

AGENDA
SELECT BOARD
August 8, 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/84431870752?pwd=M1RDcnFaU2ZUMEhtQkRxUW41WUI4Zz09>

Meeting ID: 844 3187 0752
Passcode: 25964081

1. Public Comment
2. Recognition
 - Tye and Julie Morancy, Taylor Road residents who responded to the July 23, 2023 plane crash
3. Board Member Comments
4. Town Administrator's Report
5. Appointments
 - Brian Hatch to the position of Superintendent of Streets through June 30, 2024
6. Discussion and Possible Vote
 - Event Permit for Stow Firefighters Association "Touch A Truck" Saturday, August 26, 2023 from 10 AM to 2 PM – Erick Benoit
 - Jim Salvie, Moderator, to discuss Town Meeting matters
 - Charter Review Committee to update the Board on articles/changes for STM
 - Review Draft Special Town Meeting Warrant
 - Vote any Ballot Questions for the September 23, 2023 Election
 - Discussion of making Common Road a one way and in relation to the Library Project
 - Approve amendment to the Stow Acres Retained Rights Agreement
7. Meeting minutes
 - July 25, 2023
8. Board Correspondence & Updates
9. Adjournment

Correspondence received:

8/2/23 from Denise Dembkoski; EDIC Membership
8/3/23 from Nashoba Regional School Comm; Notice of Borrowing Authorization Pursuant to G.L. c. 71 §16(d)
8/3/23 from Nashoba Regional School Comm; Borrowing Estimates
8/3/23 from Bruce Fletcher; Update on the Dam
7/28/23 from Valerie Oorthuys; Cottages at Wandering Pond (Athens St) Updates

Posted Thursday, 8/3/2023
3:30 p.m.

RECOGNITION

Tye and Julie Morancy
Neighbors who responded to the
July 23, 2023 plane crash

APPOINTMENTS

Brian Hatch
to the position of
Superintendent of Streets
through June 30, 2024



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 Brian Hatch to the position of Superintendent of Streets. Brian has been a hard-working, dedicated employee of the Town for 26 years and is ready to take the next step in his career. Over the last six months, Brian has continued to prove his readiness for the Superintendent's position and has the support of his department. Having Brian as the Superintendent will bring knowledge, experience, and stability to the Highway Department.

I respectfully ask for your ratification of this recommendation.

Denise M Dembkoski



TOWN OF STOW
380 Great Road
Stow, Massachusetts 01775

**TOWN OF STOW
SUPERINTENDENT OF STREETS**

(INTERNAL POSTING)

The Town of Stow (population appx. 7,000) is seeking to promote from within for the position of Superintendent of Streets. This full-time (40 hr/wk), benefit eligible position is perfect for someone looking to take the next step in their career. Position oversees twelve full-time positions and all aspects of the highway and cemetery departments. The Superintendent handles a wide variety of duties ranging from road maintenance and plowing to grounds maintenance and tree removal.

Bachelor's degree and five to seven (5-7) years of related experience; or any equivalent combination of education, training, and experience. Knowledge and experience with Massachusetts procurement strongly preferred.

Salary: Position is FLSA exempt and on Grade 8 of the Town's Compensation and Wage Schedule, with an hourly range of \$47.08/hr. to \$53.28/hr. Benefit eligible. Hours of work are 6:30am to 2:30pm. The Superintendent is required to work beyond normal business hours in response to emergency situations 24/7, 365 days per year or to attend evening meetings. Send letter of interest and resume, in a single .PDF to careers@stow-ma.gov. For the full job description, please see below or visit our website at www.stow-ma.gov. AA/EOE.

DISCUSSION & POSSIBLE VOTE

Special Event Permit

Touch-A-Truck

Saturday, August 26, 2023

10 a.m. – 2 p.m.

Stow Firefighters Association - Erick Benoit

The application was circulated to appropriate staff.
There are no concerns and no pending items.



Town of Stow

Special Event Permit

For: Saturday, August 26, 2023

Erick Benoit, as a representative of the Stow Firefighters Association, is granted permission to hold the Touch-A-Truck event on Saturday, August 26, 2023, beginning at 10 AM to approximately 2 PM 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;
- 3) That any signs, tents, platforms, staging, structures, and electrical work be permitted and inspected by the Building Department prior to the event;
- 4) That if portable restroom facilities are used, the contract be provided to the Board of Health prior to the event and comply with Massachusetts Regulations Title 521 Sec 30.1.2;
- 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:

As approved by the Select Board on August 8, 2023:

Cortni Frecha, Chair

Megan Birch-McMichael, Clerk

Ingeborg Hegemann Clark

Hector Constantzos

John Toole



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: Stow Firefighters Association Non-Profit Profit

Address: 511 Great Road City: Stow State: MA Zip: 01775

Tax ID #: 222 499 109 Applicant name: Erick Benoit

Phone: 978-216-2813 Email: ebenoit.stta@gmail.com

Web Site: www.stowfirefighters.com

Event Manager: Erick Benoit Contact Info: 978-216-2813

Other Contact person/s: _____ Contact Info: _____

Event Information

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

Other (specify) Touch-A-Truck

Event Title: Touch-A-Truck

Start Date & Time(s): 8/26/2023 1000 End Date & Times(s): 8/26/2023 1400 Rain Date & Time(s): N/A

Estimated Attendance: # 500 Admission Fee: \$0.00

Open to the Public: Yes No

Requested Location: Community Park Center Park Pompo Field

Check all that apply Pine Bluff Pompositicut Community Center Town Forest

Street (specify): _____

Other (specify): Bose Property 688 Great Road

Set Up Date/Time: 8/26/2023 0900 Break Down Date/Time: 8/26/2023 1500

* 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="checkbox"/>	<input type="checkbox"/>	Food Concession and/or Food Preparation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Please specify method: <input checked="" type="radio"/> Propane Gas <input type="radio"/> Electric <input type="radio"/> Charcoal <input type="radio"/> Catered Other: _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Alcohol served – <i>Requires approval from the Select Board</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	First Aid Facility(ies) and Ambulance (s)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Banner(s) and/or Sign(s)– <i>requires prior approval</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Street Closure(s) - <i>list streets:</i> <u>N/A</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Amplified Sound - <i>If yes please indicate Start Time</i> <u>N/A</u> <i>End Time</i> <u>N/A</u> <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="checkbox"/>	<input checked="" type="checkbox"/>	Will your event have Pyrotechnics? - <i>requires prior approval of the Fire Department</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will your event have animals? <i>If yes, specify:</i> <u>N/A</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will your event require lights? <i>If so, specify hours:</i> <u>N/A</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will you set up table(s) and/or chair(s)? <i>Approximate number?</i> <u>15</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fencing, Barrier(s) and/or Barricade(s), Traffic Cones
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does your event require electricity? <i>Source:</i> <u>No</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Booth(s) Exhibit(s), Display(s) and/or Enclosure(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Canopy (ies) and or Tent(s) - <i>describe dimensions:</i> <u>Individual 12x12 Easy-Ups</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Scaffolding, Bleacher(s), Platform(s), Grandstand(s) or related structure(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Container(s) and/or Dumpster(s)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Toilet(s) – <i>approximate number/vendor:</i> <u>2 CSI Portables</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Will you be holding a raffle at your event? <i>Describe:</i> <u>No</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle(s) and/or Trailer(s) - <i>approximate number:</i> <u>25</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sleeping Trailer(s) and/or other accommodations
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Stage(s) - <i>indicate dimension:</i> <u>No</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Entertainment - <i>describe:</i> <u>No</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Amusement Rides - <i>list and describe:</i> <u>No</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Inflatable Device(s) - <i>list and describe:</i> <u>3 Game Inflatables</u>

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: 7/20/2023

Printed Name: Erick Benoit

Fee Paid:

Joyce Sampson

From: Erick Benoit <ebenoit.sffa@gmail.com>
Sent: Thursday, August 3, 2023 2:30 PM
To: Joyce Sampson
Subject: SFFA Event (1)

Written approval from Bose
Erick Benoit
Stow Firefighters Association

Begin forwarded message:

From: "Ahern, Thomas" <Thomas_Ahern@bose.com>
Date: August 3, 2023 at 2:22:43 PM EDT
To: Erick Benoit <ebenoit.sffa@gmail.com>
Subject: RE: The Stow Firefighters Association 23-23 Special Event Policy ##

Hi Erick,

That's approved.

Please let me know if you need anything else.

Best,

Tom Ahern

From: Erick Benoit <ebenoit.sffa@gmail.com>
Sent: Thursday, August 3, 2023 2:19 PM
To: Ahern, Thomas <Thomas_Ahern@bose.com>
Subject: Re: The Stow Firefighters Association 23-23 Special Event Policy ##

Awesome!

I'd/once approved if you could just let me know. I have to pass to the town in writing the approval from Bose

Erick Benoit
Stow Firefighters Association

On Aug 3, 2023, at 2:11 PM, Ahern, Thomas <Thomas_Ahern@bose.com> wrote:

Perfect,
Thx Erick.
Tom Ahern

From: Erick Benoit <ebenoit.sffa@gmail.com>
Sent: Thursday, August 3, 2023 12:19 PM
To: Ahern, Thomas <Thomas_Ahern@bose.com>
Subject: Fwd: The Stow Firefighters Association 23-23 Special Event Policy ##

Sorry about the confusion on my part, here is what you're looking for



Commonwealth of Massachusetts
Nashoba Health District



Temporary Permit
Fee: \$0.00

Board of Health of Stow

PERMIT TO OPERATE A FOOD SERVICE ESTABLISHMENT

In accordance with regulations promulgated under authority of Chapter 94, Section 305A and Chapter 111, Section 5 of the General Laws, a permit is hereby granted to:

Touch -A-Truck, 511 Great Road, August 26, 2023

Applicant : Stow Firefighters Association
511 Great Road
Stow MA 01775-

Date: July 27, 2023

Expiration Date: August 26, 2023

hot dogs, hamburgers, chips, bottled drinks

Board of Health of Stow

Agent for the Board of Health
Sanitation Officer, Nashoba Associated Boards of Health

NON-TRANSFERABLE

**Jim Salvie, Moderator
to discuss Town Meeting matters**

Charter Review Committee
to update the Board on
articles/changes for STM

Review Draft Special Town Meeting Warrant

WARRANT FOR

SPECIAL TOWN MEETING

Monday, September 18, 2023

7:00 P.M.

CENTER SCHOOL

403 GREAT ROAD, STOW, MA

[draft]



[draft]

PLEASE BRING TO TOWN MEETING
THIS IS YOUR ONLY COPY

Anyone with a disability requiring special arrangements for Town Meeting should contact Town Clerk Linda Hathaway at (978) 897-5034 by 4 p.m. on Wednesday, September 13, 2023.

On May 9, 2023, the Stow Select Board voted to set the date of the Special Town Meeting to Monday, September 18, 2023.

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WARRANT FOR 2023 SPECIAL TOWN MEETING

To either of the Constables of the Town of Stow, or the Stow Town Clerk, in the County of Middlesex,
GREETINGS:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stow, qualified to vote in Elections and Town Affairs, to assemble in

**CENTER SCHOOL
403 GREAT ROAD, STOW, MA
In said Town on
MONDAY, THE EIGHTEENTH DAY OF SEPTEMBER 2023
AT 7:00 P.M.**

Then and there to act on the following Articles, namely:

ARTICLE 1. Nashoba Regional High School Building Project

To see if the Town will approve the \$241,714,926 borrowing authorized by the Nashoba Regional School District, for the purpose of paying costs of a new Nashoba Regional High School, 12 Green Road, Bolton, MA 01740 including site work and athletic fields, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the Nashoba Regional School District’s Project School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-five and 09/100 percent (55.09%) of eligible, approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

The Finance Committee recommends XXX of this article.

ARTICLE 2. Additional Funds for the Renovations to the Randall Library

To see if the Town will vote to transfer from available funds, or borrow the sum of Two Million, Five Hundred Thousand Dollars (\$2,500,000) to add to the library renovation project consisting of the design, construction and equipping of renovations to the Randall Library, including the payment of all costs incidental and related thereto;

And, to meet said appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of such amount for said project, as authorized under General Laws Chapter 44 or any other general or special law or other enabling authority, and to issue bonds or notes of the Town therefor;

And further, to authorize the Select Board, or its designee, to apply for, accept and expend any funds that may be received from donations or fundraising, or any other funding sources, for the purpose of funding the said Randall Library Renovation project; provided that the total amount voted to be borrowed for the Randall Library project shall be reduced by the sums received by transfers or by donations and fundraising or any other funding source prior to the issue of bonds or notes under such votes; or take any other action relative thereto. **Requires 2/3’s affirmative vote**
(Town Administrator)

The Finance Committee recommends XXX of this article.

The costs for the library renovation project have increased since the vote was taken in May 2022. This would authorize additional spending, but will not require additional taxation, as the funds will come from the Town Administrator’s General Fund Budget and within the Proposition 2 ½ tax levy. The maximum amount the taxpayers will pay remains at \$6,706,500.

ARTICLE 3. Vest Authorities for Cemeteries and Streets in Director of Public Works

To see if the Town will vote to amend the General Bylaw by amending the following sections of Articles 5, 6, and 7 of the General Bylaws; or to take any other action relative thereto.
(Town Administrator)

SECTION 1

That the Town make the following revisions to its General Bylaws and Zoning Bylaw:

General Bylaws

ARTICLE 5. ACCEPTANCE AND REPAIRS OF PRIVATE ROADS

[No changes to Section 1].

SECTION 2. All streets to be accepted by the Town must be petitioned for not later than January 15 previous to the annual town meeting in May. No streets shall be accepted by the Town unless constructed in compliance with the foregoing specifications. No streets built or hereinafter to be built shall be accepted by the Town unless constructed in compliance with the following:

Any petition or proposal for an article of acceptance of any street or way to be voted on at any town meeting shall be accompanied by complete roadway plans and layouts drawn to the scale of one inch to forty feet by a registered civil engineer which shall show the dimensions of the roadway, including the traveled way, the location of all utilities and all easements and the boundaries and dimensions of any properties to be taken by said acceptance, the ownership of abutting properties according to the latest assessors list of January 1 of the instant year, and the plans shall be suitable for recording in Middlesex South District Registry of Deeds. The same engineer shall also, by a separate certificate to the Select Board, certify that roadway proposed for acceptance meets all the construction requirements and complies with the Bylaws of the Town of Stow, Article 5, Sections 1 and 2. (amended 5/20/74)

The Select Board may waive the requirements of the engineer's certificate, and compliance with any of the specifications set forth in Section 1, upon the recommendation of the Planning Board and the ~~Superintendent of Streets~~Director of Public Works. (this paragraph added 5/4/83)

SECTION 3. Private Ways

(a) The Town may, in addition to whatever other powers it shall have over the control and repairs of private ways, appropriate money at the annual town meeting for the purpose of making repairs to private ways, to be used in the discretion of the Select Board upon recommendation by the ~~Superintendent of Streets~~Director of Public Works, when such repairs are required by public use, and the Select Board specifically vote that such repairs are required by public necessity and convenience, upon the following conditions:

[No changes to the remainder of Subsection (a)].

[No changes to Subsections (b) or (c)].

ARTICLE 6. POLICE REGULATIONS

[No changes to Sections 1 through 5, inclusive].

SECTION 6. Public Ways

(a) No person shall surface, resurface, break or dig up the ground in any street for any purpose whatever or set or place any fence, post, tree or edgestone, or alter or change the position or direction of any fence, post or edgestone, or swing any door or gate in, upon or over, or change the grade or width of any public way without a written permit of the Select Board, which shall prescribe the limitations or restrictions of such permit. Such permit may be obtained on payment of a fee as determined from a schedule established by the Select Board. It shall be required of the person obtaining the permit as part of the permit that the ~~Superintendent of Streets~~Director of Public Works be notified in writing at least forty-eight (48) hours before the work is to be commenced. No permits shall be issued for projects which will not be completed by November 15, except in an emergency situation. (amended 3/4/69, 5/20/74, 5/6/81) When any stone walls or other markers or monuments, which are highway boundaries, are removed in a manner which destroys the boundary of the highway, they shall be replaced with bounds and to the specifications contained in the manual of the Commonwealth of Massachusetts Department of Public Works Standards for Highways and Bridges, Section 710. (added 3/3/70; amended 3/7/73)

(b) When meeting the edge of the present traveled way of a street with driveways, walks, etc., the construction of the same shall be as prescribed by the ~~Superintendent of Streets~~Director of Public Works.

[No changes to Subsections (c) through (f), inclusive].

(g) The Select Board, upon written report of the ~~Highway Superintendent~~Director of Public Works, may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district, as defined in MGL c.90 § 1, in the city or town on any way that is not a state highway. (added 7/10/2017)

(h) The Select Board, upon written report of the ~~Highway Superintendent~~Director of Public Works, and after a duly noticed Public Hearing, may, in the interests of public safety and without further authority, establish 20 mph Safety Zones in areas where vulnerable road users are likely to be present, including but not limited to ways in the vicinity of the following land uses:

[No changes to the remainder of Subsection (h)].

ARTICLE 7. CEMETERIES

[No changes to Sections 1 or 2].

SECTION 3. The Director of Public Works shall serve as the Town's Cemetery Commissioners, pursuant to Section 5-5(a) of the Charterre shall be a board of cemetery trustees 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. Said ~~board~~Director, with the Treasurer-Collector, shall have the management of the cemetery perpetual-care fund. (amended 1/28/87, 5/5/92)

[No changes to Section 4].

SECTION 5. The income on all deposits made under the provision of Section 1 shall be computed annually on the thirtieth day of June and the amount due thereon shall be entered to its credit in the book provided for in Section 2 of this article, and annually on the first day of April the treasurer shall return to the ~~secretary of the cemetery trustees~~ Director of Public Works a statement of the amount of income to the credit of each deposit, with the name of the depositor, the name of the cemetery, and the number of the lot therein. The provisions of this section shall not apply to deposits made prior to the adoption of this bylaw. *(amended 5/20/74)*

SECTION 6. The Treasurer-Collector shall be the custodian of said funds, and shall deposit and invest the same as directed by the ~~board of trustees~~ Director of Public Works. He shall make all transfers of securities, execute all papers necessary therefor when duly authorized by ~~vote of the trustees~~ Director of Public Works, and collect, receive and enforce the payment of all debts and obligations due to it and upon payment therefor shall acquit and discharge the same, and surrender, discharge, or assign all security held therefor. *(amended 1/28/87)*

SECTION 7. The ~~cemetery trustees~~ Director of Public Works shall attend to the care and preservation of the lots for which deposits have thus been made and said ~~trustees~~ Director shall include in their annual report to the Town a statement of the amount expended on each of said lots. The Treasurer-Collector shall pay such bills as may be thus incurred and approved by ~~the said cemetery trustees~~ Director to an amount not exceeding the interest to the credit of said deposits, and charge to the same. *(amended 1/28/87)*

SECTION 8. The Treasurer-Collector shall also pay to the authorities having control of private cemeteries, for the care of which moneys have been received by the Town of Stow, the income on all sums so deposited for the care of the lots for which deposit was made, and the ~~cemetery trustees~~ Director of Public Works shall include in their annual report to the Town a statement of such payments. *(amended 1/28/87)*

SECTION 2

That these amendments shall take effect only upon approval of Charter amendment proposal Article 14 by the voters at a Town election.

The Finance Committee recommends XXX of this article.

Over the last three years we have been working towards a consolidated public works department combining the highway and cemetery department under one roof. The staff are all in one building now, answer to one direct supervisor, they share resources and equipment, and this is the final piece to formally make the change. As of July 1st we no longer have an active Cemetery Committee, but before they went inactive, the two final members supported this plan and the consolidation.

ARTICLE 4. Charter Change - Moderator

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 titled "LEGISLATIVE BRANCH" and article III entitled "ELECTED OFFICIALS", as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) 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. **Requires 2/3's affirmative vote**

(Charter Review Committee)

Section 2-2: Presiding Officer

The town moderator shall preside at all sessions of the town meeting. ~~At the first session of the annual meeting, the moderator may appoint a voter to serve as deputy moderator to assist the moderator. The appointment of a deputy moderator shall be subject to ratification by the town meeting.~~

In the absence of the moderator, the duly ratified deputy moderator shall preside. In the absence of the moderator and ~~the duly ratified deputy at any session of the town meeting,~~ the town clerk shall open the meeting and preside over the election of a temporary moderator. In the absence of a moderator and the town clerk, the presiding officer ~~of the first session of the town meeting~~ shall be determined in accordance with the General Laws.

Section 2-10: Rules of Procedure

The town meeting may, by bylaw, establish and from time to time amend, revise, or repeal rules to govern the conduct of all town meetings. The moderator may from time to time establish procedural rules for the conduct of town meetings that do not conflict with any such bylaws, this charter, or with the General Laws.

Section 3-5: Town Moderator

(a) Term of Office There shall be a town moderator elected for a term of three years.

(b) Powers and Duties The town moderator shall be the presiding officer of the town meeting, shall regulate its proceedings, decide all questions of order and shall have such other powers and duties as may be provided for that office by the General Laws, by this charter, by bylaw, or by other town meeting vote. Rulings of the moderator regarding procedure and other matters of conduct of town meeting shall be final.

(c) Deputy – The town moderator may nominate a deputy moderator, subject to ratification by town meeting. The term shall be until a deputy moderator is ratified at the following annual town meeting, or such meeting is dissolved, whichever is first. The deputy shall have the authority to act as moderator if the town moderator is unable to act; if the moderator is absent; or for any other duties as assigned by the town moderator, or bylaw.

Notwithstanding section 3-1 (f)(1) “filling of Vacancies” or any other provision, if the office of moderator becomes vacant the deputy moderator nominated and ratified under 3-5(c) shall serve as moderator until the next election.

(d) Appointments - the town moderator shall appoint

- a Finance Committee and other committees as defined in section 2-4
- a regional vocational school committee representative, as defined in section 3-1
- a Charter Review Committee, as defined in section 7-7
- members of a town administrator search committee, as defined by section 4-6
- any other appointments authorized by law.

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 5. Charter Change – Investigations

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 (excluding section numbers and headings) 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. **Requires 2/3’s affirmative vote**

(Charter Review Committee)

Section 3-2 Select Board ~~Board of Selectmen~~

~~(e) Investigations - The board of selectmen may make investigations and may authorize the town administrator to investigate the affairs of the town and the conduct of any town agency including any claims against the town. The report of the results of such investigation and any actions resulting there from shall be placed on file in the office of the town clerk separate from the minutes of the meetings of the board of selectmen. A report summarizing the results of such investigation shall be printed in the next annual town report.~~ The select board may make investigations and may authorize the town administrator to investigate the affairs of the town and the conduct of any town agency including any claims against the town. The select board or town administrator may use outside counsel, or an independent investigator based on the nature of the claim.

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 6. Charter Change – Town Administrator

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 IV entitled "Town Administrator", as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) 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. **Requires 2/3's affirmative vote**

(Charter Review Committee)

Section 4-1: Appointment, Qualifications, Term

The ~~select board of selectmen~~ shall appoint a town administrator from a list prepared by the screening committee established by Section 4-6 of this charter. The ~~select board of selectmen~~ shall appoint the town administrator to serve for ~~an indefinite~~ a term established by contract with the select board, and shall fix the compensation for such person, annually, within the amount appropriated by the town. The town administrator shall be appointed on the basis of demonstrated executive and administrative qualifications and especially fitted by education, training and previous experience to perform the duties of the office. A town administrator need not be a resident of the town or of the Commonwealth at the time of appointment, nor at any time during the period of such service. The town administrator shall not have served in an elective office in the town for at least twelve months prior to appointment. The town may from time to time establish, by bylaw, such additional qualifications as seem necessary and appropriate.

[Proposed amendments to 1st paragraph of Section 4-1. No changes proposed to 2nd or 3rd paragraphs]

Section 4-2(h): Powers and Duties

(h) To recommend to the select board ~~proposals~~ policies for the rental and use of all town facilities and property except school property and property under the control of the conservation commission. The town administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town administrator's control by the select board, including school property if so voted by the local school committee.

Section 4-4: Acting Town Administrator

- (a) Temporary Absence. By letter filed with the select board, the town administrator may designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town administrator during a temporary absence. During a temporary absence the select board may revoke such designation whereupon it may appoint another qualified town administrative officer or employee to serve until the town administrator returns.
- (b) Vacancy. Any vacancy in the office of town administrator caused by absences greater than thirty days, suspension, removal, resignation, or death shall be filled as soon as possible by the select board in accordance with the procedures of Section 4-6 of this charter, but, pending such regular appointment, the select board shall appoint a town employee or other person to perform the duties of the office on an acting basis. Any temporary appointment shall be for a period not exceeding 90 days and may be renewed for such additional periods, each up to 90 days, as may be determined

~~necessary by the select board an additional period not exceeding ninety days.~~ Compensation for such person shall be set by the select board.

(c) Powers and Duties. The powers of the temporary or acting town administrator, under (a) and (b) above, shall be limited to matters not admitting of delay.

Section 4-6: Selecting a Town Administrator

Immediately upon notification of a vacancy or pending vacancy in the office of town administrator, the process of establishing a screening committee for the purpose of soliciting, receiving, and evaluating applications for the position of town administrator shall commence.

The screening committee shall consist of five voters, two of whom shall be appointed by the select board and three by the town moderator. Such voters, at the time of appointment, shall not be serving in any elective office or as a member of any multiple member board.

Not more than ~~30 thirty~~ days following the appointment of the committee ~~notification of a vacancy or pending vacancy in the office of town administrator~~, the appointed members of the committee shall meet to initiate the process of selecting the new town administrator.

The screening committee shall review all applications received by it, screen all qualified applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary.

As soon as ~~it~~-feasible, the committee shall submit to the select board the names of not less than three nor more than five persons whom it believes to be available and suited to perform the duties of the office of town administrator.

The select board, in an expedient manner, shall choose by majority vote one of the said nominees to serve as town administrator or reject all nominees.

The entire selection process, beginning with the announcement of a vacancy or pending vacancy in the office of the town administrator, shall be completed within a period of 180 days in agreement with the provisions of Section 4-4(b) of this charter, or such longer period as approved by the select board.

Upon the appointment of a town administrator, the screening committee established hereunder shall be considered discharged.

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 7. Charter Change – Elected Officials, Town Administrator, General Provisions

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”, Article IV entitled “Town Administrator”, and Article VII entitled “General Provisions”, as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in strikethrough; provided however, that in accordance with G.L. c. 43B, §10, these proposed amendments 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. **Requires 2/3’s affirmative vote**
(Charter Review Committee)

Section 3-2: Select Board

- (b) Powers and Duties - The executive powers of the town shall be vested in the select board which shall be deemed to be the chief executive officer of the town. The select board shall have all of the executive powers it is possible for a select board to have and to exercise. The select board shall serve as the chief policy making agency of the town.

The select board shall be responsible for:

- (1) the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it; and
- (2) in conjunction with other elected town officers and multiple member bodies, the development and promulgation of policy guidelines designed to bring all town agencies into harmony; ~~and~~
- ~~(3) the maintenance and revision of any master plan developed in accordance with Section 7-7(e).~~

Nothing in this section shall be construed to authorize any member of the select board, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the select board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under it.

Section 3-6: Planning Board

- (b) Powers and Duties - The planning board shall make careful studies of the resources, possibilities, and needs of the town and shall make plans for the development of the town consistent with any master plan developed in accordance with ~~Section 7-7(e)~~ Section 81D of Chapter 41 of the General Laws and this charter. ~~The board shall have the power to regulate the subdivision of land within the town by the adoption of rules and regulations.~~ The planning board shall make recommendations to the town meeting on all proposed warrant articles which affect land use and development, including, but not limited to, proposals to amend the zoning bylaw and zoning map. ~~The planning board shall make an annual report, giving information regarding the condition of the town, any plans or proposals for its development (including estimates of their costs), and indicating adherence to or deviations from any master plan.~~ The planning board shall have all of the other powers and duties which are given to planning boards under the constitution

and general laws of the Commonwealth, and such additional powers and duties as may be authorized by General Law, by this charter, by bylaw, or by other town meeting vote.

Section 4-2: Powers and Duties

The town administrator shall be the chief administrative officer of the town, directly responsible to the select board. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

(s) To coordinate the efforts of all town agencies in adhering to the intent of, and effectuating the implementation of, any master plan developed in accordance with the provisions of Section 81D of Chapter 41 of the General Laws and Section 7-7(c) of this charter and to recommend ~~to the board of selectmen~~ modifications and improvements to any such master plan.

Section 7-7: Periodic Review of Charter and ByLaws

(c) Master Plan Committee: ~~The Master Plan shall be reviewed at the direction of the Pplanning Bboard every five years, and updated in whole, or in part, in accordance with the general laws. When revisions are needed to the Plan, the planning board shall specify the desired composition of a master plan committee of at least five (5) members to oversee the plan revisions, which committee shall be composed of representatives of relevant boards, committees, and departments and at least one resident at large. Multiple member bodies shall select their own representatives, and any resident at large shall be jointly appointed by majority vote of the elect board and planning board, and a Master Plan Committee shall be appointed two years before the next update is due. The Board of Selectmen shall appoint a special committee of seven members comprised of a member of the Board of Selectmen, the Planning Board, the Board of Health, the Conservation Commission, and the Finance Committee and two Stow voters at large, who are not members of the above named boards. The committee shall serve until the plan has been presented to and accepted by the planning board.~~

~~The appointed committee shall present a final report to the Planning Board and said report shall include a Master Plan or updates to any existing Master Plan as required by Chapter 41 of the General Laws. The committee shall be discharged six months after the Master Plan or Master Plan updates have been presented to the Planning Board.~~

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 8. Charter Change – Removal and Suspensions

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 V entitled “ADMINSTRATIVE ORGANIZATION”, Section 5-4 “Removals and Suspensions” as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) 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. **Requires 2/3's affirmative vote**
(Charter Review Committee)

Section 5-4: Removals and Suspensions

Any appointed officer, appointed member of a multiple member body, or employee of the town not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term "cause" shall include, but not be limited to incapacity (other than temporary illness), inefficiency, insubordination, and conduct unbecoming the office.

Any appointed officer, appointed member of a multiple member body, or employee of the town may be suspended from office by the appointing authority if such action is deemed by the appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer, appointed member of a multiple member body, or employee of the town shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by hand or by certified mail to the last known address of the person sought to be removed; and
- (b) When acting under this section 5-4, the appointing authority shall comply with applicable law.
- ~~(b) Within five days after the delivery by hand or date of mailing of such notice, the officer, member of a multiple member body or employee of the town may request a public hearing from the appointing authority at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing;~~
- ~~(c) Between one and ten days after the public hearing is adjourned, or if the officer, member of multiple member body or employee of the town fails to request a public hearing, between six and fifteen days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time period as stated in this section shall be deemed to be a rescission of the original notice and the officer, member of a multiple member body or employee of the town shall, forthwith, be reinstated.~~

~~Such officer, member of a multiple member body or employee of the town shall continue to receive salary and benefits until the effective date of removal.~~

Nothing in this section shall be construed as granting any rights to a right to such a hearing when a person who has been appointed for a fixed term and is not reappointed when the term expires.

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 9. Charter Change – Select Board Appointments

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 V titled “ADMINISTRATIVE ORGANIZATION”, as set forth below, with text to be underline (excluding section numbers and headings) and text to be deleted shown in ~~striketrough~~; 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. **Requires 2/3’s affirmative vote**

(Charter Review Committee)

Section 5-5: Town Administrative Organization

Until such time as a different form of organization shall be provided, in accordance with the provisions of Section 5-1 of this charter, the following outline of organization shall be operative:

The select board ~~of selectmen~~ shall appoint:

- a town administrator and assistant town administrator ~~to serve for an indefinite;~~
- ~~an administrative assistant to the board of selectmen and town administrator whose duties shall be determined by said board;~~
- a conservation commission;
- an open space committee;
- a board of registrars of voters ~~in the manner provided by general law;~~
- a zoning board of appeals;
- a council on aging, ~~as provided by bylaw;~~
- a development and industrial commission, ~~as provided by bylaw;~~
- ~~an industrial development finance commission in the manner provided by general law~~
- a cable television advisory committee;
- ~~a public, education and government committee;~~
- a cultural council ~~as provided by general law;~~
- a board of cemetery trustees;
- constables;
- an emergency management officer and related personnel;
- an historical commission;

a superintendent of streets ~~and employees of said department~~;
a police chief and other police officers;
a fire chief and other full time fire fighting personnel or a board of fire engineers;
a forest fire warden;
a town collector and treasurer;
a town accountant;
an inspector of buildings;
a zoning enforcement officer;
a wire inspector, a plumbing inspector and a gas inspector;
a sealer of weights and measures;
a recreation commission;
~~at least two~~ members of the Lake Boon Commission as provided by law;
town counsel;
the Randall Relief Fund Trustees;
the Randall Town Fund Trustees;
the Hale School Fund Trustees;
a surveyor of wood and lumber;
a fence viewer;
~~a field driver~~;
a tree warden;
~~a pest control officer~~;
a veterans' ~~agent~~-service officer; ~~and~~
a veterans' graves committee,
a municipal affordable housing trust.

and such other offices, employees, and committees as defined by law; or section 3-2(d) and any other relevant sections of this charter.

Consistent with applicable laws and any trust provisions, the town may regulate by bylaw the number, composition, term, and duties of any committee listed in this section; and any committee listed herein may be discontinued in the same manner as it was established.

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 10. Charter Change – General Provisions

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 (excluding section numbers and headings) and text to be deleted shown in ~~strike through~~; provided however, that in accordance with G.L. c. 43B, §10, these proposed amendments 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. **Requires 2/3's affirmative vote**

(Charter Review Committee)

Section 7-8: Procedures Governing Multiple Member Bodies

- (a) Meetings - All multiple member bodies shall meet regularly at such times and places ~~within the town~~ as they may by their own rules prescribe. Posting of notices, agendas and conduct of meetings shall be as required by applicable law. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chair or by one third of the members thereof. Each member shall be notified of the date and time of such meeting not less than the same public notice period established by law, by notice to each member at least forty eight hours in advance of the time set, of the respective chair or by one third of the members thereof. A copy of said notice shall also be posted on the town bulletin board. Special meetings of any multiple member body shall also be called within ten days after the date of the filing with the town clerk of a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called. ~~Except as authorized by law, all meetings of all multiple member bodies shall be open and public.~~
- (b) Agendas - ~~At least one business day before~~ any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted on the town bulletin board in compliance with applicable law. ~~No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts by a separate vote a resolution declaring that an emergency exists and that the particular matter must be acted upon at that meeting for the immediate preservation of the peace, health, safety or convenience of the town.~~
- (c) Rules and Minutes - Each multiple member body shall determine its own rules and order of business unless otherwise provided by applicable law, ~~this charter or by bylaw~~ and shall provide for the keeping of minutes of their proceedings. ~~These rules and minutes shall be public records, and e~~Copies of approved rules and minutes shall be delivered to, and kept available in, the office of the town clerk for the convenience and review of the public.
- (d) ~~Reserved. Voting~~—~~Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the ayes and nays shall be recorded by name in the minutes provided, however, if the vote is unanimous only that fact need be recorded.~~
- (e) ~~Reserved. Quorum~~—~~A majority of the full multiple member body shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple member body.~~
- (f) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If at the expiration of forty-five days following the delivery of such notice to the appointing authority said

appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body may fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.

- (g) Composition of Multiple Member Bodies - All multiple member bodies when established shall be composed of an odd number of members.
- (h) Associate Members – Except as otherwise provided by applicable law, All multiple member bodies may establish, and select one or more positions of non-voting associate member to assist in the work of the multiple member body subject to such rules as may be adopted in accordance with this section.
- (i) Subcommittees - Except as otherwise provided by applicable law, all multiple member bodies may establish, appoint, and oversee or one or more subcommittees as they deem necessary for the purpose of carrying out their duties.
- (j) Organization of Multiple Member Bodies - All multiple member bodies shall annually elect from among its members a Chair, Vice Chair and, as needed, a Clerk.

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 11. 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 (excluding section numbers and headings) 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. **Requires 2/3's affirmative vote**
(Charter Review Committee)

Section 3-1: General Provisions

- (g) Recall of Elected Officers
 - (1) Who Can Be Recalled - Any holder of an elective office, as defined in Section 3-1(a), who has served at least six months of, and has at least six months remaining of, the term for which elected, may be recalled therefrom by the voters as herein provided.
 - (2) Recall Petition - Any two hundred or more voters may file with the town clerk an affidavit containing the name of the officer sought to be recalled, the position held, and a statement of the grounds for recall. If the affidavit shall

be found and certified by the registrars of voters to be sufficient, the town clerk shall within ~~two~~ five business days notify the primary petitioner, who shall be the voter first named on such affidavit, that copies of such petition blanks are available at the office of the town clerk during normal business hours. ~~deliver to the first ten voters named on such affidavit, copies of petition blanks demanding such recall.~~ The petition blanks when issued shall be signed by the town clerk and shall have the official town seal attached ~~thereto and may be completed by hand or by typewriting.~~ The petition blanks shall be dated, addressed to the select board and contain the names of the ten voters first named ~~all persons to whom they are issued,~~ the name of the person whose recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within thirty days after the date the clerk notifies the primary petitioner of the availability of the petition, or the next business day if the thirtieth day falls on a Saturday, Sunday or legal holiday. The clerk shall notify the primary petitioner of the final date and hour for filing. The recall petition shall be signed by not less than ~~delivery of the petition blanks to the petitioners and shall have been signed by~~ at least fifteen 15 percent of the voters as of the last annual town election and every signature shall include the place of residence of the signer with ~~who shall add to their signatures~~ the street and number, if any, of their residence.

The town clerk shall, prior to 5:00 p.m. within the next two business days following the receipt of an affidavit or petition under this section, submit the affidavit or petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters.

- (3) Select Board's Action Upon Receiving Petition - If the petition shall be found and certified by the registrars of voters to be sufficient, the town clerk shall submit the same with a certificate so stating to the select board without delay. The select board shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five business days thereafter, order an election to be held on a date fixed by the select board not less than thirty five days nor more than sixty days after the date of the town clerk's certificate that a sufficient petition has been filed. However, if any other town election is to occur within ninety days after the date of the certificate, the select board shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.
- (4) Nomination of Candidates - An officer whose recall is sought may not be a candidate to succeed to the office in the event the vote on the recall is in the affirmative. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance

with the provisions of law relating to elections, unless otherwise provided in this section.

- (5) Incumbent Holds Office Until Election - The incumbent shall continue to perform the duties of the office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term. If recalled, such person shall be deemed removed upon the qualification of the successor, who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within five business days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.
- (6) Propositions on Ballot - Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer) [office held]
Against the recall of (name of officer) [office held]

Immediately to the right of each proposition there shall be a square space in which the voter, ~~by making a cross mark (X)~~, may vote for either of the said propositions. Just above the space, there shall appear the direction "Vote for 1". Under the propositions shall appear the word "candidates" and the direction "Vote for 1", the directions to voters required by Section 42 of Chapter 54 of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. The proposition for the recall shall fail unless greater than twenty five percent of the voters cast ballots at the election. If at least two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If less than two-thirds of the votes cast is in the affirmative, the ballots for candidates need not be counted.

- (7) Repeat of Recall Petition - No recall petition shall be filed against an officer subjected to a recall election and not recalled thereby during the remainder of such officer's then current term of office.
- (8) Appointment of Person Recalled - No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any town office within two years after such recall or such resignation.

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 12. Charter Change – General Provisions

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 (excluding section numbers and headings) and text to be deleted shown in ~~striketrough~~; 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. **Requires 2/3’s affirmative vote**

(Charter Review Committee)

Section 7-5: Definitions

(g) Town Bulletin Board - The place designated by the ~~town clerk~~ select board for posting notices required by bylaw, charter, constitution or general law and any other location designated by the select board from time to time. May also be referred to as the “official bulletin board.”

~~(a)~~(h) Voter – The word “voter” shall mean a registered voter of the town.

(i) Master Plan – the plan developed in accordance with chapter 41, Section 81D of the General Laws, and other applicable law. May also be referred to as “comprehensive plan”.

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 13. Charter Change – Administrative

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 V entitled “Administrative Organization,” and Article VI entitled “Finance and Fiscal Procedures,” as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) and text to be deleted shown in ~~striketrough~~; provided however, that in accordance with G.L. c. 43B, §10, these proposed amendments 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. **Requires 2/3’s affirmative vote**

(Charter Review Committee)

Section 5-1: Organization of Town Agencies

(b) Administrative Code - Subject only to express prohibitions in the General Laws or this charter, the town administrator, after consultation with the select board, may from time to time prepare and submit to the town meeting a plan of organization or reorganization to consolidate, abolish, or reorganize any town agency, in whole or in part, establish such new town agencies as is deemed necessary to the same extent as is provided in Section 5-1(a) for bylaws, and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another, provided, however, that no function

assigned by this charter to a particular town agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

Whenever the town administrator prepares such a plan, the select board shall hold one or more public hearings on the proposal giving notice by publication on the town bulletin board ~~in a newspaper of general circulation in the town~~, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held not less than seven ~~nor more than fourteen~~ days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of 60 ~~sixty~~ days following the date of the town meeting at which the proposal is approved by a majority vote. The town meeting may vote only to approve or disapprove the plan and may not vote to amend or alter the plan in any substantive manner.

Section 6-2: Submission of Budget and Budget Message

- (a) At least 30 ~~sixty~~ days prior to the date scheduled for town meeting in accordance with the bylaws, the town administrator, after consultation with the select board, shall submit to the finance committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town administrator shall simultaneously provide for the publication, ~~in a newspaper of general circulation in the town~~ on the town bulletin board and/or website (if different), of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the operating budget for the current fiscal year and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

Section 6-5: Action on the Budget

- (a) Public Hearing - Forthwith upon its receipt of the proposed operating budget, the finance committee shall provide for the publication on the town bulletin board ~~in a newspaper of general circulation in the town~~ of a notice stating the time and place, not less than seven ~~nor more than fourteen~~ days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

Section 6-6: School Committee Budget

- (a) Public Hearing: The local school committee shall conduct a public hearing on its proposed annual budget not less than seven days prior to the meeting at which it is scheduled to vote on such budget. Notice of the public hearing shall be published on the town bulletin board ~~in a newspaper of general circulation in the town~~ not less than seven days prior to the hearing. The notice shall contain a general summary of its proposed budget and shall specifically indicate any major variations from the budget for the then current fiscal year and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public.

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 14. Charter Change - Vest Authorities for Cemeteries and Streets in Director of Public Works

To see if the Town will vote, pursuant to General Laws c. 43B, §§10 and 11 and §§ 7-1 and 7-7(a) of the Stow Home Rule Charter, to amend the Charter, Article V titled “ADMINISTRATIVE ORGANIZATION”, as set forth below, with text to be inserted shown in underline (excluding section numbers and headings) 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. **Requires 2/3's affirmative vote**

(Charter Review Committee)

Section 5-5: Town Administrative Organization

Until such time as a different form of organization shall be provided, in accordance with the provisions of Section 5-1 of this charter, the following outline of organization shall be operative:

- (a) The select board shall appoint:
- a town administrator and assistant town administrator;
 - a conservation commission;
 - an open space committee;
 - a board of registrars of voters;
 - a zoning board of appeals;
 - a council on aging;
 - a development and industrial commission;
 - a cable television advisory committee;
 - a cultural council;
 - ~~a board of cemetery trustees;~~
 - constables;
 - an emergency management officer and related personnel;

an historical commission;
~~a superintendent of streets;~~
a director of public works, who shall be vested with the powers of cemetery commissioners and superintendents of streets in the General Laws;
a police chief and other police officers;
a fire chief and other full time fire fighting personnel or a board of fire engineers;
a forest fire warden;
a town collector and treasurer;
a town accountant;
an inspector of buildings;
a zoning enforcement officer;
a wire inspector, a plumbing inspector and a gas inspector;
a sealer of weights and measures;
a recreation commission;
members of the Lake Boon Commission as provided by law;
town counsel;
the Randall Relief Fund Trustees;
the Randall Town Fund Trustees;
the Hale School Fund Trustees;
a surveyor of wood and lumber;
a fence viewer;
a tree warden;
a veterans' service officer;
a veterans' graves committee,
a municipal affordable housing trust,

and such other offices, employees, and committees as defined by law; or section 3-2(d) and any other relevant sections of this charter.

Consistent with applicable laws and any trust provisions, the town may regulate by bylaw the number, composition, term, and duties of any committee listed in this section; and any committee listed herein may be discontinued in the same manner as it was established.

The Finance Committee recommends XXX of this article. See Appendix A for article language with changes incorporated.

ARTICLE 15. Acceptance of a Portion of Box Mill Road as a Town Way

To see if the Town will vote to accept as a public way a portion of the roadway known as Box Mill Road as heretofore laid out by the Select Board and shown on a plan of land entitled "Layout Plan of Land, Box Mill Road Over Elizabeth Brook, Stow, Massachusetts", dated June 26, 2023, prepared by Green International Affiliates, Inc., and on file with the Town Clerk, and authorize the Select Board to acquire, by gift, purchase, and/or eminent domain, the fee to and/or easements in a portion of Box Mill Road for all purposes for which public ways are used in the Town of Stow and any drainage, access, utility and/or other easements related thereto; or take any other action relative thereto. Requires 2/3's affirmative vote

(Town Administrator)

The Finance Committee recommends XXX of this article.

This project has been in the works for many years and MassDOT is ready to advertise the project to begin construction in the Spring. Town Meeting has previously authorized the easements and now we are requesting Town Meeting accept the portion of Box Mill Road, on the South side of the bridge, to be a public way, so the work can take place.

ARTICLE 16. Amend General Bylaw Article 4, Section 9

To see if the Town will vote to amend the Town Bylaw Article 4, Section 9 adopted pursuant to MGL Chapter 40, Section 57, which statute allows municipalities to deny licenses and permits, among other things, when the applicant or owner of the property to which the license or permit relates owes municipal taxes or fees, to bring such bylaw into accord with the law as revised by the Municipal Modernization Act, with the text to be inserted set forth underlined and the text to be deleted shown in strikethrough; or take any other action relative thereto:

(Town Administrator)

(a) The Treasurer-Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Treasurer-Collector, shall annually and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprises, hereinafter referred to as the Party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~, and that such Party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

The Finance Committee recommends XXX of this article.

Under MGL Chapter 40 Section 57, a town may enact a bylaw that allows the Town to refuse to issue or renew, or to revoke, certain licenses and permits if applicable local taxes, fees and assessments are not currently paid by the owner. The cost to the town, in time and expense, to collect unpaid accounts can be considerable; the right to withhold benefits of ownership to delinquent owners may provide the town with effective leverage to obtain payment.

APPENDIX A

These will be the amended sections of the Charter going forward to the ballot in 2024, should the articles be voted on favorably.

ARTICLE 4. Charter Change – Moderator

Section 2-2: Presiding Officer

The town moderator shall preside at all sessions of the town meeting.

In the absence of the moderator, the duly ratified deputy moderator shall preside. In the absence of the moderator and deputy, the town clerk shall open the meeting and preside over the election of a temporary moderator. In the absence of a moderator and the town clerk, the presiding officer shall be determined in accordance with the General Laws.

Section 2-10: Rules of Procedure

The town meeting may, by bylaw, establish and from time to time amend, revise, or repeal rules to govern the conduct of all town meetings. The moderator may from time to time establish procedural rules for the conduct of town meetings that do not conflict with any such bylaws, this charter, or with the General Laws.

Section 3-5: Town Moderator

(a) Term of Office There shall be a town moderator elected for a term of three years.

(b) Powers and Duties The town moderator shall be the presiding officer of the town meeting, shall regulate its proceedings, decide all questions of order and shall have such other powers and duties as may be provided for that office by the General Laws, by this charter, by bylaw, or by other town meeting vote. Rulings of the moderator regarding procedure and other matters of conduct of town meeting shall be final.

(c) Deputy – The town moderator may nominate a deputy moderator, subject to ratification by town meeting. The term shall be until a deputy moderator is ratified at the following annual town meeting, or such meeting is dissolved, whichever is first. The deputy shall have the authority to act as moderator if the town moderator is unable to act; if the moderator is absent; or for any other duties as assigned by the town moderator, or bylaw.

Notwithstanding section 3-1 (f)(1) “filling of Vacancies” or any other provision, if the office of moderator becomes vacant the deputy moderator nominated and ratified under 3-5(c) shall serve as moderator until the next election.

(d) Appointments - the town moderator shall appoint

- a Finance Committee and other committees as defined in section 2-4
- a regional vocational school committee representative, as defined in section 3-1
- a Charter Review Committee, as defined in section 7-7
- members of a town administrator search committee, as defined by section 4-6
- any other appointments authorized by law.

ARTICLE 5. Charter Change – Investigations

Section 3-2 Select Board

(e) Investigations - The select board may make investigations and may authorize the town administrator to investigate the affairs of the town and the conduct of any town agency including any claims against the town. The select board or town administrator may use outside counsel, or an independent investigator based on the nature of the claim.

ARTICLE 6. Charter Change – Town Administrator

Section 4-1: Appointment, Qualifications, Term

The select board shall appoint a town administrator from a list prepared by the screening committee established by Section 4-6 of this charter. The select board shall appoint the town administrator to serve for a term established by contract with the select board and shall fix the compensation for such person, annually, within the amount appropriated by the town. The town administrator shall be appointed on the basis of demonstrated executive and administrative qualifications and especially fitted by education, training and previous experience to perform the duties of the office. A town administrator need not be a resident of the town or of the Commonwealth at the time of appointment, nor at any time during the period of such service. The town administrator shall not have served in an elective office in the town for at least twelve months prior to appointment. The town may from time to time establish, by bylaw, such additional qualifications as seem necessary and appropriate.

Section 4-2(h): Powers and Duties

(h) To recommend to the select board policies for the rental and use of all town facilities and property except school property and property under the control of the conservation commission. The town administrator shall be responsible for the maintenance and repair of all town buildings and facilities placed under the town administrator's control by the select board, including school property if so voted by the local school committee.

Section 4-4: Acting Town Administrator

(a) Temporary Absence. By letter filed with the select board, the town administrator may designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town administrator during a temporary absence. During a temporary absence the select board may revoke such designation whereupon it may appoint another qualified town administrative officer or employee to serve until the town administrator returns.

(b) Vacancy. Any vacancy in the office of town administrator caused by absences greater than thirty days, suspension, removal, resignation, or death shall be filled as soon as possible by the select board in accordance with the procedures of Section 4-6 of this charter, but, pending such regular appointment, the select board shall appoint a town employee or other person to perform the duties of the office on an acting basis. Any temporary appointment shall be for a period not exceeding 90 days and may be renewed for such additional periods, each up to 90 days, as may be determined necessary by the select board. Compensation for such person shall be set by the select board.

(c) Powers and Duties. The powers of the temporary or acting town administrator, under (a) and (b) above, shall be limited to matters not admitting of delay.

Section 4-6: Selecting a Town Administrator

Immediately upon notification of a vacancy or pending vacancy in the office of town administrator, the process of establishing a screening committee for the purpose of soliciting, receiving, and evaluating applications for the position of town administrator shall commence.

The screening committee shall consist of five voters, two of whom shall be appointed by the select board and three by the town moderator. Such voters, at the time of appointment, shall not be serving in any elective office or as a member of any multiple member board.

Not more than 30 days following the appointment of the committee, the appointed members of the committee shall meet to initiate the process of selecting the new town administrator.

The screening committee shall review all applications received by it, screen all qualified applicants by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary.

As soon as feasible, the committee shall submit to the select board the names of not less than three nor more than five persons whom it believes to be available and suited to perform the duties of the office of town administrator.

The select board, in an expedient manner, shall choose by majority vote one of the said nominees to serve as town administrator or reject all nominees.

The entire selection process, beginning with the announcement of a vacancy or pending vacancy in the office of the town administrator, shall be completed within a period of 180 days in agreement with the provisions of Section 4-4(b) of this charter, or such longer period as approved by the select board.

Upon the appointment of a town administrator, the screening committee established hereunder shall be considered discharged.

Article 7. Charter Change – Elected Officials, Town Administrator, General Provisions

Section 3-2: Select Board

(b) Powers and Duties - The executive powers of the town shall be vested in the select board which shall be deemed to be the chief executive officer of the town. The select board shall have all of the executive powers it is possible for a select board to have and to exercise. The select board shall serve as the chief policy making agency of the town.

The select board shall be responsible for:

- (1) the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it; and
- (2) in conjunction with other elected town officers and multiple member bodies, the development and promulgation of policy guidelines designed to bring all town agencies into harmony.

Nothing in this section shall be construed to authorize any member of the select board, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the select board shall act only through the adoption of broad policy guidelines which are to be implemented by officers and employees serving under it.

Section 3-6: Planning Board

(b) Powers and Duties - The planning board shall make careful studies of the resources, possibilities, and needs of the town and shall make plans for the development of the town consistent with any master plan developed in accordance with Section 81D of Chapter 41 of the General Laws and this charter. The planning board shall make recommendations to the town meeting on all proposed warrant articles which affect land use and development, including, but not limited to, proposals to amend the zoning bylaw and zoning map. The planning board shall have all of the other powers and duties which are given to planning boards under the constitution and general laws of the Commonwealth, and such additional powers and duties as may be authorized, by this charter, by bylaw, or by other town meeting vote.

Section 4-2: Powers and Duties

The town administrator shall be the chief administrative officer of the town, directly responsible to the select board. The powers and duties of the town administrator shall include, but are not intended to be limited to, the following:

(s) To coordinate the efforts of all town agencies in adhering to the intent of, and effectuating the implementation of, any master plan developed in accordance with the provisions of Section 81D of Chapter 41 of the General Laws and Section 7-7(c) of this charter and to recommend modifications and improvements to any such master plan.

Section 7-7: Periodic Review of Charter and ByLaws

(c) Master Plan Committee: The Master Plan shall be reviewed at the direction of the planning board every five years, and updated in whole, or in part, in accordance with the general laws. When revisions are needed to the Plan, the planning board shall specify the desired composition of a master plan committee of at least five (5) members to oversee the plan revisions, which committee shall be composed of representatives of relevant boards, committees, and departments and at least one resident at large. Multiple member bodies shall select their own representatives, and any resident at large shall be jointly appointed by majority vote of the elect board and planning board. The committee shall serve until the plan has been presented to and accepted by the planning board.

ARTICLE 8. Charter Change – Removal and Suspensions

Section 5-4: Removals and Suspensions

Any appointed officer, appointed member of a multiple member body, or employee of the town not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or indefinite term, may be suspended or removed from office by the appointing authority for good cause. The term "cause" shall include, but not be limited to incapacity (other than temporary illness), inefficiency, insubordination, and conduct unbecoming the office.

Any appointed officer, appointed member of a multiple member body, or employee of the town may be suspended from office by the appointing authority if such action is deemed by the appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen days. Suspension may be coterminous with removal and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer, appointed member of a multiple member body, or employee of the town shall act in accordance with the following procedure:

- (c) A written notice of the intent to remove and a statement of the cause or causes therefore shall be delivered by hand or by certified mail to the last known address of the person sought to be removed; and
- (d) When acting under this section 5-4, the appointing authority shall comply with applicable law.

Nothing in this section shall be construed as granting any rights to a hearing when a person who has been appointed for a fixed term and is not reappointed when the term expires.

ARTICLE 9. Charter Change – Select Board Appointments

Section 5-5: Town Administrative Organization

Until such time as a different form of organization shall be provided, in accordance with the provisions of Section 5-1 of this charter, the following outline of organization shall be operative:

- (a) The select board shall appoint:
 - a town administrator and assistant town administrator;
 - a conservation commission;
 - an open space committee;
 - a board of registrars of voters;
 - a zoning board of appeals;
 - a council on aging;
 - a development and industrial commission;
 - a cable television advisory committee;
 - a cultural council;

a board of cemetery trustees;
constables;
an emergency management officer and related personnel;
an historical commission;
a superintendent of streets
a police chief and other police officers;
a fire chief and other full time fire fighting personnel or a board of fire engineers;
a forest fire warden;
a town collector and treasurer;
a town accountant;
an inspector of buildings;
a zoning enforcement officer;
a wire inspector, a plumbing inspector and a gas inspector;
a sealer of weights and measures;
a recreation commission;
members of the Lake Boon Commission as provided by law;
town counsel;
the Randall Relief Fund Trustees;
the Randall Town Fund Trustees;
the Hale School Fund Trustees;
a surveyor of wood and lumber;
a fence viewer;
a tree warden;
a veterans' service officer;
a veterans' graves committee,
a municipal affordable housing trust,

and such other offices, employees, and committees as defined by law; or section 3-2(d) and any other relevant sections of this charter.

Consistent with applicable laws and any trust provisions, the town may regulate by bylaw the number, composition, term, and duties of any committee listed in this section; and any committee listed herein may be discontinued in the same manner as it was established.

ARTICLE 10. Charter Change – General Provisions

Section 7-8: Procedures Governing Multiple Member Bodies

(a) Meetings - All multiple member bodies shall meet at such times as they may by their own rules prescribe. Posting of notices, agendas and conduct of meetings shall be as required by applicable law. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chair or by one third of the members thereof. Each member shall be notified of the date and time of such meeting not less than the same public notice period established by law. Special meetings of any multiple member body shall also be called within ten days after the date of the filing with the town clerk of a petition signed by at least fifty voters and which states the purpose or purposes for which the meeting is to be called.

- (b) Agendas - Before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted on the town bulletin board in compliance with applicable law.
- (c) Rules and Minutes - Each multiple member body shall determine its own rules and order of business unless otherwise provided by applicable law, and shall provide for the keeping of minutes of their proceedings. Copies of approved rules and minutes shall be delivered to, and kept available in, the office of the town clerk for the convenience and review of the public.
- (d) Reserved.
- (e) Reserved.
- (f) Filling of Vacancies - Whenever a vacancy shall occur in the membership of an appointed multiple member body, the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If at the expiration of forty-five days following the delivery of such notice to the appointing authority said appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body may fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members.
- (g) Composition of Multiple Member Bodies - All multiple member bodies when established shall be composed of an odd number of members.
- (h) Associate Members – Except as otherwise provided by applicable law, all multiple member bodies may establish, and select one or more positions of non-voting associate member to assist in the work of the multiple member body subject to such rules as may be adopted in accordance with this section.
- (i) Subcommittees - Except as otherwise provided by applicable law, all multiple member bodies may establish, appoint, and oversee or one or more subcommittees as they deem necessary for the purpose of carrying out their duties.
- (j) Organization of Multiple Member Bodies - All multiple member bodies shall annually elect from among its members a Chair, Vice Chair and, as needed, a Clerk.

ARTICLE 11. Charter Change – Elected Officials

Section 3-1: General Provisions

- (g) Recall of Elected Officers
- (1) Who Can Be Recalled - Any holder of an elective office, as defined in Section 3-1(a), who has served at least six months of, and has at least six months remaining of, the term for which elected, may be recalled therefrom by the voters as herein provided.
- (2) Recall Petition - Any two hundred or more voters may file with the town clerk an affidavit containing the name of the officer sought to be recalled, the position held, and a statement of the

grounds for recall. If the affidavit shall be found and certified by the registrars of voters to be sufficient, the town clerk shall within five business days notify the primary petitioner, who shall be the voter first named on such affidavit, that copies of such petition blanks are available at the office of the town clerk during normal business hours. The petition blanks when issued shall be signed by the town clerk and shall have the official town seal attached. The petition blanks shall be dated, addressed to the select board and contain the names of the ten voters first named, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit and shall demand the election of a successor in the said office. A copy of the petition shall be entered in a record book to be kept in the office of the town clerk. The recall petition shall be returned and filed with the town clerk within thirty days after the date the clerk notifies the primary petitioner of the availability of the petition, or the next business day if the thirtieth day falls on a Saturday, Sunday or legal holiday. The clerk shall notify the primary petitioner of the final date and hour for filing. The recall petition shall be signed by not less than 15 percent of the voters as of the last annual town election and every signature shall include the place of residence of the signer with the street and number, if any, of their residence.

The town clerk shall, prior to 5:00 p.m. within the next two business days following the receipt of an affidavit or petition under this section, submit the affidavit or petition to the registrars of voters in the town, and the registrars shall forthwith certify thereon the number of signatures which are names of voters.

(3) Select Board's Action Upon Receiving Petition - If the petition shall be found and certified by the registrars of voters to be sufficient, the town clerk shall submit the same with a certificate so stating to the select board without delay. The select board shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within five business days thereafter, order an election to be held on a date fixed by the select board not less than thirty five days nor more than sixty days after the date of the town clerk's certificate that a sufficient petition has been filed. However, if any other town election is to occur within ninety days after the date of the certificate, the select board shall postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been ordered, the election shall nevertheless proceed as provided in this section.

(4) Nomination of Candidates - An officer whose recall is sought may not be a candidate to succeed to the office in the event the vote on the recall is in the affirmative. The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this section.

(5) Incumbent Holds Office Until Election - The incumbent shall continue to perform the duties of the office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term. If recalled, such person shall be deemed removed upon the qualification of the successor, who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within five business days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

(6) Propositions on Ballot - Ballots used in a recall election shall submit the following propositions in the order indicated:

For the recall of (name of officer) [office held]
Against the recall of (name of officer) [office held]

Immediately to the right of each proposition there shall be a space in which the voter may vote for either of the said propositions. Just above the space, there shall appear the direction "Vote for 1". Under the propositions shall appear the word "candidates" and the direction "Vote for 1", the directions to voters required by Section 42 of Chapter 54 of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided. The proposition for the recall shall fail unless greater than twenty five percent of the voters cast ballots at the election. If at least two-thirds of the votes cast upon the question of recall is in the affirmative, the candidate receiving the highest number of votes shall be declared elected. If less than two-thirds of the votes cast is in the affirmative, the ballots for candidates need not be counted.

(7) Repeat of Recall Petition - No recall petition shall be filed against an officer subjected to a recall election and not recalled thereby during the remainder of such officer's then current term of office.

(8) Appointment of Person Recalled - No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any town office within two years after such recall or such resignation.

ARTICLE 12. Charter Change – General Provisions

Section 7-5: Definitions

(g) Town Bulletin Board - The place designated by the select board for posting notices required by bylaw, charter, constitution or general law and any other location designated by the select board from time to time. May also be referred to as the "official bulletin board."

(a)(h) Voter – The word "voter" shall mean a registered voter of the town.

(i) Master Plan – the plan developed in accordance with chapter 41, Section 81D of the General Laws, and other applicable law. May also be referred to as "comprehensive plan".

ARTICLE 13. Charter Change – Administrative

Section 5-1: Organization of Town Agencies

(b) Administrative Code - Subject only to express prohibitions in the General Laws or this charter, the town administrator, after consultation with the select board, may from time to time prepare and submit to the town meeting a plan of organization or reorganization to consolidate, abolish, or reorganize any town agency, in whole or in part, establish such new town agencies as is deemed necessary to the same extent as is provided in Section 5-1(a) for bylaws, and for such purpose transfer the duties and powers and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another, provided, however, that no function

assigned by this charter to a particular town agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

Whenever the town administrator prepares such a plan, the select board shall hold one or more public hearings on the proposal giving notice by publication on the town bulletin board, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held not less than seven days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of 60 days following the date of the town meeting at which the proposal is approved by a majority vote. The town meeting may vote only to approve or disapprove the plan and may not vote to amend or alter the plan in any substantive manner.

Section 6-2: Submission of Budget and Budget Message

(a) At least 30 days prior to the date scheduled for town meeting in accordance with the bylaws, the town administrator, after consultation with the select board, shall submit to the finance committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The town administrator shall simultaneously provide for the publication, on the town bulletin board and/or website (if different), of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the operating budget for the current fiscal year and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination by the public.

Section 6-5: Action on the Budget

(a) Public Hearing - Forthwith upon its receipt of the proposed operating budget, the finance committee shall provide for the publication on the town bulletin board of a notice stating the time and place, not less than seven days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.

Section 6-6: School Committee Budget

(a) Public Hearing: The local school committee shall conduct a public hearing on its proposed annual budget not less than seven days prior to the meeting at which it is scheduled to vote on such budget. Notice of the public hearing shall be published on the town bulletin board not less than seven days prior to the hearing. The notice shall contain a general summary of its proposed budget and shall specifically indicate any major variations from the budget for the then current fiscal year and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination by the public.

ARTICLE 14. Charter Change - Vest Authorities for Cemeteries and Streets in Director of Public Works

Section 5-5: Town Administrative Organization

Until such time as a different form of organization shall be provided, in accordance with the provisions of Section 5-1 of this charter, the following outline of organization shall be operative:

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 - a cable television advisory committee;
 - a cultural council;
 - constables;
 - an emergency management officer and related personnel;
 - an historical commission;
 - a director of public works, who shall be vested with the powers of cemetery commissioners and superintendents of streets in the General Laws;
 - a police chief and other police officers;
 - a fire chief and other full time fire fighting personnel or a board of fire engineers;
 - a forest fire warden;
 - a town collector and treasurer;
 - a town accountant;
 - an inspector of buildings;
 - a zoning enforcement officer;
 - a wire inspector, a plumbing inspector and a gas inspector;
 - a sealer of weights and measures;
 - a recreation commission;
 - members of the Lake Boon Commission as provided by law;
 - town counsel;
 - the Randall Relief Fund Trustees;
 - the Randall Town Fund Trustees;
 - the Hale School Fund Trustees;
 - a surveyor of wood and lumber;
 - a fence viewer;
 - a tree warden;
 - a veterans' service officer;
 - a veterans' graves committee,
 - a municipal affordable housing trust,

and such other offices, employees, and committees as defined by law; or section 3-2(d) and any other relevant sections of this charter.

Consistent with applicable laws and any trust provisions, the town may regulate by bylaw the number, composition, term, and duties of any committee listed in this section; and any committee listed herein may be discontinued in the same manner as it was established.

DRAFT

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**TOWN OF STOW
MASSACHUSETTS
2023-2024**

SELECT BOARD

Cortni Frecha, Chair
Megan Birch Mc-Michael, Clerk
Hector Constantzos
Ingeborg Hegemann Clark
John “JT” Toole

TOWN ADMINISTRATOR

Denise M. Dembkoski

FINANCE COMMITTEE

Christopher Buck
Kevin Gross
Brian Patuto
Daniel Petersen
Evgenia Petrova

**Vote any Ballot Questions for
the September 23, 2023 Election**

DRAFT BALLOT QUESTION

NRSD High School Ballot Question

Shall the Town of Stow be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town of Stow's allocable share of the bond issued by the Nashoba Regional School District for the purpose of paying costs of a new Nashoba Regional High School, 12 Green Road, Bolton, MA 01740 including site work and athletic fields, including the payment of all costs incidental or related thereto?

YES _____ NO _____

Discussion of making Common Road a one-way and in relation to the Library Project



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: Common Road

Date: August 2, 2023

Since my arrival in Stow, Common Road has been a concern. Chief Sallese had expressed concern for the speed cars travel on the road and that the narrow width was a concern with cars parking and people walking. I have been almost hit a number of times, myself, walking around the building or standing out front talking with residents.

When the decision was made to renovate the library the conversation naturally included making Common Road a one-way to improve pedestrian safety and to potentially add some needed parking. Currently, if cars were parked along the common (and not in the common) two cars could not safely pass each other, and any pedestrian walking would have to move over to safety.

During the construction of the library, we would envision Common Road would be closed, due to the tight lot size. Our goal would be when the project is completed to reopen Common Road as a one way, with traffic calming measures in place. During the project timeline, it is expected that the Planning Department will undertake a traffic study of the entire Town Common area, and we would ask for recommendations on how to make the new one-way as safe and accessible as possible.

Should we proceed with the one-way, we will also be asking the Board to consider allowing the project to take 2-3 feet out of the commons to expand the roadway to allow for dedicated, marked parking, as opposed to people parking up on the common as they do now, eroding the grass.

The Traffic Safety Advisory Committee has been discussing Common Road since November 16, 2021. At their meeting on July 18th, they rendered an opinion that making Common Road a one-way road would not create a safety issue to the public.

At this point I am asking for the Board's conditional support to continue exploring this change and allow the TSAC to hold a public hearing to gather further feedback on it.



Traffic Advisory Safety Committee

To: Stow Selectboard

From: Traffic Advisory Safety Committee

- Fire Chief, John P Benoit
- Police Chief, Michael Sallese
- Superintendent of Streets, Brian Hatch
- Town Planner, Valerie Oorthuys

cc: Denise M Dembkoski

Date: 7/18/23

Re: Common Rd

The purpose of this letter is to inform the Select Board of the discussion and opinion of the Traffic Advisory Safety Committee on the matter of Common Rd.

This topic has been discussed on several occasions even prior to the presentation of the Library project. The committee has received complaints of speeding along Common Rd causing a safety concern related to vehicles, bicyclist and pedestrian traffic

After review of information provided through the Metropolitan Planning Organization study and Library presentation, it is the opinion of the Traffic Advisory Safety Committee, that making Common Rd a one-way road will not create a safety issue to the public.

Respectively,

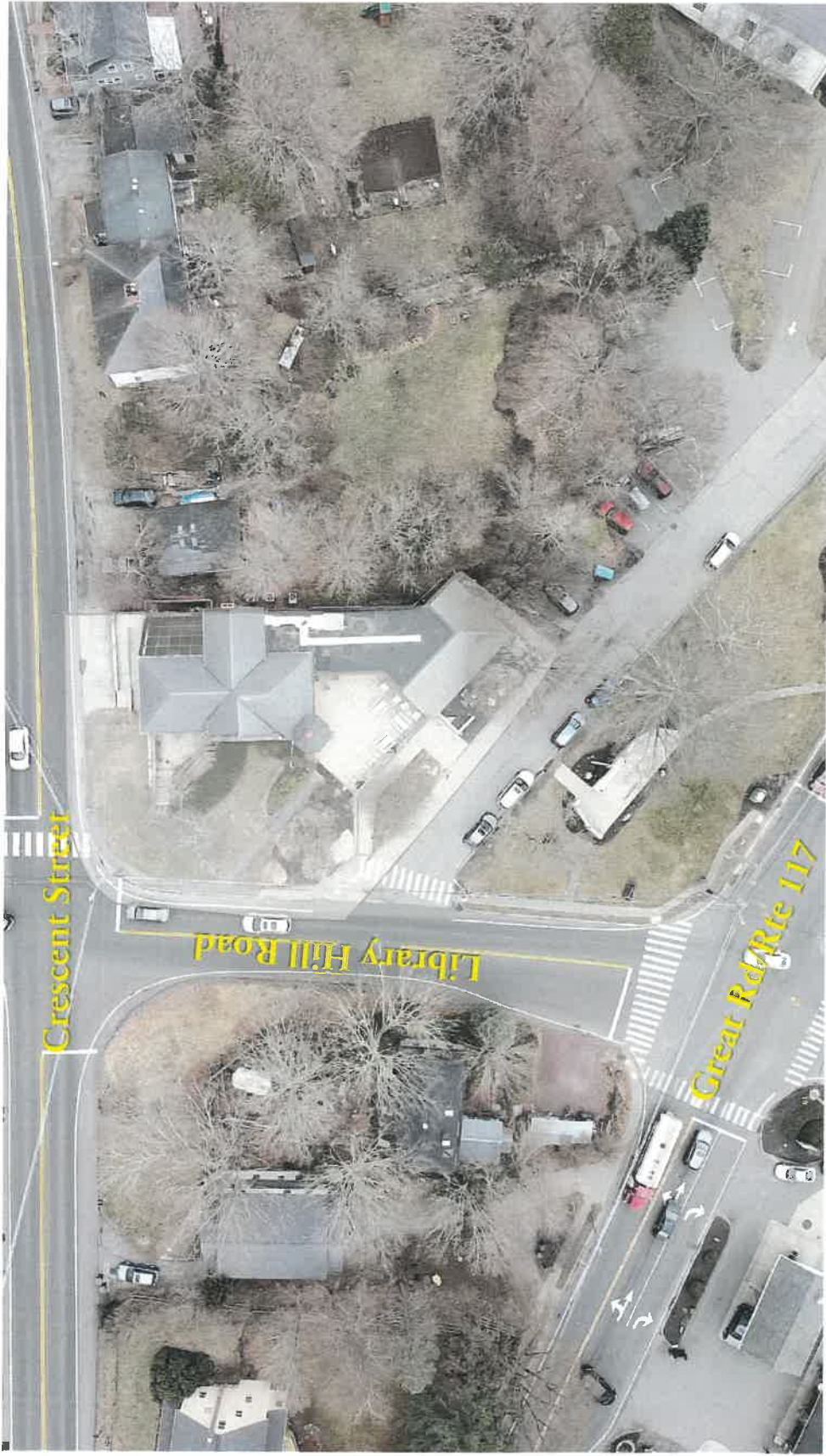
John P Benoit

TASC Chairperson

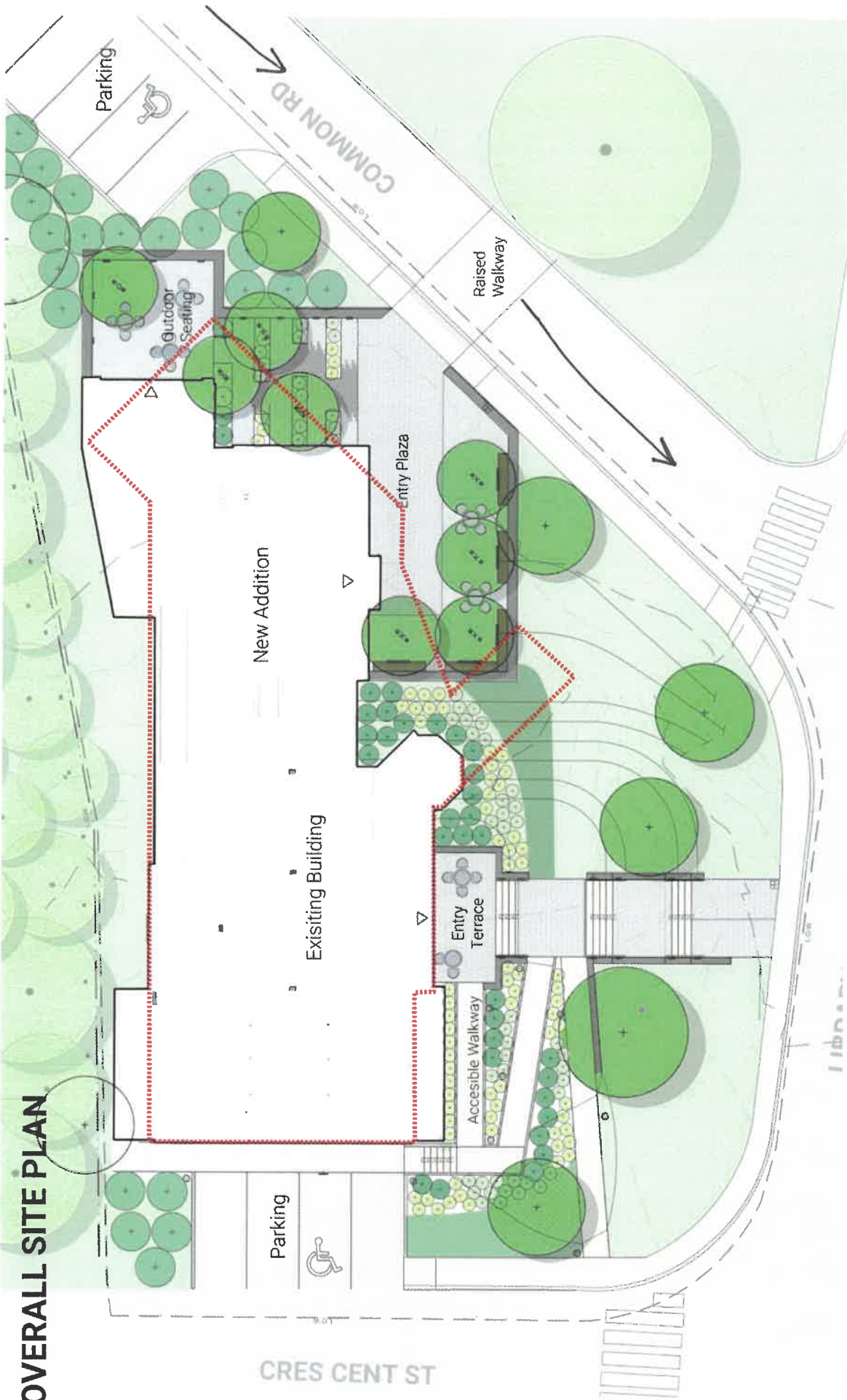




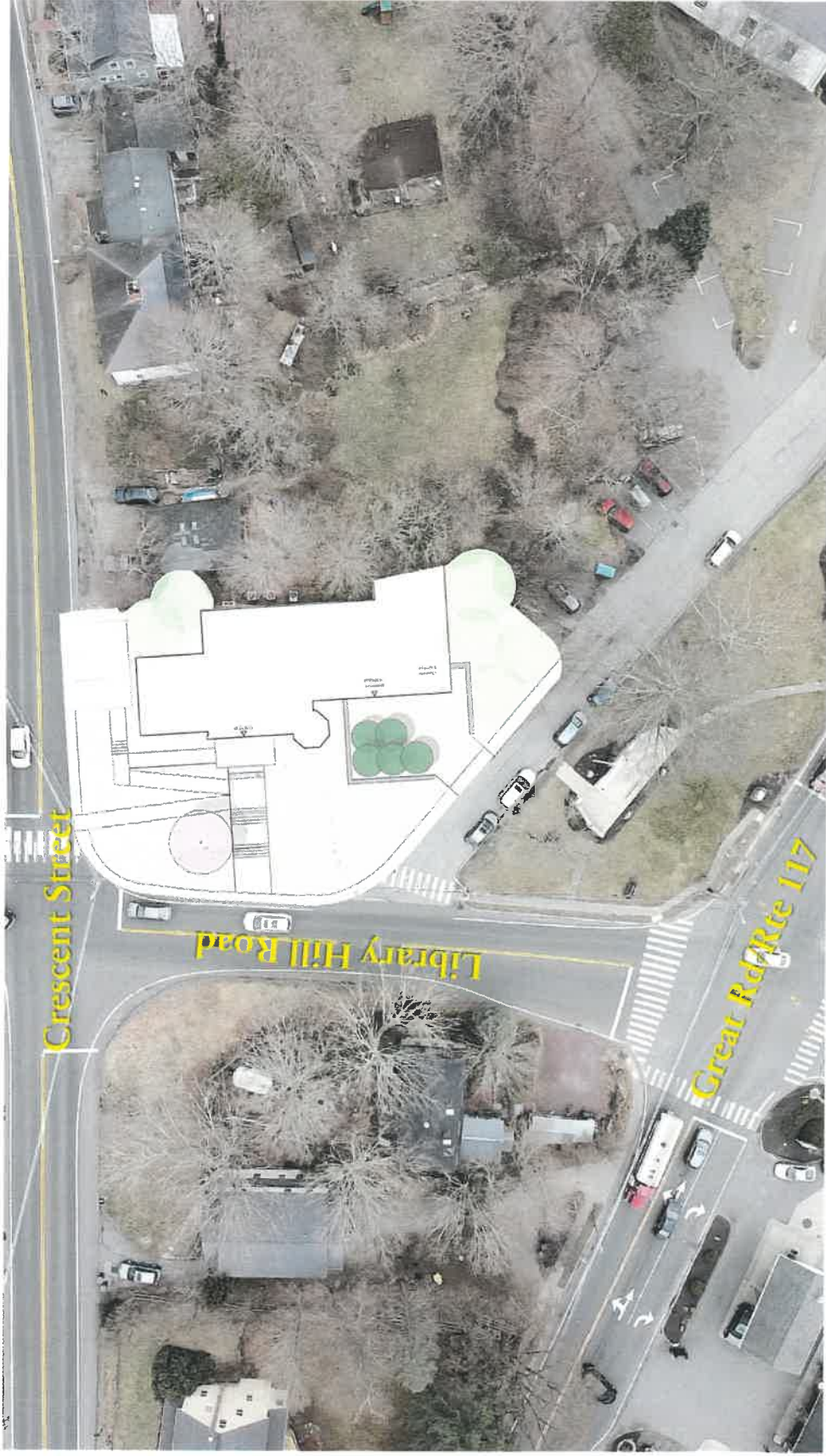
RANDALL LIBRARY PROPERTY



OVERALL SITE PLAN



DESIGN SCHEME B



SOUTHWEST APPROACH



Approve amendment to the
Stow Acres Retained Rights
Agreement



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

To: Select Board

From: Denise M. Dembkoski, Town Administrator

Re: Amendment to Stow Acres Retained Rights Agreement

Date: August 2, 2023

Enclosed you will find an amendment to the Retained Rights Agreement for Stow Acres for the portions of the course that was under a 1-year agreement. As the private development has not yet applied for permits, Stow Acres has asked if they could remain open as an 18-hole course for one additional year.

We are going through the Stow Acres Master Plan and will not have that finalized until May/June of 2024, so I support and recommend an extension as it would only be the second half of 2024 that is really impacted. And during that time we will be deciding how best to implement the aspects of the Master Plan.

Kathy Sferra and I met with Peter Brown from Stow Acres to discuss terms for the extension and negotiated what we believe is a mutually beneficial agreement.

I respectfully ask for your support of this amendment, but would be happy to answer any questions you may have.

Stow Acres Retained Rights Agreement Amendment 1

The Retained Rights Agreement dated January 13, 2023 between the Town of Stow, Massachusetts "Lessor", acting by and through its Select Board and Stow Holdings, LLC, a Massachusetts limited liability company ("Lessee") (collectively "party" or "parties") is hereby amended as of this ____ day of ____, 2023, as follows:

1. The last sentence of Paragraph 2.1 ("Term") is amended to state: The term of this Agreement for the Additional Golf Holes Parcel shall commence on the Effective Date written above and shall continue until December 31, 2024, unless sooner terminated in accordance with the terms of this Agreement.

2. Paragraph 3 ("Rent") is amended to add the following at the end of the paragraph: (4) provide for the full closure of the Stow Acres North Course for up to three weekend days in fall 2023 and/or calendar year 2024, to be mutually agreed upon between the parties, to allow the Lessor to have public access to the North Course for non-golf events relating to the development of a master plan for the property; (5) sponsor an evening public meeting to be held by Lessor in the Stow Acres Clubhouse during May 2024 for the purposes of publicly presenting the master plan for the property to include light food, soda and cash bar; and (6) cooperate with Lessor on the design of vehicular access for Lessor and Lessor's invitees to the 13.04 acre Additional Golf Holes Parcel following the termination of the retained rights period for this parcel specified above.

IN WITNESS HEREOF, the parties have executed this amendment to the Agreement as of the date first above written.

Town of Stow, MA

Stow Holdings LLC

By its Select Board

Cortni Frecha

By: _____

Name: Peter I. Brown

Title: Manager and Authorized Signatory

Megan Birch-McMichael

Ingeborg Hegemann Clark

Hector Constantzos

John Toole

MINUTES

Select Board Meeting Minutes
Tuesday, July 25, 2023
Stow Town Building & Zoom

Present in the Warren Room: Cortni Frecha, Megan Birch-McMichael, Hector Constantzos, John "JT" Toole, and Town Administrator Denise Dembkoski

Absent: Ingeborg Hegemann Clark

Chair Frecha called the meeting to order at 7 p.m.

Public Comment - none

Board Member Comments

Mr. Constantzos recognized and sent thoughts to the pilot and family, and also the people on the ground, who were affected by the recent incident near Minute Man Air Field.

Town Administrator (TA) Report

- The TA recognized the Fire Chief, the Police Chief, and the members of their departments for the response to the plane crash on Sunday and for how seamlessly the departments worked together. Thankfully it was not a tragic situation, and we hope for a speedy recovery for those involved. The TA thanked the neighbors who rushed to the aid of the pilot and passengers for their heroic actions. They will be recognized formally at the next meeting.
- Regarding the settlement for Lower Village, Town Accountant Julie Costello spoke with the Dept. of Revenue and we were able to credit the proceeds to FY23, which means we can appropriate it at the annual town meeting instead of waiting an additional year.
- The TA will be testifying remotely tomorrow at the Joint Committee on State Administration and Regulatory Oversight on making remote hybrid meetings a permanent change in the state law. She will be representing Stow and also the Small Town Administrators Association.
- The Special Town Meeting warrant closes Tuesday, August 1 and she anticipates 15 articles with 11 being changes to the Charter. There will be a draft presented to the Board on August 8 and the Board will vote the final warrant at the following meeting.

Appointment

Due to an oversight, employee Jonathan Foster's name was not listed with the July 1 reappointments.

Board member Constantzos moved to reappoint Jonathan Foster as a Call Firefighter/EMT for the Stow Fire Department for a term expiring June 30, 2024.

Board member Toole seconded the motion and it passed unanimously.

Police Lieutenant Contract

Ms. Dembkoski said that Lt. Barhight looks forward to beginning in Stow and being a part of the community.

Board member Constantzos moved to approve, and authorize the Town Administrator to sign, the contract for Police Lieutenant Kellie Barhight.

Board member Toole seconded the motion and it passed unanimously.

Ride to Defeat ALS

Event Manager Myke Farricker was unable to attend. Ms. Dembkoski said that Mr. Farricker has expressed his appreciation for the support the town has given to them throughout the years.

Police Chief Sallese has submitted a traffic plan to keep the riders safe as they ride through Stow.

Board member Constantzos moved to approve the use of Stow public ways for the 2023 Ride to Defeat ALS Bike Ride on Sunday, September 17, 2023.

Board member Toole seconded the motion and it passed unanimously.

Approve Order of Layout of a Portion of Box Mill Road

The Planning Board voted to approve the layout alteration and the Order of Layout has been returned to the Select Board. If approved tonight by this Board, it will then appear as an article on the special town meeting warrant.

Board member Constantzos moved that:

Whereas the Select Board of the Town of Stow, acting pursuant to G.L. c. 82, §§ 21-24, having deemed that common convenience and necessity require the acceptance of a portion of Box Mill Road as a Town way, hereby lays out a portion of Box Mill Road as a public way, all as shown on the plan referenced below, and

Whereas the boundaries of the layout of a portion of Box Mill Road are shown on a plan entitled "Layout Plan of Land, Box Mill Road Over Elizabeth Brook, Stow, Massachusetts", dated June 26, 2023, prepared by Green International Affiliates, Inc., which plan was referred to the Planning Board and which plan is hereby adopted as a part of this order, and all land lying within the layout of a portion of Box Mill Road is hereby laid out as a public way.

The aforementioned plan is hereby forwarded to the Town Clerk for filing and the foregoing layouts are hereby reported to the Town for acceptance.

Board member Toole seconded the motion and it passed unanimously.

Distribution of Cemetery Committee Tasks

Ms. Dembkoski said she has been working towards consolidating the cemetery and highway departments through a phased approach. She has met with the Cemetery Committee throughout the years and they have supported the plan. The committee was going to vote the changes and then dissolve itself, however, there is only one member left on the committee. If the Board votes in favor of the motions tonight this would keep the cemetery operations running. Next steps would be adding the changes to the special town meeting warrant, and then to the annual town election ballot to formally consolidate the departments into a public works department.

Board member Constantzos moved to authorize the Superintendent of Streets, in consultation with the Cemetery Supervisor, for spending of Cemetery Perpetual Care Funds.

Board member Toole seconded the motion and it passed unanimously.

Board member Constantzos moved to authorize the Town Administrator and Assistant Town Administrator to sign Cemetery Deeds.

Board member Toole seconded the motion and it passed unanimously.

Board member Constantzos moved to authorize the Town Administrator to act for any other tasks for the Cemetery Committee, as required.

Board member Toole seconded the motion and it passed unanimously.

Economic Development and Industrial Commission (EDIC)

Ms. Dembkoski provided a timeline, stating that the Board discussed the EDIC mission statement and goals from August through December of 2022. The mission statement was approved at the December 13, 2022 meeting and the Board set and approved goals with the EDIC members on March 14, 2023. Shortly after the goals were set, all members of the EDIC resigned with no reason given.

Ms. Dembkoski asked the Board how they wanted to proceed, as the office received some applications for the vacancies that existed prior to all the EDIC members resigning. The Board wants to see this move forward and discussion ensued about the mission statement, goals, and membership. The EDIC was formed many years ago with 7 members, and the Board discussed reducing it to 5 members. The Board discussed if the statement and goals need to be reworded, however, Chair Frecha said that the current statement and goals were a distillation of much discussion. Although the two goals are what this Board would like to see accomplished, the EDIC could bring forth other ideas and projects. Ms. Dembkoski will send the new mission statement and goals to those who applied to see if they are still interested in being appointed to the EDIC.

Select Board Workshop to Establish Goals and FY24 Priorities

The Board discussed the need for a separate workshop, or if setting their goals could be an agenda item with each of them bringing their ideas to an upcoming meeting, or perhaps having a yearly work plan. Chair Frecha added that she is a proponent of the opportunity for them to chat, which is why she added “updates” to the end of the meeting. After a continued discussion, the Board will set aside time at an upcoming meeting to discuss their goals.

The Board will also be setting the TA’s goals, and at their request, Ms. Dembkoski will send them the TA goals that the Board voted on during the past two years. Board members will email their Select Board goals and their TA goals to Ms. Dembkoski and she will collect and consolidate them for the August 22 meeting.

Proposed Policy on Rotation of Chair for Town Committees

Discussion ensued about having board and committees rotate the position of chair because many have long-term chairs. The Board acknowledged that the Select Board cannot force this upon groups.

Ms. Dembkoski said the Charter Review Committee (CRC) is planning to put forward a Charter change that boards and committees reorganize annually. The CRC is voting on their articles tomorrow night. If reorganization does become part of the Charter next year, and board and committees don’t follow it, then the Select Board can have a general discussion with some of the appointed boards.

Meeting Minutes

Board member Constantzos moved to accept the meeting minutes of the July 11, 2023 meeting as drafted. Board member Toole seconded the motion and it passed unanimously.

Board Correspondence & Updates – no comments**Adjournment**

At 8:07 p.m. Board member Constantzos moved to adjourn. Board member Toole 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.