

**MINUTES FOR SPECIAL TOWN MEETING
MONDAY, OCTOBER 23, 2006**

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

Greeting:

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

Monday, October 23, 2006

at 7:30 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 238 voters were inside the meeting.

Moderator Michael Rotondi led the Pledge of Allegiance.

The meeting was called to order by Moderator Michael Rotondi at 7:38 PM and the warrant was read.

Article 1. To see if the Town will vote to revise the salary of the Board of Selectmen, previously established by vote of the Town Meeting pursuant to Article 4 of the April 1, 2006 Annual Town Meeting, by increasing said salary from \$0.00 to \$3,000.00 each, and further to transfer \$15,000.00 from Department 918 to the personnel budget of the Board of Selectmen.

**John J. Scullin et al
216 North Street**

Article 1. Voted that the Town revise the salary of the Board of Selectmen, previously established by vote of the Town Meeting pursuant to Article 4 of the April 1, 2006 Annual Town Meeting, by increasing said salary from \$0.00 to \$3,000.00 each, and further to transfer \$15,000.00 from Department 918 to the personnel budget of the Board of Selectmen.

2/3 Vote Required

Hand Count

Yes No

105 69

Motion Fails

Motion for Reconsideration

Hand Count

Yes No

98 77

Cannot be Reconsidered

Article 2. To see if the Town will vote to amend the Zoning By-laws (Chapter 15 of the Town Code) by adding the following Section:

Section 4.5.3.4 Retail business and service establishment for motor vehicles, subject to the following:

- a) Repairs shall be limited to minor repairs and adjustments unless conducted within a building
- b) There shall be no outside storage of motor vehicles on the premises other than those awaiting delivery, or required in the operation of the garage or repair shop
- c) The lot exclusive of required landscaping areas shall be paved

**Dana Marek et al
12 Keene Street**

Article 2. **Voted** that the Town amend the Stoneham Town Code, Chapter 15, Zoning Bylaw by adding a new section Section 4.5.3.4 as follows:

4.5.3.4 Retail business and service establishment for motor vehicles, subject to the following:

- a) Repairs shall be limited to minor repairs and adjustments unless conducted within a building.
- b) There shall be no outside storage of motor vehicles on the premises other than those awaiting delivery, or required in the operation of the garage or repair shop.
- c) The lot exclusive of required landscaping areas shall be paved.

**2/3 Vote Required
Passes Unanimous
Motion for Reconsideration
Cannot be Reconsidered**

**sent to Attorney General November 14, 2006*

Article 3. To see if the Town will vote to amend the Zoning By-laws (Chapter 15 of the Town Code) by adding the following Section:

4.5.3.3 Funeral Home or mortuary.

Planning Board

Article 3. **Voted** that the Town amend the Stoneham Town Code, Chapter 15, Zoning Bylaw by adding a new section Section 4.5.3.3 as follows:

4.5.3.3 Funeral Home or mortuary.

**2/3 Vote Required
Passes Unanimous
Motion for Reconsideration
Cannot be Reconsidered**

**sent to Attorney General November 14, 2006*

Article 4. To see if the Town of Stoneham will vote to amend the Zoning By-laws (Chapter 15 of the Town Code) by adding to the Central Business District the following described property:

Parcel 2 as shown on a Plan entitled “Plan of Land 322 Main Street and 4 Common Street Stoneham, Massachusetts” by Cyprus Engineering & Environmental Services, Inc. dated December 14, 2005 and recorded with the Middlesex South District Registry of Deeds as Plan No. 30 of 2006. Said Parcel 2 is more particularly described as follows:

- NORTHERLY: by land now or formerly of Post Investment Realty fifty-seven and fifty-four hundredths (57.54) feet as shown in said Plan;
- EASTERLY: by land now or formerly of Trembetta nine and thirty-four hundredths (9.34) feet as shown on said Plan;
- NORTHERLY: by land now or formerly of Trembetta thirty-one and twenty-five hundredths (31.25) feet as shown on said Plan;
- EASTERLY: by land now or formerly of Trembetta and Mahoney one hundred and twenty and sixty-four hundredths (120.64) feet;
- SOUTHERLY: by Common Street ninety-two and seventeen hundredths (92.17) feet as shown on said Plan;
- WESTERLY: by Parcel 1 seventy-six and nine hundredths (76.09) feet;
- SOUTHERLY: by Parcel 1 eighty hundredths (.80) feet as shown on said Plan;
- WESTERLY: by Parcel 1 thirty-two and thirty hundredths (32.30) feet as shown on said Plan;
- NORTHERLY: by Parcel 1 eighty hundredths (.80) feet as shown on said Plan and
- WESTERLY: by Parcel 1 seven and forty hundredths (7.40) feet as shown on said Plan.

John L. Anderson et al
25 West Street

Article 4. **Voted** that the Town of Stoneham amend the Stoneham Town Code, Chapter 15, Zoning Bylaw by adding to the Central Business District the following described property:

Parcel 2 as shown on a Plan entitled “Plan of Land 322 Main Street and 4 Common Street Stoneham, Massachusetts” by Cyprus Engineering & Environmental Services, Inc. dated December 14, 2005 and recorded with the Middlesex South District Registry of Deeds as Plan No. 30 of 2006. Said Parcel 2 is more particularly described as follows:

- NORTHERLY: by land now or formerly of Post Investment Realty fifty-seven and fifty-four hundredths (57.54) feet as shown in said Plan;
- EASTERLY: by land now or formerly of Trembetta nine and thirty-four hundredths (9.34) feet as shown on said Plan;
- NORTHERLY: by land now or formerly of Trembetta thirty-one and twenty-five hundredths (31.25) feet as shown on said Plan;
- EASTERLY: by land now or formerly of Trembetta and Mahoney one hundred and twenty and sixty-four hundredths (120.64) feet;

SOUTHERLY: by Common Street ninety-two and seventeen hundredths (92.17) feet as shown on said Plan;
WESTERLY: by Parcel 1 seventy-six and nine hundredths (76.09) feet;
SOUTHERLY: by Parcel 1 eighty hundredths (.80) feet as shown on said Plan;
WESTERLY: by Parcel 1 thirty-two and thirty hundredths (32.30) feet as shown on said Plan;
NORTHERLY: by Parcel 1 eighty hundredths (.80) feet as shown on said Plan and
WESTERLY: by Parcel 1 seven and forty hundredths (7.40) feet as shown on said Plan.

**2/3 Vote Required
Passes Unanimous
Motion for Reconsideration
Cannot be Reconsidered**

**sent to Attorney General November 14, 2006*

Article 5. To see if the Town will vote to amend the Zoning By-Laws (Chapter 15 of the Town Code) by deleting “No member of the Board of Appeals shall serve more than one (1) full term as a regular member consecutively.” So that it will read as follows:

7.1.1.5 *Terms:* The terms of regular members shall be three (3) years. All terms of associate members shall be one (1) year.

Board of Appeals

Article 5. **Voted** that the Town amend the Zoning By-Laws (Chapter 15 of the Town Code) by deleting “No member of the Board of Appeals shall serve more than one (1) full term as a regular member consecutively.” And substituting the following:

7.1.1.5 *Terms:* The terms of regular members shall be three (3) years. All terms of associate members shall be one (1) year.

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

**sent to Attorney General November 14, 2006*

Article 6. To see if the Town will vote to accept the provisions of Section 23D of Chapter 39 of the Massachusetts General Laws (Chapter 79 of the Acts of 2006). Said Section 23D provides, in relevant part, that: “upon acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member’s absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.” And further to amend the Stoneham Town Code, “Article IV Officers, Boards and

Committees, Generally”, by adding a section for such “minimum additional requirements, [if any], for attendance at scheduled board, committee, and commission hearings under Section 23C of Chapter 39.

Or do anything in relation thereto.

**Town Administrator
Board of Selectmen**

Article 6. **Voted** that the Town accept the provisions of Section 23D of Chapter 39

of the Massachusetts General Laws (Chapter 79 of the Acts of 2006). Said Section 23D provides, in relevant part, that: "upon acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements."

**Motion to Move the Question
Question is Moved
Majority Vote Required
Passes Per Moderator
Motion for Reconsideration
Cannot Be Reconsidered**

Article 7. To see if the Town will petition the Legislature to pass a special act which provides that notwithstanding any general or special law or rule or regulation to the contrary regulating the maximum age of an applicant for appointment as a police officer or firefighter, the personnel administrator of the human resources division and/or such other official(s) of the Commonwealth of Massachusetts as required by law or regulation, shall certify Mark Walsh to be eligible for original appointment to the position of police officer or firefighter in the Town of Stoneham according to the grade he received on the civil service examination for the respective positions. If Mark Walsh meets all of the requirements for such appointment to either of the respective positions, the Town of Stoneham may appoint him. And further that said special act shall take effect upon its passage.

Or do anything in relation thereto.

Board of Selectmen

Article 7. **Voted** that the Town petition the Legislature to pass a special act which provides that notwithstanding any general or special law or rule or regulation to the contrary regulating the maximum age of an applicant for appointment as a police officer, the personnel administrator of the human resources division and/or such other official(s) of the Commonwealth of Massachusetts as required by law or regulation, shall certify Mark Walsh to be eligible for original appointment to the position of police officer in the Town of Stoneham according to the grade he received on the civil service examination taken prior to the vote on this warrant article for the position of police officer. If Mark Walsh meets all of the requirements for such appointment as a police officer, the Town of Stoneham may appoint him. And further that said special act shall take effect upon its passage.

**Majority Voted Required
Passes Per Moderator**

Article 8. To see if the Town of Stoneham will vote to accept the provisions of Chapters 55 and Section 3 of Chapter 64 of the Acts of 2006 which will allow for an increase in the accidental death benefit for surviving children to an amount equal to the benefit provided for in G.L. c32 Sec 7(2)(a)(iii). That yearly benefit is currently \$629.64. The new amendments to G.L. 32 sec 9 become effective on July 5, 2006.

Board of Retirement

Article 8. **Voted** that the Town of Stoneham accept the provisions of Chapters 55 and Section 3 of Chapter 64 of the Acts of 2006 which will allow for an increase in the accidental death benefit for surviving children to an amount equal to the benefit provided for in Mass General Laws c32 Sec 7(2)(a)(iii). That yearly benefit is currently \$629.64. The new amendments to Mass general Laws c 32 sec 9 become effective on July 5, 2006.

Majority Vote Required Passes Per Moderator

Article 9. To see if the Town will vote to accept Section 2 of Chapter 157 of the Acts of 2005, an Act relative to Disability Retirement Benefits for Veterans.

On November 22, 2005 the Governor signed Chapter 157 of the Acts of 2005, an Act that provides Section 7 Accidental Disability retirees with a veteran's benefit. Chapter 157 of the acts of 2005 became effective on November 23, 2005. Since the passage of the provision, the Stoneham Retirement Board approved Section 1 in December 2005 and the Town of Stoneham accepted this article at the May 2006 Town Meeting.

Section 2, of Chapter 157 of the Acts of 2005 makes the allowance retroactive to a retiree's date of retirement. Section 2 is subject to acceptance by both the Retirement Board and local legislative body. If Section 2 is accepted, payments will be retroactive to the date of retirement for living retirees only. Payment under this section shall be made in a lump sum or in installments and shall be made in full within 1 year of the receipt of a completed and satisfactory application by the board.

The Stoneham Retirement Board

Article 9. **Voted** that the Town accept Section 2 of Chapter 157 of the Acts of 2005, an Act relative to Disability Retirement Benefits for Veterans.

On November 22, 2005 the Governor signed Chapter 157 of the Acts of 2005, an Act that provides Section 7 Accidental Disability retirees with a veteran's benefit. Chapter 157 of the acts of 2005 became effective on November 23, 2005. Since the passage of the provision, the Stoneham Retirement Board approved Section 1 in December 2005 and the Town of Stoneham accepted this article at the May 2006 Town Meeting.

Section 2, of Chapter 157 of the Acts of 2005 makes the allowance retroactive to a retiree's date of retirement. Section 2 is subject to acceptance by both the Retirement Board and local legislative body. If Section 2 is accepted, payments will be retroactive to the date of retirement for living retirees only. Payment under this section shall be made in a lump sum or in installments and shall be made in full within 1 year of the receipt of a completed and satisfactory application by the board.

Majority Vote Required Fails Per Moderator

Article 10. To see if the Town will vote to amend the Stoneham Town Code, Article 9, Offenses-Miscellaneous by adding a new Section to impose a fine, including, but not limited to a non-criminal disposition fine, for a person who intentionally makes a false 911 call or report to the Stoneham Police Department, Stoneham Fire Department or any dispatch service for either of the Departments, and further to add such offense to the list of offenses in Section 1-4A which may be imposed by non-criminal disposition by police officers and to set the non-criminal disposition fine for said offense.

Or do anything in relation thereto.

**Chief of Police
Stoneham Police Department**

Article 10. **Voted** that the Town indefinitely postpone the subject matter of Article No. 10.

**Motion to Indefinitely Postpone
Passes
Indefinitely Postponed**

Article 11. To see if the Town will (a) vote to rescind Warrant Article 6 of the 2003 Annual Town Meeting and (b) vote that all fees fixed as a result of Article 6 shall expire at the end of Fiscal Year 2006 and (c) vote that all future proposed fees shall require, as a minimum, a two-thirds (2/3) vote by Town Meeting; or do anything in relation thereto. Each of the aforementioned parts of this Article shall be voted on separately and in the order presented.

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

Article 11. **Voted** that the Town vote separately on each part of this Article in the order here presented:

(a) Vote to rescind Warrant Article 6 of the 2003 Annual Town Meeting.

(b) Vote that all fees fixed as a result of Article 6 shall expire at the end of Fiscal Year 2006.

(c) Vote that all future proposed fees shall require, as a minimum, a two-thirds (2/3) vote by Town Meeting.

**Motion to Divide the Question
Majority Vote Required
Motion Fails
Main Motion- Majority Vote
Fails Per Moderator**

Article 12. 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 departmental budgets and funding sources, approved under Article No. 26 of the May 1, 2006 Annual Town Meeting, or do anything in relation thereto.

Board of Selectmen

**ARTICLE
#12--
(EXHIBIT A)**

Adjust the following budgets:

Dept. #	Department	Salaries	Operating	Total	
132	Finance Board Reserve Fund		(47,255.00)	(\$47,255.00)	\$22,255 Reg. Voc School, \$25,000 for IT Person (leaves \$31,541 in Reserve Fund)
155	MIS/GIS Planning/BOA/Conserv.	25,000.00		\$25,000.00	Relieve Treasurer of IT responsibilities
182	Comm	5,000.00		\$5,000.00	Additional hours needed to attend Board Mtgs.
192	Public Property Maintenance	22,225.00		\$22,225.00	Share School Facility person Hired temp to fill in for employee on reduced hours
241	Building Department Vocational	(5,000.00)		(\$5,000.00)	
399	School		\$22,255.00	\$22,255.00	FY07 Increase set aside in Reserve Fund
400	Public Works Department	\$22,000.00	(\$10,000.00)	\$12,000.00	Additional hours for Recycling & Cemetery work.
918	Capital		(\$22,225.00)	(\$22,225.00)	Fund Facility person position
	Net amount	\$69,225.00	(\$57,225.00)	\$12,000.00	

Said sum in the amount of \$12,000 to be raised or transferred as follows:

Transfer from Sale of Lots and Graves \$12,000

Article 12. **Voted** that the Town amend the Fiscal Year 2007 departmental budgets and funding sources, approved under Article No. 26 of the May 1, 2006 Annual Town Meeting, as described in Exhibit A.

**Majority Vote Required
Passes Per Moderator**

Article 13. 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 13. **Voted** that the Town indefinitely postpone the subject matter of Article No. 13.

**Motion to Indefinitely Postpone
Passes
Indefinitely Postponed**

Article 14. 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 interior capital repairs to Stoneham High School and Stoneham Middle School at a cost not to exceed \$250,000,

Or do anything in relation thereto.

School Committee

Article 14. **Voted** that the Town appropriate the sum of Two Hundred Fifty Thousand Dollars (\$250,000) to fund related costs associated with necessary interior capital repairs to Stoneham High School and Stoneham Middle School; and to meet this appropriation the Town Treasurer, with the approval of the board of Selectmen, is authorized to borrow up to Two hundred Fifty Thousand Dollars (\$250,000) 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

Article 15. To see if the Town will vote to amend the amounts raised and appropriated for the School Department under Article No. 26 of the May 1, 2004 Annual Town Meeting by increasing said amount by \$150,000 for the purpose of funding required system-wide custodial coverage and other Middle School instructional personnel. Said additional amount to be raised and appropriated or transfer from available funds, Or do anything in relation thereto.

School Committee

Article 15. **Voted** that the Town amend the amount raised and appropriated for the School Department under Article No. 26 of the May 1, 2004 Annual Town Meeting by increasing said amount by Forty-Four Thousand Eight Hundred Twenty-Nine Dollars (\$44,829) for the purpose of funding required system-wide custodial coverage and a part-time Middle School technology aide. Said sum to be transferred from surplus revenue.

Majority Vote Required
Passes Per Moderator

Article 16. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$50,000 to defray the cost of drainage improvements and to perform drainage studies in the Mac Arthur Road area and the Spring Street area or do anything in relation thereto.

Board of Selectmen

Article 16. **Voted** that the Town appropriate Fifty Thousand Dollars (\$50,000) to defray the cost of drainage improvements and to perform drainage studies in the Mac Arthur Road area and the Spring Street area. Said sum to be transferred from surplus revenue.

Motion to Amend made by William A. Previdi 11 Elmhurst Road as follows:
Change “raise and appropriate, transfer from available funds” to borrow.

Vote on Amendment
Majority Vote Required
Amendment Fails
Vote on Main Motion
Majority Vote Required
Passes Per Moderator

Article 17. To see if the Town will vote to appropriate \$141,722 to be received by the Town from the State Highway Funds account. This is a supplemental apportionment to the Town’s FY2006 Chapter 90 account 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 17. **Voted** that the Town appropriate One Hundred Forty-One Thousand Seven Hundred Twenty-Two Dollars (\$141,722) 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. This is a supplemental apportionment to the Town's FY2006 Chapter 90 account to be received by the Town from the State Highway Funds account.

**Majority Vote Required
Passes Per Moderator**

Article 18. To see if the Town will vote to raise and appropriate a sum of money to implement certain rehabilitation and construction projects on the Town's sanitary sewer system under Phase 6 of the Massachusetts Water Resources Authority Assistance Program and the Town Treasurer, with the approval of the Board of Selectmen, be authorized to sell from time to time, as the occasion requires, Town notes, bonds, or other evidence of indebtedness in the amount not to exceed \$408,000 in accordance with Chapter 44, Section 7 (1) of the Massachusetts General Laws and further to accept any grants or gifts for those projects or do anything in relation thereto.

Board of Selectmen

Article 18. **Voted** that the Town appropriate a sum of Four Hundred Eight Thousand (\$408,000) to implement certain rehabilitation and construction projects on the Town's sanitary sewer system under Phase 6 of the Massachusetts Water Resources Authority Assistance Program; and to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow up to Four Hundred Eight Thousand (\$408,000) in accordance with Chapter 44, Section 7 (1) of the Massachusetts General Laws under Chapter 44 of the General Laws or any other enabling authority and further to accept any grants or gifts for those projects; and the Town Administrator is authorized to take any action necessary to carry out this vote.

**2/3 Vote Required
Passes Unanimous**

Article 19. To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$648.99 to pay prior year invoice; or do anything in relation thereto.

Town Treasurer

Article 19. **Voted** that the Town appropriate Six Hundred Forty-Eight Dollars and Ninety-Nine Cents (\$648.99) to pay prior year invoice. Said sum to be transferred from the FY2007 Unclassified Operating Budget.

**9/10 Vote Required
Passes Unanimous**

**Motion to Dissolve
Dissolved at 11:03 PM**