

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: October 16, 2007
MINUTES**

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

Others Present: Casey Kadlik, HCAM; Robert Falcione, HopNews; Amy Comcowich, Hopkinton Independent; Richard Conn, MetroWest News; Abby Fucigna; Ryan Dobinski; Brian Gordon; Tom McIntyre; Colleen Burns; Kate Danahy; F. Eric Sonnett; Christopher Barry; Chuck Joseph; Joseph Strazzulla; Robert McGuire; Ronald Clark; Timothy Kilduff; Robert Foster; Scott Richardson; Philip Totino; Heidi Kriger; Lynn Fournier; Sethu Sekhar; Roy McDowell; Steven Zieff; Carol DeVeuve; Nancy Peters; Ann Click; Anthony Troiano, Town Manager; Geri Holland, Executive Assistant

Open Public Meeting/Pledge of Allegiance

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

Selectmen's Minutes: 10/2/07

Vote: Mrs. Kramer entertained a motion to approve the October 2, 2007 minutes. **So moved Mrs. Pratt. Second Mr. Herr. Unanimously voted.** Mr. Shepard and Mr. Zettek abstained from the vote as they were not present at the October 2 meeting.

Readout Mail

Mrs. Kramer read a letter from the Ms. Liisa Jackson, Chairwoman of the Hopkinton Medical Reserve Corps, stating that the recent MRC Drill was a great success and wished to stress that Hopkinton has a great team of volunteers who are prepared to respond to an infectious disease outbreak or a disaster in the Town of Hopkinton. In Ms. Jackson's letter, she also wished to thank Selectman Shepard who volunteered to help the MRC staff with the Drill.

Public Discussion: 10 minutes, as necessary

Mr. Shepard and Mrs. Pratt stepped off the Board due to potential conflict of interest. Mr. Scott Richardson expressed how "crucial" it is to increase the Town's tax base by acting according to Town meeting votes to complete the wastewater treatment facility on Fruit Street. Mrs. Kramer said that the Board would discuss this issue later in the meeting and at the November 6th Selectmen's meeting. Mr. Herr said that the Town will lose revenue if this project continues to be stalled. Mrs. Kramer commented that the Town needs to have an "open-mind and tackle" this issue from all angles by looking at different ways that might mean less expense to the Town.

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

Petition for Joint Pole Location on Fruit Street (Verizon): Steve Trychon, Manager Right of Way

Mrs. Kramer read the public hearing notice upon the petition of Verizon New England, Inc. and the Boston Edison Company for joint or identical locations for the construction or erection of poles to be owned and used in common by them and such other fixtures as may be necessary to sustain or protect the wires on the line upon on

the northwesterly sideline of Fruit Street, approximately 450 feet northeast of Saddle Hill Road to place a new pole #25/89. Mrs. Kramer read the abutter's list and asked if any abutters were present. She noted that there were no abutters present.

Vote: Mrs. Kramer entertained a motion to open the public hearing. **So moved Mr. Herr. Second Mr. Zettek. Unanimously voted.**

Mr. Stephen Trychon, Manager Right of Way from Verizon, explained the petition for the placement of the new pole. Mrs. Kramer noted a letter from Mr. Gaucher, DPW Director, stating that the DPW reviewed the petition and recommends approval of this petition by the Board of Selection with the following conditions: A permit to excavate in the Right of Way be applied for with the DPW; A Dig-Safe be applied for; A required Bond and Certificate of Insurance be placed on file with the DPW; and they would be in compliance with the DPW Road Opening Permit Policy.

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

Vote: Mrs. Kramer entertained a motion to approve the request as submitted with the recommendation as submitted by the DPW that A permit to excavate in the Right of Way be applied for with the DPW; A Dig-Safe be applied for; A Required Bond and Certificate of Insurance be placed on file with the DPW; and they would be in compliance with the DPW Road Opening Permit Policy. **So moved Mr. Herr. Second Mr. Zettek. Unanimously voted.**

Legal Assistance Request: DPW Director

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

Tracking #9: DPW (25 hours)

Mr. Gaucher requested for 10 hours of Town Counsel's legal opinion relative to the Alprilla Farm Well Development Agreement with Legacy Farms. There was a discussion regarding the use of the 53E½ account to fund this request, and Mr. Gaucher said that this would be reimbursed from the Planning Board's 53E½ Account this week.

Vote: Mrs. Pratt motioned to approve the DPW's legal assistance request for 10 hours of Town Counsel's legal opinion relative to the Alprilla Farm Well Development Agreement with Legacy Farms with the understanding that the funds would be reimbursed from the Planning Board's 53E½ Account. **Second Mr. Herr. Unanimously voted.**

Tracking #10: DPW (10 hours)

Mr. Zettek returned to the Board; Mrs. Pratt and Mr. Shepard stepped off the Board due to potential conflict of interest.

Mr. Gaucher requested for 25 hours of court representation from the law firm, Lynch, DeSimone & Nylén, relative to residents appeal of the dismissal of an appeal of the local bylaw wetlands crossing on the Fruit Street property that pertains to the Wastewater Treatment Facility. The Board discussed holding an executive session meeting between the Board of Selectmen, DPW Board, law firm and Town Counsel.

Vote: Mrs. Kramer entertained a motion to schedule an executive session meeting between the Board of Selectmen, DPW Board, Attorney Nylén, and Town Counsel to discuss litigation strategy. **So moved Mr. Herr. Second Mr. Zettek. Unanimously voted.** Mr. Troiano recommended for the executive session meeting to also address all legal matter, as Town Counsel would be attending the meeting. The Board discussed an afternoon meeting date of October 30.

Vote: Mr. Zettek motioned to approve the DPW's legal assistance request for 25 hours of court representation from Attorney Nysten relative to residents' appeal of the dismissal of an appeal of the local bylaw wetlands crossing on the Fruit Street property that pertains to the Wastewater Treatment Facility. **Second Mr. Herr. Unanimously voted.**

Mr. Shepard and Mrs. Pratt returned to the Board.

One-Day Wine & Beer License Request: Cornell's Restaurant

Mrs. Kramer read a letter from Robert Cornell from Cornell's Restaurant requesting a one-day beer and wine license for Sunday, October 21, 2007 from 1:00 p.m. to 8:00 p.m. for a James Montgomery concert to benefit Colin McKenzie which is taking place on the Cornell Fields. Mrs. Kramer read a letter from Police Chief Irvin stating that he and Lt. Richard Flannery met with Mr. Cornell who agreed to hire two detail officers for the last four hours of the event; and that Mr. Cornell also agreed to provide adequate staff to direct attendees to the designated on-site parking areas, to provide wristbands to attendees who are of drinking age and to check the identification of everyone purchasing alcoholic beverages, each time they make a purchase; and finally, Mr. Cornell agreed to close admittance to the event when the on-site parking was at full capacity. Mrs. Kramer noted that Chief Irvin's letter stated that with Mr. Cornell agreeing to these controls, he has no objection to the Board issuing the one-day beer and wine license for the concert.

Vote: Mrs. Kramer entertained a motion to approve the request from Robert Cornell from Cornell's Restaurant requesting a one-day beer and wine license for Sunday, October 21, 2007 from 1:00 p.m. to 8:00 p.m. for a James Montgomery concert to benefit Colin McKenzie which is taking place on the Cornell Fields provided as he and Police Chief Irvin have agreed to that he hires two detail officers for the last four hours of the event; and that Mr. Cornell provide adequate staff to direct attendees to the designated on-site parking areas, and that he provide wristbands to attendees who are of drinking age and to check the identification of everyone purchasing alcoholic beverages, each time they make a purchase; and finally, that Mr. Cornell agreed to close admittance to the event when the on-site parking was at full capacity. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted.**

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

Fruit Street Property

There was a discussion regarding the various lawsuits and appeals against the Town and state Department of Environmental Protection that pertains to the Fruit Street property; and it was agreed to schedule an executive session meeting with the Board of Selectmen, DPW Board, Town Counsel, and the law firm that is representing the town to discuss legal strategies. The Board would schedule an afternoon meeting on October 30 once the attorneys are contacted to confirm their availability. **Vote:** Mr. Zettek motioned to schedule an executive session meeting for the purpose of discussing legal strategies. **Second Mr. Herr. Unanimously voted.**

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

Finance Plan Working Group Presentation (see attachment) Anthony Troiano, Town Manager

Mr. Troiano gave a PowerPoint Presentation of the report of the Financial Plan Working Group. Mr. Troiano reviewed the Group's Goals, members, process, timetable from the first time the Group met in May 2006, the group's findings including several charts showing a structural deficit for FY'09. The presentation also included key recommendations one being to act as one town having one problem with one solution. Mr. Troiano also reviewed the proposed next steps. Members of the Board expressed their gratitude and thanks to the Group's members; and Mrs. Kramer recommended for the Board to read through and familiarize themselves with the information in the handout.

Marathon, Greece

Mr. Robert Foster recommended to send a letter to Marathon, Greece, Hopkinton's sister city that pertains to the Boston Marathon, to express the Town's empathy towards all of those victimized by the recent fires spreading throughout Greece due to drought conditions. The Board agreed to send a letter.

Legacy Farms Overview

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

Mr. Zieff and Mr. McDowell, Legacy Farms, LLC., gave a presentation of the status and timing of Legacy Farms development formerly the Weston Nurseries property. There was a discussion about keeping the public informed; and the Board was informed that there is a link on the Town's Web Newspaper, HopNews. Some of the areas of discussion included a traffic impact study, and wastewater disposal, Mr. McDowell also mentioned that nothing has changed from their beginning plans except that there will be 500 acres of space available for the public. Mr. Troiano said that Town Counsel is preparing an agreement between the Town and Boulder Capital that pertains to the potentially new wells located at Alprilla Farm Road. It was noted that the permitting process is early in the process.

Mr. Zettek stepped back on the Board.

Fruit Street Property:

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

Mrs. Kramer began a discussion regarding the oversight of the development of the Fruit Street property. Mr. Herr stated the importance of taking a step back and thinking about how to manage the property. He asked if there should be an oversight committee; and how would the Town manage this process. Mr. Herr would like to see the development of this property move forward; and believes there should be specific action on moving forward with developing the wastewater facility treatment plant (WWFTP). He also noted that the Board has sent a letter to the Department of Environmental Protection and that perhaps another letter should be sent to them. He recommended that the Board vote to establish an oversight committee for the purpose of moving forward with the development of this property.

Mrs. Kramer said that she has "no passion" to implement another Fruit Street Development Committee; but that the Board could look at requesting the Facilities Director and Town Manager to identify the assignment responsibilities of the various projects that need to be done on behalf of the stakeholders including the Cemetery Commission.

There was more discussion regarding the possibility of developing a committee that would consist of the stakeholders of the property. Mr. Herr recommended a nine member committee including Town employees, various Town Boards with not only the responsibility of overseeing the property projects, but who also have the authority to make decisions.

Mrs. Kramer reiterated that she is not in favor of an oversight committee and that the responsibility rests with the Board of Selectmen and Town Manager. She believes that the Town Manager, Planning Director and Facilities Director should work on a management plan.

Mr. Herr agreed with this concept, but questioned how this would work out with the stakeholders being separate independent elected boards.

Mr. Zettek indicated that he was not supportive of re-establishing the old FSDC and suggested moving on to other discussion points.

Mrs. Kramer said that the independent stakeholders should take the master plan and parcel out the property.

Mr. Herr pointed out that this was already done through Town Meeting vote. Mrs. Kramer stated that Town Meeting had voted a Concept Master Plan; and that specific parcels have not been formally defined.

Mr. Herr again asked the question of how the process would be managed. Mrs. Kramer responded by using the professionals in Town Hall. She added that a vote does not need to be taken on who would manage the Fruit Street property. Mr. Herr asked for clarity as to who would be part of the process in managing the property. Mrs. Kramer recommended for the Town Manager, Planning Director and the Facilities Director.

Mr. Herr again asked if the Board needs to take a vote regarding who would be managing the process. Mr. Troiano replied that no vote needs to be taken, as the Town has a Charter to manage the process and that it holds the professionals accountable for getting or not getting the job done.

Mr. McIntyre agreed with Mr. Troiano in having the professionals taking responsibility to get the job done; and that the DPW Board does not want the Board of Selectmen to hinder what needs to be done; he added that the DPW Board has the authority to proceed with the development of the wastewater facility..

Mr. Joseph Strazzulla, who identified himself as a past Chairman of the Board of Selectmen, made a statement that this project needs to move forward. He said that the Board needs to be united and not delay the development of this property.

When Mr. Zettek replied that the Board is doing this, Mr. Strazzulla responded that Board needs to do more and that they should support the voter's wishes to build a wastewater facility plant. He said that by not doing this, it is not in the best interest of the Town.

Mrs. Kramer stated that she understands and respects his opinion; and added that the Board is working thorough the issues in a "concrete" way.

Mr. Ronald Clark, who identified himself as a past Chairman of the Board of Selectmen, pointed out that the Board of Selectmen's assignment responsibilities have already been done; and added that there has already been a Supplemental Environmental Impact Review and for the Town to make any changes would require going through the whole MEPA process again.. He said that the second supplemental review was filed by VHB; and pointed out that the voters approved at Town meeting to move forward with the development of this property with the exception of the Housing. He pointed out that the Fruit Street Development Committee worked on these issues for four years and all the information has been gathered. He also recommended holding off before placing a Conservation Restriction on the property as there is no downside in holding off. Mr. Clark added said that the athletic fields were approved twice at Town Meeting, but that a debt exclusion was not approved by the voters to fund the project. He believes the funding should come from the Community Preservation Fund as the land is 50% passive and 50% active. He then recommended to the Board to re-appointment of the nine-member Fruit Street Development Committee, as all members of the previous Committee are stakeholders of the Fruit Street property.

Mr. Scott Richardson, resident and member of the Downtown Revitalization Committee, reiterated the frustration of this issue; and as a member of the Chamber of Commerce and business owner in the community, he would like to see this project move forward. Mr. Richardson recommended holding a public discussion or forum the Wastewater Treatment Facility, so that the Town can move forward with the development of this property. Mrs. Kramer responded that she does not disagree with this and that this will be brought up again.

Mr. Herr wished to note in the minutes that he suggested to the Board to take a formal vote that they do not wish to establish an oversight committee; and the other Board members, based on the recommendation of the Town Manager, and stated that they didn't believe that was necessary. Also, it is noted that the Board decided that the Town Manager, Planning Director and Facilities Director would manage the development of the Fruit Street property.

It was agreed to schedule an executive session meeting on October 30 to discuss litigation strategies pertaining to the Fruit Street property appeals; and to follow-up with the Department of Environmental Protection (DEP) agency by sending them another letter requesting assistance with how best to obtain the necessary permits and move the project forward.

Mr. Shepard, speaking only as a resident, noted that there is a public perception that the Board of Selectmen are divided on the Wastewater Treatment Facility Plant and recommended writing a letter to the residents of the Town that they are not divided on this issue.

Vote: Mrs. Kramer entertained a motion to send a letter to the DEP to encourage a favorable review as soon as possible. **So moved Mr. Herr. Second Mr. Zettek. Unanimously voted.** It was agreed that the three Selectmen would sign the letter.

Vote: Mrs. Kramer entertained a motion to post a letter on the Town's website that the Board is in support of the WWTF on the Fruit Street property. **So moved Mr. Herr. Second Mr. Zettek. Unanimously voted.**

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

Town Manager's Report

1. CFO Update: Mr. Troiano said that he is holding four interviews within the next week; and that he should have a recommendation before the next Board of Selectmen's meeting.
2. Budget Calendar: Mr. Troiano said that the next Three-Year Financial Group meeting is scheduled on 10/20 and that he would have the budget guidelines by the November 6 Selectmen's meeting.
3. STM Articles List: Mr. Troiano reviewed the Special Town Meeting articles list for the Nov. 5th STM. The Board asked to contact the High School to see if the High School Gym is available for the STM.
4. Legal Assistance Request (Tracking #6): Treasurer (4 hours) Mr. Troiano requested on behalf of the Town Treasurer for four more hours of legal assistance, Tracking #6) from Town Counsel to continue discussion regarding the bulk lien taxes issue.

Vote: Mr. Shepard motioned to approve four additional hours of legal assistance as requested by the Town Treasurer. **Second Mrs. Pratt. Unanimously voted.**

5. Legal Assistance request, Tracking #4, from the Board of Appeals: Mr. Troiano requested on behalf of the Board of Appeals for 30 more hours of Town Counsel's court representation to be paid through the 53G account that pertains to the continuance of the Peppercorn Village legal issue.

Vote: Mrs. Pratt motioned to approve the 30 extra hours of legal assistance as requested from the Board of Appeals. **Second Mr. Shepard. Unanimously voted.**

Mr. Troiano talked about having the authority to give department heads approval for legal assistance rather than wait for Selectmen's meetings. Mrs. Kramer suggested discussing this at the next meeting; and Mr. Shepard asked Mr. Troiano to prepare a Town Manager's policy for the Board's consideration.

One-Day Wine & Beer License Request: Historical Society

Mrs. Kramer read a letter from William Shaw, President of the Hopkinton Historical Society, requesting a one-day wine and beer license for the Historical Society's Annual Harvest Supper fundraiser on Friday, November 9,

2007 from 6:00 p.m. to 9:00 p.m. at S. John's Hall located at 20 Church Street. Mrs. Kramer noted that the Police Chief has no issue with the Board approving this license request.

Vote: Mrs. Kramer entertained a motion to approve the Hopkinton Historical Society's request for a one-day wine and beer license for the Historical Society's Annual Harvest Supper fundraiser on Friday, November 9, 2007 from 6:00 p.m. to 9:00 p.m. at S. John's Hall. **So moved Mrs. Pratt. Second Mr. Herr. Unanimously voted.**

Project Just Because Request: Put up Town Hall Christmas tree before Thanksgiving

Mrs. Kramer read a letter from Cherylann Lambert Walsh, President of Project Just Because, Inc., that requests the Board's approval to place the Town Hall Christmas tree in the Town Hall lobby before Thanksgiving until the Friday before Christmas, so that Project Just Because can hang "heart wish" decorations on the branches of the tree, that residents can take to purchase and donate items requested from anonymous families in need of various items, assisting them through the holidays. Project Just Because has had the Board of Selectmen's support of this holiday project for the last several years.

Vote: Mrs. Kramer entertained a motion to approve the request from Cherylann Lambert Walsh to place the Town Hall Christmas tree in the Town Hall lobby before Thanksgiving until the Friday before Christmas for Project Just Because. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

Accept Veteran's Celebration Resignation: JoAnn Morgan

Mrs. Kramer read a letter from Jo-Ann Morgan that stated her resignation from the Veteran's Celebration Committee.

Vote: Mrs. Kramer entertained a motion to accept with regret Jo-Ann Morgan's resignation from the Veteran's Celebration Committee. **So moved Mrs. Pratt. Second Mr. Herr. Unanimously voted.**

Meeting Adjourned:

8:45 p.m. Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Herr. Second Mrs. Pratt. Unanimously voted.**

Respectfully submitted,
Geri Holland
Executive Assistant

Date approved: