

**MINUTES  
BOARD OF SELECTMEN  
June 15, 2010**

Present at the meeting that was held at the Town Building were Selectmen Stephen Dungan, Charles Kern, James Salvie, and Laura Spear.

Selectman Thomas Ruggiero was absent.

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

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

**Public Input**

Daisy Dearborn, 34 Meetinghouse Lane, addressed the Board with two issues of concern: Referring to a May 30 article in the Boston Globe on state energy grants for “green communities,” she asked why Stow was not participating. Ms. Spear said that Stow does not meet the municipal power utility criteria but the Planning Board is looking for other ways for Stow to join in.

Second, Ms. Dearborn asked the Board to protect and restore the Randall Library building, which has suffered from neglected maintenance. It’s a beautiful historic building in the Center of Town. She said she would also raise this problem with the Library Trustees.

Lew Halprin, 82 Pine Point Road, said he was confused by the selectmen’s appointment process. As an associate member of the Historical Commission, he knew there were openings but they were not posted. And he noticed that a COA applicant was scheduled to be appointed tonight but not the Historical Commission applicant who applied at the same time. He could not find any rules on responding to postings or how appointments are made. Ms. Spear said they would discuss the Historical Commission later in the meeting.

Janet Stiles, 58 Pine Point Road, the Historical Commission applicant, told the Board she had applied on June 6, within the deadline, as had the COA candidate; and, like the COA candidate, was invited by Ms. McLaughlin to tonight’s meeting for appointment. Then on June 11, Ms. Spear cancelled her appointment. Dr. Stiles listed her qualifications to serve on the Commission and said that Ms. Spear is denying her the opportunity to serve. Ms. Spear has also named herself as liaison to the Historical Commission but has given no support to preservation. Dr. Stiles said Ms. Spear was displaying discrimination and favoritism and asked who the next target would be, someone who did not share the opinion of the Board of Chairman.

Ms. Spear replied that she was postponing the appointment, not refusing to appoint Dr. Stiles, because she wanted to have a discussion about the Historical Commission with the Board first.

Bruce Fletcher, South Acton Road, thanked the Board for arranging the Joint Boards meeting on disposition of the blacksmith shop and allowing public input.

Mr. Halprin said he saw at least 8 or 10 references to preserving the blacksmith shop on the Board’s correspondence list. His concern was that correspondence is hardly ever discussed, so it is effectively going into a wastebasket. He hopes there is a better way to handle it because when

people take time to write, there is usually a point they want to make, and they find there is no way to get it discussed.

### **Chairman's Comments**

Ms. Spear announced dates for the school project groundbreaking ceremony and a Town committee recruitment event. She also asked interested people to send comments to the MAPC Mass Central Corridor project, which includes bike trails.

### **Town Administrator's Report**

Mr. Wrigley reported the following:

- Asked the Board to approve the Local 1156 contract for FY 2011, which involves only a 2-percent cost-of-living increase.
- Re-capped Town Counsel's written opinion on the impact of Town Meeting votes to preserve the blacksmith shop and apple barn in relation to the September 2009 Town Meeting vote to approve the school project. He said there are no restraints on disposing of the buildings as the Town sees fit.
- Asked the Board to approve the transfer of funds to the Snow and Ice account to cover the previously approved deficit spending on the account.
- In relation to the blacksmith shop bids, he noted that the Board must vote to identify the building as Surplus Municipal Property in order to use the bid process.

### **Public Hearing: 7:15 p.m. Earth Removal Permit for school building project**

At 7:20 p.m., Chairman Spear opened the public meeting on SMMA's request for an earth removal permit for the school building project.

Mr. Dungan moved to waive the reading of the public notice; Mr. Kern seconded; and all voted in favor.

In attendance were Jamie Warren from SMMA and Joseph Stella, the newly hired General Contractor for the project. Mr. Warren submitted all of the certified mail receipts to abutters.

Mr. Warren described the school project, saying that the plan calls for removal of 6,800 cubic yards of loam and soil, with most of the earth to be removed during Phase 1 of construction, from commencement to December 2011. He has worked with Craig Martin, building inspector and ESBC member, on traffic routes out of town for the trucks. Only main roads will be used, i.e., routes 117 and 62. Topsoil will be saved for Town use, deposited at the Highway Barn and Brookside cemetery.

Its use at the Community Gardens is being considered, with the Conservation Commission concerned about possible invasive plants being introduced and problems using unscreened loam. Screening the loam is not in the contract and has not been costed out by the contractor yet.

Mr. Warren verified that hauling operations would adhere to the site permit requirement of 7:00 am to 5:00 pm Monday through Friday and 8:00 am to noon on Saturday.

Ms. Spear said, per the General Bylaw, the Town can require a bond. Mr. Wrigley noted that the existing bond provided by the general contractor is sufficient to cover the earth removal operation, so an additional bond for the earth removal is unnecessary.

Steve Mong, 70 Old Bolton Road and owner of Applefield Farm, urged the Board to keep the topsoil in town. He said there is a half-acre of Allan Tyler's land, where the Town holds an APR and Mr. Mong leases for farming that needs topsoil. He could use 1,500 yards, although it would be more useful for farming if it were screened.

Mr. Salvie asked who decides where the soil goes in town. After some discussion, it was agreed that Mr. Martin and the ESBC would decide.

At 7:40 p.m., Mr. Dungan moved to close the public hearing for the Center School project earth removal application; Mr. Salvie seconded; and all voted in favor.

Mr. Dungan moved to approve the application by Symmes Maini & McKee Associates, Inc. for a permit to remove 6,800 cubic yards of loam and soil from the Center School building project site, as shown on Assessor's Maps and Parcels U9-44 and U10-9 and described in the application and project plans and contingent on the General Contractor providing final details of the proposed hauling routes, disposal sites, and sequence of operations to the Building Inspector for final review and approval; Mr. Kern seconded; and all voted in favor.

### **Meeting Minutes**

**March 16:** Mr. Dungan moved to accept the March 16, 2010 minutes, as submitted; Mr. Kern seconded. Mr. Dungan and Ms. Spear voted in favor; Mr. Kern and Mr. Salvie abstained. The motion passed.

**June 1:** Mr. Dungan moved to accept the June 1, 2010 minutes, as submitted; Mr. Kern seconded. And all voted in favor.

### **Releasing executive session minutes to the public record:**

Mr. Dungan moved to release the executive session minutes of August 10, 2004, September 28, 2004, and December 11, 2007, concerning the John Egan matter, to the public record; Mr. Salvie seconded; and all voted in favor.

Mr. Dungan moved to release the executive session minutes of June 12, 2007 and June 26, 2007, regarding the Parker land matter, to the public record; Mr. Salvie seconded; and all voted in favor.

Mr. Dungan moved to release the executive session minutes of June 12, 2007 and June 26, 2007, regarding Officer Kim Doughty's retirement, to the public record; Mr. Salvie seconded; and all voted in favor.

Mr. Dungan moved to release the executive session minutes of January 22, 2008, regarding the Police Chief's contract, to the public record; Mr. Salvie seconded; and all voted in favor.

Mr. Dungan moved to release the executive session minutes of June 24, 2008, regarding the Fire Chief's contract, to the public record; Mr. Salvie seconded; and all voted in favor.

Mr. Dungan moved to release the executive session minutes of May 26, 2009, regarding contracts for the four Town employee unions, to the public record; Mr. Salvie seconded; and all voted in favor.

**Appointment to Council on Aging**

Kristen Donovan, an Associate member of the COA, requested appointment to a voting member position. She became involved with the seniors through a pen pal program she set up with the second graders, has been an Associate for two years, and teaches the seniors' art class. She wants to bring enthusiasm and new ideas to the Board.

Mr. Dungan moved to appoint Kristen Donovan to the Council on Aging for an indefinite term; Mr. Salvie seconded; and all voted in favor.

**Local 1156 Contract Memorandum of Agreement for FY 2011**

Mr. Salvie moved to approve the 2011 Local 1156 union contract amendment and to authorize the chair to sign the agreement; Mr. Dungan seconded; and all voted in favor. It was then determined that all the selectmen sign it, which they did, in triplicate.

**Blacksmith shop disposition**

The Board took the next steps to dispose of the Larsen blacksmith shop on the Center school grounds.

Mr. Salvie moved to identify the Larsen blacksmith shop on the Center School property as Surplus Municipal Property, for disposition by the Board of Selectmen, pursuant to MGL Chapter 30B; Mr. Dungan seconded; and all voted in favor.

Members said they were pleased with the Joint Boards meeting to discuss the building's future and the bid process. It was noted that with the limited time to dispose of the building, dismantling and storing it might be all that is possible at this time.

Ms. Spear proposed a process for outreach, outbound and inbound, and members agreed to divide up the work and did so.

**Budget transfer to FY 2011 Snow and Ice Account**

Mr. Dungan moved to approve the transfer of \$12,753.01 from the Minuteman Vocational Technical School Assessment account (0100-30-312-60-63220-0000) to the Snow and Ice account (0100-40-423-60-67800-0000), pursuant to MGL Chapter 44, Section 33b; Mr. Salvie seconded; and all voted in favor. Ms. Spear signed the budget transfer.

**Appointment to MART Advisory Committee**

Mr. Salvie moved to re-appoint Alyson Toole as the Board of Selectmen's representative to the Montachusett Regional Transit Authority Advisory Board for a one-year term, from July 1, 2010 to June 30, 2011; Mr. Dungan seconded; and all voted in favor. Ms. Spear signed the appointment form.

**Review committee vacancies for July 1 appointments**

Ms. Spear read the list of upcoming committee appointments to be posted. The annual July appointments will be made at the July 6 meeting.

**Support for OAR re DEP permit for Marlborough WWTF**

Mr. Wrigley said that although the federal Environmental Protection Agency withdrew its permit modifications for the Marlborough wastewater treatment facility, the Mass Department of Environmental Protection did not. He had Town Counsel Jon Witten write a letter in support of the Organization for the Assabet River's position on the permitting issue.

### **South Acton shuttle survey**

Mr. Dungan explained that the first step of the MinuteVan project was to find potential users in Stow. Residents Allan Fierce and Margie Lynch helped him write the survey which Beth Tobey will post on the website. He also asked The Stow Independent to put a notice of the survey in the newspaper.

The Board liked the idea and the survey content. Members will send minor edits to Mr. Dungan, after which he will proceed to post it.

### **Priorities grid update**

- Pompo Use – Appointed committee.
- Senior community center – Will follow from Pompo Use.
- Assabet River [WWTF permitting]– Final report distributed today and OAR letter sent.

Mr. Dungan noted that many comments from residents were submitted on the Army Corps of Engineers' report on Assabet dam removal and nothing has been heard back from DEP or the Army Corps.

### **Liaison Reports**

**Pedestrian Walkway Committee:** Mr. Salvie attended a meeting of the Walkway Committee. They are about to accept the only bid they got for planning and design services. Hope to complete construction by end of construction season. Only major modification is that they are not proposing a walkway along the upper common. Looking at an easement at Villages at Stow and applying for an Alice Eaton grant.

**NRSD:** Mr. Salvie said that union contracts and the superintendent's contract are due for renewal this year. Negotiators for collective bargaining have been named.

**ARRT:** Mr. Dungan is meeting with ARRT members to identify recommendations for next steps to bring to the Board.

**MMA Selectmen's Conference:** Ms. Spear reported on discussions of the Open Meeting Law changes at the conference, specifically:

- Towns are looking at alternate ways of posting meetings.
- The AG's office now says that topics that come up in the 48 hours after posting an agenda could not have been reasonably anticipated by the chair and so may be discussed at the meeting. This is a major change, where something may be discussed that is not on the agenda.

**Conservation Commission:** Ms. Spear said the commission was holding a Delaney Dam Rehabilitation Project Forum but Ms. McLaughlin explained it had been canceled.

**Lower Village:** Ms. Spear said they are sponsoring a Master Plan for the Lower Village, drafting an RFP, and will be sending it out shortly.

**Historical Commission:** Ms. Spear said she attended a meeting and two of three current members said they would not be seeking reappointment. The Commission nominated someone for membership but Ms. Spear said that was "putting a Band-Aid on a hemorrhage" and the Board should step back and decide what the activities are, what the priorities are, what kind of people they want, and what experience. She said she would be open to have the nominee come in for appointment at the next meeting.

Mr. Dungan said that in the past the Board has waited until they have all the applicants in for the positions available rather than do them piecemeal but that is a judgment call. Mr. Salvie said that with so many vacancies, it makes sense to appoint them all at the same time, with an eye toward what the committee's mission is. He agreed with Ms. Spear's approach.

Ms. Spear said there is a systemic problem getting and keeping members and she will be speaking with the two co-chairs on this. Mr. Dungan reminded members of the Board's recently adopted committee management policy and suggested that it be applied to this committee.

It was agreed that Ms. Spear would draft a posting for the committee and speak with other Towns' commissions and with the two co-chairs about Stow specifically.

**Correspondence**

Mr. Halprin asked if correspondence could be posted on the website. Ms. Spear referred him to the Selectmen's correspondence policy.

At 9 p.m., Mr. Salvie moved to adjourn; Mr. Ruggiero seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin  
Administrative Assistant

Approved as amended, July 20, 2010