

**Select Board
Hearing Room
Stoneham Town Hall
35 Central Street
Tuesday, February 5, 2019
7:00 p.m.**

Open Session (Hearing Room)

Members Present: Chairwoman Shelly MacNeill, Vice Chairwoman Raymie Parker, Clerk George Seibold, Selectwoman Caroline Colarusso, with Selectman Wilson participating remotely.

Also Present: State Senator Jason Lewis, State Representative Michael Day, Interim Town Administrator Debora Pettengill

Call to Order: Chairwoman MacNeill called the meeting to order at 7:00 p.m. (To view this meeting in its entirety go to Stoneham TV on Demand available from the Town's homepage at www.stoneham-ma.gov)

Agenda Item 1: Pledge of Allegiance

Agenda Item 2: Public Comment Jessica Eaton of 66/68 Maple Street appeared with Greg Eaton. Ms. Eaton stated that she was looking for mitigation for sewer work that was completed on her property by the Town six months ago. She stated that her driveway, yard, fence, and garage all sustained damage and either were not repaired properly or not repaired at all. She stated that she tried to contact DPW and has received no response. MacNeill stated that Pettengill would contact Ms. Eaton and determine the next steps that need to be taken to resolve this matter.

Agenda Item 3: Update from State Senator Jason Lewis Senator Lewis thanked the Board for its invitation and gave a brief overview of the State budget process and school funding reform. He stated that the proposed Chapter 70 funding was increasing 4.4 million dollars and this is based on the change in the Chapter 70 formula. The Governor has also proposed a 2.7% increase in unrestricted local aid. Senator Lewis stated that Chapter 70 reform has been a long time coming and it is getting an update to reflect the needs of the students. He stated that Stoneham should expect 75% funding of Circuit Breaker, which is considered full funding.

Agenda Item 4: Update from State Representative Michael Day Representative Day thanked Pettengill and Wilson for their service. He stated that Stoneham High School was accepted into the eligibility process as one of twelve schools. Representative Day stated that he was successful in getting three Home Rule Petitions through the legislature this year: Name change for Select Board, restaurant seating requirements for serving alcohol, and retired police officer age

requirement for details. He stated that the MBTA concluded phase one of the Better Bus Program and Stoneham continues to look to extend service which will be part of phase 2.

MacNeill thanked Lewis and Day for coming to give an update and with the help that they gave on the Home Rule Petitions. Seibold congratulated both Lewis and Day and thanked them for their work. Colarusso asked Day why he had not supported certain transparency amendment. Day stated that the amendments before the legislature did not increase transparency, but placed a hold on certain bills and created undue delay. Colarusso asked both Lewis and Day not to support the pending abortion bill. MacNeill stated that abortion is not a local issue and that Colarusso could speak with each privately. Colarusso appealed to both Lewis and Day to not co-sponsor Healthy Youth legislation.

Parker thanked Lewis and Day for attending the meeting and for working on the Chapter 70 funding issue. She also stated that the Board voted unanimously to support the school building project and she appreciated their help as the MSBA.

Colarusso moved to hear agenda items 10 and 11 next. Seibold seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson
Selectwoman Colarusso

Motion carries (5-0).

Agenda Item 10: Approve Out of State Travel – MUNIS Training MacNeill stated that Paulette Gerry and David Castellarin will be attending MUNIS training in Dallas, Texas and need approval for out-of-state travel. Gerry stated that the registration fee has been paid as part of purchasing the software and that they will be trained in all aspects of the new software package. MacNeill asked if funds were available to which Gerry responded that funding is available, but nothing has been booked so there is no total price available. Seibold moved to approve the out-of-state travel for Gerry and Castellarin. Parker seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson
Selectwoman Colarusso

Motion carries (5-0).

Agenda Item 11: Stoneham Sewer Bond – MWRA Gerry stated that Town Meeting agreed to borrow the funds for the rehabilitation of the sewer system in Article 9 of the Warrant for the October Special Town Meeting. As part of that project, the MWRA is giving the Town an interest free loan for \$245,000. Parker moved for the Board to sign the documents securing the \$245,000 loan. Seibold seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson
Selectwoman Colarusso

Motion carries (5-0).

Parker moved to return to the Item 5 on the regular agenda. Seibold seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson
Selectwoman Colarusso

Motion carries (5-0).

Agenda Item 5: Appoint High School Building Committee MacNeill read the list of appointments to the High School Building Committee as follows: Dennis Sheehan, Raymie Parker, Nicole Nial, John Macero, ex officio/non-voting, Kevin Yianacopolus, Donna Cargill, ex officio/non-voting, David Pignone, Lauren Celli, Albert Talarico, David Bois, Douglas Gove, Stephen O’Neill, Josephine Thomson, Marie Christie, Jeanne Craigie, Brian Gill, Lisa Gallagher, and Sharon Iovanni. Seibold stated that he would like the facilities director to be a voting member. Parker suggested that the Board make Macero a voting member. MacNeill stated that Macero will never be a resident and the facilities director may be a resident. Parker moved to appoint the Building Committee as listed with the building/facilities member as a voting member to revisit the issue if the person in the position becomes a non-resident. Seibold seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson
Selectwoman Colarusso

Motion carries (5-0).

Kilbride stated that she would look into whether Susan Lippman would be staying on the Committee.

Agenda Item 6: Accept Donation from Lafuente Sign and Awning Andrew Lafuente appeared before the Board to discuss his companies donation of a 30 foot flag pole and his new location at 41 Elm Street. Parker moved to accept the donation. Colarusso seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson
Selectwoman Colarusso

Motion carries (5-0).

Agenda Item 7: AT&T Small Cell Facilities Edward Pare provided background information regarding small cell facilities in Stoneham. He stated that towers used to be built regularly, but demand has increased and small installations are required to provide consistent service coverage. Pare showed images of light pole installations and stated that he is looking at two locations in Stoneham. He stated that generally the entire light street light/light fixture would be replaced so that it is still functional as a street light, but has a cell antenna on the top of the fixture.

Pare continued that the light fixtures are Town property and AT&T would need to enter into an agreement with the Town that would include the fixture, compensation, and a grant of location on a right of way. Pare stated that if the Town is interested they can come back in with a formal presentation and application. He stated that it is typical to give abutter notice and have a public hearing before entering an agreement.

Wilson stated that there will be more of these requests as 5G rolls out and the Town does not have much in the way of regulation. He stated that the Town needs to make sure the process is correct and that the towers blend with the environment without visual disruption. Wilson stated that there is a tower on Main Street near CVS.

MacNeill stated that the MMA had a conference on 5G cells and she would like the process to start when the new TA begins. Seibold stated that he is concerned that other subscribers would want to jump on the pole and questioned how that would be handled. Pare said that this is an economic driver for AT&T and there will be competition. Colarusso requested a report on the customer base in Stoneham.

Agenda Item 8: Public Comment Policy MacNeill stated that she will track down the MMA packet regarding public comment for best practices and will add this to a future agenda.

Agenda Item 9: Warrant Submission Policy MacNeill stated that the policy should not contain dates, but give four weeks to submit articles before the closing of the warrant. The Board will review this policy again.

Agenda Item 12: Approve Minutes MacNeill stated that executive session minutes will be reviewed at the next executive session and that she will work with Kilbride to set quarterly releases.

11/13/18: Parker stated that Colarusso was not present at the Tri-Board meeting. Parker moved to approve the minutes with the correction. Seibold seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson

Abstaining:

Selectwoman Colarusso

Motion carries (4-0-1).

12/12/18: Seibold moved to approve the minutes. Colarusso seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Clerk Seibold
Selectman Wilson
Selectwoman Colarusso

Abstaining:

Vice Chairwoman Parker

Motion carries (4-0-1).

1/8/19: Parker stated that a “t” needs to be added to select and moved to approve the minutes with the spelling correction. Seibold seconded the motion.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson

Abstaining:

Selectwoman Colarusso

Motion carries (4-0-1).

1/22/19: Parker moved to approve the minutes. Seibold seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson
Selectwoman Colarusso

Motion carries (5-0).

Agenda Item 13: Whistle Blower Protection MacNeill stated that she spoke to Donna Gaffey, Human Resources Director, and she has several version of a whistle blower policy that the Town put together in the past. She stated that Hingham has a law suit pending based on its policy so anything the Town does must be carefully reviewed so that there is no conflict with state or federal law. With respect to what was submitted by Colarusso, the second paragraph should say Select Board and the third paragraph requires Board review and should be reviewed.

Colarusso stated that this type of protection is a trend and the intent is to act as a deterrent. She stated that if the Board is amenable she will work with Gaffey and Town Counsel to make sure language is appropriate and meets the legal requirements. Seibold stated that there are two sides of the policy and does not want bosses to be scapegoated. Parker stated that she has no problem updating the current harassment policy, but that state and federal law already covers Colarusso's concerns.

MacNeill stated that counsel needs to determine whether we need to modify an existing policy or create a stand-alone policy. Colarusso stated that this is on the agenda as a stand-alone policy and that harassment is a different issue. Wilson stated that he supports the policy, but that the Board should not be involved with enforcement and state law should be cited appropriately.

Agenda Item 14: Human Rights Commission MacNeill stated that this is a second reading of the creation of the Human Rights Commission. Colarusso stated that she is concerned that the Commission will be reporting complaints to the authorities and that it will create liability for the Town. Wilson stated that reporting complaints is the correct behavior, but that it seems inappropriate to hold hearings.

MacNeill stated that the Commission acts as a referral or reporting agency and not an investigating agency. She stated that the Commission is meant to provide support and information. Colarusso stated that the problem is that a report could create a public document

with names of the accused without proof or investigation. The members may not be qualified and it creates liability. Wilson stated that the Board can change the word report to refer which provides a path without a written report. MacNeill stated that she will bring this matter to counsel and report back.

Parker stated that she is having a difficult time digesting Colarusso's resistance to the formation of the Commission. She stated that the members would be there to give resources, education materials, and referrals and that there is room for humanity. Parker stated that she is asking Colarusso flat out if she will support the creation of the Commission with the paragraph creating a reporting mechanism is removed. Colarusso stated that raising awareness is great, but any reporting or referring creates a liability. Colarusso requested a five minute recess. Parker seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson
Selectwoman Colarusso

Motion carries (5-0).

Ellen McBride applauded the Board for trying to bring the Commission to the Town and to not create it for fear of liability is upsetting.

Agenda Item 15: BYOB MacNeill stated that she is waiting to hear from counsel on this matter.

Agenda Item 16: Town Administrator's Report Pettengill stated that this is her last meeting as Interim Town Administrator and she thanked the Board for the opportunity and department heads for their assistance. She stated that there is a meeting on 2/7 regarding the MWRA project and detours; that the Town will be moving forward with a parking study in the down-town area as part of the Community Compact; that the Town received \$15,000 for age friendly/dementia friendly initiatives; that the Town is in the process of hiring two police officers; and that the Fire Department took part in two days of ice training.

MacNeill stated that she is grateful for Pettengill's work and willingness to step into the Interim Town Administrator's position.

Agenda Item 17: Miscellaneous MacNeill stated that Megan Samborski and Kayla Vodka are in DC for CAD training and for national recognition; on 2/28 from 1-2 p.m. the Coalition is hosting a free skate at the arena; the next community clean-up is 4/13 at 9:00 a.m.

Seibold and Parker thanked Pettengill for her work.

Parker moved to adjourn. Colarusso seconded the motion. A roll call vote was taken.

Voting in Favor:

Chairwoman MacNeill
Vice Chairwoman Parker
Clerk Seibold
Selectman Wilson
Selectwoman Colarusso

Motion carries (5-1).

Respectfully submitted,

Dava Kilbride – Secretary to the Board of Selectmen