

AGENDA
SELECT BOARD
April 12, 2022
7:00 p.m.
Town Building & Zoom

The public may attend the Select Board meetings in person or may participate via remote Zoom access.

Join Zoom Meeting

<https://us06web.zoom.us/j/88061063800?pwd=VnRkS1NjNUltRmJic1ZsTmtWQitRQT09>

Meeting ID: 880 6106 3800

Passcode: 356529

1. Public input
2. Board Members comments
3. Recognition
 - Certificate for Eagle Scout Luke Piotte
4. Appointments
 - Rachel Vroegindewey to the position of Firefighter/EMT through June 30, 2022 and subject to reappointment thereafter.
 - William Byron to the Zoning Board of Appeals as an Associate Member through June 30, 2023.
 - Cathy Leonard to the Municipal Affordable Housing Trust (SMAHT) through June 30, 2023
5. Town Administrator's Report
6. Discussion and Possible Vote
 - Discussion of Zack Burns' resignation from the Select Board
 - Special Election
 - Vacancy on Capital Planning
 - Sustainable Stow to provide an overview of their Nonbinding Resolution Article request for Town Meeting
 - FY2023 Budget Discussion
 - Annual Town Meeting Warrant Review
7. Meeting minutes
 - March 22, 2022
8. Correspondence
9. Adjournment

Posted Friday, 4/8/2022
2 p.m.

RECOGNITION



Town of Stow
SELECT BOARD

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectboard@stow-ma.gov

April 12, 2022

Eagle Scout Luke Piotte
26 Middlemost Way
Stow, MA 01775

Dear Luke,

The Select Board of the Town of Stow congratulates you on achieving the rank of Eagle Scout, the highest rank of the Boy Scouts of America.

As an exemplary scout who has performed a number of services for his community, the Board would like to acknowledge your accomplishments and express its best wishes for your continued success and involvement with the community.

Achieving Eagle Scout status is an accomplishment of which you can be extremely proud. The Board is confident that your experience as a Boy Scout will serve you well in your future endeavors.

Sincerely,

For the Select Board

Certificate of Achievement

Presented to

Luke Piotte

in recognition of your achievement of attaining the rank of Eagle Scout

“CONGRATULATIONS Luke on achieving your goal!!

We are PROUD to have you as a member of our community and appreciate your service project at Pine Bluff Recreation Area, completed in 2019. Your project was to refurbish the gate at Pine Bluff and replace the signs, including an identification sign near the street, a One Way sign, and second identification sign farther in the property. This necessary signage benefits the Recreation Department and the town by protecting entry to the property and providing direction for all visitors.

We wish you the Best of Luck in the future!”

Stow Select Board

Ellen S. Sturgis, Chair

Cortni Frecha



Megan Birch-McMichael, Clerk

James H. Salvie

April 12, 2022

APPOINTMENTS



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

I am thrilled to recommend Rachel Vroegindewey to be appointed as a full-time Firefighter/EMT.

Rachel was the standout candidate through the interview process. She has been on the Stow Fire Department for the last three years and has successfully completed the Call/Vol Firefighter I/II program.

Rachel is dedicated to the Stow Fire Department and has worked more than 4000 hours in her three years here as a call employee. (That's the equivalent of 56% of a full-time employee) It is not unusual to stop in the fire station, on any given day, and find Rachel there. Her passion is unmatched.

I respectfully ask for your ratification of the recommendation.

Denise M Dembkoski



**OFFICE of the
TOWN ADMINISTRATOR**

Dolores Hamilton | Asst Town Administrator & HR Director
Town of Stow | 380 Great Road | Stow, MA 01775
978-897-4175 | assttownadmin@stow-ma.gov

Date: April 7, 2022

To: Denise Dembkoski, Town Administrator

From: Dolores Hamilton, Assistant Town Administrator/HR Director 

Re: Firefighter/EMT Appointment

We have completed the interviews for the permanent full time Firefighter/EMT. We had eight internal candidates from our call Firefighter/EMT's. There was a first round of interviews with the Stow Captain and a Captain from the Boxborough Fire Department. They recommended five candidates to go forward to a second round of interviews. Chief Benoit and I did the second round of interviews. Although we had several good candidates, we are recommending Rachel Vroegindewey. Rachel grew up in a military family living on military bases, in the United States and abroad. This experience gave her a passion to serve people, respect their diversity, including different cultures and backgrounds. In her own words, Rachel says *"My drive to serve stems from an upbringing in a military family. They've instilled me with the very core values this department desires in its firefighters, mutual trust, pride in service, integrity and diversity. But it's not just these values that have engrained themselves into me. I am absolutely driven by a sense of duty and honor."*

Rachel's self-motivation to train and learn was apparent in her interview. Rachel was hired as a call Firefighter/EMT in April of 2019 and has worked over 4000 hours. Rachel knows the community. We are confident that Rachel will excel in a full-time position, will continue training, and will be a leader in the department.



STOW FIRE DEPARTMENT

511 Great Road
Stow, Massachusetts 01775
Phone (978) 897-4537
Fax (978) 461-1400
Firechief@stow-ma.gov

John P Benoit
Fire Chief

April 6, 2022

Honorable Board of Selectmen
380 Great Road
Stow, MA 01775

Honorable Board Members,

On April 6, 2022 a second round of interviews were conducted with five internal candidates to fill the vacant Full-Time Firefighter position. A panel consisting of Assistant Town Administrator Dolores Hamilton and myself interviewed the candidates and assessed their responses to general questions as well as a simulated fire scenario. All candidates did well with one excelling in all categories.

We recommend Rachel Vroegindewey to the Select Board for appointment as Full-Time Firefighter to fill the vacancy made by the promotion of Barry Evers to Fulltime Captain. Rachel was appointed to the department in April of 2019 and has been a very active and engaged member of the Stow Fire Department responding to incidents and working shifts as a Per-Diem Firefighter/EMT. Rachel's experience in conjunction with her knowledge, problem solving, strategies and training afforded her an edge over the other candidates.

We are confident that Rachel will be a good fit for the organization today and in the future.

Respectfully Submitted,

John P Benoit
Fire Chief



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

Town of Stow
Office of the
Town Administrator

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

I am pleased to recommend Bill Byron as an Associate on the Zoning Board of Appeals. Bill stepped down last week as a full-member of the ZBA, but asked to stay on as an Associate. Bill brings a wealth of knowledge and history to the ZBA and keeping him in an Associate role is the best alternative to him being a full-member.

I respectfully ask for your ratification of the recommendation.

Denise M Dembkojski



Town of Stow
SELECT BOARD
Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectboard@stow-ma.gov

NOTICE OF VACANCY

ZONING BOARD OF APPEALS Two Associate Members

Duties: The Zoning Board of Appeals is a quasi-judicial board as established by state law and has specific duties and responsibilities including:

- Hear appeals from parties aggrieved by the decision of an administration official concerning zoning issues.
- Hear and decide applications for certain special permits as provided by the zoning bylaws.
- Hear and decide petitions to vary specific requirements of the zoning bylaws.
- Hear and decide applications for comprehensive permits.

