

Select Board Meeting Minutes  
Tuesday, January 11, 2022  
Stow Town Building & Zoom

Present in the Warren Room: Chair Ellen Sturgis, Megan Birch-McMichael, Zack Burns, Cortni Frecha, James Salvie, and Town Administrator Denise Dembkoski

Chair Sturgis called the meeting to order at 7 p.m.

**Public Input:**

Susan Doty, 41 White Pond Road, was present via Zoom and spoke against the increase in the number of cars on the lot at 92 Great Road.

Julie Costello, an employee of the Town, was present via Zoom and spoke against the proposed mandatory vaccination policy for employees. She has a petition with 29 employee signatures. Chair Sturgis asked that the list be shared with the Select Board.

Mark Forgues was present via Zoom and spoke about current zoning issues and the number of cars that were allowed in the past at 92 Great Road.

**Board Member Comments:**

Chair Sturgis said the Planning Board will be at the next Select Board meeting to discuss the upcoming Town Meeting Warrant. The Police Department's Citizens Academy still has openings, and information is available on the website.

Board member Burns said that the Nashoba Area Social Justice Alliance (NASJA) is hosting a MLK Day "Weekend of Service" this Saturday, Sunday, and Monday and are looking for people to donate items, donate money, or donate time. There is more information on NASJA's social media sites.

Chair Sturgis said there have been several deaths in the community over the holidays, and the Town Administrator brought in grief counseling for members of the Emergency Response team. She acknowledged how difficult their work can be and that they work regardless of the holiday and regardless of the calendar.

Board Member Salvie wanted the Board to mark the passing of Katie Donovan, the 26-year-old daughter of Kristen (a former COA Board member) and Mark Donovan. Katie was known by many in town, and was an accomplished artist and animal lover.

**Recognition**

The Board congratulated Jude Porter who recently achieved the rank of Eagle Scout, which is the highest rank of the Boy Scouts of America.

*Board member Frecha moved that the Board recognize Boy Scout Jude Porter for achieving the rank of Eagle Scout, and to sign the letter and proclamation, to be presented at his recognition ceremony on Sunday, January 16, 2022. Board member Birch-McMichael seconded the motion and it passed unanimously.*

**Appointments**

Highway Truck Driver/Laborer

*Board member Frecha moved to appoint Benjamin Kelson to the position of Truck Driver/Laborer for the Stow Highway Department, pending a successful pre-employment physical and drug test. Board member Birch-McMichael seconded the motion and it passed unanimously.*

### Zoning Board of Appeals

Andrew DeMore was present via Zoom, and he would like to continue contributing to the ZBA. He has been an associate member since 2009.

*Board member Frecha moved to appoint Andrew DeMore as a full member of the Zoning Board of Appeals, to fulfill the remainder of a five-year term expiring June 30, 2026. Board member Birch-McMichael seconded the motion and it passed unanimously.*

Andrew Crosby was present via Zoom, and wants to learn a different aspect of Town government. He is a member of the Historical Commission and the Town Hall Restoration Committee.

*Board member Frecha moved to appoint Andrew Crosby as an associate member of the Zoning Board of Appeals, to fulfill the remainder of a five-year term expiring June 30, 2025. Board member Birch-McMichael seconded the motion and it passed unanimously.*

### Council on Aging (COA)

*Board member Frecha moved to appoint Jeanne Genereux to the Council on Aging for an indefinite term. Board member Birch-McMichael seconded the motion and it passed unanimously.*

### Randall Relief, Town Fund, and Town Farm Fund

Susan Rondeau was present via Zoom. She has been a volunteer for the Friends of the Council on Aging for 11 years, managed the Gift Shop for 8 years, and taught in the craft class and organized the annual craft fair.

