

**MINUTES FOR SPECIAL TOWN MEETING
MONDAY, OCTOBER 20, 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, October 20, 2008

at 7:00 o'clock in the evening to act upon the following articles of this Warrant:

Tellers were appointed to check the names of voters entering the Town Hall and the checklist showed 119 voters were inside the meeting.

The meeting was called to order by Moderator Michael Rotondi at 7:15 PM. He thanked the Town's organist Bruce Netten for playing. Moderator Rotondi led the Pledge of Allegiance and the warrant was read.

Moderator Michael Rotondi stepped down as Moderator for Article #1 because a relative of his owns the land where the billboard would be placed.

Motion was made for Selectman Richard Gregorio 17 Crystal Drive to step in as Moderator for Article #1. Motion Passed Per Moderator.

Article 1. To see if the Town of Stoneham will vote to amend Section 6.7 SIGNS of the Town of Stoneham Zoning By-Laws by amending or adding the following sections:

Section 6.7.5 Prohibited Signs

(b) Off-premise signs and billboards, except for non-commercial signs and signage permitted pursuant to Sections 6.7.6 (e) and 6.7.8.

Section 6.7.6 Permitted Signs

(e) Off -Premise and billboard signs are permitted by Special Permit in the Commercial I Zoning District, subject to the procedures and requirements in Section 6.7.8.

Section 6.7.8 Off-Premise and billboard sign -- Procedures:

Section 6.7.8.1 Applications: Off-Premise and billboard signs shall be permitted in the Commercial I Zoning District only by grant of a Special Permit issued by the Planning Board. Any person desiring a Special Permit under this section shall submit a Special Permit application to the Planning Board together with a filing fee of \$1,000.00 and ten (10) copies of the application materials as outlined below:

- (a) Site Plan and area maps identifying the following features:
 - i. Location of any existing buildings, parking spaces and traffic circulation pattern on the subject parcel;
 - ii. Proximity of nearest residentially used and residentially zoned property utilizing current area photographs and Stoneham Assessors Maps;
 - iii. Specific location of proposed off-premise or billboard sign; and,
 - iv. Details of proposed buffer/landscaping area around signage including species and caliper of trees and/or shrubbery.

- (b) Off-Premise or billboard sign details shall include the following information:
 - i. Detailed dimensions and area of any proposed single or multi-faced sign;
 - ii. Detail sheet of any proposed support structure specifying dimensions and construction type. Upon request by the Planning Board or the Building Inspector, the Applicant shall provide a structural analysis of the support structure stamped by a licensed structural engineer; and,
 - iii. Lighting proposal, including cut sheets of all proposed lighting fixtures to be either attached to the sign, structure or affixed to the ground.

- (c) Additional Requirements:

- i. Authorization from the property owner (i.e., lease, etc.) granting permission to install proposed signage;
- ii. Authorization, as necessary, from the Commonwealth of Massachusetts and/or the Federal Government; and,
- iii. Any additional information as may be required by the Planning Board to assist the Board in determining whether the application complies with the intent and requirements of this Section 6.7.8.

Section 6.7.8.2 Dimensional Restrictions and Design Guidelines: All signage proposals shall be designed in compliance with the following requirements:

1. Signage shall be permitted in the Commercial I Zoning District only provided, however, that said signage shall be located no further than 100' from any interstate highway layout and on a lot containing a minimum area of three (3) acres;
2. Signage shall not have excessive lighting nor shall it have any mechanical or moving parts which would, in the opinion of the Board would have the effect of causing a hazard to motorists.
3. Signage shall not create a visual impediment or impact to any abutting or adjacent residentially zoned or used property;
4. No portable signs shall be permitted. All signage must be permanently affixed to a main support structure;
5. There shall be no more than one off-premises or billboard sign permitted for every 1500 linear feet of Commercial I frontage which directly abuts an interstate highway layout. This calculation shall be based on the current Zoning Map and such calculation shall be submitted by the Applicant to the Planning Board as part of the application materials.
6. An off-premises or billboard sign may be double sided. An individual sign or sign face shall not exceed 672 square feet in total area on each side and shall not exceed 14 feet in height x 48 feet in width.
7. An off-premises or billboard sign may be mounted on a pedestal or other support structure which may not exceed 40 feet in height from the elevation of the Interstate Highway immediately adjacent thereto to the highest point of the billboard sign;
8. Signage lighting or other illumination related to the proposed sign shall not project, glare or negatively impact abutting properties and shall not shine onto abutting roadways;
9. The Applicant shall provide a 10' wide landscaped buffer around the base of the support structure to minimize any visual impacts.

