

**MINUTES  
BOARD OF SELECTMEN  
March 16, 2010**

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**

Resident Malcolm FitzPatrick asked the Board why contracts with the architect and project manager could be amended but the site plan for the apple barn could not be amended. Mr. Dungan referred him to ESBC. Mr. Fitzpatrick replied that the Board of Selectmen represents the Town on the \$38.0M project and so he was raising this with the Board. Mr. Dungan said that Public Input was for brief comments to the Board and his question was not on the agenda but he would note Mr. FitzPatrick's comments for the record.

Resident Tory Fletcher presented the Board with a petition from 108 residents asking that the ESBC ask the MSBA its position on the Town's investigation of preservation of the apple barn, i.e. would it affect the project funding or the schedule.

**Chairman's Comments**

None.

**Town Administrator's Report**

Mr. Wrigley reported the following:

- When updating input to MAGIC on regionally shared services, he found that Stow shared 26 services with other municipalities, comparable to Concord and Sudbury, both of which are larger towns than Stow. He will submit updated list to MAGIC.
- In response to the Town's appeal of a permit amendment request from Marlboro to increase discharge into the Assabet River, he received a letter from the U.S. Environmental Protection Agency, stating that an amendment would not be granted at this time. Instead, it would be considered later with other permits in the regular review cycle.
- His FY 2011 budget recommendation will follow later in the meeting.

**Press Release on EPA Appeal Decision**

Mr. Dungan asked the Board to approve a press release on the EPA decision described by Mr. Wrigley earlier.

Ms. Spear moved that the Board approve the press release, dated March 11, 2010, on the EPA decision regarding NPDES permits for the Assabet River; Ms. Farrell seconded; and all voted in favor.

### **Support Letter for MAGIC Shared Services Study**

Ms. Spear moved that the Board approve the letter to MAGIC, dated March 16, 2010, in support of the shared services study by MAGIC; Ms. Farrell seconded; and all voted in favor.

### **Red Ginger Restaurant Liquor License Public Hearing**

At 7:15 p.m., Mr. Dungan opened the public hearing for the application for a new all-alcohol liquor license for the Red Ginger Restaurant, to be located in the Linear Retail shopping center at 117 Great Road.

Mr. Yi Jin Yang presented his plans for the restaurant. No abutters were present and there were no questions from the public. Mr. Yang explained that the gentleman bringing the abutters' certified mail notices was stuck in traffic with the bad weather.

At 7:25 p.m., Ms. Sturgis moved to close the public hearing; Ms. Spear seconded; and all voted in favor.

After closing the hearing, Ms. Farrell moved that the Board approve an all-alcohol liquor license for a new restaurant owned by MPY, Inc, dba Red Ginger Restaurant, located at 117 Great Road and managed by Yi Jin Yang, as described in the license application received on January 22, 2010, and conditional upon receipt of abutters' notices; Ms. Spear seconded; and all voted in favor.

The Board signed the license application, to be sent to the Alcoholic Beverages Control Commission for approval. Later in the meeting, the gentleman with the abutters' notices arrived, satisfying the conditional approval.

### **Town Administrator's Recommended Budget for FY 2011**

Mr. Wrigley made his annual presentation to the Board with his budget recommendation for the upcoming fiscal year. He walked the Board through the major line items in the budget, explaining his thinking on the calculations.

In summary, the proposed budget is level-services and level funded, with a 2.77-percent overall increase.

Following his presentation, Ms. Spear moved that the Board accept the Town Administrator's budget recommendation for fiscal year 2011; Ms. Sturgis seconded; and all voted in favor.

### **Visit from Senator Jamie Eldridge and Representative Kate Hogan**

The state lawmakers gave brief updates on their activities and topics of interest on Beacon Hill, after which the Board asked questions.

For example, Sen Eldridge noted his recent appointment to a committee on water resources, an important issue for Stow and listed the benefits that a small town like Stow sees from the Municipal Relief Act.

Rep. Hogan, in response to a complaint about the time and cost of implementing the new Ethics rules, noted that 70 percent of the ethics complaints are about municipal officials, who do not know the law. This training should help reduce the number of infractions. She reported on expected cuts in local aid and regional transportation, new bills on veterans' support for jobs and housing, education, and school nutrition. She is now the co-chair of the Elder Caucus.

### **Class II License Application**

John Maione, owner of Omega Motor Sports, Inc applied for a Class II (used auto sales) license for a new business in the Lower Village, on the former site of Erkinen Buick.

Mr. Dungan said that the Planning Board had concerns about the site that Mr. Maione would be leasing from present owner Rich Presti and was preparing a recommendation regarding the application. Because the recommendation was not ready yet, Mr. Dungan asked Mr. Maione to return for the next Board meeting.

### **First Parish Church Request for Small Town Land Parcel**

The purpose of this item was for the Board to decide whether to sponsor an article for this on the May Town Meeting warrant.

First Parish Church member Roy Miller presented the church's request that the Town transfer a small triangle of land to the church to increase its frontage in preparation for future changes at the site. At present the driveway to the former parsonage runs through part of it. The church was requesting that the Board of Selectmen sponsor an article for Annual Town Meeting to achieve this.

Following discussion, Mr. Dungan moved to approve for inclusion in the May Town Meeting warrant an article of the gift or sale of the named parcel to the First Parish Church; Ms. Farrell seconded, and four members voted in favor. Ms. Spear, a member of the church, recused herself from the vote. The motion carried.

### **Town Purchase of South Acton Road Land Parcel**

As with the previous item, the Board considered whether to include this request on the Town Meeting warrant. The topic arose when Mr. Richard Mortenson, realtor for property owner John Jokinen, asked the Town if there was interest in purchasing this parcel, which abuts the Highway Department land and municipal garage. The Board of Health and Highway Department expressed interest and the Planning Board agreed it could be useful for the Town to own. No comments have been received from the Conservation Commission. A question was raised as to the sponsorship of this article and why the Board would be sponsoring, if other boards made the request.

Following discussion, Ms. Farrell moved to include the Town purchase of this parcel on the Town Meeting warrant; Ms. Spear seconded; three members voted in favor (Farrell, Ruggiero, and Spear); one opposed (Sturgis), with Mr. Dungan, an abutter, recusing himself from the vote. The motion passed.

### **Annual Town Meeting Warrant**

Having accepted the Town Administrator's FY 2011 budget and voted to include the two land items previously discussed, the Board accepted the remainder of the Town Meeting warrant, represented in the draft dated March 16, 2010.

A Citizens Petition to preserve the Larsen apple barn and blacksmith shop on the Center School site was received and signatures certified just before the meeting. There was debate on whether or not the Board must include the petition on the warrant because of conflicting language between the Town Charter and Mass General Law.

After consideration of the issue, Town Counsel advised the Board to include the petition in the warrant. Superintendent Michael Wood reported that the school district's counsel said the Board

should not include the petition because of the conflicting language in the bylaws, disagreeing with Stow's counsel.

Following discussion, Ms. Sturgis moved to exclude the petition; Mr. Dungan seconded. Two voted in favor (Dungan, Sturgis) three opposed (Farrell, Ruggiero, and Spear). The motion failed.

Ms. Spear moved to accept the warrant as presented; Ms. Farrell seconded. Ms. Sturgis raised a concern about not having received a complete draft of the warrant, so it was unclear to her what she was voting on. Four members voted in favor of accepting the warrant (Dungan, Farrell, Ruggiero, and Spear); one opposed (Sturgis). The motion passed.

A resident asked that it be noted that she felt disenfranchised, given the Board's action not to follow what she understood to be the terms of the Town Charter.

### **Selectmen's Master Planning**

Mr. Dungan reported that the Master Plan would be ready for presentation at Town Meeting.

### **Liaison Reports**

**Pedestrian Walkways Committee:** Mr. Ruggiero said the group continues its progress and will bring a proposal to the Board shortly.

At 9:50 p.m., Ms. Sturgis moved to adjourn; Ms. Farrell seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin  
Administrative Assistant

Approved as submitted, June 15, 2010