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MINUTES  
TOWN OF BELMONT  
BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
Monday, June 22, 2015  
7:00 PM

APPROVED  
BOARD OF SELECTMEN  
DATE: 10-27-15

**CALL TO ORDER**

A regular meeting of the Board was called to order in open session at 7:03 p.m. by Chair Baghdady in the Selectmen's Meeting Room. Selectman Williams was present; Selectman Paolillo was absent. Town Administrator David Kale and Assistant Town Administrator Marshall were also present.

Chair Baghdady reviewed the agenda.

**QUESTIONS FROM TOWN RESIDENTS**

Mr. Paul Roberts, TM Member Pct. 8, presented a petition to the Board signed by 500 residents. He read a statement concerning the petition; he then read the petition itself. He requested that the Board allow time for comments from the audience.

Chair Baghdady stated that the viewpoints expressed in the petition have been well summarized. Selectman Williams stated that he does not share Mr. Robert's opinion concerning the process issues referred to in the petition. He added that the process followed the rules of law, and respected the TM process.

At the request of Chair Baghdady, Selectman Williams made several comments regarding the resident petition that had been presented to the Board. Selectman Williams stated that although he could understand a difference of opinion related to the outcome he believes that the process followed was fair and open. He went on to state his disagreement with several adjectives in the petition that attacked the Board's process in making their decision, to which Paul Roberts began to interrupt the proceedings from the audience. Mr. Roberts was asked to stand-down, to which he did not at first comply, once order was restored Selectman Williams concluded his comments by stating that this petition was not simply attacking the Board of Selectmen and the decision they made, but indicting the system of government that Belmont has relied on for generations.

Chair Baghdady then summarized the process, including what transpired at the BOS meeting held on Thursday, May 28. He noted the reasons for the Board's unanimous support of Plan B. The green space will be 43% larger than the current green space. He stated that the Board will not re-open the discussion, at this meeting because he had been contacted by individuals who supported the changes made to the delta and he instructed them not to attend since a reopening of the discussion was not on the agenda and the BOS agenda was very full. Mr. Roberts again began to interrupt the proceedings by speaking out of place from the audience.

The Board took a five minute recess at 7:18 p.m.

#### **ACTION BY APPOINTMENT**

##### **Sidewalk Maintenance Contract Discussion and Vote**

Mr. Kale discussed the sidewalk maintenance budget (\$200K) and the bidding process. He noted that five bids were received. He said the DPW recommends that the Board accept the Sacca and Son bid of \$133.5K. The remaining funding (given that the bid is roughly \$65K under-budget) would be put toward additional sidewalk repair.

Chair Baghdady read the streets that would receive sidewalk repair. He then discussed the various bids, as well as the contract terms. Selectman Williams asked about remedies if the town is not pleased with the sidewalk repair work.

From the audience, CBC Chair Mahoney stated that putting the additional \$65K toward sidewalk repair would probably be supported by the CBC.

*The Board moved:* To approve the sidewalk maintenance contract to Sacca and Sons of Arlington, details noted above.  
The motion passed unanimously (2-0).

##### **Verizon Petition for Rutledge Road and Clairemont Road**

Mr. Scott Burns, Verizon Representative, appeared before the Board to request the petition for Rutledge and Clairemont Roads. Mr. Burns briefly explained the petition.

Chair Baghdady noted that Mr. Clancy approved the petition.

*The Board moved:* To approve the Verizon petition, details noted above.  
The motion passed unanimously (2-0).

##### **Discussion: Entertainment License Application**

Ms. Ellen Cushman, Town Clerk, appeared before the Board concerning the Entertainment License application process. Mr. Kale stated that public and private entities have expressed an interest in having entertainment present, e.g., guitar players, singers, etc. As a result of these requests, Ms. Cushman created an entertainment license application form. Fees for entertainment have been discussed, with the amount due depending on the duration of the request. For example, one-time requests will cost \$25, while ongoing requests would cost \$100.

Ms. Cushman provided additional information on license eligibility, the process, and the proposed fees. She noted that this would apply to businesses that already have licenses from the town. She requested that the Board allow the Town Administrator to oversee this process (the review and approval of applications) until the Board meets more regularly in the fall.

The Board discussed this topic.

*The Board moved:* To approve and adopt the entertainment license application process, details on fees noted above.

The motion passed unanimously (2-0).

*The Board moved:* To approve the delegation of the authority to grant entertainment licenses to the Town Administrator until September 2, 2015.

The motion passed unanimously (2-0).

**Hearing: Application from Art Specialties, LLC for a Wine and Beer Retail Liquor License at 369 Trapelo Road**

Ms. Jen Bonislowski and Mr. Artur Nergaryan, Co-Owners, appeared before the Board to request a license for their specialty shop. Ms. Bonislowski provided details on the shop, including all of the items it sells, and noted that customers are requesting beer and wine.

Chair Baghdady asked about the delivery space. He then made it clear that a condition of the license would be that tobacco products and lottery tickets would not be sold on the premises. Chair Baghdady read a statement from Superintendent Phelan noting the Superintendent's concern for selling liquor near the Butler School. The store falls right on the buffer line for selling alcohol in the vicinity of schools, but its location is separated by Trapelo Road

The Board expressed support for the application, noting that this is the type of business that the Board had in mind for the beer and wine license.

Audience Comments:

Mr. Matt Goldstein, TMM Pct. 3, expressed his support for the store and for the license. He said this will help rejuvenate the area.

Ms. Maryann Scali, TMM Pct. 2, suggested that the store not have neon signs flaunting the sale of beer and wine.

Mr. John Occhino, TMM Pct. 4, raised a concern about parking.

Mr. Nergaryan said that all employees would satisfy the training requirements for properly serving alcohol.

Mr. Frank Frazier, TMM Pct. 7, asked if wine tastings would be allowed. (To do so may require a one-day serving permit.)

A petition of support was submitted to the Board.

*The Board moved:* To approve the wine and beer license request, with the condition that no lottery is sold, no tobacco products, no neon signs, no alcohol display, no nips, and

that employees receive proper training.

This motion was withdrawn.

A finding was added concerning the Butler School: that the selling of alcohol products is not detrimental to the Butler.

The above motion was reinstated:

*The Board moved:* To approve the wine and beer request, with the condition that no lottery is sold, no tobacco products, no neon signs, no alcohol display, no nips, that employees receive proper training, and that the selling of alcohol products is not detrimental to the Butler.

The motion passed unanimously (2-0).

#### **Discussion: 863 Concord Ave Application Withdrawal**

Chair Baghdady noted that Mr. Bill Hunt is withdrawing his application concerning 863 Concord Ave. The Board has received a letter of withdrawal from his attorney. The Board noted that the public has been so updated on the withdrawal.

#### **Discussion and Vote: Taxi Rate Adjustment**

Mr. Michael Brodigan (Attorney for Yellow Cab) and Mr. Louis Trucello, of Yellow Cab, appeared before the Board to propose the taxi rate adjustment. Mr. Brodigan provided some background information on the Yellow Cab Company. He noted that the rates have not been increased in eight years. He reviewed the requested increases (metered drop up to \$1.90 and rate per mile up to \$4.00) and noted that it constitutes a modest increase.

Mr. Trucello said that the rates will make Yellow Cab in line with its competitors.

The Board expressed its support for the fee increase.

*The Board moved:* To approve the proposed new taxi rates, details noted above.  
The motion passed unanimously (2-0).

Ms. Elizabeth Pew spoke very favorably of the cab company.

#### **Approval: Taxi Business License Application from Sandro Mathi**

Mr. Mathi, of Brookline, appeared before the Board to request a business license to drive a mini van. He said he has been in the business since 1994. The mini van would be garaged in Brookline.

