

State of Rhode Island

County of Washington

In Hopkinton on the fifth day of July 2022 A.D. the said meeting was called to order by Town Council President Stephen Moffitt, Jr. at 6:45 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 Manager Brian Rosso; Town Clerk Elizabeth Cook-Martin.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO RECESS TO EXECUTIVE SESSION UNDER R.I.G.L. SEC. 42-46-5(A)(1) - INTERVIEWS: BOARDS & COMMISSIONS: LAND TRUST.

POLL VOTE:

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO RECONVENE IN OPEN SESSION.

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

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 MARVEL TO SEAL THE MINUTES OF THE EXECUTIVE SESSION.

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

OPPOSED: None

SO VOTED

**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.

## APPROVAL OF AGENDA ORDER

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

## ACKNOWLEDGMENTS AND ANNOUNCEMENTS

An announcement was made regarding Hopkinton Residents Use of Richmond Transfer Station beginning July 1, 2022.

Council President Moffitt read Town Manager Rosso's letter into the record:

Dear Hopkinton Residents,

We are pleased to announce a new collaboration between the Town of Hopkinton and the Town of Richmond with regard to residential waste disposal. Please note that if you use a commercial waste hauler and pay for curbside pickup, this agreement does not affect you.

As many of you already know, the Town of Hopkinton has worked with the Town of Westerly for our residential waste services for many years and have decided to no longer continue with this arrangement. The Town of Hopkinton, after much research, has decided that it is in the best financial interest of our residents to move away from the Westerly Transfer Station. We also want to note that if any residents feel so inclined, can elect to pay for day passes to continue disposing of their waste at the Westerly Transfer Station.

Effective July 1<sup>st</sup>, 2022, the Town of Richmond's Town Hall will be giving out placards to Hopkinton residents at **no annual cost to our residents** (motor vehicle registration is required).

The first weekend, Saturday, July 2<sup>nd</sup>, and Sunday, July 3<sup>rd</sup>, the Town of Richmond will have someone posted at the Transfer Station to assist with the placard distribution during their regular business hours (8:00 a.m. – 4:00 p.m.) Hopkinton residents are asked to bring their vehicle registration to receive the placard.

It should be noted that there is **no annual fee for our residents** to acquire a Richmond Transfer Station placard and **all waste bags are accepted**. The Richmond Transfer Station will be charging a tipping fee, based on the weight of the waste. Hopkinton residents are encouraged to visit their website for additional information regarding Richmond's Transfer Station fees:

<https://www.richmondri.com/147/Public-Works>

We want to thank the Town of Richmond for collaborating with us and encourage our Hopkinton residents to call us with any questions regarding this new partnership!

Mr. Rosso advised that he has received a lot of phone calls and emails, mostly from Ashaway residents, and wished to note that this was not something that Hopkinton sought to do; however, Westerly passed an ordinance that changed the way Hopkinton residents were going to be billed. The town would have had to charge all of their residents \$50 regardless of whether they used the landfill or not. Councilor Geary hoped that in the future they might be able to work with Westerly again and noted that Westerly is charging \$10 for a day pass.

**CONSENT AGENDA**

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO APPROVE THE CONSENT AGENDA AS FOLLOWS: Approve Town Council Meeting Minutes of June 20, 2022.

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

OPPOSED: None

SO VOTED

**HEARING**

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

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

OPPOSED: None

SO VOTED

**MULTI EVENT PERMIT**

The Council opened a hearing on an application for a Multi-Event Permit filed by Kevin Sullivan/Little Rhody Lobster, LLC, 15A Frontier Road, Ashaway, RI 02804 for property located at 15A Frontier Road and owned by BCP, LLC, in order to hold various events including mini-golf, weddings, car shows and music; Sundays thru Saturdays during normal business hours, 11:30 AM to 10:00 PM.

The application was complete; no waivers requested and there was no objection to the multi event permit by the Chief of Police. No one from the public voiced their objections.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO GRANT APPROVAL TO THE MULTI EVENT PERMIT FILED BY KEVIN SULLIVAN/LITTLE RHODY LOBSTER, LLC, 15A FRONTIER ROAD, ASHAWAY, RI 02804 FOR PROPERTY LOCATED AT 15A FRONTIER ROAD AND OWNED BY BCP, LLC, IN ORDER TO HOLD VARIOUS EVENTS INCLUDING MINI-GOLF, WEDDINGS, CAR SHOWS AND MUSIC; SUNDAYS THRU SATURDAYS DURING NORMAL BUSINESS HOURS, 11:30 AM TO 10:00 PM.

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

**NEW BUSINESS:**

**RESOLUTION IN SUPPORT OF LEGISLATION RESTORING FUNDING FOR STATE AID TO LIBRARIES TO THE FULL 25 PERCENT**

This matter had been scheduled to discuss, consider and possibly vote to adopt a Resolution in Support of Legislation Restoring Funding for the State Aid to Libraries to the Full 25 Percent.

Councilor Hirst believed that the state should be doing more for public schools and libraries and he hoped that when they challenged the state for more state funding they address Article XII, Section 1.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO ADOPT THE RESOLUTION IN SUPPORT OF LEGISLATION RESTORING FUNDING FOR THE STATE AID TO LIBRARIES TO THE FULL 25 PERCENT.

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

OPPOSED: None

SO VOTED

The Resolution follows:

**TOWN OF HOPKINTON, RI  
RESOLUTION**

**In Support of Legislation Restoring Funding for the State Aid to Libraries to the Full 25 Percent**

**BE IT RESOLVED BY THE TOWN COUNCIL OF HOPKINTON AS FOLLOWS:**

**WHEREAS:** for many people, public libraries are their only means of access to books, computer services, technology training, and all forms of media essential for fulfilling and productive lives; and

**WHEREAS:** Free public libraries are essential to the general enlightenment of citizens in a democracy and provide for the cultural, educational, informational, and research needs of all citizens; and

**WHEREAS:** The Constitution of the State of Rhode Island at Article XII, Section 1 states that it “shall be the duty of the General Assembly to promote public schools and public libraries, and to adopt all means which it deems necessary and proper to secure to the people the advantages and opportunities of education and public library services”; and

**WHEREAS:** in recognition of the importance of libraries in our society, the Rhode Island General Assembly has set the level of state aid for library services at a minimum of twenty-five (25%) of amount spent from local tax funds and a library’s private endowment; and

**WHEREAS:** the Governor’s proposed FY 2023 budget funds state aid to libraries at 22.38%, which is **\$3,563** less than the Town of Hopkinton would receive at the required 25% level; and

**WHEREAS:** the Town of Hopkinton, Rhode Island supports fully funding State Aid to Libraries at the 25% level in FY 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE HOPKINTON TOWN COUNCIL, AS FOLLOWS:** THAT THE HOPKINTON TOWN COUNCIL AT THE REQUEST OF THE HOPKINTON PUBLIC LIBRARY BOARD OF TRUSTEES, DOES HEREBY SUPPORT LEGISLATION WHICH WOULD RESTORE FUNDING FOR STATE AID TO LIBRARIES TO THE FULL 25% REQUIRED IN RI GENERAL LAWS SECTION 29-6-2 (a) AND URGES THE HOPKINTON DELEGATION TO THE GENERAL ASSEMBLY TO WORK DILIGENTLY FOR ITS PASSAGE.

THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE BY THE HOPKINTON TOWN COUNCIL.

**BID AWARD – WEBSITE REDESIGN, HOSTING & CONTENT MANAGEMENT SYSTEM RFP**

This matter had been scheduled to discuss, consider and possibly vote to award the bids for the following RFP: Website Redesign, Hosting & Content Management System.

Mr. Rosso noted that the town’s current website is very dated and needed a total redesign. They received three bids for this RFP from CivicPlus, Red Elephant and Acuta Digital which varied quite a bit in price. After consulting with Mr.

Frenette, the IT Director, they decided that CivicPlus would be the best fit for the town. CivicPlus has worked with nine other municipalities in the state and their templates are far superior. Mr. Frenette explained that the year 1 costs for CivicPlus were approximately \$11,000; Red Elephant \$8,800 and Acuta almost \$56,000. He indicated that CivicPlus works with over 7,500 local governments across the U.S. and Canada and their information security is top notch. Councilor Davis asked why he did not recommend Red Elephant whose bid was the lowest and Mr. Frenette indicated that he did not chose Red Elephant due to the templates, the build-out and what the sites truly can do after and suggested that CivicPlus was not just a website but had other programs that could assist the town. Mr. Rosso noted that this has been funded through the CIP with \$19,500 being available which was enough to implement the Code Red platform of \$4,000 to \$5,000; he also wished to hire a photographer to take four season pictures for the website. Councilor Geary thanked Mr. Frenette for his research and Councilor Marvel asked if the RFP also included making this site a mobile version. Mr. Frenette indicated that the site was fully mobile ready. He also noted that what was previously called Code Red will now be called Civic Ready and it does alerting, email, voice, text, twitter, Facebook and its own mobile app. If a resident signs up and puts their information in they can choose what they are interested in, such as Town Council, and as soon as an agenda is filed they will receive an alert by whatever method they choose.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MARVEL TO AWARD THE BID FOR WEBSITE REDESIGN, HOSTING AND CMS SERVICES TO CIVICPLUS FOR A YEAR 1 COST OF \$10,938.00, A YEAR 2 COST OF \$2,625.00 AND A YEAR 3 COST OF \$2,756.00.

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

OPPOSED: None

SO VOTED

**CONSTELLATION RE THREE YEAR AGREEMENT TO PROVIDE ELECTRICITY**

This matter had been scheduled to discuss, consider and possibly vote to authorize the Town Manager to enter into a three-year Agreement with Constellation from December 2022 to December 2025 to provide electricity to the Town of Hopkinton at a fixed rate, as determined on July 6, 2022.

Mr. Rosso noted that electricity has gone up much like everything else and the current contract that the town has expires on December 31, 2022. Mr. Rosso indicated that he and Finance Director Elizabeth Monty have been in contact with a company called Power Options who works closely with the RI League of Cities and Towns through a REAP Program (RI Energy Aggregation Program) who consolidates all of the usage of the municipalities in the state to get the best rate available. Constellation is offering a fixed rate of twelve cents per kilowatt which is a substantial increase from prior years; however, if they wait to lock in there is a chance that this could increase due to legislation being passed that will allow energy providers to increase the fees that they charge in electric bills. Should the prices come down, they are able to renegotiate this contract. Council President Moffitt asked if Constellation was the same company that handled the street lights and Mr. Rosso indicated no, that company was Prism.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A THREE-YEAR AGREEMENT WITH CONSTELLATION FROM DECEMBER 2022 TO DECEMBER 2025 TO PROVIDE ELECTRICITY TO THE TOWN OF HOPKINTON AT A FIXED RATE, AS DETERMINED ON JULY 6, 2022.

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

OPPOSED: None

SO VOTED

**UNFINISHED BUSINESS:**

**ACCESSORY FAMILY DWELLING UNIT LEGISLATION**

The Town Council began discussions and possible action concerning accessory dwelling unit legislation passed by the General Assembly.

Council President Moffitt noted that he had put this on the agenda because he wished to have a Council discussion regarding this legislation. He wished to know whether the Council wants to leave the accessory dwelling ordinance as it is or take action to not allow accessory dwellings based on the legislation which he felt was horrible. Councilor Hirst believed that accessory dwellings were for people with elderly parents or in-laws in order for family members to take care of them. The problem occurs they those people pass away and now there is empty space which someone may wish to rent out. Council President Moffitt believed the legislation was all or nothing; you either have to follow what the state was allowing or you cannot have accessory dwellings at all. Solicitor Sypole noted that years ago the state's zoning enabling act authorized what would be considered an in-law apartment which was a unit that was inside the primary dwelling limited to a relative residing in it. Approximately five or ten years ago, the requirement of having someone actually related to you living in there was lifted and it could be rented to anyone. This new law takes all of the town's control over accessory dwellings away. Every single person in town would have the right to turn their garage, pool house or barn into a house and rent it out. Council President Moffitt noted that if someone owned a piece of land, they could in essence build two houses on it. Councilor Davis noted that with the Brushy Brook project, they originally wished to have their affordable housing units over garages. Solicitor Sypole noted that the key language that he saw on page 11 of the bill indicates that any municipality which chooses to permit accessory dwelling units shall not impose any excessive restrictions. He felt that the only options were to ban these altogether or allow them unlimited and unregulated. He did not feel that this legislation was ideal for rural towns. Councilor Marvel felt this bill favored the bigger cities and went against Hopkinton's comprehensive plan. Solicitor Sypole also noted that if they allowed accessory dwellings, the town would have no ability to tell the homeowner that they need to increase their septic capacity or wells. Council President Moffitt felt that if they wished to no longer allow accessory structures, they could amend the ordinance to indicate that and then submit it to the Planning Board for their recommendation. Councilor



Hirst asked about the status of this legislation and Councilor Geary noted that it was sitting on the Governor's desk.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO SUBMIT A LETTER TO GOVERNOR DANIEL MCKEE OPPOSING THIS LEGISLATION AND DEPICTING THE CONCERNS THAT HAVE BEEN EXPRESSED. Discussion followed:

Councilor Hirst noted that this bill was brought by Representatives Ackerman and Shekarchi. Mr. Shekarchi is the speaker of the House but he is also the lawyer for the Brushy Brook proposal. He also asked the people in the audience to contact the Governor and urge him to veto this legislation. Council President Moffitt asked Solicitor Sypole what their options were to proceed and he indicated that if the Council wished to amend the zoning ordinance, then that process always starts by requesting an advisory opinion from the Planning Board and a decision would have to be made as to who would be assigned to work on this amendment; or, it could be referred to the Planning Board and there could be a work session with the Planning Board and the Town Council. Generally the first step is to refer this to the Planning Board to obtain their opinion as to whether this would be consistent with the comprehensive plan and the town's zoning ordinance. Councilor Hirst believed that they should send a letter to the Governor asking him to veto this. Discussion ended.

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

OPPOSED: None

SO VOTED

Solicitor Sypole noted that if someone had introduced an ordinance tonight, they would set a hearing date for the Council to have a public hearing and it would be referred to the Planning Board for an advisory opinion. The Planning Board would have forty-five days to provide their opinion and the Council was supposed to vote within sixty days. As of now there was no ordinance so this could be referred to the Planning Board or there could be a request for a workshop with

them, but someone has to draft an ordinance to be introduced. Councilor Davis advised that there was already an ordinance stating that an accessory dwelling must be occupied by a relative and Solicitor Sypole noted that the town could not override the state law; they will need to either ban accessory structures altogether or accept the state's regulations. Mr. Rosso felt that an amendment to the ordinance could be drafted by Sherri Desjardins and Solicitor Pare Vaage and they could ask the Planning Board to review the legislation and provide their opinion as to whether they feel this is consistent with the comprehensive plan.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO DIRECT THE TOWN MANAGER TO REFER THIS TO THE APPROPRIATE BOARDS, COMMISSIONS AND STAFF TO ADDRESS THE ISSUE OF DWELLINGS AND CONSEQUENCES OF 22-H7942 SUBSTITUTE B AND ANY OTHER RELATED TOPICS.

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

OPPOSED: None

SO VOTED

Solicitor Sypole wondered if there should be a deadline assigned to the preparation of this ordinance and Council President Moffitt indicated that he would like to receive a draft by August 1, 2022, so they can immediately refer the draft to the Planning Board for their August meeting.

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR HIRST THAT AFTER THE TOWN STAFF HAS DRAFTED AN ORDINANCE FOR ACCESSORY DWELLINGS IN HOPKINTON, THAT IT BE REFERRED TO THE PLANNING BOARD FOR A DISCUSSION AND ADVISORY OPINION AT THEIR NEXT AVAILABLE MEETING.

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

OPPOSED: None

SO VOTED

**SOLAR LEGISLATION**

The Town Council began discussions on the impact to Hopkinton concerning solar legislation passed by the General Assembly.

Tax Assessor Tiana Zartman was present to talk about solar legislation, House Bill 8220, Sub A which passed both the House and Senate and was currently on Governor McKee's desk. Ms. Zartman noted that Hopkinton will lose assessed property values of approximately \$11 Million Dollars per year, every year, which was based on the approved projects being operational. She noted there are some vague ambiguities such as farmland being limited to 20% so anything less than 20% that is converted from farmland to housing or solar array could not be reclassified or revalued; this is mentioned in the summary page, however, not in the actual legislation. Also the legislation states that all assessments of real property with renewable energy resources thereon shall revert to the last assessed value immediately prior to the renewable developer's purchasing, leasing or otherwise acquiring any interest in the real property. This could mean a developer buys a parcel with intent to put a solar array on it; goes through the process and goes through a revaluation cycle. The classification would have to revert back to the assessed value of the previous revaluation cycle. She is not even allowed to assess that property properly and fairly compared to everybody else in town. Council President Moffitt asked if a "by-right" commercial property that did not have to go through a rezone, would revert back to whatever the land was before it was commercial because it had a solar array on it? Ms. Zartman believed that if the property was previously commercial it would still be assessed as commercial but not be assessed the \$45,000 per acre as they currently assess solar arrays. The problem was the projects that have been rezoned, for they will need to revert back to residential or, in the case of the Skunk Hill project, farm and forest. Those properties will be taxed at \$300 per acre and \$115 per acre respectively. Councilor Davis wondered if Brian Patrick Kennedy had voted for this legislation and Councilor Hirst indicated that he would find out; Council President Moffitt noted that Brian Patrick Kennedy had indeed voted for this. He also stated that developers may have promised things during meetings; however, nothing was put in writing and there was no tax agreement. Councilor Davis asked Ms. Zartman if

there were any alternatives and Ms. Zartman indicated that she had read an article in the Providence Journal which suggested towns speak with the solar companies and recommend that they charge more per kilowatt than the current \$5.00; however, she felt they would not be open to that since the \$5.00 per kilowatt was pursuant to Rhode Island General Law. Councilor Marvel asked if this was another bill sitting on the Governor's desk and if they could send a letter urging him to veto this bill. Council President Moffitt indicated yes and they absolutely should send a letter again.

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR HIRST TO WRITE A LETTER TO GOVERNOR MCKEE URGING HIM TO VETO BILL 8220, SUB A.

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

OPPOSED: None

SO VOTED

Council President Moffitt asked Ms. Zartman how they calculated the loss of revenue each year and she indicated that using this year's tax rate it would equate to approximately \$200,000 per year. Ms. Zartman broke down the three biggest solar projects as follows: 100 Alton Bradford Road will be a yearly loss of \$2.6 Million or approximately \$50,000 of tax revenue; 310 Main Street will be a yearly loss of \$2.86 Million Dollars or approximately \$53,000 of tax revenue; and, 145 Skunk Hill Road will be a yearly \$2 Million Dollars loss or approximately \$37,000 of tax revenue. Council President Moffitt asked about the Skunk Hill Road project and if it reverted back to the farm, forest and open space designation. Ms. Zartman explained that 18 acres was farmland and 76.16 was for forest. The farmland could potentially be revalued at \$3,000 but the 76.16 acres would have to stay as forestry. In order to obtain a forestry classification you have to obtain approval from the state and every five years to obtain a forestry certificate and prepare a forestry plan; you have to spend money in order to get the reduction in value and these solar arrays will continue to be taxed at \$115 per acre because it cannot be reclassified, even if they do not have that classification and approval from the state.

**PUBLIC COMMENT**

Joseph Moreau of Old Depot Road advised that at all of the solar hearings and meetings that he had attended since 2018, the developers stressed the revenue that the town was going to make. He felt it was incredible that they were now looking at a \$200,000 a year loss; noting that in 2018 there was a proposed \$35 Million Dollar project and at the time federal incentives where the developer would receive 30% in rebates. This particular developer, if the project had been approved, would have made \$10.5 Million Dollars; and look where we are now. Mr. Moreau also wished to thank Mr. Frenette for the improvements that he has made to the website. He also thanked the Town Council for the money that was approved from the contingency fund for the flag pole and also the new signage on the building. He wished to thank Mr. Rosso for his work on the transfer station issue, noting that it was unfortunate that people in Ashaway now have to travel to Richmond but Mr. Rosso and the Town Council had to look at what is financially best for the town. Lastly, he also agreed with the Council regarding their thoughts on the accessory dwelling legislation.

**ADJOURNMENT**

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk

Marita D. Murray

Deputy Town Clerk