

**TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: November 6, 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; Demian David Tebaldi and Robert Falcione, HopNews; Amy Comcowich, Hopkinton Independent; Richard Conn, MetroWest News; Ann Click, Town Clerk; Town Accountant: Heidi Kriger; Youth Commission: Ron Foisy, Chairman, and Linda Katz; Cheryl Perreault; James Burton; DPW Board: Daniel McIntyre; DPW Director, John T. Gaucher; Ron Clark; F. Eric Sonnett; Board of Appeals Chairman, Tom Garabedian; High School Students: Michael Abbate, Marissa Zepf, Maria Kennedy; Anthony Troiano, Town Manager; Geri Holland, Executive Assistant

Open Public Meeting/Pledge of Allegiance

7:00 p.m. Mrs. Kramer, Chairwoman, invited everyone to stand for the Pledge of Allegiance. Mrs. Kramer then made a statement about the loss of resident, Rosemary Lynch, who passed away earlier this morning. Mrs. Kramer asked for a moment of silence in memory of Mrs. Lynch. Mr. Shepard then said that Robert Hill from Ashland and who worked part-time as an inspector in the Town of Hopkinton's Building Department also passed away. Mr. Shepard said a few words about Mr. Hill's contributions. Mr. Shepard also mentioned that the Town's Plumbing Inspector, Charlie Featherstone, is at the MetroWest Hospital and his family has requested visitors.

Selectmen's Minutes: 9/25/07; 10/29/07; 10/30/07

Vote: Mrs. Kramer entertained a motion to approve the September 25, 2007 Selectmen's minutes. So moved **Second. Unanimously voted.** The October 29, 2007 and October 30, 2007 minutes were tabled until the next meeting.

Voices for Vision Committee (VVC) (one vacancy; term to '08): 1.) James H. Burton

Mrs. Kramer invited James Burton to give an overview of his background and state why he would like to serve on the VVC. Mr. Burton stated his experience and believes his background would be useful to the VVC; and he said that he has attended a meeting and has the time to serve on this committee. The Board asked Mr. Burton about his background.

Vote: Mrs. Kramer entertained a motion to appoint Mr. Burton to the Voices for Vision Committee for a term to 2008. **So moved Mr. Zettek. Second Mr. Shepard. Unanimously voted.**

Youth Committee (two vacancies; term to '10): 1.) Cheryl Perreault

Mrs. Kramer invited Cheryl Perreault, candidate for the Youth Commission (YC), to give an overview of her background and state why she would like to serve on the Youth Commission. Ms. Perreault talked about her experience and believes her background would be useful to the Youth Commission; she added that she has attended Youth Commission meetings. She also said that she has the time to serve on the Commission. The Board had a chance to ask Ms. Perreault questions about her background. Mr. Foisy, Chairman of the Youth Commission, pointed out that Ms. Perreault had been attending YC meetings and then became interested in becoming a member; and invited residents to attend YC meetings and then perhaps they might be interested in also becoming a member.

Vote: Mrs. Kramer entertained a motion to appoint Ms. Perreault to the Youth Commission for a term to 2010. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

1st Annual Martin Luther King “Day of Giving Back” Proclamation: Youth Commission

Mrs. Kramer invited Ms. Linda Katz, a member of the Youth Commission, to give an overview of the 1st Annual Martin Luther King “Day of Giving Back” which is scheduled on Monday, January 21, 2008. Mr. Foisy explained that Federal Legislation was signed in 1994 to designate the Martin Luther King Day as a national day of service and that this year the Town of Hopkinton will join other communities across the nation in helping its neighbors. Ms. Katz said that the Commission welcomes ideas for service projects and the Commission’s need for volunteers. The Board stated its support of the Youth Commission’s sponsorship of this Day of Giving Back. Mrs. Kramer read a citation of the Board’s recognition of the 1st Annual Martin Luther King “Day of Giving Back” scheduled on Monday, January 21, 2008.

Vote: Mrs. Kramer entertained a motion that the Board of Selectmen recognizes the 1st Annual Martin Luther King “Day of Giving Back” on Monday, January 21, 2008. **So moved Mr. Zettek. Second Mr. Shepard. Unanimously voted.**

Chief Financial Officer (CFO) Appointment

Mr. Troiano gave an overview of the search for a CFO and announced that he recommends Heidi Kriger, the Town’s present Town Accountant to the position of CFO. Mr. Troiano stated Ms. Kriger’s qualifications, expertise and experience which, he believes, qualify Ms. Kriger for this position. The Board made favorable comments about Mr. Troiano’s recommendation and agreed with his decision.

Vote: Mrs. Kramer entertained a motion to endorse Mr. Troiano’s appointment of Heidi Kriger as the Town’s Chief Financial Officer effective November 7, 2008. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

7:40 p.m. BREAK TO THE APPROPRIATION APPOINTING COMMITTEE MEETING

Vote: Mrs. Kramer entertained a motion to adjourn the public meeting to move into the Appropriation Appointing Committee meeting and then move back into the public meeting to continue the meeting. **So moved Mrs. Pratt. Second Mr. Herr. Unanimously voted.**

8:15 p.m. RE-OPEN SELECTMEN’S MEETING

Vote: Mrs. Kramer entertained a motion to re-open the public meeting. **So moved Mr. Herr. Second Mr. Shepard. Unanimously voted.**

Certified Tax Lien Bulk Sale: Town Treasurer

This issue was tabled until the November 20 meeting, as the Town Treasurer was unable to attend tonight’s meeting.

Legal Assistance Request: Board of Appeals

Mr. Garabedian, Chairman of the Board of Appeals, presented the Board of Appeal’s request for Town Counsel’s representation relative to litigation filed against the Board of Appeals by HOP Energy, LLC.

Vote: Mrs. Kramer entertained a motion to approve the Board of Appeal’s request for 25 hours of Town Counsel’s Court Representation relative to the litigation filed in Middlesex Land Court (Case No. 356487) pursuant to MGL s. 40A s. 17 on October 15, 2007 against the Board of Appeals by HOP Energy, LLC, constituting an appeal of a denial of an Administrative Appeal by the Board of Appeals

under Decision dated September 27, 2007. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted.**

Town Counsel Interviews (10/29/07) Discussion

Mrs. Kramer said that the Board would talk about the four law firms that interviewed with the Board of Selectmen for the position as the next Town Counsel. The Board entered into a discussion about the four candidates and eliminated the law firm, Deutsch Williams from Boston as the Board agreed that the firm's representatives failed to adequately address some of the questions asked of them from the Board at the time of their interview specifically those legal issues that Hopkinton has been dealing with i.e., Weston Nurseries etc.

Vote: Mr. Shepard motioned to eliminate the law firm, Deutsch Williams, from consideration as Town Counsel. **Second Mr. Herr. Unanimously voted.**

Mrs. Kramer invited each Board member to give their input about the remaining three firms, Law Office of Richard DeAngelis, Kopelman and Paige, and Miyares and Harrington; and requested Mr. Troiano to give his input. Mr. Troiano stated his high regard for Kopelman and Paige for various reasons. He said that he worked with this firm in the past and believes their staff has the experience and expertise to handle any needs that the Town might have. Mr. Zettek commented that the Town does not need more legal expenses at this time; referring to how much the town has had to spend in the past year on legal costs. Mrs. Kramer favored Attorney Richard DeAngelis and Attorney Dennis as they have the experience in working with the Town. Mrs. Kramer said that she liked all of the firms when rating them, but favors the DeAngelis/Dennis team. Mrs. Pratt agreed with Mrs. Kramer and would like to continue with the Law Office of Richard DeAngelis and Attorney Dennis. Mr. Herr believes that the Town has evolved and needs to have more "horsepower". He stated that he favored Miyares and Harrington; but liked both Miyares and Harrington and Kopelman and Paige, he will defer to the Town Manager's recommendation of Kopelman and Paige. Mr. Shepard stated that Attorney DeAngelis has been very professional during a very complex year for the Town; but, the Town's legal issues have become more complicated and the Town needs a larger law firm that can respond more quickly. He recommended Miyares and Harrington as they are only serving 15-20 other Towns whereas Kopelman and Paige serve a much larger clientele. Although, he said he will defer to Mr. Troiano's recommendation as he would like the Board to vote unanimously for Town Counsel services.

Vote: Mrs. Kramer entertained a motion to eliminate the Law Office of Richard DeAngelis. **So moved Mr. Shepard. Second Mr. Herr. The votes follow: Mrs. Kramer: yes; Mrs. Pratt: no; Mr. Shepard: yes; Mr. Herr: yes; Mr. Zettek: yes. So voted.**

Mrs. Kramer asked that the Board rank the two remaining law firms, 1) Miyares and Harrington; and 2) Kopelman and Paige with either #1, being the highest mark. The Board ranked the law firms as follows: Mr. Herr: Kopelman and Paige: #1; Miyares and Harrington: #2; Mrs. Kramer: Miyares and Harrington: #1; Kopelman and Paige: #2; Mr. Shepard: Miyares and Harrington: #1; Kopelman and Paige: #2; Mr. Zettek: Miyares and Harrington: #1; Kopelman and Paige: #2. Mrs. Pratt abstained from ranking the law firms.

Vote: Mr. Shepard motioned to hire the law firm, Miyares and Harrington as the Town's Counselors. **Second Mr. Herr. The votes follow: Mrs. Kramer: yes; Mr. Pratt: abstained; Mr. Shepard: yes; Mr. Herr: yes; Mr. Zettek: yes. So voted.** Mrs. Kramer said that she would call the law firms to let them know about the Board's decision.

As the Town Treasurer was unable to attend tonight's meeting, Mr. Gaucher, DPW Director, and Mr. McIntyre, Chairman of the DPW, explained the following Bond requests by the Town Treasurer.

Massachusetts Water Pollution Abatement Trust: Community Septic Management Program Loan for \$200,000

Mr. Gaucher said that the Massachusetts Water Pollution Abatement Trust for the community Management Program Loan of \$200,000 is for the Board of Health's Community Septic Management Program to assist residents in need of loans for new septic systems due to failure of their septic systems.

Vote: Mrs. Kramer entertained a motion to approve for the Board's signature the Massachusetts Water Pollution Abatement Trust's Community Septic Management Program Loan for \$200,000 as presented and prepared by the Town Treasurer, Maureen Dwinnell. **So moved Mr. Herr. Second Mr. Shepard. Unanimously voted.**

Massachusetts Water Pollution Abatement Trust's Interim Loan for \$1,131,500

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

Mr. Gaucher stated that the Massachusetts Water Pollution Abatement Trust's Interim Loan for \$1,131,500 if for the H2 Wells on Fruit Street. There was a discussion regarding the breakdown of the loan; and the bidding process. Mr. Gaucher stated that it was more economical to hire the firm that has been working on the Fruit Street property as they are familiar with the project.

Vote: Mrs. Kramer entertained a motion to approve for the Board' signature the Massachusetts Water Pollution Abatement Trust's Interim Loan for \$1,131,500, as presented by the Town Treasurer, Maureen Dwinnell. **So moved Mr. Zettek.. Second Mr. Herr. Unanimously voted.**

Fruit Street Property: Wastewater Treatment Facility

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

Mrs. Kramer said that the Board would review the Fruit Street job list that was generated from the last Selectmen's meeting. Mr. Troiano gave an update of those job items that have been completed and those that he is still working on. Mr. Troiano said that he met with the Town Planner and that she submitted a letter dated today about the timing of the Conservation Restriction and construction of the main access road on the Town's Fruit Street property. Mr. Troiano handed a copy of the letter to the Board for their review. Mr. Troiano also referred to a letter dated today from Mr. Gaucher, DPW Director, regarding those same issues. This letter was also presented to the Board for their review (see attachments). Mr. Troiano said that the State legislators would be attending the November 20th meeting to give an overview of legislative matters. Also, a site meeting the stakeholders of the Fruit Street property would be scheduled in the near future. The other issue that the Board talked about was the letter to the residents; and Mrs. Kramer said that she would send a draft copy of a letter that she prepared to all the Board members for their review and comments. Mr. Troiano will draft a budget message and hold an informal meeting with the School Committee before the two Boards meet about the budget. The Board also talked about holding a day work session with the State legislators and with representatives from the Department of Environmental Protection Agency and the DPW Board to talk about the Fruit Street property permitting process and appeals' concerns. Mr. Herr asked the DPW Board for a breakdown of Phase VI funding. Mr. McIntyre agreed to prepare a breakdown. Mrs. Kramer suggested for Mr. McIntyre to work with Mr. Troiano in preparing this document. Mrs. Kramer talked about the value of parceling off the Fruit Street property so that the full Board of Selectmen can participate in the Fruit Street process. Mr. Ronald Clark, former member of the Board of Selectmen and a member of the audience, asked to make a comment. Mrs. Kramer asked him if he wished to address an item that's on the Fruit Street list. Mr. Clark said that he would like to make a comment about the parceling comment and that it would allow the other member of the Board to participate in the Fruit Street discussions. He pointed out that the abutter's rule addresses adjacent properties and properties within a certain number of feet and that the property has been parceled by the Concept Master Plan. He said that there were two votes taken at Town Meeting and

reminded the Board that if something changes, it has to be brought back to Town meeting for a vote. Mrs. Kramer commented that she is not asking to make any changes.

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

Town Manager's Report: 1.) CFO; 2) Earth Tech Letter; 3) Legal Fees Update; 4) Financial Report; 5.) Infiltration and Inflow Solutions

1. Earth Tech Letter: (Mrs. Pratt and Mr. Shepard stepped off the Board due to a potential conflict of interest.) Mr. Troiano referred to a letter from Earth Tech to the Intel Assabet River Recharge Fund i.e., Organization for the Assabet River that requests, through the DPW Board, a Letter of Interest for grant funds for the Bridge Span Component of Wastewater Treatment Facility project. Mr. Gaucher, DPW Director, said that Earth Tech, as the Town's consultant in this matter, was asked to apply for this funding. (Mrs. Pratt and Mr. Shepard stepped back on the Board.)
2. Legal Fees Update: Mr. Troiano reviewed the Town's legal assistance requests, which has been prepared on a spreadsheet by the Town Manager's Office, for this fiscal year and will continuously be updated as the Board approves future legal assistance requests. He also gave a breakdown of each Town Counsel's legal expenses to date; and for Fruit Street's Wastewater Treatment Facility Project's funding expenses. There was also a breakdown of Attorney fees for this fiscal year from each attorney that has represented the Town including Attorney John Collins, Attorney Richard DeAngelis, Attorneys John and Michael Finn, and Attorney Richard Nylen. (see attachments)
3. Financial Report: Mr. Troiano gave a brief overview of the Financial Planning Work Group's recent program that was attended by Town officials and residents.
4. Infiltration and Inflow Solutions (11/20) (I&I): Mrs. Kramer, who prepared a letter regarding the I&I, said that the Board would give a status report on the I&I at the November 20 meeting. Mr. Herr asked Mrs. Kramer to define what the Infiltration and Inflow means. After Mrs. Kramer explained what the I&I means, Mr. Herr asked her what the charge is before the Board regarding this issue; and Mrs. Kramer said that it would give the DPW and BoS the ability to work together towards commercial use of the property. Mr. McIntyre said that he is concerned about the I&I letter that Mrs. Kramer prepared. Mrs. Kramer told Mr. McIntyre that he is free to speak to the letter now or he could wait until the next meeting. Mr. McIntyre stated his disagreement about the core of the whole letter. Mrs. Kramer said that they could agree to disagree on this tonight and would like to sit down with him to further discuss this; and said that she believes that the I&I is the right thing to do and that the DPW and BoS need to work together. Mr. McIntyre said that this is not working together and pointed out that the DPW Board is an elected board and to let them do their job. Mr. Kramer said that as a Town, a better job needs to be done. Mr. McIntyre pointed out the leadership role that the DPW Board has taken since it was elected back in May '07. Mrs. Kramer suggested that the DPW Board write a letter to the BoS. Mr. McIntyre asked Mrs. Kramer to retract the letter. Mr. McIntyre said that with the Town being in litigation with this property, the letter is irresponsible. He asked to speak to Mrs. Kramer after the meeting, which she agreed to.

Readout Mail

Mr. Shepard read the Veteran's Day Ceremonies schedule this Sunday, November 11 at 11 a.m. at the Veteran's Gazebo on the Town Common; and in case of rain or cold weather, the ceremony will take place in the Town Hall's 2nd floor hearing room. He also talked about the Veteran's Appreciation Dinner at the Woodville Rod & Gun Club, on Thursday, November 8 at 5:30 p.m.

Mrs. Kramer read a letter from Ilene Silver, Principal of the Elmwood School, who thanked the Town Manager's Office for participating in the 2007 Summer Reading Passport Program. A Certificate of Appreciation accompanied Ms. Silver's letter.

Liaison Reports

Mr. Shepard said that the ADA Oversight Committee held their first meeting recently and that it was a very good meeting. He said that the bids for the Town Hall's access ramp were recently opened and a decision would be made shortly as to which firm the Town would hire. Mr. Shepard again announced the Veteran's dinner scheduled this Thursday evening; and the schedule for Veteran's services on November 11.

Mr. Zettek said that the Hopkinton Historical Society is holding a dinner fundraiser this coming Friday at St. John's Hall; and to call the Town Manager's Office for more information. He also talked about the importance of recycling and stressed how it saves the Town a lot of money.

Mr. Herr gave an update about the Cultural Arts Alliance's restoration of their barn. He also mentioned the success of the Council on Aging's dinner for Town employees. Other board members agreed with Mr. Herr; and Mr. Zettek suggested holding a future Selectmen's meeting at the Senior Center.

Mrs. Kramer encouraged Board members to attend the MA Municipal Association's Conference in January; and said that if a member wishes to attend to inform the Town Manager's Office, as they would register them.

Accept Ambulance Gift

Vote: Mrs. Kramer entertained a motion to accept a gift of \$10.00 from Beverly King made in memory of Richard Creswell. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

Meeting Adjourned:

10:20 p.m. Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted.**

Respectfully submitted,

Geri Holland
Executive Assistant

Date approved: 11/20/07