

**Minutes for Special Town Meeting
Monday, May 5, 2008**

To either of the Constables of the Town of Stoneham in the County of Middlesex,
GREETING:

In the name of the Commonwealth of Massachusetts, you are directed to notify
and
warn the inhabitants of the Town of Stoneham qualified to vote in elections and Town
affairs
to meet in the **Town Hall, 35 Central Street**, on

Monday, May 5, 2008

at 8:30 o'clock in the evening to act on the following Articles of this Warrant:

Tellers were appointed to check the names of voters entering the Town Hall and the
checklist showed 200 voters were inside the meeting.

Moderator Michael Rotondi called the Special Town Meeting to order at 10:45 PM on
May 8, 2008.

Article 1. To see if the Town will vote to petition the General Court
(the State Legislature) to amend Chapter 26 of the Acts of 1981, as amended, entitled
"An Act Establishing a Selectmen-Administrator Form of Government For The Town of
Stoneham", by amending Section 10(a) which currently provides as follows:

The town administrator shall supervise and direct all departments, commissions,
boards and offices, excluding elected officials, departments and staff under elected
officials, election officers, registrars of voters, boards appointed by the board of
selectmen, the finance and advisory board, the town counsel and the town accountant.

so as to increase the town administrator's responsibility and authority to supervise and
direct departments, offices, employees and staff, including certain departments, offices,
employees and staff within or under elected boards. Said amended Section 10(a) to read
in a manner similar to the following:

The town administrator shall supervise and direct all departments, commissions,
boards, offices, employees and staff, including all departments, offices, employees and
staff within or under elected boards, except as follows: elected officials; election officers;
registrars of voters; the town clerk's office, employees, and staff; boards and committees
appointed by the board of selectmen; the officers and employees appointed by the board
of selectmen (including the town accountant, town counsel and board of selectmen's
office manager); the public schools (school department); and the finance and advisory
board.

Or do anything in relation thereto.

Board of Selectmen

Article 1. **Voted** that the town indefinitely postpone the subject
matter of Article No. 1.

**Motion to Indefinitely Postpone
Passes Per Moderator**

Article 2. To see if the Town will vote to amend the Stoneham Town Code, Chapter 13, Streets and Sidewalks, by adding a new Section 13-13, regulating printed material vending machines (e.g. newsracks, newspaper boxes, advertiser boxes, etc.) on Town owned or controlled property, including public ways, including, but not limited to provisions and requirements regarding: permitting process, applications; review process; certificates and certificates of compliance; fees; allowed and/or authorized and unauthorized locations; type, size, number, and manner of placement of newsracks or other equipment authorized or otherwise permitted; additional standards, including attachment(s), clearance, installation, usage, maintenance, safety, and appearance; prohibitions and/or limits on advertising unrelated to the display or sale of the publication; compliance review and requirements; insurance and indemnification; removal; abandonment; fines and penalties, including non-criminal disposition enforcement and fines (including the amendment of Chapter 1, Section 1-4A of the Stoneham Town Code “Non-Criminal Disposition” to include said non-criminal disposition subjects, enforcing person(s) and fines); process and fees for removal and storage by or on behalf of the Town; promulgation of regulations pursuant to the bylaw by the Town Administrator; effective date; and severability. And further to address as necessary in the same bylaw or another Section in said Chapter 13, the regulation, process and requirements regarding any other structure, equipment or street “furniture” on public property, including public ways, to the extent deemed relevant by the Town to the regulation of printed material vending machines.

Or to do anything in relation thereto.

Board of Selectmen

Article 2. **Voted** that the town indefinitely postpone the subject matter of Article No. 2.

Motion to Indefinitely Postpone Passes Per Moderator

Article 3. To see if the Town will vote to amend the Stoneham Town Code, Chapter 9 “Offenses – Miscellaneous” by adding a new section – Section 9-16 regarding litter, rubbish and refuse on public property, including public ways, its prohibition and enforcement, fines and penalties therefore, including, but not limited to: definitions and standards therefore, placement in containers; disturbing containers; removal; enforcement and penalties, including non-criminal disposition enforcement and penalties (including the amendment of Chapter 1, Section 1-4A of the Stoneham Town Code “Non-Criminal Disposition” to include said non-criminal disposition subjects, enforcing person(s) and fines); and severability.

Or to do anything in relation thereto.

Board of Selectmen

Article 3. Voted that the Town amend the Stoneham Town Code, Chapter 9 “Offenses – Miscellaneous” by adding a new section, Section 9-16, regarding litter on Town of Stoneham property, as follows:

Section 9-16. Littering on Town Property – Prohibited.

(a) *Purpose.* The purpose of this bylaw is to prevent littering on property owned or controlled by the Town of Stoneham so as to improve the beauty and quality of life in Stoneham.

(b) *Unlawful Acts.* It shall be unlawful for any person or persons to throw, dump, place, deposit, or leave litter, or to cause or permit the throwing, dumping, placing, depositing, throwing, or leaving of litter, in any manner, on any property owned or controlled by the Town of Stoneham, including, but not limited to any Town owned or controlled public way, sidewalk, park or playground, unless:

- (i) The area is designated by the Town for the disposal of litter and the person is authorized by the proper Town authority to so use such area;
- or
- (ii) The litter is placed into an authorized litter receptacle or container

(c) *Definition of Litter.* For purposes of this bylaw, “litter” shall mean any discarded or abandoned garbage, refuse, rubbish, junk, bottle, can, paper product, or other material(s).

(d) *Rules and Regulations.* The Town Administrator may promulgate rules and regulations for the implementation of this bylaw.

(e) *Penalties.*

(i) Any person violating this bylaw shall be subject to a penalty pursuant to Section 1-4 of the Town of Stoneham Bylaws.

(ii) Violation of this bylaw may also be enforced by non-criminal disposition in the manner provided by Section 1-4A of the Town of Stoneham Bylaws by any Town police officer. The specific non-criminal disposition penalty which shall apply to a violation of this bylaw shall be as follows:

First Offense:	Warning
Second Offense:	\$200
Third Offense	\$300

The enforcement of this bylaw by non-criminal disposition as described herein shall be added to the list of bylaws so designated for such enforcement in Section 1-4A of the these Bylaws.

(iii) Each day of violation shall constitute a separate offense.

(f) *Severability.* The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision hereof.

**Majority Vote Required
Passes Per Moderator**

***Sent to Attorney General May 14, 2008**

***Approved by Attorney General's Office June 23, 2008**

Article 4. To see if the Town will authorize the Town Administrator to lease or rent a portion of the Stoneham Fire Station, 25 Central Street, Stoneham, Massachusetts and/or the Stoneham (Unicorn) Arena, 101 Montvale Avenue, Stoneham, Massachusetts, to a wireless service provider(s) and/or other communications company(s) for wireless communications, pursuant to Section 10(h) of the Town of Stoneham Selectmen-Administrator Act (Chapter 26 of the Acts and Resolves of 1981, as amended) and Chapter 40, Sections 3 and 15A of the Massachusetts General Laws.

And to further see if the Town will vote to petition the General Court (the State Legislature) for a special act to allow a portion of said funds to be placed in a special account for the Stoneham Fire Department facilities and equipment.

Or do anything in relation thereto.

Town Administrator

Article 4. **Voted** that the Town authorize the Town Administrator to lease or rent a portion of the Stoneham Fire Station, 25 Central Street, Stoneham, Massachusetts to a wireless service provider(s) and/or other communications company(s) for wireless communications, pursuant to Section 10(h) of the Town of Stoneham Selectmen-Administrator Act (Chapter 26 of the Acts and Resolves of 1981, as amended).

**Majority Vote Required
Passes Per Moderator**

Article 5. To see if the Town will vote to lease the Stoneham Arena, 101 Montvale Avenue, (including its operation, management, maintenance, repair and/or capital improvements) for a period of up to ten (10) years, pursuant to the provision of Section 10(h) of the Town of Stoneham Selectmen-Administrator Act (Chapter 26 of the Acts and Resolves of 1981, as amended) and the applicable provisions of the Massachusetts General Laws. And to authorize the Town Administrator to take any action necessary to carry out this vote.

Or do anything in relation thereto.

Board of Selectmen

Article 5. **Voted** that the town indefinitely postpone the subject matter of Article No. 5.

**Majority Vote Required
Motion to Indefinitely Postpone
Passes Per Moderator**

Article 6. To see if the Town will vote to amend Article No. 4 of the October 18, 2007 Special Town Meeting to allow the Town to use up to the Twenty Thousand Dollar (\$20,000) amount appropriated under this article for the purpose of performing two studies: 1) to determine if there is a preferential use of the Stoneham Oaks Par 3 site; and 2) to analyze the condition of the Arena Facility, and to further authorize the Town Administrator to make such expenditures; or do anything in relation thereto.

Board of Selectmen

Article 6. **Voted** that the Town amend Article No. 4 of the October 18, 2007 Special Town Meeting to allow the Town to use up to the Twenty Thousand Dollar (\$20,000) amount appropriated under this article for the purpose of performing two studies: 1) to determine if there is a preferential use of the Stoneham Oaks Par 3 site; and 2) to analyze the condition of the Arena Facility, and to further authorize the Town Administrator to make such expenditures.

**Majority Vote Required
Passes Per Moderator**

**Motion to Dissolve Special Town Meeting
Meeting Dissolved at 11:07 PM.**

**John J. Hanright
Town Clerk**