

**MINUTES
BOARD OF SELECTMEN
MONDAY, OCTOBER 23, 2006
REGULAR SESSION
SELECTMEN'S MEETING ROOM, TOWN HALL
67:00PM**

I. CALL TO ORDER

A regular meeting of the Board was called to order in open session at 6:00 PM in the Selectmen's Meeting Room at Town Hall. All members were present. Town Administrator Tom Younger and Assistant Town Administrator Jeff Conti were also present.

EXECUTIVE SESSION

School Committee

The Board moved: to enter into executive session to discuss collective bargaining and subsequently to return to open session.

Motion carried unanimously (3-0). The Board entered executive session at 6:02 PM.

(No significant motions were made during executive session.)

The Board returned to open session at 7:01 PM.

QUESTIONS FROM TOWN RESIDENTS

There were no questions.

ACTION BY APPOINTMENT

Proclamation – United Nations Day

The Board moved: to adopt a proclamation making Tuesday, October 24, 2006 United Nations Day in Belmont.

Motion carried unanimously (3-0).

Auxiliary Police Certificates

Police Chief Richard Lane appeared before the Board to recognize some former members of the Belmont Auxiliary Police who have put in thousands of volunteer hours and present them with certificates signed by the Selectmen. The Board expressed its appreciation for their many years of service and shook hands with the recipients who were in attendance.

ACTION BY WRITING

Reserve Fund Request-Fire Department Vehicle

Fire Chief David Frizzell asked for a reserve fund transfer for \$29,900 to replace a totaled fire vehicle slightly ahead of when it was originally scheduled. The vehicle's driver was found to be at fault in the accident, and the Town does not carry comprehensive coverage on small vehicles, so it will not be possible to recoup the cost from other sources.

The Board moved: to recommend approval of this request to the Warrant Committee.

Motion carried unanimously (3-0).

ACTION BY APPOINTMENT (Continued)

Shade Tree Regulations – P. Castanino, G. Clancy, T. Walsh

Laura Simmons, Chair of the Shade Tree Committee appeared along with DPW Director Peter Castanino, Community Development Director Glenn Clancy and Tree Warden Tom Walsh.

Mr. Clancy explained that the group has revised its proposed regulations for the protection of public shade trees; they are now going to be “guidelines” only. The purpose is to inform developers of the Town's goals in this area – to protect the root system and bark of the trees. There are no fees or delays or pre-approval process involved with this proposal – the guidelines will be provided to every building permit applicant.

Mr. Clancy and Ms. Simmons felt that the guidelines are not as effective as they would like in giving the Town leverage to protect its trees. Mr. Clancy said the Tree Warden should be more involved in this, but that cannot be done without sharing some of the cost of his time with developers through fees. As for enforcement, state law does not allow the Building Department to stop work on a project unless a pertinent by-law is being violated.

Mr. Walsh noted that the whole idea of this proposal was to try to protect the trees in advance. By the time someone notices there is damage, it is too late. Under these guidelines, no one will be there in advance to make sure the guidelines are being followed.

The Board agreed it does not want applicants to have to go through a pre-approval process, but wants to explore making these guidelines into a by-law to allow for substantive enforcement. Mr. Clancy indicated he is uncomfortable substituting his judgment in these cases for the Tree Warden's because each situation is different. There was discussion of how to address this problem without creating a cumbersome process,

when the majority of cases would probably not require it. The Board expressed its support for pursuing a by-law change at the annual Town Meeting in the spring.

The Board moved: to adopt the proposed “guidelines” as “regulations” if Town Counsel approves that designation.

Motion carried unanimously (3-0).

Presentation of DPW Facility Study – P. Bruschi, P. Castanino

Permanent Building Committee Chair Pat Bruschi and Mr. Castanino appeared before the Board. Mr. Castanino recalled that the DPW facility feasibility study was presented in detail to the combined Capital Projects Planning Group in March. The document has been finalized and is now being formally presented to the Board.

Mr. Castanino reminded the Board that the 2002 facilities audit determined it would cost as much to repair the current DPW facilities as it would to replace them. The proposed new facility would allow the Town to have all of its public works functions in one facility, including administration and operations; modernize its fleet facility with indoor vehicle storage; and provide adequate employee facilities that are ADA compliant.

The total estimated space requirement is 76,900 square feet, most of which is for vehicle storage. This size meets the state guidelines. 22 conceptual design alternatives were considered and reduced down to two options. The total estimated project cost is \$20,290,000. This includes green building design features.

There was discussion of where in the “queue” of proposed capital projects this would go. Putting it after the schools means putting it off at least 5 years, at approximately a 5% cost increase per year.

Mr. Castanino recognized the scheduling limitations and said he is simply asking that the project be recognized as a necessary one and formally placed in the queue. He noted that an efficient facility would save on maintenance costs of the current facilities as well as freeing up office space in those facilities currently occupied by DPW.

The Capital Projects Planning Group will look at this at its next meeting.

MSBA Regulations Discussion

Ms. Bruschi summarized the impact of the new school building assistance regulations. The process is still very much in flux because the details have not been fleshed out – they must be finalized by July 1, 2007 when applications can begin to be received.

She explained that the School Building Authority (MSBA) will now give towns all of the reimbursement money when construction begins, as opposed to drawing it out through the life of the project. This means the money will not go as far as it would have before.

In order to apply for funds, the school will have to be considered in one of 8 categories in order of priority: unsafe, overcrowded, threatened by loss of accreditation, expecting overcrowding from enrollment increases, seeking heating system energy savings, experiencing enrollment growth, proposing an addition to an obsolete building, or transitioning from court-ordered busing to students walking to school.

For the first year, the Town must submit a Statement of Interest by July 31, 2007. Belmont has already done this for the Wellington School and the High School. MSBA will decide which projects merit further consideration by December 2007. The goal of the whole process is to keep communities from spending money wastefully only to find that they are ultimately denied reimbursement.

If the project is given the green light at this stage, then the Town is invited to submit formal applications. It will be necessary to submit a great deal of information including budget and operating cost projections. MSBA may decide to do facilities assessment to have professionals come in and look at the need. Then they may decide to invite the Town to do a feasibility study, in which case they will share the cost of the study. Thus it is to the Town's advantage to wait to do one because MSBA may not accept an independent one. The next step is a project scope and budget conference and agreement with the state. The Town would then have 120 days to get debt exclusion and a Town Meeting vote to go ahead with the project based solely on a feasibility study with no design in place. Ms. Brusch thinks this is unrealistic. If successful, then the Town can hire an architect and a project manager. The state will write all contracts, though they have not yet finalized the language that will be used. Belmont has developed its own boilerplate language to protect the town and will try to have it looked at as part of the drafting process.

The reimbursement rates will be 40-80%. It is assumed Belmont would be at the 40% level. Interest, legal fees, police details, and anything done before the funding agreement are no longer eligible for reimbursement. Demolition costs may not be reimbursable. Buildings used solely for administration, or for recreation such as ice rinks and pools, are not eligible.

Ms. Brusch reported that MSBA did revise their regulations concerning the make-up of building committees into guidelines. If a Town does not follow them, then it has to make the case for not doing so. Having reviewed our practice and the new guidelines, she thinks the Town will be able to justify our practice.

Selectman Firenze pointed out that if it takes 5 years to go through the reimbursement process, and costs go up 5% every year, it will chew up a major portion of the reimbursement to the point where it may be preferable to just go forward sooner without reimbursement. Ms. Brusch said the Town should embark on the process and see how it unfolds here and in other communities.

Senior Center Building Update

The Senior Center Building Committee appeared before the Board. Chairman Solomon explained that this is the first in a series of reports the Selectmen have asked the Building Committees to make.

Chair Karen Pressey said the Committee is hoping to be able to go out to bid in February. The school building assistance moratorium actually works in favor of the Senior Center project by creating competition for a limited pool of public projects. A February bid would allow a full building season in 2007 and hopefully the project could be completed in time for the holidays in 2008. The Committee is considering a Town Meeting warrant article to petition the Land Court to combine the Senior Center and Town field into one recreational property (none of it is technically recreation land) to address the Zoning Board's concerns about the percentage of open space in the Senior Center design. Combining the parcels would allow the Town Field to be counted toward the open space requirement, solving the problem. Town Counsel confirms that the Senior Center is an authorized use on recreation land.

The other major issue is the number of parking spaces that are required for the size and capacity of the building. The current design will allow for 63 parking spaces, but the Town's by-laws require 88. The Planning Board has asked the Building Committee to make some progress in this area before granting any variance.

