

**MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Monday, December 2, 2013
7:00 PM**

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CALL TO ORDER

A regular meeting of the Board was called to order in open session at 7:04 pm by Chair Paolillo in the Selectmen's Meeting Room. Selectmen Jones and Rojas were present. Town Administrator David Kale was also present.

Chair Paolillo reviewed the agenda.

QUESTIONS FROM TOWN RESIDENTS

[There were none.]

ACTION BY APPOINTMENT

Cable Television Advisory Committee (CTAC) Update

Mr. Jonathan Green, Chair, Mr. Mark Carthy, and Mr. Chet Messer, Chair of the Belmont Media Center (BMC), appeared before the Board to provide an update on the Cable Television Advisory Committee. Mr. Green informed the Board that the agreement with Comcast will expire in October 2014. He said there is a renewal process that must be undertaken with Comcast which involves the input with residents to determine Cable Television needs.

The agreement will stipulate Comcast fees and the amount which is allocated to the BMC. He said a consultant has been hired to help with the franchise renewal and that the BMC will underwrite the consultant's fees. The consultant will focus on what the town should be negotiating for. Mr. Green mentioned that an attorney's services (Mr. Peter Epstein) would be required, as well.

The Board discussed issues relating to this matter. Mr. Green reviewed some of the deadlines as well as the upcoming meetings. He noted that the Board will run the two public hearings, the first of which should be held at the end of January, and the second a month after that.

Chair Paolillo said that the Board will work on setting potential dates for the public hearing.

Update: Woodfall Road

Mr. Glenn Clancy, Town Engineer, and Mr. Jeffrey Wheeler, from the Community Development Office, appeared before the Board to provide a Woodfall Road update.

Mr. Kale noted that two proposals were received pertaining to Woodfall Road and follow up information has been received from the two bidders. He then reviewed the highlights of the applications. Both bidders intend to build four single-family homes and the applications are

comparable in many ways using the Selectmen's criteria. He reviewed the prices bid by the developers.

Mr. Kale recommended that the Board pursue and support the application of Belmont Advisors as this is the higher bid at \$2.2M.

The Board discussed issues relating to this topic.

Mr. Jeff Nadherny, President of Belmont Advisors, approached the microphone to answer questions of the Board. He said that late winter construction is possible and that he would build one lot at a time.

The Board moved: To proceed with the execution of a Purchase and Sale Agreement with Belmont Advisors, LLC, for the Woodfall Road Property.
The motion passed unanimously (3-0).

Rules and Regulations on Snow Removal By-law

Mr. Glenn Clancy remained before the Board to discuss the Snow Removal Bylaw. Mr. Kale noted that he has met with residents and that a letter will go out explaining the Snow Removal Bylaw. A copy of the Bylaw will be included in the letter. Information pertaining to the Bylaw is also on the town's website. The Bylaw, he said, is subject to the Attorney General's approval, which is expected early in the New Year.

Selectman Jones said that the sidewalk snow removal Bylaw will provide young people in town, as well as snow removal companies, with a chance to make some money via sidewalk snow removal.

Mr. Kale and Mr. Clancy review the proposed rules and regulations for Snow Removal Bylaw:

Approved Rules and Regulations – Snow Removal Bylaw

1. The Director of Community Development will be responsible for the overall administration of the enforcement provisions of this bylaw. The Director of Community Development is granted the authority to exercise discretion, as he/she deems appropriate, in the overall administration of the enforcement and compliance provisions contained within this Bylaw. In exercising discretion, the Director should be guided by the following principles:
 - The Director should give primary enforcement priority to areas near schools, or areas that serve elderly or disabled populations.
 - The Director should give secondary enforcement priority to areas that serve high volumes of pedestrians, including access points to public transportation, or where the road design poses significant risks to pedestrian or vehicular safety (such as where there are limited sight distances).
 - The Director should enforce the bylaw in a manner deemed most likely to secure ongoing voluntary compliance with the bylaw as widely as possible.

2. Determination of compliance with the bylaw regarding the removal and treatment of snow, ice or slush shall not occur before 8 p.m. as described in section 5 of the bylaw.

3. Homeowners who have an approved Clause 37A (Blind Exemption) and/or 41C (Elderly Exemption) from the Belmont Board of Assessors as of October 1 each year shall be exempted from the requirements of the Residential Snow bylaw for the winter season which begins October 1 through April 30. However, homeowners excepted from the Bylaw are encouraged to comply voluntarily.
4. A temporary absence as referenced in section 5, item c shall be defined to be no more than 5 calendar days.

The Board agreed that the enforcement regulations are concise and appropriate. Mr. Clancy concurred and added that more will be known once the by-law is in motion. He said the public education process is underway.

The Board moved: To approve the draft rules and regulations regarding the snow removal by-law.

The motion passed unanimously (3-0).

Town Administrator's Report

Mr. Kale reported on the following items:

- The Community Path Advisory Committee (CPAC) has created a survey which the BOS reviewed and commented on. The BOS in conjunction with CPAC and will hold a public hearing on January 22, 2014 at 7:00pm at the Beech Street Center. The Board discussed issues relating to the potential bike path, the proposed wall, the agenda of the meeting, etc.
- The new Mexican restaurant, El Centro, is in the process of obtaining a MWRA permit which has delayed its restaurant opening.
The Board moved: To extend the conditional approval of the Common Victualler license and all alcohol license for an additional 90 days, until March 8, 2014.
The motion passed unanimously (3-0).
- Glenn Road residents have signed a petition requesting that the Traffic Advisory Committee (TAC) begin an additional traffic flow study. The Traffic Advisory Committee, having completed a recent study, did implement a 'parking only on one side of the street' instruction. Residents have requested additional study. Mr. Glenn Clancy approached the table and explained the TAC approved signage. The Police Department study will show volume and speed of the traffic.
- A schedule of potential Board meetings has been submitted to the Board for its review.

Rules and Regulations on Storm Water Management

Mr. Glenn Clancy remained before the Board to review the Storm Water Management By-law rules and regulations. He highlighted the significant areas that required addressing. He said that the DEP's ten standards are worth incorporating.

Mr. Roger Colton, Town Meeting Member from Precinct 6, approached the table to discuss the

rules and regulations as well. He began by thanking Mr. Clancy for his efforts in this area. Mr. Colton recommended that Sustainable Belmont and ConCom have an opportunity to review the regulations and offer feedback. He then asked the Board to meet with the Town Clerk to have her circulate the regulations and to request input from Town Meeting Members. He then requested that the issue of adopting Stormwater rules and the regulations specifically for the Uplands, not be done.

Chair Paolillo said the steps outlined above will be implemented. He said the Board will re-visit this topic in January. Mr. Clancy noted that, while the by-law has been adopted, the rules and regulations have not been adopted or implemented. Mr. Kale will contact Town Counsel to receive information on implementation of the Bylaw prior to approval of Rules and Regulations.

Discussion: Private Way acceptance for Ernest Road

Mr. Glenn Clancy remained before the Board regarding the Private Way acceptance for Ernest Road.

Mr. Michael Baram, Ernest Road, said that he would like to see this issue postponed as not all of the residents have been informed. (Five out nine have not been informed.)

Mr. Clancy said that TM has the authority to accept or reject a Private Way for Ernest Road. The road is in terrible shape, he said. The Board of Survey will need to decide whether or not to support a Warrant Article to make this road a public way as a means to get the road repaired. Mr. Clancy expressed concern that there are many private ways that might consider becoming a public way in order to receive town funding for road repair. He said that the town should think about a policy for construction and road maintenance of private ways going forward.

Chair Paolillo said that the Board will take no action tonight.

Mr. Andrew Finke, 20 Ernest Road, informed the Board that he is interested in creating a petition about this issue. He said he would like to explore all options.

Ms. Crystal Woodward, of Kenmore Road, said her lot abuts Ernest Road. She asked if she would be expected to contribute to repairing Ernest Road. She added that Ernest is used as a cut-through road.

FY15 Budget Discussion

Mr. Floyd Carman, Town Treasurer, and Mr. Daniel Dargon, Mr. Charles Lavery, and Mr. Marty Millane, all from the Board of Assessors, appeared before the Board to discuss the FY15 budget.

Mr. Kale discussed issues relating to revenue estimates (\$94M), new growth, free cash, and how these revenue estimates will impact the levy capacity. He noted how the fixed costs – about \$15M (roads, debt, Minuteman) are first identified. Once the fixed costs are removed, about \$74M remains to be split between town and schools.

