

State of Rhode Island

County of Washington

In Hopkinton on the seventeenth day of October 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 attended remotely; Town Manager Brian Rosso; Deputy Town Clerk Marita Murray.

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

Frank Landolfi of 3 Elizabeth Court thanked Councilors Davis and Moffitt for putting House Bill 8220A on the agenda. He wished it known that when he voted to approve solar projects, it was to obtain two sources of income for the town: tangible taxes of \$5.00 per megawatt AC and real property assessments of \$45,000 per acre, which was taken away with House Bill 8220A. He hoped the town would pursue an increase in tangible taxes in a collaborative effort with other towns and the RI League of Cities and Towns. Mr. Landolfi acknowledged a letter that Eric Bibler had sent to the Council as being on point in that the solar developers quietly waited for the approvals on their projects and then appealed the assessments. He stated that he would not have voted for any of these solar projects if he had any inkling that they were going to take away the revenue promised to the town.

APPROVAL OF AGENDA ORDER

There were no concerns voiced over the agenda order.

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 October 3, 2022; Accept the following monthly financial/activity report: Town Clerk; Approve three (3) National Grid/Verizon joint pole petitions for new joint pole and anchors on Kenney Hill Road; to install new pole 47-50 on Tomaquag Road; to install new pole 74-50 +/- 150' between existing pole 74 and 75 on Tomaquag Road.

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

OPPOSED: None

SO VOTED

VACANCIES AND APPOINTMENTS

This matter was scheduled to discuss, consider and possibly vote to accept Deborah O'Leary's resignation from the Conservation Commission.

Councilor Hirst was very concerned that this Commission would not have enough members and he felt they should be given more consideration. Councilor Geary believed that in the past there has been some outside interference with Boards and Commissions. He advised that Ms. O'Leary and Harvey Buford had obtained grants and done wonderful things for the town and he was sorry to see her resigning. Council President Moffitt wished to thank Ms. O'Leary for her 12 years of service on the Conservation Commission and Councilors Davis and Marvel also wished to thank Ms. O'Leary for her time on this Commission.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ACCEPT THE RESIGNATION OF DEBORAH O'LEARY FROM THE CONSERVATION COMMISSION WITH REGRET.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

This matter was scheduled to discuss with local legislative delegation re: House bill H8220A – Councilor Davis.

Councilor Davis noted that she had sent a letter to Representative Brian Patrick Kennedy, Representative Justin Price and Senator Elaine Morgan inviting them to come to this meeting to discuss why they voted for the recently passed Legislation

HB8220A. She noted that Representative Kennedy indicated that he had a prior commitment and would not make it and Representative Price had sent an email.

Senator Elaine Morgan was present and advised that she was very disappointed that Representative Kennedy was not in attendance to explain his vote and also that the information the Town Council received was not accurate. Councilor Davis explained that the Council had received information from Eric Bibler regarding the January session of the General Assembly noting that on Thursday, June 23rd, Sequence No. 661, item 37, 2022H8220, sub A, was approved with eight people voting yes with Senator Morgan being one of them. Senator Morgan advised that this was incorrect information and explained how a bill starts. A special interest group came through the General Assembly requesting this bill and Representative Shanley and Senator DiPalma generated it. Senate Bill 3027 was presented by Senator DiPalma and it was thereafter assigned to a committee and vetted. The Republicans squashed the Senate version of this Bill in committee. The House Democrats decided to draft another version and on the last day of the session changed a few words and submitted a Sub A which all House Democrats approved and all of the House Republicans rejected. Senator Morgan stated that they snuck this Bill into the Senate on the last night of session, noting that this Bill did not go through the Senate Committee, but right onto the floor. She explained that what the Council believed she had voted a yes on was actually a floor amendment to that Bill to change page 3, line 5 regarding the levy and assessment of local taxes from \$5.00 to \$9.00 per kilowatt hour; however, all the Democrats voted no and this was struck down. She felt this was a very bad Bill and the Democrats took away the city and towns control away and gave it to the state. The day after this vote passed the Senate, Senator Rogers sent out a press release urging the Governor to veto H8220A; the Governor did not veto this bill so it passed. Senator Morgan explained that the Bill gives farmland status to corporate, for-profit solar companies. Councilor Hirst suggested that all cities and towns should prepare Resolutions and hold the Governor accountable. Councilor Davis stated that she had contacted Jordan Day, the Policy Director of the RI League of Cities and Towns in August and Ms. Day indicated that she was

