

Minutes for Annual Town Meeting

Tuesday, April 7, 2009

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 7, 2009, at seven o'clock in the forenoon to act on the following articles of this warrant:

Article 1. To choose the following officers:

Two (2) Selectmen for three (3) years. **Robert W. Sweeney & R. Paul Rotondi**

Two (2) Library Trustees for three (3) years. **Catherine F. DiDonato & Jane F. Francis**

One (1) Board of Assessors Member for three (3) years. **Craig J. Celli**

Three (3) Constables for three (3) years. **Frederic Kranefuss, Robert E. Moreira, Robert W. Nardone**

One (1) Board of Health Member for three (3) years. **Ernest P. Sacco**

Two (2) School Committee Members for three (3) years **Marie Christie & Shawn McCarthy**

One (1) Town Moderator for two (2) years. **Michael J. Rotondi**

One (1) Housing Authority Member for five (5) years. **Edward J. Pinato**

One (1) Planning Board Member for five (5) years. **Kevin N. Dolan**

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 7:00 o'clock in the evening on Monday, May 4, 2009, 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 264 voters were inside the meeting.

The meeting was called to order by Moderator Michael Rotondi at 7:14PM. Moderator Rotondi thanked Bruce Netten for playing the organ. Michael acknowledged Daniel Towse and brought attention to him being placed on the cover of the Town Meeting booklet as well as the Annual Report. Richard Gregorio said a few words in appreciation of all that Dan Towse has done for the Town.

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 Unanimous

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 2009/2010 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 2009/2010 fiscal year

| | |
|--------------------|----------|
| Town Moderator | \$200 |
| Board of Assessors | \$1,200 |
| Board of Selectmen | \$3,000 |
| Town Clerk | \$62,000 |

Passes Unanimous

Article 5. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15 Zoning By-Laws, as follows:

1. Adding Section 4.17– Stoneham Arena and Stoneham Oaks Par 3 Golf Course Overlay District

By adding as Section 4.17 a Stoneham Arena and Stoneham Oaks Par 3 Golf Course Overlay District to allow for the as-of-right use of property in said Overlay District for any sports and/or recreational use, and related business, office, retail, promotional, parking, vehicle and pedestrian access, and accessory uses.

The dimensional requirements for the Stoneham Arena and Stoneham Oaks Par 3 Golf Course Overlay District shall be as follows:

- Minimum Lot Size in Square Feet – 40,000
- Frontage and Lot Width in Feet – None Required
- Percent Coverage – No limitation.
- Minimum Setback in Feet – Front – 40; Side – 20; and Rear – 20
(No setback required where abutting property owned by the Town of Stoneham.)
- Height in Feet - 40

The parking requirement shall be one for every four hundred fifty square feet of gross floor area, however, no parking shall be required for the use of any portion of the sports facility that is made available for use by the public. The dimensional and parking requirements set out herein are subject to change in the motion for this article.

If any section of Section 4.17 or portion thereof is declared invalid it shall not affect the validity or application of the remainder of the bylaw.

2. Amending the Town of Stoneham Zoning Map

By amending the Zoning Map of the Town of Stoneham by adding the area of the Stoneham Arena and all or a portion of the Stoneham Oaks Par 3 Golf Course to the Stoneham Arena and Stoneham Oaks Par 3 Golf Course Overlay District:

Or do anything in relation thereto.

Board of Selectmen

Article 5. **Voted** that the subject matter of Article No. 5 be indefinitely postponed.

Passes Unanimous

Article 6. To see if the Town will vote to appropriate a sum of money to fund the costs associated with the expansion, reconstruction and improvements to the Stoneham Arena, 101 Montvale Avenue, including, but not limited to, the build-out of office space, locker rooms, and accessory requirements, and also including supporting parking spaces, vehicle and pedestrian access at the Stoneham Arena and on a portion of the Stoneham Oaks Par Three Golf Course, 101R Montvale Avenue, and to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow under Chapter 44 of the Mass. General Laws or any other enabling authority; and the Board of Selectmen and Town Administrator are authorized to take any action necessary to carry out this vote.

Or do anything in relation thereto.

Board of Selectmen

Article 6. **Voted** that the subject matter of Article No. 6 be indefinitely postponed.

Passes Unanimous

Article 7. To see if the Town will vote to: (1) authorize the Town Administrator to lease for a period of up to twenty-five (25) years: (i) a portion of the Unicorn Arena, 101 Montvale Avenue, as currently constructed and hereafter expanded and renovated, and (ii) a portion of the southerly part of the Stoneham Oaks Par 3 Golf Course (101R Montvale Avenue) for uses, including, but not limited to, sports and/or recreational uses, and related business, office, retail, promotional, parking and vehicle and pedestrian access, and accessory uses; and (2) authorize the Board of Selectmen and/or Town Administrator to transfer any parcel or parcels of land dedicated or otherwise being used for general municipal purposes or other non-park or non-conservation purposes) to recreation, conservation or other natural resource land purposes. And to further see if the Town will vote to authorize the Board of Selectmen to petition the General Court (State Legislature) to authorize the lease of a portion of the Unicorn Arena and Stoneham Oaks Par 3 Golf Course, as described above, notwithstanding the provisions of any general or special law to the contrary or the provisions of Amended Article 97 of the Massachusetts Constitution.

Or do anything in relation thereto.

Board of Selectmen

Article 7. **Voted** that the subject matter of Article No. 7 be indefinitely postponed.

Passes Unanimous

Article 8. To see if the Town will vote to appropriate a sum of money to fund the costs associated with the design and construction of a practice and training facility, including a driving range, a club house, supporting parking lot, vehicle and pedestrian access, and accessory requirements, at the location of the current Stoneham Oaks Par 3 Golf Course (101R Montvale Avenue), and to meet this appropriation the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow under Chapter 44 of the Mass. General Laws or any other enabling authority; and the Board of Selectmen and Town Administrator are authorized to take any action necessary to carry out this vote.

Or do anything in relation thereto.

Board of Selectmen

Article 8. **Voted** that the subject matter of Article No. 8 be indefinitely postponed.

Passes Unanimous

Article 9. To see if the Town will vote to amend the Stoneham Town Code, Chapter 13, Streets and Sidewalks, by adding a new Section 13-13, regulating printed material vending machines (e.g. newsracks, newspaper boxes, advertiser boxes, etc.) on Town owned or controlled property, including public ways, including, but not limited to provisions and requirements regarding: permitting process, applications; review process; certificates and certificates of compliance; fees; allowed and/or authorized and unauthorized locations; type, size, number, and manner of placement of printed material vending machine boxes or other equipment authorized or otherwise permitted; additional standards, including attachment(s), clearance, installation, usage, maintenance, safety, and appearance; prohibitions and/or limits on advertising unrelated to the display or sale of the publication; compliance review and requirements; insurance and indemnification; removal; abandonment; fines and penalties, including non-criminal disposition enforcement and fines (including the amendment of Chapter 1, Section 1-4A of the Stoneham Town Code “Non-Criminal Disposition” to include said non-criminal disposition subjects, enforcing person(s) and fines); process and fees for removal and storage by or on behalf of the Town; promulgation of regulations pursuant to the bylaw by the Town Administrator; effective date; and severability. And further to address as necessary in the same bylaw or another Section in said Chapter 13, the regulation, process and requirements regarding any other structure, equipment or street “furniture” on public property, including public ways, to the extent deemed relevant by the Town to the regulation of printed material vending machines.

