

State of Rhode Island

County of Washington

In Hopkinton on the twentieth 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 and Town Clerk Marita Murray. 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)(1) - INTERVIEWS: BOARDS & COMMISSIONS: VETERAN’S SERVICES AGENT.

POLL VOTE:

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

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, Davis, Burns, Moffitt

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, Davis, Burns, Moffitt

OPPOSED: None

SO VOTED

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 requested to the agenda order.

PUBLIC COMMENT

No one spoke during public comment.

HEARINGS

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

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

OPPOSED: None

SO VOTED

LIQUOR LICENSE TRANSFER (OWNER)

This matter was scheduled to open 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.

Councilor Hirst asked the Solicitor to address the situation regarding outstanding debt of the current owner. Solicitor Sypole noted that the town had received several objections from creditors regarding outstanding debt of the current business owner. He noted that R.I.G.L. Sec. 3-5-19(a) states: “In all cases of a transfer of license, indebtedness of the licensee incurred in the operation of the licensed premises shall be paid to or released by an objecting creditor before the issuing body permits the transfer.” He believed these claims should be paid and released before the Council granted a transfer and felt a continuance would be in order. Dinesh Patel of Village Spirits, LLC was present and advised that normally all outstanding debt was paid at the closing, or he would not proceed with the purchase. Ian Hedges, attorney for the seller, Venkat Doddapaneni, was

present via zoom. He explained that these objections are typically made as a matter of course and are there to protect the rights of the distributors and creditors in general; but because there is a ten-day appeal period after the municipality approves the transfer of the license, parties do not typically close until about two weeks after the hearing. Any outstanding balances will be in flux throughout that appeal period. The seller will continue to receive deliveries after the hearing, up through the date of closing so there will be outstanding balances due to creditors which may not be subject of the current objections, or they may simply be additions to the current objections. Usually the license transfer is approved subject to those payments being made at closing otherwise the seller would be required to spend down their inventory and not accept any additional deliveries after the hearing date which may be in violation of the contractual obligation of the parties to continue to operate the business in the same manner through the date of the closing. Solicitor Sypole agreed that this made sense to him; however, felt the town needed to comply with state law. He asked Attorney Hedges what would legally authorize the town to not comply with this statute. Attorney Hedges believed that the town had the ability to grant the transfer but not issue the license until the debt has been paid. Councilor Davis felt that the seller must not have the money to pay the debt, or they would before the closing. Solicitor Sypole noted that he would not assume that there was any financial problem in this situation, it could be typical practice and he was unfamiliar with this type of matter. Attorney Hedges advised that it was not uncommon for creditors to make objections when there was a license transfer request and the assumption that the seller could not pay their bills was not necessarily valid. Councilor Burns advised that he owned a business and agreed that no business will ever be 0% debt free, and the closing is when all debt is paid off. Solicitor Sypole wished the Council to err on the side of caution, though he had no reason to doubt anything that Attorney Hedges was saying. Councilor Hirst wondered if the Council were to grant the transfer, if they may be legally liable; therefore, he was inclined to continue this matter. Councilor Geary asked Solicitor Sypole if they could grant the transfer if the objectors wrote a letter stating they would be fine with a conditional transfer, subject to receipt of payment and he indicated that this would

be acceptable to him. Attorney Hedges indicated that he would obtain these letters.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY CONCILOR DAVIS TO TABLE THE LICENSE TRANSFER HEARING TO APRIL 3, 2023, IN ORDER TO RECEIVE LETTERS OF REVERSAL FROM OBJECTORS.

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

OPPOSED: None

SO VOTED

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

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

OPPOSED: None

SO VOTED

CONSENT AGENDA

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO APPROVE THE TOWN COUNCIL MEETING MINUTES OF MARCH 6, 2023; APPROVE TOWN COUNCIL MEETING EXECUTIVE SESSION MINUTES OF MARCH 6, 2023; APPROVE TOWN COUNCIL BUDGET WORKSHOP MINUTES OF MARCH 8, 2023; ACCEPT THE FOLLOWING MONTHLY FINANCIAL/ACTIVITY REPORT: TOWN CLERK.

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

OPPOSED: None

SO VOTED

NEW BUSINESS

PROPOSED ZONING ORDINANCE AMENDMENT TO USE CATEGORY 483, WATER SUPPLY

This matter was scheduled to discuss, consider and possibly vote to set a hearing date for a proposed ordinance amendment to Use Category 483, Water Supply.

This ordinance amendment is being introduced and sponsored by Councilor Davis.

Councilor Davis advised that the proposed Zoning Ordinance District Use Table amendment was to ensure true intent of the district use table with respect to wells and water supplies in that the use or sale off-site is prohibited. This will prohibit any type of commercial water distribution while protecting and maintaining the permissions for private and public wells currently in place.

A MOTION WAS MADE BY COUNCILOR DAVIS AND SECONDED BY COUNCILOR HIRST TO SET THE HEARING DATE FOR THE PROPOSED AMENDMENT TO APRIL 17, 2023, AND IT BE SUBMITTED TO THE PLANNING BOARD FOR AN ADVISORY OPINION.

