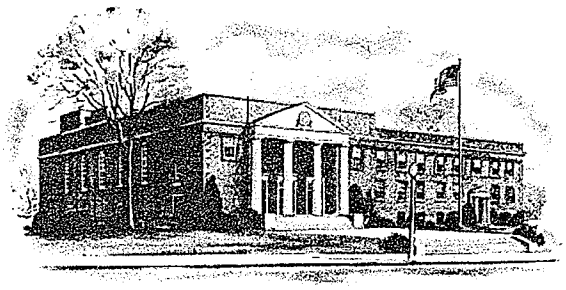


TOWN OF
STONEHAM
MASSACHUSETTS
www.stoneham-ma.gov

OFFICE OF TOWN ADMINISTRATOR
35 CENTRAL STREET
STONEHAM, MA 02180-2087
TEL: 781-279-2600
FAX: 781-279-2602
dragucci@ci.stoneham.ma.us

DAVID RAGUCCI

TOWN ADMINISTRATOR

June 11, 2014

Michele Collins
8 Second Avenue
Wilmington, Massachusetts 01887

Dear Michele:

In accordance with Chapter 26 of the Acts of 1981, I hereby appoint you to the position of Office Assistant at the Stoneham Arena in the Town of Stoneham.

This appointment becomes effective on Monday, June 16, 2014. You will be paid at a rate of $21.4945 per hour for an 18 hour workweek at Grade 36, Step H.

The THEA 2013 collective bargaining agreement is currently being negotiated. Salary increases for July 1, 2013 and July 1, 2014 will be in accordance with the terms of the CBA.

Your regularly scheduled hours during the summer months will be Monday through Thursday, from 9:00 a.m. to 1:30 p.m. As previously discussed with Arena Manager Lou Chiulli on June 9, 2014, this schedule will change to Monday, Tuesday, Wednesday and Friday from 9:00 a.m. to 1:30 p.m. in September. You and Lou have agreed to some flexibility in these schedules.

The Office Assistant position is a classification within the Town Hall Employees Association (THEA) collective bargaining union; therefore, I am sending a notice of your appointment to Union President Kathy Sullivan for her information and follow-up.

Congratulations! If you need any assistance from my office, please contact Debbie or Ginny.

Sincerely,

David Ragucci
Town Administrator

cc: Lou Chiulli, Arena Manager
Town Clerk
Town Accountant
Retirement
Human Resources
Board of Selectmen
Kathy Sullivan, President, THEA

Jun 12 10 59 AM '14
TOWN
STONEHAM

Sinclair, Erin

From: John Eaton [mailto:jaeaton88@comcast.net]
Sent: Monday, June 09, 2014 7:58 AM
To: Sinclair, Erin
Cc: Stoneham Greenway
Subject: Chapter 40B Land Based Criteria

Selectman Tom Boussy, Chairman

At the FOS meeting at the library last Thursday, June 5, I expressed outrage that no one seemed to know the Town's percentage of affordable housing based on land based criteria. Why would public officials not know this? It seems so manifestly obvious it seems silly to have to explain it. The Town needs to know our percentages for all Chapter 40B criteria.

My understanding is that a city or town can comply with Chapter 40B affordable housing requirements either of two different ways. One way is unit based meaning that 10% of the housing units have to be affordable by State standards. We do not meet that requirement because only 5.27% of Stoneham's housing units are considered affordable. That percentage is documented in a DHCD SHI report which I saw last October.

The second way a city or town can comply with Chapter 40B is land based meaning that affordable housing must be on sites comprising 1.5% of land zoned for residential, commercial or industrial use. According to MAPC letter to TA Ragucci dated October 28, 2009, 23.13 acres, or 1.06% of the developable land in Stoneham, met State criteria for affordable housing in 2009. The letter is at http://www.stoneham-ma.gov/sites/stonehamma/files/file/file/mapc_study_regarding_stoneham_ch_40b_minimum_land_area_1.5_2009.pdf. According to that letter we needed 32.7 acres devoted to affordable housing to meet the 1.5% criteria. Since we had only 23.13 acres in 2009 devoted to affordable housing we were 9.57 acres short. I do not know if the Town's land percentage has improved any since 2009. Perhaps the Town's land based percentage needs to be updated.

erstanding is that only developable land is included in the denominator of the affordable housing fraction. Open space ordinarily is excluded from the denominator which helps our measure of compliance. That said, in an e-mail to TA Ragucci dated 6/4/14, Attorney Jon Witton said it is possible that the portion of RR ROW open space currently leased or licensed to businesses is not excluded from the denominator of the fraction of land devoted to affordable housing. If the aforementioned is true, then by simple arithmetic leases to businesses have hurt our land based percentage over the years.

My understanding is that since 2009 the town has been signing short term leases with businesses allowing them to use the greenway property until the bike path became shovel ready when the leases would terminate. Under that 2009 deal the leases expire 6/30/14. Effective 6/30/14, the businesses have to vacate the property and the land reverts to open space and recreation designation.

At a meeting at the Town Hall last week, the BOS voted unanimously to accept two warrant articles to be voted on at the Special TM on Thursday, June 19, that would allow third party licensing arrangements to continue. Both the articles must pass for the businesses to continue to use the property. One of the articles has to do with zoning and the other has to do with month-to-month lease deals with the businesses until next October when state officials begin to put the bikeway project out to bid.

There is no way that the Town should vote to extend the business leases or licenses to use the open space until we have more facts. Until we know our current updated land based percentage of affordable housing, and the degree to which business leases affect the land based percentage, every resident should vote no on extending the business leases or licenses to use the RR ROW open space.

Recommend that BOS update the Town's percentage of affordable housing based on land based criteria, and determine the degree to which the business leases affect the land based percentage, and make that information public before the Special TM on Thursday, June 19. Obviously, the percentage and the methodology for determining that percentage should be examined and confirmed by Attorney Jon Witton.

Thanks again to you and Selectmen O'Neil for attending the FOS meeting. I am disappointed that the other three Selectmen chose not to appear and show their concern.

Please distribute this e-mail on his critical issue to other BOS members.

Sincerely,

John Eaton

Epsilon
ASSOCIATES INC.

PRINCIPALS

Theodore A Barten, PE

Margaret B Briggs

Michael E Guski, CCM

Dale T Raczynski, PE

Cindy Schlessinger

Lester B Smith, Jr

Robert D O'Neal, CCM, INCE

Andrew D Magee

Michael D Howard, PWS

Laura E Rome

Douglas J Kelleher

AJ Jablonowski, PE

Samuel G Mygatt, LLB
1943-2010

ASSOCIATES

Stephen H Slocomb, PE

Maureen A Cavanaugh

David E Hewett, LEED AP

3 Clock Tower Place, Suite 250
Maynard, MA 01754
www.epsilonassociates.com

978 897 7100
FAX 978 897 0099

June 16, 2014

Subject: EEA #13836, Stoneham Crossing – Notice of Project Change

Dear Reviewer:

A Notice of Project Change (NPC) was submitted on behalf of 225 Fallon Road Realty LLC (the Proponent) for a project previously known as the "Stoneham Crossing Retail and Office Redevelopment Project," located in the Town of Stoneham. The previously proposed project consisted of two components: a retail home improvement store on a 15 acre portion of the site (referred to as "Lot A") and a multi-tenant office building on the remaining 1.2 acre portion of the site (referred to as "Lot B").

Due to deterioration in market conditions, the Proponent did not proceed with the previously proposed development program. In October 2008, the Proponent filed an NPC for the development of a self-storage building on Lot B of approximately 87,000 square feet and five stories, with associated access drive, parking, loading area and utilities. Impacts, including those to traffic and water use, were generally insignificant. The 2008 NPC did not include specific plans for Lot A, but committed to submitting an additional, comprehensive NPC when the Proponent was ready to proceed with development on Lot A.

You are receiving this notice because you received or commented on one or more of the MEPA documents filed previously for this project: the Environmental Notification Form (filed July 2006), the Draft Environmental Impact Report (filed August 2007), or the Notice of Project Change (filed October 2008).

Lot A is now proposed to be developed as a 298-unit apartment community including a club house and common space and a four-story parking structure. Impacts are generally lower than those previously anticipated for the proposed retail center. The residential development is expected to generate approximately 1,930 vehicle trips and require approximately 55,280 gallons of water use per day. The footprint of development on Lot A has been reduced, and impacts on wetland areas and proposed mitigation measures remain the same as those described in the Draft EIR.

You are invited to download and review the NPC, which is available online at the following web address:

http://epsilon.sharefile.com/d/s7eb2f18752b4f9eb

The NPC will be noticed in the *Environmental Monitor* published June 25, 2014. The public comment period will extend to July 15, 2014, and the Certificate will be issued July 25, 2014.

Written comments may be filed during the comment period. Your comment letter should reference EEA #13836 and should be sent to the Secretary of Environmental Affairs at the following address:

Secretary Maeve Vallely Bartlett
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, EEA No. 13836
100 Cambridge Street 9th Floor
Boston, Massachusetts 02114

A limited number of hard copies are available on a first come, first served basis. If you would like a hard copy, please contact Ms. Corinne Snowdon by telephone at (978) 897-7100 or by e-mail at csnowdon@epsilonassociates.com.

Sincerely,

EPSILON ASSOCIATES, INC.

Laura E. Rome
Principal

June 6, 2014

Town of Stoneham
Public Works Department
16 Pine Street
Stoneham, MA 02180

To whom it may concern:

I called your office at the end of the winter to report the condition of the sidewalk in front of my house which is all uneven and a hazard. I asked that someone come to look at it and asked if it could be fixed at the same time as the potholes at the end of the street. I was told that sidewalks are the last priority for the town and they would pass the information along.

As you can see from the enclosed photos the condition of the side walk is awful. When it rains we have to walk through puddles to get out of the house and out of or into the cars. In the winter the puddles freeze so we have to try to dodge them so no one breaks their neck. We even have visitors of Barile Funeral Home who park out in front of my house so it's a busy walkway.

If you look at the sidewalk you can tell this condition which deteriorates more and more each year, was originally caused by someone doing dig safe work in front of the house.

II am asking that someone come to look at it and fill it in with hard top as soon as possible so that no one gets hurt and so we don't have to deal with these puddle issues. My mother is 81 and in poor health and visits often and we have to be extremely careful. Sometimes it's like being a prisoner in my own house when the puddles and/or ice patches are so large.

I would appreciate a response as soon as possible.