Mr. Kale then discussed “free cash” and the process of replenishing it on an annual basis. Free Cash is the Town’s saving account which has been used as revenue sources to balance the annual

budget. The amount used in FY13 and FY14 is 2.0 million. He noted that the certified free cash number is \$6.2M. He informed the Board that the Warrant Committee provided feedback suggesting that the non-property-tax revenue categories (motor vehicle excise tax, license and permits, restaurant tax, recreation fees, etc.) be presented to display actual collections for FY13, extended collections for FY14 and FY15. These suggestions were incorporated in a revised report.

Mr. Kale then reviewed the revenue projections from the non-property tax revenue categories.

Mr. Carman explained that motor excise tax collections vary from year-to-year. He said the current estimate is solid. He then discussed how he was able to collect taxes from those who had deferred on paying property taxes.

Mr. Kale then reviewed the ambulance fees, e.g., ALS revenues (\$805K). Recreation fees have been budgeted at \$700K. He noted that the future of the Underwood Pool could impact this amount. Regarding Building Permits, he said this estimate is economy-dependent. When the economy is healthy, this number rises. But, an economic downturn or increasing interest rates can impact this number. The goal would be to establish a sustainable budget amount for building permits to avoid severe factuaction.

Selectman Jones noted this is the highest free cash level the town has experienced, by far. He asked if the free cash level will continue to be increased and if so, will the voters ever again consent to give us more money, i.e., an override? Mr. Kale noted that several areas that contributed to the replacement of free cash are a result of one-time revenues and will not re-occur on an annual basis.

Chair Paolillo stated that the town does not presently have a free cash policy. He said the DOR has recommended that a town use 3-5% of its total budget (\$94M) to determine a free cash target. This would suggest \$3-5M in free cash. The Board stated its support for establishing a free cash policy. Mr. Carman noted that this could impact the 10% reserve policy. Moody's, he said, likes to see predictability. Protecting the Town's bond rating is important with so many potential Capital Projects in the future and the impact on borrowing costs.

The Board discussed issues relating to the budget process.

Chair Paolillo requested that the financial team work on establishing a free cash policy.

Mr. Dargon reviewed a report provided by the Board of Assessors on New Property Tax Growth. The sources of new growth are home improvements and new buildings. The McLean property provided a new growth jump in 2009. He said that \$500K is the new growth estimate for FY15. A review of the 10 year average new growth rate took place. The new growth average for the last 10 years was \$669,000 which includes the McLean development, without the McLean Development the 10 years average dropped to \$560,000. The new growth from McLean development is nearly complete and will impact future estimates.

Chair Paolillo suggested revisiting this number in the coming months.

The Board thanked the members of the Board of Assessors as well as Treasurer Carman.

Mr. Kale reviewed meeting dates related to the budget. A joint meeting with the School Committee is scheduled for December 16, 2013.

ACTION BY CONSENT

Topic

Common Victualler's License:

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| ▪ Rancatore's Ice Cream | 36 Leonard Street |
| ▪ Fiorella's Express Belmont, Inc. | 263 Belmont Street |
| ▪ Michael's Pizza | 191 Belmont Street |
| ▪ Teddy's Kitchen | 462 Common Street |
| ▪ Starbucks Coffee #871 | 47 Leonard Street |
| ▪ Starbucks Coffee #7538 | 112 Trapelo Road |
| ▪ Gen Sushi | 61 Concord Ave |

The Board moved: To approve the Common Victualler license request as noted above. The motion passed unanimously (3-0).

Livery Service:

- Pete's Livery Service 17 Dalton Road

The Board moved: To approve the Livery Service license request for Pete's Livery Service. The motion passed unanimously (3-0).

ACTION BY WRITING

Approval of Meeting Minutes

- November 4, 2013
- November 18, 2013

The Board moved: To approve the meeting minutes from the meetings noted above. The motion passed unanimously (3-0).

NEXT MEETINGS

Friday, December 13, 2013 at 8:00 a.m.

Monday, December 16, 2013 at 7:00 p.m. (Joint with School Committee)

The Board moved to adjourn the meeting at 9:41 pm.



Mr. David Kale, Town Administrator