

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: March 13, 2007
MINUTES**

Board of Selectmen members present: Muriel E. Kramer, Chairman; Mary A. Pratt, Vice-Chairman; Michael W. Shepard; Ronald M. Clark and Len Holden.

Others Present: Robert Falcione, HopNews; Bob Brown; Tom Sheridan; Molly Lukason; Ann Click, Town Clerk; John T. Gaucher; Richard Jubinville, Earth Tech; Karen Weiskerger; Marian Strangfeld and High School Students; Arthur Blackett Jr.; Mark Abate; Anthony J. Troiano, Town Manager; Geri Holland

Selectmen's Minutes: 2/13; 2/13 (ES); 2/26; 2/27; 2/28; 2/28 (ES); 3/6; 3/6 (ES)

The Board agreed to table the vote on the Selectmen's minutes until the next meeting.

Open Special Town Meeting Warrant

Vote: Mrs. Kramer entertained a motion to open the Special Town Meeting warrant, to be held within the 2007 May Annual Town Meeting, on Friday, March 16, 2007. All articles or petitions to be included in the Special Town Meeting warrant must be received at the Selectmen's Office, Town Hall, 18 Main Street on or before Thursday, March 29, 2007 by 4:30 p.m. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

2007 Boston Globe Scholastic Art Awards High School Recipients

Marian Strangfeld, School Department's Art Director, gave an overview of the 2007 Boston Globe Scholastic Art Awards and introduced the Hopkinton High School's recipient's as follows: Elise Largesse: Gold Key for Photography Portfolio; Samantha Connelly: Gold key for Digital Imaging; Emily Glazier: Gold Key for Photography; Katharine Schenot: Gold Key for Photography; Jessica Sidoti: Gold Key for Photography; Melinda Bryant: Gold Key for Mixed Media; Jing Jing Chen: Gold Key for Apparel Design; Caitlin Danahy: Silver Key for Photography; Lauren Shahian: Silver Key for Ceramics; Renee Sale: Silver Key for Ceramics; Jessica Sidoti: Silver Key for Apparel Design; Caitlin Kohl: Honorable Mention for Drawing. The students presented their artwork for viewing; and Mrs. Kramer presented a certificate signed by the Board of Selectmen to each student honoring their awards.

Community Fun Day: Karen Weiskerger. Education Parents Advisory Council (SPEAC)

Karen Weiskerger, Special Education Parents Advisory Council (SPEAC) Communications Chairman, presented the SPEAC's initiative to hold a Community Fun Town Clean-Up Day scheduled on April 21 from 8:30 a.m. to 10:30 a.m. It was noted that the Police Chief believes this initiative to be a "worthy undertaking" and offered to work with the organizing committee to make them aware of any safety concerns that the Police Department may have for any of the areas SPEAC is considering for this event. The Board wished Ms. Weiskerger success with the event and thanked her for presenting her overview of this initiative.

Real Property Discussion: Arthur Badger Blackett Jr., The Trust for Public Land (TPL)

Mr. Blackett Jr. from The Trust for Public Land (TPL) explained what the TPL could accomplish for the Town when considering the purchase of the Weston Nurseries land by assisting the Town to achieve land protection. He said that TPL has worked with other municipal projects, but never one such as the Town's project with such a potential impact on a community. He said that TPL now has the opportunity within the 120 days of the Town's first right of refusal to assist them in making decisions; and that TPL's purpose is to help identify the value and

attributes of natural resources and to identify what the Town wants to achieve with the various components of developing and conserving the land. Mr. MacDowell Jr. of Boulder Capital, the company that has a purchase and sales on the Weston Nurseries property, talked about his history with Weston Nurseries property; and told of his intention of keeping a lot of open space. The Board thanked Mr. Blackett Jr. and Mr. MacDowell Jr. for their attendance at this meeting.

Earth Tech Contract

Mrs. Pratt and Mr. Shepard stepped off the Board due to conflict of interest issues.

