

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: December 14, 2004
MINUTES**

6:30 p.m. Open Public Meeting /Move into Executive Session for the purpose to discuss Contract Nego.

6:30 p.m. Mr. Sonnett 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 to continue the public meeting. **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.**

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

Others Present: Selectmen's Office Theodore D. Kozak, Executive Secretary, and Geri Holland, Executive Assistant

7:00 p.m. Re-open Public Meeting (Selectmen's Hearing Room)

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.

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

Others Present: HCAM Station: Michael Torosian; Robert Falcione: HopNews: Town Clerk: Ann Click; Downtown Revitalization Committee: Scott Richardson, Chairman; State Representative Paul Loscocco; Lake Maspenock Preservation Committee: Dave Gibbs; Senior Center: Cindy Chesmore, Director; Youth Commission: Michele Lenk, Chairman, and Katharine Hesse; Evergreen Center: Becky Waller and Richard Callery, Teachers, and Lee Ann Miranda and Brendan Cook, Students; Chamber of Commerce Presentation: Tim Kilduff, Dr. John Phelan, School Superintendent, Robert Mancusi, Director of Technology, and Craig Meyers, Meyers Homes; Sara Tibbo; Carrie Mackoff; John Hendrick; Claudia Garner; Mark Garner; Matt Redding; Aaron Kollmeyer; Evan Kollmeyer; Richard Kollmeyer; Steve Knox; G. Cook; Becca Phillips; Ben Charleston; Adam Schuck; David Cormier; Elise Cormier; Nicole Cormier; Vic Mitchell; Joan Mello; Sara Fitzgerald; Dyan Fitzgerald; Bill Morales; Linda Morales; Verne Kaminski; Peter Oram; Don Keiser; Kevin Bridge; Craig Campbell; Mark Baker; Cynthia Esthimer; Charlotte Gibbs; Beatrice McMullen; Marian R. Ossman; Kelly Luethemeyer; John Stukel; Walter Esker; Bill Newell; Maria Stanley; Jim Stanley; Deb Courtemanche; Jim Courtemanche; Jeff Hersh; Muriel Baum; Jane Desilets; Dave Desilets; Ralph Edwards, Sr., Tom Kerr, Karen Kerr; Don Kerr; Miriam Kerr; Sharon Cunningham; Malcolm Page; Greg Savlon; John P. Guido; Barbara Napolitano; John Napolitano; Mike Gibbs; Rick Marino; Selectmen's Office Theodore D. Kozak, Executive Secretary, and Geri Holland, Executive Assistant.

Evergreen Center of Milford: Christmas Wreath Presentation

Mr. Sonnett welcomed teachers, Ms. Waller and Mr. Callery, from the Evergreen Center of Milford, and students, Lee Ann Miranda and Brendan Cook, who presented the Center's annual evergreen wreath donation, which will be mounted on the front of the Town Hall. The Board thanked them for their generous donation.

Board of Selectmen Minutes (11/23/04; 11/23/04 (ES); 11/30 (Quarterly)

11/23/04

Vote: Mr. Sonnett entertained a motion to accept the November 23, 2004 Selectmen's minutes. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

11/23/04 (ES)

Vote: Mr. Sonnett entertained a motion to accept the November 23, 2004 Selectmen's executive session minutes. **So moved Mr. Clark. Second Mr. Nelson. The votes follow: Mr. Sonnett: yes; Mr. Clark: yes; Mr. Nelson: yes; Mr. Holden: yes. Mrs. Pratt abstained from the vote, as she stepped off the Board due to conflict of interest. So voted.**

11/30/04 (Quarterly)

Vote: Mr. Sonnett entertained a motion to accept the November 30, 2004 Selectmen's Quarterly meeting minutes. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.** Mr. Holden abstained from the vote, as he was not at this meeting.

Chapter 90 Notes

Mr. Kozak explained the Chapter 90 State Aid Anticipation Note, in the amount of \$26,000 plus interest at \$266.05, totaling \$26,266.05. The bond is for street improvements at School Street.

Vote: Mr. Sonnett entertained a motion to approve for signature the Chapter 90 State Aid Anticipation Note as presented. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

Tax Credit Work Program: Cindy Chesmore

Mrs. Chesmore presented the list of applicants for the tax work-off program for the year 2005.

