

Minutes for Annual Town Meeting

Tuesday, April 3, 2007

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 Tuesday, April 3, 2007, at seven o'clock in the forenoon to act on the following articles of this warrant:

Article 1. To choose the following officers:

One (1) Town Clerk for three (3) years.

Two (2) Selectmen for three (3) years.

One (1) Board of Health Member for three (3) years.

One (1) Moderator for two (2) years.

One (1) Board of Assessors Member for three (3) years.

One (1) School Committee Members for three (3) years.

Two (2) Library Trustees for three (3) years.

One (1) Planning Board Member for five (5) years.

All on one ballot.

The polls for the Annual Town Election shall be closed at eight o'clock in the evening.

For consideration of the following Articles, the meeting shall be adjourned to meet in the **Town Hall** at 7:30 o'clock in the evening on Monday, May 7, 2007, in accordance with provisions of Article II, section 2-3 of the By-Laws of the Town of Stoneham.

Tellers were appointed to check the names of voters entering the Town Hall and the checklist showed 474 voters were inside the meeting.

The meeting was called to order by Moderator Michael Rotondi at 7:44 PM. He thanked the Town's organist Bruce Netten. Moderator Rotondi then asked for a moment of silence for JoAnn Anderson, Robert Wellman & Warren McCarthy who had passed away this past year. Moderator Rotondi led the Pledge of Allegiance and the warrant was read.

Article 2. To choose all other necessary Town officers for the ensuing year in such a manner as the Town may determine.

Board of Selectmen

Article 2. Voted that the Town choose all other necessary Town officers for the ensuing year in such a manner as the town may determine.

Passes Unanimous

Article 3. To hear the reports of Town officers and committees and to act thereon and to choose committees.

Board of Selectmen

Article 3. Voted that the Town hear the reports of Town officers and committees and to act thereon and to choose committees.

Passes Per Moderator

Article 4. To see if the Town will vote to fix the salaries of the several elective officers and the Boards of the Town for the 2007/2008 fiscal year.

Board of Selectmen

Article 4. Voted that the town fix the salaries of the several elective officers and the boards of the Town for the 2007/2008 fiscal year as follows:

Town Moderator	\$200
Board of Assessors	\$1,200
Board of Selectmen	\$3,000
Town Clerk	\$56,773

Passes Per Moderator

John DeGeorge 148 Franklin Street made a motion to advance article 40 to follow Article 4.

**2/3 Vote Required
Fails Per Moderator
Motion for Reconsideration
Cannot Be Reconsidered**

Article 5. 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 1 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 1 and Commercial 3 Zoning Districts 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 aerial 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 1 Zoning District only, provided, however, that said signage shall be located no further than 50' from any interstate layout;
2. Signage shall not have excessive lighting nor shall it have any mechanical or moving parts which would, in the opinion of the Board, have the effect of causing a hazard to motorists. This shall not preclude an applicant from proposing signage which allows for more than one advertisement to be displayed, such as a so-called "tri-vision" sign, at the discretion of the Planning Board;
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 1 frontage which directly abuts an interstate 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 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. The height of such structure shall be calculated from the base of the support structure or sign, whichever is affixed to the ground (exclusive of structural footings), to the highest point of the support structure;

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 State of Massachusetts or 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	Y* *Permitted by Special Permit	672 SF per sign face - Not to exceed 14'x48' per sign face	40' support structure	NA	NA	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.

Board of Selectmen

Article 5. Voted that the Town indefinitely postpone the subject matter of Article #5.

Motion to Indefinitely Postpone Passes Per Moderator

Article 6. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning Bylaws by adding to Section 4.1.3 “Uses Permitted in All Districts” the following as Section 4.1.3.4: Motor vehicle parking serving uses not accessory to the public building or public use in the parking area of the public building or public use.

Or to do anything in relation thereto.

Board of Selectmen

Cameron Bain 12 Highland Avenue made a motion to amend Article 6 as follows:

By adding the words “except on park land or on open space and recreation land”

Article 6. Voted that the Town amend the Stoneham Town Code, Chapter 15, Zoning Bylaws by adding to Section 4.1.3 “Uses Permitted in All Districts” the following as Section 4.1.3.4: Motor vehicle parking serving uses not accessory to the public building or public use in the parking area of the public building or public use except on park land or on open space and recreation.

**Motion to Amend
Passes Per Moderator
Main Motion As Amended
2/3 Vote Required
Passes Per Moderator
Motion for Reconsideration
Cannot Be Reconsidered**

*** Approved by Attorney General July 16, 2007**

Article 7. To see if the Town will vote to amend the Stoneham Town Code, Chapter 8, Motor Vehicles and Traffic by adding the following:

Section 8-10 – Parking at Town Owned Property for Uses Not Accessory to the Public Building or Public Use – License Required by Board of Selectmen

No parking shall be allowed in a Town owned parking area which is accessory to a municipal building regardless of which Town entity has jurisdiction over said Town owned property, unless a municipal parking license has been granted by the Board of Selectmen after a public hearing. This Section 8-10 shall not apply to Town parking lots provided and used for public parking purposes or for parking pursuant to a special permit granted pursuant to the Town of Stoneham Zoning Bylaws.