Section 6.7.8.3 Criteria for Approval: The Planning Board shall not approve any applications for a Special Permit under Section 6.7.8 unless it finds that all of the following conditions are met or are incorporated into any Special Permit decision:

1. The specific site is an appropriate location for the proposed sign and the design and layout complies with the standards set forth in these procedures and requirements;
2. The proposed sign will not adversely affect the abutting neighborhood or have the effect of causing a hazard to motorists;
3. Any Special Permit decision shall require compliance with Section 6.7.7.2 "Certificate of Insurance";
4. Any Special Permit decision shall require compliance with Section 6.7.7.3 "Location of sign; inclusion of permit number on sign";
5. Any Special Permit decision shall require compliance with Section 6.7.7.5 "Maintenance; inspection"
6. All permits are subject to any necessary approvals and conditions issued by the Commonwealth of Massachusetts and/or the Federal Government; and,
7. The Planning Board, in granting the special permit, shall attach such additional conditions and safeguards as it deems necessary.

Section 6.7.8.4 Sign Maintenance: If a sign permitted under Section 6.7.8 is abandoned or is in disrepair for a period of ninety (90) days, it shall be cause for its removal. The Building Inspector shall notify the owner and/or manager of the sign and property owner in writing, specifying a forty-five (45) day period to remove or repair said sign otherwise upon expiration of the forty-five (45) day period the sign permit shall be revoked. If the sign has not been removed or repaired within the time period to the satisfaction of the Building Inspector, the Building Inspector shall cause the sign to be removed forthwith. All expenses for the removal shall be borne by the sign owner and/or property owner as determined by the Building Inspector.

If the Building Inspector determines that a sign is an immediate threat to public safety irrespective of any stays granted to the sign and/or property owner, the Building Inspector may cause any sign, abandoned or not, and any portion of its support structure if deemed part of the public threat, to be immediately removed, and/or the threatened public area cordoned off. All expenses for protecting the public, including the removal of said sign or stabilization of the public safety threat, shall be borne by the sign owner and/or property owner as determined by the Building Inspector. A sign which is not abandoned may be returned to its original position, but only after repairs have been made and the public safety threat abated, to the satisfaction of the Building Inspector.

Section 6.7.8.5 Surety: The Applicant shall provide a financial surety to the Town which will cover the cost of the removal of any sign which is found to be abandoned or is in disrepair, as determined under Section 6.7.8.4. The Applicant shall deposit with the Town Accountant a surety in the amount of which shall be determined by the Planning Board at the time of the Application. Upon removal of the sign by the Town (if required), any remaining funds shall be returned to the Applicant.

Commercial I

Sign Type Allowed	* Permit Required	Max Sign Area	* Max Height Ft.	* Front Setback	* Side Setback	Max Number	Comment
off-premise & billboard signage - Permitted in Commercial I District only	Y *Permitted by Special Permit	672 SF per sign face- Not to exceed 14'x48' per sign face	40' above the elevation of the Interstate Highway immediately adjacent thereto	NA * no more than 100' from Interstate Highway Layout	NA * no more than 100' from Interstate Highway Layout	See Section 6.7.8	See Section 6.7.8 for additional restrictions and guidelines

This article shall be conditioned upon and subject to a Development Agreement being entered into by the Town through its Board of Selectmen and Town Administrator.

Or to act in any other manner in relation thereto.

**Charles F. Houghton et al
15 Kimball Drive**

Article 1. Voted that the Town of Stoneham will amend Section 6.7 SIGNS of the Town of Stoneham Zoning By-Laws by amending or adding the following sections:

Section 6.7.5 Prohibited Signs

- (b) Off-premise signs and billboards, except for non-commercial signs and signs permitted pursuant to Sections 6.7.6 (e) and 6.7.8.

Section 6.7.6 Permitted Signs

- (e) Off -Premise and billboard signs are permitted by Special Permit in the Commercial I Zoning District, subject to the procedures and requirements in Section 6.7.8.

Section 6.7.8 Off-Premise and billboard sign:

Section 6.7.8.1 Applications: Off-Premise and billboard signs (hereinafter also referred to as “signs” in this Section 6.7.8) shall be permitted in the Commercial I Zoning District only by grant of a Special Permit issued by the Planning Board. Special permits may be limited to a term of years specified by the Planning Board. Any person desiring a Special Permit under this section shall submit a Special Permit application to the Planning Board together with a filing fee of \$2,500.00 and ten (10) copies of the application materials as outlined below:

(a) Site Plan and area maps identifying the following features:

- i. Location of any existing buildings, parking spaces and traffic circulation pattern on the subject parcel;
- ii. Proximity of nearest residentially used and residentially zoned property utilizing current area photographs and Stoneham Assessors Maps;
- iii. Specific location of proposed sign;
- iv. Details of proposed buffer/landscaping area around signage including species and caliper of trees and/or shrubbery;
- v. Location of an existing sign(s) on the parcel, including any signs on a building; and
- vi. Photographs or architectural depiction of proposed sign.

(b) Sign details shall include the following information:

- i. Detailed dimensions and area of any proposed single or multi-faced sign;
- ii. Detail sheet of any proposed support structure specifying dimensions and construction type. Upon request by the Planning Board or the Building Inspector, the Applicant shall provide a structural analysis of the support structure stamped by a licensed structural engineer; and,
- iii. Lighting proposal, including cut sheets of all proposed lighting fixtures to be either attached to the sign, structure or affixed to the ground.

(c) Additional Requirements:

- i. Authorization from the property owner (i.e., lease, etc.) granting permission to install proposed signage; and
- ii. Any additional information as may be required by the Planning Board to assist the Board in determining whether the application complies with the intent and requirements of this Section 6.7.8.

Section 6.7.8.2 Dimensional Restrictions and Design Guidelines: All signs shall be in compliance with the following requirements:

1. Signs shall be permitted in the Commercial I Zoning District, provided, however, that no sign shall be located further than 100' from any interstate highway layout or on a lot containing less than three (3) acres in area;

2. Signs shall not create a material visual impact to any abutting or adjacent residentially zoned and used property in the Town of Stoneham;
3. All signs must be permanently affixed to a main support structure. No portable signs shall be permitted;
4. Signs shall not have excessive lighting. Electronic signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions.
5. Exposed back of signs, poles and other support structures must be painted in a color and finished so as to present an attractive and finished appearance which will blend with the natural surroundings.
6. The following types of signs are prohibited:
 - (i) Animated, projected, moving or giving the illusion of movement (including any moving parts), scrolling, flashing, revolving, blinking, and intermittently illuminated signs, beacons (or any light directed at any location other than the sign itself), searchlights, pennants, and inflatable signs, including ballons;
 - (ii) Signs with physical movements or any kind;
 - (iii) Changeable copy or message signs that change at intervals of more than once every eight (8) seconds. Changes of image shall be instantaneous as seen to the human eye and shall not use fading, rolling, window shading, dissolving or similar effects;
 - (iv) Tri-vision signs;
 - (v) Video signs or signs that otherwise give the illusion of video or moving images;
 - (vi) Signs with sound;
 - (vii) Signs with pyrotechnics;
 - (viii) Signs which by reason of position, wording, illustration, size, shape or color obstruct, impair, obscure, interfere with the view of, or may be confused with any traffic control signal or device or which may otherwise obstruct or interfere with traffic.
7. There shall be no more than one sign for each one thousand five hundred (1500) linear feet along the interstate highway layout in the Commercial I Zoning District. This calculation shall be

based on the Zoning Map and such calculation shall be submitted by the Applicant to the Planning Board as part of the application materials.

8. A sign may be double sided. An individual sign or sign face shall not exceed six hundred seventy-two (672) square feet in total area on each side and shall not exceed fourteen (14) feet in height by forty-eight (48) feet in width, as calculated pursuant to Section 6.7.3.1 of these Zoning Bylaws;
9. A sign shall be mounted on a pedestal or other support structure. The top of the sign shall not exceed fifty (50) feet in height from the elevation of the Interstate Highway immediately adjacent thereto. The bottom of the sign shall not exceed seventy (70) feet in height from the normal grade as calculated pursuant to Section 6.7.3.3 of these Zoning Bylaws;
10. There shall be no sign, including a roof sign, on any building, whether erected or otherwise placed or painted on the building;
11. No sign shall be on or otherwise attached to a tree, utility pole, fence or rock.
12. Lighting or other illumination related to the proposed sign shall not project, glare or negatively impact abutting properties and shall not shine onto abutting roadways;
13. The Applicant shall provide a 10' wide landscaped buffer around the base of the support structure to minimize its visual impact.

Section 6.7.8.3 Criteria for Approval: The Planning Board shall not approve any applications for a Special Permit under Section 6.7.8 unless it finds that all of the following conditions are met and/or are incorporated into any Special Permit decision:

1. The specific site is an appropriate location for the proposed sign and the design and layout complies with the standards and requirements set forth in this Bylaw;
2. The proposed sign will not adversely affect the abutting neighborhood or have the effect of causing a hazard to motorists;
3. The sign is in accordance with Section 7.4.3.1 of the Zoning Bylaws.
4. Any Special Permit decision shall require compliance with Section 6.7.7.2 "Certificate of Insurance";
5. Any Special Permit decision shall require compliance with Section 6.7.7.3 "Location of sign ;inclusion of permit number on sign";
6. Any Special Permit decision shall require compliance with Section 6.7.7.5 "Maintenance; inspection"
7. All permits are subject to any necessary approvals, restrictions and conditions required and/or issued by the Commonwealth of Massachusetts and/or the federal Government; and,

The Planning Board, in granting the special permit, shall attach such additional conditions and safeguards as it deems necessary.

Section 6.7.8.4 Sign Maintenance/Removal

- (a) All signs and supporting structures shall be kept in good repair and free from tear, rust, and other indices of deterioration.
- (b) If a sign permitted under Section 6.7.8 is abandoned, discontinued, blank, or is in disrepair for a period of ninety (90) days, it shall be cause for its removal. (For purposes of this section, a sign is “blank” if: (i) there is no advertising copy paid for by a person other than the sign owner or advertising an interest other than the rental of the sign for said ninety (90) day period; (ii) it advertises a business or service, enterprise or activity that is no longer operating or being offered or conducted; or (iii) the advertising message it displays becomes illegible in whole or substantial part.) The Building Inspector shall notify the owner and/or manager of the sign and property owner in writing, specifying a forty-five (45) day period to remove or repair. If the sign has not been removed or repaired within the time period to the satisfaction of the Building Inspector, the Building Inspector may revoke the sign permit and cause the sign to be removed forthwith. All expenses for the removal shall be borne by the sign owner and/or property owner as determined by the Building Inspector.

If the Building Inspector determines that a sign is an immediate threat to public safety irrespective of any stays granted to the sign and/or property owner, the Building Inspector may cause any sign, abandoned or not, and any portion of its support structure if deemed part of the public threat, to be immediately removed, and/or the threatened public area cordoned off. All expenses for protecting the public, including the removal of said sign or stabilization of the public safety threat, shall be borne by the sign owner and/or property owner as determined by the Building Inspector. A sign which is not abandoned may be returned to its original position, but only after repairs have been made and the public safety threat abated, to the satisfaction of the Building Inspector.

Section 6.7.8.5 Surety: The Applicant shall provide a financial surety to the Town which will cover the full cost of the removal of any sign which is found to be abandoned, discontinued, blank or is in disrepair, as determined under Section 6.7.8.4. The Applicant shall deposit with the Town Accountant a surety in an amount which shall be determined by the Planning Board. Upon removal of the sign, any remaining funds shall be returned to the Applicant without interest.

And further to amend the dimensional chart for signs, currently located following Section 6.7.7.8 of Zoning Bylaws, by adding the below chart for the Commercial I Zone. Said chart to be in addition to the existing dimensional chart for Commercial I, II, III. And further to move all said dimensional charts to follow this new Section 6.7.8.

Commercial I

Sign Type Allowed	* Special Permit Required	Max Sign Area	* Max Height in Feet	* Front and Rear Setback	* Side Setback	Max Number	Comment
off-premise & billboard signage - Permitted in Commercial I District only	Y	672 SF per sign face- Not to exceed 14'x48' per sign face	The top of the sign shall be no greater than 50' above the elevation of the interstate Highway immediately adjacent thereto The bottom of the sign shall be no greater than 70' in height from the normal grade as calculated pursuant to Section 6.7.3.3 of these Zoning Bylaws	40' other than a sign facing an Interstate Highway for which there is no setback requirement * no more than 100' from Interstate Highway Layout	40' other than a sign facing an Interstate Highway for which there is no setback requirement * no more than 100' from Interstate Highway Layout	See Section 6.7.8	See Section 6.7.8 for additional restrictions and guidelines

**Move the Question
Question is Moved
2/3 Vote Required
Passes Per Moderator
Motion for Reconsideration
Cannot Be Reconsidered**

***Sent to Attorney General on November 5, 2008**

Article 2. To see if the town will vote to petition the legislature to amend Chapter 26 of the Acts of 1981, as amended, by: Deleting from Section 10, Paragraph © the words “which shall be updated biennially”; or to do anything in relation thereto.

**John M. DeGeorge et al
148 Franklin Street**

Article 2. **Voted** that the Town petition the legislature to amend Chapter 26 of the Acts of 1981, “An Act Establishing a Selectmen-Town Administrator Form of

Government” as amended; by deleting from Sec. 10, Paragraph (c) the words “shall be updated biennially” so that the amended said paragraph read as follows:

“(c) In carrying out the activities related to personnel, the town administrator shall be governed by all applicable aspects of the personnel by-laws. In matters relating to hours and working conditions and related functions, those set out in the personnel by-laws or those covered by collective bargaining

**Majority Vote Required
Passes Per Moderator**

***sent to Senator Tisei & Representatives Casey and Natale on October 23, 2008**

Article 3. To see if the Town will vote to establish a fee of Fifteen (\$15) for each written demand issued by the Town Collector to be added to and collected as part of the tax, as authorized by M.G.L. Chapter 60, Section 15. Said fee to be effective beginning on January 1, 2009. (M.G.L. Chapter 60, Section 15, as amended by Chapter 182, Section 15 of the Acts and Resolves of 2008, allows for the establishment of a demand charge of up to Thirty Dollars (\$30). Prior to this 2008 amendment by the Legislature, the demand fee was set at Five Dollars (\$5) by M.G.L. Chapter 60, Section 15.)

Or do anything in relation thereto.

Board of Selectmen

Article 3. Voted that the Town establish a fee of Fifteen (\$15) for each written demand issued by the Town Collector to be added to and collected as part of the tax, as authorized by M.G.L. Chapter 60, Section 15. Said fee to be effective beginning on January 1, 2009. (M.G.L. Chapter 60, Section 15, as amended by Chapter 182, Section 15 of the Acts and Resolves of 2008, allows for the establishment of a demand charge of up to Thirty Dollars (\$30). Prior to this 2008 amendment by the Legislature, the demand fee was set at Five Dollars (\$5) by M.G.L. Chapter 60, Section 15.)

**Majority Vote Required
Passes Per Moderator**

Article 4. 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 printed material vending machine boxes 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 4. **Voted** that the Town indefinitely postpone the subject matter of Article 4.

Passes Per Moderator

Article 5. To see if the Town will vote to authorize the Town Administrator to enter into a lease or leases of up to three (3) years with up to two (2) additional option years (which option(s) shall be at the sole discretion of the Town, through its Town Administrator) for the Stoneham Arena’s Concessions, Pro Shop, and/or Vending Machines so as to allow a third-party(ies) to operate all or any one of these operations for uses which shall include, but not be limited to, those uses currently serving Stoneham residents and organizations.

Board of Selectmen

Article 5. **Voted** that the Town authorize the Town Administrator to enter into a lease or leases of up to three (3) years with up to two (2) additional option years (which option(s) shall be at the sole discretion of the Town, through its Town Administrator) for the Stoneham Arena’s Concessions, Pro Shop, and/or Vending Machines so as to allow a third-party(ies) to operate all or any one of these operations for uses which shall include, but not be limited to, those uses currently serving Stoneham residents and organizations.

**Majority Vote Required
Passes Per Moderator**

Article 6. To see if the Town will vote to transfer the care, custody, management, and control of portions of the below parcels of land no longer needed for public purposes to the Board of Selectmen for purpose of sale of said land and further authorize the Board of Selectmen and/or Town Administrator to take any action necessary for said sale or anything in relation thereto. Said property being portions of parcel 6 (Stoneham Town Hall) 35 Central Street, shown as:

Parcel 1	abutting #14 Emerson Street	434± s.f.
Parcel 2	abutting #14A Emerson Street	200± s.f.

Parcel 3 abutting #14B Emerson Street 219± s.f.

on a "Plan of Land in Stoneham, Massachusetts" dated September 15, 2008, by Robert E. Grover, Town Engineer, on file in the Town Clerk's Office at Stoneham Town Hall, 35 Central Street.

Or to do anything in relation thereto.

Board of Selectmen

Article 6. **Voted** that the Town transfer the care, custody, management, and control of portions of the below parcels of land no longer needed for public purposes to the Board of Selectmen for purpose of sale of said land and further authorize the Board of Selectmen and/or Town Administrator to take any action necessary for said sale or anything in relation thereto. Said property being portions of parcel 6 (Stoneham Town Hall) 35 Central Street, shown as:

Parcel 1 abutting #14 Emerson Street 434± s.f. (see description)

Beginning at an angle point in the northerly sideline of Emerson Street, a Public Way, said point being 266.73 feet from a point of intersection at Central Street, the line runs by said northerly sideline north 51-30-00 west, 13.00 feet to a point; thence the line turns and runs by land of the Town of Stoneham north 40-33-20 east, 38.74 feet, to a point; thence the line turns and runs south 51-30-00 east, 9.45 feet, to a point; thence the line turns and runs south 35-18-00 west, 38.78 feet, by land now or formerly of James S. Leis and Linda T. Leis, to the point of beginning. Said parcel containing 434.5 square feet, more or less.

Parcel 2 abutting #14A Emerson Street 200± s.f. (see description)

Beginning at the southwesterly corner of the parcel known as #14A Emerson Street, the line runs by three courses across land of the Town of Stoneham, north 51-30-00 west, 9.45 feet; north 40-33-20 east, 24.02 feet; and south 51-30-00 east, 7.24 feet, to a point at the northwesterly corner of #14A Emerson Street; thence the line turns and runs along the westerly line of #14A Emerson Street, south 35-18-00 west, 24.04 feet, to the point of beginning. Said parcel containing 200.3 square feet, more or less.

Parcel 3 abutting #14B Emerson Street 219± s.f. (see description)

Beginning at a point at the southwesterly corner of the parcel known as #14B Emerson Street, the line runs by two courses across land of the Town of Stoneham, north 51-30-00 west, 7.24 feet, and north 40-33-20 east, 40.76 feet, to a point; thence the line turns and runs by land of the Town of Stoneham south 52-59-19 east, 3.50 feet, to a point at the northwesterly corner of #14B Emerson Street; thence the line turns and runs along the westerly line of #14B Emerson Street south 35-18-00 west, 40.89 feet, to the point of beginning. Said parcel containing 218.9 square feet, more or less.

as shown on a “Plan of Land in Stoneham, Massachusetts” dated September 15, 2008, by Robert E. Grover, Town Engineer.

**$\frac{2}{3}$ Vote Required
Passes Per Moderator**

Article 7. To see if the Town will vote to transfer the care, custody, management, and control of a parcel of land, said property being a portion of the Hill Court parking facility and abutting #409-413 Main Street to the Board of Selectmen for purpose of sale of said land, and further authorize the Board of Selectmen and/or Town Administrator to take any action necessary for said sale or anything in relation thereto. Said parcel being shown as parcel number 1 on the “Plan of Land in Stoneham, Massachusetts” dated September 15, 2008, by Robert E. Grover, Town Engineer. Said parcel consisting of 311.2 square feet, more or less. Plan is on file in the Town Clerk’s office at Stoneham Town Hall, 35 Central Street.

Board of Selectmen

Article 7. **Voted** that the Town transfer the care, custody, management, and control of a parcel of land, said property being a portion of the Hill Court parking facility and abutting #409-413 Main Street to the Board of Selectmen for purpose of sale of said land, and further authorize the Board of Selectmen and/or Town Administrator to take any action necessary for said sale or anything in relation thereto. Said parcel being shown as parcel number 1 on the “Plan of Land in Stoneham, Massachusetts” dated September 15, 2008, by Robert E. Grover, Town Engineer.
(see description)

Beginning at an angle point in the northerly sideline of #409-413 Main Street (Route 28), a Public Way, said point being 99.69 feet west of the westerly sideline of Main Street (Route 28), the line runs south 66-42-55 west, 35.63 feet, to a point; thence the line turns and runs north 16-02-23 east, 22.58 feet, to a point; thence the line turns and runs south 73-57-37 east, 27.56 feet, to the point of beginning. Said parcel containing 311.2 square feet, more or less.

**$\frac{2}{3}$ Vote Required
Passes Per Moderator**

Article 8. To see if the Town will vote to grant an easement as generally described herein to NSTAR Electric. Said easement beginning on the easterly side of Citation Avenue thence running easterly across the following parcels of Town owned land: Map 9, Parcel 136; Map 9, Parcel 138, and Map 9, Parcel 116 to the Colonial Park School, as shown on the Town of Stoneham Board of Assessors’ Map.

Or do anything in relation thereto.

Board of Selectmen

Article 8. **Voted** that the Town authorize the Board of selectmen and/or Town Administrator to grant an easement as generally described herein to NSTAR Electric for the installation of a 4 inch conduit approximately 410 feet in length at a depth of approximately 3 feet of such terms as said Board of Selectmen and/or Town Administrator deem appropriate Said easement beginning on the easterly side of Citation Avenue thence running easterly across the following parcels of Town owned land: Map 9, Parcel 136; Map 9, Parcel 138, and Map 9, Parcel 116 to the Colonial Park School, as shown on the Town of Stoneham Board of Assessors' Map.

**2/3 Vote Required
Passes Per Moderator**

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay for a portion of the services provided by the contractor who cleaned and made ready the Stoneham High School after the fire at the Stoneham High School. And further to petition the General Court (the State Legislature), if necessary, for authorization for the Town to make such payment for a portion of those services. Or do anything in relation thereto.

Board of Selectmen

Article 9. **Voted** that the Town indefinitely postpone the subject matter of Article No. 9.

Passes Unanimous

Article 10. To see if the Town will vote to amend the amount to be raised and appropriated under Article No. 33 of the May 5, 2008 Annual Town Meeting and adjust the Fiscal Year 2009 departmental budgets and funding sources (as described in Exhibit A).

Board of Selectmen

Article 10. **Moved** that the Town amend the amount to be raised and appropriated under Article No. 33 of the May 5, 2008 Annual Town Meeting and adjust the Fiscal Year 2009 departmental budgets and funding sources by Six Hundred Eighty-One Thousand Three Hundred Twenty-Eight Dollars (\$681,328) **(as described in Exhibit A).**

Motion to Amend made by Celia Schulhoff 144 Marble Street Unit 507 as follows:

“To amend article 10 to add \$100,000 to the operating budget of Department 400, Public Works Administration. The funds are to be taken from the Stabilization Account. The purpose of this amount is to restore and fund town trash/recyclable collections to the condominiums.

Amendment Fails

Hand Count

Yes No

19 41

Motion to Amend made by John DeGeorge 148 Franklin Street as follows:

“Delete the \$494,000 for Capital improvements Dept 918 and change Exhibit A as follows: Page 28 Delete the \$494,000 under operating and Total and change the Operating Net Amount from \$640,250 to \$146,250 and change the Total Net Amount from \$681,328 to \$187,328 and under Revenue of the current year change the transfer from stabilization from \$563,890 to \$69,890 and the Net Amount from \$681,328 to \$187,328. Page 30 delete the \$494,000 under operating and total and change the operating total from \$48,192,024 to \$47,698,024 and the total FY09 budget from \$59,460,686 to \$58,966,686.

Move Question

Question is Moved

Majority Vote Required

Amendment Fails

Motion to Amend made by John Warren, 25 Dean Street, Chairman Finance & Advisory Board, as follows:

Voted to amend Article 10 918 Dept Capital from \$494,000 to \$489,000. Net Amount \$676,328. Withdrawal from Stabilization to \$558,890.

Amendment Passes

Vote on Main Motion as Amended

$\frac{2}{3}$ Vote Required

Passes Unanimous

Exhibit A As Amended

**OCTOBER 20, 2008 SPECIAL TOWN MEETING
ARTICLE #10--(EXHIBIT A)**

Adjust the following budgets:

Dept	Department	Salaries	Operating	Total	
122	Selectmen	\$4,000		\$4,000	Per Employee Agreement
123	Town Administrator	\$10,000		\$10,000	Per Employee Agreement
132	Finance Board Reserve Fund		(\$52,809)	(\$52,809)	Leaves \$20,897 in the Reserve Fund
135	Accounting Dept	\$25,000		\$25,000	Per Employee Agreement
142	Assessors	\$7,000		\$7,000	Per Employee Agreement
155	MIS/GIS		\$3,000	\$3,000	Transfer from Police/Fire Telephone Budgets
161	Town Clerk	\$16,000		\$16,000	Per Employee Agreement
192	Public Property Maintenance	(\$23,172)		(\$23,172)	Eliminate clerical position
210	Police		(\$2,000)	(\$2,000)	Transfer to Dept #155 Telephone Budget
220	Fire		(\$1,000)	(\$1,000)	Transfer to Dept #155 Telephone Budget
241	Building Department	\$750	(\$750)	\$0	Hired temp to fill in for employee on sick leave
300	School Department		\$87,000	\$87,000	Underfunded Utility Budgets
399	Vocational School		\$42,809	\$42,809	FY09 Increase set aside in Reserve Fund
400	Public Works Department	\$0	\$50,000	\$50,000	Recycling Program
543	Veterans		\$15,000	\$15,000	more claims
631	Arena		\$5,000	\$5,000	Vending Machine Supplies
910	Non Contributory Pension	\$1,500		\$1,500	Per Employee Agreement
918	Capital		\$489,000	\$489,000	Per Five Year Capital Plan
Net amount		\$41,078	\$635,250	\$676,328	

Said sum in the amount of Six Hundred Seventy-Six Thousand Three Hundred Twenty-Eight Dollars (\$676,328) to be raised or transferred as follows:

Revenue of the Current Year:	
Additional State Aid	\$67,438
Recycling Sticker Fee (\$25 X 2,000)	\$50,000
Transfer from Stabilization	\$558,890
Net amount	\$676,328

Article 11. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$87,000 for School Department utility expenses, or to do anything in relation thereto.

School Committee

Article 11. Voted that the Town indefinitely postpone the subject matter of Article #11.

Passes Per Moderator

Article 12. To see if the Town will vote to raise and appropriate or transfer from available funds or borrow a sum of money for expenses relating to the replacement of the roof of Stoneham High School and other capital projects at a cost not to exceed \$600,000, or to do anything in relation thereto.

School Committee

Article 12. **Voted** that the Town approve \$100,000 from the September 2008 Foundation Reserve state grant and to transfer \$415,751.60 from the following articles for the purpose of this article:

\$660.00 from Article 1 of the October 1997 Special Town Meeting

\$2277.52 from Article 8 of the May 2002 Special Town Meeting

\$2140.00 from Article 12 of the October 2002 Special Town Meeting

\$11,504.77 from Article 14 of the October 2006 Special Town Meeting; and

\$399,169.31 from Article 8 of the October 1997 Special Town Meeting as amended by Article 2 of the March 2002 Special Town Meeting.

**Majority Vote Required
Passes Unanimous**

Article 13. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow \$400,000 to defray the cost of drainage improvements in the Spring Street and East Street area or do anything in relation thereto.

Board of Selectmen

Article 13. **Voted** that the Town appropriate the sum of Four Hundred thousand Dollars (\$400,000) to defray the cost of drainage improvements in the Spring Street and East Street area; and to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow up to Four Hundred thousand Dollars (\$400,000) under Chapter 44 of the General Laws or any other enabling authority; and the Town Administrator is authorized to take any action necessary to carry out this vote.

**$\frac{2}{3}$ Vote Required
Passes Unanimous**

Motion made by John DeGeorge 148 Franklin Street to move Article 15 ahead of Article 14.

**Majority Vote Required
Fails Per Moderator
Article Not Advanced**

Article 14. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to remove the bump-outs in and along Franklin Street. Or do anything in relation thereto.

Board of Selectmen

Article 14. **Voted** that the Town indefinitely postpone the subject matter of article #14.

Passes Per Moderator

Article 15. To see if the town will vote to appropriate \$383,039 to be received by the Town from the Commonwealth of Massachusetts Chapter 90 local transportation aid funding for fiscal year 2009 for the purpose of continuing the permanent construction program on public ways within the Town or other eligible municipal projects and authorize the Town Administrator to make such expenditure or do anything in relation thereto.

Board of Selectmen

Article 15. **Voted** that the Town appropriate \$383,039 to be received by the Town from the Commonwealth of Massachusetts Chapter 90 local transportation aid funding for fiscal year 2009 for the purpose of continuing the permanent construction program on public ways within the Town or other eligible municipal projects and authorize the Town Administrator to make such expenditures.

**Majority Vote Required
Passes Per Moderator**

Article 16. To see if the town will vote to transfer from available funds, a sum of money to pay for prior fiscal year invoices. Said sum to be transferred from the FY09 Unclassified Operating Budget.

Board of Selectmen

Article 16. **Voted** that the Town transfer from available funds, a sum of One Thousand Sixty-Two Dollars (\$1,062) to pay for prior fiscal year invoices. Said sum to be transferred from the FY09 Unclassified Operating Budget.

**9/10 Vote Required
Passes Unanimous**

Article 17. To see if the Town will vote to transfer the total amount of Fiscal Year 2009 Surplus Revenue (Free Cash) to the Stabilization Fund Account immediately after it has been certified by the Department of Revenue; or do anything in relation there to.

John M. DeGeorge et al
148 Franklin Street

Article 17. Voted that the Town transfer the total amount of Fiscal Year 2009 Surplus Revenue (Free Cash) to the Stabilization Fund Account immediately after it has been certified by the Department of Revenue.

2/3 Vote Required
Hand Count
Yes No
27 19
Fails Per Moderator

Motion to Dissolve
Meeting Dissolved at 10:30PM