

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: February 15, 2005
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: Michael Torosian; Verizon Representative: Richard Colon; Youth Commission: Michele Paine Lenk; Open Space Committee: John Coolidge; Margaret Wiggin; Finley Perry; Peter Mezitt; Richard Jubinville, Earth Tech consultant; Student Government Program: Lelia Bray-Musso, Tricia Rae, and Ethan Burnham-Fay; David Mastroianni, Students: Stephanie Mercandetti, Project Manager from Business Development Strategies; John Hakansson; Attorney Douglas Resnick; James Braim; Selectmen's Office: Theodore D. Kozak, Executive Secretary, and Geri Holland, Executive Assistant

Public Meeting Opened/Pledge of Allegiance:

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

Selectmen's minutes: 1/10/05 (CWMP Public Hearing); 2/1/05

1.) January 10, 2005 (CWMP Public Hearing):

Vote: Mr. Sonnett entertained a motion to approve the January 10, 2005 Selectmen minutes. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

2.) February 1, 2005:

Vote: Mr. Sonnett entertained a motion to approve the February 1, 2005 Selectmen minutes. **So moved Mr. Clark. Second Mr. Nelson. So voted. Mr. Sonnett: yes; Mr. Nelson: yes; Mr. Holden: yes; Mr. Clark: yes; Mrs. Pratt: no.**

Youth Commission Interview: (3) vacancies: (2) terms to '06; (1) term to 2005): Margaret Wiggin

Mr. Sonnett said that there are three vacancies on the Youth Commission with two terms to 2006 and one term to 2005. Mr. Sonnett asked candidate, Margaret Wiggin, to give an overview of her background and state her interest in the Youth Commission. Ms. Wiggin said that she has been a Hopkinton resident for 12 years. Ms. Wiggin said that she wishes to serve the community and believes that her experience in working with children and youth for most of her life would benefit the Youth Commission. Mr. Clark said that the Town would be fortunate to have Ms. Wiggin as a volunteer. Mr. Sonnett asked if she has the time to serve on the Commission. Ms. Wiggin replied that she does have the time to serve, as she understands that the Commission meets twice a month. She added that once she is committed to any project, she is willing to do what is needed.

Vote: Mr. Sonnett entertained a motion to appoint Margaret Wiggin to the Youth Commission for a term to 2006. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

Accept Capital Improvement Committee resignation: Finley Perry

Mr. Sonnett read a letter from Finley Perry of his resignation from the Capital Improvement Committee in order for his consideration for appointment to the Economic Commission & Development Financing Authority.

Vote: Mr. Sonnett entertained a motion to accept with regret a resignation from Finley Perry from the Capital Improvement Committee. **So moved Mr. Nelson. Second Mr. Holden. Unanimously voted.** The Board requests to send a letter of thanks to Mr. Perry for his years of service on the Capital Improvement Committee.

Announce Capital Improvement Committee vacancy (one (1) term to '05)

Mr. Sonnett announced that there is presently one vacancy on the Capital Improvement Committee for a term to 2005, and that interested persons should submit their letter of intent and resume to the Selectmen's Office.

Economic Commission & Development Financing Authority: (3) vacancies; (1) term to '05; (2) terms to '07):

Mr. Sonnett said that currently there are three vacancies on the Economic Commission & Development Financing Authority (ECDFA), one term to 2005 and two terms to 2007. Mr. Sonnett asked candidate, Mr. Perry, to give an overview of his background and state his interest in the ECDFA.

Finley Perry:

Mr. Perry gave a statement regarding his background as a small residential contractor and that he has been a town resident for 33 years. He said that when he served on the Capital Improvement Committee (CIC) and the Revenue Enhancement Committee (REC), he came to realize that there needs to be more done to revitalize the community. He said that in the time he has spent with members of the ECDFA, he believes they are energized and looks forward to serving as a member. Mr. Sonnett said that it is logical that Mr. Perry would want to now serve on the ECDFA. Mr. Clark said that Mr. Perry has done a great job when he served on the CIC and the REC and believes he will do equally as well with the ECDFA. Mr. Clark said that as the liaison to the CIC, Mr. Perry was an excellent communicator as the Chairman of the CIC, and he looks forward to his membership on the ECDFA.

