

**TOWN OF HOPKINTON  
BOARD OF SELECTMEN  
Meeting Date: March 4, 2008  
MINUTES**

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

**Others Present:** Casey Pulnik: HCAM; Robert Falcione: HopNews; Nancy Peters, Joseph Markey; Elaine Lazarus; Police Chief Irvin; Fire Chief Daugherty; Marilyn Stickler; Steven Zieff; Attorney Miyares; Philip Totino; Dorothy Maruska; Nadine Stewart; Carol DeVeuve; Claire Wright; Mavis O'Leary; Robert Foster; RJ Dourney; Steven Zieff; John Coolidge; Dr. John Phelan; Nancy Burdick; Anthony J. Troiano, Town Manager; Geri Holland, Executive Assistant

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**Public Meeting Opened (Room 215)**

**6:30 p.m.** Mrs. Kramer opened the public meeting and invited everyone to stand for the Pledge of Allegiance.

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**Liaison Reports:**

Mr. Shepard is gave an update regarding the Marathon Committee's Boston Marathon meeting and impressed with how they hold their meetings. Mrs. Kramer added that Mr. Timothy Kilduff, Hopkinton Athletic Association, and liaison for the Town of Hopkinton's sister city relationship with Marathon, Greece, plans to attend the next Selectmen's meeting to give an update of the Mayor of Marathon Greece's offer to the Town to bring the Marathon's flame to Hopkinton.

Mr. Zettek gave an overview of the Youth Commission's and beFREE Coalition's request for the funding for a new staff position of Youth Coordinator. He referred to a letter from the YC and beFREE Coalition in response to the Board's request to research funding mechanisms from other area communities. There was a discussion about the information

Mrs. Pratt reported that the Senate Ways and Means Committee have a new version of the bill H. 2351 for global warming and would like to respond with a letter. She agreed to prepare a letter for the next agenda. Mr. Herr requested Rep. Loscocco's and Senator Spilka's opinions before sending out a letter.

Mr. Herr gave a brief overview of the Financial Planning Groups meeting and announced the next meeting is scheduled on March 20.

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**Master Plan Special Permits (Legacy Farms Development): Planning Board/Board of Appeals**

Mr. Zettek stepped off the Board due to potential conflict of interest. It was noted that members of the Planning Board and Board of Appeals were present at the meeting, and invited Robert Foster, Chairman of the Board of Appeals, and RJ Dourney, Vice-Chairman of the Planning Board, to discuss the issue of who the specific permitted authority should be for the Open Space Mixed Use Development (OSMUC) proposed by Boulder Capital for the Legacy Farms development. Mr. Foster commented that there is no conflict between the Planning Board and Board of Appeals in regards to the authority should be. Mr. Shepard commented that this would be a good opportunity for both Boards to meet to discuss this issue and then return back to this meeting to discuss the best way to do this. Both the Planning Board and Board of Appeals left the meeting to discuss this issue in Room 211. Both Boards returned to the Selectmen's meeting and summarized their discussion. Mr. Dourney

stated that both Boards agreed that the Planning Board is charged with special permits for the master plan. Mr. Foster added that should the develop wish to add a restaurant to the residential area before the development to the residential area before the development is completed but after families have moved in which would be different issue. He believes that the Planning Board issue is planning and the Zoning Board's issue is administering town bylaws and would need to come before the Board of Selectmen after the board completed its hearing of the master plan. Mrs. Kramer said that the Board of Selectmen agreed that the Planning Board should make its decision on special permits for the master plan and the Selectmen would consider and make a decision on the use of permits issue. It was agreed for the Planning Board and the Board of Appeals to develop a couple of models that work for both boards and to continue the discuss at the March 11 Selectmen's meeting. Mr. Zettek returned to the Baord.

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### **FY'O9 Town Manager's Report**

**407 & 409 Wood Street Wells:** Town Manager, Anthony Troiano, gave a brief overview of the agreement to between the Towns of Hopkinton and Westboro, and the MA Turnpike Authority to support the efforts of Hopkinton's Board of Health to construct a pipeline in order to provide the water quality issues at 407 & 409 Wood Street. Mrs. Nancy Peters stated that she telephoned the MA Turnpike Authority to ask about the status of this issue, and believe the bids to have the work done will be out by March 1, but she did not receive any confirmation to date. Mr. Troiano will follow up on this and keep the Board informed.

**Town's 1<sup>st</sup> Right of Refusal: Pelouquin Property located on Front Street:** The Board discussed the issue of a letter received from Attorney Easter, legal counsel for Marjorie Pelouquin owner of property located on Front Street and her intention to sell that parcel of land, and the request to the Board of Selectmen to waive the Town's right of first refusal under CH. 61B to acquire the property on the same terms as the purchaser. Attorney Miyares, Town Counsel, responded to Attorney Easter's letter stating that upon his review of the purchase and sale agreement, he concluded that it does not conform to the statutory requirements of M.G.L. Ch. 61B Sec. 9 and Mrs. Pelouquin is not entitled to sell or convert the use of this land until she provides the Town with a notice of intent that meets the requirement of Sec. 9. Therefore, Ms. Pelouquin's notice is insufficient and does not qualify. Attorney Miyares agreed to address this issue at the next Selectmen's meeting as to whether or not to exercise the Town's 1<sup>st</sup> Right of Refusal.

### **Legal Assistance Policy**

Mr. Troiano reviewed the Legal Assistance policy amendments for the Board's consideration. It was agreed to approve the changes as submitted by the Town Manager.

**Vote:** Mrs. Kramer entertained a motion to adopt the Legal Assistance Policy as written. **So moved Mr. Zettek. Second Mr. Herr. Unanimously voted.**

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### **Interim Agreement Discussion: Town of Hopkinton and Boulder Capital:**

Mr. Zettek stepped off the Board due to potential conflict of interest. The Board of Selectmen and Town Counsel reviewed the Interim Agreement between the Town of Hopkinton and Boulder Capital Developers of the Legacy Farms property which is for the two entities to work cooperatively toward the consideration of the Open Space Mixed Use Development plan and to protect the interest of both parties. There was some discussion regarding the inclusion of language to account for any warrant petition articles that might be submitted at a town meeting that could sidetrack the development. Town Counsel recommended the inclusion as requested by the developer. The agreement was amended at the meetings. A discussion incurred regarding concerns as to whether or not the OSMUD article would be ready for the May town meeting and the importance of reaching out to residents with information about the article. The Board agreed that it's a goal to work towards having the article ready for this upcoming town meeting.

**Vote:** Mr. Shepard motion to endorse the Legacy Farms Agreement as presented by Town Counsel and Boulder Capital representatives and to include the amend language as requested by the developer. **Second Mr. Herr.** Mrs. Kramer: yes; Mr. Shepard: yes; Mr. Herr: yes; Mrs. Pratt: no. The motion carries. Mr. Zettek returned to the Board.

**Revenue Enhancement Report:**

Mr. Totino, member of the School Committee, presented a review of a report prepared by David Stoldt, School Committee member, "Increased role of Municipal Advertising for Revenue Enhancement". There was a discussion about the report and it was agreed that the report affords an opportunity to help solve the town's financial problem.

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**FY'09 Budget:**

There was a discussion about the FY'09 Budget and would like to invite representatives from the School, DPW, Police and Fire Departments to attend the March 11 meeting to answer general questions about level service aspects of their budget and to discuss budget requests that exceed the level services threshold.

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**Community Preservation Committee (CPC) Articles Overview:**

Mr. John Coolidge, CPC Chairman, reviewed the following CPC articles and the funding amounts submitted for the 2008 Annual Town Meeting: 1.) Community Preservation Committee on the Fiscal Year 2009 Community Preservation Budget: \$1,113,750 (Total); 2) Historical preservation and restoration of the towns records, including such renovations and repairs: \$12,500; 3) Construction of the Housing Authority & (DHCD)'s affordable housing project: \$450,000; 4) Signage for the Towns Evergreen Cemetery: \$1000; 5) Kiosk at Sandy Beach: \$3500; 6) Construction and development of athletic fields, on a portion of the 257 acres of town-owned property located on Fruit Street: \$1,000,000; 7) Demolition of the "Shepard House" located on the Towns so called, Whitehall: \$20,000; 8) Survey of the Historic Buildings within the town: \$5,000; 9) Historical restoration and preservation of the Route 85 Stone Bridge arch: \$5,000; 10) Construction of trails and parking area on the town owned parcel know as Whitehall: \$6,000; 11) Construction restoration of the Library door to comply with ADA requirements: \$10,000; 12) Chain link fence along the Emerald Hills East Soccer fields: \$15,000. The Board thanked Mr. Coolidge for his overview.

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**Public Meeting Adjourned:**

**11:40 p.m. Vote:** Mrs. Kramer entertained a motion to adjourn the public meeting. **So moved Mr. Zettek. Second Mr. Herr. Unanimously voted.**

Respectfully submitted,

Geri Holland  
Executive Assistant

Date approved: 6/17/08