

**ANNUAL TOWN MEETING  
MAY 7, 8 & 9, 2007**

Number of Registered Voters: 4309

<u>Number of Voters Checked:</u>	Monday, May 7th	427
	Tuesday, May 8th	785
	Wednesday, May 9th	107

Pursuant to the Selectmen's warrant of March 27, 2007, posted by the Constable on April 23, 2007, the annual town meeting was called to order by Moderator Edward Newman at 7:00 p.m. in Hugh Mill Auditorium at Hale School on May 7, 2007.

Moderator Newman recited an invocation. The meeting was then led in the *Pledge of Allegiance to the Flag* by a group of Girl Scouts. Citations on behalf of the Town were presented by Selectman Carole Makary to the Girl Scouts who had achieved the Bronze Award.

At the request of Mr. Newman, the meeting approved appointment of Gary Horowitz as Deputy Moderator and Elizabeth Painter as Assistant Moderator. The Moderator introduced the Selectmen, Town Administrator, Town Counsel, Selectmen's Administrative Assistant, Town Clerk, Assistant Town Clerk, Finance Committee members and other town officials in attendance. A list of non-voters who may be heard during the course of the meeting was approved.

On motion of Selectman Stephen Dungan, it was voted unanimously that the reading of the warrant and return of the constable thereon be waived but made a part of the record of this meeting, and that the Moderator be permitted to refer to each article by subject matter instead of reading each article in its entirety.

On motion of Selectman Carole Makary, it was voted unanimously to advance action under Articles 36, 37, 38, 39 and 40 to the first items of business beginning on Tuesday, May 8th.

**ARTICLE 1. Town Officers Not Elected by Ballot**

On motion of Selectman Jason Robart, it was voted unanimously that the members of the Board of Selectmen be elected to serve as Field Drivers for the ensuing year.

**ARTICLE 2. Reports of Selectmen and Other Officers and Committees**

On motion of Selectman Thomas Ruggiero, it was voted unanimously that the reports of the Selectmen and other Town Officers, Boards, Committees and Commissions be accepted as printed in the Town Report of 2006.

**ARTICLE 3. Reports of Special Committees**

On motion of Selectman Janet Wheeler, it was voted unanimously that the reports of the General Bylaw Review Committee, Master Plan Committee and School Building Task Force be accepted as printed in the Town of Stow 2006 Annual Report; and that the final reports of the Charter Review Committee and the Municipal Land Use Committee be accepted as printed in the Town of Stow 2005 and 2006 Annual Reports respectively.

At this point, Pamela Glauner of the Finance Committee presented an overview of the proposed budget for Fiscal 2008. A Proposition 2-1/2 override vote to balance the budget will not be necessary,

but property taxes will still increase. The proposed budget represents a 6.7% increase over that of Fiscal 2007. Funding for some articles will be from alternative sources, such as Community Preservation funds.

## CONSENT CALENDAR

On motion of Selectman Stephen Dungan, it was voted unanimously to take the following articles out of the order in the warrant and take action on Articles 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33 and 34, as said motions are printed in the Consent Calendar, a copy of which has been provided to the voters at this meeting, without debate on any such articles and provided that upon the request of any voter at this meeting made before the vote is taken on this motion, an articles shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course and order of business at this town meeting.

Article 28 was dropped from the Consent Calendar at the request of a voter. The Finance Committee recommended approval of the articles within the Consent Calendar.

### *Report of the Community Preservation Committee*

Warrant Articles 33 and 34: CPC Expenses and CPC Reserves - On March 13, 2007 the Community Preservation Committee voted to approve the warrant articles for Community Preservation Expenses (\$37,500) and for Community Preservation Reserves (Total amount \$225,000). Approval was unanimous.

### **ARTICLE 6. Reserve Fund**

Voted to raise and appropriate the sum of \$70,000.00 for a Reserve Fund for the fiscal year beginning July 1, 2007.

### **ARTICLE 7. Tax Title Proceedings**

Voted to raise and appropriate the sum of \$7,000.00 to be added to any balance remaining and previously appropriated for Land Court proceedings for tax taking and land court foreclosure, including costs and legal expenses related thereto; to be expended by the Treasurer-Collector.

### **ARTICLE 8. Audit of Financial Records**

Voted to raise and appropriate the sum of \$10,600.00 to fund the Town's annual financial audit.

### **ARTICLE 9. Revolving Fund for Inspection Fees**

Voted to authorize, upon the recommendation of the Selectmen, a revolving fund for certain inspection fees, pursuant to Mass. General Laws Chapter 44, Section 53E-1/2 for Fiscal Year 2008, to which shall be credited all permitting fees received for wire, gas, plumbing and fire alarm permits and for weights and measures sealing, to a limit of \$40,000.00 for Fiscal 2008, to be expended by the Selectmen without further appropriation for the purpose of payment of fees to the inspectors administering such permits and reimbursement of expenses incurred on behalf of the Town.

### **ARTICLE 10. Revolving Fund for Advanced Life Support Services**

Voted to authorize, upon the recommendation of the Selectmen, the establishment of a revolving fund pursuant to Mass. General Laws Chapter 44, Section 53E-1/2 for Fiscal 2008, to which shall be credited all fees received for advanced life support services provided by the Town of Stow, to a limit of \$40,000.00 for Fiscal Year 2008, to be expended by the Fire Department without further appropriation for the purpose of payment of all costs associated with providing advanced life support ambulance services.

### **ARTICLE 11. Transfer to Conservation Fund**

Voted to appropriate and transfer from the Conservation Land Maintenance Account to the Conservation Fund the sum of \$740.00, to be expended by the Conservation Commission.

**ARTICLE 12. Conservation Fund Addition**

Voted to raise and appropriate the sum of \$10,000.00 to be added to the balance remaining in the Conservation Fund, to be expended by the Conservation Commission.

**ARTICLE 13. Transfer from Wetlands Protection Fund**

Voted to appropriate and transfer from the Wetlands Protection Fund the sum of \$6,119.50 as an additional appropriation to the Conservation Commission, to be expended by the Conservation Commission in performing its duties under the Wetlands Protection Act.

**ARTICLE 14. Update of Property Valuations**

Voted to raise and appropriate the sum of \$17,400.00 to be added to the balance remaining from the amount previously appropriated for the purpose of updating property valuations in the town to full and fair cash value; to be expended by the Assessors.

**ARTICLE 15. Town Records Binding and Repair**

Voted to raise and appropriate the sum of \$200.00 to be added to any balance previously appropriated for the purpose of binding and repairing town records in accordance with Mass. General Laws Chapter 66, Section 9; to be expended by the Town Clerk.

**ARTICLE 16. Town Common Sign Maintenance**

Voted to raise and appropriate the sum of \$1,230.00 for the repair of the Town Common sign and to purchase additional sign letters; to be expended by the Town Clerk.

**ARTICLE 17. Highway Department**

Voted to raise and appropriate the sums of money for Highway Department purposes, as set forth in the schedule below:

1. For the Road Machinery Account: the sum of \$33,091.00
2. For repairs on private ways: the sum of \$10,000.00

**ARTICLE 18. Highway Road Construction**

Voted to appropriate and borrow the sum of \$73,991.00 from Chapter 122 of the Acts of 2006, \$161,871.00 from Chapter 291C of the Acts of 2004, and \$161,435.00 from Chapter 291B of the Acts of 2004 for construction, reconstruction and/or improvements to town roads, as requested by the Board of Selectmen, to be reimbursed by the Commonwealth pursuant to Chapter 246B of the Acts of 2002, Chapter 122.

**ARTICLE 19. Federal Safe Drinking Water Act**

Voted to raise and appropriate the sum of \$6,000.00 to be added to any balance remaining from previous appropriation for the purpose of satisfying the compliance requirements of the Federal Safe Drinking Water Act, as amended, in accordance with State regulations; to be expended under the direction of the Board of Health.

**ARTICLE 20. Household Hazardous Waste Collection**

Voted to raise and appropriate the sum of \$10,000.00, to be added to any balance remaining from previous appropriation, to be expended under the direction of the Board of Health for the purpose of providing for household hazardous waste collection.

**ARTICLE 21. Emerson Hospital Home Care**

Voted to raise and appropriate the sum of \$2,100.00, to be added to any balance remaining from the previous appropriation, to be expended under the direction of the Board of Health for the purpose of providing home care services and communicable disease follow-up services to Stow residents.

**ARTICLE 22. Solid Waste Disposal Container**

Voted to raise and appropriate the sum of \$2,300.00, to be added to any balance remaining from the previous appropriation, to be expended under the direction of the Board of Health for the purpose of renting a container and disposing of solid waste which has been dumped on town land and roadsides.

**ARTICLE 23. Medical Reserve Corps Expenses**

Voted to raise and appropriate the sum of \$5,000.00 to be expended under the direction of the Board of Health for the purpose of providing for equipment and operating expenses for the Medical Reserve Corps.

**ARTICLE 24. Mutual Aid Agreement - Public Health Services**

Voted to authorize the Board of Selectmen, in consultation with the Board of Health, in accordance with Mass. General Laws Chapter 40, Section 4A, to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform. Such agreements will be made in accordance with an Inter-Municipal Mutual Aid Agreement to be entered into between the Town and various governmental units.

**ARTICLE 25. Stow Cultural Council**

Voted to raise and appropriate the sum of \$3,500.00 to be added to any balance remaining from previous appropriations to produce cultural activities and programming in Stow, including \$2,000.00 of these funds to be used to support Springfest activities; to be expended under the direction of the Town Administrator.

**ARTICLE 26. Planning Board Engineering/Consulting and Master Plan Expenses**

Voted to raise and appropriate the sum of \$10,000.00, to be added to any balance remaining and previously appropriated for this purpose, to be expended by the Planning Board for Planning Board engineering and consulting services and Master Plan expenses.

**ARTICLE 27. Purchase of Information Technology Equipment**

Voted to raise and appropriate the sum of \$51,000.00, to be added to any balance remaining from previous appropriation, to be expended under the direction of the Town Administrator for the purchase of computer equipment, software and services for various town departments; and to authorize the Town Administrator to sell, trade or otherwise dispose of existing equipment in connection therewith.

**ARTICLE 29. Legal Services - General**

Voted to raise and appropriate the sum of \$40,000.00 to be added to any balance remaining from previous appropriation for the purpose of funding the Town's general Legal account.

**ARTICLE 30. Policemen and Fireman Medical Payments**

Voted to raise and appropriate the sum of \$400.00, to be added to any balance remaining and previously appropriated, in anticipation of possible claims presented to the Town under the provisions of Chapter 41, Section 100 of the General Laws, for the payment of medical and other allowable expenses incurred by police officers or firefighters injured in the performance of and within the scope of duty.

**ARTICLE 31. Agricultural Commission Expenses**

Voted to raise and appropriate the sum of \$1,250.00 to be expended under the direction of the Agricultural Commission for the purpose of providing operating expenses.

**ARTICLE 32. Weights and Measures Testing**

Voted to raise and appropriate the sum of \$1,600.00 to be added to any balance remaining from a previous appropriation for the purpose of funding the Town's weights and measures testing.

