

TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: May 30, 2006
MINUTES

Members Present: Muriel E. Kramer, Chairman; Mary C. Pratt (Mrs. Pratt entered the meeting at 5:45 p.m.), Vice-Chairman; Leonard A. Holden, Ronald M. Clark; Michael W. Shepard

Others Present: Attorney Laurence Faiman, Town Counsel; John T. Gaucher, DPW Director; Sue Nydam, Regional Controller from Wheelabrator; Ronald Eldridge; Marie Eldridge; David Goldman; Brian Morrison; Nancy Peters; Robert Falcione, HopNews; Selectmen's Office Theodore D. Kozak, Executive Secretary, and Geri Holland, Executive Assistant.

Open Public Session (Room 211)

5:30 p.m. Mrs. Kramer, Chairman, opened the public session.

Waste Disposal Agreement Discussion: John T. Gaucher, DPW Director, and Sue Nydam, Wheelabrator

Mrs. Kramer invited Mr. Gaucher to give the background information regarding the discussions regarding the Waste Disposal Agreement dated May 19, 2006 for a term of 20 years between the Town of Hopkinton and Wheelabrator Millbury, Inc., to dispose residential solid waste. Mr. Gaucher said that over the last eighteen months a negotiating team consisting of nine communities, which he was an alternate team member, made up of thirty-six Wheelabrator communities, whose goal was to analyze other waste energy facilities. Mr. Gaucher also said that the negotiating team hired Kopelman and Paige to prepare a twenty year agreement to present to Wheelabrator which he presented to the Board. Mr. Gaucher said that the Wheelabrator was the only long term contract available to the Town, as the other scenarios were for five year, and that the long term contract saves the Town money. Mr. Gaucher gave an overview of the contract and the projected rates stating that the tipping fee at the start of the new contract is projected at \$68 per ton with a 4% consumer Pricing Index (CPI) and is guaranteed not to exceed \$70.50 per ton; and that throughout the term of the new contract the escalation rate would be 75% of the CPI. Mr. Gaucher said that the Town needs to execute the Agreement by June 1, 2006 in order to take advantage of the long-term twenty year agreement; and, if not, Wheelabrator would only offer a five year Agreement to those communities who choose to not enter into the Agreement by the June 1st date. Mr. Gaucher said that thirty-three of the thirty-six communities have signed the Agreement. He pointed out that the negotiating team unanimously endorsed the Agreement. When Mr. Clark asked if the DPW Advisory Committee had reviewed the Agreement, Mr. Kozak responded that they have and believe the Agreement to be the best deal, but have not formally voted its endorsement. Ms. Nydam explained incentives for the Town to renew their contract with Wheelabrator. Mr. Kozak pointed out that MIIA, the Town's insurance carrier would not subrogate Wheelabrator; and after discussing this with Town Counsel and Kopelman and Paige, Mr. Kozak was informed that Wheelabrator's attorney would resolve this issue. Mr. Kozak said that he was advised by Kopelman and Paige to still move forward with executing the Agreement. Mr. Kozak said that, if needed, the Town could obtain another insurance company. The Board agreed to continue this discussion at 7:00 p.m. in Room 215.

6:00 p.m. Mr. Gaucher and Ms. Nydam left the meeting at this time.

Charter Commission Discussion: Interim Town Manager Position

Mrs. Kramer asked Marie Eldridge, Chairman of the Charter Commission, if an Interim Town Manager needs to be hired before hiring a Town Manager, and what the Board of Selectmen need to do in regards to this issue. Mrs. Eldridge gave an overview of the Town Charter's timeline and questioned how an Interim Town Manager could be hired without a Town Manager in place beforehand. Mr. Kozak read the Town Charter that states under Article 4 Section 4-4: "Pending the appointment of a Town Manager or filling of any vacancy, the Board of Selectmen shall, within a reasonable period of time, not to exceed fourteen (14) days appoint some other capable

