

TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: July 11, 2006
MINUTES

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

Others Present: HCAM: Beth Fernier; HopNews: Kevin Kohrt; MetroWest News: John Hilliard; DPW: John T. Gaucher, Director; Barry Rosenbloom; Joanne Morgan; School Department: Al Rogers; Beth Herlihy; Downtown Revitalization Committee: Deb Brug and Scott Richardson, Chairman; Board of Appeals: Tom Garabedian, Chairman; Recycling Committee: Tom Drechsler, Chairman; Veteran's Celebration Committee: Glen Layton, Chairman; Selectmen's Office Theodore D. Kozak, Executive Secretary, Geri Holland, Executive Assistant.

Open Public Session

7:00 p.m. Mrs. Kramer opened the public session and invited everyone to stand for the Pledge of Allegiance.

Board of Selectmen's Minutes:

Vote: Mrs. Kramer entertained a motion to approve the June 27, 2006 executive session minutes. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

DPW Budget Transfers: John T. Gaucher, DPW Director

Mr. Gaucher requested Fiscal Year 2006 transfers as follows: Dept. #361 Highway Salaries to Dept. #704 Highway Maintenance supplies for \$9,668.44; Dept. #108 Road Maintenance to Dept. #704 Highway Maintenance supplies for \$6,966; Dept. #294 Tree Warden to Dept. #704 Highway Maintenance supplies for \$4,798.86; and Dept. #294 Tree Warden to Dept. #499 DPW salaries for \$201.14. He said that these transfers are to cover unexpected expenses in heating equipment replacement at Fruit Street and the Cemetery Building, and lightening strikes at traffic signals It was noted that this request would be presented to the Appropriation Committee for approval at its meeting scheduled on July 12, 2006.

Vote: Mrs. Kramer entertained a motion to approve the request to transfer the following: Dept. #361 Highway Salaries to Dept. #704 Highway Maintenance supplies for \$9,668.44; Dept. #108 Road Maintenance to Dept. #704 Highway Maintenance supplies for \$6,966; Dept. #294 Tree Warden to Dept. #704 Highway Maintenance supplies for \$4,798.86; and Dept. #294 Tree Warden to Dept. #499 DPW salaries for \$201.14. **So moved Mr. Holden. Second Mrs. Pratt. Unanimously voted.**

Reserve Fund Transfer Requests

Mr. Kozak presented the two (2) following Reserve Fund Transfer requests: 1.) The amount requested is \$2,950 to be transferred to employee benefits #094 to be used for unemployment benefits. Mr. Kozak said that this expenditure is for unforeseen unemployment claims in the School Department; 2.) The amount requested is \$1,700 to be transferred to #0065 Street Lights. Mr. Kozak said that this expenditure is due to rate increases.

Vote: Mrs. Kramer entertained a motion to approve the Reserve Fund Transfer requests for the employee benefits line #094 and Street Lights line #0065. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

Recycling Committee Interview: (five (5) member board; three (3) year terms; two (2) vacancies; terms to '09 & '08) Candidate: 1.) Barry Rosenbloom

Mr. Rosenbloom gave an overview of his background and stated his willingness to help if appointed to the Recycling Committee. He said that he attended a recent June meeting and learned about the Committee's goals and objectives. Mr. Rosenbloom said that he has the time to serve. The Board thanked Mr. Rosenbloom for his willingness to serve the community.

Vote: Mrs. Kramer entertained a motion to appoint Barry Rosenbloom to the Recycling Committee to a three year term to 2009. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

Housing Committee Resignation: Mary Harrington

Mrs. Kramer read a letter from Mary Harrington that informs the Board of her resignation from the Housing Committee effective July 20, 2006.

Vote: Mrs. Kramer entertained a motion to accept with regret Mary Harrington's resignation from the Housing Committee. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.** The Board requests that a letter is sent to Mrs. Harrington to thank her for her service on the Housing Committee.

Veteran's Celebration Committee Resignation: Marj Wright

Mrs. Kramer read Marj Wright's resignation from the Veteran's Celebration Committee effective immediately.

Vote: Mrs. Kramer entertained a motion to accept with regret Marj Wright's resignation from the Veteran's Celebration Committee. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.** The Board requests that a letter is sent to Mrs. Wright to thank her for her service on the Veteran's Celebration Committee.

Special Municipal Employee Status

Mr. Kozak said that several years ago (December 16, 1999) Robert Foster, as a member of the Board of Appeals, wrote a letter to the Town Clerk disclosing that he performed contracts to the Planning Board to review construction of certain subdivisions in the town; and that the Board of Selectmen, upon the recommendation of Town Counsel, voted at its meeting on January 4, 2000 to grant Mr. Foster exemption as a Special Municipal Employee that allowed him as a municipal employee to also perform work for the town with certain conditions as stated in the letter (see attachment). Mr. Kozak said that in a letter from Mr. Davies, Chairman of the Board of Appeals, he believes that according to state statute, all of the members of the Board of Appeals should be deemed to be "Special Employees", and that this is not clear from the record; and that Town Counsel reviewed the issue, and vote to clarify the status of the positions, not the person, or members of the Board of Appeals as "Special Employees". Mr. Shepard then gave an overview of what Special Employee Status means and that the State applies this status to a group rather than an individual. He said that the State allows this for a small town as Hopkinton as it is realized that the volunteer pool is smaller. Mrs. Kramer commented that appointing the whole Board of Appeals Special Municipal status would be straight forward for Mr. Foster when performing work for the Planning Board.

Vote: Mr. Shepard motions to grant the Board of Appeals Special Municipal Employee status. **Second Mr. Holden. Unanimously voted.** Mr. Shepard asked to inform the Town Clerk and State Ethics Commission of this action by the Board.

Legal Assistance Request: Board of Appeals

Mr. Kozak noted that the Board of Appeal's chairman was not at the meeting, and presented the Board of Appeal's legal assistance request for fifteen hours of Town Counsel's court representation relative to litigation filed against the Board of Appeals by Bucklin Spring Real Estate Company, constituting an appeal of a denial of a Petition for a Variance by the Board of Appeals under Decision dated June 13, 2006. Mr. Clark

recommended approving a maximum of five hours of legal assistance, and, if more hours are needed, the Board of Appeals could submit another request for additional hours.

Vote: Mr. Clark motioned to approve the Board of Appeals; legal assistance request of a maximum of five hours of Town Counsel's court representation relative to litigation filed against the Board of Appeals by Bucklin Spring Real Estate Company. **Second Mr. Shepard. Unanimously voted.**

Town Manager Position: Job description and organizational structure

Mrs. Kramer said that at the July 12 Town Manager Screening Committee meeting, the TMSC requested the Board of Selectmen's input regarding the Town Manager's job description etc. She also pointed out that a Board of Selectmen's meeting would be posted for all of the TMSC meetings should any Board members like to attend a meeting. Mrs. Kramer said that the Town Manager's job description is parallel to the Fire and Police Chief's job descriptions that being a "strong manager". Mrs. Pratt said that the Personnel Committee is looking at the salary requirements, and asked who would be setting the salary range. She believes the range should depend on qualifications. Mr. Clark responded that the Board of Selectmen should take the lead and for the Personnel Committee to research what other area Town Manager's salaries are and come back to the Board of Selectmen with a recommendation. Mrs. Kramer said that she believes that the Personnel Committee has initiated this process. There was a discussion regarding the Board focusing on the Town Manager's job description and what is important to the Board in looking in this managerial position such as the candidate having municipal experience. Mr. Shepard commented that to give the TMSC the flexibility along with the Personnel Committee and Mr. Clark, as the Board's liaison to the PC, to determine the candidate's qualification and not pass over a candidate because they did not have experience in working for a town. He said that the Board could make a list of qualifications, but expects that candidates would have all the necessary qualifications. Mrs. Pratt favored potential candidates to have some kind of municipal experience which might include experience as a municipal volunteer. Mr. Holden disagreed with Mrs. Pratt and said that the Board should not rule out a candidate who did not have municipal experience. Mr. Clark pointed out that the Board might like to rank what skills are most important to them in looking at candidates' qualifications.

VETERAN'S CELEBRATION COMMITTEE: *(seven (7) member board; three (3) vacancies; one (1) year terms to '07) Candidates: 1) Dale Danahy (unable to attend); 2.) Joanne Morgan; 3.) Judi Murphy (unable to attend)*

Mrs. Kramer said that Dale Danahy and Judi Murphy were unable to attend the interviews for Veteran's Celebration Committee. Mr. Shepard asked if all candidates have to be interviewed. Mrs. Kramer responded no. Mr. Shepard talked about the importance of the Veteran's Celebration Committee. He noted that all of tonight's candidates are non-veterans; and that when the committee was first established, non-veterans were encouraged to submit their applications. Mr. Shepard stated his support of these candidates.

