

State of Rhode Island

County of Washington

In Hopkinton on the third day of April 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 and Town Clerk Marita Murray. 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 Moffit, Davis, Hirst, Burns, and Geary announced they were present.

**APPROVAL OF AGENDA ORDER**

There were no changes to the agenda order.

**PUBLIC COMMENT**

Ron Prellwitz of Main Street indicated that he has been getting phone calls from residents who are upset because of the taxation issue regarding solar arrays. He noted that he had received a copy of a Supreme Court Opinion which indicated on page 13, that RIGL 44-5-11.8(b) established four classes of property for tax classification and section (3) was for ratable, tangible personal property. He felt that if these projects were not paying it was due to the fault of the Town Council.

Maryanne McNamara of North Road indicated that she had listened to the Speaker of the House react to the Hopkinton Town Council's letter and a letter from the RI League of Cities and Towns regarding mandates and it was not very nice. She asked Councilor Hirst if he had heard anything or been contacted by anyone regarding the letter they had sent, and he noted that he had not. Councilor Geary explained that a letter had been sent out as a rebuttal to proposed legislation regarding low-income housing and some other matters and the Speaker indicated that there would be no changes to local municipality ordinances. Ms. McNamara hoped that in the future the Town would propose their own bill regarding

protecting wetlands, as she believed they were endangered. She asked how the town could start a conversation to try to get some restrictions on land annihilation and Councilor Moffit noted that Representative Megan Cotter would be the person to speak with. Ms. McNamara also believed that the water table was extremely high, and she felt that there are matters that are not being addressed by the Department of Environmental Management.

Joe Moreau of Old Depot Road stated that he did not enjoy reading derogatory headlines on the front page of the newspaper regarding Town Council members and would prefer something more positive, such as news of reactivating one of the various inactive commissions. Mr. Moreau felt that the liaison for each inactive commission should be trying to recruit volunteers. Lastly, he noted that he would like to see monthly updates on the agenda regarding how the Town Hall expansion was proceeding, noting that the Town Hall was not in good condition. He stated that he was advised that any work to this building would occur in Phase II and he was concerned because the handicap ramp was only to be temporary back in 2008 and the Tax Collector's cubicles were put in temporarily in 2009. He did not believe any money should be used for a community center before the Town Hall was up to code. Councilor Burns advised that he has been unable to find volunteers for the Economic Development Commission and Mr. Moreau suggested placing an ad in the paper or on the town's website.

Carolyn Light of Forest Glen Drive asked if the agenda item regarding a Tax Stabilization Agreement between the Town and Solar Real Estate Holdings, LLC, was for one project or multiple projects and Tax Assessor Tiana Zartman replied that this was for the 100 Alton-Bradford Road project. Ms. Light felt that the Town Council needed to engage the community and stated that it was their responsibility to find members for boards and commission. She suggested that the best way to get in touch with the entire community and to see their best critics would be on the Town of Hopkinton, Rhode Island group pages located on Hopkinton's Facebook pages, one of which is Hopkinton Past and Present. These are the people who complain about what the Planning Board does and what the Council does, and the Council should reach out to them. Lastly, Mrs. Light indicated that she had heard a rumor that the recent Clinton estate gift to the town

was being considered for the development of the town hall expansion. She felt that this money should be used for caring for animals and not for the town hall expansion.

**HEARING**

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

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

OPPOSED: None

SO VOTED

**LIQUOR LICENSE TRANSFER (OWNER)**

This matter was scheduled to continue a hearing on an application for the Transfer of a Class A Liquor License filed by W2 Wines, LLC, Venkat Doddapaneni, President, d/b/a Village Wine & Spirits, 26 Alton Bradford Rd., Bradford, RI 02808 for property located at 26 Alton Bradford Road transferring to Village Spirits, LLC, Dinesh Patel, President, 4 Old Stone Drive, Mansfield, MA 02048, continued from March 20, 2023.

Solicitor Sypole explained to the Council that he had spoken with Attorney Hedges, an attorney representing one of the liquor distributors and Dennis Plante, the original owner of the liquor store, and the concerns he had at the previous meeting had been satisfied. He advised the Council that they could grant the transfer subject to the condition that all debts owed to distributors and other fees and taxes due are paid prior to the issuing of the license.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO GRANT THE TRANSFER OF THE CLASS A LIQUOR LICENSE SUBJECT TO ALL DEBTS AND FEES BEING PAID.

