

2015 OCT 30 AM 10:18

**MINUTES  
TOWN OF BELMONT  
BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
Monday, August 17, 2015  
6:00 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 6:05 p.m. by Chair Baghdady in the Selectmen's Meeting Room. Selectman Williams was present; Vice Chair Paolillo was present. Town Administrator David Kale and Assistant Town Administrator Marshall were also present.

Chair Baghdady reviewed the agenda.

**ACTION BY APPOINTMENT**

**Request of Sewer Repair Night Work for Belmont Center Project**

Mr. Kale reviewed a memo from Glenn Clancy, Director of Community Development, requesting that the Board approve a request for night work in Belmont Center on Concord Avenue and Leonard Street during the week of August 24, 2015.

Mr. Kale explained that Charles Contracting, contractor for the Belmont Center Reconstruction Project, has asked permission to perform sanitary sewer main repairs in Belmont Center on Concord Avenue at Leonard Street during the week of August 24, 2015. The work is expected to last two nights. Mr. Kale further explained to the Board that the sanitary sewer flow volume is at its lowest during the night and working at night, when flows are significantly lower, will allow Charles Contracting to set up a bypass system allowing access to the section of main in need of repair. Charles Contracting will cut the pavement during the day in preparation for the nighttime excavation. Mr. Kale continued that this means one of the noisier operations will take place during the day.

Belmont Police will have a detail present to manage traffic flow and general site safety. The Office of Community Development is prepared to notify the neighborhood upon approval by the Board.

*The Board moved:* To approve the sewer repair night work by Charles Contracting during the week of August 24, 2015, details noted above.  
The motion passed unanimously (3-0).

**SAFE (Student Awareness of Fire Education) Grant Award**

Mr. Kale informed the Board that W.T. Phelan Insurance has awarded a \$2,500.00 grant to allow

the Fire Department to educate elementary school students (SAFE grant award). Mr. Kale explained that this program is a State initiative to provide resources to local fire departments to conduct fire and life safety education programs in grades K-12. The mission is to enable students to recognize the dangers of fire and more specifically the hazards tobacco products pose.

Chair Baghdady said he would invite the Fire Chief to come in and explain the SAFE program to the Board and to residents and that this donation is a nice example of public and private partnership.

*The Board moved:* To accept the SAFE grant award in the amount of \$2,500.00. The motion passed unanimously (3-0).

#### **Approval of One-Day Liquor License Applications**

- Approval of a One Day Wine and Malt Liquor License Application from the Belmont Hill School for an alumni event at the Jordan Athletic Center on November 3, 2015
- Approval of a One Day All Alcohols License Application from the Belmont Hill School for an alumni event at the Jordan Athletic Center on December 17, 2015
- Approval of a One Day Wine and Malt Liquor License Application from the Belmont Hill School for an alumni event at the Jordan Athletic Center on April 7, 2016

Selectman Paolillo praised the Belmont Hill School for submitting their applications in such a timely manner and asked if there were any issues approving an application a year in advance. Mr. Kale responded that there were no issues.

*The Board moved:* To approve the one-day liquor licenses, details noted above. The motion passed unanimously (3-0).

#### **Approval of Meeting Minutes – Deferred.**

Given the full agenda, these were deferred.

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

Mr. Kale reported to the Board that the Annual Meet Belmont event was quickly approaching. He reminded the Board that the event was scheduled for Tuesday, August 25, 2015 from 6:00p.m. – 8:30p.m. at the Chenery Middle School.

Mr. Kale told the Board that the Massachusetts School Building Authority (MSBA) has voted to approve the Minuteman Regional Vocational Technical School District ( the "District"), as part of its invitation for Feasibility Study, to proceed into schematic design to replace the existing Minuteman Vocational Technical Regional High School on the existing site ( the "Proposed Project"). Mr. Kale explained that Vice Chair Paolillo had recently attended the August 6, 2015

meeting hosted by the Sudbury Board of Selectmen along with representatives from thirteen of the district communities. Vice Chair Paolillo shared a brief summary from the August 6, 2015 Minuteman meeting and reported that the Minuteman School Committee is discussing financing. He added that there was a discussion related to a district wide vote or a Town Meeting vote and that Belmont is committed to being a part of the Minuteman District.

Mr. Kale continued the Town Administrator's report by informing the Board that the Belmont Center Bridge is scheduled to be power washed Tuesday and Wednesday evening (August 18 and August 19, 2015). He added that the work would begin in the late evening and continue through a good portion of the night. Mr. Kale informed the Board that the MBTA had approved this work on its bridge and a Belmont Police detail would be provided. He asked that the Board provide approval that this work could be performed at night. Chair Baghdady reminded the Board that a group of private residents had raised the funds to pay for the cleaning of the bridge and applauded their fundraising efforts.

*The Board moved:* To approve the cleaning of the Belmont Center Bridge through the nights of August 18, 2015 and August 19, 2015, details noted above.  
The motion passed unanimously (3-0).

Mr. Kale continued his report by telling the Board that the committee appointments process will begin this month. He informed the Board that the new electronic water billing system is moving forward. Mr. Kale reported that the Underwood Pool had a total of over eight hundred visitors on both Saturday (August 15) and Sunday (August 16). Mr. Kale explained that the punch list items are being done and changes have been executed to prevent potential slipping hazards.

### **Executive Session**

*The Board moved:* To enter into executive session at 6:30 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 Vice Chair Paolillo and Selectman Williams also said aye; the motion passed unanimously (3-0).

### **Open Session**

*The Board moved:* To exit Executive Session and return to Open Session at 6:47 p.m.  
A roll call vote was taken: Chair Baghdady said aye, Vice Chair Paolillo and Williams also said aye and the motion passed unanimously (3-0)

## **ACTION BY WRITING**

### **Cushing Village**

Chair Baghdady reviewed the final details of the agreement to sell the municipal parking lot to the Cushing Square developers. He continued that Mr. George Hall, Town Counsel, has thoroughly reviewed the structure of the financing documents. Chair Baghdady explained that an easement for fifty parking spaces has been negotiated and the Town will regain them in the underground parking garage as reflected in the Parking Management Agreement.

Mr. George Hall informed the Board that he has modified the Land Development Agreement to reflect unanticipated changes in financing. He continued that the Sewer and Drain Easement Deed have been revised and informed the Board that they do not need to sign the Easement Deed. Mr. Hall stated the Parking Management Agreement contract will be recorded at the Registry.

Chair Baghdady explained that the deed to the municipal parking lot will not be turned over until the financing closes and recorded so the Board has assurance the project is going forward. Mr. George Hall informed the Board that the Town's rights will remain preserved in the case of default by the Developer.

Vice Chair Paolillo thanked Mr. George Hall on his work related to the purchase and sale documents. Selectman Williams stated he considers this project the biggest risk the Board is managing as the deed is not offered until the financing is closed. Chair Baghdady recognized the work of Town Administrator Kale and Assistant Town Administrator Marshall for their efforts in the execution of the document before the BOS.

*The Board moved:* That the Board of Selectmen, in accordance with the Purchase and Sales Agreement for the property located at 116 Trapelo Road, Belmont, Ma, approve execution of the Land Development Agreement, Quitclaim Deed, and Parking Management Agreement between the Town of Belmont and Starr Capital Partners, LLC, subject to the condition that the closing documents executed by the Board shall be held in escrow by Town Counsel and delivered for recording by the Buyer only if:

1. They are recorded contemporaneously with the Easement Deed and the financing of the Cushing Village project, in accordance with financing documents substantially in the form previously reviewed by counsel;
2. Town counsel has received and approved the final form of the Easement Deed, including any attachments referenced in that document;
3. Town counsel has verified that the documents will be recorded in appropriate order so as to preserve the rights of the Town with respect to the mortgagee; and
4. All other conditions of the closing as specified in the Purchase and Sale

Agreement have been met.

Town counsel is hereby authorized to agree to the insertion of dates or recording information into the closing documents after their execution by the Board to the extent that he has verified such information to be correct.

The motion passed unanimously (3-0).

Mr. George Hall provided the Board with the Land Development Agreement between the Town of Belmont and Starr Capital Partners, LLC, the Parking Management Agreement and the Easement Deed. The Board members signed the Land Development Agreement and Parking Management Agreement.

## **ACTION BY CONSENT**

### **Permanent Audit Committee Report**

Mr. Floyd Carman, Town Treasurer, and Mr. Ernest Fay, Former Chair of the Permanent Audit Committee appeared before the Board to present the Permanent Audit Committee Report as of June 3, 2015 ( Town Fiscal Year 2014) and Light Department ( CY 2014).

Mr. Fay explained that the Town's By-Laws require that an audit be carried out not less than once every three years, but we now undertake an audit every year for several reasons. Mr. Fay continued that federal regulations require an annual audit as we are the recipients of certain funds and to help ensure the maintenance of the Town's Aaa credit rating by Moody's Investors Services. Mr. Fay stated that Belmont is one of the 14 cities and town in the Commonwealth with Aaa Credit Ratings which allows the Town to receive favorable rates and lower borrowing costs. The Town was last rated on April 13, 2015.

Mr. Fay included that the Town's financial statements for the year ending June 30, 2014 were audited by Powers & Sullivan LLC. The Audit, as in the past, went smoothly with no significant problems or comments. Mr. Fay concluded that the Auditors commended our financial team for its cooperation, assistance and record keeping.

*The Board moved:* To accept the Permanent Audit Committee Report as of June 3, 2015 as presented to the Board on August 17, 2015

The motion passed unanimously (3-0).

### **Approval of Taxi Business License Application from Sandro Mathieu continued**

Mr. Mathieu, of Brookline, first appeared before the Board on June 22, 2015 to request a business license to drive a minivan taxi. At that time Mr. Mathieu was unable to demonstrate that he could comply with the Town regulation that all taxi cabs be both registered and principally garaged in Town. At that time the Board voted to continue the hearing on the license application at a later date allowing Mr. Mathieu time to secure a garage in Belmont.

Appearing before the Board on August 17, 2015, Mr. Mathieu reported that he has signed a one year lease at 375 Concord Avenue to garage his vehicle, 2016 Toyota Sienna.

Vice Chair Paolillo asked the Board if the taxi license is required to be renewed annually. Mr. Kale responded yes. Chair Baghdady reviewed the regulations related to the Belmont lettering that is required of all taxis in town. Mr. Mathieu indicated that the vehicle would be lettered to meet Belmont's present regulations.

Selectman Williams asked the Board if there were presently a limit for the number of taxi licenses that could be issued in Belmont. Mr. Kale responded no. Selectman Williams noted that Mr. Mathieu has met all the licensing requirements.

Mr. Louis Trucello, Yellow Cab in Belmont, explained to the Board that his company has serviced Belmont for over forty years and felt that granting additional taxi licenses to the Town, when there is no additional demand, would be devastating to his business. Mr. Trucello continued that Yellow Cab has merged over the years with their competitors and their past record indicates that they care for the residents of Belmont. He stated that his company has forty licenses from the Board and no more than seventeen of them are now used due to competition from Uber and Lift services.

Chair Baghdady asked the Board at what point do we saturate the Town with taxi licenses? He asked them to consider if there was an appropriate formula to utilize to determine the number of licenses that should be granted in Town. Vice Chair Paolillo commented that the Town's regulations related to Taxi licenses need to be revisited. He suggested that the Board review the present regulations, number of existing taxi licenses and the associated fees. Selectman Williams added that he felt a moratorium at policy level was needed. Vice Chair Paolillo answered that the regulations would be reviewed in a timely manner.

*The Board moved:* To approve application from Mr. Sandro Mathieu for a one year license to operate a taxi service in Belmont. License is conditional with Mr. Mathieu's compliance with current state and local regulations.

The motion passed unanimously (3-0).

*The Board moved:* To approve a six month moratorium to review taxi license regulations and consider a cap on the number approved in the future.

The motion passed unanimously (3-0).

#### **Discussion on Special Town Meeting August 6, 2015**

Chair Baghdady reflected on his observations from the recent Special Town Meeting of August 6, 2015. Chair Baghdady stated that two hundred thirty three Town Meeting Members signed in and the Special Town Meeting was well attended. Chair Baghdady reported that one hundred and twelve TMM voted to support Plan A and one hundred and two voted in support of Plan B,

which is more or less a split vote.

Vice Chair Paolillo added that when going before Town Meeting with future projects the plans will need to be as finalized as possible. Selectman Williams stated that the Board's deliberations on the Belmont Center Reconstruction project have all been conducted in open meetings only and any representation to the contrary is factually false. Selectman Williams continued that he had abstained from the August 6, 2015 motion as he wanted to hear what had occurred at the meeting. He added that he felt that those who had voted on November 17, 2014 perhaps didn't understand that they were voting to approve funding and not on a specific design.

Ms. Bonnie Friedman, TMM precinct three, thanked the Board for listening at the Special Town Meeting. She continued to thank Mr. Mike Widmer and Mr. Ralph Jones for listening and giving her perspective to come up with a compromise. She concluded by thanking that Board for giving Town Meeting an opportunity to work through this process.

### **Town Administrator's Report-Reopened**

Mr. Kale reopened the Town Administrator's report at Vice Chair Paolillo's suggestion to discuss a recent article in the Boston Globe related to stormwater levels. Mr. Kale highlighted that the town has spent over \$8.4 million in sewer and stormwater rehabilitation projects. Recently a \$2.3 million phase was completed in the early part of 2015 in the area highlighted in the article. A follow-up sampling of Little Pond will be done in the fall to determine if levels have improved. In addition, Belmont has made commitments to adopt a Stormwater bylaws and associated rules and regulations after a very public process. Mr. Kale explained that information was provided by Glenn Clancy, Community Development Director to Senator Brownsberger who was coordinating information of our efforts for the column. Therefore, the claim in the article that Mr. Clancy did not respond was not accurate. It was also noted that the report cited included several waterbodies that also received poor grades in addition to the one noted for Belmont. The Town continues to focus on stormwater issues and it is an ongoing effort. The BOS will be provided an update on stormwater activities in the future.

Ms. Rachel Berger, Precinct two, appeared before the Board and stated that there are presently signs posted at Clay Pit Pond and she suggested that signage to restrict swimming be included on Little Pond as well.

### **Executive Session**

*The Board moved:* To enter into executive session at 7:56 p.m.

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

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

*The Board moved:* To exit Executive Session and Adjourn the meeting at 8:35 p.m.  
A roll call vote was taken: Chair Baghdady said aye, Vice Chair Paolillo and Selectman Williams also said aye; the motion passed unanimously (2-0).

The Board moved to adjourn the meeting at 8:35 p.m.



---

Mr. David Kale, Town Administrator