

**TOWN OF HOPKINTON  
BOARD OF SELECTMEN  
Meeting Date: April 24, 2007  
MINUTES**

**Board of Selectmen members present:** Muriel E. Kramer, Chairwoman; Mary A. Pratt, Vice-Chairwoman; Leonard Holden; Ronald M. Clark; Michael W. Shepard  
**Others Present:** Casey Pulnik, HCAM; Robert Falcione, HopNews; Dave McLaughlin, MetroWest News; Ann Click; Ruth Gorman; Colleen Charleston; Julie Crawley; Peter Oram; Brian Eberlin; Malcolm Paige; John T. Gaucher; F. Eric Sonnett; Julie Crawley; Peter Oram;

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**Public Meeting Opened/Pledge of Allegiance**

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

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**Readout Mail**

Mrs. Kramer read an announcement from the High School Youth Commission Club that s providing High School students' parents the opportunity to explore various topics through an Open Circle discussion scheduled on April 25 from 6:30 p.m. to 8:00 p.m. at the High School cafeteria.

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**Selectmen's Minutes: 2/27/07; 4/13/07**

**Vote:** Mrs. Kramer entertained a motion to approve the February 27, 2007 minutes as amended. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

**Vote:** Mrs. Kramer entertained a motion to approve the April 13, 2007 minutes. **So moved Mr. Shepard. Second Mr. Holden. Mr. Clark abstained as he was not present at the meeting. Unanimously voted.**

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**Special Town Meeting (June 11, 2007)**

**Vote:** Mrs. Kramer entertained a motion to open the Special Town Meeting of June 11, 2007 Warrant on Friday, April 27, 2007; and articles and petitions should be submitted to the Town Manager's Office on or before Friday, May 11, 2007 by 4:30 p.m. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

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**Announcement of Special Election (June 18, 2007)**

Mrs. Click reviewed the schedule for the Special Town Meeting on June 11, 2007 and the Special Election on June 18; she said that the June 11<sup>th</sup> warrant would need to be posted by May 25 and the ballot for the Special Election would need to be submitted to the Town Clerk's Office by May 14.

**Vote:** Mrs. Kramer entertained a motion to open the June 11, 2007 Special Town Warrant on April 27, 2007. All proposed articles must be submitted to Town Manager's Office no later then 4:30 p.m. on Friday, May 11, 2007. **So moved Mrs. Pratt. Second Mr. Clark. Unanimously voted.**

**Vote:** Mrs. Kramer entertained a motion to schedule a Special Town Election on June 18, 2007 and to submit the language for the ballot questions to the Town Clerk's Office by May 14, 2007. **So moved Mr. Shepard. Second Mr. Holden. Unanimously voted.**

**Vote:** Mrs. Kramer to place the Trust for Public Land option that pertains to the purchase of the Weston Nurseries property on the June 11, 2007 Special Town Meeting Warrant. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted**

**Vote:** Mrs. Kramer entertained a motion to place the Tax Increment Financing (TIF) option for Lonza Inc. of Hopkinton on the June 11, 2007 Special Town Meeting Warrant. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

Mrs. Kramer stated that the Board would keep as a placeholder on the June 11, 2007 Special Town Meeting warrant the Town's right to exercise its first right of refusal under Ch. 61A that pertains to the Weston Nurseries property.

Mr. Clark stated his concern about the Town buying the Weston Nurseries property and about there being no process in place as to who would take control of the property. After some discussion, the Board agreed to keep this question to purchase the entire piece of property so that the town has an option to exercise its rights to purchase the property. It was pointed out that it is unlikely that the town would choose to purchase the entire property, but the Board needs to have it on the ballot. Mrs. Kramer agrees with Mr. Clark's point of view, but she thinks there is a lot of value for the community to still have an option to vote it or not. Mr. Clark stated that he still believes that the Board needs to provide guidance and leadership even though there is a low probability that the town will vote 30M for the property; but to keep in mind that the town has no commitment or plan and that no one has seriously studied this issue and pointed out that the town is not a developer. Mrs. Kramer stills thinks that the voters need to have the option.

**Vote:** Mrs. Kramer entertained a motion to place an article on the June 11, 2007 Special Town Meeting warrant for the town to buy the entire piece of Weston Nurseries property. **So moved Mrs. Pratt. Second Mr. Holden. The votes follow: Mrs. Kramer: yes; Mrs. Pratt: yes; Mr. Holden: yes; Mr. Clark: no; Mr. Shepard: yes. So voted.**

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**Hopkinton Garden Club (HGC) Event (4/ 28/07): Ruth Gorman, HGC) and Paul Gleason, Tree Warden**

Ruth Gorman, Hopkinton Garden Club, gave an overview of an Arbor Day celebration at the Town Common on Saturday, April 28 at Noon which has been coordinated by the HGC, Parks & Recreation Commission's Chairman, Al Rogers, the Town Tree Warden, Paul Gleason, and the DPW Director, John T. Gaucher. She explained the program for the event and invited residents to join them at the Town Common on the 26<sup>th</sup>. She wished to publicly thank everyone involved in the upcoming event.

Mr. Gleason, the Town's Tree Warden, said that with this planned event and the Board of Selectmen proclaiming April 27, 2007 as Hopkinton's first official Arbor Day, the Town would be able to apply for future State grants concerning the environment.

Mrs. Kramer read the Town of Hopkinton's Arbor Day Proclamation that includes the Board of Selectmen's celebrating Arbor Day, April 27, 2007.

**Vote:** Mrs. Kramer entertained a motion to support Arbor Day on April 27, 2007 as a community and to urge all citizens to support efforts to protect our trees and woodlands. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

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**Veteran's Celebration Committee Interview: Colleen D. Charleston**

Colleen Charleston gave an overview of her background and stated her interest to serve on the Veteran's Celebration Committee; she said that she has the time to serve on this Committee.

**Vote:** Mrs. Kramer entertained a motion to appoint Colleen D. Charleston to the Veteran's Celebration Committee for a one-year term to 2007. **So moved Mr. Clark. Second Mr. Holden. Unanimously voted.**

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### **Lake Maspenock Dam Issue**

Mr. Shepard gave status of last year's vote by the Town to purchase the Lake Maspenock Dam for \$1.00 and that it's been a year to get to this point due to ensuring that it had a clear title; and to determine how much the dam was worth before insurance could be obtained which has been done by the Lake Maspenock Preservation Association.

**Vote:** Mrs. Shepard motioned to authorize the Chair, Mrs. Kramer, to sign a purchase and sale for Lake Maspenock Dam subject to receipt of a satisfactory title and title insurance and that the Board of Selectmen endorses a purchase of sales agreement with the current landowner within 60 days for an amount not to exceed \$1.00. **Second Mrs. Pratt. Unanimously voted.**

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### **Fruit Street Sewer Construction Estimates (see attachment)**

Mrs. Pratt and Mr. Shepard stepped off the Board, Mr. Gaucher, DPW Director, reported the progress of the planning of the construction of the Fruit Street Wastewater Treatment Facility, which has an estimated cost of \$9,376,295. Mr. Gaucher gave a timeline of permit applications and approvals, including a water quality certificate which is still under review with the DEP.

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### **Ground Water Permit**

Mr. Gaucher gave an update on the Ground Water Permitting process stating that the design was approved in March 2007. It was pointed out that the appeal by a resident and lawsuit has slowed down the project and the town can't go out to bid until the lawsuit and appeal is settled. The DPW Advisory Committee voted to recommend to the Selectmen, that a ground water discharge hearing would not be held as the DEP recommended that the hearing is not necessary.

Mr. Clark said that there is a meeting with Mr. Gaucher, Mr. Sonnett, Mr. Troiano, and Mrs. Kramer to discuss how to present Article 19 at the Annual Town Meeting.

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### **Legal Assistance Request: F. Eric Sonnett, DPW Advisory Committee**

Mr. Sonnett presented the DPW Advisory Committee's request for legal assistance relative to the lawsuit between Brian Morrison against the Conservation Commission relative to the Wastewater Treatment Facility on the Fruit Street property. The DPW Advisory Committee request is for \$5,000. Town Counsel recommends Attorney Richard Nylen to handle this case as he has the background and expertise in this area.

**Vote:** Mr. Clark motioned to approve five hours of Town Counsel to the DPW Advisory Committee and to allow Town Counsel to recommend a lawyer to defend the DPW and Conservation Commission for a total of \$10,000. **Second Mr. Holden. Unanimously voted.**

Mr. Shepard and Mrs. Pratt stepped back on the Board.

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### **DPW article**

Mr. Troiano talked about the process that the Town would need to follow in regards to the Town Charter formulating an elected DPW Board versus the present appointed DPW Board which are Articles 55 and 56 on the Annual Town Meeting warrant as follows: (**ARTICLE 55:** To see if the Town will vote to approve an order referring to the voters a proposed amendment to the Hopkinton Home Rule Charter approved on May 15,

2006, to repeal Chapter 262 of the Acts of 2006 in its entirety. **ARTICLE 56:** To see if the Town will vote to amend Part 1, Administrative Legislation, Chapter 33, Personnel, Sections 33-1 through and including 33-43 and 33 Attachment I, Appendix A in all manner and respects to conform with the corresponding and applicable provisions of the Hopkinton Charter adopted on May 15, 2006 .) Mr. Troiano said that Town Counsel is in the process of writing the motion.

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### **Town Manager's Report**

Mr. Troiano talked about the Finance Director position and is discussing this with the Personnel Committee as to if this is a new position versus a promotion from within the Town.

### **Weston Nurseries:**

Mr. Troiano said that he received a letter from Attorney DeAngelis, Town Counsel, regarding the bonding for any proposed purchase of the Weston Nurseries Property and that he received a telephone call from Attorney James McGinley inquiring about the status of the Town's decision to allow Edwards, Angell, Palmer and Dodge to represent the Town in the event that there was any bonding required in connection with the purchase of all or any portion of the Weston Nurseries property. It was suggested so that if the Town intended to go forward with the purchase of any portion of the property which required bonding, Mr. McGinley, who is affiliated with the office of Edwards, Angell, Palmer & Dodge, could continue to represent both the lender and the Town provided that the Town executed a waiver of any potential for conflict of interest.

**Vote:** Mr. Clark motioned that the Town would waive any potential conflict of interest in working with the firm Edwards, Angell, Palmer & Dodge on the Weston Nurseries property issue. **Second Mrs. Kramer. Unanimously voted.**

Mr. Troiano will present at the next meeting the Personnel Bylaw for Town Meeting; and that the motions for town meeting are in the process of being completed.

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### **Selectmen's Liaison Reports**

Mrs. Pratt stated that the Boston Athletic Association and the Marathon Committee deserves a lot of credit for the manner in which they handled the Boston Marathon considering the poor weather conditions. Mrs. Kramer agreed and requests an invitation to the DPW, Police Chief, Fire Chief, Marathon Chair, School Department representative to the next Selectmen's meeting to recognize their efforts.

Mr. Holden said that he is working with the Public Library and the CPC regarding their STM article and should be resolved before the STM.

Mr. Clark asked how the Town meeting articles would be arranged, and Mrs. Kramer responded that this would be discussed at the Town Moderator's meeting scheduled for next week. Mrs. Kramer said that she is amenable to look at different options in the arrangement of the articles. Mrs. Kramer supported a random system in addressing the Town meeting articles. Mr. Clark disagree and stated that this could cause chaos, and he strongly believes the Board should keep with the traditional manner in the order of the articles and that this is the Board's responsibility in preparing the warrant. He suggested that the Board vote on this; and Mrs. Kramer responded that the Board would vote pending Dr. Karlin's opinion.

**Vote:** Mrs. Kramer entertained a motion to approve some mechanism that is amendable to some form of random method with the understanding that when one article is addressed then all of those department's articles would follow; and to request Dr. Karlin's final input; and that there would be a press release of the traditional method versus a new method to keep the public informed. **Second Mrs. Pratt. Discussion:**

Mr. Clark questioned how the Board would handle time scheduling of consultants from Earth Tech with a random process. Mrs. Kramer said that the Board would resolve this. Mr. Clark recommended discussing this with the Town Moderator first before voting this. **The votes follow: Mrs. Kramer: yes; Mrs. Pratt: yes; Mr. Shepard: yes; Mr. Clark: no; Mr. Holden: no. So voted.**

Mr. Clark asked about the status of the Trails Policy and requested Mr. Troiano to send a letter out this week in regards to the status of the policy. He also questioned Town Counsel Performance Evaluation and when that would be performed. Mrs. Kramer responded that this would be done after town meeting. Mr. Clark also asked about the ex officio status pertaining to the Open Space Preservation Committee. Mr. Troiano said that he does not have an opinion regarding this issue just yet.

Mr. Shepard said that he has been working with Facilities Director, Brian Main, on the ADA issue and that a proposal is forthcoming. Mr. Troiano said that the School Committee has agreed to withdraw its ADA article on the town meeting floor as there needs to be a survey of all town buildings and that this could be on the June STM warrant; the cost could be substantial i.e., \$300,000 to \$400,000. Mrs. Kramer said that the Board of Selectmen, Personnel Committee, School Committee, Appropriation Committee and Town Manager are working cooperatively on the ADA issue.

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**One-Day Wine & Beer License Request: Southborough Rod & Gun Club; Sat., 5/19; 3:30 p.m. – 6 p.m**

**Vote:** Mrs. Kramer entertained a motion to approve a one-day wine and malt license to the Southborough Rod & Gun Club located at 254 Fruit Street on Saturday, May 19, 2007 from 3:30 p.m. to 6:00 p.m. for the Hopkinton Senior Dinner event; and let it be noted that the Police Chief has no concerns with the issuance of this license. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

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**Cable Committee Resignation: John Gallant**

**Vote:** Mrs. Kramer entertained a motion to accept with regret John Galant's resignation from the Cable Committee. **So moved Mrs. Pratt. Second. Mr. Shepard. Unanimously voted.**

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**Selectmen's May Schedule: ATM: 5/7-10 (Meetings are posted at 6:00 p.m. before the ATM); 5/15; 5/22**

**Vote:** Mrs. Kramer entertained a motion to approve the May 2007 Board of Selectmen's meeting schedule as follows: Annual Town Meeting from May 7 through May 10 all to be posted at 6:00 p.m. at the Middle School; May 15, 2007 and May 22, 2007. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

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**Rescind Selectmen's 5/1/07 meeting vote taken on 12/19/06**

**Vote:** Mrs. Kramer entertained a motion to rescind the December 19, 2006 vote to schedule a Selectmen's meeting on May 1, 2007. **So moved Mrs. Pratt. Second Mr. Shepard. The votes follow: Mrs. Kramer: yes; Mrs. Pratt: yes; Mr. Holden: no; Mr. Clark: no; Mr. Shepard: yes. So voted.**

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**The Scheduling of the Reappointments of Town Committee Members Discussion**

The issue of the reappointments was discussed and Mrs. Kramer recommended making the reappointments for the new fiscal year '08 after the town election so that the new board members can be involved in the reappointment process since they would be working with the town committees.

**Vote:** Mr. Clark motioned for the Board of Selectmen to make the yearly re-appointments of the Town Committees at the May 15 Selectmen's meeting. **Second Mr. Holden. Discussion:** It was pointed out that the appointments become effective on July 1. Mrs. Kramer would like to vote the reappointments with the

new board after the election. Mr. Clark requests that this Board make the reappointments before he and Mr. Holden leave office as they know the current members of the committees; and added that there is no reason to change this process. Mr. Clark believes that this is a show of disrespect to himself and Mr. Holden. Mr. Shepard said that the new board members need not be eliminated from the process and that they would be working with the upcoming appointees. He would rather wait until the new board is elected before making the reappointments. Mr. Holden agreed with Mr. Clark's statement; and Mrs. Kramer pointed out the importance for the new board to make the reappointments. She added that she intends no disrespect to Mr. Clark and Mr. Holden. **The votes follow: Mr. Clark: yes; Mr. Holden: yes; Mr. Shepard: no; Mrs. Pratt: no; Mrs. Kramer: no. The vote fails.** Mrs. Kramer said that the reappointments would be made during one of the June Selectmen's meetings.

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**2007 Volunteer Appreciation Proclamation (Council on Aging)**

**Vote:** Mrs. Kramer entertained a motion to approve for signature a 2007 Volunteer Appreciation Proclamation for the Council on Aging. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

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**Removal of Traffic Restriction for Downey Street on a Trial Basis Request from the Police Chief**

Mrs. Kramer read a letter from Police Chief Thomas Irvin to request the Board of Selectmen to remove a traffic restriction for Downey Street that was placed on a trial basis in October of 2000 prohibiting traffic from entering Downey Street from West Main Street during the morning commute. The reason behind the request was a traffic problem created by commuters cutting through Downey Street to avoid the congestion at South and West Main Street; and as improvements to the intersection were in the planning stage and thought the restriction could be removed when the improvements were complete. The Chief stated that the intersection of South and West Main Street has been improved and congestion in this area is less than it was in 2000.

**Vote:** Mrs. Kramer entertained a motion to approve the Police Chief's request as recommended. **So moved Mr. Clark. Second Mr. Shepard. Unanimously voted.**

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**Marathon Fund Request**

**Vote:** Mrs. Kramer entertained a motion to approve the Marathon Fund request from the Destination Imagination Team for \$800 for the purpose of helping to fund the cost of a trip by a 5<sup>th</sup> grade Destination Imagination Team that was selected to participate in an international competition being held in Knoxville, Tennessee in late May. The team consists of five 5<sup>th</sup> graders and two adult managers. **So moved Mr. Clark. Second Mrs. Pratt. Unanimously voted.**

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**Public Meeting Adjourned:**

**10:10 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: 7/24/07