Qualifications: Registered voter of Stow. Sound independent judgment, a sense of fairness and an ability to act on the evidence (and information) as determined with reference to the applicable sections of the Town of Stow's zoning bylaws and the Commonwealth of Massachusetts General Laws Chapter 40A, The Zoning Act.

Associates must be prepared to assume the position of full-time member of the Board if a vacancy occurs and subsequently the office of clerk and/or chairman.

Term: One Associate to complete an unexpired five-year term ending June 30, 2022, and one Associate to complete an unexpired five-year term ending June 30, 2023.

Application: The Select Board will accept letters of application until the positions are filled. If you are interested, please contact the Select Board Office at selectboard@stow-ma.gov or 978-897-4515.

Posted January 13, 2022

Joyce Sampson

From: wfbyron@juno.com
Sent: Thursday, March 31, 2022 11:17 AM
To: selectboard
Cc: Denise Dembkoski; Linda Hathaway
Subject: Resignation

Town of Stow, MA
Select board.

Dear members of the Board.

It is with some regret that I submit my resignation as a full member of the Board of Appeals, asking that it be effective 5 April 2022. I am interested in being appointed as an associate member to fill the unexpired position ending in 2023. It has been, and will be, an honor to serve my town in this position if appointed.

Sincerely,

William F. Byron, Jr.
469 Gleasondale Rd.
Stow, MA 01775



Town of Stow
Office of the
Town Administrator

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

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

I would like to recommend Cathy Leonard to the Municipal Affordable Housing Trust (SMAHT). While I don't know Cathy, I received several recommendations on her behalf. (We were unable to speak before the writing of this recommendation) Additionally, I know that Cathy has been actively attending the SMAHT meeting and has shown a tremendous interest in advancing affordable housing in Stow.

I respectfully ask for your ratification of the recommendation.

Denise M Dembkoski



Town of Stow
SELECT BOARD

Stow Town Building
380 Great Road
Stow, Massachusetts 01775
(978) 897-4515 selectboard@stow-ma.gov

NOTICE OF VACANCY

MUNICIPAL AFFORDABLE HOUSING TRUST
One member

Duties: Create and preserve affordable housing in Stow for the benefit of low- and moderate-income households, pursuant to MGL Chapter 44, section 55c and Chapter 109 of the Acts of 2006. Accept, invest and spend funds in the Trust's care; buy sell, hold, and manage real property.

Qualifications:

- Registered voter of Stow.
- Applicants should share a commitment to the long-term welfare of the town and desire to increase the housing choices in Stow for its past, current, and future residents and employees.
- Possess some of the following requisite skills and background: 1) financial and investment management; 2) law, especially real estate or municipal; 3) business or project management; 4) property or facilities management; 5) real estate transaction experience.
- Have no appearance of or actual incompatible interest with the business of the Trust, such as a connection to current or proposed residential development in Stow.

Term: One member to serve the remainder of a two-year term ending June 30, 2023.

Application: The Select Board will accept letters of application until the position is filled.

Posted March 15, 2022

118 Red Acre Road
Stow, Massachusetts 01775
March 23, 2022

Denise Dembkoski, Town Administrator
Town Building
380 Great Road
Stow, Massachusetts 01775

Dear Denise,

I am writing to express my interest in filling the opening on the Stow Municipal Affordable Housing Trust (SMAHT) board. As of September 2022, I will have lived in Stow for 40 years. I am passionate about increasing affordable housing options in our town.

In 2002, I helped my brother find affordable housing in the area. In June that year, three units of senior/disabled housing opened, in Stow, Fitchburg, and Concord. My brother will soon have lived in Concord for 20 years.

This is the fourth year that I have regularly attended SMAHT meetings as a guest and Red Acre Road neighbor to the Kunelius parcel, where six units of affordable housing are planned. During this time, I have provided photos of the property and maps showing property lines and planned trails and walked the trails with SMAHT members.

At Mike's request, I contributed ideas about how to decide on a name for the new development (now named Bird Meadow Lane). I also contributed photos of affordable homes on Elm Ridge Road for the public forum last June.

My interest in affordable housing encompasses more than Red Acre Road. It would be an honor and a privilege to be a member of the SMAHT board.

Thank you,

Cathy Leonard

Cc:
Mike Kopczynski, SMAHT Chair
Select Board

DISCUSSION & POSSIBLE VOTE

Zack Burns resignation from the Select Board

- Discuss Special Election
- Vacancy on Capital Planning

Joyce Sampson

From: Zack Burns
Sent: Thursday, March 31, 2022 12:03 PM
To: selectboard; Denise Demboski; Linda Hathaway
Cc: Zackory Burns
Subject: Resignation from Select Board

Dear members of the Stow Select Board, Town Administrator, and Town Clerk:

Due to professional reasons, I am submitting my resignation as a member of the Select Board of the great town of Stow effective April 1, 2022. I recently accepted a once-in-a-lifetime professional opportunity, and I cannot be a fiduciary of any other organization; this includes being an elected official. Moreover, due to this opportunity, my husband and I will be moving from Stow in the coming weeks.

When my husband and I moved to Stow in 2018, we were ecstatic about putting down our roots, building our family, and being part of this fabulous community. We had the home of our dreams and the neighbors we have always wanted. We are still in awe of this amazing Stow community, especially its environmental and conservation efforts and its renewed energy in social justice.

I chose to get involved in our local government to make a difference. In my short time living in Stow, I recommended the hiring of our police chief who is transforming the way local policing ought to be done; served on our Finance Committee; and now as a Select Board member where I also serve as a representative to Capital Planning and MAGIC. Since my election, we created a Green Advisory Committee, committed funds from ARPA to solve community issues, and focused on creating a diverse and inclusive community. I am grateful for being entrusted with our community's tax money to make tough allocation decisions. Moreover, I am grateful for the Stow community standing behind me when I needed to take tough votes and to make pointed statements about the way our Select Board and other town boards ought to be doing business. We have accomplished a lot, but there is much more to be done.

To my fellow Select Board members, I wish you the best in securing a bright future for the town of Stow. There are many deep tensions we have dealt with over the last many months, and there are many yet to come. I wish you the best in making these decisions and ensuring no one voice, especially when placed into a role on the Select Board, speaks louder than the other voices: the board only speaks as one.

I can't wait to cheer the town's continued success, especially as the town confronts substantial infrastructure needs. In particular, I want to thank our Town Administrator for her vision, drive and transparency through which she leads Stow. Stow is very lucky to have such an accomplished, dedicated, driven and brilliant person at the helm.

