

AGENDA
SELECT BOARD
August 22, 2023
7:00 p.m.
Town Building & Zoom

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

Join Zoom Meeting

<https://us06web.zoom.us/j/83577779390?pwd=THFxZi8vZDU4V0ZzeU92MXhwLzNQZz09>

Meeting ID: 835 7777 9390

Passcode: 55313397

1. Public Comment
2. Board Member Comments
3. Town Administrator's Report
4. Discussion and Possible Vote
 - Approve Special Town Meeting Warrant
 - Kirk Downing to present the High School Project Financials
 - Special Event Permit: Lake Boon Water Carnival Saturday, September 2, 2023, 8 a.m. to 4:30 p.m.
 - David Gray, Lake Boon Association
 - Vote to Exercise the Takings on Box Mill Road
 - Select Board Goals and Workplan Discussion
 - Town Administrator Goals and Annual Evaluation Discussion
 - Review FY23 Goals
 - Discuss FY24 Goals
 - Approve Evaluation Form
 - Discuss potential Code of Conduct policy for Boards and Committees
5. Meeting minutes
 - August 8, 2023
6. Board Correspondence & Updates
7. Adjournment

Correspondence received:

8/17/23 Conservation Commission Notice of Public Hearing, September 5, 2023 at 7:35p; 509 Great Road
8/17/23 Conservation Commission Notice of Public Hearing, September 5, 2023 at 7:45p; 112 Barton Road
8/17/23 Conservation Commission Notice of Public Hearing, September 5, 2023 at 8p; 73 Kingland Road
8/15/23 from Rune Christensen; Questions regarding zoning and bylaws

Posted Friday, 8/18/2023
8:45 a.m.

DISCUSSION & POSSIBLE VOTE

Approve Special Town Meeting Warrant

Note: Denise will send the Warrant to you on Monday afternoon after Town Counsel comments have been received.

Nashoba Regional High School Building Project Financials

(5 minute video + 3 minute presentation)

Kirk Downing, Superintendent

Ross Mulkerin, Director of Finance
& Operations

**NRHS Building Project
Borrowing Estimates
Presentation to NRSC 8/2/23**



Purpose

Provide the NRSC with an estimate of borrowing costs based on available data and figures received from our financial advisors



Project Cost

Estimated Total Project Cost	\$241,714,926
MSBA Reimbursement	\$64,811,362
Total Taxpayer Contribution	\$176,903,564

Estimated Totals per Town *

Bolton (31.87%)	\$56,379,165
Lancaster (32.97%)	\$58,325,105
Stow (35.16%)	\$62,199,293

*Based on Regional Agreement using FY24 enrollment data

Key Understandings

- As project budget estimates were being developed, the district began series of meetings with financial advisors
- Both NRSC approved project budget and OPM-provided draft cash flows were provided to our financial advisors
- Financial advisors have provided district administration with three borrowing options
 - These options will be provided to Bond Advisory Subcommittee for feedback as district determines borrowing strategy

Key Understandings (cont.)

- Bonding amount based on project cost less the MSBA Maximum Total Facilities Grant
- Estimates based on fiscal assumptions of current market conditions
 - There has been no rate or term “locked-in”
 - Assumptions may change over time based on conditions outside the control of the district between today and finalization of bonding
- Finalized cost to taxpayers via annual district debt assessment will not be known until completion of building project
- Annual capital debt assessments over life of the bond will be defined according to the Regional Agreement

Option A	Option B	Option C
Bond total project cost at start of project	Bond the project in two portions (two years apart)	Annual notes with bond at conclusion of construction



Estimated Tax Assessment per Household

- Estimate based on:
 - Total project cost
 - MSBA reimbursement
 - Bonding entire project at start of construction (Option A on previous slide)
 - Assumed interest rates of 4.0% to 4.5%
 - 30 Year term (maximum)
 - Regional Agreement using FY24 enrollment data

Estimated Tax Assessment per Household *

	Median Residential Assessment**	Annual Increase for Median Residential Assessment
Bolton	\$712,172	\$1,550-\$1,750
Lancaster	\$456,209	\$1,150-\$1,350
Stow	\$640,760	\$1,300-\$1,500

*Based on estimates provided by financial advisors

**Based on FY24 town assessment data (7/31/23)

Estimated Tax Assessment per Household *

	Increase per Day**
Bolton	\$4.25-\$4.79
Lancaster	\$3.15-\$3.70
Stow	\$3.56-\$4.11

*Based on estimates provided by financial advisors

**Based on data from previous slide

Thank you!



Special Event Permit

Lake Boon Water Carnival

Saturday, September 2, 2023

8 a.m. – 4:30 p.m.

Lake Boon Association – David Gray

The application was circulated to appropriate staff, and there are no concerns.

Pending Item:

- Certificate of Liability Insurance



Town of Stow

Special Event Permit

For: Saturday, September 2, 2023

David Gray, as a representative of the Lake Boon Association, is granted permission to hold the Lake Boon Water Carnival on September 2, 2023, beginning at 8 a.m. to approximately 4:30 p.m. as described in the application materials, and contingent upon the following:

- 1) That arrangements have been made with the Police and Fire Departments for the appropriate number of detail personnel;
- 2) That a certificate of general liability insurance naming the Town of Stow as additional insured be provided to the Select Board office prior to the event;
- 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 22, 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: Lake Boon Association Non-Profit Profit
Address: 178 Barton Rd City: Stow State: MA Zip: 01775
Tax ID #: 22-2907604 Applicant name: David Gray
Phone: _____ Email: _____
Web Site: www.lakeboon.org
Event Manager: David Siewierski Contact Info: _____
Other Contact person/s: _____ Contact Info: _____

Event Information

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

Other (specify) _____

Event Title: Lake Boon Water Carnival

Start Date & Time(s): 9/2/23 8:00am End Date & Times(s): 9/2/23 4:30pm Rain Date & Time(s): _____

Estimated Attendance: # 150 Admission Fee: none

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): _____

Set Up Date/Time: 9/2/23 Break Down Date/Time: 9/2/23

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

Event Details

Please indicate whether the following items pertain to your event.

YES	NO	
<input checked="" type="radio"/>	<input type="radio"/>	Food Concession and/or Food Preparation
<input checked="" type="radio"/>	<input type="radio"/>	Please specify method: <input checked="" type="radio"/> Propane Gas <input type="radio"/> Electric <input type="radio"/> Charcoal <input type="radio"/> Catered Other: _____
<input type="radio"/>	<input checked="" type="radio"/>	Alcohol served - <i>Requires approval from the Select Board</i>
<input type="radio"/>	<input checked="" type="radio"/>	First Aid Facility(ies) and Ambulance (s)
<input type="radio"/>	<input checked="" type="radio"/>	Banner(s) and/or Sign(s) - <i>requires prior approval</i>
<input type="radio"/>	<input checked="" type="radio"/>	Street Closure(s) - <i>list streets:</i> _____
<input type="radio"/>	<input checked="" type="radio"/>	Amplified Sound - <i>If yes please indicate Start Time</i> _____ <i>End Time</i> _____ <i>The Town of Stow will require additional information on this item and may require an Entertainment License be applied for and acquired.</i>
<input type="radio"/>	<input checked="" type="radio"/>	Will your event have Pyrotechnics? - <i>requires prior approval of the Fire Department</i>
<input type="radio"/>	<input checked="" type="radio"/>	Will your event have animals? <i>If yes, specify:</i> _____
<input type="radio"/>	<input checked="" type="radio"/>	Will your event require lights? <i>If so, specify hours:</i> _____
<input checked="" type="radio"/>	<input type="radio"/>	Will you set up table(s) and/or chair(s)? <i>Approximate number?</i> <u>6 tables for food and merchandise</u>
<input type="radio"/>	<input checked="" type="radio"/>	Fencing, Barrier(s) and/or Barricade(s), Traffic Cones
<input type="radio"/>	<input checked="" type="radio"/>	Does your event require electricity? <i>Source:</i> _____
<input type="radio"/>	<input checked="" type="radio"/>	Booth(s) Exhibit(s), Display(s) and/or Enclosure(s)
<input checked="" type="radio"/>	<input type="radio"/>	Canopy (ies) and or Tent(s) - <i>describe dimensions:</i> <u>(2) 12 x 12 ft light weight canopies</u>
<input type="radio"/>	<input checked="" type="radio"/>	Scaffolding, Bleacher(s), Platform(s), Grandstand(s) or related structure(s)
<input type="radio"/>	<input checked="" type="radio"/>	Container(s) and/or Dumpster(s)
<input checked="" type="radio"/>	<input type="radio"/>	Toilet(s) - <i>approximate number/vendor:</i> <u>Pine Bluffs, existing</u>
<input type="radio"/>	<input checked="" type="radio"/>	Will you be holding a raffle at your event? <i>Describe:</i> _____
<input checked="" type="radio"/>	<input type="radio"/>	Vehicle(s) and/or Trailer(s) - <i>approximate number:</i> <u>40 cars at any one time</u>
<input type="radio"/>	<input checked="" type="radio"/>	Sleeping Trailer(s) and/or other accommodations
<input type="radio"/>	<input checked="" type="radio"/>	Stage(s) - <i>indicate dimension:</i> _____
<input checked="" type="radio"/>	<input type="radio"/>	Entertainment - <i>describe:</i> <u>1 hour magician show for children at noon</u>
<input type="radio"/>	<input checked="" type="radio"/>	Amusement Rides - <i>list and describe:</i> _____
<input type="radio"/>	<input checked="" type="radio"/>	Inflatable Device(s) - <i>list and describe:</i> _____

Other Permits

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

Insurance Requirements

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

Affidavit of Applicant

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

Signature of Applicant: David Gray Date: 8-7-23

Printed Name: David Gray Fee Paid: NA

**Pine Bluffs Recreation Area
LBA Water Carnival Layout
Sept 2, 2023**

Parking

Field Events

Entertainment

Lunch
Service

Swimming &
Beach Events

Go



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:

Lake Boon Assoc, Pine Bluff Town Beach, September 2, 2023

Applicant : David Siewierski

Stow MA 01775-

Date: August 10, 2023

Expiration Date: September 02, 2023

hamburgers, hot dogs, veggie burgers, chips, cookies, soda, water

Board of Health of Stow

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

NON-TRANSFERABLE

Joyce Sampson

From: Chief Michael Sallèse
Sent: Wednesday, August 9, 2023 1:19 PM
To: Joyce Sampson
Subject: RE: Lake Boon Water Carnival - Saturday 9/2/2023

Hi,

As in the past we will be having an officer for the following out on the lake,

1. "Lighting of the Lake/Music Boat" is scheduled for Sept 1st, Friday night 7:30 - 11:00 pm beginning from the 1-2 basin narrows and going around the second (southern) basin first. A number of residents in their boats follow the music boat slowly around the perimeter of the lake.
2. Canoe races will be held Sept 2nd, Saturday morning 9:30 - 11:00 am, running between Pine Point and the town beach. This is not during quiet hours so boaters will be requested to stay clear of this path.
3. The Boat Parade will be held Sept 3rd, Sunday afternoon 2:15 - 4:30 pm during quiet hours, beginning at the basin 1 narrows buoy and moving slowly around the perimeter of the lake beginning in the the northern (first) basin.

*Michael Sallèse, Chief of Police
Stow Police Department
305 Great Road
Stow, MA 01775
Direct Line 978-897-0049
Station 978-897-4545*



From: Joyce Sampson <jsampson@stow-ma.gov>
Sent: Monday, August 7, 2023 2:41 PM
To: License & Hearing Distribution List <License_Hearing_Notices@stow-ma.gov>
Subject: Lake Boon Water Carnival - Saturday 9/2/2023

Hi folks,

Please see attached for the Special Event Permit application for the Lake Boon Association's Water Carnival scheduled for Saturday, September 2 from 8 a.m. – 4:30 p.m.

Please send any comments or concerns by Wednesday, August 16, as this is scheduled to go before the Select Board at their August 22 meeting.

Additionally, if you do not have any comments on the application, please let us know. Thank you!

Best regards,

Subject: Reservation Permit from Stow Recreation Department
From: "Stow Recreation" <noreply@receipts.myrecdepartment.com>
Date: 8/7/2023, 11:21 AM
To: "David Gray" <grayscale@earthlink.net>
CC: "Stow Recreation" <recreation@stow-ma.gov>



LBA Water Carnival

Permit #: 2757

Purpose: LBA Water Carnival

David Gray • David & Karen Gray •

STOW MA 01775

Location	Date	Times
Pine Bluff - Recreational Area	Sat, September 02, 2023	09:00 AM - 04:30 PM

Created By: Laura Greenough
Created On: 8/7/2023 11:21:48 AM

[Print Page](#)

**Stow, MA Town Special Event Permit Application Checklist
Lake Boon Association Water Carnival – Sept 2, 2023**

This event has been held for over 110 years (at other locations before Pine Bluffs was developed). It will make use of the Pine Bluffs facility in the same manner as during the soccer and swimming seasons, with no greater attendance. The LBA will provide their own life guards, boats, life jackets and equipment for all events.

Temporary Food Permit application submitted to Nashoba BOH 8/7/23

Insurance application submitted to Murphy Insurance Agency, Hudson, MA

Stow Recreation Dept Permit #2757 issued

Stow Police coverage acknowledged 8/7/23

Schedule of events

9:30am	canoe/kayak races at town beach
11:00am	field events on soccer fields
12:00pm	grilled lunch & magician show
1:30pm	swimming races & beach events
4:00pm	cleanup

Vote to Exercise the Takings on Box Mill Road



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: Box Mill Road Order of Takings

Date: August 7, 2023



At this meeting, you will be asked to vote to execute the takings on Box Mill Road. As you know, over the last several months we have been discussing and taking the necessary steps leading up to the bridge reconstruction. However, this project stretches back far before my arrival in Stow. The project was initiated in 2017 when staff met with MassDOT to discuss the bridge design.

On projects such as this, that are accepted into the States Transportation Improvement Plan (TIP), the state conducts the work, pays for the work, but the Town is responsible for acquiring and paying for any property rights (easements).

These easements involve two property owners, the Burrells and the Lords. And while no easement process is easy or welcomed, the replacement of this bridge has been deemed a necessity by the Town and State, and therefore the easements are a requirement.

I am asking the Board to approve and execute these takings today, as if they are not secured, we will miss the required deadline of Tuesday, the 29th, to have the project advertised for construction. If we miss this deadline, the Town will lose the \$3,347,015.55 in State funding and any repairs to Box Mill Bridget would be solely at the Town's expense.

Attached is a detailed timeline of this project so the Board understands how much time and money has gone into this along the way. I look forward to discussing this very important vote with you.

Thank you.

Box Mill Bridge Replacement Timeline

- 3/23/2017 Staff Meeting with MassDOT on Bridge Replacement Design, 25% Design Plans Reviewed
- 5/25/2017 Meeting with Mass DOT, Kate Hogan and others to discuss bridge design
- 10/19/2018 Site Visit with State and Federal Agencies and Utilities to review 25% design plans
- 11/6/2018 Meeting to Review Utility Issues; Town learns that it is responsible for securing all right of way and easements and the costs thereof
- 11/7/2028 Town submits comments on 25% design plans, including Planning, Conservation, Highway, Fire, Historical
- 1/30/2019 Email from MassDOT Project Manager Rob Antico regarding town's right of way responsibilities; requests confirmation that the Board of Selectmen is willing to take the necessary easements/rights of way
- 8/7/2019 Revised design plans and preliminary right of way plans provided by MassDOT to the Town of Stow – initial extent of takings identified
- 9/18/2019 Outreach by Kathy Sferra to the Lord family and Jesse Steadman to the Burrell family to provide them with plans and information about the takings
- 9/25/2019 Meeting with Lord family representatives to review 25% design plans and proposed easement and right of way takings (attended by K. Sferra, J. Steadman)
- 9/25/2019 Meeting with Burrell family representatives to review 25% design plans and proposed easement and right of way takings (attended by K. Sferra, J. Steadman)
- 10/15/2019 Mark Burrell asks to meet again and expressed additional concerns (attended by K. Sferra, V. Oorthuys)
- 11/18/2019 Special Town Meeting votes to expend \$30K for Appraisal and Legal Work for Takings
- 12/10/2019 Board of Selectmen hears briefing on Box Mill project and votes willingness to take easements/right of way by eminent domain as needed and pay fair market value for same. Burrells present and indicate concerns about project
- 7/11/2020 Annual Town Meeting approves Article 97 Petition to Legislature to release portions of Carver Hill CR needed for rights of way and easements and provide mitigation land
- 9/8/2020 Selectmen approve nonsubstantial changes to the Article 97 petition
- 1/15/2021 Article 97 Petition adopted by House and Senate and Signed by Governor releasing portions of Carver Hill CR contingent on provision of mitigation land which was later completed
- 3/5/2021 Town provides Mass DOT with copies of comments received to date by Burrells and Lords; Town also notifies Lord and Burrell families about Design Public Hearing
- 3/25/2021 Virtual Design Public hearing for Box Mill Bridge held by MassDOT; noticed in paper, written comments accepted until April 8, 2021
- 4/8/2021 Burrells file detailed comments on project
- 4/9/2021 Town files comments on project

12/14/2021	State provides responses to issues raised at Design Public Hearing
2/5/2022	Email from Town to Burrells requesting a meeting on the 25% design plans with MassDOT to review comments
3/16/2022	Meeting on Box Mill Bridge 25% design plans with MassDOT, Town, and property owners. Burrells verbally request design exception relative to the guardrail
3/28/2022	Town requests more information on writing from Burrells on the design exception to send to the state
3/29/2022	Town sends updated utility plan to Burrells in response to their concerns
4/14-4/15/22	Test borings completed on Burrell and Lord properties
4/21/2022	Burrells respond by email and raise issues about power lines, telephone pole, and request burial of power lines. Also raise potential for loss of a lot from takings
5/4/2022	Town notified by Mass DOT that utilities have approved the final utility plans
8/3/2022	Town notified by Mass DOT that the advertising date for the project is 9/23. Right of way takings must be completed by then
2/3/2023	Town Received Final Approved Right of Way Plans
3/6/2023	Letters of Intent to take easements/right of way sent to property owners by certified mail; letter offered to meet with owners. Lords picked up the letter and met with the Town on 3/24/23. Burrells did not pick up the letter. It was re-sent by email on 3/28/23 and on 3/30/23. Burrells signed green card was later received by the Town on 4/5/23
4/27/2023	Town receives commissioned appraisals for Box Mill easements and rights of way
5/5/2023	Town Meeting votes to authorize the Select Board to acquire easements/rights of way and compensate property owners up to \$92,000
7/9/2023	NEPA Approval received
7/14/2023	Offer Letters sent to both property owners by certified mail
7/26/2023	Sharon Burrell sent email correspondence to the Town Administrator regarding concerns about the taking offer and project design. The Town Administrator responded by email on 7/31/23. Sharon Burrell responded with additional questions on 8/3/23. The Town Administrator responded by email on 8/7/23.
8/3/23	Email confirmation from Lords acknowledging the offer and indicating they had no further questions
8/7/2023	Lamp Post Encroachment Letter sent to Burrells, signed and returned 8/8/2023
8/22/2023	Select Board Meeting to take Final Vote on easement/right of way takings
8/23/2023	Anticipated recording of vote of takings and easement plans; payment tendered to owners
8/28/2023	Deadline to provide final paperwork to MassDOT to meet the advertising deadline; right of way certificate issues
9/9/2023	MassDOT advertising deadline
9/18/2023	Town Meeting Vote on revision to Box Mill Road Layout and subsequent recording of Layout Plan

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TOWN OF STOW

ORDER OF TAKING

At a regularly convened meeting of the Select Board of the Town of Stow, held on this 22nd day of August, 2023, it was voted and ordered as follows:

The Town of Stow, acting by and through its Select Board by virtue of and in accordance with the authority of the provisions of Massachusetts General Laws Chapter 79, Chapter 82, Sections 21-24, as amended, and the vote taken under Article 62 of the May 13, 2023 Annual Town Meeting, a certified copy of which is attached hereto and recorded herewith, hereby takes by eminent domain, for all purposes for which public ways are used in the Town of Stow, including, without limitation, for the purpose of undertaking the Box Mill Road Over Elizabeth Brook Bridge Reconstruction Project (the “Project”), the following interests in, on and under certain parcels of land abutting or near Box Mill Road, Stow, Massachusetts, and shown more particularly on a plan entitled “Easement Plan of Land Box Mill Road Over Elizabeth Brook Stow, Massachusetts,” dated June 26, 2023, prepared by Green International Affiliates, Inc., recorded with the Middlesex South District Registry of Deeds in Plan Book _____, Plan _____ (the “Plan”), as set forth more particularly below:

1. Fee Takings. The fee in and to the parcels of land shown on the Plan as “Parcel 1-T,” “Parcel 2-T” and “Parcel 3-T” (collectively, the “Roadway Area”) for any and all purposes for which public ways are used in the Town of Stow, and for bridge reconstruction, together with attendant customary uses, including, without limitation, for the purposes of constructing, inspecting, operating, maintaining, repairing, removing, replacing, relocating, and abandoning in place rights of way, bridges and any and all structures and facilities necessary or convenient to support the same, or related thereto, including, without limitation, rights of way, sidewalks, driveways, guardrails, support or retaining walls, grading, signs, drains, utilities (including water and sewer), streambed work, tree support structures, and other related appurtenances;

2. Permanent Drainage Easement. A permanent easement in, on, over, under, along and across the parcel of land shown on the Plan as “Parcel D-1-T” (the “Drainage Premises”) for the purpose of constructing, installing, inspecting, operating, maintaining, repairing, removing, replacing, relocating, and abandoning in place stormwater drain or drains, drainage swales, detention and/or retention basins, and any manholes, pipes, conduits, culverts, channels, and other related structures and/or facilities for the collection, channeling, and disposal of stormwater, for compensatory flood storage areas, and to otherwise take any and all steps to facilitate, maintain and ensure the proper drainage of stormwater, regardless of origin, incorporated herein by reference;

3. Permanent Utility Easements. Permanent easements in, on, over, under, along and across the parcels of land shown on the Plan as “Parcel PUE-1-T,” “Parcel PUE-2-T” and “Parcel PUE-3-T” (collectively, the “Utility Premises”), for the purpose of installing, constructing, improving, inspecting, maintaining, repairing, replacing, relocating and abandoning in place utilities within and over the Utility Premises and all appurtenances related thereto, including, but not limited to, guy wires, anchors, bolts, poles, conduits, lines and wires, and for any and all purposes and uses incidental thereto. The Town may assign easements to or authorize use of the Utility Premises by any utility company;

4. Permanent Guardrail Easement. A permanent easement in, on, over, under, along and across the parcel of land shown as “Parcel GR-2-T” (the “Guardrail Premises”) for the purpose of constructing, installing, repairing and/or replacing guardrails and any structures and appurtenances related thereto; and

5. Temporary Construction Easements. Temporary construction easements in, on, over, under, along and across the parcels of land shown on the Plan as “Parcel TE-1,” “Parcel TE-2,” “Parcel TE-3” and “Parcel TE-4” (collectively, the “Temporary Construction Premises”), for the purpose of undertaking the Project, including, without limitation, grading land, constructing, operating, improving, maintaining, repairing, replacing, relocating, realigning and/or reconstructing slopes of excavation and/or embankment and/or driveway aprons, bridges, sidewalks, retaining walls, stone walls, landscaping, loaming, planting trees, seeding, paving, and/or erosion control, which temporary easements shall terminate automatically three (3) years from the date on which this Order of Taking is recorded with the Middlesex South District Registry of Deeds without the necessity of recording any instrument with said Deeds. Nothing in this paragraph shall affect the permanent easements acquired by the Town hereunder.

The Town shall have the right to enter upon and pass over the Drainage Premises, the Utility Premises, the Guardrail Premises and the Temporary Construction Premises (collectively, the “Easement Premises”) from time to time by foot, vehicle, or heavy equipment, for any and all purposes stated herein and uses incidental or related thereto, including, without limitation, using and temporarily storing, as needed, construction equipment, materials or other incidental items within the Easement Premises for the purposes set forth herein.

No temporary or permanent buildings, structures or other objects shall be constructed, installed or placed upon the Easement Premises or, in the case of the Temporary Construction Premises, for the duration of these easements, by the Owners.

The taking includes the right of the Town to remove any buildings, structures, objects, utilities and/or vegetation (including trees and shrubs) now or hereafter located within the Easement Premises whenever their removal shall be necessary or convenient to exercise the rights taken hereunder and/or the purposes set forth herein. Utilities and related facilities located within the Easement Premises that are owned by private utility companies and easements held by private utility companies are not taken.

The parcels of land subject to said easements are owned or supposed to be owned and/or formerly owned by the parties listed in Schedule A, which parties are hereinafter collectively referred to as Owners. If in any instance the name of any Owner is not correctly stated, the

names of the supposed Owners being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

The Town has awarded damages to the Owner or Owners of the parcels in accordance with the provisions of G.L. c.79, §6, as amended, and to any other person or corporation having an interest therein, in the amounts set forth in Schedule B attached hereto and incorporated herein, but which shall not be recorded with the Middlesex South District Registry of Deeds.

No betterments are to be assessed under this taking.

IN WITNESS WHEREOF, the members of the Stow Select Board have hereunto set their hands and seal this 22nd day of August, 2023.

TOWN OF STOW,
By its Select Board

Cortni Frecha, Chair

Megan Birch-McMichael, Clerk

Ingeborg Hegemann Clark, Member

Hector Constantzos, Member

John Toole, Member

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 22nd day of August, 2023, before me, the undersigned Notary Public, personally appeared Cortni Frecha, Chair, of the Town of Stow Select Board, as aforesaid, proved to me through satisfactory evidence of identification, which was personally known, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Stow.

Notary Public
My commission expires:

SCHEDULE A

LIST OF OWNERS

Property Owner: Stephen H. Lord and William C. Lord, Successor Trustees of the Jean F. Lord Trust

Interest Taken: Parcel 1-T (601± S.F.) (Fee Taking); Parcel 2-T (4,009± S.F.) (Fee Taking); Parcel D-1-T (766± S.F.) (Permanent Easement); Parcel GR-2-T (193± S.F.) (Permanent Easement); Parcel PUE-1-T (843± S.F.) (Permanent Easement); Parcel PUE-2-T (108± S.F.) (Permanent Easement); Parcel TE-1 (330± S.F.) (Temporary Easement); Parcel TE-2 (7,549± S.F.) (Temporary Easement) and Parcel TE-3 (13,153± S.F.) (Temporary Easement)

Property Address: 66-69 Brookside Avenue, Stow, Massachusetts

Property Owner Address: 69 Annie Moore Road, Bolton, MA 01740

Deed Reference: Middlesex South District Registry of Deeds, Book 64351, Page 49

Property Owner: Mark Burrell and Sharon Burrell

Interest Taken: Parcel 3-T (376± S.F.) (Fee Taking); Parcel PUE-3-T (136± S.F.) (Permanent Easement) and Parcel TE-4 (6,404± S.F.) (Temporary Easement)

Property Address: 44 Box Mill Road, Stow, Massachusetts

Property Owner Address: 44 Box Mill Road, Stow, MA 01775

Deed Reference: Middlesex South District Registry of Deeds, Book 25358, Page 522

Select Board Goals and Workplan Discussion

Select Board Goals

Cortni

Megan

Ingeborg

Hector

- Ensure Stow is open and welcoming to all demographics and cultures
- Help more businesses come to Stow
- Expand communication to reach more residents

JT

- Will provide input at the meeting

Town Administrator Goals and Annual Evaluation Discussion

- Review FY23 Goals
- Discuss FY24 Goals
- Approve Evaluation Form



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: Town Administrator's Performance Evaluation Form & Goals

Date: August 7, 2023

Enclosed you will find the FY23 Town Administrator Goals that the SB voted on last October. Additionally, you will find a status update on those goals.

Also, you will find the FY24 goals for the Town Administrator provided by Board Members. The Board should plan to establish goals for the upcoming fiscal year either at the meeting on August 22nd or the 12th of September.

Finally, enclosed is the Evaluation Form used for my performance evaluation the last two years. Please review and be prepared to discuss any changes you wish to discuss before this is finalized for use.

Thank you.

Town Administrator Goals
September 1, 2022 – August 31, 2023
Approved by the Select Board on October 11, 2022

1. Work with the Planning Department to finalize Lower Village water study; either prepare a report as to the proposed steps moving forward (if data is available in a year's time). Is there water feasibility or not? If so, what is the fiscal responsibility that the town is willing to entertain based on funding available, etc. Lower Village water study should include potential mixed use zoning requiring space for sewage treatment as well as lots of water use both residential and business.
2. Continue oversight of the Town Hall project with a focus on future use, improvements, or disposition.
3. Update website to provide better transparency with consistency for all departments, boards, and committees
4. Stay involved with the Bose property sale and assist in bringing any future project to fruition.
5. Keep Select Board apprised of Charter Review committee progress
6. Assist the Planning Board in facilitating the Comprehensive Plan process
7. Continue to provide necessary resources and staffing for departments for efficient operations
8. Continue moving the Stow Acres project forward

Town Administrator Goals
 September 1, 2022 – August 31, 2023
 Voted on October 11, 2022

Goal	Status as of August 2023	Comments
<p>Work with the Planning Department to finalize Lower Village water study; either prepare a report as to the proposed steps moving forward (if data is available in a year's time). Is there water feasibility or not? If so, what is the fiscal responsibility that the town is willing to entertain based on funding available, etc. Lower Village water study should include potential mixed use zoning requiring space for sewage treatment as well as lots of water use both residential and business.</p>	<p>The study is still ongoing. A contract was awarded in September 2022 to Stantec Consulting Services to perform the study and the contract runs through December 2023.</p>	
<p>Continue oversight of the Town Hall project with a focus on future use, improvements, or disposition.</p>	<p>Unfortunately, with everything else going on, this goal has taken a backseat, but has not been forgotten.</p>	<p>Once the library project gets underway, I plan to request a new committee be formed to look at potential uses of the building.</p>
<p>Update website to provide better transparency with consistency for all departments, boards, and committees</p>	<p>The website is continually updated and reviewed for accuracy and transparency. Additionally, we have enhanced our use of social media, posting meeting information and pertinent data on Facebook.</p>	<p>A number of Boards/Committees that are not</p>
<p>Stay involved with the Bose property sale and assist in bringing any future project to fruition.</p>	<p>Have had several meetings with Bose and the Planning Department on the future of that property. Have offered assistance with any proposal they wish to disclose to the Town.</p>	<p>The goal is largely dependent upon the Bose management including the Town in their discussions and/or meetings about the property.</p>
<p>Keep Select Board apprised of Charter Review committee progress</p>	<p>I have invited them in to present updates to the SB when available.</p>	

Goal	Status as of August 2023	Comments
Assist the Planning Board in facilitating the Comprehensive Plan process	The Comprehensive Plan Committee has had their first meeting and I will assist the Planning Department as needed as they make their way through the process.	
Continue to provide necessary resources and staffing for departments for efficient operations	I work closely with all department heads to assess their needs in terms of staffing and resources and use ARPA funds, grants, sharing of resources, and budgetary funds to provide for efficient operations.	
Continue moving the Stow Acres project forward	Since the goal was set, the town acquired all funding and completed the closing on the North Course. We continue to meet monthly with the owner of Stow Acres, the private developer, and several key department heads to discuss the future of the site.	Additionally, the Stow Acres Master Plan Working Group has been formed, a consultant has been retained, and we are meeting regularly to determine the best uses of that property.

TA Goals

Cortni

Megan

Present a status on the water situation in Lower Village.

Ingeborg

- a. Administration and Finance: Stow's taxes continue to rise, which is not unique to Stow. As an example, the cost of Nashoba Regional alone will cost taxpayers the equivalent of an expensive cup of coffee a day, which is a luxury (going by memory, that could be wrong). However, good education is a necessity. These three points all fall under the tax burden to our citizens:
 - i. You may already be doing this, but one of my goals is to conduct a review of operating budgets and evaluating opportunities to reduce costs through restructuring and reorganizing (e.g. DPW). Are there areas for savings without compromising the quality of our services?
 - ii. Are there other revenue sources we can explore to supplement the sources you have already been reviewing?
 - iii. What other ways can we provide property tax relief to Stow's more vulnerable citizens (besides the work off taxes program?) I personally would love to see a more diverse community in Stow, both supporting our vulnerable citizens as well as welcoming younger people to town.
- b. Climate Resiliency: Stow has done a good job preparing for changing weather patterns and the passion many of its citizens have is inspiring. We need to do more.
 - i. One idea would be to provide greater education to our citizens about Stow's natural resources and how we use them and can contribute to their resiliency. Stow should activity partner with our agricultural community to hear and work with them to ensure that soils, water, and productivity are managed for long term viability.
 - ii. The Planning Board should continue to promote zoning changes to anticipate climate-related changes, similar to the Lower Village Zoning.
- c. Public Land Management: How will we manage and maintain our publicly held land? Cemetery, parks, community gardens, open space all need resources. Do we have enough resources for this? (I may not be in the loop, so would like an update. For example, with the combining of highway and cemetery, will the budget for cemetery maintenance and planning

change? I know Stow gets grants and state funds for highway maintenance but am wondering about other of our public land. Unfortunately, relative to parks, people just can't seem to clean up after themselves, so some of our parks become littered.

d. Capital Planning: What are we doing with our unused property?

e. Capital Improvements: This is a follow up on the 2021-2022 Long Term Goals. What are our department's goals over the long term. Are we supporting them via our own long-term planning. We have Open Space Plans, Comprehensive Plans, Facilities Plans? I'm not sure how all departments operate regarding planning but would be interested in knowing how to work together with them.

Hector

JT

Previous Years' Goals

Ingeborg

(I recognize these may be areas I'm just not up to date on):

2021-2022 goals:

- i. Item 3: Can we get an update on the Green Advisory Committee projects? I know we recently met with them, so perhaps we just need a summary of what has been done and what their future plans are.
- ii. Was Item 5 completed? (Onboarding training for new members of SB, Finance and Capital Planning)
- iii. Longer Term Goals: Can we get an update on these 3 items (lower village water supply, full facilities assessment, 20-year capital outlay plan)

2022-2023 goals:

- i. Item 7: Can we get an update on your opinion on department staffing needs?

**TOWN OF STOW
TOWN ADMINISTRATOR
PERFORMANCE EVALUATION**

INTRODUCTION

A performance evaluation of the Town Administrator can result in substantial increases in municipal productivity. The evaluation process itself enhances communication with the governing body and strengthens the management team.

A positive or constructive evaluation will instill confidence in the Town Administrator and motivate that individual to a higher level of performance. The evaluation can identify real or perceived problems and give the team an opportunity for corrective action before the problems cause serious discord.

The evaluation session must reflect the thinking of the entire governing body. A carefully constructed evaluation process can be a very positive tool; it must be taken seriously and used wisely.

FREQUENCY OF EVALUATION

A comprehensive performance evaluation should take place at least annually. The annual evaluation should be scheduled well in advance to permit preparation time and to avoid having an evaluation scheduled due to a single problem.

Ample time should be scheduled for each step in the evaluation process. Hurried sessions will not encourage communications, team building or the identification of problems.

THE EVALUATION PROCESS

Section I.

Each member of the Select Board is to evaluate the Town Administrator on each of the items listed, by circling the appropriate number rating. Also provided under each major points are lines for comments. These written comments are essential in providing explanations for a rating given.

RATING

- 1 – Unsatisfactory
- 2 – Needs Improvement
- 3 – Satisfactory
- 4 – Good Performance
- 5 – Outstanding Performance

Section II.

Each member of the Select Board will list their overall comments.

Section III.

The Select Board will establish goals for the upcoming fiscal year whereby in the future years, the members of the Select Board will evaluate the Town Administrator in the achievement of said goals. **(Please send goals separately to the Town Administrator)**

SECTION I.

DECISION MAKING – The Town Administrator must have the ability to make sound decisions and solve difficult problems.

1	2	3	4	5	Is objective, unbiased, analytical – able to deal with factors, rather than personalities, emotions or gossip when making decisions.
1	2	3	4	5	Is well informed – reads available background materials and, when necessary, requests additional information.
1	2	3	4	5	Considers innovative possibilities.
1	2	3	4	5	Sticks with a decision even when it is controversial.
1	2	3	4	5	Identifies and understands the problem and consequences of alternative decisions.
1	2	3	4	5	Is able to make difficult decisions.

COMMENTS:

COMMUNICATION – The Town Administrator must be effective with the residents, staff, news media, and elected officials.

1	2	3	4	5	Listens, understands, and asks questions.
1	2	3	4	5	Keeps the governing body well informed with concise and written communication.
1	2	3	4	5	Considers opposing points of view and is open-minded.
1	2	3	4	5	Focuses on the issue and is open and available to the public and takes their concerns seriously.
1	2	3	4	5	Criticizes the idea, not the person.

COMMENTS:

PERSONAL DEVELOPMENT – An effective policy maker must develop personal characteristics which are conducive to the smooth operation of the governing body and government.

- | | | | | | |
|---|---|---|---|---|--|
| 1 | 2 | 3 | 4 | 5 | Takes responsibility seriously and works hard. |
| 1 | 2 | 3 | 4 | 5 | Is sensitive to residents, staff, and media. |
| 1 | 2 | 3 | 4 | 5 | Is tactful, diplomatic, and tolerant. |
| 1 | 2 | 3 | 4 | 5 | Has a positive approach to position. |
| 1 | 2 | 3 | 4 | 5 | Recognizes and learns from the past mistakes. |
| 1 | 2 | 3 | 4 | 5 | Devotes time and effort to personal and professional excellence. |
| 1 | 2 | 3 | 4 | 5 | Respects opposition. |

COMMENTS:

PLANNING – In order for the government to be efficient and meet its future needs, decisions must be deliberate rather than reactionary. Planning is the instrument of deliberate action.

- | | | | | | |
|---|---|---|---|---|--|
| 1 | 2 | 3 | 4 | 5 | Sees the big picture – is aware of the full range of services. |
| 1 | 2 | 3 | 4 | 5 | Thinks and plans for the long term. |
| 1 | 2 | 3 | 4 | 5 | Recognizes the need for improvement and believes positive change is possible. |
| 1 | 2 | 3 | 4 | 5 | Understands all major planning processes and actively participates where appropriate. |
| 1 | 2 | 3 | 4 | 5 | Understands the critical importance of the budget and participates constructively in that process. |
| 1 | 2 | 3 | 4 | 5 | Is willing and able to prioritize competing needs. |
| 1 | 2 | 3 | 4 | 5 | Plans for the long-term purchasing, replacement, and maintenance of Town equipment. |

COMMENTS:

LEADERSHIP/SUPERVISION – The ability to guide the government forward and effectively supervise staff is crucial to growth and progress.

1	2	3	4	5	Encourages staff and provides challenges.
1	2	3	4	5	Gives clear direction to staff.
1	2	3	4	5	Does not expect or require staff to always agree.
1	2	3	4	5	Appreciates a job well done and recognizes outstanding employees.
1	2	3	4	5	Provides staff ample opportunities for growth and development.
1	2	3	4	5	Appreciates the range of responsibilities shouldered by staff and recognizes their concerns and needs.
1	2	3	4	5	Honestly, fairly, objectively, and regularly evaluates staff.

COMMENTS:

UNDERSTANDS ROLE – The role and function of a Town Administrator is generally well defined in the Town Charter. Serious problems arise when an Administrator does not understand that role or exceeds his/her authority.

1	2	3	4	5	Understands the form of government and its operation.
1	2	3	4	5	Recognizes that the authority of a governing body is constituted in the whole, and not its individual members.
1	2	3	4	5	Knows and follows the policies and legislation that define the role of the governing body.
1	2	3	4	5	Knows and follows the established chain of command.
1	2	3	4	5	Has the ability to resolve the numerous conflicts inherent in municipal government – is a good negotiator.

1 2 3 4 5 Recognizes the value of excellent employees and uses all reasonable efforts to ensure that the best available individuals are recruited and hired.

COMMENTS:

TEAM PLAYER – Excellence in government requires teamwork. A good team member must constantly strive to cooperate with other members of the governing body.

1 2 3 4 5 Understands the importance of teamwork.

1 2 3 4 5 Willing to develop and work toward common goals.

1 2 3 4 5 Recognizes the efforts and accomplishments of other team members.

1 2 3 4 5 Spends the time and effort necessary to build the team.

1 2 3 4 5 Avoids bitter and unfair political rhetoric.

1 2 3 4 5 Recognizes and respects that staff members are part of the team.

COMMENTS:

CONDUCT AT MEETINGS – The success of a local government depends on the productivity of the meeting of the governing body.

1 2 3 4 5 Stays on the topic and follows the agenda.

1 2 3 4 5 Abides by the rules of procedure for meetings.

1 2 3 4 5 Participates actively in the meeting.

1 2 3 4 5 Keeps comments concise and does not monopolize the meeting.

1 2 3 4 5 Prepares for all meetings.

1 2 3 4 5 Regularly attends the meetings.

1 2 3 4 5 Displays a competent and professional attitude.

COMMENTS:

ETHICS – A responsible Town Administrator adheres to a set of standards which are above reproach, consistently upholds the public trust.

1	2	3	4	5	Is committed to the premise of good government and services to the public.
1	2	3	4	5	Knows and follows the policies and legislation that defines the role of the governing body.
1	2	3	4	5	Has high personal and professional standards.
1	2	3	4	5	Does not disclose confidential information.
1	2	3	4	5	Always avoids conflicts of interest when possible and discloses them when not.
1	2	3	4	5	Is able to set aside all bias against any segment of the community.

COMMENTS:

PANDEMIC LEADERSHIP – A Town Administrator should demonstrate leadership, knowledge, and a willingness to adapt to unforeseen situations.

1	2	3	4	5	Provides competent leadership during the Coronavirus pandemic.
1	2	3	4	5	Establish effective and innovative policies during the pandemic.
1	2	3	4	5	Communicates effectively with all stakeholders during the pandemic.

COMMENTS:

Total: _____ out of a possible 300. Average: _____

(total divided by 60)

SECTION II:

Are there any other or overall comments you wish to make on a) strengths of the Town Administrator, b) areas where improvement is needed, c) on other relevant aspects of the Town Administrator's performance or d) general managerial skills?

Comments:

Section III.

The Select Board will establish goals for the upcoming fiscal year whereby in the future years, the members of the Select Board will evaluate the Town Administrator in the achievement of said goals. **(Please send goals separately to the Town Administrator – they will be compiled and brought forth to the whole Board)**

Date

Signature of Evaluator
(Member of the Select Board)

Date

Signature of Town Administrator

Send completed evaluations to Assistant Town Administrator/HR Director, Dolores Hamilton at asstownadmin@stow-ma.gov.

Discuss Potential Code of Conduct Policy for Boards and Committees



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: Code of Conduct

Date: August 7, 2023

Please find enclosed a draft Code of Conduct put forth by Board Member Constantzos. He used the MMA/MIIA version (also enclosed) as the basis for the draft. Additionally, the one I put forth last summer was also based on the same policy; however, now it has been updated to include the SJC ruling on Public Comments.

Thank you.

TOWN OF STOW
BOARD AND COMMITTEE
CODE OF CONDUCT POLICY

I. PURPOSE

This policy serves as the standard for achieving and maintaining a high level of public confidence, trust, and professional respect regarding how the Town of Stow (the "Town") and its officials conduct business. They are intended to define and create a centralized understanding regarding standards of conduct.

The Select Board recognizes the importance of maintaining professional standards at all levels of the government, including for those who volunteer their time and services on behalf of the Town. The Select Board encourages other boards and committees of the Town who are not appointed by the Select Board to adopt these standards.

II. APPLICABILITY

This policy applies to the Select Board and all other Town board, commission, and committee members, appointed by the Select Board or Town Administrator. It also applies to appointed public officials, and other representatives of the Town while acting in their official capacity. Violations of this policy will be addressed following the disciplinary actions described in the Town Charter and in compliance with the Open Meeting Law.

III. CODE OF CONDUCT

All members of the Select Board and all other individuals listed above assume the following obligations and commitments:

A. Conduct Generally and in Relation to the Community

- Stay informed about the local and state duties of a board or committee member.
- Remember that you represent the Town at all times.
- Accept your position as a means of unselfish public service and do not attempt to benefit personally, professionally, or financially from your position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard all confidential information, including, without limitation, privileged attorney-client communications.
- Seek no favors and understand that personal aggrandizement or profit secured by holding these positions is often dishonest and may be unlawful.
- Conduct yourself so as to maintain public confidence in our local government.

- Conduct official business in such a manner as to give the clear impression that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted (e.g., Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintains full compliance, as fully as possible with all applicable laws, including, without limitation, the following:
 - The Open Meeting Law (G. L. c. 30A, §§ 18-25)
 - Procurement Laws (G. L. c. 30B)
 - The Ethics/Conflict of Interest Statute (G. L. c. 268A)
 - The Public Records Law (G.L. c. 66, § 10).
- Comply as fully as possible with all Town policies.

B. Conduct in Relation to Your Fellow Board/Commission/Committee Members

- Treat all your fellow members of the board, commission, or committee with respect despite differences of opinion.
 - Professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chair as soon as possible should you for any reason be unable to attend a given meeting.
- If you are unable or unwilling to continue to serve in your position, notify the chair of your board, commission, or committee and provide formal written notice to resign from your position to the Select Board and Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/commission/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after the presentation and discussion of all facts applicable to a question.

C. Conduct in Relation to the Town Administrator

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Administrator full responsibility for making and implementing their decisions.

- Refrain from giving orders or directions to the Town Administrator for action as an individual Select Board or Committee member.
- Refrain from giving instructions to or requesting assistance from Town department heads, but rather channel all such activities through the full board, commission, or committee, and the Town Administrator.
- Refrain from providing information to the Town Administrator that you would not be willing to share with other Board members.

D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each.
- Direct questions about Town staff or requests for additional background information to the Town Administrator.
- Avoid publicly criticizing an individual employee or a department; only raise concerns about staff performance to the Town Administrator through private communication.
- Ensure that all requests for staff support go through the Town Administrator's office.

E. Other Conduct

- Read and adhere to these additional Town Policies:
 - Anti-fraud Policy
 - Harassment and Sexual Harassment Policy
 - Pregnancy and Pregnancy Workers Condition Policy
 - Workplace Violence Policy

IV. GUIDELINES FOR INDIVIDUALS SPEAKING AT PUBLIC MEETINGS

- The Chair of the public body (Board, Commission, or Committee) is responsible for conducting all public meetings in an orderly and peaceable manner.
- The Chair may allow a public comment session during the open session of a public meeting. If public comment is posted on the meeting agenda, the session will last for no more than ten minutes. Each speaker during the public comment session shall be limited to a maximum of two minutes.
- Members of the public may speak only with the permission of the chair.
- To maintain an orderly and peaceable meeting, all speakers must identify themselves by name and address prior to speaking.
- All remarks shall be addressed to or through the chair or to the public body as a whole.
- Matters presented by speakers during a public comment session will not be debated or acted upon by the public body at the time they are presented. All persons addressing

the public body must conduct themselves in a peaceable and orderly manner. Such persons may not make true threats of violence or incite imminent lawless conduct by others. Additionally, speakers are encouraged to refrain from making any personal, impertinent, unduly repetitive, slanderous, or profane remarks. Speakers are further encouraged to respect the views and opinions of others (including members of the public body and the general public) and to treat others respectfully.

- Individuals in attendance at a public meeting may not interrupt recognized speakers or members of the public body. Further, such individuals are encouraged to refrain from engaging in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling; stamping of feet; or other acts which disrupt or otherwise impede the orderly conduct of any meeting.
- If any person disrupts the proceedings of a meeting, the chair shall give the person a clear warning to cease such disruption. If, after a clear warning, the person continues to be disruptive, the chair may order the person to withdraw. If the person so ordered fails to withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.
- Whenever the public is allowed to participate in remote public meetings, the same rules and guidelines that apply to in-person meetings apply to their remote counterparts.
- Comments made during public comment sessions do not reflect the views or the positions of the public body before which the member of the public is speaking. Because of constitutional free speech principles, public bodies do not have the authority to prevent or limit all speech that may be upsetting or offensive during such sessions.

V. DISTRIBUTION AND EDUCATION

- The Town Clerk shall provide a copy of this policy to all members upon its issuance and upon the subsequent appointment or re-appointment of any member.
- The Town Clerk shall maintain and distribute educational materials from the State Ethics Commission to members.
- The Town Clerk shall educate the Board and members on the Conflict of Interest Law and ensure compliance with annual state mandated on-line training.

Board and Committee Code of Conduct Policy

Signature: _____

Print Name: _____

Body: _____

Position: _____

By signing, I acknowledge that I have received, read, and understood the **Board and Committee Code of Conduct Policy** of the Town of Stow.

Furthermore, I understand that I will be held responsible for complying with the provisions of this policy and am subject to disciplinary action, as outlined in the Town Charter and in compliance with the Open Meeting Law.

To: Hector Constantzos <hconstantzos@stow-ma.gov>

Subject: Download: Updated Guidelines for Public Meetings



The Voice of Cities & Towns
www.mma.org

Hello,

Thank you for registering for [our June 5 webinar reviewing the legal and operational implications of the recent SJC Ruling](#). During the session, Attorneys John Davis and Regina Ryan reviewed updates to **MIAA's code of conduct policy**, which contains guidelines for individuals speaking at public meetings.

You can now view and download the revised code of conduct on the MMA website. Notable changes were made to **Section IV, "Guidelines for Individuals Speaking at Public Meetings,"** to help municipal officials proceed in the current environment.

[View the Guidelines](#)

Questions?

Contact [Lily Rancatore](#)

MMA Education & Training Coordinator



Massachusetts Municipal Association
3 Center Plaza
Suite 610
Boston, MA 02108
(617) 426-7272 | [Email Us](#) | [View our website](#)

Code of Conduct



GUIDELINES FOR TOWN BOARDS AND COMMITTEES

I. PURPOSE

These guidelines serve as the standard for achieving and maintaining a high level of public confidence, trust, and professional respect with regard to how the Town of X (the “Town”) and its officials conduct business. These guidelines are intended to define and create a centralized understanding with regard to standards of conduct.

The Select Board recognizes the importance of maintaining professional standards at all levels of the government, including for those who volunteer their time and services on behalf of the Town. The Select Board encourages other boards and committees of the Town who are not appointed by the Select Board to adopt these guidelines.

II. APPLICABILITY

These guidelines apply to the Select Board; to all other Town boards, commissions, and committees appointed by the Select Board or the Town Manager/Town Administrator; and to all presiding officers, board members, commission members, committee members, public officials, and other representatives of the Town appointed by the Select Board, or Town Manager/Town Administrator while acting in their official capacity or while acting on behalf of the Town.

CODE OF CONDUCT



III. CODE OF CONDUCT

All members of the Select Board and all other individuals listed above assume the following obligations and commitments:

A. Conduct Generally and in Relation to the Community

- Stay informed about the local and state duties of a board or committee member.
- Remember that you represent the Town at all times.
- Accept your position as a means of unselfish public service and do not attempt to benefit personally, professionally, or financially from your position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard all confidential information, including, without limitation, privileged attorney-client communications.
- Seek no favors and understand that personal aggrandizement or profit secured by holding these positions is often dishonest and may be unlawful.
- Conduct yourself so as to maintain public confidence in our local government.
- Conduct official business in such a manner as to give the clear impression that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted (e.g., Executive Session), conduct the business of the public in a manner that promotes open and transparent government and maintains full compliance with the Open Meeting Law.
- Comply as fully as possible with all Town policies.
- Comply as fully as possible with all applicable laws, including, without limitation, the following:
 - The Open Meeting Law (G. L. c. 30A, §§ 18-25)
 - Procurement Laws (G. L. c. 30B)
 - The Ethics/Conflict of Interest Statute (G. L. c. 268A)
 - The Public Records Law (G.L. c. 66, § 10).

CODE OF CONDUCT



B. Conduct in Relation to Your Fellow Board/Commission/Committee Members

- Treat all members of the board/commission/committee with respect despite differences of opinion; professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chair should you for any reason be absent from a given meeting or be unable or unwilling to continue to serve. Formal notice to resign from a board/commission/committee requires written notification to the Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/commission/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after the presentation and discussion of all facts applicable to a question.

C. Conduct in Relation to the Town Manager/Town Administrator

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Manager/Town Administrator full responsibility for making and implementing their decisions.
- Refrain from giving orders or directions to the Town Manager/Town Administrator for action as an individual Select Board member.
- Refrain from giving instructions to or requesting assistance from Town department heads, but rather channel all such activities through the full board/commission/committee and the Town Manager.
- Refrain from providing information to the Town Manager/Administrator that you would not be willing to share with other Board members.

CODE OF CONDUCT



D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each.
- Direct questions about Town staff or requests for additional background information to the Town Manager/Administrator.
- Avoid publicly criticizing an individual employee or a department; only raise concerns about staff performance to the Town Manager/Administrator through private communication.
- Ensure that all requests for staff support go through the Town Manager's/Town Administrator's office.

IV. GUIDELINES FOR INDIVIDUALS SPEAKING AT PUBLIC MEETINGS

- The chair of the public body is responsible for conducting all public meetings in an orderly and peaceable manner.
- The public body may allow a public comment session during the open session of a public meeting. If public comment is posted on the meeting agenda, the session will last for no more than fifteen minutes. Each speaker during the public comment session shall be limited to a maximum of three minutes.
- Members of the public may speak only with the permission of the chair. To maintain an orderly and peaceable meeting, all speakers must identify themselves by name and address prior to speaking.
- All remarks shall be addressed to or through the chair or to the public body as a whole. Matters presented by speakers during a public comment session will not be debated or acted upon by the public body at the time they are presented.
- All persons addressing the public body must conduct themselves in a peaceable and orderly manner. Such persons may not make true threats of violence or incite imminent lawless conduct by others. Additionally, speakers are encouraged to refrain from making any personal, impertinent, unduly repetitive, slanderous, or profane remarks. Speakers are further encouraged to respect the views and opinions of others (including members of the public body and the general public) and to treat others as the speaker wishes to be treated.

CODE OF CONDUCT



- Individuals in attendance at a public meeting may not interrupt recognized speakers or members of the public body. Further, such individuals are encouraged to refrain from engaging in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling; stamping of feet; or other acts which disrupt or otherwise impede the orderly conduct of any meeting.
- If any person disrupts the proceedings of a meeting, the chair shall give the person a clear warning to cease such disruption. If, after a clear warning, the person continues to be disruptive, the chair may order the person to withdraw. If the person so ordered fails to withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.
- Whenever the public is allowed to participate in remote public meetings, the same rules and guidelines that apply to in-person meetings apply to their remote counterparts.
- Comments made during public comment sessions do not reflect the views or the positions of the public body before which the member of the public is speaking. Because of constitutional free speech principles, public bodies do not have the authority to prevent or limit all speech that may be upsetting or offensive during such sessions.

V. DISTRIBUTION AND EDUCATION

- The Town Clerk shall provide a copy of these guidelines to all members upon its issuance and upon the subsequent appointment or re-appointment of any member.
- The Town Clerk shall maintain and distribute educational materials from the State Ethics Commission to members.
- The Town Clerk shall develop a schedule of training programs to educate the Board and members on the Conflict of Interest Law and ensure compliance with said Law.
- The Town Clerk shall educate the Board, members, and officials on the Conflict of Interest Law and ensure compliance with annual state mandated on-line training.

MINUTES

Select Board Meeting Minutes
Tuesday, August 8, 2023
Stow Town Building & Zoom

Present in the Warren Room: Cortni Frecha, Megan Birch-McMichael, Ingeborg Hegemann Clark, John “JT” Toole, and Town Administrator Denise Dembkoski

Absent: Hector Constantzos

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

Public Comment - none

Board Member Comments – none

Appointment – Brian Hatch to Superintendent of Streets

Brian Hatch was present in the Warren Room.

The recommendation letter from the Town Administrator was read into the record by Chair Frecha:

“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.”

Mr. Hatch thanked the Board and the members of the department who showed up to support him, adding that the great crew of guys make him look good. He also thanked everyone in the other town departments that he has worked with, especially Denise and Dolores Hamilton for their support during this transition. Mr. Hatch thanked Tracy, “the other half,” for her support through the years which included being woken up by 2 a.m. telephone calls, and expressed his appreciation for her.

Board member Toole moved to appoint Brian Hatch to the position of Superintendent of Streets for the Town of Stow through June 30, 2024.

Board member Birch-McMichael seconded the motion and it passed unanimously.

Mr. Hatch was sworn in as Superintendent of Streets by Town Clerk Linda Hathway.

Recognition – Tye and Julie Morancy of Taylor Road

Tye and Julie Morancy were present via Zoom.

The Morancys were recognized for their heroic actions on Sunday, July 23, 2023 when they responded to a plane crash in their yard and assisted the pilot and passengers prior to the arrival of public safety responders. Several folks took part in the virtual recognition.

Police Chief Michael Sallese thanked them for going above and beyond by starting the chain of survival on that day. He presented them with a Certificate of Accommodation and an Accommodation Ribbon.

Fire Chief JP Benoit presented them with a Certificate of Recognition and firefighter Challenge Coins and said what they did at the time of the incident was very valuable. Their call to 911 enabled the department to call immediately for helicopters and additional ambulances.

Chair Frecha presented the Morancys with a MA House of Representatives Citation from State Representative and Speaker Pro Tempore Kate Hogan.

On behalf of the Select Board and the community at large, the Morancys were presented with a plaque in grateful recognition of their brave and selfless actions, and heroic assistance, on July 23, 2023.

Julie Morancy said they were amazed at the quick response from Stow and first responders from other towns, and said they felt that they did what anybody else would have done. She said that Chief Sallese and his offices have continued to check in on them. They feel blessed to live in Stow.

Town Administrator (TA) Report

- The Town Building will be closed tomorrow from 12-2 p.m. for an employee appreciation lunch.
- In response to many inquiries, the TA reported that there is no movement on the Bose property. The Planning Director and the TA have had several meetings with Bose personnel and they are actively marketing their property. The private school is still interested.
- The TA will be on vacation next week, returning to the office on Monday August 21st.

Permit for Stow Firefighters Association “Touch-A-Truck”

Erick Benoit was present in the Warren Room.

Mr. Benoit provided details on this year’s Touch-A-Truck which will be held at the Bose property on Saturday, August 26, rain or shine, and will be bigger and better than the previous two years. Ms. Demboski said that the application is complete and there are no outstanding items.

Board member Toole moved to approve a permit for the Stow Firefighters Association “Touch a Truck” on Saturday, August 26, 2023, from 10 AM until 2 PM, pending receipt of all necessary permits. Board member Birch-McMichael seconded the motion and it passed unanimously.

Town Meeting Discussion with the Town Moderator

Town Moderator Jim Salvie was present in the Warren Room.

Mr. Salvie thought he and the Board should share any important conclusions from the spring Annual Town Meeting (ATM) before they head into the fall Special Town Meeting (STM). Town Clerk Linda Hathaway always provides town meeting feedback forms, and the ATM had a lot of appreciation for Kid Town Meeting. Other comments fell into three buckets: the sound system; the clickers; and the length of town meeting, and in particular the number of articles on the warrant. Mr. Salvie wanted the Board to know that they have complete discretion over the warrant except for petition articles, which gives them the ability to control the number of articles and the length of the meeting. Mr. Salvie said that the clickers were tested multiple times before town meeting and they did work.

Ms. Demboski said that the STM will now be held at Center School. The set-up is different and the sound and the clickers should not be an issue. The combined cafeteria/auditorium/ gymnasium has a capacity of 1,100 people in one space and participants can bring a snack if they would like to eat during the meeting. The downside is that the entire set-up has to be done around the school’s schedule, and this involves renting and setting up chairs. Clickers have been borrowed from Sterling for a total of 960

clickers, which includes our 500, and we will acquire about 200 more. The clickers are already being thoroughly checked. Mr. Salvie added that if the clickers do not work there will be tellers ready to do a hand count of the vote. There will be babysitting services offered by the Kid Town Meeting folks, but they are not planning activities.

Ms. Demboski said that she and the Town Clerk will be issuing a formal press release with details for the STM, with guidelines urging people to check in early beginning at 6 p.m., and possibly earlier. Mr. Salvie said that the meeting will start promptly at 7 p.m. even if people are waiting to check in.

Charter Review Committee (CRC) - Update on Articles/Changes for Special Town Meeting

CRC Chair Deb Woods was present in the Warren Room. CRC members were present in the Warren Room and via Zoom.

Ms. Woods updated the Board of the proposed changes to the charter by reviewing each article:

- Article 4: Moderator; changes to clarify and simplify sections 2-2, 2-10, and 3-5(c)(d);
- Article 5: Investigations; the change will eliminate publishing the investigation report summary;
- Article 6: Town Administrator; changes to clarify and simplify sections 4-1, 4-2(h) 4-4, and 4-6;
- Article 7: Elected Officials, Town Administrator, General Provisions; changes to sections 3-2, 3-6, 4-2, and 7-7 regarding the Planning Board and the Master Plan Committee;
- Article 8: Removal and Suspensions; clarifying language in sections 5-4;
- Article 9: Select Board Appointments; general updates in section 5-5;
- Article 10: General Provisions; updates to procedures governing multiple member bodies in section 7-8;
- Article 11: Elected Officials; update to recall of elected officers in section 3-1;
- Article 12: General Provisions; changes to definitions in section 7-5;
- Article 13: Administrative; updates to sections 5-1, 6-2, 6-5, and 6-6;

Ms. Demboski reviewed Article 14, which is in tandem with Article 3 (change to the bylaws regarding a Director of Public Works), and affects Article 9:

- Article 14: Charter Change - Vest Authorities for Cemeteries and Streets in Director of Public Works; changes to section 5-5.

Review Draft Special Town Meeting Warrant

Ms. Demboski reviewed the remaining articles:

- Article 1: to incur debt for the Nashoba Regional High School Building Project of \$241,714,926;
- Article 2: additional funds for the renovation of the Randall Library; this will not increase taxpayer contribution or ask the taxpayers to fund this;
- Article 3: combine authorities for the cemeteries and streets in Director of Public Works;
- Article 15: acceptance of a portion of Box Mill Road as a public way;
- Article 16: amend General Bylaw Article 4, Section 9, which is a “clean-up” from the Municipal Modernization Act;
- Article 17: Special Election question; there is no dollar amount on the ballot because state statute does not allow it. This would authorize Stow’s portion of approximate \$64M for the NRHS project. A “yes” vote means you want to pay for the school.

The Board will get the final warrant at the next meeting and can vote on any recommendations.

Ballot Question for the September 23, 2023 Election

Board member Toole moved to approve the Nashoba Regional School District (NRSD) High School ballot question as presented at this meeting.

Board member Birch-McMichael seconded the motion and it passed unanimously.

Making Common Road One-Way & Approve Traffic Safety Advisory Committee (TSAC) Public Hearing

Ms. Dembkoski displayed photos of Common Road at the entrance to the Library and discussed the outside plans for the library renovation which include a true sidewalk and the refiguring of parking on Common Road. Drivers park on both sides of the road which is hazardous to drivers and pedestrians.

Chief Sallesse said that making Common Road a one-way has been considered a safety issue for many years. The road, which has a 25 mile-per-hour speed limit, has a lot of traffic. Common Road will be closed for a few years during the library renovation and could be re-opened in a safer way as a one-way in the westbound direction. Allowing a public hearing gives the abutters and residents a chance to be heard. Ms. Hegemann wants to make sure that all options will be available for discussion, including both options for a one-way on Common Road and not just a one-way off Great Road (westbound).

Ms. Dembkoski said that if the Board allows the TSAC to move forward with a public hearing and we continue to move forward with making Common Road one-way, it will coincide with the Planning Department's Town Center Study Project. The goal is that both would be happening at the same time and when the library reopens there could be a new traffic pattern with a potential new light timing pattern, a new one-way, better stop signs, and better crosswalks. They are different projects but they feed into the same area.

Board member Toole moved to support continued exploration of changing Common Road to a one-way street, and allow the Traffic Safety Advisory Committee (TSAC) to hold a public hearing on this issue to gather further feedback.

Board member Birch-McMichael seconded the motion and it passed unanimously.

Amendment to the Stow Acres Retained Rights Agreement

Stow Acres has asked to extend its retained rights agreement for another year as the developer has not yet applied for their permits. Ms. Dembkoski and Conservation Director Kathy Sferra met with Peter Brown from Stow Acres to discuss terms for the extension and the agreement includes other items which are advantageous to the town.

Board member Toole moved to approve the amendment to the Stow Acres Retained Rights Agreement, as presented at this meeting.

Board member Birch-McMichael seconded the motion and it passed unanimously.

Meeting Minutes

Board member Toole moved to accept the meeting minutes of the July 25, 2023 meeting as drafted.

Board member Birch-McMichael seconded the motion and it passed unanimously.

Board Correspondence & Updates

Mr. Toole asked when the discussion on a policy for other boards to be recorded would be put back on the agenda, adding that it is not feasible to attend every board and committee meeting. Discussion

ensued about the need for more transparency and accessibility. A policy would not be enforceable across all boards as the Select Board cannot dictate to elected boards, but they could ask all boards and committees to follow a policy. Ms. Birch-McMichael agreed with Mr. Toole, adding that she wants this on an agenda this fall as things have been brought to her attention that she has not had the opportunity to review or rebut because the meetings are not out there. Chair Frecha said she does not want to confuse the Open Meeting Law with the intent to be transparent. This will be on a future agenda as a discussion of a potential policy.

Ms. Hegemann asked about the former gas station in Lower Village; someone is interested in building an automobile detailing shop.

Ms. Hegemann asked about the status of Dunkins; they are having some difficulties with the DEP.

Ms. Dembkoski said there is much discussion about gun manufacturers. On Tuesday, August 15 the Planning Board is holding a public hearing on an application for the Gleasondale Mill to add 20-25 art spaces and 10 gun manufacturing spaces. This is not something that the town is advocating for; the business owner is trying to rehabilitate the mill and the location is zoned for industrial use which allows manufacturing.

Adjournment

At 8:46 p.m. Board member Toole moved to adjourn. Board member Birch-McMichael 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.