

BOARD OF SELECTMEN
Meeting Date: March 4, 2003
MINUTES

Members Present:

F. Eric Sonnett, Chairman
Mary C. Pratt, Vice-Chairman
Leonard A. Holden
Ronald M. Clark

Member Absent:

Paul Nelson

Others Present:

AT&T Broadband Technicians: Russell Phipps and James Cosgrove
MetroWest Daily News Reporter: Jeff Gould
Hopkinton Crier Reporter: Sarah Duckett
Board of Assessors: Dr. John Duffy, Chairman
Board of Health: Nancy Peters, Chairman
Conservation Commission: Brian Morrison, Chairman
Department of Public Works: J.T. Gaucher, Director, and Eric Carty, Water/Sewer Mgr.
DPW Building Committee: Edward Beckett, Chairman
Planning Board and Community Preservation Commission: John Coolidge, Chairman
School Committee: Dr. John Phelan, Superintendent, and Nadine Stewart, Member
Sealer Weights & Measures: Louis Sakin
Selectmen's Office: Theodore D. Kozak, Executive Secretary, and Geri Holland, Clerk

7:00 p.m. Mr. Sonnett opened the public meeting and asked everyone in attendance to stand for the Pledge of Allegiance. Mr. Sonnett continued the meeting. Town bills were approved for payment. Town warrants were signed as follows:

Town payroll #03-35 for \$198,194.00 (FICA: \$1,122.09)
School accounts payable #03-0068 for \$71,249.96
Town manual check #03-51 for \$24,193.12
School student activity #03-0069 for \$17,751.58
Town accounts payable #03-52 for \$171,360.92

Little League Parade Permit Request: Saturday, April 12, 2002

Mr. Sonnett presented a request from the Hopkinton Little League for a parade permit on Saturday, April 12 at Noon for their Opening Day ceremony that begins on the Town Common. It was noted that Police Chief Irvin has no problem with the issuance of the permit.

VOTE: Mr. Sonnett entertained a motion to approve the parade permit, as requested. So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.

Legal Assistance request: DPW Building Committee

On behalf of the DPW Building Committee, Mr. Beckett requested legal assistance for one session for the purpose to review a contract. Mr. Beckett explained that even with the DPW Building Committee withdrawing their article submitted for the town meeting warrant, the project is still moving forward.

VOTE: Mrs. Pratt motioned to approve the legal assistance, as requested. Second Mr. Holden. Unanimously voted.

Annual Town Meeting Articles Discussions and Votes (See Addendum):

1. **ARTICLES 1 through 11:** Mr. Kozak explained that Articles 1-11 are standard articles for the annual town meeting and includes the 53E½ Account article. He further explained that the 53E½ account has been expanded to include the Planning Board and Parks & Recreation Department.

VOTE: Mr. Sonnett entertained a motion that the Board supports to place Articles 1 though 11 on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.

DPW BUILDING COMMITTEE ARTICLE: Due to the budget reductions that the town is presently facing, Mr. Beckett requested on behalf of the Committee to withdraw this article. He hopes to return with an article for the Fall Special Town meeting.

2. **SEALER OF WEIGHTS & MEASURES ARTICLE:** Mr. Sakin explained that the article requests an increase in the fees from \$2800 to \$4600, which is an average of fees charged by the State.

VOTE: Mr. Sonnett entertained a motion that the Board supports to place this article on the Annual Town meeting warrant. So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.

3. **DEPARTMENT OF PUBLIC WORKS ARTICLES:** Mr. Sonnett tabled the discussion of the DPW articles until the March 18th Selectmen's meeting.
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4. **PLANNING BOARD ARTICLES:** Mr. Coolidge reviewed the articles and the votes are as follows:

➤ **Garden Apartments in Residential Districts and Senior Housing Development Articles:** Mr. Coolidge explained the amendment and said that these two articles are basically the same.

VOTE: Mr. Sonnett entertained a motion that the Board support to place these articles on the Annual Town meeting warrant. So moved Mr. Clark. Second Mr. Holden. Unanimously voted.

➤ **Open Space and Landscape Preservation Development Article:** Mr. Coolidge explained the amendment to the current bylaw.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mr. Holden. Second Mrs. Pratt. Unanimously voted.