Finally and most importantly, to my fellow residents, my neighbors in Stow: thank you for being genuinely great people and stewards of our future. Please continue to take care of each other.

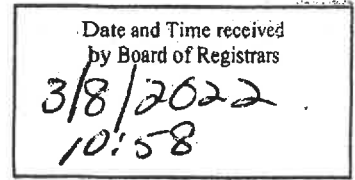
With love and appreciation,
Zack Burns

Sustainable Stow

Overview of Nonbinding Resolution
Article request for Town Meeting



TOWN OF STOW
PETITION FOR ARTICLE FOR
ANNUAL TOWN MEETING (mark one)
To be held May 14th, 2022



ARTICLE XX. Nonbinding Resolution Committing Stow to Rapidly Reduce Emissions and Prepare for Climate Change

To see if the Town will vote to adopt the following Resolution.

Whereas

1. In a world facing extreme challenges, including rapid climate change, Stow residents understand the importance of protecting the Earth and its inhabitants, can envision a better, sustainable future, and can create and execute bold plans for a future prosperous economy and a thriving community;
2. The burning of fossil fuels — such as oil, gasoline, coal, and natural gas — releases gaseous emissions that, by trapping heat in our atmosphere, are warming the planet and already producing harmful climate change impacts. These "greenhouse gasses" do not rapidly dissipate but remain in the atmosphere for decades and centuries, continuing to warm the atmosphere;
3. The United Nations released a special report finding that (1) due to our emissions of these greenhouse gasses, the planet had already experienced about 1.0 degree Celsius of warming over pre-industrial levels, yet humanity was already experiencing adverse impacts; (2) exceeding global warming of just 1.5 degrees Celsius (2.7 degrees Fahrenheit) over pre-industrial levels will present very serious risks including disruptions to food production, water supply, transportation, and public health, as well as major risks to biodiversity and ecosystems; and (3) limiting warming to 1.5 degrees Celsius will require deep emissions reductions and rapid transitions in all aspects of society;
4. New England is warming significantly faster than the global average temperature, while Massachusetts' average annual temperature has increased faster than other states in New England;
5. In response to the climate crisis we are facing, in March 2021 the Commonwealth of Massachusetts enacted landmark climate legislation, *An Act Creating A Next-Generation Roadmap For Massachusetts Climate Policy*, which mandates statewide greenhouse gas emissions reductions compatible with the finding of the United Nations that we need to limit planetary warming to 1.5 degrees Celsius to avoid very serious risks. Specifically, the Act requires reductions of statewide greenhouse gas emissions, relative to 1990, of 50% by 2030, 75% by 2040, and the achievement of "net zero" emissions by 2050. Because statewide emissions have already been reduced by 25% since 1990, a 25% reduction of current emissions is needed to meet the 2030 target;
6. Because Stow has an engaged Town government with an enlightened citizenry that has valued protecting our open space, forests, wetlands, orchards, and the environment generally, and because Town government has previously undertaken a number of important steps on climate and the environment, including the creation of a Green Advisory Committee, the Town is well placed to facilitate the necessary rapid transition away from fossil fuels by all residents and businesses in Stow, and to advance a robust, carbon-free, equitable economy and the improved health and quality of life that will result.

Now, Therefore, Be It Resolved

- A. That the residents of the Town of Stow hereby declare that climate change further threatens our town, state, and nation, as well as humanity broadly, and that a rapid mobilization to meet this challenge is both an imperative and an unprecedented opportunity to stabilize the climate, remedy environmental harms, create clean-energy jobs, and improve human lives;
- B. That the members of Stow Town Meeting call on Town government and staff, and all Stow civic groups, businesses, and residents to commit to join in the statewide effort to reduce emissions of greenhouse gasses. We specifically recognize this decade is critical and immediate action is needed to achieve the 2030 emissions reduction target;

C. That because the adverse impacts of a warming climate will continue to worsen until the concentration of greenhouse gasses in the atmosphere can be reduced, the Town of Stow's climate effort should also: (1) accelerate the implementation strategies and infrastructure projects in preparation of intensifying local climate impacts such as more intense storms, flooding, heat waves, and drought; (2) protect trees, forests, wetlands, and other open spaces because of their ability to draw carbon out of the atmosphere, preserve our local environment, increase protection against climate impacts, and protect the biodiversity on which all our lives depend; and (3) ensure that the costs of such mobilization efforts do not unfairly burden those who are economically or socially disadvantaged, and that the benefits of a realized, sustainable future accrue to all;

D. The Town of Stow calls on state and federal elected officials to provide appropriate legislative, regulatory, and financial support to municipalities, businesses, and residents to implement local climate initiatives.

NOTE: For an Annual Town Meeting, ten registered voters' signatures are required to be certified.

For any Special Town Meeting, one hundred registered voters' signatures are required to be certified.

To Petition the Select Board to hold a Special Town Meeting, two hundred registered voters' signatures are required to be certified.

INSTRUCTIONS TO SIGNERS

For your signatures to be valid you must be a registered voter in the town named above and your signature should be written substantially as registered. If you are prevented by physical disability from writing, you may authorize a person to write your name and residence in your presence.

SIGNER'S STATEMENT

We, the undersigned, are qualified voters of the Town of Stow, and in accordance with the provisions of the law request an article be placed on the warrant for the next annual/special town meeting for the purpose stated above.

	For Registrar Use Only	Signature (to be made in person with name substantially as registered)	Printed Name	Street Address (not P.O. Box)
1		<i>Sharon L. Brownfield</i>	SHARON BROWNFIELD	154 Taylor
2		<i>Richard Lent</i>	RICHARD LENT	154 Taylor Rd
3		<i>Arnold Epstein</i>	ARNOLD EPSTEIN	51 TAYLOR RD
4		<i>Jane Epstein</i>	Jane Epstein	51 Jaylor Road
5		<i>Lisa Fierce</i>	Lisa Fierce	284 Red Acre Road
6		<i>Allan Fierce</i>	Allan Fierce	284 Red Acre Road
7		<i>Lee W. Copridor</i>	Lee W. Copridor	552 Great Road
8		<i>Carol B. Lynn</i>	Carol B. Lynn	30 Orchard Dr.
9		<i>Kate Hogan</i>	Kate Hogan	36 Hastings St.
10		<i>James P. Cohen</i>	James P. Cohen	25 Robert Rd
11		<i>A. A. Cohen</i>	A. A. Cohen Leonard H Solari	67 Old 30 Km Rd
12		<i>Mary Lapalme</i>	33 Middlemost Way	MARY LAPALME
13		<i>Julie A. Lynch</i>	67 Gleasmdale Rd	Julie A. Lynch
14		<i>Katherine Hebert</i>	Katherine Hebert	20 Indian Ridge Ct
15		<i>Marcia Rising</i>	Marcia Rising	34 Meeting House Ln. #320
16				

TO: Stow Select Board

FROM: Sustainable Stow

DATE: April 6, 2022

RE: Request that the Stow Select Board include Sustainable Stow's nonbinding resolution as an article in the Warrant for the Annual Town Meeting on May 14, 2022

Sustainable Stow is an unincorporated association of Stow residents who have been working to address the climate crisis by undertaking various projects to reduce greenhouse gasses emitted by Town government buildings and operations as well as by private residents and businesses in Stow. Over the past few years we have sponsored various initiatives in Stow, including the Solar Challenge (solar panels), the Heat Smart program (heat pumps and insulation upgrades), and various Green Communities grants. For the past 12 months, we have been partnering with the Stow Library to present a monthly Zoom presentation to the community on various topics related to addressing the climate crisis here in Stow. As part of this series, we recently purchased an induction cooktop and donated it to the Stow Library so that it can be borrowed by library users to check out the advantages and efficiencies of cooking without the use of gas.

Members of Sustainable Stow include, but are not limited to, the following Stow residents:

Sharon Brownfield	Rick Lent	Arnie Epstein
Allan Fierce	Carol Lynn	Jenn Sylvester
John Sangermano	Mike Duclos	Lee Coopriider
Martin Meyer	Barbara Clancy	David Weber

Now, among other projects we are currently working on, we have drafted a nonbinding resolution that we are asking you, the Select Board, to include in the Warrant for the Annual Town Meeting on May 14.

The title of our resolution is: "Nonbinding Resolution Committing Stow to Rapidly Reduce Emissions and Prepare for Climate Change." A copy of that resolution is attached hereto. We ask you to please read it in its entirety.

The reasons justifying the resolution (points 1-6) are detailed on p. 1, and we hope that by reading them the residents of Stow will gain a better understanding of the magnitude and urgency of the climate crisis, and why all of us here in Stow need to play our part by rapidly reducing our emissions. Just this week, the world's leading climate scientists and policy experts, in their latest IPCC report, warned that the world is on track to usher in a devastating level of global warming, and that, to avert the worst consequences of the climate crisis, we all must make immediate changes, including rapidly phasing out the use of fossil fuels.

The second page of our resolution lays out what we are asking Town Meeting voters to "resolve." This resolution is nonbinding, and nothing here is asking for an appropriation of Town money. But we are asking for a public expression of a recognition that a rapid mobilization to meet this challenge is

necessary. And we are asking for a commitment from everyone in town to join the statewide effort to reduce greenhouse gas emissions rapidly this decade. There is also a clause that focuses on the need for this collective effort to include adaptation, i.e., implementation of strategies to prepare for intensifying local climate impacts.

We hope you agree that this is a worthwhile Resolution and support it on its merits.

But we also understand that you may have a procedural concern that we would like to address here. That concern apparently arises out of the fact that we submitted this resolution to you at the beginning of March as a citizens' petition containing the signatures of 10 registered voters.

Although we were unaware of this at the time, we now understand that Section 2-7(c) of the Stow Town Charter contains this language in dealing with citizens' petitions:

Inclusion on Warrant - The board of selectmen shall include in the warrant for an annual town meeting the subject matter of all petitions, found and certified by the registrars of voters to be sufficient, which have been received by it ninety or more days prior to the date fixed by bylaw for the town meeting to convene.

[Note: State Covid laws currently allow towns to establish different Town meeting dates than those required by their charters, and Stow's Town Meeting has been moved to Saturday, May 14. However, the date "fixed by bylaw" for Stow's town meeting is the first Monday in May. Therefore, this year, counting back 90 days, our petition would have had to be filed by Feb. 1st.]

Clearly, our citizens' petition was filed after February 1st. Does this Charter provision mean that you, the Select Board, should vote not to include our citizens' petition in the Warrant?

We respectfully submit that the answer to this question is No. As set forth further below, we contend that:

- (1) state law, at Mass. General Laws chapter 39, section 10, directs that you include our citizens' petition in the Warrant; and
- (2) apart from that state law, even under this Town Charter provision you have discretion to put our article on the Warrant. The urgency of the climate crisis makes it undesirable for the Town's voters to have to wait until the next Town Meeting to vote on this time sensitive article.

1. State law, at Mass. General Laws chapter 39, section 10, directs that you include our citizens' petition in the Warrant

We are aware that you, as Select Board members, are typically bound to follow the dictates of the Town Charter. But one exception is when state law instructs differently.

State law has a higher priority than any town's charter. All town charters must comply with state law. Indeed, our own Stow Town Charter contains this language in Section 1-3 ("Powers of the Town"):

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Stow to secure, through the adoption of this charter, all the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth. [Emphasis added.]

That exception applies here. G.L. c. 39, section 10, deals with town meeting warrants. About halfway through, it contains this sentence:

The selectmen shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters or by ten per cent of the total number of registered voters of the town whichever number is the lesser. [Emphasis added.]

Please note that this state law mandate **contains no 90-day time limit**, like our Town Charter does. This state law mandate is clear – citizen petitions supported by 10 or more registered voters must be included in the Warrant.

One rule of statutory construction in Massachusetts is that all statutes must be interpreted reasonably. We concede that a reasonable interpretation of this state law is that it applies only when the Warrant has not been closed when the citizen's petition is filed. But that is not a concern here. This Town Meeting Warrant was not closed when our citizens' petition was filed, and it has yet to be closed.

2. Apart from that state law, even under Stow's Town Charter provision you have discretion to include our resolution in the Warrant, and you should do so.

Section 2-7(c) of the Stow Town Charter is very clear about what the Select Board must do when a citizens' petition is filed 90 or more days prior to the date fixed by bylaw for the annual town meeting to convene: It "shall" include it in the warrant. But this Town Charter provision is less clear on what the Select Board is to do when a citizens' petition is filed less than 90 days from the town meeting date. In fact, Section 2-7(c) says nothing about this.

Thus, there is no **specific** language in Section 2-7(c) prohibiting the Select Board from voting, at its discretion, to include in the Warrant citizens' petitions that are filed less than 90 days before the town meeting.

While it might be tempting to "infer" from the wording of Section 2-7(c) that late-filed citizens' petitions must be rejected, it also would not be unreasonable for the Select Board to conclude that ambiguities in the Town Charter should be interpreted to give the Select Board the broadest possible

authority to act in the best interests of the Town. In fact, this is essentially what the Town Charter itself is saying in that provision quoted earlier, Section 1-3 ("Powers of the Town"):

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Stow to secure, through the adoption of this charter, all the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth. [Emphasis added.]

Thus, the Charter is authorizing the Select Board, to interpret your powers broadly when confronting ambiguities in your authority. And here, that means interpreting this ambiguity in Section 2-7(c) in a manner that gives you more authority than another interpretation would.

The interpretation of the ambiguity in Section 2-7(c) that gives you the greatest authority is this: you are allowed to use your discretion and vote to include a late-filed citizens' petition in the warrant.

