

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: August 3, 2004
MINUTES**

6:30 p.m. Executive Session: Contract Negotiations (Room 211)

Mr. Sonnett opened the public meeting. It was noted that Mr. Clark was not present at this time.

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

7:10 p.m. Public Meeting Re-opened/Pledge of Allegiance:

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

Others Present: HCAM Station Technician: Mark McMinn; MetroWest News: Dave McLaughlin; Bob Falcione, HopNews; Police Chief Thomas Irvin; Ann Click, Town Clerk; Maureen L. Dwinell, Town Treasurer Collector; JoAnn Broderick, Woodville Rod & Gun Club; Michael Preite, HCAM President; Ellen Chagnon, Conservation Scientist, and Brian Morrison, Chairman of the Conservation Commission; Jon Berke, Cultural Arts Alliance Barn Building Committee candidate; Selectmen's Office Theodore D. Kozak, Executive Secretary, and Geri Holland, Executive Assistant.

Board of Selectmen Minutes: 6/15; 6/15 (ES); 6/29; 6/29 (ES); 7/12 (CWMP); 7/13; 7/13 (ES)

1. June 15, 2004:

Vote: Mr. Sonnett entertained a motion to approve the June 15, 2004 Selectmen Minutes. **So moved Mr. Clark. Second Mr. Nelson. So voted. Mrs. Pratt abstained from the vote.**

2. June 15, 2004 (Executive Session):

Vote: Mr. Sonnett entertained a motion to approve the June 15, 2004 executive session Selectmen minutes. **So moved Mrs. Pratt. Second Mr. Nelson. Unanimously voted.**

3. June 29, 2004:

Vote: Mr. Sonnett entertained a motion to approve the June 29, 2004 Selectmen minutes. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted. Mr. Nelson abstained from the vote, as he was not present at this meeting.**

4. June 29, 2004 (Executive Session):

Vote: Mr. Sonnett entertained a motion to approve the executive session June 29, 2004 Selectmen minutes. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted. Mr. Nelson abstained from the vote, as he was not present at this meeting.**

5. July 12, 2004 (CWMP):

Vote: Mr. Sonnett entertained a motion to approve the July 12, 2004 Selectmen minutes. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

6. July 13, 2004:

Vote: Mr. Sonnett entertained a motion to approve the July 13, 2004 Selectmen minutes. **So moved Mr. Nelson Second Mrs. Pratt. Unanimously voted.**

7. July 13, 2004 (Executive Session):

Vote: Mr. Sonnett entertained a motion to approve the executive session July 13, 2004 Selectmen minutes. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Church Street Parking Issue: Police Chief Thomas Irvin

Police Chief Irvin spoke to the Board regarding a meeting he had with Jack Speranza and Paul Nathan, the owners of a new business located at 15 Main Street, about the possibility of allowing additional parking on the west side of Church Street. He said that additional parking could help their business and would also help alleviate some of the parking shortage experienced during Town Hall meetings. Chief Irvin recommended changing the parking restriction on the west side of Church Street by limiting the area where parking is prohibited to the first thirty- (30) feet immediately south of the crosswalk that lies between 15 Main Street and the Public Library. Mr. Clark commented that additional parking makes sense as the local businesses in this area could also use the additional parking. Mr. Sonnett agreed that this area needs the additional parking area. There was not more discussion at this time.

Vote: Mr. Sonnett entertained a motion to approve the Police Chief's recommendation to change the parking restriction on the west side of Church Street by limiting the area where parking is prohibited to the first thirty- (30) feet immediately south of the crosswalk that lies between 15 Main Street and the Public Library. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

State Aid Anticipation Note and Bond Anticipation Note: Maureen L. Dwinell, Town Treasurer/Collector

Mrs. Dwinell, Town Treasurer/Collector, presented the following: 1.) A State Aid Anticipation Note for \$2,307,549.00 dated August 9, 2004 at a 2% interest rate for the purpose of temporarily financing various roadway improvements and storm water runoff that pertains to the South Street project; and 2.) A Bond Anticipation Note dated August 9, 2004 for \$1,040,000.00 at a 2.5% interest rate for the renovation of school buildings (\$540,000), acquisition of modular classrooms and renovations to the Elmwood Elementary School (\$310,000), the purchase of a six- (6) wheel dump truck (\$140,000) and a one- (1) ton dump truck (\$50,000).

