

**MINUTES FOR SPECIAL TOWN MEETING  
THURSDAY, OCTOBER 18, 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

**Thursday, October 18, 2007**

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 139 voters were inside the meeting.

The meeting was called to order by Moderator Michael Rotondi at 7:09 PM. He thanked the Town's organist for the evening, John Phipps and allowed the usual organist Bruce Netten to make a statement about the organ.. Moderator Rotondi led the Pledge of Allegiance and the warrant was read.

**Article 1.** To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning Bylaws by changing the following sections, so that it will read as follows:

6.3.7 *Off-Street Loading:*

6.3.7.1 *Applicability:*

6.3.7.1.1 The provisions of this Section shall apply to any building or structure, or addition thereto, to be utilized for any use within any zone except those allowed in Residence A, Residence B and Open Space Districts, containing more than twenty-five thousand (25,000) gross square feet.

Section 6.3.7.2 *Number of Off-Street Loading Areas Required:*

Section 6.3.7.2.1 There shall be one (1) off-street loading area for each twenty-five thousand (25,000) square feet of gross floor area.

Or to do anything in relation thereto.

**Planning Board**

**Article 1. Voted** that the Town amend the Stoneham Town Code, Chapter 15, Zoning Bylaws by changing the following sections, so that it will read as follows:

6.3.7 *Off-Street Loading:*

6.3.7.1 *Applicability:*

6.3.7.1.2 The provisions of this Section shall apply to any building or structure, or addition thereto, to be utilized for any use within any zone except those allowed in Residence A, Residence B and Open Space Districts, containing more than twenty-five thousand (25,000) gross square feet.

Section 6.3.7.2 *Number of Off-Street Loading Areas Required:*

Section 6.3.7.2.1 There shall be one (1) off-street loading area for each twenty-five thousand (25,000) square feet of gross floor area.

**2/3 Vote Required  
Passes Unanimous**

**\*Approved by Attorney General January 28, 2008**

Selectmen John DePinto 3 Rebecca Lane made a motion to take Article #13 out of order at this time.

**Majority Vote Required  
Passes Per Moderator**

**Article 13.** 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 2008 departmental budgets and funding sources, approved under Article No. 40 of the May 7, 2007 Annual Town Meeting, as amended. Or do anything in relation thereto.

**Board of Selectmen**

**Article 13. Voted** that the Town transfer from available funds and surplus revenue, a sum of Six Hundred Sixty-Five Thousand Four Hundred thirty-Five Dollars (\$665,435) to amend the Fiscal Year 2008 departmental budgets and funding sources (see Exhibit A), approved under Article No. 40 of the May 7, 2007 Annual Town Meeting, as amended.

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

**\*The Exhibit A presented on Town Meeting floor showed the Total of the Net change to FY08 budget as \$665,435 because the first two amounts in the column were not added in for the total at the bottom. Each number in the column, however, was read at Town Meeting then the incorrect total was given. The correct amount of \$674,716 is now shown in the Exhibit A. This amount will be used to amend the Fiscal Year 2008 departmental budgets and funding sources approved under Article No. 40 of the May, 2007 Annual Town Meeting, as amended.**

