

Stoneham Board of Selectmen – Minutes of Meeting of November 17, 2015

Chairman Thomas Boussy called the meeting to order at 7:00 p.m. Also present were Selectwoman Caroline Colarusso, Selectman John F. DePinto, Selectwoman Ann Marie O’Neill, Selectman Frank Vallarelli and Town Administrator David Ragucci. Town Counsel William H. Solomon arrived at 7:15 p.m.

The following minutes include the actions taken at the meeting and a brief summary of the discussions had by the Board of Selectmen. If you would like to hear detailed discussion please see the time listed next to each agenda item and go to Stoneham TV on Demand available from the homepage www.stoneham-ma.gov

Pledge of Allegiance

Tax Classification Hearing (Time :45-26:50 on Stoneham TV on Demand)

Selectman DePinto read the public hearing notice. Assessor Brian MacDonald gave the presentation. Chairman Boussy asks if this shift affects the businesses coming to Stoneham. Mr. MacDonald states he has seen no effect on businesses coming to Town because of this shift. Selectwoman Colarusso asks what last year’s tax rate was. Mr. MacDonald states the reason why it went from \$12.96 to \$12.70 was because the rate is based on the valuation of the community. Selectman DePinto moved to accept the recommendation of the Board of Assessors for the Residential tax rate of \$12.70 and Commercial/Industrial/Personal Property tax rate of \$22.50, seconded by Selectman Vallarelli and a roll call vote was taken. **Motion was unanimously voted (5-0).** Selectman DePinto moved to go with the Assessor’s recommendation to deny the Residential Exemption, seconded by Selectman Vallarelli and a roll call vote was taken. **Motion was unanimously voted (5-0).** Selectwoman O’Neill moved to go with the Assessor’s recommendation to deny the small business exemption, seconded by Selectman DePinto and a roll call vote was taken. **Motion was unanimously voted (5-0).** Chairman Boussy told Mr. MacDonald that he gave a great presentation and thanks Brian and the Board of Assessors.

Vote to approve the issuance of a \$203,500 Sewer Bond of the Town to the Massachusetts Water Resources Authority and to take all necessary action in connection therewith/Treasurer (Time 27:56-32:40 on Stoneham TV on Demand)

Treasurer Diane Murphy explained that at our Annual Town Meeting held on May 4, 2015, the townspeople voted unanimously to accept Article 19 to raise \$814,000 for repairs and construction to our Town’s sewer system under Phase 10 of the Local Financial Assistance Program from the Massachusetts Water Resource Authority (MWRA). Of the \$814,000 needed, 75% of it will be given to the Town of Stoneham in the form of a grant for \$610,500 from the MWRA. The rest, 25% will be in the form of an interest-free loan from the MWRA in the amount of \$203,500. The loan is for ten years and is payable in the amount of \$20,350 on December 15th of each year starting in 2016. The projects approved under this funding distribution are: the Town’s Planning and Design of Phase 6 Sewer System Rehabilitation and the Construction of Park Street area Sewer Replacement and Rehabilitation Projects. The Board of Selectmen will need to take a vote to accept this interest free loan of \$203,500.

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Stoneham, Massachusetts, certify that at a meeting of the board held November 17, 2015, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$203,500 Sewer Bond of the Town dated December 7, 2015, to the Massachusetts Water Resources Authority (the “Authority”) is hereby approved and the Town Treasurer is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on November 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2016	\$20,350	2021	\$20,350
2017	20,350	2022	20,350
2018	20,350	2023	20,350
2019	20,350	2024	20,350
2020	20,350	2025	20,350

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the bond were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: November 17, 2015

Clerk of the Board of Selectmen

Selectman DePinto made the motion to approve the bond, seconded by Selectwoman Colarusso and a roll call vote was taken. **Motion was unanimously voted (5-0).**

Approve Common Vic License/FMD Bagel & Coffee, Inc., d/b/a Java Grind & Grill/125 Main Street (Time on Stoneham TV on Demand)

Rescheduled for December 1, 2015.

Approve Entertainment License/FMD Bagel & Coffee, Inc., d/b/a Java Grind & Grill/125 Main Street (Time on Stoneham TV on Demand)

Rescheduled for December 1, 2015.

Liquor Licensing Authority

Selectman DePinto moved to go into Liquor Licensing Authority and return as the Board of Selectman, seconded by Selectwoman O'Neill.

Voting in Favor:

Selectwoman Colarusso
Selectman DePinto
Selectwoman O'Neill
Selectman Vallarelli
Chairman Boussy

Motion was unanimously voted (5-0).

Meeting recessed at 7:40 p.m. to go into Liquor Licensing Authority.

Meeting reconvened at 8:05 p.m.

Fire Station Centennial Celebration/Tara Lawler & Marcia Wengen (Time 59:40-64:33 on Stoneham TV on Demand)

Tara Lawler informed the Board that there has been a committee setup consisting of Tara, Marsha Wengen and 5 firefighters. They are in the beginning stages of planning the Fire Station Centennial Celebration and would like to make sure the Board would be in favor of their idea before they move forward. Mrs. Lawler states the proposed date would be October 1, 2016. They are looking to have a parade including bag pipes, neighboring towns and antique trucks following an event on the common possibly consisting of a chili cook off. There will be looking to have pizza donated, kids activities at Munchkin Park, close Central Street and parking lot in front of the Purpose School to have displays of antique fire trucks, tours of the Fire Station, memorial naming of past fire fighters and sounding of the 9:00 bell, honor Parade Marshalls Chief Ray Sorenson & Robert Marshall, videos playing of old photos and a DJ. Mrs. Lawler states they would need Police Details, Setup/Clean up, Board of Health Approval and volunteers to run kids activities, etc. She also states they will looking to fundraise for all the proceeds to cover the event and anything remaining funds will be put into the Fire Station Fund. The Board is in support of their ideas and supports them moving forward.

Approve Minutes (Time 64:39-64:46 on Stoneham TV on Demand)

Selectman DePinto made a motion to approve meeting minutes of 11/10/15, seconded by Selectwoman O'Neill and **voted (5-0)**.

Approve Date for Town Hall Holiday Party (Time 64:47-64:11 on Stoneham TV on Demand)

Selectman DePinto made a motion to approve to close the Town Hall for the Holiday Party to be held on December 15, 2015 from 5:00 p.m. to 7:00 p.m., seconded by Selectwoman O'Neill and **unanimously voted (5-0)**.

Street Openings/Boussy (Time 64:24-74:53 on Stoneham TV on Demand)

Chairman Boussy asks what the rules are on grant of locations and street openings and would like an explanation of what the Selectmen roles are in this process. Town Administrator Ragucci states as he understands it the Board of Selectmen have the authority to grant the use of their streets for any utility under the pavement. He states any utility company that wants to add or extend new service has to come to the Board and get their approval. Mr. Ragucci states if there is existing utility and they are doing repairs, replacement or shutoff then that is a street opening permit which is granted by the Department of Public Works. Selectman Vallarelli explains his experience last year with the utility company. Chairman Boussy states he has been unsatisfied with the patching of the streets and who is watching these patches. Attorney Solomon suggests that the Town Administrator put together a working group now that Eversource is coming through with all the rules and requirements. Mr. Ragucci states he can look at the rules and requirements and see what the Board would like to change for the future. The Board requested that Mr. Ragucci provide them with the rules and requirements of street openings to be presented at the December 15th meeting. The Board requested Mr. Ragucci provide them with an updated list for the December 1st meeting and to ask the DPW to go through the list and update it.

Recreation Department Implementation/Boussy (Time 75:04-75:44 on Stoneham TV on Demand)

Chairman Boussy states Ann Marie is meeting with Wakefield and Melrose next week. Selectwoman O'Neill would like to push this to the December 1st meeting. She states she is also working with Ginny on the job description.

High School Football Field Discussion/DePinto (Time 75:45-86:31 on Stoneham TV on Demand)

Selectman DePinto states that they have been talking about an astro turf field at the High School. Selectman DePinto states he is not ready to make a presentation but would like to keep the Board in the loop of what he has discussed. He states the he had a conversation with Bond Council if we went and got bonded how much could we get if we designated the billboard mitigation money to pay the bond. He was told we could borrow 1,235,000 which is about what we need for a field. There was a discussion amongst the Board on the existing High School and what is going to happen in the future. Mr. Ragucci states that they are hoping to hear late December whether we will be included in their schedule of funding for this fiscal year or not. If we are not this could push us out to 2017 and he states we don't know if we will be a complete tear down and rebuild or not. Selectwoman O'Neill suggests putting this topic on the January Bi-Board Meeting agenda. Chairman Boussy states there are a lot of things that need to be addressed and a football field is one of them but he is not in favor of this being the funding source and we need to prioritize with the mitigation money.

Selectwoman Colarusso recognized the Boys & Girls Club that were sitting in the audience who are there to speak on the Recreation Department Implementation. The Club Director Donna DiVirgilio and the Executive Director Adam Rodgers wanted to come and let the Board know that they want to work together and continue to partner with the Board when reinstating the Recreation Department. Mrs. DiVirgilio states the passion for the teen center is to create a space they can call their own. Selectwoman O'Neill states they spoke to Wakefield who the Boys Club works with and want to use the same model and continue to partner with them. She states they also want to be able to offer some recreation to some of the kids who may not want to go to the Boys & Girls Club. Selectwoman O'Neill state they appreciate everything they do. Selectwoman Colarusso states that Ann Marie was the leader in getting the Rec Department reestablished and she did a really good job with that. She states that as Phase I and Phase II is

get a place for teens to go to for reasons we all know and struggle with as a community. The drug and alcohol abuse. She states we need a safe, warm place for our teens to go. Selectwoman Colarusso thanks them for coming. Selectman Vallarelli states he was under the impression the Rec Department was being established to coordinate the fields. Selectwoman O'Neill clarifies that would be a piece to it and she stated she will bring all this back on December 1st.

Subcommittee for Hiring of Town Accountant (Time 94:31-98:19 on Stoneham TV on Demand)

Chairman Boussy states they have received 36 applications. Chairman Boussy suggested they have two member subcommittee. Selectman Vallarelli states they is a good idea to get the applications down to 10 or 5 applicants. Chairman Boussy states then at that point they can all get involved in the interview process. Selectman Vallarelli and Selectwoman O'Neill will be on the two member committee to narrow down the applicants. Selectwoman Colarusso asks if there is probation period language in the position. Selectwoman O'Neill states there is currently not but it can be added. She suggests a minimum of 180 days be added as the probation period. Selectwoman Colarusso asks if the role is not an ambiguous role it's a role that is strictly management. The answer was yes. She clarifies that position is under the Board of Selectmen. The answer was yes. Chairman Boussy states all 5 would like to view the contract and make any changes. Mr. Ragucci states he will provide them with one.

Town Administrator (Time 98:25-104:29 on Stoneham TV on Demand)

Town Administrator Ragucci at the request of the Board at the last meeting received a preliminary estimate to install poles to hold a banner across Main Street. The estimate was for \$14,375.00. Mr. Ragucci stated Clear Channel expressed an interest and he will speak with them and get back to the Board. Town Administrator Ragucci stated another request at the last meeting was for him to get a quote for cameras. Mr. Ragucci states the quote he got was for \$5,000 per camera and that does not include the DVR. Selectwoman O'Neill suggests checking with the cable providers and see if they can provide assistance with this. Mr. Ragucci will look into that and get back to the Board. Town Administrator Ragucci states there is an Eversource Public Meeting tomorrow night at 7:00 p.m. at the Town Hall and it is an important night for the public to voice their concerns. He states the proposed route is Montvale Avenue, left onto Main Street and right onto Elm into Wakefield. Mr. Ragucci states he will have a robo call go out to notify residents of this public meeting.

Miscellaneous (Time 104:30-133:26 on Stoneham TV on Demand)

Selectman Vallarelli states he got a call from the owner of the gas station across from Stop & Shop saying he has been open for 24 hours and now the Building Inspector is getting complaints on deliveries and now they want to close him between those hours. Selectman Vallarelli asks if there is anything we can do about it at this point. Selectman Vallarelli made a motion to discuss the opening and closing of the Mobil station, seconded by Selectman DePinto and **unanimously voted (5-0)**. Attorney Solomon stated to Chairman Boussy that as discussed this was not a matter anticipated at the time of the agenda being posted. Chairman Boussy agrees this matter was unforeseen at the time of the agenda posting. The Board discussed having a bylaw that is not being enforced. Chairman Boussy this is the opportunity to look at the bylaws was missed because we allowed them to stay open without anyone telling they can't. He states he hates to bring the hammer down on the guy and if we do it to one we have to do it to all that are 24hrs. He states the 24hrs serves a purpose in town. Selectwoman Colarusso states the complaints that came in were the residents across from Mobil who are complaining that deliveries were coming in overnight. She states her understanding is they are allowed to be open for gas only with a gas attendant. She states as far as the no enforcement of the bylaw she feels that is wrong. She states if we want to change the bylaw we should but we should not reward people that were violating the bylaws and justifying it in any way. Selectwoman Colarusso states we should all follow the rules that are there for a reason. Selectman DePinto asks Attorney Solomon how do they resolve this. Attorney Solomon states there are two issues the zoning requirement and bylaw. Selectwoman Colarusso states we should let the public in to speak on this issue. Attorney Solomon suggests setting up a meeting where you have the owner and notify the neighbors to hear from folks on this issue to get some feedback. He states at that point the owner could come in and apply for an amended site plan which would be a public hearing. Attorney Solomon states the owner is willing to work with the town. He states the Board can approve the amended site plan with conditions. Attorney Solomon states then the bylaw could be addressed at the May Town Meeting. Chairman Boussy states the bylaws need to be updated and they have done some but they need to do more. Attorney Solomon states he tries to pick one or two chapters to address each year and he suggests the Board look at what the key issues are and look at changing the bylaws in May. Attorney Solomon states that the Board is alright that this not be enforced by the Building Inspector until after the meeting that is being setup at which time this will be discussed. Chairman Boussy states asks if they want to meet with them privately and find out if there is any way beyond this point. Selectwoman Colarusso states she thinks it is so wrong that someone is violating the bylaw and is rewarded and that this is sending the wrong message from the Board. She agrees things need to be looked at. Gloria Devine, 42 Spring Street spoke. Joan Lemire, 12 Fairview Road spoke. Selectwoman O'Neill states they should look at having a public hearing on December 15th and notify beyond what we need to and make sure everyone knows and can attend. The Board agrees to have a public meeting on January 19, 2016 and it will be advertised and a robo call sent out. Selectman DePinto asks Attorney Solomon about the Comcast checks. Attorney Solomon stated he has not received the backup and will look at it. Selectman DePinto states good news about a grant they got from DEP for \$12,000.00 for recycling. Selectman DePinto suggests to the Board at looking at having another recycling coordinator when they start looking at the budget. Chairman Boussy states there was vote in executive session tonight to read a statement of the Board of Selectmen. Selectwoman O'Neill read recently, the Director of Human Resources received several internal complains of discrimination, harassment, hostile work environment and retaliation made by Town of Stoneham employees against members of the Board of Selectmen and other Town officials. The Town of Stoneham prohibits all workplace discrimination and, therefore, takes all such complaints very seriously. Accordingly, the Board of Selectmen promptly retained the services of an outside investigator to investigate the several charges in order to determine whether such charges (or any of them) had merit. After conducting thorough investigations into the complaints, including interviews of numerous Town personnel, the investigator determined that the charges of workplace discrimination, harassment, hostile work environment and retaliation could not be substantiated. Both the employees involved and the officials accused have been notified of the investigator's conclusions.

Selectman DePinto made a motion to adjourn at 9:20 p.m., seconded by Selectwoman O'Neill and unanimously voted (5-0).

The Board wishes everyone a Happy Thanksgiving.

Respectfully submitted,
Erin Sinclair