TOWN OF HOPKINTON
Board of Selectmen
MINUTES OF MEETING
June 28, 2011

A meeting of the Hopkinton Board of Selectmen was held on Tuesday, June 28, 2011 at Town Hall, 18 Main Street, Hopkinton, Massachusetts. Selectmen present: Todd Cestari, Michelle Gates, Ben Palleiko, John Mosher, and Brian Herr. Officials present; Town Manager Norman Khumalo, Operations Assistant Geri Holland, Human Resources Director Maryrose DeGroot, Fire Chief Ken Clark, Police Chief Rick Flannery, DPW Director John Westerling, Town Clerk Ann Click, and Treasurer/Collector Maureen Dwinnell.

CALL TO ORDER: The meeting was called to order in Room 211 at 6:15PM. **MOTION** by Mr. Palleiko to go into Executive Session for the purpose of approving Executive Session minutes and discussing contract negotiations, litigation and real property; and to allow Mr. Khumalo and Mrs. Holland to participate **SECONDED** by Mr. Herr. **ROLL CALL:** Mr. Cestari– Yes, Mr. Palleiko–Yes, Mr. Mosher-Yes, Mr. Herr–Yes. **VOTE to Approve: Unanimous**

RE-OPEN PUBLIC SESSION: The Public Session was re-opened in Room 215 with the Pledge of Allegiance at 7:00PM. Chairman Cestari requested a moment of silence in memory of Charles Zettek who served the Town in many capacities for decades and who served with great distinction in World War II. Chairman Cestari then reviewed earlier proceedings.

PUBLIC FORUM: Mrs. Mary Pratt of 102 Fruit Street reported that freight trains carrying hazardous material are proposed to pass near Hopkinton on their way to Westborough. She also advised that a Special Town Meeting be called to address the needs of the Elmwood and Center Schools at the earliest possibility.

ACCOMPLISHMENTS: Chairman Cestari announced that Hopkinton received a matching allocation of $50,000.00 from the Massachusetts Historical Commission's Round 17 Massachusetts Preservation Projects Fund to be used toward the restoration of Town Hall. Mrs. Gates asked if the Historic District Commission was advised of this development. Chairman Cestari said he is under the impression that the Permanent Building Committee has discussed the issue with the HDC.

CONSENT AGENDA: Items contained in the Consent Agenda included: a) approval of the 6/14/11 and 6/15/11 Public Session minutes; b) accepting a gift of $100.00 to the Hopkinton Public Library Building Fund from Timothy and Amy Ritterbusch of 54 Grove Street; c) approving a one-day all alcoholic beverage license for the Mass. Building Trades Council, AFL-CIO for its annual clambake at the New England Laborer's Training Center at 37 East Street for Thursday, August 4, 2011 from 11:00AM to 4:00PM. Public safety and Land Use personnel have reported no concerns with the event. d) the appointment of John Coolidge to the at-large position on the Community Preservation Committee for a

three-year term to June 30, 2014; the appointment of Kenneth Parker and Margo Roman as associate members on the Sustainable Green Committee for one-year terms to June 30, 2012, and the appointment of John Savignano as an associate member on the Board of Appeals for the remainder of a five-year term which ends June 30, 2013;
e) approval of a Bond Anticipation Note for the High School bleachers in the amount of $231,393.70, including interest; f) approving proclamations to the Marathon Delegation from Xiamen, China which names them as honorary Hopkinton citizens. Mr. Herr requested a hold on item d). **MOTION** by Mr. Herr to approve items a, b, c, e, and f of the Consent Agenda **SECONDED** by Mr. Mosher. **VOTE to Approve: Unanimous**. Mr. Herr recognized Mr. Coolidge as a long-time volunteer to the Town and thanked him for his many years of service. **MOTION** by Mr. Herr to appoint John Coolidge to the at-large position on the Community Preservation Committee for a three-year term **SECONDED** by Mrs. Gates. **VOTE to Approve: Unanimous**. **MOTION** by Mr. Herr to appoint Kenneth Parker and Margo Roman to one-year terms on the Sustainable Green Committee **SECONDED** by Mr. Mosher. **VOTE to Approve: Unanimous**. **DISCUSSION**: Mr. Herr confirmed with Mr. Savignano that his employment as a real estate agent would not present a conflict of interest in his role on the Board of Appeals. **MOTION** by Mr. Herr to appoint John Savignano to the remainder of a five-year term ending June 30, 2013 on the Board of Appeals **SECONDED** by Mrs. Gates. **VOTE to Approve: Unanimous**. Mrs. Holland reported that there are about two dozen boards and committees with openings. Chairman Cestari appealed to residents to consider serving.

FUTURE AGENDA ITEMS: ► Mr. Palleiko requested a report on the parking lot Town Hall shares with the Middlesex Bank and Bill's Pizza and the future disposition of the remaining Fruit Street land. ► Mrs. Gates reported that the Marathon Committee has requested participation with the Marathon Fund Committee on the disbursement of funds, noting that the amount reimbursed to Parks & Recreation for repairing the Common after the Marathon have gone down. ► Mr. Mosher asked for a discussion on a collaboration between Parks & Recreation and the School Department on field maintenance and a discussion on streamlining procedures for Town boards and committees.

LIAISON REPORTS: ► Mrs. Gates announced that Concerts on the Common begin on Sunday, July 10. The schedule can be accessed through HopNews, HCAM and the local newspapers. Mrs. Gates inquired about complaints regarding the Code Red system. Mr. Khumalo said procedures for registering are posted on the Town and Fire Department websites. Residents may opt out of the notification system altogether, select certain notifications, or receive all Code Red notifications. ► Mr. Herr said he'd attended a recent Permanent Building Committee meeting, where the general consensus was in support of expanding the Library. People differed on the size of the expansion.

LIAISON ASSIGNMENTS: Tabled until July 12.

SUMMER MEETING SCHEDULE: Tabled until July 12.

PUBLIC HEARING: WATER AND SEWER RATE SETTING: **MOTION** by Mr. Herr to open the public hearing **SECONDED** by Mr. Palleiko. **ROLL CALL:** Mr.

Mosher-Yes, Mr. Palleiko-Yes, Mrs. Gates-Yes, Mr. Herr-Yes, Mr. Cestari-Yes**. VOTE to Approve: Unanimous.** Mr. Khumalo summarized the process for setting the rates and presented options for action to be taken by the Board as follows; raising rates, reducing rates, maintaining FY11 rates and whether or not to create an operating reserve account as suggested by consultant Mark Abrahams of The Abrahams Group. Mr. Abrahams reviewed the workbook presented to the Board on June 14. Water has been revenue positive for ten years, while sewer has been subsidized by the General Fund up until the past year. Mrs. Gates agreed with Mr. Herr that the water rate should be reduced. Mr. Mosher requested a schedule on reducing the rate by 5% over five years. Mr. Palleiko said he'd be comfortable not scheduling an increase for five years. Mr. Westerling cautioned that several variables may impact water and sewer revenues; namely the amount of consumption during a wet summer, upgrades to the Fruit Street treatment facility and other capital projects. **MOTION** by Mr. Herr to close the public hearing **SECONDED** by Mr. Palleiko. **VOTE to Approve: Unanimous**. **MOTION** by Mr. Herr to maintain the FY12 sewer rate at the FY11 level **SECONDED** by Mr. Palleiko. **VOTE to Approve: Unanimous. MOTION** by Mr. Herr to reduce the water rate by 2% for FY12 **SECONDED** by Mrs. Gates. **VOTE to Approve: Unanimous.**

FARMER'S MARKET WINERY LICENSE: Mr. Wade Holtzman of the Still River Winery requested a license to sell wine at the farmer' market at Weston Nursery and to distribute samples. One-ounce samples are legally permitted. Mr. Holtzman said his samples will be ¼ of an ounce and the employees distributing them are TIPP certified. Police Chief Flannery has reviewed the application, as has Town Counsel. **MOTION** by Mrs. Gates to approve the "license to sell at a farmer's market" application of the Still River Winery **SECONDED** by Mr. Palleiko. **VOTE to Approve: Unanimous**.

DOWNTOWN INITIATIVE STEERING COMMITTEE PROJECT (DISC) UPDATE: Mr. Tom Nealon, Chair of DISC reported that his committee has been meeting with a consultant and that a 25% plan is ready for submission to the State Department of Transportation. The geographic limits of the project are from the High School to the Cedar Flats and from Ash and Main Streets to Main and Wood Streets. DISC will present two public forums. Mr. Mosher said greater outreach efforts must be made to have as much public participation as possible. Mr. Palleiko concurred. Mr. Khumalo responded that the Town has been inviting public input and that working session focus groups have been developed. Mr. Herr advised that questions and concerns regarding this project be brought forward now, not when work is about to commence.

TOWN DEPARTMENT BUDGET TRANSFER REQUESTS: Mr. Khumalo said the Appropriations Committee has approved the transfer requests presented to the Board. Mr. Khumalo supports the Committee's recommendation, given the desire to improve efficiency and the fact that the severity of the past winter required expensive equipment repairs. All requests were reviewed and prioritized. Mr. Palleiko inquired about the Youth Commission transfer request. Mr. Khumalo responded that an employee had to work extra hours to prepare a grant application. Mr. Mosher said he appreciated the level of detail and format of the presentation. **MOTION** by Mrs. Gates to approve transfers for contractual obligations only and to deposit the remaining money into Free Cash **SECONDED** by Mr.

Herr. **DISCUSSION**: Mr. Khumalo said this money could not be accessed in FY12 if it went into Free Cash. Treasurer/Collector Maureen Dwinnell said most of the requested transfers are for outstanding bills that need to be paid before June 30. Town Clerk Ann Click said her request is related to the Special Town Meeting and Special Town Election, which were unanticipated expenses. Mr. Westerling said DPW expenditures were made for public safety (fixing traffic signals), gas and heating oil. **Mrs. Gates and Mr. Herr withdrew the motion**. **MOTION** by Mrs. Gates to approve the budget transfers as submitted **SECONDED** by Mr. Palleiko. **VOTE to Approve: Unanimous**.

TOWN MANAGER'S REPORT: ***Hockey Rink –*** Parks & Recreation Commission Chair Ken Driscoll said his Commission would not approve the agreement between Demons Youth Hockey and the Town as written because Parks & Recreation is not mentioned in it at all. The agreement would provide that Youth Hockey cover all legal expenses related to the development of a hockey rink at Legacy Farms and that the Board of Selectmen and Town Manager would review all expenses. Mr. Khumalo said the document is administrative tool which is consistent with an earlier vote by the Board and which does not diminish the role of Parks & Recreation as the driver of the project. He added that the Town Charter does not authorize Parks & Recreation to handle such transactions. Mrs. Gates supported Mr. Driscoll's argument, saying the omission of Parks & Recreation from the agreement gives the appearance of exclusion. Mr. Driscoll said the Commission was never invited to review the draft agreement or given the courtesy of communication regarding it. Mr. Herr said it has always been intended for Parks & Recreation to manage the project. He apologized for the lack of communication, saying it was an oversight on his part due to his haste to move the project forward. Mr. Herr suggested adding language to the agreement such as "with the knowledge and approval of the Parks & Recreation Commission". Mr. Mosher said the community needs to know that no taxpayer dollars will be used on the project, and that it is consistent with the Master Plan.

Mr. Mosher left the meeting at 10:00PM.

TOWN MANAGER, FIRE CHIEF AND POLICE CHIEF: PERFORMANCE EVALUATIONS: Chairman Cestari said lists of accomplishments for Chief Clark, Chief Flannery and Mr. Khumalo will be reviewed by each member of the Board. The comments will be consolidated and the Board will review them together and vote on a final review in Open Session. Mrs. DeGroot will forward a form to Board members. The evaluations were continued to the next meeting.

TOWN MANAGER'S REPORT continued: ***Crosswalk Project –*** A crosswalk in the vicinity of Main Street and Commonwealth Ave. is needed to accommodate Mr. John Boelsen, who has a disability. Mr. Boelsen either crosses without a crosswalk or rides a motorized cart in the street to the nearest crosswalk. The three options presented by Mr. Westerling are; 1) eliminating the crosswalk at Hopkinton Lumber and the Center Trail and painting one at Main Street and Commonwealth Ave., 2) leave the existing crosswalk and add one at Main and Commonwealth, or 3) construct a sidewalk from Commonwealth Ave. to the nearest crosswalk. The third option will cost about $15,000.00. Mr.

Westerling recommended the first option, as drivers won't be prepared for two crosswalks close together. Mr. Palleiko expressed concern about removing the Center Trail crosswalk and said the third option, though expensive, is the safest for all pedestrians. He said road reconstruction in the area is not yet a certainty. Mrs. Gates and Chairman Cestari agreed. Mr. Herr suggested adding the second crosswalk and delineating it as much as possible. **MOTION** by Mrs. Gates that the Board accept the second option until such time (one year) as more detail is available regarding the reconstruction **NOT SECONDED**. **MOTION** by Mr. Herr that the Board ask the Town Manager, DPW Director, Police Chief and Fire Chief to meet with Beta Group, and then make a decision based on professional judgment **NOT SECONDED**. **MOTION** by Mr. Palleiko that the Board approve the construction of the sidewalk and the addition of a second crosswalk **SECONDED** by Mr. Cestari**. VOTE to Approve: Yes-3, No-1 (Mrs. Gates), Absent-1. MOTION** by Mr. Palleiko that the Board authorize the Town Manager to access Chapter 90 funding for the sidewalk **SECONDED** by Mr. Herr. **VOTE to Approve: Yes-4, No-0, Absent-1**.

Contracts – Senior Center Parking Lot and Administrative Services Agreement – **MOTION** by Mr. Herr that the Board authorize the Town Manager to execute a contract between the Town of Hopkinton and Boucher Construction Corporation for the Senior Center parking lot expansion **SECONDED** by Mr. Palleiko. **VOTE to Approve: Yes-4, No-0, Absent-1. MOTION** by Mr. Palleiko that the Board authorize the Town Manager to execute an administrative services agreement between the Town of Hopkinton and Benefits Strategies **SECONDED** by Mrs. Gates. **VOTE to Approve: Yes-4, No-0, Absent-1.**

ADJOURN: **MOTION** by Mr. Herr to adjourn **SECONDED** by Mr. Palleiko. **VOTE to Approve: Yes-4, No-0, Absent-1**. Meeting adjourned at 10:40PM.

Respectfully Submitted,

Elizabeth Aghababian
Recording Secretary