Finley Perry's Appointment to the ECDFA (term to 2007):

Vote: Mr. Sonnett entertained a motion to appoint Finley Perry to the Economic Commission & Development Financing Authority for a term to 2007. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Mr. Sonnett asked candidate, Peter Mezitt, to give an overview of his background and state his interest in the ECDFA.

Peter Mezitt:

Mr. Mezitt gave a brief history of his background and that as the Vice President of Sales & Marketing at Weston Nurseries, he is a member of the Chamber of Commerce. He said that when he attended the Voice for Vision Forum that was held in Town a few years ago, he noticed that attendees spoke about the need for more services and economic development in the community. He believes that his long-term experience in business would be helpful to the ECDFA.

Peter Mezitt's Appointment to the ECDFA (term to 2007):

Vote: Mr. Sonnett entertained a motion to appoint Peter Mezitt to the Economic Commission & Development Financing Authority for a term to 2007. **So moved Mr. Nelson. Second Mr. Holden. Unanimously voted.**

Formation and Appointment of Land Use Study Committee

Mr. Sonnett began a discussion regarding the issue of Weston Nurseries' sale of land (approximately 615 acres), and how this could change the community. Mr. Sonnett proposed the formation of a Land Use Study Committee that would consist of members whose mission would be to study what impact parcels of land could have on the community. He suggested that the Committee's mission would be to set goals and objectives, and come before the Board of Selectmen once they have accomplished this. Mr. Sonnett recommended the membership would consist of those that are involved with Town Committees or have been served on various Committees. Mr. Sonnett recommended the following individuals for appointment to the Land Use Study Committee, and those committee

each person is presently serving or had served: John Coolidge, Planning Board; Finley Perry, former member of the Capital Improvement Committee, and present member of the Economic Development Commission & Financing Authority; Stuart Cowart, Appropriation Committee; David Stoldt, School Committee; Andrew Branz, School Committee; Edward Beckett, former member of the DPW Building Committee, Fire Station Committee and Conservation Commission; and himself, Mr. Sonnett, a Chairman of the DPW Advisory Committee, and former member of the Conservation Commission, and Board of Selectmen. Mr. Sonnett said that this would be an Ad Hoc Committee.

Mr. Clark said with the potential sale of 615 acres of Weston Nurseries' land, it could have an impact on Hopkinton, and that the Town's leaders would be amiss if they don't evaluate options. He said that it makes sense to formulate this Study Committee to bring recommendations of what should or should not be done. He also agreed with the membership as presented by Mr. Sonnett.

Mr. Sonnett noted that he had a discussion with Town Counsel for an opinion regarding a potential conflict of interest as many of the suggested membership serve as Chairman on various Boards. He said that Town Counsel said that as there is no compensation involved or financial interest to any of the potential members, there is no conflict of interest.

Establishment of the Land Use Study Committee and Appointment of the membership:

Vote: Mr. Sonnett entertained a motion to establish a seven (7) member Land Use Study Committee (LUSC) with a term for the Life of the Project, and to appoint John Coolidge, Finley Perry, Stuart Cowart, David Stoldt, Andrew Branz, Edward Beckett, and F. Eric Sonnett to the LUSC. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

Finley Perry Appointed as Chair of the Land Use Study Committee:

Vote: Mr. Sonnett entertained a motion to appoint Finley Perry as Chairman of the Land Use Study Committee, on a pro-tem basis, until the Committee meets and organizes. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

Use of Legal Assistance Request: Board of Selectmen

Mr. Sonnett recommended five hours of advice from Town Counsel for the Land Use Study Committee's use to assist them with the legalities of proposals that are submitted for the Weston Nurseries property. Mr. Sonnett added that the Committee could come back to request more hours if needed.

Vote: Mr. Sonnett entertained a motion to approve the Board's request for five (5) hours of legal assistance from Town Counsel for an opinion and advice relative to land use issues. **So moved Mr. Holden. Second Mr. Nelson. Unanimously voted.**

Verizon Issues

1.) Installation of fiber optics and related materials on public ways

Mr. Sonnett began a discussion regarding the issue of Verizon's placement of fiber optics throughout various sites in the Town. He said that fiber optics has several major benefits for the Town that being leading technology and expanding the capacity of more competition in the area of cable television for high speed connections. Mr. Sonnett said that Verizon has selected Hopkinton as a leading edge community to be one of their target communities to expand their usage to make the Town more user friendly for high technology. He added that the Cable committee would address this as the Town has a Franchise agreement with Comcast.

