

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: July 13, 2004
MINUTES**

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

Others Present: HCAM Station Director: Jim Cozzens; MetroWest News: Dave McLaughlin; Hopkinton Independent: Sarah Duckett; Tim Harrison, Borgatti Harrison & Co.; Ron Eldridge, Appropriation Committee; Maureen Dwinnell, Town Treasurer/Collector; Heidi Kriger, Town Accountant; John Coolidge and Mary Harrington, Housing Committee; Verne Kaminski; Bill Newell; Michael Riley; Patrick McKeon; Matthew Weiner; John Younis; Marsha Collins; Brian Cann; Kimberly Collins; Cenkhan Kodak; Jeffrey Messerman; Carol DeVeuve; Norma Levitt; Hopkinton Police Sgt. Michael Sutton; Theodore D. Kozak, Executive Secretary, and Geri Holland, Executive Assistant

Open Public Meeting (room 211) /Move into Executive Session (Contract Negotiations)

6:45 p.m. Mr. Sonnett opened the public session and motioned to move into executive session for the sole purpose to discuss contract negotiations. **So moved Mr. Clark. Second Mr. Nelson. The roll call vote follows: Mr. Sonnett: yes; Mr. Nelson: yes; Mr. Clark: yes; Mr. Holden: yes; Mrs. Pratt: yes. Unanimously voted.**

Public Meeting Re-opened/Pledge of Allegiance:

7:00 p.m. Mr. Sonnett re-opened the public meeting and invited everyone to stand for the Pledge of Allegiance. Town warrants and bills were approved for payment.

AFSCME Contract

Mr. Sonnett announced that the AFSCME Contract has been ratified for a three-year contract effective July 1, 2004. Mr. Sonnett congratulated the Firefighters, Police, DPW and Dispatchers in helping the town with the financial crisis by accepting no salary increases in the first year of their contracts. He added that to date, all union contracts have been ratified with the exception of the School Department.

Vote: Mr. Sonnett entertained a motion to approve the AFSCME three- (3) year contract effective July 1, 2004. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

Soap Box Derby Recognition: J.R. Barnes

Mr. Sonnett invited J.R. Barnes and his mother to talk about National Soap Box Derby Championships in Akron, Ohio, which J.T. is participating. Mr. Holden gave an account of how he saw a newspaper article about J.R.'s participation in the Derby, and thought that he and the Board would like to publicly wish congratulate him. Mr. Holden, and Mr. Kilduff, Hopkinton Athletic Association, also presented on behalf of

the Board and the HAA lithographs of the Boston Marathon to the attendees of the race. Members of the Board wished J.T. good luck.

Title V Loan Program: *Maureen Dwinell, Town Treasurer/Collector*

Mrs. Dwinell, Town Treasurer Collector presented the Town of Hopkinton's Community Septic Management Program Loan under Loan Agreement #T5-97-110 for \$166,881.00 at 0% interest from the Massachusetts Water Pollution Abatement Trust (see attachment). She requests the Board's approval to sign the Bond and closing Certificate.

Vote: Mr. Sonnett entertained a motion to approve the signing of the Community Septic Management Bond for \$166,881.00, as submitted. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

Audit Report: *Borgatti Harrison & Co.,*

Mr. Harrison gave an overview of the Management Letter (see attachment) and the Basic Financial Statements with Accompanying Information year ending on June 30, 2003. Mr. Harrison noted that the Manage Letter is "clean" and had no comments. Mr. Harrison recommended a workshop to review changes, which is scheduled this Thursday, June 15 at 4 p.m. in the Town Hall. He commented that the balance sheets are "healthy" as of June 30, 2003. There was general discussion regarding the Audit Report including the Town Pension Plan i.e., Middlesex County Contributory Retirement System, and the Government Accounting Standards Board (GASB). Mr. Sonnett thanked Mr. Harrison for his presentation and the Town's financial team for their efforts.

Housing Plan Approval: *John Coolidge, Mary Harrington*

Mrs. Harrington explained that with the Hopkinton Housing Plan which was recently completed, and adopted by the Planning Board, will be incorporated into the Master Plan. She said that the Plan was prepared by Community Opportunities Group and was developed in such a way that it would also serve as a Planned Production/Affordable Housing Plan. She added that the MA Department of Housing and Community Development (DHCD) would review the Housing Plan. Mrs. Harrington and Mr. Coolidge request on behalf of the Planning Board and Housing Committee that the Board of Selectmen vote to formally submit the Housing Plan to DHCD for approval as an Affordable Housing Plan.

Vote: Mr. Sonnett entertained a motion to formally submit the Housing Plan to DHCD for approval as an Affordable Housing Plan, as requested by the Housing Committee and Planning Board. **So moved Mr. Nelson. Second Mr. Holden. Unanimously voted.**

Lake Maspenock Dam Preservation (LMDPC) Committee:

Mr. Sonnett gave a brief history of the establishment of the Lake Maspenock Dam Preservation Committee (LMDPC) whose mission would be to address the condition of Lake Maspenock's dam and spillway, and what needs to be done to preserve this natural resource. Mr. Sonnett said that the Board approved to implement a nine- (9) member Regional Lake Maspenock Dam Preservation Committee consisting of three members from each community that Lake Maspenock borders specifically the Towns of Milford, Hopkinton and Upton. He added the Milford Board of Selectmen declined participation on the Committee. Mr. Kozak

added that Henry Papuga, Milford Water Company, does wish appointment to this Committee. The Board recommended that this to be a seven- (7) member Committee. Mrs. Pratt, who had submitted her application, stated her wish to withdraw her candidacy as one of the at large position, and offered to serve as the Board of Selectmen's liaison to the Committee.

1.) Candidate Bill Newell:

Mr. Sonnett invited Bill Newell to give an overview of his background and state why he would like to serve on the committee. Mr. Newell, who resides on Lake Maspenock, talked about the problems that residents who live on the Lake are experiencing, including the extra tax assessment that they receive, and stated that he would like to resolve these issues. Mr. Sonnett expressed that the problems that residents experience by living on the Lake and their tax assessment are not the mission of the committee. He added that maybe another committee would be established to address these issues, but that tonight the Board wished to determine who would serve on the Committee to address the safety of the dam and spillway. When Mr. Clark asked Mr. Newell if he would be able to serve on both the LMDPC and the Economic Commission & Development Financing Authority (ECDFA), Mr. Newell responded that if he is appointed this evening, he plans to resign as the Chairman of the ECDFA. He added that pending the workload that the LMDPC might bring, he would resign from the ECDFA. He also wished to make the Board aware that there might be a potential conflict of interest issue, as he made an offer to purchase the dam. He added that Lake Maspenock has problems, which personally affect him. Mr. Clark commented that the Board voted to create the LMDPC to address the structural safety of the dam. Mr. Newell said that it is his desire to resolve the problems and that this would be a priority. Mr. Nelson stated his concern about Mr. Newell disclosing that he might potentially be purchasing the dam and would like more information regarding this.

2.) Candidate Verne Kaminski

Mr. Sonnett invited Ms. Kaminski to give an overview of her background and state why she would like to serve on the committee. Ms. Kaminski said that her family has lived on the Lake since 1940 and has served as the Lake Maspenock Association President for 12 years. She said that she still is actively involved in all matters pertaining to the Lake and believes that the Dam is an integral part of the Lake. Ms. Kaminski believes that the restoration of the Dam needs to be addressed.

3.) Candidate Michael Riley

Mr. Sonnett invited Mr. Riley to give an overview of his background and state why he would like to serve on the committee. Mr. Riley said that he is also a resident of Lake Maspenock. He explained that he would like to be a part of the research to find out what the problems are to find reasonable solutions in the repair and upkeep of the dam.

Discussion:

Mr. Sonnett said that he shares Mr. Nelson's concern on the ethics of whether Mr. Newell can serve on the Committee should he purchase the dam, and would support Mr. Newell's appointment subject to Town Counsel's opinion.

Vote: Mr. Sonnett entertained a motion to appoint Bill Newell, Verne Kaminski, Michael Riley, and Henry Papuga to the Lake Maspenock Dam Preservation Committee for the Life of the Project.

Mr. Clark amended to not appoint Mr. Newell, and to vote each candidate separately.

Vote: Mr. Sonnett entertained a motion to appoint Verne Kaminski to the Lake Maspenock Dam Preservation Committee for the Life of the Project. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

Vote: Mr. Sonnett entertained a motion to appoint Michael Riley to the Lake Maspenock Dam Preservation Committee for the Life of the Project. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Vote: Mr. Sonnett entertained a motion to appoint Henry Papuga to the Lake Maspenock Dam Preservation Committee for the Life of the Project. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

Vote: Mr. Sonnett entertained a motion to appoint Bill Newell to the Lake Maspenock Dam Preservation Committee for the Life of the Project pending Town Counsel's opinion pertaining to the conflict of issue of Mr. Newell purchasing the dam. **So moved Mr. Nelson. Second Mr. Holden.**

Discussion: Mr. Clark commented that all three candidates are property owners on Lake Maspenock and thought that perhaps one of the candidates could step back to allow a resident who doesn't reside on the Lake to serve on the committee. He added that a member of the Conservation Commission might also be interested. Mr. Kozak added that Mr. Rogers, Chairman of the Parks & Recreation Commission, is interested in the Committee's mission, and might like the opportunity for a member of the Commission to serve on this Committee. Mrs. Pratt commented that the lake area is a vital recreational area. Mr. Sonnett responded that the committee's mission is broader than just recreational issues. Ms. Kaminski asked who would be representing the Town of Upton. Mr. Sonnett responded David Gibbs, Don Kerr and Michael Riley. Ms. Kaminski commented that all of the Upton representatives are active members of the Lake Maspenock Association. Mr. Nelson shared his appreciation of Mr. Clark's suggestion to seek a non-lake resident, but believes that just because someone is a lake resident shouldn't disqualify them from serving on the LMDPC. He also pointed out that there were no applications from other parts of town. He encouraged the Board to act on those candidates who actively put their name in for the Board's consideration to serve on the LMDPC.

The votes follows: **Mr. Sonnett: yes; Mr. Nelson: yes; Mr. Holden: yes; Mrs. Pratt: yes. Mr. Clark: no. So voted.**

Verne Kaminski, Michael Riley, Bill Newell, and Henry Papuga are appointed to the Lake Maspenock Dam Preservation Committee for the Life of the Project.

Facilities Board: (one (1) vacancy; one (1) year term to 2005)

Mr. Sonnett explained that there is at large vacancy on the Facilities Board for a term to 2005. He noted that applicants John Keene and Patrick McKeon were unable to attend this evening's meeting.

1.) Candidate: Matthew Weiner

Mr. Sonnett invited Matthew Weiner to give an overview of his background. Mr. Weiner said that his career is in operations management including budgeting and managing construction projects. He added that he has the time to serve.

2.) Candidate: John Younis

Mr. Sonnett invited Mr. Younis to give an overview of his background. Mr. Younis said that has experience in the construction industry and that his firm is a design contracting company.

Mr. Allor, Facilities Board, stated that the Facilities Board and Brian Main, Facilities Director, recommend Mr. Younis to the position, as he is best suited for the position based on his experience and background. He also noted that Mr. Younis has been attending the Facilities Board meetings.

Vote: Mr. Sonnett motioned to nominate Mr. Weiner. **So moved Mrs. Pratt. This vote was not seconded.**

Vote: Mr. Sonnett entertained a motion to nominate Mr. Younis. **So moved Mr. Clark. Second Mr. Holden.**

The votes follow:

Mr. Weiner: Mrs. Pratt: yes

Mr. Younis: Mr. Sonnett: yes; Mr. Nelson: yes; Mr. Clark: yes; Mr. Holden: yes. Mrs. Pratt: no. The vote is four: yes; and one: no. **So voted.**

Mr. Younis is appointed as the at large member to the Facilities Board for a one-year term to June 30, 2005.

Mr. Sonnett thanked Mr. Weiner for his application to the Facilities Board and encouraged him to seek other vacancies that he might be interested in.

Recycling Committee: (three (3) vacancies; (1 term to 2005 and 2 terms to 2006)

Mr. Sonnett explained that there are three vacancies with two terms to 2006 and one term to 2005.

1.) Candidate: Kimber Barton

Mr. Sonnett invited Ms. Barton to give an overview of her background and why she would like to serve on the Recycling Committee. Ms. Barton explained her background and said that she has some ideas to expand the recycling program.

2.) Candidate: Kevin Kohrt

Mr. Sonnett invited Mr. Kohrt to give an overview of his background and why he would like to serve on the Recycling Committee. Mr. Kohrt explained his background and stated the importance of recycling and how he would like to assist the town with this endeavor.

Vote: Mr. Sonnett entertained a motion to appoint Kimber Barton and Kevin Kohrt to the Recycling Committee for terms to 2006. **So moved Mrs. Pratt. Second Mr. Nelson. Unanimously voted.**

Mr. Sonnett said that as applicant, Alexander Bender, was unable to attend this evening's meeting, the Board would invite him to interview for the term to 2005 at a Selectmen's meeting in August.

Youth Commission: (five (5) vacancies; four (4) terms to 2007; one (1) term to 2008

Mr. Sonnett explained that as applicants, Marsha Collins, Alexander Bender, and Kimberly Collins were all unable to attend this evening's meeting, the interviews will be held at a Selectmen's meeting in August.

Marathon Committee Interviews: (one (1) vacancies

Mr. Sonnett noted that there is one- (1) vacancy on the Marathon Committee that the candidate should have some background in security.

