

AGENDA
SELECT BOARD
April 25, 2023
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/83577779390?pwd=THFxZi8vZDU4V0ZzeU92MXhwLzNQZz09>

Meeting ID: 835 7777 9390

Passcode: 55313397

1. Public Comment
2. Board Member Comments
3. Town Administrator's Report
4. Discussion and Possible Vote
 - o Collings Foundation / American Heritage Museum 2023 Events
 - o Request for Installation of Fire Protection Cisterns at 3 Locations – Fire Capt. Barry Evers
 - Conant Drive (across from #31 and #35 Conant Drive)
 - 511 Great Road
 - 380 Great Road
 - o Event Permit for Xhale Fest, Saturday, May 20, 2023 from 12n to 5p at 23 Gleasondale Road – Adrian Adams, Event Manager
 - o Discussion of Charter Review Articles for Annual Town Meeting
 - o Discuss dates for Special Town Meeting and Special Town Election and open the warrant for 2023 Special Town Meeting
 - o Review and Approve 2023 Annual Town Meeting Warrant
 - o Allocation of remaining ARPA Funds
5. Meeting minutes
 - o April 11, 2023
6. Correspondence
7. Adjournment

Correspondence received:

4/18/23 from Ellen Sturgis; Public Hearing for Town Meeting Warrant
4/18/23 from EDIC members; -EDIC resignations
4/18/23 from Kathy Sferra; Con Comm Public Hearing Notice – 89 Kingland Road
4/18/23 from Kathy Sferra; Con Comm Public Hearing Notice – Hudson Road and Great Road
4/18/23 from Board of Appeals; Notice and Decision , 89 Kingland Road
4/7/23 from Dan James; Follow-up Questions to 1/31/23 Weston & Sampson Presentation
4/8/23 from Leigh Hilderbrandt; Questions/Comments about the Zoning Bylaw for FAQ
4/13/23 from Dorothy Granat; Open Meeting Law
4/3/23 from Greg Franks of Comcast; Xfinity TV Service Changes
4/14/23 from Greg Franks of Comcast; Xfinity TV Service Changes

Posted Friday, 4/21/2023
2 p.m.

**DISCUSSION &
POSSIBLE VOTE**

Collings Foundation/American Heritage Museum 2023 Events

This has been shared with appropriate staff.

- The Police Chief has no concerns as long as the proper permits are applied for and received from the Fire Dept.
- The Fire Chief has no concerns and noted that they will still need to file for permits and details for the two pyrotechnic events.

Collings Foundation 2023 Events

Agreement Specifications:

4 Major Events a year that can be Noise Generating

- 1 – on WWII with Pyrotechnics
- 1 – with pyrotechnics pre WWI
- 2 – Major Events without pyrotechnics

2 Demonstrations/Exhibitions per month over 6-month season

Gunfire & pyrotechnics prohibited

Maximum of 5 heavy armored vehicles (tanks) are permitted at each demo/exhib

Can be noise generating, but must meet noise specifications

Flying for educational purposes may occur 4 weekends per year for a total of 8 days per season.

May 27th & 28th: Tank Demo

- Demonstration/Exhibition - Demo 2 of 12 allowed
- No Pyrotechnics
- No Gunfire
- No more than 5 tanks
- No flying

June 17th & 18th: Wings and Wheels

- Demonstration/Exhibition - Demo 4 of 12 allowed
- No Pyrotechnics
- No Gunfire
- No more than 5 tanks
- No flying

July 8th & 9th: Tank Demo

- Demonstration/Exhibition - Demo 6 of 12 allowed
- No Pyrotechnics
- No Gunfire
- No more than 5 tanks
- No flying

August 12th & 13th: Timeline Event – Centuries of the Soldier

- Major Event - 1 of 1 Pre WWI Pyrotechnic Major
- Pyrotechnics (Cannon Only)
- Gunfire
- No more than 5 tanks
- No flying

September 16th & 17th: WWI & Early Aviation weekend

- Major Event - Major 1 of 2 without Pyrotechnics
- No Pyrotechnics
- Gunfire
- No more than 5 tanks
- Flying – 1 of 4 weekends for flying

October 7th & 8th: WWII - Battle for the Airfield

- Major Event - 1 of 1 WWII Pyrotechnic Major
 - Pyrotechnics
 - Gunfire
 - 5 tanks or more
 - Flying ** – 2 of 4 weekends for flying
- ** Aircraft departing and landing to/from other location

Request for Authorization to Install Fire Protection Cisterns at Three Locations

Fire Captain Barry Evers

- Conant Drive
(across from #31 and #35 Conant Dr.)
- 511 Great Road
- 380 Great Road



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 25, 2023

Stow Select Board
Town of Stow
380 Great Rd. Stow, Ma

Dear Select Board,

I am writing to respectfully request authorization to install fire protection cisterns in the following locations:

Conant Dr. (across from #31 and #35 Conant Dr.)
511 Great Rd.
380 Great Rd.

The cisterns and installation costs will be paid for with ARPA funds. I have attached a map with the approximate location of the projects.

Respectfully,

Barry Evers
Captain
Stow Fire Department

Conant Drive

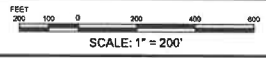


DIGITIZED IN 1998 BY: AERIAL SURVEY AND PHOTO, INC.
544 AIRPORT ROAD PO BOX 659
NORRIDGEWOOD, MAINE
UPDATED JANUARY 1, 2022 BY R. ROGERS, CADASTRAL SERVICES

FROM MAP ORIGINALE COMPILED BY:
JOHN E. O'DONNELL & ASSOCIATES
AUBURN, MAINE
1971

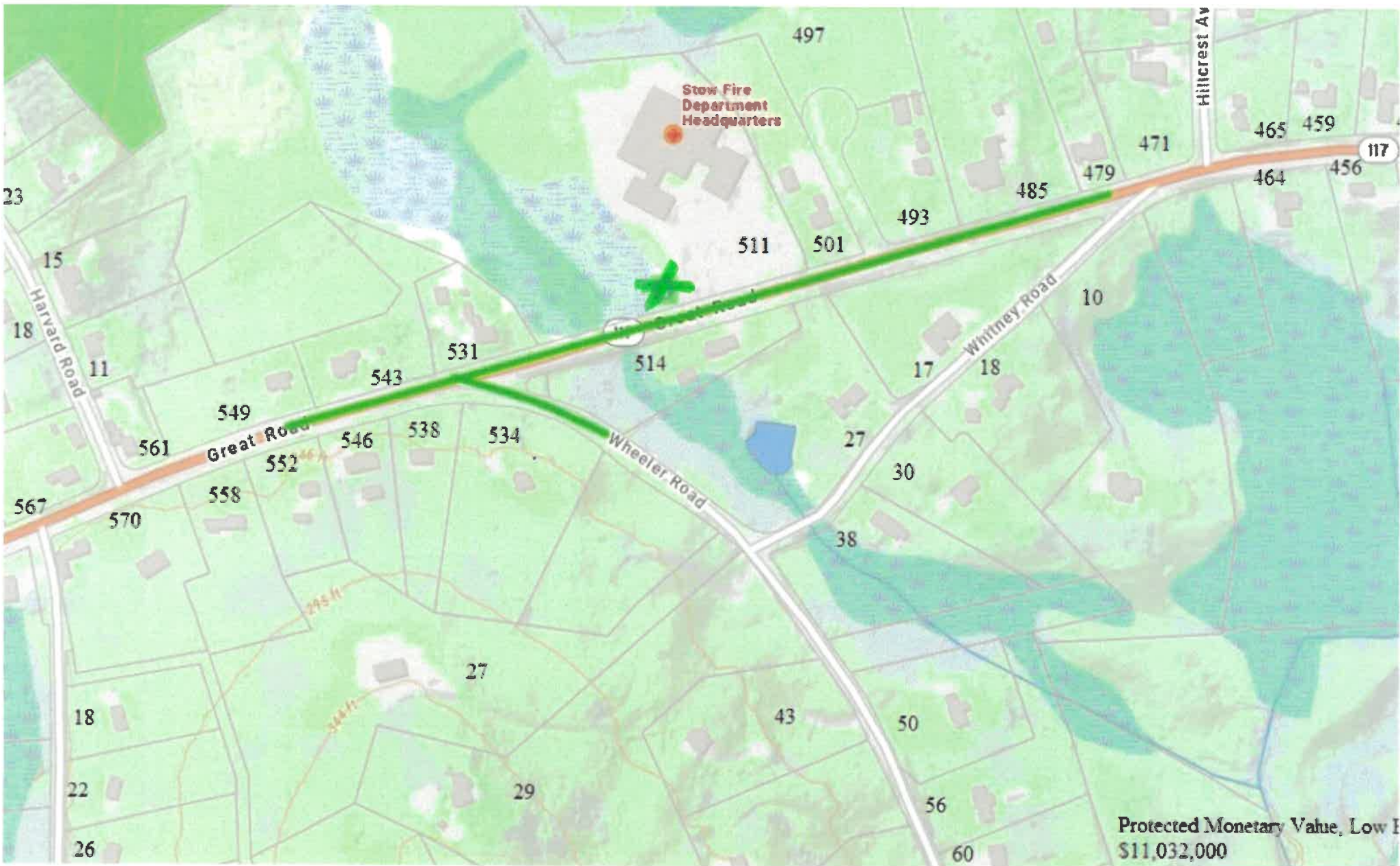
□ DENOTES UNDEVELOPED SUBDIVISION

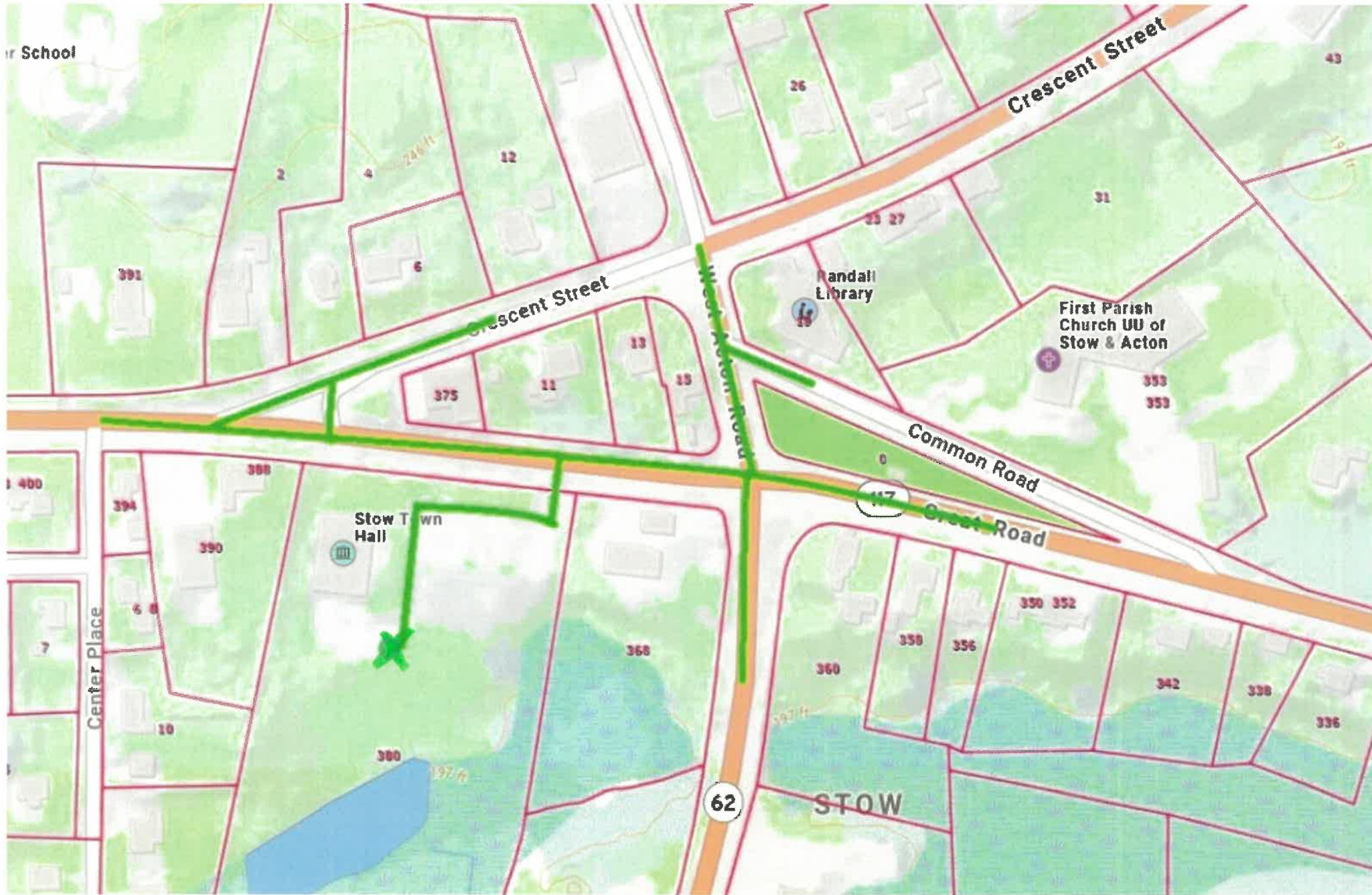
PROPERTY MAPS STOW, MASSACHUSETTS



 R05







er School

Crescent Street

Crescent Street

West Acton Road

Randall Library

First Parish Church UU of Stow & Acton

Common Road

Great Road

Stow Town Hall

Center Place

62

STOW

Event Permit for Xhale Fest

Saturday, May 20, 2023

12 p.m. – 5 p.m.

(There is no rain date.)

This has been shared with appropriate staff.

The Police Chief and Fire Chief met with the business owner; there is a plan in place, they have no safety concerns, and they approve this event.

- An officer will be assigned to the location.
- They have decided not to have food trucks this year.
- Vendors and music will be outside in the fenced area.
- They will not be using any extension cords in the fenced in area and they will secure the gate from closing.
- There will be no open flames/incense in use.
- The use of the inside will be limited to normal activities.



Town of Stow

Special Event Permit

This is to certify that, on Tuesday, April 25, 2023, the Select Board voted:

That Adrian Adams, as a representative of Xhale Massage + Relaxation, is granted permission to hold the Xhale Fest on Saturday, May 20, 2023, beginning at 12:00 p.m. (noon) to approximately 5:00 p.m. as described in the application materials, and contingent upon the following:

- 1) That arrangements have been made with the Police and Fire Departments for the appropriate number of detail personnel;
- 2) That a certificate of general liability insurance naming the Town of Stow as additional insured be provided to the Select Board office prior to the event (n/a for private property);
- 3) That any signs, tents, platforms, staging, structures, and electrical work be permitted and inspected by the Building Department prior to the event (*contact the Building Department at 978-897-2193*);
- 4) That if portable restroom facilities are used, the contract be provided to the Board of Health prior to the event. (Note: Per Code of Massachusetts Regulations Title 521 Sec 30.1.2, at least 5% but not less than one accessible toilet unit shall be installed and identified by the International Symbol of Accessibility);
- 5) That any snacks are prepackaged, or a permit has been obtained from the Board of Health, and;
- 6) That the organizers participate in any public safety meeting required for the event and all requirements discussed at the meeting are met;
- 7) These stipulations, made upon approval, have been met:

SELECT BOARD

Megan Birch-McMichael, Chair

Ellen S. Sturgis, Clerk

Cortni Frecha

Ingeborg Hegemann Clark

Hector Constantzos



TOWN OF STOW Special Event Permit Application

Permit fee is \$0 for non-profit organizations and \$50 for for-profit organizations.

Applicant and Sponsoring Organization Information

Name of Organization / Sponsor: Adrian Adams/xhale Non-Profit Profit

Address: 23 Gleasondale Rd City: Stow State: MA Zip: 01775

Tax ID #: 001-76-5841 Applicant name: Adrian Adams

Phone: (603)630-8279 Email: opensoultraveler@gmail.com

Web Site: https://xhalemassage.com

Event Manager: Adrian Adams Contact Info: (603)630-8279

Other Contact person/s: Jennifer Speredebuzzi Contact Info: (978)291-6044

Event Information

Event Type: Run/Walk* Rally Parade School Event
 Concert Festival Political Event Food Truck

Other (specify) _____

Event Title: xhale Fest

Start Date & Time(s): 5/20/23 12pm End Date & Times(s): 5/20/23 5pm Rain Date & Time(s): N/A

Estimated Attendance: # _____ Admission Fee: Inside \$75 / outside market open to public

Open to the Public: < H V No

Requested Location: Community Park Center Park 30mpo Field

Check all that apply Pine Bluff Pompositicut Community Center Tow Q) R U H V W

Street (specify): _____

Other (specify): will be located on Xhale property

Set Up Date/Time: 5/20/23 10:30am Break Down Date/Time: 5/20/23 5:15pm

* A route map is required at time of submission for a walk/run

Event Details

Please indicate whether the following items pertain to your event.

YES	NO	
<input checked="" type="radio"/>	<input type="radio"/>	Food Concession and/or Food Preparation
<input type="radio"/>	<input type="radio"/>	Please specify method: <input checked="" type="radio"/> Propane Gas <input checked="" type="radio"/> Electric <input type="radio"/> Charcoal <input type="radio"/> Catered Other: _____
<input type="radio"/>	<input type="radio"/>	Alcohol served – <i>Requires approval from the Select Board</i>
<input type="radio"/>	<input type="radio"/>	First Aid Facility(ies) and Ambulance (s)
<input type="radio"/>	<input type="radio"/>	Banner(s) and/or Sign(s) – <i>requires prior approval</i>
<input type="radio"/>	<input type="radio"/>	Street Closure(s) - <i>list streets:</i> _____
<input type="radio"/>	<input type="radio"/>	Amplified Sound - <i>If yes please indicate Start Time <u>12pm</u> End Time <u>5pm</u></i> <i>The Town of Stow will require additional information on this item and may require an Entertainment License be applied for and acquired.</i>
<input type="radio"/>	<input type="radio"/>	Will your event have Pyrotechnics? - <i>requires prior approval of the Fire Department</i>
<input type="radio"/>	<input type="radio"/>	Will your event have animals? <i>If yes, specify:</i> _____
<input type="radio"/>	<input type="radio"/>	Will your event require lights? <i>If so, specify hours:</i> _____
<input type="radio"/>	<input type="radio"/>	Will you set up table(s) and/or chair(s)? <i>Approximate number?</i> _____
<input type="radio"/>	<input type="radio"/>	Fencing, Barrier(s) and/or Barricade(s), Traffic Cones
<input type="radio"/>	<input type="radio"/>	Does your event require electricity? <i>Source:</i> _____
<input type="radio"/>	<input type="radio"/>	Booth(s) Exhibit(s), Display(s) and/or Enclosure(s)
<input type="radio"/>	<input type="radio"/>	Canopy (ies) and or Tent(s) - <i>describe dimensions: <u>vendors will have EZ up for their spaces</u></i>
<input type="radio"/>	<input type="radio"/>	Scaffolding, Bleacher(s), Platform(s), Grandstand(s) or related structure(s)
<input type="radio"/>	<input type="radio"/>	Container(s) and/or Dumpster(s)
<input type="radio"/>	<input type="radio"/>	Toilet(s) – <i>approximate number/vendor:</i> _____
<input type="radio"/>	<input type="radio"/>	Will you be holding a raffle at your event? <i>Describe:</i> _____
<input type="radio"/>	<input type="radio"/>	Vehicle(s) and/or Trailer(s) - <i>approximate number:</i> _____
<input type="radio"/>	<input type="radio"/>	Sleeping Trailer(s) and/or other accommodations
<input type="radio"/>	<input type="radio"/>	Stage(s) - <i>indicate dimension:</i> _____
<input type="radio"/>	<input type="radio"/>	Entertainment - <i>describe: <u>6 musicians in the gazebo w/ their own amps for sound.</u></i>
<input type="radio"/>	<input type="radio"/>	Amusement Rides - <i>list and describe:</i> _____
<input type="radio"/>	<input type="radio"/>	Inflatable Device(s) - <i>list and describe:</i> _____

Other Permits

Please note that all components of the event are subject to approval by the Select Board and may also require approval by and/or permit(s) from other Town departments. It is the responsibility of the applicant to secure all necessary Town of Stow permits, and to submit any payment required for permits.

Insurance Requirements

Evidence of Insurance will be required before final permit approval. Please provide a Certificate of Insurance, which shows a minimum of \$1,000,000.00 in Commercial General Liability Insurance and a Policy Endorsement, which indemnifies and holds harmless the Town of Stow, and all of its agencies and departments. The Town of Stow shall be named as an additional insured for the date/event. Some events may require a higher limit of insurance. Permittee must list the aforementioned parties as additional insured on their Certificate of Insurance. Each event is evaluated on its risk exposure. Any and all damages resulting from the event are the responsibility of the permittee and the permittee will work through designated staff to determine the most appropriate means for repair. The Town of Stow is not responsible for any accidents or damages to persons or property resulting from the issuance of this permit.

Affidavit of Applicant

My signature below indicates that everything I have stated in this application is correct to the best of my knowledge. I have read, understand and agree to abide by the policies, rules and regulations of the Town of Stow as they pertain to the requested usage. The permit, if granted is not transferable and is revocable at any time at the absolute discretion of the Select Board (or designee). All programs and facilities of the Town of Stow are open to all citizens regardless of race, sex, age, color, religion, national origin or disability.

Signature of Applicant: _____

Date: 3/1/23

Printed Name: Adrian Adams

Fee Paid: \$50

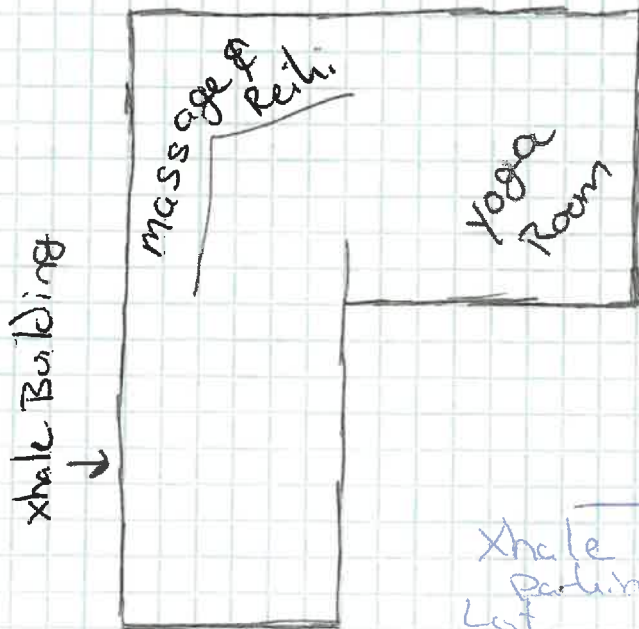
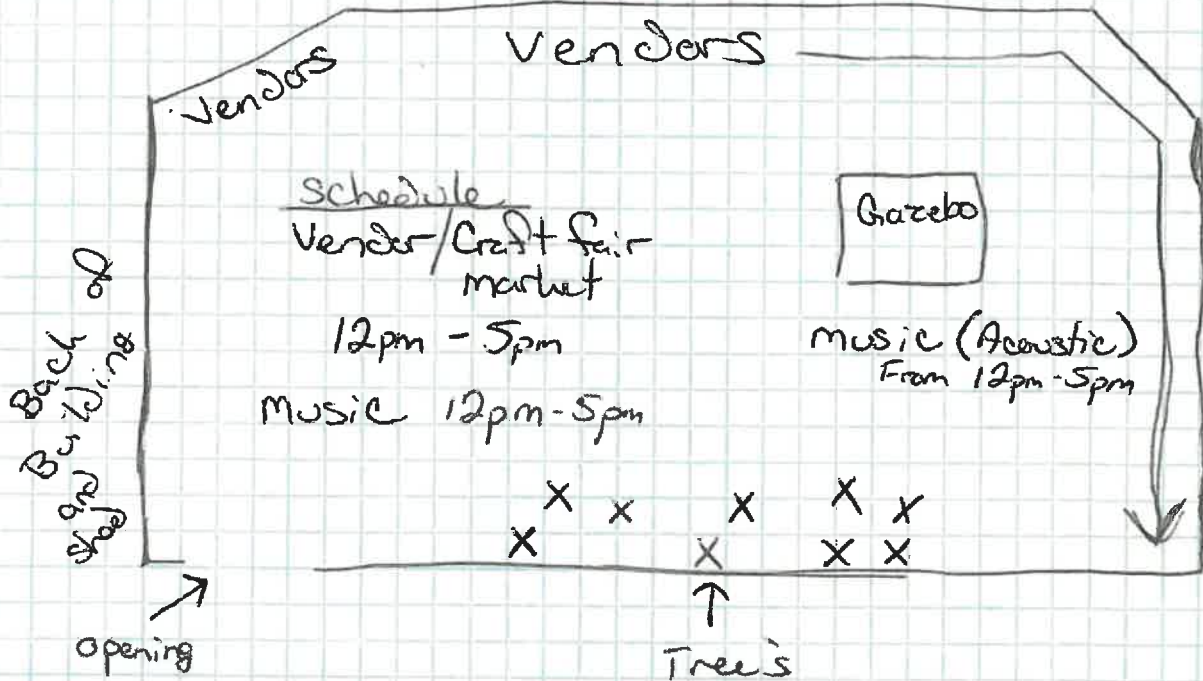
Khale Festival

23 Gleasondale Rd
Stow, Massachusetts 01775

May 20th 2023

From 12pm - 5pm

Fenced in area next to Khale



Khale Building Schedule

12pm - 5pm massage
Reiki sessions
Sacra sessions

12pm - Yoga

1pm - Art workshop

2pm - Yoga

3pm - Art workshop

4pm - Yoga

Khale
parking
Lot.

Parking across st = Over-flow

Discussion of Charter Review Articles for Annual Town Meeting

ARTICLE 56. Charter Change - Board of Selectmen to Select Board

To see if the Town will vote, pursuant to General Laws c. 43B, §10, and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to: delete the title of the ‘Board of Selectmen’ and in its place insert ‘Select Board’; to delete references to “board of selectmen” and insert in their place the words ‘select board’; to delete the word ‘Selectman’ and insert in its place the words “select board member”, in each instance where such terms appear in the charter; to delete the reference in §7-8 to the ‘chairman’ and insert in place thereof the word “chair”; and, further, to authorize the Town Clerk to make appropriate amendments to the bylaws to correct grammatical, numbering, tense or other ministerial issues as a result of the vote taken hereunder; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto.

(Charter Review Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

These changes provide for gender neutral titles. They reflect current usage and are consistent with a prior town meeting vote. These changes apply throughout the charter.

ARTICLE 57. Charter Change – Initiation of Warrant Articles

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article II entitled “Legislative Branch”, as set forth below, with text to be inserted shown in underline and text to be deleted shown in ~~strike through~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto.

(Charter Review Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

The changes to Sections 2-7(c) clarify the deadline for submission of citizen petition articles for consideration at annual and special town meetings. The change to Section 2-8 eliminates the requirement that every department be represented at every session of every town meeting, regardless of the subject matter on the warrant. See Appendix B for article language with changes incorporated.

Section 2-7: Initiation of Warrant Articles

- (c) Inclusion on Warrant - The select 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 at its office on or before by it 4:00 p.m. on the date the select board fixes for the close of the

~~warrant, ninety or more days prior to the date fixed by bylaw for the town meeting to convene.~~

Whenever a special town meeting is to be called, the select board of selectmen shall give notice by posting or publishing a notice of intent to call for special town meeting on the town's website, town bulletin board, and in any other manner the select board deems appropriate. The select board shall include in the warrant for such special town meeting the subject matter of all petitions, found and certified by the registrars of voters to be sufficient, which are received at its office on or before 4:00 p.m. on the date the select board fixes for the close of the warrant. ~~publication in the traditional manner of such intention and shall include in the warrant for such special town meeting the subject matter of all petitions, found and certified by the registrars of voters to be sufficient, which are received at its office on or before five o'clock in the afternoon of the fifth business day following such publication, or thirty or more days prior to the date announced for the special town meeting, whichever is later.~~

Section 2-8: Reserved Availability of Town Officials at Town Meetings

~~Every town agency shall designate one or more persons to attend all sessions of any town meeting for the purpose of providing the town meeting with information pertinent to matters appearing on the warrant.~~

~~If any person designated to attend the town meeting under this section is not a voter, such person shall, notwithstanding, have a right to address the meeting for the purpose of compliance with this section after properly informing the meeting that such person is not a voter.~~

ARTICLE 58. Charter Change – Elected Officials

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article III entitled “Elected Officials”, as set forth below, with text to be inserted shown in underline and text to be deleted shown in ~~strike through~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto. (Charter Review Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

The change in Section 3-1(c) allows a regional school agreement to govern the commencement and expiration of terms for its regional school district committee members. The change in Section 3-1(f)(2) clarifies that a vacancy in an elected multiple member body will be filled pursuant to G.L. c. 41, §11. The change to Section 3-3 reflects the fact that the Town has multiple school committees. See Appendix B for article language with changes incorporated.

Section 3-1: General Provisions

- (c) Commencement of Term - If the election is held after the dissolution of the annual town meeting, the terms of office of those elected shall commence and the terms of those replaced shall expire the day following the election. If the election is held prior to the dissolution of the annual town meeting, said terms shall commence or expire the day following the dissolution of the annual town meeting. However, if a regional school district agreement specifies the dates of expiration and commencement for its school committee members, then that regional school district agreement shall control.
- (f) Filling of Vacancies
- (2) Multiple Member Body - If there is a failure to elect or if a vacancy occurs in the membership of any elected multiple member body other than the select board of selectmen, and unless the provisions of a controlling will or a trust provide for a different method, the remaining members of the multiple member body shall submit give a written notice to the select board of selectmen a written notice of such vacancy and inform the public in the same manner as required by the provisions of Section 7-9 for appointed town officers, by the provisions of Section 79. The select board of selectmen, with the remaining members of such multiple member body shall, at by a joint meeting, appoint a registered voter to fill the vacancy in accordance with chapter 41, section 11, of the Massachusetts General Laws. Notice of this meeting, listing the vacant position and remaining term, shall be posted at least one week prior on the town website, official bulletin board, and elsewhere at the discretion of the select board. vote after one week's notice of the date on which the vote is to be taken, fill such vacancy until the next town election. The votes of a majority of the persons entitled to vote shall be necessary for such appointment. election.

Section 3-3: School Committee

There shall be schools governed by local or regional school committees as determined by town meeting vote.

- (a) Local school committee - ~~The~~ Any local school committee shall have all of the powers and duties that school committees may have under the constitution and general laws of the commonwealth, and it shall have such additional powers and duties as may be authorized by this charter, by bylaw, or other town meeting vote. The powers of ~~the~~ any school committee shall include, but are not intended to be limited to, the following:
- (1) To appoint a superintendent of the schools and all other officers and employees connected with the schools, to fix their compensation, to define their duties, to make rules concerning their tenure of office, and to discharge them;

- (2) To make all reasonable rules and regulations consistent with law for the administration and management of the public schools and for the conduct of its own business and affairs; and
 - (3) To work with the town administrator and other town agencies to further the interests of the town, its citizens, and its children.
- (b) Regional school committee - The powers and duties conferred upon ~~the~~ any school committee by this charter may be transferred to a regional school committee in accordance with the procedures contained in the general laws.

ARTICLE 59. Charter Change – Board of Assessors

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article III entitled “Elected Officials”, and Article V, entitled “Administrative Organization”, as set forth below, with text to be inserted shown in underline and text to be deleted shown in ~~strikethrough~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters of the Town at the 2024 Annual Town Election; or take any other action relative thereto.

(Charter Review Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

To change the Board of Assessors from an elected board to an appointed board. The composition, term of office, and powers and duties remain unchanged but are moved from the elected boards to the appointed boards section. See Appendix B for article language with changes incorporated.

Section 3-8: Reserved Board of Assessors

~~(a) — Composition, Term of Office — There shall be a board of assessors consisting of three members elected for terms of three years each, so arranged that the term of one member shall expire each year.~~

~~(b) — Powers and Duties — The board of assessors shall periodically make a fair cash valuation of all the estates, real and personal, subject to taxation within the town. It shall determine, based on such valuations and such sums as may be authorized to be expended by town meeting and the consideration of other income and expenses of the town, the rates of taxation to apply against taxable estates in the town. It shall have all of the powers and duties given to boards of assessors under the constitution and General Laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by bylaw, or by other town meeting vote.~~

Section 5-5: Town Administrative Organization

(d) Board of Assessors

- (1) Composition, Term of Office - There shall be a board of assessors consisting of three members appointed by the select board for terms of three years each, so arranged that the term of one member shall expire each year.
- (2) Powers and Duties - The board of assessors shall periodically make a fair cash valuation of all the estates, real and personal, subject to taxation within the town. It shall determine, based on such valuations and such sums as may be authorized to be expended by town meeting and the consideration of other income and expenses of the town, the rates of taxation to apply against taxable estates in the town. It shall have all of the powers and duties given to boards of assessors under the constitution and General Laws of the Commonwealth, and such additional powers and duties as may be authorized by the charter, by bylaw, or by other town meeting vote.

ARTICLE 60. Charter Change – Gender Change

To see if the Town will vote, pursuant to General Laws c. 43B, §10 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article VII entitled “General Provisions”, as set forth below, with text to be inserted shown in underline and text to be deleted shown in ~~strikethrough~~; provided, however, that in accordance with G.L. c. 43B, §10, this proposed amendment shall not take effect until approval by the voters at the 2024 Annual Town Election; or take any other action relative thereto.

(Charter Review Committee)

The Finance Committee recommends APPROVAL of this article. Passage of this article does NOT increase expenditures.

The change to Section 7-8 reflects that there are no terms noting gender in the charter. See Appendix B for article language with changes incorporated.

Section 7-4: Singular/Plural Number and Gender

Words importing the singular number may be applied to several persons or things; words importing the plural number may include the singular, ~~;~~ ~~words importing the feminine gender shall include the masculine gender;~~ ~~words importing the masculine gender shall include the feminine gender.~~

Discuss Dates for Special Town
Meeting and Special Town
Election and Open the Warrant
for 2023 Special Town Meeting



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

Dolores Hamilton
Assistant Town Administrator
assttownadmin@stow-ma.gov

To: Select Board

From: Denise M. Dembkoski, Town Administrator

Re: Special Town Meeting

Date: April 20, 2023

Last week, myself, the Town Administrators from Bolton and Lancaster, and Kirk Downing, Superintendent of Schools met to discuss the vote on the High School Building Project. We were looking at September dates to determine when we would hold our respective Town Meetings and Annual Elections.

As I expect a number of articles, in addition to the High School project, to come forward, I advised the group that I would be recommending our STM take place on a Saturday, as we have been doing since 2020. Both Bolton and Lancaster would bring forward the Saturday date to their towns, although historically their town meetings are still on Monday nights. My recommendation for the Special Town Meeting is Saturday, September 16, 2023.

We then discussed the election. Both Bolton and Lancaster plan to proceed with their traditional Monday election. However, since our polling location is at the elementary school and the District informed me they would not close the school to accommodate the election – my recommendation is we proceed with the Special Election on Saturday, September 23, 2023.

I have spoken with the Town Clerk and the above dates are what we both recommend. Since there is a tight turnaround after the ATM, I would like to have the Board set the date now for the STM and Election, so we can get all the relevant due dates and information posted.

2023 Special Town Meeting Dates

Citizen's Petition Deadline – Tuesday, June 20, 2023

Warrant Closes – Monday, August 7, 2023

Presentations Due to Town Administrator – Tuesday, September 5, 2023

STOWS Meeting – TBD

Special Town Meeting – Saturday, September 16, 2023

Special Election – Saturday, September 23, 2023

Denise Dembkoski

From: Downing, Kirk <kdowning@nrsd.net>
Sent: Wednesday, April 12, 2023 2:04 PM
To: Williams, Mary Ann
Cc: Joseph Gleason; Leah Vivirito; Nguyen, Sy; Denise Dembkoski; Don Lowe; Kate Hodges; Ross Mulkerin; Peter L. Mello; Joe Milani
Subject: Dates for Securing Funding

Mary Ann,

I just concluded a meeting with the Town Administrators to discuss potential dates for Town Meetings to vote on incurring debt as well as ballot elections to vote on the necessary debt exclusion. While we might prefer the towns vote on the same dates, it may not be possible due to each town's decision. Here are the dates each town will recommend to their boards.

Bolton

- Town Meeting- September 16th or 18th
- Debt Exclusion vote - September 25th

Lancaster

- Town Meeting- September 16th or 18th
- Debt Exclusion vote - September 25th

Stow

- Town Meeting- September 16th
- Debt Exclusion vote - September 23rd or 25th

Please reach out to me if you have any questions.

Peace,

Kirk Downing (He/Him)
Superintendent, Nashoba Regional School District

50 Mechanic Street
Bolton, MA 01740
978-779-0539

"Be your best self. Pave your path. Impact the world."

**Review and Approve 2023
Annual Town Meeting Warrant**

Articles for further Select Board review:

Article 53 – Ellen

Green Advisory Committee Funds

Article 63 – Megan

Amend Zoning Bylaw: Lower Village Business District

Article 67 – Hector

Amend Zoning Bylaw Section 3.3 Business District Uses

Allocation of Remaining ARPA Funds



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

Dolores Hamilton
Assistant Town Administrator
assttownadmin@stow-ma.gov

To: Select Board

From: Denise M. Dembkoski, Town Administrator

Re: Update on ARPA Funds

Date: April 20, 2023

I heard from Congresswoman Trahan's Office today that the House Speaker has released a plan to reduce the debt ceiling and one of the items in the proposal is to claw back any unallocated ARPA Funds, therefore I am asking the Board to allocate all remaining funds into the TA Discretionary account, which will allow me (and the Town) to use those funds as we have been, to close out projects and cover the pricing gaps, etc. As long as the funds are allocated, we would be protected – provided all funds are spent by the end of 2026.

We have \$331,095.34 that is currently unallocated. If you'd rather allocate them into another bucket, that is fine, as well. We would just need to decide which bucket, so we do not have to make adjustments later to correct where we are spending it from. But I have to file the next status report by April 30th and would like to indicate that we are fully allocated – in case this plan moves forward.

Looking forward to discussing this with you on Tuesday!

ARPA Categories:	\$ 2,162,292.00	
	Total Allocated	Total Remaining to be Spent
Administrative	\$10,000.00	\$7,700.00
Public Health	\$75,000.00	\$40,438.77
Water-Sewer Investment	\$500,000.00	\$279,813.21
Capital Projects	\$600,000.00	\$3,238.12
TA Discretionary	\$100,000.00	\$11,452.34
OTHER	\$546,196.66	\$395,492.93
Totals	\$1,831,196.66	\$738,135.37
Remaining to be Allocated	\$331,095.34	
OTHER:	Total Allocated	Total Remaining to be Spent
Community Gardens	\$45,070.00	\$36,176.50
Traffic Safety Committee	\$15,000.00	\$11,371.23
TSAC Signage and Lights	\$13,031.30	\$0.00
Lower Village Water Study	\$100,517.36	\$84,188.90
TSAC - Hudson Rd/Rt117 Intersection	\$119,635.00	\$76,498.00
Procurement/Grants Administrator	\$65,000.00	\$14,366.30
Harvard Rd Culvert	\$50,000.00	\$50,000.00
Lake Boon Dam Engineering	\$40,000.00	\$40,000.00
Hale Boiler	\$14,961.00	\$0.00
FY24 Subscriptions & Fees	\$22,500.00	\$22,500.00
Bucket Truck extra placeholder	\$25,000.00	\$25,000.00
AED Extras	\$6,982.00	\$6,892.00
Well at Pine Bluff placeholder	\$20,000.00	\$20,000.00
Police gun replacement placeholder	\$8,500.00	\$8,500.00
	\$546,196.66	\$395,492.93

Denise Demboski

From: Mastrandrea, Jake <Jake.Mastrandrea@mail.house.gov>
Sent: Thursday, April 20, 2023 12:41 PM
To: Khun Leng, Sara; Syrniotis, Maria
Cc: Gross, Sophia; Kotelly, Emma; Baseman, Derek
Subject: RE: Congresswoman Trahan Federal Funding Resources

Good Afternoon Mayors/Managers/Administrators,

I wanted to reach out to flag a recent development on Capitol Hill. Yesterday, House Speaker Kevin McCarthy released the House Republicans' [proposal to increase the debt ceiling](#). I wanted to flag one specific piece of this proposal, a [provision on page 15 of the bill](#) in which House Republicans would plan to claw back any unallocated American Rescue Plan funding. As you may recall, municipal ARPA funds currently have a deadline to be allocated by the end of 2024 and spent by the end of 2026. As a reminder, here is the [guidance from Treasury](#) for local ARPA allocations.

The Congresswoman opposes this proposed claw back and our team will be closely monitoring this bill along with any debt negotiations which may result in this specific proposal being enacted. If you are able, **please have a staff member reply to this email with the latest breakdown of your ARPA spending so that the Congresswoman can have an updated record of your unallocated funds to date.** If you have any questions regarding your remaining ARPA allocations, please don't hesitate to reach out to our office.

Best,

Jake Mastrandrea (he/him) | **Outreach Liaison**
126 John Street, Suite 12, Lowell, MA 01852



From: Mastrandrea, Jake
Sent: Friday, April 7, 2023 9:41 AM
To: Khun Leng, Sara <Sara.KhunLeng@mail.house.gov>; Syrniotis, Maria <Maria.Syrniotis@mail.house.gov>
Cc: Gross, Sophia <Sophia.Gross@mail.house.gov>; Kotelly, Emma <Emma.Kotelly@mail.house.gov>; Baseman, Derek <Derek.Baseman@mail.house.gov>
Subject: RE: Congresswoman Trahan Federal Funding Resources

Good Morning Mayors/Managers/Administrators,

We have a full slate of new programs which have recently been released. Some of the deadlines are within the next two weeks including the two FTA programs for low or no emission buses as well as the rural energy improvement program (highlighted below). **Please flag for us if you are interested in any of these programs so that we can get you answers for these applications as soon as possible.** Additionally, please review the newly released resources, in particular DOT and EPA technical assistance resources, in the "New Resources" section below.

MINUTES

Select Board Meeting Minutes

Tuesday, April 11, 2023

Stow Town Building & Zoom

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

Absent: Cortni Frecha, Ingeborg Hegemann Clark

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

Public Comment

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

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

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

Board Member Comments

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

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

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

Town Administrator (TA) Report

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

Recognition – National Library Week Proclamation

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

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

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

Board member Constantzos seconded the motion and it passed unanimously.

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

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

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

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

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

Nashoba Regional High School Building Project Update

Superintendent Kirk Downing was present in the Warren Room.

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

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

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

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

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

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

Board member Constantzos seconded the motion and it passed unanimously.

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

Board member Constantzos seconded the motion and it passed unanimously.

Covenant for Elizabeth Brook Apartments

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

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

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

Board member Constantzos seconded the motion and it passed unanimously.

Planning Board Zoning Articles to be Presented at Town Meeting

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

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

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

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

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

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

Middlesex County Retirement Request for Acceptance of Chapter 269

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

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

Board member Constantzos seconded the motion and it passed unanimously.

Fire Local 3262 Union Contract

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

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

Board member Constantzos seconded the motion and it passed unanimously.

Town Administrator's FY24-FY26 Contract

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

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

Board member Constantzos seconded the motion and it passed unanimously.

FY24 Budget Discussion

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

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

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

Annual Town Meeting Warrant Review

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

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

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

Minutes

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

Correspondence

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

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

Adjournment

At 9:21 p.m. Board member Sturgis moved to adjourn. Board member Constantzos seconded the motion and it passed unanimously.

Respectfully submitted,

Joyce Sampson

Executive Assistant

Documents used at this meeting:

Documents can be found in the Select Board's Office in the meeting folder.