Mr. Sonnett said that the issue tonight though is that the Board of Selectmen were not notified of the re-wiring and believes that Verizon representatives should have come before the Board of Selectmen for approval. He said that

Verizon's attorney felt that they didn't have to seek approval from the Town, and Town Counsel, Attorney Faiman, believes that Verizon should have sought approval from the Board before beginning the work. Mr. Sonnett said that because of Town Counsel's opinion, there was a meeting with Mr. Richard Colon of Verizon to explain that the Town should have been part of the re-wiring process and, secondly, the boxes were unsightly and too low to the ground. Mr. Sonnett introduced Verizon representative, Mr. Colon.

Mr. Colon introduced himself as the Regional Director of External Affairs for Verizon. He thanked Mr. Sonnett for his overview of Verizon's project and services that would benefit residents and business owners of Hopkinton. Mr. Colon said that this project would provide competition for cable television in Hopkinton and will provide high-speed broadband Internet service. He added that Verizon believes that this would be beneficial for the Town's economic development and will change the way residents work and play in the Town of Hopkinton. He said that Hopkinton is in the first tier of communities Statewide to receive this service.

Mr. Colon apologized for the breakdown in communication with Town. He explained that the boxes are part of the network that allows Verizon to sustain and maintain the fiber network. He said that the boxes are standard for this community and are no bigger than 36" high, 24" wide and 17'-18" deep. He said that there are 37 boxes in Town. Mr. Colon said that Mr. Sonnett was correct when he stated that some of these boxes were mounted low to the ground. He added that after a meeting with Mr. Sonnett, he brought the Town's concerns to Verizon's engineering and construction group and they went out in one week's time to raise the boxes out of the public's way by placing them high on the poles. He commented that Verizon took the necessary positive steps to rectify this issue. He added that Verizon would like to make the re-wiring project a positive experience for the Town.

Mr. Colon said that with respect to seeking permission from the Town to re-wire the Town, Verizon believes that the existing grant of locations provides Verizon with the flexibility to put the necessary fixtures on the poles. He added that if esthetics is an issue, Verizon is willing to work with the residents and the Town to relocate a particular box.

Mr. Colon said that the other issue has to do with private development that became part of the public domain. He said that Verizon still has easements in these locations, which gives Verizon the right to add to the network in these developments. He added that according to Town Counsel, he believes that the Town has a right under MA General Law Ch. 166 Sec. 22 that the intent of the statute appears to enable the Town to review prior to the location and to ensure that the Town has the right to be included and make recommendations to show where the facilities are located. He said that Verizon is willing to accommodate the Town with that issue. He said that Verizon is willing to apply for grant of location on public ways. He added that unfortunately Verizon and the Town are addressing this after the fact. He reiterated that Verizon does want to make this work.

Mr. Sonnett said that it would be counterproductive to begin a legal battle or start over. He said that all the corrective action by Verizon has been taken as stated by Mr. Colon. He added though that all of these issues would have been taken care of during a public hearing had the Town held one. He said that it's good that the wires are up and action has been taken by Verizon to make the boxes less intrusive, but that no way should this be construed as the Town agreeing that Verizon can eliminate future submittals of approvals. He said that in the future, the Board expects Verizon to come before them for any pole locations. Mr. Colon responded "fair enough".

Mr. Colon asked relative to underground locations where these are public ways and were once private ways, does the Board see a need to apply for grants of location. He added that Verizon is willing to do this. Mr. Sonnett replied that Town Counsel believes that Verizon should. Mr. Kozak said that the Board could hold a public hearing without inviting abutters, and that Verizon could provide a list. Mr. Colon said that Verizon has no problem with coming before the Board of Selectmen. He added that Verizon does have an issue with seeking a grant of location as it is Verizon's understanding of the language in grants of location where it states that Verizon is granted permission to erect and maintain poles with anchors and other sustaining and protecting fixtures. He said that the boxes are the sustaining fixtures that allow Verizon to maintain the network. He said that the language provides permission to install the boxes. He added that Verizon is willing to work with the Town so that everyone is satisfied. He added that this

process is new and that Verizon is learning as they go along. He said that procedural changes have been made in Verizon for when they install the boxes in other communities. Mr. Sonnett said for Verizon to come before the Board for the underground utilities and to bring along the list of where the boxes have been installed. Mr. Colon agreed to provide the Selectmen's Office with the list of locations.