Or to do anything in relation thereto.

Board of Selectmen

Article 9. **Voted** that the Town Amend the Stoneham Town Code by adding a new Section 13-13, as follows:

Sec. 13-13 Printed Material Vending Machines

Section 13-13.1 Definitions

When used in this section the following terms shall have the following meanings:

Certificate holder means the holder of a Certificate of Compliance issued by the Superintendent of Public Works (or the successor officer within the Town of Stoneham) (hereinafter also referred to as the “Superintendent”) in accordance with the provisions of this section.

Certificate of Compliance means the certificate issued by the Superintendent on a yearly basis to the certificate holder upon successful completion of the application process each year.

Operator means any natural person or other legal entity including, but not limited to, corporations, partnerships, joint ventures and the like who either own, operate or are otherwise in control of a newsrack located in or on a public way in the Town of Stoneham.

Printed Material Vending Machine means any typed of unmanned device for the vending or free distribution of newspapers, periodicals or printed material of whatever nature located in or on a public way.

Printed Material Vending Machine Sticker means a sequentially numbered sticker issued by the Superintendent for placement on individual Printed Material Vending Machines in accordance with the provisions of this section.

Public Way means any public way or way which the clerk of the Town certifies is maintained and used as a public way, or a way or sidewalk dedicated to public use.

Superintendent means the Superintendent of Public Works of the Town of Stoneham, or such person as said Superintendent may delegate.

Section 13-13.2 Certificate of Compliance

a. Requirement. No person shall affix, erect, construct or maintain a Printed Material Vending Machine in or on any part of a public way without first obtaining a yearly Certificate of Compliance from the Superintendent in accordance with the provisions of this section. Only one annual Certificate of Compliance per publication shall be required.

b. Application Process. Each operator of a Printed Material Vending Machine who intends to place a Printed Material Vending Machine in or on any part of the public way must complete a written application on a yearly basis on a form provided by the Superintendent.

c. Application. The application shall describe in detail the location of each Printed Material Vending Machine and be accompanied by a sketch or photograph of each newsrack location showing compliance with the standards set forth in this Section 13-13.2(c) and indicating the distance, in feet, of the Printed Material Vending Machine from curbs, crosswalks, fire hydrants, street lights, trash receptacles, traffic signal equipment, bike racks, and mail boxes within a twenty-foot radius of the newsrack. The application sketch or photograph must also demonstrate that the placement of the newsrack is in compliance with the regulations of the State Architectural Access Board, 521 CMR, and will not reduce the clear space for the passage of pedestrians to less than four (4') feet. The applications shall also include:

1. The name and address, telephone number, and email address of the applicant who is the operator of the newsrack(s);
2. The name, address, telephone number and email address of a natural person (if different from the applicant) who the Town may notify and/or contact at any time concerning the operator/applicant's Printed Material Vending Machine(s);
3. A certificate of insurance naming the Town of Stoneham as an additional insured in an amount established by the Superintendent as sufficient to indemnify the Town and hold it harmless from any and all claims or judgments for personal injury, including death, or property damage from costs and expenses to which the Town may be subject or which it may suffer or incur by reason of the design, placement, installation, operation or maintenance of any of the applicant/operator's Printed Material Vending Machine(s); and

4. A signed statement indicating whether notice regarding Printed Material Vending Machines may be sent by electronic mail.

d. Issuance of Certificate of Compliance. Each year, within thirty (30) days of the submission of a completed application, upon a finding that the applicant is in compliance with the provisions of the section, the Superintendent shall issue a Certificate of Compliance. Included with the Certificate of Compliance shall be an appropriate number of sequentially numbered Printed Material Vending Machine stickers. Each sticker shall correspond with a specific Printed Material Vending Machine, the location of which had been approved as part of the application process. Only those Printed Material Vending Machine(s) that have been issued a sticker in conjunction with the issuance of a Certificate of Compliance shall be deemed approved. The Superintendent shall approve proposed locations on a first come first serve basis. No preference shall be given to operators who may have had Printed Material Vending Machine in a particular location prior to the effective date of this section. No publication shall be approved for more than one (1) Printed Material Vending Machine at any particular location.

e. Denial of Certificate of Compliance. If an application for a Certificate of Compliance is denied in whole or in part, the Superintendent shall state the specific reasons for denial. The Superintendent shall assist the applicant in determining reasonable alternative locations to those which were denied. Any applicant who has been denied a Certificate of Compliance may appeal such denial to the Superintendent by submitting a written request for such a hearing to the Superintendent within thirty (30) days of said denial. Such hearing shall be heard by the Superintendent or his/her designee within fourteen (14) days of receipt of the written appeal. The Superintendent or his/her designee shall issue a decision within ten (10) days of the close of said hearing.

f. Fees for Certificate of Compliance. The initial application fee for each yearly Certificate of Compliance shall be One Hundred Dollars (\$100.00) dollars plus twenty-five (\$25.00) dollars per Printed Material Vending Machine covered under said Certificate of Compliance to partially cover administrative costs.

g. Amending Certificate of Compliance. If within the applicable year after the Superintendent has issued a Certificate of Compliance the certificate holder wishes to install additional Printed Material Vending Machine(s), beyond those which have been approved under Section 13-13.2(d) above, the certificate holder must submit an application to amend the Certificate of Compliance. Only the twenty-five (\$25.00) dollars per newsrack fee shall apply to such amendments.

Section 13-13.3 Installation

a. Stickers. Each Printed Material Vending Machine shall prominently display the Printed Material Vending Machine sticker issued by the Superintendent pursuant to the provisions of Section 13-13.2(d). The sticker must be adhered to the specifically designated Printed Material Vending Machine.

b. *Standards.* Any Printed Material Vending Machine placed in any part of the public way shall be:

1. Made of metal, plastic or an equivalent sturdy material approved by the Superintendent, with a clear window through which the printed material is dispensed, and shall not be more than fifty (50") inches in height and not more than thirty-two (32") inches in length and width;
2. Sufficiently weighted and secured so as not to be easily moved or tipped over; and
3. Completely enclosed, with a self-closing door that is either self-latching or otherwise requires manual or mechanical release at each use.

c. *Placement.* Placement of any Printed Material Vending Machines must be done in accordance with the regulations of the Architectural Access Board, 521 CMR, and subject to the following prohibitions. Any Printed Material Vending Machine placed near the travelled portion of a public way shall be placed parallel to and not less than eighteen inches (18") nor more than twenty-four inches (24") from the edge of the curb. Any Printed Material Vending Machine placed near a building or structure must be placed parallel to and not more than six inches (6") from the wall. Printed Material Vending Machines shall not be placed:

1. At any location whereby the clear space for pedestrian passage is reduced to less than four feet (4');
2. Within five feet (5') of any marked or unmarked crosswalk;
3. Within five feet (5') of any fire hydrant, fire lane, fire call box, or other emergency facility;
4. Within five feet (5') of any traffic control signal or traffic sign;
5. Within five feet (5') of any mailbox, bicycle rack, Town trash receptacle, telephone booth or stand;
6. Within five feet (5') of any part of a curb return of a curb ramp or driveway, or in the case of a curb ramp or driveway without a curb return, within five feet (5') of the point where the curb edgestone or edging begins a change in grade toward the driveway or ramp on each side thereof, or in the case of a termination of the curb, edgestone or edging without a change in grade or a turn, within five feet (5') of the point of the same terminates on each side of the ramp or driveway;
7. Within five feet (5') of the front or fifteen feet (15') to the rear of any designated bus stop, taxi stand, valet parking area, loading zone or fire lane;
8. In any manner which protrudes onto a street or interferes or hinders Town removal of snow, ice, and debris from the streets and sidewalks; or

9. In a manner which otherwise endangers the public safety, such as by projecting onto, into, or over any part of the roadway of any public street or by reason of its being located in such a manner as to unreasonably interfere with or impede the flow of pedestrian or vehicular traffic, sidewalk or street cleaning and/or snow removal, and the ingress or egress from any residence, place of business or any legally parked or stopped vehicle.

Should circumstances require relief from a placement provision set forth above, the Superintendent shall have the discretion to grant relief upon a sufficient demonstration of good cause or actual hardship by the certificate holder.

d. *Attachment to Property.* No operator shall chain or otherwise attach any newsrack to any other newsrack, tree, street light post, traffic signal or sign, or other Town infrastructure in the public way.

e. *Groupings of Printed Material Vending Machines.* Printed Material Vending Machines may be grouped together side-by-side, provided that no group of Printed Material Vending Machines extends beyond ten feet (10') along a curb, and a space of not less than five feet (5') separates each group of Printed Material Vending Machines. Notwithstanding this permissible grouping, no newsrack may be grouped with any other newsrack unless such location has been approved pursuant to Section 13-13.2 (c) and (d).

f. *Advertising prohibited.* It shall be unlawful for any person to use a newsrack for advertising or publicity purposes other than dealing with the display, sale or purchase of the publications dispensed therein.

Section 13-13.4 Maintenance

a. *Condition.* Each Printed Material Vending Machine shall be maintained in a state of good repair and in a neat and clean condition, and free of accumulations of outdated printed materials, trash, rubbish, or debris.

b. *Service.* Each Printed Material Vending Machine shall be regularly serviced so that:

1. It is kept reasonably free of graffiti;
2. It is kept reasonably free of chipped, faded, peeling and cracked paint or rust and corrosion;
3. The clear plastic window through which the printed material is dispensed is not broken and is kept reasonably free of tears, peeling or fading; and
4. The structural parts of the newsrack are not broken or unduly misshapen.

Section 13-13.5 Enforcement

- a. Nonconforming Printed Material Vending Machines.* Any Printed Material Vending Machine found not be in compliance with this section shall be subject to the enforcement provisions contained herein.
- b. Enforcement.* The Superintendent shall enforce the provisions of this chapter and shall have the authority to issue regulations for the purpose of enforcement.

 1. Upon a determination that a Printed Material Vending Machine placed in any part of a public way is in violation of this bylaw and the Superintendent has no record on file of a Certificate of Compliance for said Printed Material Vending Machine, the Superintendent shall attempt to send written notice, by certified mail, to the party thought to be the owner of the Printed Material Vending Machine and to the party thought to be the publisher of the printed material. If no application for a Certificate of Compliance is received in response received by the Superintendent within twenty-one (21) days of the date of said written notice, the Superintendent may remove said Printed Material Vending Machine.
 2. Upon a determination that a Printed Material Vending Machine having a Certificate of Compliance is otherwise in violation of Section 13-13.3 or Section 13-13.4 of this Bylaw, the Superintendent shall send written notice, by certified mail, to the Certificate Holder. If the certificate holder has agreed, such notice shall be sent by electronic mail. Such notice shall include:

 - (a) The newsrack sticker number and location;
 - (b) The date of the incident or other cause giving rise to the violation;
 - (c) A brief and concise statement of the facts causing the violation; and
 - (d) A statement informing the certificate holder that at the expiration of thirty (30) days from the date the notice is received the Printed Material Vending Machine is subject to be removed by the Superintendent, unless the violation is corrected.
 3. Upon removal of any Printed Material Vending Machine pursuant to this Bylaw, the Superintendent shall within seven (7) business days of said removal, send written notice to the Certificate Holder (in the event there is a Certificate Holder). If the certificate holder has agreed, such notice shall be sent by electronic mail, otherwise such notice shall be sent by certified mail. In the event there is no Certificate Holder for said Printed Vending Machine, the Superintendent shall attempt to send said written notice to the party thought to be the owner of the Printed Material Vending Machine and to the party thought to be the publisher of the printed material.

4. Any person aggrieved by a notice sent pursuant to Section 13-13.5(b)(1) (2) or (3) may appeal such action to the Superintendent by submitting a written request for such a hearing to the Superintendent. Such hearing shall be heard by the Superintendent or his/her designee within fourteen (14) days of receipt of the written appeal. The Superintendent and/or his/her designee shall issue a decision within ten (10) days of the close of the hearing.
5. When the Superintendent determines that removal of a Printed Material Vending Machine is required to prevent an imminent threat to public safety, the Superintendent may remove such Printed Material Vending Machine immediately and shall provide (or attempt to provide) notice as soon as practicable, but in no event later than as set out in Section 13-13.4(b)(3).
6. Any Printed Material Vending Machine removed pursuant to this Section 13-13.5 shall be stored for at least thirty (30) days, and may thereafter be disposed of by the Town.
- c. *Penalty for Violations.* Violations of this bylaw may be enforced by the Superintendent of Public Works or by any police officer, pursuant to Section 1-4 of these Bylaws. This bylaw may also be enforced by non-criminal disposition in the manner provided by Section 1-4A of these Bylaws, by said Superintendent of Public Works or by any police officer. The specific non-criminal disposition penalty that shall apply to a violation of this bylaw shall be as follows:

First Offense (within a twenty-four month period) - \$50.00

Second Offense (within a twenty-four month period) - \$100.00

Third Offense and subsequent offenses (within a twenty-four month period) - \$300.00

Each day a violation continues shall constitute a separate offense.

Section 13-13.6 Abandonment

- a. *Abandonment.* The following Printed Material Vending Machines properly installed pursuant to this bylaw shall be deemed abandoned if no printed material being dispensed therein is found for a period of more than fifteen (15) days.
- b. *Notice and Renewal.* Upon determination that a newsrack is abandoned pursuant to Section 13.13.6(a) above, the Superintendent shall send notice to the individual provided pursuant to Section 13-13.2(c), informing the certificate holder that the Printed Material Vending Machine(s) shall be removed in fourteen (14) days, unless the certificate holder informs the Superintendent that the newsrack is not abandoned and stocks the newsrack with material to be dispensed therein.
- c. *Voluntary abandonment.* In the event that a certificate holder voluntarily abandons a newsrack location, the certificate holder shall so notify the Superintendent, completely remove the newsrack and restore the public way to a safe condition.

Section 13-13.7 Fees

- a. A Printed Material Vending Machine removed pursuant to this Bylaw may be retrieved by the certificate holder (or lawful owner in the event there is no certificate holder) at any time prior to its disposal by the Town (which shall be no earlier than thirty (30) days from the date of its removal) upon payment of a removal fee of fifty (\$50.00) dollars plus a storage fee of ten (\$10.00) dollars per day, to a maximum combined removal and storage fee of two hundred (\$200.00) dollars per Printed Material Vending Machine.
- b. After thirty (30) days, any Printed Material Vending Machine removed by the Superintendent pursuant to Section 13-13.5 shall be deemed “abandoned property” and become property of the Town of Stoneham.
- c. Failure of a certificate holder to retrieve a newsrack shall not operate to dismiss any fees owed to the Town of Stoneham for removal and storage of such newsrack.

Section 13-13.8 Effect on Other Laws

Nothing in this section shall affect the adoption of laws, bylaws or regulations affecting Printed Material Vending Machine pursuant to other applicable law or by other governmental entities, including within the Town of Stoneham, to the extent so authorized to adopt such laws, bylaws or regulations.

Section 13-13.9 Severability

The provisions of this Bylaw shall be severable and if any section, part, or portion hereof shall be held invalid for any purpose by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining section, part or portion thereof.

Section 13-13.10 Initial Application Acceptance Date

The Superintendent shall send written notice to all operators affected by this section informing them of the date when the Superintendent will accept the first applications for Certificates of Compliance. The Superintendent shall send said notice at least sixty (60) days prior to the initial application acceptance date.

Section 13-13.11 Effective Date

This bylaw shall not take effect until ninety (90) days after approval by the Attorney General’s Office, unless otherwise required by law.

**Majority Vote Required
Passes Per Moderator**

Article 10. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-law, by deleting Section 4.2.2.2(c) and substituting the following:

Section 4.2.2.2

(c) One accessory building subject to the following restrictions:

1. Located in the rear yard or to rear of required front setback and behind actual setback line or structure;
2. Maximum gross floor area one hundred thirty (130) square feet with side and rear setbacks of five (5) feet; provided that the structure is a minimum of ten (10) feet from any abutting principal use or detached garage;
3. Maximum gross floor area of two hundred fifty (250) square feet provided that the accessory building complies with the minimum setback requirements for the district contained in Section 5.2.1;
4. Maximum height of fifteen (15) feet.

Or do anything in relation thereto.

Planning Board

Article 10. **Voted** that the Town to amend the Stoneham Town Code, Chapter 15, Zoning By-law, by deleting Section 4.2.2.2(c) and substituting the following:

Section 4.2.2.2

(d) One accessory building subject to the following restrictions:

1. Located in the rear yard or to rear of required front setback and behind actual setback line or structure;
2. Maximum gross floor area one hundred thirty (130) square feet with side and rear setbacks of five (5) feet; provided that the structure is a minimum of ten (10) feet from any abutting principal use or detached garage;
3. Maximum gross floor area of two hundred fifty (250) square feet provided that the accessory building complies with the minimum setback requirements for the district contained in Section 5.2.1;
4. Maximum height of fifteen (15) feet.

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

*Sent to Attorney General May 20, 2009

Moderator Rotondi explained to the Town Meeting body that he is the person who appoints members to the Bike Path Committee as well as a relative of an abutter to the bike path which is the subject matter of Articles 11 & 12. Although Town Counsel and the State Ethics Commission said that he did not have to step down as Moderator, Mr. Rotondi felt more comfortable stepping down for these articles.

Motion was made for John Bowen, 5 Harrison Street to act as Temporary Moderator for Articles 11 & 12. Motion Passed and Mr. Rotondi turned the gavel over to Mr. Bowen.

Article 11. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15 Zoning By-Laws, as follows:

1. Adding Section 4.18– Railroad Right-of-Way Overlay District

By adding as Section 4.18 a Railroad Right-of-Way Overlay District to allow for the temporary use of the former Railroad Right-of-Way for business uses for a period of time no longer than the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014 or such other date as specified in the motion for this Article.

The Railroad Right-of-Way Overlay District confers additional land use options and does not eliminate or alter zoning rights permitted in the underlying zoning district. All of the uses and accessory uses allowed in the Business District, Central Business District, Highway Business District, Commercial District I, and Medical/Office District, regardless of whether any such uses or accessory uses required a Special Permit or other approval in said zoning district, shall be allowed in the Railroad Right-of-Way Overlay District, other than the following uses: (i) automobile repair services and (ii) gasoline station or other service establishment for the retail distribution of petroleum products. The motion for this Article and Section 4.18 shall address whether said uses and accessory uses will be permitted as-of-right or will require Site Plan approval from the Board of Selectmen in the Railroad Right-of-Way Overlay District.

Section 4.18 shall allow temporary structures which shall be defined in said Section 4.18 in the same manner as a “structure” is currently defined in Section 2.1.79 of the Zoning Bylaws, but with a time limit no greater than that allowed for the temporary use authorized pursuant to said Section 4.18 as described above. [See also M.G.L. C.40, Sec. 54A]

There shall be no frontage or minimum lot size for any temporary structure placed on property located in the Railroad Right-of-Way District pursuant to Section 4.18. Minimum front, rear and side-yard setback requirements of no less than five (5) feet shall be set out in Section 4.18, except that there shall be no setback requirement if the property abutting the subject lot line is owned by the same person or entity that is using the property in the Railroad Right-of-Way Overlay District. The maximum height of any temporary structure shall be twenty (20) feet, as provided for in the current Recreation/Open Space District. A limit on maximum lot coverage, if any, shall be set out in the motion for this Article.

Section 4.18 shall provide that the Performance Standards of Section 6.8 of the Zoning Bylaws shall be applicable, and shall provide or otherwise reference that, if applicable, the Site Plan granting authority may require that a buffer shall be provided along the property line of the subject property in the Railroad Right-of-Way Overlay District where said property abuts a residential use.

Section 4.18 shall provide that the subject property in the Railroad Right-of-Way District shall not be used in calculating or otherwise complying with the frontage, lot size, percent lot coverage or setback requirements of any abutting property.

Section 4.18 shall have a parking requirement that any temporary structure in excess of seven hundred fifty (750) square feet of gross floor area shall have one (1) parking space for every seven hundred fifty (750) square feet of gross floor area.

If any section of Section 4.18 or portion thereof is declared invalid it shall not affect the validity or application of the remainder of the bylaw.

2. Amend the Town of Stoneham Zoning Map

By amending the Zoning Map of the Town of Stoneham by adding the following portions of the former Railroad Right-of-Way to the Railroad Right-of-Way Overlay District:

(i) Approximately 6599 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in book 13117, page 113 of December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the

southerly sideline of Montvale Avenue, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford currently shown on the zoning map of the Town of Stoneham as residence B land.

Parcel 3: Beginning at the northerly sideline of the aforementioned Lindenwood Road and running northeasterly approximately 730 feet to the westerly sideline of William Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as highway business being of variable widths of approximately 50 feet.

Parcel 4: Beginning at the north easterly sideline of the aforementioned William Street and running northeasterly approximately 225 feet to the westerly sideline of Main Street, Route 28, a state highway, said portion shown on the zoning map of the Town of Stoneham as highway business land being 49.50 feet in width.

Parcel 5: Beginning at the easterly sideline of Central Street, a public way, and running in a southeasterly direction approximately 1,570 feet to the northerly sideline of Pomeworth Street, a public way, approximately 788 feet of said portion shown on the zoning map of the Town of Stoneham as commercial land and the remaining portion, approximately 782 feet shown on the zoning map of the town of Stoneham as residence B land and being 49.50 feet in width.

Parcel 6: Beginning at the southerly sideline of the aforementioned Pomeworth Street and running southerly approximately 780 feet to the northerly sideline of Pleasant Street, a public way, said portion shown on the zoning map of the Town of Stoneham as commercial land and being of variable width of approximately 50 feet.

Parcel 7: Beginning at the southerly sideline of the aforementioned Pleasant Street and running southwesterly approximately 340 feet to the northerly sideline of Gould Street, a public way, said portion shown on the zoning map as commercial and being 49.50 feet in width.

Said parcels 1 through 7 containing a total area of 302,550 square feet, more or less and meaning to include herein all property now (or previously) owned by the (MBTA) along the railroad right-of-way between Maple Street and the end of Gould Street in Stoneham, Massachusetts.

Or do anything in relation thereto.

Board of Selectmen

Article 11. **Voted** that the Town amend the Stoneham Town Code, Chapter 15 Zoning By-Laws, as follows:

Part I. Adding Section 4.18– Railroad Right-of-Way Overlay District:

Section 4.18 Railroad Right-of-Way Overlay District

4.18.1 *Purpose:* To allow for the temporary use of a portion of the former Railroad Right-of-Way as described in Section III below, for business uses as described in Section 4.18.2 below for a period of time no longer than the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way as a bikeway, linear park, or other recreation area, or (ii) June 30, 2014. The Railroad Right-of-Way Overlay District confers additional land use options and does not eliminate or alter zoning rights permitted in the underlying zoning district.

4.18.2 Uses Permitted As Of Right

4.18.2.1 All of the uses and accessory uses allowed in the Business District, Central Business District, Highway Business District, and Commercial District I, regardless of whether any such uses or accessory uses requires a Special Permit or other approval in said zoning district, shall be allowed as of right in the Railroad Right-of-Way Overlay District, other than the following uses: (i) automobile repair services and (ii) gasoline station or other service establishment for the retail distribution of petroleum products.

4.18.2.2 Uses, as allowed by Section 4.18.2.1 above, shall be limited for a period of time no longer than the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014.

4.18.2.3 Structures (defined in Section 2.1.79 of these Zoning Bylaws) shall be limited to temporary structures. For purposes of this Railroad Right-of-Way Overlay District “temporary” shall, notwithstanding the time period set out in Section 2.1.81 of these Zoning Bylaws, mean with a time limit no greater than that allowed for uses authorized pursuant to said Section 4.18 as described above (no longer than the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014).

4.18.2.4 Any temporary structure in excess of seven hundred fifty (750) square feet of gross floor area shall have one (1) parking space for every seven hundred fifty (750) square feet of gross floor area. There shall be no other parking requirements for a use in this Railroad Right-of-Way Overlay District. [See also M.G.L. c.40, Sec. 54A.]

4.18.2.5 The Performance Standards of Section 6.8 of these Zoning Bylaws shall be applicable to any use in this Railroad Right-of-Way Overlay District..

Part II. Adding the Railroad Right-of-Way Overlay District to Section 5.2.1 “Table One – Dimensional Requirements”:

| District | Minimum Lot Size | Frontage and Lot Width in Feet | Per-cent Cover-age | <u>Minimum</u> | <u>Setback</u> | <u>in Feet</u> | Height in Feet |
|--|----------------------|--------------------------------|--------------------|-----------------------|-----------------------|-----------------------|----------------|
| | | | | Front | Side | Rear | |
| Rail-road Right-of-Way Overlay District | None ⁽¹⁷⁾ | None ⁽¹⁷⁾ | 75 ⁽¹⁷⁾ | 5 ⁽¹⁶⁾⁽¹⁷⁾ | 5 ⁽¹⁶⁾⁽¹⁷⁾ | 5 ⁽¹⁶⁾⁽¹⁷⁾ | 20 |

(16) Except that there shall not be a setback requirement if the property abutting the subject lot line is owned by the same person or entity that is using the property in the Railroad Right-of-Way Overlay District.

(17) Property in the Railroad Right-of-Way District shall not be used in calculating or otherwise complying with the frontage, lot size, percent lot coverage or setback requirements of any abutting property.

Part III Amending the Town of Stoneham Zoning Map

Amend the Zoning Map of the Town of Stoneham by adding the following portions of the former Railroad Right-of-Way to the Railroad Right-of-Way Overlay District:

(i) Approximately 6599 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page 113 on December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly sideline of Montvale Avenue, a public way, said portion being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford.

Parcel 3: Beginning at the northerly sideline of the aforementioned Lindenwood Road and running northeasterly approximately 730 feet to the westerly sideline of William Street, a public way, said portion being of variable widths of approximately 50 feet.

Parcel 4: Beginning at the north easterly sideline of the aforementioned William Street and running northeasterly approximately 225 feet to the westerly sideline of Main Street, Route 28, a state highway, said portion being 49.50 feet in width.

Parcel 5: Beginning at the easterly sideline of Central Street, a public way, and running in a southeasterly direction approximately 1,570 feet to the northerly sideline of Pomeworth Street, being 49.50 feet in width.

Parcel 6: Beginning at the southerly sideline of the aforementioned Pomeworth Street and running southerly approximately 780 feet to the northerly sideline of Pleasant Street, a public way, said portion being of variable width of approximately 50 feet.

Parcel 7: Beginning at the southerly sideline of the aforementioned Pleasant Street and running southwesterly approximately 340 feet to the northerly sideline of Gould Street, a public way, said portion being 49.50 feet in width.

Said parcels 1 through 7 containing a total area of 302,550 square feet, more or less and meaning to include herein all property now owned by the Town of Stoneham (and previously owned by the MBTA) along the railroad right-of-way between Maple Street and Gould Street in Stoneham, Massachusetts.

If any section of Section 4.18 or portion thereof is declared invalid it shall not affect the validity or application of the remainder of the bylaw.

Motion to Move Question

Question is Moved

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

Hand Count

Yes No

152 65

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

***Sent to Attorney General May 20, 2009**

Article 12. To see if the Town will vote to authorize the Town Administrator to lease for a period of time no longer than the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014, all or any portion of the former Railroad Right-of-Way, as described below to one or more parties, to be used for any purpose(s) allowed under the Town of Stoneham Zoning Bylaws, and to further authorize the Board of Selectmen to petition the General Court (State Legislature), as follows:

1. To authorize the lease all or a portion of the former Railroad Right-of-Way to one or more parties to be used for any purpose(s) allowed under the Town of Stoneham Zoning Bylaws, notwithstanding the provisions of Amended Article 97 of the Massachusetts Constitution.

2. To authorize the proceeds from the lease of said Railroad Right-of-Way land to be deposited in a special account to be used at the determination of the Town Administrator for capital improvements to or maintenance or repair of the bikeway or linear park to be constructed on said property. If construction on the bikeway and/or linear park on the former Railroad Right-of-Way land has not begun by July 1, 2014, the funds deposited in said special account may thereafter be used, in the discretion of the Town Administrator, for capital improvements to or the maintenance or repair of other parks or recreational areas in the Town of Stoneham.

Said former Railroad Right-of-Way land being as follows:

(i) Approximately 6599 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in book 13117, page 113 of December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly sideline of Montvale Avenue, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford currently shown on the zoning map of the Town of Stoneham as residence B land.

Parcel 3: Beginning at the northerly sideline of the aforementioned Lindenwood Road and running northeasterly approximately 730 feet to the westerly sideline of William Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as highway business being of variable widths of approximately 50 feet.

Parcel 4: Beginning at the north easterly sideline of the aforementioned William Street and running northeasterly approximately 225 feet to the westerly sideline of Main Street, Route 28, a state highway, said portion shown on the zoning map of the Town of Stoneham as highway business land being 49.50 feet in width.

Parcel 5: Beginning at the easterly sideline of Central Street, a public way, and running in a southeasterly direction approximately 1,570 feet to the northerly sideline of Pomeworth Street, a public way, approximately 788 feet of said portion shown on the zoning map of the Town of Stoneham as commercial land and the remaining portion, approximately 782 feet shown on the zoning map of the town of Stoneham as residence B land and being 49.50 feet in width.

Parcel 6: Beginning at the southerly sideline of the aforementioned Pomeworth Street and running southerly approximately 780 feet to the northerly sideline of Pleasant Street, a public way, said portion shown on the zoning map of the Town of Stoneham as commercial land and being of variable width of approximately 50 feet.

Parcel 7: Beginning at the southerly sideline of the aforementioned Pleasant Street and running southwesterly approximately 340 feet to the northerly sideline of Gould Street, a public way, said portion shown on the zoning map as commercial and being 49.50 feet in width.

Said parcels 1 through 7 containing a total area of 302,550 square feet, more or less and meaning to include herein all property now (or previously) owned by the (MBTA) along the railroad right-of-way between Maple Street and the end of Gould Street in Stoneham, Massachusetts.

Or do anything in relation thereto.

Board of Selectmen

Article 12. Voted that the Town authorize the Town Administrator to lease (or enter a similar agreement, including but not limited with the Massachusetts Bay Transit Authority (“MBTA”), for the subsequent leasing or licensing thereof by said MBTA) - for a period of time no longer than the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014, provided further that all lease instruments (or similar agreements) by the Town Administrator shall be limited to no more than twelve (12) months at a time - all or any portions of the former Railroad Right-of-Way as described below, to one or more parties, to be used for any purpose(s) allowed for said property under the Town of Stoneham Zoning Bylaws. And to further authorize the Board of Selectmen to petition the General Court (State Legislature), as follows, to the extent required by law to achieve such purposes:

1. For authorization for such leases for said limited period of time as referenced above, notwithstanding the provisions of Amended Article 97 of the Massachusetts Constitution.

2. To authorize the proceeds from the lease or agreement of said Railroad Right-of-Way land to be deposited in a special account to be used at the determination of the Town Administrator for capital improvements to, or maintenance or repair of, the bikeway or linear park to be constructed on said Railroad Right-of-Way property.

Said former Railroad Right-of-Way land being as follows:

(i) Approximately 6599 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page 113 on December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly sideline of Montvale Avenue, a public way, said portion being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford.

Parcel 3: Beginning at the northerly sideline of the aforementioned Lindenwood Road and running northeasterly approximately 730 feet to the westerly sideline of William Street, a public way, said portion being of variable widths of approximately 50 feet.

Parcel 4: Beginning at the north easterly sideline of the aforementioned William Street and running northeasterly approximately 225 feet to the westerly sideline of Main Street, Route 28, a state highway, said portion being 49.50 feet in width.

Parcel 5: Beginning at the easterly sideline of Central Street, a public way, and running in a southeasterly direction approximately 1,570 feet to the northerly sideline of Pomeworth Street, being 49.50 feet in width.

Parcel 6: Beginning at the southerly sideline of the aforementioned Pomeworth Street and running southerly approximately 780 feet to the northerly sideline of Pleasant Street, a public way, said portion being of variable width of approximately 50 feet.

Parcel 7: Beginning at the southerly sideline of the aforementioned Pleasant Street and running southwesterly approximately 340 feet to the northerly sideline of Gould Street, a public way, said portion being 49.50 feet in width.

Said parcels 1 through 7 containing a total area of 302,550 square feet, more or less and meaning to include herein all property now owned by the Town of Stoneham (and previously owned by the MBTA) along the railroad right-of-way between Maple Street and Gould Street in Stoneham, Massachusetts.

Motion to amend made by Catherine Moore 15 Ledge Street, as follows:

“lease will include the following 1. a provision that 20 feet of the right of way left without barrier to passing through by the public. 2. lessee be required to post a bond of \$50,000 to ensure that funds are available if the lessee fails to vacate at the end of the lease. 3. the Town has the right to remove any betterments on property without liability to the lessee.

**Motion to Amend
Amendment Fails
Vote on Main Motion
Majority Vote Required**

Hand Count

Yes No

148 45

Passes Per Moderator

***sent to Legislators on May 11, 2009**

***Michael Rotondi stepped back in as Moderator at the conclusion of Article 12.**

Article 13. To see if the Town will vote to transfer the care, custody, management and control of a parcel of land, said property being a portion of the Hill Court parking facility and abutting 407 Main street to the Board of Selectmen for the purpose of sale of said land or to grant a 494 square foot access and utility easement on said parcel of land and further authorize the Board of Selectmen and/or Town Administrator to take any action necessary for said sale or grant of said easement or to do anything in relation thereto. Said parcel being shown as Parcel "A" on a plan entitled, "Plan of Land in Stoneham" dated February 19, 2009 drawn by Benchmark Survey.

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

Article 13. Voted that the Town transfer the care, custody, management and control of a parcel of land, said property being a portion of the Hill Court parking facility and abutting 407 Main street to the Board of Selectmen for the purpose of sale of said land or to grant a 494 square foot access and utility easement on said parcel of land and further authorize the Board of Selectmen and/or Town Administrator to take any action necessary for said sale or grant of said easement or to do anything in relation thereto. Said parcel being shown as Parcel "A" on a plan entitled, "Plan of Land in Stoneham" dated February 19, 2009 drawn by Benchmark Survey.

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

Article 14. To see if the Town will vote to accept as a Public Way the following way as laid out by the Town Administrator:

Benjamin Terrace, Stoneham, MA from Franklin Street to a cul-de-sac a distance of Four Hundred Thirty and Seventeen Hundredths (430.17) feet more or less.

And authorize the Board of Selectmen or Town Administrator to obtain by purchase, accept as a gift, take by right of eminent domain under provisions of Chapter 79 or 80a of the General Laws, or otherwise acquire any land or interest in land necessary or proper for the acceptance of such ways, and to raise and appropriate or transfer from available funds a sum of money for plans, recording fees, legal expense in connection with acceptance of said ways, or do anything in relation thereto.

Article 14. Voted that the Town accept as a Public Way the following way as laid out by the Town Administrator:

Benjamin Terrace, Stoneham, MA from Franklin Street to a cul-de-sac a distance of Four Hundred Thirty and Seventeen Hundredths (430.17) feet more or less.

And authorize the Board of Selectmen or Town Administrator to obtain by purchase, accept as a gift, take by right of eminent domain under provisions of Chapter 79 or 80a of the General Laws, or otherwise acquire any land or interest in land necessary or proper for the acceptance of such ways, and to raise and appropriate or transfer from available funds a sum of money for plans, recording fees, legal expense in connection with acceptance of said ways, or do anything in relation thereto.

2/3 Vote Required
Hand Count
Yes No
74 35
Passes Per Moderator

Article 15. To see if the Town will vote to increase the Board of Health Revolving Account from \$10,000 to \$25,000 or to do anything in relation thereto.

Board of Health

Article 15. Voted that the Town reauthorize the Board of Health Revolving account in an amount up to or including \$25,000. For the purpose of public health use including personnel, operating and/or contractual services and expenses.

Majority Vote Required
Passes Per Moderator

Article 16. 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 2010 which may be made from such fund. In addition, transfer any balance remaining on June 30, 2009 from the existing Revolving account into the reauthorized Revolving account. Or do anything in relation thereto.

Board of Selectmen

Article 16. 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 2010 which may be made from such fund. In

addition, transfer any balance remaining on June 30, 2009 from the existing Revolving account into the reauthorized Revolving account.

**Majority Vote Required
Passes Unanimous**

Article 17. 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 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 \$25,000 during Fiscal Year 2010 which may be made from such fund. In addition, transfer any balance remaining on June 30, 2009 from the existing Revolving account into the reauthorized Revolving account. Or do anything in relation thereto.

Board of Selectmen

Article 17. 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 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 \$25,000 during Fiscal Year 2010 which may be made from such fund. In addition, transfer any balance remaining on June 30, 2009 from the existing Revolving account into the reauthorized Revolving account.

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

Article 18. 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 2009 department budgets approved under Article No. 33 of the May 5, 2008 Annual Town Meeting, as amended. Or do anything in relation thereto.

Board of Selectmen

Article 18. Voted that the Town amend various Fiscal Year 2009 departmental budgets approved under Article No. 33 of the May 5, 2008 Annual Town Meeting, as amended (As shown in Exhibit A). In addition, transfer \$450,741 from the Stabilization Fund as a result of the State 9c reductions to FY09 additional Assistance and Lottery revenue.

**2/3 Vote Required
Passes Unanimous**

Article 18 Exhibit A

Increase the following budgets:

| Dept.# | Department | Salaries | Operating | Total | |
|--------|------------|----------|-----------|---------|---|
| 122 | Selectmen | \$1,500 | | \$1,500 | New enrollment on Individual Health 4/1/09 |

| | | | | | |
|-------------------------------|-------------------------|------------------|------------------|------------------|---|
| 123 | Town Administrator | \$10,000 | | \$10,000 | Additional Hrs. needed for Benefits Coordinator |
| 151 | Town Counsel | \$3,000 | | \$3,000 | Change From Ind to Fam Health (4 mos. @ \$750/mo.) |
| 172 | Whip Hill | \$7,000 | | \$7,000 | Per SCEA Agreement |
| 210 | Police | \$125,000 | | \$125,000 | Overtime Shortfall |
| 211 | Traffic Directors | \$8,000 | | \$8,000 | Parking Enforcement |
| 220 | Fire | | \$10,000 | \$10,000 | Increased Vehicle & Public Safety Supply Costs |
| 241 | Building Department | \$2,750 | | \$2,750 | temporary help needed while emp out sick |
| 400 | Public Works Department | \$8,897 | \$100,000 | \$108,897 | \$340k Snow & Ice Deficit (offset with savings of \$50K from vacant position, \$30K from FEMA Grant, and \$150K from savings in the Trash Budget) |
| 543 | Veterans | | \$30,000 | \$30,000 | more claims |
| 631 | Arena | \$18,500 | | \$18,500 | part time help needed due to emp on military leave and cleanup during renovations (Arena Boards & Ceiling) |
| Total Budget Increases | | \$184,647 | \$140,000 | \$324,647 | |

Decrease the following budgets:

| | | | | | |
|-------------------------------|----------------------------|-------------------|--------------------|--------------------|---------------------------------------|
| 132 | Finance Board Reserve Fund | | (\$20,897) | (\$20,897) | \$0 remain in the Reserve Fund |
| 135 | Town Accountant | (\$10,000) | | (\$10,000) | savings from employee on unpaid leave |
| 220 | Fire | (\$40,000) | | (\$40,000) | Health Ins. Savings |
| 241 | Building Department | | (\$2,750) | (\$2,750) | savings in Public Safety Services |
| 510 | Board of Health | (\$10,000) | | (\$10,000) | vacant position |
| 918 | Capital | | (\$241,000) | (\$241,000) | Leaves \$175,000 for Capital needs |
| Total Budget Decreases | | (\$60,000) | (\$264,647) | (\$324,647) | |

Article 19. To see if the Town will vote to transfer the total amount of Fiscal Year 2009 Surplus Revenue (Free Cash) to the Stabilization Fund Account immediately after it has been certified by the Department of Revenue; or do anything in relation there to.

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

Article 19. **Voted** that the Town transfer the total amount of Fiscal Year 2009 Surplus Revenue (Free Cash) to the Stabilization Fund Account immediately after it has been certified by the Department of Revenue.

**2/3 Vote Required
Fails Per Moderator
Motion for Reconsideration**

Cannot Be Reconsidered

Article 20. To see if the Town will vote to transfer a sum of money from the Stabilization Account to the “Capital Stabilization Account”.

Board of Selectmen

Article 20. **Voted** that the Town transfer Five Hundred Thousand Dollars (\$500,000) from the Stabilization Account to the “Capital Stabilization Account”.

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

Article 21. 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 21. **Voted** that the Town appropriate a sum of money One Hundred Thousand Dollars (\$100,000) 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.

**Majority Vote Required
Passes Per Moderator**

Article 22. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the maintenance and improvement of Whip Hill Park or do anything in relation thereto.

Conservation Commission

Article 22. **Voted** that the subject matter of article 22 be indefinitely postponed.

Passes Per Moderator

Article 23. To see if the Town will approve the provisions of M.G.L. c. 32 § 20(6), which will allow the elected and appointed members of the Stoneham Retirement Board to receive an annual stipend of three thousand dollars.

Retirement Board

Article 23. **Voted** that the Town accept the provisions of M.G.L. c. 32 § 20(6), which will allow the elected and appointed members of the Stoneham Retirement Board to receive an annual stipend of three thousand dollars.

**Fails Per Moderator
Motion for Reconsideration
Cannot Be Reconsidered**

Article 24. 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 24. Voted that the Town 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.

**Majority Vote Required
Passes Unanimous**

Article 25. 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 25. 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.

**Majority Vote Required
Passes Unanimous**

Article 26. 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 26. Voted that the Town raise and appropriate from taxation or by transfer from available funds, the sum of Sixty Million One Hundred Thirty-Three Thousand Eight Hundred Seventeen Dollars (\$60,133,817) to defray Town charges for the ensuing year, including the Town operating budget for the year beginning July 1, 2009 through June 30, 2010; said sum as itemized on Exhibit B.

Motion to Amend made by John DeAmicis, 85 Fellsvie Road, Member of the Finance & Advisory Board, as follows:

“To amend the FY10 budget to accord to what is printed in the Town Meeting Booklet on page 38, by adding \$8,170 in Dept 182 Planning/Conservation for a total of \$29,461 in Dept 182 and a total budget of \$60,141,987.”

Exhibit B as Amended

| DEPARTMENT | FY10 BUDGET | | |
|-------------------------------------|--------------------|---------------------|---------------------|
| | PERSONNEL | OPERATING | TOTAL |
| 114 Town Moderator | \$200 | \$20 | \$220 |
| 122 Board of Selectmen | \$82,807 | \$9,947 | \$92,754 |
| 123 Town Administrator | \$268,598 | \$45,000 | \$313,598 |
| 132 Reserve Fund | \$0 | \$0 | \$0 |
| 135 Town Accountant | \$197,137 | \$1,550 | \$198,687 |
| 141 Board of Assessors | \$141,561 | \$4,600 | \$146,161 |
| 145 Treasurer | \$194,131 | \$18,630 | \$212,761 |
| 151 Town Counsel | \$101,264 | \$7,725 | \$108,989 |
| 155 GIS/MIS | \$64,119 | \$110,953 | \$175,072 |
| 161 Town Clerk | \$133,041 | \$3,700 | \$136,741 |
| 162 Elections & Registrations | \$39,140 | \$22,250 | \$61,390 |
| 172 Whiphill Park | \$0 | \$10,950 | \$10,950 |
| 182 Planning Bd/BOA/Conserv. | \$28,301 | \$1,160 | \$29,461 |
| 192 Public Property Maint. | \$1,000 | \$94,112 | \$95,112 |
| 210 Police Department | \$2,900,701 | \$197,495 | \$3,098,196 |
| 211 Traffic Directors | \$119,553 | \$2,000 | \$121,553 |
| 212 Dispatchers | \$308,429 | \$4,870 | \$313,299 |
| 220 Fire Department | \$2,246,233 | \$138,503 | \$2,384,736 |
| 241 Building & Wire | \$164,865 | \$7,900 | \$172,765 |
| 291 Civil Defense | \$2,000 | \$0 | \$2,000 |
| 300 Public Schools | \$0 | \$22,163,000 | \$22,163,000 |
| 398 Minuteman Voc. School | \$0 | \$38,000 | \$38,000 |
| 399 Northeast Voc. School | \$0 | \$647,978 | \$647,978 |
| 400 Public Works Admin. | \$738,218 | \$2,482,405 | \$3,220,623 |
| 440 Sewer | \$441,743 | \$4,110,594 | \$4,552,337 |
| 450 Water | \$455,359 | \$2,866,837 | \$3,322,196 |
| 510 Board of Health | \$134,307 | \$1,840 | \$136,147 |
| 541 Council on Aging | \$0 | \$30,000 | \$30,000 |
| 543 Veterans | \$10,455 | \$79,050 | \$89,505 |
| 610 Public Library | \$501,653 | \$117,950 | \$619,603 |
| 630 Unicorn Golf | \$222,955 | \$278,841 | \$501,796 |
| 631 Arena | \$150,026 | \$301,480 | \$451,506 |
| 710 Maturing Debt & Interest | \$0 | \$4,909,425 | \$4,909,425 |
| 910 Noncontributory Pension | \$0 | \$56,500 | \$56,500 |
| 911 Contributory Pension | \$0 | \$3,685,346 | \$3,685,346 |
| 912 Health Insurance | \$0 | \$6,875,526 | \$6,875,526 |
| 919 Unclassified | \$0 | \$1,131,969 | \$1,131,969 |
| 920 Non-Departmental | \$0 | \$36,085 | \$36,085 |
| | \$9,647,796 | \$50,494,191 | \$60,141,987 |

Said Sum to be raised or transferred as follows:

| | |
|---|---------------------|
| Revenue of the Current Year | \$51,206,680 |
| By transfer from the Cemetery Perpetual Income Fund | \$28,000 |
| By transfer from the Sale of Lots & Graves Res. For Approp. | \$65,000 |
| By transfer from the Sale of Dog License Fund | \$8,000 |
| By transfer from the Whip Hill Trust | \$10,950 |

| | |
|---|---------------------|
| By transfer from the Overlay Surplus Account | \$135,000 |
| By transfer from the Estimated Sewer Receipts to: | |
| Department #440 Sewer Department | \$4,552,337 |
| Department #710 Debt Service | \$89,760 |
| Department #135 Town Accountant | \$15,537 |
| Department #145 Town Treasurer | \$16,638 |
| Department #155 MIS/GIS Department | \$13,691 |
| Department #911 Contributory Pension | \$135,813 |
| Department #912 Health Insurance | \$86,847 |
| Department #919 Unclassified Budget | \$39,522 |
| By transfer from the Estimated Water Receipts to: | |
| Department #450 Sewer Department | \$3,322,196 |
| Department #710 Debt Service | \$136,080 |
| Department #135 Town Accountant | \$11,623 |
| Department #145 Town Treasurer | \$12,447 |
| Department #155 MIS/GIS Department | \$10,242 |
| Department #911 Contributory Pension | \$139,964 |
| Department #912 Health Insurance | \$80,098 |
| Department #919 Unclassified Budget | \$25,562 |
| Total Estimated Revenues | \$60,141,987 |

Motion to Amend
Amendment Passes Per Moderator
Main Motion as Amended
Majority Vote Required
Passes Unanimous

Motion to Dissolve
Meeting Dissolved at 11:15PM