

RECEIVED  
TOWN CLERK  
BELMONT, MA.

MAY 29 10 35 AM '14

**MINUTES  
TOWN OF BELMONT  
BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
Tuesday, April 22, 2014  
8:00 AM**

**CALL TO ORDER**

A regular meeting of the Board was called to order in open session at 8:08 a.m. by Chair Rojas in the Selectmen's Meeting Room. Selectmen Baghdady was present; Selectman Paolillo was not present. Town Administrator David Kale and Assistant Town Administrator Marshall were also present.

Chair Rojas reviewed the agenda.

Chair Rojas stated that the liquor license hearings would be continued to May 1, 2014 at 6:30 p.m. At that time, the Board will hear additional information to make its final decision.

**QUESTIONS FROM TOWN RESIDENTS**

[There were none.]

**ACTION BY APPOINTMENT**

**Municipal Bonds – \$28,962,000 Borrowing/Loan**

Mr. Floyd Carman, Town Treasurer, explained the 20 year municipal bond issue in the amount of \$28,962,000 received an average interest rate of 2.95% the general obligation bond needs to be signed by the Board of Selectmen.; the bond issue includes the Municipal Light Plant construction and upgrade, water main replacement, Harris field repairs and vehicle replacement.

*The Board moved:* To approve and sign the general obligation municipal bond loan of \$28,962,000.

The motion passed unanimously (2-0).

**Alcohol License Hearing – Application for an All Alcohol Retail License at The Loading Dock, 11 Brighton Street**

Mr. Thomas Orlandi, Attorney, and Mr. Nicolas Mukarker, Owner, appeared before the Board of Selectmen regarding the all alcohol license application. Mr. Orlandi explained the proposal for the license at the 11 Brighton Street location, identifying who the owners are and stating that they are residents of Belmont. The market will continue the operation as a family establishment, but would like to now offer alcohol products. All employees will be TIP certified in the sale of alcohol purchases and the owners have liability insurance. Mr. Mukarker provided further details of the market, explaining that it will offer international food products and that it felt that

the business has wide community support. He explained the parking availability, a few details about the design of the store and he has experience dealing with alcohol vendors.

Selectman Baghdady asked for confirmation that the concept includes renovation of the location exterior and inside expansion including food service, catering, take-out, and the submitted application is for the sale of alcohol to be consumed off premises. In addition, he asked about the sq. ft. planned for alcohol retail. Chair Rojas also asked for information about the sq. ft. of area overall in addition to the amount proposed for retail alcohol. Mr. Mukarker stated that there are 3,000 sq. ft. on the first floor and 1,000 sq. ft. on the mezzanine for storage and office space. Roughly 500 sq. ft. is proposed on the first floor for alcohol product. Mr. Mukarker stated that the liquor will not be allowed to be consumed on the premises and that any high school student who comes into the store is watched carefully.

Chair Rojas asked about the construction timeline of the renovation. Mr. Mukarker explained the financing as well as the timeline of the project.

Chair Rojas stated that it was his understanding that the applicant agreed to have the hearing continued to May 1, 2014 at 6:30pm and asked if that was correct. Mr. Mukarker and Attorney Orlandi stated that was correct.

*The Board moved:* To continue the public hearing on the application for an all alcohol license at The Loading Dock, 11 Brighton Street, Belmont to Thursday, May 1 at 6:30 p.m.

The motion passed unanimously (2-0).

### **Alcohol License Hearing – Application for an All Alcohol Retail License at Craft Beer Cellar, 51 Leonard Street**

Ms. Suzanne Schalow and Ms. Kate Baker, Craft Beer Owners, appeared before the Board of Selectmen regarding the all alcohol license application. Ms. Schalow said that they have been in business in Belmont Center since November 2010 in addition, there are several other locations for Craft Beer Cellar businesses. The philosophy of their business has always been to educate consumers and develop local brews, alcohol training and certification is important to the partners and staff, and the reason for expanding to all an alcohol license is to offer specialty products that have different alcohol content than the current product.

The Board of Selectmen reviewed the proposal with Ms. Schalow. Selectman Baghdady asked about the type of liquor that would be sold with the alcohol license such as home-made or commercial products. Ms. Schalow said that 80% of the store will continue to focus on beer products, but that they would allocate about 200 square feet of store space to sell commercial alcohol

Chair Rojas asked about the owner's presence in Belmont. Ms. Schalow said that Ms. Baker will maintain a strong presence in the Belmont store. Employees are extremely well trained and that Belmont is the home of the owners.