Vote: Mr. Shepard motioned to appoint all candidates, Dale Danahy, Judi Murphy, and Joanne Morgan to the Veteran's Celebration Committee. **Second Mrs. Pratt.** **Discussion:** Mr. Clark said that he would like to hear from Joanne Morgan as he does not know her and would like to individually vote for the candidates. Mrs. Kramer agreed and asked Ms. Morgan to give an overview of her background. Ms. Morgan introduced herself and stated her experience in working towards helping Veterans and believes that they should be recognized as much as possible. Mr. Layton, Chairman of the Veteran's Celebration Committee, recommended Ms. Morgan's appointment. Mr. Clark thanked Ms. Morgan for volunteering and giving the Board an opportunity to learn more about her.

Vote: Mrs. Kramer entertained a motion to appoint Joanne Morgan to the Veteran's Celebration Committee for a one (1) year term to 2007. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to appoint Dale Danahy to the Veteran's Celebration Committee for a one (1) year term to 2007. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to appoint Judi Murphy to the Veteran's Celebration Committee for a one (1) year term to 2007. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

School Department's Marathon Expenses: Al Rogers, School Department

Mrs. Kramer asked Mr. Rogers to explain the School Department's 2006 Marathon Expense report for school personnel performing deep tine aeration on eight acres of school property for a cost of \$800 per acre totaling \$6,400. Mr. Rogers explained the aeration process that the School Department performs on the school's fields that is required after the use of the fields from the runners on the day of the Boston Marathon. Mrs. Kramer asked if the school department uses its own equipment. Mr. Rogers responded yes. Mr. Shepard asked if the school department employees perform the aeration during a normal workday. Mr. Rogers replied yes. Mr. Shepard said that he understands the school department employees receiving their pay for working during their regular workday, but has a problem with "double-dipping". Mr. Rogers explained that aerating the fields puts a lot of "wear and tear" on the machinery. Mr. Shepard said that he understands the "wear and tear" on the school department's machinery, but questions the school employees being paid overtime for work performed during their regular workday. Mrs. Pratt said that she basically agrees with Mr. Shepard's comments. She said that if the work is being done during regular time, the employees should receive regular pay and that the equipment should be maintained anyways. Mrs. Pratt commented that the cost of the work is "astronomical". Mr. Clark asked if the machinery is used for other projects. Mr. Rogers responded that the machinery is frequently used. Mr. Clark commented that he understands both Mr. Shepard's and Mr. Rogers' points, and recommended that the Board approve funds for the machine's maintenance. There was a discussion regarding Mr. Clark's suggestion and Mr. Shepard made a motion as follows:

Vote: Mr. Shepard motioned to support funding \$6,000 to the School Department for the maintenance of the aeration machine that is used to perform deep tine aeration on eight acres of school property that is used by runners on the day of the Boston Marathon. **Second Mr. Clark. Discussion:** Mrs. Kramer asked if aeration maintenance is performed annually and Mr. Rogers responded no. Mrs. Kramer asked that the school department not include the cost of labor when they submit future Marathon expenses. **Unanimously voted.**

**8:00 p.m. RECESS SELECTMEN'S MEETING to convene
APPROPRIATION APPOINTING COMMITTEE MEETING**

8:30 p.m. RE-CONVENE SELECTMEN'S MEETING

Legal Assistance Request: Board of Appeals

Mrs. Kramer noted that Mr. Garabedian, Chairman of the Board of Appeals, and Mr. Davies, member of the Board of Appeals, arrived at the meeting, and would like to address the legal assistance request by the Board of Appeals that was approved by the Board of Selectmen (BoS) earlier in the meeting for a maximum of five (5) hours for Town Counsel's court representation relative to litigation filed against the Board of Appeals by Bucklin Spring Real Estate Company. Mr. Garabedian explained the original request for fifteen (15) hours of Town Counsel, and asked the Board to re-consider its vote for a maximum of five hours. The Board discussed Mr. Garabedian's request at this time. Mr. Clark pointed out that the Board of Appeals could come before the BoS in an executive session to discuss the facts of the case. He added that the BoS need to be judicially responsible. Mrs. Pratt agrees that the Board of Selectmen need to be watchful with the Town's funds, but that they should not undermine the Board of Appeals' request and should be supportive of it. Mrs. Kramer added that the Board of Appeals could come back before the BoS to request additional hours of legal assistance, if needed. Mr. Garabedian responded that he would have no issue if the Board would like the Board of Appeals to come back for an executive session meeting, but would like the BoS to consider the Board of Appeals original request for fifteen (15) hours.

Vote: Mrs. Pratt motioned to re-address the Board of Selectmen's vote to approve a maximum of five (5) of Town Counsel's court representation to the Board of Appeal. **Second Mr. Shepard. The votes follow: Mrs. Kramer: yes; Mrs. Pratt: yes; Mr. Holden: no; Mr. Clark: no; Mr. Shepard: yes. So voted.**

Vote: Mrs. Pratt motioned to grant the Board of Appeals a maximum of ten (10) hours and, if needed, to come back before the Board, once 75% of those ten (10) hours are used to give an estimate as to how many more hours might be needed. **Second Mr. Shepard. Discussion:** Mr. Clark commented that should this motion pass, to ask the Board of Appeals to meet with the BoS in executive session to discuss the case. Mr. Garabedian agreed to meet with the Board of Selectmen in executive session. **Unanimously voted.**

Town Hall Landscaping Project: Deb Brug and Scott Richardson, Downtown Revitalization Committee

Deborah Brug, Preservation Architect and member from the Downtown Revitalization Committee, gave a presentation on the DRC's recommendations for work to be performed on the frontage of the Town Hall's landscape. Ms. Brug explained that as the Town Hall is a designated historic site, conditions have been set forth by the Historic District Commission including the usage of brick pavers, ballards as safety mechanisms at the cross walk, subtle and subdued lighting, historically appropriate landscaping plans that will not obscure the building. Ms. Brug presented sketches of improvements and talked about the removal of all three trees, a new walkway, installation of granite walls, brick paving, sunshades for interior offices, new lighting, planting of street trees and shrubs, relocation of the flagpole and historic byway sign, and the design for a bronze seal to be placed in the brick pavement in the near future. Ms. Brug pointed out that the proposed concept design for the landscaping would have minimal impact on the historic portion on the exterior and interior of the Town Hall. Mr. Richardson, Chairman of the DRC, said that he has contacted the New England Laborer's Training Center and the DPW to provide some of the labor. There was a discussion regarding the proposed plants including the height and what specimens of trees and shrubs that would be planted, and lighting on the flag. Mr. Shepard stated his concern about future snow removal and asked for the DPW's recommendation on this, and also recommended the placement of the street number on the front of the Town Hall. Mr. Richardson and Ms. Brug talked about the DRC and Historic District Commission's goals to include providing safe access to and from the Town Hall, to bring the landscaped area closer to the original streetscape of the building in its earlier periods, to provide pedestrian space that can be used to promote a more people friendly environment. Mr. Shepard also asked if the Facilities Director, Brian Main, has been asked for his input on this project. Mr. Kozak said that Mr. Main would be assisting with the bid contracts. Mr. Shepard asked about the funding, and Mr. Kozak said that the project is funded through the Community Preservation funds. Mrs. Pratt commented that she would prefer not planting deciduous trees and rather plant evergreen, as they could be pruned and controlled. Mr. Clark also recommended asking the Planning Board for its input regarding the outside lighting needs.

Vote: Mrs. Kramer entertained a motion to approve the plans as proposed. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

Fieldstone Farms Development

Mrs. Pratt referred to the proposed 40B Fieldstone Farms Development on Wood Street and a letter received by the MA Housing Finance Agency (MHFA) informing the Town of the request for a substantial change to the plan from 60 units to 96 units, and the opportunity for the town's boards to comment on the change. Mrs. Pratt said that the date to submit comment letters was originally June 26, 2006, but as the Board of Selectmen did not receive the plans with the letter from the MHFA, the date was extended to July 12, 2006. Mrs. Pratt recommended for the Board to endorse the Planning Board's comment letter dated June 26, 2006 to the MHFA, to question the number of bedrooms with the additional units and whether this addition has been approved by MA Housing Partnership. Mrs. Pratt also stated her concern of this site being a wetland area and an old dump site. She also pointed out that this site was dismissed by the DPW Advisory Committee as it was

considered inadequate due to the possibility of contamination to the wetlands. Mrs. Pratt also pointed out other factors such as stormwater runoff causing problems to Elmwood School and Elmwood Park.

Mr. Clark asked why the Board of Selectmen have to re-do what the Planning Board has done and to let them do its job with this subdivision. He said that the Board should focus on the progress in the last three years in creating affordable housing and pointed out that there are four 40B programs in Hopkinton with four more planned. He also said that the Board needs to provide a leadership role; and reiterated to let the Planning Board do its job. Mr. Shepard agreed with Mr. Clark and said that the Board has no business doing the Planning Board's work and that the BoS must support the Town Boards. He recommended sending a letter to MHFA to indicate the BoS's support of the Planning Board's recommendation. Mrs. Pratt pointed out that in regards to the Bird property in Holliston all Town Board's sent a letter to Boston; and stated her realization that the Board of Appeals has the final word on 40B properties. Mr. Garabedian, Chairman of the Board of Appeals, said that it is inappropriate to make any comments regarding this issue at this time, as it is likely that the developer will be coming before his board. Mr. Shepard cited that in regards to previous 40B projects, the BoS have sent in letters of support, but that the BoS is not equipped to perform the duties of the Planning Board or Board of Appeals.

Mr. Clark supports to send a letter to the MA Housing Finance Agency stating that the Board of Selectmen support the Town's duly elected Boards, Conservation Commission, Planning Board, Board of Health and Board of Appeals, whose job is to do their job, and suggested mentioning in the letter all of the 40B projects that the Town has been making progress with including the 90 unit housing that has been approved by MEPA for the Fruit Street property. Mr. Davies commented that it is reasonable for the Board of Selectmen to invite the applicant of a 40B project to meet with them.

Vote: Mr. Clark motioned to send a letter to MHPA stating the Board of Selectmen's support of letters sent to them by the Planning Board, Conservation Commission and Board of Appeals; and to point out the progress that the Town has made in the last three years with supporting 40B developments including the 90 unit housing that has been approved by MEPA for the Fruit Street property. **Second Mr. Holden.** Discussion: Mrs. Kramer wished to amend the motion to request for another two weeks to make recommendations on this 40B development. Mr. Shepard said he believes that the BoS do not need two additional weeks and to consider the fact that the applicant has never asked the BoS for approval and that all the BoS know is what the Planning Board, Conservation Commission and Board of Appeals has informed them. Mr. Clark amended his motion to state that the applicant, Rice Associates, has never asked for the Board of Selectmen to review or make comments to the amended plans; and therefore, the Board of Selectmen reserves its right to endorse or not endorse this proposal to a future date after this has been fulfilled by the applicant. Mr. Holden seconded the amendment. **Unanimously voted.**

Old Business/New Business

Mrs. Kramer suggested that the members of the Board of Selectmen (BoS) give their individual liaison reports during the Old Business/New Business segment of the meeting.

Mrs. Kramer noted that the BoS recently received Notice of Project Changes (NPC) for the Well and Wastewater Treatment facility on Fruit Street and for the BoS to review the documents to determine if whether or not they support them. Mr. Clark recommended putting this on the July 25 meeting and to send a letter of support. Mrs. Kramer said that there is a three hour Procurement Seminar from 7 p.m. to 10 p.m. sponsored by the State at the July 25 Selectmen's meeting, but that the meeting could be posted at 6:30 p.m. so the Board could discuss other town business.

Mr. Clark stated his concern about the leadership style of this board and commented that many of his agenda items requests have been rejected and would appreciate it if his requests be put on the agenda.

Mr. Clark then reviewed the Selectmen's goals for FY'07 and stated his disappointment that the Chairman discussed and approved the Board's goals for FY'07 and then pointed out many of the previous Board's goals were not included in the FY'07 goals such as developing the importance of the recognition and rewards program for employee's performances.

Mrs. Kramer replied that she and Mr. Shepard met to discuss the goals which were agreed to at a previous meeting. She added that the Personnel Committee is developing the recognition and rewards program. Mr. Clark asked why the Board is abandoning its previous goals. Mrs. Kramer responded that the Board still supports the goals, even though they aren't included on the FY'07 list. Mr. Clark pointed out that many of the BoS's goals are not board based goals, Mr. Clark believes that the goal to execute the Town Counsel's RFP process and hiring is very inappropriate and is not what the Board agreed to. He stated that he would like to see that goal removed. Mr. Clark motioned to add a goal to execute a Wastewater Facility Plant construction contract for FY'07. **Second Mr. Holden. Discussion:** Mr. Clark said that in the past, the Board reviews its goals before the Quarterly meeting so other boards could be involved. Mrs. Kramer said that she did ask for input from all BoS members and department heads. She added that when the BoS discussed its goals at a previous Selectmen's meeting, she and Mr. Shepard agreed to meet to review the Board's goals to present them at the June 27th Selectmen's meeting. Mr. Clark called a point of order and said that he would like to revote this issue. Mrs. Kramer responded that she had asked the members of the BoS to forward their feedback. Mrs. Kramer then reviewed the goals and pointed out the various decisions that she and Mr. Shepard made in keeping versus removing goals. Mr. Shepard said that he appreciates the BoS setting its goals over the last five years, but that the Board does not have to keep placing the same goals on its list each year. He pointed out that the Personnel Committee is still working on the goal for an employee rewards program that the BoS previously set. Mr. Shepard made the point that it is the BoS's job to support the other boards and committees, so that shouldn't be a specific goal. Mr. Shepard commented that he is comfortable with the BoS's goals as is, but stated his frustration that the BoS did not address the search for a new Town Counsel when the resignation of the previous Town Counsel was submitted in February '06. Mr. Clark said that there was no need to rush in voting the BoS's goals, and that this issue could have waited until all Board members were present; and in response to Mrs. Kramer's comment about forwarding feedback to her, he said that he had done this. Mr. Clark also responded to the issue of searching for a new Town Counsel, and pointed out that that the previous members of the BoS had taken steps towards the hiring of a new Town Counsel and stated that the Board participated in a seminar with speakers from the Attorney General's Office and City Solicitors and Town Counsel Association to assist with the process of hiring a new Town Counsel. Mr. Clark stressed that to develop an RFP for the Town Counsel position after hiring Town Counsel is not proper; and encouraged the BoS to "do the right thing" for the new Town Counsel and abide by the BoS's motion to perform an evaluation after Town Counsel has worked for the Town for nine months. Mr. Shepard said that the BoS could not change this at this point, and Mr. Clark responded that two wrongs do not make a right. **Vote:** Mr. Clark motioned to re-open the BoS's goals and add his goal to have the entire BoS support the TM vote on the Fruit Street WWTF design & construction in FY'07 even if they cannot vote on it at BoS meetings due to conflict of interest laws. Mrs. Kramer said a vote at this time would not be in order. Mr. Clark responded that this is a flawed process and hopes that next time, the goal-setting process would be much smoother.

Mr. Clark then presented his request for future agenda items such as a workshop on the Community Preservation Committee and its financial responsibility more specifically regarding the Whitehall land purchase. Mrs. Kramer said that there would be a workshop on this issue in the fall. Mr. Shepard recommended asking Town Counsel about how the Town might be potentially liable in regards to this issue. Mr. Clark agreed that this is a good idea.

Vote: Mr. Shepard motioned to request Town Counsel to research potential liability in regards to the current Whitehall land purchase issue and report back to the Selectmen at its next meeting. Mr. Clark asked to include in the motion to ask Town Counsel about any potential liability towards the town should there be a potential closing extension. **Second Mrs. Pratt. Unanimously voted.**

Mr. Clark also asked for a future agenda item to discuss the possibility of selling the land off of Lumber Street that is under the Water Department's jurisdiction; and, as the Town's Water & Sewer Commissioners, to look at this as a source of funding for the Town. Mrs. Kramer responded that the Board talked about this at its Quarterly meeting and agreed to ask the DPW Advisory Committee (DPWAC) to discuss this at its meeting; and that the DPWAC recommended surveying all town boards to ask if they foresee any future needs for this property.

Mr. Clark asked about a work session for the Board of Selectmen on how to handle public meetings, as a future agenda item. Mrs. Kramer said that she spoke to Ms. Perry, Chairman of the Voices for Vision Committee, to ask if she would facilitate the work session. Mrs. Pratt commented that she would not support paying a facilitator to run a work session in regards to this issue. She said that this is a democracy and she has the right to her opinion and vote. Mrs. Kramer pointed out that the purpose of the work session would be for the BoS to improve its ability to work together. Mr. Clark commented that Mrs. Pratt's point is a perfect example as to why this work session is needed.

Mr. Kozak gave a report on behalf of his being the liaison to the Cable Committee (CC) and said that the CC is meeting this Thursday evening to further discuss the Verizon negotiations.

Readout Mail

1. Boston Athletic Association (BAA):

Mrs. Kramer read segments of a letter from the Boston Athletic Association's Race Director, Dave McGillivray, regarding the BAA's consideration to begin the 2007 Boston Marathon earlier than the traditional noontime start. Mr. McGillivray requests the Board's response on this request for support of an earlier start. Mrs. Kramer recommended sending a letter to the Marathon Committee requesting its opinion of this change. Mr. Clark and Mr. Holden both pointed out that it's the Board of Selectmen's responsibility to respond to the BAA. It was agreed to submit a letter to the Board of Selectmen by August 1 so that the Board can respond to Mr. McGillivray.

Vote: Mr. Clark motioned to send a letter to the Marathon Committee requesting them to respond to the Board of Selectmen of its opinion regarding an earlier start time for the 2007 Boston Marathon and to send the response by August 1, 2006. **Second Mrs. Pratt.** Mr. Clark amended the vote to change the response time to August 4, 2006. **Unanimously voted.**

2. Concert on the Common Schedule:

Mrs. Kramer referred to the schedule of Concerts on the Common that began its program on July 9th and concludes on August 29 every Sunday at 5 p.m.

3. Hopkinton High School MA Alliance for Arts Education Awards Ceremony:

Mrs. Kramer announced that Hopkinton High School was recently honored with the MA Alliance for Arts Education Awards at the State House on June 8, 2006. The award honors individuals and organizations that have made exceptional contributions to art education.

4. Hopkinton State Park Program Schedule:

Mrs. Kramer announced on behalf of the MA Department of Conservation and Recreation (DCR) of its upcoming programs at Hopkinton State Park which is open to the public with park admission, and to contact www.mass.gov/drc for more info.

5. New Elementary School Update:

Mrs. Kramer referred to an email from the School Committee notifying the Board of Selectmen of its vote to put the plan for building a new elementary school on hold.

Readout Mail Process Discussion:

Mr. Clark asked about the process to decide what would be included in Readout Mail

Mrs. Kramer responded that anything that would be of community interest.

Mr. Clark pointed out that he believes a letter from the Hopkinton Chamber of Commerce recently submitted to the Selectmen's Office should be included in the Readout Mail section of the Selectmen's meeting.

Mrs. Kramer said that she has no objection to including the Chamber of Commerce's letter in the Readout section at the next Selectmen's meeting.

CPR Training for the Hopkinton Medical Reserve Corps Schedule

Mr. Kozak announced that there would be CPR training for the Hopkinton Medical Reserve Corps at the Hopkinton Fire Station that is being coordinated between the Fire Department and the Board of Health. Mr. Kozak stated that this is a regional program sponsored by the MA Board of Health.

2006 Marathon Expenditures: *Marathon Committee*

Mrs. Kramer presented expenditures for the 2006 Boston Marathon from the Marathon Committee. Mr. Holden stated that he has a problem with the Marathon Committee being accountable for their expenses. Mrs. Kramer said that the expenses are paid out of a gift fund. Mr. Clark pointed out that what is spent still belongs to the Town. Mr. Shepard recommended asking the Marathon Committee to submit an estimate for their budget before the 2007 Boston Marathon.

Vote: Mrs. Kramer entertained a motion to approve for payment an amount of \$2,657 to pay TJ Food and Spirits as submitted by the Marathon Committee. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

Accept Personnel Committee resignation: *Daniel McDowell*

Mrs. Kramer read a letter from Daniel McDowell that stated his resignation from the Personnel Committee, effective July 21, as he is relocating to North Carolina in late July.

Vote: Mrs. Kramer entertained a motion to accept with regret Mr. McDowell's resignation from the Personnel Committee effective July 21, 2006. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.** The Board requested that a thank you letter is sent to Mr. McDowell for his service on the Personnel Committee.

Meeting Adjourned:

11:00 p.m. Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

Respectfully submitted,

Geri Holland,
Executive Assistant
Date approved: 8/8/06