

AGENDA
BOARD OF SELECTMEN
April 27, 2021
7:00 p.m.
Town Building & Zoom

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place. This meeting of the Board of Selectmen will take place without any public present, but we will make every effort to ensure the public can adequately access the non-executive session proceedings in real time via Zoom.

Join Zoom Meeting

<https://zoom.us/j/93047622587?pwd=Y1hGekN0eUgxaXJNSWZ3KzFuS0xadz09>

Meeting ID: 930 4762 2587

Passcode: 695579

1. Public input
2. Chairman's comments
3. Appointments:
 - Brandon Murphy to the position of full-time Police Patrol Officer
 - Jacob Champoux to the position of full-time Police Patrol Officer
4. Public Hearing – 7:30pm
 - Chapter 61 Right of First Refusal Public Hearing
 - Hallock Point
5. Discussion and Possible Vote
 - Perambulation of Town Bounds Update
 - Review and Approve 2021 Annual Town Meeting Warrant
6. Town Administrator's Report
7. Liaison reports
8. Meeting minutes
 - April 13, 2021
 - April 13, 2021 Executive Session
 - July 28, 2020 Executive Session
 - November 13, 2018 Executive Session
 - July 10, 2018 Executive Session
 - April 10, 2018
9. Correspondence
10. Adjournment

Posted Friday, 4/23/2021
9:22 a.m.



Denise M. Dembkoski
Town Administrator
townadministrator@stow-ma.gov

Town of Stow
Office of the
Town Administrator

380 Great Road
Stow, MA 01775
Tel: 978-897-2927

April 27, 2021

Town Administrator's Report/Comments on agenda items

Appointments: I overwhelmingly support the appointment of the two new officers. These two appointees were the top selection of the Hiring Advisory Board, which included two residents, and the Chief and I concluded the same after our interviews.

I respectfully ask that you make these appointments pending final authorization by the Town Administrator. We cannot schedule mental or physical exams or background checks until they are formally appointed, but I would like some flexibility to be able to ratify the appointments once we obtain the results.

Their resumes are available in the office if any BOS member would like to review.

Brandon Murphy has been a full-time Dispatcher with the Stow Police Department since December 2016 and a Special Police Officer with our department since July 2017. He is very knowledgeable about the Town and departmental policies and protocols. Brandon holds a Bachelor's degree in Criminal Justice and has been through the Reserve Police Academy. He is well liked within the department and I think he will be a great additional to the full-time roster. Brandon mentioned that he would like to be a guardian for the community.

There has been talk of a bridge academy, to bring those with Reserve Academy training up to the full-time standards, and not require the full police academy. The hope would be that we can take that route to fully train Brandon, but if not, we will schedule him for the full-time academy once we have the results of his exam and have a replacement Dispatcher ready to go.

Jacob "Jake" Champoux graduated from the full-time police academy in March 2021. He currently works as a Corrections Officer for the Middlesex Sheriff's Office. Additionally, Jake is a Military Police Officer in the Army National Guard. A position he has held since 2013. He has one class left to complete his Associate's degree in Criminal Justice. While Jake's knowledge of Stow is limited, he has a very likable personality and was very open and honest during the interview process. I think he will fit in very well with the members of the department and the community.

Where Jake is fully academy trained, he will be ready to begin field training once the results of physical and background checks are completed.

Chapter 61 Right of First Refusal on Hallock Point:

By now, I expect you are all aware of the details surrounding Hallock Point, but if not, Kathy's memo does a great job articulating this project. I would encourage the Board to vote to exercise your right of First Refusal contingent upon a favorable vote at Town Meeting. As I believe that an article of this scale should be put forward to town meeting to have a broader discussion and vote.

Obtaining this property will follow recommendations in the Open Space and Recreation Plan, create and expand upon the walking trails on this property, as well as, maintain the appearance of Lake Boon and hold off on "mansionization" of the area. Additionally, there are a number of conservation and wildlife benefits to keeping this area undeveloped.

In the ATM Article 51, Town Meeting will be asked to support the total budget of \$1,020,000 to acquire this property. The funding for that breaks down as follows:

- \$400,000 from the Community Preservation Committee
- ~\$150k from fundraising efforts
- ~\$500k from selling the 2 re-configured lots along Sudbury Road

Only \$400,000 is being appropriated from town funds (CPA) – but the full expenditure needs to be identified.

We currently have an RFP in the market for bids on the two lots, which will be sold as part of this plan. Proposals are due in before Town Meeting, and should there be an issue with the RFP or proposals, it will be discussed as part of the article discussion.

Review and Approve the 2021 Annual Town Meeting Warrant:

Please find the 2021 Annual Town Meeting Warrant. There have been some changes since I sent out the draft last week, but mostly in the verbiage. Some suggestions & requests were made over the last week (and Fin Com hearing) and I have incorporated a number of them into the warrant. As you will see, the majority of the articles are the same every year, just dates and dollar amounts change.

There are a handful of new articles and I have placed comments under the articles to give the Board and residents a better understanding of what the article is for. I hope this will provide some assistance to you all as you review the document.

I would ask that the Board vote to approve the warrant, pending any legal changes from town counsel. Then at the meeting on the 11th (and again on the 18th, if need be) we can discuss the articles at length and the Board can decide which articles you would like to make a recommendation on.

The Finance Committee will be meeting again next week to vote on their recommendations. Once I return from vacation, I will update their votes and incorporate any legal edits from counsel. If you vote on any changes or amendments, I will incorporate those, as well.

Town Administrator's Report:

As previously mentioned, the Town has partnered with Marlborough Hospital to provide the COVID vaccine to our residents. Appointments are added daily, so anyone who wishes to make an appointment should visit our website or our Facebook page and follow the links to schedule an appointment.

The Town is holding a rabies clinic on Thursday, May 6th from 6pm to 8pm at the Highway Yard, 88 South Acton Road. Please visit our website for further information.

The Stow Recreation and Conservation Departments are soliciting applications from area artists to install a work of outdoor art at the Town Center Park arrival area just off Great Road in Stow's Center at 323 Great Road. Applications are due June 1st, with a winner being selected by July 1st with the installation/unveiling planned for the Fall. The artist of the selected art piece will be awarded a \$500 prize, made possible by a grant from the Stow Cultural Council. Visit our website for the application and for more information.

APPOINTMENTS

- Brandon Murphy to the position of full-time Police Patrol Officer
- Jacob Champoux to the position of full-time Police Patrol Officer



Town of Stow
POLICE DEPARTMENT

305 Great Road
Stow, Massachusetts 01775

(978) 897-4545
FAX (978) 897-3692

Michael Sallèse
Chief of Police

April 22, 2021

Selectboard
380 Great Road
Stow, MA 01775

RE: Recommendation for Hiring Two Full Time Patrol Officers

In December of 2020, Jacob Mick, resigned to further his career in another department, returning to his hometown as a Police Officer. In January of 2021 I was promoted to Chief from Detective Sergeant. This has caused our department to have personal shortages of two patrol officers. This shortage has caused an increase of open shifts, increased cost of overtime and increased stress on those officers who are covering their shifts as well as two open patrol positions has increased the overall case load. Working with the Town Administrator over the past month and half we have come to recommend two individuals for appointment to Patrol Officer.

As presented in the March 9, 2021 Selectboard meeting, starting March 1, 2021, the job announcement with job description, disqualifiers and selection process was posted. The posting was placed at the Town Building, Police Station, on-line at indeed.com. The on-line posting produced over one thousand views and 48 indications of interest, and Stow social media had over 1,500 views. The same post was shared over 19 times through many colleges and other media outlets. The posting was also sent out to the Town of Stow subscriber lists as well as the job posting for officers on the Department of Criminal Justice Information System network.

The posting required that all candidates submit two resumes and cover letters, one with personal identifying information and one without. The cover letter and resumes without personal information (blind resume and cover letters) were sent to the Chief's Advisory Hiring Board for further review and interviews.

This 5 member hiring board consisted three employees from the Stow Police Department, Lieutenant Darren Thraen, Detective Cassandra Scott, and Dispatcher/Officer Jonathan Butler. The other two members were Anna-Celestrya Carr, a resident and member of the Nashoba Area Social Justice Alliance, and James Lamb a resident of the over 55 Regency of Stow neighborhood.

Here is an outline of the process.

- March 1, 2021 Job Posted
 - 14 Academy Trained Resumes and Cover Letters received
 - 28 Non-Academy Resumes and Covers Received
 - Normal range 5 to 10 total
 - Individuals from Massachusetts, Washington DC and North Carolina

- March 15, 2021 Hiring Advisory Board Reviewed 42 Blind Resumes
 - Divided into two tracks
 - Academy Trained 14
 - 4 Eliminated
 - Non-Academy Trained 28
 - All Invited to Physical Agility Test (PAT)

- March 20, 2021 Officers Kusz, Dezago, Fitzpatrick held the PAT at Nashoba
 - 28 Invites for PAT sent to candidates
 - 13 Showed for test
 - 12 Passed
 - Some reasons for those who did not show
 - Other police test at same time
 - Forced to stay at work
 - Injured foot day before
 - Got busy forgot about the PAT

- March 22, 2021 Application Packet (26 Pages)
 - 22 Candidates sent application packets
 - 17 Packets returned
 - Some reasons for those who did not return packets
 - Took job in another community
 - Commute was to far from home
 - Decided to stay with current department
 - Others did not call back after message was left

- April 1, 2021 Hiring Board Reviewed Packets
 - 11 Offered Interviews
 - 4 Academy Trained
 - 7 Non-Academy Trained
 - Some Reasons those were not offered
 - Resigned prior to being fired from other police jobs
 - More experienced candidates

- April 8th and 9th, 2021 Interviews
 - 57 Questions
 - Approximately 1 hour long
 - 11 interviews
 - 3 Academy and 3 Non Academy Trained recommended for further process

- April 14, 2021
 - 6 Recommended Candidates reviewed by Town Administrator and Police Chief
 - 4 Chosen for Final Interviews

- April 20, 2021 Final Interview
 - Approximately 20/30 Questions
 - Approximately 45 minutes
 - 4 Interviewed by Town Administrator and Police Chief
 - 2 Recommended for appointment

We are recommending Brandon Murphy and Jacob Champoux for appointment to two open positions of Patrol Officer. Brandon has been a Stow Police Dispatcher for the past 5 years, and a reserve officer with the Town of Stow for 4 years. He was the top candidate recommended by the hiring board and has an extensive knowledge of Stow. He currently does not have the full police academy and would be sent to complete his training over the next year.


Jacob is currently a correctional officer and a military police officer in the Army Reserves. He is a recent graduate of the Municipal Police Academy run by the State Police. This program certifies individuals as Massachusetts Police Officers through a coordinated effort between the Army Reserves and the Police Training Council. Jacob will have to complete some field training and then will be ready for shift work.

For purposes of seniority within the police department I would request that Brandon Murphy be appointed ahead of Jacob Champoux.

The Town Administrator and I request to appoint Brandon Murphy to the position of Patrol Officer, pending final approval by the Town Administrator that the prerequisite physical and mental exams have been satisfactorily completed. Additionally, Mr. Murphy's official start date as a Patrol Officer will be dependent upon hiring a Dispatch replacement and his status at a bridge or full-time academy.

The Town Administrator and I, also request to appoint Jacob Champoux to the position of Patrol Officer, pending final approval by the Town Administrator that the prerequisite physical and mental exams and background checks have been satisfactorily completed.

Respectfully Submitted,



Michael Sallese, Chief of Police



Town of Stow POLICE DEPARTMENT

305 Great Road
Stow, Massachusetts 01775

(978) 897-1545
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Michael Sallèse
Chief of Police

Police Officer - Patrol Job Description

Definition

Under the immediate supervision of a Police Sergeant or other superior officer, performs basic law enforcement duties in the protection and safeguarding of life and property, the prevention of crime, apprehension of criminals and the preservation of peace in compliance with federal, state and local laws, and performs related work as required.

Distinguishing Characteristics

Work activities are varied and require independent action and judgment in addressing issues/problems, some of which are unusual in nature. Issues often require further research and investigation.

Errors could result in legal repercussions, inefficiencies, time loss, and loss of goodwill.

Contacts are with employees within and outside the Department, as well as the public. Contact with the public requires courtesy, tact and diplomacy as well as the ability to persuade and influence someone's actions.

May supervise other staff if senior employee on duty. Provides training and guidance to department staff on area of specialty. May monitor budgetary expenses for a specialty area, and notify the Chief of discrepancies. Participates in new employee orientation.

Requires maintaining confidential department material, as well as maintaining the privacy of individuals who lodge complaints, or are being investigated, as allowed by law.

Required to maintain physical fitness in order to perform a wide array of activities that necessitate physical agility and effort in the field.

Examples of work

Provides courteous and expeditious police service to the general public and town department staffs.

Enforces federal, state, and local laws; patrols assigned areas on foot, on a motorcycle, or in a radio car safely and within establish guidelines; responds to radio messages or telephone

instructions and appears at the scene of disorder or crime; inspects premises at night and watches likely locations for wanted persons.

Conducts preliminary investigations of disturbances, burglaries, thefts, holdups, vehicle accidents, deaths, or other matters involving possible violations of the law; conducts crisis intervention and conflict resolution; prepares reports on arrests, traffic accidents offenses, damages to property and investigations conducted; directs traffic; issues verbal warnings or citations for traffic and other minor violations; provides traffic control; administers first aid to injured persons and requests medical attention as required.

Accomplishes background investigations; appears in court to present evidence and give testimony; serves subpoenas; assists in receiving, searching, booking, fingerprinting, photographing and maintaining custody of prisoners and property; provides escort or support services for parades or public meetings; demonstrate the use of firearms in accordance with department policy.

Advises and assists clerical employees engaged in complaint receipt and record searching; participates in training courses and programs; relieves a superior police officer as required; gives directions and information to the public; routinely adheres to and maintains a positive attitude toward town and department goals; communicates effectively verbally and in writing and routinely performs related work as required.

Provide emergency medical care applying skills of a First Responder.

Additional Responsibilities

•May have an area of special responsibility such as coordinating firearms training, maintaining computer system, public relations officer, sexual assault investigator, etc. Performs other position related duties as required.

MINIMUM QUALIFICATIONS

I - Education and Experience

Graduation from high school or GED equivalent

Graduation from the basic training course for police officers (police academy) as directed by the Massachusetts Criminal Justice Training Council

POST Certified

Must be at least 21 years of age.

Must pass a criminal and traffic record check, background investigation, physical and psychological examinations.

Requires possession of a valid Class "D" Massachusetts drivers license.

II – Knowledge, Ability and Skills

Knowledge

-to be gained during and after the police academy

Current applicable federal, state and local laws;

Department rules and regulations;

Principals and practices of a municipal police administration and organization;

Police requirements and limitations of police authority;

Laws, governing custody of persons, search and seizure, admissibility

Presentations of evidence and laws of arrest and court procedures;

Basic computer operations and functions.

Ability

Read and understand departmental policies and procedures, rules and regulations, laws and law enforcement documents;

Learn the use and care of firearms;

Remember names, faces, facts and details of incidents;

Write clear, accurate and comprehensive reports;

Analyze situations and adopt a quick, effective, and responsible course of action giving due regard to the surrounding hazards and circumstances of each situation.

Operate a motor vehicle safely and skillfully;

Keep all department information strictly confidential;

Communicate effectively, both orally and in writing;

Accomplish various clerical duties;

Follow oral and written instructions;

Work effectively with other employees;

Engender public respect and confidence;

Meet the general public with courtesy and tact;

Demonstrate good judgment, character, reputation, superior poise, bearing, alertness, and emotional stability.

Cope with situations firmly, courteously, and with the respect for the rights of others;

Establish and maintain effective relationships with all those contacted in the course of work.

Skill

Operating various equipment: firearms, radar, lidar, breathalyzer, handcuffs, baton, radios, and related equipment;

Operating personal computer and general office equipment.

III - Special Requirements

Must be CORI (Criminal Offender Record Information) certified by the State

Have a valid Massachusetts Class D Motor Vehicle License,

Have a valid Firearms License to Carry,

First Responder Certification (can be obtained in the academy)

Must pass Police Department physical examination prior to appointment

Maintain appropriate physical fitness level (cooper standards prior to academy)

IV - Physical Requirements

The physical demands listed are representative of those that must be met by the employee to successfully perform the essential functions of this job. Work frequently requires talking, hearing, standing, walking and driving for extended work periods. Outside work require exposure to weather extremes, noise, and working around equipment with moving mechanical parts.

While performing the duties of this job, the employee is required to use hands to finger, handle, or feel objects, tools, or controls. Work requires reaching with hands and arms, carrying/lifting (sometimes over 100 pounds), pushing/pulling and restraining.

The employee must have good vision to read general documentation, instruments and maps for analytical purposes and the ability to distinguish color. Requires depth perception and close vision to operate vehicles and equipment. Requires manual dexterity in combination with eye-hand coordination for efficient operation of equipment and vehicles.

ORGANIZATIONAL RELATIONSHIPS

The Police Officer is an entry level position to a career in professional law enforcement for the Town of Stow. They work under the supervision of a superior law enforcement officer who

reviews work methods and results through reports, personal interactions, inspections, and discussions. The Police Officer may be recalled to duty in cases of emergency.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This position description does not constitute an employment agreement between the Town and the employee and is subject to change by the town as the needs of the Town and requirements of the job change.

PUBLIC HEARING

7:30 p.m.

INFORMATION FOR THE HALLOCK POINT – Chapter 61 Public Hearing

Public Hearing at 7:30pm

Pursuant to MGL Chapter 61, Section 8, the Stow Board of Selectmen will hold a public hearing via Zoom web conferencing Tuesday April 27, 2021 at 7:30pm to consider exercise of the Town's Chapter 61 Right of First Refusal for 12.6 acres of land located at Sudbury Road and Hallock Point Road owned by Robert Dawes, LLC, and shown on the Stow Assessors' Maps as Map U6, Parcel 9B and 13A. Notice of withdrawal of this land from Chapter 61 was given to the Town of Stow on June 5, 2020, and the time period for the town's consideration of this matter has been extended during the State of Emergency by Chapter 53 of the Acts of 2020. Call-in instructions will be posted on the agenda and website.

STOW BOARD OF SELECTMEN

Thomas Ryan, Chair

The Stow Independent, 4/14/21 issue

Once read, the Chair should ask for a motion to enter the Public hearing. Roll Call Vote.

Once the public hearing is opened, the Chair should invite the BOS members and members of the ConCom and Lake Boon Association to speak.

When they are finished, the Chair should ask if there is anyone from the public that wishes to speak on this matter.

Once everyone speaks, the Board should make their comments/questions/motions.

Any votes of the Board require a roll call.

Once the discussion is final, the Board needs a motion/roll call vote to close the public hearing and return to the regular meeting.



**Town of Stow
Board of Selectmen**

**380 Great Road
Stow, Massachusetts 01775-0261
(978) 897-4514 FAX (978) 897-4534
email: selectmen@stow-ma.gov**

**STOW BOARD OF SELECTMEN
NOTICE OF PUBLIC HEARING**

Pursuant to MGL Chapter 61, Section 8, the Stow Board of Selectmen will hold a public hearing via Zoom web conferencing Tuesday April 27, 2021 at 7:30pm to consider exercise of the Town's Chapter 61 Right of First Refusal for 12.6 acres of land located at Sudbury Road and Hallock Point Road owned by Robert Dawes, LLC, and shown on the Stow Assessors' Maps as Map U6, Parcel 9B and 13A. Notice of withdrawal of this land from Chapter 61 was given to the Town of Stow on June 5, 2020, and the time period for the town's consideration of this matter has been extended during the State of Emergency by Chapter 53 of the Acts of 2020. Call-in instructions will be posted on the agenda and website.

STOW BOARD OF SELECTMEN
Thomas Ryan, Chair

Printed in the April 14, 2021 Stow Independent

Posted 4/8/2021

Please print the above legal notice in the April 14, 2021 edition of the Stow Independent and bill as indicated below:

Stow Board of Selectmen
380 Great Road
Stow, MA 01775
978-897-8615
selectmen@stow-ma.gov



Town of Stow Conservation Commission

380 Great Road
Stow, Massachusetts 01775
(978) 897-8615
FAX (978) 897-4534
conservation@stow-ma.gov

TO: Board of Selectmen
FROM: Kathy Sferra, Conservation Director, Stow Conservation Commission *KS*
RE: Hallock Point Exercise of Right of First Refusal
DATE: April 22, 2021

Background

On June 5, 2020, the Town received a Notice of Intent to Sell and Convert from Chapter 61 approximately 12.03 acres of land, made up of two parcels, off Sudbury Road and Hallock Point Road, owned by Robert Dawes, LLC. The notice included a Purchase and Sales Agreement between the seller and Kendall Homes, LLC for \$1 million. As outlined in the Selectmen's Chapter 61 Policy dated 11-14-08, various town departments and committees began the process of considering whether the town should exercise its statutory Right of First Refusal, match the buyer's offer, and acquire the property – and for what purpose to do so.

The timeframe for consideration of the town's right of first refusal has been extended by Chapter 53 of the Acts of 2020 during the Covid-19 State of Emergency. Section 9 of this legislation provides that... *"Notwithstanding section 8 of chapter 61 of the General Laws, section 14 of chapter 61A of the General Laws, section 9 of chapter 61B of the General Laws or any other general or special law, charter provision, ordinance or by-law to the contrary, during and for a period of 90 days after the termination of the governor's March 10, 2020 declaration of a state of emergency, all time periods within which any municipality is required to act, respond, effectuate or exercise an option to purchase shall be suspended."* Accordingly, the clock has not yet begun ticking on the Town's 120-day deadline.

Early on, interest in acquiring the property for conservation and passive recreational purposes was expressed by the Stow Conservation Commission, Stow Open Space Committee, Lake Boon Commission and Lake Boon Association. No other departments or committees expressed interest in the property. From the outset, the interested parties have sought to craft a plan to acquire this property in a fiscally responsible manner – which does not ask the town to pay the full \$1 million purchase price, and which leverages outside funds for the majority of the cost. Following several briefings for the Board of Selectmen, and meetings of the Community Preservation Committee and others, a financial plan was developed to acquire the property which has three key components. The three components – which total \$1,050,000 – are:

- Request for a maximum of \$400,000 in Community Preservation Funds;
- Private fundraising in the amount of \$150,000 by the Lake Boon Association (LBA) and the Stow Conservation Trust (SCT) (note that an additional \$18,000 is being raised as part of the same campaign for match for the Town's Healthy Lake Boon Municipal Vulnerability Preparedness Grant);

- Sale of 2 reconfigured single-family lots on Sudbury Road for a projected amount of \$500,000 (\$250K per lot).

The total project cost is an estimated \$1,020,000 – which includes the purchase price along with survey, title and legal costs. The Conservation Commission committed \$10k toward due diligence costs if needed.

Reasons for Acquisition

- The 2016 Stow Open Space and Recreation Plan recommends acquisition of key parcels along the shoreline of Lake Boon to enhance physical and visual access to the water. Hallock Point is the largest remaining undeveloped property on Lake Boon in Stow.
- The property is located in the shallow and wildlife-rich third and fourth basins of Lake Boon. Unlike most of the lake which supports intensive water-based recreation, this portion of the lake is relatively quiet and frequented by herons, beavers, otters, and other wildlife, and used extensively by kayakers and canoeists.
- While both the Planning Board and Conservation Commission reviewed the project and sought to impose limitations on clearing and docks on the seven lots in the subdivision, it is expected that seven large single-family homes would be built on the Point, forever changing this portion of the Lake. Septic systems from these homes will contribute phosphorus and other nutrients to the Lake and adversely impact views of the Point from surrounding waters and public ways. Permit restrictions will require a commitment to ongoing enforcement, particular with regard to clearing limitations.
- The property abuts the small public boat launch on Lake Boon and a foot trail will link this launch and parking to the tip of Hallock Point.
- Trails on the property will connect to the existing network of trails on the Assabet River Wildlife Refuge and Marlboro-Sudbury State Forest, affording trail users a destination for hiking and picnicking, and linking Hallock Point to more than 2000 acres of protected land. The property also offers a quiet opportunity to appreciate Lake Boon for residents of Stow and beyond – with a very different character than the current user experience at Pine Bluff.

Use of the Property

A Concept Plan for the use of the property for conservation and passive recreation was developed with input from the various organizations and individuals involved in the effort. That plan would result in the creation of walking trails looping through the property leading from the Marlboro-Sudbury State Forest Parking Lot directly opposite Hallock Point and from the Lake Boon boat ramp (see attached map). Sections of this trail already exist and the remainder would be created by the Conservation Commission staff and volunteers. Trails would follow the shoreline on most of the point and lead to the tip of the peninsula, where a shady, relatively open overlook on a high knoll has a panoramic view of Lake Boon. A small canoe/kayak pull up would also offer lake users the opportunity to stop and picnic on the Point. The property and trails would be managed by the Stow Conservation Commission.

Current Project Status

Financial Status:

- The Community Preservation Committee has voted unanimously to support a request of \$400,000 in Community Preservation Funds toward the purchase. This request will be on the warrant for Annual Town Meeting in May.
- To date, LBA and SCT have received gifts and pledges totaling almost \$120,000 from nearly 150 people around Lake Boon and beyond. They are endeavoring to complete as much of the fundraising as possible prior to Town Meeting, with any balance by closing.
- Pursuant to Chapter 30B, the Town of Stow has issued an RFP for the disposition of the two lots, contingent on the Town Meeting vote and closing. Bids are due on 5/11/21.

Status of Due Diligence:

- A survey is currently being completed which will reconfigure Lots 1 and 7 slightly so that the Town would own the entire shoreline on the property and to facilitate trail construction in this area. This plan will be brought to the Planning Board as an Approval Not Required Plan.
- We are currently working with KP Law to put the legal framework in place to complete this transaction. The seller desires that the Town move as quickly as possible to a resolution on this matter despite the statutory extension of the 120-day period and we have committed to doing so insofar as is feasible given the need to bring this to Town Meeting.

Status of Support from Town Boards:

- The Stow Conservation Commission voted unanimously at their meeting of April 6, 2021 to support this project for all of the reasons noted above.
- The Stow Open Space Committee has supported this project from the outset, and will formally vote on April 26, 2021.
- The Lake Boon Commission is also expected to vote at their meeting on April 26, 2021.

Recommended Action

We request that the Selectmen vote at the conclusion of tonight's meeting to exercise the town's Chapter 61 Right of First Refusal and acquire the land on Hallock Point that is the subject of the June 5, 2020 Notice of Intent to Sell and Convert, contingent on a favorable Town Meeting vote. Assuming an affirmative Town Meeting vote, the notice of exercise would be recorded at the Registry of Deeds and we expect that the closing would occur in July 2021.

Thank you for your time and attention to this issue. Project representatives will be in attendance at your meeting and prepared to answer any questions you may have.

Attachments

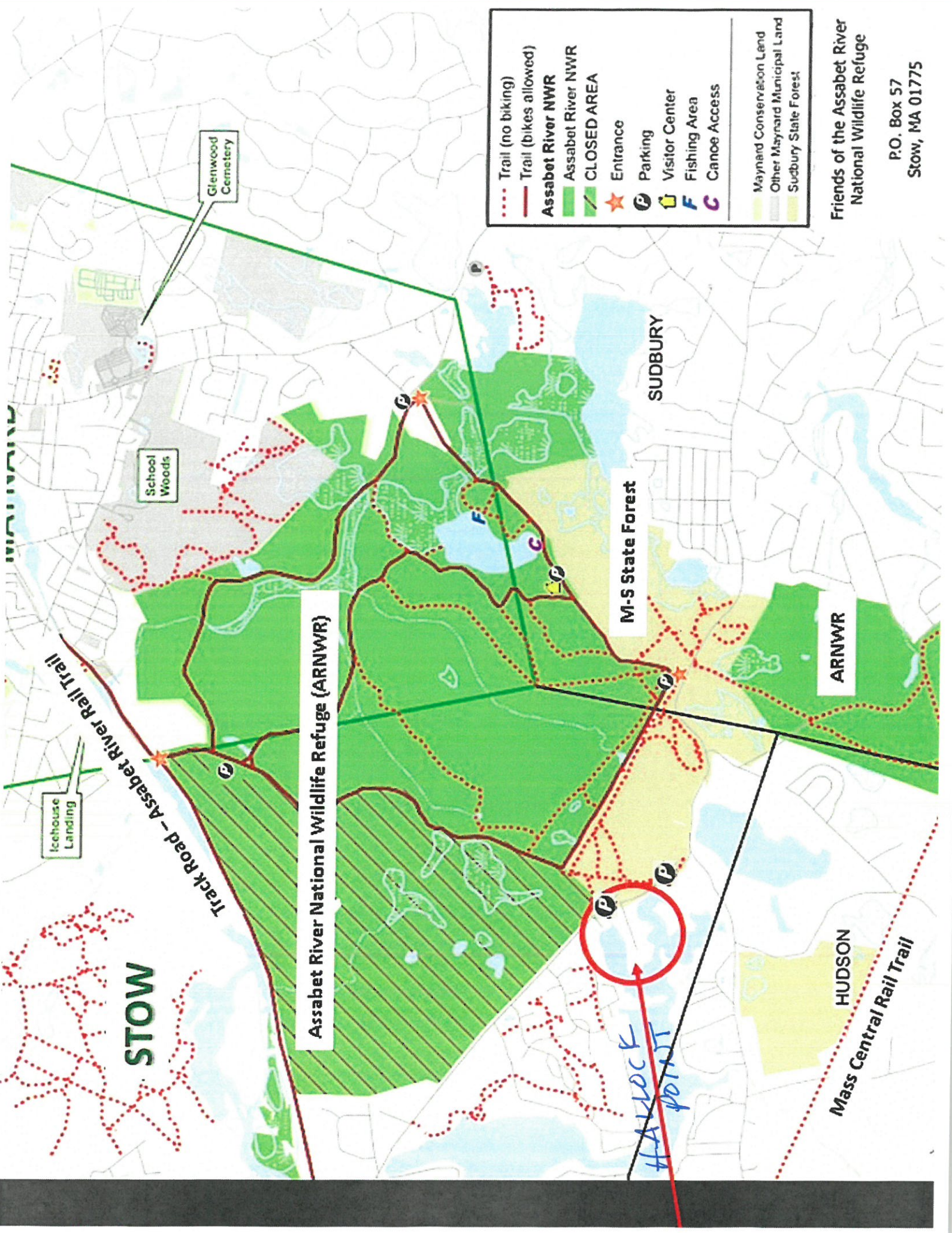
Town's Chapter 61 Policy

Concept Plan Map and Regional Trails Map



Hallock Point Draft Conservation Concept Plan

9/2020



- Trail (no biking)
- Trail (bikes allowed)
- Assabet River NWR
- Assabet River NWR
- CLOSED AREA
- Entrance
- Parking
- Visitor Center
- Fishing Area
- Canoe Access
- Maynard Conservation Land
- Other Maynard Municipal Land
- Sudbury State Forest

Friends of the Assabet River
National Wildlife Refuge

P.O. Box 57
Stow, MA 01775

STOW

Assabet River National Wildlife Refuge (ARNWR)

M-S State Forest

ARNWR

HUDSON

SUDBURY

Haddock Point

Icehouse Landing

School Woods

Glenwood Cemetery

Track Road - Assabet River Rail Trail

Mass Central Rail Trail

Town of Stow

Chapter 61 Review Process Guidelines

Whereas the Town of Stow ("Town") encourages owners of open lands used for forestry, farming or recreation to enroll their property in the Chapter 61, 61A and 61B preferential tax programs in order to help maintain these lands in their current use, but in doing so, forgoes tax revenue that would otherwise be generated by these lands; and

Whereas owners of land enrolled in these programs are required to grant the Town a 120-day assignable right of first refusal in the event that these lands are proposed to be sold or converted for other uses; and

Whereas the Town has the ability to exercise its right of first refusal on land sold for, or converted to, another use within one year of leaving Chapter 61, 61A and 61B; and

Whereas the Town has ongoing needs for land for municipal purposes including conservation land and finds it in the Town's best interest to give full consideration to the opportunity presented by withdrawal of land from these programs, to gather information from relevant boards and staff, and to determine whether the Town should exercise or assign its right of first refusal;

Whereas the Town has formed a "Study/Evaluation Group", composed of the professional staff of the Stow Planning Board, Stow Board of Selectmen, Stow Conservation Commission, Board of Assessors, Stow Board of Health, and the Chairs or designees Stow Open Space Committee and Stow Agricultural Commission (to assist the Town in evaluating parcels and completing the right of first refusal process.

Therefore the Board of Selectmen adopts these Chapter 61 Guidelines to set forth a clear process by which the Town will review and respond to notices of conversion and sale of lands in Chapters 61, 61A and 61B and determine whether to exercise, assign or waive its right of first refusal on these lands. These guidelines and procedures are adopted solely for the purposes of coordinating local review. Failure to adhere to these guidelines and procedures shall not affect any rights that the Town has under MGL Chapters 61, 61A and 61B, nor shall they affect any rights of the landowner.

Note: For the purposes of this document, the following items that are required by statute are noted in italic type. This is not an exact replication of the wording of the statute. Other items are adopted as part of this set of guidelines. The statute should always be consulted for exact wording.

A. Right of First Refusal

Within 120 days of the landowner's mailing (not receipt) of a proper notice, the Town must either:

- 1. Act to exercise its option to purchase (to meet a bona fide purchase offer or, in the case of intended conversion by the landowner, an option to purchase at full and fair market value), recorded at the Registry of Deeds and by certified mail notification to the landowner,*
- 2. Assign its rights to a non-profit conservation organization or the Commonwealth or any of its political subdivisions, recorded at the Registry of Deeds, or*
- 3. Notify the property owner that it does not intend to exercise its right of first refusal.*
- 4. Failure to record either the notice of exercise (and notification of the landowner) or the notice of assignment within 120 days is considered conclusive evidence that the Town will not exercise its right of first refusal.*

B. Requirements for Notice by Property Owner

- 1. The 120-day right of first refusal time period begins with a notice of the landowner's intent to sell or convert a parcel for commercial, industrial or residential use. This notice must be sent by certified mail or hand delivered to the Town of Stow Board of Selectmen, in addition to the Planning Board, Board of Assessors and Conservation Commission, and to the State Forester. This notice must include the following:*
 - a. A statement of intent to sell or convert,*
 - b. A statement of proposed use of the land,*
 - c. The location and acreage of land as shown on a map drawn at the scale of the Town's Assessor's maps*
 - d. The name, address and telephone number of the landowner,*
 - e. In the case of an intent to sell, a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited only to the property classified under the Chapter, and must be a bona fide offer,*
 - f. The purchase and sale agreement must be a bona fide offer, defined as a good faith offer not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use or the potential for, or the potential extent of, development of the property for industrial or commercial use, made by a party unaffiliated with the landowner for a fixed consideration payable upon delivery of the deed,*
 - g. Any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under the Chapter, but sold or to be sold contemporaneously with the proposed sale,*
 - h. A notarized affidavit that the landowner has mailed or delivered the notice will be conclusive evidence that the notice has been mailed in the manner and at the time specified,*
 - i. In the case of an intent to convert the land to other use, the landowner must also notify the Town of the landowner's attorney, if any.*

C. Procedure for Review of Notices and Evaluation of Properties

1. Within three days of receipt of a proper Notice from a landowner, the Board of Selectmen's office will ascertain that Notice, with the required information, was also properly transmitted to the Planning Board, Board of Assessors and Conservation Commission. Within this same period, copies of the Notice will be provided by the Board of Selectmen's Office to members of the Study/Evaluation Group and to the Town Clerk, the Community Preservation Committee, Historic Commission, Stow Municipal Affordable Housing Trust, Stow Conservation Trust, and any other relevant boards and town officials. A cover letter shall indicate the date of a Joint Boards meeting to be scheduled within three weeks of the receipt of the Notice. The Board of Selectmen's office will provide a copy of the Notice and relevant information to Town Counsel for review.
2. The Board of Selectmen's office will also determine the final day of the 120-day period in consultation with Town Counsel and attempt to seek confirmation from the landowner or his/her representative regarding this date.
3. The Board of Selectmen will consult with Town Counsel to review the notice, including the purchase and sale agreement, and determine whether the purchase and sale agreement is deemed a bona fide offer and whether the Town is being given the same opportunity as the buyer with regard to the terms of the agreement. Ideally this determination will be made within five (5) days of receipt of the Notice.
4. *If the Notice is determined to be insufficient, the Board of Selectmen will immediately, but, in no event, in no later than 30 days from receipt of the Notice, transmit a letter via certified mail notifying the landowner in writing that the proper notice has not been given and informing him/her that the 120-day time period pursuant to the statute has not begun. A copy of this letter will be provided to the Planning Board, Board of Assessors and Conservation Commission and other boards/officials in Paragraph C(1). Unless or until there is agreement with the landowner that the notice is deficient or the offer is not bona fide, the Town's review process should continue.*
5. The Board of Selectmen shall request that the Study/Evaluation Committee gather information on the property to determine its recreational, agricultural, forestry and/or conservation values and provide a preliminary report to the Board of Selectmen and Town Administrator within five (5) working days. An analysis of the location of the property relative to other protected lands shall be performed along with an environmental assessment. A determination will be made whether the property contains any unique geological or other environmental features, important soils, a drinking water source, or historical attributes. Zoning and subdivision control regulations will be examined to assess the impact of the potential development on town services.
6. The Board of Selectmen shall hold a Joint Boards meeting, inviting all relevant municipal boards and committees. At that meeting, the information gathered by the Study/Evaluation Committee shall be presented and all boards and committees shall be given the opportunity to present any additional information that may be relevant to the parcel and indicate their potential interest in pursuing exercise of the Town's right of first refusal and the potential of the property to meet the town's needs for land.
7. At the conclusion of the Joint Boards meeting, the Board of Selectmen shall determine whether or not there is interest in proceeding with further evaluation of the property. At that time, if there is no interest, the Board may execute a waiver of the Town's right of first refusal (see D.3 below). If there is interest in further evaluation, the Board shall request that the Town Administrator appoint a Working Group to conduct further evaluation of the property and bring one or more proposals for the use of the property and the funding for the

acquisition to the Board of Selectmen. The membership of the Working Group will likely include members of the Study/Evaluation group but shall be as broad as needed to include all parties with an interest in pursuing acquisition of the property. The working group shall complete any necessary evaluations of the land's suitability for intended uses. The group may request funds to cover costs of the evaluations from public or private sources as they deem necessary.

8. At the conclusion, of the Joint Boards meeting, The Board of Selectmen shall meet and if they decide to continue the process., they shall also schedule and give notice of a public hearing for the purpose of receiving comments on the importance of the property to the Town, its conservation significance and/or potential for use to serve municipal needs and for receiving a report from the Working Group. Ideally, the public hearing will be scheduled by Day 60 of the review process. In those cases where there is a proposed conversion of the land but no sale, the determination of sale price may take as long as 90 days, at which point the public hearing will be scheduled (see section C (7)). *Notice of the hearing is required to be given in accordance with M.G.L. Ch. 39, Section 23B (Open Meeting Law).* The Board of Selectmen will also notify the Planning Board, Conservation Commission, Open Space Committee and Board of Assessors, and (the other boards and organizations listed in paragraph C (1)). *The option to exercise the right of first refusal may only occur after a public hearing and an affirmative vote of the Board of Selectmen.*

At the public hearing, the Board of Selectmen will afford interested boards, organizations and individuals the right to comment. If there continues to be interest in pursuing acquisition of the property for municipal uses or in assigning the right of first refusal to a non-profit conservation organization or to the Commonwealth or one of its political subdivisions, the Board of Selectmen may continue the public hearing as needed to allow time to present a more specific proposal for consideration by the Board.

9. *If the landowner is converting the property, and the Town is interested in exercising an option to purchase the land at fair market value, the Town will hire a qualified independent appraiser, and obtain the appraisal within 30 days of receiving the notice to convert. If the landowner contests the appraisal, the landowner may hire a qualified independent appraiser and obtain an appraisal within 60 days of the notice to convert. If the Town and the landowner cannot agree on an appraised value, then the two parties will jointly hire a third appraiser and obtain an appraisal within 90 days of the notice to convert. The price of the third appraisal will prevail if there is a sale, but at anytime the landowner may withdraw his or her notice to convert. Upon agreement of a sales price, the Town will have 120 days to exercise its option.*

D. Decision by the Town of Stow

Based on input at the public hearing and further research as warranted, the Board of Selectmen will close the hearing and determine whether to pursue the opportunity to exercise the right of first refusal and for what purposes. The Board of Selectmen must choose one of four courses of action:

1. If the Board of Selectmen agrees to bring the option to exercise to a Town Meeting vote, the Board of Selectmen shall:
 - Schedule a Town Meeting for the purpose of appropriating funds to purchase the property, place a warrant article on the town warrant for this purpose, and schedule a debt exclusion vote (if necessary) for the purpose of authorizing expenditure of funds. The town meeting must be scheduled within the statutory 120-day period, unless an extension of this deadline is agreed to in writing between the parties.

- *Record the notice to exercise the option at the Registry of Deeds as part of an affidavit of a notary public during the 120-day period.*
 - *Notify the landowner by certified mail during the 120-day period, at the address specified in the landowner's notice, of the Town's intent to exercise its option.*
 - *The Town must take title to the property must occur within 90 days of the Town's decision to exercise its right of first refusal, unless otherwise extended by written agreement of the parties.*
2. If the Board of Selectmen desires to assign its right of first refusal to a qualified land trust/conservation agency, the Board of Selectmen shall:
- *At a public hearing during the 120-day period, vote to assign its right of refusal to the non-profit organization, setting forth any terms and conditions of the assignment. [Note: the non-profit conservation organization or the Commonwealth or any of its political subdivisions must conserve at least 70% of the property in a use consistent with one of the three Chapters, (forestry, agriculture or recreation) or no less a percentage conserved than proposed by the developer whose offer gave rise to the assignment, whichever is greater, but may be permitted to undertake a limited development on the balance of the property. The Board of Selectmen may place conditions on this use; for example the number of lots in the limited development can be specified.]*
 - *Record the notice to exercise at the Registry of Deeds as part of an affidavit of a notary public during the 120-day period.*
 - *Notify the landowner by certified mail during the 120-day period, at the address specified in the landowner's notice, of the Town's intent to assign its option to a non-profit conservation organization, stating the name and address of the non-profit organization and the terms and conditions of the assignment.*
 - *The assignee must take title to the property within 90 days of the Town's decision to assign its right of first refusal, unless otherwise extended by written agreement of the parties.*
3. If the Town decides to forgo its right of first refusal, the Board of Selectmen should:
- *Examine wisdom of recording a limited waiver of its rights at the Registry of Deeds. Any waiver of the Town's rights should be specific to the proposed purchase terms so that if the sale falls through and a new proposal comes forth, the 120-day clock will begin again.*
 - *The Town shall use as much of the 120-day period as is necessary to properly evaluate the property and the potential of exercising or assigning the right of first refusal. It is possible that the Town may decide that it cannot afford to purchase the property, but any such choice should be thoroughly discussed and researched before making such a determination. Where there is consensus on the absence of conservation value or where the Town has negotiated a signed agreement with the landowner and/or developer that meets the municipal needs with regard to the property, the town may choose not to exercise its right. Any such negotiations, however, should occur in consultation with the boards/committees entitled to notice by statute.*
4. *The Town can fail to act within the required 120-day period (and any extensions thereof), in which case the Town will be deemed to have failed to exercise its right of first refusal.*

DISCUSSION & POSSIBLE VOTE

Perambulation of Town Boundaries Update

TO: Stow Selectmen; Town Administrator Denise Dembkoski

FROM: Ellen Sturgis, for Perambulation 2020 team

RE: Interim Report on 2020-21 Perambulation

Date: 27 April 2021

MGL Chapter 42 Section 2 requires two of the selectmen or their designated alternates of each town to visit each boundary marker every five years. The presumption is that if there are problems, the Selectboards of affected towns will discuss next steps for correction. Stow has been committed to this (far more than its neighboring towns) and in Fall 2020, I volunteered to lead the (late start) 2020 Perambulation. We had to stop due to weather in December, and will complete our task this spring, but submit this preliminary report before the current Board ends its term.

Without going farther, our most consistent participant over the last 15 years has been Greg Troxel, who brings with him a knowledge of GIS, appropriate technology and cameras to document all that we see, and a memory for the locations of nearly all monuments, and, especially helpful, of some of the particularly hard to find boundary markers. Without him, this would be a much more difficult task. Also, Greg reminds me that without Ross Perry's work, his job would have been even harder. I'm also grateful to Mary Troxel, Megan Birch-McMichael, Cortni Frecha and others who joined us on one or another of our "Perambulating" adventures!

Overview: There are 12 corner boundary markers and 17-19 road bounds. As of 4/10/21, we viewed and marked all corners and have noted 12 boundary stones (five of remaining are in ARNWR). I will just address the Corners in this update.

TOWN CORNER MARKER STATUS:

With gratitude to property owners who allowed us to visit their properties, we confirmed the following bounds without trouble, marked them with "20" (or "21"), took measurements and photographs and noted no particular issues:

1. Flagg Hill Conservation: bound of Boxborough/Acton/Stow
2. Off Red Acre Road: bound of Acton/Maynard/Stow
3. Off Pompositticut Street: Maynard/Stow
4. In Assabet River National Wildlife Refuge (ARNWR): Maynard/Sudbury/Stow*
5. Off Eldridge Road: Harvard/Boxborough/Stow
6. On Collings Foundation: Hudson/Stow
7. Off Gleasondale Rd/Wilkins St: Hudson/Stow
8. Off Patriot Lane Hudson: Hudson/Bolton/Stow
9. Off Chestnut Street, Hudson/Stow

**ARNWR created a flush monument as a substitute for the 48" stone that we presume had been present when paved walkways were created for accessibility.*

Part of the purpose of the perambulation is to ensure the boundaries continue to be reasonably marked. Per the above referenced MGL, it is required to replace/correct deficient marks. To confirm location, we use everything from 1890s state data to current GIS coordinates. At this point, nothing is more than a couple meters off the recorded locations. But the real concern is with missing or fallen stones.

IN NEED OF ATTENTION:

10. Barton Road: There is no marker for the corner of Hudson & Stow in this location. Needs a flush monument on road.
11. Off Main Street Hudson: this mark has been impacted by a rising river: the stone lies horizontally in the water.
12. Delaney project: Bolton/Harvard/Stow: there is a small remainder of the marker midfield—this may be challenging to replace, given possible uses of the fields including large machine mowing.

PROPOSED ACTION: We contact the Hudson Selectboard with a request to address the missing monument at the Barton Road location. A surveyor will need to be retained, an estimate requested and a proposed cost-sharing agreement made.