

State of Rhode Island

County of Washington

In Hopkinton on the sixth day of March 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, Sharon Davis, Robert Burns, Stephen Moffitt, Jr.; Town Manager Brian Rosso; Solicitor Stephen Sypole and Town Clerk Marita Murray.

CALL TO ORDER

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

ROLL CALL

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

PUBLIC COMMENT

No one spoke during public comment.

APPROVAL OF AGENDA ORDER

There was a change made to the agenda in that the Executive Session was moved to the end of the meeting.

PROPOSED ORDINANCE RE: VETERAN’S SERVICES AGENT

This matter was scheduled to add a proposed new ordinance entitled “VETERAN’S SERVICES AGENT” introduced and sponsored by Councilors Geary and Hirst.

Councilor Hirst stated that members of congress have case workers who assist veterans in applying for benefits. Councilor Geary indicated that Hopkinton has over 550 veterans and he hoped that a veteran’s service agent could assist in filling out forms, answer questions, and possibly provide transportation to the VA or a Veteran’s meeting. If this is successful, it would continue, and if not, they can do away with it. Senator Elaine Morgan of Maxson Hill Road advised that she is on the Veteran Affairs Committee in the Senate and offered her assistance to anyone in need. Joe Moreau of Old Depot Road stated that he was a disabled

veteran and felt that there was a need for a service agent and offered his assistance as well.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO CLOSE THE HEARING AND SET MARCH 20, 2023, FOR A DECISION.

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MOFFIT TO APPROVE TOWN COUNCIL MEETING MINUTES OF FEBRUARY 6, 2023; APPROVE TOWN COUNCIL MEETING EXECUTIVE SESSION MINUTES OF FEBRUARY 6, 2023; APPROVE TOWN COUNCIL BUDGET WORKSHOP MINUTES OF FEBRUARY 22, 2023; APPROVE TOWN COUNCIL BUDGET WORKSHOP MINUTES OF FEBRUARY 27, 2023; APPROVE TOWN COUNCIL BUDGET WORKSHOP MINUTES OF FEBRUARY 28, 2023; ACCEPT THE FOLLOWING MONTHLY FINANCIAL/ACTIVITY REPORT: TOWN CLERK; APPROVE REFUNDS OF TAX COLLECTOR FOR OVERPAYMENT; APPROVE RATIFICATION OF POLICE DISPATCHER'S CONTRACT; APPROVE ADDITIONAL OPIOID SETTLEMENTS; SET MARCH 20, 2023 AS A HEARING DATE FOR A TRANSFER OF A CLASS A LIQUOR LICENSE FILED BY M2 WINES, LLC/VILLAGE WINE & SPIRITS.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MOFFIT TO APPROVE THE TWO TOWN COUNCIL MEETING EXECUTIVE SESSION MINUTES OF FEBRUARY 21, 2023 AND TO APPROVE THE TOWN COUNCIL MINUTES OF FEBRUARY 21, 2023.

IN FAVOR: Hirst, Moffit, Geary

ABSTAIN: Burns, Davis

OPPOSED: None

SO VOTED

VACANCIES AND APPOINTMENTS

Tax Board of Review

This matter was scheduled to discuss, consider and possibly vote to appoint Linda DiOrio to the Tax Board of Review.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPOINT LINDA DIORIO TO THE TAX BOARD OF REVIEW.

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

OPPOSED: None

SO VOTED

NEW BUSINESS:

Resolution regarding Land Use and Low- and Moderate- Income Housing

This matter was scheduled to discuss, consider and possibly vote to join a coalition formed by Senator Gordon Rogers with other area towns.

Senator Gordon Rogers noted that he has been in politics for almost twenty years. In 2018 he became a Senator and was involved in agriculture, environment, municipal government, and housing and was currently the Secretary of Municipal Housing. Senator Rogers felt this coalition has been extremely effective already noting that every town is different within its boundaries. He spoke of the ADU bill that took three years to formulate and now states that the ADU does not have to be connected to the main home, does not have to be a family member living there and it could be a garage, barn or shed. He believed they may try to clarify some of that but at this point it still reads that an ADU has to be allowed by the town. They will be keeping their eye on how this is going to be formulated, the devil is in the details. He explained that low and moderate income housing is not housing vouchers or Section 8. In order to qualify for low and moderate income

housing, thirty percent of your income has to go towards housing and the sale of the house has to be eighty percent of the town's average sales value. These homes are deed restricted for thirty years which means the owner is locked in with how much the resale value can be before those thirty years expire. Senator Rogers explained that he has prepared two bills which are in the House, numbered H5940 and H5941 sponsored by Councilor Geary. One has to do with public transportation and the other deals with the problem of the thirty-year deed restriction. The challenge of the bill is the ten percent requirement; they are trying to allow the use of three percent of people that qualify in our communities. To meet those qualifications they would have to have the thirty and the eighty and some kind of government subsidies. The town would ask anyone in town who thinks they may qualify to apply and if they meet the thirty/eighty the town would be allowed to use the lowest rate of the earning bracket; thereafter, the town would provide a government subsidy, such as a tax freeze or abatement. This may entail a rolling deed restriction for as long as that person is living in the house. Any of the money that is a savings on that tax account is put into an account to help fund any shortage and to be self-sufficient. Solicitor Sypole reviewed some House bills: 6058 - inclusionary zoning was regarding the density issue with affordable housing – you get a density bonus if you are building affordable housing; 6059 makes it easier to be granted a dimensional variance for any development, not just affordable housing; 6060 creates a land use calendar in the Superior Court; 6061 requires the town to implement unified development review which takes away the Zoning Board review and their role as the Appeals Board; and appeal would go directly to Superior Court; 6081 amends the low and moderate income housing act. This does not eliminate the local review and public hearings, which is something they were afraid of. There is a reporting requirement for the town; 6082 is the ADU bill which suggests that ADUs are going to be permitted by right, other than a few exceptions. This has been revised and it looks like it will not be possible to limit these to family members. Senator Rogers felt this bill was extremely dangerous. He suggested the town should look into having building caps. Councilor Davis asked if they needed to amend the ADU ordinance again. Solicitor Sypole advised that the issue was RIGL 45-

24-37 of the Zoning Enabling Act which lists all uses that have to be permitted by right. In Hopkinton's ADU ordinance we complied with the bare minimum that is required by RIGL 45-24-37 and now the requirement to house family members is stricken. Senator Rogers wondered where the RI League of Cities and Towns was when this was coming through. Solicitor Sypole felt this was the section that is most concerning to him. Councilor Davis asked if they could protest this and Senator Rogers stated yes, this bill was being heard tomorrow in the House and then it will be heard on the Senate side. He thought the Council should reach out to the League of Cities and Towns and let them know which bills they don't like and also look into having building caps and limit ADUs. Solicitor Sypole noted that part of the ADU bill says that it cannot be used as an AirBNB or transient use but he did not see any way to enforce this. Councilor Hirst asked what the Governor's position was on this and Councilor Geary noted that the Governor has already appointed a Housing Czar. Senator Rogers added that even if the Governor vetoed this, the legislation has the veto power to overrule, but he believed the Governor was going to sign this bill. Solicitor Sypole went on to explain several other bills: 6083 would eliminate the State Housing Appeals Board; 6084 is a transit oriented development pilot program; 6085 had to do with working an affordable housing plan into the comprehensive plan; 6086 eased up on some of the notice requirements for Zoning Board and Planning Board hearings; 6088 and 6089 extends the life of the committees that are working on various issues; 6090 concerns adaptive reuse which involves turning old mills, schools or hospitals into housing. Solicitor Sypole commented that a lot of things that went before the Planning Board before would now only go before the administrative officer; there are more things done administratively without the board involved. There are a lot of things that are going to be going from Zoning to planning; projects that used to have a planning and zoning component will now have only a planning component. The docket for the Zoning Board will get a lot lighter because they will not have appeals and they will not have projects that are also in front of planning. Councilor Davis noted that for solar, the Town Council acted as the Zoning Board to change the zoning and then the project went to planning. Solicitor Sypole stated that the Town Council would still create zoning

ordinances and could still change the zoning. Senator Rogers believed that the state was going to have a unified template of procedures that they are going to send to all 39 communities that they will be required to follow. Solicitor Sypole stated that on a practical level he felt that the Planning Board and Town Planner will have more on their plate and the Zoning Board will have less. Beginning January 1, 2024, the boards will be operating on two different sets of rules: one set of rules for all projects that had applications prior to 2024 and then a whole different set of rules for applications submitted after January 1, 2024. He felt the only way the town could have more control locally is to satisfy the ten percent affordable housing requirement and keep the comprehensive plan up to date. He felt that this will require a massive rewrite of the zoning ordinance and the planning and subdivision regulations. Senator Rogers also submitted a second bill regarding public transportation for he believes towns should not have to comply with the ten percent housing regulation if there is no public transportation available. Senator Morgan stated that they need support for these bills, hence the coalition.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO JOIN THE COALITION FORMED BY SENATOR GORDON ROGERS WITH OTHER AREA TOWNS REGARDING LOW- AND MODERATE-INCOME HOUSING.

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

OPPOSED: None

SO VOTED

Tri-Town Council/School Committee Subcommittee

This matter was scheduled to discuss, consider and possibly vote to form a Tri-Town Council/School Committee Subcommittee or working group with all three towns and the district working together on issues such as requiring the state to provide funding for "unfunded mandates" and other areas of mutual concern.

Councilor Davis indicated that the several Town Council and Chariho School Committee representatives from Charlestown, Hopkinton, and Richmond would

like to meet and form an informal Tri-Town Collaboration group to lobby for or against potential state legislative issues. She noted that they also encourage their State legislative representatives to create legislation that they support. In order to make sure that they would not be violating the Open Meeting Act, Councilor Davis contacted the State Attorney General's Office and questioned if two council members and two school committee members from each town met, would this be a violation. Adam Roach of the Attorney General's Office advised it would not be a violation. The collaboration would like to address proposed legislation requiring all future state mandates be accompanied by state funding; to conduct an external forensic audit and management study of Chariho; and, recommendations of the RI Land Use Commission on housing. Councilor Davis estimated that they may need \$75,000 to conduct an audit and management study; noting that they were trying to obtain federal funds in this regard.

Richmond Town Councilor Michael Colasante was present. He noted that when he was on the Council in the early 1990's the mandates were always the sticking point and no matter what school system you are dealing with, we had no say. Over the last several decades, the mandates were not supposed to be funded through the individual home owners in each town but should have been funded by the state. The National Education Association has always been very powerful. He believed power was in numbers and he hoped to get other towns involved as well as Richmond, Hopkinton and Charlestown so when they go before the General Assembly their voices will be heard.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS THAT THE TOWN SUPPORT FORMING A TRI-TOWN COUNCIL/SCHOOL COMMITTEE SUBCOMMITTEE WITH THE THREE TOWNS AND THE DISTRICT TO WORK TOGETHER ON ISSUES SUCH AS REQUIRING THE STATE TO PROVIDE FUNDING FOR UNFUNDED MANDATES AND OTHER AREAS OF MUTUAL CONCERN.

Council discussion:

Councilor Hirst noted that they should not call the audit a “forensic audit” because that suggests that there was some type of criminal wrongdoing. He also felt that there was an issue of trying to force the School District to do something; they could refuse. Councilor Moffitt asked who was on board, noting that he had major reservations about this. He suggested that he was for this type of committee but with a charge that was more understandable and not so vague. Councilor Burns did not understand what this committee’s intentions were and asked if they were only interested in the budget or were they going to approach other issues. He also asked who chose the members from Hopkinton to be on this committee. Councilor Moffitt asked who was at their meeting and Councilor Davis noted Richmond Town Councilors Mike Colasante and Helen Sheehan, Kathryn Colasante and Clay Johnson from the School Committee, and Charlestown Town Councilor Stephen Stokes. Councilor Moffitt asked if any private residents were there and Councilor Davis noted that Senator Morgan was present. Regarding legislative issues, Councilor Davis noted that over the last three years the School District has had three state mandates: (1) all of the teachers have to do training on how to read; (2) the state is coming up with mandated standardized curriculum that all the schools have to comply with; and (3) the teachers now have to learn how to deal with mental health issues in the school. Councilor Moffitt explained that with these mandates come costs that are diverted to the taxpayers and also indicated that he could not support this subcommittee. Discussion ended.

