

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of January 2022 A.D. the said meeting was called to order by Town Council President Stephen Moffitt, Jr. at 6:00 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 Clerk Elizabeth Cook-Martin attended remotely. Town Solicitor Stephen Sypole; Town Manager Brian Rosso arrived during the workshop.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO RECESS TO EXECUTIVE SESSION UNDER RIGL SEC. 42-46-5(A)(1) INTERVIEWS: BOARDS & COMMISSIONS: CHARTER COMMISSION; COMMUNICATIONS COMMITTEE.

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.

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

OPPOSED: None

SO VOTED

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, Geary, Hirst, Marvel

OPPOSED: None

SO VOTED

WORKSHOP

The Town Council conducted a workshop to review and discuss draft Town Council Bylaws which began at 6:25 PM. Town Solicitor Stephen Sypole and Town Manager Brian Rosso were in attendance and participated remotely.

Discussion started on Page 5 of the Bylaws. Councilor Hirst read Section 108(A) which states that the Chair can be replaced for cause by supermajority vote of the Town Council. He felt that there could be nothing wrong with the Council President other than someone might disagree with some of his policies, public statements, or the way he runs the meeting and replacement should be by way of the Town Charter. Solicitor Sypole advised that the original draft Bylaws called only for a majority vote to replace the Council President but after speaking with Council President Moffitt, they had changed this to a supermajority vote for cause. Council President Moffitt felt the appointment of the Council should be by way of the Town Charter but removal of the Chair should be as stated by the Bylaws. Councilors Davis, Marvel and Geary all agreed with keeping this clause in the Bylaws as a supermajority vote for cause. Regarding Section 108(B), Decorum, on Page 6, Councilor Hirst asked Solicitor Sypole how they were to confine members in debates to the question under discussion. Council President Moffitt believed that it was his obligation as the Chair to make sure that they stayed on point. Solicitor Sypole also indicated that it would be an Open Meeting Act violation if they were discussing topics not on the agenda. Councilor Marvel discussed Page 6, Section 109(A) which indicated that the Town Council meeting shall commence at a certain time and he felt that it was very important that they start on time. On Page 7, Section 113, No. 1, Councilor Hirst wished to add in a moment of silence after the Pledge of Allegiance. He also felt that there should be two public forums with the second one being at the end of the agenda, which Councilors Davis and Marvel agreed with. Councilor Marvel believed that the first public comment should concern items on the agenda and the last public forum would be for any open item that anyone wished to bring to the Council's attention. Solicitor Sypole suggested that there was no significance to the order of the proposed list, which was just a suggestion, noting that they usually held their

executive sessions at the beginning of the meeting and not last. Clerk Cook-Martin indicated that there would need to be subheadings under the major headings for there cannot be generic headings as the public needs to be aware of what is to be discussed at the meetings. Councilor Davis preferred to hold the executive session at the beginning of the meeting which Councilor Hirst agreed with but he also wished to have it noted at the end with “if needed” in parenthesis. Clerk Cook-Martin advised that if one of the headings was not being used, it would be removed from that meeting’s agenda. Solicitor Sypole also noted that No. 12, Other Administrative Issues could be stricken from this list if it was not needed. Council President Moffitt suggested that the Town Clerk should advise how this list is written, noting that the approval of the agenda order was something that the Town Clerk and Chair typically did together. Clerk Cook-Martin asked if in the Communication section she should list any letters that the Council received and who they are from; Council President Moffitt stated yes. Clerk Cook-Martin thereafter asked about anonymous letters noting that in the past they were not given any consideration at all and Council President Moffitt agreed that they should not be given any consideration. Clerk Cook-Martin also noted that Public Hearings should be at the top of the agenda because they need to notify people of a time to appear which was agreed with by Council President Moffitt. Regarding Page 8, Section 114, Agenda, Clerk Cook-Martin noted that subsection (A) suggested that items delivered to the Town Clerk for inclusion in the agenda should be provided three business days before the meeting which she did not believe was enough time. Councilor Davis asked what she thought this should be and Clerk Cook-Martin felt that at a minimum this should be four business days. Councilor Marvel asked if it would be unreasonable to have this read seven days. Councilor Hirst felt that should something could come up at the last minute this should be more liberal. Councilors Moffitt and Davis agreed with Councilor Marvel at seven days. Clerk Cook-Martin stated that her concern would be if this would also apply to the Town Manager for there may be an issue that the Manager becomes aware of that he feels it is important enough to put on the agenda and she felt this may be too wide a window. Council President Moffitt asked Clerk Cook-Martin how many days she felt this should be and she

indicated four days. She also noted that in subsection (C) that should also read four days. Councilor Hirst asked how they determined what Town Council business was, believing that any Councilor should be able to put something on the agenda. Councilor Davis advised that the last sentence of that paragraph indicated that, “Items may be added to the agenda and immediate debate or action may be taken on administrative matters, upon a vote of a majority of all members of the Town Council.” She noted that the Chair was a gate person and she understood that someone could abuse his or her power. She asked Solicitor Sypole if this was something that could be added as an item on the agenda. Solicitor Sypole indicated that he would like to check to see if “administrative matters” was defined in the Bylaws, which would help, noting that it would have to be something defined so as not to violate the Open Meetings Act.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO CONTINUE THE WORKSHOP ON FEBRUARY 7, 2022 PRIOR TO THE REGULAR MEETING.

