

**MINUTES  
BOARD OF SELECTMEN  
April 6, 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 was Administrative Assistant Susan McLaughlin. Town Administrator William Wrigley was absent.

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

**Public Input**

Town Clerk Linda Hathaway reported that Stow had a 70-percent rate of census replies, a very good number.

Resident Dorothy Sonnichsen, speaking on behalf of the residents who submitted the Citizens Petition to preserve the Larsen farm buildings, said they were withdrawing the petition. The group submitted a second petition that afternoon to withdraw it from the warrant.

**Chairman's Comments**

Mr. Dungan announced that four Board members would be judges at the Spelling Bee at SpringFest.

**Meeting Minutes**

**March 6, 2010 open session:** Ms. Sturgis moved to accept the March 6 open session minutes as written; Ms. Spear seconded; and all voted in favor.

**March 6, 2010 executive session:** Ms. Sturgis moved to accept the March 6 executive session minutes as written; Ms. Spear seconded; and all voted in favor.

**Medical Reserve Corps (MRC) Update**

Health agent and MRC leader Jack Wallace visited the Board to report of the Town's successful control of the H1N1 flu by the MRC's two flu clinics. He thanked the police and fire departments, EMTs, schools, and the Town nurse, as well as the MRC volunteers. Eleven hundred people were immunized. During the second clinic, the rate was 160 people per hour over a five-hour period.

The next step is to double the MRC to two sets of teams, in order to be able to inoculate the whole community in a few days. To do so requires 60 active MRC members. He encouraged the Board to have two or three members become active MRC volunteers.

**Permit for Annual Stow Conservation Trust Run for the Woods**

Aims Coney, coordinator of this year's Run for the Woods event, asked the Board for permission to use the Town's public ways for the race. He said there were 417 finishers in the long race and 125 in the children's race last year.

Mr. Coney said he had heard that the Stow Gobbler Race did not have to pay for police details but the SCT did. Mr. Ruggiero, as liaison to Public Safety, said he would look into it.

Ms. Spear moved that the Board approve a permit for the annual SCT Run for the Woods event, to be held on May 16, 2010; Ms. Farrell seconded; and all voted in favor.

#### **Permit for Annual Stow Clean-up Day**

Marie Guiles requested a permit for use of the Lower Common again this year as a staging area for Stow Cleanup Day.

#### **Pedestrian Walkways Committee Plan**

Having heard the committee's proposal at the prior Board meeting, the Board voted to support Phase I of the plan.

#### **Community Park Update**

Project implementation team members Bob Wilber, Eric Bachtell, Jim Henry, and Mike Busch updated the Board on the community park project on Old Bolton Road.

A potential drainage issue at the back of the park was identified last fall, which the general contractor committed to fix. However, there is some contention between companies and the team is hoping to avoid arbitration. Mr. Wilber said the project will still come in at or under budget. Mr. Busch announced that the bid for maintenance for the park is out to bid.

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

Mr. Dungan announced a Master Plan public forum to be held on April 12 at the Town Hall.

#### **Board's Meeting Dates for May**

It was agreed that the Board would meet briefly before Town Meeting on the one of two nights it might run, the evening after the Town Election to elect new officers, with a regular meeting on May 18.

#### **Liaison Reports**

**Pedestrian Walkways:** Mr. Ruggiero said the committee is in the information gathering stage.

**Planning Board:** Ms. Spear said the ESBC decision is under review.

**Municipal Affordable Housing Trust:** Ms. Spear said information on the grant program is being posted.

**MAGIC:** Ms. Spear said an old rail line is being considered as a transportation route.

**ESBC:** Ms. Sturgis said the site plan decision from the Planning Board is expected soon.

**SpringFest:** Ms. Sturgis said event planning continues.

**Capital Planning Committee:** Ms. Farrell said reviews of department requests continue.

**Tri-Town Meeting:** Ms. Farrell said that Stow is hosting the meeting and encouraged Board members to attend.

#### **Class II License Application, continued from March 16**

Business owner John Maione and property owner Richard Presti returned to the Board seeking a Class II license for Mr. Maione to sell used vehicles on Mr. Presti's property in the Lower Village. The Board did not vote a decision at the March 16 meeting, due to the Planning Board's request for input on the lot. The Planning Board planned to submit a list of zoning issues for the property to the selectmen for consideration in granting the license.

Mr. Presti expressed his frustration that the granting this license was an issue, reminding the Board that the site has been used for car sales since the 1950s, the string of licenses since that time is unbroken, and a current license is in place. He said he understands that the Town departments might prefer a more attractive business there but he needs water to develop the site.

He said that real estate development is his business and he is doing his best with the property, given the lack of water and the present economic climate.

Zoning Enforcement Officer Craig Martin submitted the results of a site walk he did before the meeting. He found that the area of the property on which the cars would be sold met the criteria for the Board to issue the license.

Two Board members then raised an issue about the \$25,000 bond purchased by Mr. Maione for the "Lemon Law" provision. According to the Planning Board, the bond should be held by an in-state agency and Mr. Maione's was out-of-state. A third member said that use of large out-of-state agencies for this purpose was common in the insurance industry.

A discussion ensued on the Board's licensing policies and it was agreed that changes in requirements should not be made for one licensee. It was suggested that the policy be reviewed and any changes made before the January 1 renewal date.

### **Chapter 61 Quick Response Team Report**

Three members of the Chapter 61 Study/Evaluation Group, dubbed the Quick Response Team, brought the team's recommendations on Chapter 61 land evaluations to the Board for consideration. Chair Vin Antil, representing the Open Space Committee on the team, introduced fellow members Betty Cormier, vice-chair, representing the Board of Health, and Dwight Sipler representing the Agricultural Commission. In addition to the three Town officials, the team members are John Bolton representing the Board of Assessors, and staff from the Conservation Commission (Pat Perry), Planning Board (Karen Kelleher), and Selectmen's Office (Susan McLaughlin)

Mr. Antil reported that the team met to review its role in the initial evaluation of Chapter 61 land being offered for sale, as well as a general review of the process. The report contains seven recommendations.

The most significant was a recommendation to change the initial evaluation period from five days to three weeks, in order to advise a Joint Boards meeting on whether to pursue purchase of the available parcel. After reviewing the Land Use Task Force's requirements for its deliverables, the team found that five days was inadequate. If the members were to consult with their respective boards (time required to schedule meetings), the team estimated that three weeks were needed, less if this consult was unnecessary.

One selectman said that this recommendation throws the whole plan out because the Land Use Task Force intended this team to simply gather already available information from the Town departments, not to make an evaluation. The evaluation should be done after the Joint Boards meeting, by a working group convened by the Town Administrator. Mr. Wrigley, who agreed that the depth of evaluation specified in the LUTF report could not be achieved in five days, was not present to explain the issue.

As a result, the chair decided to hold off a decision for the present, while one selectman goes back to the now-disbanded Land Use Task Force to discuss their opinion.

### **SpringFest Planning Committee Appointment**

The Board appointed Murray Levine to fill the remainder of an unexpired two-year term, ending on June 30, 2011.

### **Board Priorities Update**

Mr. Dungan reviewed this month's update of his Board Priorities grid. One member said that, if the school project was a Board priority and the issue of the stone apple barn was dividing the town, the Board should address the issue.

### **Town Purchase of South Acton Road (Jokinen) Land Parcel**

The question was raised of whether the Board was voting to have a warrant article regarding the purchase on the Town Meeting warrant or whether the Board was voting in favor of the article.

Superintendent of Streets Mike Clayton joined the Board for the discussion, saying that he recommended the Town purchase the parcel for municipal use, as did the Board of Health. Its use could include expansion of the municipal garage as needed, and location of the new dog pound/kennel.

The article stayed on the warrant.

### **Discuss/Vote Town Meeting Warrant Articles**

Having received a letter and Citizens' Petition to withdraw the group's article to preserve the stone apple barn, Ms. Farrell moved to accept the request for removal; Ms. Spear seconded; and all voted in favor.

Ms. Farrell began to read the group's letter on why the petition article was withdrawn, but the chair did not permit her to continue, saying that the issue had been discussed previously.

Note on the article numbering below, following the withdrawal of the Citizens' Petition, Article 39, all the article numbers dropped by one number, e.g. Article 40 became Article 39.

Article 40: Ms. Sturgis moved that the Board support the Minuteman feasibility study article; Ms. Spear seconded; and all voted in favor.

Article 41: Ms. Sturgis moved that the Board support conveyance of the Town-owned parcel to the First Parish Church; Ms. Farrell seconded; and all voted in favor, while Ms. Spear recused herself. The motion carried.

Articles 46, Purchase of Conservation Restriction for Stow Conservation Trust land, and 47, Purchase of South Acton Road property, were held, awaiting more information.

Article 49: Mr. Ruggiero moved that the Board support the General Bylaw amendment authorizing SMAHT to make loans/grants; Ms. Sturgis seconded; and all voted in favor.

Having now agreed on the content of the Town Meeting warrant, the Board signed the signature page.

**Create Transportation Advisory Committee**

Mr. Dungan reported on a meeting he had with a member of the Acton Transportation Committee, proposing that Stow create a similar committee. It was agreed that he would continue to follow the issue and keep the Board informed.

**“Smart, Clean, Green Conference” Report**

Mr. Dungan reported on a water conference he attended on March 13 and recommended that the Board of Health and the Board of Selectmen take a field trip to an innovative water system in Weston.

At 9:15 p.m., Ms. Sturgis moved to adjourn; Ms. Spear seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin  
Administrative Assistant

Approved as submitted, July 6, 2010