

State of Rhode Island

County of Washington

In Hopkinton on the eighteenth day of July 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 Stephen Sypole; Town Clerk Elizabeth Cook-Martin.
Town Manager Brian Rosso participated remotely.

CALL TO ORDER AND 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

No one made any comments during the first public comment period.

ACKNOWLEDGMENTS AND ANNOUNCEMENTS - Police Chief David Palmer

Police Chief David Palmer was present for Presentation of Awards
Chief Palmer indicated that the first award was for Detective Ahern, Detective Forbes and Secretary Jill McDade regarding the department's accreditation. He read the letters of recognition which acknowledged their exceptional work as the Hopkinton Police Accreditation Managers in conjunction with the Rhode Island Police Accreditation Commission known as RIPAC. He noted that the three members spearheaded the review, development and compliance of 204 applicable RIPAC accreditation standards which are designed to improve and evaluate overall performance, guide policies for the future and ensure standard compliance. Over the past three years, the three members continued with their everyday duties while also coordinating with the other members of the Hopkinton Police and RIPAC to meet these standards. On October 10, 2021 those three individuals met with RIPAC Executive Director Christine Crocker and five examiners for a mock accreditation; on March 23, 2022, Director Crocker and two examiners met for the official accreditation review; and in May of 2022 the RIPAC Director advised

that the accreditation assessment had been completed and Hopkinton Police had successfully passed the accreditation renewal. Detectives Ahern and Forbes and Secretary McDade are all recognized for their police and computer knowledge, diligence and tenacity in completing the arduous task of accreditation of the Hopkinton Police Department. The three year RIPAC accreditation will result in enhanced professionalism within the Hopkinton Police Department. Chief Palmer explained that the next letter of recognition was for Captain Mark Carrier who is a workout buff and encourages the other officers to stay in shape. He noted that they have a very small workout room at the station with some old equipment. Funding has always been limited to update the older equipment in the police department gym. In 2021, police officers were faced with the added stress of nationwide civil unrest and COVID-19 pandemic. All of the gyms in the state were mandatorily closed for close to a year and home equipment was unavailable to purchase. In September 2021, Captain Carrier was able to locate an organization, who wished to remain anonymous, that was empathetic to the situation and donated \$10,000 to the police department. Captain Carrier researched gym equipment and was able to purchase an interactive Nordic Track treadmill, an interactive stationary bike and a multi-purpose weight machine. The next commendation was for Detective John Forbes for his outstanding work in this investigation of a tragic accident which occurred in 2019 on Frontier Road where a subject died. Detective Forbes was the case agent and spent many, many hours going through all the records trying to determine exactly what happened and if charges could be brought. This investigation took about two years to complete and with Covid there was a delay in issuing this commendation. Detective John Forbes issued twenty-five court authorized search warrants on surveillance equipment, cell phones, cell phone records, cell sites and vehicles. He conducted an accident reconstruction involving the State Police and the URI Forensic Unit and interviewed numerous witnesses and one subject was arrested for obstruction of justice and pled guilty. A liquor license hearing was conducted and the restaurant lost their license to operate. Detective Forbes had the arduous task of investigation of death without the cooperation of the restaurant owners and several key witnesses and maintained close contact with the deceased's next of

kin. Detective Forbes is commended for his diligence and tenacity to determine the cause of the accident and bring some solace to the deceased's family. Lastly, Chief Palmer had a letter of commendation for Sgt. Jason Eastwood regarding a drug seizure of a large amount of marijuana and other drugs, including LSD. The person arrested was well known to the police and they believed there may have been some mental health issues; however, since that arrest they have had very little contact with that person. Sgt. Jason Eastwood is commended on his outstanding works on the 11th day of January, 2022, which is the day that he stopped a motor vehicle after observing it traveling on Main Street at 77 mph in a 40 mph zone. Sgt. Eastwood detected a strong odor consistent with unburnt marijuana. Upon questioning, the operator indicated that he had a grinder with a small amount of marijuana. Sgt. Eastwood advised that he would be conducting a probable cause search and with that the passenger presented two clear plastic bags of approximately one ounce of suspect marijuana. A search of the vehicle revealed a backpack which contained another one ounce bag of marijuana, THC cartridges, approximately \$1,200 in cash, and a cell phone which was also seized. Both parties were returned to the station and the passenger signed a consent to search for the cell phone and the residence. The cell phone revealed hundreds of text messages requesting drugs for money; seized from the residence was approximately two pounds of high potency marijuana, several LSD tablets, scales, vape cartridges and a narcotic ledger. The arrestee admitted that they had been selling marijuana and pills for approximately six months. Sgt. Eastwood is commended for his proactivity in holding a narcotics dealer accountable.

