

**Stoneham Board of Selectmen – Minutes of Meeting of February 19, 2013**

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

**Pledge of Allegiance**

Selectman Gregorio wants to officially announce that he will be purchasing a townhouse and leaving Stoneham and will be serving on the Board until April 30, 2013. He will serve as long as he can and we can or look at special election or having it on the state elections. Chairman Vallarelli would like to thank Selectman Gregorio for his years of service to the Town of Stoneham.

**Bond for Middle School/Town Treasurer**

Selectman DePinto moved to accept the vote of the Board of Selectmen concerning the bond for the Middle School, seconded by Selectmen Gregorio

Voting in favor:

- Selectman Boussy
- Selectman DePinto
- Selectman Gregorio
- Selectman Sweeney
- Chairman Vallarelli

**Motion was unanimously voted (5-0).**

**VOTE OF THE BOARD OF SELECTMEN**

I, the Clerk of the Board of Selectmen of the Town of Stoneham, Massachusetts (the "Town"), certify that at a meeting of the board held February 19, 2013, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that we hereby determine, in accordance with G.L. c. 70B, that the amount of the cost of the middle school project authorized by a vote of the Town passed on February 7, 2012 (Article I) and April 3, 2012 (Question I) not being paid by the school facilities grant is at least \$18,195,935 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c. 70B.

Further Voted: that the sale of the \$17,225,000 General Obligation School Bonds of the Town dated February 21, 2013 (the "Bonds"), to Bank of America Merrill Lynch at the price of \$18,303,862.75 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on February 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2014	\$610,000	2.00%	2024	\$865,000	4.00%
2015	610,000	3.00	2025	895,000	4.00
2016	630,000	4.00	2026	935,000	4.00
2017	655,000	4.00	2027	970,000	4.00
2018	680,000	4.00	2028	1,010,000	3.00
2019	710,000	4.00	2029	1,040,000	3.00
2020	740,000	4.00	2030	1,070,000	3.00
2021	765,000	4.00	2031	1,105,000	3.00
2022	800,000	4.00	2032	1,135,000	3.00
2023	830,000	4.00	2033	1,170,000	3.125

Further Voted: to approve the sale of a \$80,000 0.75 percent General Obligation Bond Anticipation Note of the Town dated February 21, 2013, and payable November 15, 2013 (the "Note"), to Century Subsidiary Investments Inc. III at par and accrued interest, if any.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated February 7, 2013, and a final Official Statement dated February 7, 2013 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as maybe approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.

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

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

Dated: February 19, 2013

\_\_\_\_\_  
Clerk of the Board of Selectmen

AM 18232596.1

**CPA/DePinto**

Selectman DePinto wants to see if the board is going to take a position on this issue. Topic tabled until Item #7. No vote necessary.

**Approve Site Plan Approval Letter for 411 Main Street**

Selectman Sweeney moved approval of the proposed site plan extension letter for 411 Main Street, seconded by Selectman DePinto. A roll call vote was taken.

Voting in favor:

- Selectman Boussy
- Selectman DePinto
- Selectman Gregorio
- Selectman Sweeney
- Chairman Vallarelli

**Motion was unanimously voted (5-0).**

**Appoint Selectmen Designee for Water & Sewer Review Board**

Selectman Gregorio moved to re-appoint Stephen A. Quattrocchi to the Water & Sewage Review Board for a term ending 4/30/13, seconded by Selectman DePinto. **Motion was unanimously voted (5-0).**

**Approve Minutes**

Selectman DePinto made motion to approve minutes of February 5, 2013, seconded by Selectman Sweeney. **Motion was unanimously voted (5-0).** Selectman DePinto moved approval of the executive session minutes of February 5, 2013, and not to release them, seconded by Selectman Sweeney. **Motion was unanimously voted (5-0).**

**CPA Ballot Question/Town Counsel**

Town Counsel presented the following ballot question for approval. Selectman Sweeney requests that this ballot question be simplified for the voters. Town Counsel is requesting to meet with Selectman Sweeney and Selectman

Boussy to simplify and finalize the ballot question. Selectman DePinto wants to thanks the people who are reaching out on this issue. Selectman DePinto does not support this over ride. He states all the new tax that the tax payers are facing this year. Selectman Boussy would like the wording of specific types of projects listed on the ballot question. Selectman Sweeney made a motion to forward CPA ballot question to the clerk, seconded by Selectman Boussy.

Voting in favor:

- Selectman Boussy
- Selectman Sweeney
- Chairman Vallarelli

Opposed:

- Selectman DePinto
- Selectman Gregorio

Voting was 3-2 in favor. **Motion carried.**

Selectman Gregorio is not supporting to forward this because he has not seen the final document.

**Community Preservation Act Ballot Question and Summary  
Town Counsel Revised Draft  
February 19, 2013**

**QUESTION # \_\_\_\_\_**

Shall the Town of Stoneham accept sections 3 to 7, inclusive of Chapter 44B of the General Laws, as approved by its legislative body (town meeting), a summary of which appears below?

**SUMMARY**

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act (" CPA"), establish a dedicated funding source to enable cities and towns to pursue purposes and goals authorized pursuant to said CPA, including the:

- (1) acquisition, creation and preservation of open space;
- (2) acquisition, preservation, rehabilitation and restoration of historic resources;
- (3) acquisition, creation, preservation, rehabilitation and restoration of land for recreational use;
- (4) acquisition, creation, preservation and support of community housing; and the
- (5) rehabilitation or restoration of open space and community housing that is acquired or created as provided in the CPA.

In Stoneham, the funding source for these community preservation purposes will be:

- (1) a surcharge of one percent (1%) of the annual property tax levy against real property commencing in fiscal year 2014 (beginning July 1, 2013), pursuant to Section 3(b½) of the CPA;
- (2) an optional additional commitment of funds by Town Meeting from other sources of municipal revenue, which pursuant to Section 3(b½) of the CPA, may include, but is not limited to, hotel excises, linkage fees and inclusionary zoning payments, the sale of municipal property, parking fines and surcharges, existing dedicated housing, open space and historic preservation funds, and gifts received from private sources for community preservation purposes, provided that additional funds so committed shall not include any federal or state funds. Said additional commitment of funds shall not annually be greater than two percent (2%) of the total real estate tax levy against real property in the Town of Stoneham; and
- (3) an annual distribution made by the State from a trust fund created by the CPA.

Exempt from the property tax surcharge in Stoneham are:

- (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town as defined in Section 2 of the CPA; and
- (2) \$100,000 of the value of each taxable parcel of "class three, commercial property", and "class four, industrial property" as defined in section 2A of Chapter 59 of the General Law.

A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge.

Upon acceptance of the Act by this ballot question, a Community Preservation Committee must be established by bylaw to study community preservation resources, possibilities and needs and to make annual recommendations to the Town Meeting on the use of the funds.

The expenditure of funds from the Community Preservation Fund for a Community Preservation Act project shall require both a recommendation of the Community Preservation Committee and an affirmative vote by the Town Meeting on the Committee's recommendation. Town Meeting may not appropriate Community Preservation Act funds for a project which has not received the recommendation of the Community Preservation Committee.

At least 10% of the funds for each fiscal year must be spent or reserved for later spending on each of the CPA's three community preservation purposes: (1) open space, (2) historic resources and (3) community housing.

At any time after the acceptance of the CPA by this ballot question and the imposition of the surcharge, the amount and computation of the surcharge on the annual property tax levy against real property (1%) and the exemptions from the property tax surcharge set out above, may be amended within the limitations set out in the CPA, but only after acceptance by the voters at the ballot. Acceptance of the Community Preservation Act may be revoked in the same manner as it was accepted after the expiration of five (5) years from the date of its acceptance.

YES \_\_  
NO \_\_

Selectman Boussy made a motion to support CPA, seconded by Selectman Sweeney. A roll call vote was taken.

Voting in favor:  
 Selectman Boussy  
 Selectman Sweeney

Opposed:  
 Selectman DePinto  
 Selectman Gregorio  
 Chairman Vallarelli

Voting was 3-2 not in favor. **Motion did not carry.**

**Memorial Day Parade Request**

Selectman Sweeney moved approval of the Memorial Day Parade on 5/27/13 at 10:00 a.m. There will be a ceremony after parade in front of the Town Hall. Selectman Sweeney requests that we notify Public Works, Police and Fire about parade route. Selectman

DePinto would request Selectman Sweeney represent the Board at the ceremony. Motion was seconded by Selectman DePinto, **unanimously voted (5-0)**.

**Letter to Attorney General regarding Ban of Marijuana Dispensaries**

Selectman DePinto moves to accept letter, seconded by Selectman Sweeney.

All in favor (5-0).

**Consideration of warrant articles for submission for Annual Town Meeting, including, but not limited to: (i) CPA bylaw establishing committee in the event of passage of ballot measure; and (ii) fingerprinting pursuant to M.G.L. c 6, sec. 172 B 1/2 (hawker peddlers taxi operators, solicitor and canvors and liquor licenseses ...) /Town Administrator & Town Counsel**

Town Counsel explains that there will need to be a committee set up if the CPA passes. The suggestion is that the Selectmen appt this committee. Selectman Sweeney agrees. Town Counsel states that the Police Chief was inquiring if the town would adopt a by law that allows for state and federal fingerprint records for certain licensees such as hawker, peddlers, taxi operators, solicitor, canvors and liquor licensees'. Selectman Sweeney would like the Police Chief to explain this issue. Town Counsel states that the licensing authority has the final decision. This would be so the Police Chief can provide accurate background information. The Police Chief does not have a position on this article.

Selectman DePinto and Selectman Sweeney will meet with the Police Chief to get his input on this issue.

**Meeting recessed at 8:36 p.m. to go into Liquor Licensing Authority.**

**Liquor Licensing Authority**

Selectman DePinto moved to go into Liquor Licensing Authority and return to the Board of Selectman, seconded by Selectman Boussy, roll call vote was taken.

Voting in Favor:

- Selectman Boussy
- Selectman DePinto
- Selectman Gregorio
- Chairman Vallarelli

**Meeting reconvened at 9:24 p.m.**

**Town Administrator Reports**

Mr. Ragucci discusses changing the bi board meeting on March 7<sup>th</sup>. He will call the Superintendent and reschedule for the following bi board meeting. Mr. Ragucci states he received new information regarding the zoning of the Oaks. He says that he was informed it does not have to be rezoned and with this new information he would like to have permission from the Conservation Commission. There are questions and concerns and he would like the Selectmen to have a joint meeting with the Conservation Commission. Selectman DePinto says he would like it on the agenda for March 5<sup>th</sup>. Mr. Ragucci says the snow budget is currently in the red 220,000.00. Mr. Ragucci states the MWRA meeting scheduled for March 6<sup>th</sup>. Mr. Lasky came in to visit with a proposed route unfortunately there is a lot of ledge on the route we wanted them to take. They are reconsidering the route and looking at different options. He is going to postpone the meeting until he can get more information from MWRA. Mr. Ragucci states that the Representatives and the Senator are working hard to save the DCR pool. The state will be closing the pool this summer. They are looking at other options to take keep the pool open. The state is looking to see about forming a committee on what the possible options are. Selectman Sweeney has been talking to Lewis and Clarke over the past couple weeks, they are interested in another town organization taking it over and feels that we should make an effort to keep it open. It is an essential part of Stoneham. Mr. Ragucci says he is in his final year of his contract and he does want to continue for the next three years. Chairman Vallarelli says that they can discuss this in executive session March 5<sup>th</sup>.

**Miscellaneous Correspondence**

Selectman Sweeney has received calls from merchants in the square and presented a petition for snow removal. Mr. Ragucci would not recommend cleaning the square because of the deficit we currently have right now. Selectman Sweeney would like to give Mr. Ragucci the authority to remove the snow in the square. Mr. Ragucci requested that they start earlier in the morning and stop at rush hour and then pickup again. Selectmen Sweeney received a request to begin an Earth Day Cleanup from Dale Moore. We should contact her and let her organize the committee and get this moving. Chairman Vallarelli requested that the granite post across from the Post Office in front of the Common has been knocked over.

**Executive Session**

Selectman DePinto moved to go into executive session, pursuant to Chapter 30A of the General Laws to discuss Stockwell Trust, and not to return as the Board of Selectmen. Motion was seconded by Selectman Sweeney and was **unanimously voted (5-0)**.

Voting in Favor:

- Selectman Boussy
- Selectman DePinto
- Selectman Gregorio
- Selectman Sweeney
- Chairman Vallarelli

Meeting adjourned at 9:55 p.m.

Respectfully submitted,

Erin Sinclair

