

**MINUTES
BOARD OF SELECTMEN
December 14, 2010**

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

None.

Chairman's Comments

Ms. Spear announced two public forums scheduled for the next night: one on Pompo School reuse and one on Track Road design.

Town Administrator's Report

Mr. Wrigley reported briefly on the following topics, which would be addressed later in the meeting:

- Boxboro Road Notice of Foreclosure: Town Counsel recommends a letter to the law firm DLPN, stating that the notice does not comply with MGL C. 61A s. 14.
- Interim loan note for Harvard Acres well loans ready for signature
- Recommendations to hire Samantha Howard as a dispatcher and Robert Nelson as a police officer.
- Process for replacing retiring police Chief Mark Trefry.
- Settlement of Lake Boon drawdown case.

Meeting Minutes

October 12: Mr. Salvie moved to approve the October 12, 2010 minutes, as written; Mr. Kern seconded. Three voted in favor (Kern, Salvie, and Spear) and one abstained (Ryan). The motion passed.

Borrowing for Harvard Acres Loan Program

Treasurer-Collector Pamela Landry asked the Board to sign borrowing documents for the \$1.0M loan from the state for the Harvard Acres residents' well.

The Board's vote was as follows.

Mr. Ryan moved:

1. That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$1,000,000 (the "Bonds") pursuant to Section 128 of Chapter 359 of the Massachusetts Acts of 2010 and Chapters 29C, 44 and 111 of the General Laws and a vote of the Town passed November 8, 2010 (Article 1), which authorized a total borrowing of \$1,000,000

- for construction of drinking water wells and other drinking water treatment and storage and distribution facilities (the "Project");
2. that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$1,000,000;
 3. that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement;
 4. that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
 5. that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and
 6. that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreement(s) and the Project Regulatory Agreement(s) relating to the Project.

Mr. Salvie seconded; and all voted in favor.

Mr. Salvie, in his role as Clerk, then certified the vote.

Appointment of Registrar of Voters

Member of the Stow Democratic Town Committee Robert Walrath volunteered to fill a long-vacant Registrar's position. The Town Committee voted to nominate him for the Board's consideration for that appointment.

Mr. Ryan moved to appoint Robert Walrath as a Registrar of Voters, to fill the remainder of an unexpired three-year term, ending on June 30, 2011; Mr. Kern seconded; and all voted in favor.

Adoption of Hazard Mitigation Plan

Fire Chief Michael McLaughlin asked the Board to formally endorse a Hazard Mitigation Plan for Stow, a five-year plan identifying natural hazards and strategies for controlling them. He said he worked with all the towns in our region on the plan. The plan is funded by MAPC and approved by MEMA, then FEMA, with the Board's approval being the final step.

Mr. Salvie moved the following resolution to adopt the Town of Stow Hazard Mitigation Plan:

Whereas, the Town of Stow established a Town of Stow Committee to prepare the Hazard Mitigation plan; and

Whereas, the Town of Stow Hazard Mitigation Plan contains several potential future projects to mitigate potential impacts from natural hazards in the Town of Stow, and

Whereas, a duly-noticed public meeting was held by the Board of Selectmen on December 14, 2010, and

Now, therefore be it resolved that the Town of Stow Board of Selectmen adopts the Hazard Mitigation Plan, in accordance with M.G.L. c. 40 and the Town of Stow's local by-laws.

Mr. Ryan seconded; and all voted in favor, after which the Board executed the plan.

Water for Fire Station

Building Commissioner Craig Martin joined Chief McLaughlin to continue the discussion of providing water to the Fire Station. Chief McLaughlin said he is looking for a clean source of water in the station and hooking into the school supply is the most efficient and cost effective.

The hookup would occur via an 8-inch pipe from the school system, running 25 feet down Hartley Road. Mr. Martin would work via the school district to, in turn work via the elementary school project architect, SMMA, to request Stella, the contractor, to do the job under their contract. Stella has both the resources and custody of the site.

The cost estimate is well under \$5,000 (estimated at \$2,500 to \$3,000). Possible sources are Fire Department funds, a Reserve Fund transfer, or a Special Article at May Town Meeting.

Mr. Kern reported that the Elementary School Building Committee supports the project. Mr. Wrigley called it Win-Win to move the Fire Station off the Town well to the school.

It was noted that there is a regulatory aspect with Mass DEP that needs to be understood and that the Mass School Building Authority's position is not yet known.

Chief McLaughlin and Mr. Martin asked the Board for permission to proceed with the project. Ms. Spear felt comfortable enough for them to continue to investigate and all the selectmen were supportive.

Appointment of Public Safety Dispatcher

The Board was asked to appoint a new public safety dispatcher to replace a full-time employee who had resigned. Both chiefs and the three full-time dispatchers selected a candidate from 15 applicants.

Mr. Ryan moved, as recommended by the Dispatcher Search Committee, to appoint Samantha Howard as a full-time public safety dispatcher to replace Sherry Morton-Pelly, effective immediately; Mr. Salvie seconded; and all voted in favor.

Appointment of Police Officer

Mr. Wrigley described the two-phase hiring process by which officers are selected: the first phase in which the three sergeants screen applicants to bring a small number to the interview committee (in this case from 45 to 5). Mr. Dungan, Mr. Wrigley, and one sergeant then decided on their top recommendation.

Two candidates came close to a tie; one deferred due to the timing of the offer; the second, Robert Nelson from Southborough accepted.

Mr. Salvie moved, as recommended by the Police Officer search Committee, to appoint Robert Nelson as a full-time police officer to replace Thomas Maskalenko, effective immediately; Mr. Ryan seconded; and all voted in favor.

Retirement of Police Chief Mark Trefry

With the imminent retirement of Police Chief Mark Trefry, the Board held a brief discussion on the process of selecting a new chief. Mr. Wrigley recommended promoting from within the department, if there is a candidate who is qualified and experienced. He noted that there were three dedicated sergeants who had been with the department for more than two decades.

He recommended creating a five-person search committee, an approach Chief Trefry supports. Committee members would be Mr. Ryan, Selectmen's Public Safety liaison, Mr. Dungan, experience on search committees; Mr. Clayton, Superintendent of Streets; and Mr. Wrigley.

Mr. Salvie moved to appoint a five-member Police Chief Search Committee; Mr. Ryan seconded; and all voted in favor.

Mr. Wrigley also asked to appoint Sgt. Bosworth as the interim chief. In response, Mr. Ryan moved to appoint Sgt. William Bosworth as the interim chief upon Chief Trefry's retirement on January 3, 2011; Mr. Salvie seconded; and all voted in favor.

Annual License Renewals

The Board approved annual renewals for the three types of licenses it grants: Used Cars, also know as Class II; Common Victualer; and Liquor. Ms. McLaughlin said the applicants on lists prepared for the meeting had met all the requirements for renewal.

Mr. Ryan moved to renew the following **2011 Used Auto licenses**; Mr. Kern seconded; and all voted in favor.

Auto Support Engineering, Inc. 370 Hudson Road
Chapel Hill Partners Rich Presti 102 Great Road
Concord Fuels of Stow, Inc. 368 Great Road
Hudson Road Auto, Inc. 383 Hudson Road
Import Export of Boston 8 Whitman Street

Omega Motors Sports John Maione 102 Great Road
Joseph R. Inferrera, Jr d/b/a Stow Classics 64 Crescent Street
Patterson Auto Body, Inc. 18 Great Road
SalesApproach, Inc. 636 Great Road

Mr. Ryan moved to renew the following **2011 Common Victualer licenses**; Mr. Kern seconded; and all voted in favor.

Costa Donuts Two, Inc. Corner Hudson and Great roads
Delta Epsilon, Inc. dba Stow House of Pizza 156 Great Road
Papa Gino's Stow Shopping Plaza

Stow Cafe 118 Great Road
Stow LLC dba Dunkin' Donuts Stow Shopping Plaza

Mr. Ryan moved to renew the following **2011 Liquor licenses**; Mr. Kern seconded; and all voted in favor.

Air Field Café, Inc. dba Nancy's Air Field Café 302 Boxboro Road
Ken's Liquor Shoppe, Inc. 8 Hudson Road
Nickrosz Spirits, Inc. dba Colonial Spirits of Stow 117 Great Road
Page Family Limited Partnership dba Butternut Farm Golf Club 115 Wheeler Road
MPY Restaurant Inc. dba Red Ginger Restaurant 117 Great Road

Russell's Convenience Store of Stow 390 Great Road
Stow Food Services, Inc. (Stow Acres) 58 Randall Road
Stowaway Golf Course 121 White Pond Road
Wedgewood Country Club of Stow, Inc. dba Wedgewood Pines Country Club 215 Harvard Road

Pedestrian Walkway Public Forum Update

Mr. Salvie reported on what was presented at the public forum and the results. Phase I is on Great Road and connects existing walkways. Phase II is more theoretical, will mean new appropriations, and probably easements.

Attendees expressed concern in three areas: the north side of Great Road at Town Hall; only one crossing across great Road, at Harvard Road, and a few individual concerns from abutters. The walkways will require maintenance, such as snow removal.

Because the walkway looks much different when you are on it compared to the map, he recommended flagging it as the next step.

Track Road Public Forum Update

This discussion concerned a public forum on Track Road, which was held per a request by the Community Preservation Committee, as a condition for recommending allocating funds to Town Meeting.

The goal was to provide input to the design firm for the trail and Ms. Spear reviewed a list of topics that were raised at the forum. A second forum was scheduled.

One question to be investigated was what “strings” the use of federal funds entails. For example, the track must be ADA-compliant. What else?

Ch 61A Boxboro Road Land in Foreclosure

Mr. Wrigley noted that the last paragraph of MGL C. 61A (section 14) states that when land goes into foreclosure, the Town gets a 90-day notice of auction, but no right of first refusal.

While Town Counsel interpreted the statute in the same way as the Dept of Revenue, he said there was no legal precedent for this and only the courts would decide. Therefore, he advised replying to the property owner’s attorney that the Town received a “defective” notice, in order to protect the Town while ensuring all available information was reviewed.

Mr. Ryan moved to authorize Mr. Wrigley to contact Mr. Witten to send the letter he advised on the defective notice; Mr. Salvie seconded; and all voted in favor.

Ms. Spear noted that this parcel had been a “test case” for the Selectmen’s C. 61 policy. As such, Mr. Wrigley said the point of the policy is to provide enough information to the Joint Boards to decide whether to pursue purchasing the parcel. He recommended a trial run with the Joint Boards and Ms. McLaughlin was asked to arrange this.

Liaison Reports

Pompo Reuse Committee: Mr. Kern said their forum would be the next night.

ESBC: Mr. Kern said that the Owner’s Project Manager had made the project reports easier to read, as requested. The project now had better coating for the steel. He also reported the construction schedule.

At 9:30 p.m., Mr. Salvie moved to adjourn; Mr. Kern seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin
Administrative Assistant

Approved as amended, January 25, 2011