Chair Rojas stated that it was his understanding that the applicant agreed to have the hearing continued to May 1, 2014 at 6:30pm and asked if that was correct. Ms. Schalow stated that was correct.

*The Board moved:* To continue the public hearing on the application for an all alcohol license at Beer Craft Cellar, 51 Leonard Street, Belmont to Thursday, May 1, 2014 at 6:30 p.m.

The motion passed unanimously (2-0).

**Alcohol License Hearing – Application for a Wine and Beer Retail License at L.C. Variety, 326 Trapelo Road**

Mr. Pakaj Ghai, LC Variety owner, and Mr. William Goldberg, Attorney, appeared before the Board of Selectmen regarding the beer and wine license application. Mr. Goldberg explained the details of the proposal for the beer and wine application, which will complement the convenience store products. He said the employees will take the TIPS training and that the owner has experience with serving alcohol.

The Board of Selectmen reviewed the application with Mr. Ghai. Selectman Baghdady asked about the (alcohol) safe-guards for the children who frequent the variety store. Mr. Ghai stated that all security steps will be taken for the safety of the neighborhood children and that no individual beer can will be sold. As a Belmont resident, he is committed to being a responsible store owner.

Chair Rojas asked about the concern of the store having sold tobacco products to minors which was noted by the Belmont Health Department in the review of the application for the license to sell beer and wine.

Chair Rojas stated that it was his understanding that the applicant agreed to have the hearing continued to May 1, 2014 at 6:30pm and asked if that was correct. Mr. Ghai confirmed that was correct.

*The Board moved:* To continue the public hearing on the application for a beer and wine license at L.C.Variety, 326 Trapelo Road to Thursday, May 1 at 6:30 p.m.

The motion passed unanimously (2-0).

**Alcohol License Hearing – Application for an All Alcohol Retail License at D&L Wine and Spirits Inc., 334 Pleasant Street**

Mr. Joe Noone, Attorney, Peter Dion, Joseph Dion, Leah Dion, and Sara Dion appeared before the Board of Selectmen regarding the all alcohol license, at 334 Pleasant Street, Belmont. Mr.

Noone provided the pertinent background information on the D & L application as well as the other D & L establishments in Waltham. He noted that this is not a “package store” but rather a retail location which will offer classes on wine and spirits. Mr. Noone then discussed the proposed design of the exterior and the interior of the property, which is intended to improve the atmosphere of the neighborhood. He explained the parking accessibility, the lease, and the cost.

Mr. Dion provided some background on the family business, with its emphasis on customer service and community – including community contributions.

The Board discussed the application with applicants, specifically concerning who will manage the Belmont branch. Selectman Baghdady asked for information about the ratio of beer, wine, and liquor which will be sold. The applicant stated that 60% of the sales will focus on wine, with 20% beer, and 20% liquor. He is open to selling food products and would like to explore baking bread on the premises.

Chair Rojas stated that it was his understanding that the applicant agreed to have the hearing continued to May 1, 2014 at 6:30pm and asked if that was correct. Mr. Dion and Attorney Noone confirmed that was correct.

*The Board moved:* To continue the public hearing on the application for an all alcohol license at D&L Wine and Spirits Inc., 334 Pleasant Street to Thursday, May 1 at 6:30 p.m.

The motion passed unanimously (2-0).

### **Public Comments on All Alcohol Requests**

Mr. Ralph Jones, Town Meeting Member, Precinct 3, spoke in support of the Craft Beer Cellar. He said they are an award-winning establishment who want to expand what they already sell.

Mr. Darryl King, Long Avenue, said there is excellent service at Craft Beer Cellar and that they are wonderful retailers.

Matt Lambeau, Watertown. Small local distillery would be good. Craft Beer Cellar is leader within the industry.

Ms. Jean Cabral, 8 Walnut Street, said that LC Variety has not been a good neighbor in the last 12 years. She spoke about trash and parking issues, they sell cigarettes and pornography. The business is too close to a pre-school and playground and should not be permitted to sell liquor.