(a) The application for a municipal parking license must be made by or jointly with the Town entity having jurisdiction over the Town parking area.

(b) Notice of the public hearing of the Board of Selectmen shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing. Notice shall also be sent by mail, postage prepaid to all direct abutters to the subject municipal parking lot. All costs for notices shall be paid by the private party seeking to use the subject Town parking lot.

(c) The application for a municipal parking license shall contain such information, which may include plans, that the Board of Selectmen deems relevant to its determination.

(d) The Board of Selectmen shall make its determination as to whether to grant or deny an application for a municipal parking license based on the totality of circumstances including the Town and public interest. The Board of Selectmen may attach conditions to the grant of a municipal parking license.

(e) No grant of a municipal parking license by the Board of Selectmen, including any condition(s) attached to such license, shall require the Town entity having jurisdiction over said Town parking area to enter into any rental or license with a party seeking to use the subject Town parking. Jurisdiction over the Town property, including the financial terms and conditions of the rental or licensing of said Town property, shall remain with the Town entity having jurisdiction over said property in accordance with the Town of Stoneham Selectmen-Administrator Act. Nothing in this Section 8-10 shall effect or diminish any legal requirements under applicable law with respect to the use of Town property or procurement thereof.

(f) The Board of Selectmen may make such regulations consistent with this bylaw that it deems necessary to effectuate its purpose.

Or to do anything in relation thereto.

Board of Selectmen

Article 7. **Voted** that the Town amend the Stoneham Town Code, Chapter 8, Motor Vehicles and Traffic by adding the following:

Section 8-10 – Parking at Town Owned Property for Uses Not Accessory to the Public Building or Public Use – License Required by Board of Selectmen

No parking shall be allowed in a Town owned parking area which is accessory to a municipal building regardless of which Town entity has jurisdiction over said Town owned property, unless a municipal parking license has been granted by the Board of Selectmen after a public hearing. This Section 8-10 shall not apply to Town parking lots provided and used for public parking purposes or for parking pursuant to a special permit granted pursuant to the Town of Stoneham Zoning Bylaws.

(a) The application for a municipal parking license must be made by or jointly with the Town entity having jurisdiction over the Town parking area.

(b) Notice of the public hearing of the Board of Selectmen shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing. Notice shall also be sent by mail, postage prepaid to all direct abutters to the subject municipal parking lot. All costs for notices shall be paid by the private party seeking to use the subject Town parking lot.

(c) The application for a municipal parking license shall contain such information, which may include plans, that the Board of Selectmen deems relevant to its determination.

(d) The Board of Selectmen shall make its determination as to whether to grant or deny an application for a municipal parking license based on the totality of circumstances including the Town and public interest. The Board of Selectmen may attach conditions to the grant of a municipal parking license.

(e) No grant of a municipal parking license by the Board of Selectmen, including any condition(s) attached to such license, shall require the Town entity having jurisdiction over said Town parking area to enter into any rental or license with a party seeking to use the subject Town parking. Jurisdiction over the Town property, including the financial terms and conditions of the rental or licensing of said Town property, shall remain with the Town entity having jurisdiction over said property in accordance with the Town of Stoneham Selectmen-Administrator Act. Nothing in this Section 8-10 shall effect or diminish any legal requirements under applicable law with respect to the use of Town property or procurement thereof.

(f) The Board of Selectmen may make such regulations consistent with this bylaw that it deems necessary to effectuate its purpose.

**Majority Vote Required
Passes Per Moderator
Motion for Reconsideration
Cannot Be Reconsidered**

***Approved by Attorney General July 16, 2007**

Article 8. To see if the Town will vote to authorize the Town Administrator, with the approval of the Board of Selectmen, to lease any Town owned land and/or building(s) under the jurisdiction of the Town Administrator, for a period of time greater than one (1) year but not to exceed 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).

Or to do anything in relation thereto.

Board of Selectmen

Article 8. **Voted** that the subject matter of Article #8 be indefinitely postponed.

**Motion to Indefinitely Postpone
Indefinitely Postponed
Motion for Reconsideration
Cannot Be Reconsidered**

Article 9. To see if the town will vote to amend the Stoneham Town Code, Chapter 8, Motor Vehicles and Traffic, by adding as Section 8-10 a bylaw allowing for valet parking on public ways upon a permit and/or license by the Board of Selectmen, including, but not limited to all requirements, conditions, fees, and procedures therefore.

Or to do anything in relation thereto.

Board of Selectmen

Article 9. **Voted** that the Town indefinitely postpone the subject matter of Article #9.

**Motion to Indefinitely Postpone
Indefinitely Postponed**

Article 10. To see if the town will vote to authorize the lease of the vehicle bays (or a portion thereof) at the site of the Department of Public Works facility located at 16 Pine Street 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 further to authorize the Town Administrator to take any action necessary to carry out this vote.

Or to do anything in relation thereto.

Board of Selectmen

Article 10. **Voted** that the Town authorize the lease of the vehicle bays (or a portion thereof) at the site of the Department of Public Works facility located at 16 Pine Street 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 further to authorize the Town Administrator to take any action necessary to carry out this vote.

**Motion to Move the Question
Question is Moved
Majority Vote Required
Passes Per Moderator
Motion for Hand Count
Hand Count
Yes No
114 81
Motion for Reconsideration
Cannot Be Reconsidered**

Article 11. To see if the Town will vote to authorize the lease of a parcel of land off Fallon Road, said land acquired by the Town as part of a taking by the Commonwealth.

Said parcel of land is located between Fallon Road and the previous layout of Fallon Road, and contains 2,609 square feet more or less and is more particularly described as follows:

- NORTHERLY: twenty-four and five hundredths (24.05) feet as shown on a plan entitled “The Commonwealth of Massachusetts Plan of Road in the Town of Stoneham Middlesex County Altered and laid out as a State Highway by the Department of Public Works” dated March 29, 1972, drawn by Frederick Esper R.L.S. and recorded with said Registry as Plan No 350 of 1972;
- NORTHEASTERLY: seventy-six and sixty-two hundredths (76.62) feet as shown on said Plan;
- SOUTHERLY: forty-one and twenty-five hundredths (41.25) feet by Fallon Road (Not an accepted Town L.O.) as shown on said Plan and
- WESTERLY: ninety and seventy-six hundredths (90.76) feet as shown on said Plan.

And further to authorize the Town Administrator to take any action necessary to carry out this vote.

Or to do anything in relation thereto.

Board of Selectmen

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

Motion to Indefinitely Postpone Indefinitely Postponed

Article 12. To see if the Town will vote to amend the Stoneham Town Code, Chapter 2 – Administration, Article V – Committees, by adding section 2-37.3. “Capital Improvement Advisory Committee” as follows:

Section 2-37.3 Capital Improvement Advisory Committee

- (a) the Board of Selectmen shall establish and appoint a Capital Improvement Advisory Committee (hereinafter referred to as the “Committee”), composed of:
- (i) one member of the Board of Selectmen as chosen by the Board;
 - (ii) one member of the Planning Board as chosen by the Board;
 - (iii) one member of the Finance and Advisory Board as chosen by that Board;
 - (iv) the School Superintendent or his designee;
 - (v) the Town Administrator; and
 - (vi) three residents of Stoneham selected by the Board of Selectmen

The Town Accountant shall assist the Committee in its work. The Committee shall choose its own officers.

(b) The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:

- (i) are purchased, or undertaken, at intervals of not less than five years;
- (ii) have a useful life of at least five (5) years; and
- (iii) incur a total cost over \$5,000.

(c) All departments, officers, boards and committees, including the Selectmen and School Committee, shall, by February 28th of each year, give to the Committee, on forms prepared by the Committee, information concerning all anticipated projects requiring Town Meeting action during the ensuing five (5) years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town.

(d) The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year and a Capital Improvement Program including recommended capital improvements for the following five (5) fiscal years. The report shall be submitted to the Board of Selectmen prior to the annual town meeting to assist the Board of Selectmen with their recommended Capital Budget.

- (e) The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance and Advisory Board Town Meeting recommendations. The Committee shall file its report with the Town Clerk.

**Board of Selectmen
Finance and Advisory Board**

Richard Gregorio 17 Crystal Drive made a motion to amend as follows:

To change subsection (b) parts (ii) to read "have a useful life of at least three (3) years; and (iii) incur a total cost over \$10,000"

Article 12. Voted that the Town amend the Stoneham Town Code, Chapter 2 – Administration, Article V – Committees, by adding section 2-37.3. "Capital Improvement Advisory Committee" as follows:

Section 2-37.3 Capital Improvement Advisory Committee

(a) the Board of Selectmen shall establish and appoint a Capital Improvement Advisory Committee (hereinafter referred to as the "Committee"), composed of:

- (i) one member of the Board of Selectmen as chosen by the Board;
- (ii) one member of the Planning Board as chosen by the Board;
- (iii) one member of the Finance and Advisory Board as chosen by that Board;
- (iv) the School Superintendent or his designee;
- (v) the Town Administrator; and
- (vi) three residents of Stoneham selected by the Board of Selectmen

The Town Accountant shall assist the Committee in its work. The Committee shall choose its own officers.

(b) The Committee shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:

- (i) are purchased, or undertaken, at intervals of not less than five years;
- (ii) have a useful life of at least three (3) years; and
- (iii) incur a total cost over \$10,000.

(c) All departments, officers, boards and committees, including the Selectmen and School Committee, shall, by February 28th of each year, give to the Committee, on forms prepared by the Committee, information concerning all anticipated projects requiring Town Meeting action during the ensuing five (5) years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town.

(d) The Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year and a Capital Improvement Program including recommended capital improvements for the following five (5) fiscal years. The report shall be submitted to the Board of Selectmen prior to the annual town meeting to assist the Board of Selectmen with their recommended Capital Budget.

(e) The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance and Advisory Board Town Meeting recommendations. The Committee shall file its report with the Town Clerk.

**Majority Vote Required for
Amendment
Passes Per Moderator
Motion As Amended
Passes Per Moderator**

*** Approved by Attorney General July 16, 2007**

**Kathleen Sullivan 91 Spring Street made a motion to convene the Special Town Meeting.
Annual Town Meeting adjourned at 10:34 PM for the Special Town Meeting.**

Resumed Annual Town Meeting at 10:37PM.

Article 13. To see if the Town will vote to authorize the lease of the Senior Center Barn and a portion of the real property, including a portion of the parking area, at the Stoneham Senior Center 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 further to authorize the Town Administrator to take any action necessary to carry out this vote.

Or to do anything in relation thereto.

Board of Selectmen

Article 13. Voted that the Town indefinitely postpone the subject matter of Article #13.

**Motion to Indefinitely Postpone
Indefinitely Postponed**

Article 14. To see if the Town will vote to petition the Legislature to pass an act regarding the abolition of the Town of Stoneham Retirement Board and the transfer of all of the responsibilities and duties of the Stoneham Retirement Board to the State Board of Retirement. The Town employees will remain employees of the Town and will not become employees of the Commonwealth. The Town will remain liable for any unfunded liability existing as of the date of the transfer, and shall annually reimburse the State Board of Retirement for the employer's normal cost, as determined by an actuary for the Commonwealth of Massachusetts, of benefits earned during each year by such Town employees who are members of the state employees' retirement system. An actuary for the Commonwealth of Massachusetts shall determine such cost as a percentage of the payroll of the Town for such employees based upon the most recent actuarial valuation of the state retirement system. Said reimbursed amount shall be deposited in the pension reserve fund of the state employees' retirement system.

Said Act to further provide that the abolition of the Town of Stoneham Retirement Board and the transfer of the responsibilities and duties of said Board to the State Retirement Board shall not occur unless each of the following pre-requisites have been met:

1. The State Board of Retirement or such other appropriate office or division of the State Treasurer's Office has provided the Board of Selectmen of the Town of Stoneham with: (i) a complete and detailed estimate of the annual administrative cost that will be charged the Town of Stoneham by the State Board of Retirement and/or the State Treasurer's Office for annually administering the Stoneham retirement system as part of or together with the State Board of Retirement's existing system obligations, and (ii) a written description of how the State Board of Retirement proposes to administer the Stoneham retirement system.

2. An independent actuary, retained by the Board of Selectmen of the Town of Stoneham documents and certifies, in writing, that the administrative cost savings (not including investment management fees) resulting from the transfer of the above referenced responsibilities and duties from the Stoneham Retirement Board to the State Board of Retirement will for the first complete fiscal year after such transfer be One Hundred Fifty Thousand Dollars or more when compared to the administrative costs (not including investment management fees) of the Stoneham Retirement Board as specified in the Board's budget for either said fiscal year or the prior fiscal year; and

3. Subject to the above prerequisites being satisfied, the Board of Selectmen would have to vote to abolish the Stoneham Retirement Board and transfer the responsibilities and duties of the Stoneham Retirement Board to the State Board of Retirement. Said vote must take place

no later than six (6) months after the report of the independent actuary, referenced in subparagraph (2) above.

Said Act to further require the State Treasurer's Office and the State Board of Retirement to provide the information described in subparagraph (1) above to the Board of Selectmen of the Town of Stoneham in a timely manner and to cooperate with the Town with respect to this matter.

The Board of Selectmen or its authorized agents are authorized to take any action necessary to carry out this vote.

Or do anything in relation thereto.

Board of Selectmen

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

**Motion to Indefinitely Postpone
Indefinitely Postponed**

Article 15. To see if the Town will vote to authorize the Board of Health to enter into an inter-municipal agreement(s) for mutual aid, pursuant to the Massachusetts General Laws, Chapter 40, Section 4A, with the City of Medford, the City of Malden, the City of Melrose, the Town of Wakefield, and such other cities and towns as the Board of Health may deem to be the best interest of the Town of Stoneham, for a term(s) not to exceed twenty-five (25) years, on such terms and conditions as the Board of Health deems to be in the best interest of the town.

Or to do anything in relation thereto.

Board of Health

Article 15. **Voted** that the Town authorize the Board of Health to enter into an inter-municipal agreement(s) for mutual aid, pursuant to the Massachusetts General Laws, Chapter 40, Section 4A, with the City of Medford, the City of Malden, the City of Melrose, the Town of Wakefield, and such other cities and towns as the Board of Health may deem to be the best interest of the Town of Stoneham, for a term(s) not to exceed twenty-five (25) years, on such terms and conditions as the Board of Health deems to be in the best interest of the town.

**Majority Vote Required
Passes Unanimous**

Article 16. To see if the Town will vote to accept the relevant of State law and/or petition the Commonwealth so that the employees and retirees of the Town can participate in the Commonwealth's Group Insurance Commission Plan or its equivalent. Or do anything in relation thereto.

Board of Selectmen

Article 16. **Voted** that the Town authorize the Board of Selectmen to:
(i) accept, subject to enactment by the State Legislature on or before October 31, 2007, the State law which will allow employees and retirees of the Town to participate in the Commonwealth's Group Insurance Commission Plan or its equivalent, or (ii) petition the State Legislature for a Special Act allowing employees and retirees of the Town to participate in the Commonwealth's Group Insurance Plan or its equivalent if such a petition is deemed necessary and appropriate by the Board of Selectmen.

**Majority Vote Required
Passes Per Moderator
Motion for Reconsideration
Cannot Be Reconsidered**

***Sent to Senator Tisei & Representatives Casey and Natale on May 17, 2007**

Article 17. To see if the town will vote to accept the provisions of Chapter 32B, Section 18 of the Massachusetts General Laws which requires all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to the retiree, their spouse or dependents, (or are eligible for coverage thereunder at no cost to the retiree, their spouse or dependents), enroll in a medicare health benefits supplement (extension) plan offered by the Town, provided that benefits under said supplement (extension) plan and medicare Part A and Part B together shall be of comparable actuarial value to those under the retiree's existing coverage.

Or do anything in relation thereto.

Board of Selectmen

Article 17. **Voted** that the town accept the provisions of Chapter 32B, Section 18 of the Massachusetts General Laws which requires all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to the retiree, their spouse or dependents, (or are eligible for coverage thereunder at no cost to the retiree, their spouse or dependents), enroll in a medicare health benefits supplement (extension) plan offered by the Town, provided that benefits under said supplement (extension) plan and medicare Part A and Part B together shall be of comparable actuarial value to those under the retiree's existing coverage.

**Motion to Move the Question
Question is Moved**

Passes Per Moderator

**Motion to Adjourn until Thursday, May 10th at 7:30PM.
Meeting adjourned at 11:15PM.**

**Annual Town Meeting reconvened on Thursday, May 10, 2007 at the Town Hall.
Tellers were appointed and the check in list showed that 352 voters were inside the meeting.
Moderator Rotondi called the meeting to order at 7:39 PM.**

Article 18. To see if the Town will vote to establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated through permit fees charged for field usage at Broadway Park, Recreation Park, Pomeworth Park, East School Field, Colonial Park School Field, Robin Hood Field, and the High School Field to pay the costs of maintaining these fields, and authorize expenditures by the DPW Director, not to exceed \$125,000 during Fiscal Year 2008 which may be made from such fund. Or do anything in relation thereto.

Board of Selectmen

Article 18. Voted that the Town establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated through permit fees charged for field usage at Broadway Park, Recreation Park, Pomeworth Park, East School Field, Colonial Park School Field, Robin Hood Field, and the High School Field to pay the costs of maintaining these fields, and authorize expenditures by the DPW Director, not to exceed \$125,000 during Fiscal Year 2008 which may be made from such fund.

**Motion to Move the Question
Question is Moved
Majority Vote Required
Passes Per Moderator**

Article 19. To see if the Town will vote to establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from operating the Arena concession, vending, and pro shop along with the receipts generated from advertisement fees at the Arena location to pay for the costs incurred in providing the concession, vending and pro shop services as well as help offset the repair and maintenance costs, utility costs, capital equipment costs, and building improvements for the Arena Facility and authorize expenditures by the Arena Manager, not to exceed \$100,000 during Fiscal Year 2008 which may be made from such fund. Or do anything in relation thereto.

Board of Selectmen

Article 19. **Voted** that the Town establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from operating the Arena concession, vending, and pro shop along with the receipts generated from advertisement fees at the Arena location to pay for the costs incurred in providing the concession, vending and pro shop services as well as help offset the repair and maintenance costs, utility costs, capital equipment costs, and building improvements for the Arena Facility and authorize expenditures by the Arena Manager, not to exceed \$100,000 during Fiscal Year 2008 which may be made from such fund.

**Majority Vote Required
Passes Per Moderator**

Article 20. To see if the Town will vote to establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated through the sale of compost and recycling bins and other recycling revenues to pay the cost of the Recycling Program and related expenses, and authorize expenditures by the DPW Director, not to exceed \$100,000 during Fiscal Year 2008 which may be made from such fund. Or do anything in relation thereto.

Board of Selectmen

Article 20. **Voted** that the Town establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated through the sale of compost and recycling bins and other recycling revenues to pay the cost of the Recycling Program and related expenses, and authorize expenditures by the DPW Director, not to exceed \$100,000 during Fiscal Year 2008 which may be made from such fund.

**Majority Vote Required
Passes Per Moderator**

Article 21. To see if the Town will vote to reauthorize a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from renting space at the Senior Center main building only to pay the cleaning and maintenance costs of the Senior Center, and authorize expenditures by the Senior Center Director, not to exceed \$30,000 during Fiscal Year 2008 which may be made from such fund. In addition, transfer any balance remaining on June 30, 2007 from the existing Revolving account into the reauthorized Revolving account. Or do anything in relation thereto.

Board of Selectmen

Article 21. **Voted** that the Town reauthorize a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from renting space at the Senior Center main building only to pay the cleaning and maintenance costs of the Senior Center, and authorize expenditures by the Senior Center Director, not to exceed \$30,000 during Fiscal Year 2008 which may be made from such fund. In addition, transfer any balance remaining on June 30, 2007 from the existing Revolving account into the reauthorized Revolving account.

**Majority Vote Required
Passes Per Moderator**

Article 22. To see if the Town will vote to establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from renting space at the Fire Station to pay the utility, cleaning and maintenance costs, and capital improvements of the Fire Station, and authorize expenditures by the Fire Chief, not to exceed \$20,000 during Fiscal Year 2008 which may be made from such fund. Or do anything in relation thereto.

Board of Selectmen

Article 22. **Voted** that the Town establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from renting space at the Fire Station to pay the utility, cleaning and maintenance costs, and capital improvements of the Fire Station, and authorize expenditures by the Fire Chief, not to exceed \$20,000 during Fiscal Year 2008 which may be made from such fund.

**Majority Vote Required
Passes Per Moderator**

Article 23. To see if the Town will vote to establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from renting space at the Public Works Garage to pay for maintenance costs and improvement costs for the Public Work's buildings as well as purchase equipment for the Public Works Department, and authorize expenditures by the DPW Director, not to exceed \$80,000 during Fiscal Year 2008 which may be made from such fund. Or do anything in relation thereto.

Board of Selectmen

Article 23. **Voted** that the Town establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from renting space at the Public Works Garage to pay for maintenance costs and improvement costs for the Public Work's buildings as well as purchase equipment for the Public Works Department, and authorize expenditures by the DPW Director, not to exceed \$80,000 during Fiscal Year 2008 which may be made from such fund.

**Majority Vote Required
Passes Per Moderator**

Article 24. To see if the Town will vote to establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from licensing, renting or leasing parking spaces on the premises of the Public Library to pay the utility, cleaning and maintenance costs of the Public Library, and authorize expenditures by the Library Director, not to exceed \$20,000 during Fiscal Year 2008 which may be made from such fund. Or do anything in relation thereto.

Board of Selectmen

Article 24. **Voted** that the Town establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from licensing, renting or leasing parking spaces on the premises of the Public Library to pay the utility, cleaning and maintenance costs of the Public Library, and authorize expenditures by the Library Director, not to exceed \$20,000 during Fiscal Year 2008 which may be made from such fund.

**Majority Vote Required
Passes Per Moderator**

Article 25. To see if the Town will vote to establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from licensing, renting or leasing parking spaces on the premises of the Public Schools to pay the utility, cleaning and maintenance costs of the Public Schools, and authorize expenditures by the School Committee, not to exceed \$20,000 during Fiscal Year 2008 which may be made from such fund. Or do anything in relation thereto.

Board of Selectmen

Article 25. **Voted** that the Town establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from licensing, renting or leasing parking spaces on the premises of the Public Schools to pay the utility, cleaning and maintenance costs of the Public Schools, and authorize expenditures by the School Committee, not to exceed \$20,000 during Fiscal Year 2008 which may be made from such fund.

**Majority Vote Required
Passes Per Moderator**

Article 26. To see if the Town will vote to reauthorize the revolving fund that was voted under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated through registration fees and other revenues for Recreation Programs to pay the costs of the Recreation program and related expenses, and authorize expenditures by the Recreation Program Coordinator, not to exceed \$200,000 during Fiscal Year 2008 which may be made from such fund. In addition, transfer any balance remaining on June 30, 2007 from the existing Revolving account into the reauthorized Revolving account. Or do anything in relation thereto.

Board of Selectmen

Article 26. **Voted** that the Town reauthorize the revolving fund that was voted under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated through registration fees and other revenues for Recreation Programs to pay the costs of the Recreation program and related expenses, and authorize expenditures by the Recreation Program Coordinator, not to exceed \$200,000 during Fiscal Year 2008 which may be made from such fund. In addition, transfer any balance remaining on June 30, 2007 from the existing Revolving account into the reauthorized Revolving account.

**Majority Vote Required
Passes Per Moderator**

Article 27. To see if the Town will vote to establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from fees charged for transportation services at the Senior Center to pay the costs associated with providing these services, and authorize expenditures by the Senior Center Director, not to exceed \$30,000 during Fiscal Year 2008 which may be made from such fund. Or do anything in relation thereto.

Board of Selectmen

Article 27. **Voted** that the Town establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E1/2 for the purpose of using receipts generated from fees charged for transportation services at the Senior Center to pay the costs associated with providing these services, and authorize expenditures by the Senior Center Director, not to exceed \$30,000 during Fiscal Year 2008 which may be made from such fund.

**Majority Vote Required
Passes Per Moderator**

Article 28. To see if the Town of Stoneham will grant a preservation restriction to the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission (the “MHC”), in perpetuity, by which the Town will covenant to maintain the Fire Station at 25 Central Street in a manner satisfactory to the MHC and not alter the property unless the MHC determines that the alteration will not impair the characteristics which contribute to the historical integrity of this property listed on the National Register of Historical Places on April 13, 1984.

**Marcia M. Wengen et al
56 Washington Street**

Article 28. **Voted** that the Town grant a preservation restriction to the Commonwealth of Massachusetts, by and through the Massachusetts Historical Commission (the “MHC”), in perpetuity, by which the Town will covenant to maintain the Fire Station at 25 Central Street in a manner satisfactory to the MHC and not alter the property unless the MHC determines that the alteration will not impair the characteristics which contribute to the historical integrity of this property listed on the National Register of Historical Places on April 13, 1984.

**Majority Vote Required
Passes per Moderator
Motion for Reconsideration
Cannot Be Reconsidered**

Article 29. To see if the town will raise and appropriate, transfer from available funds, or borrow a sum of money to defray the cost of drainage improvements in the MacArthur Road area and the Spring Street area or do anything in relation thereto.

Board of Selectmen

Article 29. **Voted** that the Town appropriate the sum of Four Hundred Thousand Dollars (\$400,000) to defray the cost of drainage improvements in the MacArthur Road area and the Spring 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.

**2/3 Vote Required
Passes Per Moderator
Motion for Reconsideration
Cannot Be Reconsidered**

Article 30. To see if the town will vote to appropriate a sum of money for the Board of Assessors to pay for the costs of Interim Year Adjustments for all real estate and for an Update of all real estate and personal property. Such funding shall come from the Overlay Surplus Account. Or do anything in relation thereto.

Board of Selectmen

Article 30. **Voted** that the town appropriate the sum of \$110,000 to pay for the costs of Interim Year Adjustments for all real estate and for an Update of all real estate and personal property; said sum to be transferred from the Overlay Surplus Account.

**Motion to Move the Question
Question is Moved
Majority Vote Required
Passes Per Moderator**

Article 31. To see if the Town will vote to transfer a sum of money from the Town Stabilization Fund as revenue to be applied to the Town's FY08 Budget.

Board of Selectmen

Article 31. **Voted** that the subject matter of Article #31 be indefinitely postponed.

**Motion to Indefinitely Postpone
Indefinitely Postponed**

Article 32. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money to amend the Fiscal Year 2007 department budgets approved under Article 26 of the May 1, 2006 Annual Town Meeting, as amended. Or do anything in relation thereto.

Board of Selectmen

Article 32. **Voted** that the Town amend in accordance with Exhibit A the Fiscal Year 2007 departmental budgets approved under Article 26 of May 1, 2006 Annual Town Meeting, As amended.

Passes Per Moderator

Article 33. To see if the Town will vote to raise and appropriate or transfer from available funds or borrow a sum of money to fund related costs associated with necessary capital repairs or replacement costs to the Stoneham Middle School 15,000 gallon underground oil tank, or do anything in relation thereto.

Stoneham School Committee

Article 33. Voted that the subject matter of Article #33 be indefinitely postponed.

**Motion to Indefinitely Postponed
Indefinitely Postponed**

Article 34. To see if the Town will vote to raise and appropriate or transfer from available funds \$30,000 for the purpose of embellishing Lindenwood Cemetery by hiring part-time help, purchasing equipment, or do anything in relation thereto.

Board of Selectmen

Article 34. Voted that the Town appropriate and transfer from the Cemetery Perpetual Care Income Trust Thirty Thousand Dollars (\$30,000) for the purpose of embellishing Lindenwood Cemetery by hiring part-time help, purchasing equipment.

**Majority Vote Required
Passes Per Moderator**

Article 35. To see if the Town will vote to raise and appropriate or transfer from available funds \$300,000 for the purpose of defraying the cost of constructing water mains or replacing or relining existing water mains, hydrant replacement, water meter installations, purchasing equipment, or maintain the water system within the limits of the Town, or do anything in relation thereto.

Board of Selectmen

Article 35. Voted that the subject matter of Article #35 be indefinitely postponed.

**Motion to Indefinitely Postpone
Indefinitely Postponed**

Article 36. To see if the Town will vote to raise and appropriate or transfer from available funds \$300,000 for the purpose of defraying the cost of construction or rehabilitation of sewer mains, manholes, pump stations or appurtenances, purchasing equipment, or maintain the sewer system within the limits of the Town, or do anything in relation thereto.

Board of Selectmen

Article 36. **Voted** that the Town raise and appropriate or transfer from Estimated Sewer Receipts Three Hundred Thousand Dollars (\$300,000) for the purpose of defraying the cost of construction or rehabilitation of sewer mains, manholes, pump stations or appurtenances, purchasing equipment, or maintain the sewer system within the limits of the Town.

**Majority Vote Required
Passes Per Moderator**

Article 37. To see if the Town will vote to appropriate \$309,631 to be received by the Town from the State Highway Funds account Chapter 291C of the Acts of 2005, Commonwealth of Massachusetts 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 37. **Voted** that the Town appropriate \$309,631 to be received by the Town from the State Highway Funds account Chapter 291C of the Acts of 2005, Commonwealth of Massachusetts 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.

**Majority Vote Required
Passes Per Moderator**

Article 38. To see if the Town will vote to raise and appropriate, or transfer from available funds, or borrow a sum of money to pay prior year invoices. Or do anything in relation thereto.

Board of Selectmen

Article 38. **Voted** that the subject matter of Article #38 be indefinitely postponed.

**Motion to Indefinitely Postpone
Indefinitely Postponed**

Article 39. To see if the Town will vote to

a. Authorize the transfer of the care, custody, management and control of a parcel of land no longer needed for school or school related purposes, located between the main driveway of the Stoneham High School and Emerald Court; said property is a portion of parcel No. 152 on Assessors Map 8, between parcel 155 to the South and parcels 153 and 154 to the North containing approximately 13,500 square feet of land – all according to the “Plan of Lot A #10 Emerald Court in Stoneham, Massachusetts” by Robert E. Grover, Town Engineer, and subject to the sewer easement as shown, pursuant to the provisions of Section 15A of Chapter 40 of the Massachusetts General Laws – to the Board of Selectmen for the purposes of sale; and

b. Authorize the Board of Selectmen and/or the Town Administrator to sell said parcel of land referenced in Subparagraph (a) above in accordance with the provisions of Section 3 of Chapter 40 of the Massachusetts General Laws, subject to such reasonable conditions, if any, that the Town deems necessary to insure that the use of said parcel, including the nature of any structure to be built thereon, is not injurious to the abutters and/or neighborhood.

Or do anything in relation thereto.

Board of Selectmen

Pamela Swallow, 14 Emerald Court made a motion to amend as follows:

“Further that any residential dwelling from sale of this property be a single family dwelling no more than two stories high facing Emerald Ct with no access from the school driveway.”

Article 39. Voted that the Town

a. Authorize the transfer of the care, custody, management and control of a parcel of land no longer needed for school or school related purposes, located between the main driveway of the Stoneham High School and Emerald Court; said property is a portion of parcel No. 152 on Assessors Map 8, between parcel 155 to the South and parcels 153 and 154 to the North containing approximately 13,500 square feet of land – all according to the “Plan of Lot A #10 Emerald Court in Stoneham, Massachusetts” by Robert E. Grover, Town Engineer, and subject to the sewer easement as shown, pursuant to the provisions of Section 15A of Chapter 40 of the Massachusetts General Laws – to the Board of Selectmen for the purposes of sale; and

b. Authorize the Board of Selectmen and/or the Town Administrator to sell said parcel of land referenced in Subparagraph (a) above in accordance with the provisions of Section 3 of Chapter 40 of the Massachusetts General Laws, subject to such reasonable conditions, if any, that the Town deems

necessary to insure that the use of said parcel, including the nature of any structure to be built thereon, is not injurious to the abutters and/or neighborhood.

Further that any residential dwelling from sale of this property be a single family dwelling no more than two stories high facing Emerald Ct with no access from the school driveway.

**Motion to Move the Question
Question is Moved
Motion to Amend
Passes Per Moderator
Main Motion As Amended
 $\frac{2}{3}$ Vote Required
Passes Per Moderator
Motion for Reconsideration
Cannot Be Reconsidered**

Article 40. To see if the Town will vote to raise and appropriate from taxation or by transfer from available funds, such sums as may be necessary to defray Town charges for the ensuing year, including debt and interest and a reserve fund, or do anything in relation thereto.

Board of Selectmen

Article 40. **Voted** that the Town raise, transfer from available funds, and appropriate from taxation the sum of Fifty-Nine Million Seven Hundred Ninety Thousand Eight Hundred Ninety-Nine Dollars (\$59,790,899) to defray Town charges including debt and interest and a reserve fund for the ensuing year beginning July 1, 2007 through June 30, 2008; said sum as itemized on Exhibit B.

**Motion to Move the Question
Question is Moved
Majority Vote Required
Passes Per Moderator**

**Motion to Dissolve.
Meeting dissolved at 10:45 PM.**