

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of October 2021 A.D. the said 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., Sharon Davis, Robert Marvel; Scott Bill Hirst, Michael Geary; Town Solicitor Stephen Sypole; Town Clerk Elizabeth Cook-Martin.
Absent: Town Manager Brian Rosso.

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

PRESENTATION BY COURT-APPOINTED RECEIVER, JOHN DORSEY, ESQ., REGARDING POTTER HILL DAM AND POTTER HILL MILL RECEIVERSHIP, FOLLOWED BY QUESTIONS FROM COUNCIL MEMBERS AND QUESTIONS FROM THE PUBLIC

Mr. Dorsey provided some background information concerning the Superior Court receivership action of the Potter Hill Mill, noting that it has not been in productive use for several decades and the Town of Westerly has obtained a demolition order. Westerly petitioned the Superior Court to appoint a Special Master because they knew that there was an issue with the dam which would need to be assessed at some point in time and there was also a concern with site access and the ability to actually be able to accomplish a demolition of the mill buildings. The town, in parallel to its petition to the Superior Court, had been awarded a NOAA grant which spans over the course of three years. The first year provides an opportunity for the professionals to perform an assessment of the dam infrastructure; year two envisions making a final decision on recommendations that come out of that assessment and going through the permitting process; and, year three would anticipate going forward with the construction or an abatement, whatever the recommended path is. Mr. Dorsey noted that he has been out to the mill property with the demolition contractor to look at what the various options are for demolishing the mill buildings. What is unique to this property is the dam actually has raceways that run under the granite building so that proposes an

additional hurdle to get the demolition done. He has also been out to the property with an asbestos consultant, who had previously performed work at the property, to do an assessment. He ultimately obtained a proposal from the demolition contractor to go forward with addressing the mill buildings and he had made a request to the Westerly Town Council to allocate funding under its general budget to perform the demolition of the mill buildings. Initially, that request was not approved but in light of the recent American Recovery Act Funds that have been allocated to municipalities, he went back to Westerly and asked them for permission to allocate a certain amount of money towards the demolition of the mill buildings coming from those funds, which was approved. The next step in the process, if he were to proceed with the demolition of the mill buildings, would be for him to petition the Superior Court to proceed with that plan. Mr. Dorsey noted that there would be an RFP process to obtain bids from contractors. He also noted that they have been in contact with the State's Historic Preservation Commission and if there was going to be a demolition of this property there would have to be a historic documentation report put together. In addition, there were contingencies placed on the town's resolution that it would look for a provision in an Order from the Superior Court that the town, notwithstanding funding the demolition work, would not have any liability in connection with the property because they have not assumed ownership at this point. The contingency being that they would ask the Court to grant an administrative priority lien which meant that subject to any expenses of the Court proceedings themselves, they would carry a first position on the property. This is a protective ask and whether the town ultimately decided that it might want to acquire title to the property or if there was a third party sale, this would protect the town's position in terms of the funds that it is putting forward for demolition. Mr. Dorsey noted that based on the condition of the property he did plan on asking the Superior Court for approval to go forward with the demolition for the buildings which are in a very dilapidated condition. He indicated that he had considered trying to salvage the mill buildings; however, believed this was not a feasible option. Regarding the dam portion of the property, Fuss & O'Neill is the environmental consultant performing the dam assessment work and they recently submitted a technical