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

OPPOSED: None

SO VOTED

The meeting was called to order with a moment of silent meditation and a salute to the Flag at 7:15 PM.

HEARING

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

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

OPPOSED: None

SO VOTED

COMMERCIAL HAULER LICENSE RENEWALS

The Council opened a hearing on the renewal of the following commercial haulers licenses: CWPM, LLC, 25 Norton Place, Plainville, CT; EZ Waste Systems, Inc., 67 Ledward Ave., Westerly, RI; On-Time Disposal, 203 Ashaway Rd, Bradford, RI; RPKK, Inc./RPE Waste Services, 9 New King’s Factory Rd., Wood River

Jct., RI; Republic Services, Inc. 1080 Airport Rd., Fall River, MA; Sanitation by Quint Perry, 7 Sweet Corn Ln., Westerly, RI; Steven Piccolo Jr. & Sons, Inc., 7 Boombridge Rd., Westerly, RI; Waste Connections-MTG Mega Disposal & Patriot Disposal, 9 Industrial Way, Seekonk, MA; Waste Management, 1610 Pontiac Ave., Cranston, RI.

The Town Clerk reported all applications and filing fees were received with the exception of Steven Piccolo & Sons. Notice had been posted. She will follow up with that particular hauler to obtain the application and fee as these licenses expire at the end of the month. No one spoke in favor of or in opposition to renewal of the commercial haulers licenses.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO GRANT RENEWAL OF THE COMMERCIAL HAULERS LICENSES SUBJECT TO RECEIPT OF ALL APPLICATIONS AND FILING FEES.

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

OPPOSED: None

SO VOTED

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

IN FAVOR: Moffitt, Davis, Hirst, Marvel, 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/Workshop Minutes of January 3, 2022; Accept the following monthly financial/activity report: Town Clerk; Approve refund due to overpayment by taxpayer of 2020 tangible tax submitted by the Tax Collector; Approve abatement resulting from software

double billing error affecting one 2021 real property tax account submitted by the Tax Assessor.

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

OPPOSED: None

SO VOTED

OLD BUSINESS

UPDATE FROM POTTER HILL DAM INFORMATION STUDY COMMITTEE

James Duksta of 14 Chase Hill Road explained that the Committee was awaiting feedback on a pre-permitting meeting that the Town of Westerly was supposed to have with DEM. This was originally scheduled for December 16, 2021 but needed to be rescheduled. Also, there has been some opposition from the Wood Pawcatuck Watershed on the decision of the Westerly Town Council to proceed with option 3, causing some questioning of the different approaches. The Westerly Town Council decided that they wanted to meet with DEM and determine the feedback. Carl Rosen wished to add that NOAA had sent a letter to the Westerly Town Council objecting to their choice of option 3 even though it met most of the criteria that they require. He noted that NOAA was pushing for their preferred option, which is to take everything out and drop the water level. In NOAA's letter there is an implication that if Westerly does not go with their preferred option there might be a chance that they will not support continued funding in the future. Mr. Rosen did not believe this to be an idle threat on NOAA's part. He suggested that where Laurel Street goes down to the dam and Maxson Street goes down to the dam there is a big bend in the road with an area which has been used as a canoe and kayak launch for decades. If the Town Council was interested, they could possibly attempt to obtain funding from the state, federal government or COVID money and create a canoe and kayak launch and make this a really nice site rather than an eye sore where people stop and throw their canoes in. If the town obtained some funds, it could be used to fix that part of the riverbank and Hopkinton could participate with the ongoing process in the future. He felt this would be positive for the businesses in the area as well and would go a long way in making Hopkinton a much more inviting place. Councilor Hirst believed this property was private property and not owned

by the town. Marie Ward of 42 River Road asked whether the four formal requests made of the Council at a November or December meeting had been acted upon. Ms. Ward indicated their requests were: (1) that someone from the Council be appointed a liaison to act as a conduit for the Council; (2) take a formal position on the alternatives presented by Fuss & O'Neill; (3) begin to work directly with the Town of Westerly moving forward on actions and any plans; and (4) to begin looking for funding to assist with the chosen alternative. Council President Moffitt advised that the Council had not taken any formal action on any of those requests. He noted that Councilor Hirst has been attending the Dam Committee meetings and he was unsure if Councilor Davis was still attending those meetings. He believed that this was just to be an update from the Committee and there would be no discussion about the specifics of any projects regarding the Potter Hill dam for it was not on the agenda. Ms. Ward asked again if nothing had been done on any of their requests and Council President Moffitt advised that she was correct. He also noted that he did not feel that the Council should be getting involved and taking a stand regarding private property or property that is in control of a receivership. Councilor Hirst stated that the Council should get some answers from the Tax Assessor about what reasonable assumption can be made regarding land values if the water level were to drop and how will they approach the well situation if the water level were to drop. Council President Moffitt indicated that this was a different topic. Tonight's agenda was just supposed to be an update from the Committee and he felt that this is a private matter and they were asking the town to get involved in a private property issue. Councilor Davis noted that she had been waiting for the results of the pre-permitting meeting as well and either Westerly has not had that meeting or Hopkinton has not been provided with an update. She noted that she would be happy to send a letter to the Westerly Town Manager, Shawn Lacey, to see if he has an update of this matter, noting that they cannot respond until they know what Westerly is planning on doing. Councilor Hirst wished to thank the members of the Committee for their work. Councilor Geary asked if they could ask Solicitor Sypole to speak with the receiver to obtain an update. Solicitor Sypole indicated that he could check the court's docket for the receivership proceeding to see if