person to temporarily perform the duties of the Town Manager until a permanent replacement is appointed.” He said that after speaking to a Charter Commission member, he was told that the Charter Commission did not talk about this, so he called Town Counsel who said that it would be the role of the Board of Selectmen to determine if whether or not they would like to appoint an Interim Town Manager. Attorney Faiman said that it would not be inappropriate for the Board of Selectmen to appoint an Interim Town Manager at this time. Mr. Shepard said that he does not believe there is any advantage to appointment an Interim Town Manger and that it would be interfering with the Town Manager process. He agrees with the Board of Selectmen’s original vote taken on May 16, 2006 to not appoint an Interim Town Manager. Mrs. Kramer agreed with Mr. Shepard, and asked if the Board of Selectmen has an obligation to develop the Town Manager job description or would this be the goal of the Town Manager Screening Committee, once they are appointed. Mr. Clark stated that the Board of Selectmen should review the job description that the Charter Commission drafted and ask for input from the Personnel Committee. Mrs. Pratt added that other Towns could be contacted for input. Mr. Clark said that the Board of Selectmen should have a major role in preparing the Town Manager’s job description. Mrs. Kramer asked Mr. Clark, as the Board of Selectmen’s liaison to the Personnel Committee, to approach Mr. Parnia, Chairman of the Personnel Committee, and Mrs. Downing, Human Resources Director, to work with them on the Town Manager job description.

Selectmen’s Goals/Liaison Assignments Discussion:

Mrs. Kramer began the discussion regarding the Board of Selectmen setting their goals and liaison assignments for Fiscal Year 2007. Mrs. Kramer thanked everyone for their input and stated her belief that this Board is off to a good start, and would like to avoid debates at public meetings. She would like the Board’s meeting to be efficient and is looking forward to a cooperative and productive year. Mrs. Kramer said that she would like the Board’s goals to include working towards the development of Fruit Street’s wastewater treatment plant and a new elementary school, to working towards completion of the Town Charter’s timeline, and to be creative with the implementation of the Town budget. Mrs. Kramer opened up the discussion by asking other Board members to state their priority issues. Mr. Holden agreed with the development of Fruit Street. He added that he would like the Board to also address traffic and parking concerns which he believes goes hand in hand with economic development. Mrs. Pratt would like the Board to address the issue of the Town’s athletic fields and look at mitigation versus impact fees. Mr. Shepard agreed with the other Board members goals and would also like to add researching the possibility of utilizing the Center School for Town offices including a Youth Center, School Superintendent’s office. He said that the Center School is a town asset, so no matter how the Town uses it as a resource, it would be good and would relieve space issues. Mr. Shepard suggested renting or leasing the Town Hall so that the Town doesn’t lose this facility. Mr. Clark said that he would like it if the entire Board of Selectmen would support Town Meeting votes for the development of the Fruit Street property. He would also like the Board to find a way to change the tone from the past election when members of the Board’s honesty, and integrity were questioned and letters were filed to the Ethics Commission this past January 2006. He believes that apologies need to be made. Mrs. Kramer responded that this issue is not part of the goals’ discussion, and that she is requesting for key issues as goals from the Board. Mr. Clark said that this is a key issue and wishes to discuss this on live cable. Mrs. Kramer asked the Board to submit feedback of their goals to Mr. Kozak that should include achievable or measurable goals with an emphasis on interest and expertise.

Move into Executive Session

6:35 p.m. Mrs. Kramer entertained a motion to move into executive session for the purpose of discussing litigation and the discussion has concluded, the Board would then move back into public session to continue the open meeting. **So moved Mr. Clark. Second Mrs. Pratt. The roll call votes follow: Mrs. Kramer: yes; Mrs. Pratt: yes; Mr. Holden: yes; Mr. Clark: yes; Mr. Shepard: yes. Unanimously voted.**

6:55 p.m. Mrs. Kramer resumed the public session. Attorney Faiman, Town Counsel, joined the meeting at this time.

Re-open Public Session/Pledge of Allegiance (Room 215)

Members Present: Muriel E. Kramer, Chairman; Mary C. Pratt, Vice-Chairman; Leonard A. Holden, Ronald M. Clark; Michael W. Shepard

Others Present: HCAM Station: Mike Torosian; HopNews: Robert Falcione; MetroWest News: Cathy Flynn; Hopkinton Independent: Michele Murdock; F. Eric Sonnett; Conservation Commission: Robert Murphy, Chairman; DPW Director, John T. Gaucher; Fire Chief Gary Daugherty; Police Chief Daugherty; School Department: Dr. John Phelan, Superintendent, and Kevin Lyons, Assistant School Superintendent; Brian Morrison; Board of Appeals: Wayne Davie, Chairman, and Michael DiMascio; Town Clerk: Ann Click; Board of Assessors: Dr. John Duffy; Meg Tyler; Mark Furber; Gail Clifford; Andre Griben; Board of Health: Nancy Peters; David Goldman; Selectmen's Office Theodore D. Kozak, Executive Secretary, and Geri Holland, Executive Assistant.

Selectmen's Minutes: 5/9/06; 5/16/06

Vote: Mrs. Kramer entertained a motion to approve the May 9, 2006 Selectmen's minutes. **So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.** Mr. Clark abstained from the vote as he was not present at this meeting.

Vote: Mrs. Kramer entertained a motion to approve the May 16, 2006 Selectmen's minutes. **So moved Mrs. Pratt. Second Mr. Holden. Unanimously voted.**

Recognition of F. Eric Sonnett

Mrs. Kramer invited Mr. Sonnett to receive recognition from members of the Board for his membership on the Board of Selectmen for the past five years. Each Board member recognized Mr. Sonnett for his tenure on the Board and presented him with a plaque that stated his commitment of purpose required for such an achievement. Mr. Sonnett thanked the Board members for their statements and presentation.

Recognition of the Hopkinton's Fire, Police, and School Departments:

Mrs. Kramer recognized Fire Chief Gary Daugherty and members of the Hopkinton Fire Department, and Police Chief Irvin, and members of the Hopkinton Police Department, for their continued dedicated service to the community, in particular for their efficient handling of a dangerous situation that occurred on Friday, May 19, 2006 when a truck carrying liquid methane gas tipped over on the MA Pike in Hopkinton. Board members recognized the HFD and HPD for continuously putting the safety of others before themselves, and presented both chiefs with a proclamation stating the Town's appreciation. Both Fire Chief Daugherty and Police Chief Irvin thanked the Board, on behalf of their department, for the recognition and support.

The Board then recognized Dr. John Phelan, School Superintendent, and the Hopkinton School Department for their efficient management in notifying all families who had to be evacuated on Friday, May 19, 2006 when the truck carrying liquid methane gas tipped over in close proximity to their neighborhood. Dr. Phelan's noted Dr. Lyons' well-organized emergency response during this situation.

Waste Disposal Agreement: John T. Gaucher, DPW Director

Mrs. Kramer invited Mr. Gaucher to give the background information regarding the discussions for the renewal of the waste disposal agreement for a term of 20 years between the Town of Hopkinton and Wheelabrator Millbury, Inc., to dispose residential solid waste. Mr. Gaucher, DPW Director, gave an overview of a potential twenty (20) year Waste Disposal Agreement with Wheelabrator of Millbury. Mr. Gaucher said that over the last eighteen months a negotiating team consisting of nine communities, which he was an alternate team member, made up of thirty-six Wheelabrator communities, whose goal was to analyze other waste energy facilities. Mr. Gaucher also said that the negotiating team hired Kopelman and Paige to prepare a twenty year agreement to present to Wheelabrator which he presented to the Board. Mr. Gaucher said that the Wheelabrator was the only long term contract available to the Town, as the other scenarios were for five year, and that the long term contract saves the Town money. Mr. Gaucher said that the Town needs to execute the Agreement by June 1,

2006 in order to take advantage of the long-term twenty year agreement; and, if not, Wheelabrator would only offer a five year Agreement to those communities who choose to not enter into the Agreement by the June 1st date. Mr. Gaucher said that thirty-three of the thirty-six communities have signed the Agreement. He pointed out that the negotiating team unanimously endorsed the Agreement. Mr. Kozak said that the DPW Advisory Committee has reviewed the Agreement and endorse it, but they have not formally voted its endorsement. Mr. Kozak pointed out that MIIA, the Town's insurance carrier would not subrogate Wheelabrator. He said that he discussed this with Town Counsel and Kopelman and Paige who spoke to Wheelabrator's attorney. Mr. Kozak was informed that Wheelabrator's attorney would resolve this issue. Mr. Kozak said that he was advised by Kopelman and Paige to move forward with executing the Agreement. Mr. Kozak said that, if needed, the Town could obtain another insurance company. Attorney Faiman said that he reviewed the Agreement and recommends moving forward with executing the Agreement.

Vote: Mrs. Kramer entertained a motion to approve for signature the Waste Disposal Agreement for a term of 20 years between the Town of Hopkinton and Wheelabrator Millbury, Inc. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

Septic System/Water Control Program Borrowing

Mr. Kozak said that the Community Septic Management Program Loan that relates to a loan agreement)#T5-97-1110-C) from the Massachusetts Water Pollution Abatement Trust is ready to be executed, and the Town Treasurer requests the Board to sign the Note and copies of each Certificate and the certified vote by the Board of Selectmen. Mr. Kozak said that the purpose of the loan of \$200,000 with an interest rate of 2% is to finance the cost of the Town's community septic management program.

Vote: Mrs. Kramer entertained a motion to approve for signature the Community Septic Management Program Loan. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Legal Assistance Request: Board of Registrars

Mrs. Kramer read a legal assistance request from the Board of Registrars for five to seven hours of Town Counsel's opinion and advice relative to the recount of the Annual Town Election's ballot question #4 that called for an override vote. **So moved Mr. Holden. Second Mr. Shepard.**

Discussion: Mrs. Click, Town Clerk, said that the recount is scheduled on Saturday, June 10 beginning at 8 a.m. at the Senior Center. Mrs. Click anticipates about 30 attendees and that observers from the advocates of the override and the recount would each have representation at the recount. She added that a police officer would be present during the recount. **Unanimously voted.**

Accept gift to the Senior Center from New England Laborers' Training Trust Fund: Dr. Duffy. BoA

Dr. Duffy, Chairman of the Board of Assessor, said that the New England Laborers' Training Trust Fund donated a check in the amount of \$15,000 in lieu of taxes as a gift to the Town of Hopkinton to fund furnishing and equipment for the new Senior Center's function hall. Mrs. Kramer read the letter from James Merloni, Jr. Administrator of the New England Laborers' Training Trust Fund, and thanked Dr. Duffy for speaking about the contribution. It was noted to send a letter to Mr. Merloni, Jr. thanking him for the gift to the Town of Hopkinton.

Vote: Mrs. Kramer entertained a motion to accept the gift of \$15,000 from New England Laborers' Training Trust Fund in lieu of taxes as a gift to the Town of Hopkinton to fund furnishing and equipment for the new Senior Center's function hall. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

Hopkinton Cultural Council (two year terms; 6 years max.; 5 min. membership; 22 max. membership): Meg Tyler

Mrs. Kramer invited Meg Tyler to give an overview of her background and state the reasons why she would like to serve on the Hopkinton Cultural Council. Dr. Tyler gave an overview of her experience including interest as a poet/writer. She presently is an Assistant Professor of Humanities at Boston University. She believes her

experience would be helpful in serving on the Council. The Board commented positively about Dr. Tyler's background and supported her appointment to the Hopkinton Cultural Council.

Vote: Mrs. Kramer entertained a motion to appoint Meg Tyler to the Hopkinton Cultural Council for a two year term effective July 1, 2006. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Community Preservation Committee (one vacancy; 3 year term to '09): 1.) Mark J. Furber; 2.) Andre Griben

Mrs. Kramer said that the Community Preservation Committee's vacancy is for an unexpired term to 2006. Mrs. Kramer said that the Board would interview both candidates and then the candidate with the majority vote would be appointed to this unexpired term left by Linda Henderson. She invited candidates, Mark J. Furber and Andre Griben, to give an overview of their backgrounds and state why they would like to serve on the Community Preservation Committee. Mr. Griben stated that he has lived in Town since 1989 and would like to give back to the Town. He is a member of the Woodville Historic District Committee. Mr. Furber stated that he is presently serving on the Trails Committee and is a member of the Hopkinton Area Land Trust and Friends of Lake Whitehall. Both candidates said that they have the necessary time to serve on the CPC. Board members had a chance to ask questions and make comments. Mrs. Kramer thanked both candidates and encouraged them that should they not be appointed this evening, to look for other volunteer opportunities.

Vote: Mrs. Kramer entertained a motion to nominate both Mr. Furber and Mr. Griben for consideration to serve on the Community Preservation Committee. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to appoint Mr. Furber to the Community Preservation Committee for a three-year term to 2009. **Second Mrs. Pratt. Mrs. Kramer: yes; Mrs. Pratt: yes; Mr. Shepard: yes; Mr. Holden: no; Mr. Clark: no. So voted.**

Mr. Furber is appointed to the Community Preservation Committee for a three-year term to 2009.

Land Use Study Committee (one vacancy; term to Life of Project): 1.) Brian Morrison

Mrs. Kramer commented that Mr. Morrison withdrew his name for consideration on the Land Use Study Committee. Mrs. Kramer said that with Mr. Morrison's recent withdrawal, she would ask to be considered for the at large vacancy as the Chairman of the Board of Selectmen, and that the discussion to expand the Land Use Study Committee is no longer necessary. Mrs. Kramer asked for a motion to appoint her to the Land Use Study Committee.

Vote: Mr. Clark motioned to appoint Muriel Kramer to the Land Use Study Committee as an at large member for the Life of the Project. **Second Mrs. Pratt. Unanimously voted.**

Wetlands Protection Act Fund Expenditures (4th Quarter; FY'06): Robert Murphy, Con Com Chairman

Robert Murphy presented the projected Wetlands Protection Act Fund expenditures totaling \$1,500 for the 4th quarter in Fiscal Year 2006. The expenditures follow: Legal consultant: \$0; Environmental consultants: \$0; Copying (general office copying in support of the administration and enforcement of the Act): \$100; Postage (mailings and postage in support of the administration and enforcement of the Act): \$250; Office supplies (Stationery, business cards, paper, misc. supplies used in the administration and enforcement of the Act (pro-rata apportionment between WPA and Bylaw expenses): \$400; Advertising: \$0 (generally paid by the applicant); Equipment (digital camera memory stick and equipment used in the administration and enforcement of the Act): \$50; Mileage (reimbursement for local travel to sites as part of the administration and enforcement of the Act): \$300; MACC membership fees: \$400; Mapping: \$0. It is noted on the expenditures sheet that expenditures are subject to refinement as filings occur.

Vote: Mrs. Kramer entertained a motion to approve the Wetlands Protection Act Fund Expenditures totaling \$1,500 for the 4th quarter in Fiscal Year 2006, as submitted. **So moved Mrs. Pratt Second Mr. Shepard.**

Discussion: Mr. Clark first wished to congratulate Mr. Murphy in getting information out to the public. Mr.

Clark urged Mr. Murphy to include the Notice of Intent (NOI) and to state specific expenses not general expenses. Mr. Shepard asked why the Conservation Commissioner, Mr. Murphy, was here presenting these expenditures for the Board's approval. He said that the Board doesn't require the Board of Appeals, and Planning Board to submit their expenditures, so why is this required from the Conservation Commission. Mr. Kozak said that this is a requirement with the Wetlands Protection Act Fund or else it would need to be approved at Town Meeting. The Board discussed if the Conservation Commission could submit a memo to the Board of Selectmen of their Wetlands Protection Act Fund Expenditures.

Vote: Mrs. Kramer entertained a motion to allow the Conservation Commission to submit a memo to the Board of Selectmen of their Wetlands Protection Act Fund Expenditures, and then if there are any questions, the Board could invite them to a Selectmen's meeting to present their expenditures. **Second Mr. Shepard.**

Discussion: Mr. Clark commented that he would like to discuss the issue of the Commission being able to operate efficiently. Mrs. Kramer said that the WPA is according to the law.

Mr. Shepard amended the vote to ask the Conservation Commissioners to submit their WPA expenditures in writing to the Board and if there are any questions, to ask them to attend a Selectmen's meeting to answer any questions that the Board might have. Mr. Clark asked why the Board is reluctant to work together more efficiently and believes that this vote is a piecemeal solution. Mrs. Kramer responded that Mr. Clark's comment does not apply to the motion. **So moved Mrs. Pratt. Unanimously voted.**

Water Resources Protection Overlay District

Mrs. Kramer said that Brian Morrison requested to address the issue of an omission within the Town of Hopkinton's proposed Delineation of Zone III to the proposed H-2 well which is the subject of the Town's recent Water Permit Application. Mr. Clark asked why the Board is discussing this issue at this time and called for a point of order. He said that this zoning issue was discussed at the recent Town meeting to accept the Water Resources Protection Overlay District (WRPOD), and pointed out that it was not approved by Town meeting vote. He said that the Board should allow other Town committees, inferring the Planning Board and Zoning Board of Appeals, to do their job; and secondly, to support the Town Meeting vote which was discussed for two hours on May 2nd. He pointed out that residents spoke at Town Meeting and that the applicant should go back through the process. Mrs. Kramer responded that this is the people's government and suggested listening to what the resident, Mr. Morrison, has to say. Mr. Clark called for a point of order. Mr. Shepard said that he did not understand why the Board was having this discussion, and believes the issue should not be discussed by the Board and for the applicant to go to Zoning Advisory in the fall. Mr. Holden agreed with Mr. Shepard. Mrs. Pratt said that Mr. Morrison's plan deserved to be heard and there are too many unanswered questions about this issue. Mr. Davies, Chairman of the ZBA, suggested that the Board treat this issue as a policy matter rather than a zoning bylaw to decide which water resources need to be protected. He also commented that the Board of Appeals would be interpreting the intent of the Town Meeting vote. Mr. Clark suggested that Mrs. Pratt step off the Board as this issue is a conflict of interest, but Mrs. Pratt claimed that the Board would be discussing policy and remained on the Board. Mr. Clark suggested waiting to hold a hearing until the Department of Environmental Protection (DEP) reviews plans for the well and makes recommendations for a new protective zone which would happen during the summer.

Vote: Mr. Clark motioned that the Board of Selectmen support the 2006 Annual Town meeting vote for the revised overlay protection district map and to wait to hear from the Department of Protection for the delineation of the proposed new well. **Second Mr. Shepard.** The votes follow: Mrs. Kramer: yes; Mrs. Pratt: no; Mr. Holden: yes; Mr. Clark: yes; Mr. Shepard: yes. **So voted**

Vote: Mr. Shepard motioned to allow the Board of Selectmen to hold a discussion regarding the protection of Town water, to allow Mr. Morrison to present information and invite Earth Tech consultants as well to discuss this issue, but to not take any action, as recommended by Mr. Clark, and to respect the Town Meeting vote. **Second Mrs. Kramer.**

Discussion: Mr. Clark commented to hold off on any recommendations and respect the vote at the 2006 Town meeting floor. He added that it's too soon to get into this comment period and reiterated to let DEP and MEPA do its work and wait until the fall to get going on this again. Mrs. Kramer commented that no one is interested in overturning Town meeting vote, but that the Board of Selectmen should address this type of issue presentation in July. Mr. Clark called for a point of order and pointed out that the summer is considered "downtime" and that the Board would most likely not receive any scientific information from the DPW in July.

Mr. Shepard amended his motion that the Board discuss this in July, and pointed out that this would in no way be considered as questioning the Town meeting vote, but that it would give the public a chance to speak to this issue. **Second Mrs. Kramer.** The votes follow: Mrs. Kramer: yes; Mrs. Pratt: yes; Mr. Holden: no; Mr. Clark: no; Mr. Shepard: yes. **So voted.**

Mrs. Kramer said that she would work on a framework for the July meeting.

Old Business/New Business

Mrs. Kramer announced that there would be a new Selectmen's agenda item at the meeting entitled Old Business/New Business which the Board could take advantage to either present an issue for a future agenda or to give a brief synopsis of a previous issue that had been addressed by the Board.

Readout

Mrs. Kramer read a memo from Town Clerk, Ann Click, stating that she is convening the first Town Manager Screening Committee on Wednesday, June 14 at 7:30 a.m. in the Town Hall which is within the 30-day timeframe of the establishment of the new Town Charter.

Mrs. Kramer read an announcement of a reception to honor Town Counsel, Attorney Faiman, who is retiring after thirty years of dedicated service to the Town. The event is scheduled on Thursday, June 22 at the Hopkinton Country Club between the hours of 6 p.m. to 8 p.m.

