

HOPKINTON TOWN COUNCIL MEETING – September 20, 2021
BUSINESS AGENDA
Town Hall, 1 Town House Road, Hopkinton, RI 02833

**NOTICE
MEETING BEING HELD IN-PERSON
ALSO AVAILABLE TO STREAM ON YOUTUBE**

As of July 23, 2021, all public bodies in Rhode Island are required to return to in-person meetings in accordance with the Open Meetings Act, but live-streaming of meetings in addition to in-person meetings is still permitted.

Understanding the people have a vested interest in the operation of their government and may not be able or willing to attend in-person, the Hopkinton Town Council will be broadcasting this meeting on the Town of Hopkinton, Rhode Island's YouTube Channel.

Residents that cannot attend in-person are urged to join by computer to see and hear the meeting in real time. Please note that this is a live-stream of the meeting and virtual participation is not available.

To view this meeting, please connect in by 7:00 PM. **Note:** Participants will not be able to connect before the host begins the broadcast, and anyone trying to connect who are unable to do so should try again after 7:00 PM.

The meeting being broadcasted will be shown as "Live" and can be selected and made full screen for easier viewing.

To view the meeting by computer:

<https://www.youtube.com/hopkintonri/videos>

Please note: Because of ever-changing regulations due to the COVID-19 virus, and the close proximity of participants, the Town is requesting that in-person attendees wear a face mask if not vaccinated. Please check the Town of Hopkinton website www.hopkintonri.org for updates on these meetings and other important Town or COVID-19 information.

Elizabeth J. Cook-Martin
Council Clerk/Town Clerk

6:30 P.M. Convene Open Session and Recess to Executive Session under:

1. RIGL sec. 42-46-5(a)(2) Litigation and RIGL sec. 42-46-5(a)(5) Discussions or considerations related to the acquisition of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

Reconvene in Open Session.

Statement by the Council President that no votes were taken in Executive Session.

Consider and vote on Motion to Seal the minutes of the Executive Session.

7:00 P.M. Call to Order – Moment of silent meditation and a salute to the Flag.

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

1. Open 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. This matter was continued from September 7, 2021. See draft ordinance attached.

Sponsor present.

Notice posted in the Westerly Sun and proposed ordinance posted on the Town Website.

Council discussion.

Public comment.

Consider motion to continue or resume public hearing at a later date, place and time or, set a date for a decision.

CONSENT AGENDA

Approve Town Council Meeting Minutes of September 7, 2021; Accept the following monthly financial/activity report: Town Clerk; Approve refund resulting from 2021 MV Tax Abatement and a duplicate Real Property tax payment submitted by the Tax Collector; Approve abatement resulting from a 2021 real property condition adjustment submitted by the Tax Assessor.

MOTION TO APPROVE CONSENT AGENDA

TOWN MANAGER REPORT

- FY 21 Audit

OLD BUSINESS

Discussion of the Findings of the Potter Hill Dam Committee.

BOARDS & COMMISSIONS

Announcement re: vacancies on Chariho Audit Subcommittee and Chariho Finance Committee.

PUBLIC FORUM – To participate you must be present in the Meeting Room

ADJOURN

If communication assistance (readers/interpreters/captions) is needed or any other accommodation to ensure equal participation by any person, please contact the Town Clerk's Office at 377-7777 (V) or 377-7773 (TDD) at least two (2) business days prior to the meeting.

Posting Details: Town Hall, Police Station, Hopkinton Website, Secretary of State Website. Posting date: September 16, 2021

PROPOSED ORDINANCE AMENDMENT

Introduced and sponsored by Councilor Marvel.

Chapter 20 Traffic and Motor Vehicles, Article IV.

ARTICLE IV – RECREATIONAL VEHICLES

Section 20-66. Recreational Vehicles Defined

“Recreational vehicle” means a motor vehicle, including minibikes, dirt bikes, and snowmobiles, designed to travel over unimproved terrain and which has been determined by the division of motor vehicles as unsuitable for operation on the public way and not eligible for registration for such use. This shall not be construed to include golf mobiles or golf carts, riding lawn mowers, or garden tractors, which are not registered as farm vehicles, but shall include any three (3) wheel driven vehicle and any other four (4) wheel driven vehicle, regardless of type or design, including all classes of all-terrain vehicles.

Section 20-67. Certain Uses Prohibited

Recreational vehicles are strictly prohibited from public streets, public parks, or any walkway, trail, grassy area, field, forest, or in any area within the Town where motor vehicles are not allowed, and shall not be operated, driven, caused to be driven, walked, or parked on public streets, public parks, or any walkway, trail, grassy area, field, forest, or in any area within the Town where motor vehicles are not allowed, or within the boundaries of any public park, or within the boundaries of any property of the Hopkinton Land Trust (HLT).

Section 20-68. Riding on Private Property

No person shall operate any recreational vehicle upon any property or premises owned by another person without the consent in writing of the owner of the property or premises.

Section 20-69. Violations and Penalties

Any violator of Section 20-67 or 20-68 shall be subject to a fine of \$100 for a first offense, \$200 for a second offense, and \$300 for each offense thereafter. Any vehicle used in violation of this ordinance shall be impounded at the owner's expense and shall not be released until all fees have been paid and/or court action has been completed. Violators will be responsible for the cost of all necessary environmental remediation. The Municipal Court has jurisdiction over violations of this section.

Section 20-70. Eluding a Police Officer

No person operating any recreational vehicle in violation of this article shall elude any police officer upon being signaled to stop or upon being told to stop. This section shall apply upon the occurrence of any lawful act by a police officer in telling or signaling any vehicle operator to stop by any oral statement, siren, flashing lights, hand signal, or other signal. This shall apply whether the police officer ordering or signaling the stop is in a vehicle or on foot. This section is intended to prohibit acts to elude a police officer, including acts consisting of increasing speed, changing directions, turning lights off, or taking similar steps to avoid or escape apprehension. Any person in violation of this section shall be subject to an additional penalty of \$200.

Section 20-71. Severability

If any provision of this article is held invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby. The invalidity of any section of this article shall not affect the validity of the remains of the article.

Section 20-72. Exceptions

This ordinance shall not apply to any employee or agent of the Town or HLT or any other local, state, or federal government official or first responder, including authorized members of any fire district or ambulance company, while engaged in the actual performance of his or her duties, nor to any vehicles and/or equipment used by vendors who are under contract with the Town or HLT to provide goods or services or to persons that otherwise have the written permission of the Town or HLT for the use or operation of a recreational vehicle.

This amendment would take effect upon passage. All other sections of Chapter 20 are to remain in full force and effect.