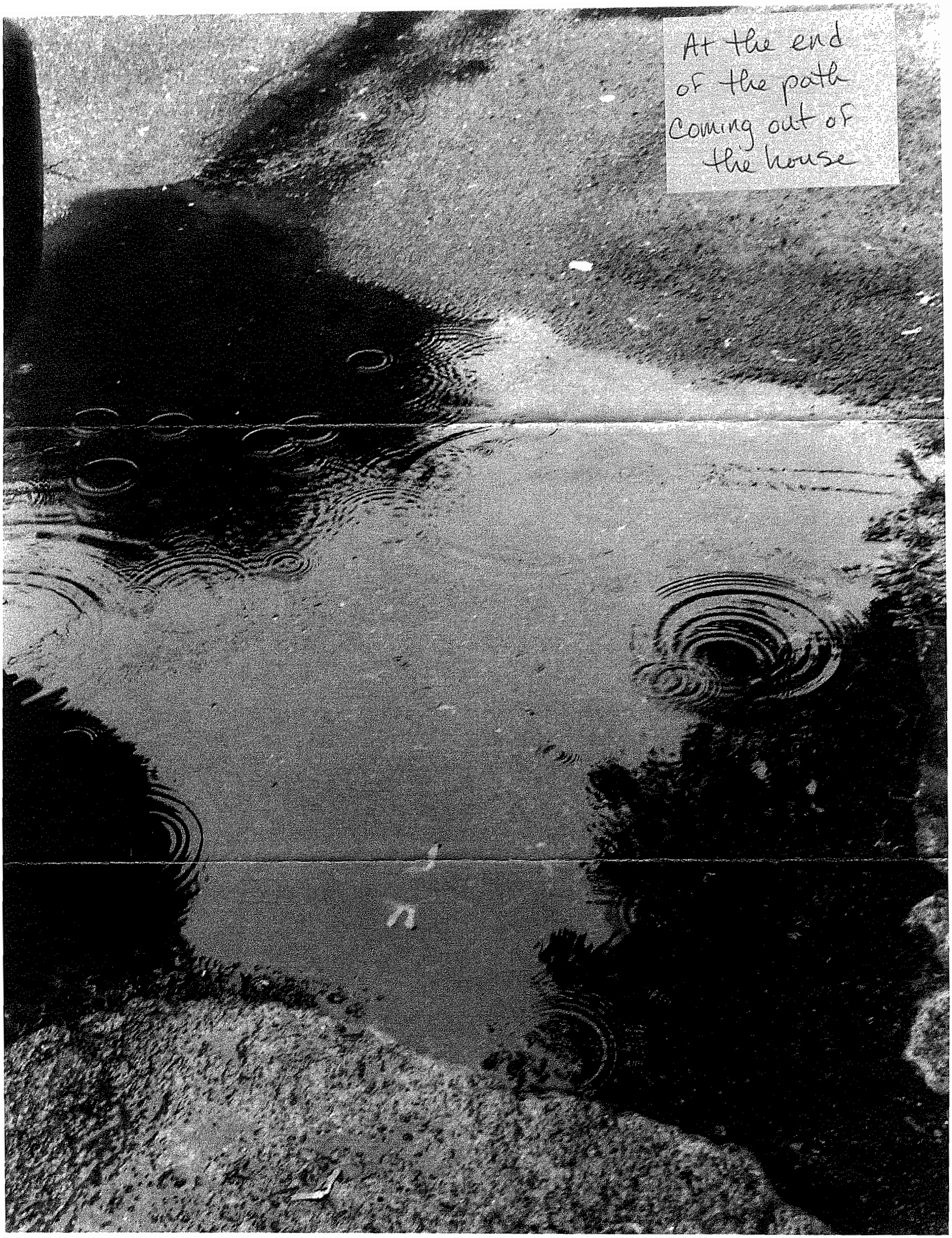
Thank you,

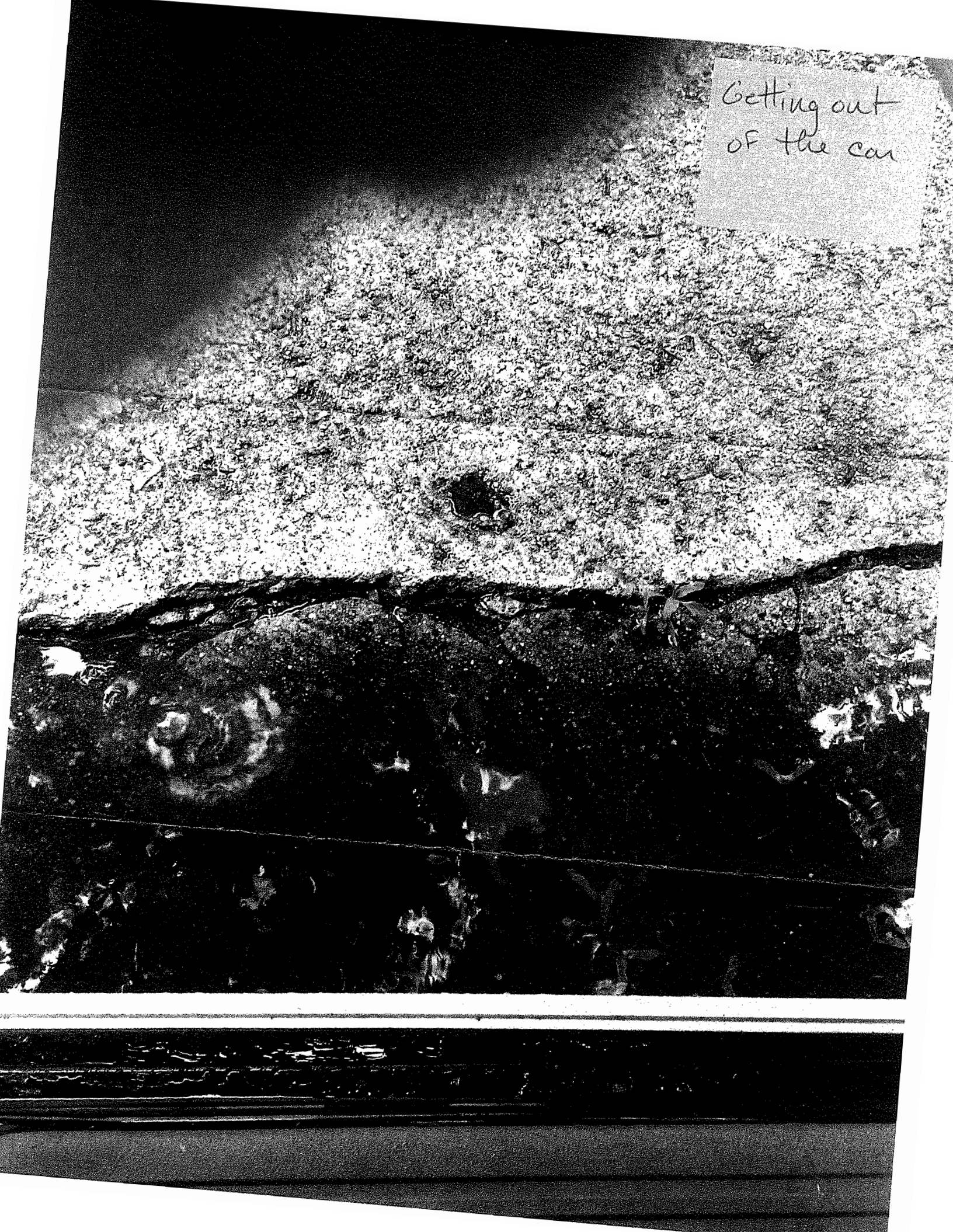
Dana McKenzie

Dana Mckenzie
14 Gerry Street - 781-279-3060

Cc: Thomas Boussy, Chairman of the Board of Selectmen.

Coming
out of the
house


At the end
of the path
coming out of
the house


Getting out
of the can

THE COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY
400 WORCESTER RD., FRAMINGHAM, MA 01702-5399 508-820-2000 FAX 508-820-1404

DEPARTMENT OF CONSERVATION & RECREATION
251 CAUSEWAY STREET, SUITE 600-700, BOSTON, MA 02114-2104 617-626-1250 FAX 617-626-1449

dcr
Massachusetts

Kurt N. Schwartz
DIRECTOR

Deval L. Patrick
GOVERNOR

John P. Murray
COMMISSIONER

June 4, 2014

Mr. David Ragucci
Town Administrator
Town of Stoneham
35 Central Street
Stoneham, MA 02180

Dear Mr. Ragucci:

This letter is to inform you that our records indicate your community's Local Hazard Mitigation Plan will expire on April 27, 2016. The timeframes for FEMA review and approval of local mitigation plans and plan updates can be lengthy. MEMA strongly encourages communities with FEMA approved plans to update and resubmit their plan at least six months to one year **prior** to the current plan expiration date.

Your community is required to have an updated, locally adopted and FEMA-approved Local Multi-Hazard Mitigation Plan for the purpose of grant eligibility, in accordance with Federal Regulation 44 CFR §201.6(d)(3). This would include, but not be limited to, grants under the FEMA Pre-Disaster Mitigation Program (PDM), the Hazard Mitigation Grant Program (HMGP) and the Flood Mitigation Assistance Program (FMA). In addition, completion and approval of a plan can enable eligibility for Community Rating System credits under the National Flood Insurance Program (NFIP). Plans must remain in effect for the duration of the grant cycle – application through closeout - so that FEMA grant funding will not be compromised.

Natural hazards can cause loss of life, damage buildings and infrastructure, and have devastating consequences for a community's economic, social and environmental well-being. Based on an assessment of hazards, vulnerabilities and risks, a local multi-hazard mitigation plan outlines a community's exposure to natural hazards and results in proactive mitigation policies and actions designed to help reduce risk and create safer, more disaster resilient communities.

The plan update can be developed in-house by your own staff or through the hiring of a consulting firm or regional planning commission. MEMA is available to provide technical assistance and guidance related to the mitigation planning process. The Metropolitan Area Planning Council coordinated the development of the current Town of Stoneham Hazard Mitigation Plan. For more information regarding their work, please contact Martin Pillsbury, Environmental Planning Director at MAPC, at 617-451-2747, for more information.

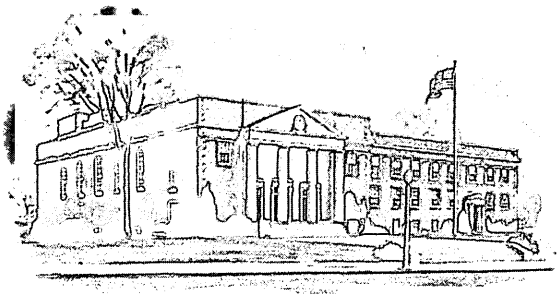
If you have any questions about the process or the plan, please feel free to contact Marybeth Groff at 508-820-1435, by email to Marybeth.groff@massmail.state.ma.us, or visit our website at mass.gov/mema and click on Disaster Recovery and Mitigation.

Sincerely,

Sarah White
Mitigation Grants Supervisor
Massachusetts Emergency Management Agency

SW/ead

cc: Martin Pillsbury, Metropolitan Area Planning Council
Chairman, Board of Selectmen, Town of Stoneham
Chairman, Planning Board, Town of Stoneham
Emergency Management Director, Town of Stoneham



TOWN COUNSEL
WILLIAM H. SOLOMON, ESQ.

TOWN OF
STONEHAM
MASSACHUSETTS 02180

319 MAIN STREET
STONEHAM, MA 02180
(781) 438-4543

To: Thomas Boussy, Chairman
Board of Selectmen

From: William H. Solomon
Town Counsel

Date: June 17, 2014

Subject: Meeting with the Executive Office of Environmental Affairs ("EOEA") Regarding Potential Stoneham Oaks and Weiss Farm Property Transaction - "Land and Water Conservation Fund ("LWCF") Conversion of Use and Article 97

Yesterday, the Town Administrator and I met with Bob O'Connor, Director of Land and Forest Conservation in the Executive Office of Energy and Environmental Affairs ("EOEA") and Melissa Cryan also EOEA. Ms. Cryan is that office's representative to the National Park Service with respect to "Land and Water Conservation Fund ("LWCF") Program", including what are referred to as "conversions" of "LWCF assisted properties. It is the LWCF program which helped fund the Town's purchase of the Unicorn Golf Course.

The meeting was very productive. I will send a summary of the points discussed, including issues of timing, which will include a preliminary review of the relationship of the National Park Service process to other aspects (or potential aspects) of any such property transaction(s), including Article 97, bid law issues, zoning issues, and development agreements. I have asked the Town Administrator to forward the questions and issues regarding counting any dwelling units if constructed on a portion of the Stoneham Oaks, and the land they are situated on, for Chapter 40B purposes, including the steps and timing of the "Local Initiative Program" (see attached), to Attorney Witten. We have had a preliminary discussion regarding this matter last week.

Ms. Crayan has expressed her willingness to come to Stoneham and discuss this matter with the Board in Stoneham.

I have attached for the Board's information, a portion of Article 8 of the Land & Water Conservation Fund manual, including Paragraph E - "Conversion of Use", which is the best general resource for such matters and issues.

cc: Board of Selectmen
Town Administrator

NATIONAL PARK SERVICE
U. S. DEPARTMENT OF THE INTERIOR

LAND AND WATER CONSERVATION FUND STATE ASSISTANCE PROGRAM

FEDERAL FINANCIAL ASSISTANCE MANUAL
Volume 69

Effective Date: October 1, 2008

CHAPTER 8 - POST-COMPLETION AND STEWARDSHIP

A. Purpose

Pursuant to Section 6(f)(3) of the LWCF Act and 36 CFR 59.3, this chapter contains the requirements for maintaining LWCF assisted sites and facilities in public outdoor recreation use following project completion and to assure that LWCF-assisted areas remain accessible to the general public including non-residents of assisted jurisdictions. These post-completion responsibilities apply to each area or facility for which LWCF assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the contractual agreement between NPS and the State. Responsibility for compliance and enforcement of these requirements rests with the State for both state and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the NPS.

B. Operation and Maintenance

Property acquired or developed with LWCF assistance shall be operated and maintained as follows:

1. The property shall be maintained so as to appear attractive and inviting to the public.

2. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.

3. Properties shall be kept reasonably open, accessible, and safe for public use. Fire prevention, lifeguard, and similar activities shall be maintained for proper public safety.

4. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.

5. The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.

6. A posted LWCF acknowledgement sign shall remain displayed at the project site pursuant to Chapter 7.

C. Availability to Users

1. Discrimination on the basis of race, color, national origin, religion, or sex. Under Title VI of the 1964 Civil Rights Act property acquired or developed with LWCF assistance shall be open to entry and use by all persons regardless of race, color, or national origin, who are

public use of the leased or concessioned area/facility be restricted or the outdoor recreation resource be compromised.

All lease documents and concession agreements for the operation of LWCF-assisted sites by private organizations or individuals must address the following:

1. In order to protect the public interest, the project sponsor must have a clear ability to periodically review the performance of the lessee/concessioner and terminate the lease/agreement if its terms and the provisions of the grant agreement, including standards of maintenance, public use, and accessibility, are not met.

2. The lease/agreement document should clearly indicate that the leased/concessioned area is to be operated by the lessee/concessioner for public outdoor recreation purposes in compliance with provisions of the Land and Water Conservation Fund Act and implementing guidelines (36 CFR 59). As such, the document should require the area be identified as publicly owned and operated as a public outdoor recreation facility in all signs, literature and advertising, and is operated by a lessee/concessioner as identified in the public information to eliminate the perception the area is private.

3. The lease/agreement document should require all fees charged by the lessee/concessioner to the public must be competitive with similar private facilities.

4. The lease/agreement document should make clear compliance with all Civil Rights and accessibility legislation (e.g., Title VI of Civil Rights Act, Section 504 of Rehabilitation Act, and Americans with Disabilities Act) is required, and compliance will be indicated by signs posted in visible public areas, statements in public information brochures, etc.

E. Conversions of Use

Property acquired or developed with LWCF assistance shall be retained and used for public outdoor recreation. Any property so acquired and/or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of NPS pursuant to Section 6(f)(3) of the LWCF Act and these regulations. The conversion provisions of Section 6(f)(3), 36 CFR Part 59, and these guidelines apply to each area or facility for which LWCF assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the contractual agreement between NPS and the State.

Responsibility for compliance and enforcement of these provisions rests with the State for both state and locally sponsored projects. The responsibilities cited herein are applicable to the area depicted or otherwise described on the 6(f)(3) boundary map and/or as described in other project documentation approved by the Department of the Interior. This mutually agreed to area normally exceeds that actually receiving LWCF assistance so as to assure the protection of a viable recreation entity.

Local sponsors must consult early with the State LWCF manager when a conversion is under consideration or has been discovered. States must consult with their NPS-LWCF manager as early as possible in the conversion process for guidance and to sort out and discuss details of the conversion proposal to avoid mid-course corrections and unnecessary delays. **A critical first step is for the State and NPS to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity.** Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary.

If the NPS is alerted or otherwise becomes aware of an ongoing conversion activity that has not been approved, NPS shall request the State Liaison Officer (SLO) to advise the project sponsor of the necessary prerequisites for approval of a conversion and to discontinue the unauthorized conversion activities. If the conversion activity continues, NPS shall formally notify the State it must take appropriate action to preclude the project sponsor from proceeding further with the conversion, use, and occupancy of the area pending NPS independent review and decision of a formal conversion proposal (see Section 10 below).

The NPS Regional Director has the authority to disapprove conversion requests and/or to reject proposed property substitutions. This approval is a discretionary action and should not be considered a right of the project sponsor.

1. Situations that trigger a conversion include:

    a. Property interests are conveyed for private use or non-public outdoor recreation uses.

    b. Non-outdoor recreation uses (public or private) are made of the project area, or a portion thereof, including those occurring on pre-existing rights-of-way and easements, or by a lessor.

    c. Unallowable indoor facilities are developed within the project area without NPS approval, such as unauthorized public facilities and sheltering of an outdoor facility.

    d. Public outdoor recreation use of property acquired or developed with LWCF assistance is terminated.

2. Situations that may not trigger a conversion if NPS determines that certain criteria are met include:

    a. Underground utility easements that do not impact the recreational use of the park and is restored to its original surface condition (see Section F below).

    b. Proposals to construct public facilities, such as recreation centers and indoor pool buildings, within a Section 6(f)(3) protected area where it can be shown there is a gain or increased benefit to the public outdoor recreational opportunity. These proposals must be reviewed by the NPS as a "public facility request" (see Section H below). The

State should consult with the NPS early in the formative stages of developing proposals to construct indoor facilities on Section 6(f)(3) protected land (see Section H below).

c. Proposals for "temporary non-conforming uses," that is temporary non-recreation activities of less than a six-month duration within a Section 6(f)(3) protected area, must be reviewed by the NPS (see Section I below).

d. Proposals to build sheltered facilities or to shelter existing facilities within a Section 6(f)(3) protected area provided they do not change the overall public outdoor recreation characteristics and otherwise meet the sheltering criteria in Chapter 3. The NPS review and approval of such proposals will not trigger a conversion (see Section J below).

e. Proposals for changing the overall outdoor recreation use of a Section 6(f)(3) area from that intended in the original LWCF project agreement. These proposals must be reviewed by the NPS (see Section L below).

3. Prerequisites to the NPS consideration of conversions. Formal requests from the project sponsor for permission to convert LWCF assisted properties in whole or in part to other than public outdoor recreation uses must be submitted by the State Liaison Officer to NPS in writing and conform to the prerequisites set forth in 36 CFR 59.

States shall consult with NPS when conversions are proposed or discovered and prior to making the formal request to NPS. States shall use the Proposal Description and Environmental Screening Form (PD/ESF) to prepare its conversion proposal (see Chapter 4). The PD/ESF guides the development of the conversion proposal, including the incorporation of the following prerequisites that must be met before NPS will consider the formal conversion request:

a. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.

b. The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by a state approved appraisal (see Chapter 4 for appraisal guidance) excluding the value of structures or facilities that will not directly enhance its outdoor recreation utility.

c. The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Depending on the situation, and at the discretion of the NPS, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider state requests to change the project sponsor for any replacement property when it is determined a different political jurisdiction can meet the criteria for replacement properties. Equivalent usefulness and location will be determined based on the following criteria:

State should consult with the NPS early in the formative stages of developing proposals to construct indoor facilities on Section 6(f)(3) protected land (see Section H below).

c. Proposals for "temporary non-conforming uses," that is temporary non-recreation activities of less than a six-month duration within a Section 6(f)(3) protected area, must be reviewed by the NPS (see Section I below).

d. Proposals to build sheltered facilities or to shelter existing facilities within a Section 6(f)(3) protected area provided they do not change the overall public outdoor recreation characteristics and otherwise meet the sheltering criteria in Chapter 3. The NPS review and approval of such proposals will not trigger a conversion (see Section J below).

e. Proposals for changing the overall outdoor recreation use of a Section 6(f)(3) area from that intended in the original LWCF project agreement. These proposals must be reviewed by the NPS (see Section L below).

3. Prerequisites to the NPS consideration of conversions. Formal requests from the project sponsor for permission to convert LWCF assisted properties in whole or in part to other than public outdoor recreation uses must be submitted by the State Liaison Officer to NPS in writing and conform to the prerequisites set forth in 36 CFR 59.

States shall consult with NPS when conversions are proposed or discovered and prior to making the formal request to NPS. States shall use the Proposal Description and Environmental Screening Form (PD/ESF) to prepare its conversion proposal (see Chapter 4). The PD/ESF guides the development of the conversion proposal, including the incorporation of the following prerequisites that must be met before NPS will consider the formal conversion request:

a. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.

b. The fair market value of the property to be converted has been established and the property proposed for substitution is of at least equal fair market value as established by a state approved appraisal (see Chapter 4 for appraisal guidance) excluding the value of structures or facilities that will not directly enhance its outdoor recreation utility.

c. The property proposed for replacement is of reasonably equivalent usefulness and location as that being converted. Depending on the situation, and at the discretion of the NPS, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. Generally, the replacement property should be administered by the same political jurisdiction as the converted property. NPS will consider state requests to change the project sponsor for any replacement property when it is determined a different political jurisdiction can meet the criteria for replacement properties. Equivalent usefulness and location will be determined based on the following criteria:

(1) Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities which exist and the types of outdoor recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs that are at least like in magnitude and impact to the user community as the converted site. This criterion is applicable in the consideration of all conversion requests with the exception of those where wetlands are proposed as replacement property.

Wetland areas and interests therein shall be considered to be of reasonably equivalent usefulness as compared to the recreational usefulness of the property proposed for conversion if they have been identified in the wetlands provisions of the Statewide Comprehensive Outdoor Recreation Plan (SCORP) in accordance with Section 6(f)(3) of the LWCF Act as amended (36 CFR 59.3) by Section 303 of the Emergency Wetlands Resources Act of 1986.

(2) Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public outdoor recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for outdoor recreation, then the project sponsor should seek to locate the substitute area at another location within the jurisdiction.

(3) Should a local project sponsor be unable to replace converted property, the State would be responsible, as the primary recipient of federal assistance, for assuring compliance with these requirements and for the substitution of replacement property.

(4) The acquisition of one parcel of land may be used in satisfaction of several approved conversions (see Section 6 below) and vice versa.

d. The property proposed for replacement meets the eligibility requirements for LWCF assisted acquisition (see Chapter 3). The replacement property must constitute or be part of a viable recreation area. Viability and recreational usefulness is dependent upon the proposed outdoor recreation development plan and timetable for the development of the replacement parks. If full development of the replacement site(s) will be delayed beyond three years from the date of conversion approval, the conversion proposal shall explain why this is necessary (see Chapter 3.B.7).

For proposed replacement property with a history of contamination, proposals must address the nature of the contamination, how the contaminated area has been or will be

remediated, how the area will be developed into a safe, public outdoor recreation area, and how provisions will be put in place to monitor the new replacement parkland to ensure public health and safety in perpetuity. Certain contaminated areas may not meet the equal or greater recreational usefulness prerequisite for replacement land. Early coordination with NPS for conversion proposals involving contaminated replacement land, even if remediated, is required (see 3.4 below).

Unless each of the following additional conditions (also see Chapter 3) is met, land currently owned by another public agency may not be used as replacement land for land acquired as part of an LWCF project:

(1) The replacement land was not originally acquired by the sponsor or selling agency for recreation.

(2) The replacement land has not been previously dedicated or managed for recreational purposes while in public ownership.

(3) No federal assistance was provided in the replacement land's original acquisition unless the assistance was provided under a program expressly authorized to match or supplement LWCF assistance.

(4) Where the project sponsor acquires replacement land from another public agency, the selling agency must be required by law to receive payment for the land so acquired (see Chapter 3.A.9).

An exception may be made to this condition only in the case of development projects for which the project sponsor's match was not derived from the cost of the purchase or value of a donation of the land to be converted, but from the value of the development itself. In this case, public land that has not been previously dedicated or managed for recreation/conservation use may be used as replacement land even if this land is currently owned by the project sponsor or is transferred from one public agency to another without cost.

e. In the case of Section 6(f)(3) protected areas that are partially rather than wholly converted, the impact of the converted portion on the remaining area shall be considered. If such a conversion is approved, the unconverted area must remain recreationally viable or be replaced as well.

f. All necessary coordination with other federal agencies has been satisfactorily accomplished including, for example, compliance with Section 4(f) of the Department of Transportation Act of 1966.

g. The guidelines for environmental review under NEPA have been satisfactorily completed and considered by NPS during its review of the proposed Section 6(f)(3) action. In cases where the proposed conversion arises from another federal action, NPS

final review of the State's proposal shall not occur until the NPS is assured all environmental review requirements for the other federal action have been met, e.g., Army Corps of Engineer permits.

The environmental review process must analyze not only the Section 6(f)(3) area proposed for conversion, but also the development of the replacement parkland. The purpose and scope of the environmental review must focus on the impacts on the "human environment" resulting from the loss of the Section 6(f)(3) parkland, impacts on any remaining Section 6(f)(3) parkland for partial conversions, and the development of new Section 6(f)(3) replacement park(s). The scope of the environmental review should not include impacts of the action precipitating the conversion on resources beyond the Section 6(f)(3) boundary, such as impacts of a new housing development or a school on a neighborhood.

The environmental analysis must be conducted in a neutral and factual manner and result in statements that reflect this same neutrality so the interested and affected public can focus on and understand the details of the proposed federal action of converting parkland including the replacement of new parkland according to 36 CFR 59. The environmental analysis documents should not include statements that promote or justify the action precipitating the conversion, such as proclaiming that the subject parkland is the best location for a new fire station.

For detailed guidance on NEPA and how to conduct environmental reviews for LWCF conversions, consult Chapter 4 of this manual, and the NPS.

h. Adherence to state intergovernmental review procedures as appropriate (see Chapter 4).

i. The proposed conversion and substitution are in accord with the SCORP.

4. State preparation of conversion proposal for NPS review: To avoid any unnecessary delays, duplication of effort, and mid-course corrections, the States shall consult with NPS early when conversions are proposed or discovered to ensure:

   a. the extent of impact from the conversion activity on Section 6(f)(3) protected area is mutually agreed upon; and

   b. the acceptability of proposed replacement parkland has been explored prior to State/local sponsor expenditure of resources on appraisals and the required environmental review process to be undertaken in accordance with NEPA.

The State shall coordinate the development of the conversion proposal including ensuring the project sponsor complies with applicable federal, state and local laws, regulations and permit requirements. As the proposal is developed, the State may enlist the assistance of NPS to provide technical guidance as needed, especially for complex and controversial conversions. A State's submission of a formal conversion request to NPS is a State's

endorsement of the conversion. If a State does not concur or endorse the conversion, then the proposal should not be forwarded to NPS for formal review and decision.

5. NPS review of the State conversion proposal. NPS will conduct an independent review of the proposal using the conversion prerequisites and any other critical factors that may have arisen during proposal development. If the State has adequately addressed the prerequisites, and NPS finds no other reason to deny the request, the NPS administrative record will be documented as such and an amendment will be signed approving the conversion.

6. Banking excess fair market value of replacement land for future conversions. The acquisition of one parcel of replacement land may be used in satisfaction of several approved conversions.

   Excess fair market value (FMV) of a replacement property can be "banked" for a period not to exceed five years from the date of the initial conversion amendment. During this time period, the same project sponsor may use the remaining value to make up the FMV difference in cases where the subsequent proposed replacement property satisfies the equal usefulness criterion but its appraised FMV falls short of the equal fair market value requirement.

   The initial replacement property with the excess fair market value may not be used to satisfy the equal usefulness criterion for subsequent conversions unless additional conversions are anticipated by the sponsor at the time of the original conversion request and the accompanying documentation clearly addresses how the replacement property would satisfy the equal usefulness criteria for the original conversion as well as those that are anticipated.

7. Conversions on leased land. Should a conversion occur on leased land during the term of the lease, the State must comply with the conversion requirements of Section 6(f)(3) including the provision of replacement land. In this instance, the conversion of the original lease can be replaced with a leasehold interest for a period of time that is not less than the time remaining on the original lease, and, which fulfills the recreation commitment agreed to in the original lease agreement.

   For existing projects that involve leases, the responsibility for retaining the property in recreation terminates at the end of the lease period unless the grant agreement calls for some other arrangement. Lease agreements containing a renewal clause that can be exercised by the lessee must be reviewed to ensure that Section 6(f)(3) compliance will continue throughout the duration of the next lease period.

8. Conversion proposal documentation. A conversion requires an amendment to the original project agreement. Therefore, the amendment should be submitted concurrently with the formal conversion request or at such time as all details of the conversion have been worked out with NPS.

   The formal conversion proposal submission to NPS must include the following items:

a. A transmittal letter briefly describing the conversion proposal and requesting NPS review and approval

b. Standard Form 424 for amendments (see Chapter 7)

c. PD/ESF including Step 4, the environmental screening form, and an environmental assessment document analyzing the entire conversion proposal (the converted parkland and the replacement parkland in one document).

d. LWCF project amendment form identifying changes to the original Section 6(f)(3) boundary caused by the conversion and to establish a new 6(f) boundary around the replacement site(s)

e. Signed and dated Section 6(f)(3) boundary map for any remaining parkland resulting from a partial conversion, and for the replacement site(s)

f. Description and Notification Form (DNF)

Once the conversion has been approved by NPS, replacement property should be immediately acquired and developed according to the replacement proposal timetable. If development will be delayed beyond three years from the date of NPS conversion approval, then a request for delayed development beyond three years with a justification for the delay must be made to NPS (See Chapter 3.B.7.c).

9. Small conversions. Small conversions are composed of small portions of Section 6(f)(3) protected areas that amount to no more than 10 percent of the 6(f) protected area or five acres, whichever is less. States should consult with NPS prior to developing the small conversion proposal.

Because small conversion proposals are less complex, NPS review and decision can be facilitated when:

a. Minor or no environmental impacts would occur on resources being removed from Section 6(f)(3) protection, on the remaining Section 6(f)(3) area, and on the contiguous new replacement parkland by placing it under Section 6(f)(3) protection per the environmental screening form. This includes consideration of impacts to historic resources per the Section 106 process of the National Historic Preservation Act. The entire conversion proposal is categorically excluded from further environmental review under NEPA (see Chapter 4).

b. The proposed conversion is not controversial.

c. The replacement property is contiguous to the original Section 6(f)(3) area.

The State's proposal must include:

d. Transmittal letter describing the entire small conversion proposal.

e. Standard Form 424

f. PD/ESF with the portion for conversions completed indicating that a categorical exclusion is justified.

g. LWCF project amendment form.

h. Description and Notification Form (DNF)

i. Revised 6(f) boundary map indicating the deletion of the small converted area and the addition of the replacement property.

10. Discovering unauthorized conversions. When it is discovered that a Section 6(f)(3) area has been converted without NPS approval, a conversion proposal must be submitted and reviewed by NPS for retroactive action. .The NPS shall notify the State it is in violation of the grant contract, program regulations, and law, and an immediate resolution of the unapproved conversion must be expedited.

    If it is discovered that an unauthorized conversion is in progress, the State must notify the project sponsor to cease immediately until the conversion process pursuant to 36 CFR 59.3 has been satisfactorily completed.

    Resolution of the conversion will require State and NPS review of the conversion proposal as previously set forth in Section E.4 above including the provision of suitable replacement property.

    If the sponsor has already provided replacement property without NPS approval, the eligibility of the replacement land must meet the same Section 6(f)(3) requirements as if it had not yet been acquired. It is incumbent upon the State to make the case that the replacement land fully meets these requirements.

    Failure by the State to take steps to follow this procedure shall be considered cause for NPS to apply penalty options described in Section N below.

11. Conversions with delayed parkland replacement. Exceptions to the immediate replacement requirement (see Section 8 above) will be allowed only when it is not possible for replacement property to be identified prior to the State's request for the conversion. An express commitment must be received from the State to satisfy Section 6(f)(3) substitution requirements within a specified period normally not to exceed one year following conversion approval.

Such proposals are not routine and must include sufficient evidence to justify why such a delay is necessary.

F. Underground Utility Easements and Rights-of-Way

The State may allow underground utility easements within a Section 6(f)(3) area as long as the easement site is restored to its pre-existing condition to ensure the continuation of public outdoor recreational use of the easement area within 12 months after the ground within the easement area is disturbed. If restoration exceeds the 12 month period, or the easement activities result in permanent above-ground changes, NPS shall be consulted to determine if the changes will trigger a conversion. If present or future outdoor recreation opportunities will be impacted in the easement area or in the remainder of the Section 6(f)(3) area, a conversion will be triggered.

G. Commercial Signage in Section 6(f)(3) Areas

Commercial signs are only allowable within Section 6(f)(3) boundaries when the advertising is attached to allowable park structures such as benches, fencing, walls, and buildings and are not inconsistent with the park setting and/or the built environment in which it is located (e.g., athletic fields). Signs may face either outside or inside the park. Commercial advertising in the form of a stand-alone structure such as a billboard that creates a footprint in the park, or commercial signage permanently affixed to a natural feature within the 6(f) area, is a conversion regardless of which direction it faces.

H. Proposals to Construct Public Facilities

Public facility requests will only be approved if the public facility clearly results in a net gain in outdoor recreation benefits or enhances the outdoor recreation use of the entire park, and the facility is compatible with and significantly supportive of the outdoor recreation resources and opportunities of the Section 6(f)(3) protected area. The State shall use the PD/ESF to document its public facility proposal using the following criteria and submit it along with a project amendment and a recommendation for federal approval for NPS review and decision.

The NPS will consider requests to construct <u>sponsor-funded</u> public facilities when the following criteria have been met:

1. Uses of the facility will be compatible with and significantly supportive of outdoor recreation resources and uses at the rest of the site and recreation use remains the overall primary function of the site. The proposed public facility will includes a recreation component and will encourage outdoor recreation use of the remaining Section 6(f) area.

2. All design and location alternatives have been adequately considered, documented and rejected on a sound basis.

3. The proposed structure is compatible and significantly supportive of the outdoor recreation resources of the site, whether existing or planned. The park's outdoor recreation use must

Local Initiative Program

Program Description

The Local Initiative Program (LIP) seeks to stimulate the production of affordable housing opportunities by fostering cooperation between municipalities and housing developers. The program provides technical assistance to developers and municipalities seeking to develop housing that serves households at or below 80% of the area median income within mixed-income (market and affordable) housing developments.

LIP supports two approaches of providing affordable housing: Local Initiative Units, which are developed through a municipality's conventional zoning, and unit developments through a Comprehensive Permit as authorized by M.G.L., c. 40B. All low and moderate income units developed through LIP are included in a community's subsidized housing stock (the state Subsidized Housing Inventory) for purposes of Chapter 40B.

About the program:

LIP was established by the Legislature in 1990 in response to a report by a special legislative commission which found that state law defined low and moderate-income housing as "any housing subsidized by the federal or state government under any program to assist the construction of low or moderate-income housing."

This definition had previously been interpreted to mean financial subsidies only. As a result, cities and towns had little incentive to undertake housing initiatives which did not require direct state or federal assistance but which are otherwise within the intent of M.G.L. Ch. 40B. LIP allows the Department of Housing and Community Development to provide technical assistance that qualifies as a "subsidy." The LIP may also issue a site eligibility letter for a project, a prerequisite for a developer to apply for a Comprehensive Permit.

Unlike conventional housing subsidy programs, in which a state or federal agency must approve every aspect of financing, design and construction, LIP allows most of these decisions to be made by the municipality. LIP regulations and guidelines address those program components that must be reviewed and approved by DHCD-- e.g., incomes of households served, fair marketing, profit limitation and establishing long-term affordability for the units which are built.

How it works:

Developers seeking to build single or multi-family homes, condominiums or apartments where a certain percentage of the units are proposed to be affordable work with town officials to obtain approval. Such units must serve households below 80% of the area median income; the units must be subject to use restrictions to ensure that they remain in a community's affordable housing stock, and must be sold or rented on a fair and open basis.

DHCD provides technical support to both the town and the developer. If a development cannot be built under existing zoning, the developer may seek a comprehensive permit allowing the development to be built at a higher density than allowed under existing zoning.

LIP projects are subject to profit limitations. For homeownership projects, profit and developer fees to all partners and owners are limited to no more than 20 percent (20%) of the total development costs. For rental and cooperative housing projects, the LIP regulatory agreement, signed by the community, developer, and DHCD, limits distribution of return to all partners and legal or beneficial owners to a maximum of 10 percent (10%) equity per year during the time when the affordability restrictions are in place.

Who is eligible:

Both for-profit and non-profit developers may use the LIP program in concert with a city or town, as the municipality and developer jointly submit the application.

Application process:

LIP applications are available on the DHCD website, or by calling the LIP staff at 617-573-1351. Information to be provided in the application includes the following: (1) documentation of developer's interest in the site (ownership, option purchase, etc.); (2) description of current site conditions; (3) site plan; (4) sample floor plans of the proposed units, units identified by size, type and proposed cost; (5) a financial pro forma of the project, and (6) appraisal of the site. LIP staff review the application, conduct a site visit and evaluate the application. If the project as proposed is approved, DHCD will issue a site eligibility letter so that the developer may apply to the local Zoning Board of Appeals for a Comprehensive Permit.

For more information:

Please click here or call the Division of Housing Development at (617) 573-1300.

MASSACHUSETTS MUNICIPAL ASSOCIATION

ONE WINTHROP SQUARE, BOSTON, MA 02110
617-426-7272 • 800-882-1498 • fax 617-695-1314 • www.mma.org

OPPOSE TELECOM INDUSTRY PROPOSALS TO REMOVE LOCAL AUTHORITY IN SITING OF WIRELESS ANTENNAS AND EQUIPMENT

Industry Legislation in S. 2183 and House Economic Development Bill would Strip Cities, Towns and Residents of any Effective Site Review of Wireless Facilities

The FCC Will Issue Nationwide Siting Standards for Wireless Antennas Later this Year, and the Legislature Should Not Act until the FCC Finishes Its Process

June 17, 2014

The Honorable Jason Lewis
Senator
State House, Room 511B
Boston, MA 02133

Dear Senator Lewis,

The telecommunications industry is moving quickly to fast-track legislation to preempt virtually all municipal zoning or control over the siting of wireless antennas and equipment in Massachusetts. We respectfully ask you to oppose this far-reaching effort to prevent cities, towns and citizens from having any effective say in how the build-out of wireless networks impacts their neighborhoods.

These powerful companies are determined to pass a state law that would allow them to place wireless antennas and equipment on virtually any building or structure in any location in any community, and override all municipal zoning bylaws, ordinances, and local authority to protect neighborhoods and the public from unsightly and intrusive antennas.

The Telecom Industry is Pursuing Two Routes

• **The Legislature's Economic Development Bill.** Last week, by a voice vote, House members attached this industry-written language to the House's economic development bill (Sections 74 and 75 of H. 4181), which was passed by the House of Representatives and is now before you in the Senate. With your own economic development bill expected to emerge shortly, it is certain that the wireless telecommunications companies will attempt to attach the same language to override local control.

• **S. 2183 – "An Act Upgrading Mobile Broadband Coverage in the Commonwealth."** This stand-alone bill with language identical to Sections 74 and 75 of the House economic development bill has also been sent from the Committee on Telecommunications and Energy, and is now before the Senate Ways and Means Committee.

The Telecom Industry Bill Would Override All Local Decision-Making

S. 2183 and Sections 74 and 75 of the House economic development bill would allow telecommunications companies to "collocate" unlimited new antennas and equipment on any and all existing buildings and structures, regardless of the impact on neighborhoods or interference with public right-of-ways.

The legislation would allow all wireless telecommunications companies to install or upgrade wireless antennas and equipment on any building or structure in Massachusetts. These structures could include commercial or residential buildings, water towers, billboards and even homes – with NO effective local government authority to regulate. The telecom companies could ignore all municipal zoning provisions, ordinances and bylaws – including height limits, set-back requirements, or the ability to require aesthetic modifications to ensure the antennas and equipment blend in.

Municipalities would also have no recourse to ensure that unused or abandoned facilities must be removed in the future. The wireless telecommunications provider would only need to comply with the state building code, which is simply a technical construction standard.

The measure envisions no role for the general public, and fails to recognize that citizens have a right to basic zoning protections that guarantee accountability on the part of developers.

Under this proposal, in order to obtain a "collocation" permit, a mobile broadband provider would merely need to submit an application to the appropriate issuing authority in a municipality, and the city or town would have only 90 calendar days to review and act upon the "collocation" application, and could only reject applications that fail to meet the state building code. Under the language of the bill, telecom companies could start the "90-day shot clock" by submitting incomplete applications, and have up to 45 days to complete their submissions, leaving cities and towns only 45 days to review a completed application. If a municipality does not complete its review 90 days from the start of the "shot clock," applicants could immediately go to court to compel the issuance of a license, short-circuiting the local process. This irresponsible provision would in no way benefit the community.

The cities and towns of the Commonwealth strongly support expanding and upgrading wireless telecommunications services throughout the state for the benefit of consumers, but the expansion simply cannot come at the expense of the quality of life for residents.

Specific provisions of the telecom industry's legislation include:

• No zoning ordinance or bylaw could regulate, restrict or prohibit collocation of wireless facilities on existing structures in any way inconsistent with the industry legislation;

• The issuing authority of a city or town must grant approval of all applications for the "collocation" of wireless antennas and equipment on any existing building or structure (except utility poles), as long as the application complies with the state building code;

• Cities and towns must also approve all applications to expand existing stand-alone cell towers (including monopoles), unless the proposals would increase the height or width of the tower by more than 10 percent or 20 feet (whichever is more) – which means that the industry could take a current monopole with antennas hidden inside and attach a 20-foot wide antenna, and go up 20 feet, and communities would have NO say regarding this complete change of appearance;

• The issuing authority has only 90 days to approve the application – if cities and towns take longer than 90 days, then the telecom companies could immediately go to court, with approval virtually assured because the court's only standard would be compliance with the state building code, and NO local bylaws, ordinances or zoning provisions would be allowed;

• Communities could NOT require companies to remove obsolete, abandoned or unused antennas and equipment;

• Telecom companies could even bypass local Historic Commissions and install antennas inside local historic districts, as long as the targeted building is not listed on the register of historic structures (it

could be right next to a listed building!), and could even get clearance from the state historic preservation officer to put an antenna directly on a building that is listed on the register; and

• Communities could not require a higher fee for reviewing an application than for other types of commercial applications, and fees for technical consulting would be capped at $1,000.

The FCC is Promulgating National Standards on Wireless Antenna Siting – But the Telecomm Industry is Working Feverishly to Win More Favorable Rules in Massachusetts

In 2012, Congress and the President enacted "The Spectrum Act" that will implement a nationwide uniform process for the collocation of wireless antennas and equipment. At this moment, the FCC is promulgating final regulations (FCC 13-122) that will govern the build-out of the wireless telecommunications network, and it is expected that the FCC will give industry its often-stated top goal of a time-limited expedited application process. The FCC has received detailed input from all stakeholders in this process, including industry and municipal organizations. It is expected that the FCC will issue its final rules later this year.

Why is the telecom industry jumping to Massachusetts and other states to win a complete override of local zoning, when the FCC is on the verge of issuing its decision? The answer is clear: the FCC may give deference to local zoning rules, and allow cities and towns to act in the public interest. In particular, the FCC could allow municipalities to have zoning provisions, ordinances and bylaws on height limits, set-back requirements, or the ability to require aesthetic modifications to ensure the antennas and equipment blend in. In effect, the telecom industry wants to preempt all local rules AND preempt any FCC provisions to protect municipal authority and public input.

The Legislature should reject this fast-track attempt by the wireless industry to ignore the FCC process, and instead wait until the federal government issues its final rules on uniform national standards later this year.

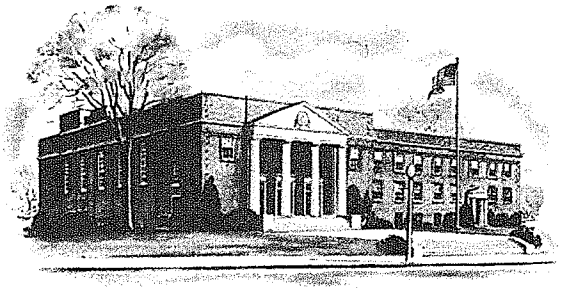
Please oppose any attempt to pass S. 2183 or any amendment to the Senate's economic development bill that would strip cities and towns of the ability to regulate wireless antennas. The Legislature should wait until the FCC makes its final ruling on national standards. If you have any questions, please do not hesitate to contact me, Catherine Rollins or John Robertson of the MMA staff at any time.

Thank you very much.

Sincerely,

Geoffrey C. Beckwith
Executive Director

cc: The Chief Municipal Officials in Malden, Melrose, Reading, Stoneham, Wakefield, and Winchester



TOWN OF
STONEHAM
MASSACHUSETTS
www.stoneham-ma.gov

OFFICE OF TOWN ADMINISTRATOR
35 CENTRAL STREET
STONEHAM, MA 02180-2087
TEL: 781-279-2600
FAX: 781-279-2602
dragucci@ci.stoneham.ma.us

DAVID RAGUCCI

TOWN ADMINISTRATOR

MEMO

TO: **Department Heads**

DATE: **June 11, 2014**

FROM: **David Ragucci, Town Administrator**

SUBJECT: Part-Time Office Assistant-Town Clerk's Office

Please be advised that the Town will accept resumes for the above-referenced position.

Attached is a copy of the notice for this vacancy.

Please print and post this notice in your department so that all employees are aware of the availability of this position. The deadline for applying for this job opportunity is **Monday, June 23, 2014 at 4:00 p.m. Any THEA member who applies for the above position will be given first priority.**

Please contact the Human Resources Office (781-279-2620) for further inquiry and/or information concerning the above.

Thank you.

/dp
Attachment
cc: Kathy Sullivan, President, THEA

ADA/EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

TOWN OF STONEHAM

JOB OPPORTUNITY

PART – TIME OFFICE ASSISTANT

TOWN CLERK'S OFFICE

Responsible for the maintenance and recording of all vital statistics including impounded records, adoptions, paternity petitions which includes records of other towns; issues various permits and licenses; types various certificates for marriages, deaths, births, etc.; collects fees and balances money received on a daily basis; prepares various reports regarding vital statistics; posts meetings, types letters and forms, files, answers the telephone. Assists in the preparation for Town Elections and Town Meetings.

Part-Time: 15 hours a week

Hourly Rate: $16.3818

Requirements: High School graduate or equivalent including or supplemented by a business course or any equivalent combination of education, training and experience. Prior experience in a municipal Town Clerk's Office helpful.

Resume to: Ginny Ray, HR Director
Town of Stoneham
35 Central Street
Stoneham, MA 02180

Deadline to apply: June 23, 2014 at 4:00 p.m.

ADA/EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

June 17, 2014

Board of Selectmen

Town of Stoneham

Central Street

Stoneham, MA 02180

Dear Members of the Board of Selectmen,

The Stoneham Public Employee Committee (PEC) has been meeting with the Town Administrator, Mr. David Ragucci, since September 2013 to negotiate a new GIC agreement. We have met often and have had several meaningful discussions. We extended dates twice to see if we could reach an agreement, but on April 28, 2014 it was determined that we were unsuccessful, and in accordance to the current Memorandum of Agreement, both sides agreed to go to arbitration.

This letter is to inform you of where both parties stand. Please see the enclosed comparison chart which we have prepared for the arbitration process.

Since we entered the GIC five years ago at the Town's request to help control health care costs, the program has dramatically changed into a different product. The costs to individual employees have increased tremendously from our prior health insurance plan: increased co-pays, increases for medications, payments for standard medical tests, and the introduction of deductibles. The rising rates to the employees is often more than the savings in the premiums. The Town has not seen those increases. In addition, the future Town cost for FY 15 rose only 1% while the Town Administrator had budgeted 4%.

We listened intently to the argument about the unfunded liability that Stoneham faces for health insurance and the possibility of creating of an OPEB account. You will see that we have made some inroads to its creation in our proposal. However, it may be prudent to table this aspect in order to secure the MOA with the intention and/or written agreement to work on the language during the life of the agreement.

The PEC feels our proposal is reasonable.

We deeply regret that we have been unable to reach an agreement with the Town Administrator that protects the dedicated employees of the Town of Stoneham.

Sincerely,

Public Employee Committee (PEC)

cc: David Ragucci

Patricia M. DiPietro
Stoneham Teachers Association, Teachers (MTA)

Stoneham Teachers Association, Secretaries

Stoneham Teachers Association, Paraprofessionals

Stoneham Teachers Association, Cafeteria

John Tardy
Stoneham School Custodians, Laborers Union

International Association of Firefighters, 2116

Lawrence F. Brophy
Stoneham Classified Employees Association (SCEA)

Department of Public Works (AFSCME)

Stoneham Police Union (SPA)

Kathleen Sullivan
Town Hall Employees Association (THEA)

Superior Officers Association

Deborah Cunningham
Stoneham Library Employee Association MLA

William C. Abbott
Retired State County and Municipal Association

Town of Stoneham and the Stoneham Public Employee Committee (PEC)

Comparison Chart based on Bargaining:

Existing PEC Agreement	PEC Last Best Offer	Town of Stoneham Last Best Offer
Premium Contributions **All HMO/PPO (Active & Retirees)** 85/15	***Premium Contributions*** **All HMO/PPO (Active & Retirees)** 85/15 FY 16 85/15 FY 17 85/15 FY 18 84.5/15.5 FY 19 83.5/16.5 FY 20 82.5/17.5 FY21	***Premium Contributions*** **All HMO/PPO (Active & Retirees)** 84/16 FY 16 83/17 FY 17 81.5/18.5 FY 18 80/20 FY 19 80/20 FY 20 Fy 21 Not specified
Indemnity Plans 60/40	**Indemnity Plans** 65/35	**Indemnity Plans** Not specified/ No counter
Retired Teachers 90/10	**Retired Teachers** 85/15 FY 16 85/15 FY 17 85/15 FY 18 84.5/15.5 FY 19 83.5/16.15 FY 20 82.5/17.5 FY 21	**Retired Teachers** Rejected / no counter
Medicare Part B Town pays penalty assessed by federal governmnet and $500.00 annually toward cost of enrollment	**Medicare Part B** $ 750.00 FY 15, 16, 17 $ 1,000.00 FY 18, 19 $ 1,250.00 FY 20, 21 Town pays penalty assessed by federal governmnet and $500.00 annually toward cost of enrollment	**Medicare Part B** $ 600.00 FY 16 $ 700.00 FY 17 Town pays penalty assessed by federal governmnet and $500.00 annually toward cost of enrollment

Town of Stoneham and the Stoneham Public Employee Committee (PEC)

Comparison Chart based on Bargaining:

Existing PEC Agreement	PEC Last Best Offer	Town of Stoneham Last Best Offer
	Health Reimbursement/Flexible Spending Account For: FY 19 FY 20 FY 21 *All subscribers/eligible family members will be reimbursed for the hospitalization deductible.*	**Health Reimbursement/Flexible Spending Account** Rejected/ no counter
	OPEB Trust ***Language must be defined and negotiated to include but not be limited to:*** FY 16, 17, 18 Town to contribute $50,000 each year. FY 19 Town to contribute $50,000 each year. Town will match .05% contribution. FY 20 Town to contribute $50,000 each year. Town will match .1% contribution. FY 21 Town to contribute $50,000 each year. Town will match .1% contribution. If the Town fails, in any of the years of this agreement to fulfill its OPEB contribution obligations as stated by this agreement, the subscriber contributions will return to the original rates per MOA dated September 2008.	**OPEB Trust** **Rejected with Counter:** FY 16 $ 50,000 FY 17 $ 50,000 FY 18 $ 60,000 FY 19 $ 70,000 FY 20 $ 70,000 FY 21 not specified Create an OPEB Trust: The Town will work with the Unions to define the language.

Town of Stoneham and the Stoneham Public Employee Committee (PEC)

Comparison Chart based on Bargaining:

Existing PEC Agreement	PEC Last Best Offer	Town of Stoneham Last Best Offer
	PEC/Town Agreement:	**PEC/Town Agreement:**
	This will be a six (6) year agreement. Changes #9 in the original agreement to reflect the original intent and current practice: Retired teachers receive 500.00 for Medicaid B which is the same as Town employees.	

Sinclair, Erin

From: Ragucci, David
Sent: Tuesday, June 10, 2014 9:05 AM
To: Sinclair, Erin; Vallarelli, Frank (ergllp@att.net); (tboussy@thbcompany.com); AnnMarie O'Neill; JDP9633@aol.com; (sweeneybob54@gmail.com)
Subject: FW: Ravine Road Fact Sheet.docx

FYI

From: Laskey, Fred [mailto:Fred.Laskey@mwra.com]
Sent: Monday, June 09, 2014 4:44 PM
To: Ragucci, David
Subject: Ravine Road Fact Sheet.docx

Dave,

Our work on the Spot Pond Tank is going to require a shutdown of Ravine Road in July and August to make the pipe connections. Below is some information about the work. We are also scheduling a public meeting on June 18th at 6:30 pm at the Botume House to explain the work to the local residents.

Please let me know if you have any concerns.

Fred

Spot Pond Water Storage Facility and Pump Station
Ravine Road Pipe Connections

Background

MWRA is building an underground 20-million-gallon concrete drinking water storage facility and pump station at the former Boston Regional Medical Center site near Spot Pond in Stoneham to replace the Spot Pond Reservoir which was taken off line in 1998 in compliance with state and federal drinking water requirements. The project will provide system storage and stabilize pressures in the Northern Low Service area supplying Somerville, Malden, Medford, Everett, Chelsea, and Charlestown. The new pump station will provide system redundancy for 21 communities currently served by the Gillis Pump Station, including Melrose and Stoneham. The construction contract is scheduled to be completed by December 2014. The top of the buried storage tank will be landscaped with native grasses, wildflowers and shrubs to create a natural meadow. Pipeline Road will be graded and finished with an erosion control mat and gravel as well as improved drainage swales.

Piping Connections at Ravine Road

There will be two 36-inch diameter pipe connections from the new tank to MWRA's existing 48-inch diameter pipe in Ravine Road.

Proposed Ravine Road Closure:

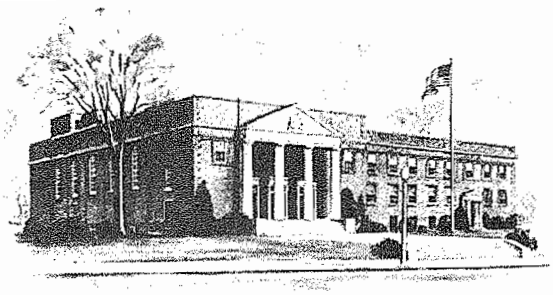
- MWRA proposes to close Ravine Road for approximately seven weeks during this summer to construct the required pipe connections.

- The proposed road closure will reduce the time required to construct the pipe connections from approximately 6 months to seven weeks.

- Closure Timeline: July 7, 2014 - August 31, 2014

- Proposed Work Hours: 6:30 am - 10:30 pm, Monday through Saturday

- DCR plans to reconstruct the intersection at Ravine Road and Fellsway East concurrently with the MWRA work while Ravine Road is closed.



TOWN COUNSEL
WILLIAM H. SOLOMON, ESQ.

TOWN OF
STONEHAM
MASSACHUSETTS 02180

319 MAIN STREET
STONEHAM, MA 02180
(781) 438-4543

To: Thomas Boussy, Chairman
Board of Selectmen

From: William H. Solomon
Town Counsel

Date: June 20, 2014

Subject: Senate Bill 2164, *An Act relative to the appeal of a site plan decision in the town of Stoneham.*

Together with Senator Jason Lewis, I testified Thursday morning at the hearing of the Joint Committee on Municipalities and Regional Government on Senate Bill 2164, *An Act relative to the appeal of a site plan decision in the town of Stoneham.*[1] As you are aware, this bill was submitted by Senator Lewis based on the petition for a special act passed at the Special Town meeting in May. **The hearing, which I summarize below, went very well. The Committee agreed to move the bill ahead procedually, but not to act on it until after July 31, 2014 at which time the proposed Massachusetts Zoning Reform Act which also addresses the issue of appealing site plan decisions to court (but in a different way) will have been enacted[2] (or not enacted) by the Legislature.[3]** More specifically:

1. Senator Lewis had, as the Board is aware, submitted his letter of support. (Appendix A hereto.)

---

[1] While there were other municipal bills being considered, Senator Lewis and I were the only ones present to testify on behalf of a bill.

[2] Subject to the Governor's approval.

[3] While Representative Peake expressed some confidence that the Zoning Reform Act will pass, some are less optimistic. The Act is supported by municipal and planning groups and entities, and while not perfect, no legislation is, would be a big step forward for rational planning and zoning. That said, if adopted, it will have a material effect on the site plan process in my opinion, in large part because of the method of appeal provided for in the Act (which to date has not been used for site plan in the Commonwealth and is based on a review of the existing record, and not new evidence presented in court.

2. Prior to the opening of the hearing I submitted a letter explaining the bill and asking for approval (Appendix B hereto.)

3. In my testimony, I explained the reason for the bill as follows:

   i. Site Plan approval goes back many decades in the Commonwealth and Stoneham.

   ii. The site plan process is used to shape a proposal development which is otherwise allowed under zoning.

   iii. While site plan is not part of the current zoning act (1975) the Supreme Judicial Court has upheld its legality as part of a municipal zoning process.

   iv. Many municipalities throughout the Commonwealth have a site plan process. In most cases those bylaws and ordinances provide for appeals to Court pursuant to the Zoning Act (G.L. c. 40A, sec. 17).[4]

   v. In recent years, Land Court justices, and more recently the Attorney General's office have concluded that "non-discretionary" site plan decisions cannot be appealed to a court of competent jurisdiction pursuant to G.L. c. 40A, sec. 17 since that section doesn't reference site plan, and thus the route for an appeal would be to the Board of Appeals (either after a further building inspector denial or without, depending on the bylaw). By contrast, such cases continue to be heard in some Superior Court.

   vi. The inability of a site plan applicant or another "aggrieved party" to appeal to court, and instead have to bring a further appeal to the Zoning Board of Appeals (which is appointed by the Board of Selectmen) is time consuming, costly and at times keeps contentious matters, which are best either appealed (or not) before the Town and its residents, alive.

   vii. I the indicated that this matter could, of course, be solved by general law applicable throughout the Commonwealth, and there has been discussion and proposals to do so. If done there would be no need for Stoneham's special act, but that there is no guarantee when (and maybe if) that will happen, and in the meantime, there is uncertainty, delays and costs in Stoneham as a result of this lack of clarity in the law. I also indicated that there appeared to be no opposition to remedying this issue in Stoneham, and that even representatives of applicants who come before the Board of Selectmen for site plan approval support this change.

   viii. The Committee members seemed very understanding and receptive to the situation and the arguments.

---

[4] Site plan as the term is used herein, refers to what is know as "non-discretionary" site plans (which is what we have in Stoneham) and not a site plan process which is the equivalent to a "special permit".

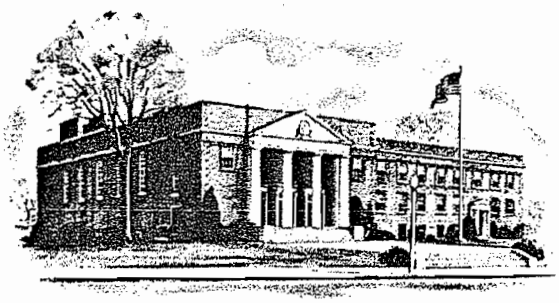
ix. The House Co-Chair of the Committee, Representative Sarah Peake, mentioned that the proposed Zoning Reform Act, which she was a co-sponsor of (as is Senator Lewis) recognized and addressed the issue of the need to better clarify the site plan process in the Commonwealth, by having a section on site plan, including the appeal process. She also indicated that she thought there was a good chance that the Zoning Reform Act will pass by July 31st (the last date in this 2-year Legislative Session that it could do so) and asked me if it were important for the this bill (Special Act) to pass quickly because some matters were in the pipeline. I indicate that there was no need for quick passage, and that it would be fine to wait to see what happens to the Zoning Reform act, as long as this bill could move ahead if the Reform Act did not pass. Representative Peak suggested and the Committee agreed to move the bill ahead now (since the Committee much to so before the beginning of July or else the bill would die) and then to wait to see what happens to the Zoning Reform Act, and if it does not pass, to then move this bill ahead for hopeful passage. I also indicted in this constructive discussion back and forth that the Town would not object if the special act specifically provide that in the event a general law is passed which would allow the judicial appeal of site plan, than such general law would supersede the Special Act. (I noted that the Zoning Reform Act provided appeals pursuant to a different law and process than appeals under Section 17 of the Zoning Act, which while one could debate the merits of that approach, was fine with the Town if so enacted.

x. The hearing ended on a positive note with the Committee agreeing to move forward based on Representative Peake's proposal.

The efforts of Senator Lewis and his Chief of Staff, Laura Richter, including their successful effort to get an expeditious hearing for this matter are greatly appreciated.

Please feel free to contact me if there are any questions or if I can be of assistance.

cc: Senator Jason Lewis
Town Clerk
Town Administrator



TOWN COUNSEL
WILLIAM H. SOLOMON, ESQ.

TOWN OF
STONEHAM
MASSACHUSETTS 02180

319 MAIN STREET
STONEHAM, MA 02180
(781) 438-4543

June 19, 2014

The Honorable Linda Dorcena Forry
Senate Chair, Joint Committee on Municipalities and Regional Government
State House, Room 419
Boston, MA 02133

The Honorable Sarah K. Peake
House Chair, Joint Committee on Municipalities and Regional Government
State House, Room 540
Boston, MA 02133

Dear Chair Forry and Chair Peake:

I am writing on behalf of the Town of Stoneham to respectfully request that the Joint Committee on Municipalities and Regional Government vote favorable on Senate Bill 2164, *An Act relative to the appeal of a site plan decision in the town of Stoneham.* This legislation will allow an aggrieved person, municipal officer or board to appeal a site plan decision in the same manner as allowed for a zoning appeal, such as a special permit or variance, pursuant to the provisions of G.L. c.40A, sec. 17.

Site plan review addresses questions of a site's layout, scale, appearance, safety and other impacts. The current "Zoning Act" (which has been in effect since 1975) contains no reference to "site plan review", however site plan review which is widely used by cities and towns throughout the Commonwealth has nevertheless been upheld by the courts as being consistent with Zoning Act and a longstanding tool for municipal land use. However, because of the differences in site plan review processes throughout the Commonwealth and because site plan is is not governed by the Zoning Act, "a number of ambiguities have plagued Site Plan Review including uncertainty about: … an appeal process."[1]

Despite the fact that <u>many</u> (if not most) site plan bylaws of towns (and ordinances of cities) provide for an appeal from what is sometimes known as a "non-discretionary" Site Plan to court of competent jurisdiction, pursuant to G.L. c.40A, sec. 17, and these town site plan bylaws were

[1] See materials by legislators regarding need to update the Zoning Act.

all approved by the Attorney General's Office, in recent years a number of Land Court judges[2], as well as the Attorney General's office[3], have concluded that notwithstanding years of precedent of courts allowing and hearing site plan appeals, these appeals may not be taken pursuant to G.L. c.40A, sec. 17. The Land Court justices and the Attorney General's office now reach this conclusion even though the municipal bylaw or ordinance provides for such appeals pursuant to Section 17 of Chapter 40A.[4] The statutory basis for this conclusion is that Section 17 of Chapter 40A (which governs zoning appeals to courts of competent jurisdiction) does not reference site plan appeals and as such the Legislature has not authorized such jurisdiction by the courts.[5] (Whereas site plan review that is discretionary is deemed to be or analogous to a special permit decision, the appeal of which is governed by Section 17 of Chapter 40A.) Neither Land Court justices, nor the Attorney General's office, have concluded that such site plan decisions should not as a matter of policy or practice be subject to a judicial appeal, but rather they have concluded that the law does not currently provide for such appeals. It is for this reason that the Town of Stoneham has brought this petition for this Special Act.

In Stoneham, the case for allowing site plan appeals to be appealed to court, rather than as otherwise would be the case, appealed to the Stoneham Zoning Board of Appeals, is even stronger, since it is the Board of Selectmen which has site plan authority, and the Board of Selectmen appoints the Board of Appeals. It makes little sense for a Board appointed by the Board of Selectmen to review decisions of the Board of Selectmen. Such a process is unnecessarily time consuming, expensive and unfair to both site plan applicants or persons challenging site plan approvals. Additionally, by delaying the judicial process land use matters and issues that may be consuming the public debate continue to do so, rather than being resolved or addressed pursuant to the well-established zoning appeal process of the Zoning Act.

---

[2] This issue is usually not raised in Superior Court cases involving site plan decisions and review, because as noted below, the site plan bylaws for most communities, regardless of the type of site plan process involved (i.e. including non-discretionary site plan) provides that appeals are to court pursuant to Section 17 of Chapter 40A.

[3] See for instance: Attorney General's Decisions: # 6825, Town of North Attleborough, September 13, 2013; #6492, Town of Monterey, April 30, 2013;

[4] The Land Court and the Attorney General's Office are certainly correct in concluding that <u>if</u> a site plan appeal is not allowed pursuant to G.L. c. 40A, sec. 17, such jurisdiction could not be granted by municipal bylaw or ordinance. That is why the Town of Stoneham now seeks a special act from this body.

[5] However, appellate decisions regarding the site plan process do not provide clear guidance. For instance, in the leading site plan case of the Massachusetts Appeals Court, *Prudential Insurance Co. of America* v. *Board of Appeals of Westwood*, 23 Mass. App. Ct. 278 (1986), the Appeals Court set out the scope of judicial review for site plan decisions for uses available as of right (i.e. non-discretionary site plan). Whereas in an earlier case, *McDonald's Corp.* v. *Seekonk*, 12 Mass. App. 351, the Appeals Court held that the building inspector having denied the building permit for a parking area, the appeal was from the denial of the building permit by the Building Inspector to the Board of Appeals.

In May of this year, the Town of Stoneham comprehensively updated its site plan bylaw so as to better serve the interests of all parties, which very much included the interest of applicants seeking site plan approval. Part of that bylaw update was to address this appeal issue. Provision was specifically made to address, as an option, the hoped for result that the General Court would enact this requested special act so that a party aggrieved by a site plan decision could appeal to the courts in the same way that has been the practice in both Stoneham and throughout the Commonwealth for over forty (40) years.

The public interest, the rights of site plan applicants as well as those aggrieved by site plan decisions, clarity of the law, efficiency and fairness will all be served by the enactment of this proposed Special Act.

Thank you for your consideration and prompt attention to this matter. It is greatly appreciated.

Sincerely,

William H. Solomon
Town Counsel

Enclosures
cc: Senator Jason Lewis
Board of Selectmen

Vendor No. 300005062 Our Account With You Check No. 1226015562

Vendor Name TOWN OF STONEHAM Payment Doc. No. 2000028167 Check Date 06/16/2014

Date	Invoice No.	Doc No.	Gross	Discount	Net
06/09/2014	35712FIOS 35712FiOS Video Payment	1900054025	43,333.33	0.00	43,333.33

Check Total 43,333.33

1226

Please call 972-718-5090 if there are questions regarding this payment

For further payment information visit our web site at

FOLD ALONG PERFORATED DOTTED LINE & REMOVE CHECK

THIS DOCUMENT CONTAINS MULTIPLE FRAUD DETERRENT SECURITY FEATURES - SEE REVERSE

66-156/531

verizon

Check No 1226015562

Date: 06/16/2014

PAY EXACTLY *** FORTY-THREE THOUSAND THREE HUNDRED THIRTY-THREE USD and THIRTY-THREE Cents *** $********43,333.33*

1226

TO THE ORDER OF TOWN OF STONEHAM

Wells Fargo Bank, N.A.

Verizon Treasury

Security Features Included. Details on back

⑈1226015562⑈ ⑆053101561⑆ 8018013196⑈

TOWN COUNSEL
WILLIAM H. SOLOMON, ESQ.

TOWN OF
STONEHAM
MASSACHUSETTS 02180

319 MAIN STREET
STONEHAM, MA 02180
(781) 438-4543

To: Thomas Boussy, Chairman
Board of Selectmen

From: William H. Solomon
Town Counsel

Date: June 19, 2014

Subject: Water and Sewer Review Board Membership

Question

You have requested that I review the recent issue/matter of the membership of the Water & Sewer Review Board. I have done so below. Please let me know if there is any further aspect of this matter you would like me to opine on.

Response

1. The Town Meeting votes of October 1997 and 1998 are attached hereto. The Water and Sewer Review Board as set-up by Town Meeting consists, as you are aware, of five (5) members, "[t]hree designees of the Board of Selectmen and two (2) designees of the Finance and Advisory Board."

2. I understand that Erin and the Town Clerk have determined that all current voting members of the Water & Sewer Review Board were appointed by the Board of Selectmen. I have attached copies of the appointment notices forwarded by the Town Clerk, which show the respective dates of appointment for those members.

3. As to the issue of whether non-voting members of the Water & Sewer Review Board hold a "town office" such that members of the board of selectmen, the school committee or the finance board would be ineligible for appointment to such positions pursuant to Section 4 of the Town's "Selectmen-Administrator Act", it is my opinion that these positions are not "offices" since the positions are non-voting.

In determining whether a position is an office, courts look at a number of factors, including:

(i) The means of creation - as a rule, an "office" is created by law (constitutional provision, statute, charter, bylaw or regulation)

(ii) Whether the entity's role is advisory. For instance, the role of an "ad hoc" committee, as contrasted with an "office" is advisory.

(iii) The extent of control and supervision exercised by government officials over the entity (i.e. committee or board). The greater the independent authority of the entity, the more likely it is to be an office.

(iv) Whether the entity's members are paid. While not conclusive, payment to members is some evidence that the entity is an office.

In the same sense, being a "non-voting member" of an entity (in this case called a "board") would be strong evidence that the position is not an office, even more so, it would seem, when other members of the board are voting members. In addition, the subject non-voting positions on the Review Board were not created by law (and even if they were created by law, if the positions were non-voting, I would still conclude that the positions were not offices).

As I have recently emphasized, the fact that applicable law provides or otherwise allows for something does not address the policy or political (in a good sense) question of whether or not a board wants to take that action. Those questions are non-legal issues. However, in this context the following legal information may be helpful - - until its official deletion from the Town Bylaws in May 2003, Section 2-17 of the Bylaws provided that "[n]o member of the [Finance] board shall hold any elective or appointive town office or shall be a member of any town committee; except, that a member of the finance and advisory board may also be a member of the collective bargaining committee for the town or any other committee which is appointed for the purpose of considering an expenditure of funds of the town in excess of twenty-five thousand dollars ($25,000). Thus, apart from the legal question of the status of Section 2-17 after the adoption of the Selectmen's Administrator Act in 1981, taken together both the Act and the deletion of the bylaw prohibition on Finance Board members serving on certain committees, indicates a policy preference, at least in 1981 and 2003, in favor of not prohibiting as a matter of law, Finance Board members from serving on committees, and in other positions which are not a "town office".

Please let me know if there are any other questions regarding this matter or if I can be of further assistance.

Enclosures

Board of Selectmen to execute all documents necessary and proper to grant said easement and to petition the legislature to authorize the use of the above described portion of the railroad right-of-way for said access easement.
UNANIMOUS
*** Filed with legislatures November 13, 1997**

Article 6. To see if the Town will vote to establish a water and sewer review board empowered to:

Hear water and sewer billing disputes; said board will render to any petitioner a binding decision as to the remedies, if any, in the dispute.

Review the assessments and costs associated with the operation, maintenance and capital requirements of both systems to ensure such costs are just and equitable and in proportion to the benefits of the users.

Hold an annual public hearing at least seven (7) days prior to the Annual Town Meeting to receive citizens input on the current year, the proposed budget and rates for the next fiscal year and any other information as may be requested concerning the water and sewer departments.

Said Board will be comprised of five (5) members: Three (3) designees of the Board of Selectmen and two (2) designees of the Finance and Advisory Board.

The members shall not be employees or officials of the Town and will serve for a three-year period. A designee of the Board of Selectmen and a designee of the Finance and Advisory Board shall be appointed for a three-year term; a designee of the Board of Selectmen and a designee of the Finance and Advisory Board shall be appointed for an initial two-year term and for three years thereafter; and a designee of the Board of Selectmen shall be appointed to a one-year term and for a three-year term thereafter or do anything in relation thereto.

Or do anything in relation thereto including, but not limited to, deleting or amending any contrary provisions in the Sewer Use Ordinance or contained in any other bylaw.

Board of Selectmen

VOTED that the Town establish a water and sewer review board by rescinding the vote of Article two (2) of the May 5, 1983 Annual Town Meeting and substituting the following:

The water and sewer review board is empowered to:

Hear water and sewer billing disputes; said board will render to any petitioner a binding decision as to the remedies, if any, in the dispute.

Review the assessments and costs associated with the operation, maintenance and capital requirements of both systems to ensure such costs are just and equitable and in proportion to the benefits of the users.

Hold an annual public hearing at least seven (7) days prior to the Annual Town Meeting to receive citizens input on the current year, the proposed budget and rates for the next fiscal year and any other information as may be requested concerning the water and sewer departments.

Said Board will be comprised of five (5) members: Three (3) designees of the Board of Selectmen and two (2) designees of the Finance and Advisory Board.

The members shall not be employees or officials of the Town and will serve for a three-year period. A designee of the Board of Selectmen and a designee of the Finance and Advisory Board shall be appointed for a three-year term; a designee of the Board of Selectmen and a designee of the Finance and Advisory Board shall be appointed for an initial two-year term and for three years thereafter; and a designee of the Board of Selectmen shall be appointed shall be appointed to a one-year term and for a three-year term thereafter or do anything in relation thereto.

And further, said water and sewer review board shall replace the hearing board established pursuant to the Town of Stoneham, Sewer Use Ordinance, Article VII Section 1., as adopted by Article #13 of the October 24, 1983 Special Town Meeting and shall have all powers and authority of said hearing board.
UNANIMOUS

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the cost items in fiscal years 1996, and 1997 contained in the interest arbitration award between the Town of Stoneham and the Stoneham Police Superior Officers Association, or do anything in relation thereto.

Board of Selectmen

VOTED that the Town transfer from Article #5 of the October 21, 1996 Special Town Meeting the sum of $80,000 to fund the cost items in fiscal years 1996, and 1997 contained in the interest arbitration award between the Town of Stoneham and the Stoneham Police Superior Officers Association. Said sum to be transferred to the FY98 Department #210 Police Personnel Account.
UNAMIMOUS

Article 30. To see if the Town will vote to amend Article 6 of the October 1997 Special Town Meeting relating to the water and sewer review board as follows: Delete: "The members shall not be employees or officials of the Town and shall serve for a three year period. And substitute: The members shall not be employees of the Department of Public Works and shall serve for a three year term or do anything in relation thereto.

Board of Selectmen

Article 30. **Voted** that the Town amend Article 6 of the October 1997 Special Town Meeting relating to the water and sewer review board as follows: Delete: "The members shall not be employees or officials of the Town and shall serve for a three year period. And substitute: The members shall not be employees of the Department of Public Works and shall serve for a three year term.

UNANIMOUS

Article 38

It was moved and seconded to advance Article 38 to go before Article 31 and follow article 30

UNANIMOUS

Article 38. **Voted** that the Town accept the Inspection of Property at Time of Sale or Transfer as described in Article #38 for the special Town Meeting, Monday, October 26, 1998, effective March 1, 1999 with the following changes:

The term "article" as appearing in two instances in Section 1 shall be replaced by the "By-law" in both instances.

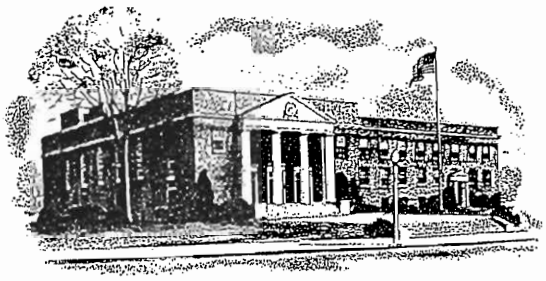
Question moved
Motion defeated
Reconsideration
Voted down

Article 31. To see if the Town will vote to appropriate the sum of $407,877.00 which is in the amount to be received by the Town from the State Highway Funds Account Chapter 11 of the Acts of 1997, as provided by the Commonwealth of Massachusetts for the purpose of continuing the permanent construction program on Public Ways within the Town or other eligible municipal projects and authorize the Town Administrator to make such expenditures or do anything in relation thereto.

Board of Selectmen

Article 31. **Voted** that the Town appropriate $407,877.00 which is the amount to be received by the Town from the State Highway Funds Account Chapter 11 of the Acts of 1997, as provided by the Commonwealth of Massachusetts, for the purpose of continuing the permanent construction program on public ways within the Town or other eligible municipal projects, and authorize the Town Administrator to make such expenditures.

UNANIMOUS



Board of Selectmen

Frank Vallarelli, *Chairman*
Robert W. Sweeney, *Vice Chairman*
Thomas Boussy, *Secretary/Selectman*

TOWN OF
STONEHAM
MASSACHUSETTS

Town Hall
35 Central Street
Stoneham, MA 02180
781/279-2680

John F. DePinto, *Selectman*
Richard S. Gregorio, *Selectman*
Muriel Doherty, *Office Manager*

June 11, 2012

Ms. Therese DiBlasi
5 Danby Road
Stoneham, Massachusetts 02180

Dear Ms. DiBlasi:

We are pleased to inform you that the Board of Selectmen, at our meeting on May 22, 2012, appointed you a member of the Water and Sewer Review Board, effective through April 30, 2015. Please contact the Town Clerk's office (781-279-2650) for an appointment to be sworn in. You will be contacted by a member of the Water and Sewer review Board with information relative to meetings.

Thank you for volunteering to serve the Town.

Very truly yours,

Board of Selectmen

Frank Vallarelli, MD

Chairman

md

cc: Town Clerk
Water and Sewer Review Board

Board of Selectmen

Frank Vallarelli, *Chairman*
Robert W. Sweeney, *Vice Chairman*
Thomas Boussy, *Secretary/Selectman*

TOWN OF
STONEHAM
MASSACHUSETTS

TOWN HALL
35 CENTRAL STREET
STONEHAM, MA 02180

781/279-2680

John F. DePinto, *Selectman*
Richard S. Gregorio, *Selectman*
Muriel Doherty, *Office Manager*

May 11, 2012

Ms. Tracey Butterworth
35 Oak Street
Stoneham, Massachusetts 02180

Dear Ms. Butterworth:

We are pleased to inform you that the Board of Selectmen, at our meeting on May 1, 2012, reappointed you a member of the Water and Sewer Review Board, effective through April 30, 2015. Please contact the Town Clerk's office (781-279-2650) for an appointment to be sworn in. You will be contacted by a member of the Water and Sewer Review Board with information relative to meetings.

Thank you for volunteering to serve the Town.

Very truly yours,

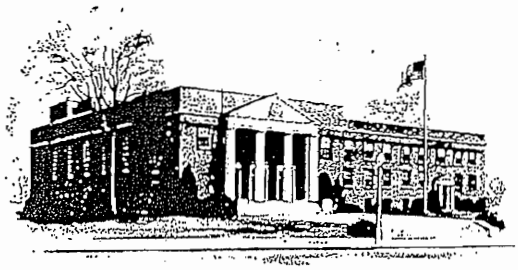
Board of Selectmen

Frank Vallarelli

Chairman

md

cc: ✓ Town Clerk
Water and Sewer Review Board



TOWN OF
STONEHAM
MASSACHUSETTS 02180
www.stoneham-ma.gov

OFFICE OF BOARD OF SELECTMEN
Telephone: 781-279-2680
FAX: 781-279-2681
Email: esinclair@ci.stoneham.ma.us

Frank Vallarelli, *Chairman*
Robert W. Sweeney, *Vice Chairman*
Thomas Boussy, *Secretary/Selectman*

John F. DePinto, *Selectman*
Richard S. Gregorio, *Selectman*
Erin Sinclair, *Office Manager*

February 20, 2013

2013 FEB 20 A 11: 33
STONEHAM
TOWN CLERK
REGISTRARS

Mr. Stephen A. Quattrocchi
17 Lawndale Road
Stoneham, Massachusetts 02180

Dear Mr. Quattrocchi:

We are pleased to inform you that the Board of Selectmen, at our meeting on February 19, 2013, appointed you as a Member of the Water and Sewer Review Board, effective through April 30, 2016. Please contact the Town Clerk's office for an appointment to be sworn in. You will be contacted by a member of the Water and Sewer Review Board with information relative to meetings.

Thank you for volunteering to serve the Town.

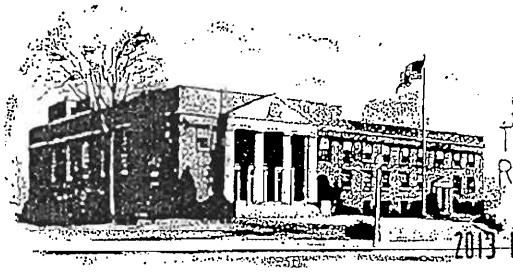
Very truly yours,

Board of Selectmen

Frank Vallarelli
es
Chairman

es

cc: Town Clerk
Water and Sewer Review Board



STONEHAM
TOWN CLERK
REGISTRARS
2013 MAY 15 A 10: 01

TOWN OF
STONEHAM
MASSACHUSETTS 02180
www.stoneham-ma.gov

OFFICE OF BOARD OF SELECTMEN
Telephone: 781-279-2680
FAX: 781-279-2681
Email: esinclair@ci.stoneham.ma.us

Robert W. Sweeney, *Chairman*
Thomas Boussy, *Vice Chairman*
John F. DePinto, *Selectman*

Frank Vallarelli, *Selectman*
Vacant, *Selectman*
Erin Sinclair, *Office Manager*

May 15, 2013

Mr. John L. Bracciotti
36 Broadway
Stoneham, Massachusetts 02180

Dear Mr. Bracciotti:

We are pleased to inform you that the Board of Selectmen, at our meeting on May 14, 2013, reappointed you as a Member of the Water and Sewer Review Board, effective through April 30, 2016. Please contact the Town Clerk's office for an appointment to be sworn in. You will be contacted by a member of the Water and Sewer Review Board with information relative to meetings.

Thank you for volunteering to serve the Town.

Very truly yours,

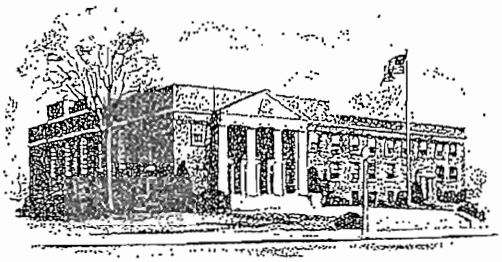
Board of Selectmen

Robert W. Sweeney

Chairman

es

cc: Town Clerk
Water and Sewer Review Board



TOWN OF
STONEHAM
MASSACHUSETTS 02180
www.stoneham-ma.gov

OFFICE OF BOARD OF SELECTMEN
Telephone: 781-279-2680
FAX: 781-279-2681
Email: esinclair@ci.stoneham.ma.us

Thomas Boussy, *Chairman*
John F. DePinto, *Vice Chairman*
Ann Marie O'Neill, *Selectwoman*

Robert W. Sweeney, *Selectman*
Frank Vallarelli, *Selectman*
Erin Sinclair, *Office Manager*

April 25, 2014

Richard Mangerian
4 Cricklewood Drive
Stoneham, Massachusetts 02180

Mr. Mangerian:

We are pleased to inform you that the Board of Selectmen, at our meeting on April 22, 2014, reappointed you as a Member of the Water & Sewer Review Board, effective through April 30, 2017. Please contact the Town Clerk's office for an appointment to be sworn in. You will be contacted by a Member of the Water & Sewer Review Board with information relative to meetings.

Thank you for volunteering to serve the Town.

Very truly yours,

Board of Selectmen

Thomas Boussy es

Chairman

cc: Town Clerk
Water & Sewer Review Board