memorandum to the Town of Westerly outlining its findings to date, along with the options for trying to abate the dam infrastructure. It was his understanding that Westerly will be holding a workshop on that technical memorandum next week. Mr. Dorsey noted that from the mastership's perspective, he did not plan on taking any action in terms of making a request to the Court until he received an indication from Westerly if they are inclined to take action, and if so, what action they propose. He noted that he would thereafter come back before the Hopkinton Town Council and provide an update as to what Westerly's intention was, as well as what his recommendation to the Court might be. Ultimately, if there is any abatement work that was going to happen to the mill, the process would be the same; he would petition the Court for instructions and ask for permission to proceed with that work and that would be subject to any input of various stakeholders, including Hopkinton. He reiterated that he would plan on coming back before the Hopkinton Town Council first to explain what he would consider recommending to the Court and the rationale behind that. Mr. Dorsey discussed the current ownership of the dam infrastructure and the mill site, noting that the Court has taken site control of the property and right now that property is under the jurisdiction of the Court. It will remain under the jurisdiction of the Court until there is some type of third party disposition, whether it is by way of a third-party sale or if ultimately the Town of Westerly decided that it would like to assume ownership of the property. When the property is sold, whether or not a buyer has to assume the dam is something that would be determined at the time of the sale. The way everything was configured right now, the buyer would take ownership of the property, including the dam infrastructure. Regarding long term maintenance, whoever ultimately owns the property would assume the obligation of long term maintenance. Regarding the mastership's consideration of supporting alternative 3 with help trying to find alternative funding, he noted that he has an open mind, and Fuss & O'Neill answered several questions concerning alternative 3 which he felt was very helpful. He noted that Fuss & O'Neill did provide some examples of potential grant funding for people whose wells may be affected.

Councilor Geary asking Mr. Dorsey to explain the three year concept of the NOAA grant again which he did. Councilor Geary also asked if the Town of Westerly was receiving funds from the CARES Act toward the demolition of the mill buildings and Mr. Dorsey advised that they were. Councilor Geary believed Hopkinton resident's biggest fear was that the dam would be coming down tomorrow. Mr. Dorsey reiterated that no action would be taken until he came back before the Hopkinton Town Council to provide an update on what his recommendation to the Court would be and why.

Council President Moffitt asked if he was waiting to hear what Westerly decides to do before he would go back before the Court. Mr. Dorsey suggested this was correct and Westerly will have a big influence in the sense that part of the mastership concerns the abandoned mill property.

Councilor Hirst noted that Hopkinton's concern was that we do not have municipal water and residents' wells and property values will be affected, along with recreational uses. He asked Mr. Dorsey how much of the mill property was in Hopkinton and Mr. Dorsey believed it to be a little over an acre with four acres being on the Westerly side. Councilor Hirst asked if Mr. Dorsey knew how much granite was at the site and what the estimated value of that would be; Mr. Dorsey did not have exact numbers, but indicated there was a substantial amount of granite situated on the property. Mr. Dorsey indicated that the demolition company hired to do the work would be asked that they budget in the salvaging of the granite as part of their bid. Councilor Davis indicated that she had watched Fuss & O'Neill's presentation to the Westerly Town Council tonight and their presentation emphasized that proactive well repair funding would be secured prior to the dam removal if that were to go forward. Councilor Marvel asked Mr. Dorsey if they would receive a comprehensive list of all Hopkinton residents who responded to the well survey, as well as their information and Mr. Dorsey believed that to be a reasonable request. Council President Moffitt asked if Westerly was in control of this issue and Mr. Dorsey explained that Westerly controlled the next step to an extent, but they do not control the decision-making process.

Marie Ward of River Road indicated that Westerly was in year two of the three year process, which was to pull permits. Mr. Dorsey indicated that Westerly was not ready to pull permits but that would be the next step once an action item is decided. Mr. Dorsey believed that Westerly's Council meeting tonight was to get the deliverable and have a high level overview of the project and he anticipated that next week's meeting would be to dig into the materials before them and to ask Fuss & O'Neill some technical questions and thereafter schedule a public hearing.

Councilor Davis noted that Westerly's Council President, Sharon Ahern, emphasized that Fuss & O'Neill's contract for year two is on hold until they make a decision. Councilor Hirst noted that Ms. Ahern had indicated to him that the Westerly Town Council had not made any decision yet. He also noted that at one of the previous meetings of the Potter Hill Dam Information Committee, the Committee was speaking with the Ashaway Fire Chief who noted that the Ashaway Fire Department draws water from the river so the depth of the river is important. He hoped that public safety would enter into Mr. Dorsey's considerations, noting that Westerly has fire hydrants.