*Board member Frecha moved to appoint Susan Rondeau to the Randall Relief, Town Fund, and Town Farm Fund for the remainder of a three-year term expiring June 30, 2022. Board member Birch-McMichael seconded the motion and it passed unanimously.*

### **Town Administrator (TA) Report**

- The TA gave a Covid-19 update; there are 93 cases in town. More information is available on the website. The municipal building remains closed through January 23; this date will be reevaluated closer to that day.
- The MA Office of the Attorney General has filed a National Opioid Settlement; the TA has registered Stow as part of the settlement. There is no cost to participate in the settlement.
- There is a police grievance that has been escalated to Step 3, which now involves the Select Board or its designee.

*Board member Birch-McMichael moved to designate Zack Burns and Jim Salvie as the Select Board designees for the Step 3 police grievance case. Board member Frecha seconded the motion and it passed unanimously.*

### **2022 Annual Town Warrant, Annual Town Meeting, and Annual Town Election**

The Town Clerk's office will have nomination papers available after tonight's meeting and vote, and the Town Clerk will reach out to those who are up for re-election to let them know the timeline.

Chair Sturgis said that SpringFest is traditionally the Saturday after the election. The event has not occurred the past two years due to the pandemic, and there has been no discussion about it occurring this year. Anyone interested in volunteering for a future SpringFest can reach out to the Select Board office.

*Board member Frecha moved that the Board open the 2022 Annual Town Meeting warrant on Tuesday, January 11, 2022, and close the warrant on Friday, April 1, 2022. Board member Birch McMichael seconded the motion and it passed unanimously.*

*Board member Frecha moved that the Annual Town Meeting be held on Saturday, May 14, 2022, at Hale School, Hartley Road, starting at 9 AM. Select Board member Birch-McMichael seconded the motion and it passed unanimously.*

*Board member Frecha moved that the Annual Town Election be held on Saturday, May 21, 2022, at Center School, 403 Great Road, between the hours of 10 AM and 4 PM. The open positions are:*

- *Board of Assessors – One 3-year term*
- *Board of Health – One 3-year term*
- *Moderator – One 3-year term*
- *Nashoba Regional School Committee – One 3-year term*
- *Planning Board - One 5-year term*
- *Randall Library Trustees – Three 3-year terms*
- *Select Board - Two 3-year terms*
- *Housing Authority – One unexpired 5-year term expiring in 2024*
- *Housing Authority – One unexpired 5-year term expiring in 2026*

*Board member Birch-McMichael seconded the motion and it passed unanimously.*

#### **Police Department Updated Use of Force Policy**

Chief Michael Sallese was present via Zoom. He said there will probably be more changes in the future and that this is a working document.

*Board member Frecha moved to approve the updated Police Department Use of Force Policy as presented by Police Chief Michael Sallese. Board member Birch-McMichael seconded the motion and it passed unanimously.*

#### **Police Department Updated Deaf or Hard of Hearing Individuals Policy**

Chief Sallese said our policy was outdated and he wanted to make sure that our officers knew what resources are available to them and that everyone is treated respectfully and equally.

*Board member Frecha moved to approve the updated Police Department Deaf or Hard of Hearing Individuals Policy as presented by Police Chief Michael Sallese. Board member Birch-McMichael seconded the motion and it passed unanimously.*

#### **Car Lot Express Class II License Amendment Request**

Alex Savchenko, owner of Car Lot Express, was present via Zoom. Mr. Savchenko would like an amendment to allow 80 cars outside on the lot, 5 in the garage, and 2 in the showroom. Board member Burns said he appreciates how Mr. Savchenko has cleaned up the lot, and the Board was in agreement that the lot is looking great. Chief Sallese agreed with the Board and had no concerns with the increase.

*Board member Frecha moved to amend the Class II license issued to Car Lot Express at 92 Great Road, Units 1 and 3, which currently allows 5 cars in the showroom, 5 cars in the Garage, and 60 cars outside on the Lot, to allow 80 cars on the Lot, on the condition that Car Lot Express complies with any and all requirements from the Board of Health or the Health Agent.*

Board member Salvie commented on correspondence received about this license, saying that there was no discussion outside the room on the subject, there was no violation of the Open Meeting Law, and the Board acted in compliance with what Town Counsel recommended.

The Town Administrator added that going forward, correspondence from the Board's agenda will not be posted online. The packet will be posted and the correspondence will go directly to the Board members. There is no legal requirement to post any of the information online.

### **Green Advisory Committee Update**

Carol Lynn, the Select Board designee to the committee, was present via Zoom. Ms. Lynn gave an overview of what the committee has done since its first meeting on October 7, 2021. They have met with other Town committees, with the developers of Athens Lane and Stow Acres, with Hudson Light & Power, and others. They have also been working on Stow's Climate Action Plan. The committee may request a line item in the budget; however, this would actually be an article request and the deadline for submission is April 1, 2022.

### **Minute Man Airport Update**

Donald McPherson was present via Zoom. He updated the Board on the impact of Covid on airport operations. When they reorganized how space is utilized they discovered that they need to expand. The airport is eligible for funding under the 2015 MDOT-Aeronautics Division's Strategic Master Plan for Airport Administration Buildings. Their project has morphed into a "Net Zero Transportation Infrastructure Project" to include an administration building, administration annex and a 3-megawatt solar array. For General Aviation Airports, they currently rank 6<sup>th</sup> in economic impact. Mr. McPherson requested a letter of support from the Board.

*Board member Frecha moved to have the Town Administrator write a letter of support on behalf of the Select Board for the Net Zero Transportation Infrastructure Project. Board member Birch-McMichael seconded the motion and it passed unanimously.*

### **Disposition of Surplus Goods and Equipment**

Highway Superintendent Steve Nadeau was present via Zoom.

*Board Member Frecha moved to declare as surplus, the goods and equipment on the list provided by the Highway Superintendent, valued at less than \$10,000 and belonging to the Town, and to authorize the disposal of these surplus items.*

- o TYMCO Street Sweeper*
- o 20kV single phase gasoline powered Onan Generator with a Ford Industrial Products motor*

*Board member Birch-McMichael seconded the motion and it passed unanimously.*

### **ARPA Funding Allocation Request**

The Town Administrator ordered up to our allowed capacity of at-home testing kits via the state contract. She will work with the police department, fire department, and the COA to determine who will be able to receive them. She also needs to purchase more masks, cleaning supplies, and hand sanitizer.

*Board member Frecha moved to approve the request by the Town Administrator for \$50,000 additional funding for COVID response. Board member Birch-McMichael seconded the motion and it passed unanimously.*

### **ARPA Project Funding Guidelines and Form**

The US Treasury changed the ARPA Allocation Fund uses, and funds under \$10 million can now be used for loss revenue. Stow's entire \$2.16 million can be used for any municipal purpose, except for debt and stabilization. The Board reviewed the funding request guidelines and form. Board member Burns asked that the TA be added as a signatory so it would be a department or the TA signing off on the request.

*Board member Frecha moved to accept the ARPA Project Funding Guideline and Form as presented by the Town Administrator. Board member Birch-McMichael seconded the motion and it passed unanimously.*

### **Intermunicipal Agreement Extension for the Making the Connections Program**

The state has granted an extension until June 30, 2022, and Sudbury, as the lead municipality, is proposing an extension. To date, they have provided 56 one-way trips, with most trips used for medical appointments.

*Board member Frecha moved that the Board sign the intermunicipal agreement extension for the “Making the Connections” Program, as presented by the Planning Department. Board member Birch-McMichael seconded the motion and it passed unanimously.*

### **Donation Account for Library Renovation Project**

The film company that used the Library grounds during filming last year made a donation to benefit the Library renovation project. Going forward, the Friends of the Library, as a 501(c)(3), will be accepting and acknowledging donations to this project and turning money over to Administration to be expended against the project.

*Board member Frecha moved to open a donation account for the Randall Library Renovation Project, and accept a \$1,000 donation from Charlestown Productions, LLC, to be deposited in said account. Board member Birch-McMichael seconded the motion and it passed unanimously.*

### **Meeting Minutes**

*Board member Frecha moved to accept the meeting minutes of the December 14, 2021 meeting as drafted. Board member Birch-McMichael seconded the motion and it passed unanimously.*

### **Personnel Policies - COVID Vaccine Mandate Policy**

Board member Burns recused himself from the discussion and the vote. Assistant Town Administrator/HR Director Dolores Hamilton was present via Zoom.

In creating this draft policy, Ms. Hamilton reviewed policies from other communities and many are different. Administration’s goal is not to lose employees, but to accommodate and keep people as safe as possible. Of 131 employees there are 13 who have not provided documentation and may or may not be vaccinated. There is also a separate Face Covering/Mask policy which is a stricter policy than the guidelines given previously to employees, which some unvaccinated employees are not following.

The Board appreciated receiving a draft vaccine policy that is not “all or nothing” and provides a testing option in addition to allowing time for employees to get vaccinated to meet the policy’s requirements. The Board agreed that a mask mandate is key to success within the buildings. Although the members would have agreed to a vaccine policy tonight, the consensus was to wait until there is more information from the SJC (MA Supreme Judicial Court) and the U. S. Supreme Court. If approved tonight, the policy would not be implemented immediately due to impact bargaining with the unions. It is the employer’s right to implement policies.

Ms. Hamilton said there are some employees who are concerned with bringing the virus home. We have a good team of employees and we will continue to accommodate them by letting some work alternate days.

Town employees Linda Hathaway and Debbie George were both present via Zoom and spoke in favor of a policy.

Ms. Hathaway said she has underlying health conditions and at-risk family members and feels it is detrimental to those who are vaccinated to not know which of her coworkers are unvaccinated.

Ms. George said that the current mask mandate has not been enforced, especially in her office with her coworker, and wants to know who would be responsible for enforcing the new mask mandate.

Town employees Julie Costello and Stuart Carter were both present via Zoom and spoke against a policy.

Ms. Costello said that vaccinated people can get and spread the disease and she feels that it is discriminating to have only unvaccinated employees be tested to enter the building.

Mr. Carter said that he provided a letter to the Board of Health and to his boss regarding his breathing issue, and added that the information required for a medical or religious exemption is nobody's business. He believes that the vaccine is a violation and abomination in the sight of God.

*Board member Frecha moved to approve the Mask Mandate Policy as discussed this evening. Board member Birch-McMichael seconded the motion and it passed unanimously 4-0.*

### **Correspondence**

Chair Sturgis will provide a Nashoba Regional Agreement Amendment Subcommittee update to the Board at the next meeting.

In response to a request to discuss bonding, the Chair said the Community Preservation Committee will come before the Board soon with recommendations.

Member Birch-McMichael would like the request from NASJA regarding Black History Month to be on the next agenda. She would also like to discuss how the Board will recognize months throughout the year. Member Frecha hopes the Board will get information in a timely fashion so we can recognize and acknowledge the various groups and topics. Member Salvie will prepare an alternate statement in response to NASJA and will get the TA's feedback before asking to have it as an agenda item. Chair Sturgis will prepare a draft policy on proclamations and awareness.

The Town Administrator created an internal Diversity Awareness and Inclusion Team, which is currently focusing on Black History Month. She reached out to NASJA months ago asking what months they recognize so the team can focus on the same issues, as a community. The Town has limited resources and staff and she would appreciate community members embracing what they are doing and not criticizing them for the months that are not recognized.

### **Adjournment**

*At 9:45 p.m. Board member Frecha moved to adjourn. Board member Birch-McMichael seconded the motion and it passed unanimously 4-0.*

Respectfully submitted,

*Joyce Sampson*

Executive Assistant

### **Documents used at this meeting:**

*Documents can be found in the Select Board's Office in the meeting folder.*