Vote to file legislation approved of articles at the recent Annual Town Meeting

Mr. Kozak said that there are three articles that were approved at the 2006 Annual Town meeting that need to be certified by the Town Clerk and then filed with the General Court in Boston. He reviewed the following articles:

1. **ARTICLE 28. Voted:** that the Town authorizes the Board of Selectmen to petition the General Court to amend Chapter 19 of the Acts of 1999 which authorizes the Town to establish an Open Space Preservation Fund by deleting subsection (a) and subsection (b) from Section 11 thereof and by further providing that all moneys received by the Town pursuant to the means referred to in subsections (a) and (b) of Section 11 be deposited into the Town's Stabilization Fund. **Passed by: Yes: 162; No: 90 (05-03-06)**
2. **ARTICLE 56. Voted:** that the Town authorizes the Board of Selectmen to petition the General Court to permit the Town to purchase the North Pond/Lake Maspencock Dam which is located outside the limits of the Town of Hopkinton and to take all other action in furtherance of the purposes of this article deemed necessary or appropriate by the Board of Selectmen. **Passed by: Voice Vote Unanimous**
3. **ARTICLE 58. Voted:** that the Town authorizes the Board of Selectmen to petition the General Court to amend the legislation which authorized the creation of the Department of Public Works, as voted under Article 57 of the May 4, 1998, Annual Town Meeting; such amendment to create an elected Board of Public Works, consisting of three members which would have all the responsibility for the Department of Public Works as is currently exercised by the Board of Selectmen and pass any vote or take any and all necessary or appropriate action to diligently accomplish this purpose, including the calling for a special election for the Board of Public Works no later than ninety (90) days after the enactment of the legislative amendment. **Passed by: Yes: 61; No: 54 (05-04-06)**

Mr. Kozak said that he would send the certified copies of the votes to State Rep. Paul Loscocco. Mr. Clark asked if the Town could be notified when the hearing dates are scheduled. Mr. Kozak responded that he would include that request in his letter to Rep. Loscocco.

Vote: Mrs. Kramer entertained a motion to authorize sending certified copies of the Town Meeting articles to be filed with the General Court. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Town Manager Search Committee:

Mrs. Kramer announced the Town Manager Search Committee two (2) at large positions, and requested interested persons to submit letters of interest and a resume by June 13 as the interviews are scheduled at the June 13 Selectmen's meeting.

Special Officer Appointment: Michael Shepard

Vote: Mrs. Kramer entertained a motion to appoint Selectman, Michael Shepard, as a Special Officer. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

Appointment to the Board of Appeals (five year term to '11): Michael DiMascio

Mrs. Kramer stated that in regards to the annual Town committee reappointments, Mr. Vascen Bogigian did not wish to seek a re-appointment as a full member on the Board of Appeals, and that the practice of the Board of Appeals is to first seek a candidate for full membership from the Associate membership on the Board of Appeals as they have acquired the knowledge from serving as an associate member. Mr. Wayne Davies, Chairman of the Zoning Board of Appeals (ZBA), stated the ZBA recommends associate member, Michael DiMascio, to full-membership on the Board as he not only has served as an associate member for a number of years, and has participated in a number of meetings and public hearings. Mr. DiMascio gave an overview of his background including his profession as an engineer in fire protection. He said that he has the time to serve as a full-member.

Vote: Mrs. Kramer entertained a motion to appoint Michael DiMascio as a full-member on the Board of Appeals for a five year term to 2011. **So moved Mrs. Pratt.** Mr. Clark stated point of order and said that the Board's practice is to ask questions of all candidates before appointments. Mr. Clark then stated that Mr. Bogigian also stated his support of Mr. DiMascio's full-membership. **Second Mr. Shepard. Unanimously voted.**

2006 Boston Marathon expenses

The Board of Selectmen agreed to table expenses incurred from the 2006 Boston Marathon from two invoices from Midland Graphics in the amounts of \$278.23 and \$119.80 so as to obtain more information regarding these expenditures. Mrs. Kramer noted that the balance in the Marathon fund account is \$33,455.58.

Marathon Fund Requests: 1.) Hopkinton Girl Scouts; 2.) Babe Ruth Baseball

Vote: Mrs. Kramer entertained a motion to approve a Marathon Fund request from the Hopkinton Girl Scouts, Troop 3812, for \$3,500 for the purpose of helping to fund materials for a ten station fitness trail at EMC Park that will be done by the Girl Scouts. **So moved Mr. Holden. Second Mrs. Pratt. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve a Marathon Fund request from the Babe Ruth Baseball organization for \$942.50 for the purpose of funding the cost of new hats for 130 players in this year's program. **So moved Mr. Holden. Second Mr. Shepard. Unanimously voted.**

Meeting Adjourned:

9:40 p.m. Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Holden. Second Mrs. Pratt. Unanimously voted.**

Respectfully submitted,

Geri Holland, Executive Assistant

Date approved: 7/25/06