

ELECTION WORKERS FOR STATE ELECTION AND SPECIAL TOWN ELECTION

Warden

Philip T. Detsch  
Robert Cutler

Deputy Warden

Edward R. Perry, Jr.

Clerk

Tammy Van Buren  
Judith Scraggs

Deputy Clerk

Pamela G. Gjestebly

Checkers, Ballot Counters & Greeters

Marjorie Alessio

Cecelia Burke

Betty Cote

Carol Clayton

Josephine Crowell

Mary Cutler

Alice Cushing

Ruth Delmonico

Ann Deluty

Anne Draudt

Carol Dudley

Mary LaPalme

Claire Lavina

Lisa Lavina

Elizabeth Lindberg

Elizabeth MacGilvra

Donald McPherson

Alice Mortenson

Kathleen O'Brien

Martin Owen

Susan Pauley

Diane Parker

Laura Reiner

Betty Sauta

Georgie Smith

Ellen Sturgis

Barbara Wolfenden

*A special Thank You to the numerous volunteers assisting with the polling place setup on Monday and closing on Election night. Your help was greatly appreciated.*

**SPECIAL TOWN MEETING  
OCTOBER 29, 2012  
ADJOURNED TO NOVEMBER 6, 2012  
ADJOURNED TO NOVEMBER 14, 2012**

Pursuant to the Selectmen's warrant of September 28, 2012, posted by the Constable on October 11, 2012, the Special Town Meeting was called to order at 7:00 p.m. on October 29, 2012 at Hale School by Moderator David Walrath. Linda Hathaway, Town Clerk, was present. The following voters were present Selectman Charles Kern, Selectman Thomas E. Ryan, III, Selectman James H. Salvie, Alice and Edward Deluca, Kathleen Sferra and for the Stow Independent, Nancy Arsenault. Fire Chief Michael McLaughlin was present and opened the building. A quorum being present, Moderator Walrath explained the need to re-schedule town meeting due to the Governor's State of Emergency and Hurricane Sandy.

On motion made by Selectman Kern, and seconded, it was voted unanimously that the meeting be adjourned until the Special Town Election on Tuesday, November 6, 2012, commencing at 7:00 a.m., at the Center School Gymnasium in said Town of Stow and then and there to act on Article 11 for such ballot questions as listed in the warrant; and thereafter, at the close of the polls, to reconvene the meeting on Wednesday, November 14 at 7:00 p.m. at the Hale Middle School auditorium in said Town of Stow. Meeting adjourned at 7:02 p.m.

The Town Election polls were opened by the Warden on November 6, 2012 at 7 a.m. and closed by the Warden at 8 p.m.

Moderator David Walrath called the meeting to order on November 14, 2012 at 7:09 p.m. in Hugh Mill Auditorium at Hale School. He led the meeting in the *Pledge of Allegiance to the Flag*. Deputy Moderator Elizabeth Painter was introduced as were the Selectmen, Town Counsel, Town Administrator, board and committee members. He recognized the team of volunteers who set up the audio/visual equipment. For the first time, this meeting was being televised live. Non-voters who may be heard during the course of the meeting were approved unanimously.

On motion of Selectman Gary Bernklow, 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 Donald Hawkes, it was voted unanimously that the Moderator take NO vote for the main motion on Articles 1 and 3 until debate has completed on both articles; however, if the Moderator determines that debate on both articles will not complete within the first night of the meeting a vote shall be taken on those articles that have completed.

#### **ARTICLE 1. Design Funds for Community Center Building Project – Plan 1**

Selectman Charles Kern moved that the town vote to borrow the sum of \$144,600 for the purpose of funding the architectural and engineering services necessary for project design development and complete construction documents for basic building and systems improvements to Pompositticut School, in order to meet code compliance in converting the school into a community center, including related administrative expenses and any other costs incidental or related thereto; that the total cost of the proposed improvements is estimated at this time to be \$2,500,000, however, it is acknowledged that this estimate is non-binding and subject to change as a result of project details developed during the design phase.

*Note: Question 1 of the November 6, 2012 Special Town Election ballot to exempt the borrowing from the provisions of Proposition 2-1/2 passed in the affirmative.*

The Selectmen, Finance Committee and Capital Planning Committee were in favor.

Kristen Donovan of the study committee presented an overview of the proposed project. It is felt that a community center is the best use of the former school. Spaces would be created for the Council on Aging, the Food Pantry, the Recreation Department, Boy and Girl Scouts, after-school activities, etc. Tearing down the building was not felt to be an option due to an estimated one million dollar cost. Shared space with a fire station was not felt compatible by all concerned. Renovation of the entire building would cost \$10 million. The proposal is to completely renovate 10,000 sq. ft., a third of the structure, and bring up to code the remaining two-thirds. The portable classrooms will be removed.

Representatives of the Food Pantry, Boy Scouts and Community Chest spoke in favor of the proposal. There was concern about the cost of maintenance and upkeep. A voter questioned the seemingly high cost of demolition. It was explained that was attributable to removal and disposal of hazardous materials such as asbestos.

Discussion continued until 8:22 p.m. when there was a motion to terminate debate that passed unanimously.

#### **ARTICLE 2. Design Funds for Community Center Building Project – Plan 2**

On motion of Selectman Thomas Ryan, it was voted unanimously to take NO ACTION on Article 2. It was explained that demolition of the building is not a preferred option.

**ARTICLE 3. Design Funds for Fire Station Building Project**

Selectman James Salvie moved to borrow the sum of \$390,000 for the purpose of funding the architectural and engineering services necessary for project design development and complete construction documents for the construction of a new fire station on the current Crescent Street site to replace the existing fire station, including related administrative expenses and any other costs incidental or related thereto; that the total cost of the proposed fire station project is estimated at this time to be approximately \$7,200,000, however, it is acknowledged that this estimate is non-binding and subject to change as a result of project details developed during the design phase.

*Note: Question 3 of the November 6, 2012 Special Town Election ballot to exempt the borrowing from the provisions of Proposition 2-1/2 passed in the affirmative.*

The Selectmen, Finance Committee and Capital Planning Committee were in favor.

Edward Perry of the Fire Station Committee reported that an evaluation of the existing 47-year old building had been conducted. It was originally constructed as a combined Fire-Police Station. The operation of the Fire Department has changed over the years from part-time to include EMS and Rescue. There is not enough space for current equipment and vehicles. Wall cracks are evident due to settlement. The recommendation is for a new building on the existing site.

Fire Chief Michael McLaughlin spoke of safety concerns and the need for space to store equipment and material. Separate accommodations are needed for male and female firefighters. The current site allows good response time to all parts of Stow.

Voters asked about temporary quarters as construction is underway. There is a plan and that cost was said to be included in the estimate. Comments were made about these projects coming before the voters while there are increased taxes due to the new Center School.

At 9:15 p.m. there was a motion to end debate that was declared by the Moderator to have passed in excess of a two-thirds vote.

**ARTICLE 4. Design Funds for Randall Library Building Project**

On motion of Selectman Gary Bernklow, it was voted by majority to take NO ACTION on Article 4. Library Trustee Timothy Reed spoke and noted that Question 4 of the Special Town Election on November 6th had not passed, so it was decided not to pursue this article. There are issues with water damage, space limitations and handicapped access. Funding sources are being investigated.

At 9:30 p.m. Articles 1 and 3 were put to a vote by paper ballot. Town Clerk Linda Hathaway explained the process to the voters. At 9:58 p.m. the results of the balloting were announced.

**Article 1: Community Center** – 313 votes cast. 209 necessary for required two-thirds  
Yes - 189      No- 124      **Motion did not carry**

**Article 3. Fire Station** – 315 votes cast. 210 necessary for required two-thirds  
Yes - 202      No - 113      **Motion did not carry**

**ARTICLE 5. Funds for Nashoba Regional High School Science Labs and Other Work**

On motion of Selectman Donald Hawkes, it was voted unanimously to take NO ACTION on Article 5. It was explained that the other two towns within the District, Bolton and Lancaster, had voted not to approve the borrowing of \$8,010,035. A unanimous vote of all three towns was required for passage.

**ARTICLE 6. Pompositticut Building Maintenance**

On motion of Selectman Charles Kern, it was voted unanimously to appropriate and transfer from Free Cash the sum of \$50,000 for the purpose of providing building maintenance services to Pompositticut School, including but not limited to providing heating oil, electricity, annual fire alarm testing, labor and expenses required to maintain DEP water system certification, snow plowing and wages for facility management, until the Annual Town Meeting in May 2013.

The Finance Committee was in favor.

**ARTICLE 7. Transfer Funds for Fire Station Public Safety Tower Rental**

On motion of Selectman Thomas Ryan, it was voted unanimously to appropriate \$61,169.95 from the "Receipts Reserved for Appropriation, Insurance Reimbursement in Excess of \$20,000" account for the purpose of paying for a temporary tower rental and replacement of the 1960's radio tower destroyed during the Halloween 2011 nor'easter storm.

The Finance Committee was in favor.

**ARTICLE 8. Acceptance of Arbor Glen Open Space Access Easement**

On motion of Selectman James Salvie, it was voted unanimously to accept an access agreement with Pulte Homes of New England, LLC for access easements to pedestrian trails and Town of Stow conservation land within the Arbor Glen Condominium project, recorded in Book 48083, Page 475, as shown on the plan entitled "Access Easement Arbor Glen Condominiums in Stow, MA", prepared for Pulte Homes of New England, LLC, dated February 4, 2011.

The Finance Committee was in favor.

**ARTICLE 9. Acceptance of Fairway Drive Open Space**

On motion of Selectman Gary Bernklow, it was voted unanimously to accept a parcel of land given to the Town of Stow by Stow Woodlands, LLC of approximately 12.714 acres on the easterly side of Edson Road, and being shown as Parcel C1 on a "Plan of Land in Stow, MA" prepared for S.C.C. Associates, Inc., 58 Randall Road, Stow, MA by Acton Survey and Engineering of Acton, MA, dated February 3, 1998, and which plan is filed with the Middlesex Registry of Deeds as Plan No. 264 of 1998, recorded in Book 28298, Page 44, as an Open Space parcel with a Perpetual Restriction imposed on the use of the land, providing in substance that the land be kept in its natural state and that the land shall not be built upon or developed.

The Finance Committee was in favor.

**ARTICLE 10. Street Acceptance – Sylvan Drive**

On motion of Selectman Donald Hawkes, it was voted unanimously to accept as a public way the following street, or portion thereof, as laid out by the Board of Selectmen according to a plan on file with the Town Clerk and authorize the Board of Selectmen to take the fee or easement in said street by eminent domain or otherwise, including easements for drainage, utility or other purposes where shown on said plan or described in the Order of Layout:

"Definitive Subdivision Plan, Derby Woods, A Planned Conservation Development, Stow, Massachusetts, Record Plan for Landwest Development, LLC, Scale: 1" = 40', dated June 12, 2003, revised September 19, 2003 and July 28, 2004" by Stamski and McNary, Inc., recorded with the Middlesex South District Registry of Deeds as Plan No. 20 of 2005 (the "Subdivision Plan")

As-Built Plan of Sylvan Drive for Landwest Development, LLC, Scale: 1" = 40' by Rose Land Survey dated April 2, 2012, revised August 10, 2012.

Subject to and together with easements and restrictions of record insofar as the same may be still in force and applicable, the eleven easements being conveyed as written in Article 10 of the warrant.

And to authorize the Board of Selectmen to acquire by purchase, eminent domain, gift or otherwise, for highway purposes, the fee or any lesser interests, as well as easements for drainage, utility, sidewalk, slope and otherwise, in any lands that may be necessary for said Town way; and to determine whether the Town will appropriate money therefore to be provided by taxation, by appropriation from available general funds, by borrowing under the provisions of Chapter 44 of the General Laws, or otherwise.

The Finance Committee was in favor.

**ARTICLE 11. Town Election**

On motion of Selectman Charles Kern, it was voted unanimously to take NO ACTION on Article 11 as the Town Election had been held on Tuesday, November 6th.

On motion of Selectman Kern, it was voted unanimously at 10:13 p.m. to dissolve the meeting

Checkers at the Door: Josephine Crowell, Alice Cushing, Mary Cutler, Robert Cutler, Lisa Dubois, Carol Dudley, Pamela Gjestebly, Elizabeth MacGilvra, Alice Mortenson

Tellers: Maureen Busch, Lynn Colletti, Eve Donahue, James Donahue, Stephen Dungan, Stephen Jelinek, William Maxfield, Jayne Merrick, Joanne Newman, John O'Keefe, Laura Reiner, Kathleen Sferra, Dwight Sipler, Christian Spear, Ellen Sturgis, Elizabeth Tobey, John Toole, Gregor Trinkaus-Randall, Vickery Trinkaus-Randall, Robert Walrath

Timekeeper: Catherine Desmond

Number of Voters Checked: 332

Turnout Percentage: 7%

Number of Registered Voters: 5,032

A True Copy. Attest: Linda E. Hathaway, Town Clerk of Stow