VOTE: Mr. Sonnett entertained a motion to accept the following senior citizens into the Tax Credit Work-Off Program for the calendar year 2005: *David Almy, Helen Baratta, Romona Barkyoumb, Therese Birri, Mary Brown, Ernest Chamberlain, Sadie Drapeau, Barbara Druvins, Mary Gilson, Grace Grady, Mary Harrington, Bob Houde, Charlotte Lavoie, Patricia Leary, Rose Leveille, Pat Lynch, Virginia Mahar, Anne March, Robert McGraw, Ruth McIntire, Barbara McIntyre, Dorothy Meehan, Mary Messier, James Mezger, David Minkle, Joyce Plucker, William Robinson, Beryl Sachs, Christine Salvucci, Irene Salvucci, Sebastian Silvestro, Pat Slaman, Carolyn Sullivan, Harold Tolstrup, Mary Wise, Ruth Yeslow, and Margaret Zilembo.* **So moved Mr. Holden. Second Mr. Clark. Unanimously voted.**

Council on Aging Announcement: Cindy Chesmore

Mrs. Chesmore said that the Council on Aging has become aware that scam artists are contacting Hopkinton businesses to indicate that they are connected to the Senior Center. She said that the Council on Aging, Senior Center and Friends of Hopkinton Senior Center and Hopkinton's senior citizens never solicit monetary donations or advertising fees by telephone. She added the scam artists indicate that you cannot mail the donation, which should be a "red flag" that something is not right. Mrs. Chesmore said to contact the Police Department, if you believe that a scam has happened to them.

Commonwealth of MA Executive Office of Elder Affairs Contract amendment: Cindy Chesmore

Cindy Chesmore, Director of the Senior Center, explained that the Executive Office of Elder Affairs (EOEA) by the Comptroller's Office has a new requirement in the signing of Contracts. Mrs. Chesmore said that Mr. Kozak, the Town's Executive Secretary, had signed the original contract for a transportation operating cost grant, but

she has since received a contract amendment form from the EOE, that needs to be signed by the Chairman. She requested the Board to authorize the Chairman to sign the amendment.

VOTE: Mr. Sonnett entertained a motion to authorize the Chairman of the Board to sign the Amended contract from the Executive Office of Elder Affairs for the Council of Aging's transportation operating costs grant. **So moved Mrs. Pratt. Second Mr. Nelson. Unanimously voted.**

Youth Commission Update: Michelle Lenk, Chairman, and Catharine Hesse

Ms. Lenk, Chairman of the Youth Commission, along with member, Catharine Hess, gave an overview on the Youth Commission's progress, current activities and goals, and future projects. Ms. Lenk also identified areas of concern, and talked about advocacy of their programs. Ms. Hess also talked about the Youth Commission's goals in networking with other Town groups. There was a discussion regarding the Youth Commission's update. Ms. Lenk announced the need for volunteers, and encouraged residents to consider applying for one of the three vacancies. Ms. Lenk said that the Youth Commission would like to come before the Board in the spring to give a more formal presentation. The Board thanked the Youth Commission for their update.

Downtown Revitalization Committee: Scott Richardson, Chairman

Mr. Richardson, Chairman of the Downtown Revitalization Committee (DRC's), through a PowerPoint Presentation, presented to the Board an overview of the DRC's ideas to enhance the aesthetic appearance of the downtown area with the goal to attract businesses and to provide the community with a gathering place. Mr. Richardson summarized the DRC's recommendations to improve the condition and appearance of the downtown area including the following: 1.) Respect for the historic character; 2.) Improving the aesthetic appearance; 3.) Development of a village center; 4.) Attracting more businesses, restaurants, and specialty shops; 5.) Expanding the Town Library; 6.) Developing a multi-use community/youth center; 7.) Solving the traffic and parking issues; and 8.) Developing an identity. Mr. Richardson expanded upon the following ten key priorities by the challenges and recommendations: 1.) Traffic; 2.) Parking; 3.) Building characteristics, 4.) Signage; 5.) Landscaping; 6.) Pedestrian flow; 7.) Street lighting; 8.) Utility lines; 9.) Street furniture; and 10.) Attractions and events.

Mr. Sonnett asked what the DRC's biggest obstacle might be in accomplishing these priorities. Mr. Richardson replied that funding is the biggest obstacle. There was a discussion regarding the various key priorities and short-term/long-term goals. Mr. Richardson said that the DRC would be requesting under \$25,000 a year for a couple of years to help fund their goals such as burying utilities. There was a discussion about the DRC sponsoring an article at the 2005 Annual Town meeting to begin the funding of their recommendations. Mr. Richardson presented a Technical Assistance Site Visit Streetscape and Public Improvements application, as part of the DRC's effort, and asked for the Board's endorsement.