Howard Mills of Maxson Street asked Mr. Dorsey if a private buyer decided to purchase the mill, who would get paid? Mr. Dorsey indicated that once the Court approved the sale and there was a closing, the Receiver or Special Master collects the proceeds and then there is a claims process.

Marie Ward asked if the dam removal was the path to help with the demolition of the mill and Mr. Dorsey indicated that he had viewed those two issues separately. He noted that the demolition of the mill seemed to be agreed to by everyone and can be done without doing too much to the dam. Ms. Ward asked if they should demolish the mill before deciding what to do with the dam and Mr. Dorsey advised that Westerly has decided to allocate the funding to do the building demolition so the next step was for him to return to the Superior Court and ask for permission to do that. Ms. Ward asked Mr. Dorsey if he knew how Westerly determined that only twenty wells would be affected by the dam removal and he advised that he was not aware of how they arrived at that number.

Howard Mills asked Mr. Dorsey if he worked for Mr. Carrapezza and he indicated that he did not, noting that he was appointed by and reports to the Superior Court. Mr. Mills wondered if the building was cleaned up, could Mr. Carrapezza take possession of the property back. Mr. Dorsey noted that the owner would have to pay all administrative liens and if there was a sale, Westerly would be in a first position to be paid.

Clifford Heil of Chase Hill Road noted that Westerly and Hopkinton have both adopted the Wood Pawcatuck Flood Resiliency Management Plan in which the dam was characterized as a high priority for removal. He also noted that in Section 7 of the Fuss & O'Neill report it actually outlined the ground water supply and detailed exactly how they came to the conclusion that twenty wells would be affected.

Councilor Davis noted that based on the presentation that was given tonight, Fuss & O'Neill does intend to do further study.

CONSENT AGENDA

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

FOLLOWS: Approve Town Council Meeting Minutes of October 4, 2021;

Accept the following monthly financial/activity report: Town Clerk.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

WOOD-PAWCATUCK WILD AND SCENIC RIVERS STEWARDSHIP COUNCIL UPDATE

Clifford (Chip) Heil Jr., representative on the Wood-Pawcatuck Wild and Scenic Rivers Stewardship Council, provided an update regarding activities by the Wood-Pawcatuck Wild and Scenic Rivers Stewardship Council.

Mr. Heil advised that the Wild and Scenic designation was recently provided to the Wood Pawcatuck River in 2019 and part of that designation required that the municipalities within the watershed adopt the stewardship plan. He believed twelve of the thirteen towns did adopt that stewardship plan, with the last town

deciding to entrust the other towns to enact the stewardship plan. That designation is based on the idea of the remarkable values of the Wood Pawcatuck Watershed which includes the outstanding ecosystems, the cultural performance of the watershed, and recreational activities. They are recognizing that this is a unique watershed that creates a lot of opportunities for cultural wellbeing, in addition to ecosystems services. Mr. Heil believed there were some values to the town being in the stewardship plan, including being able to compete more favorably for federal funding and grants. Having that designation allows the National Park Service to review and approve some federal projects that might come through. Mr. Heil noted that the Stewardship Council has some small grant funding, up to \$4,000, where towns or non-profits can apply to the Stewardship Council for funds to improve or enhance the outstanding and remarkable values of the Wood Pawcatuck Watershed and one of those grant opportunities was pursued by Elaine Caldarone with respect to the Briggs Park project. There is also an advisory committee who will review projects and write letters of support concerning those proposed projects. Mr. Heil noted that if someone had any interest in frontage, flood plains or anything that might be going on in the watershed, they should feel free to reach out to the Stewardship Council and they will have the advisory committee look at it to see if it falls in line with the stewardship plan and if it does, they will come up with supporting letters and reach out to the rest of the Committee to decide if it is something they would like to support. He wished to note that the Stewardship Council is only advisory. Regarding the letter that was written by the Stewardship Council concerning the Potter Hill dam, they were trying to be very cognizant of some of the issues that were raised tonight and in writing that letter they were trying to adhere to what the charge of the Stewardship Council is. They tried to reflect in that letter that the goals of the Westerly project, not the implementation of that project, fall in line with the Stewardship Council goals and values such as increasing fish passage and improving the ecosystem. They did acknowledge that there are some touchy issues in this matter and due diligence was required.