IN FAVOR: Hirst, Davis, Geary,

ABSTAIN: Burns

OPPOSED: Moffitt

SO VOTED

UNFINISHED BUSINESS

Clinton Estate Donation

This matter was scheduled to discuss, consider and possibly vote on potential uses of the Clinton estate donation.

Regarding the Clinton donation, Town Manager Brian Rosso felt it best to set up a workshop in the future to discuss how to spend these funds; however, there were two pressing issues which needed immediate attention. The Animal Control vehicle which was due for an inspection; however, they believed would not pass. The cost for a new vehicle will be approximately \$37,285 due to the need for the lights, cages, radio, etc., obviously they will go out to bid and the Council will approve the bid, but if it comes in lower the money stays with the Clinton funds. Secondly, Mr. Rosso explained that the Stubtown Road landfill was not in compliance with DEM requirements. They need to have prepared a Remedial Action Work Plan and they need to test the cap material which will cost approximately \$31,000. In addition, there is erosion on Phase II and they will need to repair part of the cap. If DEM determines that the town is not maintaining the cap then they may require the Town do a much more costly repair. The cap repair will cost approximately \$15,000. Lastly, Mr. Rosso explained that a prior Town Council had approved drilling and testing in order to get the Remedial Action Work Plan to keep this project going. Due to that cost, the landfill restricted account is currently at a \$68,000 deficit which was going to be replaced when solar came in; that developer has since backed out of negotiations. They will have to go back out to bid for this project. Mr. Rosso felt that with the needed testing and deficit they will need \$130,000 to remedy this situation. Once we have the Remedial Action Work Plan, DEM will tell us what we need to do and then Hoffman Engineering will provide a cost. Thereafter they can attempt to solicit some funding. Councilor Davis asked when they were going out for bid and Mr. Rosso explained that they did not want to do two projects; it would be much more appealing if they could use Phase I and Phase II.

Captain Mark Carrier and DPW Director Dave Caswell were present and explained that the current 2012 Chevy truck that the Animal Control Officer uses will not pass inspection due to its frame. Captain Carrier advised that there is no other vehicle that can be used as a backup. He obtained some price quotes and found a new vehicle is \$35,000; cages are approximately \$7,000; and the cost for lights is around \$1,000. They will also receive \$6,700 as a trade in value.

A MOTION WAS MADE BY COUNCILOR BURNS AND SECONDED BY COUNCILOR MOFFIT TO APPROVE THE PURCHASE OF A NEW VAN FOR THE ANIMAL CONTROL OFFICE FOR A COST NOT TO EXCEED \$38,000.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR MOFFIT TO APPROVE THE SPENDING OF \$130,000 FOR REPAIRS FOR THE STUBTOWN ROAD LANDFILL FOR PHASE I AND PHASE II.

INFAVOR: Hirst, Burns Geary, Moffit, Davis

OPPOSED: None

SO VOTED

PUBLIC COMMENT

No one spoke during public comment.

EXECUTIVE SESSION

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR BURNS TO RECESS TO EXECUTIVE SESSION UNDER: RIGL SEC. 42-46-5(A)(5) – ANY DISCUSSIONS OR CONSIDERATIONS RELATED TO THE ACQUISITION OR LEASE OF REAL PROPERTY FOR PUBLIC PURPOSES, OR OF THE DISPOSITION OF PUBLICLY HELD PROPERTY WHEREIN ADVANCED PUBLIC INFORMATION WOULD BE DETRIMENTAL TO THE INTEREST OF THE PUBLIC.

POLL VOTE:

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

OPPOSED: None

SO VOTED

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

ADJOURNMENT

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

SO VOTED

Marita D. Murray

Town Clerk

Sydney Fernandes

Deputy Town Clerk