

**MINUTES
BOARD OF SELECTMEN
APRIL 7, 2003
REGULAR SESSION**

Call to Order

The Board of Selectmen convened in regular session at 7:30 p.m. in the Conference Room 2 of the Town Hall. All members were present.

Mr. Brownsberger led the Board and those in attendance in a brief moment of silence in recognition of the country's troops in combat in the Iraqi conflict.

Questions from Town Residents

There were none.

Action by Appointment

Applications for Licenses and Permits – Original Livery License
Melinda Gage dba A Night Out Limousine, 24 Falmouth Street

Melinda Gage appeared before the Board regarding her application for a livery license.

The Board confirmed that Ms. Gage's permanent residence was at 24 Falmouth Street and that a Home Occupation application had been approved by the Office of Community Development.

The Board moved: to approve the application for a Livery License to Melinda Gage dba A Night Out Limousine.

The motion passed unanimously (3-0).

Public Hearing on Utility Petition
Keyspan—Belmont Street

The Board convened a public hearing regarding a request by Keyspan to install and maintain a gas main in Belmont Street.

A representative of Keyspan spoke in support of the petition.

There were no other interested parties present.

The Board moved: to approve the application.

The motion passed unanimously (3-0).

The Board expressed its concern to the Keyspan representative that it did not effectively notify residents of Winn Street and Farnham Street in advance of maintenance work at these locations.

Discussion of Town Meeting

The Board discussed the draft warrants for the Annual and Special Town Meetings.

The Board discussed the appropriate locations for articles for funding the relocation of the Waverley fire station and the repairs needed at the fire station headquarters and the Harvard Lawn station.

The Fire Chief noted the importance of appropriating funds not only for the relocation of the Waverley station but also the repairs to the other two fire stations.

Mr. Brownsberger suggested that the relocation of the Waverley fire station is appropriately funded during the Special Town Meeting and that the other repairs should compete for funds from the regular capital budget appropriation.

Dr. Solomon expressed concern that the needs of the station may not receive a high priority in the annual capital budget process and may not get funded.

Mrs. Mahoney inquired whether there is any opportunity for funding the headquarters and Harvard Lawn stations if it fails to receive funding in the capital budget.

The Town Administrator explained that the warrant article on the Annual Town Meeting Warrant regarding appropriations for capital expenditures is sufficiently broad to encompass a separate appropriation for fire station repairs from an alternate funding source if necessary.

The Board was generally supportive of Mr. Brownsberger's proposal.

Dr. Solomon noted a letter from a resident of C Street expressing concern that the Board of Selectmen made a quick decision related to the temporary relocation of the Waverley Fire Station to the Highway Yard and the potential negative impacts on the neighborhood.

The Fire Chief indicated his willingness to speak with the resident and her neighbors to discuss any concerns.

Dr. Solomon noted his support for identifying ways in which to encourage residential snow shoveling of sidewalks.

Mr. Brownsberger suggested that a fall Special Town Meeting might be more appropriate for Town Meeting consideration of this issue.

The Board moved: to withdraw the article related to snow shoveling of residential sidewalks.

The motion passed unanimously (3-0).

Dr. Solomon agreed to take the lead in studying this issue further.

The Board discussed the recommendation of the Alcohol Beverage Licensing Committee relative to the minimum and maximum seating requirements for a restaurant to receive an all-alcoholic beverage license. The Committee recommended seating to be limited to between 130 and 250 seats.

The Board moved: to amend the warrant article to reflect a minimum of 130 seats and a maximum of 250 seats for a restaurant to obtain an all-alcoholic beverages license.

The motion passed unanimously (3-0).

The Board discussed the citizen-petitioned article, which Town Counsel has opined to be of inappropriate form. The petitioner, Tommasina Olson, had no objections to changing the article to reflect the language proposed by the Town Counsel, because it would not change the objective of her original petitioned article.

The Board moved: to insert an additional article in the Annual Town Meeting Warrant that would reflect appropriate language to achieve the same objective as the petitioned article.

The motion passed unanimously (3-0).

Dr. Solomon inquired about the Town's ability to further restrict and control newsracks in the Town through enforcement and further by-law restrictions.

The Board requested a response from the Director of Community Development relative to the conformance of the newsracks in Belmont Center.

The Board discussed its scheduling of meetings through the Town Meeting season. The Board agreed to take up the majority of non-cost warrant articles at the end of April and early May and to reserve the budgetary and larger capital budget items for a reconvened Town Meeting on June 16, 17, and 18, 2003.

The Board agreed to convene the “Mega-Group,” comprised of the Board of Selectmen, Warrant Committee, Capital Budget Committee, and the Permanent Building Committee, on Wednesday, May 21, 2003.

Discussion of RFP for Public Safety Communications Facility

The Board discussed the need to re-bid a Request for Proposals for a Public Safety Communications Facility, that would allow the siting of more than three vendors on the tower, but would not change the look of the tower.

The Board moved: to authorize the Town Administrator to issue a revised Request for Proposals for a Public Safety Communications Facility.

The motion passed unanimously (3-0).

Discussion Public Works Consolidation

The Board discussed final revisions to proposed language for a home rule petition and Town by-laws related to the roles of a Water Advisory Board and a Cemetery Board in the consolidation of the Town’s public works functions under a unified public works department.

The Board discussed the proposed by-law regarding an advisory Water Board to ascertain the necessity to establish this advisory board through statutory language.

Mr. Brownsberger expressed his support for this proposed by-law language.

The Board moved: to amend the draft language for a Town by-law that defines the duties of a Water Advisory Board, as amended by deleting the sentence, “At all times one of the members of the Water Advisory Board shall be a member of the Warrant Committee.”

The motion passed unanimously (3-0).

The Board discussed draft language relative to a by-law to govern a Cemetery Board.

Mrs. O’Brien Cushman, chairman of the Cemetery Board, stated that the Cemetery Board had unanimously voted to accept the recommendation to consolidate the Town’s cemetery operations into a unified Public Works department under the direction of a public works director. She reiterated her Board’s strong belief that the Board should be elected, at least in the short term (not less than five years). She added that the board strongly believes the decision relative to whether the board should be elected or appointed after these five years, should lie with the Town Meeting and not the state legislature.

Dr. Solomon expressed his willingness to compromise on the issue of an elected cemetery board, but expressed concern about the 2/3 vote required of the Town Meeting to change the board from an elected board to an appointed board.

Mr. Brownsberger iterated his support for the 2/3 vote, because of the Town's desire to have a solid consensus on this vote before such a significant change were to be made.

The Board moved: to adopt the language specifying an elected Cemetery Board in the by-law (Option B), and the home rule petition (Option B) language, amended to reflect a 2/3 vote of Town Meeting to change the board to an appointed board.

The motion passed unanimously (3-0).

The Board discussed the nature of the duties and responsibilities of the Cemetery Board. Specifically, there was discussion relating to the advisory or independent nature of the policies for a cemetery board. It was agreed to eliminate specific references to the Commission's duties and responsibilities in the statute and limit them to the by-law.

The Board moved: to adopt the recommendation that specific references to the duties and responsibilities of the Cemetery Board be restricted to a Town By-Law.

The motion passed unanimously (3-0).

The Board addressed provisions of the proposed by-law, including the basic nature of the duties and responsibilities of the Cemetery Board in relation to the adoption of policies and regulations.

Mr. Brownsberger recommended that these areas be designated with advisory language and requested the Cemetery Board support this.

Instead, the Cemetery Board expressed its preference for having independent policy authority but would agree to a strong provision that makes it very clear that the Cemetery Board would not interfere in the operational aspects of the cemetery. The Board of Selectmen accepted this counter-proposal.

The Board moved: to adopt this general framework.

The motion passed unanimously (3-0).

The Board requested the Town Administrator revised the language in the warrant articles to reflect the decisions made this evening.

Discussion of McLean Land Transfer

The Board stated its request that Ellen O'Brien Cushman act as an representative for the Town to discuss with any and all parties that she feels may be helpful to facilitate the transfer of the McLean land to the Town. Ms. O'Brien Cushman expressed her willingness to assist the Town in making settlement discussions with McLean Hospital to expedite the land transfers as contemplated under the McLean Memorandum of Understanding.

Action by Writing

Memorandum from Town Counsel re: Jurisdiction over Recreational Facilities

The Board discussed a memorandum from Town Counsel regarding the Board of Selectmen's jurisdiction over recreational facilities.

The Board requested to meet with the Recreation Commission to discuss its intention to lease advertising space at the Town's recreational facilities.

Memorandum from Acting Police Chief re: Request to Fill Office Assistant Position

The Board of Selectmen deferred a discussion on this request until the Town Administrator can discuss this request with the Acting Police Chief.

Correspondence from LEPC Chairman re: Appointments

The Board reviewed a memorandum from the Chairman of the Local Emergency Planning Committee (LEPC) requesting the appointment of individuals to the LEPC.

The Board moved: to renew the appointments of the existing members of the LEPC, with staggered term durations; and further to approve the appointment of Brendan O'Leary and Patrick McCormack to the LEPC.

The motion passed unanimously (3-0).

The Board requested that Mrs. Mahoney work with the Local Emergency Planning Committee (LEPC) chairman to develop appointment recommendations for the remainder of the LEPC membership.

Copy of Letter to Town Administrator from Events Coordinator re: Belmont Town Day

The Board considered a request from the Belmont Center Business Association to hold Town Day on May 17, 2003.

The Board moved: to approve the request to hold Town Day on May 17, 2003, on the condition that vendors participating in the event not be allowed to sell nuisance products (e.g., “silly string”); and further that CVS be requested to voluntarily remove such items from their shelves during this day.

The motion passed unanimously (3-0).

The Board asked that the merchants be requested to pay particular attention to the cleanliness of the sidewalks in the vicinity of their stores.

Correspondence re: Condition of Joey’s Park Playground Facility

The Board reviewed correspondence from the Manager of Buildings and Facilities relative to the current condition of Joey’s Park and his recommendation to convene the original playground committee to review the Town’s plans for replacing this facility.

The Board moved: to approve the recommendations made by the Manager of Buildings and Facilities relative to this matter.

The motion passed unanimously (3-0).

Selectmen’s Issues List

The Board deferred discussion of this matter until its next meeting.

Other

The Board responded to a letter from a resident of C Street expressing concern over the Board’s prior vote to determine the temporary relocation of the Waverley Fire Station without public input. The Board requested that the Fire Chief meet with this resident to discuss the department’s operations and travel practices on local streets.

Action by Appointment (Continued)

Discussion of Litigation (Executive Session)

The Board moved: to enter executive session for the purpose of discussing strategy with litigation; further to discuss strategy related to collective bargaining; and further that the Board shall not return to open session.

The motion passed unanimously (3-0), by roll call vote.

The regular session adjourned at approximately 9:00 p.m.

Administrator

Melvin A. Kleckner, Town

Clerk, Board of Selectmen