

Special Town Meeting
January 12, 2015
7:00PM



Warrant and Recommendations
Submitted by the Board of Selectmen

**THE BOARD OF SELECTMEN
2015**

THOMAS BOUSSY, CHAIR

JOHN F. DEPINTO, VICE CHAIR

ANN MARIE O'NEILL, SECRETARY

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GLOSSARY

The following is a glossary of terms often used at town meeting. Anytime someone uses a term that you don't understand, you should rise to make a "point of information" and ask for an explanation or definition. If you don't understand something, be assured that many others are puzzled as well. They are just too shy to speak up.

APPROPRIATION – An authorization by Town Meeting to spend money for a particular purpose.

ASSESSED VALUATION – The value set on real property (that is, land and buildings) or personal property by the Board of Assessors as a basis for setting the tax rate.

AVAILABLE FUNDS – (Sometimes called "Free Cash") Money left over from the previous fiscal year as a result of budget under runs and/or under estimates of revenues.

BOND ANTICIPATION NOTE (BAN) – Short-term note of a government, sold in anticipation of bond issuance. BANs are full faith and credit obligations.

BUDGET – A plan of financial operation embodying an estimate of proposed revenue and expenditures for a given period and the proposed means of financing them.

CHERRY SHEET – A form from the Massachusetts Department of Revenue showing, for the following fiscal year, all the state and county charges and reimbursements to the Town for local aid and for providing specific town services. Call the Cherry Sheet because it was originally printed on cherry-colored paper.

DEBT EXCLUSION – A vote by a municipality at an election to exclude debt service payments for a particular capital project from the levy limit, which allows the Town to increase its total property tax levy above the limit set by Proposition 2 ½. The amount of the annual debt service payment is added to the levy limit for the life of the debt only. (See **Proposition 2 ½**, below.)

DEBT SERVICE – The cost of payment of interest and principle to holders of the Town's bonds and noted.

ENCUMBRANCE – Obligations in the form of purchase orders or contract or salary commitments that are chargeable to an appropriation and for which a part of the appropriation is reserved.

ENTERPRISE FUNDS – An accounting mechanism allowing a community to show the portion of total costs of a service that is recovered through user charges and the portion that is subsidized by the tax levy.

EXPENDITURE – The spending of money by the Town for programs within its approved operating budget.

FISCAL YEAR – Stoneham's fiscal years runs from July 1 through June 30. The moneys appropriated at the Annual Town Meeting in May for the fiscal year starting the following July 1.

FREE CASH – A dollar value, certified by the state usually in late summer, that represents unspent and unencumbered income and receivables from the previous fiscal year. Town meeting can spend this money once free cash is certified.

GENERAL FUND – The fund into which the general (non-earmarked) revenues of the municipality are deposited and from which money is appropriated to pay the general expenses of the municipality.

LOCAL RECEIPTS – Also called “Estimated Receipts”. Examples are motor vehicles excise tax, license and permit fees, and interest income; all of which must be “estimated” in projecting annual budget funding sources.

OPERATING BUDGET – The plan of proposed spending for the upcoming fiscal year. It is the Town’s “best guess” on what it will cost to operate.

OVERLAY ACCOUNT – An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. Also called Overlay Reserve.

OVERLAY SURPLUS – Any balance in the overlay account of a given fiscal year in excess of the amount remaining to be collected or abated can be transferred into this account. Overlay surplus may be appropriated for any lawful purpose.

OVERRIDE – A vote by a municipality in an election to permanently increase the levy limit (see **Proposition 2 ½**, below).

PROPOSITION 2 ½ - An initiative law approved by Massachusetts voters in 1980. Prop. 2 ½ sets a limit on the amount of real and personal property taxes a community may levy as well as a limit on the annual increase in the tax levy.

The *levy limit* is a restriction on the amount of property tax a community may levy. Under Prop. 2 ½, a community may not increase taxes more than 2 ½% over the previous year’s levy (plus the value of any new growth that has occurred in the Town) and may not levy more than 2 ½% of the total full and fair cash value of all taxable real and personal property in the community (the *levy ceiling*).

Prop. 2 ½ allows cities and towns to vote in an election to exclude certain costs as well as to increase its annual levy limit. See **Debt exclusion and Override**, above.

RESERVE FUND – A sum appropriated at Town Meeting, not to exceed 5% of the tax levy for that fiscal year. This fund is to provide for extraordinary or unforeseen expenditures. No direct drafts against this fund can be made, but transfers from the Fund may be voted by the Finance and Advisory Board.

REVOLVING FUNDS – These accounts can contain money either from specific sources or from taxation or both. The Treasurer can draw money from these accounts without an appropriation by town meeting vote. None of these funds go to Surplus Revenue on June 30th.

STABILIZATION FUND – Essentially a “rainy day” fund. It is a special reserve account created primarily to provide for capital improvements and unforeseen circumstances. It requires a two-thirds vote of town meeting to take money from this fund and appropriate it for expenditure.

PARLIAMENTARY PROCEDURE: A REFERENCE SHEET FOR TOWN MEETING

Parliamentary law is based on the premise that a deliberating body of persons is a free agent that the will of the majority prevails, but that the rights of all members of the group are respected.

The descriptions below pertain to some major elements and rules and methods used when a meeting follows parliamentary procedure, such as a Town Meeting. It was drawn up abbreviated in this form to assist you in understanding and participating in the procedures at Town Meeting.

- 1.) A **MOTION** is a proposal that the assembly take a certain action or position. It is necessary to obtain the floor before one can make a specific motion and open it for discussion by the group. The motion must also be submitted in writing. Most motions must be seconded. (An exception would be a question of order, or an inquiry, etc.)
- 2.) **TO OBTAIN THE FLOOR** it is necessary to be recognized by the Moderator. One should stand, address the chair: "Mr. Moderator" and be acknowledged. The speaker should state his name and address for the record. A member who has already had the floor in debate of a certain pending question may not debate the question again, provided the floor is claimed by one who has not yet spoken on that question.
- 3.) **AN AMENDMENT** is a secondary motion, which charges the original motion somewhat (by adding or deleting a word or phrase, or substituting word or words). The amendment is voted on, the debate returns to the original motion, as amended, if the amendment is approved.
- 4.) **DEBATE** refers to the discussion of the merits of the proposal or opposition to it; sometimes the Moderator will alternate speakers for and against the motion. Debate must pertain to the immediate pending question only - - the motion on the floor. Irrelevant issues are out of order.
- 5.) **MOVE OR CALL THE QUESTION** is a motion that supersedes a previous motion and is a method to end debate. When the question has been moved, the Moderator calls for a vote to end debate; if two-thirds of the assembly votes yes, the debate is ended, and the group must then vote on the pending question. If the vote fails, debate resumes.
- 6.) **PUTTING THE QUESTION** – when the debate ends, the Moderator asks if the group is ready for the question, fully states the motion to be voted on, and then calls for the "ayes" and "nays".
- 7.) **MOVE FOR RECONSIDERATION** – A motion can only be reconsidered once, so, often at Town Meetings proponents of a motion which has passed will move to reconsider, and ask that the assembly vote no, so that the matter is closed. However, if an assembly agrees by a two-thirds vote to reconsider a proposal, the debate opens as if the previous debate has not already taken place.

Prepared by the League of Women Voters of Stoneham. Roberts Rules of Order – Revised was used as a reference.

**RECOMMENDATIONS
JANUARY 12, 2015
SPECIAL TOWN MEETING**

#	Article Description	Board of Selectmen	Finance Board
1	Tri-Community Bikeway/Greenway	N/A	FAVORABLE
2	Zoning ByLaw Change	N/A	FAVORABLE
3	Replace IT Equipment/Stoneham Public Library	IP	IP
4	Amend Town Code Chapter 13 Section 13-11A	IP	IP

Please note the format of the
January 12, 2015 Special Town
Meeting Booklet is as follows:

Finance Board Recommendation
Board of Selectmen Recommendation
Motion
Track Voting Results

ARTICLE 1 – BIKEWAY / GREENWAY COMMITTEE

Finance & Advisory Board Recommendation:

Favorable (6-0)

Board of Selectmen Recommendation:

No Recommendation

Motion for Article 1:

Move that the Town vote to authorize the Board of Selectmen to acquire land parcels, permanent and temporary easements, and/or other rights in land and to dedicate Town-owned land for the purpose of obtaining a secure and public right of way in the general area of the former railroad right of way, formerly known as the Stoneham Branch Right of Way for the below referenced Bikeway/Greenway. The parcels affected shall include the attached “Tri-Community Bikeway-Town of Stoneham-Parcel Summary” and shown on plans prepared by Fay, Spofford & Thorndike LLC and titled “2014-12-18 - 604652 - Tri-Community - Stoneham Parcel Summary”. This will allow for the construction of the Multi-Use Trail project and roadway safety improvements of the Tri-Community Bikeway/Greenway project along and in the area of said former railroad right of way running from the Woburn Town line to the south side of Gould Street. Further that the Selectmen may acquire such rights in additional real property, including these parcels, modification of these parcels, other necessary rights, easements and/or other rights related thereto through any legal means, including purchase, gift and/or eminent domain and take such other actions as needed to effectuate this vote. Further, to use funds available from the Rail Road Right of Way Special Article Account (fund #029048) and/or Rail Road Right of Way Special Fund (fund #4012) as needed for such acquisitions and to defray any associated right of way or acquisition costs or expenses connected with this project. And further to authorize the Board of Selectmen and/or Town Administrator to take any action needed to effectuate this purpose and/or vote.

Anthony Wilson

PARCEL NO.	TITLE HOLDER (N/F)	RECORDED		TOTAL PROPERTY AREA	AREA (+/-)			REMARKS
		DEED BOOK	PAGE NO.		ACQUISITION (includes easements) / DEDICATIONS		TEMP CONSTRUCTION EASEMENT	
					STATE	TOWN	AREA	
X-7-T	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY STONEHAM <i>(Acquisition by stoneham previously authorized by Town Meeting)</i>	13117	113	45,975 SF	45,975 +/-SF		-	ACQUISITION/DEDICATION FOR PROPOSED TRAIL MBTA or STONEHAM
X-8-T	TOWN OF STONEHAM	15490	507	66,548 SF	-	66,548 +/-SF	-	ACQUISITION/DEDICATION FOR PROPOSED TRAIL
X-TE-56	JOHN J. MELKONIAN 51 MONTVALE AVENUE - STONEHAM MAP 17 LOT 253	54548	319	39,857 SF	-	-	679 +/-SF	TEMPORARY CONSTRUCTION ACCESS AND GRADING
X-10-T	TOWN OF STONEHAM	15490	507	41,223 SF	-	41,223 +/-SF	-	ACQUISITION/DEDICATION FOR PROPOSED TRAIL
X-TE-58	CHESTNUT HOLLOW LLC. 41 - 43 MONTVALE AVENUE - STONEHAM MAP 17 LOT 256	39450	4	66,385 SF	-	-	816 +/-SF	TEMPORARY CONSTRUCTION ACCESS AND GRADING
X-11-T	TOWN OF STONEHAM	15490	507	2,114 SF	-	2,114 +/-SF	-	ACQUISITION/DEDICATION FOR PROPOSED TRAIL
X-12-T	TOWN OF STONEHAM	15490	507	37,623 SF	-	37,623 +/-SF	-	ACQUISITION/DEDICATION FOR PROPOSED TRAIL
X-13-T	TOWN OF STONEHAM	15490	507	11,102 SF	-	11,102 +/-SF	-	ACQUISITION/DEDICATION FOR PROPOSED TRAIL
X-14-T	TOWN OF STONEHAM	15490	507	76,582 SF	-	76,582 +/-SF	-	ACQUISITION/DEDICATION FOR PROPOSED TRAIL <i>Excluding the area currently used for a school driveway</i>
X-TE-59	TOWN OF STONEHAM	8112	258	392,040 SF	-	-	3,062 +/-SF	TEMPORARY CONSTRUCTION ACCESS AND GRADING
X-TE-60	STONEHAM MIDDLE SCHOOL				-	-	323	TEMPORARY CONSTRUCTION ACCESS AND GRADING
X-15-T	TOWN OF STONEHAM	15490	507	39,222 SF	-	39,222 +/-SF	-	ACQUISITION/DEDICATION FOR PROPOSED TRAIL
X-TE-61	43 POMEWORTH STREET CONDO ASSOCIATION 43 POMEWORTH STREET - STONEHAM MAP 12 LOT 340	-	-	38,638 SF	-	-	412 +/-SF	TEMPORARY CONSTRUCTION ACCESS AND GRADING
X-16-T	TOWN OF STONEHAM	15490	507	16,943 SF	-	16,943 +/-SF	-	ACQUISITION/DEDICATION FOR PROPOSED TRAIL
X-TE-62	JOHN W. PARISEAU TR. 41 PLEASANT STREET - STONEHAM MAP 12 LOT 349	48991	45	29,055 SF	-	-	1,537 +/-SF	TEMPORARY CONSTRUCTION ACCESS AND GRADING
X-TE-63	AMY S. MACISAAC 15 GOULD STREET - STONEHAM MAP 13 LOT 31	57711	526	6,970 SF	-	-	232 +/-SF	TEMPORARY CONSTRUCTION ACCESS AND GRADING
X-17-T	TOWN OF STONEHAM	15490	507	38,396 SF	-	881 +/-SF	-	ACQUISITION/DEDICATION FOR PROPOSED TRAIL
X-TE-66					-	-	951 +/-SF	TEMPORARY CONSTRUCTION ACCESS AND GRADING

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 2 – AMENDING TOWN CODE, CHAPTER 15, ZONING BY-LAW

Finance & Advisory Board Recommendation:

Favorable (6-0)

Board of Selectmen Recommendation:

No Recommendation

Motion for Article 2:

Move that the Town vote to amend the Stoneham Town Code, Chapter 15, zoning By-law by amending the Zoning Map and Section 4.3.3.1(h) and Section 5.2.1 Table One Dimensional Requirements as follows:

1.) by amending the Zoning Map of the Town of Stoneham to add to the Residence B District the following described property at 42 Pleasant Street:

Beginning at a point on the Northerly side of Pleasant Street being the Southwesterly lot corner of the subject property; thence

N 24°41'00" E Thirty-three and 00/100 (33.00) feet; thence

N 61°44'00" W Thirty and 64/100 (30.64) feet; thence

N 13°03'10" E Three Hundred Forty and 42/100 (340.42) feet; thence

N 17°52'10" E Sixteen and 00/100 (16.00) feet; thence

S 76°07'55" E Eighty-three and 39/100 (83.39) feet; thence

S 86°53'47" E Eighty-nine and 75/100 (89.75) feet; thence

by a curve with a radius of One thousand, One hundred Twenty-five and 23/100 (1,125.23) feet and an arc length of One hundred Twenty-one and 17/100 (121.17) feet; thence

S 12°53'45" W Two Hundred Seventy-five and 09/100 (275.09) feet; thence

N 52°21'50" W Fifty-three and 82/100 (53.82) feet; thence

S 37°38'10" W Eighty-six and 18/100 (86.18) feet; thence

N 52°21'50"W Ninety-four and 84/100 (94.84) feet along Pleasant Street to the Point of Beginning

The above described property contains 75,891 square feet of land, and

2.) by amending Section 4.3.3.1(h) to read as follows: Section 4.3.3.1(h) If there is more than one (1) such structure on a lot of record, there shall be at least sixty (60) feet between each structure except for town houses where there shall be at least forty-five (45) feet between each structure. The only exception may be that no more than three (3) buildings may each be interconnected by a covered walkway or breezeway for reasons of convenience and shelter from the elements, if such walkway, in the opinion of the Planning Board and the Board of Selectmen, shall not impair services to the buildings by emergency vehicles or equipment. Such buildings so interconnected shall be deemed as separate and individual buildings for the purposes of administering the Rules and Regulations Governing the Subdivision of Land for the Town of Stoneham. (5-1-95, Art. 11) and,

3.) and by amending Section 5.2.1 Table One - Dimensional Requirements as attached:

Section 5.2.1 TABLE ONE - DIMENSIONAL REQUIREMENTS

District	Minimum Lot Size in Square Feet	Frontage & Lot Width in Feet ⁽¹⁾	Percent Coverage ⁽²⁾	Minimum Setback in Feet			Height in Feet
				Front	Side ^{(5),(15)}	Rear ⁽¹⁵⁾	
Residence A	10,000 ⁽¹⁾	90	30	20	10 ⁽³⁾	15 ⁽¹⁰⁾⁽³⁾	30
Residence B	7,000 ⁽¹⁾	75 ⁽⁷⁾	20 ⁽⁴⁾	15 ⁽⁶⁾	10 ^{(6),(26)}	15 ⁽⁶⁾⁽¹⁰⁾⁽¹²⁾	30
Neighborhood Business	10,000	100	50	15	15	15	30
Business	None Required	None Required	75	15	10	15	45
Central Business	None Required	None Required	100	None	None	None	45
Highway Business	10,000	100	75	20 ⁽³⁾	5	5	45
Commercial	20,000	100	75	15	10	10	65 ⁽¹⁵⁾
Residential Overlay Fallon Road	200,000 ⁽²²⁾ Maximum density = 20 units/acre	150	30	20	20	10	65 ⁽¹⁹⁾
Medical ⁽¹¹⁾	40,000	150	40	40	20	50	65
Recreation Open Space	40,000	150	5	40	20	50	30
Education ⁽¹²⁾	50,000	45	35	20	13	20	55
Medical/Office/Residential	200,000/200,000/200,000	150/150/150	30/30/30	40 ⁽¹³⁾ / 30 ⁽¹³⁾ /30 ⁽¹³⁾	20 ⁽¹³⁾ /20 ⁽¹³⁾ /10 ⁽¹³⁾ (14)	20 ⁽¹³⁾ /20 ⁽¹³⁾ /10 ⁽¹³⁾ (14)	97/97/65
Railroad Right-of-Way Overlay District	None ⁽¹⁷⁾	None ⁽¹⁷⁾	75 ⁽¹⁷⁾	5 ⁽¹⁹⁾⁽¹⁷⁾	5 ⁽¹⁹⁾⁽¹⁷⁾	5 ⁽¹⁹⁾⁽¹⁷⁾	20
East School Multi-Family Overlay District	20,000	Frontage – 150 Width – 130	50	40 ⁽²⁰⁾	10 ⁽²⁰⁾	30 ⁽²⁰⁾	40 ⁽²¹⁾
North Elementary School Overlay District	100,000	Frontage – 50 Width - 50	20	Front 20 ⁽²⁰⁾	Side 10 ⁽²⁰⁾	Rear 30 ⁽²⁰⁾	40 ⁽²²⁾

- (1) Except 40,000 feet for all non-residential uses.
- (2) See 5.3.4 (Reserved)
- (3) Portion of lot devoted to structure.
- (4) Except that no part of a building may be placed within 15' of any street.
- (5) Plus 2,500 for each dwelling unit over one in a structure.
- (6) 30' for three or more dwelling units.
- (7) 150' for three or more dwelling units.
- (8) A minimum distance of ten (10') feet between buildings on adjacent lots in Residence A and B must be maintained.
- (9) Except 15' for freestanding pole or ground signs.
- (10) Except for pools which shall have a ten (10') foot minimum rear setback requirement. (5-12-86)
- (11) Residential uses in the Medical District shall conform to the requirements specified herein for the Residence B District.
- (12) No setback required where abutting public open or recreational space. (5-7-98)
- (13) Retaining walls over four (4') feet in height are permitted within the required front, side, and rear setbacks in the Medical/Office/Residential District.
- (14) Minimum Space between principal buildings on the same lot is ten (10') feet.
- (15) Fences as structures of six (6') feet in height or less and retaining walls of four (4') feet in height or less are excluded from front, side, and rear setback requirements except retaining walls over four (4') feet in height are permitted in the Medical/Office/Residential District in Note (13).
- (16) Except that there shall not be a setback requirement if the property abutting the subject lot line is owned by the same person or entity that is using the property in the Railroad Right-of-Way Overlay District.
- (17) Property in the Railroad Right-of-Way District shall not be used in calculating or otherwise complying with the frontage, lot size, percent lot coverage or setback requirements of an abutting property. (Art. 11, 4-7-09)
- (18) Height may be increased to 85 feet by Special Permit from Planning Board.
- (19) Height may be increased to 80 feet by Special Permit from the Planning Board.
- (20) A flagpole, retaining wall of no greater than five feet (5') in height, ramp, stairway or bulkhead from the ground level to the basement are all excluded from the setback requirements.
- (21) A cupola, chimney or appurtenance accessory to a residential structure and use allowed under this Section 4.20 are all excluded from this height limitation, but in no event may they be greater than fifty-five feet (55') in height.
- (22) A cupola, chimney or appurtenance accessory such multi-family residential structure and use allowed under this Section 4.21 are all excluded from this height limitation, but in no event may they be greater than fifty-five feet (55') in height.
- (23) 10% of Lot Area shall be open space.
- (24) Except for town houses 25% coverage provided however that the lot size is 60,000 square feet or greater.
- (25) Twenty-five (25') feet for town houses provided however that the lot size is 60,000 square feet or greater.

**August Niewenhaus, Chairman
Stoneham Planning Board**

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 3 – REPLACE IT EQUIPMENT / STONEHAM PUBLIC LIBRARY

Finance & Advisory Board Recommendation: IP

Board of Selectmen Recommendation: IP

Motion for Article 3:

Move that the Town vote to indefinitely postpone the subject matter of Article No. 3.

Stoneham Public Library

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

ARTICLE 4 – AMEND TOWN CODE CHAPTER 13 SECTION 13-11A

Finance & Advisory Board Recommendation: IP

Board of Selectmen Recommendation: IP

Motion for Article 4:

Move that the Town vote to indefinitely postpone the subject matter of Article No. 4.

Stoneham Public Works

PASSED () DEFEATED () POSTPONED INDEFINITELY () OTHER ()

Helpful Stoneham Telephone Numbers

ALL EMERGENCIES.....	911
Local Services	
Administrator's Office.....	781.279.2600
Arena.....	781.279.2629
Assessor's Office.....	781.279.2640
Building Dept/Inspectional Services.....	781.279.2670
Conservation Commission.....	781.279.2696
Council on Aging/Stoneham Senior Ctr.....	781.438.1157
Domestic Violence Liaison.....(ext 3106).....	781.438.1215
Fire Department (Non Emergency).....	781.438.0127
Health, Board of.....	781.279.2621
Planning Board/Zoning Board of Appeals.....	781.279.2695
Police Department (Non Emergency).....	781.438.1215
Public Health Nurse.....	781.438.0501
Public Library.....	781.438.1324
Public Works/Water Department.....	781.438.0760
Selectmen, Board of.....	781.279.2680
Superintendent of Schools.....	781.279.3802
Tax Collector.....	781.279.2660
Town Clerk.....	781.279.2650
Veteran's Services.....	781.279.2664
Utilities	
National Grid (gas).....	1.800.322.3223
Nstar Electric.....	781.592.2000
Comcast (cable/telephone).....	1.800.934.6489
RCN (cable/telephone).....	1.800.746.4726
Verizon (cable/telephone).....	1.800.837.4966
Fuel Assistance	
Tri-City Community Action Programs, Inc.....	781.322.6284

Just a friendly reminder...

Real Estate Taxes are due on:

February 2, 2015

May 1, 2015

August 3, 2015

November 2, 2015

Water bill payments are due in:

March 2015

June 2015

September 2015

December 2015

**You can pay your bills online
on or before the due date at**

www.stoneham-ma.gov

**Click on \$Pay Bills Online
under Citizen Action Center
on the homepage**

Did You Know?

...You can access information on all of the town departments, boards and committees by visiting the town's web site at www.stoneham-ma.gov.

...Our public library offers more than just books to borrow from the shelves. You can download books to your Nook or Kindle and free music to your iPod! Please visit the library, call or check out their web site www.stonehamlibrary.org for more information.

...You can apply for a US Passport at the town hall. Call the Town Clerk's Office for more information.