Mr. Sonnett opened this up for discussion.

Mr. Holden asked if this was brought to the Board's attention because of road openings. Mr. Kozak said that this was indirectly brought to the Board's attention through the DPW. He added that road openings were granted, but that this does not circumvent Verizon in not going before the Board of Selectmen to ask permission.

Mr. Clark commented that he understands both the Town's and Verizon's concerns. He stated that he is impressed that Verizon took action so quickly. He talked about the installation of boxes on scenic roads and this is a sensitive issue for these areas. He asked why Verizon selected Hopkinton as a first tier Town. Mr. Colon responded that Verizon wanted to maximize a return on their investment and went to Towns that have a propensity to use broadband. He added that Hopkinton is a fairly influential working town where many work from home and have high speed Internet access. Mr. Clark asked if someone currently has DSL, will they be updated or is this an option. Mr. Colon replied that this is optional, and customers could easily switch. Mr. Colon said that this should be up and running in 2005. Mr. Nelson asked about flexibility of location. Mr. Colon said that there could be flexibility. Mr. Nelson asked what determines the size of the box. Mr. Colon said that the number of customers served in that particular location. Mr. Colon reiterated that he would follow-up with the Selectmen's Office in regards to holding a public hearing on March 15th.

2.) Establish video franchise

Mr. Sonnett said that Verizon asked the Town to begin negotiations to ask for a Cable TV license, and that the Chairman needs to send a letter to initiate the cable licensing process. Mr. Kozak said that he, Mr. Sonnett and Mr. Dwyer, Chairman of the Cable Committee, met with Mr. Colon to discuss this, and that Mr. Dwyer recommends that the Town move forward by sending the letter. Mr. Sonnett read the letter (see attachment).

Vote: Mr. Sonnett entertained a motion to authorize the Chairman of the Board to sign the letter to the Cable Television Division that initiates the cable licensing process. **So moved Mr. Nelson. Second Mr. Holden. Unanimously voted.**

Mr. Kozak said that there is a second letter (see attachment) that should also be signed by the Chairman of the Board to request the Cable Television Division to waive the national advertising requirements. Mr. Kozak explained that this request is in the best interest of the Town, because this would cause an unnecessary delay in bringing cable competition to Hopkinton.

Vote: Mr. Clark motioned to authorize the Chairman of the Board to sign the letter to the Cable Television Division to waive the required sixty-day filing deadline. **Second Mr. Nelson. Unanimously voted.**

CWMP Update: Richard Jubinville, Earth Tech, Inc.

Mr. Sonnett introduced Mr. Jubinville, Vice-President of Earth Tech, the engineering firm that worked with the Town's Comprehensive Wastewater Treatment Plan (CWMP) that was recently approved by the State. Mr. Sonnett asked Mr. Jubinville to give an overview of the CWMP approval and what Earth Tech proposes on what the next step is in moving forward with the Plan.

Mr. Jubinville gave an overview of the CWMP which provides a comprehensive plan for the Town's wastewater disposal for the next 20+ years. Mr. Jubinville said that the Town recently received a Certificate from the Secretary of Environmental Affairs stating that the CWMP adequately met the MA Environmental Protection Act (MEPA)

requirements which gives the Town the ability to move forward with the Town's wastewater project. He added that the Certificate did have recommendations, which Earth Tech is analyzing. Mr. Jubinville summarized those recommendations including sewer planning, septic management overlay districts etc. Mr. Jubinville said that Earth Tech would work with the Town to address these areas. He said that basically the Town has approval to proceed with the CWMP any way they feel necessary. He believes the next step is for the Town to look at what pieces of the CWMP they would want to implement first. Mr. Jubinville then proposed the idea of preparing an initial design proposal for work on Fruit Street's wastewater facility for Phase VI. He said that the preliminary design report would include the wastewater physical design of the facility, its expandability in the future, as well identify permits needed to implement the plan. Mr. Jubinville said that the preliminary design report would be presented to the Town for their review, which would be sent to the Department of Environmental Protection for their review before any work is done. He said that this is the typical way these types of projects are completed.

