

**MINUTES  
BOARD OF SELECTMEN  
October 12, 2010**

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

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**

Lake Boon residents Don and Lori Hawkes of Dawes Road said that Mass DEP's Superseding Order of Conditions for the Lake Boon drawdown [issued 10/4/10] was a concern to Lake residents because a drawdown will likely make their wells go dry. Ms. Hawkes also said she did not expect to have to come before the Board of Selectmen with this issue because, for the last 20 years, there have been public hearings on treatments to the lake, such as the Sonar use. They were disappointed with the process.

Lake Boon resident Istvan Ver of North Shore Drive wanted to express his concern as well. He was asked to wait until the topic was discussed later in the meeting.

**Chairman's Comments**

Ms. Spear noted several items of interest: the West Acton commuter shuttle is in place, absentee ballots are available, and there have been improvements to the Town website.

**Town Administrator's Report**

The Town received preliminary certification of Free Cash in the amount of \$788.0K. Combined with the Stabilization Fund, total Stored Assets are roughly \$1.3M, a commendable amount for the Town.

The bulk of Mr. Wrigley's report was discussed later, during the Town Meeting warrant articles and water issues.

**Meeting Minutes**

**September 28:** Mr. Dungan moved to accept the September 28, 2010 minutes, as amended, Mr. Salvie seconded; and all voted in favor.

**Special Town Meeting Warrant Articles: Joint Meeting with the Finance Committee**

The Finance Committee joined the Board at roughly 7:15 p.m. to review a 10/12/10 draft of the 11/8/10 Special Town Meeting warrant, in preparation for Finance's public hearing on Thursday.

All voting members of the Finance Committee were attendance: Chair Gary Bernklow, Ann Deluty, Patti Heron, Tom Ryan, and Chris Sarno, as were most or all associate members.

Mr. Wrigley answered questions from Finance members and the Board, as follows.

**1. Acceptance of Anticipated Emergency Legislation from General Court**

Mr. Wrigley said the special "emergency" legislation has two components: 1) to create a cash reserve to keep the Assabet Water Company operating until the customers have their

wells in place, and 2) to create a low-cost loan program for the residents to pay for their wells.

The loan would be in the form of a municipal lien on the property, similar to those for septic systems. The residents would repay the loans in the form of betterments and the Town would use interest to administer the program.

The law requires that there be a municipal entity between the state and residents, hence Stow's involvement. However, the Town is not the loan guarantor.

**2. Transfer and Authorization of Deerfield Lane Parcel**

Mr. Wrigley said that after earlier consideration of this parcel in the search for Lower Village water, they had come full circle to consider it again. The parcel, acquired by the Town through a Planned Conservation Development (PCD), is presently under a Conservation Restriction for open space and passive recreation use.

For the Town to position itself for future use of this land for a public water supply in Lower Village, the Conservation Commission needs to vote in favor of allowing the parcel to be used for a well and then return custody of the parcel to the Board of Selectmen. Town Meeting needs to vote the same, as does the state. There might also need to be an amendment to the Planning Board's special permit for the PCD or for a variance from the ZBA.

Mr. Wrigley restated that, with this change in the land's status, the Town would be free to satisfy the needs and interests of the Town and the Lower Village businesses. The Town could also help the Stow Community Housing Corporation to the benefit of Stow.

- 3. Engineering Design Funds for Assabet River Rail Trail on Track Road:** Passage of this warrant article would allow the Town to spend \$45,000 in Community Preservation Act funds as the Town's 20-percent local contribution toward federal funding for the design of the portion of the Assabet River Rail Trail from the Stow/Maynard town line to Sudbury Road. Present rules of thumb for roadwork are \$100,000 per mile plus parking for design and \$1.0M per mile for construction. It was noted that there was no agreement yet as to what the roadway surface would be, e.g., paved or gravel, or who would maintain the trail. It was also noted that there is still no trail to Hudson.
- 4. Change in Hours for Serving Alcohol in Restaurants:** There was no discussion on the fourth warrant article, a local option recently announced by the Alcoholic Beverages Control Commission that allows the Board of Selectmen to expand the hours when restaurant liquor license holders may sell alcoholic beverages, most notably earlier on Sunday morning.

People were reminded that the next main milestone leading to Town Meeting was the Finance Committee's public hearing on the warrant articles on Thursday night.

**Lake Boon Drawdown Update**

Members of the Lake Boon Commission (LBC), Conservation Commission, and lake residents joined the meeting to express their views of the LBC's plan to control weeds by freezing them in the winter by dropping the water level.

Ms. Spear noted that this is a public meeting, at which she would, by choice, accept resident comments, but not a public hearing, which is a legal mechanism for gathering input.

She explained that the present status of the project is waiting for the LBC to file a Notice of Intent with the Conservation Commission. Mr. Wrigley said that the Board of Health still supports the Superseding Order of Conditions (SOC) from the Department of Environmental Protection.

Among the concerns expressed by residents were:

- ❑ The SOC calls for *volunteers* from the LBC to evaluate whether residents' water loss is due to the drawdown. This is too technical and important a judgment to be made by volunteers.
- ❑ If the drawdown quickly uproots the plants, poison waste is released that goes into residents' wells.
- ❑ The drawdown will indiscriminately uproot all the wetland vegetation, much of which is needed as a habitat for lake dwellers.
- ❑ The Board of Health forced this resident to install an expensive filtering system, requires annual water testing, and will now probably make his well go dry.

People were referred to the Conservation Commission for follow-up on some technical questions.

#### **Pilot Grove II Comprehensive Permit Input to Zoning Board of Appeals**

Ms. Spear showed members a color-coded chart she created of the Board of Selectmen's policy and criteria for evaluating comprehensive permit projects. The Board agreed it was helpful for evaluating the Pilot Grove II project.

Ms. Spear will send her chart to the ZBA and ask whether they use the Board's policy. If the ZBA uses the policy, it will be easier for the Town to defend a comprehensive-permit decision.

#### **Liaison Reports**

**School Building Committee:** Mr. Kern said that, as of October 4, the ledge drilling was mostly complete. Overall, the project is on schedule: 10 percent complete with 10 percent of the budget spent.

**Commuter Shuttle:** Mr. Dungan said the Stow survey is done and the shuttle service is available.

**Pedestrian Walkway Committee:** Mr. Salvie said that engineer Sue Carter is evaluating the Phase 1 plan. Public Safety officer Lima is happy with plans for the crosswalks and, also for safety reasons, is not concerned with the loss of parking spaces for the Town buildings.

**Conservation Commission and Planning Board:** Ms. Spear said they are looking at the rules for walking paths in Planned Conservation Developments.

**Highway Department Truck:** Mr. Wrigley said he will visit the Town Barn on Friday to see how the men have re-adapted a Fire pumper truck for use as a multipurpose Highway vehicle. Unable to find a buyer for the Fire truck, the Highway men used its cab and chassis, with only 3,800 miles on the motor, to fill several needed function, such as spreader, sander, and grader,

The department saved \$18,000, while building a higher-quality truck than they would have purchased.

At 8:55 p.m., Mr. Dungan moved to enter Executive Session, per MGL C 39, s 23b, paragraph 3, for the purpose of discussing matters related to the possible bankruptcy filing of Assabet Water Company and potential related litigation and furthermore that we not entertain any more business in Open Session at the close of Executive Session; Mr. Salvie seconded; and all voted in favor by roll-call vote: Kern - Aye, Dungan - Aye, Salvie - Aye, Spear - Aye.

Respectfully submitted,

Susan McLaughlin  
Administrative Assistant

Approved as submitted, December 14, 2010