

AGENDA
SELECT BOARD
September 26, 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. Appointments
 - Ruth Sudduth to the Zoning Board of Appeals through June 30, 2028
 - Lieutenant Kellie Barhight to the Complete Streets Committee representing the Police Department through June 30, 2025
 - Captain Barry Evers to the Complete Streets Committee representing the Fire Department through June 30, 2025
5. Discussion and Possible Vote
 - Highway disposal request
 - Request for modification of Shelburne Farm One Day Liquor License hours
 - Adoption of M.G.L. c. 32B, §§21-23 to allow negotiation of health insurance changes
 - Review Code of Conduct policy
 - Anti-Racism Statement with Resident Feedback
 - Discuss potential policy for all Stow Board and Committee meetings to be recorded and broadcast/uploaded to YouTube
6. Meeting minutes
 - September 12, 2023
7. Board Correspondence & Updates
8. Adjournment

Posted Friday, 9/22/2023
1:20 p.m.

Correspondence received:

9/11/23 from Sondra Albano; Feeback on Town Administrator's Goals Status Report

9/21/23 from Susan Keirouz; tax rate question

9/19/23 from Conservation Commission; Notice of Public Hearing 10/3/2023, Cottages at Wandering Pond

9/20/23 from GZA GeoEnvironmental, Inc.; Private Drinking Water Well Analytical Results – Various Properties in Hudson and Stow

9/21/23 from Kerry Morris of Comcast; Programming Advisory

APPOINTMENTS

Ruth Sudduth
to the Zoning Board of Appeals
through June 30, 2028



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: Appointment of Ruth Sudduth to the Zoning Board of Appeals

Date: September 21, 2023

I received two applications for appointment to the Zoning Board of Appeals, Ruth Sudduth and Lenny Golder. I met with both candidates and discussed their reasons for applying and what they feel the role of the ZBA is.

After discussion with Karen Kelleher and Chair David Hartnagel, I would like to recommend Ruth Sudduth to the position. Ruth has been an associate on the ZBA since 2009, and while she hasn't been active lately, she has participated in a number of large projects over the years. Ruth has always been available when called upon to sit in on an application, and her particular strength is for Comprehensive Permits. Ruth is eager to participate and looks forward to the Stow Acres development comprehensive permit process.

Lenny has been an associate to the ZBA since 2019, and does regularly attend meetings, however, I believe it is important to have some diversity and a new voice on the Board.

Ruth comes highly recommended by a number of residents and I think she will be a great addition to the Zoning Board and I respectfully ask for your ratification of the recommendation.

Thank you.

Phoebe Haberkorn

From: Stow MA via Stow MA <cmsmailer@civicplus.com>
Sent: Saturday, July 15, 2023 5:42 PM
To: selectboard
Subject: Form submission from: Board and Committee Volunteer Application

Submitted on Saturday, July 15, 2023 - 5:42pm
Submitted by anonymous user:
Submitted values are:

Today's Date: July 15, 2023

Title: Mrs

First Name: Ruth

Last Name: Sudduth

Street Address:

Address Line 2:

Email Address

Telephone Number:

Are you a Registered Voter in the Town of Stow? Yes

Which vacancy are you applying for? Zba full member (am associate)

Have you attended any meetings of this committee? Yes

Experience: Planning board for many years and Associate member of zba.

Goals: I would like to contribute meaningfully to this important body.

Share:

Upload resume for further information (optional):

The results of this submission may be viewed at:

*appointed as an
Associate Sept 1, 2009*

Joyce Sampson

From: Stow MA via Stow MA <cmsmailer@civicplus.com>
Sent: Wednesday, June 28, 2023 8:05 PM
To: selectboard
Subject: Form submission from: Board and Committee Volunteer Application

Submitted on Wednesday, June 28, 2023 - 8:05pm
Submitted by anonymous user:
Submitted values are:

Today's Date: June 28, 2023

Title: Zoning Board of Appeals ,permanent member

First Name: Leonard

Last Name: Golder

Street Address:

Address Line 2:

Email Address:

Telephone Number:

Are you a Registered Voter in the Town of Stow? Yes

Which vacancy are you applying for? Zoning Board of Appeals, permanent member

Have you attended any meetings of this committee? Yes

Experience: I have served as an associate member of the ZBA for the past 5 years.I currently also serve on the Board of Assessors.I have bee Previously I have served on the Planning Board for 15 years,the Library Board of Trustees ,and the Selectboard. I have been practicing ss an attorney for 43 years.

Goals:

I would like to have a vote on the hearings I participate in .I have participated as an associate for the past 5 years and have voted when there is an absence or a recusal of a permanent member. I have the experience of both participation and voting.

Share: I would like to see a new associate member come on board.But I think the permanent position should be filled with my experience After 5 years as an associate I've earned it Further the ZBA decisions involve issues of law and as a lawyer I bring that judgement in decision nmaking.

Upload resume for further information (optional):

The results of this submission may be viewed at:

*Appointed as an
Associate 6/11/2019*

Lt. Kellie Barhight to the Complete Streets Committee

Representing the Police Department
through June 30, 2025

Denise Dembkoski

From: Chief Michael Sallese
Sent: Tuesday, September 12, 2023 7:49 AM
To: Denise Dembkoski
Cc: Lieutenant Kellie Barhight
Subject: RE: Complete Streets

Good Morning,

Please remove Darren as the appointee for the police and replace him with Lt. Kellie Barhight.

Thank you,

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



From: Denise Dembkoski <townadministrator@stow-ma.gov>
Sent: Tuesday, September 12, 2023 7:46 AM
To: JP Benoit <firechief@stow-ma.gov>; Chief Michael Sallese <policechief@stow-ma.gov>
Subject: Complete Streets

Good morning,

The Complete Streets Committee needs a member from the Police and Fire Departments as they've struggled to get a quorum.

For Fire – we have JP as the appointee; for Police – we have Darren still listed.

Please reply to this email and let me know if the existing appointment should stand or be replaced and provide the updated employee to be appointed at the 9/26 SB meeting.

If you have any questions, please let me know.

Very truly yours,

Denise

Denise M. Dembkoski
Town Administrator
Town of Stow
380 Great Road
Stow, MA 01775

Capt. Barry Evers to the Complete Streets Committee

Representing the Fire Department
through June 30, 2025



STOW FIRE DEPARTMENT

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

John P Benoit
Fire Chief

May 30, 2023

Ms. Cortni Frecha
Chair Stow Selectboard

Please except this letter as my resignation from the Complete Streets Committee effective immediately. Being a member of this committee conflicts with the Traffic Safety Advisory Committee.

I wish to nominate Captain Evers as my replacement to represent the Fire Department.

Sincerely,

John P Benoit

Life Safety ~ First Priority

The Stow Fire Department is founded upon the core values of mutual trust, pride in service, integrity and diversity.

**DISCUSSION &
POSSIBLE VOTE**

Highway Disposal Request



Town of Stow
HIGHWAY DEPARTMENT

88 South Acton Road
Stow, Massachusetts 01775
(978) 897-8071
FAX (978) 897-5682

Brian Hatch
Superintendent of Streets

September 18th, 2023

To: Denise Dembkoski, Town Administrator
From: Brian Hatch, Superintendent of Streets
Re: Disposal of Retired Equipment

This memo is a request for authorization for the disposal of a metal roll off dumpster. This dumpster came to the Highway Department from the town recycling program over 20 years ago so we're not entirely sure if any record of ownership still exists.

The dumpster is a significant piece of metal and will generate a fair amount of money (~\$500.00) if scrapped; though we plan to attempt to place it on Municibid first, in case a buyer wants it whole; though given the structural damage/defects present, the department may have to expend labor to dismantle and scrap the dumpster.

Thank you for your support in this matter.

Respectfully,

Brian Hatch
Superintendent of Streets





**SAFETY
FIRST**
EYE PROTECTION
REQUIRED
IN THIS AREA

WARNING

Request for modification of
Shelburne Farm One Day Liquor
License hours

Joyce Sampson

From: Shelburne Farm <office@shelburnefarm.com>
Sent: Wednesday, September 20, 2023 5:22 PM
To: selectboard
Cc: Joyce Sampson; office@shelburnefarm.com
Subject: Request for modification to operating hours for event permits, extension +90 minutes from 12-4 to 12-5:30 PM

Dear members of the board,

First and foremost thank you for your support and help with opening our first hard cider barn, it has gone very well to this point. I am writing to request a modification to the operating hours for all of the single day event licenses we have received to serve hard cider, and in particular to extend the service by 90 minutes, that is, to change the hours from 12-4 ("is now") to 12-5:30 ("would be"). Operations have gone very well to this point. We have found that the traffic patterns are not overwhelming but rather remain predictable and steady from 12-4, and that many people in good weather trickle in from the orchard having completed their picking or hay rides after 4PM. On arrival to the barn area many have expressed interest in being served up to about 5:30 PM after they have completed the outdoor portion of their visit. We have also received a request from one of the cider makers to visit the farm and present information about his cider during the later part of the afternoon, which would mean staying open until 5:30 too.

Thank you very much for your consideration!

-Ted & Liz Painter
Shelburne Farm
106 West Acton Road

Adoption of MGL c.32B §§21-23
to allow negotiation for health
insurance changes

801 CMR: EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

801 CMR 52.00: MUNICIPAL HEALTH INSURANCE

Section

52.01: General Provisions

52.02: The Vote by a Political Subdivision to Implement Changes in Group Health Insurance Benefits Pursuant to M.G.L. c. 32B, §§ 21 through 23

52.03: The Implementation Notice

52.04: The 30-day Negotiation Period

52.05: Health Insurance Review Panel

52.06: Health Insurance Review Panel Process

52.07: Implementation of Agreements Reached Under M.G.L. c. 32B, §§ 21 through 23

52.01: General Provisions

(1) Purpose.