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

OPPOSED: None

SO VOTED

RESOLUTION IN SUPPORT OF H 6119 AN ACT RELATING TO HUMAN SERVICES – MEDICAL ASSISTANCE

This matter was scheduled to discuss, consider and possibly vote to approve a Resolution in support of H 6119 an Act Relating to Human Services – Medical Assistance, sponsored by Councilor Geary.

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE RESOLUTION REGARDING HUMAN SERVICES – MEDICAL ASSISTANCE.

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

OPPOSED: None

SO VOTED

TOWN OF HOPKINTON, RHODE ISLAND
RESOLUTION OF THE TOWN COUNCIL

RESOLUTION IN SUPPORT OF H 6119 AN ACT RELATING TO HUMAN SERVICES – MEDICAL ASSISTANCE

WHEREAS, there are only four nonprofit ambulance services left in the State of Rhode Island, namely, Ashaway Ambulance Association, Hope Valley Ambulance Corps, Westerly Ambulance Corps and Charlestown Ambulance Rescue Service; and

WHEREAS, Rhode Island is fiftieth in the country in insurance reimbursement rates; and

WHEREAS, in Providence the average reimbursement rate for ambulance companies is twenty-five percent; however, for the four remaining nonprofit ambulance companies in Washington County it is fourteen percent; and

WHEREAS, due to the rising costs of equipment and supplies these ambulance companies require a more equitable insurance distribution rate; and

WHEREAS, the residents of the Town of Hopkinton rely on these services and will be severely impacted should these companies become non-existent.

NOW THEREFORE BE IT RESOLVED, that the Hopkinton Town Council urges the Rhode Island General Assembly to support H 6119 and urges passage.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of the Resolution to all Cities and Towns in Rhode Island seeking their consideration and support, to the members of the Rhode Island House of Representatives, the members of the Rhode Island State Senate, and the Governor of Rhode Island.

CHARIHO SCHOOL BUDGET

This matter was scheduled to discuss, consider and possibly vote on whether to support or oppose the proposed Chariho School Budget; requested by Councilor Hirst.

Councilor Hirst noted that he opposed the proposed budget for Chariho. He felt there should be an outside management study performed for this budget directly impacted town taxes. He noted that the school district did have surpluses, as well as the power to move line items around throughout the year. He believed the fixed costs in the school district were approximately 82%. He also mentioned the school's built-in maintenance of effort requirement, which was noted by Councilor Moffitt to be state law. Councilor Hirst asked Mr. Rosso how much of our town taxes went to the school and Mr. Rosso suggested it to be 78%. Councilor Moffitt noted that he supported the budget for Chariho. Councilor Burns felt that the Chariho School Committee has negotiated and worked hard on this budget; he felt that there may be other underlying matters such as the three-year teacher contract, but felt that this should be something the voter should decide. Councilor Davis noted that the increase in the budget started at 6% and was reduced to 2%. She felt the Chariho School Committee has worked well together, although she felt if they had reduced the benefit health line, they could have level funded. She also felt that her vote was her personal decision which she did not wish to share. Councilor Geary did not believe the school budget should

be increased every year and opposed the budget. He did wish the Chariho ballot question to include the amount of money that they were requesting. Councilor Hirst expressed that in a single member school district such as Westerly, the Town Council is required to approve the budget.

A MOTION WAS MADE BY COUNCILOR HIRST TO HAVE THE HOPKINTON TOWN COUNCIL GO ON RECORD OPPOSING THE 2023/2024 CHARIHO SCHOOL BUDGET. There was no second.

UNFINISHED BUSINESS

VETERAN’S SERVICES AGENT

This matter was scheduled to discuss, consider and vote on a motion to either approve or reject the amendment to the Code of Ordinances, Chapter 2 “Administration” to add a proposed new ordinance entitled “VETERAN’S SERVICES AGENT”.’

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR DAVIS TO APPROVE THE AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 2 “ADMINISTRATION” TO ADD A PROPOSED NEW ORDINANCE ENTITLED “VETERAN’S SERVICES AGENT”.

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

OPPOSED: None

SO VOTED

PUBLIC COMMENT

Etta Zasloff of Hope Valley commended the Town Council not taking a position on the Chariho School budget for many reasons, but mostly because of the educational impact that the Chariho School System has had on Hopkinton, Richmond and Charlestown. She cautioned them that when they continued to cut the budget it would impact the whole community. Mrs. Zasloff asked if the school budget was cut and the town saved some money where did they intend to spend it. She felt that if the town needed money, they should put together a business development plan that does not harm the rural community. There is no

economic commission in town. Councilor Geary noted that they are taking applications for anyone wishing to sit on the Economic Development Committee.

William Prince of Saw Mill Road noted in his experience, school budgets never go down. He noted that he appreciated Ms. Zasloff's concerns about economic development for he does not see any. It was his opinion that the Town Council should take action to find ways to improve the commercial retail business tax base.

Councilor Moffit did not believe the Economic Development Commission has ever been active.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY COUNCILOR MOFFIT TO ADJOURN IN MEMORY OF BETTIE ANN GEARY.

SO VOTED

Marita D. Murray

Town Clerk

Sydney Fernandes

Deputy Town Clerk