

Select Board Meeting Minutes
Tuesday, April 11, 2023
Stow Town Building & Zoom

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

Absent: Cortni Frecha, Ingeborg Hegemann Clark

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

Public Comment

Chair Birch-McMichael stated that Public Comment is limited to items not on the agenda, and anyone speaking should state their name and address and limit comments to two minutes or less.

Via Zoom: Dorothy Granat, 11 White Pond Road, asked that the Select Board revisit the advice of having a subcommittee or working group involved with the water study for Lower Village.

Via Zoom: Mark Forgues, 39 Adams Drive and 9 White Pond Road, voiced his opinion against the article about Lower Village to be presented at Town Meeting as it is rushed and should be revisited.

Board Member Comments

Mr. Constantzos recognized that April is National Arab American Heritage Month, and that this month people also celebrate Easter, Eastern Orthodox Easter, Passover, and Ramadan.

Mr. Constantzos would like two items on a future agenda: the role of liaisons, and the implied policy that employees should not be speaking to Board members.

Mr. Constantzos asked when the DEI (diversity, equity, and inclusion) policies will be back on the agenda; this is on the May 9, 2023 agenda.

Town Administrator (TA) Report

- As of April 6, there are fewer than five (5) COVID-19 cases, which is a 4.94% positivity rate.
- The Board previously voted to overspend the Snow & Ice budget; it is overspent by \$54,986.00.
- The Finance Committee will be holding its public hearing on the warrant articles on Tuesday, April 18 at 7 p.m. via Zoom.
- We are looking for applicants for temporary summer positions: Camp Director, Waterfront Director, Lifeguards, and Camp Counselors. There is more information on the Town's website.

Recognition – National Library Week Proclamation

Maureen Busch and Lisa Lavina were present in the Warren Room.

Ms. Busch said they want to call more attention to the library and everything that goes on there, and keep it in everybody's awareness as we head towards the renovation project.

Board member Sturgis moved to approve and sign a proclamation for the observance of National Library Week, April 23-29, 2023, as presented at this meeting.

Board member Constantzos seconded the motion and it passed unanimously.

FY24 State Budget Update with Senator Jamie Eldridge and Representative Kate Hogan

State Senator Jamie Eldridge and State Representative Kate Hogan were present in the Warren Room and gave highlights on the state budget and funding for fiscal 2024.

Sen. Eldridge said that revenues are quite robust at the State level so far and he expects it will be another strong budget for FY24, although there is a concern that there could be a recession sooner rather than later so a large amount of excess revenue is being put into the rainy-day fund. Sen. Eldridge said that the passage of MA Fair Share or the “Millionaires’ Tax” will bring in an estimated \$1.1 billion this year and will be part of the budget. It was a constitutional amendment and it is mandated that half of this will go to education and half to transportation. The legislature will decide on how this is spent, and they want to hear from municipal officials. Ms. Sturgis expressed her frustration with Stow being an MBTA community but not getting any benefits from it. Although roads and bridges are important, Ms. Sturgis feels that all surplus in the state should go towards public transportation.

Rep. Hogan updated the Board on things that have happened since January, including a recent supplemental bill (which is a “housekeeping bill”) that featured \$388 million in spending and will invest \$130 million for SNAP food assistance and \$65 million for the continuation of free school meals. There is an approximate 7% increase in Chapter 70 funds in the Governor’s budget for Nashoba and a 2% unrestricted increase for Stow. Regarding earmarks over the last two years, she and Sen. Eldridge were able to secure \$100,000 to deal with PFAS; \$300,000 to install six of eleven firefighting cisterns, with a commitment to secure earmarks for the remaining cisterns; \$500,000 for Stow Acres; and \$75,000 for the Wheeler Road bridge. Rep. Hogan will be starting a 21st Century Farms Commission, and is trying to put together a regional transportation summit with the 495/MetroWest Partnership.

Chair Birch-McMichael thanked Sen. Eldridge and Rep. Hogan for the update and for all they do for Stow to help keep it the great community that it is.

Nashoba Regional High School Building Project Update

Superintendent Kirk Downing was present in the Warren Room.

Due to the timing of the School Building Committee meetings and the Select Board meetings, Mr. Downing reviewed NRHS Board Briefings No. 4 and No. 5.

Board Brief No. 4 addressed what is reimbursable by the MSBA (MA School Building Authority) and effective rates as opposed to the initial participation rate. Board Brief No. 5 showed a project schedule that estimated the new school opening in the fall of 2027, with groundbreaking in or near May 2024. Also, the FAQ document has been updated and uploaded on the project website .

Hidden Cultures Art Show Opening – Event Permit and One Day Liquor License

Abby Morgan and Anna-Celestry Carr were present in the Warren Room.

This is the third year that NASJA (Nashoba Area Social Justice Alliance) is hosting an art show, and the second year it is being held at the library. This year they are having Clover Road Brewing Company from Hudson participate and serve beer at the opening, which requires the One Day Liquor License.

Board member Sturgis moved to approve a One Day Liquor License for NASJA, c/o Abby Morgan, Event Manager for Wednesday, May 3, 2023 from 5:30 PM to 7:30 PM at the Randall Library, as all requirements have been met and approved by administration.

Board member Constantzos seconded the motion and it passed unanimously.

Board member Sturgis moved to approve the Event Permit for NASJA, c/o Abby Morgan, Event Manager for the Hidden Cultures: Community Art Show Opening on Wednesday, May 3, 2023 from 5:30 PM until 7:30 PM at the Randall Library, as all requirements have been met and approved by administration.

Board member Constantzos seconded the motion and it passed unanimously.

Covenant for Elizabeth Brook Apartments

Attorney Rita Schwantes of Klein Hornig, LLP was present via Zoom.

Ms. Schwantes said this covenant combines Stow Elderly Housing's existing 50-unit rental development for low-income elderly located at 22 Johnston Way with its new proposed 37-unit rental development for low-income elderly to be located at 18 Johnston Way and the existing single-family home located on the same land (with an address of 252 Great Road). The intent of the covenant is to give the Town additional means to enforce the terms of the 40B comprehensive permit and is largely consistent with the original Plantation Apartments covenant of 1982. *(Chapter 40B is a state statute which enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if a percentage of the units have long-term affordability restrictions. The Town of Stow's Comprehensive Permit Policy Update was adopted on November 12, 2013.)*

Board member Sturgis moved to approve and sign the Covenant for the Elizabeth Brook Apartments as presented, which will replace the 1982 Covenant.

Board member Constantzos seconded the motion and it passed unanimously.

Planning Board Zoning Articles to be Presented at Town Meeting

The Planning Board (PB) joined the Select Board meeting at 7:08 p.m.

PB Members and Chair Lori Clark, and Planning Director Valerie Oorthuys were present via Zoom.

PB Chair Clark said they want to make sure the Select Board has a full understanding of the articles that the Planning Board will bring forward to town meeting. Some of the articles have been discussed at prior joint board meetings.

Mr. Constantzos asked what is the purpose of the Active Adult Neighborhood Overlay article. PB Chair Clark said there is a parcel that has been left out of the district that needs to be put in, which would create a larger buffer between conservation land and the proposed subdivision off Athens Street.

Chair Birch-McMichael asked for further explanation on the Registered Marijuana Establishment Overlay amendments. PB Chair Clark said the change is administrative and aligns the wording and numbering with the state's language. There is no use change and does not change what Stow does or doesn't allow.

The Planning Board is not going forward with a Wireless Service Facility Overlay District amendment at this time. PB Chair Clark said staff is researching where a cell tower could be placed in town, or if the height can be increased on an existing tower, to meet the request from Verizon Wireless.

Middlesex County Retirement Request for Acceptance of Chapter 269

A request was received from the Middlesex Retirement Board for a cost-of-living adjustment (COLA) for current retirees. It would be a one-time 5% increase as opposed to a 3% increase on the \$16,000 COLA base. It would start this fiscal year but it would not affect our contribution until fiscal 2026. To date, 12 out of the 31 municipalities in the Middlesex County Retirement System have voted to accept the increase, and the retirement board needs 2/3 of the system's Select Boards to approve it.

Board member Sturgis moved to accept Chapter 269 of the Acts of 2022, a local option allowing a one-time increase to the Cost-of-Living Adjustment (COLA) granted to retirees by Middlesex County Retirement in FY2023.

Board member Constantzos seconded the motion and it passed unanimously.

Fire Local 3262 Union Contract

The Board reviewed this in an executive session, and the fire union ratified the contract and it is returned to the Select Board to ratify.

Board member Sturgis moved to approve the Fire Local 3262 Union Contract for July 1, 2023 through June 30, 2026 and authorize the Town Administrator to sign on behalf of the Town.

Board member Constantzos seconded the motion and it passed unanimously.

Town Administrator's FY24-FY26 Contract

Chair Birch-McMichael said the Board discussed and approved of this contract in an executive session. The Chair said there is an increase in the compensation because a salary survey had been conducted with towns having similar populations and the results showed that this adjustment brings the Town Administrator to the lower end of the scale. The date of the contract has also been altered to match the fiscal years.

Board member Sturgis moved to approve and sign the Town Administrator's contract for July 1, 2023 through June 30, 2026.

Board member Constantzos seconded the motion and it passed unanimously.

FY24 Budget Discussion

The Chair reminded everyone that budget information is on the website.

Ms. Dembkoski provided an overview of the budget. She explained the property tax section and the special articles section at the request of Ms. Sturgis. Mr. Constantzos asked for clarification on the budget request column versus what the Town Administrator recommends.

Ms. Dembkoski is supporting the request from the police chief for an additional patrol officer, and the request from the fire chief for two full-time firefighters. Also, the procurement and grants administrator will be incorporated into the general fund budget. Utilities for the library, police and highway departments will be consolidated through the building department, which accounts for a decrease in the line items for those departments. Insurances have increased, with health insurance increasing by almost 14%. For the schools, Minuteman has a 20% increase and Nashoba has a 2.82% increase.

Annual Town Meeting Warrant Review

Ms. Dembkoski gave a summary of each warrant article. There is nothing in the warrant that would trigger a debt exclusion ballot question. Some of the highlights were:

- The Capital Planning Committee is meeting tomorrow night and has seen the Town Administrator's recommendations; they will hopefully be making some recommendations on the capital items at that time.
- There is only one Community Preservation article this year, which is the neighborhood park in Gleasondale.
- The articles for changes to the Charter, if approved at town meeting, would still have to go on a ballot. The Charter Review Committee will present more articles at the special town meeting in the fall and then all approved changes would be on the May 2024 ballot before going into effect.
- There is one citizen petition to allow drive-through establishments in the business district.
- There is one homeowner petitioning town meeting to make a zoning change to exclude a residential property from the business district.

Mr. Constantzos asked about the process for citizen amendments to warrant articles. It must be in writing and a form is available at town meeting. It can be submitted beforehand to the Moderator, but an amendment still needs to be made on town meeting floor.

Minutes

Board member Sturgis moved to accept the meeting minutes of the March 28, 2023 meeting as written. Board member Constantzos seconded the motion and it passed unanimously.

Correspondence

Ms. Sturgis commented on the email from Nancy McPherson and thanked her for many years of an amazing restaurant; she brought farm-to-table to Stow way before others were doing this.

Ms. Sturgis commented on the emails regarding the dam, saying that it is a long process and we can't give them all of the answers because we don't have the answers.

Adjournment

At 9:21 p.m. Board member Sturgis moved to adjourn. Board member Constantzos 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.