

Select Board Meeting Minutes
Tuesday, June 27, 2023
Stow Town Building & Zoom

Present in the Warren Room: Cortni Frecha, Ingeborg Hegemann Clark, Hector Constantzos, John “JT” Toole, and Town Administrator Denise Dembkoski

Absent: Megan Birch-McMichael

Chair Frecha called the meeting to order at 7 p.m. and noted that the meeting is being recorded. The chair stated that Public Comments are limited to items not on the agenda. Speakers should state their name and address, and limit comments to two minutes or less.

Public Comment - None

Recognition

Fire Chief JP Benoit and Captain Barry Evers were present in the Warren Room.

Lt. Evers wanted to recognize four members of the department, Fire Lieutenant Erick Benoit, Firefighter Benjamin Glover, Firefighter/EMT Matthew McNulty, and Firefighter/EMT Rachel Vroegindewey, for their exceptional teamwork and life-saving efforts in response to a call on November 30, 2022 regarding a person who was choking. All four received a Record of Exceptional Performance letter which will be placed in their employee files.

Board Member Comments

As future agenda items, Mr. Toole would like to discuss a policy for the use of the commercial kitchen by individuals during the off-hours at Pompo Community Center, and a policy for all Stow Board and Committee meetings to be broadcast in the spirit of transparency.

Town Administrator (TA) Report

- The school district is looking for members from Stow to sit on its Other Post Employment Benefits (OPEB) Management Audit Advisory Committee, which will make a recommendation to the School Committee on a long-term strategy to fiscally address the district’s OPEB liability. Stow needs two residents, one being the TA designee, to volunteer for this committee.
- A reminder that municipal buildings will be closed on July 3 and 4; Monday July 3 is not a holiday, but many employees are off and for safety purposes the buildings will be closed to the public.
- Reminder that the TA will be on vacation from this Thursday afternoon through next week.

Appointments

Kellie Barhight to the position of Police Lieutenant

Police Chief Michael Sallese and Kellie Barhight were present in the Warren Room.

Chief Sallese gave an overview of how they proceeded with a hiring committee and a hiring firm to fill the vacancy left by the retirement of Darren Thraen. Chief Sallese said that Ms. Barhight was the top candidate; she is a sergeant in Ayer and comes to Stow with over 23 years of police experience. Ms. Barhight said the most important aspect of this job is community policing, which includes building

bridges with the residents and hearing what the community wants. Ms. Barhight is critical incident trained and teaches for the MA Municipal Police Training Committee. She looks forward to having different challenges in this new role.

Board member Toole moved to appoint Kellie Barhight as a Police Lieutenant for the Town of Stow Police Department, subject to successful contract negotiations and with a start date pending Town Administrator approval, through June 30, 2026 and subject to reappointment thereafter.
Board member Constantzos seconded the motion and it passed unanimously.

David Soar to the position of Call Firefighter

Fire Chief Benoit said that Mr. Soar recently retired as Chief in Weston, and is not only a former Stow employee but was the first full-time Fire Chief, appointed in 2000.

Board member Toole moved to appoint David Soar as a Call Firefighter/EMT for the Town of Stow Fire Department through June 30, 2024 and subject to reappointment thereafter.
Board member Constantzos seconded the motion and it passed unanimously.

Public Hearing – Transfer of Liquor License, Nancy’s Air Field Café to Fourth & Field

Ms. Dembkoski read the public hearing notice into the record:

Notice is hereby given under Chapter 138 of the General Laws that Nancy’s Airfield Café, 302 Boxboro Road, Stow, has applied for a transfer of liquor license to Fourth & Field, manager Melissa Simon, 14 Pennsylvania Avenue, Newton, MA 02464.

A public hearing will be held on the license transfer application on Tuesday, June 27, 2023 at 7:15 p.m. in the Stow Town Building, 380 Great Road, Stow, MA, with attendance in person or via Zoom.

Board member Toole moved to open the public hearing.
Board member Constantzos seconded the motion and it passed unanimously.

Melissa Simon, owner of Fourth & Field, was present via Zoom.

Ms. Dembkoski said the application packet is in compliance and if the Select Board approves the transfer tonight, it will be sent to the ABCC and they will review it and conduct an investigation. Once the ABCC grants the transfer, it will come back for the Select Board to sign the formal license.

Chair Frecha said Nancy’s has been a long-time institution but they look forward to the new addition of the local café. Ms. Simon said that Nancy’s will be a tough act to follow and she is excited to be continuing Nancy’s farm-to-table American style cuisine while adding a little twist of her own. When asked about the name, Ms. Simon said she created the name Fourth & Field as a tribute to her 3 small children, with the restaurant being her “Fourth baby” and “Field” representing the airfield and the farm fields of Stow. She hopes to open in August.

A few residents from Stow and Acton, who did not identify themselves, spoke in favor of the transfer.

Board member Toole moved that the public hearing for the transfer of the liquor license from Nancy’s Airfield Café, 302 Boxboro Road, Stow, to Fourth & Field, Melissa Simon, manager, be closed.
Board member Constantzos seconded the motion and it passed unanimously by a roll call vote.

Board member Toole moved to approve the transfer of the section 12 all-alcohol liquor license held by Nancy's Airfield Café, 302 Boxboro Road, Stow, to Fourth & Field, Melissa Simon, manager, as described in the application received May 30, 2023 and subject to final approval by the Massachusetts Alcoholic Beverages Control Commission.

Board member Constantzos seconded the motion and it passed unanimously.

Common Victualer License – Fourth & Field

Board member Toole moved to approve a Common Victualer license for Fourth & Field at 302 Boxboro Road in Stow, valid through December 31, 2023.

Board member Constantzos seconded the motion and it passed unanimously.

Annual July 1 Appointments – Paid Positions

Board member Toole moved to make the following reappointments of individuals in paid positions, subject to the terms indicated:

TWO MONTHS, FROM JULY 1-AUGUST 31, 2023

Call Firefighter/EMT: Sean Duddy; Joshua Mondragon

Apprentice Firefighter: Juan Duran, Darwin Fajardo

ONE-YEAR APPOINTMENTS, WITH TERMS ENDING ON JUNE 30, 2024:

Assistant Town Administrator/Human Resources Director: Dolores Hamilton;

Select Board and Town Administrator Executive Assistant: Joyce Sampson;

Town Counsel: KP Law, P.C.;

Emergency Management Officer: Fire Chief John Paul Benoit;

Tree Warden: Bruce E. Fletcher

Fire Department:

Full-time Firefighters:

John Paul Benoit, Chief; Barry Evers, Captain; Mark W. Guerin, Firefighter/EMT, Call Lieutenant; Erick Benoit, Firefighter/EMT, Call Lieutenant; Rachel Vroegindewey, Firefighter/EMT; Matthew McNulty, Firefighter/EMT

Call Lieutenant: Ryan Boyd, Jonathan Gray, Steven Walsh

Call Firefighters/EMTs:

Jonathan Beharrell, Timothy Benoit, Kristina Ellis, Richard Falcioni, Camden Herlihy, Todd Jakubek, Bryan Kiley, Stephen Laaper, Timothy Landry, Yuris Mangolds, Michael Murphy, Matthew Olson, Susan Siewierski, Jack Stafford, Judson Swinimer

Call Firefighters:

Kevin Benoit, Scott Dwinells, Thomas Fitzsimmons, David Frost, Benjamin Glover, Timothy Gray, Jeffery Hill, Paul May, Jonathan McDowell, Gregg Silverio

Emergency Medical Technician: Olivia Liang

Police Department:

Full-time Police Officers:

Michael Sallese, Chief of Police; Cassandra Scott, Sergeant; David Goguen, Sergeant; Robert

Nelson, Patrol Officer; Christopher Kusz, Detective; Luke Dezago, Prosecutor; Brendan Fitzpatrick,

Detective; Brandon Murphy, Patrol Officer; Jacob Champoux, Patrol Officer; Troy Paradise, Patrol Officer

Per Diem Special Police Officers:

William Bosworth; Jon Butler; John T. Connors; John E. Fantasia; Darren Thraen; Jeffrey Beckwith, Lake Boon Officer

Public Safety Dispatchers:

John E. Fantasia, Dispatch Supervisor; Jon Butler; Gabriel Lopez; Sean Marques

Part-time Dispatcher: Laurel Brazao

MISCELLANEOUS APPOINTMENTS:

Street Numbers: Town Clerk's office

Board member Constantzos seconded the motion and it passed unanimously.

Annual July 1 Appointments -Volunteer Positions

Board member Toole moved to make the following reappointments of volunteer committee members, the positions having been duly posted, and for which the applicants have indicated their willingness to be reappointed:

ONE-YEAR APPOINTMENTS, WITH TERMS ENDING ON JUNE 30, 2024:

Fence Viewers: Select Board

Green Advisory Committee: Members at Large: David Korn; John Sangermano

Hudson Light & Power Representative: Arnold Epstein

Montachusett Area Regional Transport (MART): Alyson Toole

Recreation Commission: Samantha Altieri, Michael Busch, Mark Dexter, Alison Lamkin, Dan Nicholson

Veterans' Graves Committee: Patricia Bolton

TWO-YEAR APPOINTMENTS WITH TERMS ENDING ON JUNE 30, 2025:

Stow Municipal Affordable Housing Trust: Michael Kopczynski, Cathy Leonard, Quince Papanastassiou

THREE-YEAR APPOINTMENTS WITH TERMS ENDING ON JUNE 30, 2026:

Agricultural Commission: Liz Painter

Conservation Commission: Serena Furman, Matthew Styckiewicz

Historical Commission: Barbara Clancy, Robert Norton

Lake Boon Commission: Daniel Tereau

Open Space Committee: Laurie Burnett, Margaret Costello

Registrar of Voters: Wes Fisher

Trustee of the Randall Relief Fund, the Randall Town Fund, and the Town Farm Fund: Jeff Smith

FIVE-YEAR APPOINTMENTS WITH TERMS ENDING JUNE 30, 2028

Zoning Board of Appeals: Leonard Golder, Associate Member

Board member Constantzos seconded the motion and it passed unanimously.

Middlesex County Mutual Aid Agreement

Chief Sallese said this is a renewal of the agreement that, when requested, allows our police officers full authority in communities in Middlesex County. This agreement expands upon the number of towns we can help and that can help our community. There is no new language; it is a verbatim renewal.

Board member Toole moved to approve and sign the Middlesex County Mutual Aid Agreement, as presented by Police Chief Michael Sallese.

Board member Constantzos seconded the motion and it passed unanimously.

Disclosure Forms

Chief Benoit said this is a document that he needs to submit annually, as he has family members serving on the Fire Department.

Board member Toole moved to accept and sign the disclosure form per MGL c.268A, sect. 19, from Fire Chief John Paul Benoit for the Fire Department, as the Select Board has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect of the employee.

Board member Constantzos seconded the motion and it passed unanimously.

Mr. Toole explained that his wife is COA Executive Director Alyson Toole, and that he would verbally and physically remove himself from any proceedings concerning Alyson Toole or her department during a Select Board or Capital Planning Committee meeting (Mr. Toole is the Select Board appointee to Capital Planning). Mr. Toole recused himself from the Select Board table and from this vote.

Board member Constantzos moved to accept and sign the disclosure form per MGL c.268A, sect. 19, from John Toole for the Capital Planning Committee, as the Select Board has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Town may expect of the employee.

Board member Hegemann seconded the motion and it passed unanimously (3-0).

Board member Toole returned to the meeting.

Covenant for Elizabeth Brook Apartments

Peter Munkenbeck was present via Zoom.

Mr. Munkenbeck said there was a lawsuit by some neighbors opposing the most recent version of what is proposed in the second phase of the apartments. For this most recent lawsuit (there has been more than one) a mediation process was entered and it is on the verge of a settlement.

This agreement has non-substantive changes; it makes certain phrases more precise and makes explicit reference to other documents. Ms. Dembkoski said our counsel was involved and is in support of this, and added that all parties including the abutters have agreed to this update.

Regarding the number of units, the original proposal was to develop an additional 37 units on 252 Great Road, which includes a house that was to be sold off, but it was determined that there was not a clear path to separate the house out. The house is now called the 88th unit, as an agreement two years

ago was to not have more than 88 units on the site under any circumstances except if a public water supply became available. The 88 units is the agreed upon amount with the house included.

Before signing, Ms. Hegemann wanted the signature block clarified or the language in section 11 changed to remove the word “heirs”; it should be made clear that the Select Board members are acting on behalf of the Town of Stow, which will be bound to and is responsible for ensuring the covenant, not individual members of the Board. The word “members” was removed from the signature block, to then state “Stow Select Board.” Mr. Munkenbeck agreed to the amendment.

Board member Toole moved to approve and sign the updated Covenant for Elizabeth Brook Apartments, as amended at this meeting.

Board member Constantzos seconded the motion and it passed unanimously.

Review Draft Open Space and Recreation Plan

Ms. Hegemann, who is also a member of the Conservation Commission, gave a short summary of the materials in the packet that were prepared by Conservation Director Kathy Sferra.

An Open Space and Recreation Plan is required by law in order to be eligible for grants. Open space is protected conservation and recreation land owned and maintained by a government agency (town, state, or federal) or a conservation non-profit, or, is land protected by a conservation or agricultural restriction, or land protected by conditions of permit and homeowners’ association. According to a 2022 survey of residents which had 400 responses, the favorite conservation and recreation areas in Stow are the Town Forest, Snow Community Park, the Delaney WMA, Town Center Park, and the Assabet River NWR. The top two priorities for future land acquisition were land for wildlife habitat and land for groundwater protection. The top five facilities that residents would like to see more of were sidewalks, farmers markets, paved bike trails, bike lanes along roads, and an indoor swimming pool. The key recommendation is to protect high priority parcels identified in the Plan.

The next step is a public forum scheduled for Thursday, June 29, with comments being accepted until July 14, 2023. The full plan is available on the town’s website. The plan will then go through state approval, and will include a letter of support from the Select Board, if so voted at the next meeting. Once returned from the state the plan will be distributed and implemented with all other boards; it is a multi-board process.

Animal Control Warrant and Inter-Municipal Animal Control Agreement

Ms. Dembkoski prefaced her remarks by stating that in no way does this reflect on our ACO Phyllis Tower who does a tremendous job but is an employee of Boxborough. The regional agreement between Boxborough, Stow, and Littleton that was in place when Ms. Dembkoski began had issues with some of the terms of the agreement. There has been turnover in the town administrator role in Boxborough which has impeded her ability to meet and discuss the agreement, and Stow eventually stopped receiving reports and documentation of calls. Ms. Dembkoski began to reach out again this past November and there was one meeting in February. She then tried for months to have another meeting between the towns to review and revise the terms, with the possibility of Stow becoming the host community and the town that employs the ACO. Because it is the end of June and she does not want this to affect Ms. Tower’s employment, Ms. Dembkoski reluctantly asked the Select Board to

approve the agreement, with the guarantee that this agreement in this form will not come forward again. There are two motions as there is also the annual warrant issued to the ACO per the state.

Board member Toole, in accordance with Chapter 140, section 151A of the Massachusetts General Laws, moved to approve the annual Animal Control Warrant, dated June 27, 2023, and effective for one year from July 1, 2023 through June 30, 2024, and to authorize the Chair to sign it on behalf of the Board.

Board member Constantzos seconded the motion and it passed unanimously.

Board member Toole moved that the Select Board approve and sign, and also authorize the Town Administrator to sign, the Inter-Municipal Agreement with the Town of Boxboro for Animal Control Services for the period from July 1, 2023 through June 30, 2024 as presented.

Board member Constantzos seconded the motion and it passed unanimously.

Personnel Policies

Assistant TA/HR Director Dolores Hamilton worked with the internal employee policy review committee to put forth three policies for adoption, and they have been sent to employees for review. The FMLA and SNLA have been followed by practice as they are standard policies that outline leave protection, and these votes will formally adopt them. The Health Savings Account Policy spells out when funding for those in the high deductible insurance plan are paid out. Ms. Dembkoski had one change to the payment schedule in the first paragraph on page two of the HSA policy, which is to change the second half of the payment to be paid in December, not January. Mr. Toole recused himself as these are employee policies.

Board member Constantzos moved to approve the Health Savings Account Policy with the following modification that the second payment be done in December. Board member Hegemann seconded the motion and it passed unanimously (3-0).

Board member Constantzos moved to approve the Small Necessities Leave Act (SNLA) as presented at this meeting. Board member Hegemann seconded the motion and it passed unanimously (3-0).

Board member Constantzos moved to approve the Family Medical Leave Act (FMLA) as presented at this meeting. Board member Hegemann seconded the motion and it passed unanimously (3-0).

Board member Toole returned to the meeting.

Sign BAN Renewal for Lower Village Traffic Improvement

This Bond Anticipation Note (BAN) should not be needed after this year as we have received a settlement for Lower Village and once certified those funds can be used to pay off the \$200,000 bond.

Board member Toole moved to approve and sign the BAN renewal for Lower Village Traffic Improvements as presented at this meeting.

Board member Constantzos seconded the motion and it passed unanimously.

Meeting Minutes

Mr. Constantzos wanted information added to the Board of Health Outdoor Water Use Restrictions section to reflect the draft policy's explanation of enforcement. The Board discussed how to word this, with the final modification to Mr. Constantzos' comments being: "Mr. Constantzos also noted that enforcement will rely on neighbors' complaints."

Board member Toole moved to accept the meeting minutes as amended for the June 13, 2023 meeting. Board member Constantzos seconded the motion and it passed unanimously.

Board Correspondence & Updates

Chair Frecha added "updates" to this section in order to give the board members another opportunity to have short conversations about topics that might become future agenda items.

Mr. Constantzos asked about the notice received from the MDAR (MA Department of Agricultural Resources). Hemp is not considered an illegal substance and we receive this notice every year.

The email from the Planning Director regarding permitting for Nan's was discussed. The neighbors are concerned and want to know when events will happen. Chair Frecha does not want to burden Nan's with bureaucratic requests and at the same time wants them to be good neighbors. Another conversation with Nan's would be helpful, as would a calendar of events to determine what may rise to the level of a special event permit. Traffic could be a concern even if there is not a large event. Ms. Demboski will set up a meeting with them and the chiefs.

Adjournment

At 9:01 p.m. Board member Toole 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.