

**MINUTES
BOARD OF SELECTMEN
September 15, 2009**

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

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

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

Public Input

None.

Chairman's Comments

None.

Town Administrator's Report

Mr. Wrigley reported on three recent events he attended:

- Annual 9/11 Memorial Ceremony with the Fire Chief at the Fire Academy. It was a moving and well attended ceremony which, this year, included a graduating class of firefighters.
- Regionalization conference at Holy Cross.
- Rep. Kate Hogan's Town Hall for seniors. He was joined by two selectmen.

Meeting Minutes

None.

Liaison Reports

Public Safety: Mr. Ruggiero updated the Board on the Honey Pot Hill traffic issue. Since the last meeting, Richard Martin requested that the Town do a site walk, which was planned but rained out. As a step toward improving the traffic flow, Public Safety Officer Lima asked the Board to approve the installation of several seasonal (Sep-Oct) No Parking signs on the roads leading to and from the orchard and to increase the fees for violations (presently set at \$5). Mr. Ruggiero also reviewed the steps the Police Dept had taken to improve the situation, such as giving the owners radios on the Police frequency to call for help if need be.

Mr. Wrigley reminded the Board that selectmen do not have the authority to allow the Martins to direct traffic.

It was agreed that in response to Mr. Martin's most recent letter, for the benefit of both the Martins and the public record, Mr. Ruggiero would put in writing what the Board said to the Martins at the September 1 meeting.

Appointment of Zoning Board of Appeals Associate

Following a brief discussion with resident Andy DeMore about his interest in the ZBA, the Board voted as follows:

Ms. Spear moved that the Board appoint Andy DeMore as an Associate member of the Zoning Board of Appeals, to fill the remainder of an unexpired five-year term, ending June 30, 2013; Mr. Ruggiero seconded; and all voted in favor.

Liaison Reports, continued

Master Plan: Mr. Dungan recommended that Board members send their comments on the Master Plan chapters directly to Karen Kelleher, instead of trying to reach a consensus of the Board. This would speed up the review process and let the Master Plan Committee decide how to handle each individual's comments, without them being filtered and perhaps watered down by requiring a consensus from the Board.

Committee Management Procedure

The Board accepted Mr. Dungan's revision of his committee management procedure. Ms. Sturgis moved that the Board adopt the committee management procedure, as revised for the September 15 meeting; Ms. Spear seconded; and all voted in favor.

It was agreed that Mr. Dungan would write a cover memo and distribute the procedure to other boards.

Elementary School Building Project

Ms. Sturgis, accompanied by Phil Poinelli of the design firm SMMA, presented the school building design plan to the Board. This is the plan being given to the MSBA for approval. Mr. Poinelli did a walk-through of the design, beginning with traffic flow and building access control. The presentation was suspended momentarily while the Board met with Ruth Kennedy Sudduth.

Ruth Kennedy Sudduth on ZBA

Ms. Kennedy Sudduth, who was appointed as a ZBA associate member at the last meeting, briefly visited the Board to discuss her interest in membership. The Board's policy is to meet with potential appointees before appointing them and, by mistake, this had not happened last week. So, she visited this week instead. She told the Board that her profession is land management and that she has served on several Town boards in the past, with the Planning Board being particularly helpful experience. The selectmen welcomed her return to Town planning.

Elementary School Building Project, continued

On resumption of the presentation, the following topics were discussed:

- On-site or off-site water supply: The water supply has not yet been decided, the options being to build a new well on site or tie in with Assabet Water Co supply to the Town Center and Lower Village. The ESBC is scheduling a meeting with DEP on the requirements for an on-site well. Estimates show that on-site water is \$241k more expensive than a tie-in with Assabet Water Co. Mr. Wrigley referred members to his activities report for details.
- Removal of the historic Stone Building and reuse of materials: Per SMMA, it would cost \$1M to update it to code. In addition, it would need to be moved or the parking area would need to be resigned.
- Loss of two Recreation Dept tennis courts: the Recreation Commission submitted a separate warrant article requesting funds to re-construct the two courts elsewhere. Several members of the Commission expressed a strong desire to replace the courts; which had been removed from the most recent version of the design. The selectmen replied that this was not the right time to request additional funds and the school building project must be the top priority.

Regarding the budget:

- A total of \$38M was voted at last night's ESBC meeting and submitted to MSBA. Of that amount, \$29M is hard costs and less than \$9M is soft. Inflation and some contingency funds for design and construction have been built in.
- Construction will follow MSBA approval of the plan on September 30 and construction could begin mid- to late spring.
- The Town can gain up to 2 percent of additional reimbursement by meeting green design goals (Mass CHIPS).
- Stow is asking MSBA for a 50.85-percent reimbursement rate.
- According to a Finance Committee estimate, the tax increase of the school borrowing will be an average of \$537 per household (in mid-value home) per year for the length of the debt.

Following discussion, Ms. Sturgis moved that the Board support the proposed design of the elementary school building project, as proposed by the ESBC to the MSBA; Mr. Ruggiero seconded; and all voted in favor.

Additionally, Ms. Farrell moved to authorize Ellen Sturgis to be the selectmen's signatory for the MSBA budget document; Ms. Spear seconded; and all voted in favor.

Assabet River Rail Trail Expense

The Town of Acton incurred some expenses related to the area Rail Trail project and is asking Stow to reimburse them for a share of the cost, which the Board agreed to do.

Ms. Farrell moved that the Board authorize payment of a \$761.13 reimbursement to the Town of Acton from Assabet River Rail Trail expenses, from the Selectmen's Engineering account; Ms. Spear seconded; and all voted in favor.

October Town Meeting Warrant and Ballot Questions

Before the vote to accept the warrant and ballot questions, Mr. Wrigley noted the following:

- The current version combines water supply borrowing in Article 1. This may change based on negotiations between counsel for the MSBA and the Town.
- While the Board might not support articles from other committees, the selectmen do not have the authority to remove a warrant article submitted by another agent of the Town, i.e. Recreation's article on the tennis courts. Mr. Ruggiero strongly expressed his opinion that the tennis court article and ballot question should be removed from the warrant.

Warrant: With that understanding, Ms. Sturgis moved that the Board accept the October 19 Special Town Meeting Warrant, as drafted on September 15 and to include any necessary revisions by Town Counsel, Bond Counsel, and the MSBA and Ms. Spear seconded. Four members voted in favor (Dungan, Farrell, Spear and Sturgis) and one voted opposed (Ruggiero). The motion carried.

Ballot Question 1: Ms. Sturgis moved that the Board approve the October 29, 2009 Special Election ballot question for debt exclusion of the elementary school building project funding; Ms. Farrell seconded; and all voted in favor. The motion carried.

Ballot Question 2: Ms. Sturgis moved that the Board approve the October 29, 2009 Special Election ballot question for debt exclusion of the two tennis courts and Ms. Spear seconded. Four

members voted in favor (Dungan, Farrell, Spear and Sturgis) and one voted opposed (Ruggiero).
The motion carried.

At 9:35 p.m., Ms. Sturgis moved to adjourn; Ms. Farrell seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin
Administrative Assistant

Approved as submitted, October 6, 2009