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MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Monday, May 23, 2016
7:00 PM

APPROVED
BOARD OF SELECTMEN
DATE: 7-25-16

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 7:20 p.m. by Chair Mark Paolillo in the Selectmen's Meeting Room. Selectmen Sami Baghdady and Jim Williams were present. Town Administrator David Kale was present; Assistant Town Administrator Phyllis Marshall was not in attendance when the meeting was called to order, but joined as of the Executive Session.

Chair Paolillo explained that the Board is starting late as a result of a Belmont Municipal Light Board meeting. He then reviewed the evening's agenda.

COMMUNITY ANNOUNCEMENTS

- A Police and Fire Department Awards Ceremony will be held on Tuesday, June 7, 2016 at the Beech Street Center at 6:30 p.m.
- A "Help Plan Belmont's Housing Future" meeting will be held on Tuesday, June 14 at 7:30 p.m. at the Beech Street Center.
- Town Day went well and was well attended.
- The League of Women Voters Warrant Briefing will be held on Tuesday, May 24 at 7:00 p.m. at the Beech Street Center.
- The Memorial Day Parade will be held on Monday, May 30.
- A 5th grader from Belmont recently won an Essay Contest organized by the MWRA

ACTION BY APPOINTMENT

Executive Session

The Board moved: To enter into executive session at 7:26 p.m. 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. The Board will return to open session.

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

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Open Session

The Board moved: To exit Executive Session and Return to Open Session at 7:52 p.m.

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

QUESTIONS FROM TOWN RESIDENTS

[There were none.]

ACTION BY CONSENT

Discussion and Approval of Criminal History Checks Amended Policy for Certain Business Licenses

Captain J. Peter Hoerr appeared before the Board to discuss the Criminal History Checks Amended Policy for Certain Business Licenses. Mr. Kale explained that the Board approved the policy. However, the State suggested some revisions concerning notification to the CORI applicants. Captain Hoerr explained that the State's suggested changes have been incorporated. He discussed the nature of the notification process. He briefly reviewed the potential appeal process of an applicant.

Chair Paolillo suggested that Town Counsel review the State's suggestions.

The Board moved: To approve the amended Criminal History Checks Policy, subject to review by Town Counsel.

The motion passed unanimously (3-0).

Discussion and Approval on Regional Gun Buyback Program

Assistant Police Chief MacIsaac appeared before the Board to discuss the Regional Gun Buy Back Program, scheduled for Saturday, June 11, 10 – 3 p.m. at the DPW site. Assistant Chief MacIsaac stated that the first event in Belmont was held two years ago and was successful. Sixty-two guns were collected at that event. Gift cards are distributed in exchange for guns.

The Board expressed its support for this program.

Approval of Community Path Feasibility Study Consultant

Community Path Implementation Advisory Committee (CPIAC) members – Mr. Russ Leino (Chair), Mr. Mike Cicalese (Vice Chair), Mr. Brian Burke, Mr. Vince Stanton, and Ms. Heather Investor – appeared before the Board to discuss the Community Path Feasibility Study.

Chair Paolillo stated that the Board heard presentations last week and have narrowed down the process.

Mr. Leino then explained the Request for Proposal process. Six bids came in and were reviewed and ranked. Mr. Jeff Wheeler from Community Development assisted in the ranking process. Four firms were interviewed (two had been eliminated) and then the top two firms were put forth

for the Board to interview. The CPIAC has voted unanimously to retain Pare Corporation to conduct the feasibility study.

Mr. Leino then explained why this firm was chosen.

The Board thanked the committee and expressed agreement with CPIAC's analysis and its ultimate bid selection. Selectman Williams asked about the bike path acoustics. Mr. Leino stated that acoustics will be a part of the feasibility study.

Mr. Kale reviewed that the Board will need to approve the consultant recommendation put forth by CPIAC.

The Board moved: To award the contract to Pare Corporation to conduct the feasibility study.

The motion passed unanimously (3-0).

Approval of Night Work on Belmont Street/Trapelo Road for Night Paving

Mr. Glenn Clancy, Director of Community Development, appeared before the Board to discuss the night work (paving) on Belmont Street/Trapelo Road. Mr. Clancy explained that Newport Construction via Mass DOT is requesting to do night work during the week of June 13 through the 18. This work will involve pavement marking. This is the last phase of the project and should not disturb residents. However, residents will be informed (seven days notice).

The Board briefly discussed this issue.

The Board moved: To approve the night paving on Belmont Street and Trapelo Road in connection with paving and pavement marking beginning on June 13 through June 18, 2016 between the hours of 8:00 PM and 5:00 AM.

The motion passed unanimously (3-0).

The Board moved: To approve the night paving beginning on June 15, 2016 between the hours of 8:00 PM and 5:00 AM. This operation is expected to take three weeks to complete.

The motion passed unanimously (3-0).

Approval of FY16 Pavement Management Contract

Mr. Glenn Clancy, Director of Community Development, remained before the Board to discuss the Pavement Management Contract. Mr. Clancy stated that this contract concerns the local roads. He stated that two bids were received and the low bidder was E. H. Perkins Construction, Inc., in the amount of \$2,213,304.90, which includes road and sewer work .

The Board briefly discussed this issue.

The Board moved: To award the FY16 Pavement Management Contract to E. H Perkins

Construction, Inc. details noted above.

Mr. Clancy provided additional details about the nature of the work. He read the names of the roads and said that they will be posted on the town website. He said that he is creating a new notification system to alert residents that work will be happening.

The motion passed unanimously (3-0).

Follow up Discussion on Hillcrest Neighborhood Pavement Plan

Mr. Glenn Clancy, Director of Community Development, remained before the Board to discuss the Hillcrest Neighborhood Pavement Plan. Mr. George Hall (Town Counsel), Mr. David Hurley, and Mr. Al Murphy also joined the table.

Chair Paolillo explained that the Hillcrest neighborhood roads, which are private, will need to be made public in order to be paved under town auspices. Mr. Kale provided some background information on the how this could be achieved. He said there are many issues that the town will need to be aware of in engaging in this process.

Chair Paolillo stated that this is a public safety issue, as the roads are in terrible condition. He said he supports trying to find a way forward to making these private ways public.

Mr. Hall noted that the state statues concerning private ways are old and not easy to work with. He explained the process by which these private roads could be made public. It begins with the Board's approval, and then needs Town Meeting's approval. He explained details concerning the deed, the order of taking, title issues, public easement, and eminent domain issues. Mr. Hall then explained the fiscal undertaking, as well as the litigation process should a resident feel that the taking of their property (i.e. private way in front of their house) has a financial impact on the value of their property. He discussed the "diminishment of value" argument. Mr. Hall advised that the Town receive a waiver of liability from all residents on a street before the Town proceed in accepting a private way as a public way.

The Board continued to discuss the process by which private roads become public with Mr. Hall.

Chair Paolillo stated that it would be a difficult process and the risk of litigation could be costly for the town. Mr. Murphy suggested that the neighborhood regroup to try to get a road done or perhaps a section of road done. Mr. Hurley stated that the conditions of the road are the result of the roads getting torn up and badly patched. It is a safety issue. He agreed with Mr. Hall that the governance of private ways is a grey area.

Mr. Hurley asked what the Board's policy would be on this issue. The Board seemed to agree that, given the condition of these roads, they ought to fall under the Pavement Management plan. But it was noted that the neighborhood would still need to consent. The "betterment process" via indemnification was then raised.

Mr. Murphy summarized that 100% agreement is needed from the neighbors. In addition, the

engineering costs and other soft costs will be covered by the town. The total project would need to be bonded – with the neighbors and the town sharing the costs of the road repaving. The long-term benefit is that once the roads are made public (and after the initial cost of repairing the roads is established) these roads become the town's responsibility. So, the next time the roads are in need of repair, the town would assume fiscal responsibility.

Chair Paolillo requested that Mr. Clancy research how this situation is handled in other towns.

The Board then opened the floor for audience comments.

Mr. Ostayan asked what would happen to residents who don't consent to go forward with this. Can they be compelled to pave? This issue, he was informed, will be looked into.

The Board will revisit this issue with the Hillcrest Neighborhood.

Discussion and Vote on Annual Town Meeting (ATM) Warrant Articles and Amendments Budgetary & Financial Articles

Chair Paolillo invited Mr. Sarno to the table.

Article 19: Citizen's Petition: Transfer Funds to Stabilization Fund

Mr. Bob Sarno, WC member and TMM Pct. 3, appeared before the Board to discuss Article 19, which concerns transferring \$1.1 million into the General Stabilization Fund in order to extend the override money as long as possible. He said the revenue picture is better than anticipated; free cash is robust. The purpose of the petition is to put this money aside to support future budgets. He then noted that there have been demands on the free cash and this article accommodates those appropriations. There will still be \$3 million in free cash after the anticipated withdrawals.

The Board then discussed the process for using this money should it get appropriated into the Stabilization Fund. The default would be to support the budget development process in future years.

Selectman Williams said that perhaps this shouldn't be decided until the longer-term budget forecast is fully illuminated. He suggested that these projections be released to the CBC and the WC. Selectman Baghdady said these funds would still be available for operating, for Capital, for OPEB, etc., it's just that TM would need to vote to release them. Chair Paolillo stated that the projections are informed by the past.

The Board moved: Favorable action on Article 19.
The motion passed unanimously (3-0).

Update on Parking Management Plan – Leonard Street Metering, Retail Parking Holiday June 2016

Mr. Clancy re-appeared before the Board to discuss the parking management plan for Leonard Street Metering.

Mr. Kale stated that the Belmont Center project will be completed by late July - early August. Foodies is expected to open this fall. He said that decisions will need to be made concerning parking on Leonard Street and in the Claflin Street Lot. Potential changes will be phased in. Creating more available parking spaces for patrons are a priority in the Claflin Street Lot. Turnover is a factor and free parking time limits need to be evaluated. This includes the installation of metering stations on Leonard Street. Employees will need spaces to park, as well. Enforcement activities will need to be increased and adjusted in order to generate turnover.

Mr. Kale added that he is in touch with the business owners in the Center. They will be a part of the decision making process. In addition, the Town and Belmont Savings Bank have partnered to offer two-hour free metered parking in the three metered municipal lots for June 2016. This is in recognition of the impact the construction has had on local businesses as well as the vacancy in the former Macy's building in Belmont Center. The Board briefly discussed these potential parking changes.

The Board moved: To approve the free two hour parking opportunities in the municipal lots for the month of June.

The motion passed unanimously (3-0).

The Board thanked Belmont Savings Bank for their support in collaborating with the Town.

Town Administrator's Report

Mr. Kale reported on the following items:

- **National Pollutants Discharge Elimination System (NPDES) Program Trainings:** The Federal government is offering workshops to local town officials concerning the recently issued permit regulations (MS4) for local storm water systems. Mr. Clancy will attend a workshop in June sponsored by the Environmental Protection Agency (EPA) to receive information.
- **Incinerator Site:** The Board will meet with Mr. Clancy in the coming weeks concerning potential post-closure uses of the Incinerator Site, in concert with DEP required remediation efforts and the conveyance of the property from the State

LICENSE APPROVALS

Application from Lexington Consulting Group, Inc. d/b/a Turtle Creek Winery for an Agricultural Wine Permit to sell wine on select days at the Belmont Farmer's Market

The Board moved: To approve the Turtle Creek license Winery for an Agricultural Wine Permit to sell wine on select days at the Belmont Farmer's Market, details noted above. The motion passed unanimously (3-0).

Application from Belmont After School Enrichment Collaborative (BASEC) for a One Day Wine and Beer Liquor license to serve during an event at St. Joseph's Parish Hall on June 3, 2016

The Board moved: To approve the Belmont After School Enrichment Collaborative (BASEC) for a One Day Wine and Beer Liquor license, details noted above. The motion passed unanimously (3-0).

Committee Liaison Reports

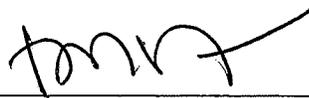
Minuteman

Chair Paolillo informed his colleagues that he met with Lexington and Arlington representatives to begin the dialogue on next steps concerning Minuteman. The next meeting is Monday, June 20.

NEXT MEETINGS

Tuesday, May 31, 2016 8:00 a.m.	Selectmen's Meeting Room
Friday, June 3, 2016 8:00 a.m.	Selectmen's Meeting Room
Monday, June 6, 2016 5:00 p.m.	Small Community Room Chenery Middle School

The Board moved to adjourn the meeting at 10:11 p.m.



Mr. David Kale, Town Administrator