**ARTICLE 33. Community Preservation Committee Expenses**

Voted to appropriate from FY2008 Community Preservation Fund Annual Revenues the sum of \$37,500.00 to be expended for wages and expenses associated with the creation, implementation and maintenance of Community Preservation programs, in accordance with the provisions of Mass. General Laws Chapter 44B, the Community Preservation Act, including but not limited to office supplies, clerical assistance, property surveys, appraisals, attorneys' fees, and other professional services, recording fees, printing and all other necessary and proper expenses for Fiscal Year 2008, in accordance with a budget to be prepared for the Town Administrator.

**ARTICLE 34. Community Preservation Reserves**

Voted to reserve for later appropriation monies from the Community Preservation Fund Balance collected from both the Community Preservation Fund Surcharge and the State Trust Fund Distribution and collected from Fiscal Year 2008 Community Preservation Fund Annual Revenues for the undertaking of Community Preservation projects:

Preservation of Historic Resources	\$75,000.00
Preservation of Open Spaces	\$75,000.00
Affordable Housing	\$75,000.00

===== End of Consent Calendar =====

**ARTICLE 4. Wage and Salary Schedules**

On motion of Selectman Carole Makary, it was voted unanimously to amend Article 11 of the General Bylaws of the Town, Personnel Administration, by deleting from Section 20.h. the existing Salary Schedules A, B, C, D, E and F and inserting in place thereof new Schedules A, B, C, D, E and F, as printed in the warrant.

**TOWN OF STOW  
WAGE & SALARY SCHEDULES  
Effective July 1, 2007 (3%)**

**SCHEDULE A  
ANNUAL RATE POSITIONS**

<u>Position Title</u>	<u>Minimum</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Maximum</u>
Police Chief	67,905	70,375	74,079	80,250	90,776
Police Lieutenant	61,442	66,079	69,557	73,034	75,354
Supt. of Streets	60,759	64,554	68,355	72,149	75,950
Fire Chief	60,264	62,676	66,293	72,322	78,345
Town Accountant	55,741	59,204	62,692	66,178	69,665
Treasurer-Collector	47,940	50,938	53,934	56,928	59,925
Building Inspector	46,930	49,861	52,795	55,729	58,663
Library Director	44,658	47,450	50,240	53,036	55,824
Town Clerk	40,132	42,516	45,018	47,516	50,018

**SCHEDULE B**  
**HOURLY RATE POSITIONS**

**GROUP A**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Parks & Commons Worker	10.20	11.07	12.01	12.89	13.77
Cemetery Worker	10.20	11.07	12.01	12.89	13.77
Custodian	10.20	11.07	12.01	12.89	13.77

**GROUP B**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Asst. Town Clerk	15.04	16.19	17.40	18.85	20.25
Capital Program Comm. Secretary	11.58	12.45	13.39	14.50	15.58

**GROUP C**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Board of Appeals Secretary	15.82	17.23	18.59	20.02	21.38
Town Secretary	12.45	13.57	14.64	15.77	16.85
Highway/Tree/ Grounds Worker	12.45	13.57	14.64	15.77	16.85

**GROUP D**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Highway/Tree Grounds Driver-Laborer	15.42	16.40	17.36	18.30	19.25

**GROUP E**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Highway Dept. Equipment Operator	16.84	17.89	18.93	20.00	21.02
Tree Worker (Moth)	16.84	17.89	18.93	20.00	21.02
Maintenance Person	16.84	17.89	18.93	20.00	21.02

**GROUP F**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Highway Dept. Mechanic	17.85	18.89	20.10	21.21	22.30
Crew Chief	18.57	19.65	20.90	22.05	23.20

**GROUP G**

<b><u>Position Title</u></b>	<b><u>Minimum</u></b>	<b><u>Step 1</u></b>	<b><u>Step 2</u></b>	<b><u>Step 3</u></b>	<b><u>Maximum</u></b>
Highway Dept. Foreman	19.83	21.07	22.29	23.54	24.75

**SCHEDULE C**  
**SINGLE RATE POSITIONS PAID ANNUALLY**

<b><u>Position Title</u></b>	<b><u>Salary</u></b>
Registrar of Voters	119.00
Assistant Registrar of Voters	240.00
Animal Control Officer	15,200.00
Animal Inspector	3,155.00
Director of Summerthing	2,407.00
Beach Director	5,186.00
Cemetery Superintendent	31,827.00
Veterans' Agent	1,304.00
Council on Aging Secretary	834.00

**SCHEDULE D**  
**SINGLE RATE POSITIONS PAID HOURLY**

<b><u>Position Title</u></b>	<b><u>Hourly Rate</u></b>
Election Warden	9.17
Election Clerk	9.17
Election Teller	8.12
Election Clerical Assistance	8.12
Lifeguard	10.08
Lifeguard (W.S.I.)	11.90
Beach Checker	8.12
Summerthing Assistant	8.12
Street Lister	8.76
Street Listing Clerk	8.12
Street Numberer	8.12
Per Diem Firefighter (call)	12.73
Apprentice Firefighter (call)	12.34
Firefighter (call)	14.10
Emergency Medical Technician (call)	14.10
Firefighter/EMT (call)	14.74

EMT -w/Defib & Epi Pen (call)	15.39
Firefighter/EMT - w/Defib & Epi Pen (call)	16.03
Officers - Fire or Medical (call)	17.32
Police Officer - part-time	19.71
Police Matron	17.39
Auxiliary Police Officer	12.86
Dispatcher - part-time	16.38

**SCHEDULE E**  
**FIRE DEPARTMENT ANNUAL SINGLE RATES**

<b><u>Position Title</u></b>	<b><u>Salary</u></b>
Deputy Fire Chief (call)	870.00
Fire Engineer	754.00
Fire Captain (call)	579.00
Fire Lieutenant (call)	464.00
Fire Medical Officer	348.00
EMS Quartermaster	232.00
EMS Schedule Coordinator	175.00
EMS Assistant Coordinator	290.00
EMS Records Coordinator	348.00

**SCHEDULE F**  
**FEE RATE POSITIONS**

<b><u>Position Title</u></b>	<b><u>Salary</u></b>
Wire Inspector	90% of fees collected
Deputy Wire Inspector	90% of fees collected
Gas Inspector	90% of fees collected
Assistant Gas Inspector	90% of fees collected
Animal Disposal Officer	\$10 per animal
Sealer of Weights & Measures	Total fees collected

An employee who qualifies to receive benefits from the Town's Educational Incentive program will earn a 5-percent, 10-percent or 15-percent annual bonus above his or her Step Schedule wage or salary.

**ARTICLE 5. General Budget for Fiscal Year 2008**

Selectman Jason Robart moved to raise and appropriate the sum of \$19,147,382.00 as recommended by the Town Administrator and Selectmen for Items 1 through 75 inclusive, as printed in the warrant under the column entitled "*FY2008 Budget Town Admin/Selectmen Recommend*", each item to be considered a separate appropriation for the purposes designated and the same to be expended only for such purposes.

Moderator Newman read off each group of line items, and the following were held for questions or clarification: 10, 14, 17, 22, 24, 32, 35, 52, 53 and 61. Those items not held were put to a vote, and those sums as printed in the warrant carried unanimously.

Item 10 - Accountant Salary: A voter questioned the amount that seemed excessive for what is essentially a part-time position. Town Administrator William Wrigley explained that the newly hired Town Accountant is a Certified Public Accountant working 25 hours weekly. Qualified applicants would not accept the position for less. The sum of \$41,200.00, as printed in the warrant, was moved and voted unanimously.

Item 14 - Assessors' Clerical Wages: A voter questioned the difference between the department request and the recommendation. Town Administrator Wrigley advised that the request to all departments was for no new staffing or increase in hours in order to avoid a Proposition 2-1/2 override. Step increases were honored. The sum of \$52,332.00, as printed in the warrant, was moved and voted unanimously.

Item 17 - Treasurer-Collector Clerical Wages: Same explanation as previously. The sum of \$40,551.00, as printed in the warrant, was moved and voted unanimously.

Item 22 - Conservation Commission Clerical Wages: Same explanation as previously. The sum of \$58,563.00, as printed in the warrant, was moved and voted unanimously.

Item 24 - Planning Board Clerical Wages: Same explanation as previously. The sum of \$95,864.00, as printed in the warrant, was moved and voted unanimously.

Item 32 - Police & Dispatch Wages: Same explanation as previously. The sum of \$1,019,431.00, as printed in the warrant, was moved and voted unanimously.

Item 35 - Fire and EMS Wages: Same explanation as previously. The sum of \$405,713.00, as printed in the warrant, was moved and voted unanimously.

Item 52 - Council on Aging Executive Director Salary: Same explanation as previously. Chairman of the Council advised the current director will be retiring in June. The sum of \$44,694.00, as printed in the warrant, was moved and voted unanimously.

Item 52 - Council on Aging Wages: Same explanation as previously. The sum of \$70,008.00, as printed in the warrant, was moved and voted unanimously.

Item 61 - Recreation Expenses: Selectman Carole Makary advised that revenues from the Recreation Revolving Fund will be used for some expenses. The sum of \$23,350.00, as printed in the warrant, was moved and voted unanimously.

General Government

1	Moderator Salary	\$ 36.00
2	Moderator Expenses	44.00
3	Selectmen Administrative Asst. Salary	41,325.00
4	Selectmen Expenses	8,611.00
5	Town Administrator Salary	101,140.00
6	Town Administrator Expenses	500.00
7	Town Building Clerical Wages	16,401.00
8	Finance Committee Wages	3,627.00
9	Finance Committee Expenses	375.00
10	Accountant Salary	41,200.00
11	Accountant Clerk Salary	4,381.00
12	Accountant Expenses	1,525.00

13	Principal Assessor Salary	55,523.00
14	Assessors' Clerical Wages	52,332.00
15	Assessors' Expenses	6,850.00
16	Treasurer-Collector Salary	52,941.00
17	Treasurer-Collector Clerical Wages	40,551.00
18	Treasurer-Collector Expenses	38,800.00
19	Town Clerk Salary	50,111.00
20	Town Clerk Other Wages	22,538.00
21	Town Clerk Expenses	10,210.00
22	Conservation Commission Clerical Wages	58,563.00
23	Conservation Commission Expenses	4,280.00
24	Planning Board Clerical Wages	95,864.00
25	Planning Board Expenses	4,510.00
26	Board of Appeals Clerical Wages	7,021.00
27	Board of Appeals Expenses	3,420.00
28	Municipal Building & Property Wages	24,225.00
29	Municipal Building & Property Expenses	57,280.00
30	Town Reports Expenses	<u>9,000.00</u>

General Government Total \$813,184.00

Public Safety

31	Police Chief Salary	\$ 91,526.00
32	Police & Dispatch Wages	1,019,431.00
33	Police & Dispatch Expenses	81,610.00
34	Fire Chief Salary	78,345.00
35	Fire & EMS Wages	405,713.00
36	Fire & EMS Expenses	76,100.00
37	Building Inspector Salary	58,663.00
38	Building Dept. Clerical Wages	15,346.00
39	Building Dept. Expenses	4,975.00
40	Weights and Measures	<u>1,600.00</u>

Public Safety Total \$1,833,309.00

Public Works and Facilities

41	Supt. of Streets Salary	\$ 72,649.00
42	Highways & Grounds Wages	411,758.00
43	Highways & Grounds Expenses	106,800.00
44	Snow & Ice Removal Expense	100,000.00
45	Municipal Lighting	13,400.00
46	Gasoline & Diesel Fuel Expense	65,000.00
47	Cemetery Salary & Wages	37,827.00
48	Cemetery Expenses	<u>8,114.00</u>

Public Works and Facilities Total \$ 815,548.00

Human Services

49 Sanitary Agent Wages	\$ 17,471.00
50 Health Department Wages	74,685.00
51 Health Department Expenses	9,160.00
52 Council on Aging Executive Director Salary	44,694.00
53 Council on Aging Wages	70,008.00
54 Council on Aging Expenses	14,471.00
55 Veterans' Agent Salary	1,265.00
56 Veterans' Agent Expenses	<u>200.00</u>
Human Services Total	\$ 231,954.00

Culture and Recreation

57 Library Director Salary	\$ 56,374.00
58 Library Wages	74,091.00
59 Library Expenses	52,910.00
60 Recreation Wages	43,945.00
61 Recreation Expenses	23,350.00
62 Lake Boon Commission Wages	2,745.00
63 Lake Boon Commission Expenses	710.00
64 Historical Commission Expenses	525.00
65 Memorial Day Expenses	950.00
66 Lighting of Clock Expenses	<u>100.00</u>
Culture and Recreation Total	\$ 255,700.00

Town-Wide Expenses

67 Educational Incentive	\$ 37,000.00
68 Group Insurance	530,300.00
69 Insurance & Bonds	117,900.00
70 Telephone	<u>25,200.00</u>
Town-Wide Expenses Total	\$ 710,400.00

Education

71 Nashoba Regional School District Assessment	\$12,097,908.00
72 Minuteman Voc-Tech Assessment	<u>954,573.00</u>
Education Total	\$13,052,481.00

Debt Service

73 Principal, Long-Term Debt	\$ 1,000,000.00
74 Interest, Long-Term Debt – Bonds	431,806.00
75 Interest, Temporary Loans – Revenue	<u>3,000.00</u>
Debt Service Total	\$ 1,434,806.00

**TOTAL GENERAL BUDGET.....\$19,147,382.00**

At this point, the meeting paid tribute to William Callahan, Superintendent of Minuteman Regional-Vocational School District, who is retiring after 31 years of service.

Deborah Woods of the Springfest Committee announced that the annual event will take place on May 19th and 20th.

Moderator Newman recognized those who will not seek re-election, those who have or will retire from service to the Town, and those who passed away during the past year.

**ARTICLE 6. Reserve Fund:** See Consent Calendar

**ARTICLE 7. Tax Title Proceedings:** See Consent Calendar

**ARTICLE 8. Audit of Financial Records:** See Consent Calendar

**ARTICLE 9. Revolving Fund for Inspection Fees:** See Consent Calendar

**ARTICLE 10. Revolving Fund for Advanced Life Support Services:** See Consent Calendar

**ARTICLE 11. Transfer to Conservation Fund:** See Consent Calendar

**ARTICLE 12. Conservation Fund Addition:** See Consent Calendar

**ARTICLE 13. Transfer from Wetlands Protection Fund:** See Consent Calendar

**ARTICLE 14. Update of Property Valuations:** See Consent Calendar

**ARTICLE 15. Town Records Binding and Repair:** See Consent Calendar

**ARTICLE 16. Town Common Sign Maintenance:** See Consent Calendar

**ARTICLE 17. Highway Department:** See Consent Calendar

**ARTICLE 18. Highway Road Construction:** See Consent Calendar

**ARTICLE 19. Federal Safe Drinking Water Act:** See Consent Calendar

**ARTICLE 20. Household Hazardous Waste Collection:** See Consent Calendar

**ARTICLE 21. Emerson Hospital Home Care:** See Consent Calendar

**ARTICLE 22. Solid Waste Disposal Container:** See Consent Calendar

**ARTICLE 23. Medical Reserve Corps Expenses:** See Consent Calendar

**ARTICLE 24. Mutual Aid Agreement - Public Health Services:** See Consent Calendar

**ARTICLE 25. Stow Cultural Council:** See Consent Calendar

**ARTICLE 26. Planning Board Engineering/Consulting and Master Plan Expenses:** See Consent Calendar

**ARTICLE 27. Purchase of Information Technology Equipment:** See Consent Calendar

**ARTICLE 28. Legal Services**

On motion of Selectman Stephen Dungan, it was voted unanimously to appropriate and transfer the sum of \$38,000.00 from the Overlay Surplus Account into the general Legal Account for the purpose of providing supplemental funding to pay for the Town's general on-going legal services.

**ARTICLE 29. Legal Services - General:** See Consent Calendar

**ARTICLE 30. Policemen & Firemen Medical Payments:** See Consent Calendar

**ARTICLE 31. Agricultural Commission Expenses:** See Consent Calendar

**ARTICLE 32. Weights and Measures Testing:** See Consent Calendar

**ARTICLE 33. Community Preservation Committee Expenses:** See Consent Calendar

**ARTICLE 34. Community Preservation Reserves:** See Consent Calendar

Prior to action on requests for capital expenditure, Jean Lynch, chair of the Capital Planning Committee, presented an overview of its consideration of the various requests for funding.

**ARTICLE 35. Capital Requests**

On motion of Selectman Carole Makary, it was voted unanimously to discuss the items of this article individually and to vote upon each separately as to the amount to be appropriated for each item, as set forth in separate motions proposed.

**ARTICLE 35-1. Brookside Cemetery Irrigation Well**

On motion of Selectman Makary, it was voted unanimously to raise and appropriate the sum of \$10,000.00, together with the sum of \$8,500.00 to be transferred from the Cemetery Sale of Lots account, for the purpose of installing an irrigation well for use at the Brookside Cemetery.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 35-2. Hurst Tool for Fire Department**

On motion of Selectman Makary, it was voted unanimously to raise and appropriate the sum of \$19,000.00 for the purpose of purchasing a Hurst Tool (Jaws of Life) for use by the Fire Department.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 35-3. Wireless Receivers for Fire Department**

On motion of Selectman Makary, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$54,000.00 for the purpose of purchasing wireless receivers and related equipment for use by the Fire Department.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 35-4. Police Cruiser**

On motion of Selectman Makary, it was voted by majority to raise and appropriate the sum of \$30,000.00 for the purpose of purchasing a police cruiser for use by the Police Department.

The Finance Committee and the Capital Planning Committee were in favor. A voter questioned the proposed purchase of a 2007 Ford Crown Victoria and suggested a smaller model for better gasoline mileage. Police Chief Mark Trefry responded that those vehicles are not capable of accommodating the on-board equipment that each police vehicle must carry.

**ARTICLE 35-5. Police and Fire Telephone System**

On motion of Selectman Makary, it was voted unanimously to raise and appropriate the sum of \$16,283.00 for the purpose of purchasing a telephone system for use by the Police and Fire Departments.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 35-6. Dump Truck/Sander**

On motion of Selectman Makary, it was voted unanimously to raise and appropriate the sum of \$60,000.00 for the purpose of purchasing a dump truck/sander for use by the Highway Department.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 35-7. Town Building Space for Stow TV and Information Technology**

On motion of Selectman Makary, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$6,545.00, together with the sum of \$6,000.00 to be transferred from the Town's Cable Television Services and Technical Needs Fund, for the purpose of creating a workspace on the third floor of Town Building for use by Stow TV and Information Technology. (total \$12,545.00)

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 35-8. Town Building Restroom**

On motion of Selectman Makary, it was voted by majority to raise and appropriate the sum of \$32,333.00 for the purpose of creating a restroom on the third floor of Town Building.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 35-9. Pompositticut School Security System**

On motion of Selectman Makary, it was voted by majority to raise and appropriate the sum of \$12,000.00 for the purpose of purchasing a security system for Pompositticut School, for use by the Nashoba Regional School District.

The Finance Committee and the Capital Planning Committee were in favor. Discussion ensued with regard to questions about the value of such a system, if an event had caused this request, monitoring and maintenance. School District Michael Wood advised that the other towns within the district would be voting on the same requests for their schools.

**ARTICLE 35-10. Center School Security System**

On motion of Selectman Makary, it was voted by majority to raise and appropriate the sum of \$15,300.00 for the purpose of purchasing a security system for Center School, for use by the Nashoba Regional School District.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 35-11. Hale School Security System**

On motion of Selectmen Makary, it was voted by majority to appropriate and transfer from Free Cash the sum of \$20,000.00 for the purpose of purchasing a security system for Hale School, for use by the Nashoba Regional School District.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 35-12. Hale School Repairs**

On motion of Selectman Makary, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$68,500.00 for the purpose of making repairs to Hale School, for use by the Nashoba Regional School District.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 35-13. Center School Repairs**

On motion of Selectmen Makary, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$45,000.00 for the purpose of making repairs to Center School, for use by the Nashoba Regional School District.

The Finance Committee and the Capital Planning Committee were in favor.

**ARTICLE 36. School Building - One-Site Solution:** Considered and voted on Tuesday, May 8, 2007.

**ARTICLE 37. School Building - Two-Site Solution:** Considered and voted on Tuesday, May 8, 2007.

**ARTICLE 38. Purchase of Snow Property:** Considered and voted on Tuesday, May 8, 2007.

**ARTICLE 39. Town Recreational Facilities:** Considered and voted on Tuesday, May 8, 2007.

**ARTICLE 40. Recreational Fields:** Considered and voted on Tuesday, May 8, 2007

**ARTICLE 41. Town Hall Fire Alarm System**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to take **no action** on this article that sought appropriation of \$4,500.00 from the Community Preservation Fund Reserve for Historic Preservation purposes. Bids received for the project were greater than anticipated.

**ARTICLE 42. Town Hall Sprinkler System**

On motion of Selectman Janet Wheeler, it was voted unanimously to take **no action** on this article that sought appropriation of \$275,000.00 from the Community Preservation Fund Reserve for Historic Preservation purposes. Bids received for the project were greater than anticipated.

*Report of the Community Preservation Committee*

Warrant Articles 41 and 42: Town Hall Fire Alarm and Town Hall Sprinkler System - On April 26, 2007 members from the Community Preservation Committee voted to move no action on the two CPC sponsored articles related to the Town Hall fire alarm and Town Hall sprinkler system and voted to rescind the CPC's previous recommendations of the two warrant articles under Chapter 44B of the CPA. Approval for both votes was unanimous. Update - due to flaws in the bidding process, the RFP to

implement this project will need to be re-issued. For that reason, we will be taking no action at the Annual Town Meeting and will look to a future town meeting to bring this or a similar warrant article forward.

At this point, Deputy Moderator Gary Horowitz assumed the gavel.

**ARTICLE 43. Lake Boon Preservation**

On motion of Selectman Stephen Dungan, it was voted by majority to appropriate and transfer the sum of \$75,000.00 from the Community Preservation Fund Reserve for Open Space purposes and to appropriate and transfer the sum of \$2,000.00 from the Community Preservation Fund unreserved funds, to be expended under the direction of the Lake Boon Commission, in combination with any sums appropriated by the Town of Hudson for this purpose, for invasive aquatic vegetation removal to preserve Lake Boon as a community resource.

*Report of the Community Preservation Committee*

Warrant Article 43: Lake Boon Preservation - On January 22, 2007 the Community Preservation Committee voted to recommend to Town Meeting that Community Preservation funds be used to fund a Lake Boon Restoration Project (\$77,000 or any lesser sum). Five votes were in favor and one vote was to abstain. On April 9, 2007 members from the CPC voted to amend the title of the warrant article to Lake Boon Preservation and to amend the article to use the revised language as drafted, distributed and discussed at the meeting. Approval was unanimous.

**ARTICLE 44. Stone Wall Restoration at Lower Village Cemetery**

On motion of Selectman Carole Makary, it was voted unanimously to appropriate and transfer the sum of \$9,990.00 from the Community Preservation Fund Reserve for Historic Preservation purposes, to be expended under the direction of the Cemetery Committee for the reconstruction and rehabilitation of stone walls at Lower Village Cemetery.

*Report of the Community Preservation Committee*

Warrant Article 44: Restoration of Stone Walls at Lower Village - On March 5, 2007 members of the Community Preservation Committee voted to recommend to Town Meeting the warrant article for the reconstruction and rehabilitation of stone walls at the Lower Village Cemetery (\$9,990 or any lesser sum). Approval was unanimous.

**ARTICLE 45. Public Emergency Notification System**

On motion of Selectman Jason Robart, it was voted unanimously to raise and appropriate the sum of \$4,500.00 for the purpose of purchasing a town-wide telephonic public emergency notification service.

**ARTICLE 46. Selectmen Engineering/Consulting Expenses**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to raise and appropriate the sum of \$10,000.00 to be added to any balance remaining from the previous appropriation (Acct. 01-10-22-73000-000, Engineering Services-Highway and Other), to be expended under the direction of the Board of Selectmen for the purpose of appraisals, engineering evaluations, legal costs, and any other expenses related to the acquisition of land for a variety of municipal uses.

**ARTICLE 47. Acceptance of Land for Recreational Use**

On motion of Selectman Janet Wheeler, it was voted unanimously to take **no action** on this article which sought to accept a gift of land from the Wildlife Woods Homeowners' Association off Kingland Road and adjacent to Pine Bluff Recreational Area.

The Finance Committee recommended approval of a vote to take no action.

**ARTICLE 48. Land Management Transfer to Conservation Commission**

On motion of Selectman Stephen Dungan, it was voted unanimously to authorize that the following parcel of Town-owned land totaling 18 +/- acres located off West Acton Road, shown on Assessors' Map R-20, Parcel 31, be transferred to the care, custody, management and control of the Conservation Commission for all purposes included in General Laws Chapter 40, Section 8C.

The Finance Committee recommended approval.

**ARTICLE 49. Senior Tax Relief**

On motion of Selectman Carole Makary, it was voted unanimously to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988, and further to act under the aforesaid statutes to increase by 100 percent the amount of property tax exemption granted to persons who qualify for said exemption under clauses 17, 17C, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B and 41C of Section 5 of Chapter 59 of the Massachusetts General Laws and Acts and amendments thereof or additions thereto, for FY2008

**ARTICLE 50. Voting Eligibility for Adjudicatory Hearings**

On motion of Selectman Jason Robart, it was voted unanimously to amend Article 50 as written and printed in the warrant by adding the words "with the exception of the Planning Board" after the word "that" in the first line of Article 50, and by adding a new second sentence to read, "Acceptance of this article shall not apply to the Planning Board".

On motion of Selectman Robart, it was voted unanimously that, with the exception of the Planning Board, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of General Laws Chapter 39, Section 23D which provides that a member of a board, committee or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, providing that certain conditions are met. Acceptance of this article shall not apply to the Planning Board.

The Finance Committee recommended approval.

On motion of Selectman Stephen Dungan, the meeting was adjourned at 10:19 p.m. to reconvene on Tuesday, May 8, 2007 at 7:00 p.m. in Hugh Mill Auditorium at Hale School.

**MAY 8, 2007  
(Second Session)**

Moderator Edward Newman called to order the second session of the annual town meeting at 7:05 p.m. in Hugh Mill Auditorium at Hale School. The meeting stood for the *Pledge of Allegiance to the Flag*.

A report on progress achieved at the first session was reviewed. As previously voted, consideration of Articles 36 through 40 will be the first order of business this evening. The ballot questions related to these articles, to be voted upon at the annual election on May 15th, were reviewed. Mr. Newman reviewed procedural requirements such as relate to motions for reconsideration.

On motion of Selectman Thomas Ruggiero, it was voted unanimously to combine discussion on Article 36. School Building - One-Site Solution: Addition/Renovations to Center School and Article 37.

School Building - Two-Site Solution: Addition/Renovations to Center and Pompositticut Schools; and vote upon each separately as set forth in separate motions proposed.

Ellen Sturgis, chair of the School Building Task Force reported on the work of the committee and its recommendation for one site with addition and renovation of Center School. Pompositticut School is 35 years old and its open concept is obsolete. A preliminary plan of Center School with an addition to the rear was displayed. A single-use gymnasium is proposed as well as a library and cafeteria. Estimated cost at this time is \$27 to \$35 million. Construction of the Center proposal would require 30 months, while a Center/Pompositticut proposal would require 40 months. It was hoped that a 40% reimbursement could be obtained from the Mass. School Building Authority. If there is a positive vote this evening and on the ballot questions, the Town would not move forward until after the MSBA consideration of its application. The motion is for design drawings, engineering, site and traffic studies.

The Finance Committee, Capital Planning Committee and Board of Selectmen all supported the one-site Center School proposal.

At 8:10 p.m. there was a call for the question that ended debate.

**ARTICLE 36. School Building - One-Site Solution: Addition/Renovations to Center School**

On motion of Selectman Thomas Ruggiero, it was voted in excess of two-thirds (as declared by the Moderator) to appropriate and borrow the sum of \$1,900,000.00, or any other sum not to exceed \$2,200,000.00, to be expended for engineering and architectural services, Owner's Project Manager (OPM) and any other MSBA related program requirements and related activities in compliance with Mass. School Building Authority regulations, for the design and development, and preparation of plans for specifications, through the bidding phase of the project, for the purpose of the renovation of and construction of an addition to the Center School, the total project cost of which is estimated at \$30,080,000, and to turn the custodial control of Pompositticut School back to the Town following completion of the construction.

Such borrowing is to be undertaken by the Treasurer, with the approval of the Selectmen, provided that an affirmative vote on this article shall be null and void and of no further effect unless the Town approves by an affirmative vote a ballot question to exempt the amount appropriated from the provisions of Proposition two and one-half.

A motion to amend to substitute the words, "the total project cost of which is estimated at \$30,080,000", with the words, "with the goal of achieving a total project cost of no more than \$30,080,000", failed to carry.

*Note: The vote on ballot question 1 at the May 15, 2007 annual town election was in the affirmative.*

**ARTICLE 37. School Building - Two-Site Solution: Addition/Renovations to Center and Pompositticut Schools**

On motion of Selectman Janet Wheeler, it was voted in excess of two-thirds (as declared by the Moderator) to appropriate and borrow the sum of \$1,900,000.00, or any other sum not to exceed \$2,200,000.00, to be expended for engineering and architectural services, Owner's Project Manager (OPM) and any other MSBA related program requirements and related activities in compliance with Mass. School Building Authority regulations, for the design and development, and preparation of plans and specifications, through the bidding phase of the project, for the purpose of renovation of Pompositticut School and the renovation of and construction of an addition to the Center School, the total project cost of which is estimated at \$30,080,000.

Such borrowing is to be undertaken by the Treasurer, with the approval of the Selectmen, provided that an affirmative vote on this article shall be null and void and of no further effect unless the Town approves by an affirmative vote a ballot question to exempt the amount appropriated from the provisions of Proposition two and one-half. In addition, an affirmative vote under this article shall be null and void and of no further force and effect should an affirmative vote be taken by town meeting on Article 36 (Addition/Renovations to Center School) AND the Town approves the ballot question to exempt said amounts appropriated for Article 36 (Addition/Renovations to Center School) from the provisions of Proposition two and one-half.

NOTE: The affirmative vote under Article 37 is null and void due to the affirmative votes on Article 36 and on the Town Election ballot question for a Center School addition/renovation one-site solution.

The Selectmen and the Capital Planning Committee were in support of Article 37 as a back-up in the event that the Town Election ballot question related to Article 36 did not pass.

Following a brief recess, Robert Wilber of the Community Preservation Committee presented a report on the program and matching funds from the State.

A motion by Steven Mong to consider Articles 39 and 40 before 38 failed to carry by a vote of Yes 241, No 309.

#### **ARTICLE 38. Land Purchase - Snow Property**

Selectman Stephen Dungan moved that the Town vote to appropriate and borrow the sum of \$1,620,000.00 for the purpose of purchasing for lawful general municipal purposes approximately 13 acres of land, shown as Parcel 18 on Map R-3 of the Assessors' Maps of the Town of Stow, located off Old Bolton Road, Stow, and known as the "Snow property", and to fund the costs associated with said acquisition, including legal, appraisal, engineering, and other costs or fees associated thereto. Such borrowing is to be undertaken by the Treasurer, with the approval of the Selectmen, pursuant to Mass. General Laws Chapter 44 or as otherwise authorized by law, provided that an affirmative vote on this article shall be null and void and of no further force and effect unless the Town approves by an affirmative vote a ballot question to exempt the debt service on the amount to be borrowed hereunder from the provisions of Proposition two and one-half.

The Selectmen were in support of the purchase. The Finance Committee and the Capital Planning Committee were opposed as the asking price is double the appraised value.

Steven Mong moved to amend the amount from \$1,620,000 to \$820,000. Discussion ensued in favor and opposed to the amendment. Selectman Dungan advised that the owner was not willing to reduce the asking price. A call to end debate on the amendment carried. The vote on Mr. Mong's motion to amend failed to carry.

Discussion on the main motion continued. A member of the Recreation Commission cited the need for playing fields. Selectman Dungan reminded the motion is for landbanking for future town needs.

At 10:50 p.m. a call for the question ended discussion. A two-thirds vote was required for the borrowing. 518 votes were counted. The vote was Yes 331, No 187 with 346 votes necessary for passage. The motion failed to carry.

**ARTICLE 39. Development of Recreational Facilities**

On motion of Timothy Allaire, it was voted unanimously to take **no action** on this article that sought to borrow the sum of \$405,000.00 for the purpose of recreational development related to purchase of the Snow property, which purchase under Article 38 failed to pass.

**ARTICLE 40. Creation of Recreational Fields**

On motion of Charles Kern, it was voted unanimously to take **no action** on this article that sought to transfer \$600,000.00 from Community Preservation Unrestricted Fund Reserves for creation of recreational fields related to purchase of the Snow property, which purchase under Article 38 failed to pass.

*Report of the Community Preservation Committee*

Warrant Article 40: Creation of Recreational Fields - On March 13, 2007 the CPC voted to recommend to Town Meeting that Community Preservation Funds (\$600,000 or any lesser amount) be used for the creation of recreational fields subject to the approval of the Recreation Master Plan by the CPC. Five votes were in favor and one vote opposed. On April 9th the CPC voted to amend the Recreation warrant article and to put the article on the warrant but not to recommend endorsement of a specific project at that time. Five votes were in favor and one vote was opposed. On April 26, 2007 members of the CPC voted to support the rewording of the article to address a recreation facilities project at a specific location (amended that this article refers only to the Snow property if acquired and approved by the Board of Selectmen). Approval was unanimous. On April 30, 2007 members of the CPC voted to approve final wording of the motion (approving Bob Wilber to make any appropriate changes with Town Counsel and the Town Administrator) for the recreation warrant article. Four votes were to approve and one vote was to abstain.

Warrant Article 40: Creation of Recreation Fields - On May 7, 2007 the CPC voted unanimously that if Article 38 Land Purchase - Snow Property is not approved by the voters at town meeting, then the Community Preservation Committee withdraws their support of Article 40 Creation of Recreational Field under Chapter 44B of the Community Preservation Act.

On motion of Selectman Stephen Dungan, the meeting was adjourned at 11:08 p.m. to reconvene on Wednesday, May 9, 2007 at 7:00 p.m. in Hugh Mill Auditorium at Hale School.

**MAY 9, 2007  
(Third and Final Session)**

Moderator Edward Newman called to order the third and final session of the annual town meeting at 7:01 p.m. in Hugh Mill Auditorium at Hale School. The meeting stood for the *Pledge of Allegiance to the Flag*.

Mr. Newman reviewed warrant progress to this point. Deputy Moderator Gary Horowitz assumed the gavel.

**ARTICLE 51. Street Acceptance - Trefry Lane**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to accept the laying out of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the

Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23.

The entire length of Trefry Lane in the Meadowbrook Estates Subdivision, Stow, Middlesex County, Massachusetts, as shown on the following subdivision plan and "as built" plan, respectively:

- Plan entitled "Definitive Subdivision Plan, Meadowbrook Estates, a Planned Conservation Development, Stow, MA, prepared for Eldamar Development Co., LLC, last revised July 14, 2003", which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 669 of 2003 in Record Book 40123, Page 225.
- Plan entitled "As-Built Plan and Profile; Definitive Subdivision Plan, Meadowbrook Estates, a Planned Conservation Development, Stow, MA, prepared for Eldamar Development Co., LLC, December 20, 2005.

The acceptance of Trefry Lane and related easements specifically excludes that portion of land identified in the above noted plan identified as "R.O.W. Easement" containing 6,752 square feet, more or less.

And to authorize the Selectmen to acquire by purchase, eminent domain, gift or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

Planning Board chair Ernest Dodd noted the addition of the sentence related to the right of way (ROW) easement.

#### **ARTICLE 52. Street Acceptance - Cranberry Circle**

On motion of Selectman Stephen Dungan, it was voted unanimously to accept the laying out of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23.

The entire length of Cranberry Circle, Stow, Middlesex County, Massachusetts, as shown on the following subdivision plan and "as-built" plan respectively:

- Definitive subdivision plan entitled "Record Plan Date: 3/16/98, Rev: 5/29/98, 1/8/99; Scale: 1"=40'; Record Owner: S.C.C. Associates, Inc., 58 Randall Road, Stow, Massachusetts 01775"; prepared by Acton Survey & Engineering, Inc. and which map or plan is recorded with the Middlesex South District Registry of Deeds as Plan No. 889 of 1999.
- Plan entitled "Roadway As-Built Plan, Cranberry Circle", prepared for Alyssa Real Estate, dated December 22, 2006.

And to authorize the Selectmen to acquire by purchase, eminent domain, gift or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

#### **ARTICLE 53. Street Acceptance - Fairway Drive**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to take **no action** to accept Fairway Drive as a town way. The required as-built plan is not ready.

#### **ARTICLE 54. Street Acceptance - Blueberry Court and a portion of Woodland Way**

On motion of Selectman Stephen Dungan, it was voted unanimously to accept the laying out of the following named street and establish it as a town way, together with all drainage and other easements related thereto and included in the Order of Layout, the boundaries and measurements shown on the plan referred to in the description, which plan shall be included in the Order of Layout of the Selectmen to be adopted with respect to such way and related easements and filed in the office of the

Town Clerk in accordance with the provisions of Massachusetts General Laws Chapter 82, Section 21-23.

The entire length of Blueberry Court and a portion of Woodland Way (Station 19+50+1 to End) in the Wildlife Woods Subdivision, Stow, Middlesex County, Massachusetts, as shown on the following subdivision plan and as-built plans respectively:

- "Definitive Subdivision Plan, Wildlife Woods, Stow, Massachusetts" dated May 15, 1997 and revised through October 27, 1999 and recorded with the Middlesex South District Registry of Deeds as Plan Number 1013 of 2000.
- "Roadway As-Built, Blueberry Court (Sta 0+00 to Sta 3+00), Wildlife Woods, Stow, MA" prepared for Bentley Builders, dated November 7, 2006.
- "Roadway As-Built, Woodland Way (Sta 19+50 to Sta 28+00 Wildlife Woods, Stow, MA" prepared for Bentley Builders, dated November 7, 2006.

And to authorize the Selectmen to acquire by purchase, eminent domain, gift or otherwise for highway purposes the fee or any lessor interests that may be necessary for such town ways.

At this point, Kathleen Pavelchek, chair of the General Bylaw Review Committee, summarized the proposed changes the General Bylaws, described as mainly housekeeping.

**ARTICLE 55. General Bylaw Amendment - Community Preservation Committee Membership**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to amend General Bylaw Article 3, Section 17 (c) to read in its entirety as printed in the warrant.

ARTICLE 3. TOWN AFFAIRS

SECTION 17. Community Preservation Committee

(c) Membership

Said committee shall consist of nine (9) members. Each of the following shall appoint one of its members or associate members to serve on the Community Preservation Committee:

Conservation Commission, Historical Commission, Planning Board, Housing Authority, Recreation Commission (performing like duties of a Board of Park Commissioners), Finance Committee, Council on Aging, Open Space Committee and Board of Assessors. Each member's term shall be from the first day of July until the last day of the following June, however, each member's term shall not extend beyond that member's term of service on his/her appointing agency. Committee members shall hold office until successors are designated. The Committee shall elect a chairman annually from among its membership. The Committee may appoint clerks and other employees as it may require.

**ARTICLE 56. General Bylaw Amendment - Fire Prevention and Protection Code**

On motion of Selectman Stephen Dungan, it was voted unanimously to amend General Bylaw Article 10, Sections 3, 4, 5, 6 and 7, to read in their entirety as printed in the warrant.

ARTICLE 10. FIRE PREVENTION AND PROTECTION CODE

SECTION 3. The Stow Fire Department shall have the authority to establish rules and orders from time to time pertaining to fire prevention and protection.

SECTION 4. New buildings, except residential dwelling buildings of three dwelling units or less, shall have an automatic fire and/or smoke detection and alarm system. Such system shall alert all persons within the building and shall automatically alert the Stow Fire Department by transmittal of a signal to the fire station alarm system or to a central station alarm. All such detection and alarm systems must be

approved by the Stow Fire Department. To the extent feasible, all municipal buildings shall be in compliance with this section.

*Note: In a letter dated August 13, 2007, the Attorney General disapproved section 4.*

**SECTION 5.** Standpipes, sprinkler systems, internal or external fire hydrant systems which shall include the water supply mains and pumps for said systems to be installed, altered or changed within the Town of Stow must be approved by the Stow Fire Department. A permit must be obtained for the installation, alteration or change of these systems from the Stow Fire Department, and the application for the permit must be accompanied by the specifications of the building in which it is to be installed, altered or changed, and specifications of the system itself, whether an internal or external system, according to the rules, orders and regulations of the Stow Fire Department.

**SECTION 6.** No person or persons shall block, obstruct or otherwise make unusable any access to a natural water supply that may be used for fire fighting without approval of the Stow Fire Department.

**SECTION 7.** All public buildings and others herein described, which shall include schools, churches, municipal buildings, commercial and industrial buildings, shall maintain a fire access land of fifteen (15) feet minimum width, where designated by the Stow Fire Department, which shall not be obstructed for an unreasonable length of time by commercial vehicles which have need of access to said buildings and provided that the operators of other vehicles, or those responsible for any other obstruction, are immediately available to remove said vehicle or obstruction upon orders of the Stow Fire Department.

*Note: In a letter dated August 13, 2007, the Attorney General disapproved section 7.*

**ARTICLE 57. General Bylaw Amendment - Police Regulations**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to amend the General Laws Article 6, Sections 16, 19, 20 and 26 to read in their entirety as printed in the warrant, and to delete General Bylaw Article 6, Section 28 in its entirety.

**A. Amend Section 16** by inserting the term "catch basin" to assure compliance to storm water management requirements and increasing the fine to one hundred dollars.

**SECTION 16.** No person shall dispose of garbage, refuse, any bottle, can or any form of rubbish on any public way or on private property, or in any catch basin, waterway, river, brook or pond in the Town of Stow. Any violator of this section to be punished by a fine not to exceed one hundred dollars (\$100.00).

**B. Amend Section 19** by increasing the fine to two hundred dollars.

**SECTION 19.**

- (a) No person shall fire or discharge any firearms on any private property except with the written consent of the owner or legal occupant thereof.
- (b) This bylaw shall not apply to lawful defense of life or property nor any law enforcement officer acting in the discharge of his duties.
- (c) The penalty for violation of this Section 19 shall be a fine of two hundred dollars (\$200.00).

**C. Amend Section 20** by increasing the fine to one hundred dollars.

**SECTION 20.** Any person who shall violate any provision of these bylaws shall, in cases not otherwise provided for, forfeit and pay for each offense a fine not exceeding one hundred dollars (\$100.00).

**D. Amend Section 26** by allowing a fee to issue solicitors license, allow for arrest if unlawful solicitation and increase the fine to two hundred dollars.

**SECTION 26. Regulation and Licensing of Solicitors and Canvassers**

- a. It shall be unlawful for any solicitor or canvasser as defined in this bylaw to engage in such business within the town of Stow without first obtaining a license therefor in compliance with the provisions of this bylaw. A reasonable fee shall be charged for the issuance of such license. The provisions of this bylaw shall not apply to any person engaged in the soliciting for charitable, benevolent, fraternal, religious or political activities, nor any person exempt under Chapter 101 of the Mass. General Laws, nor to any person duly licensed under Chapter 101 of the Mass. General Laws, nor any person exempt by any other General Law, nor shall this bylaw be construed to prevent route salesmen or other persons having established customers, to whom they make periodic deliveries, from calling upon such customers or from making calls upon prospective customers to solicit an order for future deliveries. Persons engaged in unlawful solicitation and canvassing may be subject to arrest without a warrant. A fine not to exceed two hundred dollars (\$200.00) may be assessed for violations.

**E. Delete Section 28.** Schedule of Fees for Weights and Measures.

**ARTICLE 58. General Bylaw Amendment - Personnel Administration, Grievance Procedure**

On motion of Selectman Stephen Dungan, it was voted unanimously to amend the General Bylaws Article 11, Section 17 by deleting paragraph (d) in its entirety and inserting new paragraphs (d), (e) and (f), to read in their entirety as printed in the warrant.

d. General Process

An employee grievance shall be filed in writing with the department head or the appropriate grievance hearing officer.

A hearing will take place within ten (10) working days from the hearing officer's receipt of the grievance, unless circumstances or conditions reasonably warrant an extension of the grievance hearing date, as determined by the hearing officer. This hearing process encourages the department head to conduct an informal review and investigation of a grievance when appropriate and practicable.

The hearing officer will issue a written decision to the grievance within ten (10) working days from the date that the grievance hearing has been completed.

e. Hearing Officers

1. General Case: The head of the employee's department shall be the hearing officer.

2. Department Head: A grievance claim against a department head reporting to another board or commission shall be filed with the board or commission. The chairperson of that board or commission will adjudicate the grievance as the hearing officer. A grievance against a department head appointed by the Board of Selectmen, not reporting to another board or commission, shall be filed with and heard by the Town Administrator.
  3. Board of Commission Members: A grievance claim filed against a member of a board or commission member shall be filed with that board or commission. The chairperson of the board or commission shall be the hearing officer. If circumstances reasonably warrant, the board or commission chairperson may request that the Town Administrator adjudicate the grievance. A grievance filed against the chairperson of a board or commission shall be adjudicated by the Town Administrator.
  4. Board of Selectmen: A grievance claim filed against a member of the Board of Selectmen shall be adjudicated by the Chairperson of the Selectmen. A grievance filed against the Chairperson of the Selectmen will be adjudicated by another Selectman voted by the Board of Selectmen. If circumstances reasonably warrant, the Board of Selectmen may appoint an outside independent third party to adjudicate a grievance against a member of the Board of Selectmen. No paid employee of the Town, or any person appointed by the Selectmen, shall be appointed to adjudicate a grievance filed against an individual Selectman.
- f. Appeals: An employee may appeal a grievance decision. The appeal must be made in writing within ten (10) working days of receipt of the written grievance decision and filed with the appeal hearing officer. The appeal shall be heard within ten (10) working days of receipt and a written decision of the appeal shall be issued within ten (10) working days from the date that the appeal has been completed. A grievance shall be deemed waived and settled unless such grievance decision is appealed within the time limits prescribed.
1. A grievance hearing decision issued by a department head or by a board or commission chairman, excluding the Board of Selectmen, may be appealed to the Town Administrator.
  2. A grievance hearing decision issued by the Town Administrator may be appealed to the chairperson of the Board of Selectmen.
  3. Employee grievance hearing decisions issued by the Selectmen are final.

#### **ARTICLE 59. Zoning Bylaw Amendment - Definitions**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to amend the Zoning Bylaw, Section 1.3, by removing the subsection numbers and listing the Definitions in alphabetical order, and amending Section 9.3.11.2 to read in its entirety as printed in the warrant.

9.3.11.2 The DEVELOPABLE SITE AREA shall be clearly identified on the plan and shall meet the requirements of the definition in Section 1.3;

#### ***REPORT OF THE PLANNING BOARD RE ARTICLE 59:***

This article is housekeeping in nature. Removal of subsection numbers and listing the definitions in alphabetical order will accommodate future changes without the need to renumber the entire section.

At its meeting of May 1, 2007 the Planning Board voted to recommend that Town Meeting ADOPT the proposed amendment to Section 1.3 by removing subsection numbers and listing the definitions in alphabetical order and by amending Section 9.3.11.2 to read as printed in the warrant.

**ARTICLE 60. Zoning Bylaw Amendment - Assisted Living Residence**

On motion of Selectman Stephen Dungan, it was voted unanimously to amend the Zoning Bylaw by changing the title "ASSISTED LIVING" to "INDEPENDENT ADULT" where it appears in Sections 1.3.8, 1.3.9, 3.3.2.8, 3.10, 4.5.1, 4.5.1.1, 4.5.1.2, 4.5.1.3, 7.3.3.3, 7.7, 8.7, 8.7.1, 8.7.1.1, 8.7.2.1, 8.7.2.2, 8.7.3, 8.7.3.d), 8.7.3.2, 8.7.4, 8.7.4.1, 8.7.5, 8.7.5.1, 8.7.6, 8.7.6.1, 8.7.6.2, 8.7.6.3, 8.7.7, 8.7.7.1, 8.7.7.2, 8.7.7.3, 8.7.7.4, 8.7.7.5, 8.7.7.6, 8.7.8, 8.7.9.1, 8.7.9.2, 8.7.9.2.a), 8.7.9.3, 8.7.10, 8.7.11, and 8.7.12.

*REPORT OF THE PLANNING BOARD RE ARTICLE 60:*

This article proposes to change the title "Assisted Living" to "Independent Adult" to more accurately reflect the type of development, which was not intended to be an "Assisted Living Facility" as defined by the State.

At its meeting of March 13, 2007 the Planning Board voted to recommend that Town Meeting ADOPT this proposed Zoning Bylaw amendment as printed in the warrant.

**ARTICLE 61. Zoning Bylaw Amendment - Bed and Breakfast Establishments**

On motion of Selectman Thomas Ruggiero, it was voted by more than two-thirds (as declared by the Moderator) to amend the Zoning Bylaw by amending the Definition in Section 1.3 for "BED AND BREAKFAST ESTABLISHMENT" to read in its entirety as follows:

BED AND BREAKFAST ESTABLISHMENT - A private DWELLING with an on-site manager where no more than eight rooms are let and a breakfast is included in the daily rate.

*REPORT OF THE PLANNING BOARD RE ARTICLE 61:*

This article proposes to permit a Bed and Breakfast Establishment to be operated with an on-site manager rather than requiring the owner to occupy the establishment. This change should encourage the Bed and Breakfast community in Stow and result in the preservation of older residences.

At its meeting of May 7, 2007 the Planning Board voted to recommend that Town Meeting ADOPT this proposed Zoning Bylaw amendment.

**ARTICLE 62. Zoning Bylaw Amendment - Overlay Districts**

On motion of Selectman Stephen Dungan, it was voted unanimously to amend the Zoning Bylaw by deleting SECTION 3.11, "Wireless Service Facility", in its entirety and inserting the same text in SECTION 5, "Overlay Districts", as a new SECTION 5.3 with all subsections as written in SECTION 3.11 to be consecutively numbered within SECTION 5.3; and by deleting SECTION 8.8, "Active Adult Neighborhood", in its entirety and inserting the same text in SECTION 5, "Overlay Districts", as a new SECTION 5.4 with all subsections as written in SECTION 8.8 to be consecutively numbered within SECTION 5.4.

*REPORT OF THE PLANNING BOARD RE ARTICLE 62:*

This article is for organizational purposes only, moving the Wireless Service Facility and the Active Adult Neighborhood sections of the Bylaw, which define the requirement of these overlay districts, to Section 5, the Overlay District section of the Zoning Bylaw.

At its meeting of March 13, 2007 the Planning Board voted to recommend that Town Meeting ADOPT this proposed Zoning Bylaw amendment as printed in the warrant.

**ARTICLE 63. Zoning Bylaw Amendment - Use Regulations**

On motion of Selectman Thomas Ruggiero, it was voted by more than two-thirds (as declared by the Moderator, to amend the Zoning Bylaw SECTION 3.2, "Residential District Uses", by inserting a new subsection 3.2.3.5; SECTION 3.3, "Business District Uses", by inserting subsection 3.3.2.9; SECTION 3.4, "Compact Business District Uses", by inserting a new subsection 3.4.2.6; SECTION 3.5, "Commercial District Uses", by inserting a new subsection 3.5.3.12; and SECTION 3.6, "Industrial District Uses", by inserting a new subsection 3.6.3.9, as printed in the warrant.

**A. Amend Section 3.2 (Residential District Uses) by inserting a new use permitted by special permit, granted by the Planning Board, as subsection 3.2.3.5, to read in its entirety as stated below.**

3.2.3.5 Uses not otherwise permitted in the Residential District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Residential District. This Section shall not eliminate the requirements of Section 3.2.2.5, which shall remain intact as written.

**B. Amend Section 3.3 (Business District Uses) by inserting a new use permitted by special permit, granted by the Planning Board, as subsection 3.3.2.9, to read in its entirety as stated below.**

3.3.2.9 Uses not otherwise permitted in the Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Business District.

**C. Amend Section 3.4 (Compact Business District Uses) by inserting a new use permitted by special permit, granted by the Planning Board, as subsection 3.4.2.6, to read in its entirety as stated below.**

3.4.2.6 Uses not otherwise permitted in the Compact Business District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Compact Business District.

**D. Amend Section 3.5 (Commercial District Uses) by inserting a new use permitted by special permit, granted by the Planning Board, as subsection 3.5.3.12, to read in its entirety as stated below.**

3.5.3.12 Uses not otherwise permitted in the Commercial District, if such uses preserve historic and/or culturally significant BUILDINGS and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Commercial District.

**E. Amend Section 3.6 (Industrial District Uses) by inserting a new use permitted by special permit, granted by the Planning Board, as subsection 3.6.3.9, to read in its entirety as stated below.**

3.6.3.9 Uses not otherwise permitted in the Industrial District, if such uses preserve historic and/or culturally significant BUILDING and STRUCTURES, provided that the historic and/or cultural character of the site, and BUILDING or STRUCTURE, in the opinion of the Special Permit Granting Authority, is not significantly altered, and the Special Permit Granting Authority finds that such uses, with any necessary mitigation measures, are in harmony with the character and uses permitted in the Industrial District.

*REPORT OF THE PLANNING BOARD RE ARTICLE 63:*

This article proposes to encourage preservation of historic and/or culturally significant buildings and structures and foster economic development by permitting uses not otherwise permitted in the Residential, Business, Compact Business, Commercial and Industrial Districts, if in the opinion of the Special Permit Granting Authority, the use is in harmony with the character and uses allowed in the district. Such Special Permit would also be subject to the requirements of other sections of the Bylaw, including but not limited to mandatory findings as outlined in Sections 9.2 (Special Permit) and 9.3 (Site Plan Approval) of the Bylaw.

At its meeting of March 13, 2007 the Planning Board voted to recommend that Town Meeting ADOPT this proposed Zoning Bylaw amendment as printed in the warrant.

**ARTICLE 64. Zoning Bylaw Amendment - Signs**

On motion of Selectman Stephen Dungan, it was voted unanimously to amend the Zoning Bylaw subsection 3 of SECTION 6.3.3.1, "Permanent Signs in the Residential and Recreation-Conservation Districts", as printed in the warrant; SECTION 6.3.4.1, "Seasonal Agriculture Signs", as printed in the warrant; and SECTION 6.3.4.2, "Directional Signs", as printed in the warrant.

**A. Amend subsection 3 of Section 6.3.3.1 (Permanent Signs in the Residential and Recreation-Conservation Districts) to read as stated below.**

3. One ON-SITE SIGN pertaining to agriculture, as permitted in Sections 3.1.1.2, 3.1.1.3, 3.1.1.5, and Section 3.2.1.1, each not exceeding sixteen (16) square feet in area, may be ERECTED.

**B. Amend Section 6.3.4.1 (Seasonal Agriculture Signs) to read as stated below.**

6.3.4.1 Seasonal Agriculture:

- 1) SIGNS for uses permitted/allowed in Sections 3.1.1.2, 3.1.1.3, 3.1.1.5 and Section 3.2.1.1, one not to exceed sixteen (16) square feet in area, and other such SIGNS not to exceed twelve (12) square feet, with a total square footage of all such SIGNS not to exceed seventy-five (75) square feet.
- 2) One (1) slot on each community agricultural ladder SIGN posted at the Town entrances, subject to dimension and format requirements of the Planning Board and written approval of the Stow Agricultural Commission.
- 3) Seasonal agriculture SIGNS may be ERECTED one (1) week prior to the beginning of sales and must be removed one (1) week after sales are completed.
- 4) The Planning Board may grant a waiver from the requirements of this Section.

**C. Amend Section 6.3.4.2 (Directional Signs) to read as stated below.**

6.3.4.2 Directional SIGNS for Businesses located in Stow: A free-standing pole may be ERECTED at intersections of Town roads, located not to obstruct vision on the right of way and affixed with directional SIGNS, with the approval of the Board of Selectmen;

1. Non-agricultural directional SIGNS shall be 6" x 24" and have a dark green background. Lettering shall be yellow and no more than 4" in height.
2. A directional SIGN may bear only the name of a business, logotype, distance and directional arrow.
3. Directional SIGNS shall not be illuminated.
4. The maximum number of SIGNS per business shall not exceed three (3) located at different intersections.
5. Maximum of two (2) direction SIGN poles per intersection, excluding agricultural directional SIGNS.
6. The maximum height of a direction SIGN pole is eight (8) feet above the road surface.
7. Direction SIGN poles and locations will be subject to the approval of the BUILDING INSPECTOR and Superintendent of Streets.
8. A maximum of eight (8) businesses may share a pole for direction SIGNS.
9. The cost of the SIGNS, pole and maintenance shall be the sole responsibility of the SIGN owners.
10. Agricultural directional SIGNS shall be 6" x 24". The colors for the background and lettering and logos may be consistent with the marketing colors and logo used by the agricultural businesses. There is no restriction to lettering or logo size.

**REPORT OF THE PLANNING BOARD RE ARTICLE 64:**

This article is in response to the recommendations of the Agricultural Commission and is intended to support the agricultural character of Stow by providing more flexibility in size and quantity of signs during peak seasonal events and by permitting permanent signs on-site and at Town entrances, marketing the presence of Stow's Agricultural Community.

At its meeting of March 13, 2007 the Planning Board voted to recommend that Town Meeting ADOPT this proposed Zoning Bylaw amendment as printed in the warrant.

**ARTICLE 65. Zoning Bylaw Amendment - Lighting**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to amend the Zoning Bylaw SECTION 1.3 by adding new definitions; SECTION 3.8.1.5, "Exterior Lighting", by adding new subsections 3.8.1.5.1, 3.8.1.5.2, 3.8.1.5.3, 3.8.1.5.4 and 3.8.1.5.5; SECTION 3.8.3, "Use Regulations Pertaining to the Residential District", by adding a new paragraph to subsection 3.8.3.1; SECTION 7.7, "Off-Street Parking and Loading Area Design Requirements", by adding two new paragraphs to subsection 7.7.7, as printed in the warrant; by adding a new subsection 3.8.1.5.6, as printed in the warrant, except that row 1, column 1 of the "Fixture-Specific Conditions" table shall be amended by inserting the words "with a rated output of 2,000 lumens or more" after the word "fixture" and adding a new row at the end of the table to read:

All floodlights, spotlight, or similar EXTERIOR LIGHT Fixture that are not full cutoff	Must be aimed at least 45 degrees below horizontal.
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and by adding a new subsection 3.8.1.5.7, as printed in the warrant, except that row 2, column 2 of the "Exemptions" table shall be amended by inserting the words "Exempt from the 100,000 lumen Special Permit requirement (Section 3.8.1.5.2)"; deleting row 4 in its entirety, and changing the terms "Emergency Lighting Fixtures" and "Lighting Fixtures" from upper case of lower case.

**A. Amend Section 1.3 by adding the following new definitions as stated below.**

**DIRECT LIGHT** - Light that reaches a location from a light source or some part of the fixture containing the source, rather than reflecting off an illuminated surface. Light from filaments or other sources, surrounding glass, reflectors, diffusers, or similar components is DIRECT LIGHT. Light arriving from illuminated ground is not direct light.

EXTERIOR LIGHT - Any luminaire (light fixture) that is either not within a structure having a substantially opaque roof or is installed so that more than half the light output shines outside. A permanently-installed fixture in a screen- or glass-enclosed porch that is not normally climate-controlled or in a greenhouse or similar structure shall be considered an exterior light.

FULL-CUTOFF FIXTURE - a luminaire having a light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10 percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire. This kind of luminaire emits no light above the horizontal.

INITIAL DESIGN LIGHT OUTPUT - The luminous output of a fixture as determined by specifications of the fixture and lamps (bulbs) that are installed in it, rather than by measuring the actual light output.

PUBLIC STREET LIGHT - An exterior light shining primarily onto a STREET, which is both authorized by the Board of Selectmen and paid for from the Town budget or which is required by the Planning Board.

**B. Amend Section 3.8.1.5 (Exterior Lighting) by adding new subsections 3.8.1.5.1, 3.8.1.5.2, 3.8.1.5.3, 3.8.1.5.4, 3.8.1.5.5, 3.8.1.5.6 and 3.8.1.5.7 to read as stated below.**

3.8.1.5.1 The INITIAL DESIGN LIGHT OUTPUT of all exterior lighting on a LOT shall be subject to a cap of 25,000 lumens/acre or 10,000 lumens, whichever is greater. Fixtures under an opaque covering such as a canopy or in a parking garage shall count as 0.25 of their output if 5-10 feet from the nearest edge, 0.1 at 10-30 feet and 0 for more than 30 feet.

3.8.1.5.2 A Special Permit from the Planning Board is required when installing new fixtures or replacing existing fixtures and the total resulting INITIAL DESIGN LIGHT OUTPUT would be more than 100,000 lumens on any LOT. However, a Special Permit shall not be required when replacing existing fixtures with FULL-CUTOFF fixtures and the total INITIAL DESIGN LIGHT OUTPUT of the replacement fixtures is less than half the total INITIAL DESIGN LIGHT OUTPUT of the removed fixtures.

The Special Permit application shall show the location, type and output of all fixtures. The Planning Board shall impose mitigating conditions to protect abutters not only from DIRECT LIGHT but also reflected light, and shall limit the total light output and hours of use to that which is reasonably necessary. The Planning Board shall require remediation of existing lighting.

3.8.1.5.3 Lighting of athletic fields shall be only by Special Permit from the Planning Board, and shall be exempt from the 25,000 lumens/acre cap. The Planning Board shall require full engineering plans with a design average illuminance of no more than 200 lux. No DIRECT LIGHT shall shine off the LOT containing the field. Athletic field lighting shall be illuminated only while in use and shall not be illuminated between 10 p.m. and sunrise under any circumstances. All lighting fixtures shall be set back 500 feet from any RESIDENTIAL or RECREATION/CONSERVATION LOT, and 200 feet from any other LOT.

3.8.1.5.4 The Planning Board may issue a Special Permit for lighting that does not conform to the conditions of the table in Section 3.8.1.5.6 up to 4,000 additional lumens of non-conforming

lighting if the lighting is found to provide a public benefit. The Planning Board shall impose mitigating conditions such as limiting lighting levels, hours of operation, and requiring shielding to protect abutters from unwanted light.

3.8.1.5.5 Shining lasers in excess of 5 mW at wavelengths within the range of human vision or searchlights into the sky, for advertising or any other purpose, is prohibited. Airfield beacons required by the FAA are exempt from this prohibition.

3.8.1.5.6 Each EXTERIOR LIGHT fixture shall comply with the following specific conditions:

<i>Fixture-Specific Conditions</i>	
<i>Fixture Type:</i>	<i>Conditions:</i>
All EXTERIOR LIGHT fixtures with a rated output of 2,000 lumens or more (other than PUBLIC STREET LIGHTS)	Must be FULL-CUTOFF FIXTURES. Must be installed in the proper orientation so as to emit no light above the horizontal. Must be no more than 35 feet above ground. Must not be used to illuminate a LOT, which is across any STREET.
EXTERIOR LIGHT Fixtures (other than PUBLIC STREET LIGHTS) with any INITIAL DESIGN LIGHT OUTPUT of more than 4,000 lumens	Must comply with all above conditions <b>and:</b> Must not shine DIRECT LIGHT onto any other LOT or STREET located within a RESIDENTIAL or RECREATION/CONSERVATION district. Must not shine DIRECT LIGHT onto any body of water not on the same LOT as the fixture.
EXTERIOR LIGHT Fixtures (other than PUBLIC STREET LIGHTS) with an INITIAL DESIGN LIGHT OUTPUT of more than 10,000 lumens	Must comply with all above conditions <b>and:</b> Must not shine DIRECT LIGHT onto any other LOT located within any district. Must not shine DIRECT LIGHT onto any STREET. Must not shine DIRECT LIGHT onto any body of water.
PUBLIC STREET LIGHTS	Must be FULL-CUTOFF FIXTURES. Must be installed in the proper orientation so as to emit no light above the horizontal. Must be no more than 35 feet above ground. Must not shine DIRECT LIGHT onto any DWELLING.
All floodlights, spotlights or similar EXTERIOR LIGHT fixtures that are not full cutoff	Must be aimed at least 45 degrees below horizontal.

3.8.1.5.7 The following table provides exemptions to both fixture-specific conditions and the cap in 3.8.1.5.1.

<i>Exemptions</i>	
<i>Situation:</i>	<i>Exemption:</i>
Emergency Lighting Fixtures	Emergency lighting fixtures operated by a public safety agency are exempt. LIGHTING FIXTURES with an INITIAL LIGHT OUTPUT of less than 200 lumens, which are intended to signal the location of emergency services, rather than provide illumination and which are authorized by a public safety agency, are exempt.
Greenhouse Lighting Fixtures for the purpose of supporting plant growth	Exempt from the 25,000 lumens per acre requirement. Exempt from the 100,000 lumen Special Permit requirement (Section 3.8.1.5.2)
Lighting Fixtures required by the FAA	Lighting fixtures required to comply with FAA requirements may be installed, but shall not emit more light above horizontal or shine more DIRECT LIGHT onto any other LOT than is required to comply with the FAS regulations.
Seasonal Holiday Lighting	Seasonal holiday lighting may be installed and illuminated, provided that it is illuminated for no more than 90 days in any 270-day period. <i>(This allows non-conforming holiday lighting even if the property is not eligible for the non-conforming fixture exemption. Conforming holiday lighting is not restricted in any way.)</i>

**C. Amend Section 3.8.3 (Use Regulations Pertaining to the Residential District) by adding a new paragraph to subsection 3.8.3.1 to read as stated below.**

3.8.3.1 Exterior lighting shall conform with the requirements of Section 3.8.1.5, except that the use of exterior lighting by a commercial or business activity or operation during the period from one-half hour after sunset to one-half hour before sunrise shall not be permitted. This provision shall not preclude the use of emergency lighting required by a public agency in the performance of its duties, lighting of SIGNS in conformance with the general regulations included in Section 6.3.1, customary holiday lighting or low level illumination of entranceways, exits and driveways.

Signs shall not be illuminated unless the business is open to the general public and employees are present and ready to receive customers, and shall not be illuminated between 9 p.m. and 7 a.m. Any fixture with an INITIAL DESIGN LIGHT OUTPUT of more than 2,000 lumens shall not be considered low level illumination. Any peak illuminance on the ground, a building, or a sign, of more than 10 lux shall not be considered low level illumination.

**D. Amend Section 7.7 (Off-Street Parking and Loading Area Design Requirements) by adding two new paragraph to subsection 7.7.7 to read as stated below.**

7.7.7 Lighting - Off-street parking and loading areas used after sunset shall be illuminated while in use. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of lighting standards shall be of a

type appropriate to the development and Stow and otherwise in compliance with Section 3.8.1.5 of this Bylaw.

A fixture with an INITIAL DESIGN LIGHT OUTPUT of more than 2,000 lumens that shines DIRECT LIGHT into the sky or onto any DWELLING on another LOT shall be considered a NUISANCE and not proper lighting under this section.

Parking lot and driveway lighting with a total INITIAL DESIGN LIGHT OUTPUT of more than 10,000 lumens shall be subject to a Special Permit, which shall show the location, output and type of all fixtures. The total INITIAL DESIGN LIGHT OUTPUT of all fixtures shall not be greater than lumens per square meter of parking lot or driveway.

*REPORT OF THE PLANNING BOARD RE ARTICLE 65:*

This article is intended to reduce light pollution and to clarify our existing lighting bylaw by providing requirements for the type of exterior fixtures, the intensity of light producing devices permitted with different applications and restrictions on the area of illumination. These changes will generally have more of an effect on larger users of exterior lighting, such as business or commercial users, rather than residential users.

At its meeting of May 1, 2007 the Planning Board voted to recommend that Town Meeting ADOPT this proposed Zoning Bylaw amendment, as printed in the warrant, except that Sections 3.8.1.5.6 and 3.8.1.5.7 shall read as follows:

3.8.1.5.6 Each EXTERIOR LIGHT fixture shall comply with the following specific conditions:

*Additions are underlined. Deletions are ~~strike through~~*

<i>Fixture-Specific Conditions</i>	
<i>Fixture Type:</i>	<i>Conditions:</i>
All EXTERIOR LIGHT fixtures <u>with a rated output of 2,000 lumens or more</u> (other than PUBLIC STREET LIGHTS)	Must be FULL-CUTOFF FIXTURES. Must be installed in the proper orientation so as to emit no light above the horizontal. Must be no more than 35 feet above ground. Must not be used to illuminate a LOT, which is across any STREET.
EXTERIOR LIGHT Fixtures (other than PUBLIC STREET LIGHTS) with any INITIAL DESIGN LIGHT OUTPUT of more than 4,000 lumens	Must comply with all above conditions <b>and:</b> Must not shine DIRECT LIGHT onto any other LOT or STREET located within a RESIDENTIAL or RECREATION/CONSERVATION district. Must not shine DIRECT LIGHT onto any body of water not on the same LOT as the fixture.
EXTERIOR LIGHT Fixtures (other than PUBLIC STREET LIGHTS) with an INITIAL DESIGN LIGHT OUTPUT of more than 10,000 lumens	Must comply with all above conditions <b>and:</b> Must not shine DIRECT LIGHT onto any other LOT located within any district. Must not shine DIRECT LIGHT onto any STREET. Must not shine DIRECT LIGHT onto any body of water.
PUBLIC STREET LIGHTS	Must be FULL-CUTOFF FIXTURES.

	<p>Must be installed in the proper orientation so as to emit no light above the horizontal.</p> <p>Must be no more than 35 feet above ground.</p> <p>Must not shine DIRECT LIGHT onto any DWELLING.</p>
<b><u>All floodlights, spotlights or similar EXTERIOR LIGHT fixtures that are not full cutoff</u></b>	<b><u>Must be aimed at least 45 degrees below horizontal.</u></b>

3.8.1.5.7 The following table provides exemptions to both fixture-specific conditions and the cap in 3.8.1.5.1.

Additions are underlined. Deletions are ~~strike through~~

<i>Exemptions</i>	
<i>Situation:</i>	<i>Exemption:</i>
<del>EMERGENCY LIGHTING FIXTURES</del> <u>Emergency Lighting Fixtures</u>	<del>EMERGENCY LIGHTING FIXTURES</del> <u>Emergency lighting fixtures</u> operated by a public safety agency are exempt. LIGHTING FIXTURES with an INITIAL LIGHT OUTPUT of less than 200 lumens, which are intended to signal the location of emergency services, rather than provide illumination and which are authorized by a public safety agency, are exempt.
<del>Greenhouse LIGHTING FIXTURES</del> <u>Lighting Fixtures</u> for the purpose of supporting plant growth	Exempt from the 25,000 lumens per acre requirement. <b><u>Exempt from the 100,000 lumen Special Permit requirement (Section 3.8.1.5.2)</u></b>
<del>LIGHTING FIXTURES</del> <u>Lighting Fixtures</u> required by the FAA	<del>LIGHTING FIXTURES</del> <u>Lighting fixtures</u> required to comply with FAA requirements may be installed, but shall not emit more light above horizontal or shine more DIRECT LIGHT onto any other LOT than is required to comply with the FAS regulations.
<del>Low output fixtures on Residential LOTS</del>	<del>On a Residential LOT, non FULL CUTOFF fixtures having an INITIAL DESIGN LIGHT OUTPUT of less than 500 lumens may be installed, as long as there are five (5) or fewer non FULL CUTOFF fixtures after installation. (For this rule, a conventional incandescent bulb of 40W or less shall be considered to have less than 500 lumens output.)</del>
Seasonal Holiday Lighting	Seasonal holiday lighting may be installed and illuminated, provided that it is illuminated for no more than 90 days in any 270-day period. <i>(This allows non-conforming holiday lighting even if the property is not eligible for the non-conforming fixture exemption. Conforming holiday lighting is not restricted in any way.)</i>

**ARTICLE 66. Transfer to Stabilization Fund**

On motion of Selectman Stephen Dungan, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$50,000.00 to be added to the Stabilization Fund.

**ARTICLE 67. Transfer to Stabilization Fund (unexpended balances)**

On motion of Selectman Thomas Ruggiero, it was voted unanimously to appropriate and transfer the sum of \$14,066.33 from the associated accounts of the carryover articles listed in the warrant to be added to the Stabilization Fund.

Police cruiser purchase	Acct. 02-20-10-78500-000	\$ 14.47	
Police Station painting	Acct. 02-20-10-72400-000	7,933.54	
Digital mailing machine	Acct. 02-20-45-78500-000	649.00	
Radio repeaters	Acct. 02-20-20-78515-000	170.87	
Hale School doors/handles	Acct. 02-30-10-78700-000	1,281.00	
Town Building parking	Acct. 02-10-92-78200-000	469.29	
Town Hall improvements	Acct. 02-10-92-78220-000	313.22	
Town Hall handicapped access	Acct. 02-10-92-78230-000	559.88	
Town Hall exterior improvement	Acct. 02-10-92-78240-000	401.03	
New fire truck	Acct. 02-20-20-78500-000	265.34	
New fire vehicle	Acct. 02-20-20-78501-000	51.27	
Pumper truck	Acct. 02-20-20-78502-000	801.63	
Pickup truck	Acct. 02-50-10-78750-000	542.63	
Lake Boon weed control	Acct. 02-60-31-73030-000	<u>613.16</u>	\$14,066.33

**ARTICLE 68. Balance Fiscal Year 2008 Budget**

On motion of Finance Committeeman Charles Kern, it was voted unanimously to take **no action** on this article which would have appropriated available funds for the purpose of reducing the tax rate for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

The Finance Committee was in favor of the motion for no action.

**ARTICLE 69. Town Election**

On motion of Selectman Stephen Dungan, it was voted unanimously that the meeting be adjourned until the Annual Election on Tuesday, May 15, 2007, commencing at 7:00 a.m., then and there to act on Article 69 for such election of officers and ballot questions as listed in the warrant; and thereafter, at the close of the polls, to dissolve this meeting.

The meeting was adjourned at 9:16 p.m. to reconvene on May 15, 2007 at 7:00 a.m. for the Annual Election.

Checkers at the Door: Janet Derby, Carol Dudley, Utahna Hallet, Elizabeth MacGilvra, Eila Makey, Judith Scraggs, Betty Sauta, Newton Wesley

Tellers for the Town Meeting: Brian Burke, Claudia Dragun, Allan Fierce, James Gray, Pablo Hopman, Jean Lynch, Peter Masters, Jayne Merrick, Joanne Newman, Kathleen Pavelchek, Cynthia Perkins, Edward Perry, Jr., Edward Reverdy, Marcia Rising, Thomas Ryan, Debra Seith, Kathleen Sferra, Dwight Sipler, Ellen Sturgis, Elizabeth Tobey, Gregor Trinkaus-Randall,

Timekeeper: Catherine Desmond

Number of Registered Voters: 4309

Number of Voters Checked:    Monday, May 7th    427  
   Tuesday, May 8th    785  
   Wednesday, May 9th    107

*Note: The amendments to the Zoning Bylaws adopted under Articles 59, 60, 61, 62, 63, 64, and 65 and the amendments to the General Bylaws adopted under Articles 55 and 57 were approved by the Attorney General on August 13, 2007. The Attorney General disapproved sections 4 and 7 of the amendments to the General Bylaws voted in town meeting Article 56. The Attorney General took no action on Article 58. It was deemed that it was exempt under G.L. c. 41, §§ 108A and 108C.*