

MINUTES FOR SPECIAL TOWN MEETING

TUESDAY, SEPTEMBER 3, 2013

To either of the Constables of the Town of Stoneham in the County of Middlesex, Greeting:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs to meet in the **Town Hall, 35 Central Street, on**

Tuesday, September 3, 2013

at 7:00 o'clock in the evening to act upon the following articles of this Warrant:

Tellers were appointed to check the names of voters entering the Town Hall and the checklist showed 359 voters were inside the meeting.

The meeting was called to order by Moderator Lawrence Means at 7:10PM. Mr. Means acknowledged the newly elected Selectwoman Ann Marie O'Neill and asked her to lead the Pledge of Allegiance.

Selectman Frank Vallarelli read a proclamation for the late Alan Melkonian and acknowledged the dedication ceremony that would be part of the opening ceremony for Town Day this year on September 7, 2013. Mr Means recognized Town Officials present for the Town Meeting. He thanked former Finance & Advisory members Carol Covill and Robert Spears for their service. Mr. Means gave a brief explanation of Town Meeting procedure and the warrant was read.

Article 1. To see if the Town will vote to raise and appropriate or transfer from available funds a sum on money to review and/or comment on any application or request for approval to the Town or the Commonwealth of Massachusetts, for, regarding, accessory to or otherwise related to the construction of residential dwelling units at 170 Franklin Street (also known as Weiss Farm), to include the hiring of legal counsel, and to further include the defense or pursuit of any legal action in furtherance of a decision or position of the Town or any board, commission or official which is permissible under law and which opposes the construction of residential dwelling units at 170 Franklin Street (also known as Weiss Farm).

No funds shall be expended from said money appropriated or transferred pursuant to the motion for this warrant article if said funds are otherwise available to the Town pursuant to applicable state law or town bylaw or regulations, including, but not limited to, M.G.L. c.44, sec. 53G.

Or do anything in relation thereto.

**Russell Wilson
Tamarock Terrace**

Original motion was made by Robert Verner of 4 Tedford Rd as follows:

Moved that the Town vote to raise and appropriate the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), to review and/or comment on any application or request for approval to the Town of Stoneham and/or the Commonwealth of Massachusetts and/or any of its' semi-autonomous/independent entities for, regarding, accessory to or otherwise related to the development of residential dwelling units at 170 Franklin Street (also known as Weiss Farm), specifically the hiring of legal counsel, and to further include the defense or pursuit of any legal action in furtherance of a decision or position of the Town or any board, commission, or official which is permissible under law, and which opposes the construction of residential dwelling units at 170 Franklin Street (also known as Weiss Farm) which are shown to be in violation of any of the following:

- i) The State Wetlands Protection Act,
- ii) The State Title V Septic System Regulations,
- iii) Deemed by Environmental Experts selected by the Town as inappropriate for the Weiss Farm site
- iv) Which imperil the health and safety of occupants or Town residents,
- v) Which endanger the natural environment
- vi) Which does not conform to the current Stoneham Zoning regulations for Residential “A”, whether or not the property at Weiss Farm (170 Franklin Street) is currently zoned as Residential “A” and notwithstanding any future change(s) to the zoning of the property at Weiss Farm.

No funds shall be expended from said money appropriated or transferred pursuant to the motion for this warrant article if said funds are otherwise available to the Town pursuant to applicable state law or town bylaw or regulations, including but not limited to Massachusetts General Law Chapter 44 Section 53G.

Said funds shall be under the jurisdiction and control of the Town Selectmen and Selectwoman, as directed by a standing committee comprised of two members of the Stoneham Selectmen and Selectwoman as follows: John DePinto and Thomas Boussy; and six members consisting of Town residents Paul Armano, John Eaton, Paula Sarno, James Sullivan, Angelo Mangino and Mary Lou Bracciotti. Any legal counsel retained shall work with and report to this standing committee.

The first amendment to this article was made by Goerge Georgountzos of 11 Fieldstone Drive as follows:

“~~raise~~transfer and appropriate from free cash the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00)...” and in the last paragraph “...as ~~directed~~ assisted by a standing committee comprised of two members of the Stoneham Selectmen and Selectwoman as follows: John DePinto and Thomas Boussy; and six members consisting of Town residents Paul Armano, John Eaton, Paula Sarno, James Sullivan, Angelo Mangino and ~~Mary Lou Bracciotti~~ Bob Verner. Any legal counsel retained shall work with and report to ~~this standing committee~~ the Board of Selectmen as assisted by this standing committee.”

First Amendment Passes

The second amendment to the motion as first amended by George Georgountzos made by Thomas Boussy 19 Ellen Road as follows:

Strike “(vi) Which does not conform to the current Stoneham Zoning regulations for Residential “A”, whether or not the property at Weiss Farm (170 Franklin Street) is currently zoned as Residential “A” and notwithstanding any future change(s) to the zoning of the property at Weiss Farm.” From the motion as amended.

Second Amendment Passes

Article 1. **Voted** that the Town transfer and appropriate from free cash the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), to review and/or comment on any application or request for approval to the Town of Stoneham and/or the Commonwealth of Massachusetts and/or any of its' semi-autonomous/independent entities for, regarding, accessory to or otherwise related to the development of residential dwelling units at 170 Franklin Street (also known as Weiss Farm), specifically the hiring of legal counsel, and to further include the defense or pursuit of any legal action in furtherance of a decision or position of the Town or any board, commission, or official which is permissible under law, and which opposes the construction of residential dwelling units at 170 Franklin Street (also known as Weiss Farm) which are shown to be in violation of any of the following:

- i) The State Wetlands Protection Act,
- ii) The State Title V Septic System Regulations,
- iii) Deemed by Environmental Experts selected by the Town as inappropriate for the Weiss Farm site
- iv) Which imperil the health and safety of occupants or Town residents,
- v) Which endanger the natural environment,

No funds shall be expended from said money appropriated or transferred pursuant to the motion for this warrant article if said funds are otherwise available to the Town pursuant to applicable state law or town bylaw or regulations, including but not limited to Massachusetts General Law Chapter 44 Section 53G.

Said funds shall be under the jurisdiction and control of the Town Selectmen and Selectwoman, as assisted by a standing committee comprised of two members of the Stoneham Selectmen and Selectwoman as follows: John DePinto and Thomas Boussy; and six members consisting of Town residents Paul Armano, John Eaton, Paula Sarno, James Sullivan, Angelo Mangino and Bob Verner. Any legal counsel retained shall work with and report to the Board of Selectmen as assisted by this standing committee.

Passes per Moderator

Meeting Dissolved at 9:54PM.