Mr. Jubinville said that he met with the Department of Public Works (DPW) Advisory Committee in September 2004 and it was determined that wastewater plant on the Fruit Street property would treat and discharge 100,000 gallons per day. Mr. Sonnett said that the DPW Advisory Committee agreed that the wastewater plant on the Fruit Street property would treat and discharge 100,000 gallons per day, but is interested in the expandability of the facility as the total needed is 350,000 gallons a day and is a requirement under the CWMP. Mr. Sonnett said that the DPW Advisory Committee met recently and voted to recommend to the Board of Selectmen to proceed with requesting Earth Tech to prepare the preliminary design report. Mr. Sonnett asked if the well would be part of the report, as this is a priority. Mr. Jubinville responded that in regards to the water well, Earth Tech is waiting to hear from DEP regarding certain conditions. He added that this is typical for such projects.

Mr. Kozak asked what the cost of the preliminary design report would be. Mr. Jubinville responded that when he comes back before the Board in two weeks he would have that information.

Mr. Clark commented that the Town has spent \$600,000 for the CWMP and that the next step in moving forward on this project is to ask Earth Tech to prepare the preliminary design report. He added that the funding for Phase VI was approved at the 1996 Annual Town meeting. Mr. Sonnett asked Mr. Jubinville to come back to the March 1st meeting to present the report and cost.

Mrs. Pratt asked what the recharge time would be to the Fruit Street well? Mr. Jubinville responded that the recharge time to Whitehall Brook is from 3-6 months. Mrs. Pratt asked if the discharge is high quality. Mr. Jubinville replied that it complies with all discharge licensing. Mrs. Pratt asked what the cost of such a plant would be. Mr. Sonnett replied this is the reason for the preliminary design report. Mrs. Pratt stated her disagreement with the phosphate levels, as she believes the levels are too high and would contribute to nutrient growth. Mr. Sonnett then gave an overview of the issue of the Whitehall Brook.

Mr. Nelson asked if another alternative became available, how would the Town move forward. Mr. Sonnett reasoned that originally 100 Town sites were looked at for this wastewater treatment plant, which was narrowed down to twenty-two sites, and then to seven, and then finally to two sites. He said that there were public hearings, and the State approved this site, and submitting another alternative, which could cause a modification to the plan to the State, would only result in more money. He said that this type of project is the first of its kind in the State to be approved by them. He added that the Town needs to move forward in the next step of the process. Mr. Clark commented that there was a time for the study and a time to take action from the study. He believes that this is the time to move forward and ask Earth Tech to come back with the design and quote.

Mr. Sonnett said that the Board would continue to clarify the project and help anyone who has questions, but agreed with Mr. Clark to move forward and ask Earth Tech to come back with a proposal for a preliminary design report.

Vote: Mr. Sonnett entertained a motion to authorize Earth Tech to prepare a preliminary design report for a 100,000 gallon wastewater treatment facility on the Fruit Street site as indicated on the CWMP. Mrs. Pratt abstained from the vote as an abutter to the Fruit Street property. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Marlborough-Framingham Region Economic Target Area (ETA): Lynn Tokarczyk, Business Development Strategies, Inc.

Mr. Sonnett began a discussion of the Town's interest in joining the Marlborough-Framingham Region Economic Target Area (ETA). Stephanie Mercandetti, Project Manager from Business Development Strategies, said that Lynn Tokarczyk asked her to attend the meeting in her place, as she was unable to come to this meeting. At this time (8:00 p.m.) Mr. Kozak pointed out that the Chapter 61 property public hearing is scheduled to open at 8:00 p.m. Mr. Clark recommended to open the public hearing and move to continue the hearing at 8:10 p.m., so that the Board could complete the ETA discussion.

Public Hearing Opened: Chapter 61 Front Street Property:

8:00 p.m. Vote: Mr. Sonnett entertained a motion to open the Chapter 61 A/B Front Street property public hearing, and to delay the hearing until 8:10 p.m. this evening. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Marlborough-Framingham Region Economic Target Area (ETA) Discussion Continued:

Mr. Sonnett said that one of the Town's theme's is economic development and the Town now has an opportunity to join the Marlborough-Framingham Region Economic Target Area (ETA). Mr. Sonnett commented that the Town's membership as an ETA community would make the Town more attractive to businesses and to improve the economic development for the Town. He added that it would also make the Town eligible for grants. Mr. Kozak further explained that as an ETA community, local businesses would be eligible for tax incentives both locally and through the State. Mr. Kozak recommends the Board to send the letter (see attachment).