Two options that have been considered would reduce the program of the Senior Center and the Committee is reluctant to do that. The third option is to bump in a parking lane along Beech Street. The Recreation Board will allow their fence to be moved in 2 feet to do this. This would give 12 additional spaces for both the Senior Center and recreation use and would enhance safety on Beech Street. The Committee intends to present this plan to the Planning Board totaling 75 parking spaces.

The Board moved: to resolve to support the Beech Street parking lane proposal and take whatever steps are required to facilitate it, including funding it.

It was clarified that the parking lane would be paid for and executed by the Town and not out of the Senior Center project funds. The cost is not yet known.

Motion carried unanimously (3-0). The Board will convey its support in writing to the Planning Board.

The Board moved: to support a Warrant Article to combine the Senior Center and Town Field lots as one parcel of recreation land.

Motion carried unanimously (3-0).

Town Meeting Issues

Selectman Firenze has received a request from a resident who is interested in purchasing two parcels of Town-owned land on Frontage Road. An article has been proposed for the Town Meeting Warrant to authorize the Town to sell the land. Selectman Firenze pointed out that the land, which is not being used, does not currently generate any tax revenue for the Town but would if sold to a private owner.

The Board moved: to support the article.

Motion carried unanimously (3-0).

The Board decided to defer voting on remaining Warrant Articles until its next meeting on Monday, October 30.

Town Administrator's Report

Mr. Younger reported that he and Jenny Fallon went to a statewide meeting on energy conservation. Ms. Fallon did a presentation on Belmont's ESCO project that was received very favorably. It appears Belmont is a little bit ahead of the curve in making progress in this area.

ACTION BY WRITING (Continued)

Appointments:

Information Technology Advisory Committee

Disability Access Commission

Belmont Center Planning Group

Because the ITAC is a technical committee, the Board did not feel comfortable making a nomination without the counsel of the committee chairs. Chairman Solomon will meet with them to get some input on this appointment.

Chairman Solomon said he spoke to Dr. Gopal Gupta, who had volunteered in 2003, about serving on the Disability Access Committee, and found him willing to serve.

The Board moved: to appoint Dr. Gopal Gupta to the Disability Access Committee.

Motion carried unanimously (3-0).

The Belmont Center Planning Group had asked for a civil engineer to be appointed. Gordon Low was on the list of volunteers but while interested, he is concerned about the time commitment. The BCPG will talk with him directly about this.

The Board discussed whether or not to add anyone to the BCPG at this advanced stage in their work. The Board decided it will act if the BCPG comes to an agreement with Low that he should join them.

Affirmative Investments Letter

The Board considered a letter to the state Department of Housing and Community Development explaining the McLean Zone 6 zoning issue and warrant article and expressing the Board's support for the Waverley Woods project's financing application, and that there has not been any opposition to the zoning change.

The Board moved: to sign the letter.

Motion carried unanimously (3-0).

ZBA/MEPA Letter

The Board considered a letter to the Zoning Board, which it had asked Mr. Younger to prepare based on last week's meeting expressing the Board's views regarding the 40B Uplands process.

The Board moved: to sign the letter.

Motion carried unanimously (3-0).

OTHER

Selectmen Firenze reported on an MBTA Advisory Board meeting he attended. Upcoming fare increases were discussed for all components of the system. The proposal has been finalized after a long public process. It will be voted on by the T Board in November and the increases would be effective January 1, 2007.

The Board briefly discussed a letter from a claimant on a denied road damage claim. Town Counsel will review.

Fay, Spofford, and Thorndike (FST) has submitted a proposal on the GIS sewer study. The amount of the proposal falls under the limit that would have required competitive bidding.

There was brief discussion of a combined zoning/parking issue raised by a resident.

The Board moved: to refer reviewing the limits of on-site parking of vehicles in General Residence districts to the Planning Board and to ask if they have any advice on the overnight parking issue.

Motion carried unanimously (3-0).

There will be no Board meeting on November 20 (Chairman Solomon will be out of town.)

Executive Session -- DPW Grievance

The Board moved: to enter into executive session for the purpose of discussing personnel issues and not to return to open session.

Motion carried unanimously (3-0). The Board entered executive session at 9:41 PM.

(During executive session, no substantive motions were made. The Board adjourned at 10:47 PM.)

Thomas G. Younger
Town Administrator