SCHEDULE SPECIAL TOWN COUNCIL MEETING TO CONDUCT INTERVIEWS

This matter had been scheduled to discuss and consider scheduling a Special Town Council Meeting to conduct interviews of applicants for vacant Board, Commission and Committee positions.

Councilor Hirst noted that there is a rule in the town that someone cannot be on more than one committee unless they cannot find anyone else to sit; so it is possible for someone to be on more than one committee. Clerk Cook-Martin advised that she did not believe this was a formal rule. She believed there was discussion on this issue by previous Town Councils and there might be something listed in the Town Charter. She noted that some boards are appealable to other boards so they cannot have one person on both of those quasi-judicial boards, but someone could be on a quasi-judicial board and an advisory board. Councilor Hirst believed that the law indicated that if someone was on the Board of Tax Review they could not be on any other board; Clerk Cook-Martin concurred noting that this reflects back to State law which also mentions something about party affiliation. Councilor Davis asked how many applicants there were and Ms. Cook-Martin believed there to be three School Committee candidates and at least four or five applicants for other boards and commissions. Council President Moffitt wished to have the school committee candidates interviewed on a separate night than the other applicants for boards and commissions.

The Town Council set Monday, October 25, 2021 at 7 p.m. to interview School Committee candidates.

RESOLUTION RE: SPONSOR THE PLANNING PHASE OF THE WOOD-PAWCATUCK RIVERS WATERSHED FLOOD PROTECTION PROJECT WITH THE SOUTHERN RHODE ISLAND CONSERVATION DISTRICT UNDER THE WATERSHED AND FLOOD PREVENTION OPERATIONS PROGRAM OF THE UNITED STATES DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE (NRCS).

This matter was before the Town Council to consider endorsing a Resolution authorizing the Town Planner to Proceed on Behalf of the Town of Hopkinton as a Sponsor in the Planning Phase of the Wood-Pawcatuck Rivers Watershed Flood Protection Project with the Southern Rhode Island Conservation District under the

Watershed and Flood Prevention Operations Program of the United States
Department of Agriculture - Natural Resources Conservation Service (NRCS).

Councilor Hirst asked Jim Lamphere, the Town Planner, if voting for this could be used against them regarding taking down the Potter Hill dam. Councilor Davis indicated that NOAA was separate from the U.S. Department of Agriculture. Solicitor Sypole stated that he had anticipated Councilor Hirst's question and noted that the Resolution indicated that participation in the planning phase does not obligate a municipality to further participation in the project if they feel the alternative selected does not meet the goals of their municipality. Council President Moffitt indicated that the Potter Hill dam was not the only flood risk that the town has. Mr. Lamphere suggested that if the Town of Hopkinton had concerns with the Potter Hill dam then that was all the more reason to sign on as a sponsor to this project because that might be one of the things that this project might consider but it certainly was not the only thing. Councilor Hirst asked Mr. Lamphere if he felt that sponsoring this Resolution and joining could be used against them as supporting the taking down of the Potter Hill dam. Council President Moffitt noted that the Comprehensive Plan states that they are in favor of removing the dam. Mr. Lamphere indicated that he did not see a reason not to be a sponsor of this because there are many other projects in town and we share a border with Richmond and Charlestown. There were a lot of flooding projects that were identified in the Resiliency Plan and those projects, if warranted by the town, could be funded 100%.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY
COUNCILOR MARVEL TO ENDORSE THE RESOLUTION AUTHORIZING
THE TOWN PLANNER TO PROCEED ON BEHALF OF THE TOWN OF
HOPKINTON AS A SPONSOR IN THE PLANNING PHASE OF THE WOOD-
PAWCATUCK RIVERS WATERSHED FLOOD PROTECTION PROJECT
WITH THE SOUTHERN RHODE ISLAND CONSERVATION DISTRICT
UNDER THE WATERSHED AND FLOOD PREVENTION OPERATIONS

PROGRAM OF THE UNITED STATES DEPARTMENT OF AGRICULTURE -
NATURAL RESOURCES CONSERVATION SERVICE (NRCS).

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

OPPOSED: None

SO VOTED

The Resolution follows:

TOWN OF HOPKINTON, RI
RESOLUTION AUTHORIZING THE TOWN PLANNER
TO PROCEED ON BEHALF OF THE TOWN OF
HOPKINTON AS A SPONSOR
IN THE PLANNING PHASE OF THE WOOD-
PAWCATUCK RIVERS WATERSHED FLOOD
PROTECTION PROJECT WITH THE SOUTHERN RHODE
ISLAND CONSERVATION DISTRICT UNDER THE
WATERSHED AND FLOOD PREVENTION OPERATIONS
PROGRAM OF THE
UNITED STATES DEPARTMENT OF AGRICULTURE-
NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

WHEREAS, the Southern Rhode Island Conservation District (SRICD) has made application and been accepted by the Natural Resources Conservation Service (NRCS) into their Watershed and Flood Prevention Operations Program as the Lead Local Sponsoring Organization (LSO or Sponsor) and has invited the Town of Hopkinton to partner with them, and

WHEREAS, the Town of Hopkinton wishes to partner with the Southern RI Conservation District (SRICD), to participate in the Planning Phase of the Wood-Pawcatuck Rivers Watershed Flood Protection Project, which is being conducted under the Watershed and Flood Prevention Operations Program within the US Department of Agriculture-Natural Resources Conservation Service (NRCS), and

WHEREAS, in 2017 the Wood-Pawcatuck Watershed Association (WPWA) led the development of the Pawcatuck River Flood Resiliency & Management Plan (PRFRMP) to reduce riverine flooding for each of the communities in the watershed, and

WHEREAS, the Town has identified flood prevention projects for the Wood-Pawcatuck Watershed as a priority for its work focus and the projects listed in the PRFRMP may be further analyzed and implemented under the NRCS Watershed and Flood Prevention Operations Program, and

WHEREAS, a Watershed Plan-Environmental Document must be created in accordance with NRCS program policy and guidelines to meet the federal agency's criteria for consideration of the Plan to be authorized for implementation by the Chief of NRCS, and

WHEREAS, the goal of this plan is not just to study alternatives, but to select actual solutions in terms of flood protection measures that may be taken into the design phase and installation/construction phase, and

WHEREAS, USDA-NRCS funds the technical assistance associated with all three phases of the program (Planning, Design, and Implementation/Construction) at up to 100% of allowable costs, and

WHEREAS, participation in the Planning Phase of this project makes the Town eligible to participate in the Design Phase and the Construction Phase with up to 100% federal cost share of allowable costs of the project, and

WHEREAS, participating in the planning phase does not obligate a municipality to further participation in the project if they feel the alternative selected does not meet the goals of their municipality, therefore

BE IT RESOLVED: That the Town Council hereby authorizes the Hopkinton Town Planner to proceed in partnering with SRICD as sponsors to the USDA-NRCS Watershed and Flood Prevention Operations Program, Wood-Pawcatuck Rivers Watershed Flood Protection Project, and to immediately complete and endorse the required federal forms for program enrollment.

DISCUSSION RE: FORMATION OF A COMMUNICATION COMMITTEE

This matter had been scheduled to discuss and consider the possible formation a Communication Committee for the purpose of improving how the Town communicates important and general information to taxpayers requested by Councilor Marvel.

Councilor Marvel indicated that he wished to have a committee formed to look at how to provide information to residents in a timely manner. In brainstorming on how this could be accomplished, he noted that he has received a lot of very good ideas. He believed that the committee's charge would be to brainstorm and determine various methods of engaging residents, getting information to residents, and making recommendations to the Council.