Vote: Mr. Sonnett entertained a motion to authorize the Chairman of the Board to sign the letter to the Economic Assistance Coordinating Council of the Town's interest in joining the Marlborough-Framingham Region Economic Target Area (ETA). **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Public Hearing Re-opened: Chapter 61 - 0 Front Street and 61 Front Street Properties

8:10 p.m. Vote: Mr. Sonnett entertained a motion to re-open the public hearing. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

0 Front Street

Mr. Kozak said that Attorney Lamond, who represents James Braim, owner of the property located at 0 Front Street and 61 Front Street, sent a notice to the Town October 28, 2004 of his client's intention to sell his property that is currently under the provisions of MA General Law, Chapter 61 A/B. Mr. Kozak explained that the Town has the first right of refusal, as the property is classified agricultural land for the purpose of tax classification. Mr. Kozak said that the Selectmen's Office sent notification to the Planning Board, Open Space Committee, School Committee, and Conservation Commission to request them to review the proposed plans and submit recommendations, as to whether they anticipate a potential municipal or open space use for the land. He said that those Departments sent letters to the Selectmen's Office that they do not anticipate any potential municipal or open space purpose for the land at 0 Front Street, which has a Purchase & Sales Agreement of \$2M. Mr. Coolidge, Chairman of the Planning Board and Open Space Committee, commented that the property, which has a lot of wetlands, has a Purchase & Sales Agreement of \$2M, which makes it prohibitive for any open space purpose. Mr. Kozak recommended that the Board not exercise it's first right of refusal for the 0 Front Street property because of the cost of the land being

prohibitive. He also recommended that the Board of Selectmen continue the discussion and not vote on the 0 Front Street property until the hearing is closed.

61 Front Street

Mr. Coolidge said that the 61 Front Street property does not currently have a Purchase & Sales Agreement, and under Chapter 61, the Town would have to match the Purchase & Sales Agreement if there were one. He said that the Town has the right to buy the property back at the agricultural value. Mr. Coolidge said that he has been in negotiations with the owner, James Braim. Mr. Coolidge requests the Board to hold off on voting this property this evening, as he just received an appraisal for the property late this afternoon. Mr. Coolidge said that he spoke with Mr. Braim a couple of weeks ago and said that once he had received the appraisal, he would meet with the Community Preservation Committee to set a dollar value that they would be willing to negotiate with Mr. Braim for the property.

Mr. Sonnett summarized Mr. Coolidge's statement and said that the Town is interested in the property and that there is no Purchase and Sales Agreement, and that whatever the appraisal price is, that would be the negotiated price. Mr. Coolidge replied yes. Mr. Kozak added that at this point the Town must act with due diligence to begin the negotiations, as the 120 days that is given the Town to respond to the Chapter 61 properties began last October 28, 2004. Mr. Coolidge said that he is not ready to make a decision tonight and added that it would take about two to three weeks to negotiate the price of the property with Mr. Braim.

Attorney Douglas Resnick, Attorney for the buyer of the 0 Front Street property, John Hakansson, also has a Purchase & Sales Agreement from his client for the 61 Front Street property.

Mr. Sonnett said that he understood from Mr. Braim that there is no Purchase & Sales Agreement (P&S) on the 61 Front Street property, and asked Attorney Resnick to clarify as to whether or not there is, in fact, a P&S at this location. Attorney Resnick replied yes, and that Mr. Haakanson had offered to purchase this property a year ago.

Mr. Kozak said that the Board has just one request in front of them tonight. He said that the Selectmen's Office received a request from Mr. Braim's attorney two weeks ago to delay this hearing which the Board agreed to at February 1st Selectmen's meeting.

Mr. Resnick said that he would submit a copy of the P&S. He added that the Board would find that the P&S for \$1M is evidence of what the fair market value of the land is. Mr. Sonnett asked if there was an offer a year ago, why did the Board not know of this. Attorney Resnick responded that as the buyer, they were not in charge of the notices that were sent to the Selectmen's Office.

