

State of Rhode Island

County of Washington

In Hopkinton on the third day of January 2023 A.D. the said meeting was called to order by Town Council President Michael Geary at 7:00 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Michael Geary, Scott Bill Hirst, Stephen Moffitt, Jr., Sharon Davis, Robert Burns; Town Manager Brian Rosso; Town Clerk Marita Murray. Town Solicitor Stephen Sypole attended remotely.

### **CALL TO ORDER**

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

### **ROLL CALL**

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

### **COUNCIL APPOINTMENTS**

This matter was scheduled to consider and vote to provide approbation for the Town Clerk's appointment of Sydney Fernandes as Deputy Town Clerk.

Council President Geary asked Ms. Fernandes to provide her educational background. Ms. Fernandes stated that she grew up in Hopkinton, graduated from Chariho, attended CCRI and received an Associate's Degree in Paralegal Studies. The Council welcomed Ms. Fernandes to the town. Councilor Hirst wished to make clear that this appointment was not a Town Council appointment. The Town Manager selects most town staff and the Town Council hires legal counsel; the Town Council's appointment power is limited as far as positions in the town.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO PROVIDE APPROBATION FOR THE TOWN CLERK'S APPOINTMENT OF SYDNEY FERNANDES AS DEPUTY TOWN CLERK.

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

OPPOSED: None

SO VOTED

**PUBLIC COMMENT**

No one from the audience wished to speak.

**CONSENT AGENDA**

Councilor Hirst requested that the Town Council Meeting Minutes of December 19, 2022 be held and voted on at the next Town Council meeting.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO SET JANUARY 17, 2023 AS A HEARING DATE FOR A CLASS F-1 LIQUOR LICENSE FILED BY EVENTS BY AMANDA PERRA.

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

OPPOSED: None

SO VOTED

**APPROVAL OF AGENDA ORDER**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE AGENDA ORDER.

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

OPPOSED: None

SO VOTED

**TOWN MANAGER REPORT**

Mr. Rosso advised the Council that the Senate and House passed the FY23 Omnibus Bill and with that approved the Congressional Direct Spending for FY23. He explained that he had met with Senators Whitehouse and Reed approximately one year ago to discuss Congressional Direct Spending and they asked if there were any projects that the Town wished to target. Mr. Rosso and Deputy Town Planner Michael Spellman came up with a list of projects. The razing of the 1904 building project was approved, with the Senators support, and Hopkinton received \$465,000 toward that project. They will receive this money from the Urban Development Program through an application process. Mr. Rosso wished to thank Mr. Spellman for his hard work in obtaining these funds. Mr. Rosso noted that the Town Planner, Talia Jalette, and Mr. Spellman have been

instrumental in completing approximately sixteen grant applications in the last year in an attempt to obtain as much money for the town as possible. There is currently \$135,000 in the CIP which should be sufficient to get this project completed; there is a small matching percentage and the CIP money will be used in that regard. Council President Geary asked if there would still need to be an RFP request and Mr. Rosso indicated yes. He hoped these funds would be available in a few months so that the building can be demolished in the summer months when school was not in session. Councilor Hirst advised that he and other members of the town would like a tour of the building before it was torn down. Councilor Burns asked Mr. Rosso if there was any possibility of having a ground ceremony prior to razing the building where they could invite neighbors. Mr. Rosso felt they could do some type of ceremony in that regard in the spring; however, safety may be an issue with a walk-through. Councilor Davis thanked Mr. Spellman for his work in this regard and noted that he was a welcome addition to the town. Councilor Hirst indicated that Mr. Spellman was a former Selectman of the Town of Stonington and also a former Connecticut State Police Officer.

Andrea Panciera advised that she also attended Ashaway School and has wonderful memories of that building. She suggested that if the public could not tour the building due to safety concerns, possibly they could have a multimedia tour made so that people could view what it looks like online and this could also include some old photos and other materials that relate to the school and become a story about the school. Also, she suggested that the town could possibly raise some money by considering auctioning or selling some of the remnants of the school. Mr. Rosso advised that this had been a previous discussion and an engineer determined what could be salvaged, such as the bell; he would have to review that study. Council President Geary suggested calling the Historical Society.

## **HEARINGS**

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

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

OPPOSED: None

SO VOTED

**CAMPGROUND LICENSE RENEWALS**

The Council opened a hearing on the renewal of the following campground licenses:

Frontier Camper Park, Inc.– Dorothy Watson, 180A Maxson Hill Road, Ashaway, RI licensed for 225 Campsites & Safari Sites. The applicant was present.

Greenwood Hill Campground Association, Inc. – Jeffrey P. Aldrich, 13 Newberry Lane, Hope Valley, RI licensed for 80 Campsites & Safari Sites. The applicant was present.

Holly Tree Campground, Inc. – Marie Patrizzo, 109 Ashaway Road, Ashaway, RI licensed for 158 Campsites & Safari Sites. The applicant was present.

Whispering Pines Campground – Cameron May/WP Management Group, LLC, 41 Saw Mill Road, Hope Valley, RI licensed for 213 Campsites & Safari Sites. The applicant was present.

