

**TOWN OF HOPKINTON**  
**BOARD OF SELECTMEN**  
**Meeting Date: July 25, 2006**  
**Middle School Lecture Room**  
**MINUTES**

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

**Others Present:** Beth Fernier and Mike Torosian, HCAM; DPW: John T. Gaucher, Director; School Department: Al Rogers; Maureen L. Dwinell, Town Treasurer/Collector; Elaine Lazarus, Planning Director; Police Chief Thomas Irvin; Lynn Fournier, Cemetery Commissioner; John Coolidge, Planning Board/OSPC/CPC; Dorothy Ferriter, Marathon Committee; John McInerney, Council on Aging; Roger Mezitt; Selectmen's Office Theodore D. Kozak, Executive Secretary, Geri Holland, Executive Assistant.

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**Open Public Session**

**6:15 p.m.** Mrs. Kramer opened the public session and invited everyone to stand for the Pledge of Allegiance.

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**Municipal Purpose Bond: Maureen L. Dwinell, Town Treasurer/Collector**

Mrs. Dwinell, Town Treasurer/Collector, presented State Aid Anticipation Note for \$255,233.41 with an interest rate of 4.15% or \$4,457.84 totaling \$259,691.25 and a Municipal Purpose Loan for \$8,962,000 for the purpose of and amount as follows: Development and construction of a new Senior Center: \$4,146,000; Water system improvements on West Main Street and Spring Street: \$1,000,000; Renovation of school buildings and grounds: \$540,000; Purchase of DPW equipment: \$487,000; Fire Station remodeling: \$446,000; Water main repairs: \$400,000; Design, construction, reconstruction, extension and upgrade of sewers, sewerage systems, and sewerage treatment and disposal facilities, including pumping stations and force mains: \$365,000; Acquisition of modular classrooms and renovations to the Elmwood Elementary School: \$310,000; School remodeling: \$256,000; Purchase of DPW equipment: \$215,000; Planning development of athletic fields: \$180,000; Purchase of an ambulance: \$160,000; Purchase of a six wheel dump truck: \$140,000; Water well installation: \$110,000; Senior Center remodeling: \$81,000; Planning and design of an elementary and early childhood center: \$50,000; Purchase of a one ton dump truck with plow: \$50,000; Purchase of election equipment: \$26,000.

**Vote:** Mrs. Kramer entertained a motion to approve for signature the State Aid Anticipation Note and the Municipal Purpose Loan as presented by Mrs. Dwinell. **So moved Mr. Shepard. Second Mr. Clark. Unanimously voted.**

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**Board of Selectmen's Minutes (5/30; 6/20; 6/27)**

Selectmen Minutes dated May 30, 2006:

**Vote:** Mrs. Kramer entertained a motion to approve the May 30, 2006 Selectmen minutes. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

Selectmen' Minutes dated June 20, 2006:

**Vote:** Mrs. Kramer entertained a motion to approve the June 20, 2006 Selectmen minutes. Mr. Clark commented that he would like to amend page 6 of the June 20, 2006 minutes under the vote made by him to read as follows: "Mr. Clark motioned that the Board of Selectmen would present its goals to town departments and ask them to have their goals reflect the Board's goals; and to delay presenting the goals at the Quarterly meeting." **So moved Mr. Shepard. Second Mr. Clark. Unanimously voted.**

Selectmen's Minutes dated June 27, 2006:

**Vote:** Mrs. Kramer entertained a motion to approve the June 27, 2006 Selectmen minutes. **So moved Mr. Shepard. Second Mrs. Pratt.** Mr. Clark abstained from the vote as he was not present at this meeting. **So voted.**

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**Legal Assistance Request: DPW Advisory Committee**

Mr. Kozak presented a request from the DPW Advisory Committee for two hours of legal assistance for Town Counsel's opinion relative to a drainage easement issue on Hayden Rowe Street. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.** Mr. Gaucher, DPW Director, stated that, he believes, that the request should be four to five hours. Mrs. Kramer responded that the DPW Advisory Committee could come back to the Board should they need more hours of Town Counsel's opinion regarding this issue.

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**2007 Boston Marathon Discussion**

Mrs. Kramer said that the Board of Selectmen (BoS) discussed at the July 11, 2006 meeting, the request from the Boston Athletic Association (BAA) (see attached letter from the BAA dated June 26, 2006) to begin the 2007 Boston Marathon earlier than the traditional noontime start; and that the BoS agreed to send a letter to Dorothy Ferriter, Chairman of the Marathon Committee, to ask for their comments regarding this request. Mrs. Kramer said that Ms. Ferriter responded to the Board and requested to give the Marathon Committee's comments at this meeting. Ms. Ferriter reported to the BoS that the Marathon Committee voted unanimously to support the BAA's request of an earlier start as they believe it will make the race more efficient. Mr. Clark commented that since the Boston Athletic Association sent the letter to the BoS, it is appropriate for the BoS to respond to the BAA of the BoS's support of their request and to attach the Marathon Committee's letter of support.

**Vote:** Mrs. Kramer entertained a motion to approve the Boston Athletic Association's request to begin the 2007 Boston Marathon earlier than the traditional noontime start as stated in its letter to the Board of Selectmen dated June 26, 2006. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

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**Accept Town Manager Screening Committee Resignation (Personnel Committee rep)**

Mrs. Kramer read a letter of resignation from Kim Pulnik stating her resignation as a representative from the Personnel Committee on the Town Manager Screening Committee, due to time commitment restraints.

**Vote:** Mrs. Kramer entertained a motion to accept with regret Kim Pulnik's resignation from the Town Manager Screening Committee as one of the Personnel Committee's representative. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.** The Board requests that a letter is sent to Ms. Pulnik to thank her for serving on this committee.

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**Accept Gift into the Ambulance Account**

Mrs. Kramer read a letter from Emile and Richard Drew of their \$100 donation to the Ambulance Gift Account in memory of Bill Smith.

**Vote:** Mrs. Kramer entertained a motion to accept with gratitude a donation of \$100 from Emile and Richard Drew to the Ambulance Gift Account in memory of Bill Smith. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

### **Open Space and Recreation Plan Ad Hoc Committee**

Mrs. Kramer read a letter from Elaine Lazarus, Planning Director, stating that the Planning Board has identified an update of the Open Space and Recreation Plan which was last updated in 2001; and would like to establish an ad-hoc committee of representatives of various “stakeholders” to assist preparing the updated plan, including the establishment of goals. Ms. Lazarus asked if a representative from the Board of Selectmen (BoS) or if they know of an interested citizen who might like to serve on the committee, to contact the Planning Office. Mr. Clark, as the Liaison to the Planning Board, said that he would contact Ms. Lazarus to learn more about the mission of the ad-hoc committee and report back to the BoS with his findings, so that the Board could determine who might wish to serve on this ad-hoc committee.

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### **Announce Town Vacancies**

Mrs. Kramer read the list of Town committee vacancies as follows: (1) Appropriation Committee; (1) Capital Improvement Committee; (2) Downtown Revitalization Committee; (4) Hopkinton Cultural Council; (2) Housing Committee; (1) Marathon Committee; (1) Recycling Committee; (2) Youth Commission. Mrs. Kramer invited interested persons to contact the Selectmen’s Office for more information and/or to submit a letter of interest. Mr. Clark noted that, as the liaison to the Housing Committee, he encouraged residents to consider submitting a letter of interest to serve on this committee.

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### **Maspenock Woods/W. Main Street Site Plans**

Mrs. Kramer noted that the Board of Selectmen (BoS) received from the Planning Board a copy of a Site Plan Application for Maspenock Woods, a proposal for garden apartments off of W. Main Street, that notified the Board of a hearing scheduled on July 24, 2006 regarding this issue and requests the Board’s comments or opinion should they have one no later than July 26, 2006. Mrs. Pratt commented that she is concerned about how much Lake Maspenock needs to be cleaned, and believes the Board needs to address this. She plans to make her comments about this to the Planning Board. Mr. Clark responded that the Board of Selectmen should leave this issue in the Planning Board’s jurisdiction, as the BoS does not have the tools or the engineering staff to address this issue properly. He reiterated to allow the Planning Board, Board of Health and Board of Appeals do their jobs. Mrs. Kramer commented that the BoS did receive this and believes that this issue should be addressed by the Board. Mr. Holden pointed out that the application addresses the issues as addressed by Mrs. Pratt stating that “the development will preserve views from Lake Maspenock and the West Main Street causeway by preserving a forested buffer along the lake edge”. Mr. Shepard recommended that when the BoS receive notification from the Planning Board of subdivision proposals, the BoS could draft their individual comments, and if there are concerns, they should be brought before the Planning Board. He noted that subdivision proposals are different than 40B subdivision projects, which the BoS is asked to review by the Housing Authority. Mr. Shepard stated that the Planning Board’s job is to review and prepare comments when Site Plan Applications are submitted to them.

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### **Notice of Project Change: *Fruit Street wells and Wastewater Treatment Facility (WWTF)***

Mrs. Kramer began a discussion regarding the letter from Earth Tech dated July 10, 2006 of the Fruit Street Master Plan’s Notice of Project Change (NPC) for the Wastewater Treatment Facility. Mr. Shepard stepped off the Board and left the meeting room at this time due to a potential conflict of interest, as his daughter resides on Fruit Street. Mrs. Pratt also stepped off the Board and sat in the audience. Mr. Clark pointed out in a letter dated June 12, 2006 from the Commonwealth of MA State Ethics Commission to Mr. Shepard regarding his request for advice under the conflict of interest law, recommending “in order to avoid participating, we (State Ethics Commission) recommend that you (Mr. Shepard) step down from the Board of Selectmen table when any particular matters relating to the development or use of the Fruit Street property comes before it”; and the letter also stated that “although the safest course to avoid participating is to leave the room.” Mrs. Pratt stated that she has the right to stay at the meeting and speak as a private citizen.

Mrs. Kramer said that she would like to schedule a work session between Earth Tech consultants and the DPW to discuss the NPC. Mr. Clark pointed out that the WWTF has already been approved by MEPA and that Earth Tech has answered all questions regarding this issue. He posed the question: "how many times does the Board want Earth Tech to answer these questions?"

**Vote:** Mr. Clark motioned that the Board of Selectmen send a letter to the EOE that the BoS strongly supports both Notice of Project changes and also recognize them as an important needed infrastructure for the Town's Fruit Street property and that the funding of these projects has been supported at the 2006 Town meeting. **Second Mr. Holden. Discussion:** Mrs. Kramer stated that there are some issues that have not been totally resolved more specially the water issue and pointed out that the BoS need to be diligent in its review of the documents which is a statement in the letter from the contractor. Mrs. Kramer asked if there is support of holding a meeting to review the documents. Mr. Clark commented that the BoS needs to support this project, which was voted several times by the Town. Mrs. Kramer said that it is not her intention to not move forward; but, rather, there are some big issues concerning the cost of utilities, roadways etc. Mrs. Kramer reiterated the need to hold a meeting to review some issues. Mr. Clark said that there is a motion on the floor. The votes follow: Mrs. Kramer: no; Mr. Holden: yes; Mr. Clark yes. So voted.

Mrs. Pratt commented from the floor that there are two holding tanks on the property, which are not adequate; and that Earth Tech has not addressed this issue. She believes that the taxpayers will have to pay to clean up the "mess".

Mr. Clark said that the State Ethics Commission (SEC) recommends that board members who have a conflict of interest in a matter should not only step down from the board, but also abstain from participating, as comments such as the one that Mrs. Pratt previously made (about the holding tanks) put pressure on town employees; and pointed out that there were town employees present at this meeting who are working on this issue. He reiterated that this is a reason why the SEC recommends leaving the room. There was a discussion regarding the scheduling of day meetings versus evening meetings; and the scheduling of a Whitehall property discussion that was held at a morning meeting. Mr. Clark commented that he was unable to attend a recent morning meeting that was posted as an Open Space Preservation Committee (OSPC) and Board of Selectmen meeting, as it conflicted with his workday schedule; and he also noted that there was an OSPC executive session after that public session which Mrs. Kramer and Mrs. Pratt attended. Mrs. Kramer noted that she and Mrs. Pratt were in attendance as they were invited as observers and not participants. However, Mrs. Pratt noted that she is a member of the Open Space Preservation Committee.

7:15 p.m. Mrs. Pratt and Mr. Shepard stepped back on the Board at this time.

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### **Town Manager Search Update**

Mrs. Kramer referred to the Town Manager job description that was reviewed and commented by the Town Manager Screening Committee, and asked the Board for its recommendations so that this could be finalized. Mrs. Kramer reviewed the TMSC's comments including the following: 1.) Under Job Environment: add the word "her" in the first sentence to read "The position of Town Manager shall be a full-time position and the Town Manager shall devote his/her best efforts to the office"; 2.) Under Recommended Minimum Qualifications/Education and Experience: add the words "or equivalent" in the first sentence to read "A candidate for this position should have a Master's Degree or equivalent experience in public or business administration"; 3.) Delete "Physical Requirements" section on last page.

The Board discussed the addition of "equivalent" and what it refers to and agreed to complete the phase by adding the word "experience" after "equivalent."

**Vote:** Mr. Clark motioned to approve the proposed Town Manager job description with the additional wording as discussed by the Board as follows: 1.) Under the Job Environment section to add the word "her";

under Recommended Minimum Qualifications/Education and Experience section to add the word “experience”; and to delete the “Physical Requirements” section located on the last page. **Second Mr. Shepard. Unanimously voted.**

Mrs. Kramer said that she met with Mr. Hoskins, Vice-Chairman of the TMSC, to discuss the issue of the Town Manager’s (TM) position and that he discussed several issues including the Town Manager salary, timeframe in hiring a TM, re-location package, and hiring a consultant. She reported on behalf of the TMSC that they recommend a salary range of \$110,000 to \$130,000; and secondly, a re-location package if a candidate lives 50 miles from the town of Hopkinton, which many towns offer.

Mrs. Kramer also said that the TMSC believes that the original November 15, 2006 deadline to hire a Town Manager is not enough time and that the end of January 2007 is a more achievable timeframe. Mrs. Kramer also said that the TMSC would like the BoS to consider hiring a consultant to assist with the TM search, and that they have a consultant from Framingham that they would recommend for the BoS’s consideration. She said that the TMSC has a copy of the consultant’s experience and that the BoS could discuss this at a future meeting. Mr. Holden asked if a timeframe has been established by the Town Charter. Mrs. Kramer replied yes. Mr. Clark asked when the BoS would meet to discuss the TM salary and would like a breakdown on why the TMSC needs funding. He also stressed his strong support of the Town Charter to hire a TM by November 15. Mrs. Kramer recommended inviting the TMSC to the August 8<sup>th</sup> Selectmen’s meeting to discuss these issues. She noted that Hopkinton is one out of eight communities searching for a Town Manager. Mr. Shepard recommended that, in regards to funding, to ask the TMSC for a “hard” number at the next meeting. Mr. Shepard also recommended asking Town Counsel if it’s permissible to go beyond the Charter extension in hiring a Town Manager.

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**Conservation Land Acquisition Project Application FY’07**

Mr. Kozak presented a Conservation Land Acquisition Project Self-Help Application for fiscal year 2007 for \$500,000 that pertains to the Whitehall land purchase; and said that this grant would assist with the cost of the purchase price of the land purchase. Mr. Kozak said that the Board of Selectmen is asked to vote to authorize the Chairman to sign the application; and to vote to identify Elaine Lazarus, the town’s Planning Director, as the Project Manager for the application. He added that Ms. Lazarus has agreed to serve as the Project Manager.

**Vote:** Mrs. Kramer entertained a motion to authorize the Chairman of the Board to sign the grant application; and to identify Elaine Lazarus, Planning Director, as the Project Manager for the application. **So moved Mr. Shepard. Second Mrs. Pratt. Discussion:** Mr. Clark asked if not having the appraisals for the Whitehall land purchase would affect obtaining this grant. Mr. Coolidge, Chairman of the Open Space Preservation Commission, responded that the grant application could still move forward. **Unanimously voted.**

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**Meeting Adjourned:**

**7:30 p.m.** Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

The Board took a ten minute break before beginning the Procurement Workshop that was presented by the Inspector General’s Office of the Commonwealth of Massachusetts, which concluded at 10 p.m.

Respectfully submitted,

Geri Holland,  
Executive Assistant  
Date approved: 8/29/06