APPROVAL OF AGENDA ORDER

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

CONSENT AGENDA

The Town Council Meeting Minutes of July 5, 2022 were removed from the Consent Agenda as they were incomplete.

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

FOLLOWS: Accept the following monthly financial/activity report: Town Clerk;

Approve refund as a result of an overpayment on 2021 MV tax roll submitted by the Tax Collector.

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

OPPOSED: None

SO VOTED

VACANCIES AND APPOINTMENTS

PLANNING BOARD ALTERNATE RESIGNATION

This matter had been scheduled to discuss, consider and possibly vote to accept the resignation of John Pennypacker as alternate member of the Planning Board.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ACCEPT THE RESIGNATION OF JOHN PENNYPACKER WITH DEEP REGRET.

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

OPPOSED: None

SO VOTED

POST PLANNING BOARD ALTERNATE VACANCY

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO POST THE PLANNING BOARD ALTERNATE MEMBER VACANCY ON THE WEBSITE.

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

OPPOSED: None

SO VOTED

LAND TRUST APPOINTMENT

This matter had been scheduled to discuss, consider and possibly vote to appoint Alana Russell to the Land Trust.

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR DAVIS TO APPOINT ALANA RUSSELL TO THE LAND TRUST.

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

OPPOSED: None

SO VOTED

HEARINGS:

1. PROPOSED ZONING ORDINANCE DUT AMENDMENT RE CANNABIS USES

The Council opened a hearing on proposed amendments to the Zoning Ordinance District Use Table of the Hopkinton Code of Ordinances, Chapter 134 – Appendix A entitled “Zoning”. The proposed amendment to the District Use Table would establish and include subcategory 9 “Medical and Recreational Marijuana and Related Uses”. To be inserted at the end of the table beneath Category 875 Gun Clubs. Introduced and sponsored by Councilor Moffitt.

The proposed amendments follow:

P= Permitted N= Prohibited S= Special Use Permit A= Aquifer Protection Permit

9 Medical and Recreational Marijuana and Related Uses

Use Category	RFR-80	RES-1	Neighborhood Business	Commercial	Manufacturing	Aquifer Primary	Aquifer Secondary
900 Compassion Center	N	N	N	P	P	P	P
901 Hybrid Cannabis Retailer (Medical and Recreational)	N	N	N	P	P	P	P
902 Retailer (Recreational only)	N	N	N	P	S	P	P
903 Licensed Cultivator	N	N	N	P	P	A	A
904 Independent Testing Lab	N	N	N	S	S	A	A
905 Cannabis Product Manufacturer (Wholesale)	N	N	N	S	S	A	A

All other Sections of Chapter 134 to remain in full force and effect.

The amendments shall take effect immediately upon passage.

Council President Moffitt read the use categories and definitions so everyone would have a clear understanding.

RIGL 21-28.6-3(6)(i) “Compassion center” means a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and is licensed under § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses medical marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser.

RIGL 21-28.11-3(28) “Hybrid cannabis retailer” or “hybrid compassion center” means a compassion center licensed pursuant to Chapter 28.6 of title 21 that is in good standing with the department of business regulation and that has paid the fee pursuant to § 21-28.11-10 and has been authorized to sell nonmedical or adult use cannabis to consumers.

RIGL 21-28.11-3(16) “Cannabis retailer” or “marijuana retailer” means an entity licensed pursuant to § 21-28.11-10.2 to purchase and deliver cannabis and cannabis products from cannabis establishments and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments and to consumers.

RIGL 21-28.6-3(11) “Cannabis cultivator” or “marijuana cultivator” means an entity licensed to cultivate, process and package cannabis, to deliver cannabis to cannabis establishments and to transfer cannabis to other cannabis establishments, but not to consumers.

