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**MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Monday, August 7, 2017
7:00 PM**

**APPROVED
BOARD OF SELECTMEN
DATE: 10-30-2017**

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 7:02 p.m. by Chair Jim Williams in the Selectmen's Meeting Room. Selectmen Mark Paolillo and Adam Dash were present. Interim Town Administrator Phyllis Marshall was also present.

COMMUNITY ANNOUNCEMENTS

Chair Williams asked that Selectman Dash read the community announcements. Selectman Dash reported that earlier that day he had attended the 2017 National Purple Heart Day Observance and Recognition Ceremony that was conducted at the Belmont Public Library. The featured Guest Speaker for the event was a Belmont resident USMC Colonel Michael J. Callanan who served as an Operations Officer in Iraq as well as USMC Battalion Commander in Afghanistan. The Board thanked Veteran Service Officer Bob Upton for organizing the event.

Selectman Dash reminded the public that the Meet Belmont event will be held at the Chenery Middle School on August 29, 2017 from 6:00pm -8:30pm and that all are welcome to attend.

Selectman Dash reported that the Belmont Fire Department has received an official proclamation from the City of Waltham in recognition of the department's efforts while fighting a ten alarm fire on Sunday, July 23, 2017. Selectman Dash then read the proclamation. The Board then thanked Chief David Frizzell and those firefighters that responded for their efforts and dedication.

QUESTIONS FROM TOWN RESIDENTS

[There were none.]

ACTION BY CONSENT

Vote to accept a donation from Cummings Properties Employee Directed Giving in the amount of \$1,000.00 to be used to fund supplies for the Firefighter Fitness Program

Chief David Frizzell appeared before the Board to report that the Fire Department has received a donation from Cummings Properties Employee Directed Giving in the amount of \$1,000.00. He explained that this money will be used to fund supplies for the Firefighter Fitness programs.

APPROVED
DIRECTED GIVING
The Board moved: To accept the donation from Cummings Properties Employee
Directed Giving in the amount of \$1,000.00 to be used to fund supplies for the Firefighter
Fitness Program
The motion passed unanimously (3-0).

Vote to Accept the Green Communities Agreement

Mr. Gerry Boyle, Facilities Director and Mr. Charlie Ehl of Guardian Energy Services appeared before the Board to discuss the Guardian Energy Memorandum of Understanding Amendment Approval for Green Communities projects at Burbank Elementary School, Butler Elementary School and Belmont Library.

Mr. Boyle explained that with the Town's initial grant in 2015 of \$151,850 from the Green Communities program, the Facilities Department will be working with Guardian Energy Management Solutions to implement these measures per M.G.L.M Chapter 25A. On June 23, 2017 the Town was notified that it had been successful in its application to the Green Communities Program for \$250,000 in Competitive Grant funds for energy conservation measures at the Burbank and Butler Elementary Schools and the Belmont Library.

Selectman Dash asked about the application. Mr. Boyle responded that the Burbank School will have a new boiler (\$92,499.00) and controls (\$16,508.00), the Butler School's boiler (\$92,481.00) will be replaced and the library weatherization project (\$48,512.00) will proceed. Mr. Boyle stressed that the use of the funds is restricted to the specifically approved projects. Mr. Boyle further explained that the Facilities Department is requesting that the BOS approve an amendment for Guardian Energy Management Solutions in the amount of \$278,924.00 for the aforementioned Green Communities projects. The difference of \$28,924.00 will be offset by an anticipated \$15,000.00 in utility rebates and \$13,924.00 in Town energy conservation operating funds.

Vice-Chair Paolillo asked Mr. Ehl to speak to the Green Communities Grant process. Mr. Ehl explained that 33 more communities have been added this year and the grant award criteria have become more competitive. Vice-Chair Paolillo asked how energy projects for the Town of Belmont are determined. Mr. Boyle stated that energy projects are determined by a facilities assessment and ranked based on need. Vice-Chair Paolillo congratulated Mr. Boyle for the grant award and noted the lengthy application process.

The Board moved: To accept the amendment to the Guardian Energy Management Solutions of Marlborough, Ma agreement in the amount of \$278,924.00 for the aforementioned Green Communities projects.
The motion passed unanimously (3-0).

Discussion on Revisions to Liquor Regulations

Selectman Dash reported that he has completed a thorough review of the present Alcohol Regulations and has suggested several revisions. Selectman Dash reminded the Board that the Home Rule Petition Town Meeting passed which places restrictions on the transfer of liquor licenses is pending at the State House. Selectman Dash added that until the Home Rule petition legislation is finalized the local alcohol regulations must remain as is. Selectman Dash stated that his suggestions to the existing regulations were sent to Town Counsel to be vetted.

Selectman Dash, reading from the Town's Alcoholic Beverages Policies, Rules and Regulations, reviewed page by page the comments from Town Counsel. Selectman Dash explained that according to the current regulations restaurant alcohol licenses will not be granted to establishments whose principal business activity is fast food or take out or maintains a drive-in or drive-through service. Town Counsel has advised that if more definition is desired, of a fast food or take out establishment, that the zoning bylaw be tracked.

Selectman Dash recommended that the BOS create the Alcoholic Beverages Advisory Board. The Board agreed that further discussion is needed on this subject. Selectman Dash added that discussions on this matter should resume once the Home Rule petition legislation has been finalized. Vice-Chair Paolillo suggested that the Town Administrator's office poll neighboring communities on their alcohol licensing procedures.

The discussion on Selectman Dash's suggested revisions to the Alcoholic Beverages Policies, Rules and Regulations continued. Selectman Dash advised that no future application shall be considered complete until written documentation has been provided by the Town Treasurer stating that all payments due to the Town and Belmont Light have been paid in full. The Board briefly discussed how payment plans with the Treasurer's office may impact this provision. Selectman Dash asked that the Board consider increasing the filing fee of an original application for an Alcohol License. He suggested that the fee increase from \$500.00 to \$750.00. This increase, Selectman Dash offered, will be to cover the costs of administering the application. Chair Williams answered that data will need to be reviewed as to what neighboring communities are charging for this fee and further discussion on this topic will be required.

Selectman Dash, reading from the Alcoholic Beverages Policies, Rules and Regulations, stated that section 10 which pertains to license transfers will need to be revised once the new legislation has been finalized. He continued to read the comments from Town Counsel who agreed that this section should be revised to reflect the Special Legislation requested by Town Meeting.

The Board briefly discussed section 11 from the Alcoholic Beverages Policies, Rules and Regulations, which outlines the process of notification abutters of the upcoming hearing. It was determined that future discussions related to the best practice of abutter notification were needed. Chair Williams and Vice-Chair Paolillo thanked Selectman Dash for providing these suggestions and it was agreed that future discussion is needed on this topic.

Massachusetts Municipal Association Statewide Essay and Poster Contests

Interim Town Administrator Marshall explained to the Board that the Massachusetts Municipal

Association has announced the return of the annual MMA Statewide Essay Contest, for 8th Graders, and the inaugural Annual Poster Contest for 3rd Graders. She reviewed the criteria for submissions and stated the deadline for submissions is Friday, November 10, 2017. Chair Williams thanked Interim Town Administrator Marshall for this update. He continued that this contest is a great opportunity for 3rd and 8th Graders in our town.

Approval of a Request from the Cushing Square Merchants Association to change their annual event date from Saturday, September 30 from 8am – 6pm to September 23 from 8am -6pm

Mary Thomajan Westcott of the Cushing Square Merchants Association approached the Board. She explained that the Cushing Square Merchants Association (CSMA) is requesting permission to close Common Street between Trapelo Road and Payson/Palfrey Road and closing Cushing from Trapelo Road to Linden from 8am until 6pm on Saturday, September 23. She continued that this event is open to all restaurants and businesses in town. Interim Town Administrator Marshall reported that the Police, Fire, Public Works and Community Development Departments have no objection to the request and the new date will be reviewed with the departments.

The Board moved: to approve the request of the Cushing Square Merchants Association to close Common Street between Trapelo Road and Payson/Palfrey Road and close Cushing from Trapelo to Linden from 8:00am until 6:00pm on Saturday, September 23, 2017 for the purpose of conducting the Cushing Square Merchant Association Event. As a condition of this approval CSMA must work with the Belmont PD in advance of the event to hire three detail officers and one supervisor at their expense.

The motion passed unanimously (3-0).

Discussion on proposed MBTA WIFI Structures

Mr. Jeffrey Wheeler, Senior Planner Office of Community Development appeared before the Board to provide an update on the 30-day review of Wi-Fi Project for the MBTA Commuter Rail. Mr. Wheeler reported that on Monday, July 31, 2017, the MBTA Fiscal and Management Control Board (FMCB) met to receive an update on a 30-day review which was granted at its June 26th meeting. The review was done on the Wi-Fi tower installation project along MBTA Commuter Rail Lines. Mr. Wheeler reported that he was in attendance at this meeting along with approximately 100 people from the affected communities including several State Senators, Representatives, Board of Selectmen and Town Meeting Members, and many provided comments to the FMCB. He continued that the MBTA has secured the right to install 320 75' tall monopoles in 88 communities along various commuter rail lines in order to provide free Wi-Fi service to its customers at no cost to the MBTA. Mr. Wheeler explained to the Board that the MBTA has the right of way at 33-39 Thayer Street to install such a monopole. Mr. Wheeler stated that no decision was made with respect on how to move forward.

Chair Williams provided a bit of background by stating that in 2014 the MBTA signed a contract with "In Motion" wireless company to install 320 cell towers to provide free Wi-Fi for commuter lines. Mr. Wheeler stated that some communities have been very involved in the process and it is up to the BOS as to how they would like to proceed with this issue. Mr. Wheeler ended his

comments by reporting that at the conclusion of the meeting on July 31, the FMCB voted to continue the review of this project to August 14. Vice-Chair Paolillo asked if the Board felt a letter should be written to the MBTA expressing their concerns over this monopoly placement in Belmont. Chair Williams tasked Mr. Wheeler with writing a letter to the MBTA to express the Town of Belmont's concerns over this project. The Board instructed Interim Town Administrator Marshall to include a notice on the homepage of the town's website asking those that are opposed to the MBTA's project to send comments to the MBTA, FMCB, governor's office and state legislators. Chair Williams then thanked Mr. Wheeler for his report.

Discussion of Committee Appointments – Community Preservation Committee, Local Emergency Planning Committee, Belmont Vision 21 Implementation Committee, Planning Board, Zoning Board of Appeals

Selectman Dash suggested that the Board begin with the Planning Board appointments. Interim Town Administrator Marshall explained that Raffi Manjikian needs to have the BOS re-affirm and clarify his term as an associate member to the Planning Board to end in 2019. It was discovered after much discussion between the Town Administrator's office, the Town Clerk's office and Mr. Jeffrey Wheeler (staff liaison for the Planning Board) that when Mr. Manjikian was appointed to fill the remainder of another appointed member's term in 2015 that term would have ended in 2016. Interim Town Administrator Marshall continued that due to a clerical error Mr. Manjikian was appointed until 2017.

Interim TA Marshall explained that the Planning Board has two members whose terms expire in 2017, Ms. Barbara Fiacco and Mr. Joseph DeStefano. Mr. DeStefano has resigned from the Planning Board, while Ms. Fiacco has asked to be considered for re-appointment. The Board then reviewed the six applications for the Planning Board and briefly discussed the applicant's backgrounds and related experience.

The Board moved: To re-appoint Ms. Barbara Fiacco with a term ending 2020.
The motion passed unanimously (3-0).

The Board agreed to conclude the Planning Board appointments and to fill the remaining seat during the month of September. The Board asked Interim Town Administrator Marshall to follow up with Mr. Manjikian as to his desire to be re-affirmed and clarify his term as an associate member.

Belmont Vision 21 Implementation Committee Appointments

Selectman Dash announced that there are three members who have expiring terms in 2017, Mr. Doug John, Ms. Carol Trager and Mr. Allen Babroudi. He continued that Ms. Trager and Mr. Babroudi have both resigned from the Committee. The Board re-appointed Mr. Doug John to the Committee on July 28, 2017. The Board then briefly discussed the applicants and their previous experience and credentials.

The Board moved: To appoint Mr. Gang Zhao to a three year term to end in 2020
The motion passed unanimously (3-0).

Local Emergency Planning Committee Appointments

Interim Town Administrator Marshall asked that the BOS appoint a new member to replace Assistant Fire Chief Angus Davison who recently retired. The Board briefly discussed Asst. Fire Chief Wayne Haley's credentials and Chief Frizzell's recommendation to appoint Haley to the LEPC.

The Board moved: To appoint Assistant Chief Wayne Haley to a three year term to end in 2020.

The motion passed unanimously (3-0).

Zoning Board of Appeals

Interim Town Administrator Marshall explained that there are two members of the Zoning Board of Appeals (ZBA) that have expiring terms in 2017. They are Mr. Eric Smith and Mr. Gang Zhao. Interim TA Marshall continued that Mr. Smith has resigned from the ZBA and Mr. Gang Zhao has asked to be considered for re-appointment. Interim TA Marshall added that no new applications for the ZBA have been received so there will be one position left vacant on this board. Interim TA Marshall reported that ZBA Chair Iannuzzi has recommended that Mr. Andrew Plunkett be moved from an Associate Member to a Full Member to fill Mr. Eric Smith's seat.

The Board moved: To appoint Mr. Andrew Plunkett as a full member
The motion passed unanimously (3-0).

There was a brief discussion related to future appointments. The Board agreed to revisit the remaining appointments for the Planning Board, Zoning Board of Appeals, Vision 21 Implementation Committee and the CPA during the first meeting in September.

Update on Keno Monitor Lottery Hearing Discussion

Interim TA Marshall provided an update to the Board on the July 31st decision issued by the Hearing Officer for the Lottery Commission on the hearings regarding Keno sales at Handy Spa and LC's Market. Interim TA Marshall reported in both decisions that the Hearing Officer discounted the fact that the Commission had violated due process outlined in M.G.L. c.10, s.27A by installing Keno monitors over the objection of the local licensing authority and prior to a lawful hearing. Ms. Marshall continued that Town Counsel will offer written guidance as soon as possible, but essentially the Town's options are, first, to appeal this matter back to the Lottery Commission which would likely be heard by the same or a similarly predisposed Hearing Officer. If an appeal renders a similar decision, the next option would be to appeal the matter to the Superior Court which would of course be accompanied by increasing legal fees to the Town.

Vice Chair Paolillo offered that returning for an appeal is not worth the expense to the community.

Town Administrator's Report

Interim Town Administrator Marshall provided the BOS with an update on the Town's webpage. She reported that TA staff has worked with Virtual Town Hall to complete the upgrade of the new website. Interim TA Marshall explained that the updated webpage is mobile friendly and much easier to navigate.

Ms. Marshall reported that on August 15th the marking of the fire lanes in the Town Hall complex will begin. The Historic District Commission has signed off on this action.

Ms. Marshall continued that a 15 minute Loading Zone on Moore Street is being considered. The BOS must designate this spot as such. Ms. Marshall reported that she has been in contact with the Belmont Savings Bank on this matter and plans to speak with the business owners in Belmont Center.

Board of Selectmen Committee Liaison Reports

Vice-Chair Paolillo reported that in his role as the liaison to the Board of Library Trustees he recently attended a meeting with the Planning Board. He touched on future projects that had been proposed and suggested that future precinct meetings be scheduled to gather input from the public.

Approval of Meeting Minutes

The Board reviewed the minutes from the March 27, 2017 meeting. Vice-Chair Paolillo asked that video tape from the meeting be reviewed as he felt that his comments on page 5 of the minutes were not accurately reflected. Interim Town Administrator Marshall indicated that her office would review the tape and update the minutes if appropriate.

The Board moved to adjourn the meeting at 8:56P.M.



Ms. Phyllis L. Marshall
Interim Town Administrator

