

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: June 12, 2007
MINUTES**

Board of Selectmen members present: Muriel E. Kramer, Chairwoman; Mary Pratt, Vice-Chairwoman; Michael Shepard; Brian Herr; Matt Zettek;

Others Present: Casey Kadlik, HCAM; Richard Conn, MetroWest News; Robert Falcione, HopNews; Brian Morrison; Chris Barry; Chris Barry, Jr.; Fran Moschini; Tim Kilduff; Kathy Whalen; John Rydberg; Mavis O'Leary; Liisa Jackson; Police Chief Thomas Irvin; Fire Chief Gary Daugherty; Rebecca Robak, School Committee; Dr. John Phelan, School Superintendent; Robert Murphy, Conservation Commission; Geri Holland, Executive Assistant

Public Meeting Opened/Pledge of Allegiance (Room 215)

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

Transfer of Funds Request:

1) Library Director: **Vote:** Mrs. Kramer entertained a motion to approve the request from the Hopkinton Public Library Director to transfer \$9,666 from the library salaries, line item 58, to library expenses, line item 59. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

2) Board of Assessors: **Vote:** Mrs. Kramer entertained a motion to approve the request from the Board of Assessors to transfer \$2,500 from the Assessors Department's salary line 0181 to the Assessors expense line item 0044. **So moved Mr. Shepard. Second Mr. Zettek. Unanimously voted.**

3) Conservation Commission: The Board tabled this request until more information can be obtained.

Legal Assistance Request: Robert Murphy, Conservation Commission

Mr. Robert Murphy, Chairman of the Conservation Commission, presented a legal assistance request from Attorney Richard Nysten for 25 hours at \$200 per hour for court representation relative to an appeal by the Cedar Swamp Conservation Trust regarding an Order of Conditions under the Hopkinton Wetlands Protection Bylaw to Superior Court for E.L. Harvey, DEP File No. 188-1367. There was a discussion regarding the cost for legal assistance; and Mr. Murphy said that the Conservation Commission obtains Attorney Nysten as he is familiar with the issues. He add that wetlands law is Attorney Nysten's specialty, whereas Town Counsel is not qualified to handle this issue. Mr. Herr suggested negotiating legal fees; and it was suggested to hold a discussion about this possibility.

Vote: Mrs. Kramer entertained a motion to approve the Conservation Commissioner's Legal Assistance request as submitted. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted.**

Proclamations

Vote: Mrs. Kramer entertained a motion to approve for signatures by the Board two Proclamations to be presented to Good Scout honorees, Mr. Leonard Holden and Mrs. Louise Donahue, at this years Good Scout Award event hosted by the Hopkinton Chamber of Commerce. **So moved Mrs. Pratt. Second Mr. Zettek. Unanimously voted.**

Acting Town Manager Update

Mrs. Kramer invited Fire Chief Daugherty and Police Chief Irvin to join the discussion regarding the Acting Town Manager update. Mrs. Kramer gave an overview of the Board's discussion at their last meeting regarding the Acting Town Manager's position, and how it was determined, at that time, for her to engage in a conversation with the Fire Chief Daugherty and Police Chief Irvin about serving as the Acting Town Manager. Mrs. Kramer said that she met with both Chiefs, and both agreed to step-up to the role with Chief Daugherty accepting the position and Chief Irvin would act as a back-up, if needed. Chief Daugherty commented that he is fortunate to serve in both capacities as the Fire Chief and Acting Town Manager, and is comfortable with this new position with Deputy Chief Clark serving at the Fire Station during his tenure as Acting Town Manager. Chief Irvin thanked the Board for their confidence in him. Chief Daugherty stated that he would still maintain his role as the Fire Chief, but would conduct his role as the Acting Town Manager during the day at the Town Manager's Office. There was a discussion regarding the length of this appointment being about 3-5 months and that the financial compensation to the Fire Chief would be discussed by the Board after this meeting in an executive session meeting.

Town Meeting Discussion

Mr. Zettek stepped off the Board due to a potential conflict of interest.

Mrs. Kramer addressed concerns that she received from residents about the manner in which the Town Meeting was handled; and wished to acknowledge their concerns. After discussing this, the Board agreed to take a look at these concerns and try to make it a better process. Mavis O'Leary read a letter that would request an appeal to rescind the Town Meeting vote. Residents, Beth Rohlfs Kathy Whalen, Liisa Jackson, and Chris Barry, also presented their concerns about the Town Meeting process being unfair. Mrs. Kramer explained the Ch. 61A process and commented that the Board wished to give citizens the opportunity to explore the Town's options. She added that the Board of Selectmen did it's best to accommodate the public. Mrs. Kramer encouraged residents to vote on Monday, June 18 and that the Ch. 61A public hearing would be re-convened on June 19 at the Middle School's auditorium. There was a discussion regarding the Board's vote on June 19 and that if the Board had a tie vote (as Mr. Zettek steps off the Board for the Weston Nurseries discussions as he is an abutter to the property.), it would mean a "no" vote. Mr. Zettek returned to the Board at this time.

Human Resource Update

Mr. Herr said that he met with the candidate for the Human Resource Director position, Maryrose DeGroot, that the Personnel Committee voted to recommend; and he also recommends Ms. DeGroot for the full-time position. An offer will be made by the Personnel Committee shortly pending an interview with Fire Chief Daugherty, Acting Town Manager.

School Building Authority/Statement of Interest: Dr. John Phelan, School Superintendent; Rebecca Robak, School Committee Chairwoman

Dr. Phelan said that funding from the Massachusetts School Building Authority (SBAB) requires Statements of Interest and authorization from both the School Committee and the Board of Selectmen that pertains to each school project priority including the Center Elementary School, the Middle School roof and exterior walls, the replacement or addition to obsolete buildings in order to provide for a full range of programs consistent with State and approved local requirements for the Elmwood Elementary School and the Center Elementary School. Dr. Phelan said that a majority vote from both the School Committee and the Board of Selectmen is required authorizing the Superintendent of Schools to submit a Statement of Interest to the MSBA. He said that, in addition, written certifications are required from the Local Chief Executive Officer, the District Superintendent, and the School Committee Chair. The deadline for submitted a Statement of Interest for FY'08 is July 31, 2007.

Vote: Mrs. Kramer entertained a motion to authorize the Chairman of the Board to sign the School Department's Statement of Interest to the Massachusetts School Building Authority as follows: Priority 1

Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists for the Middle School Roof and Exterior Walls. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to authorize the Chairman of the Board to sign the School Department's Statement of Interest to the Massachusetts School Building Authority as follows: Priority 1 the replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists for the Center Elementary School. **So moved Mr. Shepard. Second Mr. Zettek. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to authorize the Chairman of the Board to sign the School Department's Statement of Interest to the Massachusetts School Building Authority as follows: Priority 7 the replacement or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements for the Elmwood Elementary School. **So moved Mr. Shepard. Second Mr. Zettek. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to authorize the Chairman of the Board to sign the School Department's Statement of Interest to the Massachusetts School Building Authority as follows: Priority 7 the replacement or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements for the Center Elementary School. **So moved Mr. Zettek. Second Mr. Shepard. Unanimously voted.**

Move into Executive Session for the purpose to discuss Contract Negotiations

9:00 p.m. Vote: Mrs. Kramer motioned to move into executive session for the purpose to discuss contract negotiations, and then move back into public session to continue the public meeting. **So moved Mrs. Pratt. Second Mr. Herr. The roll call votes are: Mrs. Kramer: yes; Mrs. Pratt: yes; Mr. Shepard: yes; Mr. Herr: yes; Mr. Zettek: yes. Unanimously voted.**

9:40 p.m. Mrs. Kramer re-opened the public meeting and said that the Board discussed the Acting Town Manager's compensation who will be required to manage the day to day activities.

Vote: Mrs. Kramer entertained a motion to compensate the Acting Town Manager, Fire Chief Daugherty, \$2,000 a month. **So moved Mr. Shepard. Second Mr. Zettek.** **Discussion:** Mr. Shepard amended the vote to include Chief Daugherty's term as Acting Town Manager would be for three months with an additional month, if needed. **Unanimously voted.** Mrs. Pratt stated for the record that Fire Chief Daugherty has his Master's Degree in Public Administration.

The Board agreed to post a meeting on Friday, June 15 at 3 p.m. to discuss with Chief Daugherty a list of priorities.

Meeting Adjourned:

9:50 p.m. Vote: Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Zettek. Second Mrs. Pratt. Unanimously voted.**

Respectfully submitted,

Geri Holland
Executive Assistant

Date approved: June 24, 2007, as amended