RIGL 21-28.11-3(17) “Cannabis testing laboratory” means a third-party analytical testing laboratory that is licensed annually by the commission, in consultation with the department of health, to collect and test samples of cannabis and cannabis products pursuant to regulations issued by the commission and is:

- (i) Independent financially from any medical cannabis treatment center or any licensee or cannabis establishment for which it conducts a test; and
- (ii) Qualified to test cannabis in compliance with regulations promulgated by the commission pursuant to this chapter. The term includes, but is not limited to, a cannabis testing laboratory as provided in § 21-28.11-11.

RIGL 21-28.11-3(14) “Cannabis product manufacturer” or “marijuana product manufacturer” means an entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to deliver cannabis and cannabis products to cannabis establishments and to transfer cannabis and cannabis products to other cannabis establishments, but not to consumers.

Council President Moffitt advised that the state legislature on May 30, 2022 passed a law to allow recreational cannabis and all of the above language has come from the state statute. He believed that because this is being regulated through the state, it would be very structured. Solicitor Sypole noted that the proposed use categories on the Town Council agenda were updated to match the definitions. Council President Moffitt advised that he would like to add those definitions to the ordinance, explaining that marijuana is now legal in Rhode Island. He felt that this will be heavily regulated with a Cannabis Control Commission and a Cannabis Advisory Board appointed by the Speaker of the House, the President of the Senate and the Governor; and, Hopkinton will not be able to supersede state law. Solicitor Sypole read a portion of the statute that was recently enacted this year: RIGL §21-28.11-16, entitled “Local Control”. He noted that Subsection A says that a city or town may adopt ordinances and bylaws that impose reasonable safeguards on the operation of cannabis establishments,

provided they are not unreasonable and impracticable and are not in conflict with this chapter or with regulations made pursuant to this chapter. This statute creates a Cannabis Control Commission that will be putting forth more regulations which are unknown at this time. Solicitor Sypole suggested they not put a lot of detail into the ordinance for they do not know what all of the regulations are yet. He noted that Subsection A goes on to list four things that towns may do: (1) govern the time, place and manner of cannabis establishment operations and of any business dealing in cannabis accessories, except that zoning ordinances or by-laws shall not operate; (i) prevent the conversion of a medical marijuana compassion center licensed or registered engaged in the manufacture or sale of cannabis or cannabis products to an adult use retail cannabis establishment engaged in the same type of activity under this chapter; or (ii) limit the number of cannabis establishments (you cannot say that the town will accept fewer than the state's regulatory scheme would allow for); (2) restrict the licensed cultivation, processing and manufacturing of cannabis that is a public nuisance; (3) establish reasonable restrictions on public signs related to cannabis establishments; however, if a city or town enacts an ordinance or bylaw more restrictive than the Commission's standard, which we do not know at the moment, than the local ordinance or bylaw shall not impose a standard for signage more restrictive than those applicable to resale establishments that sell alcoholic beverages within the city or town; and (4) the town may assess a civil penalty for violation of an ordinance or bylaw enacted pursuant to this subsection, similar to a penalty imposed for violation of an ordinance or bylaw relating to alcoholic beverages. Subsection B of this statute says that a city or town may adopt ordinances that ban or impose restrictions on the smoking or vaporizing of cannabis in public places including outdoor common areas, parks, beaches, athletic and recreational facilities and other public spaces. If the Council did want to enact an ordinance to that effect, that would be a separate thing from the Zoning Board. Solicitor Sypole believed that the goal of the state was for towns to treat marijuana businesses similar to the way they treat alcoholic beverage businesses. Council President Moffitt noted that the state currently has three compassion centers with six approved compassion centers pending. The state is going to allow twenty-four