Chair Baghdady informed the applicant that Belmont bylaws require that the vehicle must be housed in Belmont. Mr. Kale suggested that the Board review the application and the guidelines

more thoroughly and postpone the vote on this topic. Mr. Mathi expressed some confusion as to why the van needed to be stored in Belmont, given that he satisfied the DBA requirements.

Ms. Cushman, Town Clerk, appeared before the Board and explained the business license (DBA) distinction versus complying with the garage regulation to obtain a taxi license. The DBA portion is acceptable; but the taxi license portion is incomplete.

The Board will continue the hearing to the next scheduled Board meeting.

*The Board moved:* To *continue* the hearing on the license application, details noted above.

The motion passed unanimously (2-0).

### **ACTION BY CONSENT**

- Approval of the third annual 5K Walk in memory of Mr. Dan Scharfman

Mr. Charlie Conroy appeared before the Board to discuss the 5K memory walk (scheduled for Sunday October 4, 2015). He explained that money raised benefits the FBE, which benefits the Belmont Public Schools. He noted that there is a change to the one-mile race.

*The Board moved:* To approve the 5K Walk in memory of Mr. Dan Scharfman.  
The motion passed unanimously (2-0).

- Appointment of Mr. Myron Kassaraba to the Massport Community Advisory Committee

Mr. Kale explained the appointment.

*The Board moved:* To appoint Mr. Myron Kassaraba to the Massport Community Advisory Committee to June 30, 2018.  
The motion passed unanimously (2-0).

- BOS meetings schedule July-December 2015

A draft schedule will be circulated before the Board votes.

### **Committee Liaison Reports**

There were none.

### **Confirmation of Light Board MLAB Appointments**

Chair Baghdady explained that these appointments will be made with the Board acting as the Board of Selectmen (i.e., not as the Light Board). He thanked the outgoing MLAB members: Mr. Ashley Brown and Mr. Bob Forrester.

The Board spent a few minutes discussing the appointment process. The Board will seek clarity on the process.

*The Board moved:* To appoint Dr. Ralph Jones and Mr. Stephen Klionsky for a term of 3 years to the MLAB.

The motion passed unanimously (2-0).

### **Town Administrator's Report**

Mr. Kale reported on the following items:

- The PGA Tour went very well with regard to public safety services. He acknowledged the role of Phyllis Marshall, Assistant TA.
- Three police officers were sworn in last week. Also (and not related to the swearing in) an arrest was made last week and a large amount of drugs were confiscated.
- The FTF Implementation Committee and OPEB Task Force are accepting applications. Other committees have openings, as well. He read a list of committees that are accepting applications to fill vacancies.
- Municipal Energy grants are available from the state. A consultant will be chosen to do the analysis. The Board will need to authorize the application process. The Board asked clarifying questions, specifically concerning solar panels being placed at Wellington.

*The Board moved:* To authorize [TM to apply for the Municipal Energy grant?...] The motion passed unanimously (2-0).

### **ACTION BY APPOINTMENT (continued)**

#### **Executive Session**

*The Board moved:* To enter into executive session at 8:51 p.m.

- To discuss strategy consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. [Cushing Village]

A roll call vote was taken: Chair Baghdady said aye and Selectman Williams also said aye; the motion passed unanimously (2-0).

- To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.

A roll call vote was taken: Chair Baghdady said aye and Selectman Williams also said aye; the motion passed unanimously (2-0).

- To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares. (Minuteman)

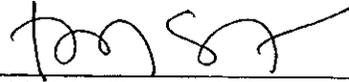
A roll call vote was taken: Chair Baghdady said aye and Selectman Williams also said aye; the motion passed unanimously (2-0).

The Board took a five-minute recess.

*The Board moved:* To exit Executive Session and Adjourn the meeting at 10:07 p.m.  
A roll call vote was taken: Chair Baghdady said aye and Selectman Williams also said aye; the motion passed unanimously (2-0).

The Board moved to adjourn the meeting at 10:07 p.m.

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Mr. David Kale, Town Administrator