Vote: Mr. Sonnett entertained a motion to authorize the Chairman to sign the Technical Assistance Site Visit application. **So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.**

Mr. Clark commented about the great work that the DRC has done. He asked if the Board of Selectmen or the DRC would sponsor a funding article at the Annual Town meeting. Mr. Kozak said that the DPW might be a possible department to assist the DRC's recommendations. Mr. Sonnett asked if the DRC could establish a budget line. Mr. Kozak responded that this might be possible. Mr. Nelson commented that the DRC might be able to obtain funding through the Community Preservation Act (CPA), as a Historic Preservation project. He also said that the Parks & Recreation Commission might fund the DRC's recommendation for street furniture. Mr. Sonnett questioned if there should be a subcommittee to look at obtaining grants and other potential funding

possibilities. Mr. Richardson said that there is more work to be done, and said that the DRC would consider their next steps before coming back before the Board with other recommendations.

Mr. Sonnett commented that when a Voices for Vision Forum was held a couple of years ago, various priorities were established with the quality of schools being the first priority and downtown revitalization was the second priority. He added that this priority prompted the creation of the DRC. He said that with the DRC submitting their recommendations, the Board welcomes input from Town residents also.

Mr. Clark noted that the DRC might want to consider meeting with the Community Preservation Committee to request funds. Mr. Nelson commented that any money spent on this project is a long-term investment for the town. Mr. Sonnett asked Mr. Kozak to contact Stuart Cowart, Chairman of the Appropriation Committee, to discuss the issue of establishing a budget line for the DRC. The Board thanked Mr. Richardson and the DRC for the presentation.

Lake Maspenock Dam Preservation Committee (LMDPC): Dave Gibbs, Presenter

Mr. Sonnett gave the ground rules to residents who were attending this portion of the meeting. He said that after Mr. Gibbs, Lake Maspenock Dam Preservation Committee (LMPDC), gives the presentation, the Board would then have a chance to discuss the presentation, after which time the audience would be given the opportunity to make comments or ask questions through the Chairman of the Board. He also asked the audience to not have conversations or make comments during the presentation and discussion. He thanked the audience for their attention in this matter.

Mr. Gibbs began the Lake Maspenock Dam Preservation Committee's (LMDPC) presentation by recognizing members of the LMDPC members. Mr. Gibbs went through a Power Point presentation slide by slide (see attachment). The first slide gave the LMDPC's purpose, which is to investigate problems and opportunities regarding the dam ownership, to research feasible strategies for dam acquisition and management, and to develop a basic operational plan.

Mr. Gibbs stated that "no one wants to be in the dam business", but thinks that this endeavor is a great opportunity for the Town of Hopkinton and community to work with the Board of Selectmen, and to enter into a partnership with the Lake Maspenock Preservation Association and other lake residents to ensure their quality of life and to maintain this valuable resource for generations to come. Mr. Gibbs stated that the late Robert F. Kennedy liked to quote George Bernard Shaw by saying, "Some men see things as they are and say why; I dream of things that never were and say why not?" He asked the Board to consider the question, why not buy the dam and have the ability to control the dam.

Mr. Gibbs explained that the Milford Water Company (MWC) has received two bids to purchase the dam, and that they have a Board of Directors meeting on December 17th to discuss this issue. He asked the Board to consider providing feedback to the MWC prior to their board meeting.

Mr. Sonnett asked if the MWC owns the dam. Mr. Gibbs pointed out that they own 300 feet, but do not own a small segment at the Town of Milford's end and one small segment at the Town of Upton's end. He added that the ownership of these segments has been researched, but the owner is still unknown. He said that the MWC owns the operational segment that controls the water level, which is the soundest segment of the dam. He asked that the Board focuses not on who owns each end, but rather to purchase the segment of what the Milford Water Company owns.

Mr. Gibbs pointed out that he is not suggesting that should the Town own the dam, that they would assume responsibility of the maintenance of the dam; but rather if the Town were to own the dam, the members of the LMDPC and other residents of the Lake, would assist in the maintenance.

Mr. Gibbs explained Option 1 for the Town to purchase the dam. He said that in a 1998 engineering report that the dam is in fair condition, and that significant repair has been made to the dam since that time. He pointed out that the “fair condition” is an unfair assessment of the dam only because when the Department of Environmental Management (DEM) performed their evaluation of the dam, they did not have a blueprint that has since been located. He said that the blueprint indicates the dam is more stable, which could not have been assessed from DEM’s visual inspection.

Mr. Gibbs talked about Option 2 to establish a Dam Maintenance District (DMD). He explained that the Town could purchase the dam and take control of the ownership while the Dam Maintenance District is being created. He invited Rep. Paul Loscocco to speak to this option.