➤ **Definition Lot Frontage; Accessory Family Dwelling Unit; Maximum Heights; and Residences in Business Districts Articles:** Mr. Coolidge explained the articles and their amendments.

VOTE: Mr. Sonnett entertained a motion that the Board support to place these articles on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.

➤ **Site Plan Review Article:** Mr. Coolidge explained that the current bylaw would be replaced by a new bylaw that removes the requirement for a Special Permit for major projects.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.

➤ **Zoning Article:** Mr. Coolidge explained that the article proposes a change to the zoning of the remainder of the land at 77 Main Street from residence A to business.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mr. Clark. Second Mr. Holden. Unanimously voted.

- **Scenic Roads Article:** Mr. Coolidge explained that this would replace the existing Scenic Roads bylaw with a new one including changes for clarification and an increase in fines.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.

- **Trees Article:** Mr. Coolidge explained that this article would replace the existing Trees bylaw pertaining to Public Shade Trees with a new one including clarification that trees within the right of way of public ways fall under the bylaw.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.

- **53E½ Article:** Mr. Coolidge explained the establishment of a 53E½ account. He explained the Board's request to be included in the account. He said that if the Site Plan Review article is adopted, the Planning Board will no longer be able to use the revolving fund for consultant fees for Site Plans. The 53E½ revolving fund would perform the same function.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.

- **Street Acceptances Article:** Mr. Coolidge explained that the Board proposes the acceptance of Alprilla Farm Road as a public way. Additional streets could be added if street acceptance plans are submitted within the next month.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mr. Clark. Second Mr. Holden. Unanimously voted.

- **Street Discontinuance Article:** Mr. Coolidge explained that the Board is not proposing any streets at this time, but will review lists and determine whether any should be proposed.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.

5. **COMMUNITY PRESERVATION COMMITTEE ARTICLES:** Mr. Coolidge explained the articles. The votes are as follows:

- **ARTICLE:** Community Preservation Committees Report for fiscal year 2003 and to appropriate from the Community Preservation Funds annual revenues a sum of money for the acquisition of land or interest in land for the purposes of open space including any expenses incurred therewith.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.

- **ARTICLE:** To see if the Town will vote to accept the report of the Community Preservation Committee on the fiscal year 2003 Community Preservation Budget and to appropriate from Community Preservation Funds annual revenues or available funds a sum or sums for the Stewardship of town-owned land said sum to be spent for the Baseline study including any expenses incurred therewith. Said sum to be spent under the direction of the Conservation Commission and the Open Space Preservation Commission.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.

- **ARTICLE:** To see if the Town will vote to accept the report of the Community Preservation Committee on the Fiscal Year 2003 Community Preservation Budget and to appropriate from Community Preservation Fund annual revenues or available funds a sum or sums of money for the administrative expenses of the Community Preservation Committee, and all other necessary and proper expenses of the Committee for the year; and
- **ARTICLE:** Reserve funds appropriated under the CPA in Fy'04 plus any interest acquired in FY '03. Sponsor: Community Preservation Committee.

VOTE: Mr. Sonnett entertained a motion that the Board support placing these two articles on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.

- **ARTICLE:** To see if the Town will vote to accept the report of the Community Preservation Committee on the Fiscal Year 2003 Community Preservation Budget and to appropriate from Community Preservation Fund annual revenues or available funds a sum or sums of money for the debt and interest payment on Fruit Street Property. Said sum to be spent under the direction of the Treasurer.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.

Mr. Kozak explained that Town Counsel might combine some of the Community Preservation Committee's articles.

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- 8. CONSERVATION COMMISSION ARTICLE:** To see if the Town will vote to amend the Town of Hopkinton Wetlands Protection Bylaw, [Chapter 206 of the Town of Hopkinton Bylaws], as follows:
1. By deleting the 3rd sentence of § 206.8.1B, and replacing it with the following: "A request for reconsideration under the Bylaw must be submitted as specified herein to the Commission, separate from any Request for Superceding Order of Conditions filed with the Department of Environmental Protection."

Mr. Morrison explained the background of the article.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.