new retail licenses with four licenses being distributed to each of the six zones in the state. There will also be a two-year moratorium on cannabis cultivator licenses and he noted that there were already two cannabis cultivators in town based on the current zoning. The state was going to impose a 20% tax on the product and also a 7% sales tax; the state cannabis excise tax is going to be 10%; and, the local cannabis excise tax will be 3%. The local tax will be remitted to the municipality when a point of sale occurs. Councilor Hirst noted a contradiction that the Food and Drug Administration has not approved marijuana. He also felt it was important for him to recognize that the Planning Board was not unanimous on this topic. Councilor Hirst asked Solicitor Sypole if it was legally possible to prohibit marijuana sales in town. Solicitor Sypole indicated that the use table was just to show in what particular zones these various different uses would or would not be permitted. He noted that right now a city or town may adopt ordinances or bylaws that impose reasonable safeguards on the operation of cannabis establishments, provided they are not unreasonable and impractical and are not in conflict with this chapter. If the town wanted to not allow this in any zone, he was unsure if the state would say that this was unreasonable and impractical. He felt that was where the referendum would come in and the effect of the referendum would be that the state would not issue licenses for retail establishments here and the town will lose out on the ability to share in that 3% tax. Councilor Hirst felt that marijuana was different than alcohol because the aroma of someone smoking marijuana can impact you if you are nearby. He questioned if the Council voted to adopt the ordinance would there still be a referendum for the residents to voice their opinion. Solicitor Sypole noted that none of these recreational businesses can open until December and he believed that if they voted to adopt an ordinance allowing a recreational marijuana retail store and the referendum was put on the ballot and the vote was against allowing it, then the state would not issue any licenses in Hopkinton; however, it would still be legal to use and to purchase in other towns where it is permitted. Solicitor Sypole noted that they can prohibit public use of marijuana. Councilor Geary noted that he was not totally opposed to this; however, this may not be as lucrative as it sounds using the current situation with solar arrays as an example.

He suggested possibly waiting to see what regulations are put in place. He also noted that a lot of these places take nothing but cash and he worried about the honesty of the owners to pay the town the three percent. Solicitor Sypole advised the Council that they should include a use table in the zoning ordinance, whether it be permitted or not, because someone may try to open a business and if this is not spelled out in the ordinance the town can wind up in litigation and it could be a Judge making the decision and not the Council. Councilor Davis questioned why Councilor Moffitt had changed the commercial and manufacturing zones to “S” rather than leaving them as “P” in the first four categories and he advised that the use table was put together with the assistance of Sherri Desjardins and they felt these changes should be made. Councilor Davis wished to know the criteria for approving a special use permit. Council President Moffitt noted that this hearing was only to decide whether they should allow this use table into the ordinance and to allow each of the uses that are outlined. If this question is put as a referendum on the ballot and is voted down, you will not have recreational sales or cultivators. Solicitor Sypole advised that the criteria for a special use permit was that the Zoning Board shall be satisfied with legally competent evidence that the proposed use and/or structure: (1) will be compatible with neighboring uses and will not adversely affect the surrounding neighbors’ use and enjoyment of their property; (2) will be environmentally compatible with neighboring properties and protect property values; (3) will be compatible with the orderly growth and development of the town and will not be environmentally detrimental therewith; (4) that all best practices and procedures to minimize the possibility of any adverse effects on neighboring property, the town, and the environment has been considered and will be employed, including but not limited to considerations of soil erosion, water supply protection, traffic limitation, safety and circulation; and (5) that the purposes of this ordinance and as set forth in the comprehensive plan shall be served by said special use. Councilor Marvel agreed that they should get ahead of this issue and having a use table in place would be a benefit. He agreed, since a lot of the regulations were unknown and they did not know what was going to happen with the state, with changing the commercial and manufacturing zones to “S” so that they can have some oversight and control and

then later on if it was felt that certain uses are not impactful then they can always change it to permitted. Council President Moffitt wished to note that North Stonington was going through this same issue, including the use table, to identify places where these facilities can be located. Councilor Hirst asked the Councilors how they felt about only allowing these uses by special use permit rather than just being permitted. Council President Moffitt believed that if the Solicitor did not feel that this would be a roadblock than he would be fine with that. Solicitor Sypole noted that they can require a special use permit for all categories that are permitted; however, that will come with an increased likelihood that there may be litigation if someone is denied and there will be an expense associated with that. Councilor Marvel supported changing the “P’s” to “S’s”. His concern was that because this was new they did not really know the future impacts; they have not heard from the public or Chief Palmer. Right now the state is heavily regulating this and only giving out a certain number of licenses, but down the road the state may open up the number of licenses that they are issuing and if the use is permitted we may end up inundated with developers who want to have this all over town and he would like to have a little bit of control. Councilor Davis agreed that this.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO AMEND THE PROPOSED DISTRICT USE TABLE DEFINITIONS TO REFLECT THE DEFINITIONS READ INTO THE RECORD BY THE SPONSOR.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO AMEND THE DISTRICT USE TABLE TO DELETE THE “P” FOR PERMITTED TO AN “S” FOR SPECIAL USE PERMIT IN COMMERCIAL AND MANUFACTURING ZONES.

