

**Select Board
Hearing Room
Stoneham Town Hall
35 Central Street
Tuesday, March 19, 2019
7:00 p.m.**

Open Session (Hearing Room)

Members Present: Chairwoman Shelly MacNeill, Vice Chairwoman Raymie Parker, Clerk George Seibold, Select Board Member Caroline Colarusso, Select Board Member Anthony Wilson

Also Present: Town Administrator Dennis Sheehan, Town Counsel Robert Galvin

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 Items 2: Public Comment Colarusso stated that she has requested that the taping of executive sessions and the Human Rights Commission be placed on the agenda for full discussion.

Agenda Item 3: Town Counsel Appointment Galvin thanked the Board for the opportunity to serve as Town Counsel. He stated that there will be no material changes in the terms of his representation and no proposed increase in the hourly rate. He stated that Attorneys Clifford and Witten have requested travel time reimbursement. Galvin stated that with no new legal issues on the horizon, there should be a significant savings to the Town this year. Seibold thanked Galvin for the good result in the Ventresca matter and stated that he is happy with what Galvin brings to the table. Colarusso stated that it is sometimes difficult to hear back from Galvin, but that he understands the challenges of municipalities.

Parker moved to reappoint Galvin as Town Counsel. Seibold seconded the motion. Voted unanimously.

Agenda Item 4: Accept Donations: a. CDC – Bicycle Racks Mike Bratina, treasurer of CDC, described the bicycle racks to be placed at the library and on the common and requested that the Board accept the donation and stated that he will work with the Library Director and the Town Planner regarding installation. Parker moved to accept the donation. Colarusso seconded the motion. Voted unanimously.

b. W.S. Development Seibold moved to accept the donation of \$1000 to the SFD. Parker seconded the motion. Voted unanimously.

c. Eastern Bank and Wegman's Food Market Wilson moved to accept a donation of \$250 from Eastern Bank and \$250 for Wegman's Food Market to defray the cost of "Improbable Players." Parker seconded the motion. Voted unanimously.

Agenda Item 5: Town Meeting Preparation Wilson moved to number warrant articles 12-22 as presented in the draft warrant. Seibold seconded the motion. Voted unanimously. Wilson moved to number warrant articles 23, 24, and 25 as presented in the draft warrant. Seibold seconded the motion. Voted unanimously.

MacNeill asked if the petitioners for the resident articles were in the hearing room and would like to present information on the articles that they submitted with signatures.

Charles Houghton presented information on the 10 Orchard Road rezoning article and described the project that the developer is planning for the three parcels in question. Houghton is requesting that the parcels be rezoned to Residence B. Houghton stated that 1 affordable housing unit/10 will be part of the covenant.

Houghton presented information on the Rockville Park rezoning article. He is requesting that Rockville Park be rezoned to Residence B.

Houghton presented information on the PEG cable access or enterprise fund. Galvin stated that there will be two motions: one to accept the statute and one to create the required fund.

Steven Cicatelli presented information on adding a veterinary hospital definition in the Highway District to accommodate a tenant at Redstone Shopping Center. Parker stated that she wants residents to know that there will not be a huge animal hospital at Redstone. Cicatelli stated that the business is a small clinic that will perform small operations and preventative care. Parker disclosed that she was an abutter to Redstone.

Chris Whitney spoke on Town employees holding the position of Select Board Member. He stated that, in his opinion, if the TA compensates the employee then they should not be on the Select Board. Seibold stated that Parker is always up front with her position and makes sure that there is no conflict when she voted. MacNeill stated that there have been times when Board members who do not work for the Town have had conflicts and have had to recuse themselves. Colarusso stated that bias is different from a clear financial interest. Parker stated that she takes her position very seriously and she does not take a salary/stipend for her work on the Board. She stated that she often checks in with Galvin to be certain there is no conflict of interest on certain matters. Galvin stated that he reviewed the article and spoke with the AG. He stated that the article is technically legal, but it is cutting off the rights of certain individuals and will be subject to challenge.

Parker spoke to the recall article and stated that she wonders if the signature requirement should be higher and whether there should be a "for cause" clause. Seibold stated that he likes

the accountability that this article creates. Colarusso stated that there should be clear stipulations as to what “cause” is.

Agenda Item 6: Accept Minutes Parker moved to approve the minutes of 2/6/19. Seibold seconded the motion. Voted (3-0-2) with Wilson and Colarusso abstaining.

Wilson requested that Kilbride add a comment to the 3/12/19 minutes which includes his suggestion to add a portion of new growth to the reserve each year for road improvements. MacNeill asked Sheehan to look into that suggestion. Wilson moved to approve the 3/12/19 minutes with the additional language. Seibold seconded the motion. Voted (4-0-1) with Colarusso abstaining.

Agenda Item 7: Whistleblower MacNeill stated that the Board members received a redraft of the policy from Galvin. Colarusso stated that she was pleased to have Galvin’s redraft and Kenney’s legal opinion and that she wants accountability and protection. Colarusso stated that she would like an opinion on the HRC as well. MacNeill stated that the opinion on the HRC was the redraft. The opinion on the whistleblower matter was requested by HR and that is why it is a separate document. Seibold stated that Kenney’s opinion is that we are covered by State and Federal law and that additional language could cause confusion and additional liability.

MacNeill stated that if the policy is not adopted, we can change that language of the harassment policy to include employee awareness of State and Federal law. Sheehan stated that administratively there are good things in the policy like multiple avenues of reporting. He stated that all employees should be receiving a handbook.

Colarusso stated that there needs to be consistency. She stated that the HRC is redundant and the Board adopted it. MacNeill stated that the HRC created a commission and that this is a paper policy. Wilson stated that he would like to keep the intent and remove liability and redundancy. MacNeill stated that every employee should sign and acknowledgment that policies have been received and understood. Sheehan stated that he is not sure that a policy by the Board is the appropriate approach and that the intent can be accomplished by the TA. Parker stated that she would like to update the harassment policy. Parker and MacNeill suggested that comments be sent to Kilbride and then shared. Colarusso requested an advisory opinion on the HRC if it goes back on the agenda.

Agenda 8: Decorum Policy MacNeill stated that she placed her name on this item because no backup was provided. She stated that she wished to remind everyone that there is a decorum policy and that it should be reviewed and followed. Colarusso stated that she asked for this review because she would like to define “conduct unbecoming” or other behaviors that will trigger expulsion from a meeting. MacNeill asked Colarusso to propose something that the Board could review. MacNeill stated that if anyone had recommendations for Colarusso, they could be submitted to Kilbride.

Agenda Item 9: Town Administrator’s Report Sheehan stated that the MWRA project will be mobilizing once again on April 1st and traffic flow will be disrupted. He stated that he is

working on equipment staging so that the neighborhoods are not overburdened. There will be plenty of outreach and information will be posted on the Town website. Sheehan stated that the DPW Director's position has been posted.

MacNeill extended her thanks to Wilson for his thoughtful deliberations and the level of detail he brought to the position.

Agenda Item 10: Miscellaneous Parker announced the Senior Sock Hop and that applications for the Sapphire award are on line; MacNeill announced that the CDC will be hosting "Won't you be my Neighbor" and that the Health and Wellness Expo is on 4/6/19; Colarusso announced office hours; Resident Member Bonnie Gillio thanked the DPW for help with a burst pipe.

Wilson moved to adjourn his last meeting. Seibold seconded the motion. Voted unanimously.

Respectfully submitted,

Dava Kilbride – Secretary to the Board of Selectmen