

State of Rhode Island

County of Washington

In Hopkinton on the sixth day of September 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 Manager Brian Rosso; Town Clerk Elizabeth Cook-Martin. Town Solicitor Stephen Sypole 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 Davis, Hirst, Marvel, Moffitt and Geary announced they were present.

PUBLIC COMMENT

No one spoke during the first public comment period.

APPROVAL OF AGENDA ORDER

There were no concerns voiced over the agenda order.

ACKNOWLEDGMENTS AND ANNOUNCEMENTS

There were no acknowledgments or announcements noted.

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPROVE CONSENT AGENDA AS FOLLOWS:
Approve Town Council Meeting Minutes of August 15, 2022; Approve refunds resulting from overpayments by taxpayers on the 2021 motor vehicle tax roll and refunds resulting from a previous taxpayer's escrow company duplicate payment and a duplicate payment by a taxpayer on the 2022 real property tax roll submitted by the Tax Collector; Approve abatements due to adjustments and corrections to the 2022 tangible and real property taxes submitted by the Tax Assessor; Approve Petition filed by RI Energy for a Narragansett Electric/Verizon joint pole location on Collins Road.

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

OPPOSED: None

SO VOTED

VACANCIES AND APPOINTMENTS:

Planning Board Alternate

This matter had been scheduled to discuss, consider and possibly vote to appoint Christina M. Bolek as Alternate to the Planning Board. Mrs. Bolek had been interviewed on August 15, 2022. Council President Moffitt noted the importance of this position and stated that he would like to have an opportunity to interview Ms. Bolek as he and Councilor Marvel had missed the last meeting; Councilor Marvel agreed. In response to whether the two councilors could meet with the candidate, the Town Clerk felt it would be appropriate for this would not create a quorum; Solicitor Sypole concurred and reiterated that it could be no more than two councilors who attended.

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR GEARY TO TABLE THE APPOINTMENT TO THE NEXT MEETING.

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

OPPOSED: None

SO VOTED

Land Trust Board of Trustees

This matter had been scheduled to discuss, consider and possibly vote to reappoint Carol Baker to the Land Trust Board of Trustees. Mrs. Baker indicated she wished to be reappointed. Councilor Geary asked how long Mrs. Baker had served and Councilor Hirst believed she had been involved since its inception.

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR GEARY TO REAPPOINT CAROL BAKER TO THE LAND TRUST BOARD OF TRUSTEES.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

**SET HEARING DATE RE: ZONING ORDINANCE DISTRICT USE TABLE
AMENDMENT – PETITIONER THOMAS BYRNES JR., 0 ASHAWAY ROAD**

This matter had been scheduled to discuss and consider setting a hearing date re: Zoning Ordinance District Use Table Amendment filed by Thomas J. Byrnes, Jr., 29166 Primrose Lane, Big Key, FL 33042 for property he owns located at 0 Ashaway Road, identified as AP 25 26 Lot 265 an RFR-80 Zone, to establish a Commercial Water Distribution Center - Use Category 144 in the District Use Table.

Solicitor Sypole noted that the applicant did not provide a definition for what they intend this commercial water distribution center to be and he cautioned the Council about putting something in the use table that was not well defined for it may result in future unintended consequences. He suggested the Council ask the applicant to propose a clear definition for this use before the public hearing is held. Clerk Cook-Martin noted that this matter would need to be advertised three times as a display ad so the earliest it could be heard was October 3rd or October 17, 2022. Councilor Geary asked if the applicant was required to send out certified mail notice letters to abutters within 200 feet and Clerk Cook-Martin explained that zoning amendments required a display ad be prepared by her office and certified mailings sent out by her office with the applicant being billed for the same. Thereafter, a stenographer would be hired for the public hearing, which cost is also billed to the applicant. Council President Moffitt noted that this application required a Planning Board advisory opinion and the Planning Board would look at this application and advise whether they are for or against it and make recommendations to the Town Council. This was on the Planning Board's agenda for September 7, 2022. Clerk Cook-Martin indicated that if the Council chose October 3, 2022 for the public hearing, she would report back to the applicant or his attorney and include a request that a definition of what a water distribution center would entail be submitted. Councilor Geary asked if it would be beneficial to have someone from the Zoning Department present at a public hearing in case there were questions. Council President Moffitt advised that once they have the hearing date and the notice is posted, then they can talk about this

matter; however, right now it was only on the agenda to discuss and consider setting a hearing date. If anyone in the public wished to comment on this matter they could do so in the public forum.