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

OPPOSED: None

SO VOTED

Chief David Palmer of the Hopkinton Police Department advised that he is biased on this issue for he was on the Attorney General's Task Force from 2013 to 2018 to keep marijuana from becoming legalized. He felt they were correct in stating that this should not be decided by a moral interest. One of his concerns was with the state saying they will have regulations for he previously had asked how many regulators they will have but received no answer. He noted that in 2017 they only had one regulator and the year before that they only had a part-time regulator; medical marijuana was in full force at that time and the police departments could not keep up. His issues are impairment, mental health issues and the black market. If this comes to Hopkinton all of these issues will become exacerbated. He noted that Council President Moffitt was correct that Connecticut and Massachusetts are both selling these products; however, he felt that it was important to recognize that these concerns are going to be the police department's concerns. He also noted that marijuana is still illegal federally so his understanding is that sellers can only accept cash; also a concern for the police department. Solicitor Sypole believed that it was only the big credit card companies that did not participate in these purchases but retailers would accept debit cards or bank cards. Chief Palmer noted that the National Association of Assistant United States Attorneys noted that states that have legalized marijuana have seen the abuse of such laws and they cited eight issues that law enforcement had: (1) increased violence directed towards marijuana dispensary owners and employees; (2) increased burglaries of marijuana dispensaries; (3) lack of effort on the part of dispensary owners and employees to control unlawful or nuisance behavior in and around the businesses; (4) increased loitering noises, litter and property damage and smoking of marijuana in public areas; (5) increased offenses involving driving while under the influence of marijuana; (6) influx of criminal elements in the neighborhoods where dispensaries are located; (7) marijuana distributors operating in school zones or close to schools or parks; and (8) increased sale of marijuana to juveniles under the age of 18 or to customers who are young. Chief Palmer also agreed with Councilor Geary's analogy of a shiny ball, saying that they should look critically at the amount of taxes that the state is

saying the town will receive as there is a statistic that indicates only 70% of marijuana users will obtain their marijuana legally.

Alfred DiOrio of Woodville Road spoke as a resident and not as a Planning Board member noting that he was an advocate for a community referendum on this topic. He believed that the community should have an opportunity to weigh in before they start enacting the specifics of an ordinance for they do not even know if they are pointed in the right direction. He asked the Solicitor about the issue of having this ordinance in place before an application came forward for if this topic was not addressed in the zoning ordinance it would not be allowed anywhere in town. Solicitor Sypole believed that a developer and lawyer would look at the use tables, find the closest thing to their operation, and try to get it in under that and if the town said no, take it to court. Someone may pick a nursery or greenhouse and say that it is a cultivation or retail store and compare it to retail recreational marijuana. If the ordinance is silent on marijuana but says pharmacies are allowed, they might say that means compassion center; they will find another use that is permitted and say that it includes their marijuana business. Mr. DiOrio suggested they enact an ordinance and state that it is not allowed anywhere until the community decided whether to accept it or not and then the ordinance could be modified. Solicitor Sypole noted that RIGL 21-28.11-15 indicates that if the referendum goes on the ballot the question shall read: “Shall new cannabis related licenses for businesses involved in the cultivation, manufacture, laboratory testing and for the retail sale of adult recreational use cannabis be issued in the Town?” The referendum does not apply to every single use; it applies to the recreational aspect. He noted that there are things in the use table that would not be affected by the referendum and he felt it made sense to have a comprehensive ordinance in place before businesses start inquiring about licenses. Mr. DiOrio noted that the Planning Board felt that the district use table that was before them was essentially insufficient for them to make a finding of any kind for it was an ordinance in the making; it only addresses where these things can take place. It does not give the Planning Board any tools to work with should an applicant come forward. Solicitor Sypole explained that the state was going to formulate guidelines and Mr. DiOrio advised that he did not feel good about the state

