

Select Board Meeting Minutes
Tuesday, September 13, 2022
Stow Town Building & Zoom

Present in the Warren Room: Megan Birch-McMichael, Ellen Sturgis, Cortni Frecha, Hector Constantzos, and Town Administrator Denise Dembkoski

Absent: Ingeborg Hegemann Clark

Chair Birch-McMichael called the meeting to order at 7 p.m. The Chair welcomed new Select Board member Hector Constantzos. The Chair reminded everyone that the meeting is being recorded, and public comment is for items not on the agenda.

Public Comment

Alex Riker withdrew his name from consideration for the NRSD School Committee seat.

Board Member Comments:

Chair Birch-McMichael thanked Town Clerk Linda Hathaway, Asst. Town Clerk Deb Seith, and all of the election workers who made the election on September 6 a success.

The Chair met with Planning Board Chair Lori Clark and Economic Development and Industrial Commission (EDIC) Chair Tom Farnsworth and they have developed a draft for the new EDIC charge. The draft will be brought to the Select Board at the next meeting for editing and then the three chairs will meet again and bring a final draft back to the Select Board.

The Chair spoke of the passing of Betty French, a longtime resident and a volunteer with the Stow Food Pantry.

Ms. Frecha spoke of the passing of Don Rising, a longtime resident who was one of the founding members of the Stow Conservation Trust in 1977. He was the first Captain of the Stow Minutemen in the 1960s.

Town Administrator (TA) Report

- As of September 8, there are 8 Covid-19 cases in Town, which is 4.4% positivity rating.
- The annual flu clinic will be Saturday, October 15 at the Pompo Community Center; more information will be forthcoming.
- The TA thanked the Stow Firefighters Association (SFFA) for its successful Touch-A-Truck event, and thanked the police and highway departments for their participation.
- The TA thanked the Fire Department and the SFFA for the 9/11 memorial and dedication ceremony. The memorial is in front of the fire station.
- The TA thanked the Town Clerk and Asst. Town Clerk for another smooth election, especially for having two elections at once, both with mail-in voting and early voting. She urged folks who request a mail-in ballot to send them in before the November 8 election date.
- The TA recognized Steve Nadeau, Highway Superintendent, for his work in securing a \$1 million grant for the Lake Boon dam repairs. A press release was issued last week.

- The TA has “Discussions with Denise” at Pompo on the first Wednesday of each month from 9:30 a.m. to 10:30 a.m. The first session was very successful with seven residents coming by to discuss several different matters. Residents are welcome to come by with their concerns.
- The Board of Health lifted the water ban last week and asked residents to continue to conserve water.
- The Library Designer Selection Committee met and interviewed candidates for the Owner’s Project Manager for the library project. They hope to have a contract awarded soon, and the next step will be architectural services.

Appointment to the Historical Commission

Bob Norton said he has lived in Stow since 1956 and is a business owner in town. He has been a call firefighter and a member of the police department in Stow.

Board member Constantzos moved to appoint Robert Norton to the Historical Commission, to complete the remainder of an unexpired three-year term expiring June 30, 2023.

Board member Frecha seconded the motion and it passed unanimously.

Public Hearing – Comcast License Renewal

Chair Birch-McMichael read the public hearing notice into the record:

The Select Board, as the Cable Television License Issuing Authority, will consider and vote on a proposed Renewal Cable Television License for Comcast of Massachusetts III, Inc. on Tuesday, September 13, 2022 at 7:00 P.M. at the Stow Town Building, Warren Room, 380 Great Road, Stow, MA, pursuant to Section 626(h) of the Cable Act (47 USC Section 546(h)). The public is invited to attend and provide comment, if any.

Board member Frecha moved to enter the public hearing. Board member Sturgis seconded the motion and it passed unanimously by a roll call vote: Frecha -aye, Birch-McMichael -aye, Constantzos -aye, Sturgis -aye.

Jonathan Daisy, Stow TV Director, had given a thorough overview of the contract at the Board’s August 9, 2022 meeting. There was no public comment.

Board member Constantzos moved to close the public hearing. Board member Frecha seconded the motion and it passed unanimously by a roll call vote: Frecha -aye, Birch-McMichael -aye, Constantzos -aye, Sturgis -aye.

Board member Constantzos hereby moved that the Board, as cable television license Issuing Authority, vote as follows:

1. *To grant the subject Cable Television Renewal License, with a License renewal term of November 1, 2022 – October 31, 2032, to Comcast of Massachusetts III, Inc. (“Comcast”). All terms and conditions contained in the Renewal License have been agreed to by Comcast. Comcast, by and through its authorized representative, shall execute this Renewal License (Agreement) as set out on the Signature Page of the Renewal License.*

2. *To recognize and acknowledge the “PEG Interactive Program Guide” letter from Comcast, dated August 5, 2022 and signed by Comcast’s Senior Manager of Government & Regulatory Affairs, Gregory Franks.*
3. *To recognize and acknowledge the Senior Citizen Discount letter from Comcast, dated June 23, 2022 and signed by Comcast’s Senior Manager of Government & Regulatory Affairs, Gregory Franks.*
4. *To enter into and execute the “Town of Stow – Comcast PEG Access Remote Video Return Origination Location Decommission Agreement”. All terms and conditions contained in the Agreement have been agreed to by Comcast. Comcast, by and through its authorized representative, shall execute this Agreement as set out on the Signature Page.*

Board member Frecha seconded the motion and it passed unanimously.

Collings Foundation Aviation Event

Rob Collings, CEO and Hunter Chaney, Director of Marketing were present via Zoom.

This aviation event is allowed with specific conditions in accordance with the settlement agreement between the Town and the Collings Foundation. The TA said the Collings Foundation has been excellent to work with throughout this process.

Ernie Dodd, Sudbury Road, said that a tank driving experience and tank rides are advertised for this and for two previous events, and a number of people have complained to him about the noise generated by the tanks. He feels this is a violation of the agreement.

Board member Constantzos moved that all the necessary conditions and requirements have been met per the June 28, 2017 and October 1, 2021 Settlement Agreements for the Collings Foundation World War I Aviation event scheduled for Saturday, September 17 and Sunday, September 18, 2022 on the Foundation’s museum property.

Board member Frecha seconded the motion and it passed unanimously.

Update on the MBTA Communities Revised Guidelines

Assistant Town Planner Malcolm Ragan was present via Zoom.

Mr. Ragan said that due to feedback from multiple towns, the Department of Housing and Community Development has significantly revised its compliance guidelines. Compliance is not optional, and Stow would be disqualified from substantial infrastructure grant funding if no district is created. The revised guidelines have substantially reduced Stow’s zoning requirements, and the new district must allow 139 units (down from 750 units). Limitations arising from water, sewer, and wetlands are now accounted for in the required gross density. The timeline for compliance has been adjusted, with a new deadline to submit an Action Plan or a Request for Compliance Determination moved to January 31, 2023. Information is available at mass.gov/mbtacommunities.

Nashoba Regional School Committee Representative Joint Appointment

Stow School Committee members Leah Vivirito (Chair), Karen Devine, and Rich Eckel were present in the Warren Room. The applicants for the vacant seat, Maureen Mazzone, Scott Powell, and Justin Slattery were all present in the Warren Room.

Stephen Rubinstein recently resigned from the committee and per MGL chapter 41, section 11, a joint appointment to fill the vacancy is made by the Stow School Committee and the Select Board.

Each candidate briefly introduced themselves and stated why they would like to be considered for the appointment. The applicants were asked for their thoughts on many issues, including the role of Diversity, Equity, Inclusion, and Belonging (DEIB) issues in schools; the Other Post-Employment Benefits (OPEB) unfunded liability; how they see the current School Committee, and the status of the schools and the challenges they face; balancing the different needs of the three towns in the district regarding the budget; and selecting one personality trait that would be the greatest asset to the committee.

Chair Birch-McMichael asked for a motion for a nomination. Ms. Sturgis, acknowledging that she was grateful for three people with finance backgrounds, offered to nominate a candidate.

Board member Sturgis moved to nominate Maureen Mazzone to the School Committee position.

Board member Frecha seconded the motion for discussion.

Ms. Vivirito said she views this process as a proxy for the populace and there was a lot of feedback and letters from residents of Stow and said for the record that her decision is based on her acting in a way that the residents have asked her to act. Mr. Eckel added that having these three candidates is an embarrassment of riches.

Following a roll call vote of the Select Board and the remaining Stow Representatives of the Nashoba Regional School Committee, Maureen Mazzone was appointed to fill the vacancy on the Nashoba Regional School Committee, effective from now until the May 2023 Annual Town Election.

Select Board: Sturgis -aye; Constantzos -aye; Frecha -aye; Birch-McMichael -aye;

School Committee: Vivirito -aye; Devine -aye; Eckel -aye.

Select Board Correspondence

This agenda item was tabled until the next meeting.

MBTA Advisory Board

The MBTA Advisory Board shows a vacancy for the Stow Select Board representative. The Chair is an *ex officio* member, but the Select Board can also appoint a designee to represent the Chair.

Board member Constantzos moved to appoint Megan Birch-McMichael as representative for Stow to the MBTA Advisory Board.

Board member Frecha seconded the motion and it passed unanimously.

Proclamation for Childhood Cancer Awareness Month

The Kids Cancer Connection, Inc., via the Woburn Middlesex Lions Club, submitted a request for a proclamation for the month of September.

Board member Constantzos moved to approve and sign a proclamation for Childhood Cancer Awareness Month, as presented at this meeting.

Board member Frecha seconded the motion and it passed unanimously.

Town Administrator Performance Evaluation and Goals

The overall evaluation was 4.62 of a possible 5 rating.

Chair Birch-McMichael said this is a draft of the evaluation and the Board can decide what goes out as the public record. The Chair asked for clarification on some of the comments, in particular, under the Leadership and Supervision section. She said it is difficult to effectively comment on this section as Board members are not staff. Ms. Frecha agreed that there is not an easy way to know about Denise's interactions with staff. They both feel it may be worthwhile to review the process for this, with the possibility of an anonymous survey for staff.

Mr. Constantzos, as a newly elected member at his first meeting, said he did not have any input into this and based on his interactions with Denise as a private citizen he does not agree with this evaluation. He was astounded by the comments in this public review and the contradictions of the statements. Mr. Constantzos asked if the Board can go back and redo the evaluation and present it as a unified voice and give her the compassion she deserves as a human being and the respect she deserves as the Town Administrator.

Ms. Dembkoski said she was shocked when she read the evaluation and although she appreciated the point scoring, she felt that it did not match the comments. There are words used to describe her that she has never been called; much of the verbiage is unfair, unprofessional, and inappropriate, and it is a personal attack. In her opinion, it does not represent her work, it represents her personally and does not belong in her evaluation, which will be on the website and will come up when her name is googled.

Ms. Dembkoski challenged and rebutted many of the statements. She prides herself on being respectful to residents and has an open-door policy, and has mended residential issues and staff issues that were here prior to her arrival. The section about her serving on the Library Building Committee is a personal attack; the Select Board voted to put her on the committee and it is a Select Board issue. She added, for the record, that former Town Administrator Bill Wrigley served as a voting member on committees here and got additional money for serving as a project manager for projects that he did here.

After the review was posted as part of the meeting packet, Ms. Dembkoski said she received calls of support from employees and residents and hopes that the Board acts on Mr. Constantzos' recommendation to reevaluate and edit this review. If the Board decides to, she supports having Dolores (Asst TA/HR Director Dolores Hamilton) receive feedback from employees on her performance.

Ms. Frecha said only three of the four members who completed the review are present and they need a discussion with all four members about how to edit the review. It is clear that they are not unanimous and there is a member who feels very differently than the others.

Ms. Sturgis said that when she wrote her comments she did not expect to see them word for word in the review. She said she thinks the TA is doing an amazing job and that she had offered suggestions for improvement. She apologized directly to Ms. Dembkoski and supports the idea of rewriting the review.

Jim Salvie, 74 West Acton Road, (former Select Board member and Chair) has been off the Board for 3 months and stated for the record that he was a member for 9 months of this evaluation period and does not recognize the woman that is described in some of the comments. He was an active member of the Board and does not know what conduct gave rise to the comments and words, such as the word 'peevisish'. He said for the record that he would completely disassociate himself from this review and is a little appalled by it.

Police Chief Michael Sallesse said that the Board has been supportive of his efforts to make changes in his department and to move it forward, and he could not have done any of that without Denise. He said he would not have taken this job if there was somebody else in that seat. Her door is always open and he always gets support and guidance from her. He has been with the Town for 25 years and understands that the role of the Board has changed; a former policy (having liaisons) was intimidating to the officers and now there is a separation that has been extremely helpful. In addition to many positive comments, the Chief said that for many years he would not come over to the building but it is now a welcoming place and he cannot express his support enough for Denise.

Debbie Woods, Great Road, said she has been in the corporate world for many years and has experience with writing and receiving reviews, and that this was a personal attack. She feels it needs to be removed from the packet as it is inaccurate, wrong, disgraceful, and embarrassing. She found it interesting that this is the one Board that has a Code of Conduct and this Board, or at least a member, did not adhere to it and broke the Code of Conduct.

Ms. Sturgis said that in her final comments, which were not included, she wrote that we are incredibly lucky to have Denise and she hoped her comments do not imply that she is not incredibly grateful for Denise's leadership. Ms. Sturgis said she will resign after this meeting as she has damaged the reputation of Denise and lost the credibility of the Select Board. Ms. Demboski said, and the Board members agreed, that Ms. Sturgis should not resign and that they can work through this.

Chair Birch-McMichael said the performance evaluation will be removed from the online packet. Each Board member will edit the comments of the current evaluation and submit it to Assistant TA/HR Director Dolores Hamilton and the Board will reevaluate it at the next meeting. The Chair added that going forward the Board has the ability to change the review process. For example, anything to do with staffing is not fair to Denise if they do not get feedback from the actual staff.

Meeting Minutes

Board member Frecha moved to accept the meeting minutes of the August 23, 2022 meeting as drafted. Board member Sturgis seconded the motion and it passed 3-0-1 with Mr. Constantzos abstaining.

Correspondence - no comments.

Adjournment

At 9:12 p.m. Board member Constantzos moved to adjourn. Board member Sturgis seconded the motion and it passed unanimously.

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.