1. Candidate: Cenkhan Kodak

Mr. Sonnett invited Mr. Kodak to give an overview of his background and why he would like to serve on the Marathon Committee. Mr. Cenkhan said that he is an avid runner and has participated in various official marathon events. He added that he appreciates the event and hopes he has the opportunity to serve the community if appointed to the Marathon Committee.

2. Candidate: Jeffrey Messerman

Mr. Sonnett invited Jeffrey Messerman to give an overview of his background and why he would like to serve on the Marathon Committee. Mr. Messerman said that he has been a resident of Hopkinton for almost seven years and has served as a volunteer on the Starting Line Security for the past five years. Mr. Messerman added that he has a sales management background and works for a radio station in Boston.

Vote: Mr. Sonnett entertained a motion to nominate Cenkhan Kodak for consideration to the vacancy on the Marathon Committee. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

Vote: Mr. Sonnett entertained a motion to nominate Jeffrey Messerman for consideration to the vacancy on the Marathon Committee. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

The votes follow:

1. Cenkhan Kodak: There were no votes.
2. Jeffrey Messerman: **Mr. Sonnett: yes; Mr. Nelson: yes; Mr. Clark: yes; Mr. Holden: yes; Mrs. Pratt: yes Unanimously voted.**

Mr. Messerman is appointed for a one-year term to June 30, 2005.

Mr. Sonnett thanked Mr. Kodak for his application and encouraged him to seek other openings that he might be interested in. Mr. Kodak thanked the Board for the opportunity to interview and said that he would offer to volunteer on the Committee and would attend the Marathon Committee meetings.

Senate Bill #2634: Land conveyance in Towns of Hopkinton and Westboro

Mr. Sonnett explained Senate Bill #2634 that the State filed to swap 6.5 acres of land owned by the Commonwealth of MA on the edge of Cedar Swamp with 21 acres of land owned by the E.L. Harvey. Mr. Sonnett said that the Town of Westboro supports the bill, as stated is a copy of their letter dated April 16, 2004, to the State House. Mrs. Pratt stated the issue of the land being with the Area of Critical Environmental Concern (ACEC) and that it hasn't been rezoned. She believes that this transfer should go before town meeting. Mr. Sonnett responded that the Town doesn't own the land. Mr. Clark recommends that the Board of Selectmen support the land swap bill as: A) It would enhance 6.5 acres of accidentally developed state land for either state ownership or a CR on 21 acres of undeveloped E.L. Harvey land; B) It would allow E.L. Harvey to move trucks internally between the existing Westboro and proposed Hopkinton facilities and thus reduce traffic on Rte. 135; and C) The DCR recommends this land swap as well. He also

pointed out that being in the ACEC doesn't mean the land is undevelopable and a change of ownership does not diminish the ACEC requirements. Norma Levitt, a member of the Cedar Swamp Extension Group, submitted a letter to the Board of Selectmen to encourage them to not support the bill and to bring this issue to town meeting. Mr. Sonnett read a letter prepared by the Executive Secretary that supports the bill. Mr. Clark commented that all the members of the Board of Selectmen should sign the letter. Mr. Nelson voiced his concern about bringing this bill to town meeting and asked to go on record of not fully understanding what the objections are. Carol DeVeuve, 282 Wood Street, stated her opposition to this bill and takes objection of the proposed letter that states that its "environmentally sound", and believes that the transfer would remove the land from the buffer zone.

Vote: Mr. Clark motioned to send the letter as prepared by the Executive Secretary and that the all members of the Board of Selectmen sign the proposed letter. **Second Mr. Holden. Mrs. Pratt disagreed to send the letter. The votes follow: Mr. Sonnett: yes; Mr. Nelson: yes; Mr. Clark: yes; Mr. Holden: yes; Mrs. Pratt: no. So voted.**

Lake Whitehall Dam Agreement:

Mr. Sonnett gave a brief history of repairing the Whitehall Reservoir Dam and the protection of the Gate House on the Whitehall Reservoir Dam. He explained that the Commonwealth of MA's Department of Conservation and Recreation (DCR) has prepared a Memorandum of Agreement (MOA) between the Town and the DCR that the Town to be held responsible for the care, custody and control of the Gatehouse and roadway across the Whitehall Reservoir Dam, including the restoration, repair and maintenance and holds the DCR harmless for any liability or damages resulting from the care. Mr. Sonnett explained that Town Counsel reviewed the MOA and has made some changes to the language Mr. Sonnett said that he is looking for approval of the MOA subject to revisions made by Town Counsel.

Vote: Mr. Sonnett entertained a motion to authorize the Memorandum of Agreement between the Town of Hopkinton and the Commonwealth of MA's Department of Conservation and Recreation pending any language revisions submitted by Town Counsel. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Selectmen Liaisons

Mr. Clark gave an update of the Board of Health meetings that he recently attended which included topics of a long-term monitoring plan of the E.L. Harvey facilities. He stated concerns that E.L. Harvey was never notified about the July 8th meeting and said that the Board of Selectmen voted that the Board of Health give all applicants 72 hours advance notice before a meeting is held that has discussion regarding them. Mr. Clark also announced a public hearing on August 5 for the new well regulations. Mrs. Pratt announced a Charter Commission meeting on July 14 at 7 p.m. and a SWAP meeting scheduled in the Town Hall's Room 211 at 3 p.m. this Thursday, July 25.

Citizen input at Board of Selectmen meetings Discussion:

Mr. Sonnett reviewed the issue of a citizen contacting him about the Board giving residents an open forum for ½ hour at a Selectmen's meeting to address issues of interest to them. The Board agreed that this could be a good idea and discussed how to implement this. Mr. Holden suggested accepting emails. Mr. Sonnett

commented that coming into a televised meeting could be difficult for some. Mr. Clark cautioned about being careful in managing the discussions. He recommended that comments should be about Board of Selectmen business and issue-oriented, not people-oriented. Mr. Nelson believes it could be a great venue and suggested to know ahead of the meeting what the issues/questions would be about. He agrees with sending email, which the Board could readout. Mr. Sonnett asked the Board members to send their ideas to Mr. Kozak so that he could present a plan on how to implement this forum. He recommended implementing this program at the first meeting in September.

One Day Liquor License request (Albanian Orthodox Church, Natick)

Mr. Sonnett read a letter from Brian Verdy, Festival Chairman of the Albanian Orthodox Church of the Annunciation located in Natick, requesting a beer and wine license for their annual church festival scheduled on Sunday, September 12, 2004 from Noon to 6:00 p.m. at the New England Laborers' Training Center. Mr. Sonnett noted that Police Chief Irvin has no concerns with the issuance of the license as requested.

Vote: Mr. Sonnett entertained a motion to approve the one day wine and beer license to the Albanian Orthodox Church of the Annunciation located in Natick for their annual church festival scheduled on Sunday, September 12, 2004 from Noon-6 p.m. at the Laborers' Training Center in Hopkinton. **So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.**

Ambulance Gift Account

Vote: Mr. Sonnett entertained a motion to accepted gifts into the Ambulance Gift Account from Richard and C. Anne Hewitt for \$25.00; Henry and Virginia Lindsay for \$25.00; and Richard and Eileen Curran for \$25.00. **So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.**

Marathon Fund Expenditure

Mr. Sonnett reviewed the Charges for Services incurred during the 2004 Boston Marathon from the Middle School for \$4,576.00.

Vote: Mr. Sonnett entertained a motion to authorize to submit payment from the Marathon Fund Expenditures to the School Department for \$4,576.00. **So moved Mr. Holden. Second Mr. Nelson. Unanimously voted.**

South Street Project: EMC Facilities

Mr. Kozak explained that in accordance with Section 3 of the Agreement of the EMC Facilities on South Street between the Town and EMC Corporation, EMC asks authorization for EMC's financial obligations to be increased from \$602,993.37 to an amount not to exceed \$657,993.37, in order to cover 50% (up to \$50,000) of the costs incurred as a result of off-hours roadway work specified in the Estimated Impact of Off-Hours Roadway Work dated July 1, 2004. Mr. Sonnett said that the DPW Advisory Committee voted to recommend that the Board of Selectmen approve this request.

Vote: Mr. Sonnett entertained a motion to authorize EMC's financial obligation to be increased from \$602,993.37 to an amount not to exceed \$657,993.37, in order to cover costs incurred as a result of off-hours roadway work as specified in the Estimated Impact of Off-Hours Roadway Work dated July 1, 2004. **So moved Mrs. Pratt. Second Mr. Nelson. Unanimously voted.**

South Street Traffic & Roadway Improvements Project:

Mr. Sonnet read a letter from Sandra Lehane, Global Facilities Project Manager, of EMC Corporation's gift in the amount of \$11,494.05, as EMC's payment to the Town of Hopkinton for application to the payment of the work performed under Payment Application #12 of the South Street Traffic & Roadway Improvements Project. **So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.**

Meeting Adjourned:

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

Respectfully submitted,

Geri Holland
Executive Assistant
Date approved: 8/3/04