looking out for his best interest; instead he suggested that they work out the ordinance, including the elements that would give the Planning Board the proper tools, and then if and when the state gets around to doing this and we find that our guidelines are more restrictive, we amend them. Solicitor Sypole noted that the Planning Board would not be involved; however, Mr. DiOrio indicated that they would be involved because it will come in as development plan review or major land development. Solicitor Sypole felt that if a special use permit was required for these projects they would be reviewed by the Zoning Board and the Planning Board would get a chance to give an advisory opinion; Mr. DiOrio agreed but indicated that they would also see this as development plan review and he believed things like security issues would come up. Solicitor Sypole asked if the Planning Board had reviewed the state laws because they very thoroughly discussed the security that is needed and the scrutiny that goes into the application. Council President Moffitt felt that the Planning Board as well as their solicitor had not been prepared to discuss this matter at their meeting and there was a general lack of knowledge about what was in the ordinance. Solicitor Sypole noted that this was very different from solar where the state left the cities and towns to struggle with how to impose regulations. These applications are scrutinized and the regulations that they will have for security, who can be hired, who can be allowed to work at these places, is very thorough.

Joe Moreau of Old Depot Road wished to thank the Council President for putting this matter on the agenda; it was obvious to him that Councilor Moffitt had spent a lot of time researching this. He noted that in the beginning he was concerned when he heard the term “special use permit” because he has been to too many meetings where developers and attorneys took advantage of RFR80 zones and previous Council members decided to change those zones pursuant to special use permits for solar; however, he believed this issue would be strictly regulated by the state.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO CLOSE THE HEARING AND SET A DATE FOR A DECISION.

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

OPPOSED: None

SO VOTED

The Council set August 1, 2022 as the date for a decision.

2. EXTENSION GROWTH MANAGEMENT ORDINANCE

The Council opened a hearing on a proposed amendment to Chapter 159, Section 12 of the Code of Ordinances of the Town of Hopkinton RI which would extend the effective date of the current Growth Management Ordinance to – date to be determined – with Planning Board review and recommendation to the Council for its continuance beyond that date no later than – date to be determined –.

Introduced and sponsored by Councilor Moffitt. He read the proposed amendment: Chapter 159, Section 12 of the Code of Ordinances of the Town of Hopkinton, RI is proposed to be amended as follows:

1. The second paragraph of Section 12 shall be replaced with the following:

This ordinance is hereby continued in effect through – date to be determined. It shall be reviewed for continued applicability by the Planning Board with a recommendation to the Council no later than – date to be determined; and

2. All other parts of Chapter 159 to remain in full force and effect; and

3. This Amendment shall take effect immediately upon passage.

Council President Moffitt explained that there recently was a question as to whether there was a growth management ordinance in place and Clerk Cook-Martin found the ordinance which included a deadline. He thereafter asked the Planning Board to review the ordinance and provide a recommendation which they did. This ordinance has to be approved and extended before the end of the year or it will become null and void. The Planning Board recommended that a consultant be hired to look at this ordinance; however, Council President Moffitt did not believe they needed a consultant to tell them, based on the town's budget and the financial constraints of the town, that a growth management ordinance was best for the town. He wished to extend this ordinance for two more years with a caveat that the Zoning Official works with the Town Manager to make sure all aspects of this ordinance are up-to-date and accurate and to also look at

previous years to see how this ordinance has affected the town. That will allow the Council time to decide whether they wish to hire a consultant. In the meantime, he believed they could work with the numbers and formula in order to extend this to provide more time. Councilor Davis asked if the dates in the current ordinance would just be extended to 2024 and Council President Moffitt indicated that was correct. Council President Moffitt asked Solicitor Sypole about an exemption found in the ordinance and Solicitor Sypole noted that it would no longer be in effect because it referred to a project that was no longer proposed. Council President Moffitt asked if that reference should be removed in order to clean up the ordinance. Solicitor Sypole advised that the Planner had indicated to him that this was a reference to an old Brushy Brook project, which was not the current Brushy Brook project being proposed, so he did not see any need to remove that language.

At the conclusion of discussions, it was agreeable to the Town Council to extend the Growth Management Ordinance for two years. The effective date of the Growth Management ordinance would be December 31, 2024 with a recommendation from the Planning Board to reflect the date of June 30, 2024.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO CLOSE THE HEARING AND SET A DATE FOR A DECISION.

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

OPPOSED: None

SO VOTED

The Council set August 1, 2022 as the date for a decision.

NEW BUSINESS

DEPARTMENT OF PUBLIC WORKS CONTRACT

The Department of Public Works Contract was before the Town Council to discuss, consider and possibly vote to ratify the DPW contract.

Town Manager Brian Rosso advised that he generally would prepare an impact statement regarding this contract approval; however, he was unable to do so in

time for the meeting. He explained that the DPW contract had expired on June 30, 2020 and they were not under contract for FY 21. They negotiated a Memorandum of Agreement for FY 21 which included a one percent increase, being the only change from the previous contract. Thereafter they negotiated a contract for FY 22, 23 and 24 with annual increases of two percent per year. In addition, in FY 21/22 there was a 50 cent increase to the maintenance operator and mechanic positions. After much negotiation and obtaining comparables from other municipalities of similar size, they felt it necessary to increase those salaries and there was a base pay adjustment of 50 cents per hour which equated to a little over \$2,000 a year. This was prior to the two percent increase that was given in FY 21/22. They also increased the eye glass reimbursement by \$25 and the boot allowance by \$25; added a mechanic stipend so if a maintenance operator works in the capacity of a mechanic they will receive an extra \$20 a day. There was a contract signing bonus which basically made up for the one percent in FY 21 because they felt that was a low annual adjustment or salary percent increase; they gave them a flat payout of \$250 for maintenance operators and mechanic and \$1,000 for the custodians. The difference in the stipend was due to the fact that the custodians did not get that 50 cent pay increase to their base pay. Based on comparables, the custodians were actually being paid more than custodians in other neighboring municipalities. They will also get Juneteenth off as a holiday and they also added in longevity for the employees that were hired after July 1, 2012; in previous contracts if you were hired after July 1, 2012 you did not receive longevity. Now there is 2% longevity after five years and 3% after 10 years. The three year contract impact is approximately \$140,000 or a \$34,000 per year increase. Mr. Rosso also noted that they incorporated some new Janus language into the contract which is beneficial to the town; there was some strengthening to the language on sick time; and, strengthening of some language on management rights and the discipline policy.

Councilor Geary noted that he was disappointed that the Police, fire department and DPW did not receive any Covid compensation.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO APPROVE THE DPW CONTRACT.

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

OPPOSED: None

SO VOTED

LOCAL QUESTION ON NOVEMBER 8, 2022 BALLOT RE: CANNABIS

This matter had been scheduled to discuss, consider and possibly vote to include a question on the November 2022 Ballot re: Cannabis.

Councilor Hirst made a motion to include a question on the November 2022 ballot and then subsequently withdrew it.

Solicitor Sypole read section 21-28.11-15, Municipal Authority, subsection A which states: “Other than a city or town that is a host community for an existing licensed medical cannabis treatment center (which Hopkinton is not), any city or town may by resolution of the city or town council, cause to be printed on the ballot in an election held on or before November 8, 2022, the following question: “Shall new cannabis related licenses for businesses involved in the cultivation, manufacture, laboratory testing and for the retail sale of adult recreational use cannabis be issued in the city or town?” Subsection B says that upon the adoption of a resolution by the city or town council pursuant to the provisions of subsection A, the Commission shall not issue any new cannabis related license pursuant to the provisions of this chapter unless and until the electors of the city or town vote to approve the issuance of new cannabis related licenses within the city or town. This provision shall not apply to the issue of hybrid cannabis retailer licenses. Subsection C indicates that if a majority of the ballots cast on which electors indicated their choice against granting the license than no new licenses pursuant to this chapter shall be issued by the Commission relating to the sale of recreational cannabis within the city or town, provided, however, any existing marijuana cultivator of a cannabis testing laboratory licensed pursuant to the medical marijuana laws shall be permitted to continue operating within the municipality pursuant to the conditions of licensure without regard to a

