

State of Rhode Island

County of Washington

In Hopkinton on the seventeenth day of January 2023 A.D. the said meeting was called to order by Town Council President Michael Geary at 6:30 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.

**EXECUTIVE SESSION**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO RECESS TO EXECUTIVE SESSION UNDER: RIGL SEC. 42-46-5(A)(2) – LITIGATION AND RIGL SEC. 42-46-5(A)(3) – MATTERS OF SECURITY, INCLUDING, BUT NOT LIMITED TO, THE DEPLOYMENT OF SECURITY PERSONNEL OR DEVICES.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

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

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

OPPOSED: None

SO VOTED

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

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

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

**PUBLIC COMMENT**

Joseph Moreau of Old Depot Road stated that the Charter Commission was now active with six members and thanked Mr. Frenette for including that information on the website. He thanked Mr. Rosso for sending an email to department heads asking for any ideas or suggestions they may have and asked the Town Council and residents to contact him at [ussmars6466@gmail.com](mailto:ussmars6466@gmail.com) with any proposed changes they wished to see. He noted that the Charter was last revised in November of 2006.

**APPROVAL OF AGENDA ORDER**

There were no concerns voiced over the agenda order.

**CONSENT AGENDA**

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MOFFITT TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF DECEMBER 19, 2022; APPROVE TOWN COUNCIL MEETING MINUTES OF JANUARY 3, 2023; ACCEPT THE FOLLOWING MONTHLY FINANCIAL/ACTIVITY REPORT: TOWN CLERK.

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

OPPOSED: None

SO VOTED

**HEARINGS**

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST 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 license:

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

Councilor Hirst noted that he had discussed this matter with the Town Manager who had reviewed this matter with the Building and Zoning Department and Planning Department. They unanimously determined that the campground was in compliance with all conditions placed upon it and he felt that the Council had done its due diligence in reviewing this matter. Mr. Rosso explained that he met with the Town Planner and Building and Zoning officials and spoken with Attorney Sypole. They researched the minutes, decisions and plans and reported back to him finding no evidence to suggest that the campground was not in compliance with all conditions and approvals placed upon it.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MOFFITT TO GRANT RENEWAL OF THE CAMPGROUND LICENSE FOR ASHAWAY PINES RV RESORT.

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

OPPOSED: None

SO VOTED

#### **COMMERCIAL HAULER LICENSE RENEWALS**

The Council opened a hearing on the renewal of the following commercial haulers licenses: CWPM, LLC, 25 Norton Place, Plainville, CT; On-Time Disposal, 203 Ashaway Rd, Bradford, RI; RPKK, Inc./RPE Waste Services, 9 New King's Factory Rd., Wood River Jct., RI; Republic Services, Inc. 1080 Airport Rd., Fall River, MA; Sanitation by Quint Perry, 7 Sweet Corn Ln., Westerly, RI; Waste Connections-MTG Mega Disposal, 9 Industrial Way, Seekonk, MA; Waste Management, 1610 Pontiac Ave., Cranston, RI.

The Town Clerk reported all applications and filing fees were received. Notice had been posted. No one spoke in favor of or in opposition to renewal of the commercial haulers licenses.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO GRANT RENEWAL OF THE COMMERCIAL HAULERS LICENSES SUBJECT TO RECEIPT OF ALL FILING FEES.

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

#### **VACANCIES AND APPOINTMENTS**

This matter was scheduled to discuss, consider and possibly vote to reappoint Scott Ahern as Tree Warden for a one-year term to January 2024.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT SCOTT AHERN AS TREE WARDEN FOR A ONE-YEAR TERM TO JANUARY 2024.

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

OPPOSED: None

SO VOTED

#### **NEW BUSINESS**

#### **BUDGET TIMETABLE**

This matter was scheduled to consider setting dates for budget workshops.

There were five Town Council budget workshops scheduled: February 13, 2023, February 22, 2023, February 27, 2023, February 28, 2023 and March 8, 2023, all to start at 6:00 p.m.

**GRAVEL BANK REGISTRATION RENEWAL**

This matter was scheduled to review/approve the Kenyon Earth Removal Registration Renewal Application.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO GRANT RENEWAL OF THE KENYON EARTH REMOVAL REGISTRATION LICENSE.

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

OPPOSED: None

SO VOTED

**REQUEST TO RESCIND ZONE CHANGE – SKUNK HILL ROAD SOLAR PROJECT**

This matter was scheduled to discuss and consider setting a hearing date re: request to rescind the Zone Changes Enacted on June 10, 2019 under Chapters 266 and 267 concerning properties identified as 0 Arcadia Road and 0 Lisa Lane, Plat 18, Lots 8 & 13 and 145 Skunk Hill Road, Plat 18, Lot 14.

