

TOWN OF HOPKINTON
BOARD OF SELECTMEN
Meeting Date: November 20, 2007
MINUTES

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

Others Present: Casey Kadlik, HCAM; Demian David Tebaldi, Esq. HopNews; Amy Comcowich, Hopkinton Crier; Richard Conn, MetroWest News; Maria Kennedy; Colleen Burns; Julianna Carbone; Michael Abbate; Brian Gordon; Joseph Strazzulla; Heidi Kriger; Timothy Kilduff; Leonard Holden; Dr. John Phelan; Police Chief Thomas Irvin; Brian Morrison; Daniel McIntyre; Kevin Kohrt; Robert McGuire; Robert McDonald; Steve Trychon; Dr. John Duffy; John Palmer; Ed Mills; Steve McCarthy; Robert Bushway, Principle Assessor; Anthony Troiano, Town Manager; Geri Holland, Executive Assistant

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

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

Marathon, Greece Sister City Presentation: Timothy Kilduff

Mr. Timothy Kilduff, President of the Hopkinton Athletic Association, gave a brief presentation on his recent visit to the city of Marathon, Greece, the official Sister City of Hopkinton. Mr. Kilduff's presentation included gifts of a framed print, flags, and literature from the Mayor of Marathon, Mr. Spyros Zagaris. Mr. Kilduff said that the Mayor and his wife will visit Hopkinton for next year's Boston Marathon and that Mr. Zagaris would request that the official flame from the races in Marathon be delivered in a tour to the various official races around the world. Mr. Kilduff respectfully asked the Board of Selectman to send a letter to Mr. Zagaris to ask if the Town of Hopkinton could be the first Town to receive the official flame. Mr. Shepard, the Board of Selectmen's liaison to the Marathon Committee, said that he endorses sending a letter to Mr. Zagaris by the Board of Selectmen to ask that Hopkinton be the first town to receive the flame. Mrs. Pratt stressed that if the flame were to come to Massachusetts, the flame should be carried to the City of Boston City of Boston, as the event is sponsored by the Boston Athletic Association. It was agreed by the Board members to send the letter to Mr. Zagaris.

Mr. Kilduff said that five high school students did a photo essay on last year's marathon and will display their work at the Cultural Arts Alliance (CAA); Mr. Kilduff invited the Board to an Artist's reception at the CAA on December 7 from 7:00 p.m.-9:00 p.m.

Public Hearing: Petition for Joint Pole Location on Haywood St. (Verizon): Steve Trychon,

7:20 p.m. Vote: Mrs. Kramer entertained a motion to open the public hearing 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 northerly sideline of Hayward Street, approximately 12 feet south of the existing Pole #3, place a new Pole No. 3, then remove Pole No 3. **So moved Mr. Herr. Second Mrs. Pratt. Unanimously voted. Vote:** Mrs. Kramer entertained a motion to table the public hearing until 7:21 p.m. and then to continue the public hearing at that time. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted.**

Public Hearing: Beer & Wine New License Request & Common Victualer License: CIAO Time

7:20 p.m. Vote: Mrs. Kramer entertained a motion to open the public hearing on the application of Denise Griben, Ciao Time, LLC at 28 Main Street for a Common Victualer License application and an application for Alcoholic Beverage license for retail sale. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted. Vote:** Mrs. Kramer entertained a motion to table this hearing until 7:30 p.m. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

7:21 p.m. Vote: Mrs. Kramer entertained a motion to re-open the Verizon petition for Joint Pole Location on Haywood Street. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.** Mrs. Kramer read the abutter's list and asked if any abutters were present. She noted that there were no abutters present.

Mr. Stephen Trychon, Manager Right of Way from Verizon, explained the petition. 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.

7:29 p.m. Vote: Mrs. Kramer entertained a motion to close the public hearing. **So moved Mr. Herr. Second Mr. Shepard. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the request as submitted with the recommends as submitted by the DPW to 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 Mrs. Pratt. Unanimously voted.**

7:30 p.m. Public Hearing: Beer & Wine New License Request & Common Victualer License: CIAO Time

Vote: Mrs. Kramer entertained a motion to re-open the public hearing. **So moved Mr. Herr. Second Mr. Shepard. Unanimously voted.** Mrs. Kramer read the abutter's list and asked if any abutters were present. She noted that there were no abutters present.

Ms. Griben, Ciao Time owner, reviewed her application for a Common Victualer License and a Beer and Wine License for her business at its new location, 28 Main Street. She said that she would open her business once she receives her licenses; and that the business would not only continue as a catering business, but that she would also have table service as well. The Board wished Ms. Griben success with her new venture.

7:40 p.m. Vote: Mrs. Kramer entertained a motion to close the public hearing. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the Common Victualer License as requested by Denise Griben, Ciao Time, LLC at 28 Main Street. **So moved Mr. Herr. Second Mrs. Pratt. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the Beer & Wine License as requested by Denise Griben, Ciao Time, LLC at 28 Main Street. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted.**

Selectmen's Minutes: 10/29; 10/30; 11/5; 11/5 (STM); 11/6/07; 11/6/07 (App. App'tg)

Vote: Mrs. Kramer entertained a motion to approve the October 29, 2007 Selectmen's Minutes. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the October 30, 2007 Selectmen's Minutes. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the November 5, 2007 Selectmen's Special Town Meeting Minutes. **So moved Mr. Shepard. Second Mr. Herr. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the November 6, 2007 Selectmen's minutes. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion to approve the November 6, 2007 Appropriation Appointing Committee minutes. **So moved Mr. Shepard. Second Mrs. Pratt. Unanimously voted.**

Miyares and Harrington Law Firm

Mr. Troiano said that the new Town Counselor's, Attorney Raymond Miyares and Attorney Thomas Harrington, are reviewing the Town's legal cases, bulk tax liens and Legacy Farm issues. Mr. Troiano believes that the Town's new law firm should be sworn in as soon as possible. Mrs. Kramer noted that there is no downside in having them sworn in now. Mr. Herr agreed as long as it is concurrent with no expense; Mr. Troiano said that Miyares and Harrington are working pro-bono for the Town until Attorney DeAngelis' term expires on December 31, 2007. Mrs. Kramer asked if the bulk lien tax discussion would be televised; and Mr. Troiano responded yes. He also said that the Legacy Farms legal bills would be paid from the Planning Board's 53E 1/2 Account. Mr. Troiano also noted that Mr. DeAngelis is completing the legal work for Peppercorn Farms' public hearing which is expected to close on December 5. Miyares and Harrington will be working on the Alprilla Farms legal issues that pertain to the H2 wells. Mr. Troiano said that the Board needs to appoint Miyares and Harrington, and rescind Attorney DeAngelis' appointment, who could then serve as Special Counsel. He added that Attorney DeAngelis has no issue with serving as Special Council. Mr. Shepard recommends approving Mr. Troiano's suggestion to appoint the new law firm. Mr. Herr suggested holding an executive session meeting should the Board have any questions of the new law firm. Mr. Troiano said that he would introduce Attorney Miyares and Attorney Harrington at the Quarterly Meeting. Mrs. Kramer asked Mr. Troiano to manage the transfer process and to schedule a time to appoint the Town's new law firm, Miyares and Harrington, as Town Counsel, and rescind Attorney DeAngelis' appointment as Town Counsel.

Chief Financial Officer Appointment:

Mr. Troiano said that he is in contract negotiations with the new Chief Financial Officer, Heidi Kriger, which the Human Resource Department approves. He said that the funds for this position was funded at the 2007 Annual Town meeting; and that the salary was determined from survey other Town's the same size as Hopkinton. He said that the CFO's term is for a three year contract; but, will complete the first term in July 2008; and then Ms. Kriger's Performance Evaluation and three year term would be in the same timeframe as the Fire Chief and Police Chief's contracts. Mr. Troiano also said that Ms. Kriger would also like to upgrade her Assistant Town Accountant's position; he added that he would have Ms. Kriger's job description and contract ready for the Board's review at the next meeting.

7:40 p.m. Infiltration and Inflow Solutions Discussion

Mrs. Kramer began a discussion regarding the Infiltration and Inflow (I&I) solutions that the Board discussed at their November 6th meeting. Mr. Shepard defined that the I&I is water getting into the sewer system and gave a more detail account of the I&I. Mr. McIntyre, Chairman of the DPW Board, commented that this is a DPW Board issue and added that the DPW Board has spent many hours on this subject and is addressing the I&I solutions. Mr. McIntyre stated that the Department of Environmental Protection (DEP) issued two permits that pertain to the Wastewater Treatment Facility on Fruit Street. There was more

discussion regarding funding and Mr. McIntyre pointed out that the DPW Board is trying to stay ahead of the I&I issue; he added that the DPW Board is also researching grants that would assist with this project. Mrs. Pratt suggested placing this issue on the DPW Board meeting for further discussion; Mr. McIntyre agreed.

Public Hearing: Tax Classification Hearing

8:15 p.m. Vote: Mrs. Kramer entertained a motion to open the Tax Classification hearing. **So moved Mrs. Pratt. Second Mr. Herr. Unanimously voted.**

Mrs. Kramer read the Public Hearing Tax Classification Hearing Notice to determine the percentage of local tax levy to be borne by each class of real and personal property, in accordance with Ch. 369, Acts of 1982. Oral and written comments from the public will be accepted at the hearing. Mrs. Kramer noted for the record two letters that were submitted to the Town Manager's Office one from Joseph Strazzulla, President of Straly Corporation, and the other letter being from Caliper Life Sciences, Inc. located at 68 Elm Street, Hopkinton. She read the letters to the public and asked that they be entered into the record.

Dr. John Duffy, Chairman of the Board of Assessor, read a letter from the Board presenting information and options for the Board of Selectmen to determine whether there should be a single tax rate or split tax rate for the various classes of property for Fiscal Year 2008. He said that the Board of Assessors does not formulate an opinion in determining if the Town should be a single or dual tax rate. Dr. Duffy gave a PowerPoint Presentation that gave a review various issues. He talked about how there has been a decrease in value for the first time in many years of single family residential property assessments for FY'08 and how the tax levy has increased from last year's levy. There was a discussion between the Board members with each giving their input about the tax rate. Mr. Herr asked if it were possible to have a split tax rate for residential property only. Dr. Duffy would research this issue. Mrs. Pratt talked about some of the various programs offered to those residents who might need assistance with paying their taxes. Dr. Duffy suggested for residents to visit the Assessor's Office for information about these programs. Mr. Robert McGuire of Huckleberry Road, Mr. Robert McDonald, a representative of EMC Corporation, and Mr. Joseph Strazzulla, a past member of the Board of Selectman and President of Straly Corporation, voiced disapproval of a split tax rate. Mr. Shepard noted that businesses in Hopkinton do not place enough of a strain on the Town's infrastructure to be taxed disproportionately.

9:00 p.m. Vote: Mrs. Kramer entertained a motion to close the Tax Classification hearing. **So moved Mrs. Pratt. Second Mr. Herr. Unanimously voted.**

Vote: Mrs. Kramer entertained a motion that the Town continues to maintain a single tax rate for FY'08. **So moved Mrs. Pratt. Second Mr. Shepard. Unanimously voted.**

Selectmen's Budget Message/Discussion

Mr. Troiano said that he met with the School Committee to hold a discussion regarding the Town's budget message and said that a finalize message with a capital plan would be ready for the December 4th Quarterly meeting. Ms. Kriger, CFO, reviewed the Financial Group worksheet with projections for FY'09; and it was noted that there would be about a .58% increase available for budget next year after fixed costs. Mr. Troiano commented that the Board of Selectmen would have to decide if needs to be an override, budget cuts or both. It was agreed that the Board of Selectmen would meet at 5:30 p.m. before the December 4th Quarterly meeting to finalize the budget message for the Quarterly meeting. Also, a work session would be scheduled on Tuesday, November 27 at 4:30 p.m. with all department heads to receive input from them about the budget.

Liaison Reports

Mr. Shepard said that the work for the Town Hall Handicap ramp has begun and should be completed shortly. Mrs. Kramer said that the Housing Committee is looking at ways to team with a developer to

develop affordable housing and possibly the Fruit Street fields in combination with selling off a portion of the property for development and look into working with the Housing Committee and Parke & Recreation Committee on this initiative. Mrs. Kramer also said that the Board should schedule a meeting in the New Year to review their FY'08 goals. Mr. Shepard stated that this meeting could be off-site and off camera so that the Board is able to have a dialogue. Mr. Troiano said that the Board could set strategic goals. Mr. Herr said that he has no problem with speaking freely in front of a camera when discussing goals, but would support the meeting. Mrs. Pratt commented that the Town is not a developer and needs an Economic Commission & Development Financing Authority to sell any property.

Town Manager's Report

Mr. Troiano presented a legal assistance request from the Board of Appeals for 10 hours of Town Counsel, Richard DeAngelis' court representation relative to litigation filed in Middlesex Land Court against the Board of Appeals by John Pandiscio and Joseph Menna, Trustees of Maspenock Professional Building Realty Trust, constituting an appeal of a denial of an Application for a Special Permit by the Board of Appeals under Decision date October 11, 2007.

Vote: Mrs. Kramer entertained a motion to approve the legal assistance request from the Board of Appeals for 10 hours of Town Counsel, Richard DeAngelis' court representation relative to litigation filed in Middlesex Land Court against the Board of Appeals by John Pandiscio and Joseph Menna, Trustees of Maspenock Professional Building Realty Trust, constituting an appeal of a denial of an Application for a Special Permit by the Board of Appeals under Decision date October 11, 2007. **So moved Mrs. Pratt. Second Mr. Herr. Unanimously voted.**

Project Just Because Town Hall Christmas Tree Program for families in need:

Mrs. Kramer asked the other members of the Board if they would be interested in picking a "heart" from the Town Hall Christmas Tree that lists the items needed for a person that uses the Just Because Program, for families in need. The Board agreed to participate in this program.

Thanksgiving Dinner at the Rod & Gun Club:

Mrs. Pratt reminded residents that the Rod & Gun Club is serving turkey dinners on Thanksgiving Day for those who wish to enjoy a "free" Thanksgiving dinner with others.

Meeting Adjourned:

10:30 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: 12/18/07