Councilor Hirst stated that he was against the forming of a committee and believed that the best method would be for the town to obtain a bulk mailing permit for he felt that everyone read their mail. He noted that it is tough to find people to serve on committees and having a bulk mailing would suffice to get information to residents. He also believed the Town Councilors needed to be more visible in promoting their ideas and promoting and serving the town.

Councilor Davis felt that this committee would be a temporary committee and what Councilor Hirst had stated could be something that the committee members suggested. She noted that the Town of North Stonington was using their emergency broadcast for non-emergency uses. She also noted that the Westerly Town Council's agendas includes links to specific presentations so there was no need to watch the entire meeting to find the presentation that you were interested in viewing. Clerk Cook-Martin noted that there would be a cost associated with doing this and it would need to be studied. Councilor Geary asked the Town Clerk if committee applicants would be subject to background checks and she indicated yes. Councilor Marvel advised that he has spoken with a lot of residents

who have ideas of what they would like to see occur to let people know that a vote was coming up.

Deborah O’Leary of 44 Pleasant View Drive indicated that she had spoken with Councilor Marvel in the past about this matter. She noted that many residents find navigating the website impossible and it needs to be redesigned. She felt that it was hard to find information; people are busy and they need a more organized information stream from town government. Social media posts are only subject to algorithms and a lot of things are missed. One communication that everyone receives is their tax bill and in there they should send a paper asking residents if they would like to subscribe to the town’s e-newsletter. People like getting e-news and there could also be a link to that on the website. They would only need to provide the town with an email address. The Town Manager, Town Clerk and IT Director can all figure out what to do to make this happen and the information would come from asking every Department head if they have something relevant that people should know. Everything would have to get disseminated through the IT Director, Mr. Frenette, so it could be put together. She indicated that if everyone was too busy to compile all of this, they should use some of their COVID funds to hire a part time communications assistant for Mr. Frenette so this could get done in a timely manner.

Councilor Hirst felt this was a great idea but worried about elderly residents who may not have email addresses. Ms. O’Leary felt they could reach out to the seniors through recreational programs and find out who is not computer savvy and they can always mail a few letters by postal service and it would take time to get everyone on board. Council President Moffitt felt that residents might apply to be on this committee if it is just a temporary committee.

Marie Ward suggested that when they form a committee there needs to be a way for the committee to communicate their findings with the Town Council and to receive feedback from the Council. Ms. Cook-Martin noted that most of the Boards and Commissions have a Councilor as a liaison but she did not believe one had been appointed for the Potter Hill Dam Information Committee. Councilor Marvel indicated that if there was a general agreement to form this committee he would like to put together a more formal definition including things like wording

for a charge. Thereafter at the next meeting he would present it formally and it could be decided on.

BOARDS & COMMISSIONS

Police Commission Resignation

This matter had been scheduled to discuss, consider and possibly vote to accept the resignation of Stiles Gilmore IV from the Police Commission.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ACCEPT THE RESIGNATION OF STILES GILMORE IV FROM THE POLICE COMMISSION WITH REGRET.

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

OPPOSED: None

SO VOTED

Planning Board Appointment

This matter is to discuss, consider and possibly vote to appoint Cecil Wayles to the Planning Board. Mr. Wayles had been interviewed on October 4, 2021. A motion was made by Councilor Geary and seconded by Councilor Davis to appoint Cecil Wayles to the Planning Board. The motion and second was withdrawn in order to properly state that the position is Planning Board Alternate.

A MOTION WAS MADE BY COUNCILOR GEARY AND SECONDED BY COUNCILOR DAVIS TO APPOINT CECIL WAYLES AS ALTERNATE TO THE PLANNING BOARD.

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

OPPOSED: None

SO VOTED

PUBLIC FORUM

No one spoke during public forum.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ADJOURN IN MEMORY OF DANIELLE SILVA.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk