: None

SO VOTED

HEARING – proposed ordinance amendment to Chapter 20 Traffic and Motor Vehicles.

The Council opened a hearing on a proposed ordinance amendment to Chapter 20 Traffic and Motor Vehicles to add Article IV relating to the use of recreational vehicles, introduced and sponsored by Councilor Marvel. The proposed

amendment would add the following article: ARTICLE IV. RECREATIONAL VEHICLES and includes Sections for *Purpose* which defines recreational motor vehicles; *Riding on Private Property*; *Violations and Penalties*; *Eluding a Police Officer or Town Official*; *Severability and Exceptions*. The purpose of the amendment is 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. The proposed ordinance amendment was attached to the agenda

Councilor Marvel, the sponsor who had introduced and sponsored the amendment on behalf of the Land Trust could not attend. Members of the Land Trust present: Cynthia Johnson, Tom Thompson and Carol Baker. Notice had been posted in the Westerly Sun and the proposed ordinance posted on the Town Website.

Councilor Hirst indicated that he was worried about the legal ramifications of the definition of "town official" and asked if it would include members of the Town Council or members of the Land Trust. Council President Moffitt noted that Chief Palmer was present as well as several members of the Land Trust. Chief Palmer explained that he had spoken with Councilor Marvel and Solicitor Sypole and they agreed that the words "town official" was to be removed from the ordinance. Chief Palmer noted that town officials do not have the authority to arrest anybody and it could become a liability to the town should they try to chase someone and get hurt; police officers are trained in when they should chase someone and when they should not. Councilor Geary asked Chief Palmer if there is an uptick of ATV riders on town property and he said that was not the case. He noted that there had previously been a few malicious damage incidents to Land Trust property and he believed this ordinance was put forth in order to give the police more leverage to stop additional damage. Chief Palmer indicated that they do not get a lot of complaints about ATVs; most of their complaints have been because of malicious damage. Council President Moffitt asked Chief Palmer if this ordinance was something that he supported and he indicated most definitely.

Tom Thompson, a member of the Hopkinton Land Trust, indicated that he has been a member since the Land Trust's inception approximately 21 years ago. He noted that there has been a chronic problem with recreational vehicles on open space and trails which is very difficult to manage. Mr. Thompson stated that there has been damage to Land Trust properties over the years consistent with these types of vehicles, including rutting, erosion and premature exposure of tree roots on pathways; which has not been a major concern, but a consistent concern. The Land Trust believes this ordinance would not only benefit them but would also benefit farmers and other large landowners who have this type of activity in their fields and in their woods. Councilor Hirst wished to have signs posted at all Land Trust properties stating that no recreational vehicles are allowed. Mr. Thompson indicated that if the ordinance was passed, the Land Trust would laminate it and post it at their trails as well. Carol Baker of the Hopkinton Land Trust noted that she has been a member of the Land Trust since its inception in 2000. She noted that the Land Trust's charge in 2000 when it was created was to buy and protect open space for passive recreational use. On the rare occasion when they have had to contact the police, their hands have been tied because there was no ordinance in place for enforcement.

Andrew Cook of 11 Burdickville Road suggested that he will be a member of the RI ATV Association which is in the process of being formed. He stated that there were two sides to this issue, noting that he has seen the damage that ATVs can cause and people are riding them in the streets up in Providence. He advised that he was currently trying to register his ATV in Rhode Island, which was extremely hard to do, noting that New Hampshire has registered 11,000 ATVs since May; forty percent of which are from Rhode Island, Connecticut and Massachusetts. Rhode Island's power lines are owned by the same company who owns them in New Hampshire and they allow ATV riding there in New Hampshire with a stipulation that there has to be two lanes of travel. He felt that some of the wording in Chapter 20-66 was draconian which makes it seem like there is no possible place for you to have an ATV. Council President Moffitt suggested that this was an ordinance to protect private landowners. Mr. Cook felt the town

should look to New Hampshire as an example, noting that Rhode Island should be registering ATVs and if there is a problem someone could take down the registration number to report the same. He also noted that the modern ATVs are smaller and quieter than they used to be.

Solicitor Sypole noted that Chief Palmer had emailed him another possible change to this ordinance in the definition section. Currently this ordinance is limited to vehicles that cannot be registered, but they wished to change it to vehicles that are not registered. Chief Palmer clarified that he had done some research on recreational vehicles and found that recreational vehicles in the state cannot be registered per R.I.G.L. 31-3.2, Section 8 entitled *Snowmobiles and Recreational Vehicles*. Solicitor Sypole noted that they may wish to refer to that statute in the ordinance if they wished to use that definition. Councilor Hirst asked to continue this matter so that Councilor Marvel could participate in this discussion. Revisions to the proposed ordinance are anticipated.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO CONTINUE THE HEARING TO SEPTEMBER 20, 2021.

IN FAVOR: Moffitt, Davis, Hirst, Geary

OPPOSED: None

SO VOTED

HEARING continued from June 21, 2021. The following matter is to be continued:

PROPOSED ZONING DISTRICT USE TABLE AMENDMENT TO ALLOW ELECTRIC CHARGING STATIONS IN COMMERCIAL, MANUFACTURING & NEIGHBORHOOD BUSINESS ZONES

The Council discussed and considered a date to continue the hearing on proposed text amendments to the Town's Zoning Ordinance District Use Table. The intent of the proposed amendments is 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. On February 16,

2021 the hearing was continued to March 15, 2021. On March 15, 2021 the hearing was held and was continued to June 7, 2021 whereupon the hearing date was closed with a decision date set for June 21, 2021. On June 21, 2021 the proposed amendments were divided out and the hearing date for the proposed amendment to allow electric charging stations in commercial, manufacturing and neighborhood business zones, including the two current gas stations, was continued to September 7, 2021.

Council President Moffitt noted that he wished to continue this matter again due to the infrastructure bill that was recently passed by Congress. He noted that there was a lot of talk about electric vehicles and he wished to determine that outcome before this matter was discussed further. Councilor Hirst's concern was that this may be several months away. Council President Moffitt asked the Town Clerk if she had seen the wording of the infrastructure bill, but she had not. There was discussion about when to reschedule this matter and Councilor Hirst suggested late March; however, Council President Moffitt noted that budget workshops would be occurring at that time and he felt May might be better.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNSELOR GEARY TO CONTINUE THE HEARING TO MAY 2, 2022.

IN FAVOR: Moffitt, Davis, Hirst, Geary

OPPOSED: None

SO VOTED

CONSENT AGENDA

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

FOLLOWS: Approve Town Council Meeting Minutes of August 16, 2021;

Approve abatements resulting from adjustments to real property, tangible

property, motor vehicle on 2021 tax roll submitted by the Tax Assessor; Approve

refunds resulting from an overpayment of a 2020 MV tax submitted by the Tax

Collector.

IN FAVOR: Moffitt, Davis, Hirst, Geary

OPPOSED: None

SO VOTED

TOWN MANAGER REPORT

Police Chief David Palmer was present to address the RIDOT Proposed Improvements to Route 3/Main Street and Chase Hill Road Intersections. Chief Palmer noted that in 2019 he had contacted someone from RIDOT regarding similar concerns noting that he believed the State should erect a traffic light, whether it be a blinking light or a stop light; however, this was denied by the State Traffic Commission. At that time they agreed to put some signage on Main Street at Chase Hill Road and DPW also added signs on Chase Hill Road. This did not alleviate the problem and a lot of the complaints concern tractor trailer trucks that have a hard time making the turn north onto Route 3. He felt that a long term solution would be to widen Chase Hill Road to the north and possibly grade it up higher so cars can see better to the south when pulling out onto Route 3. The State came up with a short term plan which is to change the lanes on the left portion of the road to provide an extra foot for people coming out of Chase Hill Road to nose out. This would give people more visibility but will not solve the tractor trailer truck problem. The long term plan involves reconstructing the road to add another lane with an island due to a telephone pole which cannot be moved; however, it would be several years before this can be constructed. Chief Palmer believed a short term option would be to move the lanes over, provide more room for people to pull out, and make the grade higher. Council President Moffitt asked if this short term plan was in the works and Chief Palmer stated that if the Council agreed to it he would advise RIDOT. Chief Palmer noted that there had been a request for a traffic light in that area which had been approved. Council President Moffitt felt they should proceed with the short term goal.

Councilor Geary also noted that the town and first responders had done an excellent job with the recent storm and noted that he has only received positive feedback from residents.

OLD BUSINESS

TOWN MANAGER HIRE

This matter had been scheduled to discuss, consider and possibly vote to approve the hiring of the Town Manager.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO APPROVE THE HIRING OF BRIAN ROSSO AS THE TOWN MANAGER.