Tommy Tsu (phonetic), Walnut Street, commented on the trash and he lives by the location and is cleaning every morning the trash from lottery tickets from LC Variety. He also spoke about the parking problems.

Mr. David Salmon, Walnut Street, agreed with statements by Ms. Cabral and added his concern that there is no parking for the LC Variety. He felt that liquor should not be provided at this location because young students are nearby in the park and an elementary school.

Mr. Scott Stratford, Town Meeting Member, Precinct 8, stated that only one "all alcohol" license was available and two "beer and wine" licenses are available. The town is not obliged to grant these licenses. He expressed his opinion that Beer Craft Cellar and Spirited Gourmet have been positive for the community. He supported these applications for licenses. He suggested that the Board of Selectmen consider using a larger venue for the continuation of the public hearing on May 1.

Mr. Adam Ponte, Attorney, submitted a memorandum to oppose the D & L application. He noted that the Henry Frost Pre-school is nearby and that the school uses the neighborhood as part of their education. He submitted written opposition on behalf of the preschool.

Mr. Ramon Kolb expressed concerns about the location of the D & L business due to the fact that it is a residential area and that the parking area is very difficult to access.

Mr. Edwin Mobardy stated his opposition to the D & L application for retail in a residential neighborhood and its location relative to a school is a negative value. He expressed concern about the traffic between 4 and 6 in the evening.

Mr. Russell Mann, 308 Brighton Street, expressed his concern about D & L. He said this is not the right location.

Ms. Catherine Nelson, stated her concerns regarding D & L because of traffic in a residential area, low value for the community, parking, etc. She said 65 signatures have been collected opposing this location for a liquor store.

Resident at 328 Pleasant Street, traffic is difficult in a highly residential area, parking is not adequate.

Herman Patel, Arthur Road, said he is very concerned about the potential for increased traffic if D & L is approved. Parking is not adequate. This location is not the right location.

Ellen Nelson, proximity to Rt. 2 and Rt. 60. We have established liquor stores already. She is concerned about the size of the location.

Mr. Angelo Firenze said that all commercial areas in Belmont are also close to residential areas. He said he supports D & L as it will revitalize an area that needs improvement.

### **F & M Investment Enterprises LLC, Fuel Storage at 40 Brighton Street**

Mr. Frank French, Mr. Michael French, and Mr. Jim Mahoney of F & M Investment appeared before the Board regarding the fuel storage at 40 Brighton Street. Mr. French spoke about the 40 Brighton Street site, noting improvements that the French Construction Company has made to

the property at 40-42 Brighton Street where their business is located. The fuel storage tanks have been upgraded and all are now located above ground with all required, appropriate fire safety mechanisms including an 8" water main, fire alarm, pull boxes, and hydrant on the site, as well as state-of-the-art vehicles.

Chief Frizzell stated that the fire department has no objection to this proposal. He spoke to the licensing requirements as well as the state-of-the-art storage facilities. The license for fuel storage stays with the land at 40-42 Brighton Street; in addition, a permit from the Fire Department must be renewed yearly in addition

*The Board moved:* To approve the F & M Investment Enterprises fuel storage license at 40 Brighton Street, as noted above.  
The motion passed unanimously (2-0).

### **Review and Approval of the FY15 Water and Sewer Rates**

Mr. Peter Castanino, Director of DPW, and Mr. Michael Bishop, Water Division Manager, appeared before the Board regarding the proposed FY15 Water and Sewer rates. Mr. Castanino reviewed the following points:

- water and sewer rate study objectives
- water and sewer financial plan
- water and sewer retained earnings
- Belmont's water consumption 2011-2013
- MWRA water and sewer assessments
- MWRA capital spending and debt
- MWRA historical and projected rates
- Belmont's Capital Infrastructure Reinvestment

Mr. Castanino recommended that FY15 water rates be approved as presented which represent an overall increase of 3.9% and the FY15 sewer rates be approved as presented which represent an overall increase of 4.9%. The combined customer impact amounts to a 4.6 % rise in fees over the FY14 rates.

Selectman Baghdady noted that decreased water consumption is not being rewarded with lower water rates which are rising. Mr. Kale agreed, but added that there are fixed costs that need to be covered by the rates charged for users.

*The Board moved:* To approve the proposed FY15 water and sewer rates, as recommended.  
The motion passed unanimously (2-0).

### **Warrant Articles: Review and Vote**

Mr. Kale reviewed the articles and noted that articles 3, 12, and 13 were proposed adjustments to the schedule as follows:

Articles 1-2 (pro-forma)

**Article 3: Minuteman – moved to June.**

Article 4: Lone Tree Hill

Article 5: Criminal History Checks

Article 6: Citizen's Petition to Delete the Snow Removal Bylaw

Article 7: Citizen's Petition regarding Yard Sales

Article 8: Animals

Article 9: Kennels by Special Permit

Article 10: Change Home Occupation

Article 11: Shared Driveways

**Article 12: Medical Marijuana – moved from June to May**

**Article 13: As Built Plan Submission – moved from June to May**

Article 15: CPA Projects

Article 16 & 17: Underwood Pool Debt Authorization Several articles were reviewed by the Board of Selectmen.

**Article 4: Lone Tree Hill – Use of Public Land Bylaw Belmont Conservation Land**

*The Board moved:* Favorable action on Article 4.  
The motion passed unanimously (2-0).

**Article 5: Criminal History Checks – Amend General Bylaw**

Mr. Kale explained the article is needed to correct a clerical matter and numbering of sections.

*The Board moved:* Favorable action on Article 5.  
The motion passed unanimously (2-0).

**Article 10: Home Occupation Certificate**

*The Board moved:* Favorable action on Article 10.  
The motion passed unanimously (2-0).

**Article 11: Shared Driveways**

Selectman Baghdady explained the amendment, which authorizes shared driveways by special permit.

*The Board moved:* Favorable action on Article 11.  
The motion passed unanimously (2-0).

**Article 12: Medical Marijuana Overlay**

*The Board moved:* Favorable action on Article 12.  
The motion passed unanimously (2-0).

**Article 13: As-Built Plan**

*The Board moved:* Favorable action on Article 13.  
The motion passed unanimously (2-0).

**Article 15: CPA Projects**

***JV Field Irrigation Upgrade – \$8,700***

*The Board moved:* Favorable action on the JV Field.  
The motion passed unanimously (2-0).

***Electrical Upgrade – \$165,000***

*The Board moved:* Favorable action on the Electrical Upgrade.  
The motion passed unanimously (2-0).

***Daniel Butler School Playground Project (Phase II) - \$66,524***

*The Board moved:* Favorable action on the Butler School Playground Project (Phase II).  
The motion passed unanimously (2-0).

***Winn Brook Field Renovation – \$100,000***

*The Board moved:* Favorable action on the Winn Brook Field Renovation.  
The motion passed unanimously (2-0).

***First Time Homebuyer Assistance – \$375,000***

The Board will vote on this project at a later date.

***Belmont Community Moving Image Archive – \$12,000***

*The Board moved:* Favorable action on the Belmont Community Moving Image Archive.  
The motion passed unanimously (2-0).

**Article: 16 and 17 – Underwood Pool**

The Board of Selectmen discussed voting on these two articles at the next meeting when Selectman Paolillo is present.

**Liaison Assignments**

The agenda item is continued until the next meeting.

Mr. Angelo Firenze requested an agenda item for the Board of Selectmen meeting to discuss cleaning of the bridge in Belmont Center. Selectman Baghdady suggested this topic be addressed on May 1.

### **Convene as Belmont Municipal Light Board**

*The Board moved:* To recess the BOS meeting and to convene as the Light Board at 10:41 a.m.

The motion passed unanimously (2-0).

Mr. Kale noted that it has been suggested that Mr. Ralph Jones continue to be the liaison as an alternate member to the BMLB.

*The Board moved:* To appoint Mr. Ralph Jones as an alternate member to the Light Board (as liaison).

The motion passed unanimously (2-0).

Ms. Crimmins appeared before the Belmont Municipal Light Board (BLMB) and presented a six-month collective bargaining contract with the IBEW for signature. This agreement was approved by the Board at a meeting last fall. The contract takes effect July 1 through December 2014 to bring the collective bargaining contract current to the fiscal year.

### **Reconvene as Board of Selectmen**

*The Board moved:* To adjourn as the Belmont Municipal Light Board and to reconvene as the Board of Selectmen at 10:46.

The motion passed unanimously (2-0).

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

Mr. Kale reported on the following items:

- The Fire Education Student Awareness Grant in the amount of \$5K has been offered by the Cambridge Savings Charitable for the Student Awareness Fire Safety Program in Belmont.

*The Board moved:* To accept \$5K from Cambridge Savings Charitable for the Student Awareness Fire Safety Program.

The motion passed unanimously (2-0).

- Mr. Carl Valente, Town Manager, Lexington has agreed to serve as the "Town" representative on the Minuteman Vocational Regional School District negotiating team for purposes of Collective Bargaining with the Minuteman Teachers Association.

*The Board moved:* To agree to the designation of Carl Valente, Town Administrator of Lexington, as the municipal representative on the Minuteman Vocational Regional School District for purposes of Collective Bargaining with the Minuteman Teachers Association.

The motion passed unanimously (2-0).

- Letter of Support for a Grant Application being submitted by the City of Cambridge – This Federal Grant would study constructing a bridge in the Alewife area regarding bike traffic near Fawcett Street.

*The Board moved:* To support the application by the City of Cambridge for a federal TIGER grant to complete a feasibility study and final design on a bicycle and pedestrian bridge over the Fitchburg rail line in Alewife. The proposed bridge is expected to benefit Belmont residents by increased access to the Alewife Red Line Station.

The motion passed unanimously (2-0).

- Letter of Support to the Department of Public Utilities on a NSTAR request to receive a Zoning exemption related to the Sub-station Project.

*The Board moved:* To support the efforts of NSTAR to seek zoning relief from the Dept. of Public Utilities (DPU) to exempt operation of the NSTAR 115-kV Substation Facilities from the use provisions of the Zoning By-Law of the Town of Belmont as provided by MGL c. 40A § 3.

The motion passed unanimously (2-0).

## **ACTION BY CONSENT**

### **License Renewals**

#### ***Used Car Dealer's License – Class II***

P & E Auto Service, Co., 280 Trapelo Rd

*The Board moved:* To approve the license renewal.  
The motion passed unanimously (2-0).

#### ***Yellow Cab of Belmont***

d/b/a Keegan Taxi, Belmont Cab & Morse Taxi, 61R White Street

*The Board moved:* To approve the license renewal.  
The motion passed unanimously (2-0).

***Junk, Old Metals and Second Hand Articles for the following businesses and locations:***

13909 Antiques, 193 Belmont Street  
All That Matters, 400 Trapelo Rd  
A. Sacca Junk, 51-53 Baker Street  
As Tyme Goes By, 97 Trapelo Rd  
Belmont Jewelry Place, 5 Williston Rd  
BenchCraft Jewelers, 383 Trapelo Rd  
Dick's Place, 360-A Trapelo Rd  
Fancy That, 4 Trapelo Rd

*The Board moved:* To approve the license renewals.  
The motion passed unanimously (2-0).

**Library Proclamation**

Proclamation in recognition of Ms. Mary Keenan for 10 years of service to the Library Board of Trustees was read by Chair Rojas and congratulated Ms. Keenan.

*The Board moved:* To approve the proclamation in recognition of Ms. Mary Keenan.

The motion passed unanimously (2-0).

**Memorial Day Parade scheduled for Monday, May 26, 2014**

Request from Waverley Post No. 1272 by letter that the Memorial Day Parade take place on May 26, 2014.

*The Board moved:* To approve the Memorial Day Parade.

The motion passed unanimously (2-0).

**ACTION BY WRITING**

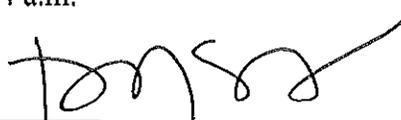
**Approval of Meeting Minutes - Postponed**

The meeting minutes of March 28, 2014 and March 31, 2014 meeting with Executive Session will be continued to the next meeting of the Board of Selectmen.

**NEXT MEETINGS**

Thursday, May 1, 2014 at 6:30 p.m. (venue to be determined)  
Monday, May 5, 2014 at 6:00 p.m. (BHS)  
Wednesday, May 7, 2014 at 6:00 p.m. (BHS)

The Board moved to adjourn the meeting at 11:04 a.m.

A handwritten signature in black ink, appearing to read 'DKale', written over a horizontal line.

Mr. David Kale, Town Administrator