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Minutes

Town of Belmont

Board of Selectmen

Town Hall Auditorium

Monday, November 19, 2018

7:00pm

APPROVED
BOARD OF SELECTMEN
DATE: 1/7/2018

CALL TO ORDER:

A regular meeting of the Board of Selectmen was called to order at 7:11pm by Chair Adam Dash. Vice Chair Mark Paolillo and Selectmen Tom Caputo were present. Town Administrator Patrice Garvin was present.

COMMUNITY ANNOUNCEMENTS:

[There were none]

COMMENTS FROM TOWN RESIDENTS:

[There were none]

ACTION BY CONSENT:

Executive session: To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel; Fire Chief.

Motion: To enter executive session. (Vote passed 3-0)

Motion: To leave executive session. (Vote passed 3-0)

Farmer's Market 2019 Discussion and Possible Vote

Hal Shubin (Chair, Farmer's Market Committee) and Mireia Carpio (Farmer's Market Coordinator) appeared before the Board to request permission to use the Claflin St. parking lot for the upcoming 2019 Farmer's Market season. Reserving the dates early would help facilitate booking vendors for the market.

H. Shubin highlighted the social aspects of the Farmer's Market and the contribution it makes towards providing food assistance for the community. Further, a survey conducted last year identified 30 local businesses patronized by Farmer's Market customers before or after visiting the market. M. Carpio reported on data collected during the 2018 season which showed there were an ample number of available parking spots throughout the day, while the market was being held.

A. Dash noted he has successfully used the Farmer's Market as a venue for holding Selectmen's office hours. M. Paolillo requested that Mr. Foley, of Locatelli Properties, which owns the building next to the parking lot, be updated on the Farmer's Market hours for the upcoming season.

APPROVED
Motion: To approve utilization of the Claflin St. parking lot by the Belmont Farmer's Market from June 1 to October 31, 2019 on Thursdays, from 12:01am-7pm. (Vote passed 3-0)

Review Community Path Draft Application and Possible Discussion and Vote on the Path Route

A. Dash provided context for the current discussion. Design funds for Phase 1A of the Community Path (Alexander Ave. underpass) were approved at the most recent Special Town Meeting; a CPA application to obtain design funds for Phase 1B has been submitted, and this matter would be taken up at Annual Town Meeting in spring 2019. The Community Path Implementation Advisory Committee (CPIAC) had historically studied possible options for the path route and ultimately made a recommendation for a so-called 'South Route'. That is, from west to east, the route would pass through the Alexander Ave. underpass from the north side of the train tracks to the south side, and terminate at Brighton St. The CPIAC recommendation for the South Route was officially adopted by the Board of Selectmen. However, new information had come to light, and the purpose of the current meeting was to share all the new relevant information with the public, and to obtain public input in anticipation of possibly revisiting the recommendation of the route.

The key new information was: 1) The State had determined that the Alexander Ave. underpass could proceed as a stand-alone project, and did not need to be incorporated into the Path route to be funded; 2) MassDOT had sent a formal letter expressing 'dire concerns' over the Path being on the south side of the tracks, due to the induced crossing at Brighton St., where the Path would connect with the Fitchburg Cut-off path from Cambridge.

A. Dash contrasted the Community Path process with the Belmont Center greenspace process, and stressed that the Board was seeking to keep things as open and transparent as possible. The priority was to move forward with completing the Path and not lose the opportunity for funding. M Paolillo expressed commitment to moving forward with the Community Path project in a way that would not cause division in the Town.

Jeffery Wheeler (Senior Town Planner) gave a presentation reviewing the work of CPIAC in determining the recommended South Route, and explaining in more detail the concerns raised by MassDOT regarding the crossing at Brighton St. He explained that recently, CPIAC had reconvened to discuss the new information and had voted 3-2 to keep its recommendation of the South Route. At this meeting, a CPIAC member who voted to maintain the South Route had proposed an additional project, where the path would be continued eastwards on the south side of the tracks; it would then link up to a proposed City of Cambridge project for a bike and pedestrian bridge at the end of Wheeler St.

J. Wheeler explained that the bike/pedestrian bridge project was a component of a City of Cambridge plan to develop the transportation network of the area, and would be funded by impact fees from residential developments. There was a timeframe of 6-7 years before starting construction. It was noted that the proposal to extend the Path as put forth by the CPIAC member would require cooperation with the City of Cambridge; further, that no feasibility study had been conducted.

Russ Leino (Chair, CPAIC) joined the meeting. He described the recent re-convening of CPIAC to address the new information brought to light via meetings he had attended over the summer with MassDOT/MBTA representatives. Of particular significance to him was the fact that the Alexander Ave.

underpass could be funded independently; it had been his working assumption as Chair of CPIAC that the path needed to thread through the underpass in order to obtain funding. He had presented to CPIAC the concerns raised by the Assistant GM of the Commuter Rail about the Brighton St. Crossing. R. Leino's view was that the representatives were excited to support the Path project, but were expressing legitimate concerns over safety. Some members of CPIAC felt that the MBTA was trying to boss around the Town.

Following contentious discussion, one member of CPIAC had suggested that the MassDOT/MBTA concerns could be alleviated by extending the path eastwards on the south side of the tracks, and then linking to the proposed bridge project in Cambridge. Ultimately, the motion passed by CPIAC was to maintain its original recommendation for the South Route, subject to the Town continuing to further investigate the potential Cambridge project, and subject to finding a way to address the MassDOT/MBTA concerns. R. Leino expressed his personal disagreement with the motion, and considered the Cambridge proposal to be unrealistic, given the state of the Path project.

A. Dash noted that the original motion passed by the Board to adopt the South Route included a caveat to allow for route changes based on new information.

A. Dash read in full for the record, the letter from John D. Ray Assistant General Manager for Commuter Rail and Ferry Operations, MBTA, dated Friday November 16, 2018.

M. Paolillo asked R. Leino who the Pare Group had spoken with at MassDOT, and why the safety issue was not identified previously. R. Leino stated that they had consulted mainly with the highway division and regional offices, but not with high-level MBTA personnel on the railroad side. His understanding was that the Pare Group's objective was to determine the feasibility of the routes from an engineering perspective, which is why they may have missed this issue. M. Paolillo requested to clarify for the record when the meeting with MassDOT took place where this new information was presented; A. Dash and R. Leino confirmed the meeting took place in late summer, whereas the formal letter from MassDOT was received Friday November 16.

T. Caputo raised that there had been pinch points identified on both the north and south sides of the tracks just west of Brighton St., and asked whether there had been any updates on resolving these pinch points. J. Wheeler addressed the south side pinch point, stating that it was a loading dock belonging to Purecoat North which would have to be obtained by the Town; originally this was left out of the Pare Group report, because there was talk at the time of the Town purchasing the entire property to be incorporated into the High School campus, however this never came to pass. R. Leino explained that in the Pare report the difference between the pinch points was that there was room on the north side for the required offset, whereas on the south side the building structure would need to be impacted. G. Clancy explained he had conducted research on the north side pinch point, and confirmed that there was a Memorandum of Agreement between the property owners and the Department of Conservation and Recreation to establish a conservation easement; it was unclear to him whether the easement itself had actually been executed.

[A. Dash invited public comment]

- *Brian Burke (Member, CPIAC)*: Advocated for the newly proposed extended path on the south side of the tracks connecting to the bridge project in Cambridge. He spoke about the development in progress in the area of Cambridge near the proposed pedestrian/bike bridge, stating that he had spoken to city officials from Cambridge who expressed willingness to work with Belmont to expand the bike path system. The officials had also informed him that Belmont owns a right of way from purchasing power lines.

B. Burke advocated to stick with the South Route for the following reasons: lower cost, less potential environmental impact, closer to Town amenities, not changing the grade, infrastructure already in place. He thought the concern raised by the MBTA was disingenuous since there are already car and pedestrian barriers in place which would prevent a dangerous crossing at Brighton St. Finally, he said there was a letter from Purecoat stating their intention to cooperate in addressing the pinch point on the south side.

J. Wheeler responded that the right of way mentioned by B. Burke had been sold by the Town to Eversource to provide electricity to the Town; the easement also is only 16ft wide and does not allow passage.

M. Paolillo asked what the Pare Group had recommended with respect to the crossing of the tracks at Brighton St. R. Leino explained that additional safety features had been proposed. However, he also noted that the MBTA had expressed that no matter how many barriers are in place, creating a line of desire across the tracks was dangerous.

- *Vincent Stanton (Member, CPIAC)*: Stated the B. Burke had made false claims regarding the easement, indicating he had documents showing that the easement was actually granted to (not owned by) Belmont, by the MBTA, and it was not to be used for passage. Further, the fact that other towns had built paths on utility-owned corridors was incorrect. He characterized B. Burke's proposal as outsourcing the Community Path to Cambridge, and a hypothetical exercise given that no feasibility study had been conducted.

V. Stanton argued that, based on DEP reports as well as testing by Belmont Light, there was no elevated environmental risk on the north side versus the south side. With respect to the safety warnings from the MBTA, he noted that they were simply following standard universal policies of railroad operators.

Finally, V. Stanton pointed out that the matrix used by the Pare Group to evaluate potential routes did not assign any costs towards obtaining an easement at the Purecoat site; factoring in these costs would swing the decision to the north side.

- *Mary Lewis*: As a former resident of Arlington she spoke about the benefits to the community from the bike path. She and her husband had both used the bike path for commuting purposes and felt that this was an important aspect of the Community Path, in addition to recreation. Having a direct path on the north side made more sense. She felt that the safety issue should not be disregarded, and expressed support for the north route as more realistic and feasible.
- *Paul Roberts (Town Meeting Member, Precinct 8)*: Did not feel that this situation was analogous to the Belmont Center greenspace process. He was appreciative of the Board's handling of the

Community Path process, and noted that the CPIAC was an advisory committee and not necessarily determinative for the Board's final decision.

P. Roberts questioned why the rubric used by Pare did not take into account the pinch point on the south side at Purecoat, given that it would impact private property which should have disqualified the route. R. Leino clarified that a negative score was only given if the path impacted private residential property, but not necessarily commercial.

- *Erin Lubien (Precinct 7)*: Asked why the discussions with the MBTA in the summer were not factored into the final Pare Group report; A. Dash replied that these issues came to light well after the report was already produced. E. Lubien suggested following up with Pare to ascertain their view on the new information brought to light more recently.

E. Lubien noted that other community paths, e.g. in Lexington and Cape Cod, had signalized intersections in certain dangerous locations; such a solution could help alleviate the safety concerns raised by MassDOT/MBTA. She also suggested that the overhead view of the intersection was not sufficient for determining the safety concerns present at the intersection, and that ground level pictures should be included for full information.

Finally, as a resident of Precinct 7, she expressed support for the newly proposed south side path connecting to the bridge project in Cambridge, as it would give her neighborhood better access to Belmont.

G. Clancy offered a clarification regarding the meeting with MassDOT, where the diagram was drawn showing the concern with the Brighton St. Crossing. He wanted to make clear that the MassDOT representatives were responding to his concern about people crossing the tracks in an unsafe manner, and that his point of reference was the recent tragic incident at Lexington/Sycamore where a pedestrian was killed.

- *Phil Lawrence (Town Meeting Member, Precinct 4)*: A long time advocated and supporter of the Community Path. He agreed with G. Clancy that people are inclined to travel along the line of least resistance, creating a safety issue at the crossing; the safest and most direct route was to continue the Fitchburg Cut-off path on the north side.
He stressed that this was an important time where State-level support for the Community Path was unprecedented, and that Belmont should take advantage of the opportunity to get the Path done. Once the Path is completed, people will come together to support it even if they currently disagree on north vs. south.
- *Jarrod Goentzel (Precinct 4 resident)*: Made the point that the evaluation matrix used to determine the route did not distinguish between an at-grade crossing north-to-north versus north-to-south. Given the close scores between the north and south routes, such a distinction may have tipped the decision in favor of the north route. He further noted that a fatal flaw identified by Pare was if the MBTA rejected the proposed alignment; even though this information had come later than was ideal, it should still be considered a fatal flaw for the South Route.
- *Cosmo Caterino*: Stated that the alternative route designated in the Pare Group report, to avoid the south side pinch point, was for the path to go along Hittinger St.; in this case, one would approach the train track crossing perpendicular, rather than parallel as indicated in the MBTA

diagram. He argued that a comprehensive safety study had not been conducted, and there may be other potential safety issues with having the path on the north side.

C. Caterino suggested that the contract with Pare Group be amended to study the feasibility of extending the path on the south side to the Cambridge bridge project. Finally, he claimed that V. Stanton was incorrect in his assessment of the environmental risk on the north side, but did not elaborate on why.

- *Melissa MacIntyre (Town Meeting Member, Precinct 8)*: As a mother of a son diagnosed with ADHD, she was moved by the quote from the MBTA referencing the potential for a distracted child to wander onto the tracks, and expressed concern about the safety of the crossing associated with the South Route.
- *Frank French (Partner in French-Mahoney property, 40-42 Brighton St.)*: Expressed frustration with the fact that the South Route had been approved twice by CPIAC and adopted by the Board of Selectmen, but the north route was still being considered as a possibility. Personally he was supportive of the path and accepted the easement on their property from a business/property owner perspective, but felt the established process was not being respected by reconsidering the question of north vs. south.
- *Heather Ivestor (Member CPIAC)*: Argued it was naive to think that people would access the path on the north or south side exclusively; rather they would likely access from both sides, and increased safety measures would be required regardless. Further, the South Route would provide more access points to the path, whereas the north route would limit access to the Alexander Ave. underpass and Brighton St.
- *David Chase*: Based on his experience commuting by bicycle he thought that direct routes are best, hence it made sense to keep the path on the north side. He expressed that he had not heard buy-in from the School Committee for a south side path and considered this be important for getting the path built.
- *Laura Vanderhart (Town Meeting Member, Precinct 4)*: Valued the safety considerations regarding the intersection raised by MassDOT/MBTA. She preferred the route being straight, flat and direct. She also was eager to hear from the School Committee about their view of the path on the south side.

Susan Burgess-Cox (Chair, School Committee) stated that the School Committee had not officially voted on the matter, but had discussed it at length. Previously the School Committee was concerned about the proximity of the Path to the school building, but with the reconfiguration of the property this was now less of an issue. She did not foresee any strong objections from the School Committee to the Path being on the south side.

- *Rose O'Neil (Town Meeting Member, Precinct 4):* Pointed out that the Pare Group report suggested the Town could revisit the matrix if necessary and incorporate new information. In her view, the letter from the MBTA was a serious consideration. The only objection stated in the report to taking up the alternate north side route was that the Alexander Ave. underpass would not be funded, but this issue had been resolved.
- *Mike Cicalese (Member CPIAC):* Wanted to remind the Board and public that the State needs Belmont to complete the missing link in the trail system, which helps give the Town leverage. He also noted that the safety/pedestrian issues on the subsequent portions of the Path may be even worse than the ones currently being discussed.

M. Paolillo agreed that the Board should take into consideration the fact that Belmont is the missing link in the trail system. A. Dash raised that the MPO is a competitive process, so it was important to put forward the best possible proposal, otherwise we could lose out to projects from other communities; people should consider the possibility that the choice could end up being between the north side or no path at all.

Accept \$600.00 Donation from the Belmont Youth Activities and D.A.R.E., Inc. to the Belmont Police Department for C4RJ (Restorative Justice) Dues Membership

Police Chief McLaughlin requested that the Board accept the donation. M. Paolillo suggested that a C4RJ representative attend a future Board of Selectmen meeting to talk about the program.

Motion: To accept the donation for \$600.00 from the Belmont Youth Activities and D.A.R.E., Inc. to the Belmont Police Department for C4RJ (Restorative Justice) Dues Membership. (Vote passed 3-0)

Discuss and Sign Green Communities Application

Becca Keane (Belmont Light) and Nicole Sanchez (Metropolitan Area Planning Council) joined the meeting. B. Keane explained that a report must be submitted annually to maintain Belmont's status as a green community and be eligible for funding for the upcoming year. She has been working with N. Sanchez and the Town Administrator's office to gather additional data for the report. Currently a draft of the report was ready; the deadline for submission of the final report is December 3rd. B. Keane requested the Board sign off on the current version of the report, or be prepared to sign off on the final report prior to the deadline.

Motion: To approve executing the Green Community Annual Report conditional on its completion. (Vote passed 3-0)

Rink Update, Including Discussion Regarding Plan for Community Engagement and RFP Process

T. Caputo gave an update on the status of the project. He sought to engage the School Committee and Board of Selectmen to help facilitate a public input process over the next couple months, which would culminate in the kickoff of an RFP for the rink by late December or early January. The public input sessions would be geared towards determining a site location (High School vs. Incinerator) as well as outlining requirements for the RFP.

Discussion and Vote on One Day Liquor License Application from the Massachusetts River Alliance

Motion: To approve the One Day Liquor License Application from the Massachusetts River Alliance for December 5th, 2018 from 6-8pm at the Beech St. Center. (Vote passed 3-0)

Discussion and Vote on One Day Liquor License Application from the Belmont Gallery of Art

Motion: To approve the One Day Liquor License Application from the Belmont Gallery of Art for their event on December 7th from 6-9pm. (Vote passed 3-0)

Discuss and Possible Vote to Approve the Renewal of Common Victualler Licenses for:

- Belmont Hill Club (Elizabeth Primerano), 825 Concord Ave.
- Number 1 Taste (Jack Sy), 382 Trapelo Rd.
- Fiorella's Express Belmont, Inc. (Remon Karian), 263 Belmont St.
- Dunkin Donuts/Cushing Donuts (Arthur Rodrigues), 52 Church St.
- Dunkin Donuts/Trapelo Donuts, Inc. (Arthur Rodrigues), 353 Trapelo Rd.

Motion: To approve the renewal of licenses as stated. (Vote passed 3-0)

Discuss and Possible Vote to Approve the Renewal of Class II Licenses for:

- Superior Trading Corp. (Daniel Wagner), 81 Richmond Rd.
- Bimmer Auto Sales (Charles Dermenjian), 374 Lake St.
- Pleasant St. Shell (Nabih El-Lakkis), 337 Pleasant St.

Motion: To approve the renewal of licenses as stated. (Vote passed 3-0)

Discuss and Possible Vote to Approve Livery Licenses for:

- Pete's Livery Service (Bedros Papaziam), 17 Dalton Rd.
- Advantage Limousine (Charles Mikaelian), 294 Fitzmaurice Cir.

Motion: To approve the licenses as stated. (Vote passed 3-0)

Discuss and Possible Vote to Approve Liquor License Annual Renewals:

- Star Markets Company, Inc., 535 Trapelo Road, All Alcoholic Beverages, License Type: Package Store
- Eatup, LLC, dba The Wellington, 75 Leonard St., All Alcoholic Beverages, License Type: Restaurant
- Altruista Developments, dba Il Casale, 54 Leonard St., All Alcoholic Beverages, License Type: Restaurant
- Belmont Brother's Pizza, LLC, dba Mark and Toni's, 121 Trapelo Rd., Wine and Malts, License Type: Restaurant
- Waverly Post 1272 VFW, 310 Trapelo Rd., All Alcoholic Beverages, License Type: Veterans Club

M. Paolillo wanted to verify that the conditions for the license granted to Star Market were still being met, with respect to the square footage allowed for displays. A. Dash agreed to defer approval of the license to the next meetings so that these conditions could be verified with Star Market.

Motion: To approve the licenses as stated, with the exception of Star Markets Company, Inc. (Vote passed 3-0)

TOWN ADMINISTRATORS REPORT:

P. Garvin reviewed the Town Administrator's Report:

- Free cash for the Town of Belmont has been certified, and is significantly higher than last year. The difference was largely due to early tax payments as a result of the upcoming tax code changes.
- Questions have been raised as to why the food composting was eliminated as an option for the former incinerator site. P. Garvin requested a letter from the Town's environmental consultant Langdon Environmental explaining the rationale for the decision, to post as public reference.
- At Special Town Meeting the Chair of the Police/DPW Building Committee noted a plan to vacate the Police building and move to Town Hall during construction. The Board should be aware that a proposal in this vein will be coming before them.
- P. Garvin proposed to set the holiday hours for Town Offices: hard close on December 24th; open till 5pm on the Wednesday-Thursday following Christmas; closing early (4pm) on December 31st. The hours will begin to be advertised now so that residents are duly notified of these changes.

BOARD OF SELECTMEN COMMITTEE LIAISON REPORTS:

[None]

ADJOURNMENT:

Motion: To adjourn. (Vote passed 3-0)

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Patrice Garvin', is written over a horizontal line.

Patrice Garvin, Town Administrator