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- 9. BOARD OF ASSESSORS ARTICLE:** To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of hiring technical services of a consultant, appraisal firm, and/or hiring additional personnel, along with related expenses to assist the Board of Assessors with commercial and industrial properties with the implementation of the state mandated Fiscal Year 2004 assessment certification program.

Dr. Duffy explained the article and said that the Board of Assessors sponsors this article every three years.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.

10. FIRE DEPARTMENT ARTICLE: To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money for the purchase an installation of a Radio Repeater Site, including all related accessories and equipment, for the Fire Department.

Mr. Kozak said that the Fire Chief wishes to withdraw the article, due to the financial restraints that the Town is presently experiencing. He added that Chief Daugherty will seek grant funds to purchase equipment.

11. BOARD OF HEALTH ARTICLES: Ms. Peters reviewed the following articles:

- **Community Septage Management Program Loan** – To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of financing and the following Water Pollution Abatement Facility Projects: the repair, replacement and/or upgrade of failing septic systems pursuant to agreements between the Board of Health and residential property owners, including, without limitation, all costs thereof as defined in Section 1 of Chapter 29C of the General Laws and to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.

- **Mosquito Control** – To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum of money to enable the Town to join the Central Massachusetts Mosquito Control Project, and further to authorize the Board of Health and/or the Board of Selectmen to take such action as may be necessary to enable the Town to join the Central Massachusetts Mosquito Control Project to provide the Town with environmentally sound mosquito control. Said sum to be spent under the direction of the Board of Health.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.

12. SCHOOL COMMITTEE ARTICLE:

To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money for the purpose of obtaining final design drawings, bid documents, site development plans, and cost figures for the building of a new elementary school; said sum to be used in conjunction with any federal and state grants, aid or loans which may be available for said project; and further to authorize the School Committee to apply for, accept and expend any and all federal and state grants, aid or loans which may be available for said project; and to authorize the School Committee to take all other action necessary or appropriate to carry out the purposes of this article.

Dr. Phelan and Ms. Stewart gave an overview of the article

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.

13. BOARD OF SELECTMEN ARTICLES:

- **Fruit Street Property:**
 - a.) Accept Master Plan
 - b.) Transfer Control – School Department/Parks & Recreation/Other

- c.) Requirements for State Grants, ALA, and Self-Help
- d.) Funding to make a site work plan showing infrastructure roads and other structure for review by State agencies.

Mr. Kozak explained the article. The Board agreed to also include the funding as part of this article and that to possibly submit these as separate articles on the warrant rather than as one article.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.

➤ **Amend Noise Bylaw: Mr. Kozak explained the article.**

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.

➤ **Expand number of members of the Youth Commission (change town bylaw) Mr. Kozak explained the article.**

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.

14. THE TRUSTEES OF THE HOPKINTON SCHOOL FUND: Mr. Kozak explained that the Trustees have nominated two people to fill open positions as Trustees of the fund.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.

15. PETITIONS: Mr. Kozak stated that the petitions have all been certified by the Town Clerk. The petitions are as follows:

1.) To see if the Town will vote to designate West Main Street, between the Upton-Hopkinton line and Downey Street, as a scenic road.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this petition on the Annual Town meeting warrant. So moved Mr. Clark. Second Mr. Holden. Unanimously voted.

2.) To see if the Town will vote to amend the General Bylaws of the Town by adding the language i.e., public hearings and notifications, determinations, permits and conditions and enforcement pertaining to the Wetlands Protection Act etc.

3.) To see if the Town will vote to amend the General Bylaws of the Town by deleting language definition of Vernal Pool etc.

VOTE: Mr. Sonnett entertained a motion that the Board support to place these petitions on the Annual Town meeting warrant. So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.

4.) Request that the Town take by eminent domain Montana Street in its entire length.

VOTE: Mr. Sonnett entertained a motion that the Board support to place this article on the Annual Town meeting warrant. So moved Mr. Clark. Second Mr. Holden. Unanimously voted.

8:30 p.m. Mr. Sonnett entertained a motion to adjourn the meeting. So moved Mr. Holden. Second Mr. Clark. Unanimously voted.

Respectfully submitted, Geri Holland, Clerk

Date Approved: 3/18/03