Council President Geary noted that this matter was not going to be discussed. Solicitor Sypole explained that a letter had been received last week which appeared to be a request for an amendment of the zoning ordinance. The Town Clerk sent an application to the sender of the letter, providing them with instructions on how to proceed with a request to amend the ordinance. Their response, received today, was that this was not their intent and they did not wish to file an application. Accordingly, he believed this should be considered an ordinary communication to the Council which requested an action be taken. Councilor Davis asked what they were expecting and Solicitor Sypole felt that based on today's email that it was just for informational purposes. Councilor Davis asked if this would have been required to be introduced by a Councilor and Solicitor Sypole advised that anyone can petition for a zoning ordinance amendment and the process is spelled out in the State Enabling Acts. Generally,

anyone has the right to petition for a zoning amendment if they want to complete the application and pay the fee. Councilor Moffitt asked Solicitor Sypole if he could send them a memo explaining what Ms. Rathbun and Ms. Stephan were asking for and what the law that they cited pertained to. Solicitor Sypole noted that he had no insight into the statute that they referred to about putting the land to the use that the zone change was for within two years. As far as he knew, this has never been litigated and there are no court cases on this issue. Aside from what is plainly written in the statute, he did not have more that he could add. Councilor Moffitt asked if this issue was something the Council could take up on their own and Solicitor Sypole noted that it would have to follow the process regarding other ordinances concerning notice, hearing requirements and be sponsored by a Council member.

**RESOLUTION TO HOUSE OF REPRESENTATIVES LAND USE COMMISSION**

This matter was scheduled to discuss, consider and possibly vote to send a letter and Resolution to the House of Representatives Land Use Commission to oppose land use changes.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR BURNS TO SEND A LETTER AND RESOLUTION TO THE HOUSE OF REPRESENTATIVES LAND USE COMMISSION TO OPPOSE LAND USE CHANGES. Motion withdrawn.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR DAVIS TO SEND A LETTER AND RESOLUTION TO THE GENERAL ASSEMBLY OF THE STATE OF RHODE ISLAND, PARTICULARLY THE HOUSE OF REPRESENTATIVES LAND USE COMMISSION TO OPPOSE LAND USE CHANGES.

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

OPPOSED: None

SO VOTED

**UNFINISHED BUSINESS**

**VETERANS AFFAIRS COMMITTEE**

This matter was scheduled to discuss, consider and possibly vote on whether to authorize the Town Solicitor to assist the Council with the drafting of an ordinance concerning a Veterans Affairs Committee.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR DAVIS TO AUTHORIZE THE TOWN SOLICITOR TO ASSIST THE COUNCIL WITH THE DRAFTING OF AN ORDINANCE CONCERNING A VETERANS AFFAIRS COMMITTEE.

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

OPPOSED: None

SO VOTED

Solicitor Sypole noted that he had received some suggestions from the Council President and felt that he could have something ready for their next meeting.

**PUBLIC COMMENT**

Joe Moreau of Old Depot Road advised that it was usually a Council member who proposed something to the Council President to be put on the agenda so he was curious as to how the request to rescind the zone change, item 3 under New Business, got to be an agenda item. He reviewed the zoning ordinance and on page 68 at the bottom, item 1756, letter 3(c), it stated that if the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two years or more after the zone change becomes effective, the Town Council, after a public hearing, can change it to its original use. Councilor Geary indicated that he read that as they had the right to change it but not an obligation to change it. Councilor Moffitt advised that it says “may” change it. Mr. Moreau’s concern was that this project was in the process of obtaining Planning Board approval. He asked if a Town Council member had to sponsor this request in order for it to be placed on an agenda. Solicitor Sypole indicated that he had anticipated Mr. Moreau’s question and quoted RIGL 45-24-51 which states that anyone can submit a proposal for the amendment of the zoning ordinance to the Town Clerk who then transmits that proposal to the Town Council and the Planning Board. Councilor Hirst asked if an applicant would

have to pay a fee to do that and Solicitor Sypole indicated yes, for administrative costs.

Jane Rathbun of 135 Skunk Hill Road explained that she was one of the parties who submitted that letter. She stated that she was an abutter to that property and was told by the developer that they would have shovels in the ground by March of 2020 and now they are blaming the Planning Board for the delay. She looked at the ordinance because they were given a plan stating how much money in taxes Hopkinton would receive along the way. She believed the Town Council could hold a hearing, if they wished, to change the zoning back to what it was before that decision. She did not believe that she could change the zone of someone else's land. Councilor Moffitt acknowledged that the ordinance indicated two years; this project was approved almost four years ago and the applicant took almost two years to fill out a master plan application.

Andrea Panciera of Panciera Lane wished to thank Mr. Rosso and all other town officials who looked into her concern of water usage by Ashaway Pines RV Resort and how it may be impacting her well. She acknowledged speaking with Mr. Rosso and receiving an email from him indicating that they found no violation of any conditions placed on the campground. She requested town cooperation if the well situation occurred again and understood that the next steps would be to contact the Town Planner or Zoning Officer. She noted that she would also be asking the campground manager to cooperate with any private testing or any other steps needed to determine if the campground well and water system effects their water supply. She wished the Town Council to keep in mind that campgrounds are essentially crowded developments with high water usage during the summer and to limit further development in Hopkinton as the climate continues to change and droughts reoccur.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY  
COUNCILOR DAVIS TO ADJOURN IN MEMORY OF REVEREND



MARTIN LUTHER KING, JR.

SO VOTED

Marita D. Murray

Town Clerk