

**Board of Selectmen's Meeting  
Open Session Meeting Minutes  
35 Central Street – Town Hall  
1<sup>st</sup> Floor Hearing Room  
July 12, 2016**

**Members Present:** Chairwoman Ann Marie O'Neill, Vice Chairwoman Caroline Colarusso, Secretary Anthony Wilson, Selectman Thomas Boussy, and Selectman George Seibold

**Also Present:** Attorney William Solomon, Interim Town Administrator Robert Markel

**Call to Order:** Chairwoman O'Neill called the meeting to order at 7:02 p.m. (To view this meeting in its entirety go to Stoneham TV on Demand available from the Town's homepage at [www.stoneham-ma.gov](http://www.stoneham-ma.gov))

**Agenda Item 1: Pledge of Allegiance**

Selectwoman O'Neill requested a moment of silence in memory of the tragic death of Firefighter David Atherton. She acknowledged the Stoneham Fire Department for handling the matter with dignity and thanked all first responders for their daily service.

**Agenda Item 2: Recommendation of TA Screening Committee (Time 2:23 on Stoneham TV on Demand)** Patricia Walsh, Chairwoman on the TA Screening Committee, stated that the Committee met 6 times, considered 22 candidates for the position of Town Administrator, and interviewed 6 candidates. Walsh stated that the Committee narrowed the field down to the following 3 candidates who will be interviewed by the Board: Sean Fitzgerald, Thomas Younger, and Jeffery Towne. Walsh thanked the Collins Center and Richard Kobayashi for all of their help and support and presented the Board with the resumes for the 3 candidates moving forward. Chairwoman O'Neill thanked Walsh and the Committee for their efforts.

**Agenda Item 3: Scheduling of TA Interviews (Time 6:00 on Stoneham TV on Demand)** Selectman Boussy estimated that each interview took the Screening Committee an hour to an hour and a half and attempting to interview three candidates in one evening would be difficult. He continued that a lot of time, money, and effort has been expended on this search. He stated that he would like to interview all three candidates on a Saturday, in a televised open session. Selectman Seibold stated that it is hard for him to attend meetings on Saturdays. Selectwoman Colarusso stated that she would like to interview the candidates soon. Selectman Boussy implored the Board to find a Saturday to perform the interviews and that all Board members should provide Dava Kilbride with their availability by the end of the day tomorrow.

**Agenda Item 6: Committee Appointments – Cultural Counsel (Time 13:25 on Stoneham TV on Demand)** Chairwoman O’Neill stated that Nicole Tammaro was seeking an appointment to the Cultural Counsel. Selectman Anthony Wilson moved to approve Tammaro’s appointment. Selectman Seibold seconded the motion.

Voting in Favor:

Chairwoman O’Neill  
Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Boussy  
Selectman Seibold

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

Chairwoman O’Neill stated that there is one seat still available on the Cultural Counsel.

**Agenda Item 4: Abandonment of Easement (Time 15:14 on Stoneham TV on Demand)** Attorney Charles Houghton stated that in May, Town Meeting voted to abandon a 15’ drainage easement on Cabot Road beneath his client’s property. Selectman Wilson moved to sign the abandonment of easement as approved by Town Meeting. Selectman Boussy seconded the motion.

Voting in Favor:

Chairwoman O’Neill  
Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Boussy  
Selectman Seibold

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

**Agenda Item 5: 370-380 Main Street – Construction Access (Time 16:08 on Stoneham TV on Demand)** Attorney Charles Houghton stated that his client, Chris Senna, needs to utilize the sidewalk and 5 parking spaces in front of 370-380 Main Street during the construction of the building at the same address. Selectman Boussy stated that he supports the project, but would like a definite end date. The project manager, John Galasso, stated that he met with the police chief, the fire chief, DPW, and checked ADA compliance. He stated that it is difficult to give a completion date because of Eversource. He anticipates a 12 month project with a start date at the end of the month. Galasso also stated that once the vertical veneers are up, the sidewalk will not be needed. Selectman Boussy stated that the agreement should contain that language. Selectman Colarusso asked if, as a courtesy, the neighbors had been contacted. Galasso stated that the Senna brothers have discussed the project with the neighbors. Chairwoman O’Neill stated that the Board needs to give Town Counsel Solomon the permission to draft an agreement and authorize Interim Town Administrator Markel to sign the agreement contingent upon feedback from DPW. Selectman Wilson moved to authorize Solomon to create an agreement, circulate the

agreement to the Board, and give Markel the authority to sign the agreement if the Board has no concerns or input. Selectman Boussy stated that all comments should be forwarded to Markel. Selectman Seibold asked when the agreement was needed. Attorney Houghton stated August 1, 2016. Selectman Seibold seconded Selectman Wilson's motion.

Voting in Favor:

Chairwoman O'Neill  
Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Boussy  
Selectman Seibold

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

**Agenda Item 8: Approve Minutes – Open Meetings: 3/8/16; 6/7/16; 6/16/16; 6/21/16; 6/23/16; 6/23/16; 6/30/16** (Time 29:02 on Stoneham TV on Demand) Selectman Boussy moved to approve the minutes of 3/8/16. Chairwoman O'Neill passed the gavel to Selectwoman Colarusso and seconded the motion.

Voting in favor:

Chairwoman O'Neill  
Selectman Boussy

Abstaining:

Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Seibold

**Motion carries (2-0-3).**

Selectman Wilson moved to accept the minutes of 6/16/16. That motion was seconded by Selectwoman Colarusso.

Voting in favor:

Chairwoman O'Neill  
Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Seibold

Abstaining:

Selectman Boussy

**Motion carries (3-0-1).**

Selectman Wilson moved to approve the minutes of 6/21/16. That motion was seconded by Selectwoman Colarusso.

Voting in favor:

Chairwoman O'Neill  
Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Boussy  
Selectman Seibold

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

Selectman Wilson moved to approve the minutes of 6/23/16. That motion was seconded by Selectwoman Colarusso.

Voting in favor:

Chairwoman O'Neill  
Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Boussy  
Selectman Seibold

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

Selectman Wilson stated that would like some changes to be made to the minutes of 6/30/16 and requested that approval be tabled until the next meeting.

Selectman Wilson moved to approve the minutes of 6/7/16. Selectwoman Colarusso seconded the motion.

Voting in favor:

Voting in favor:  
Chairwoman O'Neill  
Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Boussy  
Selectman Seibold

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

**Agenda Item 7: Department Head Report - Library (Time 32:00 on Stoneham TV on Demand)** Nicole Langley, the Library Director, gave a report as to the status of the Stoneham Public Library. She stated that she has a vision of the library being the center of the Town and a place for people to meet and feel safe. She stated that the staffing has not changed in 2003. Langley discussed the ramifications of library failing to be certified. Langley stated that the library completed the exterior painting project, refurbished its drop boxes, purchased a new microfilm reader and a new newspaper stand, signed 282 children up for its summer reading program, and is planning on purchasing laptops and e-readers. The items that still require attention are the replacement of the Warren Street door, replacement of the carpets, creating/replacing a maintenance position and a reference position, and the creation of new adult programs. Chairwoman O'Neill stated that the Board would like to stop the practice of waiting to fully fund the library until the October Town Meeting. Chairwoman O'Neill stated that she would follow up on that with Langley. Selectman Wilson stated that e-books can already be borrowed at the library.

**Agenda Item 9: Proclamation – ADA (Time 47:06 on Stoneham TV on Demand)** Chairwoman O'Neill read a proclamation which proclaimed July 26, 2016, Spirit of the Anniversary of the ADA. Susan Coughlin, Chairwoman of the Disability Committee stated that Sean McDuff, of the Independent Living Center of the North Shore, regrettably had a scheduling conflict and could not attend.

**Agenda Item 10: Internet Policy/Use by Municipal Groups (Time 50:35 on Stoneham TV on Demand)** Chairwoman O'Neill stated that municipal groups need a FaceBook presence, but they need to be administered properly. Selectman Wilson stated that there is potential for data retention issues among the groups using social media. Selectwoman O'Neill stated that administrators of these groups should identify themselves and that the policy should be revisited. Selectman Wilson stated that the policy was never approved and that he identified 10-11 municipal groups using Face Book. Interim Town Administrator Markel stated that the groups need to be identified and a determination made as to which pages are official and which are unofficial. Chairwoman O'Neill asked that this matter be placed on the next agenda,

**Agenda Item 11: Open Meeting Law Decision – 6/9/16 (Time 57:57 on Stoneham TV on Demand)** Soloman stated that the Attorney General investigated the Open Meeting Law violation alleged by Susan Keeler and determined that the Board did not participate in deliberations outside of an open meeting. He stated that the decision was direct and simple and based on a complete investigation of the matter.

**Agenda Item 12: Proposal for Open Space and Recreation Plan/Contract and Scope by MAPC (Time 54:30 on Stoneham TV on Demand)** Chairwoman O'Neill stated that the MAPC approached the Town with an open space plan. This plan must be executed with Town Planner Erin Wortman oversight and she would like the Board to review the submitted plan before Erin's return. Selectwoman Colarusso stated that it is beneficial to interject the competitive aspect of this, but Wortman and the TA must weigh in on this issue.

**Agenda Item 13: \$50,000 Grant Discussion (Time 59:17 on Stoneham TV on Demand)**

Selectman Wilson stated that the Town has been awarded \$50,000 grant to create a Complete Streets plan. This plan would allow the Town to create a multiyear plan for improving streets and sidewalks. The plan is specific to a proposal drafted by Howard Stein & Hudson. The first requirement is to compile Town data on items such as safety, access, pedestrian stress areas, and ADA compliance and then turn that into a final plan that can be used to identify projects for which the Mass DOT \$400,000 grant may be used. Chairwoman O'Neill asked the deadline for grant use. Selectman Wilson stated that the grant must be used within the fiscal year. Selectman O'Neill stated that she is concerned with Complete Streets because the Town entered into Compact Communities and selected three grants from a list of 38 grants. The Board was told by the Town Planner that it could only pick one grant from Open Space, Green Communities, or Complete Streets. The Board at that time selected the Open Space and Recreation grant with the direction of the Town Planner and was told that they could not select Open Space and Complete Streets at the same time and that the Open Space grant was easier to obtain and allowed seven years of funding. O'Neill continued that at the last meeting the Board created an Infrastructure Committee composed of Selectwoman Colarusso and Selectman Wilson to come up with an infrastructure plan to take into account multiple sources of funding and allow the Town to enter meaningfully into the Complete Streets grant program. She continued that the Town does not have anyone to work on Complete Streets and asked if we could hang onto the \$50,000 grant until we are ready to move forward.

Selectman Wilson stated that the TA could drive this and the project could be outsourced to Howard Stein & Hudson so it can be achieved with very little use of internal resources.

Chairwoman O'Neill stated that the Town Planner stated that we could only participate in Open Space and Recreation or Complete Streets.

Selectman Boussy stated that the Town Planner was very specific that we pick only one grant. He stated that at the time he fought hard for Complete Streets, but Wortman stated that Open Space was an area in which we could achieve success and that it was a seven year grant. No one is working on Open Space. He stated that he thought Wilson was working on the Web Site. He stated that the Board sets policy and everyone continues to do something else and the Board cannot keep functioning like this.

Selectman Seibold stated that he has not heard anything about Open Space and everything is about streets and curbing. This is going to be a grant helping with streets and curbs.

Selectman Wilson stated that he would like an update on the status of the budget grant and his understanding is that it is underway and that the Board just discussed delaying Open Space until August when the Town Planner returns.

Selectwoman Colarusso asked who made the determination as to which consulting firm would receive the \$50,000.

Selectman Wilson stated that there were four firms available: Two could not do the work on time, one was not qualified through DOT, the one that was eligible and available was chosen.

Selectwoman Colarusso asked who specifically made the determination as to which consulting firm would receive the money because she is not aware of any Board that made the determination.

Selectman Wilson stated it was himself and DPW.

Selectwoman Colarusso asked who applied for the grant because she had no knowledge of the application.

Selectman Wilson stated that he assumed David Lizotte from DPW made the application.

Selectwoman Colarusso asked under whose direction Lizotte made the application.

Selectman Wilson stated he did not know.

Selectman Boussy stated that this is similar to what happened with the hazardous waste disposal grant a year ago.

Selectman Wilson stated it is very simple. If you would like to pursue the \$400,000 grant we vote to move forward. Wilson continued that we sat in a meeting on June 7, where the Board stated that the Town needs a 5-10 year plan for streets.

Chairwoman O'Neill stated that the 5-10 year plan pertained to the infrastructure plan and the Infrastructure Committee and asked if the Committee has met. Wilson stated that he has been asking Colarusso for dates and they are meeting on July 28.

Selectman Wilson stated that the grant will assist the Committee. Wilson made a motion to accept the \$50,000 grant from Mass DOT that will lead to the \$400,000 Complete Streets funding to be used for sidewalk improvement.

Selectman Boussy stated that he was surprised and that this has been happening for years. The Board sets policy and nobody follows it. The Board did not authorize it.

Selectman Wilson stated that Boussy went out and found landscapers for the islands. Selectman Boussy stated that there was a subcommittee that has been meeting for three years regarding the islands. Selectman Wilson stated that he would like to review the minutes. Selectman Boussy stated that minutes are not required. Selectman Wilson stated that subcommittees need to keep minutes. Selectman Boussy stated that he was really surprised because the Board has asked Committees to keep minutes and that Wilson wanted to protect the Committees and now is accusing Boussy of something illegal.

Chairman O'Neill stated that this is happening outside of the Board's purview and they need to focus on the three grants that were already selected and not throw this in without a TA, Town Planner, or HR Director and in the midst of Corcoran, MWRA, Eversource. Chairwoman

O'Neill stated that this should be tabled for the new TA to decide and guide in conjunction with Board policy.

Selectwoman Colarusso stated that she respects Wilson's willingness to work on this but that the authority was not granted to him. She stated that Wilson does not individually have the authority to apply for the grant. She asked under what authority the DPW applied for the grant. She stated that there needs to be a multifaceted approach to working on the Town's streets and sidewalks, rather than patchwork. She stated trying to do it in this manner, usurps the authority of the Board.

Selectman Seibold stated that there is great energy in Wilson trying to get this grant, but in that same vein every Board member should be contacted by the TA for every little thing that goes on in this Town. He stated that every Board member should be called every time there is someone in the TA's office asking for things.

Chairwoman O'Neill stated that the Board is made up of five people and one person cannot act on his or her own. If you want to do it as a private citizen by a grass roots effort you cannot use the Board's resources. Departments do not make policy, they discuss it with the TA and then TA can talk to the Board. One person on the Board acting on his own is taking a big chance. She stated she would like to table this until a new TA is hired. She stated that the Board fought for a Town Planner and she was very clear that the Board was to pick one grant this year.

Selectman Wilson stated that Complete Streets was not a part of the list at that time.

Selectman Boussy suggested that Wilson watch the September 8, 2015 meeting to see what Erin Wortman recommended.

Selectman Wilson stated that very few grants are this easy to obtain.

Chairwoman O'Neill stated that she does not want to give the planning of the Town away to a consulting firm.

Selectman Wilson stated that his motion to accept the \$50,000 grant from Mass DOT that will lead to the \$400,000 Complete Streets funding still stands. Selectman Seibold seconded the motion.

Selectman Boussy moved to table this until the new TA is in place. Selectwoman Colarusso seconded the motion.

Voting in favor:

Chairwoman O'Neill  
Vice Chairwoman Colarusso  
Selectman Boussy

Voting against:

Secretary Wilson  
Selectman Seibold

**Motion carries (3-2).**

Selectman Wilson apologized stating that he thought the grant was the best opportunity to proceed with the Infrastructure Subcommittee and he resigned from the Infrastructure Subcommittee. Selectman Boussy stated he would like to be on the Subcommittee. Chairwoman O'Neill asked if Selectman Seibold would like to serve on the Subcommittee. Selectman Seibold stated that he would not. Selectwoman Colarusso seconded the nomination.

Voting in favor:

Chairwoman O'Neill  
Vice Chairwoman Colarusso  
Selectman Boussy  
Selectman Seibold

Voting against:

Secretary Wilson

**Motion carries (4-1).**

**Agenda Item 14: Department Head Request Process (Time 122:27 on Stoneham TV on Demand)** Chairwoman O'Neill stated that the Town Accountant, Don Piatt, is being inundated with requests from Board members. She stated that eventually the requests can go through the new TA, but for now the requests should go through the Board's secretary and let Piatt prioritize them.

Selectman Boussy stated that the payroll of the Interim Town Administrator needs to be discussed and this matter was unexpected and could not have been anticipated 48 hours ago. Chairwoman O'Neill stated that this was a matter that was unexpected. Selectman Boussy moved to consider a matter that could not have reasonably been anticipated 48 hours ago. Selectman Wilson seconded the motion.

Voting in favor:

Chairwoman O'Neill  
Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Boussy  
Selectman Seibold

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

Markel stated that he went into the Town Accountant's office and was told that they had no evidence that he had been hired and he needs the Board to set his hourly salary rate. Selectman

Wilson moved to set Markel's hourly rate at the same rate as the Town was paying the former Town Administrator, prorated for 20 hours per week. Selectman Boussy seconded the motion.

Voting in favor:

Chairwoman O'Neill  
Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Boussy  
Selectman Seibold

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

**Agenda Item 15: Veteran's Day Memorial Run/Walk Temporary Road Closure (Time 87:13 on Stoneham TV on Demand)** Meghan Day stated that the same streets and the same route will be used that was used for last year's Veteran's Day 5K. She stated that she spoke with DPW and the Police Chief and they are aware of the route. Day also stated that the insurance binder is up to date and was purchased through the USA Track and Field Association. Selectman Seibold moved to approve the requested road closures. Selectman Wilson seconded the motion.

Voting in favor:

Voting in favor:  
Chairwoman O'Neill  
Vice Chairwoman Colarusso  
Secretary Wilson  
Selectman Boussy  
Selectman Seibold

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

**Agenda Item 15: Report of Interim Town Administrator (Time 88:32 on Stoneham TV on Demand)** Markel stated that the Board reviewed Solomon's letter to Eversource regarding mitigation and changing the cable type that Eversource will be using for the project. There has been no response. Attorney DeWeese is the lead counsel on this matter.

With respect to the MWRA project, Markel stated that the school department is now not interested in the lay down area because of concerns with student safety and that the focus should be to find another part of Town for the lay down. He stated that Stevens Street is an option and daily truck trips and space requirements need to be determined. Selectman Boussy asked if the assessor would be able to give determine an amount for what is, essentially, leasing Town property. Selectman Seibold stated that using Stevens Street would be found money.

Markel stated that he is actively involved in reviewing the Winchester 40B project. Selectman Wilson stated that if no housing is being built in Stoneham, he would argue that 40B is not applicable. Selectman Seibold asked why the Town is wasting money on Attorney Witten.

Markel stated that Witten is very experienced and there are wetlands involved. Chairwoman O'Neill stated that our option is to either fight the development or to accept it. Selectman Seibold stated that there is a huge pattern of spending. Selectwoman Colarusso said if you don't defend, you get the project that you don't want. Selectman Seibold stated that if there is conservation land involved that we don't have to spend money to defend. Solomon stated that the leg work can be divided from the legal work, but it is wise to invest money to get strategies and legal questions answered. Selectman Boussy stated that we need a housing plan, 40R, and to meet the 10% safe harbor. Markel stated that Attorney Witten will be commenting on the plan on behalf of Stoneham.

Selectwoman Colarusso requested that Markel access the traffic studies at Stop and Shop and Walgreens and forward them to her. She would also like to see the balance of all mitigation accounts.

Markel stated that Ginny Ray, Director of Human Resources is retiring and he would like some direction regarding restructuring or hiring a replacement. Chairwoman O'Neill stated that she would like the new TA to hire his staff. Selectman Colarusso state that she would like to review the job description.

Markel will be meeting with residents from Perkins Street regarding an issue. Markel finds it appropriate for Board members to email the TA with resident issues. Seibold stated that he hopes no one skipping steps regarding this. Selectman Boussy stated that Department Heads work for the TA and the TA should deal directly with the Department Heads.

Selectwoman Colarusso again requested the DPW log on complaints. She wants to know why residents are so frustrated with unresolved issues and she has requested the log five times.

Selectman Wilson asked about responding to the Chamber of Commerce letter. Chairwoman Ann Marie O'Neill stated that she responded and that the secretary would forward a copy to the Board.

#### **Agenda Item 16: Miscellaneous (Time 119:40 on Stoneham TV on Demand)**

Selectman Boussy stated that he has been working on the job description for Communications Liaison with the Board's secretary.

Selectwoman Colarusso stated that there are utility wires that are low hanging on Summer Street that need to be repaired. Selectman Boussy stated that there seems to be construction on Summer Street. Chairwoman O'Neill stated that construction projects need to be posted on the web site.

Selectwoman Colarusso stated that there was a DPW project on Ericson Road on 4<sup>th</sup> of July weekend. The project caused a lot of disruption and there was no prior resident notification.

Selectman Wilson stated that Dave Ragucci's email responds that he is on vacation and that the notification needs to be turned off.

Selectman Boussy stated that Clearview has not moved forward. He requested that the minutes be pulled regarding Clearview's permitting.

Selectwoman O'Neill stated that there needs to be a list of deliverables developed and reviewed on a weekly basis so that the Board knows how long a matter has been pending.

Town Counsel Solomon stated that he would like to go back to Item Number 11 because the determination made by the Attorney General is important in that it states that a very small part of governing happens at meetings and this decision recognizes the importance of all that happens outside of meetings and in constituent discussions.

Selectman Seibold stated that it was weird that the Attorney General did not interview Chris Onesechuck. Solomon stated that they interview only those who are relevant to their determination.

Selectwoman Colarusso moved to adjourn. Selectman Boussy seconded the motion. The motion was voted unanimously.

**Meeting adjourned at 9:19 p.m.**

Respectfully submitted,

Dava Feltch Kilbride  
Secretary to the Board of Selectmen