Mr. Sonnett asked Mr. Braim to speak to the Board about this confusion. Mr. Braim explained he has three pieces of property for sale located at 0 Front Street, and 61 Front Street of which a piece of that property has two houses on it and is not part of Chapter 61. He said that he presently has two P&S's for the properties.

Mr. Sonnett summarized the issue and said that the Board can either vote to not exercise their right based on the P&S or negotiate the price of the P&S. Attorney Resnick showed the Board the signed P&S, which had been signed about three weeks ago.

Mr. Nelson asked if the owner has to enter into a moratorium during the 120 days that the Town has the right to consider as to whether or not to purchase the land. Attorney Resnick responded that the law does allow the owners to negotiate a P&S.

Mr. Sonnett asked Mr. Braim if he understands all of this discussion. Mr. Braim responded that he thinks so.

Mr. Clark asked if the Community Preservation Committee was interested in just buying 15 acres of "raw" land (60 Front Street) or interested in buying the entire 26 acres of land, which include the two houses. Mr. Coolidge said that originally when the offer came to the Town, it was the whole parcel that the CPC was interested in, but when Mr. Braim showed that the two houses were not part of Chapter 61, they were only interested in the Ch. 61 land.

Mr. Sonnett asked when the 120 days expires. Mr. Kozak said February 28 but as Mr. Braim's lawyer requested two weeks delay, the timeframe was expanded by two weeks.

Mr. Sonnett said that the Board could then respond to this issue either at the March 1 or March 15 meeting. Mr. Kozak said that the Board could make a decision this evening, if they like.

Mr. Sonnett said that the Board would not make a decision this evening, as Mr. Coolidge would like to consider what the CPC would like to do. Mr. Sonnett recommended tabling this hearing until the Selectmen's March 1 meeting.

Mr. Clark commented that in two weeks the CPC would come back and recommend whether or not to purchase this property, which currently has a P&S for \$1M. Mr. Clark asked where the funds would come from. He noted that the community is getting land poor, and that the Fruit Street property cost the Town \$25,000 an acre and the Front Street property would cost \$66,000 an acre. He added that he would not want to see zero funds for the athletic fields on Fruit Street. Mr. Coolidge clarified that presently there is \$1.2M in the Open Space Fund for passive recreation use and \$2,700 in the active recreation funds, pointing out that the funds for the athletic fields would not be affected. Mr. Clark said that he would like to see a cash flow chart for the next five years at the next Selectmen's Meeting.

Mr. Coolidge commented that the Town was notified by certified mail on October 28, 2004 that this land was negotiable. He said that the Town is now being informed by the buyers, not the sellers, that a P&S was signed in February. He pointed out that the 120 days from the time the owners of the property notified the Town, the negotiations needed to begin. He added that if it began in February, the Town has more time to negotiate; but, if it began last October, then the CPC has to deal with this issue quickly. Mr. Coolidge added that the CPC might still want to purchase part of the property.

Mr. Resnick asked what the amount of the appraisal is and pointed out that this is public record information. Mr. Coolidge responded that it is not public record at this time. Attorney Resnick said that he has the right to know. Mr. Sonnett said that this issue would not be discussed at this time. Mr. Coolidge said that he had agreed with Mr. Braim to share this with him.

Mr. Sonnett concluded that the public hearing would be continued at the March 1st Selectmen's Meeting.

Vote: Mr. Sonnett entertained a motion to continue the public hearing at the March 1, 2005 Selectmen's meeting. **So moved Mr. Nelson. Second Mr. Holden. Unanimously voted.**

Sanctuary Lane Regulatory Agreement

Mr. Sonnett discussed the Regulatory Agreement between the Town and Sanctuary Lane, under Ch. 40B Housing Project, and that has been approved by the Town's various Boards including the Board of Appeals, Planning Board and Town Counsel. Mr. Kozak explained that the Town will monitor the affordable units, and that the Citizens' Housing and Planning Association, Inc. (CHAPA) will perform the administration and monitoring of services in compliance of the project's guidelines and comprehensive permitting. Mr. Kozak recommended that the Board approve to authorize the Chairman to sign the Agreement.

