

**MINUTES
BOARD OF SELECTMEN
October 26, 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

None.

Chairman's Comments

Ms. Spear reminded people to vote at the November Special Town Meeting and Town Election.

Town Administrator's Report

Mr. Wrigley reported on the following topics:

- Regarding the Harvard Acres loan agreement, he and Town Counsel Jon Witten have not yet seen anything from the state in writing on the loan and the coming winter could affect the well installations. He has been told orally that the loan will be for up to 20 years at zero-percent interest and that the Town can set reasonable rates and conditions on the loans to residents. Mr. Witten is working with both state and town bond counsels for a draft agreement for review.

He noted that both he and Mr. Witten “argued desperately” with the state to interpret the special legislation as not requiring the Town to be the borrower but the state insists that the Town must be the debtor.

Mr. Wrigley would like to organize a working group of a selectman, Finance Committee member, Harvard Acres Water Board member, and himself to develop a recommendation for Town Meeting vote.

- As the next step toward using the Deerfield Lane parcel as a potential water source, he will ask the Board to rescind the Board's vote on April 11, 2006 to assign care, custody, and control of the Deerfield Lane Planning Conservation Development open space to the Conservation Commission, and then vote to assume control itself. Procedurally, this allows Town Meeting to approve Article 2 at the November 8 Special Town Meeting..
- A group of Lake Boon residents are appealing the Mass DEP Superseding Order of Conditions for the draw down of the lake, to be adjudicated within DEP. In addition, the Lake Boon Commission will file another Notice of Intent with the Conservation Commission for approval of the draw down.
- He is working with several Town committees and DEP to connect the Fire Station to the new elementary school water supply. This would require a short and relatively inexpensive connection up Hartley Road and give the station more usable water. The project depends on DEP approval regarding the well radius.
- Another possible project, contingent of DEP approval, is to relocate the Town Building well 50 feet south, to comply with the Zone 1 setback radius. Because the Town is

currently in violation, DEP will not issue a variance for necessary on-site parking, for which Town Meeting has already approved the funds.

Meeting Minutes

None.

Borrowing for Elementary School Building Project and Community Park project

Treasurer-Collector Pamela Landry asked the Board to approve borrowing for the elementary school and community park projects, as follows:

Mr. Dungan moved to approve the sale of a \$5,260,000 0.50 percent General Obligation Bond Anticipation Note (the "Note") of the Town dated November 3, 2010, and payable February 1, 2011, to TD Securities (USA) LLC at par and accrued interest, if any, plus a premium of \$1,209.80;

That in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 8, 2010, as revised on October 14, 2010 and a final Official Statement dated October 21, 2010, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted;

That the consent to the financial advisor bidding for the Note, as executed prior to the bidding of the Note, is hereby confirmed;

That the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a material events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time;

That each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes;

Mr. Salvie seconded; and all voted in favor. Mr. Salvie, as Clerk, certified the vote.

Firefighters' Muscular Dystrophy "Fill the Boot" Permit

Firefighter/EMT Barry Evers visited the Board seeking a permit for the Firefighters' annual "Pass the Boot" drive at the corner of Great Road and Library Hill Road. Sgt. Tim Lima, in attendance, confirmed its safety as the Public Safety Officer.

Mr. Evers said that Stow raises \$2,500 in the three to four hours of the drive.

Mr. Dungan moved that the Board permit the use of the public ways for the Stow Firefighters Association Annual Muscular Dystrophy "Pass the Boot" Drive, to be held on Sunday, November 7, 2010. Mr. Salvie seconded; and all voted in favor.

Update from Pompo School Reuse Committee

Members of the committee James Sauta and Michael Busch visited the Board to discuss the group's progress and questions of future directions. They have completed a Gantt chart for the project. Mr. Sauta asked how far the Board wants them to go in planning and implementation.

Mr. Dungan said the original idea was to make several recommendations on use to Town Meeting but he would support implementation, too. Mr. Salvie concurred.

To date, the following groups have expressed interest in space: COA, Recreation, food pantry, and "community space."

The purpose of the public forums is to hear what residents want and do not want and to learn what each user needs, in specifics. The first deliverable will be a space plan. The Board agreed to use \$100 from its Engineering Account for copies of the space plan.

It was agreed that the Reuse Committee would continue on, as it has been. The next step is to do the space use plan. Presentation of the plan will be at the next fall Special Town Meeting.

An important open question is the use of the modular classrooms. Mr. Busch will find the answer.

Update from Pedestrian Walkway Planning Committee

Kris Wile, chair of the Walkway Committee, reported on the progress of the Phase I plan, which involves linking Great Road sections and solving the Upper Common needs for safe walkways.

The Community Survey results indicate that 85 percent of the respondents favor increased "walkability" in town. More input will be gathered at the November 17 public forum.

The Phase I map showed the walkway on the north side of Great Road from the shopping center, then crossing at Harvard Road to run on the south side to Old Bolton Road for the Snow Field Community Park. The Upper Common design is being developed with construction deferred past 2011.

Ms. Wile said there are two issues to be resolved:

1. Snow removal – with the recent Supreme Court decision extending liability, what is the Town's position? All of the Phase I paths are in the public way but this might become an issue in Phase II, with the easements.
2. Crosswalk locations – with the proposed locations, two spaces would be lost at the Town Hall (right outside the Recreation Commission office on the lower level). There is some resistance to losing these spaces.

Because the timing of the well and the Phase I paths are the same, this could work in the next construction season. Both projects are already funded.

Deerfield Lane Parcel Use

Conservation members Kathy Sferra and Planning Board member Ernie Dodd visited the Board to discuss the steps for allowing this Planned Conservation Development (PCD) parcel to be used as a possible water source.

Ms. Sferra distributed a chart showing the steps needed to accomplish the change in use of the parcel. Mr. Dodd said the hearing to amend the special permit for the PCD would be done before

Town Meeting. Town Counsel had clarified that the Conservation Restriction will remain, such that the parcel can only be used for open space/passive recreation with dropping a well.

Following the discussion, Mr. Dungan moved to rescind the vote taken by the Board of Selectmen on April 11, 2006 to assign care, custody, and control of the Deerfield Lane Planned Conservation Development open space, Assessor's Parcel ID U11-039C-1, said real property consisting of 13.45 acres, more or less, to the Conservation Commission. Mr. Salvie seconded; and all voted in favor.

Next, Mr. Dungan moved that the Board of Selectmen assume care, custody, and control of the Deerfield PCD open space, Assessor's Parcel ID U11-039C-1. Mr. Salvie seconded; and all voted in favor.

Update on Matters Relating to Harvard Acres

Mr. Wrigley spent a considerable time updating the Board on the latest developments in the Harvard Acres well loan program. The most recent unexpected change was that the Town would be the debtor, as well as the lender, because the state was requiring the Town to carry the loan.

With the Special Town Meeting approaching, he emphasized the importance of having information available for the voters. Toward that end, he proposed a working group of a selectman, Finance member, Harvard Acres Water Board member (Jack Mileski) and himself. He also encouraged the Harvard Acres Water Board to form a working group for a parallel effort.

To estimate an amount for Town Meeting, he used \$10,000 per loan with 75 loans, for a total of \$750,000. The Town would borrow from the Mass Water Pollution Abatement Trust and the residents would borrow from the Town. The state will set the terms but the Town can set the criteria.

The borrower will repay the loan through a betterment agreement. A statutory lien will be put on the borrower's property if not repaid. This means Stow's exposure is very low.

Mr. Dungan agreed to be the Selectmen's representative on the working group.

Special Town Meeting and Warrant Articles

The Board decided to support two of the four warrant articles at the present time and to wait for more information on the other two before deciding.

Article 2

Mr. Dungan moved to support Article 2, Transfer and Authorization of the Deerfield Lane parcel; Mr. Salvie seconded; and all voted in favor.

Article 4

Mr. Dungan moved to support Article 4, a change in Hours for Serving Alcohol in Restaurants; Mr. Salvie seconded; and all voted in favor.

At this time in the meeting, Finance Committee member Thomas Ryan came in to say that the Finance Committee rescinded its vote on Article 1. There will be a meeting on Thursday to re-vote. He added that Richard Connelly will be the Finance representative on the Town Administrator's working group.

Setting Annual Liquor License Fees

In anticipation of issuing the annual licenses, the Board established the fees for 2011.

Mr. Dungan moved to retain the Used Auto, Liquor, and Common Victualer licenses for 2011, as presented set for 2010; Mr. Salvie seconded; and all voted in favor/

MMA Legislative Update Breakfast

Mr. Dungan reported that municipal leaders were particularly concerned with Ballot Question 3, to reduce the Sales Tax back to 3 percent. With the state FY 2012 budget already starting with a \$3.0B deficit, the cut would turn it into a \$4.5B deficit.

South Acton Shuttle Survey

Mr. Dungan said they received a reasonable response to the survey and he will share the result with the Acton group. The \$500 annual cost for the shuttle service and MBTA station parking would be cost effective for Stow commuters.

Priorities Review

Ms. Spear asked members to review the priorities chart and email comments to her, after which she would update the chart.

Liaison Reports

Stow Municipal Affordable Housing Trust:

Mr. Salvie said that Town Counsel had approved the loan project documents and the Trust completed the Housing Production Plan (HPP). The state's affordable housing regulations give municipalities exemption from Chapter 40B, if there is a one-half of 1 percent increase in affordable housing for the year.

The Trust will now take the HPP to the Planning Board after which a Joint Boards will have input. Lastly, the Trust will ask the Board of Selectmen for approval to submit the HPP to the Dept of Housing and Community Development.

Nashoba Regional School District:

Mr. Salvie reported that Stow Health Agent Jack Wallace is working with the school district on EEE. The NRSD reps are meeting with the selectmen in the other towns on budgets. And there are plans being made for a new sports field, with a proposal to come for Annual Town Meeting. At 9:30 p.m., Mr. Dungan moved to adjourn; Mr. Salvie seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin
Administrative Assistant

Approved as amended, January 25, 2011