Ashaway Pines RV Resort, LLC – Jennifer Smith, License Coordinator, 225 Ashaway Road licensed for 260 Campsites. There are no Safari Sites. The applicant was present.

The Town Clerk reported all filing fees were paid and notice had been posted including notice to abutters.

Andrea Panciera, an abutter to Ashaway Pines RV Resort, noted that she was present for a third time to talk about a possible drain on their farm’s water supply by the campground during periods of intense use or drought. She noted that she appeared before the Town Council in 2019 and 2021 and her concerns were referred to other town officials to be addressed; however, she has never received a

response. She wished some kind of independent water test be done that could establish whether or not the well and pumping system at the campground have an impact on their well and water supply for they share the same aquifer. Councilor Davis noted that in the Town Council meeting minutes of January 2021 it noted that Northeast Water Solutions could be contacted to see if there was any way to run a pressure test and the Town Manager was going to look into any type of stipulations that were in place concerning the campground and whether they are required to follow certain steps in the use of their groundwater. Mr. Rosso advised that he had a conversation with the Building and Zoning Official in this regard; however, he could not remember the outcome and would review his file. Councilor Moffitt felt that if all conditions of approval were being met by the campground there was nothing they could do. Councilor Davis read a portion of the conditions placed upon the campground from the Planning Board minutes of November 3, 2010: “As to water wells, two or more widely separated wells shall be used to spread out the points of extraction to minimize water level declines from each well. The proposed new wells shall be at least 200 feet from property boundaries and at least 300 to 400 feet from existing water supply wells to minimize the potential for interference with neighboring wells. A pumping test and ground water surface water monitoring program shall be performed to assess effective well capacity...” Ms. Panciera believed that this had happened at that time; however, she believed it was suggested that this test be done annually. Councilor Moffitt noted that this may have been suggested; however, it would have needed to be in the decision. Ms. Panciera just wished to be assured that the campground was following all stipulations and conditions placed upon it and that they were following all town standards. Mr. Covey, the Assistant Manager of Ashaway Pines RV Resort was present. He noted that he was the person who runs and takes care of the water well for the campground. He stated that Northeast Water Supply is their water partner and performs all of the campground’s State compliance testing; they have to have compliance testing because they are a licensed water provider, almost as if they were a small town. The regulations that they have to follow for water and sewer are the same regulations that a town would need to follow. Mr. Covey noted that his full time

job is with Norwich Public Utilities where they have water and sewer utilities; he is very familiar with what is needed to comply. He stated that the campground's well house is at least 50 to 75 feet lower than the Panciera well house due to elevation which was an advantage for them. The campground well was 245 feet deep and they were unsure how deep the Panciera well was, but he believed the campground was deeper into the aquifer. He noted that they had offered to allow the Panciera's to draw from their well if they still had water in their aquifer. He was unsure what the campground's daily consumption was by gallon, but they have a computerized system and this could be determined. They have pumps that pump from the well into a holding vessel and that vessel is then used for pressure to the campground. They have a greater ability to regulate pressure to the campsites because of the nature of the system that they have. They do have to have water to be able to provide sewer so he cannot turn the water off. Mr. Covey believed that if the power went out they would drain the holding vessel within a couple of days. Should they lose pressure or there be a break in any of the lines, they would have to sanitize the system with chlorine and retest through Northeast Water. They are willing to try to come up with some kind of a mitigation plan in order to assist the Panciera's. Councilor Davis asked whether the RIDEM requirements for groundwater withdrawals of 10,000 gallons per day were being exceeded and Mr. Covey advised that they were well under that. Councilor Moffitt asked Solicitor Sypole for his opinion and he suggested that under Section 9-28 of the town's ordinances, water supply and sanitary systems shall be in conformance with State Department of Health requirements. The only thing in front of the Council is the renewal of the license and he believed the issue having to do with water was outside that scope. Any violation of conditions set by the Planning Board would be enforceable by the Town Planner. Councilor Hirst noted that he would vote against renewing the license at this time for he wished the Building Official and Town Planner to provide their opinion. He felt that the Town Council was supposed to look out for the public welfare and health of the residents. Mr. Covey noted that his objective was to assure that the campground was in compliance with whatever the Council requires and he was unaware of any specific regulations, ordinances or conditions that they need to satisfy other than

the State regulations. He asked to be provided with a copy of any conditions of the town.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO CONTINUE THE RENEWAL OF THE CAMPGROUND LICENSE FOR ASHAWAY PINES RV RESORT TO JANUARY 17, 2023 IN ORDER TO OBTAIN INPUT FROM TOWN DEPARTMENTS ASSURING THAT ALL CONDITIONS OF APPROVAL WERE BEING FOLLOWED. This Motion was withdrawn.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS THAT ALL CAMPGROUND LICENSES BE RENEWED SUBJECT TO ALL STATE AND TOWN REGULATIONS BEING MET AND ALL TOWN TAXES CURRENT PRIOR TO ISSUE, EXCEPT FOR ASHAWAY PINES RV RESORT, LLC WHICH WILL BE CONTINUED TO JANUARY 17, 2023 IN ORDER FOR THE TOWN PLANNER, TOWN MANAGER, BUILDING AND ZONING OFFICIAL AND SOLICITOR TO PREPARE A REPORT FOR THE COUNCIL'S REVIEW.