Rep. Loscocco gave his support of the Town purchasing the dam, and talked about the possibility of being able to create a Dam Maintenance District (DMD), which is dependent upon a special legislative act, which he has filed. He explained that if this area could become a DMD, it would allow for maintenance of the dam by those that lived within the district. He explained that the DMD would essentially be a “Town within the Town” and would have the power to assess betterments or fees. He said that it would take 75% of the voters in this area to create this District. He explained that if the Dam remains status quo, the State would have to lower water levels. He expressed that it would be beneficial to the Town to keep control of the dam, and that the Town should not take the risk of an individual purchasing it. He pointed out that once this valuable resource is gone, it cannot be replaced, and that purchasing the dam would be a unique opportunity for the Town. He said that should the Town wish to reclaim the dam later, the risk of a single ownership of the dam would take a lot more effort and money. Rep. Loscocco said that he is willing to work on this issue with the Town in trying to get funding from the State. He also said that Reps. Parente and Spilka also support this effort. Mr. Gibbs added that under Option 2, the DMD would address ownership issues of the dam property, and is eligible for State grants to make improvements to the lake and dam.

Mr. Gibbs said that Option 3 is that the Town takes no action which causes points of concern such as the Town loses control of this natural resource. Other points that Mr. Gibbs talked about included the disadvantage of private lake ownership including dam maintenance and water safety might be ignored, lowering water levels, which could have an environmental impact on plants etc., loss of recreational activities on the lake, and that shallow wells could go dry. Mr. Gibbs talked about other lakes that are under single ownership i.e., Cedar Meadow Lake, Leicester, MA which was sold to a private owner in 1990 for \$2.00. He said the owner neglected the dam maintenance and tried to charge water usage fees to lake abutters. He noted that the lake community organized to try to regain ownership of the lake by forming a watershed district after seven years without adequate water levels. Mr. Gibbs said that the lake residents reclaimed the dam and lake for \$186,000 by eminent domain, and the prior owner is now suing the watershed district for approximately \$1,000,000 in Superior Court. He noted that the Watershed district has successfully maintained the dam’s integrity and water quality. Mr. Gibbs commented that water lowering is a concern with a single owner, as it has an environmental impact on plants, etc. He pointed out the value of Lake Maspenock including the following: 1.) The lake provides water for down stream ponds, lakes and rivers, 2.) It is a Town beach, 3.) It’s home for endangered spotted turtles, 4.) It is recognized as a “Great Pond” in Massachusetts, and 5.) It fits the goals of Natural Resources in the Town’s 1999 Master Plan.

Mr. Gibbs showed blueprints of the dam to the Board of Selectmen and said that it’s important to note that the dam is built on ledge, and that there have not been any issues of liability or claims on record. He also pointed out that the Lake Maspenock Preservation Association (LMPA) has done the maintenance over the last 10 years, and that the Hopkinton Conservation Commission has taken an active role in the lake and dam.

Mr. Gibbs talked about Town Property Ownership and said that under the MGL, Ch. 40 Sec. 3, the Town can own property in other Towns. He pointed out that the City of Cambridge owns Waltham Reservoir. In review,

Mr. Gibbs said that the LMDPC has spent a lot of time in researching the dam's ownership, and learned that the integrity of the dam is sound and insurance costs are minimal. He pointed out that historically, there have been no dam or personal injury issues, and most importantly, it withstood the Great Flood during the 1955 Hurricane. He also said that the Lake Maspenock Preservation Association is a strong organization and will continue to be involved in preserving this resource. He also commented that the Town of Hopkinton would benefit financially from higher assessments of lake front properties.

Mr. Gibbs recommended that the Town consider ownership of the Lake Maspenock Dam to avoid private ownership issues. He added that the LMDPC will follow-up with the Milford Water Company (MWC) to discuss the Board's reaction to tonight's presentation and to discuss input with the MWC's Board of Directors.

Lastly, Mr. Gibbs commented that owning the dam would be a unique opportunity for local government to work in the best interest of the community in a project that would protect this natural resource. He said that the LMDPC recognizes the perplexity of this issue, and recommended to "look outside the box" by asking the question "why not?". He added that the residents of the Lake and members of the Lake Maspenock Preservation Association would work on this project with the Board. He urged the Board of Selectmen that the Town buys the Dam.

Rep. Loscocco commented that if the Town owned the property, it would benefit them in obtaining money for grants in the maintenance of the dam. He pointed out that private ownership has little or no chance in getting funding.

Mr. Sonnett gave a recap of the presentation. He commented that the owner of the portion of the dam that is located in Upton is unknown. He added that the portion of the dam located in Milford is currently privately owned, and that the owner wishes to sell it to another private owner. He said that when the Board of Selectmen established the LMDPC, the price of the dam by the Milford Water Company (MWC) was \$1.00. He asked Mr. Gibbs if the MWC was still asking that price for the dam. Mr. Gibbs said it was his understanding, that the MWC currently has two offers, one for \$2,000 and the other for \$10,000. He said that the MWC's Board of Directors is meeting December 17th to discuss the sale of the dam. He said that this doesn't mean that they will accept either offer, but that it was not out of the realm to buy it for \$1.00, and that it would not be known until after the December 17th meeting what the MWC would decide regarding this issue.

