



Town of Hopkinton, NH

Office of the Select Board

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SELECT BOARD PUBLIC MEETING MINUTES MONDAY, JUNE 11, 2018 Approved June 25, 2018

CALL TO ORDER

Chairman O'Brien called this regular meeting of the Select Board to order at 5:30 p.m. on Monday, June 11, 2018, in the large meeting room in the Town Hall. Chairman O'Brien introduced the members of the Board. Bob Gerseny led those assembled in the Pledge of Allegiance.

Members Present: Jim O'Brien, Ken Traum, Bob Gerseny, Sabrina Dunlap and Steven Whitley.

Staff Present: Neal Cass, Town Administrator; Robin Buchanan, Administrative Assessing Assistant

Public Present: Janet Krzyzaniak, Chuck & Joyce Rose, Rob Miller, Raymond Talkington

POINTS OF PRIDE

Mr. Cass noted that staff is constantly interacting with residents and displayed a picture of a Hopkinton ambulance pulled over at a child's lemonade stand making a purchase. Mr. Cass thanked the staff for all they do.

Ken Traum stated he was at Houston Field for a lacrosse game and noted that visitors to the field were very complimentary about the condition of the fields.

Steven Whitley noted the article in the Concord Monitor about the Transfer Station was very positive.

ADMINISTRATIVE

The Board reviewed documents for signature and approved (5-0) the consent Agenda, taking the following action on a motion by Mr. Traum and seconded by Mr. Whitley.

CONSENT AGENDA

11-Jun-18

ACCOUNTS PAYABLE MANIFEST

\$97,909.03
\$801,970.89

PAYROLL

\$71,198.56

BUILDING PERMITS

JK Mullikin sf two story residence w/full basement, garage & deck Map 265 Lot 12-5

JK Mullikin sf two story residence w/full basement, garage & deck Map 265 Lot 12-4

Sheila LaBounty 24 x 24 garage Map 16 Lot 5

Logan & Kim Matthew replace 24 x 20 detached garage Map 237 Lot 17

Demers -Knowlton Rev Trust 8x 12 deck with stairs Map 238 Lot 60

Thomas Harritt renovate & expand existing bathroom Map 105 Lot 5

PAF

Alora Bergethon Recreation rehire lifeguard & WSI

Kendall Bergethon Recreation rehire Pond Director & WSI

Mary Trafton Recreation rehire camp counselor

RIGHT TO BURY

Nancy Braman

APPLICATION FOR PAYMENT OF APPROVED WARRANT ARTICLES

Warrant Article #4 establish Expendable General Trust Fund \$32,000.00

Warrant Article #3 & #5 Capital Reserve Fund Acct & Rec Facilities-Fields
Maintenance \$633,000.00**TRANSFER OF FUNDS**

Sewer Fund to General Fund \$8,090.03

Kimball Cabins, Human Services Donation, Hop FD Auxiliary to General Fund \$1,987.98

Slusser Center Rental Expense-Deposits to General Fund \$100.00

Pay By Bag to General Fund \$55,000.00

Recreation Revolving Fund to General Fund \$2,684.21

APPLICATION FOR PAYMENT FROM EXPENDABLE TRUST FUND ACCOUNTS

Recreational Facilities Trust Fund to General Fund \$2,700.70

APPLICATION FOR PAYMENT FROM CAPITAL RESERVE FUND ACCOUNTSPolice Vehicles, Town Hall Reno, Police/Fire Radio, PW/HWY Vehicles, Ambulance
Replace \$103,030.32

2017 Abatement Recommendations

Robert Graham Map 233 Lot 11-1 Deny	
Wofo Invest Map 235 Lot 20 Deny	
McLane Eastern Map 228 Lot 34 Deny	
Geoff & Danielle Fitzgerald Map 241 Lot 31 Deny	
Gregory Sorel Map 258 Lot 39 Grant	\$2,298.46
Wendy Wetterer Map 238 Lot 24 Grant	\$520.22
Joseph Caron Map 221 Lot 67 Grant	\$2,611.92
Rosemarie Matte Map 257 Lot 41-7 Grant	\$2,891.89
Victor Engel Map 258 Lot 68 Grant	\$6,283.92
Theresa & Michael Pearson Map 260 Lot 4	\$240.45

Abatements 2018

Renee Loukides Map 208 Lot 3 G27 camper supplied registration	\$267.00
Michael & Lori Vicino Map 208 Lot 3 D31 camper supplied registration	\$79.00

UNLICENSED DOG LIST

The Board reviewed the Select Board Meeting Minutes of Tuesday, May 29, 2018. Mr. Traum made a motion, seconded by Ms. Dunlap to approve the Public Meeting Minutes of May 29, 2018.

VOTE: O'Brien, Traum, Dunlap and Whitley voting in favor of the motion; no votes against, Gerseny abstaining. MOTION APPROVED 4-0-1.

The Board reviewed the Select Board Meeting Non-Public Minutes of May 29, 2018. Mr. Traum made a motion, seconded by Ms. Dunlap to approve the Non-Public Meeting Minutes of May 29, 2018.

VOTE: O'Brien, Traum, Dunlap and Whitley voting in favor of the motion; no votes against, Gerseny abstaining. MOTION APPROVED 4-0-1.

APPOINTMENTS:**Rob Miller RE: Thain Rd. Building Permit Request**

Before Mr. Miller began his presentation, Mr. Traum disclosed a previous, resolved issue he had with the Mr. & Mrs. Rose and inquired if they would like him to recuse himself. Mr. & Mrs. Rose replied no, Mr. Traum did not have to recuse himself.

Mr. Miller, representing Chuck & Joyce Rose, gave a brief overview and history of building permit requests for Map 216 Lot 24, noting that the only access to the property is under 10-20 feet of water when the Army Corps of Engineers hold back water. The road is closed by the Army Corps when the water covers the road. Mr. Miller noted that in 1994, a building permit was applied for and denied by the Select Board based on lack of access. In September 1994, the ZBA heard an administrative appeal on the denial by the Select Board. Discussion centered

around upgrading the road for access. The applicant at the time thought it would be too expensive. The Select Board decision was upheld. In 2011, the owner had a conceptual consultation with the Planning Board concerning a subdivision of the lot. The Rose's purchased the lot in 2014. They applied for a building permit and submitted an Agreement and Release to the Town, because of the lack of access during flooding. In May 2015, the Select Board denied the building permit citing Hopkinton Zoning Ordinance Section 1.2. Mr. Miller stated that Tim Bernier has resurveyed the property and the results are more accurate, as technology has evolved since the last survey was conducted.

Ray Talkington of Geosphere Environmental Management has done a Hydrogeological Evaluation of the Thain Road property to help determine the elevation of the road in front of Lot 24, the elevation of the property, to locate the Army Corps of Engineers barricades and their elevations on Thain Road, hydrographs for Hopkinton Lake from available storm events to determine the timing and duration of impounding events and to develop an animated model that depicts impounding conditions at Lot 24 and along Thain Road using existing Army Corp of Engineers hydrograph data.

Mr. Talkington stated at 410.5 ft, the dam is released, but it is a controlled release and it is gradual not flash flood conditions and there is always notification, generally 2 to 3 days, to the Town about the release of water. Mr. Talkington stated the Army Corps has no formal position on this. Mr. Talkington noted that the road was rebuilt after the 2006 Mother's Day storm, with both 12" culverts being replaced with 36" culverts.

Mr. Talkington showed a video of a flash flood occurrence and then an animation of what a flood occurrence would look like at Thain Road. It is a slow gradual rise and not rushing water with a lot of debris.

Joyce Rose addressed the Board stating it is a 15-acre parcel and will have only one house on it and it will be in the back of the lot. The only issue is access, as the only access to the property is between the two portable barriers that would be put in place by the Army Corps.

Mr. Cass stated the Fire Chief and Police Chief are both aware of the request for a building permit. They would respond if needed, however, if flooded, vehicles would not go through. Both the Fire Chief and the Police Chief did not take a position on the matter, as both felt it was a Board decision.

Mr. Traum inquired about the Army Corps of Engineers providing a warning. Mr. Miller replied they would give a 2 to 3-day notice about the release of water.

Chairman O'Brien inquired as to how the Board would like to proceed. Mr. Traum inquired if the applicants would have to go to any other Board if the Select Board approved. Chairman O'Brien replied no. Ms. Dunlap would like to get the opinion of town counsel, since there is now more information. Mr. Gerseny stated the upside of this would be a new house, but the downside of this, would be if a flood and or medical emergency issue happened at the same time, added he believe that is an unlikely scenario.

Discussion ensued, with regards to liability, even if a waiver was signed and became part of the deed.

Mr. Whitley stated things have changed and we have additional information, he likes the use of a liability waiver, that the Town would draft. He agrees with Mr. Gerseny.

Mr. Traum stated he would also approve, subject to a liability waiver. Chairman O'Brien stated the risks are still there and remain the same as before.

Chairman O'Brien inquired if other options (access across an abutting parcel) had been explored. Mr. Miller replied that negotiations were not going well with the only abutter that could give access.

Discussion ensued, with regards to risks, liability, how well we can insulate ourselves from liability even with a waiver, and the fact that it is a flood area.

The Board agreed to send the new information to Town Counsel and would discuss it again in two weeks.

OLD BUSINESS: None

NEW BUSINESS:

YTD Financials 05-31-18

Mr. Cass stated that the Revenues and Expenses look good. Mr. Traum inquired if there would be money left in the Road Culvert Bond. Mr. Cass replied we will be using it all this year.

TOWN ADMINISTRATOR UPDATES:

Beaver Dam: Mr. Cass stated he has requested Digger Dave to begin to remove the dam.

Fair Parking: Mr. Cass stated the Fair Parking lottery will take place at the meeting scheduled for Monday, June 25, 2018.

Mr. Cass noted that at the June 25, 2018, there will be a swearing in ceremony for two new full-time police officers.

Mr. Traum inquired if a meeting date has been set to meet with the Hopkinton Fair Board. Mr. Cass replied no.

Mr. Traum inquired if the Town was considering joining in the class action suit against the opioid manufacturers. Chairman O'Brien stated that Londonderry is involved, and he knows the town manager there and will give him a call.

PUBLIC FORUM: Janet Krzyzaniak inquired of Mr. Cass if anything had been done about the cars on Spring St. Mr. Cass stated that they were notified to remove all uninspected vehicles from the property. Mrs. Krzyzaniak inquired if they are running a business there as she sees a

flatbed truck going out and coming back with cars on it. She does not know if the cars are unloaded at the property.

OTHER:

Chairman O'Brien inquired if Mr. Cass knew where the Boston Post Cane is. Mr. Cass replied that it is here in the building. Chairman O'Brien stated we need to know who is supposed to get it next.

Mr. Whitley informed the Board members that he will not be available to attend the next meeting.

ADJOURNMENT

Respectfully submitted,

Robin Buchanan
Administrative Assessing Assistant