Vote: Mr. Sonnett entertained a motion to approve the Sanctuary Lane Regulatory Agreement and authorize the Chairman of the Board of Selectmen to sign the Agreement. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

School Committee Report: Dave Stoldt, Chairman

Mr. Stoldt, Chairman of the School Committee, presented a proposed school-building plan (see attachment), which the School Committee believes might affect the Town's building assets/availability and the community as a whole beyond the typical school building process. Mr. Stoldt talked about Hopkinton's population growth that created classroom shortages. Mr. Stoldt cited educational standards relative to the Center School presently exceeding capacity and how it does not meet the Commonwealth's standards for the grade levels that the school serves. There was discussion regarding the potential sale of the Center School versus usage to serve other town uses. Mr. Sonnett commented that this is the first comprehensive plan that the Board has seen. Mr. Stoldt said that the School Committee wanted the Board to understand the issues regarding the proposed plan.

Mrs. Pratt brought up the issue of students within the Hopkinton School system who won art awards, and which are presently being shown in Boston. She brought up the possibility of showing the artwork in Town. Mr. Sonnett recommended for Mrs. Pratt to contact School Superintendent Phelan.

MAPC Update: Mary Pratt

Mrs. Pratt began her overview of a meeting that she attended as the Board's liaison to the MAPC. Mr. Sonnett asked what position Community Preservation Act communities are taking regarding MAPC's position of allowing cities and towns to receive State matching funds without first adopting the Community Preservation Act. He also asked if MAPC officials have responded to the Town's follow-up letter opposing their position that pertains to this issue. Mr. Kozak said that the MAPC has not yet responded. Mrs. Pratt said that the Towns that she has been in contact with all agree with the Board's position of opposing MAPC's position. Mr. Sonnett asked Mrs. Pratt what the Board could do to help make her make the Town's position known. Mrs. Pratt said that she needs to go to MAPC's Legislative Committee before bringing this to MAPC's Executive Committee. Mr. Clark commented that he does not understand MAPC's process. Mr. Sonnet said that MAPC has a strong Executive Director, but believes that process is changing for the better since the Board's strong position regarding this issue. Mr. Kozak said that the Selectmen's Office has received letters from other communities stating their opposition of MAPC's position. Mr. Sonnett requests Senator Spilka and Rep. Loscocco to attend either the March 1 or March 15 Selectmen's meeting to discuss the CPA issue.

Selectmen's Liaison Reports

1. Mrs. Pratt said that the next Charter Commission meeting is scheduled February 16. Mr. Sonnett asked why he had to read in the newspaper that the Charter Commission would not be going to Town meeting until 2006. Mrs. Pratt responded that all announcements must come from the Chairman of the Charter Commission, and she didn't feel it was in her jurisdiction to give out this information.
 2. Mr. Clark gave an update of the February 10th Fruit Street Development Committee. Some of the agenda issues included the supplemental information required from VHB for MEPA, the Conservation Commission reports with various issues under the Commission's advisement including the proposal for drainage improvements. He also said that other various committee chairs were also present at the meeting to give their updates including the Parks & Recreation Commission, School Committee, Housing Committee and Planning Board.
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Accept Ambulance Gifts

Vote: Mr. Sonnett entertained a motion to accept gifts into the Ambulance Gift Account in memory of Angel Doherty from Fred and Alfreda White for \$25.00; Jean Harrington for \$25.00; and Eugene and Joan Doherty for \$100.00. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Marathon Fund Requests:

1.) Marathon Fund Committee (six (6) scholarships)

Vote: Mr. Sonnett entertained a motion to approve a Marathon Fund request from the Marathon Fund Committee for \$6,000 for the purpose of funding six (6) \$1,000 scholarships to be granted to three boys and three girls from Hopkinton who are graduating from high school in 2005. **So moved Mr. Holden. Second Mr. Nelson. Unanimously voted.**

2.) Friends of Hiller Hockey (Hockey Helmets)

Vote: Mr. Sonnett entertained a motion to approve a Marathon Fund request from the Friends of Hiller Hockey for \$3,150 for the purpose of funding the cost of 50 new hockey helmets for the varsity and junior varsity high school hockey teams. **So moved Mr. Clark. Second Mr. Nelson. Unanimously voted.**

Meeting Adjourned:

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: 3/1/05