referendum. Subsection D, any city or town that by referendum declines to allow the issuance of new licenses relating to the sale of recreational marijuana will not be eligible to receive revenue pursuant to Section 21-28.11-13. Council President Moffitt noted that there are already two cultivation facilities in town. Councilor Marvel asked if that was for recreational cultivation and Council President Moffitt noted that as of now there were only three compassion centers in the State of Rhode Island. They will not start recreational sales until December 1st. The state is going to allow the compassion centers to become hybrid and that is going to be the entryway into recreational marijuana. He went on to state that about a year ago the state licensed six more compassion centers. The state put a limit on the amount of time that they had to get up and running, obtain all of their permitting and open; they are in pursuit to open and those nine businesses will be the first retail cannabis stores in the state. Councilor Marvel asked if that covered everything that would be available to the town in terms of the 3% tax revenue and Council President Moffitt indicated that was correct. Councilor Marvel reiterated that if this question was rejected, then there would be no opportunity for the town to receive any of the 3% revenue in sales. Council President Moffitt advised that this was correct, although he believed they could petition the state legislature to ask them for another chance. Solicitor Sypole noted that there was a procedure available to have another go at the referendum but it literally takes an act of the state legislature to get another crack at it. Councilor Davis asked if the question that Solicitor Sypole read was sufficient and it was noted that this wording was the only way it could be worded on the ballot.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADOPT THE FOLLOWING RESOLUTION:

RESOLVED: That the Hopkinton Town Council authorizes the following question be placed on the November 8, 2022 ballot: “Shall new cannabis related licenses for businesses involved in the cultivation, manufacture, laboratory testing and for the retail sale of adult recreational use cannabis be issued in the Town?”

Discussion on the motion:

Council President Moffitt noted that he was not in favor of having this question on the ballot because he felt the town needs this money; he has done a lot of

research on this issue; and, it is legal in the State of Rhode Island. This will bring business to the town and make other businesses want to be here because it is going to bring traffic. He does not want this issue voted on because of people's perception. This is legal in the State of Rhode Island and he felt the Council should decide because there are a whole lot of uninterested people in Hopkinton. Councilor Hirst indicated that he believed in democracy and one of the reasons people do not respect politicians is because they think they know all of the answers and believe the public is ignorant; however, the public is the boss. He believed the people should be able to vote and he did not see that this would necessarily be a big cash cow for the town. Council President Moffitt indicated that they do not ask residents to vote on zoning ordinances or whether or not they are going to allow a narcotic selling drugstore in town or even if they are going to give out liquor licenses. He hoped people will be informed if they are to vote on this matter. Councilor Geary felt they should give the residents a choice.

Councilor Marvel noted that he was on the fence about have a referendum on the ballot; he agreed with Council President Moffitt that a lot of people will vote based on the fact that this is marijuana and they are against it and may not know what they are potentially giving up in terms of tax revenue and part of him was also against this because he felt they should be doing all they can to encourage business development and try to protect, as much as possible, the tax base to keep the property taxes low. On the other side of the coin, he agreed with Councilor Hirst that it should be up to the people to decide whether they want this or not. He indicated that he believed it was more incumbent on the Council to go the way of protecting people's tax rates and doing what they can to encourage businesses, so he will vote to reject putting this question on the ballot. Discussion ended.

IN FAVOR: Davis, Hirst, Geary

OPPOSED: Moffitt, Marvel

MOTION CARRIED

TAX COLLECTOR REQUEST TO ADJUST OFF UNCOLLECTABLE TAXES FOR TAX YEARS 2011-2021

This matter had been scheduled to discuss, consider and possibly vote to adjust off uncollectable taxes for tax years from 2011-2021 for the total amount for \$36,997.16 submitted by the Tax Collector.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO ADJUST OFF UNCOLLECTABLE TAXES FOR TAX YEARS FROM 2011-2021 FOR THE TOTAL AMOUNT FOR \$36,997.16 SUBMITTED BY THE TAX COLLECTOR.

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

OPPOSED: None

SO VOTED

PUBLIC COMMENT

No one made any comments during the second public comment period.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO ADJOURN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk