

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: October 18, 2005
MINUTES**

Members Present: F. Eric Sonnett, Chairman; Ronald M. Clark; Mary C. Pratt; Muriel E. Kramer

Member Absent: Leonard A. Holden, Vice-Chairman

Others Present: HCAM Station: Beth Fenier; HopNews: Robert Falcione; Eric Carty, Water/Sewer Manager; Michael Girardi; Andrea Leonard; Judith Alessio; Senior Center: Marlene Troupes; Attorney Thomas Nealon; The Gatehouse Group, Inc.: Brian J. McMillin, Vice President; Koningisor, Luciano & Associates, Inc.: James E. Koningisor; Conservation Commission: Brian Morrison, Chairman; Student Government High School Students: Jillian Elwell, Andrea Hurwitz; Maggie Gordon; Morgan Hegger; Greg Jesanis; Selectmen's Office Theodore D. Kozak, Executive Secretary, and Geri Holland, Executive Assistant.

Public Meeting Opened/Move into Executive Session (Room 211)

6:30 p.m. Mr. Sonnett, Chairman, opened the public meeting.

Vote: Mr. Sonnett entertained a motion to move into Executive Session for the purpose to discuss litigation.

So moved Mr. Clark. Second Mrs. Pratt. Mr. Sonnett: yes; Mr. Clark: yes; Mrs. Pratt: yes; Mrs. Kramer: yes. Unanimously voted.

Public Meeting Re-opened/Pledge of Allegiance (Selectmen's Hearing Room)

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

Selectmen's minutes: October 11, 2005 (ES)

Vote: Mr. Sonnett entertained a motion to approve the Executive Session Selectmen's minutes dated October 11, 2005. **So moved Mrs. Kramer. Second Mr. Clark. Unanimously voted.**

Weston Nurseries Statement

Mr. Sonnett read a statement from Gary Furst, Chief Executive Officer of Weston Nurseries, that announced Weston Nurseries' filing for a voluntary petition for Chapter 11 reorganization on Friday, October 18, 2005 to safeguard the ongoing operations of the company. The filing is from a stockholder's dispute over a lease issue, and if an agreement with the shareholder is reached, Weston Nurseries will withdraw their petition. The statement also mentioned that Weston Nurseries is fully open for business and customers should not notice any difference as a result of the filing.

Historical District Commission (one (1) vacancy; term to 2008): Michael Girardi

Mr. Girardi gave an overview of his background and said that he has been a resident of town for 12 years. He is interested in the Town's historical districts, and believes his background would be helpful with the Commission. He also said that he is involved in volunteer Town sport programs. He does have the time to serve.

Vote: Mr. Sonnett entertained a motion to appoint Michael Girardi to the Historical District Commission for a three (3) year term to 2008. **So moved Mrs. Kramer. Second Mrs. Pratt. Unanimously voted.**

Registrars of Voters (four (4) member Board; two democrats; two republicans; one (1) vacancy; term to 2008): I.) Andrea Leonard (Republican); Ann Click & Barbara Wirzburger (Democrats); Judith Alessio (Republican)

Ms. Leonard said that Mrs. Alessio recruited her for the Registrars of Voters, and believes that she understands the requirements of the position. She has the time to serve. Mrs. Alessio, a member of the Registrars of Voters, recommended Ms. Leonard's appointment.

Vote: Mr. Sonnett entertained a motion to appoint Andrea Leonard to the Registrars of Voters for a three (3) year term to 2008. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Senior Fuel Assistance Program: Marlene Troupes, Outreach Worker

Marlene Troupes, Outreach Worker for the Senior Center, talked about the Senior Fuel Assistance Program. She said that the program is not only for senior citizens, but for families as well. Ms. Troupes explained how the program works. She said that assistance is a one-time donation and usually amounts to approximately \$250 to \$500 for the season which is from November 1 to April 30. Mr. Sonnett said to contact the Senior Center for more information. Ms. Troupes said that the Hopkinton Senior Center is sponsoring a Prescription Drug Forum on Saturday, November 5 from 10:00 a.m. to Noon at the Town Hall. She encouraged those that receive Medicare to attend the Forum.

Alprilla Farm Road Land Exchange: Attorney Thomas Nealon

Attorney Nealon said that his law firm is working with Mr. and Mrs. Brian Engstrom of 28 Alprilla Farm Road and Mr. and Mrs. Martin Aaron of 30 Alprilla Farm Road to help them in a land exchange between them. He said that because the land on Alprilla Farm Road is registered as opposed to recorded, the Land Court must approve any plan in revising or creating lot lines, and the Engstroms and Aarons are required to file petitions with the Land Court for approval by a Judge. Attorney Nealon stated that the Court requires that prior to the approval of the plan, the Hopkinton Board of Selectmen need to approve assent to the petition because the lot depicts the side line of Alprilla Farm Road, which is a Town road. Attorney Nealon respectfully requests the Board to approve assent to the petitions by the Engstroms and Aarons. Mrs. Pratt pointed out in Town Counsel's letter to the Board, his recommendation for the Board to review the plan to be certain that the line of the street, which represents the extents of the Town's ownership interest, is not being changed on the plan. It was noted that the Town Planner, Elaine Lazarus, and DPW Director, J.T. Gaucher, reviewed the plan and recommend the Board of Selectmen assent to the petition for approval.

Vote: Mr. Sonnett entertained a motion to approve assent to a Petition for Approval of Plan 478Q filed by Martin B. Aaron and Nancy T. Aaron, and to approve assent to a Petition for Approval of Plan 4787P filed by Brian L. Engstrom and Lisa B. Engstrom. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Gatehouse Development (proposed 40B Development): Attorney Thomas Nealon

Mr. Sonnett said that representatives from The Gatehouse Group recently attended a DPW Advisory Committee meeting to present a proposal for a housing community including 40B housing on property located on Hayden Rowe Street. Mr. Sonnett said that the DPW Advisory Committee recommended that the developers give their presentation to the Board of Selectmen for their consideration. Mr. Sonnett invited The Gatehouse Group representatives, Mr. Brian McMillin, Vice President of the Gatehouse Group, and Mr. James Koningisor, Koningisor, Luciano & Associates, Inc..

Mr. McMillin gave an overview of the Gatehouse Groups' housing developments that are in 31 communities in the State of MA, and showed a conceptual plan of the development. Mr. McMillin said that the most significant issue with the development is the Town's sewer capacity. He said that he met with Eric Carty, Water/Sewer Manager, to discuss The Gatehouse Groups' proposal to pursue a "friendly" 40B housing development with the Town and offer to the Town the privilege fee of the market rate of \$14,000 per unit amounting to approximately \$1.5M. Mr. McMillin added that his firm would not pursue the development if this proposal does not work out with the Town.

Mr. Sonnett responded that this proposal is “very attractive”, but “unfortunately” there is zero sewer capacity, and the Board would have a major issue approving this proposal. Mr. Sonnett said that even though the parcel of land for the proposed development has frontage, the Town’s Sewer Extension Policy is now in a state of moratorium, and this is an issue that the Town could not overcome. Mr. Sonnett said that based on this information, the DPW Advisory Committee voted to turndown the proposal. He said that he does not know how to make this offer happen.

Mr. Clark said that the Town does have a need for affordable housing and could use the \$1.5M for the Sewer Enterprise Fund, but that this proposal would have both positive and negative impacts on the community. He stated that this issue can not be debated without having the sewer capacity.

Mr. Koningisor requests to look at ways to work with the Town and cited the possibility of performing a water/sewer reduction plan in the Town.

Mr. Sonnett responded that the Town had hoped not to be in this position, but to approve this proposal without enough sewer capacity is not possible. Mr. Sonnett said that without a sewer treatment plant, even the existing businesses can not expand. He said that the Town hopes that this could change in the future.

Mr. Koningisor asked if The Gatehouse Group worked out something with the Town of Westboro for more sewer capacity to the town would the Board look at this favorably.

Mr. Sonnett said that “personally” yes. He said to “keep trying”. The Board thanked Mr. McMillan and Mr. Koningisor for their presentation.

Wetlands Protection Fund Update: Brian Morrison, Conservation Commission Chairman

Mr. Sonnett said that at the September 6th Selectmen’s meeting, the Board met with Brian Morrison, Chairman of the Conservation Commission, and asked him to submit a forecast of expenditures from the Wetlands Protection Act Account for the first and second quarters of Fiscal Year 2006. Mr. Sonnett said that at that meeting the Board voted to approve the first and second quarter Wetlands Protection Act Account Expenditures, with the provision that Mr. Morrison return to meet with the Board at the mid-October Selectmen’s meeting to review a detailed expenditures report that includes what Notice of Intention’s (NOI) the WPA funds were utilized for.

Mr. Morrison said that because of the timing of the Board’s approval of the first and second quarter WPA account expenditures, the Commission did not spend any funds during both quarters. He added that the Commission does expect to carry some funds over into the next quarter.

Mr. Clark questioned the fact that the Commission didn’t utilize any of the funds during the first and second quarter, and noted that either the Commission prepared a “bad” budget or didn’t execute the funds properly. He asked Mr. Morrison why this is.

Mr. Morrison reiterated that because the Board approved the first and second quarter in September, it was too late to spend the first quarter budget, but will have expenses in the second quarter.

Mr. Clark said that according to the Department of Revenue, some items on the WPA expenditure form are not appropriate uses under the WPA.

Mr. Morrison referred to the Environmental Handbook for Massachusetts Conservation Commissioners (MACC) that interprets the Commission to be “carrying out its duties under the Wetlands Protection Act” with any use of fees, which enhances the Commission’s ability to administer and enforce the Wetlands Protection Act generally, as well as review and conditioning of specific projects. Fees from one application may be used to review later applications. MACC finds all of the uses listed in Figure 12N appropriate as well as others which meet the above criteria.” Mr. Morrison read the list of Uses of Wetlands Filing Fees from MACC (see attachment).

Mr. Clark pointed out from several sources about how the WPA funds could be used, and that the Commission has to have a NOI that they are actively working on to expend the funds from the WPA. He referred to a September 6, 2005 email from Mr. Joseph Markarian, Department of Revenue (DOR) that makes a point about this fact. Mr. Clark also referred to an email sent by Mr. Morrison dated June 6, 2005 that states typical expenditures include specialized supplies etc. which, Mr. Clark believes the request for general supplies is not a permissible use of funds from the WPA.

Mr. Clark also referred to a letter from DOR that states “expenses that support regular commission operations and activities, such as office furniture, ordinary supplies, telephone and internet service, annual subscriptions, publications or conference, general travel expenses, computers, and other general purpose capital items ordinarily budget separately, would not be permissible uses”.

Mr. Morrison asked Mr. Clark if he was questioning his integrity. Mr. Clark responded that the WPA funds must be for approved expenses, and again stated that a NOI needs to be currently worked on in using WPA funds. Mr. Morrison respectfully disagreed and pointed out that there are expenses i.e., postage that are used associated with a NOI.

Mr. Clark believes that general supplies should be eliminated from the proposed budget. He questioned the funds for a digital camera and said that if the Commission needs a specific product, that it’s okay, but a digital camera is a generic supply. He recommended using the Commission general budget for items such as this, and suggested that the Commission go through the budgeting process.

There was a discussion regarding Town Counsel, and Mr. Sonnett commented that Town Counsel is for the use of all departments. Mr. Morrison made a request, subject to approval from the Commission, for two hours of town counsel relative to the expenditure of WPA funds. Mr. Kozak pointed out that the Boards normally should take a vote before requesting legal assistance from the Board.

Mr. Sonnett entertained a motion to release the first and second quarter WPA funds. Mr. Clark recommended eliminating the office supplies for \$500 and the digital camera for \$500, reducing the budget to \$2,600. Mr. Morrison pointed out that the Board had already approved the budget. He also said that there would be incoming invoices that would be used against the second quarter budget.

Vote: Mr. Sonnett amended the motion to eliminate the first quarter request and to approve the second quarter Wetlands Protection Act Account Expenditures for FY’06. **So moved Mrs. Pratt. Second Mrs. Kramer.**

Discussion:

Mrs. Kramer commented that the Board is spending a lot of time on this issue, and that she has a great deal of confidence in the Conservation Commission. She said that this issue concerns her and added that under MGL regulations, Boards need to be independent. Mr. Sonnett responded to Mrs. Kramer by saying that she is incorrect in this statement of independence, and that the issue is the usage of the WPA funds. He said that the Board of Selectmen has fiduciary responsibility of this Board. He added that Board of Selectmen is not interfering, and that the use of the WPA funds is based on information from the Department of Revenue.

Vote: Mr. Clark voted no. So voted.

Liaison’s Updates

Mrs. Pratt gave an update about the Charter Commission’s progress, and said that the next meetings are scheduled on 10/19 and 10/27. She added that the final report is due November 18th. She also talked about the success of the Open House at the Fire Station. She said that there were over 300 attendees and that the Fire Chief hopes to sponsor another event in the future. Mrs. Pratt also talked about a forum on STEM (Science Technology Engineering & Math) sponsored by the 495/Metro West Corridor Partnership scheduled on Tuesday, October 25th at BOSE Corporation.

Mr. Sonnett said that the Department of Revenue's (DOR) Financial Management Review (FMR) is now available. Mr. Sonnett said that upon reviewing the report, he believes it is complimentary of the Town. He also commented that DOR made a recommendation to go forward with a Town Charter. Mr. Sonnett requests inviting Marie Eldridge, Chairman of the Charter Commission, to the November 1st Selectmen's meeting to discuss the Charter Commission's findings. He would also like to schedule a discussion about the FMR at the November 1st meeting. He also requests to send a copy of the FMR to all members on the Charter Commission, and to place the FMR on the Town's website.

Appoint Representative to the I-495 Transit Study Advisory Task Force

Mr. Sonnett said that the Central Transportation Planning Staff of the Boston Metropolitan Planning Organization requests a designee to serve on an advisory task for the I-495 Transit Study. He recommends Mr. Kozak as the Town's representative.

Vote: Mr. Sonnett entertained a motion to appoint Theodore D. Kozak as the Town's representative to the I-495 Transit Study Advisory Task Force for a term to the Life of the Project. **So moved Mr. Clark. Second Mrs. Kramer. Unanimously voted.**

Joint Committee on Education Hearing

Mr. Kozak said that he spoke with School Superintendent, Dr. John Phelan, about the Joint Committee on Education's series of Open-Issue Public Hearings, which are taking place at various locations, to raise any issues pertaining to Ch. 70 reform, cuts to education, mandates, etc. Mr. Kozak said that Dr. Phelan informed him that he would make a recommendation at the School Committee meeting this Thursday evening (10/20) for a representative to attend the hearing.

READOUT MAIL

1. Mr. Sonnett read a letter from the Commonwealth of Massachusetts' Office of Consumer Affairs and Business Regulation to the Town's Sealer of Weights and Measures, Louis Sakin, informing him of a \$10,000 grant awarded to the Town for the purpose of enforcing item pricing, price verification and scanner.
 2. Mr. Sonnett referred to a memo from Tim Kilduff, Hopkinton Athletic Association, informing the Board of Selectmen of a Ground-Breaking Ceremony of the unveiling of a statue, "Spirit of the Marathon", created by sculptor Mico Kaufman which replicates its sister statue in Marathon, Greece and honors Stylianos Kyriakides, a champion Greek runner. The even will take place at Weston Nurseries, October 24 at 11 a.m.
 3. Mr. Sonnett also announced a Chamber of Commerce event honoring Paul Phipps as Citizen of the Year at the Hopkinton Country Club on Thursday, October 27, 2005 from 5:30 p.m. to 7:00 p.m. He said that tickets for this event could be purchased at the Middlesex Savings Bank and Strata Bank, and encouraged residents to support the Chamber in honoring Paul Phipps.
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Public Meeting Adjourned:

9:00 p.m. Vote: Mr. Sonnett entertained a motion to adjourn the public meeting. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

Respectfully submitted,

Geri Holland
Executive Assistant
Date Approved: 11/1/05