###### MINUTES

# BOARD OF SELECTMEN

# December 11, 2012

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

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

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

**Public Input**

None.

**Chairman’s Comments**

None.

**Town Administrator’s Activities Report**

Mr. Wrigley reported on the following:

* He is meeting with officials from other towns and transportation consultants on the regional Community Innovation Challenge grant, reviewing GIS data collected from COA vans and discussing the possibility of creating a regional Transportation Management Association.
* State tax revenues for FY13 Q1 are less than expected, with an estimated shortfall of roughly $540 million by yearend. The Governor will recommend taking $200 million from the “Rainy Day Fund” and cutting $225 million from his executive branch departments. The impact to Stow of the 1 % cut to local aid is negligible.
* There are statutory changes to the state’s animal control laws, GL Chapter 140 and others, which differ from the Town’s Animal Control Bylaw. He recommends that the Board of Health and Animal Control Officer, who know the statute and issues the best, review the General Law and Town By-law to see what, if any, changes need to be made. He is willing to work with them on this.

**Meeting Minutes**

**September 25:** Mr. Ryan moved to accept the September 25, 2012 minutes, as written; Mr. Salvie seconded; and all voted in favor.

**October 23:** Mr. Ryan moved to accept the October 23, 2012 minutes, as amended; Mr. Salvie seconded; and all voted in favor, with Mr. Bernklow abstaining.

**November 27:** Mr. Ryan moved to accept the November 27, 2012 minutes, as written; Mr. Salvie seconded; and all voted in favor.

**Appointment to Cemetery Committee**

Kenny Banks visited the Board to be appointed to the Cemetery Committee. He offered to join because all three of the former members have moved from town and he has the time to devote to it now. He noted that he was born and raised in town and remembers snipping around the gravestones with scissors 40 years ago.

After each of the selectmen thanked Mr. Banks for stepping forward, Mr. Ryan moved to appoint Kenney E. Banks to the Cemetery Committee, for a three-year term ending June 30, 2015; Mr. Salvie seconded; and all voted in favor.

**Appointment to Local Access Channel Advisory Committee**

Lee Pappas, whose profession is Internet communications and who has published numerous articles and books on the subject, asked to be appointed to the LACAC. LACAC Chair Bob Glorioso sent a letter strongly supporting his appointment.

After describing some future changes he sees, such as cable TV going away, Mr. Bernklow moved to appoint Louis H. Pappas to the Local Access Cable Advisory Committee, for a two-year term ending June 30, 2014; Mr. Salvie seconded, and all voted in favor.

**Appointment to Springfest Organizing Committee**

Selectman Tom Ryan recused himself and left the table because the applicant, Debbie Woods, is his wife.

Ms. Woods told the Board that she was on the “reconstituted” SpringFest Committee and served for roughly 10 years. Now she once again has the time to devote to it and the event needs help.

After the Board members agreed that this would not a Conflict of Interest for Mr. Ryan, Mr. Salvie moved to appoint Deborah A. Woods to the SpringFest Organizing Committee, for the remainder of an unexpired two-year term, ending June 30, 2013; Mr. Bernklow seconded; and all voted in favor. Mr. Ryan did not participate in the vote. He moved back to the table when the next agenda item began.

**Resident Donation to Fire Department**

Fire Chief McLaughlin visited the Board to ask that they accept a gift to the Town, specifically his department, of a boat and trailer. He said the family used to live on the lake and the boat was the father’s pride and joy. Sadly, the father passed away suddenly and the family decided to donate the boat to the Town instead of sell it. They asked the Fire Department if they could use a new boat and the Chief said, “Absolutely.” The department’s boats are old and this boat is perfect for shallow water rescues. Regarding the Town’s policy on accepting gifts, the Chief said there might be a slight increase in insurance for the boat.

Mr. Salvie moved, on behalf of the Fire-Rescue Department, to accept a 1998 Tracker Super Guide console boat, equipped with a Tracker 9.9 HP 2-stroke motor, and a 1998 black boat trailer donated by Mrs. Ellen Randolph and her son, Zachary; Mr. Bernklow seconded; and all voted in favor.

**Parking Agreement with the Assabet River National Wildlife Refuge**

John Akers, Chair of the Multi-Use track Road Committee, visited the Board to ask that they approve a Memorandum of Understanding between the Town and the US Fish and Wildlife Service regarding use and plowing of the parking lot at the end of White Pond Road. The lot is managed by the Assabet River National Wildlife Refuge (ARNWR).

Mr. Salvie moved to approve this Memorandum of Understanding, as amended, between the US Fish and Wildlife Service and the Town of Stow on the use and plowing of the ARNWR parking lot off White Pond Road, dated December 11, 2012, and to have the Town Administrator sign for the Town; Mr. Hawkes seconded; and all voted in favor.

**Public Hearing on Hudson Light & Power Request for Pole Locations**

Hudson Light & Power engineer Jim Kennedy presented pole location petitions to the Board for electrical wires running up Delaney Street and a western section of Great Road.

At 7:40 p.m., Mr. Kern opened the public hearing by summarizing the purpose of the hearing and reading the legal notice:

Notice of Public Hearing

*Notice is hereby given, in accordance with MGL Chapter 166, section 22, that the Board of Selectmen will conduct a public hearing regarding a pole location request by the Hudson Light and Power Department to locate utility poles as follows:*

* *Six (6) poles on the northerly side of Delaney Street at 125-ft intervals, beginning 725 ft west of the northern corner of the intersection with Main Street, Bolton, and*
* *Sixteen (16) poles southeast of the intersection of Delaney Street and Great Road, seven (7) of which are on the north side of the road and nine (9) of which are on the south side of the road.*

*The public hearing will be held on Tuesday, December 11, 2012 at 7:40 p.m. in the Stow Town Building, 380 Great Road, Stow, MA.*

*Posted 12/3/12*

He then read the abutters’ lists. Abutters Garry Balboni, representing FLB Management LLC and ET&L, and resident Sandi Camilleri Hart were present.

Mr. Kennedy, who was requesting the pole locations, began by explaining that HL&P wants to extend its trunk line on Great Road and Delaney Street for the new solar field being installed on the Terradyne brown-field site on Delaney Street. He is requesting to place new poles on Great Road and Delaney Street.

Mr. Ryan asked if Mr. Kennedy was aware that one of the abutters had some issues with the locations and had he considered any alternate placement or even burying the poles. Mr. Kennedy asked if he was referring to ET&L, which he was.

Mr. Kennedy passed out the list of ET&L’s concerns (the list Mr. Ryan was referring to) with HL&P’s responses to each concern. He said that HL&P had reviewed all of ET&L’s safety concerns and found they had no merit.

He said that none of the poles will be on ET&L property so no operations on ET&L property will be impacted by the poles. They are all on municipal space, as they are throughout the town. In a prior plan, HL&P had asked ET&L to allow poles to be installed ET&L property. That request was denied, so this plan for the petition was developed.

He answered a question about the height of the wires, citing legal requirements from the National Electric Safety Code and the HL&P actual wire heights, which are much higher than required. Specifically, the lowest wires on poles are Verizon at roughly 18 feet, then Comcast and the cable channels, then fire alarm wires, then house wires, all with gaps in between. At the top of the 40-foot poles are the HL&P wires. He noted that within 3/10 of a mile of their business, ET&L equipment goes under Verizon wires (the lowest) with no problem.

Regarding ET&L’s concern that poles on the north side of Great Road would cause a sight–line problem for their truck drivers, Mr. Kennedy showed photographs of the site with simulated poles superimposed in their location. He showed that in both directions, the poles would not affect the sight-lines.

Regarding ET&L’s concern that the poles would impede snow removal, Mr. Kennedy said that the poles would be 140 feet apart at the ET&L driveway. And this location in not unique; snow removal occurs throughout town where poles are present.

Regarding ET&L’s statement that the location of the wires would violate OSHA standards, Mr. Kennedy said that is not the case. Per Mass statute, no equipment on the public roads, such as a crane, can be over 13feet 6 inches high, without a special permit. The new wires will be 30 feet high, more than 16 feet over the height of equipment.

The hearing continued in this manner, covering topics such as:

* HL&P does not want to run a trunk line (high power wire) through a residential neighborhood for safety reasons.
* Fiber-optic cable might use the poles in the future and their height is only 20 feet. However, they are not high power, so they are not a safety hazard.
* Burying the cables, including cost and maintenance, is very expensive.
* Some abutters were concerned about the impact of cutting trees on public and private land for sight lines and wire protection.
* Regarding the concern about snow build up, the Highway Superintendant advised that pushing the poles further back from the road will solve this.
* There was a cosmetic complaint that “a big ugly switch box,” needed for industrial applications, would be installed every 500 feet.
* The question arose about whether ET&L can widen its driveway. (This is a new question not in ET&L’s correspondence to Board.)
* HL&P cannot bring the wires on Great Road from the north to the south side earlier because this is wetland. You cannot put an anchor in wetland and the trucks must be able to reach the wires.

A resident whose land abuts Pole 160, Ms. Camilleri Hart, asked if Pole 160 would block the access road to her well. Mr. Kennedy replied that it would not block the road.

Mr. Kern summarized the hearing input: HL&P was not going to use Mr. Balboni’s plan because it did not meet their requirements. Mr. Kennedy said that ET&L rejected their first few proposals and they are down to this now.

Mr. Salvie stated that there is one issue remaining: whether the pole on the west side of ET&L’s driveway creates a turning problem for their drivers. He suggested they get some input from the police chief on this before making a decision on the pole request.

Robert Knowles of the commercial solar business, Syncarpha/REM, summarized his business issue: there is a power purchase agreement with HL&P beginning on July 1, 2013. He needs to start construction by the end of March. Between now and then, he must go out to bid and hire a contractor. Mr. Knowles asked everyone to read the letter he sent to the selectmen, asking the Town for a decision as soon as possible.

Mr. Salvie repeated that he was hearing a new problem from ET&L tonight, one that was not listed in the letter of complaint. Board members agreed that they did not want to hear any more new issues brought up in January.

With no more questions or comments, Mr. Kern said he would continue the hearing to January 8, 2013. A DVD of the hearing is available on request.

**New Massachusetts Animal Control Statute**

Marcia Rising, Chair of the Board of Health, Susan Latham, Animal Control Officer, and Town Clerk Linda Hathaway visited the Board to discuss how the Town should handle the new Mass statute on animal control. Ms. Rising said there are quite a few changes to the statute. The Board of Health is reviewing its budget, which has the animal control officer’s funding.

Mr. Wrigley said that the Town’s charter preempts the state statute, so the charter would continue to identify the appointing authorities. More importantly, he said, forming a committee for this was unnecessary. The best informed people on this subject are the Board of Health members and the Animal Control Officer. He recommended that the Board of Health drive the process and he volunteered to work with the Board and the Town Clerk. They could bring in the people they need for advice in specific areas. By the Town meeting in May, they could have an article to amend the Bylaws. The important part is to add enough narrative to the Bylaw that someone reading it could understand the intent.

Ms. Rising agrees that these are the right people to work on it and wants to have an article ready for May Town Meeting.

**Affordable Housing Update**

Members of the Stow Municipal Affordable Housing Trust (SMAHT), visited the Board to propose a process for putting affordable housing on Town-owned land. Mike Kopzynski, Chair of the Trust, passed out slides of a general overview of the proposal. The Board supported the approach and asked questions that the Trust planned to investigate.

At 9:30 p.m., Mr. Kern permitted Mr. Wrigley to head home.

**Liquor License Renewals for 2013**

With no need for discussion, Mr. Bernklow moved to renew the Town’s 2013 liquor licenses for the following businesses; Mr. Hawkes seconded; and all voted in favor.

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| Stow Food Services, Inc.58 Randall Road |
| John W. Melone d/b/aStowaway Golf Course121 White Pond Road |
| Nickrosz Spirits, Inc.d/b/a Colonial Spirits of Stow 117 Great Road |
| Ken’s Liquor Shoppe, Inc.8 Hudson Street |
| Robert Page III LLCd/b/a Butternut Farm Golf Club115 Wheeler Road |
| Wedgewood Country Club of Stow, Inc. d/b/a Wedgewood Pines Country Club215 Harvard Road |
| Russell’s Convenience Store Inc. d/b/a Russell’s Convenience Store of Stow390 Great Road |
| The Air Field Café, Inc.d/b/a Nancy’s Air Field Café302 Boxboro Road |
| MPY Restaurant, Inc.d/b/a Red Ginger Restaurant117 Great Road |

The Board then signed all the necessary documents for the liquor license approvals.

**Used Car/Class 2 License Renewals for 2013**

Mr. Ryan moved to reissue the 2013 Class 2 Used Car License issued to Rubens Dos Santos, 368 Great Road, in the new name of his business, Great Road Fuels, Inc., replacing its former name, Concord Fuels of Stow, Inc.; Mr. Hawkes seconded; and all voted in favor.

Mr. Ryan moved to reissue the 2013 Class 2 Used Car License issued to Harold Leonard Cummings, 370 Hudson Road, in the new name of his business, P Cars, replacing its former name, Auto Support Engineering; Mr. Hawkes seconded; and all voted in favor.

**Liaison Reports**

**NRSD:** Main discussion at school committee meeting was developing a policy on using school resources with the students’ personal hand-held devices, known as Bring Your Own Device (BYOD). There was consensus that this was budget neutral: the district already pays an Internet service provider and will not be providing technical support for the personal devices. The district’s first budget discussions will be in mid-January.

**LACAC:** As of tonight, there is a new member, Louis Pappas. And Verizon has agreed to the same contract terms as the Comcast contract.

**ESBC:** The project is in the final stages of punch-list work. It is estimated at $1.5million under budget.

**Energy Committee:** They are considering a small capital project, which is to convert the Pompo building from oil to gas.

**Fire Station Building Committee:** They are looking at the same add/reno project with a little fewer dollars.

**Correspondence**

Mr. Hawkes noted a letter received on November 30 from Karen Kelleher about the 323 Great Road property. The Planning Board strongly recommends purchase of this property. How does the Board respond? There was general agreement to invite the Planning Board to discuss the 323 Great Road property, once they have polled the other boards on their interest. Ms. McLaughlin will ask them when they will be ready.

Ms. McLaughlin asked how the Board would like to proceed with the pole hearing. Mr. Salvie said that what the Board needs to know, from Police Chief Bosworth, is whether the placement of the pole on the west side of ET&L’s driveway creates a safety hazard. Mr. Ryan will contact Chief Bosworth with this question.

At roughly 10:00 p.m. Mr. Hawkes moved to adjourn; Mr. Bernklow seconded; and all voted in favor.

Respectfully submitted,

Susan McLaughlin

Administrative Assistant

Approved February 26, 2013