

Select Board Meeting Minutes
Tuesday, February 28, 2023
Stow Town Building & Zoom

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

Present via Zoom: Cortni Frecha

Chair Birch-McMichael called the meeting to order at 7 p.m.

Public Comment - none

Board Member Comments

Mr. Constantzos noted that tomorrow is the beginning of Women's History Month. He hopes that we spend a month celebrating all the women in history, and this history made it possible for him to be surrounded by very competent women leading the town.

Town Administrator (TA) Report

- As of February 23, there are five COVID-19 positive cases in town, which is a 4.58% positivity rate.
- Earlier tonight there was a presentation at the Finance Committee meeting on the school budget. The updated assessment has Stow at a 2.82% increase which is down from the original projection of 5.78% and then 4.74%. There will be more information on this and the Minuteman High School assessment at the March 14 meeting when the TA presents the FY 2024 State of the Town.
- Nomination papers for all elected positions are available at the Town Clerk's office through March 29 and must be returned by March 31. Call the office and they will have the papers ready.
- "Discussions with Denise" is tomorrow, March 1, at Pompositticut Community Center from 9:30 a.m. – 11:30 a.m. with special guest Fire Chief JP Benoit.

Meeting Minutes

Board member Sturgis moved to accept the meeting minutes of the February 14, 2023 meeting as presented.

Board member Constantzos seconded the motion and it passed unanimously by a roll call vote.

Select Board Master/Comprehensive Planning Committee Member Selection

Ms. Frecha and Mr. Constantzos both expressed interest in being the designee to the committee and shared their reasons for wanting to be selected.

Board member Frecha moved to appoint Hector Constantzos as the Select Board designee for the Master/Comprehensive Planning Committee.

Board member Sturgis seconded the motion and it passed 4-0-1 via a roll call vote: Sturgis -aye; Hegemann -aye; Frecha -aye; Birch-McMichael -aye; Constantzos -abstain.

Proclamation Policy

This policy from KP Law offers guidelines and gives the Board the ability to deny a request. This is allowed because a proclamation is “government speech” meaning the Board is speaking on behalf of the Town.

The Board amended the policy to change the word “the” to “to” on page 1, second paragraph, end of the first line, as follows: “Whether to place a request for a proclamation on the Select Board’s agenda, and whether ~~the~~ to issue a proclamation...” (Any other minor typographical errors will also be corrected.)

Mr. Constantzos was concerned with the language possibly excluding requests from statewide or nationwide organizations. This was discussed at length, and the Board decided to keep the language as stated in the draft, with Ms. Hegemann saying that this is a guidance document. Ms. Sturgis reminded the Board of past discussions about having a proclamation be more than just a piece of paper. The Board added a section on the application to ask if there will be activities or events planned to celebrate the proclamation, and added to the Statement of Purpose that “The Town encourages events and activities coordinated to recognize and support the purpose behind the Proclamation.”

*Board member Sturgis moved to approve the Proclamation Policy, as amended at this meeting.
Board member Constantzos seconded the motion and it passed unanimously by a roll call vote.*

7:15 PM - Public Hearing – Pole Installations

Chair Birch-McMichael read the public hearing notice¹:

Notice is hereby given, in accordance with MGL Chapter 166, section 22, that the Select Board will conduct a public hearing regarding a Petition for Sole Pole Relocations request by Hudson Light and Power Department to relocate utility poles as follows:

GREAT ROAD, STOW – Install new Pole #47 ½ as a Mainline Pole and Pole 47 ½-PB as a Push Brace. These poles will be located on the southern side of Great Road at the intersection of Johnson Way and Great Road on western side. Their purpose is to provide a take off and support for a new 3 phase line that is required for Plantation Apt construction.

Also for permission to the petitioner to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as said petitioner may desire for distributing purposes.

The public hearing will be held on Tuesday, February 28, 2023, at or after 7:15 p.m. at the Stow Town Building, 380 Great Road, Stow, MA. The public may attend the meeting in-person or may participate via remote Zoom access.

Posted: February 7, 2023

Chair Birch-McMichael moved that the public hearing for relocation of utility poles (one mainline pole and one push brace) be opened.

Board member Constantzos seconded the motion and it passed unanimously by a roll call vote.

Derek Scott from Hudson Light and Power (HL&P) was present in the Warren Room.

Mr. Scott explained that the construction company doing work at Plantation Apartments (Elizabeth Brook Apartments) requested that the single-phase power be upgraded to three-phase power.

¹ The proper street name is “Johnston Way,” however, the language for the Public Hearing Notice was taken directly from HL&P’s “Petition for Sole Pole Relocations.”

Fire Chief JP Benoit was present in the Warren Room.

Chief Benoit spoke about a safety concern with access and line of sight for emergency vehicles.

Mr. Scott said they will ask the contractor to remove the stone pillar at the edge of driveway and the poles can be placed there; this would allow for easier access. HL&P will set the mainline pole and have the Fire Department check the clearance before they install the push brace pole.

Board members discussed the pole locations, with Ms. Frecha asking about the comments submitted from the Planning Board regarding minimizing the number of poles and/or using existing poles wherever feasible. HL&P will not need the existing pole on the eastern side once everything is installed on the western side of the driveway, but they do not control what Verizon or Comcast does with their wires on the eastern pole.

Mark Dexter, 259 Great Road, asked for clarification as to where the poles will be installed.

At 7:32 p.m. Board member Sturgis moved that the public hearing for relocation of utility poles (one mainline pole and one push brace) at Great Road and Johnston Way be closed.

Board member Constantzos seconded the motion and it passed unanimously by a roll call vote.

Board member Sturgis moved that the Board approve and sign the application by Hudson Light & Power to relocate utility poles (one mainline pole and one push brace) at Great Road and Johnston Way as indicated in the Order for Sole Pole Relocations received by the Select Board office February 6, 2023.

Board member Hegemann amended the motion to “as discussed at this meeting” because they did change the layout from what was shown on the plan.

Board member Constantzos seconded the motion and it passed unanimously by a roll call vote.

Animal Policies

Asst. Town Administrator/HR Director Dolores Hamilton was present via Zoom.

Ms. Hamilton worked on a policy with the Board of Health to formally allow for a therapy animal at the Council on Aging. Because other situations may arise, the Board of Health asked for two separate policies. Service animals are protected by the ADA (the Americans with Disabilities Act) and are specifically trained to provide services for an individual and stay focused on its handler and its tasks. Under the ADA, only dogs and miniature horses can be service animals. Therapy animals are trained to interact with others to help decrease stress, among other health benefits. Therapy animals are different from comfort or emotional support animals.

The Select Board discussed both policies and felt that some of the language was too general, too subjective, and not enforceable. The Board discussed the situation with employees who have allergies.

Service Animals in the Workplace

Board member Sturgis moved to approve the Service Animals in the Workplace Policy, as amended at this meeting. Board member Constantzos seconded the motion and it passed unanimously by a roll call vote.

Therapy Animals in the Workplace

The Board discussed the requirements listed under item 8 of “procedure.” Most are listed elsewhere and the Board decided to delete item 8 except for 8d. A typographical error in item 3 was corrected. (Any typographical errors will be corrected before the policies are sent to legal counsel for review.)

Ms. Dembkoski asked that fully certified therapy dog “Juneau” be allowed to begin visiting the Council on Aging if the policy is approved tonight, and while legal counsel reviews the policies.

Board member Sturgis moved to approve the Therapy Animals in the Workplace Policy, as amended at this meeting. Board member Constantzos seconded the motion and it passed unanimously by a roll call vote.

Anti-Hate and Anti-Racism Statements

The Board has had conversations about Anti-Hate and Anti-Racism Statements over the last several months. Sample statements from other communities were reviewed. The Board discussed having one statement instead of two separate statements. This item will be moved to the March 28, 2023 agenda.

Proposed Changes to the Nashoba Regional School District Regional Agreement

Leah Vivirito, School Committee (SC) Chair and member of the Regional Agreement Amendment Advisory Committee², was present via Zoom.

Ms. Vivirito provided an overview of the major changes to the regional agreement, which included: SC membership, terms, organization, and vacancies; SC powers and duties; location of schools; emergency building use; the district budget; defining operating costs; capital costs assessments; incurring of debt; transportation; excess and deficiency fund; audits and Audit Advisory Committee language; amendments to the regional agreement; withdrawing from the district; and admission to the district.

The next step is endorsement from the School Committee and if the draft is approved, the regional agreement must then pass by a majority vote in the three towns in the district at their annual town meetings. Then the agreement goes to the Commissioner (of Education) who has the final say.

Discussion ensued regarding Section 7C. In Stow, capital costs of \$10K or more must go before the Capital Planning Committee. Ms. Vivirito said the regional agreement must follow MA General Law (MGL) which defines capital costs as anything \$5K or more. They are trying to create language that will bridge MGL, the regional agreement, and the lease agreements with the three towns. Ms. Dembkoski asked how the town will be notified for capital expenses between \$5K and \$10K and how those costs have been managed in the past. Ms. Vivirito will report back to Ms. Dembkoski.

Town Clerk Linda Hathaway was present via Zoom.

Ms. Hathaway asked about the length of the SC member terms and the swearing-in date, which is being moved from April to June. Ms. Vivirito said the terms begin with the SC organization meeting in mid-June, and the date is largely dependent upon the Superintendent’s evaluation.

Town Administrator and Planning Director’s Meeting with Linear Retail

Ms. Dembkoski and Planning Director Valerie Oorthuys met with the CEO of Linear, the onsite manager and their counsel to discuss the property in Lower Village. Linear has made \$2 million in improvements and has found the issue with their water system. They have lost some businesses and are losing two more in the near future, which will leave them almost half vacant. Starbucks is interested in coming to the plaza, but will only sign a lease if they are allowed to have a drive-through. Linear wants another anchor business that is a destination to attract other businesses to the plaza.

² In October 2021, the School Committee and member towns (Bolton, Lancaster, and Stow) created a Regional Agreement Amendment Advisory Committee (RAAAC). The overall charge of the RAAAC was to review the agreement for updates and changes, and to bring it up-to-date with applicable laws and regulations since it was last amended in 2003.

A citizens' petition has been submitted for the town meeting warrant to allow a drive-through to serve food and beverages directly to a motor vehicle in the business district. This requires a public hearing, which the Planning Board has tentatively scheduled for the end of March. However, the Planning Board is proposing a bylaw for a Lower Village Business District that would prohibit drive-throughs. If both pass at town meeting, the bylaw would supersede the citizens' petition only in Lower Village.

Correspondence

The Board reviewed correspondence.

The Board will meet with Ms. Dembkoski to discuss her contract renewal in April.

Adjournment

At 9:22 p.m. Board member Sturgis moved to adjourn.

Board member Constantzos seconded the motion and it passed unanimously by a roll call vote.

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.