Mr. Sonnett asked, other than the Town of Hopkinton's interest to purchase the dam, why would anyone want to purchase the dam? Mr. Gibbs responded that the LMDPC is concerned about this, and believes that it would be for their profit. He added that if the dam is privately owned, he could hold the Lake's resident's hostage by controlling the water levels. He again cited the example of the Cedar Meadow Lake issue in Leicester, MA and the \$1,000,000 lawsuit in Superior Court. He stated his concern of what the motive would be of a buyer who is willing to pay \$10,000. He commented that the private owner could lower the water levels, taking control away from the town. He added that if the water levels are down, it could endanger valuable resources. Mr. Sonnett commented that the MWC applied for the drawdown, which is why the water level is where it is today. He added that the Town's Conservation Commission and the State approved the permit. He said that MWC didn't have the authority to just at their own will to control the drawdown, which is predicated on endangered species. Mr. Gibbs responded correct, but stated his concern of what the motive is to spend \$10,000 for the dam. He believes that it's for profit and taking control away from the Town and Lake Residents. Mr. Sonnett said that he understands the risks.

He asked what constitutes a Great Pond, and stated his belief that under the Rules & Regulations of a Great Pond an individual doesn't have the ability to destroy a Great Pond. Ms. Kaminsky talked about what constitutes a Great Pond. There was discussion regarding the rules and regulations of a "Great Pond", and taking the land by eminent domain and as to whether or not the Town of Hopkinton could vote to take property by eminent domain that is located in another town. Mr. Sonnett asked if the Town of Upton is taking any action regarding

the portion of the land that is in their town. Mr. Gibbs responded that they are waiting to hear the Board's feedback. Mr. Clark asked what the latest timetable is for the Milford Water Company to sell the dam. Mr. Gibbs responded that they are waiting to hear back from the Board of Selectmen before their Board of Director's meeting on December 17th. He added that the MWC would not sell the Dam underneath the Town of Hopkinton. He said that if this Board shows interest, the MWC would be open to working with the Town of Hopkinton.

Mr. Clark asked how much liability insurance municipality needs when owning a dam. Mr. Gibbs replied that the limit is \$20,000 but could be \$100,000. He was unsure. There was discussion regarding insurance liability, and Mr. Kozak said that it would not be impossible to get insurance.

In regards to two small segments of land owned by unknown parties in two separate towns, Mr. Clark asked what impact that might have for the owners of the rest of the property in accessing the property. It was determined that it is unknown. Mr. Sonnett said that the issue of access is a good point to consider.

When Mr. Nelson asked what the estimated tax bill is for this property, it was also determined to be unknown. Mr. Nelson said that the LMDPC presented a fairly strong case to buy the dam, and asked if there was a member of the Board of Selectmen who opposes the possibility of purchasing it.

Mr. Clark responded that there should be a Town meeting vote, and recommended that the Board could support purchasing on an interim basis and then transfer it to the Dam Maintenance District, if established. He suggested waiting for two or three years for the establishment of the DMD, and if it is not established, the dam could then be put up for sale.

The Board discussed the possibility of sponsoring purchasing the Dam at the 2005 Annual Town meeting, and then transferring the Dam to a Dam Maintenance District, should a District be established. Mrs. Pratt commented that she believes the LMDPC should submit their report to the Milford Water Company. She added that they should also send a copy of their report to the Department of Conservation and Recreation (DCR). She said that Rep. Loscocco plans to schedule a meeting with DCR regarding their accepting the liability of the Dam. She also said that the Board should let the MWC know that the Town is interested in the dam.

Mr. Nelson wished to discuss Mr. Clark's comment about buying the dam for a certain amount of time, and then if the DMD is not established that the Town would give up the ownership. Mr. Clark commented that the downside of purchasing the dam would be the issue of liability. He said that if a Dam Maintenance District were established to take over ownership and liability, they would have the most at stake. He pointed out that they would need to have 75% of the voters to establish the District, and if the District is not established then the dam could go back on the market. He added that this would need more discussion. Mr. Sonnett agreed that there needs to be more discussion. He commented that this is the Town's resource and if a group owns it, they may or may not want the Town to use it the way the Town would like to use it.

Mr. Gibbs recommended that the Board of Selectmen send a letter to the Milford Water Company outlining their position on this issue, and their willingness to consider ownership. Mr. Sonnett commented that this would need a Town vote and that the Board is willing to enter into negotiations. He pointed out that Town Government process might include holding public hearings. He agreed that the Board conveys to the Milford Water Company that they are interested in purchasing the dam. He stated the issue of where the Town of Upton stands on this issue.

Mr. Clark said that the Board of Selectmen could vote to support an article at the 2005 Annual Town meeting to recommend the purchase of this property either by the Town for a Maintenance Dam District to be established in the future. Mr. Clark believes this is an appropriate motion to make at this time.

Mr. Sonnett said that before the Board makes a motion, he asked the audience if there was anything new to add to this discussion that might be helpful.

Don Kerr, 53 Crocket Road in Upton and a member on the Lake Maspenock Dam Committee, said that he understands the mechanics of the pond, and believes that there is confusion about the drawdown. He explained that in regards to the construction of the dam, the gate is deep enough so that should someone open it fully, the pond would disappear, with the exception of some small puddles.

Mr. Sonnett responded that this explanation makes it more critical for the Board to take action.

Vote: Mr. Sonnett asked Mr. Clark to present his motion.

Mr. Clark motioned to send a letter to the Milford Water Company to let them know of the Board's intention to support an article at the 2005 Annual Town meeting to recommend that the Town purchase the dam and to later transfer it to a Maintenance Dam District. **Second Mr. Nelson.**

Discussion: Mr. Nelson said that the Board should go on record in the motion that the Board authorizes to become the "sponsors" of the article at the 2005 Annual Town meeting rather than "supports" the article.

Amendment: Mr. Clark amended his motion to state "sponsor" an article at the 2005 Annual Town meeting, rather than support an article at the 2005 May Annual Town meeting.

Mr. Kozak recommends that the Board choose the option of the Towns of Hopkinton and Upton purchase the property. Mr. Sonnett disagreed, and believes the Town of Hopkinton should be the sole owner.

Second Mrs. Pratt. Unanimously voted.

The Board asked Mr. Kozak to prepare a letter to send out the next day.

Hopkinton Chamber of Commerce: Tim Kilduff, Dr. John Phelan, Robert Mancusi, and Craig Meyers

Mr. Kilduff began the discussion about Hopkinton's Chamber of Commerce's updated website, and wished to publicly unveil the website at this meeting. Dr. Phelan, a member of the Chamber of Commerce, explained the Chamber's website through a live presentation which was managed by Mr. Mancusi. Dr. Phelan said that the Chamber wishes to increase its profile through the website. He commented that the Chamber believes it's important to give a professional image of the Town and create a personal touch by focusing on the Town's people and businesses. Mr. Mancusi demonstrated its ease in navigating the site, as Dr. Phelan narrated the various pages. Dr. Phelan pointed out that the website is a collaborative effort by various Boards and individuals, and wished to thank the small businesses' cooperation in assisting in the development of the website. Mr. Clark expressed his appreciation of the work that was done to update the website, and asked if there is a map on the website showing where the Town is located. Mr. Kilduff stated that this is a good idea, and would check into this. Dr. Phelan commented that the website is going public as of January 1, 2005, and Navigator Magazine, a resource with information on nine MetroWest towns, will be mailed to all residents in Hopkinton through the Hopkinton Independent.

READOUT MAIL

1. Mr. Sonnett reviewed a letter (see attachment) from the Board, acting as the Water and Sewer Commissioners, that will be sent out to the Town's water and sewer customers of the Town, announcing that

the Department of Public Works is undertaking a rate study for the operation of the Water & Sewer Departments.

2. Mr. Kozak presented a form from MIIA, the Town's insurance company, which brought to the Town's attention of a recent Nominating Committee Report that was mailed to the Town and did not include the Voting Delegate Form. The election is to select nominees for Directors of the MA Interlocal Insurance Association, and the MIIA Property and Casualty Group, which will take place at the MIIA Annual Meeting on January 8, 2004. At this time, Mr. Kozak also requested that the Board vote to designate Mrs. Pratt as the eligible voting member at the Massachusetts Municipal Association (MMA) Annual Business meeting scheduled January 8, 2005. The Board agreed to nominate Mrs. Pratt as the voting delegate for the Town of Hopkinton for both the MMA Annual Business meeting and MIIA's election for the Board of Directors.

Vote: Mr. Sonnett entertained a motion to nominate Mary C. Pratt as the voting delegate for the Town of Hopkinton for the MMA Annual Business meeting and for MIIA's Board of Directors election both scheduled on January 8, 2005. **So moved Mr. Holden. Second Mr. Clark. Unanimously voted.**

Selectmen's Liaison Reports

Mrs. Pratt gave a Charter Commission update, and announced the next meeting on January 5, 2005.