IN FAVOR: Geary, Hirst, Davis, Burns

OPPOSED: None

ABSTAIN: Moffitt

SO VOTED

Councilor Burns discussed making a motion to grant approval of all campground licenses and then if the Town Manager determined that Ashaway Pines RV Resort was not in compliance with any condition they could rescind it. Councilor Moffitt explained that at the next meeting this license would be on the agenda and it could be approved then. Councilor Moffitt did not agree with not granting this license which would cause uncertainty to their business. Solicitor Sypole noted that his concern was that Ms. Panciera has not brought any evidence to the Council that the campground is in violation of anything and to deny a license based on speculation that there might be an issue was concerning. The Town Planner would be able to enforce any conditions placed on this campground by the

Planning Board and the State is involved in regulating what goes on at the campground in terms of their water usage. He did not feel the Licensing Board should deny a license when there was no evidence of any violation of any ordinance or any Planning Board requirement. Councilor Davis noted that they have not denied this license, only delayed it for two weeks. Ms. Panciera noted that her purpose was not for the Council to deny their license, but noted that this was the only forum for her to raise this issue. As far as she knew, there were no town regulations restricting water use during dry periods as there are in other towns. She wished to have some type of guarantee that the regulations and requirements that were put in place for the campground are actually in place. If she needs to build her own well, she would like to know that this is what she has to do; however, she does not want to put out a lot of money if the water issue has something to do with a neighbor who was approved and regulated by the town. Mr. Covey noted that during the summer drought they followed state guidelines for restricted water use and open burning.

Joseph Moreau noted that Mr. Covey seemed very knowledgeable and cooperative and the Town should be attempting to encourage business. He agreed with Solicitor Sypole that the Planner could determine if they were not following any conditions of approval; they should not isolate this gentleman and ask him to come back in two weeks. Councilor Hirst noted that the Panciera family has been concerned about the campground and its impact on their water supply; he believed it was the duty of the Council to get multiple views which is why they have staff.

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

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

OPPOSED: None

SO VOTED

**NEW BUSINESS:**

**HAZARD MITIGATION PLAN**

This matter was scheduled to discuss, consider and possibly vote to award the bid for updating the Town Council’s Hazard Mitigation Plan.

Mr. Rosso explained that the Town currently has a Hazard Mitigation Plan that was put together in 2018 by a company called VHB which was set to expire in March of 2023. They solicited funding and applied for a BRIC award and received a grant award for \$41,500 to fund the updating of this Hazard Mitigation Plan. There is a small match needed by the town, but 75% of the cost will be funded by the grant. He explained that the awarding of an engineering contract requires a qualification based selection process and is not based on lowest price. Based on the qualifications, the review committee selected VHB.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MOFFITT TO AWARD THE BID FOR UPDATING THE TOWN’S HAZARD MITIGATION PLAN TO VHB.

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

OPPOSED: None

SO VOTED

## **UNFINISHED BUSINESS**

### **Chariho Omnibus Meeting**

This matter was scheduled to discuss, consider and vote on ideas to suggest be included in the Chariho Omnibus Meeting in January.

Council President Geary noted that at their last meeting of December 22, 2022, the Council agreed with the three items that Councilor Hirst wished to see included on the Omnibus meeting agenda and a letter had been sent to Superintendent Picard. Councilor Moffitt felt this was a moot point because the Chairwoman of the Chariho School Committee denied this request. Councilor Hirst felt that the issue of an outside management study and the condition of the buildings were budget issues and he planned on bringing this up at that meeting. He indicated that the Chairwoman did express a desire to hold another meeting on other topics and at that time he believed it would be crucial to address issues to

bring before the General Assembly that could impact member towns, such as to what extent are we willing to finally address the continuing use of property taxes to finance education. They should also determine what type of support can be obtained from the RI Association of School Committees and the RI League of Cities and Towns. Councilor Hirst noted that he had composed a letter with four issues which will appear in the Westerly Sun on Friday. These are things that he will bring up at the Omnibus Meeting for the budget dealt with all of these issues. Councilor Moffitt noted that there were plenty of budget meetings before the Omnibus Meeting and people should attend those as well and not just wait until the last meeting.

**PUBLIC COMMENT**

Joseph Moreau of Old Depot Road did not know where Ms. Panciera's farm was, how large it was, or how many residential homes were around her farm, that may be impacted by her drawing water. He asked if the Council was going to look back to see when Mrs. Panciera was approved for her farm to see if there were any stipulations placed on her property. He felt it seemed like they were on very thin ice by what they were attempting to do concerning the campground and he would have a lot of questions. He felt they were just going after one individual.

**ADJOURNMENT**

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

SO VOTED

Marita D. Murray

Town Clerk