

**MINUTES
BOARD OF SELECTMEN
October 25, 2011**

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

Also present were Town Administrator William Wrigley and Administrative Assistant Susan McLaughlin.

Mr. Salvie called the meeting to order at approximately 7:00 p.m.

Public Input

Lew Halprin read a letter to the Board, dated October 25, 2011, on his decision to resign from his committee membership on the Cable License Advisory Committee because he was advised by the Ethics Commission that he could not negotiate the upcoming cable contract and be paid by Stow TV as a technical assistant. He feels that the Commission's newest requirements for volunteers are onerous and unreasonable.

Chairman's Comments

Mr. Salvie noted several upcoming Town events: a Historical Society dinner on November 11, flu clinic on November 5, and library public forum on October 27.

Town Administrator's Report

Mr. Wrigley reported on the following:

- Negotiations are underway with potential purchasers of the 53 Great Road property.
- Traffic management at Honey Pot Hill will be discussed later in the meeting.
- The Board of Assessors has asked Syncarpha Solar for more information in order to evaluate their proposal for a PILOT-like arrangement for taxes on a commercial solar installation on Delaney Street.

Meeting Minutes

September 27: Mr. Ryan moved to accept the September 27, 2011 minutes, as amended; Ms. Spear seconded; and all voted in favor.

Comcast Cable License Negotiations

Stow TV Coordinator Anne VanTine and Attorney William August visited the Board to ask for approval of an "ascertainment" document with which to begin contract renewal negotiations with Comcast. The purpose of the document is to describe Stow's needs and wants from the cable provider at an early stage, in order to set appropriate expectations. The present contract is for 10 years, due to expire next year.

Mr. August is being employed by the Cable License Advisory and the Local Access Channel Advisory committees for his expertise in cable licensing and is being paid from the [non-operating budget] cable TV account.

Ms. VanTine briefly noted some of the bargaining points, such as wanting an additional channel for government functions and higher payments from Comcast for the increase in staffing that will be needed to support the new channel. Mr. Bernklow said license fee that Comcast pays the Town is low; relative to almost every other town.

Following discussion, Mr. Bernklow moved to adopt the cable license ascertainment findings, as described in the document, dated October 25, 2011, and to authorize the Town Administrator to issue an RFP for license renewal that includes the ascertainment findings to Comcast; Ms. Spear seconded; and all voted in favor.

Traffic Management at Honey Pot Hill Orchards

Richard Martin and his son Andrew Martin, owners of Honey Pot Hill Orchards, visited the Board to discuss problems of traffic backup and occasional gridlock caused by apple pickers over the Columbus Day weekend.

Andrew Martin read a letter to the Board, dated October 25, 2011, describing the weekend traffic problems, a history of the steps the Martins have taken to alleviate them, and how citations for obstructing traffic issued to the Martins by the Stow police on Columbus Day were unwarranted. The letter is available from the Selectmen's Office. The letter referred to permission given to the Martins by a previous Board of Selectmen to close Sudbury Road on busy fall weekends to aid in traffic flow. The Martins asked the Board to dismiss the citations.

Mr. Salvie replied that he was puzzled at the lack of police presence at the orchard and asked when the Martins were given permission by the Board of Selectmen to close the road, noting that Town staff was unable to find a record of this. The Martins acknowledged that they do not hire police details to manage traffic and described their reasons. Mr. Wrigley said that the Town would be negligent to allow the Martins or any residents to direct traffic, as they were ticketed for doing, and cited a liability lawsuit against the Town and volunteers for an accident on playground equipment constructed and installed by untrained and unskilled residents.

Mr. Salvie said there were two main points to the discussion:

1. Citations: There is nothing the Board can do to reverse the tickets. The Martins should follow the appeal process through the Concord District Court. They have until October 29 to file an appeal.
2. Policy: The Martins, as civilians, are prohibited from directing traffic in a public way by Town of Stow and state laws.

Police Chief William Bosworth and Fire Chief Michael McLaughlin were present and commented on the Columbus Day traffic problem. Chief Bosworth said that he had two people on duty and that his department cannot be responsible for managing the Martins' traffic. Chief McLaughlin said his department's goal is to reach a medical patient in four to six minutes. During a 911 call from the orchard over the weekend, his people had trouble getting to the site and locating people once they arrived.