Vote: Mr. Sonnett entertained a motion to approve the execution of the State Aid Anticipation Note for \$2,307,549.00 and the Bond Anticipation Note for \$1,040,000.00 as presented by the Town Treasurer Collector. **So moved Mr. Holden. Second Mrs. Pratt. Unanimously voted.**

State Primary Warrant/Election: Ann Click, Town Clerk

Mrs. Click presented the September 14, 2004 State Primary Warrants for the Board's signatures, and spoke about the Help America Vote Act, a new voter registration form as a result of the federal act requiring residents to provide either their license number or the last four digits of their social security number when they fill out the voter registration forms. She invited residents to call the Clerk's Office should they have any questions or need more information regarding voter registration.

Vote: Mr. Sonnett entertained a motion to approve for signature by the Board of Selectmen the September 14, 2004 State Primary Warrants. **So moved Mr. Nelson. Second Mr. Clark. Unanimously voted.**

Appoint Town Election Workers (one-year terms to August 31, 2005)

Mr. Sonnett presented the list of residents to be appointed as election workers effective August 31, 2004 to August 31, 2005, as submitted by the Town Clerk.

Vote: Mr. Sonnett entertained a motion to appoint the following as election workers effective August 31, 2004 to August 31, 2005: Maxine Adams (warden), Susan Boass (checker), Harold Boudreau (Clerk), Patricia Byrne (Checker), Raymond Drawe (Clerk), Jaquelyne Fahey (Checker), Ollie Flannery (Checker),

Daniel Garner (Clerk), Elizabeth Garner (Checker), Judith Gooding (Checker), Grace Gradie (Clerk), Diane Hayward (Clerk), Kathleen Kearns (Checker), Maureen Lavoie (Checker), Patricia Leary (Checker), Anne Marcy (Checker), Carol McBride (Checker), Mary Morrissey (Checker), Theresa Nealon (Checker), Helen O'Brien (Checker), John Palitsch (Warden), Joyce Plucker (Checker), Constance Remby (Checker), Jean Robertson (Checker), Judy Ryan (Checker), Carolyn Schmidt (Checker), Harold Schmidt (Clerk), Barbara Sullivan (Checker), Alfreda White (Checker), Fred White (Warden), Walter Wood (Warden), Marjorie Wright (Election Clerk), and Jean Warden (Checker). **So moved Mr. Holden. Second Mr. Nelson. Unanimously voted.**

Woodville Rod & Gun Club: Change of Manger (JoAnn Broderick, Bar Manager)

Mr. Sonnett said that the Woodville Rod & Gun Club's Trustees and Board of Directors submitted a petition for a change of the Bar Manager from Karen Remillard to JoAnn Broderick, and submitted a Change of Manager application to the Board of Selectmen, as the Licensing Board. Mr. Sonnett asked Ms. Broderick to give an overview of her background and training. Ms. Broderick talked about her background and said that she has worked at the Woodville Rod and Gun Club for the past few years. She added that she has attended the TIP Certification Program. There were no further comments at this time.

Vote: Mr. Sonnett entertained a motion to approve the Woodville Road & Gun Club's request to Change the Bar Manager to JoAnn Broderick. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Hopkinton Community Access and Media (HCAM): Mike Preite, President of HCAM

Mr. Preite, President of HCAM, explained that the Board of Directors of HCAM voted at their July 19, 2004 meeting to amend HCAM's bylaw to hold their annual meeting on the third Monday in September of each year for the purpose of electing Directors and other business. He explained the reason for the amendment is because it is written in the HCAM bylaw that the meeting is to be held on the third Thursday in September, but that this conflicts with school committee meetings, which HCAM is obligation to provide live broadcast coverage. He said that this proposed change is subject to the prior approval of the Board of Selectmen in its capacity as the License Issuing Authority. There were no further comments or questions.

Vote: Mr. Sonnett entertained a motion that the Board of Selectmen as the License Issuing Authority for HCAM, to approve HCAM's amendment to their bylaws to read: "The Annual Meeting of Members shall be held in Hopkinton, at such place as the Board of Directors agree, on the third Monday in September of each year for the purpose of electing Directors and transacting such other business as may properly come before the meeting." **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

White Oak Estates (MOA): Brian Morrison, Chairman of the Conservation Commission

Mr. Morrison explained that the Conservation Commission reviewed the Memorandum of Agreement (MOA), that was reviewed by Town Counsel, between the Commonwealth of MA Department of Conservation and Recreation and the Town of Hopkinton relative to the completion and maintenance of the drainage system at Longwood Road, which is part of White Oak Estates, and recommended that the Board execute the MOA, so that the work can proceed as soon as possible. Mr. Morrison said that there would be no cost to the Town, as the Contractor has agreed to incur the expenses to do the work. He believes that this MOA is in everyone's best interest. Mr. Sonnett asked if the correction action would stop the run off into Lake Whitehall. Mr. Morrison responded yes. Mrs. Pratt stated concerns about liability insurance and asked Mr. Kozak to check with the Town's Insurance Company. The Board discussed the fact that the State does not want to risk any liability and wants to be held harmless. The Board determined to request the developer to obtain a certificate of insurance, per Town Counsel's recommendation, to indemnify the Town in the

event of any loss or damage and the Town's insurance provide coverage for any claims that might arise from any work on these premises. Also, the Board agreed to hold the bond for a year to ensure that the work is completed.

Vote: Mr. Sonnett entertained a motion to approve for signature the Memorandum of Agreement and to request the Conservation Commission to obtain from the contractor an agreement to indemnify the Town and hold the town harmless from any expense or liability which might occur from the work, and that the contractor also provides a Certificate of Insurance naming the town as an additional insurer in the event of any loss or damage. **So moved Mr. Clark. Second Mr. Nelson. Mrs. Pratt requests that the bond be held for two years. Mr. Kozak explained that this is the business of the Planning Board. Mr. Morrison said that he would make this clear to the Planning Board. Unanimously voted.**

Cultural Arts Alliance Barn Building Committee (one vacancy: Term Life of Project): Jon Berke

Mr. Sonnett invited Jon Berke, candidate for the Cultural Arts Alliance Barn Building Committee, to give an overview of his background and explain why he would like to serve on the Committee. Mr. Berke explained his experience as a builder for the past 20 years, and that he served on other various Town committees. He said that he has the time to serve, if appointed. Mr. Clark believes that he would be an asset to the Committee and recommended his appointment.

Vote: Mr. Sonnett entertained a motion to appoint Jon Berke to the Cultural Arts Alliance Barn Building Committee for the Life of the Project. **So moved Mr. Nelson. Second Mr. Clark. Unanimously voted.**

Selectmen Liaisons

Board members gave updates of those committees/departments that they serve as the Selectmen's liaison as follows: Mr. Sonnett talked about the recent Board of Appeals granting six out of seven permits to E.L. Harvey for the recycling expansion project. Mrs. Pratt announced that the Charter Commission's next meeting is scheduled on August 11 and that the Police Chief and Fire Chief in their capacity as members of the Commission will be talking at the Department Head meeting about their efforts. She also requested that the Lake Maspenock Dam Preservation Committee be added to the Selectmen's Liaison List, which the Board voted her as the Selectmen's Liaison at a previous Selectmen's meeting. Mr. Clark gave an overview of a meeting that he attended as the liaison to the Board of Health that included discussion regarding policies regarding proper notification to those applicants placed on their agenda, and the posting of meetings.

