

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of April 2022 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 Per Vaage; Town Manager Brian Rosso; Town Clerk Elizabeth Cook-Martin.

CALL TO ORDER – ROLL CALL

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

ROLL CALL

Councilors Moffitt, Davis, Marvel, Hirst and Geary announced they were present.

PUBLIC COMMENT

Joseph Moreau of Old Depot Road advised that the Planning Board was going through some changes and he wished to thank Al DiOrio for his many years of service to the town. He also noted that the DiOrios had provided him with a \$100 gift card to Stop & Shop that he was able to give to a family in need just prior to Thanksgiving. Mr. Moreau also wished to congratulate Ron Prellwitz for recently being elected as the Chair of the Planning Board. He also wished to congratulate Carolyn Light on her reappointment to the Planning Board and thanked her for providing him with two \$50 gift cards to Aldi's. He suggested that now when a project came before the Planning Board, the members are going to divide the responsibilities so that each member can focus on one particular item. Lastly, Mr. Moreau wished to speak about the levy and the assessment of local taxes concerning reclassifying the land under solar arrays, noting that Jason Tefft had provided him with a copy of H6676. He noted that there was a second bill which is an amendment entitled, 2022 H6676, Substitute A.

ACKNOWLEDGMENTS & ANNOUNCEMENTS:

Council President Moffitt announced that Thursday, May 5, 2022 is the date that has been selected by the Chariho School Committee for the second Chariho Budget Referendum.

Councilor Hirst also felt it important to point out to the voters that Hopkinton's Financial Town Assembly was scheduled for Tuesday, May 3, 2022 where they will be going over the Town's proposed budget.

APPROVAL OF AGENDA ORDER

There was no vote taken and no concerns voiced over the agenda order.

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO APPROVE CONSENT AGENDA AS FOLLOWS:

Approve Town Council Meeting Minutes of April 4, 2022; Accept the following monthly financial/activity report: Town Clerk; Approve 2021 real property tax abatement due to double billing software error submitted by the Tax Assessor.

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

OPPOSED: None

SO VOTED

VACANCIES & APPOINTMENTS:

PLANNING BOARD

Carolyn Light had submitted a letter requesting to be reappointed to the Planning Board.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT CAROLYN LIGHT TO THE PLANNING BOARD.

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

OPPOSED: None

SO VOTED

CONSERVATION COMMISSION

Gary Marsh had submitted a letter requesting to be reappointed to the Conservation Commission.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO REAPPOINT GARY MARSH TO THE CONSERVATION COMMISSION.

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

OPPOSED: None

SO VOTED

NEW BUSINESS:

CHARIHO SCHOOL COMMITTEE RE: NUMBER OF SEATS

The Town Council was provided a copy of a letter addressed to the Chariho School Committee with a calculation on the number of seats for the Chariho School Committee for the next year based upon the recent census, received from Andrew M. Lentz, Esq.

Councilor Hirst was curious why this matter was before them and he wished to know if the Town Council had a role in setting the number of members of the School Committee. Council President Moffitt believed that this matter was before them as a courtesy to let them know that the census has changed for 2022 and that this issue should be revisited. Solicitor Vaage noted that there was a formula built into the Chariho Act that is applied to decide how many members from each town can sit on the school committee. Councilor Davis noted that the recommendation was for each town to have four school committee members. Councilor Geary asked Town Clerk Cook-Martin if she had seen this question come up after a census before and she believed this was the first time the calculation had come into play. Councilor Hirst wished the residents to know that this was due to the 2020 census and has nothing to do with student enrollment.

PROPOSED LEGISLATION HB 7942 RE: ACCESSORY FAMILY DWELLING UNITS

This matter was before the Town Council to discuss, consider and possibly vote to oppose proposed legislation HB 7942 Relating to Towns and Cities – Zoning Ordinances.

Councilor Davis noted that on page 11 of 14, it read in RIGL 45-24-73, “Consistent statewide treatment of accessory dwelling units required: (a) Any

municipality which chooses to permit accessory dwelling units within the municipality shall not impose any excessive restrictions as to the ADUs. More specifically, a municipality which permits ADUs shall not restrict tenants based on familial relationship or age unless such restrictions is necessary to comply with the terms of a federal subsidy related to affordability.” She noted that currently people who occupy ADUs in town have to be related to the people in the main house, which she felt was a good idea. Mr. Santilli, the Building Official, noted that there is a law on the books which indicates that if you have a disabled child or a parent who is elderly (over the age of 62), they can live within your dwelling unit. What the State wants to do is have an accessory dwelling unit law. The town currently has an accessory dwelling unit ordinance which indicates that it has to be owner occupied; you need a special use permit from the Zoning Board; provide an Affidavit to the Zoning Office; and, the unit cannot be detached, it has to be attached or within the dwelling unit. If the ownership should change, they would need a special use permit or a letter from the Building and Zoning Office and the dwelling has to be inspected annually. Also, there can be no separate utilities and the ISDS has to be up to par. Also in the zoning regulations is a section that indicates that only one structure used for residential purposes can be on one lot; there cannot be two residential structures on one lot. Mr. Santilli asked the Solicitor if state law supersedes town zoning and he indicated yes, unless the town amends the zoning ordinance to prohibit ADUs across the board. It was agreed by the Councilors that they would send a letter in opposition of proposed Legislation HB 7942.

A MOTION WAS MADE BY COUNCILOR GEARY AND SECONDED BY COUNCILOR DAVIS TO OPPOSE THE PROPOSED LEGISLATION HB 7942 RELATING TO TOWNS AND CITIES – ZONING ORDINANCES.