working with some towns, the Tax Assessors Association, Energy Office of Resource and Management and a few solar developers who were having second thoughts about the Bill. Councilor Davis indicated that she had contacted Ms. Day again today and was told that the stakeholders were going to meet again in November and possibly consider increasing the tangible tax. Councilor Hirst was infuriated that developers came before the Council, put under oath, and promised tax benefits to the town. He hoped that Representative Kennedy would address this issue in a letter to the editor.

UNFINISHED BUSINESS

This matter was scheduled to discuss, consider and vote on a motion to either approve or reject the petition for an amendment to the Hopkinton Zoning Ordinance District Use Table 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 Lot 265 an RFR-80 Zone. The provision under which the application for a Zoning Ordinance Amendment is made is Section 16, Adoption and Amendment to Zoning Ordinance Map. The applicant proposes to establish a use category in the District Use Table entitled Commercial Water Distribution Center in Section 5 of the District Use Regulations and establish a Use Category 144 under Extractive & Industrial Non-manufacturing category, following completion and closing of the public hearing on October 3, 2022.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MARVEL TO REJECT THE PETITION FOR AN AMENDMENT TO THE HOPKINTON ZONING ORDINANCE DISTRICT USE TABLE FILED BY THOMAS J. BYRNES, JR. Council discussion:

Councilor Davis felt that it was important to preserve Hopkinton's aquifer, noting that the majority of Hopkinton's residents relied on wells. The proposed amendment could jeopardize residents' wells; open up a category that other companies could take advantage of; and, allow a commercial business to exist in the middle of a residential area and therefore she would be voting no. Councilor Hirst explained that he has known the Benn family for a long time and thought very highly of them; however, he felt this ordinance should be rejected because it has town-wide implications. Councilor Geary felt this ordinance was not a good

idea for water issues were becoming a crisis throughout the world and he could not support this. Councilor Moffitt indicated that he could not support this ordinance for many of the reasons the other Councilors stated and because it had town-wide implications. Councilor Hirst wished it noted in the record that the Planning Board had unanimously rejected this amendment. Councilor Marvel advised that he also rejected this amendment. Discussion ended.

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

OPPOSED: None

SO VOTED

PUBLIC COMMENT

No one from the public spoke.

Councilor Davis wished to reiterate that towns voting to reject the issuance of the new cannabis licenses will not be able to receive the 3% local revenue share established by the Act.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR MARVEL AND SECONDED BY COUNCILOR HIRST TO RECESS TO EXECUTIVE SESSION UNDER: RIGL SEC. 42-46-5(A)(2) – COLLECTIVE BARGAINING/UNION CONTRACT: LOCAL 498 IBPO.

POLL VOTE:

IN FAVOR: Moffitt, Davis, Geary Hirst, Marvel

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, Geary Hirst, Marvel

OPPOSED: None

SO VOTED

Council President Moffitt reported that no votes were taken in Executive Session.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO SEAL THE MINUTES OF THE EXECUTIVE SESSION.

IN FAVOR: Moffitt, Davis, Geary Hirst, Marvel

OPPOSED: None

SO VOTED

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO ADJOURN IN MEMORY OF LORRAINE M. SUNDERLAND AND CHRISTOPHER DIPAOLA.

SO VOTED

Marita D. Murray

Deputy Town Clerk