Mr. Clark said that the Fruit Street Environmental Impact Report (EIR) is progressing, and that public input closes on December 23, 2004. He wished to thank the various Town Committees and Boards for taking the time to review the EIR and submitting comments. Mr. Clark advocated that the Board of Selectmen, along with other Town elected and appointed Boards, serve the voters, and recommended that each Board should take care on how they communicate to the State about their findings. Mr. Clark commented that the EIR is the first step in a long process. He said that the Conservation Commissioners and Board of Health both reviewed the road layout on the Fruit Street site, even though its under the jurisdiction of the Department of Environmental Protection (DEP), and sent comment letters to MEPA. He noted that at the December 9th Board of Health (BOH) meeting, the Chairman of the BOH claimed that the Town did not do diligence when purchasing the Fruit Street property regarding fuel tank removal and other environmental issues. He questioned the validity of that comment and pointed out that this did not have anything to do with the EIR. He claimed that the BOH did not ask the DPW or the BoS for any input ever on these areas. He believes that the Board of Health should focus on the jurisdiction of their Board. Mr. Sonnett commented that as the BOH's liaison last year, he attended the BOH meetings and monitored the EIR discussions. He said that at a BOH meeting held the year before this, the BOH Chairman claimed during one of the BOH's public meeting that there was an illegal well on the Fruit Street site. He pointed out that this claim is untrue, and that as this untrue information is posted on the Town's website, it makes an impression about the Town government that is not good. He stated that he does not understand why public officials make claims that they have not researched and recommend that they examine their consciences. He stated his serious disappointment with these town officials.

Street name Request

Mr. Sonnett reviewed a proposal of a street name request for the street at the Peppercorn Village project off of School Street. The proposed names are 1.) Nazneen Circle, 2.) Peppercorn Circle and 3.) Capsicum Circle. Mr. Sonnett noted that the Selectmen's Office received the opinions from both the Police Chief and Fire Chief that both do not object to Nazneen Circle.

Vote: Mr. Sonnett entertained a motion to approve the street name request of Nazneen Circle, as recommended by both the Police Chief and Fire Chief. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Economic Commission and Finance Authority Resignation: Ken Patrick

Mr. Sonnett read a letter of resignation from Ken Patrick from the Economic Commission and Finance Authority.

Vote: Mr. Sonnett entertained a motion to accept with regret Ken Patrick's resignation from the Economic Commission and Finance Authority. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.** The Board requests to send a letter to Mr. Patrick thanking him for his service to the Town.

Three (3) Economic Commission and Development Financing Authority Vacancies (terms to '05; '07; '08)

Mr. Sonnett announced that there are three- (3) vacancies on the Economic Commission and Development financing Authority, and recommended that interested persons submit their letter of interest to the Selectmen's Office.

Youth Commission resignation: Michael Torosian Sr.

Mr. Sonnett read a letter of resignation from Michael Torosian Sr. from the Youth Commission.

Vote: Mr. Sonnett entertained a motion to accept with regret Michael Torosian Sr.'s resignation from the Youth Commission. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

The Board requests to send a letter to Mr. Torosian to thank him for his service to the Town.

Announcement of three (3) Youth Commission vacancies (terms to '05; '06; '07)

Mr. Sonnett announced the three- (3) vacancies on the Youth Commission, and recommended that interested persons submit their letter of interest to the Selectmen's Office.

Gifts into the Ambulance Gift Account

Vote: Mr. Sonnett entertained a motion to accept gifts into the Ambulance Gift Account in memory of Guy DeStefano from Marie Fleming for \$25 and Janet Hiersche for \$25. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Appointment of the DPW Representative to the Marathon Committee (Mike Mansir)

Vote: Mr. Sonnett entertained a motion to appoint Michael Mansir as the DPW Representative to the Marathon Committee for a one-year term to 2005. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Marathon Fund Request: High School Golf Team

Mr. Sonnett read a Marathon Fund request from the High School Golf Team for \$1,200 to purchase jackets for the State Championship High School Golf Team.

Vote: Mr. Sonnett entertained a motion to approve the Marathon Fund request from the High School Golf Team for \$1,200 to purchase jackets for the State Championship High School Golf Team. **So moved Mr. Holden. Second Mr. Nelson. Unanimously voted.**

Annual License Renewals

Mr. Sonnett presented for vote the following renewals for their annual licenses for the 2005 calendar year:

VOTE: Mr. Sonnett entertained a motion to approve the following:

