

**MINUTES
BOARD OF SELECTMEN
November 17, 2009**

Present at the meeting that was held at the Town Building were Selectmen Stephen Dungan, Kathleen Farrell, Thomas Ruggiero, Laura Spear, and Ellen Sturgis.

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

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

Public Input

None.

Chairman's Comments

None.

Town Administrator's Report

Mr. Wrigley reported the following:

- Town Counsel is working with the Assessor's Office to appeal a Mass Department of Revenue (DOR) decision on the valuation of state owned land. It requests the Appellate Tax Board to give the Town proper credit for the Fire Academy land. Other towns are appealing similar decisions by DOR.
- The Kunelius land case is settled. The First Circuit Court of Appeals dismissed the plaintiff's claims against the Town of Stow and the Trust for Public Land.
- Per an adjusted Cherry Sheet notice from DOR, the Town is receiving \$25,927 more in Lottery funding than Mr. Wrigley budgeted for Annual Town Meeting.
- The Town is preparing its first submission for reimbursement to the Mass School Building Authority.

Recognition of Donald "Gene" Dwinells Service to the Town of Stow

The Board presented resident and public servant Gene Dwinells with a Certificate of Appreciation for his many years of service to the Town. Mr. Dungan read the following:

Donald E. "Gene" Dwinells, having recently retired from the Zoning Board of Appeals, has served the Town faithfully for 55 years. He served as a Police Officer from 1954 to 1971, as Police Chief from 1971 to 1982, as the Dog Officer and Deputy Tax Collector from 1955 to 1959, on the Street Numbering Committee from 1972 to 1973, on the Bylaw Review Committee from 1973 to 1975, as a Call Fireman from 1965 to 1978, and as a member of the Zoning Board of Appeals from 1971 to 2009 (38 years).

Stow Community Park Update and Acceptance of Gifts

Project Implementation Team (I-Team) members Eric Bachtell, Tim Allaire, Mike Busch, and

Bob Wilber reported on the project status and presented several gifts toward the project for the Board's acceptance. The team also introduced Chris Streeter from the STARS fundraisers, a non-profit group set up to raise funds for the project. STARS has raised \$15,000 in donations.

The plan is for a Grand Opening in the spring, which the I-Team will plan. The focus will be on "Community." The project is already complete, save some punch list items that will be done in the next few weeks.

For the gift acceptance, Ms. Spear moved that the Board of Selectmen accept the following gifts to the Town of Stow for the Community Park at Snow Field:

- Walt Lankau of Stow Acres Country Club – golf utility cart, \$3,000
- Brian Crowell of Crowell Paining – materials and labor for painting the barn, picnic pavilion, and dugouts, \$3,000
- Luis Gutierrez of Hi-Quality Landscaping – installation of brick walkway, \$3,000
- STARS – materials for brick walkway, \$8,000

Ms. Sturgis seconded, and all voted in favor.

These gifts are in addition to those the Board accepted in June: \$32,000 from ET&L Corp for the pavilion foundation and construction management, \$2,000 from Perkins & Cane for the cement, and \$10,000 from STARS for professional labor to build the pavilion.

Mr. Busch introduced Jason Zelle, candidate for Troop 1 Eagle Scout, who described how he designed and built a tennis practice board. The Board agreed to write a letter of recognition for Jason in the spring. The Board decided not to include acceptance of his donation of the tennis practice board at this time but to do so in the spring, when it is installed.

Mr. Busch announced a \$5,000 grant for the playground and maintenance from the Alice Eaton Fund. It will be split over two years.

At the conclusion of the visit, Mr. Wilber, Community Preservation Committee chair, commended Mr. Bachtell (Clerk of the Works) and Mr. Allaire (Fundraising Coordinator) on the amount of time they dedicated to the project, the professional skills they brought to it, and the excellent due diligence they practiced throughout.

Chapter 61A Warren Land Sale

The question before the Board was whether to exercise its Right of First Refusal on this Chapter 61A forestry land that was being sold to the Stow Community Development Corporation for additional affordable dwellings in the Pilot Grove development. Mr. Dungan said that, while the Board recently adopted a process for evaluating Chapter parcels, this case was unusual in that Town Meeting had already voted funds for the Pilot Grove project. He asked that the Board vote a decision tonight.

Ms. Sturgis moved, pursuant to MGL Chapter 61A, Section 14, that the Board decline to exercise its option to purchase or to assign its option to purchase the land of Francis W. Warren, Jr., as described in the notice of sale from William C Barton, Esq., dated October 30, 2009, and in Article 4 of the October 19, 2009 Special Town Meeting warrant; and to send written notice to the landowner.

Ms. Spear seconded and all voted in favor. A letter with the Town's decision will be sent to Mr. Warren and his counsel.

To prepare for future decisions on Chapter land, it was agreed that the Board would initiate the formation of the Study/Evaluation Group described in the Land Use Task Force's July 2009 Final Report. Ms. McLaughlin will send a request for representatives to the department staff and committee chairs identified in the report.

Unfunded State Mandates: Report to Mass House Ways and Means Committee

Mr. Dungan said that Rep Cory Atkins of the House Ways and Means is requesting lists of unfunded state mandates from all the cities and towns in Massachusetts. During discussion, it was noted that the state requirement for 10-percent affordable housing drives a lot of activity and affects every Town department. Mr. Wrigley suggested putting the Board's energy into pending legislation, such as the move into the Mass Group Insurance Commission (GIC), where the state does not have to do collective bargaining but the towns do. Changing this would significantly help the municipalities. Mr. Dungan asked members to send ideas to Ms. McLaughlin.

It was agreed that a request for examples would be sent to all the Town boards and departments, to be forwarded to Rep Atkins.

Assabet River and Amendment of Marlborough Waste Water Treatment Facility Discharge

OAR Executive Director Alison Field-Juma visited the Board to discuss the EPA/DEP decision to amend Marlborough's permit, which was issued on Monday. She said the decision did not make sense from a scientific view, looking at the watershed as a whole. But they did consider some of OAR's and Stow's comments and they are balancing the economics of the issue.

It was agreed that a letter of concern drafted by Allan Fierce would be held until the December 1 meeting, in order to review the permit decision. Mr. Fierce may review the decision with Town Counsel to see if there are grounds for an appeal.

Tax Rate Classification Hearing and Approval

At 8:00 p.m., Mr. Dungan opened a public hearing on determining the tax classification(s) for FY 2010 by reading the legal notice. Members of the Board of Assessors presented their recommendation, which was to keep a single tax rate for all property types, as has been the practice to date. Chairman John Bolton explained that a higher rate for commercial property would only make sense in Stow if there were more commercial property. Without it, multiple rates would make Stow less attractive to businesses, especially compared to surrounding towns.

Following discussion, Ms. Farrell moved to close the public hearing on the FY 2010 tax classification; Mr. Ruggiero seconded; and all voted in favor.

Ms. Spear moved, pursuant to MGL Chapter 40 Section 56, that the Board adopt a single tax rate for all property classes for FY 2010; Ms. Sturgis seconded; and all voted in favor.

Continuation of Assabet River and Amendment of Marlborough WWTF Discharge

Gleasondale resident Mary Cutler stated her opinion that the towns with treatment facilities should be forced to project the number of building permits that they plan to issue and ensure that their WWTFs can handle the increased discharge.

The study's conclusions are that 1) dredging upstream of the dam alone will not help and 2) dam removal might help. Regarding removal of the dams, it was noted that neither the state nor the

federal government could force a privately owned dam to be removed, unless it is determined to be dangerous.

Some expressed dissatisfaction at the way the study was carried out and how it was funded. DEP paid for the study, subcontracted it to the ACOE who, in turn, subcontracted some of the work to consultants.

It was also pointed out that there are alternatives to the current method. A basic principle of managing wastewater discharge is to decentralize its effect by handling the wastewater on site. For example, water can be put into the ground instead of into the river.

Mr. Dungan will forward the Internet link provided by Mary Cutler.

Liaison Reports

Public Safety: Mr. Ruggiero reported that a charity event for the Police Benevolent Association at the high school on Friday night did not go well. It has been on the TV news. All Pro, the name of the fundraising organization, and the Police Benevolent Assn are holding meetings. No legal action has been taken so far. Mr. Ruggiero said that, in the future, more oversight is needed by the groups involved and the schools.

Community Preservation: Ms. Spear said new CPA legislation has made it to the House Ways & Means.

MAPC/MAGIC:

Ms. Spear reported that MAGIC voted to fund two transportation studies.

ESBC: Ms. Sturgis announced a Green Forum on December 14, for children to make suggestions on the school design. The current schedule is to go to bid in May 2010. The committee is drafting an application for a \$150,000 grant for green design.

Tri-Town: Ms. Farrell said that Stow hosted the November meeting, which was well attended. The focus was on budgets.

Capital Planning: Ms. Farrell said that requests for FY 2011 capital items and five-year plans will go out in December.

ESBC, continued: The ESBC met with the Fire-Rescue Department and the Medical Reserve Corps and agreed on using the school as an emergency "Post Event" shelter. Most of the additional needs to do so are electrical.

Set Board Priorities

Mr. Dungan introduced the topic of setting priorities as a board, based on an idea that Ms. Spear brought from the Planning Board: to choose the top three or four areas for concentrated effort by the Board. The focus would be to be sure 1) the efforts are adequately resourced, in people and materials, and 2) the efforts are making progress, as determined by monitoring the work.

Useful points raised:

- The importance of good communication is even more important now, as departments try to coordinate their efforts.
- The selectmen can provide focus and make sure people are working on the right things at the right time.

- The importance of managing expectations of all those involved and getting consensus across boards.
- “Actionable” items are needed.

Next Steps in Committee Management

Now that the Board has a new procedure in place for managing the effectiveness of committees, the next step is a rollout to the groups they appoint.

Ms. McLaughlin will distribute the new procedure to all the committees the Selectmen appoint and copy elected boards, as well. Ms. Farrell and Ms. Spear will begin meeting with individual committees to introduce the operating procedure and ask the committees how they will implement it. The first three committees to be visited are Open Space (Ms. Farrell), Assabet River Rail Trail (Ms. Farrell), and Municipal Affordable Housing Trust (Ms. Spear).

At 9:12 p.m., Ms. Sturgis moved to adjourn; Ms. Spear seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin
Administrative Assistant

Approved as amended, December 15, 2009