

**MINUTES
BOARD OF SELECTMEN
March 24, 2009**

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

Selectmen Kathleen Farrell was absent.

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

Selectman Dungan, as acting Chairman, called the meeting to order at 7 p.m.

Public Input

Resident Carol Makary expressed her concern about the DPU hearings on the Assabet Water Co's proposed rate increase, which includes a fire protection fee. She said that because the group investigating water for the Lower Village was a working group, the public was closed out of the discussions. The residents had been assured that any solution to the Lower Village water needs would not cost residents money.

Mr. Ruggiero joined the meeting at approximately this time.

Mr. Wrigley responded that Ms. Makary's statements were not accurate. There was no nexus between the Assabet Water/Harvard Acres and the Lower Village water. The notion that they are tied together is false. In the end, DPU will determine the rates Assabet Water may charge.

Resident Tom Bricknell spoke in agreement with Ms. Makary about the rate increase to Harvard Acres residents, of whom he is one.

Chairman Ruggiero said he agreed that it is an issue to be discussed but the brief period for public comments at the start of the meeting is not intended for a discussion.

Chairman's Comments

None.

Appointment to the Cultural Council

Resident Ann Deluty, who had been attending the Council meetings as an associate member, requested appointment as a full member in response to a vacancy posting. Chair Betsy Stepp said the Council enthusiastically supported her appointment.

Mr. Dungan moved to appoint Anne Deluty to a three-year term on the Cultural Council; Ms. Sturgis seconded; and all voted in favor.

Public Hearing on Stow Acres Request for a Liquor License Modifications

At 7:25 pm, Mr. Ruggiero opened the public hearing for Stow Acres Country Club owner Walter Lankau's request to extend the premises of his liquor license to serve alcohol on the golf course. This is possible through a new state statute permitting golf courses to sell alcohol on the grounds of the course and the hearing was Stow's first request under the new law.

Mr. Lankau told the Board that Stow Acres began its 24th season last year and he has never had a liquor license violation. He was active in supporting the new legislation as a member of a golf club owners group. Only two states – Massachusetts and Alaska – did not permit alcohol sales on the courses. Last November, the Massachusetts law was changed.

Because there is still a lack of clarity about licensing a course that is bisected by a public way, Mr. Lankau said he is applying for a modification of the current license for the restaurant to include the South course grounds and applying for a new license to cover the North course grounds.

He said all his servers are "TIPS" trained to safely sell alcoholic beverages and there will be no coolers allowed on the course. His two courses, North and South, are divided by Randall Road, a public way, so signs about the Open Container law will be posted at the crossing for carts. Very few young people (minors) go to Stow Acres. And Massachusetts courses need these licenses to compete with other states for events.

The Board members asked questions and expressed any concerns, which were answered to their satisfaction. It was noted that Police Chief Trefry had been consulted and supported the license change.

Several abutters and area residents expressed their opinions on the request. Ron Ham of Cross Street said he supported the change, noting that the grounds are well maintained and he has never seen a bottle or can from Stow Acres on the roadside. Janet Wheeler of Randall Road said she wanted the driving range excluded and wanted limits set on the hours alcohol can be served. Dick Schrader of Edson Street said he plays the course one or two times a week and has never encountered a drunken player.

Following the public's comments, Mr. Dungan moved to close the hearing; Ms. Sturgis seconded; and all voted in favor.

Mr. Robart moved to approve the modification of the existing license for the South course; Mr. Dungan seconded; and all voted in favor.

Mr. Robart moved to grant a new license for the North course; Mr. Dungan seconded; and all voted in favor.

Visit from US Fish and Wildlife Regional Director

Libby Herland, regional director for US F&W at the Assabet Wildlife Refuge, visited the Board with several dedicated volunteers to introduce the refuge's programs and features.

The refuge is a site for research, such as turtle nesting and invasive species mapping. Visitor services include 15 miles of trails and a visitor centers scheduled to open in Spring 2010. As of June 1, the refuge will permit bicycles for wildlife observation.

Fish & Wildlife is doing cooperative projects with municipalities and Ms. Herland is working with Stow members of the Assabet River Rail Trail project to provide a crucial link in the trail through the refuge. The refuge section would have tighter restrictions than the rail trail in general, such as prohibiting dogs and roller blades.

Ms. Herland described some additional features of the refuge, such as a fishing dock and canoe put-in, and invited the Board to visit the refuge.

Affordable Housing Projects at Pilot Grove and Plantation Apartments

Greg Jones and Ellen Cataldo, representing the Stow Community Housing Corporation (SCHC), visited the Board to discuss their plans to expand Pilot Grove and Plantation Apartments.

Mr. Jones said that with Whitney Homestead gone, the only choices for Stow's elders are a nursing home or a move out of town. Expanding Plantation to include "supportive housing" would provide a third alternative, allowing people to remain in town, relatively independent while having the services they need.

SCHC plans to add 37 units at Plantation, which currently has a five-year waiting list, and to add 30 units at Pilot Grove, which has only a 1-percent vacancy rate.

Ms. Cataldo said that their market study shows a need for affordable **family** housing. Because HUD (federal) funds today are for the elderly, the Pilot Grove project will need substantial support from the town, e.g., CPA funds. The projects are out to bid now and there are discussions on funding sources taking place among the boards, Community Preservation members, and SCHC reps.

Ms. Cataldo said that a letter from the Board of Selectmen to the Board of SCHC stating the Town's support for these projects would be appreciated.

Community Recreation at Snow Field Project Update

CPC Chair Bob Wilber updated the Board on the community recreation project off Old Bolton Road. A construction firm is now under contract and construction has begun. The issue of the hammerhead lot with recreation staging on agricultural land has been settled with the Planning Board. Fundraising is underway. The STARS group, as a 501c3, has a Pave the Way program selling bricks in the entry walkway to donors.

The Board expressed continuing concern about the lack of a maintenance plan for all of the Town-owned facilities, not just the new project. Mr. Busch and Mr. Henry agreed to send a maintenance plan for the Board's review.

It was agreed that a loss prevention person from our insurer should meet with Dale Harris regarding liability issues.

Mr. Wilber distributed a mock-up of a sign for the property, which Board members agreed to provide comments on by the next meeting.

Agricultural Commission Request for Dairy Preservation Act

Agricultural Commission Chairman Dwight Sipler visited the Board to ask that the Annual Town Meeting warrant include a ballot question for Stow to adopt the Dairy Preservation Act. The act allows agricultural businesses to pay \$5/\$1,000 in tax on property, including livestock and

vehicles, instead of \$25/\$1,000. Mr. Sipler said the Assessor's Office found the 2007 revenue from the tax to be \$3,800, further reduced by the cost of labor to administer the assessments.

Following discussion, Ms Sturgis moved to include a ballot question on the 2009 Town Election ballot for the Town of Stow to cease assessing excise taxes on agricultural businesses; Mr. Robart seconded; and all voted in favor.

NRSD/Stow and MSBA Memorandum of Agreement (MOA)

Mr. Dungan moved to approve the proposed version of the MOA for the school building project; Mr. Robart seconded; and all voted in favor.

The ESBC will complete the edits and bring it back to the Board for signatures.

Elm Ridge Road Property Update

The Board agreed to do more work to try to preserve this dwelling as an affordable unit.

FY 2009 Budget Update, FY 2010 Budget Recommendation, and May 2009 ATM Warrant

Mr. Wrigley gave the Board highlights of the current year's budget, noting, for example, that while the Snow and Ice account is overspent (as permitted), two other funds have interest to cover the gap. He thanked Town Accountant Julie Costello for recommending this solution.

He then provided a detailed description of the proposed FY 2010 budget, which included:

- A 2.93 percent increase in department operating budgets
- A 3.46 percent increase for NRSD's assessment
- A decrease for Minuteman's assessment
- A 0.12 percent increase in capital
- A \$205,000 cushion (surplus)
- Budget is able to fully fund the capital purchases without using Free Cash
- There will be a \$100.0k transfer from the old Pompo/Center dollars to this year.
- Regarding personnel, in six years, the Town has hired only three people. He argues strongly for the 3-percent COLA. The salary adjustments for four employees for a total of \$11.0k work out to \$2,800 per employee.

It was briefly discussed whether to use the surplus to buy down the tax rate. Mr. Wrigley agreed it is a good idea but advised waiting a year to see how the situation goes.

Mr. Dungan moved to approve and accept the Town Administrator's FY 2010 budget, as presented; Ms. Sturgis seconded; and all voted in favor.

Mr. Dungan moved to accept the May 2009 Town Meeting warrant, as amended; Ms. Sturgis seconded, and all voted in favor.

Butternut Farms Golf Club Liquor License

Mr. Robart moved to approve the modified liquor license from Robert Page III, LLC; Mr. Dungan seconded; and all voted in favor.

Finance Committee Public Hearing

The Board discussed the issue of timing for annual Finance Committee public hearing on the Town Meeting warrant and the readiness of the warrant for public review. This year, the public

hearing was held before the warrant was in final form and it was generally agreed not to hold the hearing before the Board votes to accept a final version.

Liaison Reports

Master Plan: Mr. Dungan reported that the committee discussed whether to present its final report at Special Town Meeting this fall or at Annual Town Meeting in May 2010. It was agreed to do it this fall.

At 10:30 pm, Mr. Robart moved to adjourn; Ms. Sturgis seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin
Administrative Assistant

Approved as submitted, April 28, 2009