- ❑ **Bill's Pizza:** Common Victualer Wine & Malt License and an Entertainment License for one (1) television.
- ❑ **Carbone's Restaurant:** Common Victualer All Alcoholic License and an Entertainment License for one (1) radio and two- (2) televisions.
- ❑ **Catering Con Classe by Maria:** Common Victualer All Alcoholic Beverage License.
- ❑ **Colella's Super Market, Inc.:** Retail Package Goods Store All Alcoholic License.
- ❑ **Cornell's:** Common Victualer All Alcoholic License, an Entertainment License for one (1) radio, four (4) televisions, an Entertainment License for four (4) instruments, two (2) vocalists, and dancing; an Entertainment License for three (3) coin operated game machines; and an Entertainment License for a Sunday License.
- ❑ **Dynasty Restaurant:** Common Victualer All Alcoholic License; an Entertainment License for two (2) televisions; an Entertainment License for one (1) juke box and one (1) game machine; and an Entertainment License for a Sunday License.
- ❑ **Golden Spoon:** Common Victualer Wine & Malt License.
- ❑ **Hopkinton Wine & Spirits:** Retail Package Goods Store All Alcoholic License.
- ❑ **O'Toole's North Pond House:** Common Victualer All Alcoholic License, an Entertainment License for ten (10) televisions; an Entertainment License for one (1) jukebox.
- ❑ **Hopkinton Country Club:** Common Victualer All Alcoholic License.
- ❑ **Star Package Store:** Retail Package Goods Store All Alcoholic License.
- ❑ **Woodville Road & Gun Club, Inc.:** Club All Alcoholic License, an Entertainment License for one (1) radio and one (1) television, and an Entertainment License for a Disc Jockey (DJ)
- ❑ **Dino's Restaurant:** Common Victualer License
- ❑ **Hopkinton Gourmet Coffee Shop:** Common Victualer License
- ❑ **Jelly Donuts:** Common Victualer License.
- ❑ **Main Street Specialties:** Common Victualers License.
- ❑ **Red Barn Coffee Roasters, Inc.:** Common Victualer License.
- ❑ **E.J. Murphy, Inc.:** Class I License.
- ❑ **Whitehall Auto Sales, Inc.:** Class II License.
- ❑ **Able Limousine, Inc.:** Livery License for sixteen (16) vehicles.
- ❑ **Boston Tours, Inc:** Common Carrier License.
- ❑ **Mass Bay Limousine (The LIFT):** Municipal Street License.

So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.

- ❑ **Hopkinton Sportsmen's Association:** Club All Alcoholic License, and Entertainment License for two (2) televisions.

Mr. Kozak explained to the Board that the Hopkinton Sportsmen's Association still needs to have an inspection done by the Fire Department. He recommended that the Board could approve the license contingent upon the final inspection that would need to be done by December 31, 2004. The Board agreed.

Vote: Mr. Sonnett entertained a motion to approve the Hopkinton Sportsmen's Association Club All Alcoholic License, an Entertainment License for two (2) televisions, contingent upon passing the final inspection by the Fire Department before December 31, 2004. **So moved Mrs. Pratt. Second Mr. Nelson. Unanimously voted.**

- ❑ **Gibson Grille:** Common Victualer All Alcoholic Beverages
Mr. Kozak explained that Christopher Ballarino, Manager of the Gibson Grille, is requesting that the license be renewed, but that he has an agreement with a potential buyer for "Asset Purchase and

Sale Agreement' with a closing date of January 6, 2005, with a close on the business as soon as approval for transfer of license has been approved by the Town and State. He further explained that if the sale does not go through, Mr. Ballarino wishes to re-open the restaurant, and he realizes that the premises would have to be inspected before he could re-open. Mr. Kozak recommended that the Board renews the Gibson Grille license, and should Mr. Ballarino re-open the Gibson Grille that the license be contingent upon re-inspection of the restaurant before opening.

Vote: Mr. Sonnett entertained a motion to approve the Gibson Grille's Common Victualer All Alcoholic Beverage License contingent upon final inspection before opening. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

AFSCME Contract:

Vote: Mr. Sonnett entertained a motion to amend the AFSCME Contract to compensate the DPW employees, at this time, the agreed upon stipend allocation for the following approved classes:

1. Chainsaw Safety or Wire & Fire Course
2. Trench Safety Course
3. Confined Space Entry Course

These courses will be completed after the first of the year. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

CDAG Contract Extension:

Vote: Mr. Sonnett entertained a motion to allow the Chairman of the Board to sign an extension of the CDAG Contract with the State for a period from January 1, 2005 to June 30, 2005. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Town Accountant's Contractual Agreement:

Vote: Mr. Sonnett entertained a motion to extend the contractual agreement with the Town Accountant, Heidi Kriger, for the period of November 9, 2004 through November 9, 2007 including a provision to begin negotiations six (6) months prior to the end of the contract. **So moved Second . Unanimously voted.**

Town Accountants Compensation:

Vote: Mr. Sonnett entertained a motion to compensate the Town Accountant the amount of \$68,599 in the Fiscal Year beginning July 1, 2004. **So moved Mrs. Pratt. Second Mr. Nelson. The votes are as follows: Mr. Sonnett: yes; Mr. Nelson: yes; Mr. Clark: no; Mr. Holden: yes; Mrs. Pratt. Yes. So voted.**

Meeting Adjourned:

10:15 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: 1/4/05