

Stoneham Board of Selectmen – Minutes of Meeting of January 13, 2009

Chairman John F. DePinto called the meeting to order at 7:09 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Approve Minutes

Selectman Sweeney moved approval of the 12/16/08 minutes, seconded by Selectman Sweeney. Voting was 4-0-1, with Selectman Rotondi abstaining. **Motion carried.** Selectman Sweeney moved approval of the 12/9/08 minutes, seconded by Selectman Rotondi. **Motion was unanimously voted.** Selectman Sweeney moved approval of the 11/25/09 minutes, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Whiphill Trust/Gift to Town/Dan Towse, Trustee

Dan Towse presented the Board with a check for \$30,000 from the Whiphill Trust. Selectman Rotondi moved to accept the gift from Whiphill. Motion was seconded and **unanimously voted.**

Veterans Road Race Presentation/Natalee Webb

Natalee Webb, Fred Kranefuss, and Roy Fowlie were present from the Veterans Road Race Committee. Ms. Webb said she had purchased two jackets, one of which was already presented to Jackie Leahy for her work with scouts in supplying water to the runners. She said the second jacket that she purchased under the recommendation of the Race committee is for someone who works silently behind the scenes and helps out whenever and wherever needed. She said he has gone on a moment's notice to pick up flowers or pizza and he picks up 200 cones after the race. She said she purchased that jacket for Bob Sweeney. Ms. Webb and the committee then presented the jacket to Selectman Sweeney.

Annual Martin Luther King, Jr. Celebration/Anthony Kennedy

Tony Kennedy and Steve Gilchrist were present to announce the Martin Luther King, Jr. celebration planned for 1/19 from 1 to 3 p.m.

Liquor Licensing Authority

Selectman Rotondi moved to go into Liquor Licensing Authority and return as the Board of Selectmen. Motion was seconded and **unanimously voted.**

Meeting recessed at 7:28 p.m.

Meeting reconvened at 8:06 p.m.

Dairy Dome Discussion

Selectman Rotondi moved to set 3/14/09 as the date certain on the Dairy Dome site plan approval, seconded by Selectman Sweeney. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

Solid Waste Policy/Discussion

Selectman Sweeney moved to accept the policy, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Open Warrant for Annual Town Meeting

Selectman Gregorio moved to open the warrant for the 4/7/09 Annual Town Meeting on 1/13/09 and close it on 2/23/09 at 4:00 p.m. Motion was seconded and **unanimously voted.**

Appoint Census Municipal Contact

Selectman Rotondi moved to appoint Town Clerk John Hanright as the Census Municipal Contact. Motion was seconded and **unanimously voted.**

Miscellaneous Correspondence

Chairman DePinto noted the checks received from the cable companies, and he thanked Town Counsel Solomon for his tireless work on cable matters. Selectman Sweeney noted the letter from the City of Melrose pertaining to Ravine Road. Town Administrator Ragucci told the Board of projects he submitted for Federal Stimulus money.

Chief Rolli said that for the past few years he applied for a SAFER grant to hire additional firefighters and the Federal government will pick up part of the tab for salaries. He said the town would pay 10% the first year, 20% the second year, 50% the third year, 70% the fourth year, and 100% the fifth year. He said this year the Town made it t phase one to hire two firefighters. Selectman Sweeney moved approval of the five-year commitment required, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Executive Session

Selectman Rotondi moved to take a 10-minute recess and then go into executive session, pursuant to Chapter 39, section 23B, for collective bargaining, litigation, and Stockwell Trust and not return, seconded by Selectman Gregorio. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of February 3, 2009

Chairman John F. DePinto called the meeting to order at 7:10 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Town Administrator David Ragucci, and Town Counsel William H. Solomon. Selectman Frank Vallarelli was unable to be present.

Pledge of Allegiance

Approve Minutes

Selectman Sweeney moved approval of the 1/13/09 minutes, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).** Selectman Sweeney moved approval of the 1/13/09 executive session minutes and not to release them, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).**

Council on Aging/Change of Bylaws/Marcia Wengen

Selectman Rotondi moved approval of the Council on Aging going from 9 to 7 members, seconded by Selectman Sweeney. Selectman Rotondi amended his motion by adding that Article II, Section 2 also be approved, seconded by Selectman Sweeney. **Motion was unanimously voted (4-0).**

Community Service Network/American Dream Down payment Initiative/Sheila Herbeck

Selectman Sweeney moved to support this program, seconded by Selectman Rotondi. **Motion was unanimously voted.**

Email Discussion/Selectman Gregorio

Town Counsel Solomon said that Board members sending emails to each other is deemed to be deliberation, except for setting the date of a meeting. He said it doesn't apply to the Town Administrator or someone else sending to each of the members.

MMA Letter/Selectman Gregorio

Selectman Gregorio had prepared a draft letter to MMA. He said there are things he sees them going after that don't help Stoneham. He said there are ideas that he and Selectman Rotondi and Town Administrator Ragucci shared. Selectman Rotondi said he would like to add the excise tax. He suggested congratulating Jeff Nutting on his election at the beginning of the letter. John Warren suggested copying Stoneham's legislators. Selectman Gregorio moved to draft a letter and have it signed by the Chairman, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).**

School Facility Utilization Subcommittee/Selectman Rotondi

Selectman Rotondi said that the Schools have to decide which properties they want to release, then it has to go to Town Meeting to be voted on to accept it. He said at that time, discussion should take place, so he moved to dissolve this subcommittee. Motion was seconded by Selectman Sweeney. Selectman Gregorio said, for the record, that he had no

problem with that committee. He said the committee was brainstorming. Selectman Rotondi said he agreed wholeheartedly. **Motion was unanimously voted (4-0).**

Addendum: 6 Hill Court Realty Trust/5-7 Hill Court/Request for Site Plan Extension

Selectman Sweeney moved to go to the addendum, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).** Selectman Sweeney moved to extend the site plan for 6 Hill Court Realty Trust/5-7 Hill Court for one year. Motion was seconded by Selectman Gregorio, and a roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted (4-0).

MPO Transportation Improvement Program/Contact/Projects/Participation

Chairman DePinto asked Mr. Ragucci to take care of this. Mr. Ragucci said there are four projects for Stoneham. He said he is looking to get some direction from the Board for priorities. Selectman Gregorio suggested public safety first. Mr. Ragucci noted that William and Main is one of the 12 worst intersections. The Board agreed. Chairman DePinto said to add it under “other”. Selectman Sweeney said to add it and put it as a priority.

Miscellaneous Correspondence

Marcia Wengen asked that the recreation of the 1909 car race be put in the 2008 annual report after the profile of Stoneham. Selectman Rotondi moved to put it in the Annual Report. Motion was seconded and **unanimously voted (4-0).** Selectman Sweeney noted the letter from Ms. Devlin about the mailboxes being too high and the hours they pick up. Chairman DePinto asked Town Administrator Ragucci to send a letter to the manager of the Post Office about the height.

Executive Session

Selectman Rotondi moved to go into executive session, pursuant to Chapter 39, Section 23B, for the purpose of litigation, negotiations, and personnel and not to return as the Board of Selectmen. Motion was seconded by Selectman Gregorio, and a roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Chairman DePinto

Motion was unanimously voted (4-0).

Meeting adjourned at 8:08 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of February 10, 2009

Chairman John F. DePinto called the meeting to order at 7:00 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Budget

Selectman Rotondi moved to accept the Town Administrator's budget and present it to the Finance Board for their review. Motion was seconded. **Voting was 4-1. Motion carried.**

Addendum: 5-7 Hill Court/Approve Proposed Site Plan Extension Letter

Selectman Sweeney moved to bring up the addendum, seconded by Selectman Rotondi. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Chairman DePinto

Abstaining:

Frank Vallarelli

Voting was 4-0-1. Motion carried.

Selectman Sweeney moved approval of the 5-7 Hill Court site plan extension letter and to take Selectman Vallarelli's name off, as he wasn't present for the approval. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Chairman DePinto

Abstaining:

Selectman Vallarelli

Voting was 4-0-1. Motion carried.

Executive Session

Selectman Gregorio moved to go into executive session and not to return as Board of Selectmen. Motion was seconded, and a roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of February 17, 2009

Chairman John F. DePinto called the meeting to order at 7:00 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Addendum: School Committee Vacancy

Selectman Rotondi moved to take up the addendum. Motion was seconded and **unanimously voted**. Chairman DePinto asked that it be put on the agenda for 3/10/09.

Daniel Fitzgerald and Mary A. Petrelli, D.D.S. d/b/a Stoneham Dental Care/112 Main St/Site Plan Hearing

Selectman Vallarelli read the Notice of Hearing. Atty. Houghton was present to represent Daniel Fitzgerald and Mary a. Petrelli, D.D.S. d/b/a Stoneham Dental Care in their petition to construct two (2) additions onto the building at 112 Main Street, Stoneham, MA. The first addition is a waiting room of 451 sq. ft. on the front and side of the building and a second addition on the rear of the building of 312 s.f. for two (2) treatment rooms, on the property located at 113 Main Street, Stoneham, MA, owned by Daniel Fitzgerald and Mary a. Petrelli. Selectman Rotondi read the Public Works letter dated 1/26/09. Atty. Houghton said they are working with Bob Grover to work it out, regarding the addition over the existing sewer connection. Selectman Rotondi read the Board of Health letter dated 1/28/09 and the Fire Department letter dated 1/28/09. Atty. Houghton agreed to those recommendations. Chairman DePinto opened the hearing to the public. No one spoke.

Selectman Rotondi moved to accept the site plan, with two years for completion. Motion was seconded, and a roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

Request for Change of Address/411 Main St/Atty. Houghton

Selectman Vallarelli moved to approve the change of address from 415-419 Main Street to 411 Main Street, seconded by Selectman Gregorio. **Motion was unanimously voted.**

MMA Letter/Final Draft

Selectman Gregorio moved to approve the Chair signing the letter, adding excise tax. Selectman Sweeney said, for the record, that he personally does not endorse this letter because of the position on the Quinn Bill and other things. Motion was seconded, and a roll call vote was taken.

Voting in favor:

Selectman Vallarelli

Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Opposed:

Selectman Sweeney

Voting was 4-1. **Motion carried.**

Request for Proclamation/Silver Star Families

Selectman Vallarelli moved to table this, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Memorial Day Parade Request

Selectman Rotondi moved to give permission to conduct a parade, subject to Police, Fire, and DPW agreeing. Motion was seconded by Selectman Gregorio and **unanimously voted.**

Wine and Cheese Event Request/Boys and Girls Club

Selectman Rotondi moved to go into Liquor Licensing Authority and return as the Board of Selectmen, seconded by Selectman Gregorio. **Motion was unanimously voted.**

**Meeting recessed at 7:36 p.m. to go into executive session.
Meeting reconvened at 7:40 p.m.**

Miscellaneous Correspondence

Selectman Rotondi moved that the Board send a letter to the Governor and representatives that Stoneham is Number 3 in the State in terms of reductions and the Board doesn't believe it is a fair method of doing it. Chairman DePinto said the percentage of cuts was totally off the wall. Selectman Rotondi agreed. Motion was seconded by Selectman Gregorio and **unanimously voted.**

Town Counsel Solomon said he could draft a letter to Verizon to build out as quickly as possible.

Town Administrator Reports

Mr. Ragucci said Cong. Markey sent a request looking for Stoneham's input for appropriation funding. He asked for permission to have the Fire Station as Stoneham's selected appropriation. The Board agreed.

Executive Session

Selectman Rotondi moved to go into executive session, pursuant to Chapter 39, section 23B, for purposes of collective bargaining and litigation and not return as the Board of Selectmen, seconded by Selectman Gregorio. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of March 24, 2009

Chairman John F. DePinto called the meeting to order at 7:00 p.m. Also present were Selectmen R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon. Selectman Richard S. Gregorio was unable to be present.

Pledge of Allegiance

Approve Minutes

Motion was made and seconded to approve the 12/16/08 executive session minutes. Voting was 3-0-1, with Selectman Rotondi abstaining. **Motion carried.**

Stoneham/Board of Health Food Pantry/Sara Thompson

Sara Thompson, Food Pantry Director, discussed the Food Pantry and fundraisers.

Thomas Mayo and Diane Mayo d/b/a Dairy Dome/472 Main St

Atty. Charles Houghton was present to represent Thomas Mayo and Diane Mayo d/b/a Dairy Dome in their petition for a site plan extension. As there were only four members present, Selectman Sweeney asked Atty. Houghton if he wanted to postpone it. Atty. Houghton said yes. Chairman DePinto said to postpone it to the 4/21/09 meeting and to have a meeting before that with Counsel, the petitioners and maybe a traffic person. Selectman Vallarelli moved to continue it to the 4/21 meeting. Selectman Sweeney added that it is because they don't have a full Board. There will be a meeting set up on the 16th. Selectman Sweeney seconded the motion. **Motion was unanimously voted (4-0).**

411 Main Street, LLC, Frank Petrillo, Manager/411 Main St/Site Plan Hearing

Atty. Charles Houghton was present to represent 411 Main Street, LLC. Frank Petrillo, Manager in his petition to amend the site plan approval of 9/9/08 by constructing a four-story building, with parking under and with retail use on the first floor and office or residential use on the second, third and fourth floors, on the property located at 411 Main Street, Stoneham, MA, on land owned by 411 Main Street, LLC, Frank Petrillo, Manager, 31 Main Street, North Reading, MA 01864.

Selectman Vallarelli read the Notice of Hearing that was published on 3/4/09 and 3/11/09. Selectman Sweeney said he was concerned about demolition and the condition of Hill Street parking lot. Atty. Houghton said an area of the parking lot will be jersey barriered off and in return for that they will redo the parking lot. Chairman DePinto read the department recommendations. Selectman Rotondi moved approval of the site plan with the changes, seconded by Selectman Sweeney. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted (4-0).

Accept Gift of Police Box Replica

Selectman Sweeney moved to accept the Police Box replica, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0).**

Miscellaneous Correspondence

Selectman Rotondi noted the letter about Keno. Town Counsel said he will speak to the General Counsel and clarify about the monitor and send a letter on behalf of the Chairman.

Selectman Sweeney moved to send a letter to Eagle Scout John Crowe, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).**

Town Counsel Solomon noted his disclosure letter dated 3/24/09 concerning the landlord of the building where his office is located being an abutter of the Railroad Right of Way.

Selectman Sweeney asked about Ravine Road. Town Counsel said he just has a letter for the Chairman to sign tomorrow. Chairman DePinto asked if they can put the signs back up. Mr. Solomon said it is theoretically possible. He recommended that they continue to pressure the state to be responsible for their road and keep that as an option. Chairman DePinto said he would keep that as an option if they don't respond in what the Board thinks is a reasonable time. Selectman Sweeney agreed. Mr. Solomon said the neighbors might be advised to write to the DCR themselves.

Mr. Ragucci said the owner/developer of Redstone agreed to install the sidewalk. He asked if the Board had any other issues. Selectman Rotondi said the arrows painted on the road. He said it is a two-way and people really don't know it.

Mr. Ragucci said the market has changed and RecycleBank has been put on hold.

Selectman Rotondi noted Stoneham is number four in the State because of the reduction. Town Administrator Ragucci will write to the Senator and representatives and the Governor and Lt. Governor.

Mr. Ragucci said they won't be able to carry out all the capital projects this year. He said they have gotten two new police vehicles for \$60 thousand and the roof at Unicorn Golf for \$25,000. He recommended that stay in the capital budget as well as flooding issues at the Library for \$125,000. He said that will free up \$261,000. Selectman Rotondi asked where the balance is coming from. Mr. Ragucci said most likely Stabilization.

Executive Session

Selectman Sweeney moved to go into executive session and not come back as Board of Selectmen, for the purpose of litigation and collective bargaining. Motion was seconded and **unanimously voted (4-0).**

Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of April 1, 2009

Chairman John F. DePinto called the meeting to order at 7:10 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, and Town Counsel William H. Solomon. Town Administrator David Ragucci was unable to be present.

Pledge of Allegiance

Approve Minutes

Selectman Rotondi moved approval of the 3/10/09 minutes, seconded by Selectman Gregorio. **Motion was unanimously voted.** Selectman Sweeney moved approval of the 3/24/09 executive session minutes and not to release them, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Clear Channel Outdoor, Inc./21 Manison St/Site Plan Hearing

Selectman Vallarelli read the published Notice of Hearing. Atty. Houghton was present to represent Clear Channel Outdoor, Inc. in its petition to move the location fifty (50') feet southerly of the previously approved billboard (14' x 48' monopole sign structure, 84' overall height), with a digital display unit on one or both faces, adjacent to Route 93 at 21 Manison Street, Stoneham, MA, (Assessor's Map 23, Parcel 93B), on land owned by E.B. Rotondi & Sons, Inc., 21 Manison Street, Stoneham, MA 02180.

Chairman DePinto read the department recommendations from Public Works, Police Department, Board of Health, and the Fire Department and the letter to Planning Board from Board of Health. Selectman Gregorio moved approval, with one year for completion. Town Counsel Solomon said the Special Permit made it very explicit if the extension was not granted then the sign had to come down. He wanted that explicit statement in the site plan decision along with language about availability for the Town of Stoneham or designated non-profits. Atty. Houghton said the site plan normally reflects everything in the Special Permit. He said as long as it is the same language as the Special Permit. Selectman Gregorio moved to add it to the site plan. A roll call vote was taken. Selectman Rotondi said the property is owned by his cousin and legally he could vote but he is abstaining.

Voting in favor:

Selectman Gregorio
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Abstaining:

Selectman Rotondi

Voting was 4-1. Motion carried.

Appoint Member to Board of Registrars

Selectman Sweeney moved to reappoint Theresa Ward to the Board of Registrars, seconded by Selectman Rotondi. **Motion was unanimously voted.**

Warrant Article Recommendations

Article 14 - Selectman Sweeney moved **Favorable Recommendation**, seconded by Selectman Vallarelli. **Motion was unanimously voted.** Recommendations were continued to 4/21/09.

Approve Site Plan Decision Letter/411 Main St

Selectman Rotondi moved approval of the 411 Main Street Site Plan Decision letter, seconded by Selectman Sweeney. A roll call vote was taken.

Voting in favor:

Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Chairman DePinto

Motion was unanimously voted.

Miscellaneous Correspondence

Selectman Vallarelli noted the letter from Atty. Cicutelli regarding the sidewalk the Safety Officer wants installed at Redstone. He said the attorney wants confirmation from the Planning Board. Chairman DePinto put it on the 4/21 agenda and asked that Mr. Ragucci be notified to get in touch with the others to see if there are any other concerns.

Selectman Sweeney noted the letter from South Street residents. He said he will be meeting with DCR and the residents and was pretty confident that they will accommodate some sort of egress.

Executive Session

Selectman Rotondi moved to go into executive session pursuant to Chapter 39, section 23B, and not to return as the Board of Selectmen. Motion was seconded by Selectman Sweeney and **unanimously voted.**

Meeting adjourned at 7:48 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of April 21, 2009

Chairman John F. DePinto called the meeting to order at 7:05 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Reorganization

Selectman Vallarelli nominated John DePinto as Chairman, seconded by Selectman Rotondi. Selectman Sweeney moved to close nominations, seconded by Selectman Vallarelli. Voting was 4-0-1, with Chairman DePinto abstaining. **Motion carried.** Selectman Vallarelli renominated Paul Rotondi as Vice Chairman, seconded by Selectman Sweeney. Selectman Sweeney moved to close nominations, seconded by Selectman Gregorio. Voting was 4-0-1, with Selectman Rotondi abstaining. **Motion carried.** Selectman Sweeney nominated Frank Vallarelli as Secretary, seconded by Selectman Rotondi. Selectman Gregorio moved to close nominations. Motion was seconded. Voting was 4-0-1, with Selectman Vallarelli abstaining. **Motion carried.**

Police Recruits Introduction

Chief Bongiorno introduced three new Police Officers – Kenneth Bowditch, Laura Fardy, and Jason Fields.

Annual Appointments

Board of Appeals – Selectman Vallarelli nominated Gerard Cunningham for a three-year term, seconded by Selectman Sweeney. **Motion was unanimously voted.** Selectman Sweeney nominated Timothy Libby as an Associate Member, seconded by Selectman Rotondi. **Motion was unanimously voted.**

Conservation Commission – Selectman Sweeney nominated Dan Towse for a three-year term, seconded by Selectman Rotondi. Selectman Sweeney nominated Joseph Domina for a three-year term. Selectman Vallarelli nominated Kevin O'Brien for a two-year term. Selectman Rotondi moved to close the nominations, seconded by Selectman Vallarelli. Motions were **unanimously voted.**

Council on Aging – Maureen Canova was nominated and seconded for a three-year term. **Motion was unanimously voted.**

Cultural Council – Selectman Sweeney nominated Lisa Gallagher to a three-year term. Motion was seconded and **unanimously voted.**

Historical Commission – Selectman Rotondi nominated Marcia Wengen to a three-year term. Motion was seconded. Selectman Sweeney nominated Paul Foley to a three-year term, seconded by Selectman Rotondi. **Motions were unanimously voted.**

Open Space and Recreation Committee – Selectman Gregorio nominated Dennis Visconti for a three-year term. Motion was seconded and **unanimously voted.**

Water and Sewer Review Board – Selectman Rotondi nominated Tracey Butterworth as the Selectmen designee. Motion was seconded and **unanimously voted**. Selectman Gregorio moved to appoint Therese DiBlasi as the Finance Board’s designee. Motion was seconded and **unanimously voted**.

Warrant Article Recommendations

Article 4 - Selectman Sweeney moved **Favorable Action**, seconded by Selectman Rotondi. Motion was **unanimously voted**.

Article 5,6,7,8 - **Tabled to 5/4/ meeting.**

Article 9 - Selectman Rotondi moved **Favorable Action**, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Article 11 & 12 - Selectman Gregorio moved **Favorable Action** and not to enter into it unless it is a 50/50 split. Motion was seconded by Selectman Rotondi and **unanimously voted.**

Article 16 - Motion was made and seconded for **Favorable Action**. Voting was 4-1, with Selectman Gregorio opposed. **Motion carried.**

Article 13 - Selectman Sweeney moved **Favorable Action**, seconded by Selectman Rotondi. **Motion was unanimously voted.**

Article 17 – Selectman Sweeney moved **Favorable Action**, seconded by Selectman Vallarelli. Voting was 4-1, with Selectman Gregorio opposed. **Motion carried.**

Article 18 – Selectman Gregorio moved **Favorable Action**, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Article 19 – Selectman Gregorio moved **Unfavorable Action**, seconded by Selectman Rotondi. **Motion was unanimously voted.**

Article 20 – Selectman Gregorio moved to transfer from the Stabilization Account to the Capital Stabilization Fund the sum of \$500,000. Motion was seconded by Selectman Rotondi and **unanimously voted.**

Article 21 – Selectman Sweeney moved **Favorable Action**, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Article 24 – Selectman Gregorio moved **Favorable Action**, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Article 25 – Selectman Gregorio moved **Favorable Action**, seconded by Selectman Sweeney.

Article 26 – Selectman Rotondi moved to continue this until Town Meeting. Motion was seconded and **unanimously voted.**

Marek/448 Main St/Site Plan Hearing

Selectman Vallarelli read the advertised Notice of Hearing. Atty. Charles Houghton was present to represent Dana Marek, 12 Keene Street, in his petition to construct a building consisting of 2,501 square feet for retail business and service establishment for motor vehicles, on the property located at 448 Main Street, Stoneham, MA, on land owned by Lily 448 Main Street, LLC, 8 Sarafina's Way, Wilmington, MA 01887-4554.

Selectman Gregorio read the recommendations from Public Works, Police, Board of Health, and Fire Department. Selectman Rotondi moved approval of the site plan, with two years for completion. Motion was seconded. Chairman DePinto opened the hearing to the public. No one spoke. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted.

O'Sullivan/485 Main St/Site Plan Hearing

Chairman DePinto read the advertised Notice of Hearing. Atty. Charles Houghton was present to represent Michael J. O'Sullivan in his petition to convert an existing two-family with commercial space on the first floor to a three-family dwelling, on the property located at 485 Main Street, Stoneham, MA, on land owned by Michael J. O'Sullivan, 7 West Street, Wakefield, MA 01880.

Selectman Rotondi read the recommendation from Public Works. Atty. Houghton said he told Mr. Grover they would TV it. Selectman Rotondi read the recommendations from Police and Board of Health. Atty. Houghton agreed. Selectman Rotondi read the Fire Department recommendation. Atty. Houghton said they are dealing with code issues with the Building and Fire Department. He said they resolved them and they need to see a plan. Selectman Gregorio moved approval of the site plan, with two years for completion, seconded by Selectman Sweeney. Chairman DePinto opened the hearing to the public. No one spoke. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Vallarelli
Selectman Sweeney
Chairman DePinto

Motion was unanimously voted.

Melissa's Main Street Bistro/407 Main St/Site Plan Hearing

Chairman DePinto read the advertised Notice of Hearing. Atty. Charles Houghton was present to represent KroMel's, LLC in its petition to construct a second floor outside deck to include the addition of fifteen seats, on the building located at 403-407 Main Street, Stoneham, MA, on land owned by Muffin Pan, LLC, 50 Dodge Street, Beverly, MA 01915. Atty. Houghton said there will be a barrier. Selectman Vallarelli asked the hours of

operation. Ms. Patalano said the hours will be the same as now. Selectman Vallarelli asked if the barrier is for sound, too. Atty. Houghton said yes, it is not just for visibility. Selectman Vallarelli read the recommendations from Police, Board of Health, and Fire. Atty. Houghton agreed. Selectman Gregorio moved approval of the site plan, with two years for approval. Motion was seconded by Selectman Sweeney. Chairman DePinto opened the hearing to the public. No one spoke. A roll call vote was taken.

Voting in favor:

Selectman Rotondi
Selectman Gregorio
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

Aldrich/18 Gould St/Site Plan Hearing

Chairman DePinto read the advertised Notice of Hearing. Atty. Charles Houghton was present to represent J.L.A.M., LLC, Mark Aldrich, Manager in its petition to amend the site plan approval of 10/20/98 by allowing the use of the existing structure for auto repair on any vehicle, on the property located at 18 Gould Street, Stoneham, MA, on land owned by J.L.A.M., LLC, Mark Aldrich, Manager, 18 Gould Street, Stoneham, MA 02180.

Selectman Gregorio read the recommendations from Public Works, Police, Board of Health, and Fire. Atty. Houghton agreed with them. Selectman Sweeney moved approval of the site plan, seconded by Selectman Rotondi. Chairman DePinto opened the hearing to the public. Dan Trant, 19 Arnold Road, asked if the restrictions from the previous Planning Board approval will hold going forward. Chairman DePinto replied that this didn't make the requirements go away. Selectman Sweeney asked that Mr. Aldrich be sent a copy of the Planning Board restrictions from 98. Chairman DePinto asked Atty. Houghton to do that. A resident asked about lighting at night and lights staying off their property and also hours of operation. The petitioner said 7:30 to 5:30, Monday through Friday and no weekends. Mr. Aldrich said the dumpster will stay where it is now. Atty. Houghton said zoning bylaws require lighting can't be on a house. Paul DiBartolomeo, 7 Gould Street, wanted to make sure there won't be another business and that it is just for the use of the owner. Atty. Houghton said that right now he can do all the auto repair he wants. Selectman Rotondi said he is not going to rent it out as another business. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Rotondi
Selectman Gregorio
Chairman DePinto

Motion was unanimously voted.

Liquor Licensing Authority

Selectman Sweeney moved to go into Liquor Licensing Authority and return as the Board of Selectmen, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Meeting recessed at 8:14 p.m. to go into Liquor Licensing Authority.

Meeting reconvened at 8:18 p.m.

Dairy Dome/Site Plan Extension

Atty. Charles Houghton was present to represent Dairy Dome in its request for a site plan extension. He said they would like to redo their site plan from what they have approved now. He said they have to go back through the process of Board of Appeals to this Board. He asked for 6 months. Selectman Rotondi said he is opposed to this. He said the site plan was granted with specific requirements and they haven't lived up to those. His second point is he is opposed to it because their appointed Board, the Board of Appeals, is against it. He said his third point is the Director of Public Works and the Safety Officer have said it's an unsafe condition, so he is opposed to granting any extension. Atty. Houghton said he knows the Board of Appeals hasn't prejudged. He said they are going to give the Board of Appeals a different plan. He said his client said he made a mistake agreeing to it. He is trying to come up with a better plan. Selectman Sweeney said they had the subcommittee last week talking about this issue and the traffic consultant was there. He said the consultant said the present situation is not the best. He said the status quo is just as good as what he was presenting. Selectman Sweeney said some are opposed on Middle Street if they do go through with the original plan. He said maybe they will come back with a plan suitable for everyone. Selectman Sweeney said he thinks he should have the opportunity. Selectman Vallarelli said he agrees with Selectman Sweeney. He said he doesn't think this is not supporting the Board of Appeals. He said it was a lousy plan to begin with that got approved. He said to give the petitioner another six months. He said they are not here to put people out of business. Chairman DePinto said they just extended a site plan for someone for another two years. He said there is no guarantee when they come back that it will get approved. He said that rather than close a business he thinks they can wait six months for a hearing with a different plan. Selectman Sweeney said the Board of Appeals had nothing to do with the curb cut, and Atty. Houghton said the curb cut on Middle Street was not the petitioner's idea.

Chairman DePinto opened the hearing to the public. Ellen McBride asked if everyone hasn't always backed out of Dairy Dome. Atty. Houghton said the back out issue is what they are trying to deal with. Selectman Sweeney moved to extend the site plan approval to 11/10/09, seconded by Selectman Vallarelli. **A roll call vote was taken.**

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Chairman DePinto

Opposed:

Selectman Rotondi

Voting was 4-1. **Motion carried.**

Redstone Site Plan

Selectman Gregorio moved to authorize the Chairman to submit a letter to the owner of Redstone that the Board authorizes this change and to ask the Chair to submit letters to the Board of Appeals and the Planning Board to submit their letters. Chairman DePinto asked Town Counsel to take care of this. Chairman DePinto said they want a letter from the three boards. Motion was seconded by Selectman Rotondi and **unanimously voted.**

Approve 21 Manison Street Site Plan Decision Letter

Selectman Sweeney moved approval of the 21 Manison Street site plan decision letter, seconded by Selectman Vallarelli. **Motion was unanimously voted.**

Approve Minutes

Selectman Sweeney moved approval of the 3/24/09 minutes. Motion was seconded, and voting was 4-0-1, with Selectman Gregorio abstaining. **Motion carried.**

Miscellaneous Correspondence

Selectman Vallarelli noted the School Building Authority letter and asked Mr. Ragucci for a report for the next meeting. Chairman DePinto noted Verizon's petition to eliminate the requirement that cable licensees report their total number of subscribers. Town Counsel Solomon said he is going to send a letter opposing that.

Town Administrator Reports

Town Administrator Ragucci said Clear Channel submitted a check for \$50,000 to the Town as the first payment. They also will provide the Town with free advertising space. Mr. Ragucci suggested "Stoneham – Great place to live – Home of Unicorn Arena and Golf Course – Home of Stoneham Theatre and Stone Zoo" He said they could highlight things that make Stoneham much different than any other community. Chairman DePinto added "Whip Hill".

Town Administrator Ragucci said they are meeting with Woburn and Winchester regarding the bikepath. He said Winchester has made some changes so they need to put the 25% design hearing off to the fall.

Mr. Ragucci said the dehumidifier at the Arena requires repairs estimated at \$21,000.

Executive Session

Selectman Rotondi moved to go into executive session, pursuant to Chapter 39, section 23B, for contract negotiations, litigation, and property and not to return as the Board of Selectmen, seconded by Selectman Gregorio. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted.

Meeting adjourned at 8:49 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of May 4, 2009

Vice Chairman R. Paul Rotondi called the meeting to order at 6:30 p.m. Also present were Selectmen Richard S. Gregorio, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon. Chairman John F. DePinto was unable to be present.

Pledge of Allegiance

Preparation for Town Meeting

The Board assigned motions.

Approve Minutes

Selectman Sweeney moved approval of the 4/21/09 executive session minutes, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).** Selectman Sweeney moved approval of the 4/21/09 minutes, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0).**

Approve 448 Main St Site Plan Decision Letter

Selectman Sweeney moved approval of the 448 Main Street site plan decision letter, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).**

Approve 485 Main St Site Plan Decision Letter

Selectman Sweeney moved approval of the 485 Main Street site plan decision letter, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).**

Approve 407 Main St Site Plan Decision Letter

Selectman Sweeney moved approval of the 407 Main Street site plan decision letter, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).**

Approve 18 Gould St Site Plan Decision Letter

Selectman Sweeney moved approval of the 18 Gould Street site plan decision letter, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).**

Approve 472 Main St Site Plan Extension Letter

Selectman Sweeney moved approval of the 472 Main Street corrected site plan extension letter, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).**

Approve Entertainment License/U Me Restaurant/19 Franklin St

Selectman Sweeney moved approval of the Entertainment License for U Me Restaurant, 19 Franklin Street, contingent on approval by Fire, Police, and Building. Motion was seconded by Selectman Gregorio and **unanimously voted (4-0).**

Approve Arbor Day Proclamation/Jim Previte

Selectman Sweeney moved to grant approval of the Arbor Day proclamation which proclaims May 8th as Arbor Day in Stoneham. Motion was seconded by Selectman Gregorio and **unanimously voted (4-0)**.

Executive Session

Selectman Sweeney moved to go into executive session, pursuant to Chapter 39, section 23B, for the purpose of Stockwell Trust, and to return as the Board of Selectmen in the Auditorium at Town Meeting. Motion was seconded by Selectman Vallarelli, and a roll call vote was taken.

Voting in favor:

Selectman Vallarelli
Selectman Gregorio
Selectman Sweeney
Vice Chairman Rotondi

Motion was unanimously voted (4-0).

Meeting recessed at 6:48 to go into Executive Session.

Meeting reconvened at 7:00 p.m. in the Auditorium at Town Meeting.

Meeting adjourned at 11:15 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of May 19, 2009

Chairman John F. DePinto called the meeting to order at 7:03 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Approve Minutes

Selectman Vallarelli moved approval of the 5/4/09 minutes, seconded by Selectman Sweeney. **Motion was unanimously voted.** Selectman Vallarelli moved approval of the 5/4/09 executive session minutes and not to release, seconded by Selectman Sweeney. **Motion was unanimously voted.** Selectman Rotondi moved approval of the 4/1/09 minutes, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Historical Commission/Heritage Award

Steve Rotondi, Chairman of the Historical Commission, presented the 18th annual Heritage Award to Fire Chief Joe Rolli and the Stoneham Fire Department for the work done on the fire station building. He presented Chief Rolli with one award and the firefighters with another award.

Approve Police Dept Federal Byrne Grant

Selectman Gregorio moved approval of the Stoneham Police Department 2009 Recovery Act Byrne Grant for domestic Violence and related crimes outreach. Motion was seconded by Selectman Sweeney and **unanimously voted.**

Approve Block Party/Philips Rd

Selectman Sweeney moved approval of the Block Party on Philips Road on 5/30/09 from 11 to 9, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Approve Miniature Golf License Renewal/Hago Harrington's Miniature Golf/160 Main St

Selectman Sweeney moved approval of the Miniature Golf License renewal for Hago Harrington's at 160 Main Street, seconded by Selectman Rotondi. **Motion was unanimously voted.**

Accept Donations

Selectman Vallarelli moved to accept donations from the following and to send thank you letters: Domenic Colucci of Stoneham Spartans Over 50 Men's Adult Soccer League - \$700, Mary Marchant - \$25, Denise Danis - \$25, and Christine and Edward Doherty - \$40. Motion was seconded by Selectman Sweeney and **unanimously voted.**

Addendum

Selectman Rotondi moved to take up the addendum, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Approve Entertainment License Renewal/Montvale Plaza/54 Montvale Ave

Selectman Rotondi moved approval of the Entertainment License renewal for Montvale Plaza, 54 Montvale Ave, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Appoint Member to Council on Aging

Selectman Vallarelli moved to appoint Donald Smith, 8 Lincoln Street, to the Council on Aging, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Miscellaneous Correspondence

Chairman DePinto said he wanted to talk about the budget and the impact the contract will have on it. Selectman Gregorio said the contract settlement was roughly \$300,000 per year. Chairman DePinto said he wants the parents and students to know it might impact the next two years. Selectman Gregorio said that he is projecting a \$1.1 million deficit, if they stay with the existing funding schedule and add to make up for loss of earnings to the Retirement unfunded liability. Selectman Rotondi added that is with level-funded state aid. He said he thinks this has a major impact on the ability of the Town to go forward. Selectman Sweeney said the Town had been doing a good job. Chairman DePinto added that basically they had no layoffs. Selectman Vallarelli asked if the superintendent has advance notice of retiring teachers. Selectman Rotondi said 19. He said that is where they are getting the money to fund it. He said there was never a mention of going to a three-year contract. Selectman Sweeney said this was going to impact the Town Administrator's bargaining. He said they can't not address the municipal side after seeing what happened on the School side.

Selectman Gregorio said they received two resignations from the Capital Committee. He asked that it be advertised.

Chairman DePinto congratulated Michael Rourke for achieving the rank of Eagle Scout.

Selectman Vallarelli moved to reappoint Peter D'Angelo to the Stoneham Community Access Board. Motion was seconded and **unanimously voted.**

Chairman DePinto congratulated Zachary Albert Kline for achieving the rank of Eagle Scout.

Town Administrator Reports

Town Administrator Ragucci said the MWRA had a tentative agreement for 6 acres of the BRMC site where there were going to be approximately 80 condo units. He said it is a loss of \$200,000 plus for the Town of Stoneham. He said he spoke to Mr. Laskey of MWRA and Mr. Laskey said if he is looking for PILOT it's a non-starter for the MWRA. Mr. Ragucci said it is an outrage. He said it is seldom done in any other community and shouldn't be done in Stoneham.

Mr. Ragucci said the plaintiff in the Central School case is willing to dismiss the case against the Town if the Town allows them to interview Town employees. Mr. Ragucci

said the FEMA grant will allow him to hire two more firefighters. Mr. Ragucci asked the Board's permission to pursue biotechnology coming into Stoneham. Selectman Rotondi and Gregorio volunteered for this, also. Mr. Ragucci said Town Meeting has allowed the Town to lease the RROW to abutters. He asked the Board to make any changes and he will send it off to the T. He said he will draft a letter to the abutters about leasing it and will look for compensation until then. Mr. Ragucci distributed a letter he had drafted to Gov. Patrick for the Chairman to sign.

Executive Session

Selectman Rotondi moved to go into executive session for purposes of discussing collective bargaining and litigation and not to come back in open session afterward. Motion was seconded by Selectman Sweeney, and a roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted.

Meeting adjourned at 7:42 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of June 2, 2009

Chairman John F. DePinto called the meeting to order at 7:08 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Liquor Licensing Authority

Selectman Vallarelli moved to go into Liquor Licensing Authority and return as the Board of Selectmen, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).**

Meeting recessed at 7:10 p.m. to go into Liquor Licensing Authority.

Meeting reconvened at 7:13 p.m.

BANs/Town Treasurer

Selectman Gregorio moved to approve the sale of \$1,037,373 Bond Anticipation Notes to Eastern Bank at a rate of 1.84% dated June 15, 2010, seconded by Selectman Rotondi.

Motion was unanimously voted (4-0). Selectman Gregorio moved to approve the sale of \$143,227 Bond Anticipation Notes to Eastern Bank at a rate of 2.70% dated June 15, 2009 maturing on June 15, 2010, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).**

Approve Minutes

Selectman Rotondi moved approval of the 5/19/09 minutes, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0).** Selectman Rotondi moved approval of the 11/18/08 minutes, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).** Selectman Gregorio moved approval of the 11/10/08 minutes, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0).** Selectman Vallarelli moved approval of the 5/19/09 executive session minutes and not to release, seconded by Selectman Gregorio. Voting was 3-0-1, with Selectman Rotondi abstaining. **Motion carried.** Selectman Vallarelli moved approval of the 10/28/08 executive session minutes and not to release, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).** Selectman Vallarelli moved approval of the 10/14/08 executive session minutes and not to release, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).**

MPO Election

Selectman Rotondi moved to vote for Philip Shapiro of Westwood, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0).** Selectman Rotondi moved to vote for Joseph Sullivan of Braintree, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0).**

Request to Operate Motor Vehicles on Public Way/Rte 93/CityConnect, Inc

Selectman Gregorio moved to approve the request of CityConnect, Inc. to operate in Stoneham on Route 93 between Stoneham/Woburn town line and Stoneham/Winchester border/town line, subject to Town Counsel determining that they need to approve it. Motion was seconded by Selectman Vallarelli and **unanimously voted (4-0).**

Appoint Member to Council on Aging

Selectman Gregorio moved to appoint Carol Covill to the Council on Aging for a three-year term expiring on 4/30/12. Motion was seconded by Selectman Vallarelli and **unanimously voted (4-0)**.

Approve Block Party/Rose Lane/Rivers

Selectman Vallarelli moved approval of a Block Party on Rose Lane on 6/27/09, with a rain date of 6/28/09, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0)**.

Approve Common Victualler License Renewals

Selectman Vallarelli moved approval of the following Common Victualler License renewals:

99 Restaurants of Boston LLC d/b/a 99 Restaurant & Pub/10 Main St
Long Run Inc d/b/a SATO II Restaurant/147 Main St
Friendly Ice Cream Corp d/b/a Friensly's #227/611 Main St
Marty's Caterers Inc d/b/a Montvale Plaza/54 Montvale Ave
BJ's Wholesale Club Inc d/b/a BJ's Wholesale Club #50/85 Cedar St
Angelo's Pizzeria and Ristorante Inc/237-239 Main St
Moon Glow Restaurant Inc d/b/a China Moon/170 Main St
KM Cleo LLC d/b/a Royal Roast Beef & Seafood/475 Main St
Gaetano Inc d/b/a Gaetano's Restaurant/271 Main St
Jagat Enterprise Inc d/b/a Rang Indian Bistor/5 Central Sq
Liberty Bell Roast Beef Inc d/b/a Liberty Bell Roast Beef/219 Main St
RCM Group Inc d/b/a J.J. Grimsby & Co Restaurant/301 W. Wyoming Ave
Georgie D's Enterprises, Inc d/b/a Georgie D's Restaurant/125 Main St
KroMel's LLC d/b/a Melissa's Main Street Bistro/407 Main St
Tayla-Kevin LLC d/b/a Pignone's Café/319 Main St
Liquid Investments Inc d/b/a Bacci's Restaurant/316 Main St
Asiana Grille Inc d/b/a U Me Restaurant/19 Franklin St
C/K Andrea's Pizza/498 Main St
Fareast Kirin Inc d/b/a Kyotoya Japanese Restaurant/58 Montvale Ave #B
R & W DiNunzio Inc d/b/a Taste of Siam/499 Main St
Johnny's Famous Roast Beef & Pizza/125 Main St #1
Pizzamia Stoneham Inc d/b/a Pizzamia Stoneham/67 Franklin St

Motion was seconded by Selectman Gregorio and **unanimously voted (4-0)**.

Approve Entertainment License Renewal/Long Run, Inc d/b/a SATO II/147 Main St

Selectman Gregorio moved approval of the Entertainment License renewal for Long Run Inc d/b/a SATO II Restaurant, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0)**.

Miscellaneous Correspondence

Chairman DePinto asked if Bob Grover was aware of the letter from Mr. Rooney on Sunrise Avenue. Mr. Ragucci said Mr. Grover has informed him he will speak with the driver. Selectman Rotondi said he would like to reinforce to the employees that the citizens of

Stoneham are the Town's customers. Selectman Gregorio said they should send a letter to Mr. Rooney. Town Administrator Ragucci said he will draft a letter.

Chairman DePinto referred to the letter from Comcast. Selectman Vallarelli moved to invoke the formal process with them and in the letter mention they would be pleased to try to reach an informal agreement at the same time. Motion was seconded by Selectman Gregorio and **unanimously voted (4-0)**.

The Board discussed the resolution received from the Medford City Council, offered by Councillor Robert Penta, expressing the Medford City Council's utter outrage, disappointment and dismay on the recent proposal at the BRMC site in Stoneham. Chairman DePinto said he thinks they should send them a letter. Selectman Rotondi said he would like to express his outrage that they're getting involved in something in Stoneham and that Stoneham is outraged with the drive-through traffic from Medford coming through Stoneham. Selectman Gregorio said it is not worth responding to. Selectman Vallarelli said to write him a letter explaining the Stoneham Board of Selectmen is pleased the project is going forward. Chairman DePinto said to put him on the 6/16/09 agenda. Town Counsel Solomon said they could send a letter asking if they could provide a detailed analysis of the office and other commercial space in Medford and a detailed traffic analysis of how much of their residential traffic goes through Stoneham and then sit down with them and discuss it. Selectman Rotondi moved to send the Medford City Council a letter saying that. Selectman Vallarelli asked Town Counsel if he is going to draft it. He said yes. Selectman Vallarelli seconded the motion. Voting was 3-0-1, with Selectman Gregorio abstaining. **Motion carried.**

Selectman Gregorio referred to the letter requesting a crosswalk on Elm Street and asked if the Safety Officer looked into it. Town Administrator Ragucci said yes. He said there is already a crosswalk in the location. He said putting it in the location mentioned might cause a blind spot, so the Safety Officer won't be recommending a crosswalk at this location. Selectman Rotondi asked about the sidewalk at Redstone. Selectman Vallarelli said it is at Mass Highway to be approved. Selectman Vallarelli noted the email requesting a 4-way stop at the corner of Elm and Washington Streets. He wants to acknowledge that it was received. He asked Mr. Ragucci to follow up with the Chief at the next meeting. Selectman Rotondi asked Mr. Ragucci if he can find out what it would cost to put lights there. Selectman Vallarelli referred to the letter from the Board of Appeals regarding illegal signs. Chairman DePinto said he knows Cheryl Noble has been dealing with this.

Selectman Rotondi asked for a point of personal privilege. He said he thinks the charter needs some changes to bring them into the 21st century. He said they need 15% of the voters to sign a petition and then it will go on the ballot as to whether the Town would start a charter commission. They would elect 9 people. They would make recommendations and that would go on the ballot. He said anyone who wants to help get 1800 signatures can contact him. Selectman Vallarelli said in the last couple of years both Weymouth and Braintree have gone from Selectmen/Town Meeting to Mayor/Town Council. Selectman Rotondi said he is not advocating any one change except he thinks they need some change.

Town Administrator Reports

Mr. Ragucci said the MWRA is looking to buy 6 acres of the BRMC property for their tank. He gave the Board the MWRA minutes. He said the Board of Directors are questioning Mr.

Laskey on the prudence of buying 6 acres when they have access right across the street to free land. He said he would like to discuss this in executive session. Selectman Gregorio suggested a letter from the Chair to the MWRA copying the Governor and State Auditor as to whether this is a prudent use of State funding, given that there is an abundance of land nearby already owned by the State. Chairman DePinto noted they already own a third of the Town. Selectman Rotondi agreed. He said he would like to add that this is blatantly and attack on Stoneham's sovereignty. He said the MWRA is planning on eliminating 90 units of affordable housing. He said he can't see how a State, in this day and age, can foster or even contemplate taking 80 to 90 units of affordable housing off the market which in turn deprives the Town of \$200,000 a year plus the Town has to pay the unnecessary cost of acquiring the land on the Town's water rate. He suggested copying the Town's representatives and senator, also. Mr. Ragucci said he will draft the letter.

Chairman DePinto asked about Ravine Road. Town Counsel said no question that Rep. Lewis saw the clear and present danger.

Selectman Vallarelli asked that Town Administrator Ragucci bring up the regionalization of dispatchers at the regionalization meeting.

Executive Session

Selectman Vallarelli moved to go into executive session and not to return as Board of Selectmen, pursuant to Chapter 39, section 23B, to discuss collective bargaining, Stockwell, contract negotiations, and litigation. Motion was seconded by Selectman Gregorio, and a roll call vote was taken.

Voting in favor:

Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted (4-0).

Meeting adjourned at 8:13 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of June 30, 2009

Chairman John F. DePinto called the meeting to order at 7:10 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Approve Minutes

Selectman Sweeney moved approval of the 6/2/09 minutes, seconded by Selectman Rotondi. **Motion was unanimously voted.** Selectman Rotondi moved approval of the 6/2/09 executive session minutes and not to release, seconded by Selectman Sweeney. **Motion was unanimously voted.** Selectman Vallarelli moved approval of the 4/1/09 executive session minutes and not to release, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Board of Health Vacancy

Chairman DePinto announced the Board of Health vacancy appointment will be made on 7/28/09.

Appointments to Committees

Selectman Sweeney moved to appoint Brian Domoretsky to the Capital Improvement Advisory Committee, seconded by Selectman Rotondi. **Motion was unanimously voted.** Selectman Sweeney moved to appoint William Previdi to the Capital Improvement Advisory Committee, subject to Town Counsel looking into if a Finance Board member can be appointed as a member of the public, seconded by Selectman Gregorio. **Motion was unanimously voted.** Selectman Vallarelli moved to appoint Dennis O'Hara to the Cultural Council, seconded by Selectman Sweeney. **Motion was unanimously voted.**

FY10 Budget/Chairman DePinto

Town Administrator Ragucci and the Board discussed the FY10 budget signed by the Governor that reduced revenues by \$700,000 and reduced the Circuit Breaker by \$265,000. Mr. Ragucci said there will be \$150,000 coming from the State of Massachusetts and \$53,000 from ARRA Stabilization Account, both School related. He said there are some cuts in the Town side of the budget thanks to reductions in anticipated increases in the trash contract. He said they didn't include \$50,000 from the billboards in revenues. Selectman Rotondi and Town Administrator Ragucci said the problem is more like \$500-525,000. Selectman Sweeney said the trash said that brings it down even more. Selectman Sweeney said when they are talking to employees and townspeople they want to say a figure that will be true cuts and true figures. Selectman Rotondi agreed and said that is why he wanted the \$525,000 account will have \$100,000 or so. Chairman DePinto agreed with Selectman Sweeney and figure. The Board discussed dates for a town meeting in August. Selectman Sweeney said if they have a town meeting in August it is possible they will experience 9C cuts in October.

Approve New 2008 Common Victualler License/Honey Dew Donuts/362 Main St

Selectman Vallarelli moved approval of a New Common Victualler License for Honey Dew Donuts at 363 Main Street. Motion was seconded and **unanimously voted.**

Approve Common Victualler License Renewals

Selectman Vallarelli moved approval of the following Common Victualler License renewals:

Mastoran Restaurants, Inc d/b/a Burger King #627/197 Main St
128 Franklin St LLC d/b/a Dunkin Donuts/128 Franklin St
JK Stoneham, Inc d/b/a Honey Dew Donuts/362 Main St
Papa Gino's, Inc d/b/a Papa Gino's/D' Angelo/190 Main St
Lefter Spiro d/b/a Stoneham Pizza/232 Main St

Motion was seconded by Selectman Sweeney. Chairman DePinto added that Papa Gino's be contingent on getting a new Workmen's Comp certificate, as theirs expired today. **Motion was unanimously voted.**

Tri-Community Bikeway Letter/Selectman Gregorio

Selectman Gregorio moved that the Board endorse sending a letter, with the Board's recommendation that the State move the bikepath to the TIP, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Approve Knights of Columbus Tootsie Roll Drive

Selectman Sweeney moved to grant approval of the Tootsie Roll Drive on 10/2, 10/3, and 10/4. Motion was seconded by Selectman Gregorio and **unanimously voted.**

Request for Bottle Bill Resolution/MassRecycle

Selectman Vallarelli said he had no problem with revising the Bottle Bill, but he said they want to include bottled water. He said he personally can't support the resolution as written. Selectman Sweeney said if Selectman Vallarelli feels strongly about it, they should look into it more before endorsing it. Chairman DePinto said to ask MassRecycle if they can come to the 7/28 meeting to answer some questions.

Selectman Rotondi said they never got an answer from the Governor when they invited him. He said he didn't expect him to come, but he would have expected an answer. Selectman Gregorio said they should suggest towns be given equal footing with cities.

Addendum: Approve Block Party/Gigante Drive

Selectman Sweeney moved approval of a Block Party on Gigante Drive on 8/8/09, with a raindate of 8/15/09, with notification of Police, Fire, and DPW. Motion was seconded by Selectman Gregorio and **unanimously voted.**

Miscellaneous Correspondence

Chairman DePinto asked Town Administrator Ragucci to ask Bob Grover to come to the next meeting to talk about potholes.

Mr. Ragucci said he was approached by Anne Marie Tanzella of the Boys and Girls Club to partner up with Town to get new playground equipment at the tot lot at Rec Park. He said the Town has to provide a \$2500 match, 2500 s.f., breakfast and lunch for volunteers, and provide 70-90 volunteers and accept ownership and maintenance. He said he informed her the Town can't come up with the whole \$7,500, and she said she will do a fundraiser. He told her the Town can come up with \$3,000 max. Selectman Sweeney moved to endorse support of this playground, seconded by Selectman Rotondi. **Motion was unanimously voted.**

Mr. Ragucci said the Board asked him to look at the intersection of Washington and Elm Streets to see if it warrants a street light. He said it meets the criteria for a signalized intersection, and the cost is around \$100,000. He said they received \$323,000 in Chapter 90 money in FY10. He suggested using \$100,000 of it to install a signalized traffic light. He said he would like Bob Grover to begin the engineering work. Selectman Rotondi moved to do that, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Mr. Ragucci said Stoneham has been selected to receive one staff member at the Rec Department and two at DPW at no cost to the Town for a 12-week program.

Mr. Ragucci said there have been some retirements in Town. He said Betty Luciano, a long-standing, valued employee, will be retiring. He said they have to operate without a Human Resources director for the rest of the fiscal year. He said he hopes to bring her back to help with some of the contract negotiations.

Selectman Gregorio asked if the Board and Town Administrator wanted to continue with the Budget Committee. As it is a Town Administrator committee, Mr. Ragucci will do it.

Selectman Sweeney said he wanted to publicly thank Betty Luciano and also the two Police Officers. He said he wanted to thank Larry Rotondi, the Safety Officer, who is a good friend and also a great Safety Officer and who did a lot of volunteering on boards in town and also he wanted to thank DARE Officer Tommy Cullen. He said Tommy has had parents and kids who both went through his program.

Executive Session

Selectman Rotondi moved to go into executive session for litigation, Stockwell Trust, and contract negotiations, pursuant to Chapter 39, Section 23B, and not to return as the Board of Selectmen. Motion was seconded, and a roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Rotondi
Selectman Gregorio
Chairman DePinto

Motion was unanimously voted.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of July 28, 2009

Chairman John F. DePinto called the meeting to order at 7:00 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Approve Minutes

Selectman Sweeney moved approval of the 6/30/09 minutes, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Board of Health Vacancy Appointment

Chairman DePinto read the 6/25/09 letter from Daniel Doherty, Chairman of the Board of Health, requesting a joint meeting to appoint the Board of Health vacancy. Town Counsel Solomon said the Judge said there was a Failure to Elect under 41-1. Chairman Doherty of the Board of Health opened the Board of Health meeting. Christine Carino, Vice Chairman, was also present. Charles Smith, 132 Park Street, said 484 people voted for Mr. Sacco and 483 people voted for Mr. Scullin. He said the people have spoken. Selectman Vallarelli said he thinks the Judge made an error sending it back to the Board of Selectmen. He said there should have been a Special Election in September. Mr. Smith asked them to consider the 484 people. Selectman Sweeney nominated E. Paul Sacco, seconded by Selectman Vallarelli. Selectman Vallarelli nominated John Scullin, seconded by Selectman Rotondi. Selectman Sweeney moved to close the nominations, seconded by Selectman Gregorio. **Motion was unanimously voted.** Voting was as follows:

Selectman Gregorio -	John Scullin
Selectman Rotondi -	John Scullin
Chairman Doherty -	John Scullin
Vice Chairman Carino -	John Scullin
Selectman Sweeney -	John Scullin
Selectman Vallarelli -	Paul Sacco
Chairman DePinto -	John Scullin

Voting was 6-1 to appoint John Scullin to the Board of Health.

DPW/Potholes

DPW Director Robert Grover was present and spoke about repairing potholes. He said the overall problem is the lack of money the Town is putting into road repair. Chairman DePinto asked about the letter concerning sidewalk repair. Mr. Grover said he called her. He said the sidewalk will be safe for walking.

E.B. Rotondi & Sons, Inc/21 Manison St/Site Plan Hearing

Selectman Rotondi said he would like to recuse himself from this hearing. He said that, under the strict interpretation of the Ethics Commission, he could vote on this because the applicant is a second cousin and he has no financial interest, but for reason of perception he will recuse himself from this hearing.

Selectman Rotondi left the meeting at 7:21 p.m.

Selectman Vallarelli read the Notice of Hearing that was published on 7/8 and 7/15/09. Atty. Mark Vaughan was present to represent E.B. Rotondi & Sons in their petition to construct an approximately 54,850 square foot specialized fitness training facility, together with associated parking, landscaping and site drainage improvements, on the property located at 21 Manison Street, Stoneham, MA on land owned by E.B. Rotondi & Sons, Inc., 21 Manison Street, Stoneham, MA.

Atty. Vaughan said they have received approval from the Board of Appeals. He said they also require a Special Permit from the Planning Board. He said they hope to wrap that up in a few weeks. He said it probably would make sense to keep the hearing open until they do. Selectman Sweeney read the following department recommendations:

Public Works – Dated 7/20/09 – Atty. Vaughan agreed.

Police Department – 7/16/09

Board of Health – Atty. Vaughan said to the extent their jurisdiction applies.

Building Inspector – 7/21/09

Chairman DePinto opened the hearing to the public.

Selectman Sweeney moved to continue to 8/25/09 at 7:40 p.m., seconded by Selectman Vallarelli. A roll call vote was taken.

Voting in favor:

Selectman Gregorio

Selectman Vallarelli

Selectman Sweeney

Chairman DePinto

Motion was unanimously voted (4-0).

Selectman Rotondi returned to the meeting at 7:35 p.m.

Brian E. Austin, Trustee of 158-170 Central Street Realty Trust d/b/a Austin Service & Sales/158-170 Central St/Site Plan Hearing

Selectman Gregorio read the Notice of Hearing that was published on 7/8 and 7/15/09. Atty. Houghton was present to represent Brian E. Austin, Trustee of 158-170 Central Street Realty Trust d/b/a Austin Service & Sales to finish a 1 ½ story addition to the building at 158 Central Street, making the building 2 ½ stories for office and parts warehouse use and associated parking totaling fourteen (14) spaces and to extend the use to include attic area for business, located at 158 and 170 Central Street, Stoneham, Massachusetts, on land owned by Brian E. Austin, Trustee of 158-170 Central Street Realty Trust.

Selectman Vallarelli read the following department recommendations:

Public Works – Dated 7/8/09 and 2/26/04

Fire Chief – Dated 6/18/09

Police Chief – Dated 6/25/09 – Atty. Houghton noted they are not adding housing so they are not doing additional off-street parking for additional living space.

Board of Health – Dated 7/16/09 – Atty. Houghton said they are standard comments and they will adhere to them.

Building Inspector – Dated 7/21/09

Selectman Vallarelli asked about parking. Atty. Houghton said 10 go to this building and four go to the two-family. He said there are 15 and that one is inside the building in the garage space.

Chairman DePinto opened the hearing to the public. Selectman Sweeney moved approval of the site plan, with two years for completion, seconded by Selectman Gregorio. Jim Haslam, 177 Central Street, said they questioned why he needs the additional office space on the third floor, when he was going to use it on the second floor. He said the fear is he might try to convert the second floor to residential when he has office space on the 3rd floor. He said he has no problem with the approved plan, but he and his neighbors have issues with the revisions. He said they have issues with parking in the winter. Another abutter said when it was approved it was presented to the neighbors as a one-story, then it became a three-story building. She said they asked for one thing and built another. Lucille Dunn, 153 Central Street, gave the Board photos of the building. Mr. Haslam said the Police and DPW agreed to put up “No Parking” signs in the original approval, from property line to property line. He said it never happened. Atty. Houghton said 45 feet in height is allowed, and this is considerably less. Selectman Sweeney asked if the building were built as the plans were presented to the Board. Atty. Houghton said exactly but they are asking to change. Selectman Sweeney asked if there is no residence there now and never has been. Atty. Houghton said yes. Selectman Sweeney asked if there are any problems in the neighborhood with business parking. An abutter said they park on the sidewalk sometimes. Selectman Sweeney asked Town Administrator Ragucci that the signs be up this week. Dennis Surette, 175 Central Street, said he would vote for the original plan. He said if there is office space he might rent it out to another company. He said, as for parking, the whole back is full of dumpsters. He said if he gets busy there is constant parking on the street. He said there is a school up the street and there is children’s traffic. He asked they approve the plan as originally approved with no rental on the third floor. He said it was promoted as a two-story, but it is really a three-story. Atty. Houghton said he could not rent it out. He said it would require an elevator. He said it doesn’t make economic sense. Chairman DePinto asked if the dumpster is permanent. Mr. Austin said he has a dumpster there for metal only, for two or three weeks, and he has a smaller permanent dumpster. He said the dumpster is ready to go. Selectman Vallarelli asked what recourse they have if he decides to rent it out as an office. Atty. Houghton said call the Building Inspector. Selectman Vallarelli told the abutters if they see that happening they should call the Building Inspector. Selectman Sweeney said they will have “No Parking” signs this week. An abutter said they will park on the residential side of the street. The resident of 154 Central Street said the parking lot is between Austin and her house. She said if there is no parking then it seems like everyone will park in front of her house. The Board added there will be two years for completion. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

Stoneham Little League/12 Beacon Street/Site Plan Hearing

Selectman Rotondi read the Notice of Hearing published on 7/8 and 7/15/09. Paul Garozzo, Vice President of Little League, was present relative to the petition of Ray Mooney, President, Stoneham Little League, P.O. Box 80312, Stoneham, MA, to place an 8’ x 20’ concession container, 8.6’ tall, at the entrance of the fields behind the East

School, on the grass side of the fence, on the property located at 12 Beacon Street, Stoneham, MA on land owned by Town of Stoneham, 35 Central Street, Stoneham, MA.

Mr. Garozzo said they got Planning Board approval. He said they currently have the container at the field. He said they have a temporary permit from Cheryl Noble and a temporary permit from Bob Bracey for a tabletop stand. Selectman Rotondi asked if they have School approval. Selectman Rotondi said the Board of Health has disapproved this plan. Mr. Garozzo said Bob Bracey wants certain things to be done. Mr. Garozzo said he told Cheryl Noble it would not be a concession stand until they are done. Chairman DePinto read the following department recommendations:

Public Works – Dated 7/8/09

Fire Department – Dated 7/7/09

Police Chief – Dated 7/20/09 – Atty. Houghton agreed.

Building Department – Dated 7/21/09

Selectman Rotondi said there should be official approval from the Schools. Selectman Vallarelli moved approval of the site plan subject to Little League getting a letter from the School Committee authorizing it and subject to Little League continuing to work with Mr. Bracey to work out issues. Chairman DePinto opened the hearing to the public. The resident at 3 Hamill Court said he is all for it. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted (5-0).

Addendum

Selectman Rotondi moved to go to the addendum. Motion was seconded and **unanimously voted.**

Approve Common Victualler License Renewals

Selectman Vallarelli moved approval of the following Common Victualler License renewals:

The Daily Scoop/232 Main St
Dairy Dome, Inc. d/b/a Dairy Dome/474 Main St
Sunnyhurst Donuts, Inc d/b/a Dunkin Donuts/196 Main St
Park Drive Subway, LLC d/b/a Subway/200B Main St
Byron Arbizu d/b/a Three Amigos/125 Main St

Motion was seconded by Selectman Rotondi and **unanimously voted.**

Approve Entertainment License Renewal/Georgie D's Enterprises, Inc d/b/a Georgie D's/125 Main St

Selectman Sweeney moved approval of the Entertainment License renewal for Georgie D's Enterprises, Inc. d/b/a Georgie D's, 125 Main St, seconded by Selectman Vallarelli. **Motion was unanimously voted.**

Approve Three Automatic Amusement Machine License Renewals/Improved Order of Redmen Wamscott Tribe #39/11 Franklin St

Selectman Rotondi moved approval of three Automatic Amusement Machine License renewals for Improved Order of Redmen Wamscott Tribe #39, 11 Franklin St, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Miscellaneous Correspondence

Town Counsel Solomon said they got the final payment from B & M Railroad. He said the settlement was \$180,000 for contamination. He said they got an extra \$3,000 on the last two payments. They received \$31,500 for the final payment. They received \$309,000 from the State and \$180,000 from the B & M.

He said they received \$13,040 from T-Mobile to reimburse the Town for hiring of consultants.

Town Counsel said the Board wants to thank Rep. Lewis who testified at the hearing on the Verizon cable bill and Rep. Dwyer who expressed opposition, and the Access folks, including Ms. Palmerino. He suggested a letter to them thanking them for their opposition. Selectman Rotondi noted the letter from the citizen about Verizon. Town Counsel said he will follow up on it. Chairman DePinto asked that letters be sent thanking them.

Selectman Gregorio noted the letter about closing Greenwood Station. He moved to draft a letter from Chairman DePinto to the B & M. Motion was seconded by Selectman Sweeney and **unanimously voted**. It will also be copied to the Wakefield Selectmen.

Selectman Gregorio noted the letter about the Board of Health and pool issues. Town Administrator Ragucci said he believes it has been taken care of.

Town Administrator Reports

Town Administrator Ragucci said they need to adjust FY10 revenue by \$140,000. He said their FY10 problem is about \$1.2 million. He said they can make up portions of that revenue shortfall, but it still leaves them short by about \$450,000. He asked that the Board consider looking at free cash and use some of it to offset the revenue shortfall. He said FY09 closed and had \$900,000 not spent. Selectman Rotondi said they should put pro forma FY10 budget on the next agenda.

Town Administrator Ragucci said Michelle Meagher came up with the suggestion of billing once with 4 stubs. He said he would look at billing with two stubs attached each time. He said they would save \$4,000 in postage alone. The Board agreed. Selectman

Rotondi moved to send Michelle a letter thanking her for her idea and encouraging the fact that the Board looks for employees to look for ways to save money for the Town. Motion was seconded by Selectman Sweeney and **unanimously voted.**

At Mr. Ragucci's request, Selectman Rotondi moved to ask for a study on a driving range, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Executive Session

Selectman Sweeney moved to go into executive session and not to return as the Board of Selectmen, pursuant to Chapter 39, section 23B. Motion was seconded, and a roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted.

Meeting adjourned at 8:46 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of August 18, 2009

Chairman John F. DePinto called the meeting to order at 7:11 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Executive Session

Selectman Sweeney moved to go into executive session and not to return to Board of Selectmen, seconded by Selectman Rotondi. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

Meeting adjourned at 7:13 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of August 25, 2009

Chairman John F. DePinto called the meeting to order at 7:00 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Frank Vallarelli, and Town Administrator David Ragucci. Selectman Robert W. Sweeney and Town Counsel William H. Solomon were unable to be present.

Pledge of Allegiance

Approve Minutes

Selectman Rotondi moved approval of the 8/18/09 minutes, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).** Selectman Vallarelli moved approval of the 8/18/09 executive session minutes and not to publish them, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).** Selectman Gregorio moved approval of the 7/28/09 minutes, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).** Selectman Rotondi moved approval of the 7/28/09 executive session minutes and not to publish, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).**

Boys & Girls Club/Approve Walk for the Club Fundraiser

Selectman Rotondi moved approval of the Walk for the Club fundraiser, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0).**

Liquor Licensing Authority

Selectman Rotondi moved to go into liquor Licensing Authority and to come back as Selectmen, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0).**

Meeting recessed at 7:10 p.m. to go into Liquor Licensing Authority.

Meeting reconvened at 7:13 p.m.

Mass Recycle

Ken Pruitt, Tony Basile from Mass Recycle, and Phil Seago from the Sierra Club were present and spoke about the Bottle Bill Resolution. Selectman Gregorio moved to support signing the Resolution, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).**

Maffeo Realty Trust/276-278 Main St/Site Plan Hearing

Selectman Vallarelli read the Notice of Hearing. Atty. Cicatelli was present to represent Anthony Maffeo, Jr., Trustee of Maffeo Realty Trust in his petition to convert the basement area of a professional office building, which said basement area is comprised of 350 square feet, from storage to office space, on the property located at 276-278 Main Street, Stoneham, MA on land owned by said Anthony Maffeo, Jr., Trustee of Maffeo Realty Trust, 276-278 Main Street, Stoneham, MA.

Chairman DePinto read the department recommendations from Public Works, Police, Board of Health, and Fire. Selectman Vallarelli moved approval of the site plan,

seconded by Selectman Rotondi. Chairman DePinto opened the hearing to the public. A roll call vote was taken.

Voting in favor:

Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted (4-0).

E.B. Rotondi & Sons, Inc/21 Manison St/Site Plan Hearing/Continued

Selectman Vallarelli moved to continue the site plan hearing for 21 Manison Street to 9/8 at 7:50 p.m., per the written request from Atty. Vaughan. Motion was seconded, and voting was 3-0-1, with Selectman Rotondi abstaining. **Motion carried.**

Set Date for October Special Town Meeting and Set Warrant Open and Close Dates

Selectman Gregorio moved to hold the October Special Town Meeting on October 26, 2009 and to open the warrant on 8/26/09 and close it on 9/28/09 at 4:00 p.m. Motion was seconded and **unanimously voted.**

Approve Site Plan Decision Letter/158-170 Central St

Selectman Vallarelli moved approval of the site plan decision letter for 158-170 Central Street, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).**

Approve Site Plan Decision Letter/12 Beacon Street

Selectman Rotondi moved approval of the site plan decision letter for 12 Beacon Street. Motion was seconded and **unanimously voted (4-0).**

FY10 Budget

Town Administrator Ragucci asked for two Selectmen to discuss the FY11 budget with a member from the School Committee and Finance Board. Selectmen Rotondi and Gregorio volunteered.

Miscellaneous Correspondence

Selectman Rotondi referred to the reply letter from the Board of Health to Mr. Seibold and asked what was being done. Mr. Ragucci said the EPA sent the Town a consent order to submit to them what steps the Town is taking to identify and stop the inflow of contaminants. He said one was a collapsed sewer line at the gas station and one was an open manhole stuffed with trash. He said they fixed the sewer line and bolted down the manhole.

Selectman Rotondi asked about the Board of Health letter regarding Redstone. Chairman DePinto said he talked to Atty. Cicatelli about it and then informed the Board of Health that the retention area was built at the Town's request.

Selectman Vallarelli moved to close the following streets on 9/12, as requested in the letter from the Chamber of Commerce: both the north-side and south-side common parking lots; Central Street from Pleasant to Main; the two Town Hall parking lots; and Emerson from Pine to Central. Motion was seconded by Selectman Gregorio and **unanimously voted**.

Selectman Rotondi moved approval of the Block Party on Micah's Pond Way on 9/5 from 11 a.m. to 9 p.m. Motion was seconded by Selectman Gregorio and **unanimously voted (4-0)**.

Selectman Gregorio said there is a bill to ease the requirements for municipalities to have their own light departments. He said citizens have asked if the Board will send a letter in support of the requests. Selectman Rotondi moved to send a letter supporting the legislation, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0)**.

Selectman Gregorio said he got a call from a citizen that the light on Franklin Street at the High School is turned on now, when it was blinking yellow. Mr. Ragucci said he will find out why.

Town Administrator Reports

Mr. Ragucci asked if the Town of Stoneham would consider contributing gift certificates from the Golf Course for a fundraiser. Selectman Vallarelli moved to donate two certificates for 9 holes of golf, subject to Town Counsel. Motion was seconded by Selectman Rotondi and **unanimously voted (4-0)**.

Town Administrator Ragucci said he will be advertising the part-time position for Senior Center Director.

Mr. Ragucci said towns are allowed to impose fees for towing and storage. He said he thinks it would raise a few dollars. He said that for each tow that the Town orders they would receive back \$20.

Mr. Ragucci asked that the Town endorse a letter of support for Stone Zoo for Senator Tisei. Selectman Vallarelli moved to endorse this, seconded by Selectman Gregorio. **Motion was unanimously voted (4-0)**.

Mr. Ragucci said he met with Al Turco and Wakefield Town Administrator Stephen Maio about the closing of Nazareth Academy. He suggested he and a Selectman meet with Wakefield about what will go there. Selectman Vallarelli volunteered.

Town Administrator Ragucci said he met with the Retirement Board today. He said they voted to extend the unfunded liability date to 2023.

Mr. Ragucci said they have been meeting with the bikepath abutters and the T has handed out license agreements. He said two don't have any interest – Word Tech and Earl Eastman.

Executive Session

Selectman Gregorio moved to go into executive session, under Chapter 39, section 23B, and not to return as the Board of Selectmen. Motion was seconded, and a roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted (4-0).

Meeting adjourned at 8:14 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of September 8, 2009

Chairman John F. DePinto called the meeting to order at 7:02 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Approve Minutes

Selectman Gregorio moved approval of the 8/25/09 minutes, seconded by Selectman Rotondi. **Motion was unanimously voted.** Selectman Gregorio moved approval of the 8/25/09 executive session minutes and not to release. **Motion was unanimously voted.**

Action Ambulance/Donation of Arena Defibrillator/Board of Health

Peg Drummey, Board of Health Nurse, presented, on behalf of Action Ambulance and the Board of Health, an automated external defibrillator to Lou Chiulli, Arena Manager, for the Arena. Board of Health Chairman Dan Doherty said they also secured one at the Senior Center. He said they will try to place as many as possible in public spaces.

Class of 1982/Buckley Memorial/Kristin Oneschuk

Kristin Oneschuk of the Class of 1982 Beautification Fund distributed photos of Buckley Memorial Park and a rendering of the proposed site. She said she met with William Buckley's sisters, Joyce Wing and Maureen Marrone, and long-time friend Beverly Surette. She noted that William Buckley was a member of SHS Class of 1947. He was the CIA Station Chief in Beirut. He was captured in 1984 and died in captivity, by torture, in 1985. She said they will do new benches and trash barrels and elevate the monument to make it more prominent. She said they will place a flat piece under it and etch his photo into it. There will be new shrubbery and a game table, with a chess board etched into it. They will etch "Buckley Memorial Park" into each side of the wall. She asked for permission to do the enhancements. She said they can come back and be more specific. Selectman Rotondi moved to approve the plan as set forward and for the Class to do this endeavor, seconded by Selectman Sweeney. Selectman Gregorio added that he would like them to come back with the final plan. **Motion was unanimously voted.**

Dairy Dome/472 Main St/Site Plan Discussion

Atty. Houghton was present to represent Thomas Mayo and Diane Mayo d/b/a Dairy Dome. Atty. Houghton said in 2007 a site plan application was filed to expand to Italian take-out. He said it was still a restaurant. He said the Building Inspector determined that was a change. It required a site plan. He said at the Site Plan Review, it was determined they needed to go to the Board of Appeals for the freezer. He said the Board of Appeals said parking was to be realigned so they wouldn't be backing out. He said that, at the time, his client agreed. After further review, his client decided it wasn't the best safety and business decision. He gave the Board the Greenman-Pederson report. Jason Plourde of GPI said he observed customers able to back out on the site and the sidewalk without having to go onto Main Street. He said with the southern driveway closed and a new driveway off Middle Street cars would be required to back out onto Middle Street if they came in that way and others would have to back out onto Main Street. He said there is no intersecting between pedestrians and cars. He said with the approved plan there would

be. He said the existing layout is no worse than the approved plan. He said there have been no reported accidents. Selectman Sweeney asked if the approved plan really doesn't improve the traffic situation. Mr. Plourde said it would create more requirements for people to have to back out not just to Main Street but to Middle Street. Selectman Sweeney asked him who picked his company to do the study. Mr. Plourde said he worked with Mr. Mayo and Atty. Houghton. Selectman Sweeney asked if Town Counsel had any input. Town Counsel said he did. Atty. Houghton said they ran into a Department Review before they started, which he said was unusual, and they designed to that. Selectman Rotondi asked Bob Grover if he reviewed this plan yet. Mr. Grover said he hadn't seen the report. He said the Town's concern was to stop cars backing onto Main Street. He said it was suggested, and the petitioner came back with that plan. He said he is not a traffic engineer. Selectman Vallarelli said by moving spaces back three feet more they have enough room to pull out onto Main Street frontward. He said he never had to back out onto Main Street from Dairy Dome. Selectman Rotondi said they are being asked to make a significant change in a site plan that this Board and everyone else reviewed and that went through the proper course for a site plan. He said he doesn't believe it should be discussed until another plan is submitted and they have a site plan that is advertised and department heads review. Chairman DePinto said the site plan, as approved, has not been finished yet. He asked Town Counsel what the procedure is. Town Counsel said if there is a material change in a site plan then they would advertise that and have a hearing. He said the question is whether it is material. Selectman Gregorio said that is strictly judgmental. Chairman DePinto asked what affect it has on other boards. Town Counsel said none. He said they would still have a Board of Appeals decision to change parking. He said the applicant would either do it or go to the Board of Appeals, or the Board of Appeals could decide not to pursue it. Jim Juliano, Board of Appeals Chairman, said the Board of Appeals decision would stand and always stand. He said this Board can do what it wants but it doesn't preclude that the Board of Appeals took a binding vote and Land Court is the only one who can change it. Town Counsel said he doesn't believe the Board of Appeals is precluded from amending their decision as long as they go through the full process. Selectman Sweeney said that from day one there was a question of whether a site plan was needed. He said he could see their concern if it were a new business with new construction but this is an existing business. He said that, after hearing the traffic study that any modification won't make it better, he doesn't think it's that much of a material change to put the applicant through the process again. Selectman Sweeney said a subcommittee has been meeting and there was a proposal for the petitioner to agree to put bollards across the whole front of Dairy Dome. Selectman Sweeney said there are 7 bollards there now, and they would need 8 more to go to the left of them. BOA Chairman Juliano said they had many meetings. He said the Chairman and Town Counsel attended one. He said there were negotiations regarding bollards. He also said he respectfully disagrees with Town Counsel, the Board can't change their vote. Chairman DePinto said the Town is on record that it is designed that way because it is unsafe to back out on the sidewalk. He asked if the Town has a liability if they do nothing. Town Counsel said if the Board makes a decision to allow backing out to continue he doesn't believe it would expose the Town to liability. He said if the Town didn't change the site plan and didn't enforce it, that raises the possibility. Chairman DePinto said he thinks what Selectman Sweeney is suggesting takes the Town off the hook. Selectman Vallarelli asked where that leaves the Board of Appeals decision. Atty. Houghton said they are taking it one step at a time. Selectman Rotondi said the Board said he ought to do it and he agreed to it. He said the process says he

ought to have another site plan hearing. Selectman Rotondi said the Board is shortcutting the system and he doesn't think it is right. George Seibold, 1 Tom's Way, said Mr. Mayo has been a business owner for 30 years. He said he hopes the Board can work with the business owner in these tough times. Selectman Sweeney said it is basically keeping the parking situation as is. Selectman Rotondi said the Town Engineer hasn't looked at it. He said they are making a significant change. He said to have a site plan hearing. Board of Appeals member Gerard Cunningham said if they can override the decision and put the bollards in, then let it be. A woman said she has been a direct abutter for 23 years. She said it is much safer the way it is. She said she never had to back out onto Main Street. Frank Silvestri, 3-4 Middle Street, said there are a lot of families on Middle Street and backing out onto Middle Street will create a lot of problems.

Selectman Sweeney moved to amend the site plan that they approved and have a new proposal of bollards going across and leave the parking lot as is, and also close the ice cream in the month of December. Chairman DePinto suggested they come back on 11/10 with the plan. Selectman Sweeney said they have abutters saying to leave it alone and Town Counsel is saying the Town is not liable. Selectman Sweeney added that they be permanent bollards. Chairman DePinto asked that they have something in writing. Selectman Gregorio suggested that they accept Selectman Sweeney's proposal predicated on the approval of Bob Grover and the Police Chief. Selectman Rotondi said the Board approved the plan and gave them a year and they did nothing. He said the Board gave them an extension. Selectman Sweeney said one of the conditions of the extension was the traffic study. Selectman Gregorio moved to amend the motion so that it is subject to the approval of DPW and the Police Chief, seconded by Selectman Sweeney. Chairman DePinto said he agreed with that. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Chairman DePinto

Opposed:

Selectman Rotondi

Voting on the amendment was 4-1. Motion carried.

Selectman Sweeney clarified his motion that there will be no driveway onto Middle Street. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Vallarelli
Selectman Sweeney
Chairman DePinto

Opposed:

Selectman Rotondi

Voting on the amended motion was 4-1. Motion carried.

Meeting recessed at 8:25 p.m.

Meeting reconvened at 8:35 p.m.

Julianne Stoughton, MD/19-21 Montvale Ave/Site Plan Hearing

Selectman Vallarelli read the Notice of Hearing that was published in the Stoneham Independent on 8/19 and 8/26/09. Atty. Houghton was present to represent Julianne Stoughton, M.D. in her petition to convert the two-family dwelling to medical office use and to add a 200 square foot addition to the building and to add parking for a doctor's office on the property located at 19-21 Montvale Avenue, Stoneham, MA, on land owned by William J. Gavin, III and Helen Ann McDonough, 23 Alfred Street, Woburn, MA 01801. Selectman Vallarelli read the following department recommendations: Town Engineer dated 8/21/09, Police Safety Officer dated 8/26/09, Board of Health dated 8/27/09, Fire Chief dated 8/24/09, Inspectional Services received 9/2/09. Atty. Houghton agreed with them. Chairman DePinto opened the hearing to the public. Rocco Corapi, 135 Marble Street, said the wall should go all the way from front to back, because of the water. Atty. Houghton said they could continue a low wall and put a little well around the tree.

Chairman DePinto left the meeting.

The resident at 15-17 Montvale said the sidewalk is dangerous. Selectman Sweeney said he will send the DPW Director down there. Selectman Sweeney added that if the wall doesn't address drainage then the petitioner can address it.

Chairman DePinto returned to the meeting at 8:49 p.m.

Selectman Rotondi moved to accept the site plan with the condition that the Board of Appeals get's done and they take care of the drainage and two years for completion. Motion was seconded by Selectman Vallarelli. Chairman DePinto said he has been to Dr. Stoughton but he has no financial interest. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Vallarelli
Selectman Sweeney
Chairman DePinto

Motion was unanimously voted.

Michael J. O'Sullivan, Trustee of Buckingham Realty Trust/489 Main St/Site Plan Hearing

Selectman Rotondi read the Notice of Hearing that was published in the Stoneham Independent on 8/19 and 8/26/09. Atty. Houghton was present to represent Michael J. O'Sullivan, Trustee of Buckingham Realty Trust, in his petition to change the use of the second floor from office use to residential use, on the property located at 489 Main Street, Stoneham, MA, on land owned by said Michael J. O'Sullivan, Trustee of Buckingham Realty Trust, 7 West Street, Wakefield, MA 01880.

Atty. Houghton said they obtained a variance and they obtained approval for a circular driveway. Selectman Vallarelli asked if Taste of Siam Restaurant parks there. Selectman Rotondi asked if he has an agreement with Taste of Siam. Atty. Houghton said he

doesn't know. He said he had one with Georgie D's. He said he obtained a variance to add another space in back but they said they didn't want him to do the circular driveway. His client doesn't need the variance. He wanted the driveway. Chairman DePinto opened the hearing to the public. Selectman Rotondi read the following department recommendations: Public Works Department dated 8/20/09, Police Department dated 8/26/09, Board of Health dated 8/27/09, Fire Department dated 8/24/09, Inspectional Services received 9/2/09. Atty. Houghton agreed with them. Selectman Rotondi moved approval of the site plan, with two years for completion, seconded by Selectman Vallarelli. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted.

E.B. Rotondi & Sons, Inc/21 Manison St/Site Plan Hearing/Continued

Selectman Sweeney moved to continue this hearing to 10/6/09 at 7:01 p.m., as requested in Atty. Vaughan's letter. Motion was seconded by Selectman Gregorio, and a roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Vallarelli
Selectman Sweeney
Chairman DePinto

Abstaining:

Selectman Rotondi

Voting was 4-0-1. Motion carried.

Approve Entertainment License Renewal/Stoneham Theatre/395 Main St

Selectman Sweeney moved approval of the Entertainment License renewal for Stoneham Theatre, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Approve 276-278 Main St Decision Letter

Selectman Rotondi moved approval of the proposed site plan decision letter for 276-278 Main Street, seconded by Selectman Gregorio. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

Miscellaneous Correspondence

Selectman Rotondi moved approval of the Block Party on Pine Street, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Selectman Vallarelli moved approval of the Block Party on Parkway Road, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Selectman Gregorio asked if the Board would accept an article from the Capital Committee without signatures. The Board agreed.

Town Administrator Reports

Town Administrator Ragucci said he is meeting with surrounding communities regarding the bikepath. He said they are waiting for signatures from the T. Mr. Ragucci also said there is a chance of assisted living going in the Sullivan Circle property. He said a company will do a feasibility study for a solar array. He asked the Selectmen to reach out to the residents. Chairman DePinto placed it on the 10/6 agenda.

Selectman Gregorio moved to go into executive session, pursuant to Chapter 39, section 23B, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Meeting adjourned at 9:18 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of September 22, 2009

Chairman John F. DePinto called the meeting to order at 6:10 p.m. Also present were Selectmen R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon. Selectman Richard S. Gregorio was unable to be present.

Pledge of Allegiance

Approve Minutes

Selectman Vallarelli moved approval of the 9/8/09 minutes, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).** Selectman Rotondi moved approval of the 9/8/09 executive session minutes and to remain confidential, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0).** Selectman Sweeney moved approval of the 6/30/09 executive session minutes and not to release them, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).**

Recreation Park/Basketball Courts/Discussion

Selectman Vallarelli said he spoke with the Police about patrolling the Recreation Park basketball court. He said if they post that it closes at dusk, that could solve the problem. He said he would like to try posting it and Police patrolling it. He said that on Sunday they had volunteers taking out trash. The Board agreed.

Approve 489 Main Street Site Plan Decision Letter

Selectman Sweeney moved approval of the 489 Main Street site plan decision letter, seconded by Selectman Vallarelli. A roll call vote was taken.

Voting in favor:

Selectman Rotondi
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted (4-0).

Approve 19-21 Montvale Ave Site Plan Decision Letter

Selectman Sweeney moved approval of the 19-21 Montvale Ave site plan decision letter, seconded by Selectman Vallarelli. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted (4-0).

Approve Proclamation/United Nations Day

Selectman Sweeney said that they approve most proclamations rather quickly but he has a problem with this one. He read the following from the proclamation: "...the United States has yet to live up to many of its trade guarantees, provides substantially less foreign aid as a percentage of Gross National Income than its Western European peers, and must act swiftly to perpetuate the international commitment to debt relief;". Selectman Sweeney said he thinks they go above and beyond what is called for them to do. He said, with this one item, he could not support it. Selectman Vallarelli agreed. Selectman Rotondi agreed. He said he could not support some of these statements. Selectman Sweeney moved that the Board of Selectmen not endorse this proclamation from the United Nations Association of Greater Boston, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).**

Accept Donations

Selectman Sweeney moved to accept donations from StonehamBank (\$3,000), Maria Sagarino (\$89), and John Scullin (\$60) and to send a thank you. Motion was seconded and **unanimously voted (4-0).**

Approve Automatic Amusement Machine License Renewals/American Legion

Selectman Sweeney moved approval of two Automatic Amusement Machine License renewals, contingent on insurance, fees and department approvals. Motion was seconded by Selectman Vallarelli and **unanimously voted (4-0)**.

Addendum: Approve Carnival License/Redstone

Selectman Sweeney moved to bring up the addendum, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0)**. Selectman Sweeney said he spoke to Mr. Flynn of Fiesta Shows. He said Mr. Flynn did notify the Building Department and Board of Health. He said it was an oversight in communication. He said this carnival is geared towards younger teens and smaller rides. He said he has been talking to Mr. Ragucci about it. It will be held Thursday through Sunday. Selectman Sweeney moved approval of the Carnival License contingent on all his insurance and permit fees are paid and up to date. Motion was seconded by Selectman Vallarelli and **unanimously voted (4-0)**.

Approve Block Party/Arnold Road

Selectman Sweeney moved approval of a Block Party on Arnold Road on 10/3/09, rain date on 10/4/09. Motion was seconded by Selectman Vallarelli and **unanimously voted (4-0)**.

Town Administrator Reports

Town Administrator Ragucci said he selected an Interim Senior Center Director, Maureen Canova. He said the senior van is irreparable. He said the Town has to buy a new van for an estimated cost of \$50,000.

Mr. Ragucci noted the Powder Puff game is approaching. He said Selectman Sweeney suggested portable breathalyzers. He said the security and procedures will be different than in the past. Selectman Sweeney said people have been arrested and taken to the hospital for alcohol poisoning. He said he thinks it is time to do them a favor by intervening. Selectman Rotondi agreed with Selectman Sweeney. He asked Town Counsel to look into it. Chairman DePinto said it is a Town field and they take a breathalyzer to use it.

Richard Clarke, 159 Main Street, spoke about the noise at LA Fitness from racquetball and who he has contacted. Chairman DePinto asked him to come back on 10/6.

Executive Session

Motion was made to go into executive session, pursuant to Chapter 39, Section 23B, for the purpose of discussing litigation and Stockwell and not return as the Board of Selectmen. Motion was seconded, and a roll call vote was taken.

Voting in favor:

Selectman Rotondi
Selectman Vallarelli
Selectman Sweeney
Chairman DePinto

Motion was unanimously voted (4-0).

Meeting adjourned at 6:55 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of October 6, 2009

Chairman John F. DePinto called the meeting to order at 7:03 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

E.B. Rotondi & Sons, Inc/21 Manison St/ Site Plan Hearing/Continued

Selectman Rotondi recused himself from this hearing. He said he could legally stay here and that the applicant is a cousin of his. He said he feels it is in the best interest to avoid any appearance of conflict of interest.

Selectman Rotondi left the room at 7:05 p.m.

Atty. Mark Vaughan was present to represent E.B. Rotondi & Sons, Inc. in its petition to construct an approximately 54,850 square foot specialized fitness training facility, together with associated parking, landscaping and site drainage improvements, on the property located at 21 Manison Street, Stoneham, MA on land owned by E.B. Rotondi & Sons, Inc., 21 Manison Street, Stoneham, MA.

Atty. Vaughan said they concluded the Special Permit process with the Planning Board. He said the building footprint will remain the same. The first floor will have the Boyle Strength and Conditioning on the left side and a micro ice facility on the right side. He said the second floor was to be indoor soccer, but it was decided to eliminate that component. They reduced the building from 54,500 s.f. to 35,500 s.f. He said they originally got a variance from the Board of Appeals for parking. He said now they have more than what the code requires. He said they added a sidewalk and vertical granite curbing and widened the driveway from 22 to 24 feet. He said the tax revenue is likely \$50-60,000. Selectman Vallarelli read the following department recommendations: Town Engineer, Fire Chief, Police Chief, and Board of Health. Selectman Vallarelli asked if there will be any fencing along the Railroad Right-of-Way. Atty. Vaughan said there will be a retaining wall. Selectman Sweeney moved approval, seconded by Selectman Gregorio, who added that there be two years for completion. Chairman DePinto opened the hearing to the public. No one spoke. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted (4-0).

Liquor Licensing Authority

Selectman Gregorio moved to go into Liquor Licensing Authority and return as the Board of Selectmen, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0).**

Selectman Rotondi returned to the meeting at 7:20.

Meeting recessed to go into Liquor Licensing Authority at 7:20 p.m.

Meeting reconvened at 7:26 p.m.

Chamber of Commerce/Town Day Gift/Sharon Iovanni

Sharon Iovanni presented the Board with a check for \$1,000. She said it has been the practice to present an amount to help out with the cost of Town Day. She said it doesn't begin to address the costs, but it's something. Selectman Sweeney moved to accept the donation, with a letter of thanks. Motion was seconded and **unanimously voted.**

Approve Minutes

Selectman Sweeney moved approval of the 9/15/09 minutes, seconded by Selectman Gregorio. **Motion was unanimously voted.** Selectman Sweeney moved approval of the 9/15/09 executive session minutes and not to release them, seconded by Selectman Rotondi. **Motion was unanimously voted.**

Miscellaneous Correspondence

Selectman Rotondi said the Police Chief's Executive Assistant Carla Gambardella saved the Town money by reviewing electric bills and finding they weren't being billed the right rate and got a \$3,000 savings to the Town. She also looked at bills coming from suppliers and found they weren't getting the tax-exempt status, and she corrected that. Selectman Rotondi moved to send a letter thanking her for saving this money, seconded by Selectman Sweeney. **Motion was unanimously voted.** Selectman Vallarelli said the guys in the Fire Department have been doing a lot of painting and they installed hardwood floors. Selectman Vallarelli moved to send them a letter, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Capital Committee/Selectman Gregorio

Selectman Gregorio said two department heads submitted their own articles. He said he may recommend putting them in one article. He listed the following capital projects: Senior Center air conditioning, bus for Senior Center, two marked Police vehicles, \$300,000 for Spring Street drainage third phase, upgrade the fire alarm system at the Fire Station to digital, replace the front windows at the library and the center door at the Arena, for \$535,000 for the municipal side and \$100,000 for a feasibility study for the Middle School. He said that is the current recommendation.

Sullivan Circle Property/Discussion

Town Administrator Ragucci said this property is currently being used as snow storage and street sweeping storage. He said it takes away from the neighborhood. He said he would like to see if they could do something else with the land. He said the contamination isn't that bad. DEP wants additional sampling at a cost of \$3,500. He said only a handful of uses would be allowed – solar array, assisted living facility, or greenhouse. He said residential use wouldn't be permitted. He said he would like to get the neighbors in and see what they want. Selectman Rotondi said before they have a public hearing they should know what could go there. Selectman Vallarelli said he spoke to neighbors. He said they would like an assisted living facility as opposed to solar panels or wind farm.

Approve Site Plan Decision Letter/472 Main Street

Selectman Sweeney moved approval of the proposed site plan decision letter for 472 Main Street, seconded by Selectman Gregorio. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Chairman DePinto

Abstaining:

Selectman Rotondi

Voting was 4-0-1. Motion carried.

Meeting recessed at 7:56 p.m.

Meeting reconvened at 8:06 p.m.

Selectman Sweeney moved to move Item 10 up one, seconded by Selectman Rotondi.

Motion was unanimously voted.

LA Fitness Noise

Richard Clarke, 159 Main Street spoke on the noise coming from LA Fitness. He said he contacted LA Fitness and Cheryl Noble. Selectman Sweeney noted that there is a representative from LA Fitness here tonight. Selectman Vallarelli asked Mr. Clarke if he spoke to the Condo Association. Mr. Clarke said no. Selectman Vallarelli asked if Cheryl Noble made a site visit and if the insulation was put in. He said they need to know that. Atty. Steven Cicatelli was present to represent LA Fitness. He said James O’Sullivan, out of New York, is flying out to drill the wall to ensure that 14 inches of sound insulation was installed. He said that will be done tomorrow. He said he also wants to see if it is coming from HVAC or the air exchange. He said his client spoke to Cheryl Noble. He said LA Fitness is being very responsive. He said if it is a mistake, they want to fix it. He said it is not a question of whether the building was designed properly but whether it was constructed properly. Chairman DePinto asked Mr. Ragucci to get the report from Cheryl Noble. Bob DiBella, 159 Main Street, also spoke on the noise.

Accept and Number Warrant Articles and Sign Warrant and Article Recommendations

- 1) Selectman Sweeney moved acceptance, seconded by Selectman Gregorio. **Motion was unanimously voted.**
- 2) Selectman Gregorio moved acceptance, seconded by Selectman Rotondi. **Motion was unanimously voted.**
- 3) Motion was made and seconded for acceptance. **Motion was unanimously voted.**
- 4) Motion was made and seconded for acceptance. **Motion was unanimously voted.**
- 5) Selectman Sweeney moved acceptance, seconded by Selectman Rotondi. **Motion was unanimously voted.**
- 6) Selectman Gregorio moved acceptance, seconded by Selectman Rotondi. **Motion was unanimously voted.**

7) Selectman Rotondi moved to not accept this, seconded by Selectman Sweeney.

Motion was unanimously voted. It will be covered under the Capital article.

8) Selectman Rotondi moved acceptance, seconded by Selectman Rotondi. **Motion was unanimously voted.**

9) Selectman Gregorio moved to not accept this and have it covered under the Capital article, seconded by Selectman Rotondi. **Motion was unanimously voted.**

10) Selectman Sweeney moved acceptance, seconded by Selectman Gregorio. **Motion was unanimously voted.**

The Board moved #10 to #1 and #8 to #3. Selectman Sweeney moved to accept the warrant as numbered, with those changes, seconded by Selectman Rotondi. **Motion was unanimously voted.**

The Board voted the following recommendations, using the original numbers.

1) Selectman Sweeney moved Favorable Action. Motion was seconded and **unanimously voted.**

3) Selectman Rotondi moved Favorable Action, seconded by Selectman Gregorio. **Motion was unanimously voted.**

4) Selectman Rotondi moved Favorable Action, seconded by Selectman Gregorio. **Motion was unanimously voted.**

5) Selectman Rotondi moved Favorable Action, seconded by Selectman Vallarelli. **Motion was unanimously voted.**

6) Selectman Gregorio moved Favorable Recommendation, seconded by Selectman Vallarelli. **Motion was unanimously voted.**

8) Selectman Rotondi moved Favorable Action, seconded by Selectman Sweeney. **Motion was unanimously voted.**

10) Selectman Sweeney moved Favorable Action, seconded by Selectman Gregorio, for discussion. A roll call vote was taken.

Voting in favor:

Selectman Sweeney

Opposed:

Selectman Gregorio

Selectman Rotondi

Selectman Vallarelli

Chairman DePinto

Voting was 1-4. **Motion did not carry.**

Sign Development Agreement and Mitigation Covenant/Langwood Commons and Stoneham Executive Center

Selectman Rotondi moved to sign both agreements, seconded by Selectman Gregorio. **Motion was unanimously voted.** The Board signed the Amended and Restated Mitigation Covenant by Fellsway Development LLC, Langwood Commons LLC and Simpson Housing Limited Partnership L.L.L.P. and the Town of Stoneham and they signed the Development Agreement by Fellsway Development LLC and Langwood Commons LLC with the Town of Stoneham.

Town Administrator Reports

Town Administrator Ragucci said he would like to extend the Golf Management contract by one year.

Selectman Sweeney moved to adjourn, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of October 13, 2009

Chairman John F. DePinto called the meeting to order at 7:00 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Frank Vallarelli, and Town Administrator David Ragucci. Selectman Robert W. Sweeney and Town Counsel William H. Solomon were unable to be present.

Pledge of Allegiance

Reappoint Cultural Council Members

Selectman Vallarelli moved to reappoint Melissa Powers and to appoint Alice Bartram to three-year terms on the Cultural Council, seconded by Selectman Rotondi. **Motion was unanimously voted (4-0).**

FY10 Budget Adjustments

Town Administrator Ragucci reviewed the proposed budget adjustments. Selectman Rotondi moved to accept the recommended budget which totals \$59,768,209. Motion was seconded by Selectman Gregorio and **unanimously voted (4-0)**. Selectman Rotondi moved that 50% of the remainder of free cash, approximately \$175,000 go into the Stabilization Account and 50% to the Capital Stabilization Account. Motion was seconded by Selectman Gregorio and **unanimously voted (4-0)**.

Mr. Ragucci said he has figures from Stoneham Ford for a 2010 14C van with a lift for \$48,000 or they could lease the van for almost \$11,000 a year for 5 years and after the lease expires they could purchase the van for \$1. Selectman Gregorio asked if they could do anything with the Police cars.

Executive Session

Selectman Rotondi moved to go into executive session and not return as the Board of Selectmen, to discuss litigation. Motion was seconded by Selectman Vallarelli and **unanimously voted (4-0)**.

Meeting adjourned at 6:19 p.m.

Respectfully submitted,

Muriel Doherty

Stoneham Board of Selectmen – Minutes of Meeting of December 15, 2009

Chairman John F. DePinto called the meeting to order at 6:09 p.m. Also present were Selectmen Richard S. Gregorio, R. Paul Rotondi, Robert W. Sweeney, Frank Vallarelli, Town Administrator David Ragucci, and Town Counsel William H. Solomon.

Pledge of Allegiance

Board of Health/AED Donation

Sara Thompson, Director of the Board of Health Food Pantry, thanked Shaw's and Stop & Shop for their generous donations. She said 1,433 individuals have been served. Board of Health Chairman Dan Doherty introduced Dominic Mondic from Stop & Shop and Jim Ferraioli from Shaw's. He said without help from the major food chains programs like this don't work. Chairman Doherty said they have an AED at the Rink and the Senior Center. He said Peg Drummey was able to get two more, one for the Town Hall and one for the Library. Chairman Doherty also said that, through the hard work of Acting Health Director Bob Bracey, they got federal funds for hand sanitizers. He said 72 were deployed in the Schools and the rest are in public buildings. Chairman DePinto asked what's being done about H1N1. Chairman Doherty said they had a clinic last week for high-risk and vaccinated 500 to 600 Stoneham residents. He said this Saturday they will have a clinic open to all Stoneham residents, free of cost. Chairman DePinto thanked the Board of Health, the Food Pantry, and the supermarkets for all their help.

Approve Minutes

Selectman Sweeney moved approval of the 11/17/09 minutes, seconded by Selectman Gregorio. **Motion was unanimously voted.** Selectman Rotondi moved approval of the 11/17/09 executive session minutes and to be kept confidential, seconded by Selectman Sweeney. **Motion was unanimously voted.** Selectman Sweeney moved approval of the 9/2/09 executive session minutes and not to release them. Voting was 4-0-1, with Selectman Gregorio abstaining. **Motion carried.**

Appoint Members to Committees

Selectman Rotondi moved to appoint Generoso Ferullo to the Council on Aging, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Accept Donations

Selectman Rotondi moved to accept the following donations to the Board of Selectmen's Annual Holiday Party raffle: Marty Murphy and Family (Montvale Plaza) Dinner for more than 330 at Montvale Plaza and entertainment; Atty. Steven L. Cicatelli - \$50.00; Liberty Bell – 20 \$5 gift cards; Stoneham Savings Bank - \$50.00; Gaetano's - \$30 gift card; Stoneham Motor Co - \$100.00; Angelo's Pizzeria & Ristorante - \$50 gift card; Stoneham Animal Hospital – 2 gift cards; Hairmates – 1 gift card; China Moon Restaurant – 1- \$10 gift cards; Atty. Charles F. Houghton - \$100.00; Barile Family Funeral Home - \$100.00; Three Amigos Restaurant – 2 \$25 gift cards; Dunkin Donuts (62A Montvale, 128 Franklin, inside Stop & Shop) – 20 \$5 gift cards; Sato II Restaurant – 2 \$25 gift cards; Stoneham Patrolmen's Association - \$75.00; Stoneham Superior Police Union - \$75.00; Rep. Dwyer – 10 \$10 gift cards; Dairy Dome - \$50.00; Georgie D's – 3 \$25 gift cards; Stoneham Firefighters Union - \$80.00; J.J. Grimsby & Co

Restaurant – 2 \$30 gift cards; Sen. Tisei – 10 \$10 gift cards; Rep. Lewis – 10 \$10 gift cards; Bacci’s – 2 \$25 gift cards; Shaw’s Supermarket – 10 \$10 gift cards; Gay’s Florist – 8 coupon packages; Stoneham Bank – 330 tote bags. Motion was seconded by Selectman Sweeney and **unanimously voted**.

Approve 11 Gould St Site Plan Extension Letter

Selectman Sweeney moved approval of the 11 Gould Street site plan extension letter, with correction of date, seconded by Selectman Rotondi. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted.

Approve 2 Lynn Fells Parkway Site Plan Extension Letter

Selectman Rotondi moved approval of the 2 Lynn Fells Parkway extension letter. Motion was seconded, and a roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Vallarelli
Selectman Sweeney
Chairman DePinto

Motion was unanimously voted.

Sign Special State Election Warrant

Selectman Vallarelli moved approval of the warrant for the Special State Election, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Approve Class I License Renewals

Selectman Vallarelli moved approval of the following Class I License renewals: Stoneham Motor Co Inc/185 Main St and Danvers NII Inc d/b/a Ira Nissan of Woburn/95 Cedar St. Motion was seconded by Selectman Sweeney and **unanimously voted**.

Approve Class II License Renewals

Selectman Rotondi moved approval of the following Class II License renewals: Act Leasing, Inc/51 Montvale Ave; Cov Motors Inc/28 Pine St; Edward A. Fedele and Francis X. Fedele d/b/a Fedele Auto Sales/263 Main St; Franklin Street Truck & Auto, Inc/41 Franklin St; Anthony Dana Marek d/b/a Marek’s Automotive/450 Main St. Motion was seconded by Selectman Sweeney and **unanimously voted**. Selectman Vallarelli moved approval of the Class II License renewal for Sharon M. Rotondi & John Nicholls d/b/a Rotondi Motors/140 Franklin St, seconded by Selectman Gregorio. Voting was 4-0-1, with Selectman Rotondi abstaining. **Motion carried.**

Request for Change of Address/19-21 Montvale Ave to 21 Montvale Ave

Chairman DePinto said the owner is one of his doctors but he has no financial interest. Selectman Sweeney moved approval, but if any department has an issue, the Board reserves the right to revoke the authorization. Motion was seconded by Selectman Gregorio and **unanimously voted**.

Establishment of Town Administrator's Shared Service Committee/Selectman Rotondi

Selectman Rotondi moved to recommend to that the Town Administrator form a subcommittee on shared services. Selectman Vallarelli volunteered to be the Selectmen's designee. Motion was seconded and **unanimously voted**.

Cable Update/Town Counsel

Town Counsel Solomon asked for authorization to amend the current RCN license to extend from June to 10/1, so they have some additional time to put in place a further extension to go for 4 years 9 months. He said they have a ten-year contract now. He said they have a 10-year license now. Selectman Gregorio moved to extend for three months, seconded by Selectman Rotondi. **Motion was unanimously voted**.

Miscellaneous Correspondence

Chairman DePinto asked that a letter be drafted to National Grid for the North Street area residents interested in having a gas main installed.

In response to the correspondence from Jim Juliano on the Board of Appeals, Selectman Sweeney moved to allow Jim Juliano to sit if he chooses, seconded by Selectman Rotondi. It was decided to write a letter to Mr. Juliano that the Board deem it is a financial interest but not such that his performance of his job would be affected. Voting was 4-1, with Selectman Vallarelli opposed. **Motion carried**. Chairman DePinto asked Town Counsel to draft the letter.

Town Administrator Reports

Town Administrator Ragucci said he is still pursuing sharing the Building Inspector with Melrose. He said he discussed with the Boys & Girls Club their taking over the Town's Rec program. Mr. Ragucci asked the Board to consider Town Counsel as the liaison to the Ethics Commission. He said he will fill the absence in the Human Resources Department with Ginny Ray as coordinator. Mr. Ragucci also said that as part of his FY11 budget he will submit the reorganization of the Town Account/Human Resources offices. Selectman Sweeney moved to appoint Bill Solomon as liaison to the Ethics Commission. Motion was seconded by Selectman Rotondi and **unanimously voted**. Selectman Gregorio said the Building Department recordkeeping is quite antiquated. He mentioned having written procedures in place and automated. Mr. Ragucci said Munis allows for permit tracking. He said they will kick that off effective 1/1. He said the physical records need additional file cabinets, which are \$900 each. He said library Director Mary Todd has volunteered her experience to do filing. Selectman Rotondi said he would like a copy of the audit when it is received. Selectman Gregorio said he would

like to see software installed and written procedures and a deadline. Chairman DePinto suggested doing it at the February meeting.

SHS Beautification Fund/Buckley Memorial Park/Kris Oneschuk

Kris Oneschuk said they need permission to take the monument out and install a new one of black granite from China. She said Bill Buckley died 25 years ago Memorial Day weekend. She said the Special Forces will be there anyway and will do something special. She said his birthday is that week, also. The Board agreed to removing the present monument.

11 Gould St LLC/Dominick J. Cimina, Manager/11 Gould St/Site Plan Amendment Hearing

Selectman Vallarelli read the Notice of Hearing. Atty. Charles Houghton was present to represent the petitioner. He said it needs to be continued. Selectman Rotondi moved to continue to 2/2/10 at 7:20 p.m., seconded by Selectman Sweeney. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

A & L Services, LLC and Lentine Landscaping/10-24 Spencer St/Site Plan Hearing

Selectman Rotondi read the Notice of Hearing. Atty. Houghton was present to represent A & L Services, LLC and Lentine Landscaping in their petition to allow business accessory parking and outside storage for landscaping and dumpster rental business, on the property located at 10-24 Spencer Street, Stoneham, MA, on land owned by Dodge Realty Trust, Richard H. Dodge, Trustee and Steven R. Dodge, Trustee, 12 Spencer Street, Stoneham, MA 02180.

Atty. Houghton said they would like to withdraw the dumpster use. He said what they are proposing is similar to other landscaping businesses in town, storage of mulch and other materials. He said they did a proposed site plan to locate them on the easterly side of the site. He said CMR requires another 5' of setback, so they thought they would hear all the issues and then design something else. Mr. Abreu and Mr. Lentine were present. He said they have been there 6 or 7 years but did not have a site plan. Selectman Sweeney asked how much mulch it will hold. Mr. Lentine said he averages 400 yards for a season. Selectman Sweeney asked how high. Mr. Lentine said there is 2' of cement and there will be 6' on top of the cement for 8' max. Selectman Sweeney noted the proposed fence is going to be 6' on top of the granite blocks.

Selectman Rotondi read the recommendations of the Public Works Department, Police Department, Board of Health, and Fire Department. Atty. Houghton said it would be a 25' setback and they showed a 15' setback. He said the Fire Chief must have made the determination it is combustible. Selectman Sweeney asked if their plans are in

compliance with the law. Atty. Houghton said no, they would have to revise it. He said they have to have it 4' x 25'. He said they have to begin 10' further from the north and west. Selectman Rotondi if he will comply if it proves that falls in the definition of combustible. Atty. Houghton said yes. Selectman Rotondi read the recommendations of the Building Inspector. Selectman Rotondi moved approval of the site plan, conditioned on the fact that they will comply to CMR if that material falls into that requirement. Motion was seconded by Selectman Gregorio.

Michael Lentine said he doesn't currently lease any interior space. He said that the picture the Board saw was when he ordered all his mulch at one time. He said normally by the end of May or June bark mulch is done. He said he would even agree to get rid of it if there is an excess later on in the summer. Selectman Vallarelli clarified that A & L is the dumpster company. He asked if all the containers that were behind the building are gone. Mr. Lentine said yes. He said all that is there now is an 8' x 10' storage container, bark mulch, a snowplow, and an enclosed 6' x 12' trailer. Chairman DePinto asked Town Counsel to read the letter from Lisa Gallagher that was addressed to Cheryl Noble. Town Counsel said it is her call as Building Inspector. He said she believes they have the right to grant this and this use would be allowed. Atty. Houghton said this started in September. He said the Building Inspector contacted his clients and said they need a site plan for that use. He said they didn't have a site plan. Selectman Sweeney asked why they didn't get approval before starting operating. Atty. Houghton said he made a mistake and that is why he agreed to move the dumpsters. Selectman Gregorio said that he would like to see a specific reply from Cheryl regarding this letter. Selectman Rotondi agreed.

Chairman DePinto opened the hearing to the public. The resident at 57 Pine Street said he doesn't care if they put the mulch way up there. He said he disapproves of the noise at 4 or 5 in the morning. He said he doesn't want to hear a loader loading mulch at 4:00 in the morning. Lisa Gallagher, 63 Pine Street, said Mr. Abreu and Mr. Lentine are trying to conduct a business in the parking lot. She said they don't rent in the building. Tyler Snow gave the Board photos taken 24 hours ago. He said it looks like a junkyard. He said he called Mr. Dodge, who said the agreement isn't a lease. He said he plows the lot and Mr. Dodge lets him store there. Atty. Houghton said, for the record, that a lot of these are not his client's vehicles. Mr. Snow said that is right. He said a lot of them are abandoned and he has the room to move down. Ms. Gallagher said he is taking a piece of a parking lot. She said it is not a place to put or run a business and that this property is not zoned for this. Selectman Sweeney said if that is true then the Building Inspector should automatically give this a Cease and Desist. Selectman Gregorio said that is why they need Cheryl Noble to address this letter. He said it was mentioned by one of the abutters that there is no contractual relationship. Chairman DePinto asked if the client would be willing to change the location. Atty. Houghton said to give them a chance to think how it would work best for everybody. Selectman Rotondi said the first issue that has to be resolved is if the business is allowed in that zone. He said if yes, the second question is how does he fit it in the existing zone with the CMR. Kevin DeSano, 61 Pine Street, said his lot abuts 61 Pine Street. He said he doesn't have a problem as long as he keeps things clean and neat. Selectman Rotondi withdrew his motion, seconded by Selectman Gregorio. Selectman Rotondi moved to continue the site plan hearing to 2/16/10 at 7:30 p.m. and then the three issues will be addressed, the letter to Cheryl Noble that this type of business is allowed, the Fire Chief's issue, and the contractual

relationship with the landlord. Motion was seconded by Selectman Gregorio, and a roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Gregorio
Selectman Rotondi
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

Frank Pino d/b/a Dunkin Donuts/128 Franklin St/Site Plan Hearing

Selectman Gregorio read the Notice of Hearing. Atty. Charles Houghton was present to represent Frank Pino in his petition to amend the site plan approval of March 27, 2007, by changing the 8:00 p.m. closing time to 9:00 p.m. for the business located at 128 Franklin Street, Stoneham, MA on land owned by Keisha Realty, LLC, 128 Franklin Street, Stoneham, MA 02180. Frank Pino said the truck will come around 4:00 a.m. He said that wouldn't change. Atty. Houghton said the tractor trailers come in the middle of the day. Bill Reinard said he can address the issue of the slamming dumpster. He said it is the first he heard of it. Selectman Sweeney moved to keep the hours at 6:00 a.m. and to 9:00 p.m., seconded by Selectman Gregorio. Chairman DePinto opened the hearing to the public. Bob Fields, 127 Franklin Street, said Mr. Pino and Bill have been great neighbors and the neighbors have been very accommodating. He said he applauds Mr. Sweeney for making that motion. He said noise is a very sensitive issue for the neighbors. He said they went through a process in good faith that these would be the hours and he is very disappointed to see that they are even here for this. Suzanne Crooker, 116 Franklin Street, said she agrees with Mr. Fields. Bill Reinard said it is for 20 more customers and they need them. Atty. Houghton said they are just asking to try it for a little bit longer for a time period. Bob Fields said for 20 more people it is not worth it for the quality of life for the abutters. Chairman DePinto read the recommendations from the Police, DPW, and Fire. A roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi

Opposed:

Chairman DePinto

Motion carried.

Buckingham Realty Trust, Michael J. O'Sullivan, Trustee/489 Main St/Site Plan Hearing

Chairman DePinto read the Notice of Hearing. Atty. Houghton was present to represent Buckingham Realty Trust, Michael J. O'Sullivan, Trustee, in his petition to amend the site plan approval of 9/8/09, to change residential use on the second floor to two residential units, on the property located at 489 Main Street, Stoneham, MA, on land owned by Buckingham Realty Trust, Michael J. O'Sullivan, Trustee, 7 West Street,

Wakefield, MA 01880. Chairman DePinto read the recommendations from DPW, Police, Board of Health, and Fire Department. Selectman Sweeney moved approval, subject to the Fire Chief's approval. Motion was seconded by Selectman Gregorio, and a roll call vote was taken.

Voting in favor:

Selectman Sweeney
Selectman Vallarelli
Selectman Gregorio
Selectman Rotondi
Chairman DePinto

Motion was unanimously voted.

Sale of Hill Court Parcels/De-Register Parcels

Atty. Houghton said he will work with Town Counsel to de-register the parcels. Selectman Rotondi moved to send the request to de-register the whole lot along with these three parcels, seconded by Selectman Sweeney. **Motion was unanimously voted.** Atty. Houghton said he has a deed prepared for Flahertys. He said they agreed to \$500. Selectman Vallarelli moved to execute the deed, seconded by Selectman Gregorio. **Motion was unanimously voted.**

Selectman Sweeney moved to take a 5-minute recess. Motion was seconded and **unanimously voted.**

Meeting recessed at 8:50 p.m.

Meeting reconvened at 9:04 p.m.

Selectman Gregorio moved to go into Liquor Licensing Authority and not to return as the Board of Selectmen. Motion was seconded by Selectmen Sweeney and **unanimously voted.**

Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Muriel Doherty