The Council set Monday, October 3, 2022, 7:00 PM in the Town Hall Meeting Room as the hearing date.

DISCUSSION RE: LETTER TO THE CHARLESTOWN TOWN COUNCIL

This matter had been scheduled to discuss and consider sending a letter to the Charlestown Town Council regarding their recent recruitment and lateral transfer of a Hopkinton Police Officer. Chief of Police David Palmer was present.

Chief Palmer advised that he had spoken with Mr. Rosso approximately a month ago about the possibility of sending a letter to the Town of Charlestown in an effort to maintain a good relationship with the Charlestown Police Department. He explained that the Charlestown Police took a lateral transfer of one of their officers, which is usually never done with an officer who has been on the job less than three years and without the blessing of the Police Chief. He explained that Charlestown had recruited an officer of theirs who had only been working for a year and a half which was concerning to him and he felt it needed to be addressed so that it did not happen again. The Charlestown Police recognized that the officer they took had only worked in Hopkinton for a year and a half and Hopkinton had not gotten their money back on the investment they made. Chief Palmer explained that police departments post applications for recruitment where anybody and everybody can apply; however, other departments should not be calling Hopkinton's police officers if they have not applied. Charlestown recently called three Hopkinton officers trying to entice them to move to the Charlestown Police force. He believed the police chiefs should speak to each other when a lateral transfer was occurring. Chief Palmer felt there should be restitution made, noting that most departments who hire a candidate to go to the academy have them sign a conditional offer of employment with a payback clause which states that if the officer leaves before they have worked three years they have to pay a sum back to the department for the cost of the academy. The problem is that by

law they cannot include the wages that they pay to the officer while they are in the academy, which accounts for most of their cost. The officer that recently left was responsible to reimburse them 75% of the academy cost, which Charlestown agreed to pay. What they lost are the wages they paid that officer or \$17,776 which Charlestown was aware of. Charlestown can certainly afford to pay that and they would have had to pay that if they sent that officer to the academy. He wished the Council to know that when they lose an officer there becomes a need for overtime and too much forced overtime often results in low morale of the remaining officers. Chief Palmer noted that when he came to Hopkinton in 2012 there were 116 applicants for one open position. The last time they recruited in 2020 they had 9 applicants and currently there are even fewer and he felt the wages being offered were a big reason. Many departments are starting to pay higher salaries and bonuses in an attempt to attract candidates. He suggested speaking with the RI League of Cities and Towns to see if all departments would agree that if an officer left prior to three years of work, a certain amount of money should be assessed and repaid. He believed this would need to be decided by the town managers and he has discussed this with Brian Rosso. By sending a letter to Charlestown he hoped they would recognize the pain that they are causing Hopkinton and will not continue to do this. Charlestown had the opportunity of taking that officer right from the beginning and they did not do so; Chief Palmer believed it was only fair that they paid Hopkinton back \$17,776.

Councilor Geary asked if there was anything in the Town Charter stating that if an officer was sent to the academy and the town expended a certain sum of money on them, that they were required to work for at least three years for the town. Chief Palmer stated there was no law against an officer transferring to another department and because of the lack of candidates this was going to get worse before it got better. Their fear was not only with Charlestown, but other towns soliciting officers as well. He wished the Town Council to consider this when contract negotiations came before them, for they need to entice officers to apply and stay. Councilor Hirst asked how Hopkinton compared with Charlestown and other neighboring towns regarding the benefits that are offered. Mr. Rosso noted that they were currently having contract negotiations and they compare every