Citizen input at Board of Selectmen meetings

Mr. Kozak presented his recommendations for a public forum at Selectmen meetings as follows: 1.) Hold the public forum, for a trial basis, the first meeting of the month; 2.) Schedule a 15 minute timeframe between 7 p.m. and 8 p.m. depending upon the need for public hearings; 3.) Allow five- (5) minutes per person; 4.) Individuals should contact the Selectmen's Office of a proposed topic by the Friday at noon before the scheduled meeting, to explain the topic to be presented; and 5.) Individuals should attend the Selectmen's meeting in person and not use this venue for email or letter writing purposes. Mrs. Pratt commented that individuals should not repeat the same topic. She also recommended signing up ahead of time and speaking at the end of the meetings. Mr. Nelson would like residents to feel comfortable with speaking to the Board of Selectmen and to not exclude emails. He believes that the Board should be flexible and to try out this effort before establishing a policy. Mr. Sonnett said that the public forum needs structure. Mr. Nelson agreed, but that the Board also needs to be flexible. Mr. Holden agreed, and added not to do anything that would discourage individuals from emailing the Board.

Vote: Mr. Sonnett entertained a motion to implement Mr. Kozak's recommendations, beginning the first meeting in September, as follows: 1.) *Hold the public forum, for a trial basis, the first meeting of the month;* 2.) *Schedule a 15 minutes timeframe between 7 p.m. and 8 p.m. depending upon the need for public hearings;* 3.) *Allow five- (5) minutes per person;* 4.) *Individuals should contact the Selectmen's Office of a proposed topic by the Friday at noon before the scheduled meeting, to explain the topic to be presented; and 5.) Individuals should attend the Selectmen's meeting in person and not use this venue for email or letter writing purposes.* **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Readout Mail Discussion:

Mr. Holden recommended placing the Readout Mail agenda item at the beginning of the meeting when more residents might be watching the meeting. The Board agreed that this was a good idea. Mr. Sonnett decided to begin this new policy by addressing this evening's Readout Mail at this time.

READOUT MAIL

Mr. Sonnett read a letter from the Board of Selectmen from the Town of Mendon that expresses their appreciation for the help given to Mendon by the Hopkinton Fire Department during the recent Lowell's Dairy Fire. The Board requests to send a letter to Fire Chief Gary Daugherty commending him and his department for their efforts in assisting the Town of Mendon.

Mr. Sonnett read a letter from James Harvey, CEO for E.L. Harvey & Sons, extending this appreciation of the Board's support of the recent legislative action involving the passage of Senate bill #2364 that enacted a land transfer between E.L. Harvey and the Department of Conservation and Recreation.

Special Police Officer Appointment

Mr. Sonnett read a letter from Police Chief Irvin of his need for additional Special Police Officers to meet the demands of the Town's various construction projects. Chief Irvin explained that there has been a tradition of appointing interested and qualified Hopkinton Firefighters as Special Police Officers, and recommended Firefighter Douglas R. Lewis III for appointment as a Special Police Officer for the purpose of working details.

Vote: Mr. Sonnett entertained a motion to approve Police Chief Irvin's recommendation to appoint Douglas R. Lewis III as a Special Police Officer for a one-year term to June 30, 2005. **So moved Mr. Holden. Second Mrs. Pratt. Unanimously voted.**

One- (1) Day Wine & Beer License Request: The Baypath Humane Society of Hopkinton

Mr. Sonnett read a letter from the Baypath Humane Society of Hopkinton for a one- (1) day wine and beer license for an auction scheduled on November 6, 2004 at St. John's Evangelist Church located on Church Street from 5:30 p.m. to 11:00 p.m. Mr. Sonnett noted that Police Chief Irvin has no problem with the issuance of the license.

Vote: Mr. Sonnett entertained a motion to approve the Baypath Humane Society's request for a one- (1) day beer and wine license for their auction event scheduled on November 6, 2004 at St. John's Evangelist Church from 5:30 p.m. to 11:00 p.m. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

Marathon Expenditures 2004

Mr. Sonnett presented Boston Marathon expenses for reimbursement from Teresa Rice for supplies in the amount of \$96.01 and from the Marathon Committee for various expenses including telephone, supplies, postage, gasoline, photos, parking, and mileage totaling \$968.43. When Mr. Clark asked if there was a standardized form to submit marathon expenses, Mr. Kozak responded that there is a form for Town Departments, but not for detailed auto usage. Mr. Clark recommended contacting the Town Accountant about a standard form for Committee's to submit their expenses. Mr. Clark asked if the cost for mileage is \$.30 a mile and if that includes gasoline. Mr. Kozak responded that \$.30 is the cost for mileage reimbursement and does include gasoline.

Vote: Mr. Sonnett entertained a motion to approve payment of the Marathon expenses as submitted. **So moved Mr. Holden. Second Mrs. Pratt. Unanimously voted.**

Gift to the Town (William Tetlow)

Mr. Sonnett read a letter from William Tetlow, 25A Hayward Street, of his gift of \$7,295.64 to the Town of Hopkinton for additional project costs for Paolini Corporation to perform work of closing his driveway at 25 Hayward Street that he requested the DPW to do.

Vote: Mr. Sonnett entertained a motion to accept the gift from Mr. Tetlow for \$7,295.64. **So moved Mrs. Pratt. Second Mr. Nelson. Unanimously voted.**

Legal Assistance Request: Board of Health

Mr. Sonnett read a legal assistance request from the Board of Health (BoH) for two hours of Town Counsel's opinion and advice relative to not issuing a Certificate of Compliance to an applicant as they believe they would be in violation of the law if they issue the Certificate; therefore, the applicant has hired an attorney to force the Board of Health to issue the Certificate of Compliance. The Board discussed the letter from the applicant's attorney, Peter Brooks, who has threatened legal action if the Certificate of Compliance is not granted.

Vote: Mr. Sonnett entertained a motion to approve the Board of Health's request for two hours of legal assistance for an opinion and advice from Town Counsel. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

One- (1) Day Beer & Wine License Requests: Cornell's, Hayden Rowe Street

Mr. Sonnett read the one- (1) day beer & wine license requests from Robert Cornell, Owner of Cornell's Pub, located at 229 Hayden Rowe Street as follows: 1.) *Two- (2) one- (1) day beer and wine licenses for an outdoor benefit to be held at the 229 Hayden Rowe location scheduled on Saturday, August 14 and Sunday, August 15, 2004 from 11:00 a.m. to 7:00 p.m.* 2.) *Two- (2) one- (1) day beer and wine licenses for an outdoor benefit to be held at the 229 Hayden Rowe location scheduled on Friday, September 10, 2004 from 5:00 p.m. to 10:00 p.m. and Saturday, September 11, 2004 from 11:00 a.m. to 8:00 p.m.* Mr. Sonnett read a memo from the Police Chief Irvin stating that he does not have any objections to the requests, but would like the Board of Selectmen to require Mr. Cornell to provide adequate security to insure patrons who are served alcoholic beverages at the softball fields do not leave the area of the softball fields with alcoholic beverages in their possession. The Chief explained that if patrons were allowed to move between Cornell's Pub and the softball fields while in possession of alcoholic beverages, they would be passing through the

parking area, and there would be the possibility of those patrons deciding to get into their vehicles and leave the property with open containers of alcohol.

Vote: Mr. Sonnett entertained a motion to approve the one- (1) day beer & wine licenses as requested from Robert Cornell, owner of Cornell's Pub, as follows: 1.) Two- (2) one- (1) day beer and wine licenses for an outdoor benefit to be held at the 229 Hayden Rowe location scheduled on Saturday, August 14 and Sunday, August 15, 2004 from 11:00 a.m. to 7:00 p.m. 2.) Two- (2) one- (1) day beer and wine licenses for an outdoor benefit to be held at the 229 Hayden Rowe location scheduled on Friday, September 10, 2004 from 5:00 p.m. to 10:00 p.m. and Saturday, September 11, 2004 from 11:00 a.m. to 8:00 p.m. with the requirement as recommended by Police Chief Irvin that Mr. Cornell provide adequate security to insure that patrons who are served alcoholic beverages at the softball fields do not leave the area of the softball fields with alcoholic beverages in their possession. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

Town Accountant: Heidi Kriger

Mr. Sonnett said that the Board of Selectmen met with the Town Accountant, Heidi Kriger, for her performance evaluation and determined to increase her salary by 5.6% to \$66,000 effective July 1, 2004.

Vote: Mr. Sonnett entertained a motion to increase Heidi Kriger's salary to \$66,000 a year effective July 1, 2004. So moved Mrs. Pratt. Second Mr. Nelson. Unanimously voted.

Town Auditors: Borgatti Harrison & Co.

Mr. Sonnett explained that the Board agreed, per Mr. Kozak's recommendation, to extend the agreement between the Town of Hopkinton and Borgatti Harrison & Co. for one- (1) year to perform the Town's audit for FY'04 effective July 1, 2004 to June 30, 2005.

Vote: Mr. Sonnett entertained a motion to approve a one- (1) year extension of the agreement between the Town of Hopkinton and Borgatti Harrison & Co. to perform the Town's audit for FY'04 effective July 1, 2004 to June 30, 2005. **So moved Mrs. Pratt. Second Mr. Nelson. Unanimously voted.**

MEPA Review Phase III Review Period Extension Request

Mr. Sonnett explained a memo from Rosemary Blacquier, a consultant from Earth Tech, Inc., that explains the request from Nicholas Zavalas, MEPA Reviewer for the CWMP/EIR, asking if the review period for the CWMP/EIR Phase III could be extended from August 16, 2004 to August 30, 2004, which would only allow for additional time for MEPA review, but does not extend the public comment period. Ms. Blacquier also wrote that this would only delay the town from receiving the MEPA Certificate from August 16 to August 30. Ms. Blacquier also provided a letter for Mr. Sonnett to send to Mr. Zavalas should the Board approve the extension.

Vote: Mr. Sonnett entertained a motion to approve the extension period from August 16, 2004 to August 30, 2004 and to authorize the Chairman to sign the letter that needs to be sent to Mr. Zavalas. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

Firefighter Appointment

Mr. Kozak explained Fire Chief Daugherty's disclosure to the Town Clerk of his son's application for the vacancy with the fire department and to dispel any appearance of conflict of interest, as he is the appointing authority for the fire department in his role as the Fire Chief; and, furthermore, has excluded himself from

the interviewing committee. Mr. Kozak explained that Chief Daugherty submitted a letter for the Board's approval that would authorize him to make his son's appointment should he be recommended by the interviewing committee and, secondly, to participate in decisions concerning his reappointment, promotion, etc. Mr. Nelson believes that the second part of the letter is presumptuous and prefers to agree with the Chief appointing his son should he be recommended by the review committee, but to not address the second section of the letter that allows the Chief to participate in decisions concerning his reappointment etc. He added that should he be recommended and appointed, the Fire Chief can come before the Board to request authorization. Mr. Clark agreed with Mr. Nelson's point of view, and recommended striking the "as well as to participate in decisions concerning his reappointment, promotion, reclassification, demotion, discipline, determining eligibility for step increases, conducting job performance reviews and his day to day supervision." **(See attachment.)**

Vote: Mr. Sonnett entertained a motion to send a letter to the Fire Chief to authorize him to appoint his son should the recommendation from the review committee be in his favor. **So moved Mr. Nelson. Second Mr. Clark. Unanimously voted.**

Meeting Adjourned:

8:45 p.m. Vote: Mr. Sonnett entertained a motion to adjourn the public meeting. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

Respectfully submitted,

Geri Holland
Executive Assistant
Date Approved: 8/17/04