So, even in the absence of the mandate in G.L. c. 39, section 10, to include our citizens' petition in the warrant, we respectfully submit that under our Town Charter-you have the authority at your discretion to include it.

CONCLUSION

We respectfully request that you include Sustainable Stow's citizens' petition in the warrant for the Annual Town Meeting on May 14. State law requires it. And our own Town Charter gives you leeway to do so as well. Given the urgency of the climate crisis we are facing, it would be far preferable for the Town Meeting voters to have the opportunity to read, debate, and vote on this citizens' petition. Far too much delay has already occurred in addressing the climate crisis at every level of government. Let's not contribute further to that delay.

Respectfully submitted by
Sharon Brownfield
Mike DuClos
Arnie Epstein
Allan Fierce
Rick Lent
Jenn Sylvester

ARTICLE XX. Nonbinding Resolution Committing Stow to Rapidly Reduce Emissions and Prepare for Climate Change

To see if the Town will vote to adopt the following Resolution.

Whereas

1. In a world facing extreme challenges, including rapid climate change, Stow residents understand the importance of protecting the Earth and its inhabitants, can envision a better, sustainable future, and can create and execute bold plans for a future prosperous economy and a thriving community;
2. The burning of fossil fuels — such as oil, gasoline, coal, and natural gas — releases gaseous emissions that, by trapping heat in our atmosphere, are warming the planet and already producing harmful climate change impacts. These "greenhouse gases" do not rapidly dissipate but remain in the atmosphere for decades and centuries, continuing to warm the atmosphere;
3. The United Nations released a special report^[1] finding that (1) due to our emissions of these greenhouse gasses, the planet had already experienced about 1.0 degree Celsius of warming over pre-industrial levels, yet humanity was already experiencing adverse impacts; (2) exceeding global warming of just 1.5 degrees Celsius (2.7 degrees Fahrenheit) over pre-industrial levels will present very serious risks including disruptions to food production, water supply, transportation, and public health, as well as major risks to biodiversity and ecosystems; and (3) limiting warming to 1.5 degrees Celsius will require deep emissions reductions and rapid transitions in all aspects of society;
4. New England is warming significantly faster than the global average temperature, while Massachusetts' average annual temperature has increased faster than other states in New England^[2];
5. In response to the climate crisis we are facing, in March 2021 the Commonwealth of Massachusetts enacted landmark climate legislation, *An Act Creating A Next-Generation Roadmap For Massachusetts Climate Policy*^[3], which mandates statewide greenhouse gas emissions reductions compatible with the finding of the United Nations that we need to limit planetary warming to 1.5 degrees Celsius to avoid very serious risks. Specifically, the Act requires reductions of statewide greenhouse gas emissions, relative to 1990, of 50% by 2030, 75% by 2040, and the achievement of "net zero" emissions by 2050. Because statewide emissions have already been reduced by 25% since 1990, a 25% reduction of current emissions is needed to meet the 2030 target;
6. Because Stow has an engaged Town government with an enlightened citizenry that has valued protecting our open space, forests, wetlands, orchards, and the environment generally, and because Town government has previously undertaken a number of important steps on climate and the environment, including the creation of a Green Advisory Committee, the Town is well placed to facilitate the necessary rapid transition away from fossil fuels by all residents and businesses in Stow, and to advance a robust, carbon-free, equitable economy and the improved health and quality of life that will result.

Now, Therefore, Be It Resolved

- A. That the residents of the Town of Stow hereby declare that climate change further threatens our town, state, and nation, as well as humanity broadly, and that a rapid mobilization to meet this challenge is both an imperative and an unprecedented opportunity to stabilize the climate, remedy environmental harms, create clean-energy jobs, and improve human lives;
- B. That the members of Stow Town Meeting call on Town government and staff, and all Stow civic groups, businesses, and residents to commit to join in the statewide effort to reduce emissions of greenhouse gasses. We specifically recognize this decade is critical and immediate action is needed to achieve the 2030 emissions reduction target;
- C. That because the adverse impacts of a warming climate will continue to worsen until the concentration of greenhouse gasses in the atmosphere can be reduced, the Town of Stow's climate effort should also: (1) accelerate the implementation strategies and infrastructure projects in preparation of intensifying local climate impacts such as more intense storms, flooding, heat waves, and drought; (2) protect trees, forests, wetlands, and other open spaces because of their ability to draw carbon out of the atmosphere, preserve our local environment, increase protection against climate impacts, and protect the biodiversity on which all our lives depend; and (3) ensure that the costs of such mobilization efforts do not unfairly burden those who are economically or socially disadvantaged, and that the benefits of a realized, sustainable future accrue to all;
- D. The Town of Stow calls on state and federal elected officials to provide appropriate legislative, regulatory, and financial support to municipalities, businesses, and residents to implement local climate initiatives.

^[1] <https://www.ipcc.ch/sr15/>

^[2] Climate Journal; <https://www.mdpi.com/2225-1154/9/12/176/htm>

^[3] <https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter8>

Stow Climate Resolution Warrant Article Overview

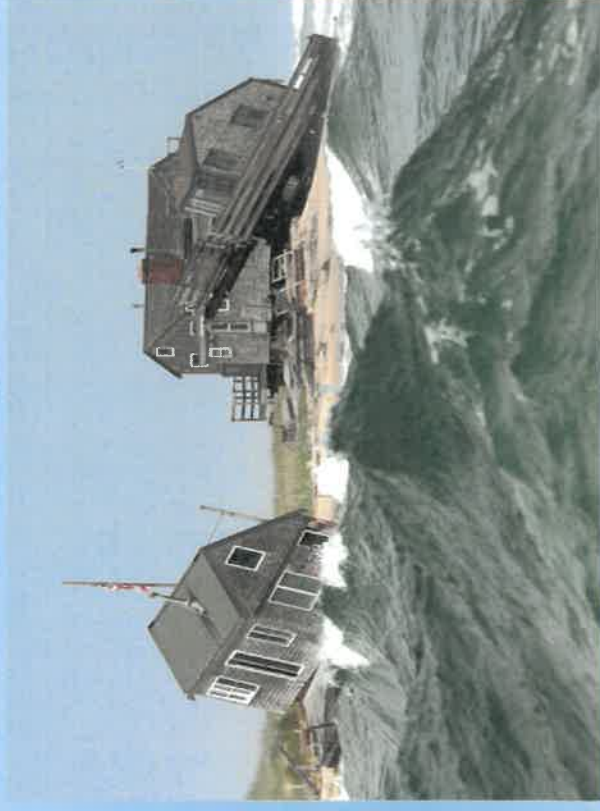
Presented By



April 2022

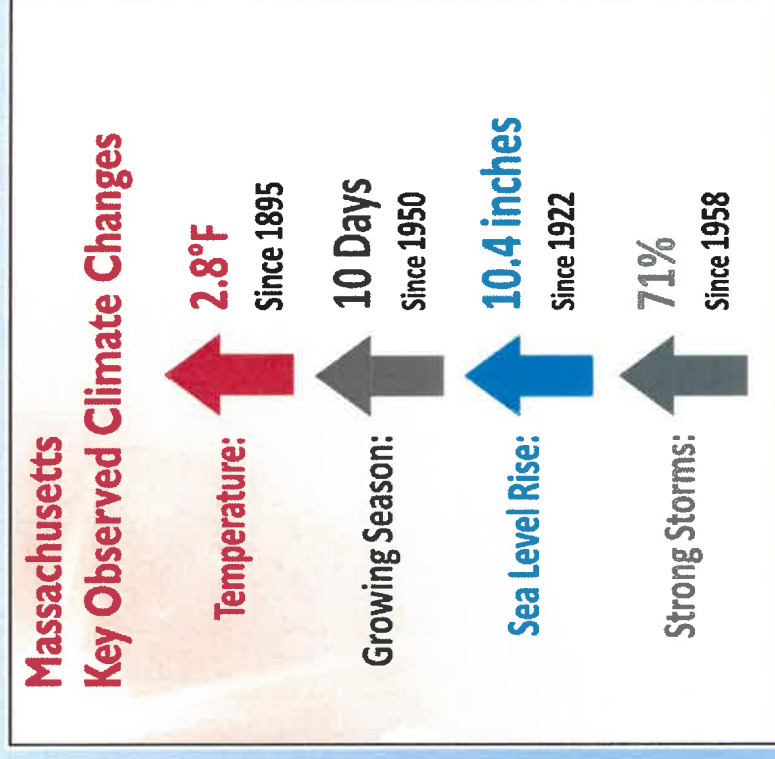
The Climate Crisis is Real

- Climate change driven by human-produced greenhouse gasses
- Serious threat to everyone
 - More intense weather events
 - Drought
 - Sea level rise



The Climate Crisis is Impacting Stow

- Drought
- Crop loss by local farmers
 - year without corn because of drought
 - year without stone fruit crops because of erratic weather
- Strong Storms - summer of constant rain - rotting crops
- Threats to our infrastructure from extreme weather (bridges, roads, water)



Stow's Climate Actions To-Date

- Stow Solar Challenge (2014)
 - 59 contracts signed for 417.6 KW
 - Donated system for Town building saving \$38,000
- Green Communities project funding (2015)
 - Green Community Designation in 2015.
 - 3 grants won for a total of \$394,000 for energy reduction through retrofit of municipal buildings to heat pumps.

Stow's Climate Actions To-Date

- HeatSmart (2018-2019)
- 76 Heat Pumps Installed
- Green Advisory Committee formed to advise town government, residents, organizations, and businesses to:
 - Reduce Greenhouse Gas Emissions
 - Mitigate against and adapting to climate change impacts
 - Move toward a Clean Energy Future
 - Develop Climate Action Plan

Municipal Vulnerability Grants

- Planning Grant from MAPC in 2018 - held 2 workshops with town residents and prepared report.
- Action Grant with Hudson in 2021 for Healthy Lake Boon, work in process
- Working on an Action Grant for Stow Acres Development

What's Next? Warrant Article

- A resolution to be voted on at Town Meeting that
 - demonstrates Stow residents realize the criticality of the climate situation and its threat to our town, state, and nation
 - asks our town officials, groups, and businesses to join the urgent statewide effort to reduce greenhouse gas emissions and meet our state goals

Warrant Article Key Points

- Support implementation of strategies and infrastructure projects to mitigate climate effects
- Support the protection of trees, forests, wetlands, and other open spaces
- Ensure the costs of such efforts do not unfairly burden those economically or social disadvantaged
- Advocate state and federal elected officials for required funding and regulations

Why a Warrant Article Resolution?

- Shows that residents recognize that their actions are critical to reducing the Town's emissions.
- Encourages town officials and committees to prioritize climate in their decision-making
- Joins other towns in sending the message to the State about the urgency of the moment
- Supports the implementation of Mass Law S.9 – Next-Generation Roadmap – committing MA to specific greenhouse gas reduction goals by 2030 and “Net Zero” by 2050.

Municipal Budget Impacts

- Over 98% of Stow's greenhouse gas emission are the result of private and commercial activity. Costs for mitigating these emissions not a town capital expense.
- Police, Town Building, Highway Dept office, and much of the old Fire Department have been retrofitted to heat pumps (some costs covered by Green Community Grants)
- Studies show up front costs of installing heat pumps in new construction comparable to using fossil fuel technology
- Adaptation and resiliency costs should be covered by state grants (Complete Streets and MVP action grants).

Possible Funding Sources

Current proposals:

- House bill to allocate \$250M of state ARPA funds to home retrofits (H.3350, S.2132)
- Bills to restructure Mass Save to include residents of towns with Municipal Light Plants
- Green Communities Plus program that would provide incentives for whole community, not just municipal buildings and vehicles
- Possible additional incentives from HLP

Next Step

Support the Article at Town Meeting
5/14/22 at 9:00 am

Non-binding Resolution Committing Stow to Rapidly Reduce Emissions and Prepare for Climate Change

THANK YOU

Let's join in fighting for a clean and healthy environment.

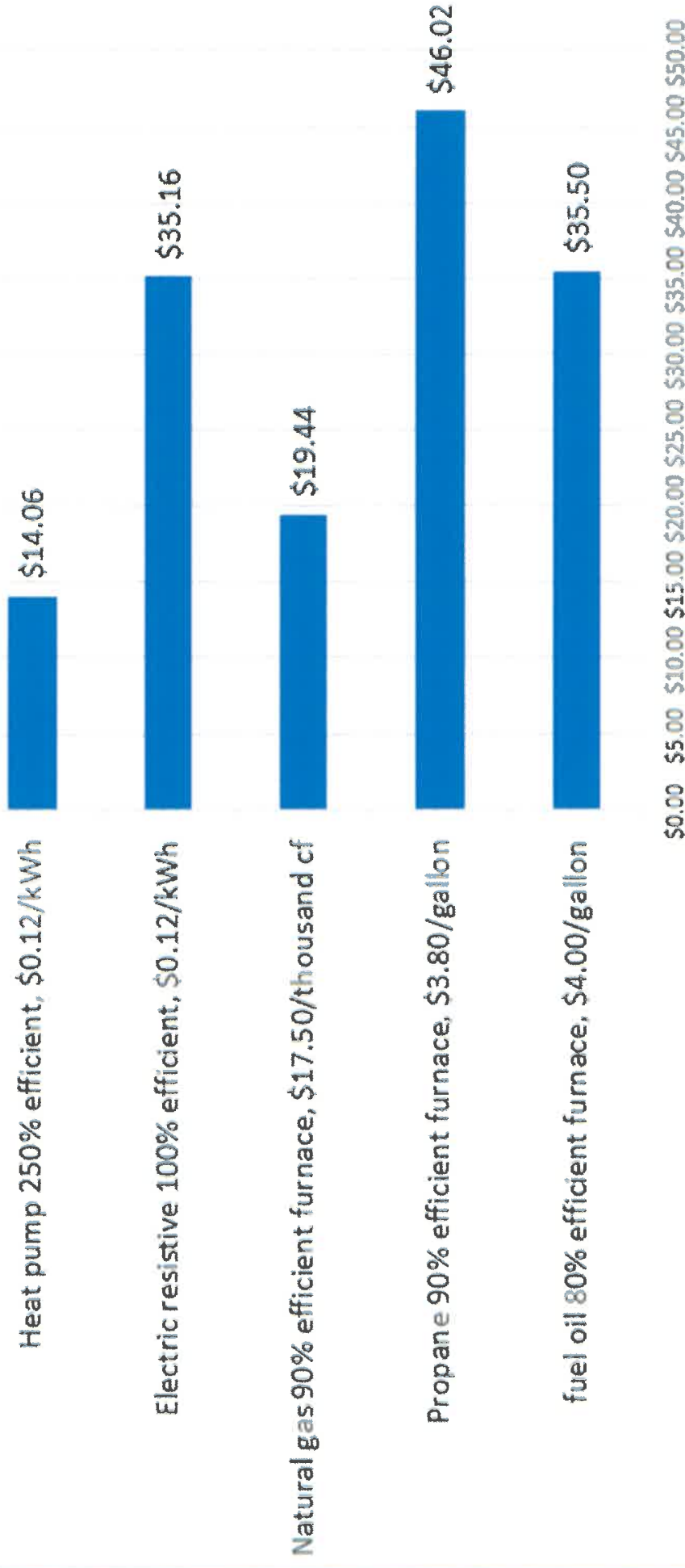
**see <https://sustainablestow.org/climate-warrant-article/> for copy of warrant article.*

1

Implication for Future Projects

- Old Town Hall: if it moves forward it will be heated and cooled with heat pumps.
- Highway Dept Office Building: if a new building is built will be heat pumps.
- Library: Still in design phase. Have not thought about HVAC system
- High School: Unclear at this time. However all new school construction we are aware of use air source or geothermal heat pumps for heating and cooling.

Comparison of Heating Costs (\$/MMBTU)



FY2023 Budget Discussion

Annual Town Meeting Warrant Review

MINUTES

Select Board Meeting Minutes
Tuesday, March 22, 2022
Stow Town Building & Zoom

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

Absent: Zack Burns

Chair Sturgis called the meeting to order at 7 p.m. and noted that if there is a vote that is not unanimous she will ask for a roll call vote. She also advised everyone participating in the meeting remotely that Stow TV is recording this meeting. Anyone speaking during Public Input should state their name and address, and limit comments to two minutes or less.

Public Input:

The Town Clerk reminded residents that census forms are due. Dog licenses are due April 15th and there is a rabies vaccination clinic sponsored by the Nashoba Boards of Health on April 7th at the Highway Barn. The last day to take out nomination papers for the upcoming election is March 30th and they must be turned in by April 1st. The voter registration deadline is April 22nd. More information is on the Town's website and the Town Clerk's webpage.

Board Member Comments:

Chair Sturgis made the following announcements:

- The April dates for the Devens Regional Hazardous Waste Collection Center are April 6th and April 9th and there is more information on the Town's Board of Health webpage.
- The Nashoba High School District forum on the high school project is on March 30th at 6 p.m. in person at the high school.
- The Randall Library Friends book sale is on April 23rd and 24th at the community center. They are taking donations until March 31st.

Appointments

Veterans' Services Officer

Board member Birch-McMichael moved that the Select Board reappoint Joseph Jacobs as the Town's Veterans' Services Officer, to fill a one-year term from April 1, 2022 through March 31, 2023. Board member Salvie seconded the motion and it passed unanimously.

Special Police Officer

Chief Michael Sallese said the retirement of Lee Heron, who has served for 20 years with the Stow Police Department, has created an opening at Lake Boon. Six people were interviewed from the pool of applicants and Jeffrey Beckwith was selected. He is currently a full-time Fire Lieutenant in Framingham and has more than seven years of police experience.

Board member Birch-McMichael moved that the Select Board appoint Jeffrey Beckwith to the position of Special Police Officer/Special Lake Boon Officer through June 30, 2022, and subject to reappointment

thereafter. This appointment is contingent upon final approval from the Town Administrator after a review of any reports provided by the pre-employment mental assessment. Board member Salvie seconded the motion and it passed unanimously.

Annual Stow Clean-Up

Jennifer Henderson was present via Zoom. She has been working with Sandy and Tara Taft to organize this year's clean-up. The Stow Conservation Trust wants to partner with them and sponsor the event. They would provide gloves and safety vests, and help promote the event. Ms. Henderson asked about hanging a banner on Route 117 but this cannot be done as the Town does not have a bucket truck. They will not be having "coffee and" on Saturday morning this year. The Highway Department will pick up the trash bags on Monday, May 2nd.

Select Board member Birch-McMichael moved to permit Jennifer Henderson and other volunteers to use the Lower Common on Saturday, April 30, 2022 between 7 AM and 12:30 PM to distribute trash collection bags and protective gear, and conduct the Annual Stow Clean-Up from Saturday, April 30, 2022 through Sunday, May 1, 2022. Select board member Salvie seconded the motion and it passed unanimously.

FY23 State Budget – Rep. Kate Hogan and Sen. Jamie Eldridge

Senator Eldridge said that neither the house nor the senate has proposed a budget yet. The Governor proposed his budget in February. The Senator's priorities are education, protecting open space, anti-poverty programs, and affordable housing, among others. The Student Opportunity Act was passed during the last session and is a 5-year implementation. Under Chapter 70, the Nashoba district received \$47.8 million last year, and this year the Governor's proposal is just over \$9 million.

Representative Hogan, a Stow resident, said that ARPA and funding from the federal government have changed how any given year is looked at and how resources are brought back to the community. COVID has changed everyone's lives and she commended everyone for carrying on and providing needs and services. Rep. Hogan gave an update on deadlines for remote services and remote meetings. In addition to funding updates, including the Stow food pantry receiving \$30,000 from the district's \$1000,000 to fight food insecurity, she spoke of a commission to ensure the resiliency of family farms in the 21st century and keeping farms in Massachusetts.

Town Administrator (TA) Report

- Covid numbers are at 6 cases which is 1.62%.
- The new police tasers are in and they will begin carrying them after the department is fully trained.
- The Snow and Ice account is overspent by \$39,450.
- Reminder: Town Meeting warrant articles are due Friday, April 1st. She has received 56 articles so far.
- She expressed profound thanks to Congresswoman Lori Trahan for securing \$750,000 in funding for Stow.
- She acknowledged the great work of the Fire Department at the Applefield Farm fire last week.
- There will be a warrant article for Brandymeade Circle to be publicly accepted; it was approved at the 2004 Town Meeting but the developer failed to meet certain obligations. It was approved again at the 2015 Town Meeting but the paperwork was not filed with MassDOT and the Registry of Deeds by the Town.

Green Advisory Committee (GAC)

Carol Lynn, the Select Board representative to the Green Advisory Committee, was present via Zoom.

Ms. Lynn presented the GAC's proposed 2022 warrant article for funding. They are asking for \$15,000 as follows: \$6,000 for communications (local press, social media, print material, signs, etc.), \$2,500 for community engagement (surveys, interactive website), \$1,500 for internal and external stakeholders (Climate Action Plan document and presentation/interview packets), and \$5,000 for consulting (funding research and grant writing).

Board member Birch-McMichael moved to approve the article for Annual Town Meeting as presented tonight by the Green Advisory Committee, supporting funding for the development of a Community Action Plan on climate and environmental issues. Board member Salvie seconded the motion and it passed unanimously.

John Sangermano, a member of the Green Advisory Committee, was present via Zoom.

Mr. Sangermano presented a proposal for the adoption of a "Policy for Town of Stow to not employ Fossil Fuels for New Municipal Buildings, Major Renovation, or HVAC Upgrades". Massachusetts enacted a law requiring statewide greenhouse gas emissions to achieve net-zero by 2050 and be reduced by 50% by 2030. They feel a major transition to heat pumps and clean energy is required to meet the 2030 and 2050 goals. The Board did not get materials in advance of the meeting and said they need a lot more input on this. The Board listened to the proposal but did not take a vote.

Town Hall Restoration Committee (THRC) – Town Hall Renovation Project

Doug Hyde, Chair of the THRC, was present and said the two options are either mothball the Town Hall and let it destroy itself, or rebuild it. It is a 200-year-old structure and the oldest building in the Town's inventory. It has been semi-shuttered for 7 years as offices moved to the Town Building and the Community Center. He asked the Board to support the THRC and to vote for affirmative movement on the project. Chair Sturgis said it can and is being used now to some extent in the Great Hall, and she thinks we should decide what the uses will be and then decide what renovations need to be made.

The THRC requested \$50,000 from the Community Preservation Committee (CPC) for the purpose of funding architectural support for updates to the Town Hall plans and specifications and to conduct public forums and presentations. The Town Administrator explained that the CPC voted to appropriate the funding contingent upon an all-boards meeting between the Select Board, the Capital Planning Committee, the Finance Committee, and the CPC to discuss what to do with this money.

Vin Antil, CPC Chair, was present via Zoom. He said that the CPC's vote was also pending a statement from the Select Board stating that they have an interest in keeping the THRC together and that they want to move forward with this plan, or a vision. They are looking for guidance from the Select Board.

Discussion ensued among the Select Board members. Most members noted that the Board has asked repeatedly for the cost to bring the building up to code and has not been given that number. Most members agreed that the purpose of the Town Hall needs to be defined. Other projects are competing for CPC funds and the people need to be told what the building will be used for. Most members felt that they were not given options and that they have heard nothing new.

Member Frecha, who is also a member of the THRC, said a large portion of the projected project costs is to bring the building up to code, and many things in the building need to be dealt with to bring it to code. The committee worked with the architect to put together one package as opposed to presenting design options.

The Town Administrator also wants to see a breakdown of costs, and the option to only bring the building to code. There needs to be a larger discussion that includes a plan for the use of the building, including a plan for revenue generation. The CPA (Community Preservation Act) tax is still taxpayer money and they have a right to properly vet this; she thinks the committee has vetted this thoroughly but the public has not. A non-binding ballot question could be added to determine voter support.

Board member Salvie moved that the Board support the convening of the joint boards meeting to discuss options or the process for discussing options for the renovation of the Town Hall. Board member Birch-McMichael seconded the motion and it passed unanimously.

The Board discussed the THRC's request for a warrant article for \$50,000 to hire a fundraiser. The Board discussed how the Library renovation project has a fundraising component that involves volunteers from various groups. Member Frecha stated for the record that "the Friends of the Library is a private 501(C)(3) and is not a Town board or committee; and (with) a Town committee appointed of volunteers that are employees of the Town, I would not be comfortable heading up a fundraising organization for a Town building as an employee of the Town." The Board members expressed that the THRC should not be the ones doing the fundraising. There is currently no Friends of the Town Hall.

Board member Salvie moved for the Board to support \$50,000 for the purpose of providing a consultant to the Town Hall Restoration Committee for the pursuit of grant and fundraising opportunities. Board member Frecha seconded the motion and it was defeated 1-3 on a roll call vote. Frecha -aye, Salvie -no, Birch-McMichael -no, Sturgis -no.

ARPA Project Requests

The Hudson Road/Rt 117 Intersection Improvements project is for the start of engineering work for that intersection for what the impact will be from Stow Acres, Athens Lane, and Masters Academy.

The Lower Village Water Supply Feasibility Study is for businesses only and does not include Linear Retail (they have their own water supply). The expectation is that the Town will not own it or maintain it. Member Birch-McMichael suggested that the Town model what other towns have done and create a Business Investment Council at the appropriate time.

Board member Frecha moved to approve the following ARPA project requests as presented by the Town Administrator at this meeting:

- *\$45,070 Community Gardens Accessibility & Trails*
- *\$10,000 School Zone Safety Lights*
- *\$15,000 Traffic Safety Policy Implementation Fund*
- *\$4,500 25 MPH Signs (17 signs)*
- *\$100,000 Hudson Road/Rt 117 Intersection Improvements*
- *\$50,000 Harvard Road Culvert*

- *\$100,000 Lower Village Water Supply Feasibility Study*
- *\$40,000 Lake Boon Dam Inspections*

Board member Salvie seconded the motion and it passed unanimously.

In-Person Public Participation at Select Board Meetings

The Board discussed having people with items on the agenda being allowed back into the meeting or having the meetings fully open to the public. The Board wants to continue with public participation via Zoom as an option.

Board member Salvie moved to allow the resumption of in-person public participation at Select Board meetings subject to revision by the Chair after consultation with the Town Administrator. Board member Birch-McMichael seconded the motion and it passed unanimously.

Meeting Minutes

Board member Birch-McMichael moved to accept the meeting minutes of the March 8, 2022 meeting as drafted. Board member Salvie seconded the motion passed 3-0-1. Salvie -aye, Birch-McMichael -aye, Sturgis -aye, Frecha -abstain.

Correspondence – No comments.

Adjournment

At 9:47 p.m. Board member Birch-McMichael moved to adjourn. Board member Salvie 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.