position in the police force with seven or eight neighboring communities of similar size, including Charlestown, Richmond, Foster and Warren. Recruitment is down and this is a statewide problem. Mr. Rosso believed Hopkinton was very competitive compared to neighboring similar-sized communities and actually higher than most; however, new officers' salaries needed to be increased, which a lot of towns have done already. Councilor Hirst asked Chief Palmer if there was a potential for them to use reserve officers to fill in and Chief Palmer noted that there was a Retired Officer Corporation (the ROC Program) and they had one officer there with plenty of experience who works on a per diem basis. They would like to expand that; however, there are not a lot of retired officers who are willing to do that. Council President Moffitt asked how this letter should be worded. Mr. Rosso explained that the taking of employees from town departments happens all the time; however, they did not expect this from Charlestown who they have a mutual aid agreement with and share training. Chief Palmer reiterated that this should be off limits before an officer has served three years, whether it is our department or another department, for when an officer is hired the police department pays for them to go to the academy and that money is lost when the officer goes to another department. Councilor Davis asked the Chief if he wished to ask Charlestown to reimburse them \$17,776 and Chief Palmer explained that \$22,370 was expended when training this officer and they did receive a check for \$4,594, leaving a balance of \$17,776 and he did wish to ask for reimbursement of that amount.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO SEND A LETTER TO THE CHARLESTOWN TOWN COUNCIL REGARDING THE RECENT RECRUITMENT AND TRANSFER OF A HOPKINTON POLICE OFFICER.

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

OPPOSED: None

SO VOTED

DISCUSSION WHETHER TO HOLD A CANDIDATE WORKSHOP IN TOWN HALL MEETING ROOM UTILIZING THE HYBRID SYSTEM – COUNCILOR DAVIS

This matter had been scheduled to discuss and consider whether the Town Hall Meeting Room should be used for a meet the candidate workshop on October 4, 2022 utilizing the hybrid system requested by Councilor Davis.

Councilor Davis recommended holding a workshop to introduce the candidates to the residents rather than having to canvass door to door. She noted that Corey Fyke of the Westerly Sun agreed to serve as the moderator and the tentative date is Tuesday, October 4, 2022 at the Town Hall from 7:00 p.m. to 9:00 p.m. She only wished this to be for the eight people running for town council and the four people running for school committee which she believed to be the important candidates for the residents to hear from. Councilor Geary felt this was an excellent idea but wondered if anyone had polled the residents. Councilor Davis noted that in the two hour session each of the candidates would have a one minute opening statement, two minutes to answer each of three questions and a two minute closing statement. She felt that the residents should pose the three questions that they were to answer and they could draw straws to see who responds first so there would be no advantage for someone. Councilor Hirst wondered if it was possible that the League of Women Voters take over for there would be an assumption that they would be more objective than having someone from the Council do this. He did not have a problem with the public participating or submitting ideas, but some organizations that have debates pass on their questions to the League or some other similar groups and these questions are more independent minded. Council President Moffitt stated that he had a problem with the use of the town hall for this debate. He did not believe town employees should be participants in this and he did not feel the town should be paying anybody in that regard. Councilor Davis believed this would be for the residents and Council President Moffitt indicated that he was not opposed to the idea but did not feel it should be held on town property. Councilor Hirst suggested a private group sponsor the forum. He wished to table this matter for the next meeting and speak with Etta Zasloff. Councilor Davis stated that she did not want to involve the League of Women Voters because they had already asked their questions and she wished their questions be formulated by the residents.

Council President Moffitt questioned Solicitor Sypole about the legality of this and he indicated that he had no problem with the town hall being used for the event if the Council chose to allow that but he cautioned against giving the appearance that the town was sponsoring a political event. He noted that he has seen many of these types of debates or forums but they were always hosted, conducted and moderated by the League of Women Voters, newspapers or some independent organization; he did not wish this to look like the Town of Hopkinton was putting on this event. Mr. Rosso was concerned that if they polled the residents for questions and thirty questions were submitted, who would pick the three to be answered? Councilor Davis suggested putting all the questions in a hat and having Corey Fyfe pull them out.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR GEARY TO NOT HOST A CANDIDATE FORUM. Discussion followed:

Councilor Davis wished for a motion to approve the request and then they could vote accordingly. Councilor Marvel felt it was a good idea to use the hybrid technology for residents but he was concerned that the town hall meeting room would be too small. Councilor Hirst felt that they should reject this. Councilor Davis wished to have this recorded and available to the residents at their leisure. Mr. Rosso suggested using their Zoom technology and holding the workshop remotely due to an issue with capacity. Council President Moffitt felt the town should not play a role in any politics. Councilor Davis noted that this suggestion came from the Hopkinton Democratic Town Committee. Councilor Hirst felt that the Chairman of the Democratic Town Committee and Chairman for the Republican Town Committee should have spoken about this. Councilor Hirst noted that there was government and politics and they should not be intertwined. Councilor Hirst withdrew his motion and Councilor Geary withdrew his second. Discussion ended.

A MOTION WAS MADE BY COUNCILOR DAVIS TO USE THE TOWN HALL MEETING ROOM FOR A MEET THE CANDIDATE WORKSHOP ON OCTOBER 4, 2022.

There was no second.

PUBLIC COMMENT

Mary Ann McNamara of 32 North Road indicated that she has been reading all of the meeting minutes since May for she had been unable to attend the meetings and she had a few questions. Council President Moffitt explained that in public forum the Council was unable to answer questions or discuss things that were not on the agenda. Ms. McNamara wondered if Bill 6676 which changed to Bill 8220A regarding solar taxing had passed and Council President Moffitt stated that it had. Ms. McNamara also questioned whether Bill 7942 regarding accessory dwelling units had passed. Council President Moffitt explained that this was before the Planning Board to provide the Council with an advisory opinion and the Town Council had this matter scheduled for a hearing. Regarding all of these Bills coming before the town, she felt Solicitor Sypole seemed to be saying that the town does not have a choice. She asked how Hopkinton could protect itself from these state mandates. She also wished to receive a copy of the Growth Management Ordinance and stated that she felt there was an overburdening of state mandates which was very disheartening.

Joe Moreau of Old Depot Road spoke of the commercial water distribution center that was being proposed and which was being heard before the Planning Board on September 7, 2022. He noted that on the town's website under the Planning Board agenda there were numerous documents associated with the meeting that should be reviewed. He encouraged residents to have a concern with this commercial water distribution center noting that the applicant wished to put up a 20' by 30' building along with storage tanks. They have requested a waiver of a soil erosion and stormwater control plan; location of existing septic system; and, traffic study. Mr. Moreau indicated that he had spoken with the Building & Zoning Office who had previously issued a Cease and Desist Order on the removal of water from that site. There are approximately twenty-two residents who are abutters of this proposal. He asked residents to show up at these

meetings if they were concerned about this project for this was not just the responsibility of the Town Council, but also of the residents. Lastly, Mr. Moreau noted that the owner and applicant of this proposal was a resident of Florida. Don Kinney and 23 Egypt Street explained that he lived across the street from the proposed well. He noted that he had started coming to the town hall approximately four years ago trying to determine why there was approximately ten to twenty trucks a day coming out of that property with water. He eventually spoke with Sherri of the Building & Zoning Department who noted that the property was proposed to be a blueberry farm which was the reason they were allowed to put electricity and a pump on the site. After many more complaints Anthony Santilli indicated that he would look into this and he issued the Cease and Desist Order. Approximately three weeks ago they were on the site pumping again so Mr. Kinney called Mr. Santilli who called the lawyer asking for another Cease and Desist which was agreed upon and it has been quiet since. Mr. Kinney indicated that he has spoken with Mr. Byrnes, who was very rude. This year while the Benn Water trucks were taking water from the site his well went dry which has never happened before. Since they stopped taking water from that site his well has been fine. He indicated this is being done for profit; Benn's Water Service is leasing that lot and they are the ones who put in the pump and had someone living there in a trailer.

Leah Boisclair, Esq. of 77 Carolina Back Road, Charlestown, RI, attorney for Mr. Byrnes called in. Solicitor Sypole recommended that the minutes of this meeting be made a part of the record of the public hearing on the zone change application because several public forum participants have expressed their opinions regarding this application. Attorney Boisclair indicated that she had no objection to that and noted that she would reserve her arguments and corrections for argument at the hearing on October 3, 2022. She asked Solicitor Sypole about his comment regarding a definition, noting that she believed her statements for (h) and (i) of the application regarding the proposed use would suffice. Solicitor Sypole indicated that he did not believe it was clearly established. She asked what exactly did he need further as a definition. Solicitor Sypole proposed that along with the amendment to add the new item to the use table, they add a proposed addition to

the definition section that defines the scope of what this includes because when he saw water distribution center his first thought was of a warehouse with a bunch of Poland Spring bottles to be delivered to office buildings; he did not know what this was until he read further.

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