**Article #13 Exhibit A**  
**Amend the following Departmental Budgets:**

Dept. #	Department	Salaries	Operating	Total	Explanation
122	Board of Selectmen	\$2,162		\$2,162	Collective Bargaining Negotiations
123	Town Administrator	\$7,119		\$7,119	Collective Bargaining Negotiations
135	Town Accountant	\$3,672		\$3,672	Collective Bargaining Negotiations
141	Assessors	\$4,464		\$4,464	Collective Bargaining Negotiations
145	Treasurer	(\$15,125)		(\$15,125)	Savings from vacant position
	Town				
151	Counsel	\$3,289		\$3,289	Collective Bargaining Negotiations
155	MIS Dept.	\$22,500		\$22,500	Hiring Full time IT person 1/1/08
161	Town Clerk	\$2,171	\$1,000	\$3,171	Educational courses
	Elections &				
	Registrations	\$1,089		\$1,089	Collective Bargaining Negotiations
172	Whip Hill	\$1,203		\$1,203	Collective Bargaining Negotiations
182	Planning/Appeals/Conservation	\$1,019		\$1,019	Collective Bargaining Negotiations
192	Public Property	\$791		\$791	Collective Bargaining Negotiations
210	Police Department	\$101,139		\$101,139	Collective Bargaining Negotiations
211	Traffic Directors	\$3,442		\$3,442	Collective Bargaining Negotiations
212	Dispatchers	\$7,771		\$7,771	Collective Bargaining Negotiations
	Fire & Emergency Rescue				
	Department	\$63,249		\$63,249	Collective Bargaining Negotiations
241	Building Inspectional Services	\$5,141		\$5,141	Collective Bargaining Negotiations
	Minuteman Voc.				
398	School		(\$35,000)	(\$35,000)	only 2 students enrolled instead of 4
	Public Works				
	Department	\$46,801		\$46,801	Collective Bargaining Negotiations
510	Board of Health	\$4,575		\$4,575	Collective Bargaining Negotiations
541	Council on Aging	\$2,686		\$2,686	Collective Bargaining Negotiations
542	Youth Commission	\$15,000		\$15,000	Part time help for open gym and park programs
543	Veterans Department	\$368		\$368	Collective Bargaining Negotiations
	Public				
610	Library	\$15,945	\$2,563	\$18,508	Needed for Certification
630	Unicorn Golf/Arena	\$10,209		\$10,209	Collective Bargaining Negotiations
	Contributory				
911	Retirement		\$400,000	\$400,000	Additional Funding of Unfunded Liability
918	Capital		\$281,872	\$281,872	School IT, Library and Police Boilers, Police Cruiser, Arena Low "E" Ceiling, and Sr. Ctr. Bathroom.
919	Unclassified		(\$286,399)	(\$286,399)	Savings in Retirees' Health Ins.
	<b>Net change to FY08 Budgets</b>	<b>\$301,399</b>	<b>\$364,036</b>	<b>\$674,716</b>	*

<b>Reduce Revenue of the Current Year</b>	<b>(\$195,000)</b>	Reduce Trash Fee from \$200 to \$170
<b>Transfer from Surplus Revenue (Free Cash)</b>	<b>\$627,435</b>	Leaves \$805,000 in Free Cash for Stabilization
<b>Transfer from Pothole Grant</b>	<b>\$233,000</b>	Needed for Capital Budget
	<b>\$665,435</b>	

**Article 2.** To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning Bylaws, by amending Section 4.1.3.1 (of Section 4.1.3 – Uses Permitted in All Districts) by adding the following to the end of said section 4.1.3.1:

An area of up to twenty percent (20%) of any Town of Stoneham owned property used for a public use (other than property used or zoned for open space and recreation) may be used for a non-public use if said use (as a use) is: (i) non-residential, (ii) not inconsistent with said Town of Stoneham public use, and (iii) not more detrimental to the neighborhood than the current Town of Stoneham public use.

Or do anything in relation thereto.

**Board of Selectmen**

**Article 2.** **Voted** that the Town amend the Stoneham Town Code, Chapter 15, Zoning Bylaws, by amending Section 4.1.3.1 (of Section 4.1.3 – Uses Permitted in All Districts) by adding the following to the end of said section 4.1.3.1:

An area of up to twenty percent (20%) of any Town of Stoneham owned property used for a public use (other than property used or zoned for open space and recreation) may be used for a non-public use if said use (as a use) is: (i) non-residential, (ii) not inconsistent with said Town of Stoneham public use, and (iii) not more detrimental to the neighborhood than the current Town of Stoneham public use.

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

**\*Approved by Attorney General January 28, 2008**

**Article 3.** To see if the Town will vote to amend the Zoning Map of the Town of Stoneham as most recently amended, by rezoning certain land from a Residential B District to a Commercial 1 District. Said land is generally located off of Adam Road, Hillside Road and Manison Street and is further identified on the Town of Stoneham Assessors Map, as follows: Map/Parcels 23-0-70; 23-0-71; 23-0-72; 23-0-73; 23-0-82; 23-0-86; 23-0-100; 23-0-101 and those portions of Map/Parcels 23-0-77; 23-0-78; 23-0-79; and 23-0-92 presently zoned Residential B intending that these lots in their entirety shall be zoned Commercial 1, together with any fee interest in any adjacent private ways or passageways possessed by all of these parcels. Said parcels are further identified through deed references as recorded at the Middlesex South Registry of Deeds as follows: 30303/512; 46788/319; 16034/0243; 21598/325; 30647/226 and 41500/316. Said parcels to be rezoned are further identified on Town of Stoneham Assessors Map #23 available in the Assessing Department and the Town Clerk's office.

Or to act in any other matter in relation thereto.

**Mark T. Vaughan et al  
35 Beacon Street**

**Article 3.** **Voted** that the Town amend the Zoning Map of the Town of Stoneham as most recently amended, by rezoning certain land from a Residential B District to a Commercial 1 District. Said land is generally located off of Adam Road, Hillside Road and Manison Street and is further identified on the Town of Stoneham Assessors Map, as follows: Map/Parcels 23-0-70; 23-0-71; 23-0-72; 23-0-73; 23-0-82; 23-0-86; 23-0-100; 23-0-101 and those portions of Map/Parcels 23-0-77; 23-0-78; 23-0-79; and 23-0-92 presently zoned Residential B intending that these lots in their entirety shall be zoned Commercial 1, together with any fee interest in any adjacent private ways or passageways possessed by all of these parcels. Said parcels are further identified through deed references as recorded at the Middlesex South Registry of Deeds as follows: 30303/512; 46788/319; 16034/0243; 21598/325; 30647/226 and 41500/316. Said parcels to be rezoned are further identified on Town of Stoneham Assessors Map #23 available in the Assessing Department and the Town Clerk's office.

**2/3 Vote Required  
Passes Unanimous**

**\*Approved by Attorney General January 28, 2008**

**Article 4.** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to design and construct a Stoneham sports facility behind the Stoneham (Unicorn) Arena, to include: (i) an indoor facility and field for athletics, sports and related events, including, but no limited to, soccer, lacrosse and field hockey, and (ii) an additional skating facility, and to further authorize the Town Administrator to take any action necessary to effectuate said design and construction; or do anything in relation thereto.

**Board of Selectmen**

**Article 4.** **Voted** that the town transfer from the FY2008 Unclassified Budget-Dept #919 the sum of Twenty Thousand Dollars (\$20,000) for a feasibility study regarding a Stoneham sports facility behind the Stoneham (Unicorn) Arena, to include the study of: (i) an indoor facility and field for athletics, sports and related events, including, but no limited to, soccer, lacrosse and field hockey, and (ii) an additional skating facility, and to further authorize the Town Administrator to take any action necessary to effectuate said feasibility study.

**Move the Question  
Question is Moved  
Majority Vote Required  
Passes Per Moderator  
Motion for Hand Count  
Yes No  
58 38  
Motion for Reconsideration  
Cannot Be Reconsidered**

**Article 5.** To see if the Town will vote to raise and appropriate or transfer from available funds or borrow a sum of money to fund the acquisition and installation of instructional technology equipment and software for the Stoneham High School. Or do anything in relation thereto.

**School Committee**

**Article 5.** **Voted** that the Town indefinitely postpone article #5.

**Passes Per Moderator**

**Article 6.** To see if the Town will vote to amend certain sections of the Town Code, Chapter 3, Article II Dogs, as follows – with the strike outs (lines through words) indicating deletions and the highlight/underlined text indicating additions:

Section 3-6 Keeping of barking or howling dogs.

(a) Prohibited: No person shall own or keep in the town any dog which by excessive barking or howling or by biting disturbs the quiet of any person.

(b) Penalties: In addition to the general penalties provided pursuant to Section 1-4 of this Stoneham Town Code, the non-criminal disposition penalties that shall apply to a violation of this bylaw shall be as follows:

First offense within a ~~twenty-four~~twelve month period.....Warning  
Second offense within a ~~twenty-four~~twelve month period.....~~\$25.00~~50.00  
Third and subsequent offense(s) within a ~~twenty-four~~twelve month period.....~~\$50.00~~75.00  
Each day a violation continues shall be a separate offense.

In addition to police officers of the Town of Stoneham, the Animal Control Officer shall have authority to enforce this bylaw by non-criminal disposition.

And further to amend Section 1-4A of the Stoneham Town Code so as to list the non-criminal disposition penalty listed in this Section 3-6(b) in said Section 1-4A.

**Sec. 3-7. Leash required; penalty.**

Every dog owned or kept in the Town shall, at all times while within the town, be effectively restrained by some person by means of a leash, except when such dog is on the premises of the owner or keeper or another person with the consent of such person.

The owner or keeper of any such dog that is not restrained shall be punishable by a fine of twenty-five dollars (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense, and  ~~fifty~~ seventy-five dollars (~~\$50.00~~75.00) for each succeeding offense.

**Sec. 3-10. Redemption; disposition of monies paid to dog officer.**

(a) The owner or keeper of any licensed dog confined as provided for in this article may reclaim such dog upon payment of the costs and charges incurred by the town for such apprehension and confinement and care of such dog, such charges to be  ~~five~~seventy-five dollars(~~\$5.00~~75.00) for the apprehension of such dog, plus care charges for such dog of  ~~two~~twenty dollars (~~\$2.00~~20.00) for each full or partial day of confinement in a pound owned or leased by, or under the control of the town or the dog officer. If the dog is confined in a place other than a pound owned or leased by or under the control of the town or the dog officer, the care charges to be paid hereunder shall be the actual charges incurred by the town or the dog officer for such confinement. No licensed dog confined as provided in this article may be reclaimed until the owner or keeper thereof shall have paid all such costs to the dog officer.

(b) The dog officer shall pay over to the town treasurer all sums paid to him, such sums to be applied to the cost of enforcing this Article. (3-19-73, Art. 26.)

**Sec. 3-11. Feces—Duty to dispose.**

(a) *Duty to dispose:* It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area in the Town. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person and for which permission has not been granted by a lawfully authorized person for the disposal of such feces on said private property.

(b) *Method of Disposal:* Disposal shall be accomplished by transporting and disposing of such feces to and at a place suitable and lawful for the disposal of canine feces or as otherwise designated as appropriate by the Board of Health.

(c) *Enforcement:* Violation of this section shall be punishable ~~as follows:~~

~~First Offense (over a 12 month period)~~ ~~\$50.00~~

<del>Second Offense (over a 12-month period)</del>	<del>100.00</del>
<del>Third Offense and each subsequent offense (over a 12-month period)</del>	<del>150.00</del>

by a fine pursuant to Section 1.4 of these Bylaws.

(d) Penalties: The non-criminal disposition penalty that shall apply to a violation of Section 3-11 shall be as follows:

<u>First offense (over a 24-month period)</u>	<u>Warning</u>
<u>Second offense (over a 24-month period)</u>	<u>\$50.00</u>

Third and subsequent offense(s) (over a 24 month period) \$150.00

And further to amend Section 1-4A of the Stoneham Town Code so as to list the non-criminal disposition penalty listed in this Section 3-11(s) in said Section 1-4A.

Or do anything in relation thereto.

**Board of Selectmen**

**Article 6.** **Voted** that the Town amend certain sections of the Town Code, Chapter 3, Article II Dogs, as follows – with the strike outs (lines through words) indicating deletions and the highlight/underlined text indicating additions:

Section 3-6 Keeping of barking or howling dogs.

- (a) Prohibited: No person shall own or keep in the town any dog which by excessive barking or howling or by biting disturbs the quiet of any person.
- (b) Penalties: In addition to the general penalties provided pursuant to Section 1-4 of this Stoneham Town Code, the non-criminal disposition penalties that shall apply to a violation of this bylaw shall be as follows:

First offense within a <del>twenty-four</del> <u>twelve</u> month period.....	<del>Warning</del>
Second offense within a <del>twenty-four</del> <u>twelve</u> month period.....	<del>\$25.00</del> <u>50.00</u>
Third and subsequent offense(s) within a <del>twenty-four</del> <u>twelve</u> month period.....	<del>\$50.00</del> <u>75.00</u>

Each day a violation continues shall be a separate offense.

In addition to police officers of the Town of Stoneham, the Animal Control Officer shall have authority to enforce this bylaw by non-criminal disposition.

And further to amend Section 1-4A of the Stoneham Town Code so as to list the non-criminal disposition penalty listed in this Section 3-6(b) in said Section 1-4A.

**Sec. 3-7. Leash required; penalty.**

Every dog owned or kept in the Town shall, at all times while within the town, be effectively restrained by some person by means of a leash, except when such dog is on the premises of the owner or keeper or another person with the consent of such person.

The owner or keeper of any such dog that is not restrained shall be punishable by a fine of twenty-five dollars (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense, and  ~~fifty~~ seventy-five dollars (~~\$50.00~~75.00) for each succeeding offense.

**Sec. 3-10. Redemption; disposition of monies paid to dog officer.**

(a) The owner or keeper of any licensed dog confined as provided for in this article may reclaim such dog upon payment of the costs and charges incurred by the town for such apprehension and confinement and care of such dog, such charges to be ~~five~~seventy-five dollars (~~\$5.00~~ 75.00) for the apprehension of such dog, plus care charges for such dog of ~~two~~ twenty dollars (~~\$2.00~~ 20.00) for each full or partial day of confinement in a pound owned or leased by, or under the control of the town or the dog officer. If the dog is confined in a place other than a pound owned or leased by or under the control of the town or the dog officer, the care charges to be paid hereunder shall be the actual charges incurred by the town or the dog officer for such confinement. No licensed dog confined as provided in this article may be reclaimed until the owner or keeper thereof shall have paid all such costs to the dog officer.

(b) The dog officer shall pay over to the town treasurer all sums paid to him, such sums to be applied to the cost of enforcing this Article. (3-19-73, Art. 26.)

### **Sec. 3-11. Feces—Duty to dispose.**

(a) *Duty to dispose:* It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area in the Town. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person and for which permission has not been granted by a lawfully authorized person for the disposal of such feces on said private property.

(b) *Method of Disposal:* Disposal shall be accomplished by transporting and disposing of such feces to and at a place suitable and lawful for the disposal of canine feces or as otherwise designated as appropriate by the Board of Health.

(c) *Enforcement:* Violation of this section shall be punishable ~~as follows:~~

First Offense (over a 12 month period)	\$50.00
Second Offense (over a 12 month period)	100.00
Third Offense and each subsequent offense (over a 12 month period)	150.00

by a fine pursuant to Section 1.4 of these Bylaws.

(d) Penalties: The non-criminal disposition penalty that shall apply to a violation of Section 3-11 shall be as follows:

<u>First offense (over a 24-month period)</u>	<u>Warning</u>
<u>Second offense (over a 24-month period)</u>	<u>\$50.00</u>

Third and subsequent offense(s) (over a 24 month period) \$150.00

And further to amend Section 1-4A of the Stoneham Town Code so as to list the non-criminal disposition penalty listed in this Section 3-11(s) in said Section 1-4A.

**Majority Vote Required  
Passes Unanimous**

**\*Approved by Attorney General January 28, 2008**

**Article 7.** To see if the Town will vote to amend the certain sections of the Town Code, Chapter 5A – Stoneham Alarm Bylaw, as follows – with the strike outs (lines through words) indicating deletions and the highlighted/underlined text indicating additions to Chapter 5A:

Sec. 5A-5. Alarm Appeal Board.

There shall be an Alarm Appeal Board appointed by the Board of Selectmen which shall consist of the Town Administrator or his designee, ~~the Chief of Police or his designee, the Fire Chief or his designee~~ and ~~two~~ four residents of the Town of Stoneham.

**Sec. 5A-11. False alarm charges.**

When the Police Department or Fire Department has responded to a false alarm, the appropriate Administrator shall impose a charge on the responsible alarm user according to the below referenced schedule. In instances where both the Police and Fire Departments respond to a false alarm, the Administrator shall be the Fire Chief.

A. First <del>two (2)</del> false alarms within one calendar year	NO CHARGE
<u>B. Second false alarm within one calendar year</u>	<u>\$50.00</u>
<del>B</del> C. Third (3rd) false alarm within one calendar year	<u>\$100.00</u>
<del>C</del> D Fourth (4th) false alarm within one calendar year	<del>50.00</del> <u>\$150.00</u>
<del>D</del> E Fifth (5th) <del>or subsequent</del> false alarms within one calendar year	<del>75.00</del> <u>\$200.00</u>
<u>F. Each additional false alarm after the fifth within one calendar year – increment increase(s) above \$200 of</u>	<u>\$50.00</u>
<del>E</del> G Any intentional false alarm	<del>200.00</del> <u>\$500.00</u>
<del>F</del> H Failure to register an alarm device	100.00
<del>G</del> I. Use of automatic dial alarm or an exterior audible alarm device in violation of the provisions of this bylaw	150.00

**Sec. 5A-12. Notification and appeal.**

The administrator shall notify the responsible alarm user of any false alarm charge by mail within ~~thirty(30)~~forty-five (45) days. After the mailing of such notice, the alarm user may file with the Administrator, information to show that the alarm was not a false alarm within the meaning of this bylaw. The Administrator shall, within ~~thirty(30)~~forty-five (45)days consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Within thirty (30) days after mailing of such notice, the alarm user may file a written appeal with the Alarm Appeal Board.

**Sec. 5A-14. Refusal or failure to pay charge.**

Refusal or failure to pay a charge properly levied shall result in prosecution of the violation in the local district court. The penalty not to exceed three hundred (\$300.00) for each offense. In the alternative, a non-criminal disposition penalty of fifty dollars (\$50.00) for each offense may be imposed pursuant to Section 1-4A of these bylaws. The additional enforcing persons shall be the Fire Chief or the Fire Chief's designee. Each day a violation continues shall constitute a separate offense.

**Sec. 5A-17. Enforcement of this bylaw.**

The Town may institute civil or criminal proceedings to enforce the provisions of this bylaw. In the alternative, a non-criminal disposition penalty of fifty dollars (\$50.00) for each offense may be imposed pursuant to Section 1-4A of these bylaws. The additional enforcing persons shall be the Fire Chief or the Fire Chief's designee.

Or do anything in relation thereto.

**Board of Selectmen**

**Article 7.** **Voted** that the Town amend the certain sections of the Town Code, Chapter 5A – Stoneham Alarm Bylaw, as follows – with the strike outs (lines through words) indicating deletions and the highlighted/underlined text indicating additions to Chapter 5A:

Sec. 5A-5. Alarm Appeal Board.

There shall be an Alarm Appeal Board appointed by the Board of Selectmen which shall consist of the Town Administrator or his designee, ~~the Chief of Police or his designee, the Fire Chief or his designee~~ and two ~~four~~ residents of the Town of Stoneham.

**Sec. 5A-11. False alarm charges.**

When the Police Department or Fire Department has responded to a false alarm, the appropriate Administrator shall impose a charge on the responsible alarm user according to the below referenced schedule. In instances where both the Police and Fire Departments respond to a false alarm, the Administrator shall be the Fire Chief.

A. First <del>two (2)</del> false alarms within one calendar year	NO CHARGE
<u>B. Second false alarm within one calendar year</u>	<u>\$50.00</u>
<del>B</del> <u>C. Third (3rd) false alarm within one calendar year</u>	<u>\$100.00</u>
<del>C</del> <u>D. Fourth (4th) false alarm within one calendar year</u>	<del>50.00</del> <u>\$150.00</u>
<del>D</del> <u>E. Fifth (5th) <del>or subsequent</del> false alarms within one calendar year</u>	<del>75.00</del> <u>\$200.00</u>
<u>F. Each additional false alarm after the fifth within one calendar year – increment increase(s) above \$200 of</u>	<u>\$50.00</u>
<del>E</del> <u>G. Any intentional false alarm</u>	<del>200.00</del> <u>\$500.00</u>
<del>F</del> <u>H. Failure to register an alarm device</u>	100.00
<del>G</del> <u>I. Use of automatic dial alarm or an exterior audible alarm device in violation of the provisions of this bylaw</u>	150.00

**Sec. 5A-12. Notification and appeal.**

The administrator shall notify the responsible alarm user of any false alarm charge by mail within ~~thirty(30)~~forty-five (45) days. After the mailing of such notice, the alarm user may file with the Administrator, information to show that the alarm was not a false alarm within the meaning of this bylaw. The Administrator shall, within ~~thirty(30)~~forty-five (45)days consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Within thirty (30) days after mailing of such notice, the alarm user may file a written appeal with the Alarm Appeal Board.

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Refusal or failure to pay a charge properly levied shall result in prosecution of the violation in the local district court. The penalty not to exceed three hundred (\$300.00) for each offense. In the alternative, a non-criminal disposition penalty of fifty dollars (\$50.00) for each offense may be imposed pursuant to Section 1-4A of these bylaws. The additional enforcing persons shall be the Fire Chief or the Fire Chief's designee. Each day a violation continues shall constitute a separate offense.

**Sec. 5A-17. Enforcement of this bylaw.**

The Town may institute civil or criminal proceedings to enforce the provisions of this bylaw. In the alternative, a non-criminal disposition penalty of fifty dollars (\$50.00) for each offense may be imposed pursuant to Section 1-4A of these bylaws. The additional enforcing persons shall be the Fire Chief or the Fire Chief's designee.

**Majority Vote Required  
Passes Per Moderator**

**\*Approved by Attorney General January 28, 2008 with**

**Article 8.** To see if the town will vote to authorize the lease of a portion of up to ten thousand (10,000) square feet (at the southwest corner) of the Stevens Street Recycling Center, located off Stevens Street, for a period of up to ten (10) years, pursuant to Section 10(h) of the Town of Stoneham Selectmen-Administrator Act (Chapter 26 of the Acts and Resolves of 1981, as amended.) And further to authorize the Town Administrator to take any action necessary to carry out this vote.

Or do anything in relation thereto.

**Board of Selectmen**

**Motion to Amend made by Selectmen Frank Vallarelli, 5 Birch Street, as follows: "strike ten (10) years and amend to Five (5) years lease"**

**Article 8.** **Voted** that the Town authorize the lease of a portion of up to ten thousand (10,000) square feet (at the southwest corner) of the Stevens Street Recycling Center, located off Stevens Street, for a period of up to five (5) years, pursuant to Section 10(h) of the Town of Stoneham Selectmen-Administrator Act (Chapter 26 of the Acts and Resolves of 1981, as amended.) And further to authorize the Town Administrator to take any action necessary to carry out this vote.

**Motion to Amend  
Amendment Passes  
Majority Vote required  
Main Motion as Amended  
Passes Per Moderator**

**Article 9.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$2,563 to meet the Municipal Appropriation Requirement for the library's certification or do anything in relation thereto.

**Library Board of Trustees**

**Article 9.** **Voted** that the Town indefinitely postpone article #9.

**Passes Per Moderator**

**Article 10.** To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$50,000 to the budget of the Stoneham Public Library in order to replace the library's boiler, or do anything in relation thereto.

**Library Board of Trustees**

**Article 10.** **Voted** that the Town indefinitely postpone article #10.

**Passes Per Moderator**

**Article 11.** To see if the Town will vote to appropriate \$385,162 to be received by the Town from the Commonwealth of Massachusetts Chapter 90 local transportation aid funding for fiscal year 2008 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 11.** **Voted** that the Town appropriate \$385,162 to be received by the Town from the Commonwealth of Massachusetts Chapter 90 local transportation aid funding for fiscal year 2008 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 Unanimous**

**Article 12.** To see if the Town will vote to establish a revolving fund under Massachusetts General Law Chapter 44, Section 53E ½, for the purpose of using receipts generated from licensing, fines, custody and care of animals to pay for the Animal Control Program and authorize expenditures by the Public Works Department 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 12.** **Voted** that the Town indefinitely postpone the subject matter of Article No. 12.

**Passes Per Moderator**

**Article 14.** To see if the Town will vote to transfer from Surplus Revenue, a sum of money to the Stabilization Fund. Or do anything in relation thereto.

**Board of Selectmen**

**Article 14.** **Voted** that the Town transfer from Surplus Revenue, a sum of Eight Hundred Five Thousand Dollars (\$805,000) to the Stabilization Fund.

**2/3 Vote Required  
Passes Unanimous**

**Article 15.** To see if the Town will vote that; except for applicable outside revenue sources, such as grants, state and/or federal programs, contract agreements, and the like; the total cost for the actual collection and disposal of trash, garbage, yard waste, appliances, bulk items, recyclable materials, hazardous material, etc. shall be funded by revenue raised from real estate and property taxes. and further, to amend the Stoneham Town Code Chapter 6, Health and Sanitation accordingly, or do anything in relation there to.

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

**Article 15.** **Voted** that the Town amend Chapter 6 Health and Sanitation of the Stoneham Town Code by adding the following to the end of Section 6-3: "Except for applicable outside revenue sources, such as grants, state and/or federal programs, contract agreements, and the like; the total cost for the actual collection and disposal of trash, garbage, yard waste, appliances, bulk items, recyclable materials, hazardous material, etc: shall be funded by revenue raised from real estate and property taxes. Any proposed associated fees shall be presented as a question to the electorate on the annual April election ballot; and if approved by a simple majority vote, shall become effective for the upcoming fiscal year only." And further, the said amendment shall take effect on July 1, 2008.

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

**Article 16.** To see if the Town will vote to transfer the total amount of Fiscal Year 2008 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 16.** **Voted** that the Town transfer the total amount of Fiscal Year 2008 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.

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

**Motion to Dissolve  
Meeting Dissolved at 9:44 PM**