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

**CONSENT AGENDA**

Councilor Davis requested two changes be made to page 6 of the Town Council Meeting Minutes of March 20, 2023.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO APPROVE THE TOWN COUNCIL EXECUTIVE SESSION MINUTES OF MARCH 20, 2023; APPROVE RI ENERGY JOINT POLE PETITION # 30743607 FOR NEW JOINT POLE ON SPRING STREET; SET APRIL 17, 2023, AS A HEARING DATE FOR A SPECIAL EVENT PERMIT FILED BY THE ASHAWAY SPORTSMAN’S CLUB FOR THE ANNUAL HUCK FINN DAY.

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

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF MARCH 20, 2023, WITH CORRECTIONS.

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

OPPOSED: None

SO VOTED

**TOWN MANAGER REPORT**

**1. TOWN WEBSITE**

Mr. Rosso spoke about the new town website, noting that he had thought CivicPlus would be taking on most of the work; however, they only provided a template. He explained that he had formed a team of six people who meet weekly to review the updates that IT Director Frenette has been making. They make

suggestions as to content, fonts and even have incorporated a new town emblem. For changes that CivicPlus needs to make, it is hard to provide a timeline for when those might be done. They are planning to have a department head meeting next week so the departments can review their webpages, content links and do any troubleshooting; thereafter, Jeff will make changes and then the Communications Committee will review the website, hopefully in early May. Mr. Rosso hoped to provide the Council with a presentation of the website on May 15, 2023, and to have a go-live date in early June.

**2. ACO VAN**

Mr. Rosso updated the Town Council regarding the purchase of the Animal Control van, which was done with funds from the Clinton estate donation. They have put in a bed lining and are waiting for cages to be installed which are on back order but should arrive in approximately seven weeks.

**VACANCIES AND APPOINTMENTS**

This matter was scheduled to discuss, consider and possibly vote to reappoint Philip Scalise to the Police Commission.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO REAPPOINT PHILIP SCALISE TO THE POLICE COMMISSION.

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

OPPOSED: None

SO VOTED

**NEW BUSINESS**

**1. POTTER HILL MILL UPDATE**

John Dorsey, the Court Appointed Receiver in this matter was present via zoom to provide an update regarding the Potter Hill Mill. He noted that the last time he appeared before the Council, the Town of Westerly was finalizing its considerations for court approval to take site control of the Westerly portion of the Potter Mill site. There was an easement granted to Westerly over the Hopkinton portion of the site which was approved by the Court. Thereafter, Westerly engaged PARE Engineering Group to perform a dive study to inspect

the condition of the dam infrastructure. The summary from PARE's report was that they did not find conditions that would demonstrate an imminent failure of the dam and they gave recommended options for maintenance of the dam. Westerly and the mastership are now attempting to reengage with the stakeholder's group, who previously had looked for long term options to address the dam, to start a conversation about how they are to address the disposition of the dam in the future. They are also starting to look at options for the demolition of the mill buildings. Because of the raceways that run under the mill buildings, the dam and the mill buildings really do go hand-in-hand. Attorney Dorsey anticipated that there would be a report from the stakeholder's group to the Westerly Town Council soon, possibly at their April meeting. He recommended that interested residents should attend the Westerly Town Council meeting of April 17, 2023. He believed there would be a presentation summarizing all of the materials and information that has been gathered to date as well as what the process looks like moving forward. Councilor Hirst asked Attorney Dorsey if he had taken a position on whether or not the dam should be maintained or demolished, and he indicated that he had not. Councilor Hirst noted that the boundary between Hopkinton and Westerly was the middle of the river; he wished to assure that residents' wells and property values would be considered when making a decision. Attorney Dorsey wished residents to know that the meeting tonight was to start a new conversation and to give an update to residents regarding the status of the dam. Councilor Davis noted that Attorney Dorsey had indicated that PARE Engineering had found no imminent danger of failure of the dam which Attorney Dorsey agreed with; however, noted that there was definitely maintenance needed. Councilor Davis asked who was involved in the stakeholders meeting and Attorney Dorsey advised that these included the Town of Westerly, some of the regulatory agencies, National Fish and Wildlife, DEM, State Historic is now involved, and other similar stakeholder groups.

## **2. TAX STABILIZATION AGREEMENT**

This matter was scheduled to discuss and consider setting a hearing date to approve a proposed Tax Stabilization Agreement between the Town and Solar

Real Estate Holdings, LLC in order to submit the matter as a warrant item at the Financial Town Assembly.

Tax Assessor Tiana Zartman was present. She explained that there was a proposed agreement regarding 100 Alton Bradford Road, which is a solar project that has been operating for three to four years. This Agreement will be a net positive for the Town. Also, Solar Real Estate Holdings, LLC, who has appealed their property values for the past couple years, has agreed to drop those appeals. Councilor Moffitt wished to have an explanation as to why they had to have a public hearing and could not just add it as a warrant item at the Financial Town Assembly. Attorney Sypole wished to clarify confusion with the Town Councilors noting that RIGL §44-3-9 is applied when a town reaches a Tax Stabilization Agreement with a taxpayer, and ultimately it will be up to the voters at the financial town meeting of whether the town will participate in this agreement. Attorney Sypole noted that the general analysis was that this proposed agreement was beneficial to the town.

A MOTION WAS MADE BY COUNCILOR MOFFITT AND SECONDED BY COUNCILOR HIRST TO SET A HEARING DATE OF APRIL 17, 2023 TO APPROVE A PROPOSED TAX STABILIZATION AGREEMENT BETWEEN THE TOWN AND SOLAR REAL ESTATE HOLDINGS, LLC.

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

OPPOSED: None

SO VOTED

### **3. TOWN CHARTER**

Joe Moreau of Old Depot Road noted that the Charter Commission held their first meeting and wished to thank the Town Manager, his assistant, Leianne, and Town employees who gave them suggested changes. For their next meeting, they are to review approximately 18 pages of the Charter and come back with ideas and they will also review what has been submitted by the town. He hoped that residents would also submit proposed changes which could be sent to the Town Manager or

Town Clerk and he also hoped that something could be added to the town website in this regard.

## **PUBLIC COMMENT**

Carolyn Light of Forest Glen Drive asked if the Tax Stabilization Agreement was a result of a past application for lower taxes by Reivity. Solicitor Sypole noted that this was part of a settlement agreement that was proposed by the developer. Ms. Light asked if the agreement took into consideration the new bill that was passed, and Attorney Sypole indicated it did. Ms. Light thereafter asked if Mr. Palumbo had other lawsuits pending against the town and Attorney Sypole stated that they had come to the town with a proposal for three projects, but this was the only one that was advancing to this stage. He stated that there are other projects from this developer that have tax appeals that are not part of this agreement. Councilor Moffitt noted that some of the tax appeals were current projects under Planning Board review. Solicitor Sypole noted that his colleague, Per Vaage, was the person primarily handling these tax appeals and he would defer questions to him.

Maryanne McNamara asked for clarification regarding the RI Energy Joint Pole Petition and Councilor Geary advised that this was basically permission for them to put up a new telephone pole on Spring Street. Ms. McNamara questioned the tax stabilization agreement and wondered what the cost would be to the taxpayers. Councilor Moffitt suggested she attend the Town Council meeting on April 17, 2023, to hear this discussion. Tax Assessor Zartman noted that this agreement is a good thing for the town, and it would bring in \$25,000 more in tax revenue than they would receive under the current law. Ms. McNamara asked who gets to vote on this agreement and Councilor Geary noted that the residents will be voting on this question at the same time that they vote for the town budget.

Jason Tefft of Fenner Hill Road asked if the Council was creating a pilot with every one of these solar companies or did the solar developer just offer what they are going to give the town and we are going to accept it and put it to the voters. Mr. Tefft indicated that he has heard from everyone how the solar companies have taken \$5,000 per megawatt away, but no one from the Council has called the solar companies and asked them what they are willing to offer. Regarding the



Skunk Hill appeal, there are contingencies in the decision which notes that the zone does not change until certain conditions are met; however, the Tax Assessor is already charging the solar company for a zone change that they do not have. He felt that the Solicitor was the person making money on the tax appeals. He felt the problem was that the Tax Assessor assumed that the zone was changed when the decision was rendered so these solar arrays are being over-taxed which is why there are appeals being filed. At the end of the day the Solicitor is the one making the money. He felt that there is money for the town to get from solar companies but the Town Council needs to negotiate with the solar companies; they need to ask them what they are willing to offer.

Carolyn Light of Forest Glen Drive noted that Lawrence Berkeley University performed a study and published an article in 2022 stating that the cost to operate and maintain solar projects, utility scale or less, dropped to 58%. If their costs are going down that much, then maybe they can give us that much more.

**ADJOURNMENT**

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MOFFITT TO ADJOURN IN MEMORY OF CHARLES J. HAMMOND, JR; ARTHUR M. COTTRELL, III; BETTY L. CONNORS; AND, RALPH H. WOODMANSEE.

SO VOTED

Marita D. Murray

Town Clerk

Sydney Fernandes

Deputy Town Clerk