IN FAVOR: Moffitt, Davis, Hirst, Geary

OPPOSED: None

SO VOTED

The Councilors welcomed Mr. Rosso and thanked him for the wonderful job he had been doing.

Joe Moreau of Old Depot Road indicated that he was pleased with this news and felt that Mr. Rosso had the best interest of the town in mind.

NEW BUSINESS

OPEN MEETINGS & ETHICS TRAINING POLICY

This matter had been scheduled to discuss and consider a draft Open Meetings & Ethics Training Policy.

Council President Moffitt read the proposed policy as follows:

Policy for Open Meetings Act and Code of Ethics Training

WHEREAS the Hopkinton Town Council is committed to upholding the highest standards of ethical conduct and open government; and

WHEREAS the Town Council values and respects those members of the community who volunteer their time to serve as public officials; and

WHEREAS knowledge and understanding of the State of Rhode Island Open Meetings Act and Code of Ethics is necessary for the Town's elected and appointed officials to carry out their duties effectively; and

WHEREAS, the Town Council has recognized a need to implement reasonable training requirements with respect to the State of Rhode Island Open Meetings Act and Code of Ethics to all elected and appointed public officials, including all members of the Town's Boards, Commissions, and Land Trust;

It is hereby ordained that the following Policy shall be adopted and shall be administered by and through the Office of the Town Manager:

- A. That all elected and appointed public officials in the Town of Hopkinton as of the date of the enactment of this Policy shall, within thirty (30) days of the Policy's enactment, be provided with a copy of this Policy and a printed copy of the Rhode Island Open Meetings Act, R.I.G.L. § 42-46-1 et seq., and the Rhode Island Code of Ethics; and

- B. That all public officials elected or appointed subsequent to the enactment of this Policy shall be provided with a copy of this Policy and a printed copy of the Rhode Island Open Meetings Act and the Rhode Island Code of Ethics within thirty (30) days of their election or appointment; and
- C. That each elected or appointed official shall be required to review this Policy and the Rhode Island Open Meetings Act and the Rhode Island Code of Ethics and to return a signed form acknowledging that they were provided with those documents and have read and reviewed them; and
- D. That each elected or appointed official shall return such signed acknowledgement form within thirty (30) days of the receipt of their copy of the Rhode Island Open Meetings Act and the Rhode Island Code of Ethics; and
- E. That the Town shall maintain on its website copies of this Policy and the Rhode Island Open Meetings Act and Rhode Island Code of Ethics as well as training materials including, but not limited to, documents, videos, and powerpoint presentations so as to make such documents and training materials readily accessible by all elected and appointed public officials; and
- F. That the Town shall regularly, and at least once per calendar year, provide live training session(s) regarding the Open Meetings Act and Code of Ethics, including but not limited to training provided by the Office of the Attorney General and/or Ethics Commission, that will be open to all elected and appointed public officials; and
- G. That the Town shall provide notice of, and encourage all elected and appointed public officials to participate in, the annual “Open Government Summit” sponsored by the Rhode Island Office of the Attorney General; and
- H. That notice of all in-person training opportunities and the annual “Open Government Summit” shall be provided via posting to the Town’s website, by email to all elected and appointed public officials, and in writing to the Town Council President and the chairperson of each Board, Commission, and the Land Trust; and
- I. That the Town Manager may enlist the assistance of the Town Clerk and/or Town Solicitor to administer this Policy as necessary; and
- J. That any failure or refusal to comply with the requirements of this Policy, the Open Meetings Act, and/or Code of Ethics by any appointed public official shall be brought to the attention of the Town Council and the Town Council may investigate any suspected violation(s) and impose whatever discipline it deems appropriate, including removal of a person from their appointed position.

Councilor Hirst felt that sometimes it was hard to get everyone together at the same time for training sessions and wished there to be taped sessions for people to watch at their leisure. Council President Moffitt indicated that he supported enacting this policy for newly elected and appointed people. Solicitor Sypole advised that he had drafted this policy to assure that training would be available for everyone, but would not be mandatory. There was no further discussion.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADOPT THE OPEN MEETINGS AND ETHICS TRAINING POLICY.

