

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: April 10, 2007
MINUTES**

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

Others Present: Robert Falcione, HopNews; Dave McLaughlin, MetroWest News; John T. Gaucher, DPW Director; Kimberly Clark; Richard Cass; Susie Johnson; Nancy Barton; Richard DeAngelis, Town Counsel; John Barris, West Brininger; James Devlin; Michelle Gates; Nancy Peters; Robert Murphy; Al Rogers; Lynn Tokarczyk; Joseph Crowell; Ann Click, Town Clerk; Mark Furber; Gail Clifford; Michael Reilly; Julie Crawley; Peter Oram; Malcolm Page; Meg Tyler; Andrew Crawley; Lou Przystas; Dave Cormier; Charlotte Gibbs; Craig Meyers; Dr. John Duffy, Board of Assessors; Mathew Zettek; Michael Duffy, Capital Improvement Committee; Anthony J. Troiano, Town Manager; Geri Holland

Open public meeting/Stand for Pledge of Allegiance (Room 215)

Mrs. Kramer, Chairman, opened the public meeting and invited everyone to stand for the Pledge of Allegiance.

Readout mail

Mrs. Kramer read a letter from the Center School's Principal regarding a fire at the home of Hopkinton residents who have a first grader at the Center School and a student at the Hopkins Schools. Donations are being accepted at Project Just Because located at 45 South Street in Hopkinton. Information about items that are needed by the family was also included in the letter.

Mrs. Kramer read an announcement from the Police Chief about National Public Safety Telecommunicator's Week (April 8-14, 2007) which was begun in 1981 to put a special focus on public safety telecommunication professionals for their contributions to the safety and security of communities around the world. Mrs. Kramer read that the Board of Selectmen declares the week of April 8-14, 2007 to be National Telecommunicator's Week in Hopkinton in honor of the men and women whose diligence and professionalism help keep our community safe.

Selectmen's Minutes: 3/13; 3/20; 3/27

Vote: Mrs. Kramer entertained a motion to approve the March 13, 2007 Selectmen's minutes. **So moved Mr. Shepard. Second Mr. Clark. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the March 20, 2007 Selectmen's minutes. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the March 27, 2007 Selectmen's minutes. **So moved Clark. Second Mr. Holden. Unanimously voted.**

Boston Marathon Art Contest Winners

Susie Johnson, representing the 2007 Boston Marathon Art Contest which is sponsored by Century 21, spoke on behalf of the Committee and Century 21, the sponsor of the contest. Ms. Johnson said that this is the contest's third year and began in the Hopkinton School system, but was extended to the Ashland School system this year. Ms. Johnson introduced each winner from the Hopkinton School system and Mrs. Kramer handed out Proclamations to each winner congratulating them on their achievement.

Public Hearing: Woodville Rod & Gun Club (Change of Manager)

Vote: Mrs. Kramer entertained a motion to open the public hearing to address the issue of the change of manager to Kimberly Clark at the Woodville Rod & Gun Club. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

Mrs. Kramer invited Mrs. Clark to give an overview of her background. Mrs. Clark has prior experience in the liquor industry and has experience as a bartender. It was noted that all the forms and applications were in order; and the Police Chief has no issue with the Woodville Rod & Gun Club's request to appoint Mrs. Clark as manager.

Vote: Mrs. Kramer entertained a motion to approve the Woodville Rod & Gun Club's Change of Manager request. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to close the public hearing. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the change of manger request from the Rod and Gun Club to Kimberly Clark effectively immediately. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Readout

Mr. Shepard read a letter from the Office of the Secretary of Defense wishing to thank the Town of Hopkinton for its support of the men and women who serve their State and Nation as members of the National Guard and Reserve. The MA Committee for the MA Committee for Employer Support of the Guard and Reserve invited the Town of Hopkinton to show support of any town employee who serves in the National Guard or Reserve by signing a Statement of Support. Mr. Shepard also read a statement from the Chairman of the Joint Chiefs of Staff acknowledging the Town's partnership with the civilian employers of the US reserve Components.

Vote: Mrs. Kramer entertained a motion to authorize to sign the Statement of Support aforementioned. **So moved Mr. Shepard. Second Mr. Clark. Unanimously voted.**

Mrs. Kramer read portions of a letter from The Trust for Public Land that acknowledged on March 7, 2007, the Board of Selectmen voted to ask The Trust for Public Land (TPL) to work with the Town to ensure that the sale of more than 700 acres at Weston Nurseries is accomplished in a way that best meets Hopkinton's land use objectives for this property. Mr. Clark wished to correct that the Board of Selectmen is allowing TPL to bring their proposal to town meeting" and that the Board of Selectmen has to pick a plan. Mrs. Kramer agreed. Mr. Clark also asked if the Land Use Study Committee voted to select land for municipal use. Mrs. Kramer replied that the LUSC plans to discuss this issue.

Mrs. Kramer read a letter from the Ruth Gorman, President of the Hopkinton Garden Club, and Deborah Coleman, Co-President, about the planning of an Arbor Day celebration at the Town Common on Saturday, April 28, 2007 at Noon at the Gazebo; and invites all residents to join them at the Town Common on the 28th.

Public Hearing: Layout of Street (Sylvan Way)

Vote: Mrs. Kramer entertained a motion to open the public hearing for the layout of the street Sylvan Way. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

Mrs. Kramer read the abutter's notice stating that there is an article on the Annual Town Meeting warrant which opens on May 7, 2007 requesting the acceptance of Sylvan Way from Winter Street to the end as a public way. Mr. Gaucher, DPW Director, stated that he had spoken to Mr. Mansir, Highway Manager, about this issue and

there they are willing to strike out item #3 from the list. Mr. Gaucher also said that he had inspected the condition of Sylvan Way and recommends the follow items be addressed prior to acceptance at the Town Meeting: 1.) Clean all drainage structures including mow detention ponds; 2.) Place riprap in the side slopes of the swale on Winter Street currently receiving discharge from the Sylvan Way closed drainage system; 3.) To reshape the gutter line along the south radius berm to direct stormwater runoff to the catch basin on the southerly side of the intersection of Sylvan Way and Winter Street; 4.) Remove the dead tree in the cul-de-sac island easterly side, grind out stump, fill hole with loam, back up asphalt berm with loam and then seed; and 5.) Clean out broken asphalt behind berm repair and back up with loam, then seed. There were no abutters present. Mr. Craig Meyers, developer of the homes on Sylvan way, said that he had contacted the Town Planner about the “punch” list and that item #3 has been resolved that is “to reshape the gutter line along the south radius berm to direct stormwater runoff to the catch basin on the southerly side of the intersection of Sylvan Way and Winter Street”.

Vote: Mrs. Kramer entertained a motion to close the public hearing. **So moved Mr. Holden. Second Mr. Shepard. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the layout of the street, Sylvan Way, with the conditions as recommended by the DPW Director as follows: 1.) Clean all drainage structures including mow detention ponds; 2.) Place riprap in the side slopes of the swale on Winter Street currently receiving discharge from the Sylvan Way closed drainage system; 3.) Remove the dead tree in the cul-de-sac island easterly side, grind out stump, fill hole with loam, back up asphalt berm with loam and then seed; and 4.) Clean out broken asphalt behind berm repair and back up with loam, then seed; and to strike out #3 that is “to reshape the gutter line along the south radius berm to direct stormwater runoff to the catch basin on the southerly side of the intersection of Sylvan Way and Winter Street”. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

Sewer Connection for #3 and #6 College Street and 52 Hayden Rowe

Vote: Mrs. Kramer entertained a motion to approve sewer connection at 3 and 6 College Street, as recommended by the DPW Advisory Committee, per the sewer regulations. **So moved. Second. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve sewer connections at 52 Hayden Rowe, as recommended by the DPW Advisory Committee, per the sewer regulations. **So moved. Second. Unanimously voted.**

Town’s Legal Issues Report: Richard DeAngelis, Town Counsel

Town Counsel, Richard DeAngelis, presented his opinion on who is in charge of the recently purchased land on the interior of Lake Whitehall peninsula, and how to go about changing the use of the land; as the land was voted for passive recreation at last year’s Annual Town meeting, under the premise that it had to be passive in order to get the Self-Help grant that was available from the State. As the grant was denied, the Parks and Recreation Commission would like to expand an existing soccer field, add lights as well as increase the parking area and use of another entrance. Mr. Clark recommended that the Parks & Recreation Commission, Conservation Commission, and Open Space Preservation Commission to meet to decide how this article could be handled at Town Meeting; it was agreed to schedule a meeting within two weeks.

Other issues that Attorney DeAngelis talked about included the Town Charter’s change in regards to the DPW and obtaining an appraisal of the Lake Maspenock Dam which is necessary to obtain a clean title. Mr. Reilly, Lake Maspenock Preservation Committee (LMPC) agreed to obtain an appraisal. The LMPC is hopeful that the Board of Selectmen will vote to purchase the dam at the next meeting.

Another issue that was discussed was if an ex officio member of a committee had voting status; and Attorney DeAngelis stated that he had not found an example of where they had voting status. Mr. Clark asked Town

Counsel where he obtained his reference to this issue; as he said that Roberts Rules of Order states that ex officio members do have voting rights unless it is prohibited by the State or local laws. Attorney DeAngelis stated that he had only performed limited research on this issue and more research would be done regarding this issue.

Mrs. Kramer brought up the issue if betterments would pay for the wastewater sewer plant on Fruit Street; and if not, how can this be paid for. Attorney DeAngelis had no answer for this; and Mr. Clark said that Town Meeting passed Phase VI which would pay 100% of the cost including additional wastewater treatment. Mrs. Kramer responded that at the time Phase VI was voted, a sewer system was not contemplated in town. There was more general discussion regarding this issue.

Capital Improvement Committee Interviews (one vacancy; five year term to '11): 1.) John Barris; 2.) West Brininger

Both candidates gave overviews of their backgrounds and there was a question and answer period between the Board and candidates.

Vote: Mrs. Kramer entertained a motion to nominate both candidates, John Barris and West Brininger. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

The Board voted by ballot and the votes follow: **Mrs. Kramer: Mr. Barris; Mrs. Pratt: Mr. Brininger; Mr. Holden: Mr. Barris; Mr. Clark: Mr. Brininger; Mr. Shepard: Mr. Barris.**

Mr. Barris is appointed for a five year term to 2011 by a 3-2 vote.

Break

9:30 p.m. The Selectmen took a break to open the Appropriation Appointing Committee (AAC) meeting to interview candidates; and would return to public session once the AAC is adjourned.

9:40 p.m Mrs. Kramer, Chairman, re-opened the public meeting at this time.

Special Town Meeting

Mrs. Click, Town Clerk, explained the schedule should the Board of Selectmen determine to hold a Special Town Meeting on June 11, 2007. She said that the Board could vote to open the STM warrant on Friday, April 27, 2007 at the next Selectmen's meeting scheduled on April 24 and close the warrant on Friday, May 11, 2007. She also said that the Ballot questions need to be submitted in the Town Clerk's Office by May 14, 2007. The Board agreed to vote this at the April 24 meeting.

Lonza Hopkinton (TIF): Lynn Tokarczyk, Business Development Strategies, Inc.

Ms. Tokarczyk, Business Development Strategies, Inc., introduced Mr. Joseph Crowell from Lonza Inc. located on South Street in Hopkinton, who is hoping to be approved for a Tax Increment Financing (TIF) from the Town. Ms. Tokarczyk presented a PowerPoint of the Lonza's background and services; and proposed expansion plans. Hopkinton is one of the sites that Lonza is considering for their expansion. It's Lonza's intent to apply under the Economic Development Incentive Program (EDIP) that includes a State 5% EOA Investment Tax Credit and local property tax relief in the form of a Tax Increment Financing (TIF); the incentives offered under the EDIP would assist Lonza in reducing their costs of doing business and determine where their expansion would occur. There was a period of question and answers; and the Board thanked them for their presentation.

Lake Maspenock Dam Issue

Members of the Lake Maspenock Preservation Dam (LMPA) joined the meeting for the discussion regarding the Lake Maspenock Dam purchase. The Board agreed to research more about the insurance for the dam such as the cost and what it would cover; the appraisal and title.

Town Manager's Report

Mr. Troiano presented a legal assistance request from the Conservation Commission from Attorney George Hall J. of Anderson and Kriger for 27.7 hours of court representation at a cost of \$180 per hour relative to an appeal by Brian Morrison of an Order of conditions under the Hopkinton Wetlands Protection Bylaw to Superior Court for the DPW, 66 Fruit Street, DEP File No. 188-1365 (WWTF). Mr. Shepard and Mrs. Pratt stepped off the Board due to conflict of interest.

Vote: Mrs. Kramer entertained a motion to approve the legal assistance request from the Conservation Commission as presented. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.** Mr. Shepard and Mrs. Pratt stepped back on the Board.

Mr. Troiano review the Special Town Meeting Articles for the STM held within the May 2007 Annual Town Meeting. The Board discussed the issue of how to address the order of the articles at the Annual Town meeting. It was suggested to randomly pick the order of the articles by category. Mr. Clark commented that he believes this method would cause chaos and reduce resident's participation at town meeting. It was agreed to speak to the Town Moderator to ask for his input.

Selectmen's Liaison Reports

Mr. Clark wished to know when the Board would perform Town Counsel's performance evaluation as it was originally determined that the evaluation would be given after nine months of TC's service. He pointed out that TC has been working for the town for ten months; he also asked when the Request for Proposals (RFP) process for TC would be developed.

Mrs. Kramer talked about the recent East Hopkinton Civic Forum and the Board discussed the Weston Nurseries issue. Mrs. Kramer also said that there is a discussion about sharing a Human Resources Director between the Town and the School Department.

Mr. Shepard commented that he, Mr. Troiano, Mr. Main and Mr. Kadlik are discussing the ADA issue.

Veteran's Celebration Committee Resignation: *Glen Layton*

Vote: Mrs. Kramer entertained a motion to accept with regret Glen Layton's resignation from the Veteran's Celebration Committee. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

Ambulance Gift Account

Vote: Mrs. Kramer entertained a motion to accept gifts into the Ambulance Gift Account in memory of Andrew F. Regan from Mr. and Mrs. Henry Maroney for \$10; Mr. Ernest Chamberlain for \$10; Mr. and Mrs. Russell Tomasetti for \$15; Mr. Richard Cola for \$20; Mr. and Mrs. Frederick White for \$25; Ms. Daphne Resteghini for \$25; Mr. and Mrs. Charles Hickson for \$50. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

Accept Boston Athletic Association Gift

Vote: Mrs. Kramer entertained a motion to accept the gift of \$65,000 from the Boston Athletic Association given to the Town as a host to the 2007 Boston Marathon. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

Mr. Holden commented that the Marathon Committee should be required to submit an annual budget. Mrs. Pratt commented that she believes with the cost of living increase, the Boston Athletic Association's gift should be also more than so that the Town can cover its costs.

Boston Region Metropolitan Planning Organization: One City: Everett; One Town: Framingham (three year terms)

Vote: Mrs. Kramer entertained a motion to nominate the City of Everett and the Town of Framingham to the Boston Region Metropolitan Planning Organization (MPO) for a three year term as recommended by the Mrs. Pratt's the Board of Selectmen's liaison to the MPO. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

Appointment of Special Police Officer: 1.) Christina Rybicki; 2.) Seth Hamilton; and 3.) James D. Collins

Vote: Mrs. Kramer entertained a motion to appoint Christina Rybicki, Seth Hamilton and James D. Collins as Special Police Officers per Police Chief Irvin's request; this appointment is effective immediately. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

The Michael Lisnow Respite Center's 10th Anniversary Recognition Proclamation

Vote: Mrs. Kramer entertained a motion to recognize The Michael Lisnow Respite Center's 10th Anniversary and to present a Proclamation at the celebration scheduled on April 12, 2007 sponsored by EMC Corporation in Hopkinton. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

Little League Parade Permit Request (Sunday, April 22)

Vote: Mrs. Kramer entertained a motion to rescind the March 27, 2007 vote by the Board of Selectmen for the Little League Parade Permit approved for April 1, 2007. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the Little League Parade Permit request as submitted and with the Police Chief's recommendations and approval. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

John Hancock Appreciation Day Proclamation

Vote: Mrs. Kramer entertained a motion to proclaim April 12, 2007 as John Hancock Appreciation Day. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

Board of Selectmen's vote to sign the 2007 Annual Town Meeting Warrants

Vote: Mrs. Kramer entertained a motion to authorize the Board of Selectmen to sign the 2007 Annual Town Meeting Warrant. **So moved Mr. Shepard. Second Mr. Clark. Unanimously voted.**

Public Meeting Adjourned:

11:15 p.m. Vote: Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

Respectfully submitted,

Geri Holland
Date Approved: 5/15/07