(a) 801 CMR 52.00 carries out the process by which political subdivisions elect to change health insurance benefits under M.G.L. c. 32B, §§ 21 through 23.

(b) The process set forth in 801 CMR 52.00 shall be followed each time a political subdivision elects to change health insurance benefits under the process authorized by M.G.L. c. 32B, §§ 21 through 23 (the implementation process), except that acceptance under M.G.L. c. 32B, § 21(a) need only occur once.

(2) Definitions. Unless otherwise provided, terms shall have the meanings assigned to them in M.G.L. c. 32B. The following terms shall have the following meanings:

Collective Bargaining Unit. An employee organization as defined in M.G.L. c. 150E, § 1 that is acting as the exclusive bargaining representation of the bargaining unit. Notice to a collective bargaining unit under 801 CMR 52.02 shall be made to the principal officer of each bargaining unit.

Impartial Member. The member of the review panel selected from a list of three potential members provided by the Secretary of Administration and Finance under the process set forth in 801 CMR 52.05(1).

Implementation Notice. The notice required under M.G.L. c. 32B, § 21(b) of the intent to enter into negotiations to implement proposed changes to health insurance benefits.

Insurance Advisory Committee. An advisory committee established by a public authority as specified in M.G.L. c. 32B, § 3.

Limited Provider Network. A reduced or selective provider network which is smaller than a carrier's general provider network and from which the carrier may choose to exclude from participation other providers who participate in the carrier's regional provider network or general provider network for the purpose of reducing premium costs but which offers the same benefits to those provided by the carrier's general provider network.

Maximum Possible Savings. The method used to determine whether a proposal to transfer subscribers to the Commission would achieve at least 5% greater savings than the maximum possible savings that would be attained by plan design changes authorized under M.G.L. c. 32B, § 22. Maximum Possible Savings means the savings that would be realized for the first 12 months if a political subdivision were to provide health insurance coverage to its subscribers by implementing changes to health insurance benefits that equal the dollar amounts of the most-subscribed plan's design features for the same or most similar benefits offered by the commission for a non-Medicare plan under M.G.L. c. 32A, § 4 and for a Medicare-extension plan under M.G.L. c. 32A, §§ 10C and 14. Where the political subdivision currently does not offer a tiered provider network, the maximum possible savings shall be calculated by comparing the savings that would result if the dollar amounts of the co-pays, deductibles and other cost-sharing plan design features in the political subdivision's plan equaled the dollar amounts of the co-pays, deductibles and other cost-sharing plan design features under tier 2 of the commission's most-subscribed plan. Where the political subdivision currently offers a tiered

52.01: continued

provider network that is tiered differently from the tiering in the commission's most-subscribed plan, the maximum possible savings shall be calculated by assuming the co-pays, deductibles and cost-sharing plan design features in each tier of the political subdivision's plan are equal to those in the same tier of the commission's most-subscribed plan, beginning with a comparison of the highest tier. If the political subdivision's plan has fewer tiers than the commission's plan, the political subdivision's highest tier shall be compared to the commission's tier 3, and the second highest tier to the commission's tier 2.

Mitigation Proposal. A proposal to mitigate, moderate or cap the impact of these changes for subscribers, including retirees, low income subscribers and subscribers with high out-of-pocket health care costs, who would otherwise be disproportionately affected.

Public Employee Committee. The committee established under M.G.L. c. 32B, § 19 or 21. If a public employee committee has not been established under M.G.L. c. 32B, § 19, a public employee committee shall be established exclusively to negotiate changes under M.G.L. c. 32B, §§ 21 through 23, and shall be established in the same form and with the same percent votes as prescribed in M.G.L. c. 32B, § 19(a), fifth paragraph. A public employee committee established under M.G.L. c. 32B, § 21 exclusively to negotiate changes under M.G.L. c. 32B, §§ 21 through 23 shall be considered dissolved upon completion of the process described in M.G.L. c. 32B, §§ 21 through 23.

Review Panel. The municipal health insurance review panel comprised of three members, one of whom shall be appointed by the public employee committee, one of whom shall be appointed by the public authority and one of whom shall be selected under the process set forth in 801 CMR 52.05(1).

RSCME. The Retired State, County and Municipal Employees Association, located at 11 Beacon Street, Suite 321, Boston, MA 02108.

Secretary. The Secretary of Administration and Finance.

Tiered Provider Network. A provider network in which a carrier assigns providers to different benefit tiers based on the carrier's assessment of a provider's cost efficiency and quality, and in which insureds pay the cost-sharing (copayment, coinsurance or deductible) associated with a provider's assigned benefit tiers.

(3) Notices.

(a) The advance notice of intent to vote sent by an appropriate public authority under 801 CMR 52.02(1) shall be sent:

1. by certified mail, delivery confirmation and return receipt requested; or
2. delivered by hand with a certification of delivery signed by the deliverer, and a copy shall be sent to the Secretary. If the notice is sent by certified mail, either post office evidence of attempted delivery or return receipts shall be *prima facie* evidence of the time of receipt. The appropriate public authority may include in this notice a statement of its intent to provide further notices by email, along with a requirement that each recipient of the notice provide an email address for future notices. If any recipient of this notice does not provide an email address, the appropriate public authority shall provide notice to that recipient by:

- a. certified mail, delivery confirmation and return receipt requested; or
- b. delivery by hand with a certification of delivery signed by the deliverer.

(b) Additional notices may be sent by any of the following three methods:

1. by certified mail, delivery confirmation and return receipt requested;
2. delivery by hand with a certification of delivery signed by the deliverer; or
3. by email address if a requirement for email addresses was included in notice sent under 801 CMR 52.01(3)(a). Any notices sent by email will be presumed received unless the email is returned as undeliverable within 24 hours of sending. Notices sent to subscribers under 801 CMR 52.07 may be sent by regular mail and are not subject to the requirements of 801 CMR 52.01(3)(b).

52.01: continued

(c) A copy of all notices shall be sent to the Secretary electronically at: MunicipalHealth@dor.state.ma.us.

(d) Notices sent by the Secretary may be sent by regular mail or by any of the methods specified in 801 CMR 52.01(3)(b).

52.02: The Vote by a Political Subdivision to Implement Changes in Group Health Insurance Benefits Under M.G.L. c. 32B, §§ 21 through 23

(1) Advance Notice of Intent to Vote. At least two calendar days in advance of any vote electing to change group health insurance under the process authorized by M.G.L. c. 32B, §§ 21 through 23, the appropriate public authority shall send a notice to each collective bargaining unit to which the authority provides health insurance benefits and to the Retired State, County Municipal Employees Association (RSCME) that the political subdivision intends to vote on whether to implement the process. The vote of the political subdivision under M.G.L. c. 32B, § 21(a) may be in the following form: "The [name of political subdivision] elects to engage in the process to change health insurance benefits under M.G.L. c. 32B, §§ 21 through 23."

(2) Notice of Vote, Request for Name and Contact Information for Public Employee Committee Representatives, and Number of Eligible Unit Members.

(a) A political subdivision which has elected under M.G.L. c. 32B, § 21(a) to change health insurance benefits under M.G.L. c. 32B, §§ 22 through 23, shall, before implementing any changes, evaluate its health insurance coverage and determine the savings that may be realized after the first 12 months of implementation of cost-sharing plan design changes or upon transfer of its subscribers to the commission. The appropriate public authority shall then notify its insurance advisory committee, or such committee's regional or district equivalent, of its estimated savings. The notice shall include all the information required in 801 CMR 52.03. In any political subdivision in which an insurance advisory committee has not already been established under M.G.L. c. 32B, § 3, the appropriate public authority shall notify the president of each organization of employees affected and shall designate and notify a retiree of a governmental unit as a member of the committee. The insurance advisory committee, within ten days after receiving this notice, shall meet with the appropriate public authority to discuss its estimated savings and any reports or other documentation requested by the insurance advisory committee before that meeting. If the committee does not meet within ten days after receiving proper notice, it shall be considered to have discussed the matter with the appropriate public authority.

(b) Not later than two business days after the insurance advisory committee meets with the appropriate public authority or ten days after the insurance advisory committee receives notice from the appropriate public authority, whichever occurs first, a political subdivision which has elected under M.G.L. c. 32B, § 21(a) to make changes under M.G.L. c. 32B, § 22 or 23 shall, provide a notice of its decision, in writing, to the president or designee of each collective bargaining unit and to the RSCME and shall include the number of employees eligible for health insurance under M.G.L. c. 32B employed in each bargaining unit of the political subdivision.

(c) In any political subdivision which has not previously formed a public employee committee under M.G.L. c. 32B, § 19, the notice shall request that each of the collective bargaining units and the RSCME provide the name, address, phone number, and email address of its designated public employee committee representative.

(d) Where a public employee committee already exists under M.G.L. c. 32B, § 19, each collective bargaining unit and RSCME shall, within two business days of receipt of notice under 801 CMR 52.02(2)(d), provide the appropriate public authority with the name, address, phone number and email address of its designated public employee committee representative. If no public employee committee exists at the time of receipt of the notice, each collective bargaining unit and RSCME shall designate a representative to a public employee committee exclusively to negotiate changes under M.G.L. c. 32B, §§ 21 through 23 and provide the appropriate public authority with the name, address, phone number and email address of its designated public employee committee representative within five business days after receipt of notice under 801 CMR 52.02(3). If no public employee committee exists at the time of receipt of notice from the political subdivision and the appropriate public authority has not received this information from a collective bargaining unit or RSCME within five business

52.02: continued

days, the collective bargaining unit's principal officer shall be the unit's representative on the public employee committee, the president of the RSCME shall be its representative on the public employee committee, and the appropriate public authority shall send the notice specified under 801 CMR 52.03 to the collective bargaining unit's principal officer and to RSCME's president.

52.03: The Implementation Notice

The appropriate public authority shall give the written notice required in M.G.L. c. 32B, § 21(b) to the insurance advisory committee in accordance with 801 CMR 52.02(2)(a) and, not later than two business days following the appropriate public authority's receipt of notice of the representatives of the public employee committee under 801 CMR 52.02(2)(d), to each public employee committee representative identified by the collective bargaining units and the RSCME. The notice shall include the following information:

- (a) the proposed changes to the political subdivision's health insurance benefits, including:
 1. a description of the political subdivision's current health insurance plans and each plan's co-pays, deductibles and other cost-sharing plan design features, enrollment (broken out by enrollment in individual, individual plus one, and family plans), annual premium total cost, and percentage of premium total cost paid by political subdivision;
 2. a description of the proposed changes, including:
 - a. the earliest practical date for implementing the changes under law;
 - b. each plan to be offered, and the projected enrollment under each plan, including continued projected enrollment for subscribers covered by existing collective bargaining agreements that specify plan design features; retirees enrolled and being transferred for the first time to Medicare under M.G.L. c. 32B, § 18A and Medicare supplemental health insurance plans; and subscribers moved to the new, proposed insurance plans; and
 - c. the proposed dollar amounts for each plan's co-pays, deductibles and other cost-sharing plan design features. A proposal shall not include a health benefit plan design feature which seeks to achieve premium savings by offering a limited network of providers unless the appropriate public authority also offers a health benefit plan to all subscribers that does not contain a limited network of providers.
- (b) the co-payments, deductibles, tiered provider network co-payments and other cost-sharing plan design features for the same or most similar benefits of the non-Medicare plan and the co-payments, deductibles, and other cost-sharing plan design features for the same or most similar benefits of the Medicare-extension plan with the largest subscriber enrollment offered by the Commission, as provided by the Commission under M.G.L. c. 32B, § 28;
- (c) the appropriate public authority's estimate of anticipated savings of such changes and the supporting information and analysis, including but not limited to:
 1. the total projected premium costs and enrollment of plans under the existing coverage for the first 12-month period in which the appropriate public authority seeks to make changes as if no such changes were made,
 2. the anticipated total projected premium costs of plans, including plans with the proposed changes, and anticipated enrollment for the same 12-month period,
 3. the analysis that the appropriate public authority has to support its estimate of savings and the projected premium costs which may include quotes or bids from any insurance plan, third party administrator or insurance broker regarding the total premium cost of such plans with and without the proposed changes; demographic data regarding the number of employees, the number of subscribers, the number of subscribers enrolled in non-Medicare plans (by coverage - family or individual) and Medicare-extension plans; any data regarding out-of-pocket costs paid by subscribers; and any other factors relied upon by the appropriate public authority, including any information provided by an actuary or other consultant in developing the savings estimate.

If the appropriate public authority has indicated that it is considering transferring to the commission, it shall include in its analysis the estimates regarding plan choice that subscribers will make if transferred to the commission.

52.03: continued

The savings estimate shall not take into account: savings resulting from transferring eligible retirees to Medicare under M.G.L. c. 32B, § 18A, but the savings estimate shall include savings due to proposed increases in dollar amounts for co-pays and deductibles for Medicare-extension plans under M.G.L. c. 32B, § 22 or the savings resulting from the transfer to Commission's medicare extension plans under M.G.L. c. 32B, § 23.

The savings estimate shall be calculated based on the number of subscribers who will be covered under the proposed plans, including subscribers covered by existing collective bargaining agreements for whom implementation of the proposed changes would be delayed under St. 2011, c. 69, § 4. The appropriate public authority shall allocate funds to the mitigation plan in proportion to the number of total subscribers who will be covered under the proposed plan, with additional funds allocated when the plan changes are implemented for additional subscribers. Subscribers will not be eligible for mitigation funds before they are transferred to the new plans.

If the proposed change involves a transfer of health insurance coverage of subscribers to the commission, the savings estimate shall be based on a determination of maximum possible savings.

(d) the mitigation proposal, including:

1. the estimate of the cost to fund the proposal and what percentage that cost is of the savings;
2. an explanation and rationale for the proposal;
3. the manner in which it affects various subscribers, including those disproportionately affected;
4. the manner of distribution or allocation of estimated savings from the proposal.

52.04: The 30-day Negotiation Period

(1) The 30 (calendar) day negotiation period shall commence when each member of the public employee committee has received the implementation notice, with the information required under 801 CMR 52.03, in the manner specified under 801 CMR 52.01(3).

(2) The negotiations between the public employee committee and the appropriate public authority may include all aspects of the public authority's proposal. The parties are encouraged to negotiate in good faith.

(3) The public authority shall not implement any changes in health insurance benefits during negotiations absent mutual agreement of the public employee committee and the appropriate public authority.

(4) Any agreements reached between the public employee committee and the appropriate public authority shall be reduced to writing, and executed by the parties within the 30-day period.

A written agreement shall include the plan design changes or transfer to the Commission, the process to notify subscribers of the changes, the timeframe to implement the changes and the mitigation plan. The same information required for the appropriate public authority's proposal under 801 CMR 52.03 shall be included in the agreement or in a separate document accompanying it. The appropriate public authority shall send a copy of the agreement and other documents accompanying it to the Secretary within three business days after execution of the agreement, and shall send notice to the health insurance review panel created under 801 CMR 52.05 that there is no need for its services.

(5) All subscribers shall be provided with at least 60 days advance notice in accordance with M.G.L. c. 175, § 24B, of any changes in plan design, including an agreement to transfer to the Commission. Notice shall not be effective until the changes are included in a written agreement between the appropriate public authority and the public employee committee under 801 CMR 52.04(5) or a written decision of the review panel under 801 CMR 52.06.

(6) If the appropriate public authority and the public employee committee are able to reach a written agreement within 30 calendar days, the agreement shall be binding on all subscribers and their representatives, and the public authority shall implement the changes agreed to in the written agreement as quickly as practicable and in observance of the 60-day notice requirement identified above in 801 CMR 52.04(5).

52.04: continued

(7) If the change is to transfer subscribers to the Commission, the notice shall include information about the Commission plans, the enrollment process, and any other information specified by the Commission in 805 CMR 8.00: *Municipal Health Coverage* issued under M.G.L. c. 32B, § 23 relating to the process by which subscribers shall be transferred to the Commission.

52.05: Health Insurance Review Panel

(1) Creation of the Panel.

(a) The appropriate public authority shall notify the Secretary by email within three business days after the beginning of the 30-day negotiation period under 801 CMR 52.04. The notice shall include the start and end dates of the 30-day negotiation period, and the name and contact information of the public authority's representative for the health insurance review panel. The appropriate public authority shall provide each member of the public employee committee with a copy of the notice to the Secretary.

(b) Within three business days after receiving copies of notice to the Secretary under 801 CMR 52.05(1)(a), the public employee committee shall select one representative for the panel and give notice to the appropriate public authority and the Secretary. If the public employee committee does not select a representative within three days, the representative shall be deemed to be the member of the public employee committee who represents the collective bargaining unit with the largest number of subscribers. Within ten days after receiving notice from the public employee committee, or, if no such notice is received, within 13 days of receiving notice from the appropriate public authority, the Secretary shall provide the appropriate public authority, the public employee committee, and the designated panel representatives (the parties) with a list (the list) of three qualified, impartial potential members available to serve on the review panel. Impartial members shall have professional experience in dispute mediation and professional experience in municipal finance or municipal health benefits. The Secretary shall also provide the parties with the name of an actuary selected by the Commission to assist the panel in verifying the savings calculations if no agreement is reached within the 30-day period and a panel is convened.

(c) Within three business days after receiving the list, the appropriate public authority and the public employee committee shall jointly select the third member for the panel from the list and shall notify the Secretary of their joint selection.

(d) If the appropriate public authority and the public employee committee cannot agree within three business days on which person from the list to select as the third member of the review panel, the notice by the public authority to the Secretary shall include notification that the parties have been unable to reach agreement on the selection of a name from the list of potential impartial panel members. If the public authority and the public employee committee cannot agree, the Secretary shall appoint the impartial member from the list and notify the parties not later than the end of the 30-day negotiation period.

(2) If the appropriate public authority and the public employee committee are unable to reach a written agreement on the public authority's proposal within 30 calendar days, the matter shall be submitted to the municipal health insurance review panel. The appropriate public authority shall submit its original proposal to the panel within three business days after the end of the 30-day negotiation period, with a copy sent to the Secretary and each member of the public employee committee. The appropriate public authority shall submit to the panel the same proposal that it made to the public employee committee. If the proposal includes the introduction of a limited network plan, the appropriate public authority shall provide an enrollment survey, a determination of which subscribers would enroll in a broad plan and which subscribers would enroll in a limited network plan, and the effect that the addition of a limited network plan would have on total premium costs and on disproportionately affected subscribers. The results of the enrollment survey shall be considered in the savings analysis.

(3) The public employee committee shall also submit any alternate mitigation proposal to the panel and any other information the public employee committee wants the panel to consider with respect to any other matters before them within three business days after the end of the 30-day negotiation period, with a copy sent to the Secretary and the other parties.

52.05: continued

(4) Any fee or compensation provided to the impartial panel member for service on the panel shall be shared equally between the public employee committee and the appropriate public authority. The impartial members selected from the lists provided by the Secretary will be reimbursed only for reasonable travel expenses.

52.06: Health Insurance Review Panel Review Process

(1) At any time before the panel has made decisions in accordance with 801 CMR 52.06, the parties may agree in writing, with copies to the panel and the Secretary, to terminate or suspend the review process for a stated period of time because they have reached an agreement, would like additional time to negotiate an agreement under 801 CMR 52.04, have mutually decided to return to collective bargaining pursuant to M.G.L. c. 150E or have mutually decided to resume negotiations under M.G.L. c. 32B, § 19.

(2) If both parties have not mutually agreed to terminate the review process, within two business days after receipt of notice of submission to the panel, the impartial member of the review panel shall fix a time, date, and place for the panel to convene and shall give notice to the parties.

(3) Meetings of the Panel Shall be Conducted Under the Open Meeting Law. The impartial member shall serve as chair of the panel and shall arrange for suitable records to be kept. The impartial member shall ensure that each member receives advance notice of the time, place and agenda for each meeting. All decisions shall be by recorded vote.

(4) The panel has ten days to complete its required task once the panel members receive the appropriate public authority's original proposal. When the panel convenes on the date and time set by the impartial panel member, the panel shall do the following:

(a) Review the public authority's proposed changes.

1. Within ten calendar days of receiving proposed changes under M.G.L. c. 32B, §§ 22 or 23, the panel shall determine whether the proposed increased dollar amounts for co-payments, deductibles, and other cost-sharing plan design features for the non-Medicare plan under M.G.L. c. 32B, § 22 exceed the dollar amounts of the plan design features for the same or most similar benefits offered by the commission for the non-Medicare plan under M.G.L. c. 32A, § 4 with the largest subscriber enrollment. If such increased amounts do not exceed the dollar amounts of the plan design features for the same or most similar benefits offered by the commission for the non-Medicare plan under M.G.L. c. 32A, § 4 with the largest subscriber enrollment, the panel shall approve the appropriate public authority's immediate implementation of the proposed changes under M.G.L. c. 32B, § 22, subject to 801 CMR 52.07. Where the political subdivision is not proposing a tiered provider network, the determination shall be made by comparing the savings that would result if the dollar amounts of the co-pays, deductibles and other cost-sharing plan design features in the political subdivision's plan equaled the dollar amounts of the co-pays, deductibles and other cost-sharing plan design features under tier 2 of the commission's most-subscribed plan. Where the political subdivision currently is proposing a tiered provider network that is tiered differently from the tiering in the commission's most-subscribed plan, the determination shall be made by assuming the co-pays, deductibles and cost-sharing plan design features in each tier of the political subdivision's plan are equal to those in the same tier of the commission's most-subscribed plan, beginning with a comparison of the highest tier. If the political subdivision's plan has fewer tiers than the commission's plan, the political subdivision's highest tier shall be compared to the commission's tier 3, and the second highest tier to the commission's tier 3.

52.06: continued

2. Within ten calendar days of receiving proposed changes under M.G.L. c. 32B, §§ 22 or 23, the panel shall determine whether the proposed increased dollar amounts for co-payments and deductibles proposed for a Medicare-extension plan under M.G.L. c. 32B, § 22 exceed the dollar amounts of the plan design features for the same or most similar benefits offered by the commission for the Medicare-extension plan under M.G.L. c. 32A, §§ 10C and 14 with the largest subscriber enrollment. If such increased amounts do not exceed the dollar amounts of the plan design features for the same or most similar benefits offered by the commission for the Medicare-extension plan under M.G.L. c. 32A, § 4 with the largest subscriber enrollment, the panel shall approve the appropriate public authority's immediate implementation of the proposed changes under M.G.L. c. 32B, § 22, subject to 801 CMR 52.07.
 3. Where the political subdivision is not proposing a tiered provider network, the determination shall be made by comparing the savings that would result if the dollar amounts of the co-pays, deductibles and other cost-sharing plan design features in the political subdivision's plan equaled the dollar amounts of the co-pays, deductibles and other cost-sharing plan design features under tier 2 of the commission's most-subscribed plan. Where the political subdivision currently is proposing a tiered provider network that is tiered differently from the tiering in the commission's most-subscribed plan, the determination shall be made by assuming the co-pays, deductibles and cost-sharing plan design features in each tier of the political subdivision's plan are equal to those in the same tier of the commission's most-subscribed plan, beginning with a comparison of the highest tier. If the political subdivision's plan has fewer tiers than the commission's plan, the political subdivision's highest tier shall be compared to the commission's tier 3, and the second highest tier to the commission's tier 2.
 4. If the panel does not approve implementation because the appropriate public authority's proposal fails to meet the criteria detailed in 801 CMR 52.06(4)(a)1. and 2., the appropriate public authority may submit a new proposal to the public employee committee and restart the process from that point pursuant to 801 CMR 52.03.
- (b) Review the public authority's estimated monetary savings due to proposed changes, after consulting the Commission's actuary:
1. Within ten calendar days of receiving proposed changes under M.G.L. c. 32B, § 22 or 23, the panel shall confirm, the appropriate public authority's estimated monetary savings due to proposed changes under M.G.L. c. 32B, § 22 or 23.
 2. If the proposal is to transfer subscribers to the Commission, the panel shall determine if the anticipated savings by doing so would be at least five percent greater than the maximum possible savings amount that would be attained by plan design changes authorized under M.G.L. c. 32B, § 22. If the panel confirms these savings, the panel shall approve the appropriate public authority's immediate implementation of the proposed changes under M.G.L. c. 32B, § 23, subject to procedures adopted by the commission for transfer of subscribers.
 3. The appropriate public authority's estimate of savings due to the proposed changes shall be confirmed by the panel after consultation with the actuary selected by the Commission.
 4. If the panel finds that the savings estimate is unsubstantiated, it may require the public authority to provide additional information or submit a new savings estimate for the panel's review and confirmation. It may also require the public employee committee to submit a response to the new estimate.
 5. A certified copy of the vote confirming the savings estimate and, if the proposal is to transfer subscribers to the Commission, approval or rejection of the proposal, and explanation of the basis for any such change or disapproval shall be sent to the parties and the Secretary.
- (c) Review the public authority's mitigation proposal:
1. Within ten calendar days of receiving proposed changes under M.G.L. c. 32B, § 22 or 23, the panel shall review the proposal to mitigate, moderate or cap the impact of these changes for subscribers, including retirees, low-income subscribers and subscribers with high out-of-pocket health care costs, who would otherwise be disproportionately affected.

52.06: continued

2. The municipal health insurance review panel may approve the mitigation proposal, or it may determine the proposal to be insufficient and may require additional savings to be shared with subscribers in the form of health reimbursement arrangements, wellness programs, health care trust funds for emergency medical care or inpatient hospital care, out-of-pocket caps, Medicare Part B reimbursements or reimbursements for other qualified medical expenses, as determined by the panel. Premium reductions for subscribers that result from the plan design changes shall not be credited against the total amount determined to be required to fund the mitigation proposal. Any health reimbursement arrangements created under a mitigation proposal shall be administered by the appropriate public authority and shall not be the responsibility of the Commission.
 3. In no case shall the municipal health insurance review panel designate more than 25% of the estimated savings to subscribers.
 4. All obligations on behalf of the appropriate public authority related to the mitigation proposal shall expire after the initial amount of estimated savings designated by the panel to be distributed to subscribers has been expended.
 5. In reaching a decision on the proposal under 801 CMR 52.06(4)(c), the municipal health insurance review panel may consider:
 - a. any alternative proposal from the public employee committee to mitigate, moderate or cap the impact of these changes for subscribers;
 - b. discrepancies between the percentage contributed by retirees, surviving spouses and their dependent and the percentage contributed by other subscribers; and
 - c. the impact of the changes on subscribers, including in particular the impact on retirees, low-income subscribers and subscribers with high out-of-pocket costs.
 6. The panel's decision shall incorporate any agreements made by the parties, and shall constitute the written agreement between the public employee committee and the appropriate public authority. The agreement shall be binding on all subscribers and their representatives.
- (d) Once the panel has taken the actions required under 801 CMR 52.06, the panel shall be considered dissolved.

52.07: Implementation of Agreements Reached Pursuant to M.G.L. c. 32B, §§ 21 Through 23

- (1) Subject to St. 2011, c. 69, § 4, a political subdivision shall implement changes to benefits for all subscribers as soon as practicable upon completing the process provided in M.G.L. c. 32B, § 21 and 801 CMR 52.00, but the public authority shall give subscribers at least 60 days notice before implementing any changes in health insurance benefits under 801 CMR 52.00. Implementation of changes under M.G.L. c. 32B, § 22 shall occur not later than 90 days after a written agreement has been signed under 801 CMR 52.04 or 52.06 or, if the appropriate public authority and the public employee committee mutually determine that a mid-year change time would produce an undue burden, at the end of the current health insurance policy year. Implementation of transfer of subscribers to the commission shall be in accordance with the Commission's procedures. If a political subdivision provides notice to the commission by October 1, 2011 that it is transferring its subscribers to the commission and complies with the notice requirements provided by the Commission, the Commission shall allow the political subdivision to transfer its subscribers to the commission on or before January 1, 2012.
- (2) A political subdivision whose subscribers are currently covered by the commission shall not implement changes under this procedure until it has followed the procedure for withdrawal from coverage by the commission under the process set forth in 805 CMR 8.00: *Municipal Health Coverage*.

801 CMR: EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

52.07: continued

(3) If a political subdivision initiated the process for implementing changes in its group health insurance benefits under M.G.L. c. 32B, §§ 21 through 23 before August 12, 2011 and has proceeded in a manner inconsistent with any provision of 801 CMR 52.00, the Secretary may waive or modify those inconsistent provisions for that political subdivision provided that the political subdivision comply with all requirements of M.G.L. c. 32B, §§ 21 through 23. An appropriate public authority shall seek such waiver from the Secretary in writing, with a copy to the public employee committee. Any member of the public employee committee may present the Secretary with its position on the waiver request within three business days of receipt of the request.

REGULATORY AUTHORITY

801 CMR 52.00: M.G.L. c. 32B, § 21(h).

SECTIONS 21-23 TIME TABLE

TIME TABLE	TASK
At least 2 calendar days in advance	Notice of intent to vote – the appropriate public authority (APA) shall send a notice to each collective bargaining unit (CBA) and to retirees (through RSCME) the intent to vote on whether to implement the process of Section 21-23.
	After Section 21-23 is voted, notify Insurance Advisory Committee of estimated savings that may be realized after the first 12 months of implementation of changes.
Within 10 days after receiving the notice	The IAC shall meet with the APA (appropriate public authority) to discuss the estimated savings. If the IAC does not meet with the APA within 10 days, it shall be considered to have discussed the matter with the APA.
Not later than 2 business days after the IAC meeting or 10 days after the IAC receives notice	The town shall provide a notice to the president/designee of each CBU (collective bargaining unit) and to RSCME and shall include the # of eligible employees in each bargaining unit.
	If a PEC does not exist, the notice shall request that each CBU and RSCME provide a designated public employee committee (PEC) representative.
Within 2 days of receipt of notice	If a PEC already exists, each CBU and RSCME shall provide the APA with the designated PEC representative.
Within 5 days of receipt of notice	If a PEC does not exist, each CBU and RSCME shall designate a PEC representative.
Not later than 2 business days after APAs receipt of PEC representatives	The APA shall give the written notice that was provided to the IAC, to the PEC representatives, including proposed changes, estimate of anticipated savings, and the mitigation proposal.
When each member of PEC has received the implementation notice	The 30-day negotiation period shall commence.
Within the 30 day period	Any agreements reached between the PEC and APA shall be reduced to writing and executed by the parties.
60 days advance notice	All subscribers shall be notified of any changes in plan design or the decision to transfer to the GIC.

Within 3 business days after the beginning of the 30-day negotiation period	The APA shall notify the Secretary of A&F of the start and end dates of the negotiation period and the name and contact information of the APAs representative for the health insurance review panel.
Within 3 business days after receiving copies of notice to Secretary	The PEC shall select one representative for the panel and give notice to the APA and the Secretary.
Within 10 days after receiving this notice	The Secretary shall provide the APA and the PEC with a list of 3 impartial potential members to serve on the review panel, as well as the name of an actuary to assist the panel.
Within 3 business days of receiving this list	The APA and the PEC shall jointly select the third member of the panel.
Within 3 business days of receiving the list from the Secretary	If the APA and PEC cannot agree on which person from the list to select as the third panel member, the Secretary shall appoint the impartial member and notify the parties not later than the end of the 30-day negotiation period.
After the end of the 30-days negotiation period	If the APA and PEC are unable to reach a written agreement within 30 days, the matter shall be submitted to the review panel.
Within 3 business days after the end of the negotiation period	The APA shall submit its original proposal to the panel, with a copy sent to the Secretary and each member of the PEC. The PEC shall also submit any alternate mitigation proposal.
Any time before the panel has made decisions	The parties may agree in writing to terminate or suspend the review process because they have reached an agreement, would like additional time to negotiate, or have decided to return to collective bargaining under 150E.
Within 2 business days after receipt of notice to the panel	If both parties have not agreed to terminate the review process, the impartial member shall fix a time, date, and place for the panel to convene.
Within 10 days	The panel shall review the APAs proposed changes and determine if they meet the guidelines, as well as reviewing the estimated monetary savings.
Within 10 days	The panel shall review the APAs mitigation proposal.
At least 60 days' notice	The APA shall give subscribers notice before implementing any changes in benefits.
Not later than 90 days after agreement has been signed	Implementation of changes shall occur, or if the APA and PEC mutually agree, changes must be made by the end of the current health plan year.

Review Code of Conduct Policy

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.

Anti-Racism Statement with Resident Feedback



Town of Stow Select Board Anti-Racism Statement

Adopted XXXX

Racism is not new in America, but the last decade has renewed a focus on race in our country. Actions have ranged from protests to community conversations to new laws being enacted and everything in between.

They were sparked at the national level by high profile killings of black men and women, but these atrocities occurred on a foundation of centuries of decisions and actions that have been deeply embedded into our laws and culture. Conflicts over policies including desegregation, voting rights, redlining, criminal justice, and education have contributed to the racial tension we see today. We share the responsibility to learn about the history of race in America, to challenge ourselves to identify and correct areas of inequity, and to help address injustices so that we can dismantle racism within all aspects of our community.

The Select Board recognizes and acknowledges several facts:

- We know from the direct experiences of our friends and neighbors that racism has and does occur in Stow even though most of our residents condemn these acts.
- We know that many forms of racism are subtle and unconscious.
- We know that many forms of racism are systemic, often set by state and federal policies beyond our control.
- We know that Black, Hispanic, Asian, and Indigenous people are underrepresented in regional municipal workforces.
- We know, despite the complexity and discomfort, that racism must be addressed proactively: it cannot be ignored if we wish to build a stronger community.

Acknowledgment of facts must be backed by action if they are to have meaning. We are proud of recent actions, including the Board's proclamations for Black History Month, Pride Month, and Native American Heritage Month and the formation of the employee Diversity, Equity, and Inclusion group and their awareness activities. The Select Board believes a workplace that attracts and retains diverse personnel will allow it to serve its citizenry more creatively, strategically, and productively and supporting the employee DEI program will ensure these objectives, goals, and priorities are maintained. While these steps are important, we know that there is more to do.

The Stow Select Board commits to continuously improving all town policies and procedures to address these challenges head on. We commit to a culture where everyone is welcome and everyone can thrive, regardless of their race. We also acknowledge that racism is often connected to a person's gender, age, sexuality, religious beliefs, class, or ability, and that our policies should account for those relations.

The Select Board does not act alone: Anti-Racism work must be carried out by the community. Policy is shaped by many hard-working volunteers and staff members. We encourage residents to continue this conversation, provide feedback, and serve on town boards and committees. Together we will continue building a town we are proud to call home.

Denise Dembkoski

From: Marcia Gannon
Sent: Monday, May 22, 2023 10:49 AM
To: Feedback
Subject: RE: Feedback on the Anti-Racism Statement

Hi Denise, thank you for this additional information. I'm glad to see that Stow is taking an active role and position.

Regards,
Marcia

From: Feedback <feedback@stow-ma.gov>
Sent: Monday, May 22, 2023 10:08 AM
To: Marcia Gannon < >
Subject: RE: Feedback on the Anti-Racism Statement

Hello Marcia,

The Board has already adopted an Anti-Hate Statement and Statement on Antisemitism, this would be the next one they'd like to adopt.

https://www.stow-ma.gov/sites/g/files/vyhlf1286/f/uploads/select_board_antihate_statement_-_final_may09.2023.pdf

https://www.stow-ma.gov/sites/g/files/vyhlf1286/f/uploads/select_boards_definition_of_antisemitism.pdf

Please let me know if you have any further questions.

Very truly yours,
Denise

From: Marcia Gannon
Sent: Monday, May 22, 2023 9:19 AM
To: Feedback <feedback@stow-ma.gov>
Subject: Feedback on the Anti-Racism Statement

I'm curious as to why your statement is only focused on anti-racism and doesn't include religious discrimination, i.e., antisemitism?

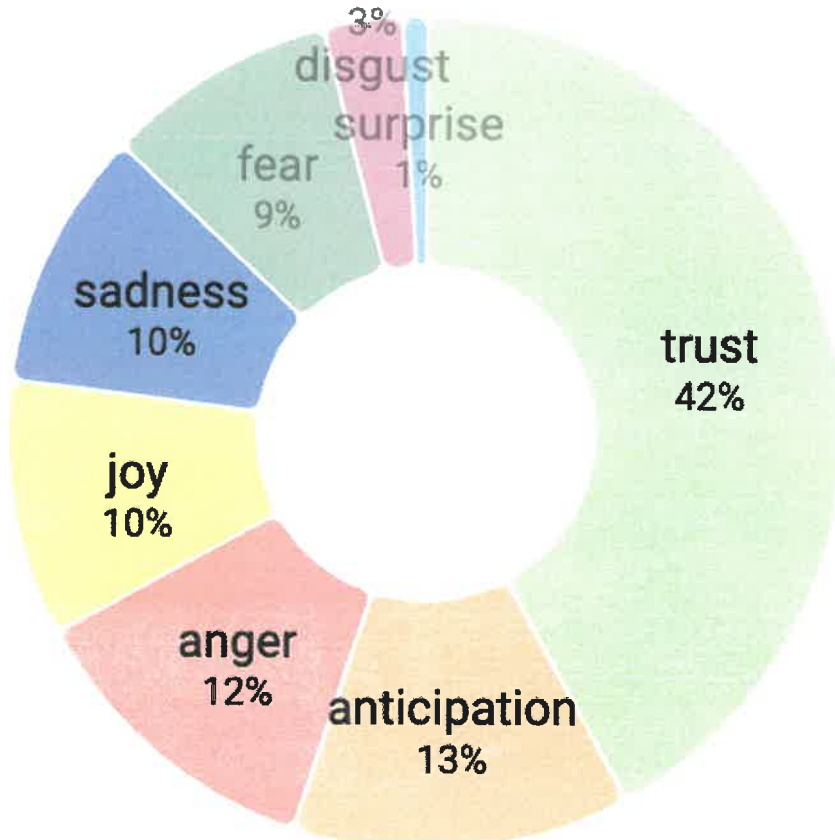
Thank you.
Marcia Gannon

Disclaimer

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And your emotion analysis looks like this:

Emotions



Hope that helps,

Chris Willis, Stow, MA

On Mon, May 22, 2023 at 2:30 PM Stow MA <cmsmailer@civicplus.com> wrote:

Select Board looking for feedback on Anti-Racism Statement

The Select Board have been working on adopting an Anti-Racism Statement. They are looking for resident feedback on the current draft. If you have comments or suggestions on the Anti-Racism Statement, please send them to feedback@stow-ma.gov. The feedback will be collected and presented to the Board at their September 12th meeting. The Statement can be found below and/or attached.

Town of Stow

Select Board

Denise Dembkoski

From: Carol Stoltz
Sent: Monday, May 22, 2023 10:02 AM
To: Feedback
Subject: Feedback on the Anti-Racism Statement

Very impressive. Well done.
Carol Stoltz

Sent from my iPad

Denise Dembkoski

From: selectboard
Sent: Monday, May 22, 2023 10:58 AM
To: Feedback
Subject: FW: Feedback on the Anti-Racism Statement

For feedback.

Best regards,
Joyce

Joyce Sampson | Executive Assistant
Town Administrator & Select Board Office
Town of Stow | 380 Great Road | Stow, MA 01775
978-897-4515 | www.stow-ma.gov

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From: alex.rosiewicz
Sent: Monday, May 22, 2023 10:36 AM
To: selectboard <selectboard@stow-ma.gov>
Subject: Feedback on the Anti-Racism Statement

Battling against racism and other forms of discrimination and unfairness is always a good thing and is commendable and welcomed.

Regardless of our race, ethnicity, gender etc we all need clean water, affordable taxes, well-maintained infrastructure, good schools and a safe and vibrant community. I would rather that the Stow Select Board focused its attention on these matters rather than performative issues.

Best regards,

Alex Rosiewicz

Denise Dembkoski

From: Ted Williams
Sent: Monday, May 22, 2023 10:58 AM
To: Feedback
Subject: Feedback on the Anti-Racism Statement

Greetings,

As a new home owner in Stow, I am glad to see the Select Board making progress towards crafting such a statement on issues of race and racism. However, I think the notice comes up short, as areas of historic and present day injustice are listed separately from the words "inequality" and "inequity".

Further, I am curious why there only seems to be endeavors to address issues of hiring in municipal services in this statement? This seems to draw on historical stereotypes of race and fields of employment. Perhaps clarifying which areas in particular would reduce the nebulous language that allows for residents to arrive at the inference that the town is hiring in line with potentially negative historical practices.

As a teacher, students of color, as well as of other marginalized groups, suffer when there aren't adults who mirror their backgrounds surrounding them, including in leadership positions. As Stow is part of a collaboration of towns for the public education of younger generations, what efforts are being made with Nashoba Regional to promote diversity and confront issues of racism?

Would it be resourceful to suggest, or provide a link, how community members may be directly involved in this process - whether at a targeted town meeting, or through community celebrations?

Best,

Ted Williams

--

Edward (Ted) Williams

Denise Dembkoski

From: Arny
Sent: Tuesday, May 23, 2023 11:08 AM
To: Feedback
Subject: Feedback on the Anti-Racism Statement

Why is a statement on racism even necessary? If you must publish a statement, all that's needed is to recognize that people will be judged by their character and ability regardless of any other external factors.

Arny Buckman

Denise Dembkoski

From: Rebecca Stadolnik
Sent: Tuesday, May 23, 2023 9:44 PM
To: Feedback
Subject: Thank you for the anti-racism statement

Hi folks,

The only edit I would suggest to the proposed anti-racism statement is to delete the phrase "is beyond our control". State and Federal policies should be within the control of the voting populace, correct?? Change can't be implemented easily, but I certainly hope it can be made with enough education and effort.

Thank you for creating the anti-racism statement.

Rebecca Stadolnik, Stow resident

Denise Demboski

From: Morgan Hillman
Sent: Friday, May 26, 2023 1:56 PM
To: Feedback
Cc: selectboard
Subject: Fwd: Select Board looking for feedback on Anti-Racism Statement

Hello, thank you for the opportunity to share our feedback. Please see my notes in red in the below proposed anti-racism statement.

Morgan Hillman

--

----- Forwarded message -----

From: Stow MA <cmsmailer@civicplus.com>
Date: Mon, May 22, 2023 at 8:29 AM
Subject: Select Board looking for feedback on Anti-Racism Statement
To: ·

Select Board looking for feedback on Anti-Racism Statement

The Select Board have been working on adopting an Anti-Racism Statement. They are looking for resident feedback on the current draft. If you have comments or suggestions on the Anti-Racism Statement, please send them to feedback@stow-ma.gov. The feedback will be collected and presented to the Board at their September 12th meeting. The Statement can be found below and/or attached.

Town of Stow

Select Board

DRAFT Anti-Racism Statement

Racism is not new in America, but the last decade has renewed a focus on race in our country. Actions have ranged from protests to community conversations to new laws being enacted and everything in between.

They were sparked at the national level by **recent** high profile **police** killings of **Black** men and women, but these atrocities occurred on a foundation of centuries of decisions and actions that have been deeply

embedded into our laws and culture. Conflicts over policies including desegregation, voting rights, redlining, criminal justice, and education have contributed to the racial tension we see today. We share the responsibility to learn about the history of race in America, to challenge ourselves to identify and correct areas of inequity, and to help address injustices so that we can **work towards dismantling** racism within all aspects of our community.

The Select Board recognizes and acknowledges several facts:

- We know from the direct experiences of our friends and neighbors that racism has and does occur in Stow [even though most of our residents condemn these acts. - **Is this necessary? Should it be a separate bullet point?**]
- We know that many forms of racism are subtle and unconscious.
- We know that many forms of racism are systemic, often set by state and federal policies [beyond our control. - **Why excuse it?**]
- We know that Black, Hispanic, Asian, and Indigenous people are underrepresented in regional municipal workforces.
- We know, despite the complexity and discomfort, that racism must be addressed proactively: it cannot be ignored if we wish to build a stronger community.

Acknowledgment of facts must be backed by action if they are to have meaning. We are proud of recent actions, including the Board's proclamations for Black History Month, Pride Month, and Native American Heritage Month and the formation of the employee Diversity, Equity, and Inclusion group and their awareness activities. The Select Board believes a workplace that attracts and retains diverse personnel will allow it to serve its citizenry more creatively, strategically, and productively and supporting the employee DEI program will ensure these objectives, goals, and priorities are maintained. While these steps are important, we know that there is more to do.

The Stow Select Board commits to continuously improving all town policies and procedures to address these challenges head on. We commit to a culture where everyone is welcome and everyone can thrive, regardless of their race. We also acknowledge that racism is often connected to a person's gender, age, sexuality, religious beliefs, class, or ability, and that our policies should account for those ~~relations~~. **intersectionalities**.

The Select Board does not act alone: Anti-Racism work must be carried out by the community. Policy is shaped by many hard-working volunteers and staff members. We encourage residents to continue this conversation, provide feedback, and serve on town boards and committees. Together we will continue building a town we are proud to call home.

[Read more](#)

This is an automatic message from Stow MA. Please do not reply to this message.

[You can unsubscribe here.](#)

Denise Dembkoski

From: Laura Reiner
Sent: Wednesday, May 31, 2023 7:14 AM
To: Feedback
Subject: Feedback on the Anti-Racism Statement

Respectfully, I believe that the time of the Select Board is better spent on considering policies which materially affect the diversity and inclusion of this town, rather than issuing a series of position statements which do nothing to change the reality of economic and social segregation and exclusion.

Sincerely,
Laura Reiner

Denise Dembkoski

From: Marc
Sent: Sunday, June 4, 2023 10:38 PM
To: Feedback
Subject: Feedback on the Anti-Racism Statement

All of your selectboard anti racist acknowledgments are nothing more than Mao-ist "struggle session" radical talking points.

It doesn't hit, and the average resident doesn't agree with any of those points.

The only people who agree with the current wording of the "Selectboard acknowledgments" are the more leftist leaning residents. That isn't most residents of Stow.

Keep it simple.

"Stow condemns all acts of racism against ALL races, genders, sexual orientation". Simple. Done.

Keep it moderate.

Denise Dembkoski

From: Richard DeCristofaro
Sent: Saturday, July 15, 2023 1:43 PM
To: Feedback
Subject: flFeedback on Anti-Racism Statement

Hi Cortini, Megan, Ingeborg, Hector, and JT,

Thank you for giving us the opportunity to provide feedback.

Re:
<https://www.stow-ma.gov/home/news/select-board-looking-feedback-anti-racism-statement>

My feedback:

“dismantle racism within all aspects of our community”

Existing laws prevent racism, which only pertains to race, and not the definition which is contained in the Selectman Statement. We shouldn't keep redefining words in order to empower government and activists to grant themselves the power to restrict lawful rights by including broader definitions of issues.

“We know that Black, Hispanic, Asian, and Indigenous people are underrepresented in regional municipal workforces.”

By what measure are these demographics underrepresented?

Occupational choice?

Commuting distance?

Lack of qualifications?

Which population statics are you using?

Stow's?

Middlesex's?

Massachusetts?

New England?

USA?

Global?

For example: ethnic restaurant employee pools routinely underrepresent all demographics but one or two. I don't see a problem. Why create one, except to justify DEI?

"The Select Board believes a workplace that attracts and retains diverse personnel will allow it to serve its citizenry more creatively, strategically, and productively and supporting the employee DEI program will ensure these objectives, goals, and priorities are maintained"

Merely following the law and not continuing to treat minorities as inferior since 1828, is a better, existing, solution. Coercing employers and employees to match the population mixture in that business to that of the general population, is counterproductive. The reason is that that both the needs of each company, and the occupational desires and qualifications of prospective employees, are what determines employee mixture.

"We also acknowledge that racism is often connected to a person's gender, age, sexuality, religious beliefs, class, or ability, and that our policies should account for those relations."

Racism is only associated with race.

I see that if you define race to be all these other human characteristics, then you are attempting to empower the government to control employers and citizens legal choices which are not related to race.

In summary: DEI recreates a problem, which laws already solve. Then DEI attempts to solve that incited problem by subjective coercion.

How to stop racism?

Talking about racism keeps it alive. Ignore racists to the personal extent which you perceive it.

Sincerely,

Dee

Denise Dembkoski

From: frank bemis jr
Sent: Sunday, July 16, 2023 7:59 PM
To: Feedback
Subject: Feedback on the Anti-Racism Statement

Well, I agree with the premise of the statement I'm not sure I really see the need to make a statement about things that should be obvious.

Sent from my iPhone

Discuss Potential Policy for all Stow Boards and Committee Meetings to be Recorded and Broadcast/Uploaded to YouTube

An email was sent to various towns and the information received is shown on the next pages.

Town	Policy?	Additional Info
Fairhaven	yes*	Fairhaven has a bylaw on meetings that covers recording/televising, link here https://ecode360.com/34451145?highlight=&searchId=4230488099399620 (go to Part 2)
Mendon	yes*	The Town of Mendon has a bylaw regarding the recording of all public meetings. We Currently use MS Teams and have various conference rooms set up to accommodate all meetings. <i>*bylaws have been printed and included</i>
Chatham	no	The Select Board determined that all regulatory Board and Commission meetings should be broadcast live and all other Committee meetings are self-recorded and archived on the website for on-demand viewing.
Merrimac	no	Our cable access station records the Select Board, Planning Board, Zoning Appeals Board, and our town meetings. The recordings are made available usually within a day or so.
Needham	no	We don't have a firm policy, though our local channel operates under the understanding that they'll broadcast Select Board, Planning Board, and Town Meeting live regardless. They've dedicated capital into facilities that host these meetings to allow for a high level of broadcast – we're truly lucky for the pros at the Needham Channel. Further, they will study the upcoming agendas and keep an ear to the ground, proactively asking to cover meetings of importance. We can also give them a request to cover certain meetings, which they almost always oblige. Again, more ad hoc but we have a great culture/relationship around this.
Northbridge	no	Our local access cable staff record Selectmen's Meetings and upload them to their website the next morning.
South Hadley	no	South Hadley includes this notice on its agendas "Note: Not all topics listed here may be reached for discussion. In addition, the topics listed are those which the chair reasonably expects will be discussed as of the date of this notice. This meeting may be audio and/or visually recorded." We record our "main" boards like Selectboard, Planning, Conservation, Schools, etc. With hybrid meetings we're able to take the Zoom recording and pop that on the web without a camera crew going "live" for our local station.
West Boylston	no	We televise the following: Select Board, Planning Board, Conservation, Board of Health, and all others are by request of that Board/Committee/Commission

Part 2
Televising Board Meetings
[Adopted 5-4-2019 STM By Art. 8]

§ 50-10. Broadcast/recording/remote public participation required. [Amended 6-14-2021 ATM by Art. 56]

All meetings of Town boards, commissions and committees shall be broadcast live and/or recorded for future broadcast over the local cable television network and online viewing as well as allow virtual remote participation via a live online platform such as Zoom or similar service unless emergency, operational or technical conditions suspend the requirements hereof, as determined by the Town Administrator, for broadcasts over the public access and government channels or the School Superintendent for broadcasts over the education channel. Members of the public may participate with comments if allowed by the chair of the committee.

§ 50-11. Notice requirement.

Notice of all such meetings shall be posted in accordance with the requirements of the Open Meeting Law, MGL c. 30A, and shall contain the date, time and place of such meeting and a listing of topics that the Chair reasonably anticipates will be discussed at the meeting.

§ 50-12. Scheduling conflicts.

If there is a scheduling conflict with the use of a meeting room, the Town Administrator for municipal property or the School Superintendent for school property or their designees shall have the discretion to determine which board shall have use of the room.

§ 50-13. Compliance with Open Meeting Law.

Nothing contained in this bylaw shall be so construed as to conflict with the requirements of the Open Meeting Law, MGL c. 30A.

§ 50-14. Failure to comply.

A violation of this bylaw or a failure to comply with this bylaw shall not be grounds for challenging or invalidating any actions taken at any meeting of a Town board, committee or commission.

CHAPTER VI - Legal Affairs

- Section 1 The Select Board shall be agents of the Town to institute, prosecute, and defend any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.
- Section 2 The Select Board shall annually, after final adjournment of the Annual Town Meeting, appoint a member of the Bar in good standing to serve as Town Counsel for the term of one year and until his successor is appointed and enters upon the performance of his duties. They shall likewise fill any vacancy in said office for the unexpired term, and may employ special counsel to assist the said Town Counsel whenever, in their judgment, necessity therefor arises.
- Section 3 The Select Board's authority to settle claims brought against the Town shall be limited to ten thousand dollars (\$10,000). Any settlement in excess shall have to be approved by vote of a Town Meeting.
Amended 5/9/1986; AG Approved 6/26/1986; Effective 6/27/1986

CHAPTER VII – Records, Reports, and Meetings

- Section 1 All officers, Boards and Committees of the Town shall keep records of their activities and of their accounts in suitable books. Said books shall be kept in their proper places in the respective Town Offices and shall not be removed therefrom. Said books shall, unless provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under the supervision of the Officer having custody thereof.
- Section 2 All officers and committees of the Town having charge of the expenditure of town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of how said money was expended.
- Section 3 The annual Town Reports shall contain, in addition to the reports of the officers and committees, the official record of the annual Town Meeting and the official record of any special meetings of the Town held during the year, as well as such other matters as may be inserted by the Select Board under the discretion granted them by law.
- Section 4 All public meetings (in-person, hybrid or full remote) will be recorded, both audio and visual, by the public meeting entity. If a public meeting is held fully remote (as provided by law), requirements for audio/visual recording remain.
Town Meetings are exempt from Open Meeting Law requirements under Massachusetts General Law.
Added Section 4 on 5/6/2022; AG Approved 8/18/2022; Effective 8/22/2022

MINUTES

Select Board Meeting Minutes
Tuesday, September 12, 2023
Stow Town Building & Zoom

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

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

Public Comment - none

Board Member Comments

Mr. Constantzos noted that September 15 through October 15 is National Hispanic Heritage Month and he encouraged residents to go to the Hispanic and Latin American Cultures display at the Randall Library, and said the NASJA book club is reviewing the book "Borderless" by Jennifer de Leon. Mr. Constantzos noted that Rosh Hashanah is coming up for all those of the Jewish faith.

Town Administrator (TA) Report

- The TA thanked the Police, Fire, and Highway Departments, and the Building Commissioner for their work last Friday during the storm. Clean up by highway and conservation personnel continues. The TA acknowledged Hudson Light & Power for the work that they are doing.
- The TA formally welcomed Lt. Kellie Barhight to Stow, whose first day and swearing in ceremony was at the height of the storm on Friday. Her coworkers could not attend as they were dealing with the emergency in town, but we can say that she is starting off in Stow with a bang!
- The Special Town Meeting (STM) is Monday, September 18 at Center School with check-in beginning at 5:30 p.m. There are multiple areas for parking, including St. Isidore's Church, for which the TA thanked Fr. Jeff Archer for allowing the town to use the church lot.
- The TA is the alternate member to MAGIC (Minuteman Advisory Group on Interlocal Coordination); the monthly meetings have resumed with the first presentation focused on small businesses and business support. They will be putting forth strategies on how to use EDICs to conduct business outreach.

Appointments

Appointments of Nicholas Whalen and Zachary Forest to the Highway Department

Mr. Whalen was previously employed here in 2020 and 2021 and he is excited to return to the Highway Department. Mr. Forest is new to the public sector but brings a lot of experience. Both have served in the U.S. Army.

Mr. Toole moved to appoint Nicholas Whalen to the position of full-time Laborer/Driver for the Stow Highway Department. Ms. Birch-McMichael seconded the motion and it passed unanimously.

Mr. Toole moved to appoint Zachary Forest to the position of full-time Laborer/Driver for the Stow Highway Department. Ms. Birch-McMichael seconded the motion and it passed unanimously.

Appointment of George Nisotel to the Council on Aging (COA)

George Nisotel was present in the Warren Room. Mr. Nisotel began attending the COA meetings in January as an associate member and would like to get more involved as a full member.

Mr. Toole moved to appoint George Nisotel to the Council on Aging for an indefinite term.

Ms. Birch-McMichael seconded the motion and it passed unanimously.

Appointment of Stephanie Lynch to the Conservation Commission

Stephanie Lynch was present via Zoom. Ms. Lynch has been a resident for 15 years and is excited for the opportunity to give back to the Conservation Commission, which had helped her with a construction project. There was a letter of recommendation from the Conservation Commission, and Ms. Birch-McMichael said Ms. Lynch will be an asset to the commission.

Mr. Toole moved to appoint Stephanie Lynch to the Conservation Commission for the remainder of a three-year term ending June 30, 2025.

Ms. Birch-McMichael seconded the motion and it passed unanimously.

Appointment of Maria McFarland to the Zoning Board of Appeals

Maria McFarland was present via Zoom. Ms. McFarland has owned a farm in Stow since 2016 and has a background in real estate construction and property management. She wants to learn and give back and feels her education and experience cross over to the board.

Mr. Toole moved to appoint Maria McFarland as an Associate Member of the Zoning Board of Appeals for the remainder of a five-year term ending June 30, 2028.

Ms. Birch-McMichael seconded the motion and it passed unanimously.

Joint Board Appointment of Cindy Cummings to the Board of Assessors

Board of Assessors members Tom Ryan and Len Golder were present in the Warren Room.

Cindy Cummings was present via Zoom.

Ms. Cummings attended an Assessors meeting where Mr. Ryan and Mr. Golder explained the duties of the board. They both recommend her for the open position. Ms. Cummings is willing to take the online training required by the state to become certified. This is a joint appointment per MGL Ch. 41, §11.

Mr. Toole moved, in a joint vote with the remaining members of the Board of Assessors, to appoint Cindy Cummings to fill the vacancy on the Board of Assessors, effective from this date through the May 2024 Annual Town Election. Ms. Birch-McMichael seconded the motion and it passed unanimously.

Recognition for Eagle Scout Benjamin J. Doty II

The Board reviewed a Certificate of Achievement and letter for Benjamin Doty in recognition of his attaining the rank of Eagle Scout. Mr. Doty's service project was building a low profile, accessible footbridge on the Green Trail in the Stow Town Forest. Conservation Director Kathy Sferra was present in the Warren Room and said that the Conservation Commission was the project sponsor. She said Ben had some construction challenges and she was proud of the way he stuck with it to complete the project.

Mr. Toole moved to recognize Boy Scout Benjamin J. Doty II for achieving the rank of Eagle Scout, and to sign the letter and proclamation for him. Benjamin's Court of Honor took place in August, and he is now away at college. The Board wishes him all the best in his studies and future plans. Ms. Birch-McMichael seconded the motion and it passed unanimously.

Public Hearing – Consolidation of Cemetery and Highway Depts. into a Department of Public Works

Mr. Toole moved to enter into a public hearing on the consolidation of the cemetery department and the highway department into a Department of Public Works, by roll call vote. Ms. Birch-McMichael seconded the motion and it passed unanimously by roll call vote.

The Town Administrator read the public hearing notice into the record:

Notice is hereby given, in accordance with section 5-1 of the Stow Town Charter, that the Select Board will conduct a public hearing regarding the consolidation of the cemetery department and the highway department into a department of Public Works. Consolidation would be contingent upon an affirmative vote at the September 2023 Special Town Meeting AND a ballot question at the Annual Town Election in May 2024.

Ms. Dembkoski stated that this has been a long thought-out process which began upon her arrival in September of 2020. She described the nine steps taken since 2020, which included individual meetings with every member of the highway and cemetery departments to discuss the future of the department and ensure that everyone had a voice during the process. As of July 1, 2023 the Cemetery Committee is down to one member after operating with only two members for over a year. Both members have expressed support for the consolidation. Over the last few years laborers have been added that can serve both highway and cemetery operations, which reduced the need for seasonal cemetery workers. The full-time administrative assistant now works for and supports both the cemetery and highway departments. This position may change to a business manager as the role handles procurement and much more; this would then eliminate the Assistant Superintendent position. The next steps for the formal consolidation are articles to the September 18, 2023 STM and a ballot question in May 2024.

Tom Ryan spoke in favor of the consolidation but expressed his concern about the structure that is being proposed.

Mr. Toole moved that the public hearing on consolidation of the cemetery department and the highway department into a Department of Public Works be closed, by roll call vote.

Ms. Birch-McMichael seconded the motion and it passed unanimously by roll call vote.

Mr. Toole moved to support the consolidation of the cemetery department and the highway department into a Department of Public Works.

Ms. Birch-McMichael seconded the motion and it passed unanimously.

Special Event Permits for the Stow Friends of the Council on Aging

Two of these events have been long-standing, successful events in town. The pop-up is a new event for the SFCOA. There were no questions from the Board.

Mr. Toole moved to grant a permit to the Stow Friends of the Council on Aging (SFCOA) for a COA Gift Shop & More Pop-Up on Saturday, September 30, 2023 from 8 AM until 4 PM at the Pompositticut Community Center, pending Town Administrator approval that all documents have been received.

Ms. Birch-McMichael seconded the motion and it passed unanimously.

Mr. Toole moved to grant a permit to the Stow Friends of the Council on Aging (SFCOA) for a Holly Fair on Saturday, November 4, 2023 from 8 AM until 4 PM at the Pompositticut Community Center, pending Town Administrator approval that all documents have been received.

Ms. Birch-McMichael seconded the motion and it passed unanimously.

Mr. Toole moved to grant a permit to the Stow Friends of the Council on Aging (SFCOA) for the Second Chance Annual Holiday Sale on Saturday, December 2, 2023 from 8 AM until 3 PM at the Pompositticut Community Center, pending Town Administrator approval that all documents have been received.

Ms. Birch-McMichael seconded the motion and it passed unanimously.

One Day Liquor Licenses for Shelburne Farm

Edward Painter was present via Zoom. Mr. Painter said they have not done events like this in the past, but the world of apple picking is evolving. There are orchards doing cider tents and they want to keep current and be consistent with what others are doing. If this goes well he hopes to apply to the state for a full license for next year. He does not have plans to brew cider.

Kathy Sferra, 74 West Acton Road (and close neighbor) said she and Jim Salvie fully support this permit.

Mr. Toole moved to approve One Day Liquor Licenses for Shelburne Farm, 106 West Acton Road, Edward Painter, for Saturdays and Sundays, September 16 through November 5, 2023 and for Monday, October 9, 2023 (Columbus Day), for a total of eight weekends (17 days), provided that all requirements have been met and approved by administration.

Ms. Birch-McMichael seconded the motion and it passed unanimously.

Review Town Administrator's FY23 Goals

The Board discussed Ms. Dembkoski's FY23 goals, and how most were only to oversee projects and issues that were already in progress that were not necessarily her responsibility, for example, to stay involved with the Bose property sale. The goals as written for FY23 were not quantifiable.

Ms. Dembkoski was asked if there were things that she achieved this past year that weren't listed as specific goals. She highlighted some items from the list that was presented to the Board when her contract was renewed, which covered the past 2.5 years:

- Involvement in large projects: the Randall Library renovation, Stow Acres;
- Consolidation of departments and looking at staffing;
- Increased community outreach, and the accessibility and people's ability to reach the TA;
- Changes made since August 2020, which include the culture, accessibility, communication, transparency, and financial status of the town.

There is more that Ms. Dembkoski would like to do with outreach, including changing the website and starting a monthly newsletter. The Board said that the TA was successful with many legal cases, including Lower Village. The Board said she offers multiple solutions to complex issues, with the pros and cons of each option, to assist the Board in making informed decisions. Ms. Dembkoski's review is scheduled for the next meeting, then the Board will set goals for FY24 at the following meeting.

Health Insurance Quote from MIIA

Due to the double digit increase in health insurance this fiscal year, Ms. Dembkoski is seeking quotes from the two largest competitors, the state Group Insurance Commission and MIIA, the MA Insurance Interlocal Association. MIIA has prepared a quote but needs a vote of the board before they will release it. These will be compared to our current plan with the Minuteman Nashoba Health Group.

Mr. Toole moved to authorize the Town Administrator to obtain a quote for health insurance for Town employees from MIIA. Ms. Birch-McMichael seconded the motion and it passed unanimously.

Technology Disposal Request

The computer units being disposed of will be recycled properly.

Mr. Toole moved to declare as surplus, the goods and equipment on the list provided by the IT department, valued at less than \$10,000 and belonging to the Town, and to authorize the disposal of these surplus items. Ms. Birch-McMichael seconded the motion and it passed unanimously.

Special Town Meeting Discussion

The Board members discussed the articles on the STM warrant. After much discussion of Article 1, the Nashoba Regional High School Building Project, the Board did not make a recommendation.

Mr. Toole moved that the Select Board support Article 2. (Additional Funds for the Renovations to the Randall Library)

Ms. Birch-McMichael seconded the motion and it passed 4-0-1 with Chair Frecha abstaining.

Mr. Toole moved that the Select Board support the changes to the charter, which are articles 4-14.

Ms. Birch-McMichael seconded the motion and it passed unanimously.

Mr. Toole moved that the Select Board support article 3. (Vest Authorities for Cemeteries and Streets in Director of Public Works)

Ms. Birch-McMichael seconded the motion and it passed unanimously.

Meeting Minutes

Mr. Toole moved to accept the meeting minutes of the August 22, 2023 meeting as drafted.

Ms. Birch-McMichael seconded the motion and it passed unanimously.

Board Correspondence & Updates

Mr. Constantzos asked, "What is a fence viewer?" Ms. Dembkoski explained the responsibilities, and the statutory versus the discretionary requirements as outlined in the MA General Laws. Most are civil matters between neighbors about fences, and don't rise to the level of requiring a fence viewer.

Adjournment

At 8:48 p.m. Mr. Toole moved to adjourn. Ms. 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 Office in the meeting folder.