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

OPPOSED: None

SO VOTED

PROPOSED ZONING ORDINANCE DISTRICT USE TABLE AMENDMENT RE: MARIJUANA USES

This matter was before the Town Council to discuss, consider and possibly vote to send a proposed Zoning Ordinance District Use Table amendment relating to marijuana uses, to the Planning Board for an advisory opinion, introduced and sponsored by Councilor Moffitt.

Council President Moffitt noted that he had a conversation with the Deputy Zoning Official, Ms. Desjardins, regarding the new legislation that is being proposed for the legalization of recreational marijuana. He wished to send this matter to the Planning Board for their review. Councilor Geary noted that he had been following this matter and felt it was a good idea to get ahead of it. Councilor Hirst felt this was similar to giving licenses to illegal aliens, noting that marijuana is prohibited by the federal government and the Food and Drug Administration has not approved it for recreational use. He felt it was crazy that there are states that are enacting laws when the federal law has not changed. Councilor Davis asked if there was any chance that one of those four small retails per district could be in Hopkinton and Council President Moffitt noted that Hopkinton would be in one of the districts, so it was possible. He felt that this would be heavily regulated by the Department of Business Regulations and three percent of gross sales will go to the towns. He went on to state that this regulation will allow for home growing as well. He noted that the House, Senate and Governor all have bills regarding this matter and from what he understands a lot of it is pretty agreeable; Connecticut and Massachusetts already have their approval. Councilor Hirst felt that the town should not ignore federal law.

A MOTION WAS MADE BY COUNCILOR GEARY AND SECONDED BY COUNCILOR MARVEL TO SEND A PROPOSED ZONING ORDINANCE DISTRICT USE TABLE AMENDMENT RELATING TO MARIJUANA USES, TO THE PLANNING BOARD FOR AN ADVISORY OPINION.

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

OPPOSED: None

SO VOTED

**RESOLUTION RE: FULL FUNDING RESTORATION OF CATEGORICAL
TRANSPORTATION AID TO REGIONALIZED SCHOOL DISTRICTS**

This matter was before the Town Council to discuss, consider and vote re:
Resolution in support of full funding restoration of Categorical Transportation
Aid to Regionalized School Districts as outlined in §16-7.2-6.

Councilor Hirst felt that when you organize a regional school district you give up a lot of power; the Councils do not have the power to approve the bottom line of the school budget; and, you have to deal with other communities whose financial situation may be very different from yours.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY
COUNCILOR MARVEL TO APPROVE THE RESOLUTION IN SUPPORT OF
FULL FUNDING OF CATEGORICAL TRANSPORTATION AID.

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

OPPOSED: None

SO VOTED

The Resolution follows:

**TOWN OF HOPKINTON, RHODE ISLAND
RESOLUTION IN SUPPORT OF FULL FUNDING
OF CATEGORICAL TRANSPORTATION AID
AS OUTLINED IN RIGL §16-7.2-6**

WHEREAS, the regional incentive was promised to local districts when the Regional School Districts were formed; and

WHEREAS, the regional incentive was phased out in 2010 with the passage of the new funding formula; and

WHEREAS, Transportation Categorical Funds were provided to the Regional School Districts to partially offset the loss of the regional incentive by partially reimbursing the higher transportation costs of the regional districts; and

WHEREAS, the Regional School Districts have designed and implemented a number of innovative education programs that meet the learning needs of students; and

WHEREAS, the investment of resources in our Regional School Districts has yielded positive education results and innovative educational programs and services for students and adults that have been a wise investment of local and state resources; and

WHEREAS, it is necessary to ensure that students attending Regional School Districts continue to receive a high-quality public education and to reduce the burden on regional taxpayers; and

WHEREAS, according to the RI Department of Education, the Governor has requested a total of \$4,185,284 for regional transportation aid for the regional districts of Bristol-Warren, CHARIHO, Exeter-West Greenwich, and Foster-Gloicester; and

WHEREAS, according to the RI Department of Education, \$5,793,117 of categorical transportation aid is required under the intent of RIGL §16-7.2-6(e); and

WHEREAS, the funding requested by the Governor represents a \$1.6-million-dollar shortfall for the regional districts as follows: Charlestown, Richmond and Hopkinton (\$590,584); Bristol-Warren (\$454,763); Exeter-West Greenwich (\$394,429); and, Foster-Gloicester (\$168,057).

NOW THEREFORE, BE IT RESOLVED, that the Hopkinton Town Council,

1. Respectfully requests that Transportation Categorical Funds between the State and Regional Districts be fully funded in an amount equal to that intended under RIGL §16-7.2-6(e) to protect the interests of regional school districts and advance the education mission of our schools; and
2. Seeks the support of all Town Councils and Legislators that comprise the regional school districts regarding this matter of mutual interest to the schools and taxpayers of our regional districts.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to the Governor of the State of Rhode Island, the Rhode Island General Assembly, the Charlestown Town Council, the Richmond Town Council, the Chariho Regional District School Committee, and the Chariho Regional District Superintendent.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent as well to the Town Councils, Schools, and Legislators of the regional districts of Bristol-Warren, Exeter-West Greenwich and Foster-Glocester.

The **RESOLUTION** shall take effect upon passage.

PUBLIC COMMENT

Joseph Moreau of Old Depot Road asked if the recreational retail sale of marijuana would be for established retails in a town or city and Councilor Davis suggested they could also be new establishments. Mr. Moreau noted that he would hate to see the town start changing residentially zoned properties to special commercial. Councilor Davis stated that the District Use Table would only allow this in a commercial and possibly manufacturing zone. Councilor Geary indicated that he would give Mr. Moreau his copy of the State Cannabis Act to review.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ADJOURN IN MEMORY OF THE LATE ALBERT J. MARTIN AND THE LATE JASON G. PALMER.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk