

**MINUTES
BOARD OF SELECTMEN
October 28, 2008**

Present at the meeting that was held at the Town Building were Selectmen Stephen Dungan, Kathleen Farrell, Jason Robart, and Ellen Sturgis.

Chairman Thomas Ruggiero was absent.

Also present were Town Administrator William Wrigley and Administrative Assistant Susan McLaughlin.

Clerk of the Board Farrell called the meeting to order at approximately 7:00 p.m.

Public Input

None.

Chairman's Comments

Ms. Farrell announced the sad news that long-time resident Diane Lowden passed away.

Borrowing for New Fire Truck

Treasurer-Collector Pamela Landry visited the Board for approval to borrow \$195,000 at 3.25 percent for the new fire truck approved at May 2008 Town Meeting. Mr. Wrigley noted that the Town was retiring the earlier borrowing.

Ms. Sturgis moved to sign the note for \$195,000 for the purchase of the fire truck; Mr. Dungan seconded; and all voted in favor. The Board members signed the note.

Designation of Alternate Polling Places for November 4 Election

At the Town Clerk's recommendation, the Board named the two elementary schools as alternate voting locations, should the polls need to be moved from Hale School.

Mr. Robart moved to designate Center and Pompo as alternate polling places, in case of emergency; Ms. Sturgis seconded; and all voted in favor.

Land Use Task Force Status Report

Chairman Rick Lent and members of the Land Use Task Force visited the Board to report on progress toward achieving their goals.

Mr. Lent said the Task Force had a recommended process for the Town's response to Chapter 61 land acquisition opportunities. The process had been reviewed by all the Town boards with interest in land use and was now ready to be presented to the Board for adoption.

The process presupposes the existence of two new groups: a standing Study Evaluation Group composed of staff and experienced land-use volunteers and an ad hoc working group formed on a per-property basis composed of everyone with an interest in a particular property. It was agreed that the Board would establish the Study Evaluation Group.

During the presentation, Mr. Robart pointed out that the recommended process simply clarifies and codifies the way Chapter 61 decisions are currently made. Mr. Wrigley recommended that any vote to adopt the process should note that this is a working document of guidelines, not to be construed as a standard operating procedure or regulation.

Following the presentation and discussion, Mr. Dungan moved to adopt as guidelines “Chapter 61 Lands Policy and Process,” dated 10/9/08, relative to acquisitions of Chapter 61 property; Ms. Sturgis seconded; and all voted in favor.

Whitman Street Shade Tree

Tree Warden Bruce Fletcher visited the Board to discuss the proposed removal of a roadside shade tree at 59 Whitman Street. He was joined by Police Chief Mark Trefry and Superintendent of Streets Mike Clayton.

Mr. Fletcher and the Town’s public safety officials – Chief McLaughlin, Chief Trefry, and Mr. Clayton – recommended removal because it is a public safety hazard. Because Mr. Fletcher received written comments opposing the tree’s removal, the decision to remove the tree now rested with the Board of Selectmen (MGL Ch 87 Sec 3-4).

Mr. Fletcher reported the history of the tree, the results of the public hearing, and his criteria for deciding whether to remove a public shade tree. He said that if this tree is removed, a second tree on the roadside should be removed also, as it becomes the next hazard.

The Board heard comments from several residents, who spoke to both sides of the issue, with those who wanted to keep the tree offering suggestions for alternatives. The selectmen also had different opinions on whether to remove the tree.

It was noted that the discussion was not about one but two issues: 1) Is the tree a safety hazard? and 2) Is there a speeding issue on Whitman Street? There was a discussion of liability associated with the tree being a public safety hazard.

Following discussion, Ms. Sturgis moved to mark the tree [for better visibility] and revisit the issue, if necessary; Mr. Dungan seconded. Board members, the Police Chief, and the Town Administrator discussed this option further.

The Board voted two in favor (Sturgis and Dungan) and two opposed (Robart and Farrell). The motion did not pass.

Mr. Robart then moved to: 1) remove the tree, based on the recommendations of the Public Safety officials and 2) request the Police Department and Superintendent of Streets to develop a plan to slow traffic on Whitman Street. Ms. Farrell seconded.

The Board voted three in favor (Robart, Farrell, and Dungan) and one opposed (Sturgis). The motion carried.

Following the vote, it was agreed that Mr. Wrigley would drive Part 2 of the decision with the Public Safety officials and return to the Board with a plan in short order.

Town Administrator's Report

In addition to providing background information on the Whitman Street tree issue, Mr. Wrigley reported on the following topics:

- He attended a recent MMA Legislative Breakfast, the subject of which was the impact of the economic downturn on the state and municipal budgets. When comments were invited, he suggested that specific modifications of MGL Chapter 149 section 27, the Prevailing Wage law, and Chapter 150E, the Labor Union law, could help. He said that at times like these, it is best to use our more trustworthy capacity to control expenditures rather than the more speculative attempt to increase revenues.
- Concerning Ballot Question 1, elimination of the state income tax, municipalities might see, on average, a 50-percent cut in local aid for FY09. For Stow, that represents roughly 1.3 percent of our revenues, which he feels can be managed. However, the school district receives much more local aid (22 percent). Should cuts that deep occur, "all bets are off" as to the impact on Stow.
- He has a motion ready for the Board's vote to establish an account for the school building donations.
- The Town Building roof replacement is underway. It is sorely needed to end leaks and will be complete before winter.
- The Town's Free Cash was certified at \$434,769, compared to \$410,218 last year. The Stabilization Fund balance is roughly \$435,000.

Meeting Minutes

October 14, 2008: Mr. Dungan moved to approve the minutes, as amended; Mr. Robart seconded; and all voted in favor.

Selectmen's Appointment to Municipal Affordable Housing Trust

Mr. Dungan replaced Ms. Farrell as the Board's appointee to the Trust, following her resignation from the Trust.

Mr. Robart moved to appoint Steve Dungan as a member of the Municipal Affordable Housing Trust; Ms. Sturgis seconded; and all voted in favor. This two-year term expires on June 31, 2010 or at the end of the appointee's term, whichever is sooner.

Elementary School Building Donations Account

Following a visit from ESBC associate member and fundraiser Greta Morgan at the October 14 meeting, Mr. Wrigley worked with Town Counsel to set up an agreement and mechanism for accepting and expending elementary school building donations. The Board established a donation account, as follows:

Ms. Sturgis moved that the Board of Selectmen vote, pursuant to MGL Chapter 44, Section 53A, to establish a dedicated interest bearing deposit account, holding gifts of money or gifts of monetary value, managed and controlled by the Treasurer, for the purpose of making payments to offset the costs directly associated with the Town's proposed MSBA* elementary school building project. Interest earned on this account shall be expended for the same purpose as the deposited funds. The Selectmen shall empower and direct the Town Administrator, together with the Treasurer and a representative of the Town's Elementary School Building Committee, to develop and implement reasonable procedures allowing for the acceptance and expenditure of the donated funds in accordance with applicable law.

Mr. Robart seconded. During discussion, it was agreed to delete "MSBA" from the motion for clarity.* All voted in favor. The motion passed.

Community Preservation Act Funds

The essence of this brief discussion was that, given the Town might no longer get a 100-percent match from the state on our three-percent surcharge, the Board should consider how to approach this and whether to bring a proposed modification to Town Meeting.

It was agreed that the next step should be a joint boards meeting for exchanging information and recommendations. Ms. McLaughlin will inform the Town boards of the selectmen's discussion and arrange a meeting.

Effect of Question 1 on Cities and Towns

Ms. Sturgis requested the discussion on the upcoming ballot question, in light of the already bleak economic situation.

Mr. Wrigley updated the Board on the latest financial news from the state and the status of budget cuts, regardless of the negative impact Question 1 would have. He noted that for the present fiscal year and for FY2010, his budgets have level-services funding and a 3-percent COLA.

Following discussion, the Board agreed that Question 1 is not good for Stow. Some suggested that the Board do a "sense of the meeting" on whether to support Question 1; others favored a vote.

Ms. Sturgis moved that the Board recommend voting No on Question 1; Mr. Dungan seconded. Three members voted in favor (Dungan, Robart, and Sturgis). One abstained (Farrell). The motion passed.

Liaison Reports

Master Plan: A Town-wide survey will be coming.

Assabet River Rail Trail: Stow's rep Don Rising is attending the transportation funding hearings.

At 9:05 p.m., Mr. Dungan moved to adjourn; Ms. Sturgis seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin
Administrative Assistant, Board of Selectmen

Approved as amended, 11/10/08