

TOWN OF HOPKINTON

BOARD OF SELECTMEN
Meeting Date: April 13, 2004
MINUTES

Members Present:

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

Others Present:

HCAM Station Director, Jim Cozzens; Hopkinton Independent: Sarah Duckett; MetroWest News: Dave McLaughlin; Planning Board: John Coolidge, Chairman; Board of Health: Nancy Peters, Chairman; DPW: J.T. Gaucher, Director; Accounting Office: Heidi Kriger, Town Accountant; Treasurer/Collector's Office: Maureen L. Dwinell, Town Treasurer/Collector; Appropriation Committee: Ronald Eldridge, Chairman; James Stauss; Muriel Kramer; Christina Mastrogianis; Joyce Hastings; Constance Craycroft (Westboro); Tim Kilduff; Carol DeVeuve; Vincent Benoit; Ann Marie Speicher; James Alexander; Verizon New England: Christopher Parella, Manager Right of Way; Attorney Irene DelBono; Attorney Thomas Nealon; Milford Water Company: Henry Papuga, Lake Maspenock Association: John Schmidt; Town of Milford: Louis Celozzi, Town Administrator; Theodore D. Kozak, Executive Secretary, and Geri Holland

6:15 p.m. Open Public Meeting/Move into Executive Session: Contract Negotiations (Room 211)

VOTE: Mr. Clark opened the public meeting and entertained a motion to move into executive session for the sole purpose to discuss contract negotiations, and then move back into public session for the purpose to continue the open session. **So moved Mr. Holden. The roll call vote follows: Mr. Clark: yes; Mr. Holden: yes; Mrs. Pratt: yes; Mr. Sonnett: yes; Mr. Nelson: yes. Unanimously voted.**

The Board continued the public session in the Selectmen's Hearing Room.

7:00 p.m. Pledge of Allegiance

Mr. Clark reopened the public session and invited everyone to stand for the Pledge of Allegiance. The Board approved the warrants and bills for payment.

Selectmen's minutes: March 16, 2004

Vote: Mr. Clark entertained a motion to approve the March 16, 2004 Selectmen minutes. **So moved Mrs. Pratt. Second Mr. Sonnett. Unanimously voted.**

Announce: Special Town Meeting Date (Tuesday, May 4, 2004)

Mr. Clark announced that the date for the Special Town meeting is scheduled on Tuesday, May 4, 2004.

Reopen/Close Special Town Meeting Warrant

VOTE: Mr. Clark entertained a motion to re-open the warrant for the May 4th Special Town meeting to be held within the May 2004 Annual Town meeting. **So moved Mr. Sonnett. Second Mrs. Pratt. Unanimously voted.**

Special Town Meeting Articles: Police Department and Planning Board

Mr. Kozak presented the following two articles submitted by the Police Chief and Planning Board for inclusion on the May 4th Special Town meeting warrant:

1. 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 purchase of an emergency vehicle with all related accessories and equipment for the Police Department, and to provide for the disposition as appropriate of any vehicle presently being used by the Police Department by trade-in or otherwise. Sponsor: Chief of Police
2. To see if the town will vote to raise and appropriate, transfer from available funds, or otherwise provide a sum or sums of money to fund the Town's share of the 2004 recreational trails program. Sponsor: Planning Board

The Board had a discussion regarding the articles and agreed to place them on the Special Town meeting warrant.

Vote: Mr. Clark entertained a motion to place the articles submitted by the Police Chief and the Planning Board on the May 4, 2004 Special Town meeting warrant. **So moved Mr. Sonnett. Second Mrs. Pratt. Unanimously voted.**

Special Town Meeting Warrant Closed:

Vote: Mr. Clark entertained a motion to close the Special Town meeting warrant. **So moved Mr. Sonnett. Second Mr. Nelson. Unanimously voted.**

Charter Commission Process Discussion:

Mr. Clark gave a brief overview of the Charter Commission process, and explained that there would be a ballot question for the Charter Commission on the May 17th election.

Vote: Mr. Clark entertained a motion that the Board of Selectmen endorse the Charter Commission process and recommend that voters vote yes at the May 17th Town election. **So moved Mr. Nelson. Second Mr. Sonnett. Unanimously voted.**

7:15 p.m. Street Acceptances Public Hearing:

Mr. Sonnett read the public hearing notice that under the provisions of M.G.L. Ch. 82, as amended that the following streets be accepted as public ways: Wescott Drive, from existing public way portion to Pond Street; Daniel Shays Road, from Saddle Hill Road to Saddle Hill Road; Honeysuckle Circle, from Washington Lane to the dead end; Washington Lane, from North Street to North Street; and Wild Road, from Briarcliff Drive to the dead end.

Vote: Mr. Clark entertained a motion to open the public hearing. **So moved Mrs. Pratt. Second Mr. Sonnett. Unanimously voted.** Mr. Clark asked if there were any abutters present, and noted that there were no abutters. Mr. Clark asked Mr. Coolidge and Mr. J.T. Gaucher to give an overview of the streets to be accepted as public ways.

Mr. Coolidge reviewed the “punch” list (see attachment) for each street including Wescott Drive, Daniel Shays Road, Baldwin Lane, Honeysuckle Circle, Washington Lane, and Wild Road. He said that the work is not 100% complete and cited the remaining work that needs to be done. There was discussion regarding the remaining work, and Mr. Coolidge noted that if the remaining work is not completed by the May 2004 Town meeting, the streets would be eliminated from the list of streets to be accepted at that time.

Vote: Mr. Clark entertained a motion to close the public hearing. **So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.**

Vote: Mr. Clark entertained a motion to approve the layout of the streets including Wescott Drive, Daniel Shays Road, Baldwin Lane, Honeysuckle Circle, Washington Lane, and Wild Road, with the understanding that the “punch” list of the remaining work for each street is completed, for the May 2004 Annual Town meeting. **So moved Mr. Sonnett. Second Mrs. Pratt. Unanimously voted.**

Selectmen Liaisons Update:

Mr. Sonnett said that he has been attending the Board of Health meetings and gave a status report of the various Board of Health projects.

Housing Plan invoice #0311-05-161

Mr. Clark reviewed a memo from the Planning Director, Elaine Lazarus, of an invoice for \$4,280 submitted by Community Opportunities Group, Inc. with regard to their contract to develop a Housing Plan for the Town. Ms. Lazarus explained in the letter that the invoice will actually be paid by MAPC, but the Town must approve first and should be signed off by the Chairman of the Board of Selectmen either on the invoice or in a separate letter indicating that payment is authorized.

Vote: Mr. Clark entertained a motion to approve for signature the request for payment of \$4,280, as submitted by the Planning Director. **So moved Mrs. Pratt. Second Mr. Sonnett. Unanimously voted.**

MPO Election Nominations: *Everett: David Ragucci, Mayor, & Framingham: Christopher Ross, BoS Chairman*

Mrs. Pratt explained that the municipal election for one city and one town to the Boston Region Metropolitan Planning Organization (MPO) is scheduled on May 26, 2004, and that the nominations need to be submitted by the Chief elected official on April 20 by 5 p.m. She recommended the City of Everett: David Ragucci, Mayor, and the Town of Framingham: Christopher Ross, Board of Selectmen Chairman.

Vote: Mr. Clark entertained a motion to nominate the City of Everett: David Ragucci, Mayor; and the Town of Framingham: Christopher Ross, Board of Selectmen Chairman, for the Boston Region Metropolitan Planning Organization’s (MPO) election. **So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.**

7:30 p.m. Street Discontinuance Public Hearing:

Mr. Clark read the public hearing notice under the provisions of M.G.L. Ch. 82, sec. 21, that the following named streets be discontinued as public ways: High Street and Wheaton Road. Mr. Clark asked if there were any abutters present, and noted that abutters, Vincent Benoit, Ann Marie Speicher, and James Alexander, were present.

Vote: Mr. Clark entertained a motion to open the public hearing. **So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.**

Mr. Gaucher gave an overview that Wheaton Road is a paper street and explained the process to discontinue the street as a public way. In regards to High Street, Attorney DelBono stated her client’s, James Alexander of 2 High Street, concern of the language of the Petition to discontinue High Street. Attorney Nealon, one of the petitioners that is presenting this petition at the 2004 May Town meeting, said that he would work with Attorney DelBono to perfect language of the motion that will be presented at the Town meeting. It was noted that the purpose of this hearing is informational only, and that both streets would be presented at Town meeting for vote, and that to discontinue High Street is a Petitioners’ article. Mr. Clark asked the Petitioners who are sponsoring the discontinuance of High Street to work with the abutters on the motion. There was no more discussion at this time.

Vote: Mr. Clark entertained a motion to close the public hearing. **So moved Mr. Sonnett. Second Mrs. Pratt. Unanimously voted.**

Verizon Petition for Joint Pole Relocation (Meserve Street):

Mr. Kozak explained the petition from Verizon New England that requests permission to relocate pole on Meserve Street. The petition reads: Meserve Street: On the easterly sideline, approximately 287 feet north of the intersection with Main Street, relocate Pole #37/4 approximately 15 feet south of the existing location; remove old Pole # 37/4. Mr. Parella, Verizon Manager, reviewed the petition request, and noted that a public hearing and notice to abutters is not required for this petition. Mr. Sonnett commented for the record that Verizon has performed “extraordinary” work on the South Street project. There were no further comments at this time.

Vote: Mr. Clark entertained a motion to approve Verizon New England’s petition request to relocate pole on Meserve Street, as submitted. **So moved Mr. Sonnett. Second Mrs. Pratt. Unanimously voted.**

Town Revenue Enhancement - E.L. Harvey Expansion:

Mr. Clark reviewed a letter dated March 19, 2004 to the Board of Selectmen from the Board of Appeals requesting regarding the E.L. Harvey’s expansion project being subject to a per ton fee “Community Host Fee” as stipulated under MA G. L. c. 16 s.24A. In the letter, the Board of Appeals stated that due to this, E.L. Harvey might not be subject to the levy of normal real estate taxes by the Town; therefore, the Board of Appeals has requested data from E.L. Harvey regarding a fiscal impact assessment, including projected revenues to the Town. The March 19th letter states, that the Board of Appeals “may consider inclusion of this fee as a condition of one or more Special permits”, and that “Harvey has offered to pay real estate taxes in lieu of the Community Host Fee”. Therefore the Board of Appeals requested written comments and/or recommendations from the Board of Selectmen by April 28, about the fiscal impact assessment upon availability from E.L. Harvey. In addition, the Board of Appeals stated that the Board of Selectmen could include within their comments specific language to be included within the condition of a Special Permit. Mr. Kozak explained that the Board of Selectmen and the Town’s financial team including the Town Accountant, Town Treasurer Collector met with E.L. Harvey representatives to review the proposed tonnage and development of the property. He presented an overview of the meeting including a build-out analysis of their property tax versus tonnage. There was discussion regarding estimates of additional revenue ranging between \$300,000 to \$550,000 a year, which could be received over a five-year period depending on the success of the business. The tax would be based upon the weight of materials going into the facility which would be audited by the Town Accountant at her discretion. The Board further discussed various options presented to them in obtaining revenue from E.L. Harvey & Sons should the proposed project receive final approval from the Board of Appeals.

Vote: Mr. Sonnett motioned that E.L. Harvey & Sons, inc. shall pay to the Town of Hopkinton the private facility tax referred to in G.L.c. 16, sec. 24A and in 310 CMR 19.050, subject to all of the terms, provisions and conditions contained in said statute and regulation, as a condition of its operation of the resource recovery facility upon the premises which it owns on Wood Street and being the subject of the Site Assessment issued by the Hopkinton Board of Health.

The Town of Hopkinton, Treasurer’s Office or Accountant’s Office, shall have the right to conduct reviews of facility scale records during regular business hours for purposes of verifying the accuracy of the monthly reports submitted by the applicant. Such reviews may occur on site or off site, at the Town’s election. **Second Mr. Nelson. Mrs. Pratt commented that she would not vote unless she understood if E.L. Harvey would be paying real estate taxes or per ton fee. There was discussion regarding the motion. The votes follow: Mr. Clark: yes; Mr. Holden: yes; Mr. Sonnett: yes; Mr. Nelson: yes; Mrs. Pratt abstained from the vote. So voted.**

8:30 p.m. Water & Sewer Extension Policy (con't public hearing):

Vote: Mr. Clark entertained a motion to reopen the public hearing regarding the Water & Sewer Extension Policy. **So moved Mr. Sonnett. Second Mr. Holden. Unanimously voted.**

Vote: Mr. Clark entertained a motion to continue the public hearing at 9:00 p.m. this evening. **So moved Mr. Sonnett. Second Mr. Holden. Unanimously voted.**

Whitehall Dam Project:

Mr. Gaucher presented the Traffic Safety Repairs and Improvements expenditures (see attachment) with regard to the Whitehall Dam Reservoir project. He explained that in order to participate in the roadway portion of the project, a letter needs to be sent to the Department of Conservation and Recreation (DCR) that states the Town is committed to use Chapter 90 State aid funds. He presented the projected estimate prepared by the project design engineer, GZA GeoEnvironmental, Inc. He explained that he prepared a letter for the Board of Selectmen to send to the DCR that the Town of Hopkinton will not exceed \$100,000 from its Chapter 90 allocation and that the Town through the DPW Director will administer these funds.

Vote: Mr. Clark entertained a motion to authorize the Chairman of the Board of Selectmen to sign the letter as prepared. **So moved Mr. Sonnett. Second Mrs. Pratt. Unanimously voted.**

Lake Maspenock Dam & Spillway: Towns of Milford & Upton Board of Selectmen

Mr. Clark gave an overview of the issue of the need to repair the dam and spillway at Lake Maspenock and to develop a plan to avoid further deterioration of this structure. Mr. Papuga, Milford Water Company, owns about a third of the dam, and Mr. Celozzi, Town Administrator for the Town of Milford, discussed the status of the dam. Mr. Papuga said that he believes that spillway does not have any problems and the dam is structurally sound. He also said that the Milford Water Company wishes to sell their portion of the dam. Mr. Celozzi said that Milford's Board of Selectmen was not aware of the need of repair until Mr. Papuga assessed him of the issues. Mrs. Pratt explained that a 2002 report of the area said that it was in poor to fair condition and that there might be a chance that it could be drained. Mr. Schmidt, Lake Maspenock Association, and residents of the lake expressed concern that the dam is in need of repair, and hopes that those who own the dam would take responsibility for the maintenance and repair of the area. It was also expressed by residents that if the dam failed and the lake is drained, the land would turn into a mud field, reducing their property values and leave little recreation. It was noted that the approximate repair costs is estimated at \$223,000. Mr. Papuga said that the repair areas could be the sections that the Milford Water Company does not own. He noted that the ownership of two parcels is unknown. There was discussion regarding the potential sale of the Milford Water Company's portion of the property. Mr. Clark recommended establishing a regional Lake Maspenock Dam Committee to work on this issue including three representatives each from Upton, Milford and Hopkinton to come up with a regional solution. Mr. Celozzi said that "in the spirit of cooperation" the Milford Board of Selectmen might be amendable to this recommendation. Mr. Schmidt asked what the scope of the committee would be and who would be appointed as the representatives from the various towns. Mr. Clark responded that the scope would include a plan to repair the dam and spillway; and that that the towns would be requested to submit the names of three representatives for appointment to the Lake Maspenock Dam Committee. Mr. Papuga stated that he would like to work with the Towns to develop a plan. He added that there should be a timeframe to come up with a solution. Mr. Clark recommended the end of 2004.

Vote: Mr. Clark entertained a motion to establish a nine (9) member Regional Lake Maspenock Dam Preservation Committee including three (3) representatives each from the Towns of Upton, Milford and Hopkinton; and to send a letter to the Towns of Upton and Milford to ask them to appoint three (3) members each from their communities; and that the Committee submit their recommendations by December 31, 2004. **So moved Mr. Sonnett. Second Mr. Nelson. Unanimously voted.** Mr. Clark announced to any interested residents that they should submit a letter of interest to the Selectmen's Office as soon as possible.

9:00 p.m. Water & Sewer Extension Policy (continued public hearing):

Vote: Mr. Clark entertained a motion to reopen the public hearing to discuss the Water & Sewer Extension Policy. **So moved Mr. Sonnett. Second Mrs. Pratt. Unanimously voted.**

Mr. Carty presented the Water Main Extension Policy with recommendations (see attachment) that were discussed by the Board during the previous public hearing. The Board reviewed the recommendations. Mr. Sonnett said that the DPW Advisory Committee recommends the policy as amended. There were no other comments.

Mr. Carty presented the Rules & Regulations for the Sewer Main Extensions & Connections. The Board reviewed the General Regulations under Section II, and those bolded areas under #1, #2, and #8 (see attachment). Mr. Sonnett said that the DPW Advisory Committee recommends the policy as amended. There were no other comments.

Vote: Mr. Clark entertained a motion to close the public hearing. **So moved Mr. Sonnett. Second Mrs. Pratt. Unanimously voted.**

Vote: Mr. Clark entertained a motion to adopt the Water & Sewer Policy as amended. **So moved Mr. Sonnett. Second Mr. Nelson. Unanimously voted.**

Mr. Sonnett wished to thank Mr. Coolidge, Chairman of the Planning Board, and Ms. Lazarus, Planning Director, for reviewing the policy and submitting their recommendations.

8:45 p.m. Impact of Citizens' Petition: Water Main Extension to the North Street Area

Mr. Clark explained that because of a citizen's petition to extend water to the North Street area, the Board of Selectmen are sponsoring three articles on the Annual Town warrant to fund the water main extension should the petition pass at town meeting. Mr. Carty, Water/Sewer Manager, presented a map of the area that would like an extension and presented an estimated evaluation of \$2.2M for the project, which he divided by the amount of homes affected to come up with a betterment figure of \$20,500 per home that could be paid over 20 years. Mr. Sonnett said that the DPW Advisory Committee supports the three articles and recommends a betterment cost of 100% by the owners. There was discussion regarding the information presented by Mr. Carty. Mr. Stauss, a petitioner, stated concerns about the cost of the betterment, and believes that that petitioners might have a different response with the cost of the betterment. Mrs. Pratt stated that neighbors of the proposed E.L. Harvey expansion project submitted the petition, as they are concerned about the water quality in their neighborhood that is close to the landfill.

Vote: Mr. Clark entertained a motion to follow the recommendations of the DPW Advisory Committee and Mr. Carty and prepare a betterment estimate for 100% cost for the motions at the Annual Town meeting. **So moved Mr. Sonnett. Second Mr. Holden.** Mrs. Pratt commented that the residents would not be asking for the water if it weren't for the landfill and doesn't think the betterment should be set at 100%. **The votes are as follows: Mr. Clark: yes; Mr. Holden: yes; Mr. Sonnett: yes; Mr. Nelson: yes; Mrs. Pratt: no. So voted.**

Reappoint Ruth Knowles: S. Middlesex Regional Vocational School Committee (3-year term)

VOTE: Mr. Clark entertained a motion to reappoint Ruth Knowles to a three-year term to 2007 on the South Middlesex Regional Vocational School Committee. **So moved Mr. Sonnett. Second Mrs. Pratt. Unanimously voted.**

Accept gifts into “Cookie” Kumlin Doughboy Restoration Gift Account

VOTE: Mr. Clark entertained a motion to accept gifts into the Cookie Kumlin Doughboy Restoration Gift account in memory of Cook Kumlin as follows: Finley and Trish Perry: \$100; Hopkinton Public Library Board of Trustees: \$250; Al and Doreen Shameklis: \$25; Brian Thomas: \$50; Dave Kurzontkowski: \$25; Jack LeDuc: \$100; Paul DiBona: \$25; Rob Phipps: \$100; Charlie Bobeck: \$25; Paul Buswell: \$100; John Franklin: \$50; Steve Whynot: \$50; Paul M. Phipps Insurance: \$75; James and Caroline Davidge: \$50. **So moved Mr. Sonnett. Second Mrs. Pratt. Unanimously voted.**

Selectmen’s future agenda

Mr. Clark reviewed the Selectmen’s future agenda including an Eagle Scout proclamation, Youth Commission and Recycling Committee interviews on the April 27th agenda, and the Annual Town and Special Town meetings scheduled the week of May 3rd.

Meeting Adjourned:

9:50 p.m. VOTE: Mr. Clark entertained a motion to adjourn the public meeting. **So moved Mr. Sonnett. Second Mr. Holden. Unanimously voted.**

Respectfully submitted,

Geri Holland
Executive Assistant
Date approved: 6/29/04