Mr. Salvie asked if the public safety departments could work with the Martins and their neighbors to create a safety plan. Mr. Wrigley noted there is already a proposal from the Town's public safety officer, Sgt. Lima. He reminded the Martins that no one is qualified to decide how to manage this except for public safety personnel, noting that they have ignored Sgt. Lima's proposal.

Richard Martin then asked if the Town would train them to be auxiliary police officers so they could direct traffic. Mr. Wrigley cited the death of a special police officer while directing traffic. There was no further discussion.

Mr. Martin Sr. said the four-way stop at the intersection of Sudbury, Boon, and Whitman streets was a problem because cars have to stop twice to go through. Chief Bosworth noted that police have the authority to wave traffic through, if necessary.

It was the sense of the Board that the Martins may not close the road without the permission of the police department.

The Board ended the discussion with the following vote. Mr. Ryan moved to affirm that the Stow police department is the authorization agent for the Town in all matters related to traffic control along and in the public ways; Mr. Spear seconded; and all voted in favor.

Pompo School Re-use Update

Committee Chairman James Sauta and member Michael Busch updated the Board on progress of the Pompo School Use Committee.

- New member Patty Bolton has found students in Boston who can work on the pre-design phase.
- There will be a small reorganization of the committee, with Patty Bolton moving from associate to voting member and Ann Deluty moving from voting member to associate.
- Ms. Bolton will make a 10-minute presentation at the November Special Town Meeting and answer questions.
- The annual cost of running the building is \$100,000 empty and \$150,000 occupied.
- The next step after town meeting is “nailing down expenses and revenues.”

Recommendations on Special Town Meeting Articles

The Board moved to support articles for the Special Town Meeting as follows.

- Article 1, Field Drivers: Moved to support by Mr. Kern, seconded by Ms. Spear, all in favor.
- Article 3, Town Building Structural Repairs: Moved to support by Ms. Spear, seconded by Mr. Kern, all in favor.
- Article 4, Community Center Pre-design Funds: Moved to support by Mr. Kern, seconded by Mr. Ryan, all in favor.
- Article 5, Fire Station Pre-design Funds: Moved to support by Mr. Ryan, seconded by Ms. Spear, all in favor.
- Article 6, Library Pre-design Funds: Moved to support by Mr. Bernklow, seconded by Mr. Ryan, all in favor.

The Board made no recommendations on Article 2 and Articles 7 through 13.

License Fees for 2012

The Board decided to keep the fees for licenses it issues flat from 2011 to 2012, citing its desire to support small businesses in Stow. It was agreed that next year, the Board would like to do a survey on what other towns charge for these.

- Mr. Bernklow moved to set the fee for 2012 **Common Victualer Licenses** at \$25.00; Ms. Spear seconded; and all voted in favor.
- Mr. Bernklow moved to set the fee for 2012 **Class II/Used Car Sales Licenses** at \$100.00; Mr. Ryan seconded; and all voted in favor.
- Mr. Kern moved to set the fee for 2012 **All Alcohol Liquor Licenses at restaurants** at \$2,200; Mr. Bernklow seconded; and all voted in favor.
- Mr. Kern moved to set the fee for 2012 **Wine and Malt Liquor Licenses at restaurants** at \$880.00; Mr. Bernklow seconded; and all voted in favor.

- Mr. Kern moved to set the fee for 2012 **All Alcohol Liquor Licenses at package stores** at \$2,000; Mr. Ryan seconded; and all voted in favor.
- Mr. Kern moved to set the fee for 2012 **Wine and Malt Liquor Licenses at package stores** at \$880.00; Mr. Bernklow seconded; and all voted in favor.
- Mr. Kern moved to set the fee for 2012 **Special One-day Liquor Licenses** at \$25.00; Mr. Bernklow seconded; and all voted in favor.

Appointment of Minuteman Regional Vocational School Liaison

Mr. Ryan moved to appoint Mr. Kern as the Board's liaison to the Minuteman Regional School District, for a one-year term ending June 30, 2012; Ms. Spear seconded; and all voted in favor.

Delaney Project Weed Mitigation Update

Mr. Ryan reported that Rep. Kate Hogan is 'trying to get traction' with the Department of Conservation Resources (DCR) on this issue and it would help to have the support of the Board. DCR has funds available for this, in the form of grants, with 75 percent of the funding from the federal government.

Following discussion, Mr. Salvie said he is conceptually in favor but wants more information on the funding and on the methodology and magnitude of the problem.

Support for House Bill 1972, An Act Regulating Election Primaries

At the request of the Town Clerk, Ms. Spear moved to support House Bill 1972, An Act Regulating Election Primaries, and to send a letter of support to Stow's legislators; Mr. Ryan seconded; and all voted in favor.

At this time, Mr. Ryan asked Mr. Salvie if Mr. Wrigley could leave for the day and Mr. Salvie agreed.

Re-vote of October 11, 2011 Meeting Votes

Because the October 11 agenda was not legally posted (48 hours prior to the meeting), all votes taken that evening were re-voted at this meeting, as follows. Notes from October 11, taken by Ms. McLaughlin, are attached.

September 13 minutes: Mr. Ryan moved to approve the September 13, 2011 meeting minutes, as amended; Ms. Spear seconded; and all voted in favor, with Mr. Kern abstaining.

Permit for Stow Gobbler Road Race: Mr. Ryan moved to issue a permit for the annual Stow Gobbler Road Race, to be held on Thursday, November 24, 2011; Ms. Spear seconded; and all voted in favor, with Mr. Kern abstaining.

Funding sources for capital projects: Mr. Ryan moved to use available funds, and not borrowing, to fund the pre-design work for Article 4, Pompositticut Community Center, Article 5, Fire Station, and Article 6, Library; Ms. Spear seconded; and all voted in favor, with Mr. Kern abstaining.

Accept Special Town Meeting Warrant: Mr. Ryan moved to accept the final warrant for the November 7, 2011 Special Town Meeting; Ms. Spear seconded; and all voted in favor, with Mr. Kern abstaining.

Certificate for St. Isidore Parish's 50th Anniversary: Ms. Spear moved to recognize St. Isidore Parish's 50th anniversary with a proclamation, dated October 11, 2011; Mr. Ryan seconded; and all voted in favor, with Mr. Kern abstaining.

Appointments to Stow Municipal Affordable Housing Trust

Board of Selectmen's representative: Mr. Bernklow moved to rescind the June 14, 2011 vote appointing Laura Spear as the Board of Selectmen's representative to the Stow Municipal Affordable Housing Trust for a one-year term ending June 30, 2012 and to appoint James Salvie in her place; Mr. Ryan seconded; and all voted in favor, with Mr. Kern abstaining.

At-Large member: Mr. Bernklow moved to appoint Laura Spear as a member of the Stow Municipal Affordable Housing Trust, to a two-year term ending on June 30, 2013; Ms. Spear seconded; and all voted in favor, with Mr. Kern abstaining.

Liaison reports

Fire-Rescue: Stow's Lt. Barry Evers, Lt. Chris Camelio, firefighter Jeremy Fiorvanti, and firefighter Michael Schimeca will be honored by the State Fire Marshall on November 30 for their part in a team effort resulting in the winter rescue of two individuals at the Delaney project.

Capital Planning: The committee supports funding for all three building projects.

Planning Board: There is a slight change to the solar zoning bylaw being brought to Town Meeting.

Community Preservation: The committee voted to remove the apple barn article from the Town Meeting warrant.

Pedestrian walkways: There are some funds available for a Phase 1 extension.

Future agenda topics

None suggested.

At 9:25 Mr. Ryan moved to adjourn; Ms. Spear seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin
Administrative Assistant

Approved as amended, December 13, 2011

**MEETING NOTES
BOARD OF SELECTMEN
October 11, 2011**

Present at the meeting that was held at the Town Building were Selectmen Gary Bernklow, Thomas Ryan, James Salvie, and Laura Spear. Mr. Kern was absent.

Also present were Town Administrator William Wrigley and Administrative Assistant Susan McLaughlin.

Mr. Salvie called the meeting to order at approximately 7:00 p.m.

Public Input

Richard and Andrew Martin, owners of Honey Pot Hill Orchard in Stow, spoke about citations they had received from the Stow Police Department for directing traffic in the public way on Columbus Day. Andrew Martin read a prepared statement of several pages. Mr. Salvie asked him to keep his comments on policy points, with no personal attacks.

In response to Mr. Martin's complaint, Mr. Salvie referred Mr. Martin to the citation itself, which explains how to appeal the fines at the Concord District Court. Regarding further discussion, he asked Mr. Martin to submit his complaints in writing, after which he would ask the police department to respond in writing. Then the parties would come together to discuss it. He promised Mr. Martin time on a future agenda.

Annual Stow Gobbler Road Race Permit

This year's race coordinators Abby Hurd and Allie Allaire asked the Board for a permit for this annual event, a 5-K run/walk on Thanksgiving morning. Last year, there were 800 participants.

In response to a question of whether the Hiley Brook Road construction would be an impediment, Police Sgt. Lima said a special path for the runners would be set up.

Mr. Bernklow moved to issue a permit for the annual Stow Gobbler Road Race to be held on Thursday, November 24, 2011; Mr. Ryan seconded; and all voted in favor, with Ms. Spear recusing herself.

Assabet River Water Quality: OARS Monitoring and Wastewater Treatment Facility Permits

The Board heard a presentation on water quality of the Assabet River by Alison Field-Juma, Executive Director of OARS, OARS Board member Allan Fierce, and Health Agent Jack Wallace. The new OARS (For the Assabet, Concord, and Sudbury Rivers) replaces OAR (Organization for the Assabet River).

Ms. Field-Juma gave an overview of the water sampling that OARS does for the three rivers, referring to the 2009-2010 report recently sent to the Board, and explained the readings for Elizabeth Brook, a tributary of the Assabet. She said the towns that have water sampled fund the testing program. Beginning last year, Stow pays \$1,000 a year toward the cost of the service.

Ms. Field-Juma also updated the Board on the local wastewater treatment facility permits issued by the Mass Department of Environmental Protection. Discharge that affects the rivers' water quality comes from the plants in Hudson, Marlborough, Maynard, and Westborough. She said that this summer is the first time we will see the limited results of the first phase of more

controlled discharge; next summer, the full effect will be seen. Draft permits for all the plants, which come from the EPA, should be available for review by now, but they are not out, and she does not know when they will be available. It is important for OARS and the towns to have input.

Lastly, the dam removal study is complete and has been issued. She has heard nothing more about it.

Mr. Wallace said that funding for continued study of the rivers' water quality is very important. He has participated in the sampling in the past and supports the expenditure.

To a question of whether phosphorus could be further reduced by tightening the permits, it was noted that a 95-percent reduction had now been achieved and that not all phosphorus is from point sources. Some occurs naturally.

Joint Boards on Special Town Meeting with Capital Planning and Finance

Members of the Finance and Capital Planning committees joined the Board to discuss funding for three projects being proposed at the November 7 Town Meeting: pre-design work on Pompo re-use, fire station, and Randall library.

Mr. Wrigley presented his recommendations for funding sources for the projects, emphasizing that these are not requests for design funds, but for pre-design work that will scope the projects. Having this information will allow residents to make well-informed choices at annual Town Meeting about whether to invest in design for the projects and to look at the debt schedule in light of these additions, see the impact and ultimate affordability.

He said the town is in a very favorable position regarding Free Cash and the stabilization fund, with a tad under \$2.0M in stored assets and an unused levy capacity of \$1.0M. In addition, unused funds from past school projects can be recaptured to pay for the Pompo re-use pre-design.

Following discussion, a vote was taken on the source of funding for the pre-design work: Mr. Ryan moved to spend from available funds, not borrow; Ms. Spear seconded; and all voted in favor.

Comcast Cable License Negotiations

Stow TV Coordinator Anne VanTine visited the Board regarding renewal of the Comcast cable license contract. The 10-year contract is due to expire next year and she wants to begin planning now. She is working with the two cable committees and the Board's liaison, Mr. Bernklow, on defining a process for "ascertainment" of the cable renewal needs, as outlined in her October 14 report to the Board.

Attorney William August is being employed by the Cable License Advisory and the Local Access Channel Advisory committees for his expertise in cable licensing and is being paid from the [non-operating budget] cable TV account.

Following a brief discussion it was agreed that Mr. August would attend the next Board meeting, at which the cable contract will be discussed.

Town Administrator's Report

Mr. Wrigley reported on the following:

- Town Building parking lot: Lighting has been ordered but don't know when it will be delivered. He congratulated the Highway Department on a good job.

- Elementary school building: He approved weekend work to help catch up on the schedule and the general contractor will be working this weekend.
- Town building repair and painting: There is more work needed than expected, which will cost more than appropriated. He will write a warrant article for the November 7 town meeting requesting additional funds.

Meeting Minutes

September 13: Ms. Spear moved to accept the September 13, 2011 minutes, as drafted; Mr. Ryan seconded; and all voted in favor.

Accept November 7, 2011 Special Town Meeting warrant

Mr. Bernklow moved to accept the November 7, 2011 Special Town Meeting warrant, dated October 4, 2011, with the changes [to the sources of funds for the capital project articles] discussed tonight; Ms. Spear seconded; and all voted in favor.

Update on 53 Great Road

Mr. Salvie said that there is a possibility of a person helping the property owner by purchasing the property and paying the back taxes. There is a meeting on this on Friday.

Certificate of Achievement for St. Isidore Parish's 50th Anniversary

At the request of St. Isidore Parish, the Board recognized its celebration of the 50th anniversary. Mr. Ryan moved to recognize St. Isidore Parish's 50th anniversary with a proclamation that reads as follows:

A PROCLAMATION ON THE OCCASION OF ST. ISIDORE PARISH'S 50th ANNIVERSARY, 1961-2011

WHEREAS, on December 28, 1959, the Archdiocese of Boston purchased two and one-half acres of land on Great Road as the future site of a Catholic church in Stow,

WHEREAS, on June 1, 1961, the church named St. Isidore Parish was blessed and its first Mass offered,

NOW, THEREFORE, on this 11th of October 2011, the Stow Board of Selectmen does resolve and declare:

On behalf of the Town of Stow, we acknowledge the wonderful achievement of the Parish of St. Isidore, so named in honor of the patron of farmers, of the 50th anniversary of its founding, and we sincerely thank its members for their contributions to the Stow community, as parishioners, neighbors, and friends.

Appointments to Stow Municipal Affordable Housing Trust

Two changes were made to the membership of the housing trust with the votes that follow.

Board of Selectmen's representative: Mr. Ryan moved to rescind the June 14, 2011 vote appointing Laura Spear as the Board of Selectmen's representative to the Stow Municipal Affordable Housing Trust for a one-year term ending June 30, 2012 and to appoint James Salvie in her place; Mr. Bernklow seconded; and all voted in favor.

At-Large member: Mr. Ryan moved to appoint Laura Spear as a member of the Stow Municipal Affordable Housing Trust, to a two-year term ending on June 30, 2013; Mr. Bernklow seconded; and all voted in favor.

Board of Selectmen's priorities grid

Mr. Salvie will update the document and distribute it.

Date for annual tax classification public hearing

The Board set November 15, 2011 as the date for the annual tax classification hearing and vote on the FY 2011 tax rate.

Liaison Reports

School building project: The most recent schedule from the owner's project manager shows Phase I to Phase II on schedule, with the exception of the gym. Roughly 20 percent of the owner's contingency funds are spent.

Community Preservation Committee: No vote on the Larsen apple barn had been taken yet.

SMAHT: They are looking at revisiting the deed restrictions project. The Stow Community Housing Corporation updated the trust on both of SCHC's affordable housing projects:

MAGIC: Stow was not awarded one of the local energy action grants. Only three to five communities will be eligible.

On a related note, Ed Brown will be invited to a December or January meeting for an update on HL&P's alternative to the Green Communities Program. Regarding the Syncarpha proposal for a commercial solar energy facility on Delaney, Mr. Wrigley is working with the assessors to evaluate it and will have an update at the next meeting.

Multiuse Track Road Committee: The public forum was well run by chair John Akers. Property owner Rob Albright attended to give input.

Pedestrian Walkways: The project is now in Phase III. Since funds remain, a change order will be done to continue the walkway toward Old Bolton Road.

Public safety: The town departments made a great response to Hurricane Irene.

Future agenda topics:

None suggested.

At 8:50 p.m., Ms. Spear moved to adjourn; Mr. Ryan seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin
Administrative Assistant