

**MINUTES
BOARD OF SELECTMEN
April 22, 2008**

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

Selectman Ellen Sturgis was absent.

Also present were Town Administrator William Wrigley, Town Counsel Jon Witten, and Administrative Assistant Susan McLaughlin.

Chairman Dungan called the meeting to order at 7:00 p.m.

Public Input

Ms. Farrell noted the annual Earth Day and announced the upcoming Garden Club plant sale. She expressed her thanks to the Garden Club for all their work to beautify the town.

Chairman's Comments

Mr. Dungan said the Board would meet at 6:00 p.m. before Town Meeting.

Town Administrator's Report

Mr. Wrigley reported on the following topics:

- The Fire Chief Search Committee completed its first round of interviews (eight candidates) and will make a short list of three. In the process, the committee might invite one of more back for second interviews while completing due diligence work, such as reference checks.
- The School District capital project of the track and fields is being discussed in all three towns. Also, he is confident that Stow's approach to a warrant article is a valid approach, despite a question from the School District.
- For the Board's information, he said he approved the Housing Trust's Request for Proposals for affordable dwellings and approved a contract for legal services for the Verizon cable license negotiations.

Meeting Minutes

April 8, 2008: Mr. Ruggiero moved to accept the April 8 minutes, as written, Ms. Farrell seconded; and three members voted in favor, with Mr. Robart abstaining. The motion passed.

One-day Liquor License for SpringFest Dance

Ms. Farrell moved to approve a one-day liquor license (malt and wine) for the SpringFest Dance at the Collings Foundation on May 17 from 7:00 p.m. to midnight; Mr. Robart seconded; and all voted in favor.

One-day Liquor License for Decibels Foundation Fundraiser

Ms. Farrell moved to approve a one-day liquor license (wind and malt) for the Decibels Foundation at Wedgwood Pines Country Club on June 16; Mr. Robart seconded; and all voted in favor.

Public Hearing and Order of Laying Out for Farm Road

At 7:10 p.m., Mr. Dungan opened the public hearing for the laying out of Farm Road. He explained that this and the two hearings to follow were a repeat of those held in 2006, which needed to be redone to meet the Registry of Deeds requirements. Mr. Dungan read the legal notice and the list of abutters.

No abutters were present and there were no comments from the public. Mr. Dungan closed the hearing and the Board voted to lay out the road.

Mr. Robart moved that the Board approve the laying out Farm Road; Mr. Ruggiero seconded; and all voted in favor. Mr. Dungan signed the Order of Laying Out on behalf of the Board.

Town Meeting Warrant Articles

The Board had a brief discussion of voting on selected Town Meeting warrant articles, with differing opinions about taking a position on them.

Public Hearing and Order of Laying Out for Militia Circle

At 7:20 p.m., Mr. Dungan opened the public hearing for the laying out of Militia Circle and read the legal notice. He asked if any abutters were present. There were none and he waived the reading of the abutters list.

No abutters were present and there were no comments from the public. Mr. Dungan closed the hearing and the Board voted to lay out the road.

Mr. Robart moved that the Board approve the laying out of Militia Circle in its entirety; Mr. Ruggiero seconded; and all voted in favor.

Town Meeting Warrant Articles, continued

The Board resumed discussion on Town Meeting articles, with whether to make recommendations on the 10 capital items. Mr. Wrigley pointed out that the Capital Planning Committee is responsible for evaluating capital purchase requests and will make recommendations at Town Meeting. Also, the capital expenses are included in the FY09 operating budget, which the Board approved.

It was agreed to wait for the Capital Planning Committee's recommendations instead of voting on each capital item

The Board briefly discussed Article 40, the high school track and fields project, and agreed they would vote on Article 42, Rail Trail funding, Article 43, Senior Tax Relief, Article 44, governance agreement for the Affordable Housing Trust, and Article 48, revised Animal Control bylaw.

Public Hearing and Order of Laying Out for Whispering Way

At 7:30 p.m., Mr. Dungan opened the public hearing for the laying out of Whispering Way and read the legal notice. He asked if any abutters were present. There being none, he waived the reading of the abutters list.

No abutters were present and there were no comments from the public. Mr. Dungan closed the hearing and the Board voted to lay out the road.

Mr. Ruggiero moved that the length of Whispering Way from STA -0+00 to STA 10+00 be approved for laying out; Mr. Robart seconded; and all voted in favor.

Town Meeting Warrant Articles, continued

Town Counsel Jon Witten was asked to provide an overview of Article 44, the Housing Trust Governance. Mr. Witten explained that, based on the state statute defining the Trust, Town members wanted to limit the Trusts' powers in some areas, especially regarding independent bonding and borrowing.

Ms. Farrell moved that the Board of Selectmen support Article 44, the acceptance of the Municipal Affordable Housing Trust Governance agreement; Mr. Ruggiero seconded; and all voted in favor.

The Board then voted to support Article 53, the recommended transfer to the stabilization fund, as follows: Mr. Robart moved that the Board support Article 53; Ms. Farrell seconded; and all voted in favor.

Snow Property Purchase and Sale Agreement

Mr. Wrigley introduced the topic with an update from the Snow fields working group:

- There are four respondents to the Request for Proposals on design.
- Through a series of meetings with Bose Corporation, the Town and Bose have arrived at an agreement that will give Bose the resources they need and will allow the agriculture/recreation project to proceed.

There was an extended discussion among Board members and other Town officials. For example, Planning Board chair Ernie Dodd said from the audience that he was concerned that there had been no sit-down meeting with DEP on the wells that he understood was to happen. Bob Wilber replied that he had spoken about them with the Regional Administrator for DEP, Marty Suuberg, on Friday and is assured that the plan is feasible and approvable.

There were several requests for written assurances from Bose. Working group member Eric Bachtell said the Bose plan/proposal was in hand.

Town Counsel Jon Witten reviewed how open issues had been resolved and he did not see any impediment to the Board executing the Purchase & Sale Agreement. He proposed moving the due diligence out to May 28, with a closing date of June 13.

Mr. Ruggiero asked about a recommendation the Board received from a ZBA member to wait until the Planning Board's conditions regarding the ZBA special permit were available. Mr. Wilber replied that the closing should be in time for the Town to be the property owner for the Urban Self-help Grant application deadline of June 30.

Planning Board member Len Golder said he saw value in waiting to sign the P&S or have the ZBA permit added as a contingency.

Mr. Dungan asked for a motion on the P&S. Ms. Farrell moved that the Board of Selectmen approve and sign the Snow Purchase and Sale agreement, and update the document dates as recommended by Town Counsel; Mr. Ruggiero seconded. During discussion on the motion, much of the earlier comments were restated and Mr. Witten was asked several additional legal questions for Board members and attendees.

When the vote was taken, Mr. Ruggiero, Ms. Farrell, and Mr. Dungan voted in favor; Mr. Robart was opposed. The motion carried. The Board signed three copies of the P&S for Town Counsel.

Town Meeting Warrant Articles, continued

Article 42, Rail Trail funding: Ms. Farrell moved that the Board of Selectmen support Article 42; Mr. Ruggiero seconded; and all voted in favor.

Article 43, Senior Tax Relief: Mr. Robart moved to support Article 43; Mr. Ruggiero seconded; and all voted in favor.

Article 48, Animal Control Bylaw Amendment: Ms. Farrell moved that the Selectmen support Article 48; Mr. Ruggiero seconded; and all voted in favor.

Article 40, High School Field and Track project: Mr. Ruggiero moved to support Article 40; Mr. Robart seconded. Following discussion among all Board members, all voted in favor.

Town Administrator's Performance Review

Mr. Dungan introduced the topic by citing the requirement for an annual review of the Town's Administrator's performance by the Board, as stated in the Selectmen's Standard Operating Procedures and the Personnel Bylaw. He then read a summary he had compiled of all the members' input. Mr. Dungan concluded this topic after a brief discussion by the Board.

Selectmen's Master Planning

Mr. Dungan said the Master Plan Joint Boards Meeting and the public forum generated a lot of feedback on the plan, which should be considered before the next steps.

Liaison Reports

Ms. Farrell and Mr. Robart reported briefly on the Municipal Affordable Housing Trust and Land Use Task Force, respectively.

At 9:20 p.m., Ms. Farrell moved to adjourn; Mr. Ruggiero seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin
Administrative Assistant, Board of Selectmen

Approved as amended, May 27, 2008