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MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Monday, July 27, 2015
6:00 PM

APPROVED
BOARD OF SELECTMEN
DATE: 9-28-15

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 6:00 p.m. by Chair Baghdady in the Selectmen's Meeting Room. Selectmen Paolillo (arrived at 6:15) and Williams were present. Town Administrator David Kale and Assistant Town Administrator Marshall were also present.

Chair Baghdady reviewed the agenda.

QUESTIONS FROM TOWN RESIDENTS

[There were none.]

ACTION BY APPOINTMENT

Pavement Management Contract

Mr. Glenn Clancy, Director of Community Development, appeared before the Board to request approval for the Pavement Management Contract. Mr. Kale began by noting the contract pertains to the 2015 Pavement Management plan. Mr. Clancy reviewed the bid process; the lowest bid (from E.H. Perkins) came in just under \$2M. He explained that there is a sewer component to the plan as well. He then reviewed the list of roads that are slated for repair.

Chair Baghdady noted that sidewalks are not included. Mr. Clancy confirmed that this is true and explained that this is a result of a prior Board policy. Mr. Kale explained the upcoming sidewalk allocation plan (\$200K). He noted that this plan will not cover all the sidewalks.

Mr. Williams reviewed some of the basics of the Pavement Management Plan as well as the bid process. He asked several clarifying questions of Mr. Clancy. Overall, the bid received was below the estimated cost of \$2.4 million. It was noted that the pavement management budget is a capital allocation and any funds not expended roll over into the subsequent fiscal year therefore, the difference between the estimated and bid amounts will be used to support the pavement management program.

The Board moved: To award and approve the Pavement Management contract, to E.H. Perkins at \$1,993,254.10.
The motion passed unanimously (3-0).

The Board signed the contract.

APPROVED

Request by National Grid for extended work hours at the Belmont Center Bridge

~~Mr. Clancy~~ remained before the Board to request extended work hours at the Belmont Center bridge. He noted that National Grid has put forth tremendous effort to stay ahead of Belmont's schedule and the work at the Underpass is vital to the overall project. National Grid now has the MBTA and Keolis go-ahead to proceed with the work, but needs permission from the Board to perform the work during night hours to minimize impact on traffic. The Belmont Police Department will provide detail.

The Board discussed issues relating to the Underpass work. The Board agreed that the work needs to get done and hopefully with the least amount of inconvenience to the residents of Belmont.

Mr. Clancy stressed the tightness of the schedule, noting that the work will be no longer than four nights.

The Board moved: To approve the National Grid request for extended hours (8 pm to 5 am) at the Underpass for four upcoming nights.
The motion passed unanimously (3-0).

SAFE (Student Awareness of Fire Education) Grant Award

Mr. Kale informed the Board that Cambridge Savings Bank awarded a \$5K grant to allow the Fire Department to educate elementary school students (SAFE grant award).

Chair Baghdady said he would invite the Chief to come in and explain the SAFE program to the Board and to residents.

The Board moved: To accept the SAFE grant award in the amount of \$5K.
The motion passed unanimously (3-0).

Report: Grove Street Master Plan

Chair Baghdady explained the impetus for the study of Grove Street Playground. Mr. Kale noted that the Grove Street Master Plan does not provide specific design details; it is more of a "concept plan". The Recreation Commission will review the plan as it stands thus far to receive additional public input. He then provided an overview of the two options initially developed by the consultant. Option 1, which was revised based on feedback received at a public meeting, can be phased in over time and had general support from the two options. The overall cost is about \$1.6M. He then explained several components of the plan, which again, can be phased in over time. Mr. Kale noted that there are varied opinions from the neighborhood on the master plan and its implementation.

Chair Baghdady reviewed the next steps, which involve the Board meeting to review the proposed master plan. Selectman Paolillo noted that the plan will require the allocation of

significant funds. Where will this money come from, he asked? It is a lot of money to spend on only one playground.

Selectman Williams asked about the Board's strategy with concern to *all* of the playgrounds and parks across town. He agreed with Selectman Paolillo that this is a lot of money given that there are issues at many of Belmont's parks. Chair Baghdady noted that Grove Street issues are pressing as a result of the batting cage issue, the baseball usage, parking issues, etc.

The Board agreed that a town-wide playground plan is needed.

Ms. Donna Ruvolo, a Grove Street neighbor, agreed that an overall plan for the town is needed. She then asked about the process going forward with regard to the Master Plan. She offered that before any capital investments occur, she (and the neighbors) would like to review the overall plan for Grove Street.

Review of an application from Belmont Ice Cream LLC. d/b/a Moozy's to change the store hours

Mr. Dante Muzzioli, Owner of Moozy's, appeared before the Board to request a change of hours for Moozy's. He stated that he would like to open Moozy's earlier to serve breakfast items. He hopes that the revenue generated from adding breakfast hours will offset the very quiet winter months. He noted that the seating will not be impacted, but that he will need to make some kitchen improvements.

Dr. David Alper, Chair of the Board of Health, noted that the current set-up of Moozy's is not equipped to serve breakfast. However, they will be required to submit a plan that is workable for approval by Town Departments.

Chair Baghdady asked about the impact of this on the neighbors, on the community (parking, etc.). Mr. Muzzioli stated that parking seems adequate.

Ms. Rita Carpenter, 6 Oak Avenue, expressed concerns about parking issues and increased traffic. She said this would be a burden on the neighbors. She expressed concern about high volume items (a Starbucks-like kiosk, for example) where people come and go with take out. She also expressed concerns about precedent for future businesses on this site. Chair Baghdady noted that zoning does not prohibit this proposal. Selectman Paolillo spoke to the precedent concern.

Mr. Muzzioli stated that it was not his intention to offer a Starbucks kiosk.

Dr. David Alper, Oak Ave, offered that Moozy's has been an excellent business, e.g., both clean and orderly. However, he noted that the extended hours will definitely impact the neighbors. He said the proposed 6:00 a.m. time is egregious and will be a burden to the neighbors, due to noise, parking, etc. Altering the hours may be an appropriate compromise.

Mr. Muzzioli stated that he will continue to be a good neighbor and will continue to run a clean

and orderly business.

The Board then discussed the requested change of hours.

Mr. Doug Kopolow, Oak Ave, also asked about the precedent of extending hours.

Chair Baghdady agreed that Moozy's suffers from a lack of business in the winter months. He said he would support extended hours, with the following restrictions: there will be no portion of the premises which may be used by a third party for the preparation or selling of products; approval of all applicable permits from town departments including the Health Department, Fire Department and Community Development and the weekend opening hours will be adjusted from 6:00 a.m. to 7:00 a.m. Board members and the applicant agreed to these restrictions.

Issues relating to zoning, permitting, early hours, and take out were further discussed.

The Board moved: To approve the application from Belmont Ice Cream LLC d/b/a Moozy's to change the store hours, opening at 6:00 a.m. Monday through Friday and 7:00 a.m. Saturday and Sunday with the restrictions noted above and pending approval from the Board of Health, the Fire Department, and from the Office of Community Development.

The motion passed unanimously (3-0).

Affirmation of Appointment of Human Resource (HR) Director

Mr. Kale provided some background information on the new HR Director, Ms. Jessica Porter. He requested a motion from the Board and then he explained the recruitment process.

The Board moved: To approve the appointment of Ms. Porter as HR Director.
The motion passed unanimously (3-0).

Hearing on an application from Foodies Belmont LLC for a Wine and Malt Retail Liquor License at 83 Leonard Street

Mr. Victor G. Leon and Mr. Justin Kreger (General Managers) from Foodies appeared before the Board concerning the application from Foodies Belmont LLC for a Wine and Malt Retail Liquor License.

Mr. Leon presented a brief presentation to the Board which explained the Foodies concept. He noted that Foodies is a grocery store which emphasizes community, local products, organic items, and high quality prepared foods.

Mr. Leon provided renderings of the proposed Belmont Foodies. He then requested approval from the Board for a malt and wine license.

Mr. Kreger discussed the malt/wine request. He reviewed where the alcohol would be sold. He noted that neighbors have been informed, including nearby churches, neighbors, and the Craft

Beer Cellars. He then discussed price ranges of the products and noted that no cigarettes or lottery products will be sold.

Chair Baghdady asked several clarifying questions.

Ms. Diane Malcolmson stated that Belmont grocery stores do not sell alcohol. She stressed the importance of Foodies keeping in touch with the other purveyors of alcohol in the town.

The Board expressed its support for an establishment such as this, for the following reasons; Foodies Belmont LCC. Is making a significant economic investment in Belmont. Furthermore the licensed establishment will promote beneficial development of compatible neighborhood services in addition to having a positive economic development impact on this neighborhood business area. There will be limited impact on traffic and parking. The Board of Selectmen believes that the approval of this application will not have an adverse impact on educational or religious activities and received no written objections. The applicant agreed to the conditions imposed by the Board of Selectmen.

The following are conditions imposed by the Board of Selectmen as part of the approval of the retail sale of wine and malt beverages by the applicant.

1. Subject to the completion and final approval by the Inspector of Buildings and other applicable Town Departments for all work required to conform and comply with Permits issued by the Town of Belmont for 83 Leonard Street.
2. The total square footage within the premises dedicated to the retail sale of all alcoholic beverages shall not exceed the space as noted in the floor plan submitted as part of the application.
3. The applicant shall implement the business plan presented to the Board of Selectmen of a market which will offer a diverse collection of prepared foods and retail items.
4. The applicant agrees not to sell any tobacco products or lottery products.
5. The applicant agrees that they will not offer any single cans, or 30 pack beers for sale.
6. The applicant agrees that they will not install any neon or flashing signage advertising the sale of wine and beer. The applicant also agrees that it will not display any alcohol products in the storefront window.
7. The applicant agrees that it will require all of their employees to complete an alcohol service training program, such as TIPS.

The Board moved: To approve the malt and wine license request, with the restrictions and conditions noted above.

The motion passed unanimously (3-0).

Discussion: Sale of the Cushing Square Parking Lot

Chair Baghdady reviewed that the parking lot will not be sold until the financial information is solid and confirmed. He noted that the financials need to be discussed in Executive Session, as they are sensitive and private in nature. He added that the sale of the parking lot will include the conveyance of 50 municipal parking spaces as well as a parking management deal.

Chair Baghdady added that he is aware that many residents have felt that the permitting process has not been transparent enough. Mr. Clancy reviewed the demolition permit process; he stated that the related documents are on the website.

Ms. Nicole Gianoukos, a Cushing Village abutter, expressed concern about the lack of information for the neighbors. She stated that the project is huge. She stated that perhaps something else could be done with this property. The Board stated that the developer has a contract – it is too late to make changes regarding the Cushing Square Municipal Parking lot property.

Selectman Paolillo asked if monthly updates could be held for residents to ask questions. The Board agreed that they will seek better ways to communicate.

Executive Session

The Board moved: To enter into executive session at 8:16 p.m. to consider the purchase, exchange, lease or value of real property if an open meeting may have a detrimental effect on the negotiating position of the public body and the Chair so declares. The subject is Cushing Square Parking lot. The Board will return to open session.

A roll call vote was taken: Chair Baghdady said aye, Selectman Paolillo and Williams also said aye and the motion passed unanimously (3-0).

The Board took a five-minute recess.

Return to Open Session

The Board moved: To exit Executive Session and Return to Open Session at 9:20 p.m. A roll call vote was taken: Chair Baghdady said aye, Selectmen Paolillo and Williams also said aye and the motion passed unanimously (3-0).

Vote: Special Town Meeting (STM) Article

Chair Baghdady provided an overview of the events that led to the STM. He summarized the article and noted that there are two amendments to the warrant article. He stated that, while the Board owes Town Meeting an explanation concerning what has transpired, he stressed that the vote to change elements of the Belmont Center is completely within the Board's jurisdiction and authority, and is not within Town Meeting jurisdiction. In fact, the STM article is not binding. He proposed that the Board recommend unfavorable action based solely on the legal merits.

The Board deliberated on the points of the Belmont Center plans which were raised at the May 28, 2015 forum.

Selectman Paolillo spoke to the issue, noting that the process the Board followed was appropriate. He expressed dismay and concern at how divisive this issue has become. He noted that the access road provides a drop-off point for senior citizens. The Board, he agreed, voted to modify the plan, and therefore he cannot support the STM motion.

Selectman Williams disclosed that he advised both citizens to put forth petitions. He then noted that Board of Selectmen members do not discuss issues unless they are in a Board meeting. He stressed that no deals behind closed doors occurred. The decision maker is not TM, it is the Board of Selectmen. He suggested that the Board abstain from the vote.

Chair Baghdady disagreed, stating that not taking a position tacitly supports this action. Each body's separate authority must be respected. He said it sets a bad precedent, and, as a lawyer, it is legally wrong.

Selectman Paolillo said he will vote unfavorable action because that supports the vote he took on May 28. He will attend the STM, listen to what is expressed, and proceed accordingly.

Chair Baghdady said he will vote unfavorable action because of the inappropriate precedent of TM usurping the Board's authority.

Audience Comments:

Ms. Joanne Birge, Common Street, expressed support for Selectman Williams' idea that the Board vote neutrally, given that the change to the Center is major. She said that many elderly residents do not care about the parking spaces; they care about the large green space.

Chair Baghdady said that, since he had informed those in favor of Plan B that comments would not be taken, he therefore would not take additional audience comments.

He said unfavorable action should be taken because this is not the way town government should be run. It is not appropriate that the Board be "directed" to change its opinion.

Selectman Paolillo said he will keep an open mind at TM.

The Board moved: Unfavorable action on the amendment by Mr. Don Mercier.
The motion passed (2-0-1). Selectman Williams abstained.

The Board moved: Unfavorable action on the amendment by Ms. Yvette Tenney.
The motion passed (2-0-1). Selectman Williams abstained.

The Board moved: Unfavorable action on the STM article.
The motion passed (2-0-1). Selectman Williams abstained.

Town Administrator's Report

Mr. Kale deferred his report.

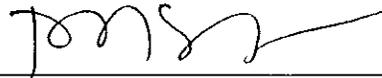
Approval of Meeting Minutes – Deferred.

Given the lateness of the hour, these too were deferred.

NEXT MEETINGS

July 28, 2015 BOS Working Session 8:00 a.m. Selectmen's Board Room
August 6, 2015 6:00 p.m. Large Community Room, Chenery Middle School

The Board moved to adjourn the meeting at 9:55 p.m.



Mr. David Kale, Town Administrator