

**MINUTES Belmont Conservation Commission Meeting**

Minutes of January 17, 2012 in Room 2 Town Hall at 7:00 P.M.

The meeting was called to order at 7:00 PM.

The next meeting is January 24, 2012.

**Attendance:** Acting Chair: David Webster, Tino Lichauco, William McCants, Jeff North, Margaret Velie, Mary Trudeau (Agent). James Roth entered the meeting room at 8 pm.

Idith Kisin, Martha Moore, Anne Paulson, Anne-Marie Lambert, Radha Lyengay, Stanley Dzierzeski

**Open Meeting Law Discussion:**

William McCants note that he had researched portions of the Open Meeting Law (OML) with particular attention to public notification and the use of the Executive Session option. Mr. McCants described the need to provide detailed meeting notices that allowed the public to surmise the scope of any scheduled discussions, and ideally to list any Executive Sessions that may be expected to occur. He also noted that entering Executive Session always requires a roll call vote of the Commission, and all votes within the session must also be recorded by vote cast by each member. Mr. McCants stated that Executive Session can be used to discuss litigation strategy, and is not required or permitted for general discussions of litigation.

**Uplands Project Discussion:**

The Commission discussed the Superior Court remand of the OADR Docket No. WET-2008-072-R (DEP File Number 106-0075)

Faustino Lichauco noted that the remand of the OADR gave the Conservation Commission three options: Do Nothing; Urge the Fact Finder to decide in our favor based on the facts in evidence; or Urge the Fact Finder to reopen the hearing at the local level to allow for submission of information. He noted that the time line for submission of materials is given by the Office of Dispute Resolution.

Mr Lichauco noted that of the three issues challenged in the Commission's appeal of the OADR decision, the Commission prevailed on a single issue. Mr. Lichauco and Mr. McCants discussed the length of the appeal period, and were uncertain as to whether the 30 day or 60 day period was to be followed. Mr. Lichauco noted that the Commission had several options, including: Do Nothing; Appeal the decision; or request that the Court vacate the entry of judgment.

Idith Haber (Kissan), representing the Coalition, noted that the Commission needed to clarify the length of the appeal period and should not make any more mistakes concerning the Uplands. She also questioned whether Judge Haggerty's record on errors of law had been reviewed.

Martha Moore, TMM of Precinct 3, urged the Commission to pursue the vacate the entry of judgement option, noting that Stormwater is an important issue. She noted that Scott Horsley had testified on this issue on behalf of the Commission.

Anne-Marie Lambert, TMM of Precinct 8 and Coalition Board Member, noted concerns with the proposed sewer connection, and expressed concern with the relationship between the 10,000 gallon holding tank and ground water infiltration capacity. She noted that the Coalition was considering engaging Scott Horsley to undertake a new study evaluating the Uplands proposal, and stated that their as an estimated completion date of February 26, 2012 for this work.

Anne Paulson, former State Representative, noted that the Commission might have the opportunity to broaden the scope of the hearing through the re opening of the hearings.

Stanley Dzierzeski, a local resident, noted that the Commission continues to protect the Uplands site through the various appeals taken.

David Webster moved to enter Executive Session to discuss the strengths and weaknesses of the Commission's arguments. Jeffrey North seconded the motion. William McCants expressed concern that the legal notice posted for the meeting did not include reference to an executive session. Anne-Marie Lambert noted that she had called the Commission's office today and had been told that an executive session might occur. Tino Lichauco noted that the public could infer an executive session as it is usually considered to be a disadvantage to talk about legal strategy in a public meeting. Jeffrey North qualified his second of the motion by noting the legal counsel given by William McCants. Mr McCants noted that agenda items must be specific and precise to avoid complaints, but noted that this concern had been made to the public during this meeting.

The Commission took a roll call vote, and the vote was unanimous to enter into an Executive Session. Members of the public left the room at approximately 9:30, and the session commenced.

The Meeting reconvened briefly at 10:30 and was adjourned at 10:30 pm.

**MEETING NOTICE**

**Belmont Conservation Commission  
Tuesday January 17, 2012  
Town Hall, Room 2  
7:00 PM**

**AGENDA**

1. UPLANDS (DEP 106-0072) update and discussion
2. Adjourn

JANUARY 17. 2012

Attendance

Nancy Dugneau	Agent Conservation Commission
Margaret Veliq	Ch Com
David Webster	Com Com
William McCarty	CON COM
Faustino Lichaves	Co-Com
Edith Kisin	Guest
Martha Moore	Tmm
Anne-Marie Lambert	TMM, precinct 8
Anne Taulsen	Guest
Rachha Iyengar	Guest, BCF Board Member
Jeffrey North	Com Com
STANLEY DZIERZEKI	COMMITTEE TO PRESERVE BELMONT Upld