IN FAVOR: Moffitt, Davis, Hirst, Geary

OPPOSED: None

SO VOTED

DISCUSSION - TOWN-WIDE POLICY FOR BOARDS & COMMISSIONS RE: IN-PERSON/STREAMING/REMOTE/HYBRID MEETINGS

This matter had been scheduled to discuss and consider whether to develop a town-wide policy for boards and commission re: in-person/streaming/remote/hybrid meetings.

Councilor Hirst was concerned that if they enacted this policy, it may hinder people from volunteering to sit on a board or commission. Council President Moffitt noted that he was in favor of live streaming but was partial to having this just be for the Town Council, Planning Board and Zoning Board meetings. He felt that this would increase home participation. Town Clerk Cook-Martin noted that not all Boards and Commissions met at the town hall so there would not be an opportunity for them to use the new system which is to be installed. She suggested the policy should be clear enough to address any potential concerns that may come from those Boards and Commissions that do not meet at the town hall. Town Manager Rosso indicated that most neighboring municipalities only streamed Town Council, Planning Board and Zoning Board meetings.

Joe Moreau indicated that at the recent Planning Board meeting there was a question about incorrect information being on the town calendar concerning the meeting start time and there also were issues with the audio. Mr. Moreau felt that possibly changing the IT Director's hours on the days of Town Council, Planning Board and Zoning Board meetings so that he would be present when the meetings started to assure that everything was running smoothly might be in order. Mr. Rosso indicated that they had already addressed this issue and Mr. Frenette would be present at the Planning Board meetings going forward. Solicitor Sypole noted that he had asked to put this on the agenda because there had been concerns by some of the Zoning Board members, expressed to his colleague, and he was hoping that someone from the Zoning Board would be present to advise what those concerns were. Solicitor Sypole noted that the Planning Board and Zoning Board generally have the power to create their own procedure as long as they

comply with all state laws and town ordinances. The issue is whether there should be a town-wide policy as to live streaming or hybrid meetings or whether the chairman and members of the Boards should be able to decide. Councilor Geary, who is the liaison for the Zoning Board noted he had spoken with the Zoning Board Chair about the Zoning Board's concern which had to do with the potential that a meeting could last for ten hours in the event of a technological disruption or hiccup in streaming a hybrid meeting similar to what happened with a recent Planning Board Meeting. He reported that he had spoken to IT Director Jeffrey Frenette as to why the Town did not have its own hybrid meeting system so that people at home could participate and was told that the media file would be huge; streaming meetings on YouTube was the option right now. He also recommended viewing the Town of Westerly's hybrid meeting system, which he defined as world class. It was noted that the town had made the decision to purchase the equipment needed to streamline these meetings.

Joe Moreau of Old Depot Road indicated that he had listened to the Zoning Board meeting and they were having audio issues and the alternate member questioned and argued with the Chair on whether the meeting should be continued. The Chair had pointed out that if someone had an interest in the meeting they could have attended that meeting in person.

DISCUSSION – FUTURE OF AMBULANCE SERVICES IN TOWN & WHETHER TO HOLD A WORKSHOP

This matter had been scheduled to discuss and consider whether to hold a workshop or, to schedule for an agenda, the situation with ambulance services and the future of ambulance services in Town with interested parties requested by Councilor Hirst.

Councilor Hirst wished to determine the best time to hold a meeting with the two ambulance associations and fire districts. He also felt that the town of Richmond might also need to be involved regarding funding to the Hope Valley Ambulance and asked the Town Clerk to reach out to these entities. Town Clerk Cook-Martin noted that in the beginning of the year she had been asked to reach out to the fire departments for their opinions and suggestions as to the then-proposed solar

ordinance amendment which she did by letter and by email. She noted that she never received any response from either department so she was unsure of what the best mechanism would be to solicit a response from these entities. Council President Moffitt indicated that if they were to reach out to them they should send something in writing. Councilor Davis felt that either the town or the fire districts would need to pick up the ambulance associations, which meant that either the town taxes or the fire district taxes would increase. She believed residents needed to acknowledge this fact and it needed to be decided on how this was going to occur. Councilor Hirst noted that in Cranston the fire department and ambulance service was one and the same; and, he indicated that he would contact the fire departments and ambulance associations to determine their thoughts and interest.

PUBLIC FORUM

No one spoke during public forum.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADJOURN IN MEMORY OF JOHN F. DONAHUE, III; DAVID A. STRONG, RICHARD A. PERRY AND ALL THOSE WHO PERISHED ON SEPTEMBER 11, 2001.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk