

Legal Notice
Town of Stoneham
Public Hearing

In accordance with Chapter 40, Section 56, of the General Laws of the Commonwealth, the Fiscal Year 2016 Tax Classification Hearing will be held on Tuesday, November 17, 2015, at 7:01 p.m. in the Hearing Room of the Stoneham Town Hall. The purpose of said Hearing is to allow input from Stoneham residents and businesses in order that the percentages of the local tax levy to be borne in 2015 by each class of real and personal property may be determined and adopted by the Board of Selectmen.

Board of Selectmen

Publishing Date: November 4, 2015

Bill to: Board of Selectmen
 35 Central Street
 Stoneham, MA 02180

I, the Clerk of the Board of Selectmen of the Town of Stoneham, Massachusetts, certify that at a meeting of the board held November 17, 2015, 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 the sale of the \$203,500 Sewer Bond of the Town dated December 7, 2015, to the Massachusetts Water Resources Authority (the “Authority”) is hereby approved and the Town Treasurer is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on November 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2016	\$20,350	2021	\$20,350
2017	20,350	2022	20,350
2018	20,350	2023	20,350
2019	20,350	2024	20,350
2020	20,350	2025	20,350

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 vote.

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 bond were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: November 17, 2015

Clerk of the Board of Selectmen



Town of Stoneham

COMMON VICTUALLER LICENSE APPLICATION

INDIVIDUAL, PARTNERSHIP OR CORPORATE NAME:

Food Bagel & Coffee, Inc

D/B/A, IF DIFFERENT:

Java Grind & Grill

LOCATION:

125 Main St Stoneham MA 02151

PHONE:

(781) 420-4950 (781) 888-1069 Fabio

The business for which this application is being filed is a (please check one):

- Corporation
- Partnership
- Limited Partnership
- Sole Proprietorship

FOR CORPORATION:

Give the name and home address of each officer and director: (Please add 2nd page if necessary)

Same as below

FOR PARTNERSHIP OR INDIVIDUAL:

Give the names and home addresses of all partners or individual Owners:

Jessica DaSilva - individual owner 4113 Reservoir Ave Foxboro MA 02151
Fabio DaSilva - individual owner

Manager's Name: Fabio Da Silva

Home Address and Phone #: 81 Hawthorne St Lynn Ma

Hours of Operation: 6am - 10pm / without lg license

Menu (General Type of Food Served): Breakfast lunch

Floor Space: 1,200 sq. ft. Seating Capacity: 12-22

Parking Capacity: 15 Number of Employees: 3-6

SIGNATURE: [Signature]
(Individual, Managing Partner, or Corporate Officer)

PLEASE MAKE CHECKS PAYABLE: Town of Stoneham

NEW FEE: \$50.00 **RENEWAL FEE: \$25.00**

IMPORTANT: Please turn over and complete both forms and sign application

Licensing Board for the Town of Stoneham

(Return to the Board of Selectmen, 35 Central Street, Stoneham, MA 02180)

License Application for Entertainment License (Seven Days)

To: The Board of Selectmen

Date: 11-2-15

In accordance with the provisions of C. 140, S. 181 (*183A) of the General Laws, the undersigned hereby applies for a license for the following form(s) of Public Amusement or Exhibitions to be exercised on the premises located at:

Location of Premises 125 Main St Stoneham MA 02151

Description of Premises: cafe & grill

Please check appropriate item(s):

Jukebox _____ Television X Taped Music _____ Radio X

Instrumental _____ No. of Instruments _____

Kind of Instruments: _____

Vocal Music _____ No. of persons _____

Signature of Applicant: 

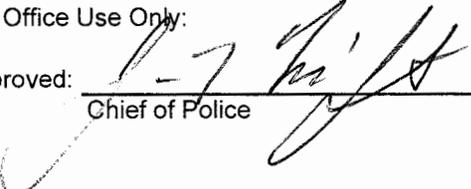
Firm Name: Fabio Da Silva

Business Address: 125 Main St

Home Address: 81 Hawthorn St Lynn Ma.

Applicant Phone#: 781-888-1069

For Office Use Only:

Approved: 
Chief of Police

To: The Stoneham Independent

Legal Ad

Town of Stoneham

Notice of Hearing

A Public Hearing will be held on Tuesday, November 17, 2015 at 7:35 p.m., in the Hearing Room of the Stoneham Town Hall, on the application of LOUISTONE, LLC d/b/a Loui Loui for an **Restaurant All Alcohol License at 101 Main Street, Stoneham, MA.** Premises to be licensed as follows:

The premise: 3 entrances/exits, 1 on Main Street, and 1 on the side of the building, and 1 in the rear of the building, containing 1 dining room, 1 kitchen, 1 walk in cooler, 1 office, 1 storage room, 2 bathrooms and including patio area.

Stoneham Liquor Licensing Authority

Thomas Boussy, Chairman
Ann Marie O'Neill, Vice Chairman
Caroline Colarusso
John F. DePinto
Frank Vallarelli

Publishing Information: November 4, 2015

Bill to: Louistone, LLC
Loui Loui
146 North Beacon Street, #B3
Brighton, MA 02135



TOWN OF STONEHAM

Project Review

Review Report

Project: Loui Loui, 101 Main Street

Representative(s):

Status: Project Review

Project Review Team: John Fralick, Robert Grover, Joe Rolli, Joe Ponzo, Cheryl Noble

The information contained herein is subject to review and a final determination by the Board of Selectmen. The purpose of the Project Review is to provide the applicant with an opportunity to understand the regulatory mandates, and to further receive input from Town departments relative to the proposed project. At no time are non-regulatory conditions to be considered final and binding until such time that the Board of Selectmen has agreed to same and/or others when applicable.

Department	Issue(s) Raised	Applicant's Response
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DPW Engineering	The Department of Public works has no objection.	
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Police Department	Please see attached letter	
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Board of Health	The Board of Health has no objection.	
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Fire Department	The Fire Department has no objections	
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Inspectional Services	Inspectional Services has no comments at this time as she has not received a building permit for the new restaurant.	
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Please note this document has been provided to the each of the department heads and a copy has been transmitted to the applicant.

Respectfully submitted,

Erin Sinclair

Sinclair, Erin

From: Grover, Robert
Sent: Thursday, November 12, 2015 9:55 AM
To: Sinclair, Erin
Subject: 101 Main St. Liquor license

Public Works has no objection to the application.
Bob Grover



James T. McIntyre
Chief of Police

Town of
STONEHAM

47 CENTRAL STREET
MASSACHUSETTS
02180-2044

POLICE DEPARTMENT
(781) 438-1212
FAX (781) 279-0882

TO: Chairman Thomas Boussy
Board of Selectmen

FROM: Chief James McIntyre 

DATE: November 10, 2015

SUBJECT: Loui Loui Liquor License

The Stoneham Police Department is in receipt of a copy of Loui Loui's Application for Retail Alcoholic Beverage License for their restaurant at 101 Main Street, Stoneham. After reviewing the request, the Stoneham Police Department offers no objections to the application.

The proposed location for Loui Loui's is in Redstone Shopping Center, a commercially zoned area with an existing restaurant holding a liquor license. Further, the property management company for Redstone Shopping Center maintains a visible police presence on the property by hiring police details Thursday through Saturday, from 4:30pm to 10:30pm. These detail officers are able to quickly respond to problems that occur on the property.

It is recommended that all staff engaged in the delivery and service of alcohol to patrons receive training in identifying and detecting: underage individuals who may attempt to purchase alcohol; counterfeit or fraudulent drivers licenses/liquor identification cards; and individuals who may be intoxicated and should not be served alcohol.

If you have any additional questions, please do not hesitate contacting me.

Sinclair, Erin

From: Fralick, John
Sent: Thursday, November 12, 2015 11:54 AM
To: Sinclair, Erin
Subject: Re: Recommendations

Just make sure Cedar has pest mitigation measures in place for construction, and I have no issue with 101 having a liquor license.

-J

On Nov 12, 2015, at 10:29 AM, Sinclair, Erin <esinclair@stoneham-ma.gov> wrote:

Hello

I need your recommendations on the amended site plan for 85 Cedar Street and the liquor license application for 101 Main Street as soon as you can send them. Thanks!

Erin Sinclair

Office Manager for the Board of Selectmen

35 Central Street

Stoneham, MA 02180

781-279-2680 Phone

781-279-2681 Fax

Sinclair, Erin

From: Rolli, Joe
Sent: Sunday, November 08, 2015 9:18 AM
To: Sinclair, Erin
Subject: RE: New Liquor License

No problems with the SFD

From: Sinclair, Erin
Sent: Friday, November 06, 2015 11:40 AM
To: Grover, Robert <rgrover@stoneham-ma.gov>; McIntyre, James <jmcintyre@stoneham-ma.gov>; Fralick, John <jfralick@stoneham-ma.gov>; Rolli, Joe <jrolli@stoneham-ma.gov>; Noble, Cheryl <cnoble@stoneham-ma.gov>
Subject: New Liquor License

Hello,

Please find the attached new liquor license application for Loui Loui, 101 Main Street. Whenever I have a new liquor application I need to send it out for a department review. Please forward me your comments by November 12th at 12:00 p.m. Thanks

<< File: Loui Loui Liquor Application 101 Main Street.pdf >>

Erin Sinclair

Office Manager for the Board of Selectmen

35 Central Street

Stoneham, MA 02180

781-279-2680 Phone

781-279-2681 Fax

Sinclair, Erin

From: Noble, Cheryl
Sent: Thursday, November 12, 2015 9:37 AM
To: Sinclair, Erin
Subject: RE: New Liquor License

No comments at this time as I have not received a building permit for the new restaurant.

From: Sinclair, Erin
Sent: Friday, November 06, 2015 11:40 AM
To: Grover, Robert <rgrover@stoneham-ma.gov>; McIntyre, James <jmcintyre@stoneham-ma.gov>; Fralick, John <jfralick@stoneham-ma.gov>; Rolli, Joe <jrolli@stoneham-ma.gov>; Noble, Cheryl <cnoble@stoneham-ma.gov>
Subject: New Liquor License

Hello,

Please find the attached new liquor license application for Loui Loui, 101 Main Street. Whenever I have a new liquor application I need to send it out for a department review. Please forward me your comments by November 12th at 12:00 p.m. Thanks

<< File: Loui Loui Liquor Application 101 Main Street.pdf >>

Erin Sinclair

Office Manager for the Board of Selectmen

35 Central Street

Stoneham, MA 02180

781-279-2680 Phone

781-279-2681 Fax



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

Print Form

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

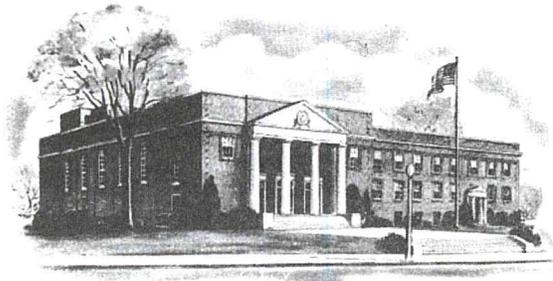
TRANSACTION TYPE (Please check all relevant transactions):

- Alteration of Licensed Premises
- Change Corporate Name
- Change of License Type
- Change of Location
- Change of Manager
- Other
- Cordials/Liqueurs Permit
- Issuance of Stock
- Management/Operating Agreement
- More than (3) §15
- New License
- New Officer/Director
- New Stockholder
- Pledge of Stock
- Pledge of License
- Seasonal to Annual
- Transfer of License
- Transfer of Stock
- Wine & Malt to All Alcohol
- 6-Day to 7-Day License

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

BOARD OF STONEHAM
 BOARD OF SELECTMEN
 2015 NOV -4 A 10:43

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
 P. O. BOX 3396
 BOSTON, MA 02241-3396**



TOWN OF
STONEHAM
MASSACHUSETTS

www.stoneham-ma.gov

OFFICE OF TOWN PLANNER
35 CENTRAL STREET
STONEHAM, MA 02180-2087
TEL: 781-507-2445
FAX: 781-507-2605
ewortman@stoneham-ma.gov

ERIN WORTMAN

TOWN PLANNER

November 10, 2015

The Stoneham Board of Selectmen
Town Hall, 35 Central Street
Stoneham, MA 02180

RE: Section 16-99 Seating Requirement

Dear Chairman Boussy and members of the Board of Selectmen:

I have recently met with restaurateurs and business owners who are interested in doing business and joining the Town of Stoneham community. During these meetings, it was expressed to me that the bar seat requirements are quite limited in the current policy. After discussions on how patrons prefer to dine, I reviewed the Town's current policy and have attached some modifications for consideration. These suggested changes allow restaurants some flexibility in arranging and rearranging their floor plan while maintaining the intent of the original language to assure that Stoneham restaurants remain restaurants and not bar rooms.

This provision should only be good for six months and any business operating during this time shall be grandfathered for a year under those provisions. Further, I recommend that the Town look into how other nearby communities control their bar seating and review the information in six months at a Board of Selectmen meeting.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Erin Wortman
Town Planner

Sec. 16-99. Seating requirements.

There shall be no ordering of alcohol by anyone or service of alcohol to anyone unless they are seated at the bar or at a table or standing at an authorized bar area. Alcoholic beverages may not be carried by a patron from the bar or bar area to a seat in the dining area, but brought over by a server. The seating capacity at the bar shall be no more than ~~fifteen~~ **twenty-five** (~~15~~ **25**) chairs and/or stools for an establishment with a total seating capacity between 50 and 74 seats, **as long as seating at the bar is less than 50% of total capacity.** The seating capacity at the bar shall be no more than ~~twenty~~ **twenty-five** (~~20~~ **25**) chairs and/or stools for an establishment with a total seating capacity between 75 and 99 seats, **as long as seating at the bar is less than 50% of total capacity.** The seating capacity at the bar shall be no more than twenty (25) chairs and/or stools for an establishment with a total seating capacity over 100 seats. The seating capacity at a bar shall be at the sole discretion of the licensing authority. This requirement does not apply to the license area of function hall (See also Sec. 16 – 76.) This requirement does not apply to the licensed area of a function hall or a golf course, including the club house.

**Town of Stoneham
Liquor Licensing Authority
Minutes of Meeting of
November 10, 2015**

Chairman Boussy called the meeting to order at 7:40 p.m.

Members present

Caroline Colarusso
John F. DePinto
Ann Marie O'Neill
Frank Vallarelli

Approve One Day Liquor License/RACE Cancer Foundation & Zoo New England/149 Pond Street (Time 37:35-39:41 on Stoneham TV on Demand)

Selectman DePinto moved for approval of the One Day Liquor License for RACE Cancer Foundation & Zoo New England, 149 Pond Street, seconded by Selectwoman O'Neill. 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 LLA Minutes (Time 39:48-on Stoneham TV on Demand)

Selectman DePinto moved approval of the 10/13/15 LLA minutes, seconded by Selectwoman O'Neill. A roll call vote was taken.

Voting in Favor:

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

Motion passed (5-0).

Selectman DePinto moved to go back to the Board of Selectman, seconded by Selectwoman O'Neill. A roll call vote was taken.

Voting in Favor:

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

Motion passed (5-0).

Meeting adjourned at 7:43 p.m.

Respectfully submitted,
Erin Sinclair

Sinclair, Erin

From: marcia m. wengen~ <gardengal@Copper.Net>
Sent: Wednesday, November 11, 2015 5:15 PM
To: Sinclair, Erin
Cc: Tara Lawler; Jim Marshall; Jim McLaughlin; John Galla; Marcia M. Wengen; Matt Grafton; Mike Labriola
Subject: Fire Station Centennial
Attachments: content.docx

Dear Mr. Chairman & Board members

On Monday November 9, two members of the Stoneham Square Neighborhood Group (SSNG), inspired by the Stoneham Square Strategic Action Plan, met with four firefighters to discuss events to celebrate the centennial of the Fire Station in 2016. Attached is a copy of the notes.

Tara Lawler and Marcia Wengen would like to review the notes with the BOS and explore what would be involved with a parade of antique fire apparatus, new fire fighting apparatus, antique police vehicles and possibly antique military vehicles from Redstone to the Fire Station on a Saturday morning in October (possibly Oct 1, 2016).

Tara Lawler

Marcia M. Wengen

SSNG ~Preserving the best of the traditions, identity and history of Stoneham

Meeting: 11.9.2015

100th Celebration Fire House Event

October 1, 2016 – proposed date

Marcia & Tara to present at 11/17/2015 BOS Meeting

10-11 am Parade From Red Stone up Main Street ending at The Common / Fire Station

Bag pipes, Neighboring Towns, Antique Trucks

11-3 pm Event on The Common

“Chili Cook Off Event” – Judges TBD

Either Stations against Stations (other towns), or Departments against Departments (Stoneham only) i.e. Police vs Fire

Pizzas donated from local businesses

Kids Activities at Munchkin Park

Close Central Street – Have Antique Fire Trucks in front of town hall / parking lot in front of Purpose School

Tour of Fire Station

Memorial Naming of past fire fighters / sounding of the bell

Honor Parade Marshalls Chief Ray Sorenson & Robert Marshall

Video playing of old photos, history of “9 o’clock horn”

DJ

Possible beer garden section

(Parade to include neighboring towns)

We need:

1. Police Detail
2. Set up / Clean up
3. Board of Health approval
4. Volunteers to run kids activities, etc.

Possible Fundraiser prior – all proceeds to cover event remaining funds back into Fire Station Fund

Memorial Coins

T-Shirts

Stoneham Board of Selectmen – Minutes of Meeting of November 10, 2015

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 Town Counsel William H. 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

Pledge of Allegiance

Update of volunteer work on the transportation recommendations from the Stoneham Square Strategic Action Plan/Rachel Warren (Time 7:00-24:07 on Stoneham TV on Demand)

Rachel Meredith Warren was present to give an update on the volunteer work on the transportation recommendations from the Stoneham Square Strategic Action Plan. She states the goal is a more robust, convenient and efficient multi-modal, transportation system to better connect Stoneham Square residents and businesses. Improve local mobility and access to transit for town center residents, employees and customers. She discussed what the Stoneham Transportation Advisory Committee's track record is so far in 2015. Rachel Meredith Warren discussed the bus opportunities. She discussed the MBTA service in Stoneham and states we are underserved. She discussed the local vision, scope of problem, input from the business community. Rachel Meredith Warren talked about the detailed list of bus opportunities. Rachel Meredith Warren asked the Board who the point person is. Chairman Boussy states he will be the point person. Selectwoman Colarusso stated that her and Selectwoman O'Neill launched the Stone Zoo bus stop at the June 8th meeting and they were making a lot of progress but that has stopped and she does not know who got involved to stop this progress. Selectwoman O'Neill states they were making progress with the MBTA but the DCR has not been responsive. Town Administrator Ragucci states he has contacted the Commissioner's Office but has had no response. Selectwoman O'Neill asks for Mr. Ragucci to be more aggressive in reaching out to the Commissioner's Office. Selectwoman Colarusso is willing to be a part of the group along with Chairman Boussy. Selectwoman O'Neill will also be added so she gets the notes. Rachel Meredith Warren also asks who negotiates mitigation agreements. Chairman Boussy states she can provide it to the Board. She also states that on the wish list would be that the accidents reports be listed as longitude and latitude not street addresses. Chairman Boussy states that he is looking for an intranet site and this would be another document that could put there. Rachel Meredith Warren asks how often should she come and give an update. Chairman Boussy states as often as she feels she needs to.

Golf RFP Discussion/Joanne St. Pierre (Time 24:38-37:18 on Stoneham TV on Demand)

Joanne St. Pierre was present to discuss the Golf RFP and states that they received two proposals. After reviewing the documents neither met the specifications they requested. She states they would like to change the pricing proposal to a sliding scale and go out right away with the revised RFP in a week or so and bids would close in a month and have someone by the end of January. Selectman Vallarelli states he thinks this is a good idea. Chairman Boussy shows a spreadsheet on the numbers from the two bids submitted. Chairman Boussy also agrees with a sliding scale. Selectman Vallarelli asks if we are losing \$50,000 on both courses. Chairman Boussy gives his opinion on the question. Town Administrator Ragucci states that it is all inclusive in the profit and loss. Selectwoman Colarusso agrees with the request. Selectman DePinto also agrees. Joanne St. Pierre states that she feels this new company will jumpstart the Rec Commission from what she has read. She would like to thank Ann Marie and Caroline for attending a lot of their meetings. Along with a committee members Dennis Visconti, Steve McDonough, Bill Previdi and Therese DiBlasi who did a lot of work. She also states the Bill Solomon spent a lot of time sorting things out. She states he covered everything and made this RFP as strong as it was. She states we are lucky to have him. She also mentions Dave Ragucci being there with them through the process. The Board thanks the committee for all their hard work.

Liquor Licensing Authority

Selectman DePinto moved to go into Liquor Licensing Authority and return as the Board of Selectman, seconded by Selectwoman O'Neill.

Voting in Favor:

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

Motion was unanimously voted (5-0).

Meeting recessed at 7:40 p.m. to go into Liquor Licensing Authority.

Meeting reconvened at 7:43 p.m.

Selectman DePinto made a motion to go to item #7, seconded by Selectman Vallarelli and **unanimously voted (5-0).**

Approve Renewal Class I License/Stoneham Ford/185 Main Street (Time 41:24-41:32 on Stoneham TV on Demand)

Selectman DePinto made the motion to approve the renewal for the Class II License for Stoneham Ford, 185 Main Street, seconded by Selectwoman O'Neill and **unanimously voted (5-0).**

Approve Minutes (Time 41:39-42:56 on Stoneham TV on Demand)

Selectman DePinto made a motion to approve executive session meeting minutes of 9/15/15 and not to release, seconded by Selectwoman Colarusso and **voted (4-0-1).** Chairman Boussy abstained. Vice Chairwoman took over roll call.

Selectman DePinto made a motion to approve executive session meeting minutes of 10/26/15 and not to release, seconded by Selectwoman Colarusso and **voted (4-0-1).** Chairman Boussy abstained. Vice Chairwoman took over roll call.

Selectman DePinto made a motion to approve meeting minutes of 10/27/15, seconded by Selectwoman Colarusso and **unanimously voted (5-0).**

Selectman DePinto made a motion to approve meeting minutes of 10/29/15, seconded by Selectwoman Colarusso and **unanimously voted (5-0).**

Town Administrator (Time 42:58-52:15 on Stoneham TV on Demand)

Town Administrator Ragucci would like to see the Stockwell process streamlined consisting of the applications being submitted directly to Mellon Bank and not go through the process of the Board of Selectmen. He states that if there an application rejected that would be the point where the Selectmen would be notified and asked to address. The Board had no issue. Mr. Ragucci states that they are in negotiations with the MWRA and he states they suggested that we would like to see some payments from future communities that would like to join the MWRA. He states the MWRA pushed back on it. He states they are looking to meet with the MWRA Board and see what they may think of the idea. Mr. Ragucci states that there has been some movement on the mitigation package and they are scheduled on November 20, 2015 at 10:00 a.m. to continue the dialog. Mr. Ragucci states that we are going to do an estimate of curb to curb paving and sidewalks on Oak Street to give them a cash dollar amount to give back. Town Administrator Ragucci and Town Accountant Ron Florino met with two individuals from the Collins Center regarding the Compact Community contract. Mr. Ragucci informed these individuals that we looking for a transparent, easily understood budget. He states there will be another meeting on December 2nd with the Finance & Advisory Board. Mr. Ragucci states he is not sure the cost. The cost will be submitted to the state and the state will tell them how much they will pay. Town Administrator Ragucci states that Hersam Street has been successfully declared a public nuisance and by November 30th it will be torn down. Selectman Vallarelli asks who pays for demolition. Attorney Solomon states it's a receivership. Mr. Ragucci states that Macarthur Road drain work has begun and it will be about 3-4 weeks before it is completed. Town Administrator Ragucci also states that the new ladder truck is done and they are hoping it will be here in 2-3 weeks.

Subcommittee for Town Accountants Position Discussion/Vallarelli (Time 52:15-55:57 on Stoneham TV on Demand)

Chairman Boussy asks what the process is to setup a subcommittee for the hiring of the Town Accountant. Attorney Solomon suggested he put together a memo for the next meeting informing the Board on the process and they can decide from there how they would like to set it up. Mr. Ragucci states they received 36 applicants. Mr. Ragucci suggests the applications be sent to the Board so they can start going through them individually. Attorney Solomon states that is fine. The Board agrees.

Miscellaneous (Time 55:58- on Stoneham TV on Demand)

Selectwoman O'Neill states she was at the Substance Abuse meeting last night and was told that there is state wide push offering 4 weeks of a free nicotine patch if you are interested in quitting smoking please call 1-800 QUIT NOW. Selectwoman Colarusso would like to remind everyone that she is hosting an Alzheimer's Awareness luncheon on Monday November 16th at 1pm at Town Hall. She states there will be experts here giving free workshops. If you are interested in attending please call 781-438-5720. Selectwoman Colarusso would also like to let people know that the Stoneham High School Football Team is in Division 4 playoffs this Friday night. She states residents are being asked to wear Spartan blue. This is a MIAA governed game and the cost is \$10.00 adults/seniors and \$7.00 children. She states that the Booster Club which supports all the high school sports and they receives all the proceeds from the concession stand. Come out and show your support at 7:00 p.m. Selectman Vallarelli mentions that tomorrow is Veterans Day and there will be a celebration at Town Hall at 10:30. Chairman Boussy asks Mr. Ragucci to get an update on the following: Intranet site, comp time work sheet, he states that open check book is not working and if it cannot be fixed then to take it down and pay for the open checkbook, get a price for a banner to be put across Main Street and to look into how much for 10/20 wireless cameras to be installed around town along with cost of data storage. Selectwoman Colarusso asked Mr. Ragucci if he has the traffic study from Stop & Shop. Mr. Ragucci stated he does not have it yet.

Executive Session

Selectman DePinto move that the Board vote to enter executive session pursuant to M.G.L. c. 30A, Section 21(a)(6) to consider the exchange of real property – Weiss Farm (170 Franklin Street) / Stoneham Oaks Golf Course (101 R Montvale Avenue), with the acting Chair declaring that an open meeting may have a detrimental effect on the negotiating position of the Board and Town and not to return to Open Session, seconded by Selectman Vallarelli. A roll call vote was taken. Chairman Boussy recused himself from the executive session meeting. The executive session moved to the 2nd floor conference room.

Voting in Favor:

Selectwoman Colarusso
Selectman DePinto
Selectman Vallarelli
Acting Chairwoman O'Neill

Selectman DePinto made a motion to adjourn at 8:10 p.m., seconded by Selectwoman O'Neill and unanimously voted (5-0).

Respectfully submitted,
Erin Sinclair

To: Board of Selectmen

From: Paulette Gerry

Date: November 10, 2015

Re: Christmas Party

Hard to believe another year has passed and it's that time of year again, Christmas. I am happy to say we are beginning to plan our ***10th Annual Town Hall Christmas Party.***

This seems to be an event that most of our employees look forward to and I hope you do as well.

I would like to schedule the party for **Tuesday, December 15TH, 5:00 – 7:00 pm** in the Banquet Room. However because most of the offices are still serving the public I am asking the permission of the Board of Selectmen to close Town Hall on this date at 5:00 pm. This would allow all town hall employees to celebrate together, something that only happens at this time.

An announcement would be posted on Cable TV prior that we will be closing early and on the Town's website; in addition to the notices that are normally posted on the doors a few weeks prior which would give the public ample notice.

Thank you for your consideration regarding this matter and hope to see you there.



TOWN OF
STONEHAM
MASSACHUSETTS
Town Council

To: Thomas Boussy, Chairman
Building Inspector

From: William H. Solomon *William H. Solomon*
Town Counsel

Date: November 13, 2015

Subject: Executive Session For Consideration or Interview of Applicants For Employment or Appointment By A Preliminary Screening.

Exemption (or purpose) No. 8 of the Open Meeting Law allowing a public body to enter executive session, provides as follows:

8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

The Attorney General's Open Meeting Law Guide, further explains, as follows:

This purpose permits a hiring subcommittee of a public body or a preliminary screening committee to conduct the initial screening process in executive session. This purpose does not apply to any stage in the hiring process after the screening committee or subcommittee votes to recommend candidates to its parent body. It may, however, include a review of resumés and multiple rounds of interviews by the screening committee aimed at narrowing the group of applicants down to finalists. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session will be detrimental to the public body's ability to attract qualified applicants for the position. If the public body opts to convene a preliminary screening committee, the committee must contain less than a quorum of the members of the parent public body. The committee may also contain members who are not members of the parent public body.

Note that a public body is not required to create a preliminary screening committee to consider or interview applicants. However, if the body chooses to conduct the review of applicants itself, it may not do so in executive session. [Emphasis added.]

I note that the Open Meeting Law, as interpreted by the Attorney General and as described in that office's Open Meeting Law Guide, sets out the process for a public body to have individual evaluations of an employee aggregated into a comprehensive evaluation.

May the individual evaluations of an employee be aggregated into a comprehensive evaluation?

Yes. Members of a public body may individually create evaluations, and then submit them to an individual to aggregate into a master evaluation document to be discussed at an open meeting. Ideally, members of the public body should submit their evaluations for compilation to someone who is not a member of the public body, for example, an administrative assistant. If this is not a practical option, then the chair or other designated public body member may compile the evaluations. However, once the individual evaluations are submitted for aggregation there should be no deliberation among members of the public body regarding the content of the evaluations outside of an open meeting, whether in person or over email.

I see no reason that the above process cannot also be used by a public body (i.e. the Board of Selectmen) to aggregate evaluations of job applicants (e.g. for the position of Town Accountant) into one document. However, any decision resulting therefrom by the Board of Selectmen as a whole, including whom to interview, would need to be made by the Board in Open Session. The practical reason(s) to do so may not be clear, and there may well be reasons not to do so. That said, nothing prevents all members of the Board of Selectmen from being provided all copies of applicant's resumes and submissions, and with that information, the Board may decide what procedural approach to take.

Alternatively, I note that while there may be no precedent for the practice, it appears that the Board would not be prevented from numbering the resumes of the applicants and discussing whom to interview in open session by the designated numbers. I reached out to the Division of Open Government of the Attorney General's office and the attorney I spoke with, while not previously having considered this approach, agreed that it would not be in violation of the Open Meeting Law. This approach would not, in my opinion, be a recommended approach, in part because of its uniqueness, and, in part, because, of the contrast between an open meeting, but less open or meaningful discussion from a public perspective given the use of numbers and not names. There is the additional complication of the public records law status of the resumes, which I can address if relevant to the Board's decision on a process. I would note from a public records law standpoint that earlier in the job application process there is a legal basis to

conclude that the resumes are not public records under “Exemption C – the privacy exemption”, however a final determination regarding the status of such resumes being considered in open session would need to be made given the new Open Meeting Law provision that:

(e) The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt. [Emphasis added.]

If the Board is interested in this approach, I would provide a more formal opinion after obtaining further confirmation of the concurrence of the relevant state agencies.

In conclusion, the Board may simply want to appoint a preliminary screening committee which contains less than a quorum of the members of the Board of Selectmen, whether or not that sub-committee contains members other than the two (2) Board of Selectmen. As to whether to appoint members of the sub-committee other than the 2 members of the Board of Selectmen, is a policy decision for the Board. Alternatively, the above alternative approaches can also be considered and selected.

Please feel free to contact me if I can be of assistance.

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9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

- (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
- (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided:

- in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164;
- in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164; or
- in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164;
- when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

May a member of a public body participate remotely?

The Attorney General's Regulations, 940 CMR 29.10, permit remote participation in certain circumstances. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. Members of public bodies have a responsibility to

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