Mrs. Kramer talked about the original contract dated 12, 22, 2006 for professional services from Earth Tech for the Fruit Street Wastewater Treatment Facility' Design Phase; and amendment #1 that includes the additional level of effort required to prepare and apply for permits along with additional services associated with other permits included in the Agreement. The discussion included Mr. Jubinville's explanation of the Design Phase and additional permit requirements required Earth Tech's staff to expend significantly more time and funds to complete all permitted requirements which are still ongoing. He stated that permit costs are difficult to predict as local boards and state regulatory agencies can request supporting materials, documentation, etc He said that as a result , the permitting costs have risen well beyond the budgeted amount of \$35,000. Mr. Jubinville provided a table showing that the cost for soil borings, surveying, and SRF activities are currently under budget by a total of \$10,526 and that the permitted task is over budget by a total of \$76,632. Mr. Jubinville requests an Amendment to Earth Tech's Design Agreement of \$75,000 and explained the reasons for the amount. He added that if future costs do not reach this total, the Town would be invoiced for the actual costs expended. Mr. Clark pointed out where the funding is coming from, that being Phase VI betterments which was voted at Town Meeting; and suggested supporting the Town Meeting vote to moved forward on this project. Mr. Holden agreed with Mr. Clark to move forward according to Town Meeting vote. Mrs. Kramer stated her appreciation of Mr. Jubinville's explanation, but stated concerns with overages. Mr. Clark asked Mr. Gaucher, DPW Director, for his recommendation. Mr. Gaucher said that he reviewed the expenditures item by item and recognized the extraordinary work done by Earth Tech. Mr. Troiano, Town Manager, agreed with Mr. Gaucher about the extraordinary work, but believes that the project needs to be more organized. He stated that the DPW Advisory Board voted a payment of \$70,000. Mrs. Kramer recommended reducing the amount to \$83,200 and asked Mr. Jubinville is he could "live" with this. Mr. Jubinville said that he can work with this and will speak with Mr. Troiano about the project.

Vote: Mrs. Kramer entertained a motion to amend the Amendment #1 to \$83,200. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Mrs. Pratt and Mr. Shepard stepped back on the Board at the end of this discussion.

Snow & Ice Account Request: John T. Gaucher, DPW Director

Mr. Gaucher presented his request for \$100,000 over and above the Snow and Ice Control Account #423 and that his department used \$200,000 by the end of December 2006 and has \$21,000 left in the account.

Vote: Mr. Clark motioned to authorize Mr. Gaucher, as Director of Public Works, to incur liabilities in excess of appropriation, for the purpose of snow and ice removal an additional \$100,000 totaling in excess of the original appropriation for FY'07, as provided in M.G.L. Chapter 44, Sec. 31D. **Second Mr. Shepard. Unanimously voted.**

Sewer Connection: Montana Road: John T. Gaucher, DPW Director

Mr. Gaucher gave a brief history of the sewer connection request at Montana Road, Map U-19, Lot 40, by owners M/M Edward Kelly, so that they could complete building a single family home at 9 Montana Road. The lot presently has legal frontage and the DPW Advisory Committee voted to recommend to the Board of

Selectmen its approval of the connection. It was noted by Mr. Gaucher that this approval be contingent upon that all road repairs would be done to the roads at the cost of the owners, M/M Kelly, under the direction of the DPW Director. Mr. Gaucher added that there is a privilege fee of \$3,600.

Vote: Mr. Clark motioned to approve the sewer connection at Montana Road, Map U-19, with the contingency that all road repairs be done at the cost of the owners, M/M Kelly, done under the direction of the DPW Director. **Second Mr. Holden. Unanimously voted.**

Mrs. Kramer brought up a discussion regarding the sewer connection request by the Scarlata/Deneen family; and it was agreed to discuss this at the next Selectmen's meeting agenda.

FY'08 Budget Discussion

Mrs. Kramer began the discussion with a memo date October 26, 2006 (see attachment) that the Board of Selectmen voted to issue guidelines for the Town departments and committees to follow in preparing for the FY'08 budget. In addition the Board voted to request all departments to submit budget requests with a 1% increase or less, and to prioritize any additional budget needs which will be taken into consideration if additional funds become available. Mr. Troiano then presented a PowerPoint presentation (see attachment) with three budget scenarios starting with a 1% increase that should mean a \$96,614.66 shortfall; the second scenario, as requested by the town departments, would be a \$973,542.95 shortfall; and the final scenario, a level funded services budget, would bring the town into a deficit of \$2,447,144.23 which would require an override. The Board had a discussion regarding the various options including a possible override and debt exclusions. Mr. Clark wished to present two scenarios to the voters. At 9:35 p.m., Mrs. Kramer suggested tabling this discussion until the end of the meeting given the late hour.

Cable Committee (one vacancy; term to '08): 1.) Bob Brown; 2.) Tom Sheridan

Mrs. Kramer welcomed both candidates, Mr. Brown and Mr. Sheridan, to the meeting; and asked Mr. Sheridan to wait in Room 211 until Mr. Brown's interview is completed. Mr. Brown gave an overview of his background and explained why he believes his experience would make him a good candidate for the Cable Committee. Mr. Sheridan was welcomed back to the meeting; he gave an overview of his background which included experience in Human Resources. The Board stated that both candidates would make good additions to the Cable Committee; but, asked Mr. Sheridan if he might be interested in one of the vacancies on the Personnel Committee. Mr. Sheridan said that he is willing to serve the community in the position that would suit his background.

Vote: Mr. Clark motioned to nominate both candidates, Mr. Brown and Mr. Sheridan. **So moved Mr. Holden. Second Mr. Shepard. Unanimously voted.**

Vote: The Board wrote their candidate on a piece of paper and handed it to Mrs. Holland. Mrs. Holland read the votes as follows: **Mrs. Kramer: Mr. Sheridan; Mrs. Pratt: Mr. Brown; Mr. Holden: Mr. Brown; Mr. Clark: Mr. Brown; Mr. Shepard: Mr. Brown. Mr. Brown is appointed to a term to 2008 by a four to one vote.**

Personnel Committee (two vacancies; terms to '09 & '08): Molly Lukason

Mrs. Kramer welcomed Ms. Lukason and asked her to present an overview of her background and state why she would like to serve on the Personnel Committee. Ms. Lukason gave a brief overview of her background. There was a discussion regarding her expertise in overseeing employees' performance evaluations and how to base their pay raises such as pay for performance etc. The Board noted that Mr. Sheridan stated his interest in his candidacy for one of the vacancies on the Personnel Committee.

Vote: Mrs. Kramer entertained a motion to appoint Ms. Lukason to the Personnel Committee for a term to 2009 and to appoint Mr. Sheridan for a term to 2008 to the Personnel Committee. **So moved Mr. Holden. Second Mr. Clark. Unanimously voted.**

BREAK
SELECTMEN'S MEETING RECONVENED

2007 Annual Town Warrant Articles: Elaine Lazarus, Planning Director

Ms. Lazarus, Planning Director, presented the following synopsis of the Planning Board's articles for the 2007 Annual Town Meeting warrant:

1. This article would divide the existing Business District into two: 1) a new Downtown Business District and; 2) the remaining Business District. Each district contains some minor language changes, including a change in most of the dimensional requirements of the Business District to those in effect before the 2006 Annual Town Meeting. The article also proposes changes throughout the Zoning Bylaw where the names of the districts are included by reference, and a change to the Zoning Map showing the location of each district.
2. This article would delete the existing Industrial District bylaw and create a new Industrial A District and an Industrial B District. The Industrial A District would be located on South St, and the Industrial B District would consist of the remaining areas currently zoned Industrial. In addition, references to the old Industrial district throughout the Zoning Bylaw would be changed to the new names, and the Zoning Map would be modified to show the location of each district.
3. This article would amend the Residence A District with respect to the language pertaining to municipal and other government uses.
4. The Water Resources Protection Overlay District (WRPOD) would be amended to establish a sub-district entitled "WRPOD-1", consisting of areas outside DEP approved Zones I, II, A, B and C. The WRPOD bylaw would be amended to state that five uses currently requiring a special permit or prohibited within the WRPOD-1 area at the present time would not be subject to the bylaw regulations.
5. This article would amend the Garden Apartments in Residential Districts and Senior Housing Development bylaws to add a provision allowing the Planning Board to require additional landscaping around the perimeter of the development for screening purposes.
6. A Flexible Community Development Bylaw is proposed, which would require that new residential developments with 6 or more units contain a specified number of units affordable to those of low or moderate income. Units could be provided on-site, off-site, or a payment in lieu of units could be made.
7. This article proposes the acceptance of Sylvan Way as a public way.
8. A Stormwater Management and Erosion Control Bylaw is proposed, which would regulate stormwater impacts from new development and redevelopment. The Board has worked with the Conservation Commission, Board of Health and DPW Director in the development of this bylaw.

The Board thanked Ms. Lazarus for her review of each article.

Parade Permit Request: Max Performance; Sunday, May 6; 8:15 a.m.; Hopkinton State Park

Mr. Richmond, Max Performance, presented his request for the Board's support of a street permit for Max Performance's Duathlon and Triathlon events scheduled on May 6, 2007 and September 9, 2007. He updated the

Board about Max Performance's and the Hopkinton Athletic Association's partnering; a public safety plan established between Max Performance and the Police Chief; Max Performance's approvals from surrounding towns; and Max Performance's community involvement with the Hopkinton Rubbing Club and Marathon Committee to increase awareness of the event and to organize volunteers. In addition, He said the local businesses have been contacted and have agreed to work with Max Performance in cross promoting the event which increases their business exposure with the athletes. Mr. Richmond is required a permit from the Town in order to secure the \$5M liability insurance policy with USAT, the sport's governing body; and that the Town of Hopkinton will be named in the policy. There were various questions including the time to use the roads which would be between 8:45 a.m. and 9:30 a.m.; the churches on route were contacted; extra police detail has been worked out; Max Performance is working with the Cancer Foundation, but the donation percentage has not yet been worked out; Max Performance would consider a donation to the Hopkinton Athletic Association and would be happy to make a donation to the HAA.

Vote: Mrs. Kramer entertained a motion to approve the road permit for both dates, May 6, 2007 and September 9, 2007. **So moved Mr. Holden. Second Mrs. Pratt. Unanimously voted.**

Readout Mail

Mrs. Kramer read an announcement of the Public Library's "Hopkinton Celebrates Marathon Magic!" sponsored by the Library in conjunction with other Town organizations scheduled on Thursday, March 22 at 6:30 p.m and features David McGillivray, Race Director of the Boston Marathon, an accomplished speaker and the author of The Last Pick.

Mrs. Kramer announced a Community Wide Forum sponsored by the Planning Board, Civic Engagement Committee, and Land Use Study Committee will be hosting a Community Wide Forum on East Hopkinton Master Planning on Saturday March 31 from 8 a.m. to noon in the Elwood School cafeteria.

Mrs. Pratt talked about a fundraiser in memory of Laura Nardini, who passed away on February 3 at the age of 14. The fundraiser will be held the Woodville Rod & Gun Club on March 24 if anyone is interested in attending. Donations are also being accepted at the Milford National Bank in Milford.

The Board also announced the HPTA's Silent Auction scheduled on March 24, at 7 p.m. at the Glen Ellen Country Club in Millis, MA; and to contact the HPTA for more information about the event.

Proclamation for David McGillivray, Race Director for the Boston Athletic Association

Vote: Mr. Holden motion to approve the proclamation to make David McGillivray an Honorary Citizen which will be presented to him at the Hopkinton Celebrates Marathon Magic event scheduled on March 22. **So moved Mr. Clark. Second Mrs. Kramer. Unanimously voted.**

Town Manager's Report

Mr. Troiano said that he plans to meet with the Appropriation Committee to request a Reserve Fund Transfer for \$35,000 to be transferred into the Selectmen's legal account to cover the extraordinary legal fees incurred from the Town's Weston Nurseries project, and other standard legal issues; and asked for the Board's endorsement of this transfer request.

Vote: Mrs. Kramer entertained a motion to approve a Reserve Fund Transfer request from the Appropriation Committee of \$35,000 to the Selectmen's legal account. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.** Mrs. Kramer commented the that legal account is not discretionary.

Mr. Troiano said that the meeting for the contract negotiations are scheduled; and that he would keep the Board updated about the negotiations in a future executive session meeting; He met with Attorney Collins, the attorney that the Town uses with regards to the unions, and that Attorney Collins would play a limited role, but help him keep on track.

Mr. Troiano updated the Board about the Town warrant and motions; and that he should have a completed budget with recommendations.

Mrs. Pratt asked to post a Selectmen's meeting on April 4 to join the DPW Advisory Committee meeting of which they would be discussing the water/sewer rates.

Budget Discussion (continued)

The Board continued the budget discussion regarding the Selectmen's sponsored article regarding the DPW legislation; and Mr. Clark asked for a written statement from Town Counsel to clarify the vote for this to pass at the ballot.

Vote: Mr. Clark motioned that assuming the legislature option does not require a higher percentage vote at town meeting than the referendum option; the Board requests Town Counsel prepare the article using the legislature process change option method. **Second Mr. Shepard. Unanimously voted.**

Mr. Troiano pointed out that he needs to know what the school's budget looks like; and would like to invite the School Committee to a meeting. Mrs. Kramer said that would be his decision to make. Mrs. Kramer gave three options for the Board's consideration: 1.) a 1% budget; 2.) present two scenarios; or 3.) an override. The Board discussed the various possibilities. Mrs. Kramer said that the Town needs to manage the budget and recommends that there be no override. Mr. Shepard agreed with no override. Mr. Holden understands the possibility of presenting two scenarios, but agrees with no override.

Vote: Mr. Clark motioned to recommend a \$59,215,477.11 budget contingent upon an override of \$973,542.93, with a \$58,241K budget in effect if the override referendum fails. No other Board member seconded the motion.

Vote: Mrs. Kramer entertained a motion to recommend the \$58,241,934.18, a 1% budget. **So moved Mrs. Pratt. Second Mr. Shepard.** **Discussion:** There was a general discussion regarding how to cut some funding from the Town Government's budget; and it was agreed that Mr. Troiano would make recommendations. The votes follow: Mrs. Kramer: yes; Mrs. Pratt: yes; Mr. Shepard: yes; Mr. Holden: yes; Mr. Clark: no. The vote carries 4-1.

Mrs. Kramer stated that all departments need to share the burden. Mr. Troiano said that he would work with the Town Accountant and will prepare to present the priorities at the next meeting. Mrs. Kramer recommended talking to all department heads with capital items and asking them if there is anyway they could manage without some or any one of them. The Board would talk about the capital items at the March 27th BoS meeting.

Vote: Mrs. Pratt motioned to present the existing budget of to the voters. **Second Mr. Shepard. The votes follow: Mrs. Kramer: yes; Mrs. Pratt: yes; Mr. Holden: yes; Mr. Clark: no; Mr. Shepard: yes. So voted.**

Meeting Adjourned:

11:50 p.m. Vote: Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Holden. Second Mr. Shepard. Unanimously voted.**

Respectfully submitted,

Geri Holland
Executive Assistant
Date Approved: 4/10/07