

MINUTES
BOARD OF SELECTMEN
FEBRUARY 9, 2004
REGULAR SESSION

Call to Order

The Board of Selectmen convened in regular session on Monday, February 9, 2004 at 7:30 PM in the Selectmen's Meeting Room at the Belmont Town Hall. All members were in attendance. The Board noted that the live cable television feed was interrupted during the day and resulted in the meeting being taped.

Questions from Town Residents

Donald Mercier spoke to the Board on his efforts to promote an alternative disposition of the Brighton Street parcel to maximize affordable housing.

He also mentioned that he would like to pursue a residency qualification for adopted children.

The Board moved: to request a response from the Housing Trust on Mr. Mercier's recommendations.

The motion passed unanimously (3-0).

Action by Appointment

*Application for Licenses and Permit – Original
Dealer in Junk, Old Metals and Second Hand Articles
Pedals Resale, 364 Trapelo Road*

The Board considered the application for a Junk Dealer's license by Pedals Resale, 364 Trapelo Road.

The Board moved: to approve the original Junk Dealer's license to Pedals Resale, 364 Trapelo Road.

The motion passed unanimously (3-0).

Approval of Presidential Primary Election Warrant

The Board considered draft language for the ballot questions for the Town's annual election ballot.

The Board also considered the Presidential Primary Election Warrant submitted by the Town Clerk.

The Board of Selectmen moved: to approve and execute the Presidential Primary Election Warrant on March 2, 2004.

The motion passed unanimously (3-0).

Annual Town Election Ballot

The Board of Selectmen went on to review proposal questions to appear on the Annual Town Election ballot.

Opening of Annual Town Election Warrant

The Board moved: to open the warrant for the annual Town Meeting, effective immediately, and to close at 4 p.m. on Friday, March 12, 2004.

The motion passed unanimously (3-0).

Chief of Police and Fire Chief re: Requests to Fill Position Vacancies

The Board of Selectmen considered two separate requests to fill a dispatcher vacancy and firefighter vacancy in the E-911 and Fire departments, respectively.

The Board moved: to authorize filling a vacant Public Safety Dispatcher position and a vacant Firefighter position.

The motion passed unanimously (3-0).

Mr. Brownsberger noted conversations he had with two police officers who were interested in transferring to another community's police department. He indicated they were interested in seeking the Board's support for their transfer.

The Chief of Police indicated he is unable to support requests for transfers unless the Board is committed to backfilling these positions.

Mrs. Mahoney expressed concern over the motivation of transferring from the Police Department. She advocated filling the positions if and when they become vacant.

Mr. Brownsberger indicated his desire to support officers with career ambitions to take them elsewhere. However, he was interested in deferring decisions on staffing of the Police Department pending review of the FY 2005 budget with the Warrant Committee.

The Board agreed to take a position relative to the potential transfer of two police officers to another community.

The Board moved: to authorize transfers for Police Officers Michael Logan and Michael Cresta out of the department, should an offer of employment be extended to these individuals from another civil service; and further to authorize the Chairman to execute any documents relative to this matter.

The motion passed unanimously (3-0).

The Board deferred action on approving replacements for these positions.

Discussion of Scope of Services for Town Counsel/Legal Services RFP

The Board discussed a memorandum from the Town Administrator relative to the Town's development of a scope of services for Town Counsel and legal services.

The Town Administrator highlighted a number of issues for clarification by the Board of Selectmen, including: 1) whether residency should continue to remain a criterion, and 2) the scope of legal services the Town should seek from its Town Counsel. He noted that the Town is not bound by state procurement laws relative to its retention of legal services.

The Board moved: that an article be placed on the Town Meeting warrant, seeking the elimination of the residency requirement for Town Counsel from the Town's By-Laws.

The motion passed unanimously (3-0).

The Board agreed not to limit the scope of legal services in any RFP at this point.

The Board briefly discussed the process for evaluation of submissions.

Discussion of Fiscal Year 2005 Budget

The Board of Selectmen discussed the process by which they will consider the Town Administrator's budget proposal for Fiscal Year 2005. The Town Administrator reviewed with the Selectmen a proposed format for the consideration of the Town Administrator's budget recommendation.

Mr. Brownsberger noted the Chairman of the School Committee's interest in meeting with the Board regarding a variety of budget and cost issues. The Board agreed to discuss these issues with the School Committee when the Board meets with

them to discuss their budget at the special budget session on Saturday, February 28, 2004.

Action by Consent

Application for Licenses and Permit – Renewals

Auctioneer License

Custom Liquidators of America, Inc., d/b/a Newton Oriental Rugs, 73 Chestnut Street, Needham, MA

Class I License

Colonial Chrysler Jeep, Inc., Daimler Chrysler Motor Corp., 778-790 Pleasant Street

Boston Tours, Inc., 56 Williams Street, Waltham, MA 02453

Class II License

Frank Basile d/b/a Waverley Auto Exchange, 134 Waverley Street

Belmont C&G, Inc., d/b/a Prospect Auto Body, 259 Belmont Street

Brothers Auto Service, Inc., 337 Mill Street

Grigorian Brothers Corporation, 500 Common Street

Stephen P. Kelly d/b/a Kelly's Auto Sales, 32 Statler Road

Frank Rizzo Auto Sales, 18 Trapelo Road

James F. Venuti d/b/a Coachworks, 305 Trapelo Road

Robert J. Webb d/b/a Belmont Seat Cover, Co., 347 Pleasant Street

Common Victualler's License

Belmont Pizza, 388-390 Trapelo Road (extended hours permit)

Brighams of Belmont, 2 Trapelo Road

Brothers Pizza and Grille, 121 Trapelo Road

Cushing Donuts, Inc., d/b/a Dunkin Donuts Togo's, 52 Church Street (extended hours permit)

Derby Dessert Co., Inc., d/b/a "TCBY" The Country's Best Yogurt, 59A Leonard Street

Eddie's Deli, Inc., 462 Common Street

G.T. Food Services, Inc., d/b/a Gregory's House of Pizza, 27-29 Leonard Street

JDJ, Inc., d/b/a Asai Restaurant, 30 Leonard Street

Athanasios Ladas, d/b/a Thyago's Pizza, 368 Trapelo Road

John Paloukos, d/b/a Linda's Donuts, 247 Belmont Street (extended hours permit)

Rancatore's Ice Cream, Inc., 283 Belmont Street

Select Café, 289 Belmont Street

Shangri-La Inc., 149 Belmont Street

Tamada Corporation, d/b/a Café Cakes, 105 Trapelo Road

Trapelo Donuts, Inc., d/b/a Dunkin Donuts, 384 Trapelo Road (extended hours permit)

Livery License

Harry B. Mikaelian, d/b/a Advantage Limo, 294 Fitzmaurice Circle
Grigorian Brothers Corp., d/b/a Boston Executive Coach, 34 Raleigh Road
Bowtie Limousines, Inc., 38 Trapelo Road

Motion Picture Exhibition License

James L. Bramante, Star Theatres, Inc., d/b/a Belmont Studio Cinema, 376 Trapelo Road (extended hours permit)

The Board of Selectmen considered the above listed applications for various licenses and, where applicable, extended hours permits.

The Board moved: to approve the above listed applications for license and extended hours permit renewals.

The motion passed unanimously (3-0).

Action by Writing

Memorandum from Senior Planner re: Request for Transfer for Consulting Expenses

The Board reviewed a memorandum from the Senior Planner seeking a \$10,000 Reserve Fund Transfer for professional services to evaluate opportunities for development of the Town-owned parcel on Woodfall Road.

The Board moved: to approve the request for a Reserve Fund Transfer.

The motion passed unanimously (3-0).

Other

Mr. Brownsberger inquired about the Senior Planner's concerns about Avalon Bay's traffic analysis, related to the development at the former Metropolitan State Hospital site. The Board also moved to send a letter of concern to the Lexington Board of Selectmen and to request the Senior Planner to identify legal and other regulatory mechanisms to assert the Town's interests.

Mr. Brownsberger inquired whether the Town should be concerned about "mansionization" in the Town. The Board requested a letter be transmitted to the Planning Board to inquire of their sense of this issue in the Town.

The Town Administrator announced the Governor's recent signing of the public works consolidation home rule language.

Action by Appointment (Continued)

Discussion of Collective Bargaining (Executive Session)
Discussion of Litigation (Executive Session)

The Board moved: to enter executive session for the purpose of discussing strategy related to collective bargaining and litigation; 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 9:07 p.m.

Melvin A. Kleckner, Town Administrator
Clerk, Board of Selectmen