

**Stoneham Board of Selectmen – Minutes of Meeting of January 5, 2016**

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

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

**Pledge of Allegiance**

**Approve Common Vic License/Loui Loui/101 Main Street (Time :46-1:54 on Stoneham TV on Demand)**

Jonathan Joo from Loui Loui, 218 School Street, Boylston was present. Selectman DePinto made a motion to approve the Common Vic license for Loui Loui, 101 Main Street, seconded by Selectwoman Colarusso and a roll call vote was taken.

Voting in Favor

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

**Motion passed (5-0).**

**Approve Entertainment License/Loui Loui/101 Main Street (Time 1:55-2:18 on Stoneham TV on Demand)**

Jonathan Joo from Loui Loui, 218 School Street, Boylston was present. Selectman DePinto made a motion to approve the Entertainment license for Loui Loui, 101 Main Street, seconded by Selectwoman Colarusso and a roll call vote was taken.

Voting in Favor

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

**Motion passed (5-0).**

**Public Hearing/Site Plan/Rapid Liquors/171 Main Street (Time 2:55-14:30 on Stoneham TV on Demand)**

Selectman DePinto read the legal notice. John Barrows from Marchionda & Associates, L.P. was present to represent Paul & Doug Shahian. Selectman DePinto read the Department Recommendations and all recommendations were agreed upon by the Doug Shahian. Chairman Boussy opens to public comment. Chairman Boussy closes the public hearing. Selectman DePinto made a motion to approve the site plan allowing two years for completion and work to be done during the time allowed by the code for Rapid Liquors at 171 Main Street, seconded by Selectwoman Colarusso and a roll call vote was taken.

Voting in Favor

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

**Motion passed (5-0).**

**Site Plan Sign Off (Time 14:50-50:55 on Stoneham TV on Demand)**

Selectwoman O’Neill states that she would like to bring to the Board attention that they had approved a plan for a sign to go by BJ’s a couple of week ago and one of the contingencies was that the sign would not be visible to any existing neighborhoods but one area that could not avoided was Smitty’s Way. She states as a Board they decided that was okay as long as it was disclosed to potential buyers. She states it was the Board intention that people would need to know that prior to purchase. Selectwoman O’Neill states that it came to her attention that the listing sheet does include the sign disclosure. She states she contacted the listing broker, Attorney Houghton who is representing the developer and the sign company and the Town Attorney raising the concern and received a letter back from the listing broker stating she was not instructed to disclose this information. Selectwoman O’Neill states she has grave concerns about the fact that they negotiated something and this isn’t being adhered too. She states she has not heard back from Attorney Houghton which is another concern. She states that the Town Attorney has contacted him three times. Selectwoman O’Neill states she would like to protect future buyers and their agreement by the making a motion to authorize the Town Attorney to contact MAR Legal Department so they can correct this. She states this is unfair to potential buyers, if you are a listing broker or a buyer’s agent you are also at risk not knowing this information. She thinks the Town is at risk but all and all it is purely unfair. Selectwoman O’Neill asks if there is something they can issue on each deed. Selectwoman O’Neill states they have a moral and legal obligation and would like to see their end of the bargain fulfilled. There was a discussion amongst the Board. Chairman Boussy talks about project management software. Selectwoman O’Neill states that if the developer’s attorney doesn’t want to hold up his end of the bargain then the title search will find it. Attorney Solomon explains what he understands is going on between Logan and the property owner. Attorney Solomon states there is a development agreement between the Town, the billboard company and the owner of the land and further explains this agreement. Selectman Vallarelli feels the best way to handle it is to have it in the homeowner’s association agreement. There was a discussion amongst the Board. Selectwoman Colarusso states there was nothing in writing and that their job is public trust. She states she believes the Town is liable for this. There was a discussion about residents that live on private ways and that not being disclosed and what can be done about it. Selectwoman O’Neill just want people to know there is going to be a billboard going up and she wants it on the deed. Selectwoman O’Neill states this is full disclosure and in her opinion the Attorney who represented both parties has had ample notice, he has been spoke too on three separate occasions, never heard anything back from him, the only party she heard back from was Bill

and the listing agent. Selectwoman O'Neill states this is no blame on the listing agent she states she knew nothing about it and that is what is so alarming and that's why they should put it on the deed, it's that simple. Selectwoman Colarusso states she would like a legal document from the Attorney that gave us his word here representing both parties has informed the listing agent and the builder have been notified, then they will have an assurance the folks are being informed. Selectwoman Colarusso would like the language that it is a private way also. There was discussion about private ways in Town. Selectwoman O'Neill states there should be a list of streets on the website showing private and public ways. Town Administrator Ragucci states he thinks there is. Selectwoman Colarusso tells Attorney Solomon to write the Attorney, the realtor and all the board members with reference to the meeting, stating he has been notified and the expectation is that the agreement was made and it needs to be fulfilled before further action from Board of Selectmen. Attorney Solomon will write the letter.

**Funding for Stevens Street Sidewalk/DePinto (Time 50:56-65:08 on Stoneham TV on Demand)**

The Board would like a list of the available funds to review before voting. Chairman Boussy requested the Board look at the potential street list and comment back to Dave as to priorities or additions. Larry Means 4 Victoria Lane spoke. Selectwoman Colarusso would like one side of Broadway getting curbs and can they look at removing the double lines. Town Administrator Ragucci will have Mr. Grover give him a price to put curbing down one side of Broadway field and have the list updated. Selectwoman O'Neill suggests Complete Street and MWRA Mitigation Money as resources. This item will be voted on at the January 19, 2016 meeting.

**Funding for Park & Marble Street Intersection/DePinto (Time 65:09-67:11 on Stoneham TV on Demand)**

This agenda item will be voted on at the January 19, 2016 meeting.

**Lost Pet Alert System Town Wide for Stoneham/Colarusso (Time 67:12-70:20 on Stoneham TV on Demand)**

Selectwoman Colarusso informs the Board that she has talked to Tom Ciatelli about creating some kind of lost pet alert system on the internet the same way folks sign up for other alerts. She states Brian Johnston the Dog Officer welcomed the idea. He would be the control point coordinator. There will be no cost to the taxpayers and no burden to the folks who do not want to be notified. Selectwoman Colarusso is working with Tom and will keep the Board informed on any developments. Chairman Boussy states Selectwoman Colarusso has put up a Stoneham Community Lost Pet Alert Facebook page.

**Publishing Status of DPW Projects/Colarusso (Time 70:30-89:29 on Stoneham TV on Demand)**

Selectwoman Colarusso would like to see a web based system on what major projects are going on in town to see when they are starting and when they are scheduled to be completed. She states using this for snow messages, no overnight parking it would be just some reminders to folks and she thinks it would be helpful to the residents. Selectwoman Colarusso states they had issues with the water & sewer back in April where large amounts of work hours were being applied to water & sewer so they discussed it with the Town Administrator and with the Department Head and at that point there was a commitment to start moving people out. She states she believes that started to happen but she says the hours are coming out of water & sewer and it looks like 2/3rds every week. Selectwoman Colarusso states she has a problem with this because every year the rates are raised. She believes at this point in time we need to change course. She would like to reach out to the folks at Collins Institute that they are working with on the budget and also some state agencies to rectify this because if they don't the rates are going to continue to go up. Town Administrator Ragucci states what they have done to change this 25 year practice. Mr. Ragucci states if he stops the 25 year ship and turns around midstream there will be impact on other services in town. Selectwoman Colarusso states that cannot be the reason for not doing it right. Mr. Ragucci states they have taken money out of water & sewer and put them back on the tax payers. He states they are moving away from funding DPW activities with water & sewer dollars he states this is what you will see while we go through the process. Selectwoman Colarusso states there are reserves in those e account why are the rates being raised. Mr. Ragucci states because of the anticipated water issue we are going to have with the Gelatin. Mr. Ragucci states with the wants he has heard about over the past year two new police, two new fire, full time IT person, taking monies out of water & sewer, those along with an increase from the School Department results as it stand right now as a \$500,000 shortfall. Selectwoman Colarusso states we are going to have to say no at Town Meeting when everyone comes for surplus revenue because we will need it for budgeting. She states she will give him credit for the overtime being down but the reports that they get are after the fact. Selectwoman Colarusso would like a true picture of what it cost to run DPW. She states she would like to seek help to see how we can fix this right so we don't continue to have reserves in those accounts and raise the rates. She would be more than happy to help. Mr. Ragucci states he appreciates that. They are due to meet with Collins again a week after next. Mr. Ragucci states the town doesn't have spending problem it has a revenue problem. Selectwoman Colarusso states she believes we have an integrity problem with recording of hours in the department and until we figure out what it takes to run that departments. She states first and foremost she would zero base that department and start fresh. She states she will try to reach out to folks at the state level and see if we can get help in trying to rectify this. Selectwoman O'Neill states she thinks a lot if it is efficiencies and to see improvement in efficiencies. She states she know they invest in a lot of electronic programs and applications that she doesn't know if they are being utilized to the full extent that they were meant to be. She states last year they had the auditors letter that states a significant amount of receipts not being collected from one department. She doesn't know if that was ever addressed. Mr. Ragucci states yes it was. Chairman Boussy states we have not had high taxes and high fees which make the taxes not that low but his bigger problem is every time a department head is in here he hears DPW has 28 workers on 3.2 million dollar budget, 78 miles of road but he says you don't include the water & sewer reserves which is about another million so it is 4.2 not 3.2. Chairman Boussy states they are trying to make all these decisions with numbers that are not even correct. He states there are too many different funds there that guys are jumping from one to another. Mr. Ragucci states he will get together with Selectwoman Colarusso and see how to proceed from here.

**Towing & Business Operations/9-11-13 Gould Street/Colarusso (Time 89:30-169:26 on Stoneham TV on Demand)**

Selectwoman Colarusso states she has been contacted by a group of residents residing in the area of Gould Street with complaints on three issues: 1) operations that extended beyond what was in the special permit which was 7am-5:30pm, 2) 24 hour towing and 3) combination of storage of vehicles and the facility is being used as an automobile repair shop which is strictly prohibited in the site plan approval. She states that she has discovered that there are legal proceedings taking place and that Bill has been working on it. She states since this is a public hearing they are going to let some of the folks talk about some of their concerns tonight. Selectman DePinto states this was not posted as a public hearing. Selectwoman Colarusso clarifies this is public comment. Paula DeBartolomeo 7 Gould Street spoke. Selectwoman O'Neill asks who is in charge of the enforcement. Selectman Vallarelli states the Police Chief and Selectwoman Colarusso states he is here along with the Building Inspector. Selectwoman Colarusso

states when she asks what had been done for enforcement she was told none. She states that was frustrating to her and that is why we had to escalate this matter. Selectwoman Colarusso would like to apologize to Mrs. DeBartolomeo on behalf of the Board. She states she will not allow this to continue to happen. Chairman Boussy asks who owns the towing the U-Haul? Mrs. DeBartolomeo states yes. Selectwoman O'Neill does not understand why there is no enforcement there are fines in place that should be issued. Mr Ragucci states it is his understanding the Bill has filed action against the property owner. Attorney Solomon explains the status of the cases. William Frykberg 10 Gould Street spoke. Chairman Boussy discusses the history of the area. Selectman Vallarelli asks why they can't be ticketed for parking on the street overnight. Mr. Frykberg informs the Board that there are residents who live down there and they depend on some areas to park on the street. He states that if you go down there and tickets the U-Hauls then the residents are going to probably be ticketed. Selectwoman O'Neill states the towing company is advertising for three/four other companies all from the same address. Larry Means 4 Victoria Lane spoke. Shawn Brown 30 Lawndale Road spoke. Selectwoman O'Neill states they are going to instruct the Town Administrator to instruct his Department Heads to enforce the bylaws. Selectwoman O'Neill states they will advertise this as a public hearing for two weeks and they can all come back and let us know what improvements they have seen or not seen and she states they can continue that process until this is fixed. The Building Inspector stated she has issued enforcement letters that have been appealed in court. She states there is something in court regarding the site plan. She clarifies she has not sent any fines because when it first started she was not able too without going to court. She stated she thought they would be in court by now and that's why she has not currently issued fines. Selectwoman Colarusso asks Attorney Solomon to give a time line of court actions. Selectwoman O'Neill states they all agree this is unacceptable. Bonnie Giglio 89 Central Street spoke. Chairman Boussy states if they are violating the bylaws then they are to be ticketed to any extent they can and they will have a public hearing in two weeks and at that point the message should be clear. Paul DeBartolomeo 7 Gould Street spoke. Police Chief McIntyre stated that they can enforce the parking regulations on oversized vehicle or commercial vehicle over a certain weight parked on the street. He states when it comes to specifics on site plan they cannot issue them violations that is something they would work with Cheryl on. Mr. Ragucci states they were discouraged to give fines because of the process such as the appeals process being completed. Selectwoman Colarusso states we should not have not issued a ticket because of a lawsuit. Cindy Hemingway 7 Fell Road spoke. Selectwoman Colarusso made a motion to have a public hearing on January 19, 2016, seconded by Selectwoman O'Neill and **unanimously voted (5-0)**.

**Sign Certificate for the Martin Luther King Community Award (Time 169:57-171:58 on Stoneham TV on Demand)**

Selectman DePinto made a motion to sign the Martin Luther Kind Community Award being issued to Stoneham Substance Abuse, seconded by Selectwoman O'Neill and **unanimously voted (5-0)**.

**Approve Minutes (Time 172:05-176:38 on Stoneham TV on Demand)**

Selectman DePinto made a motion to approve meeting minutes of 12/15/15, seconded by Selectwoman O'Neill and **unanimously voted (5-0)**. Selectwoman Colarusso made a motion to approve executive session minutes of 12/4/15 and to release at a later date, seconded by Selectman Vallarelli and a roll call vote was taken.

Voting in Favor

Selectwoman Colarusso  
 Selectwoman O'Neill  
 Selectman Vallarelli  
 Chairman Boussy

Abstained:

Selectman DePinto

**Motion passed (4-0-1).**

**Town Administrator (Time 176:41-186:05 on Stoneham TV on Demand)**

Town Administrator Ragucci notified the Board that the ladder truck is now in service. Mr. Ragucci states that DPW was out this past storm and all the work was done in house no contactors were called in. He notifies the Board that there were computer malfunctions on both sanders and they were sent back and repaired. Mr. Ragucci states that there will be a meeting for the Golf RFP on Friday to discuss transitioning. He states that by the next Board of Selectmen meeting we may be able to have a contract drafted for the Board to review. Mr. Ragucci states that there are two police officers in the academy, they are looking at a February start. When they come out he states they will be looking to put two more into the academy in May. Mr. Ragucci states that as the Board knows Chief Rolli will be retiring, they have received four resumes of interest from all of the Captains at the Fire Department. He states they will be interviewing over the next couple of weeks. The panel will include Chief Rolli, Retired Chief Sorenson and the Wakefield Active Chief. He states the plan would be to start the transition the beginning of February. Mr. Ragucci states the High School did not make the cut again. He states the School Committee, the Superintendent and the Town will be wrestling with the boiler issue. Selectman Vallarelli states the him and Ann Marie will be completing the second round of pre interview for the Town Accountant position tomorrow night and they are hoping to bring 4 to 5 names to the Board of Selectmen and have them interview on January 19, 2016. Chairman Boussy states they can meet in the conference room at 6pm on January 19, 2016 in open session to hold the interviews. Chairman Boussy would like to thank Selectman Vallarelli and Selectwoman O'Neill worked extremely hard on this. Selectman Vallarelli states he would like Ron, the Town Treasurer and the business manager from the School, any people that will be dealing with the Accountant the most. Mr. Ragucci suggests Ron, Town Treasurer, Assessor and maybe FAB to draw up questions and he will submit to the Board. The Board agrees. Mr. Ragucci states the MEPA hearing on Weiss is at 2pm tomorrow and they will be accepting public comments. Selectman DePinto asks Mr. Ragucci how the Community Compact budget process meeting went. Mr. Ragucci stated it went good, they have met twice and they are helping us with the narratives. He states what they told him is what they have been providing is pretty detailed information, they had encouraging words about that part of it. They are looking for is a more transparent process. They will be working with the FAB and Mr. Ragucci on drawing up annual booklets, narratives for the Department Heads, and narratives for Dave.

**Miscellaneous (Time 186:06-194:58 on Stoneham TV on Demand)**

Selectwoman O'Neill wanted to give a quick update on Weiss Farm. She states the Board of Selectmen did meet in executive session last week to discuss prices (what they wanted) and also discussed consideration that was presented to Corcoran the next day and for obvious reasons that was in executive session, the negotiating piece of it. She states Corcoran is scheduled to meet and discuss on the 12<sup>th</sup>. She states they are still planning meetings, they are going to have more than one meeting. She states that it will probably be a more productive meeting first of all if they don't get

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what they want for consideration there is really no deal so to start having these meeting before we really know that we have something and then they can reveal the terms during those meetings. Attorney Solomon states scheduling a meeting of the four selectmen that evening to discuss the results because we are close to some time periods. Selectwoman O'Neill states she just wants people to know they are still planning meetings in January. She states if they don't come close to what they are asking then they are not pursuing it. Selectwoman Colarusso states these meeting are primarily education meetings not to persuade anyone they are to provide residents with enough information so they can make a good decision. She states it is not their decision it is a decision of the community. Chairman Boussy left the room at 10:15 p.m. Cindy Hemingway 7 Fell road spoke. Selectwoman O'Neill states she has asked the Attorneys to put together a timeline. Chairman Boussy returned at 10:17 p.m. Selectwoman Colarusso stated that she and Ann Marie started back in June working with the MBTA on trying to establish the Zoo stop. She states they go some good news that the Zoo stop has cleared the safety department at the MBTA. She states this will be contingent on the town providing funds for the sidewalks and the ADA compliant pad. She states they will need to get an estimate. She states the alternative to get in que in line and wait forever or we can consider as a Town paying for the sidewalks and ADA compliant pad. Selectwoman Colarusso states the biggest hurdle was the safety hurdle. She states they worked hard. She states this may be a situation where town funds need to be expended. Her personal opinion is this is a good investment. She tells Mr. Ragucci she needs an estimate on cost per linear foot for sidewalks and the ADA compliant pad. She states the specifics will be sent to him from the MBTA. Selectwoman Colarusso would like to say that the Michael Cappuccio fundraiser was well attended at the Arena on Sunday and she would like to give kudos to Lou and his crew. She states the rink was immaculate, everything was perfectly done in order, it was safe, efficient and he did a fantastic job. She states Mrs. Cappuccio was extremely grateful. Chairman Boussy states the lights downtown have been out since Thanksgiving. Mr. Ragucci states he believes it is an underground issue. He will find out and follow up. Chairman Boussy asks if they have to go into executive session. Mr. Ragucci states they need to vote on the money or he cannot release it. Selectwoman Colarusso asks when it expires. Mr. Ragucci states it expired three years ago.

Selectman DePinto made a motion to adjourn, seconded by Selectwoman Colarusso and **unanimously voted (5-0)**.

Meeting adjourned at 10:25p.m.

Respectfully submitted,  
**Erin Sinclair**