there has been any update and then he could call Attorney Dorsey, the receiver, to see if there was any update that the Council should be aware of. Mr. Rosen wished to add that in some of the letters that have been circulated by the Wood Pawcatuck and other Rhode Island groups, they state that there would be a change in the service area on the river of approximately 5%, which sounds like a rather insignificant change in the amount of land that would be lost to the change of the river; however, on page 84 of the study, looking at the land area between the Potter Hill dam and the Route 3 bridge, which is the immediate upstream area that would be impacted the most, there is an 18.4% loss of surface to the drop in the river under the project 1 and project 2 alternatives. The 18 acres and the 34% land loss is a huge change.

NEW BUSINESS

CONSIDER BUDGET TIMETABLE - SCHEDULE BUDGET WORKSHOPS

The Council set Monday, February 28, Tuesday, March 1, Thursday, March 3, Wednesday, March 9 and Monday, March 14, 2022 for budget workshops beginning at 6:00 PM.

TREE WARDEN REAPPOINTMENT

This matter had been scheduled to discuss, consider and possibly vote to reappoint Scott Ahern as Tree Warden for a one-year term to January 2023. The RI DEM requires each RI community to appoint a Tree Warden. Mr. Ahern wishes to stay on as Tree Warden.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCIOR DAVIS TO REAPPOINT SCOTT AHERN AS TREE WARDEN FOR A ONE-YEAR TERM TO JANUARY 2023.

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

OPPOSED: None

SO VOTED

BOARDS & COMMISSIONS:

CONSERVATION COMMISSION APPOINTMENTS

This matter had been scheduled to discuss, consider and possibly vote to appoint David Augustyn and Dawn Spears to the Conservation Commission. Mr. Augustyn and Ms. Spears had been interviewed by the Town Council.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPOINT DAVID AUGUSTYN TO THE CONSERVATION COMMISSION.

IN FAVOR: Davis, Hirst, Marvel, Geary

ABSTAIN: Moffitt

OPPOSED: None

SO VOTED

Council President Moffitt abstained, as he had not been present for the interview.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO APPOINT DAWN SPEARS TO THE CONSERVATION COMMISSION.

IN FAVOR: Davis, Hirst, Marvel, Geary

ABSTAIN: Moffitt

OPPOSED: None

SO VOTED

Council President Moffitt abstained, as he had not been present for the interview.

JUVENILE HEARING BOARD APPOINTMENT

This matter had been scheduled to discuss, consider and possibly vote to appoint David Augustyn to the Juvenile Hearing Board. Mr. Augustyn had been interviewed by the Town Council.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPOINT DAVID AUGUSTYN TO THE JUVENILE HEARING BOARD.

IN FAVOR: Davis, Hirst, Marvel, Geary

ABSTAIN: Moffitt

OPPOSED: None

SO VOTED

Council President Moffitt abstained, as he had not been present for the interview.

**WOOD PAWCATUCK WILD & SCENIC RIVERS STEWARDSHIP COUNCIL
ALTERNATE MEMBER APPOINTMENT**

This matter had been scheduled to discuss, consider and possibly vote to appoint David Augustyn as alternate to the Wood Pawcatuck Wild & Scenic Rivers Stewardship Council. Mr. Augustyn had been interviewed by the Town Council.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO APPOINT DAVID AUGUSTYN AS ALTERNATE TO THE WOOD PAWCATUCK WILD & SCENIC RIVERS STEWARDSHIP COUNCIL.

IN FAVOR: Davis, Hirst, Marvel, Geary

ABSTAIN: Moffitt

OPPOSED: None

SO VOTED

Council President Moffitt abstained, as he had not been present for the interview.

PUBLIC FORUM

David Augustyn of 10 Grancera Drive wished to thank the Council for appointing him to these positions and he hoped to be an asset to the town in the coming years.

Dawn Spears of 120 Main Street also wished to thank the Council for their support and she was looking forward to serving the town.

ADJOURNMENT

Councilor Hirst indicated he would make a motion to adjourn in memory of Joyce Smith, who had once served as Hopkinton Deputy Town Clerk.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ADJOURN IN MEMORY OF JOYCE C. SMITH.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk