

**AGENDA**  
**BOARD OF SELECTMEN**  
**August 3, 2010**  
**7:00 p.m.**  
**Town Building**

**Public Input**

**Chairman's Comments**

**Town Administrator's Report**

**Meeting Minutes**

**Visitors**

7:10 p.m. Recreation Commission appointment

7:15 p.m. Special election to fill Selectman's seat – Town Clerk

**Action/Discussion**

SpringFest Organizing Committee reappointments

Pompo Use Study Committee – review schedule for phases and charter

Capital Planning Committee Selectmen's rep – correction to term of appointment

Blacksmith Shop: final status

Update from DEP-Assabet Water meetings

**Liaison Reports, if any**

**Correspondence**

**Adjournment**

Posted 7/29/10

**Correspondence**

**Town:**

Cc of Planning Board memo to pedestrian Walkway Planning Sub-committee on membership change, rec'd 7/16

ZBA notice of 8/2 Plantation Apts II public hearing, rec'd 7/16

MSBA letter on school building reimbursement #5, rec'd 7/20

Follow-up to 7/6 letter from Concerned Citizens of Stow on school project budget reduction, rec'd 7/20

ZBA decisions on variance requests for 507 Taylor Road, 12 Pine Point Road, rec'd 7/21

ZBA decision on special permit for 150 Barton Road, rec'd 7/21

Memo from Pompo Use Study Committee asking dept needs for space, rec'd 7/21

Memo from Planning Board of TIP comments extended to 8/10, rec'd 7/22

Two resident letters on 7/20 Board meeting re blacksmith shop and Dr. Stiles' complaint, rec'd 7/26 and 7/29/10

Memo from Building Commissioner on topsoil use from school building project, rec'd 7/28

ZBA notice of 8/16 Pilot Grove II public hearing, rec'd 7/29

**General:**

Assabet Valley Chamber of Commerce annual golf tournament on 10/18, rec'd 7/23

Boston MPO newsletter supplement for July, rec'd 7/23

MAPC regionalism conference announcement, 9/2 at Holy Cross, rec'd 7/23

Sen Eldridge request for input on Senate Bill 2482 re land use reform, rec'd 7/23

Dept of Conservation and Recreation letter on Forest Futures Visioning, with survey to follow, rec'd 7/28

MAPC request for data for population and employment projections, by 8/24, rec'd 7/28



Town of Stow  
**BOARD OF SELECTMEN**

Stow Town Building  
380 Great Road  
Stow, Massachusetts 01775  
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

**NOTICE OF VACANCY**

**RECREATION COMMISSION**

**Two members**

**Duties:** To provide and promote recreational services for residents of Stow. To administer current programs, such as town beach, skiing, basketball, etc.

**Qualifications:** Registered voter of Stow. Interest in recreation for townspeople of all ages. A commitment of time to attend monthly meetings as well as for special assignments.

**Term:** Appointment by Board of Selectmen for a one-year term, ending June 30, 2011.

**Application:** The Board of Selectmen will accept letters of application until 5:00 pm on Wednesday, July 28, 2010.

Posted July 6, 2010

## Stow Selectmen's Office

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**From:** Josh Schiering [jschiering@linux-usa.com]  
**Sent:** Monday, July 26, 2010 4:32 PM  
**To:** mike.busch@comcast.net; selectmen@stow-ma.gov  
**Subject:** Stow Recreation Commission

Dear Selectmen,

I have been a town resident for 7 years and am an active community member and volunteer for most of my children's leagues and teams. I recently learned of the position on the Rec Commission and am interested in doing my part to give back to my community even more. Most of my professional experience has centered around professional youth program development and recreational enrichment. I currently serve as the Vice President for LINX, LLC - a private enrichment company. In this role I am responsible for starting up a summer day camp in Wellesley/Dover. I have created relationships with 4 different state agencies, overseen more than six construction crews and managed all marketing, staffing and program development. In two short years the program has grown to 2000 summer members and a staff of 80. I am confident that my professional training and passion for our town will help the rec commission as they move forward.

Please feel free to contact me with any questions.

Best,  
Josh  
978-855-7404

Mike Busch wrote:

> Hi Josh,  
>  
> If you are still interested in being appointed by the Stow Selectmen to the  
> Stow Recreation Commission here is how to do it.  
>  
> Write a brief email to selectmen@stow-ma.gov which indicates you are  
> interested and a couple of things that you think would qualify you.  
>  
> CC me on the email and I will follow up with an email endorsing you.  
>  
> There are currently two positions open posted until July 28. If you can send  
> the email before then you can get in during this posting period.  
>  
> Thanks,  
>  
> Mike Busch  
>  
>

## Stow Selectmen's Office

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**From:** Mike Busch [mike.busch@comcast.net]  
**Sent:** Monday, July 26, 2010 5:17 PM  
**To:** Josh Schiering; selectmen@stow-ma.gov  
**Cc:** Jim Henry; John Sangermano; Bob Braceland  
**Subject:** RE: Stow Recreation Commission

Dear Selectmen,

I highly recommend Josh as a candidate to be appointed to the Stow Recreation Commission. His professional experience and active participation in current Stow Rec. activities qualify him to be a major asset to the Stow Rec. Commission. I have known Josh for many years and believe he will help improve and enhance Stow Recreation for all residents.

Regards,

Mike

-----Original Message-----

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**ARTICLE III  
ELECTED OFFICIALS**

Section 3-1:        General Provisions

- (a) Elected Offices - The town offices to be filled by ballot shall be a board of selectmen, school committee(s) in accordance with Section 3-3, a town moderator, a board of health, a planning board, a board of assessors, a board of library trustees, members of the housing authority, and such members of regional authorities or districts as may be established by statute, regional agreement or otherwise, except the representative to the regional vocational school who shall be appointed by the moderator.
- (b) Eligibility - Any voter shall be eligible to hold any elective office; but no elected town official shall simultaneously hold any other elected town office.
- (c) Commencement of Term - If the election is held after the dissolution of the annual town meeting, the terms of office of those elected shall commence and the terms of those replaced shall expire the day following the election. If the election is held prior to the dissolution of the annual town meeting, said terms shall commence or expire the day following the dissolution of the annual town meeting.
- (d) Compensation - Elected town officers shall receive such compensation for their services as may be appropriated for such purpose.
- (e) Coordination - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the board of selectmen, or the town administrator, at all reasonable times, for consultation, conference and discussion on any matter relating to their respective offices.
- (f) Filling of Vacancies
  - (1) Town Officer - If there is a failure to elect or if a vacancy occurs in the position of any town officer, the board of selectmen shall, in writing, appoint some suitable person to serve until the next town election.
  - (2) Multiple Member Body - If there is a failure to elect or if a vacancy occurs in the membership of any elected multiple member body other than the board of selectmen, unless the provisions of a will or a trust provide for a different method, the remaining members of the multiple member body shall give a written notice to the board of selectmen of such vacancy and inform the public in the same manner as required for appointed town officers by the provisions of Section 7-9. The board of selectmen, with the remaining members of such multiple member body shall, by a joint vote after one week's notice of the date on which the vote is to be taken, fill such vacancy until the next town election. The votes of a majority of the persons entitled to vote shall be necessary for such election.

*see next page*

*Election*

- (3) Board of Selectmen - If there is a failure to elect or if a vacancy occurs in the membership of the board of selectmen, the remaining members of the board of selectmen may or, if there remains more than six months until the next scheduled date for any election, shall call a special election to fill such vacancy and, in any case, shall call such special election upon the written request of two hundred or more voters.

(g) Recall of Elected Officers

- (1) Who Can Be Recalled - Any holder of an elective office, as defined in Section 3-1(a), who has served at least six months of, and has at least six months remaining of, the term for which elected, may be recalled therefrom by the voters as herein provided.
- (2) Recall Petition - Any two hundred or more voters may file with the town clerk an affidavit containing the name of the officer sought to be recalled, the position held, and a statement of the grounds for recall. If the affidavit shall be found and certified by the registrars of voters to be sufficient, the town clerk shall within two business days deliver to the first ten voters named on such affidavit, copies of petition blanks demanding such recall. The petition blanks when issued shall be signed by the town clerk and shall have the official town seal attached thereto and may be completed by hand or by typewriting. The petition blanks shall be dated, addressed to the board of selectmen and contain the names of all persons to whom they are issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within thirty days after the delivery of the petition blanks to the petitioners and shall have been signed by at least fifteen percent of the voters who shall add to their signatures the street and number, if any, of their residences.

The town clerk shall, prior to 5:00 p.m. the next business day following the receipt of an affidavit or petition under this section, submit the affidavit or petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters.

- (3) Selectmen's Action Upon Receiving Petition - If the petition shall be found and certified by the registrars of voters to be sufficient, the town clerk shall submit the same with a certificate so stating to the board of selectmen without delay. The selectmen shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five days thereafter, order an election to be held on a date fixed by the board of selectmen not less than thirty-five days nor more than sixty days after the date of the town clerk's certificate that a sufficient petition has been filed. However, if any other town election is to occur within ninety days after the date of the certificate, the selectmen shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.
- (4) Nomination of Candidates - An officer whose recall is sought may not be a candidate to succeed to the office in the event the vote on the recall is in the affirmative. The nomination of candidates, the publication of the warrant for the recall election, and the

conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

- (5) Incumbent Holds Office Until Election - The incumbent shall continue to perform the duties of the office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term. If recalled, such person shall be deemed removed upon the qualification of the successor, who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within five days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.
- (6) Propositions on Ballot - Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer)  
Against the recall of (name of officer)

Immediately to the right of each proposition there shall be a square in which the voter, by making a cross mark (X), may vote for either of the said propositions. Under the propositions shall appear the word "candidates", the directions to voters required by Section 42 of Chapter 54 of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. The proposition for the recall shall fail unless greater than twenty-five percent of the voters cast ballots at the election. If at least two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If less than two-thirds of the votes cast is in the affirmative, the ballots for candidates need not be counted.

- (7) Repeat of Recall Petition - No recall petition shall be filed against an officer subjected to a recall election and not recalled thereby during the remainder of such officer's then current term of office.
- (8) Appointment of Person Recalled - No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any town office within two years after such recall or such resignation.

*Duties*

Section 3-2:

Board of Selectmen

- (a) Composition, Term of Office - There shall be a board of selectmen consisting of five members elected for terms of three years each, so arranged that the term of office of no more than two members shall expire each year.
- (b) Powers and Duties - The executive powers of the town shall be vested in the board of selectmen which shall be deemed to be the chief executive officer of the town. The board of selectmen shall have all of the executive powers it is possible for a board of selectmen to have and to exercise. The board of selectmen shall serve as the chief policy making agency of the town.

The board of selectmen shall be responsible for:

- (1) the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it;
- (2) in conjunction with other elected town officers and multiple member bodies, the development and promulgation of policy guidelines designed to bring all town agencies into harmony; and
- (3) the maintenance and revision of any master plan developed in accordance with Section 7-7(c).

*Very tricky part.*

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the board of selectmen shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under it.

- (c) Licensing Authority - The board of selectmen shall be the licensing board for the town and shall have the power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any licenses.
- (d) Appointment - The board of selectmen shall appoint such members of multiple member bodies who are not elected and individuals who are to serve as representatives or delegates of the town to the governing or advisory boards of regional or district authorities, except where otherwise governed by contract, agreement, bylaw, or this charter.
- (e) Investigations - The board of selectmen may make investigations and may authorize the town administrator to investigate the affairs of the town and the conduct of any town agency including any claims against the town. The report of the results of such investigation and any actions resulting therefrom shall be placed on file in the office of the town clerk separate from the minutes of the meetings of the board of selectmen. A report summarizing the results of such investigation shall be printed in the next annual town report.

Section 3-3: School Committee

There shall be schools governed by local or regional school committees as determined by town meeting vote.

- (a) Local school committee - The local school committee shall have all of the powers and duties that school committees may have under the constitution and general laws of the commonwealth, and it shall have such additional powers and duties as may be authorized by this charter, by bylaw, or other town meeting vote. The powers of the school committee shall include, but are not intended to be limited to, the following:
  - (1) To appoint a superintendent of the schools and all other officers and employees connected with the schools, to fix their compensation, to define their duties, to make rules concerning their tenure of office, and to discharge them;



Town of Stow  
**BOARD OF SELECTMEN**

Stow Town Building  
380 Great Road  
Stow, Massachusetts 01775  
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

**NOTICE OF VACANCY**

**POMPO SCHOOL STUDY COMMITTEE  
5 Members**

*This is a new committee.*

**Objective:** To recommend the best future use of the Pompositicut School building and land to the May 2011 Annual Town Meeting.

**Major Activities:**

- At least two town-wide forums to gather community input.
- A request for funds for professional services at 2010 Annual Town Meeting.
- Recommendation for use with proposed associated costs at 2011 Annual Town Meeting.

The committee's activities are divided into two phases. Descriptions of the Phase I and Phase II tasks are available from the Selectmen's Office ([selectmen@stow-ma.gov](mailto:selectmen@stow-ma.gov)) and with the vacancy posting under Opportunities on the Town of Stow website ([http://www.stow-ma.gov/Pages/StowMA\\_WebDocs/jobs](http://www.stow-ma.gov/Pages/StowMA_WebDocs/jobs)).

**Qualifications:** Registered voter of Stow. Relevant skills include:

- Knowledge of Stow's municipal services and needs
- Real estate
- Architecture
- Engineering
- Community outreach

**Term:** Appointment by the Board of Selectmen. Members will serve until a recommendation has been presented and adopted at the 2011 Annual Town Meeting.

**Application:** The Board of Selectmen will accept letters of application until 5:00 pm on Wednesday, January 27, 2010.

Posted 1/4/10

## **POMPOSITTICUT SCHOOL STUDY COMMITTEE**

**Draft charge as of 12/13/09**

**Following the vote by the Town of Stow in October 2009 to move all of the elementary school children to the Center School site by Fall 2012, the Board of Selectmen are ready to initiate a process to determine the best use(s) of the Pompositticut School, once it is abandoned as a school building. Once a use(s) is determined, the Study Committee will disband, and a building committee will be constituted, if needed.**

### **Deliverables:**

- **At least two town-wide forums to gather community input**
- **Request for funds for professional services by ATM 2010**
- **Recommendation for use with proposed associated costs to ATM 2011**

### **Deadlines:**

- **Phase One completed by June 2010**
- **Recommendation to Selectmen on process to address the land separately by June 2010**
- **Phase Two completed by June 2011**

**Membership: Five member committee with terms concurrent to June 2011. Relevant skills to include knowledge of Stow's municipal services and needs, real estate, architecture, engineering, community outreach. Chairperson to be voted among voting members that will serve as liaison to Board of Selectmen and report on regular basis, either in person or by e/mail. Associates to be posted and appointed by the committee as needed.**

### **Objective:**

**Conduct a comprehensive analysis of use options for the Pompositticut School, and report back to Selectmen.**

### **Tasks:**

**Phase One:**

1. **Complete a thorough cataloging of existing studies of the building and site:**
  - a. **Use the information gathered by the various school building committees, SMAHT and Land Use Task Force**

- b. Collect definitive information on any deed restrictions and Town Meeting votes regarding any part of what is currently considered part of the Pompo land
2. Produce a comprehensive analysis of all options for Pompo land and building
  - a. Survey all groups in town, including but not limited to those that have already expressed interest; include town wide forums for widespread citizen input
  - b. Use results of Municipal Land Use Task Force and Master Plan surveys
  - c. Create separate documents for the land and the building
  - d. Identify needs for professional services and develop cost estimates
3. Through Selectmen, obtain funds at Annual Town Meeting 2010 to fund professional research, as necessary
4. Propose to Selectmen process to address land use(s) which would move forward separately

Phase Two:

1. Identify possible uses of building, allowed within the realities of the structural, legal and other specific data gathered
2. Develop proposal of building use
  - a. If municipal building, confirm interest in group(s) currently identified with those uses
  - b. Coordinate cost estimates by each involved interest group/committee to convert current building into this use(s)
3. Bring proposal to Annual Town Meeting 2011 for vote on use and any associated costs to convert to said use
4. If approved, dissolve Study Committee and create Pompo Building Committee (if necessary) with specific skill set to address future use.

**Stow Selectmen's Office**

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**From:** Stephen Dungan [s.dungan@comcast.net]

**Sent:** Wednesday, July 28, 2010 4:14 PM

**To:** Bill Wrigley; Charlie Kern; jimsalvie@comcast.net; Laura Spear; Susan McLaughlin (bos)

**Subject:** DEP meeting notes

I attended two meetings with the DEP staff in Worcester. The subject was the future of Assabet Water Company. My notes are attached for your review prior to our meeting next Tuesday.

Steve

7/29/2010

## **Dungan notes from Worcester DEP meeting on July 22, 2010**

I have a list of attendees; let me know if you would like a copy.

Mary Suberg chaired the session. He said the purpose of the meeting was to make sure that water continues to flow to Assabet Water (AW) customers and that the operation complies with DEP regulations. Marty has heard concerns about AW. He wanted to hear about AW's short and long term plans and get an update on how things are going.

Tim MgGee, AW's attorney, immediately said there is no long term plan and that the company is not viable. Water is leaking, rates are too low, and AW can't service its debt or make repairs. Tim said AW has been stymied on the plan to expand into Lower Village. Creditors are harassing and threatening litigation. They are showing up at Judy Maynard's home in the morning. (Judy is Bob's widow.) Some customers have been abusive. The contractor who would repair the leaks won't do the work because AW owes him too much money. AW met with DEP to get a solution without success. They have tried to find a buyer but only two firms stepped forward. One was interested but backed out for fear of dealing with Stow. The other lacked sufficient capital. Tim said the Maynard family has no interest in continuing to run the company.

Tim said the company's options include filing for bankruptcy (BR) or abandoning the business. BR would ensure that creditors stop their harassment but it raises the question of who would control the assets and run the company. For example, the trust that has an outstanding loan to AW of about \$1.7 million is only a financing institution without the resources to run the company.

Marty asked Tim about the timing on AW's decision. Tim said they need to transition immediately. Lawsuits are imminent and debt service obligations begin in September. He is not sure BR is a solution. Where will the assets go? Tim thinks that the trust is the only entity interested in the assets. If AW does file it would likely be Ch. 7 (liquidation) vs. Ch 11. Tim said the only real purpose for BR is to get protection from creditors. With BR, a trustee would be appointed. The trustee's function is to sell the assets. Tim thinks the trust would have first priority on the assets but a spokesman for the trust was not sure about this.

Marty was discouraged that there are no buyers.

Tim (I think he was the one) said AW can't survive without expansion to Lower Village. AW has been stymied and delayed so long that buyers are not interested.

Marty asked how long "we" can keep the system running. Tim wanted to know where the money will come from to run it, do the repairs, etc. He said it was not fair to expect the Maynard family to continue operating AW.

Marty said AW has known about these problems for a long time. Tim again stated that AW has no plan to continue operations.

What about Whitewater? Two representatives attended. They said Whitewater would not run AW without a guarantee of payment. Marty said we need some entity to keep the water flowing.

A representative of the trust said the trust is willing to work with those involved over the short term for “a period of time”. This person thinks the existing revenues from the users would cover some costs while a long term solution is developed. If AW files for BR, creditors would be put on hold. Revenues could then be used for “bare minimum” services.

Tim suggested that the trust could put AW into involuntary BR. AW does not have the money for a BR filing. Involuntary BR would involve less cost for AW. The trust spokesperson said they would look into involuntary BR.

Wendy Bachman (Harvard Acres resident) reported that Wedgewood Country Club uses AW. If AW fails, Wedgewood is out of business. She described a dirt road with an AW supply line underneath it. Large trucks use this road and she thinks the supply line may have been damaged. This is good place to check for leaks. She also mentioned a nearby development that is not using AW. Someone else asked why Stow did not compel the new development use AW. (I said I thought this was a Planning Board matter and that I did not have the answer.)

Marty: It sounds like one form of BR will happen. He again asked how the water can continue flowing to AW customers.

Tim: How much time does DEP need [to come up with a solution]?

Trust spokesperson: Judy Maynard gave us ample warning that AW did not want to continue operating. (She told the trust in March.)

Tim: It should be possible to evaluate various forms of BR in a few days.

Wendy noted that AW had sent out a notice about restricting water use. This raised concerns about Bob Maynard’s claim that the system had plenty of water. How could he plan to expand to Lower Village if current users need to cut back? She also said that water rates are still a contentious issue. She fears more residents will ask for well permits. Prospective home buyers hear about AW’s problems and shy away. Is there a legal restriction that can prevent AW from abandoning the operation? Marty did not think so.

Jack Mileski was surprised that DEP/DPU had no authority should AW abandon.

In response to Kate Hogan’s question about next steps, Marty said we would meet again next week to follow up on BR options.

Tim: Stow has the authority to take over the system; this should be considered. AW is about to be sued and we will not defend ourselves. We have no intention of abandoning in the next week.

The trust spokesperson said they offered Stow a 2% loan to cover the cost of expanding to Lower Village but the town declined.

Jamie Monat noted that even if the trust forgave AW's debt, AW would still not be viable.

I asked if there were any other towns in MA that had similar problems, and if so, how did the DEP handle them. There was a situation involving Astro Water Company in Lakeview. In that case, a large homeowners association took over the company.

Wendy then wanted to know why Stow declined the loan. She complained that the selectmen and the Town Administrator had "let us down".

Tim: Stow failed to pursue the "ideal solution": expansion to Lower Village. He said negotiations with Stow left a very bad taste in his mouth.

Jamie Monat wanted to know what they should tell Harvard Acres residents. The trust spokesperson asked if the homeowners had any interest in taking over AW. Jamie said some did but there is no money or legal organization to do so.

Marty said he would schedule another meeting for next Tuesday, July 27 at 10 in Worcester. This is tentative pending confirmation by participants. He will send out an email.

After the meeting, Jamie asked if I would join him and a few others for lunch. I accepted, and during the conversation he asked me if I thought a meeting with the selectmen would be helpful. I encouraged him to contact Laura to get on our next agenda.

Dungan notes from DEP meeting on July 27, 2010

Marty Suuberg again stated that he was looking for a way to ensure that the water continued to flow to Harvard Acres customers along with a smooth transition to a new operator. He then briefly reviewed the various bankruptcy (BR) options we discussed on 7/20.

David Riedell of MWPAT (the “trust”) stated that an involuntary BR filing would not be possible because of the high cost, uncertainty, and the amount of time required. The trust will not pursue this approach. Tim McGee (AWC’s attorney) said Ch. 7 was not viable for continuation of service, and he is exploring a way to defer the BR option. He said there is another company that is interested in taking over AWC even without expansion to Lower Village. Their willingness to do so, however, is contingent up total forgiveness of the debt owed to the trust. Tim said there should be two ways to look at the role of the trust. One is as a creditor of AWC just like all the other creditors. The other is as a “cog in the regulatory process”, a role that should enable the trust to forgive the loan. McGee said the trust needs to determine its role with respect to AWC.

David Riedell has spoken with the head of the company interested in AWC and David’s impression was that complete write-off of the loan was not a hard and fast requirement. David stated that a Ch. 7 trustee could maintain the operation of the water system. He proposed that AWS appoint an assignee to negotiate an assignment of the AWC assets for the benefit of the creditors. David thought such an assignee could determine what funds the assets could provide and maintain the operation at the same time. He noted however, that assignment of the assets would be subject to the consent of the other creditors.

Tim said that consent would be an issue. Also, who will pay for the assignment? David thought this would cost less than a Ch. 7 filing.

The trust has agreed to delay enforcement of loan repayment until Sept. (It was scheduled to begin 8/1.). He said he can’t go beyond this because he has a “fiduciary obligation to the federal government”. David said the trust will not write off the entire loan while other creditors are made whole. Rather, the trust will write off on a pro-rata basis with the other creditors.

Marty is concerned that a filing will take time. If there is a liquidation, how will water service continue?

Tim asked if there are any other sources of government funds to pay the debt to the trust.

Someone asked what costs would be covered by the revenues due AWC on 8/1. Tim said these funds would not cover both filing fees and operations.

AWC also owes Stow about \$20k in back taxes. Bill Wrigley said he would look into some tax relief, but that it might not be legal in the absence of a BR filing. AWC is not paying taxes to Stow at present. Per Judy Maynard, AWC’s property and real estate taxes total about \$42k/yr.

Marty asked if the prospective buyer could loan AWC money for filing.

Tim recommended that he and David meet with the prospective buyer. Among other questions, the matter of how any deal would be financed needs to be discussed [and resolved].

Jamie Monat questioned the business model. How would the buyer make it work? He would be faced with same cash flow problems AWC has. David said the buyer thinks there are some efficiency improvements he could make.

Bill Wrigley stated that expanding the system will not help for all the reasons noted in his recent email.

Jack Mileski said there is no way rates can be raised.

Wendy Bachman asked if the system could be checked for leaks. The Whitewater representative said they will train Massachusetts Rural Water [don't know who this is] on 8/4 to perform a free leak test.

In response to a question from Kate Hogan about next steps, Marty said there would be a meeting between the buyer, AWC, and the trust to figure out how assignment will work. Tim said this has to happen quickly; i.e., within a week. "We are running out of patience. No one should expect Judy Maynard to continue working without getting paid."

Regarding the money being paid by Harvard Acres users, virtually all of it goes to AWC.

David wants to discuss what happens if the water stops. What is the plan. Marty said he is looking at possible state and local funding authorities. "We have never encountered this before." Bill Wrigley said he is already working on emergency measures with Jack Wallace and the fire chief in Stow.

Wendy said since Whitewater currently runs the system, they should be given authority to make repairs—but who will pay?

Marty said he would plan to meet again next Tuesday.