

**BELMONT WARRANT COMMITTEE MEETING MINUTES**  
**FINAL**  
**APRIL 24, 2013, 7:30 P.M.**  
**CHENERY COMMUNITY ROOM**

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Present: Vice Chair Libenson; Members Allison, Baghdady, Dash, Epstein, Gammill, Grob, Helgen, Libenson, McLaughlin, Millane, Sarno; BOS Chair Paolillo; School Committee Representative Slap

Members Absent: Chair Lynch, Members Bruschi and Manjikian

The meeting was called to order at 7:31 pm by Vice Chair Libenson.

Vice Chair Libenson began by noting that the WC will begin with a review of the Warrant Articles.

***Discussion of Warrant Articles***

Vice Chair Libenson welcomed Mr. Castanino to the table and began with the articles that he would speak to.

***New General By-Laws***

**ARTICLE 23 - New General By-Law (Article 34) - Stormwater Management**

Mr. Peter Castanino, DPW Director, appeared before the WC to explain this article, noting that Belmont is required to have a stormwater management plan. He said the new permit is now due. He said that this article pertains to the federal government trying to keep the water clean, via the requirements it puts forth. Mr. Castanino detailed some of the regulations, e.g. water run off, catch basins, manholes. He said this will not impact most residential homeowners in Belmont.

***New Enterprise Fund***

**ARTICLE 24 - New Enterprise Fund: Stormwater Management Enterprise Fund**

Mr. Castanino explained the necessity of this article, noting that stormwater needs its own enterprise fund (separating it from the sanitary sewer fee). He noted that some communities are charging a flat fee. He provided an overview of how the fees to create the enterprise fund could be charged.

The WC discussed Articles 23 and 24. Member Allison raised the issue of cost controls, given that the stormwater charges are presently not known. Member Baghdady said that he does not feel qualified, as a WC member, to vote on this. He said the WC would be endorsing a standard that – as non-engineers – it would not fully understand. The WC

discussed the square feet involved in complying with Article 23 (2,500 square feet, versus an acre). Member McLaughlin said that this by-law is required by the EPA. He asked: what would happen if the town does not pass it? Mr. Castanino said that the federal government would likely have a response.

Vice Chair Libenson took a straw poll to get a sense of how many WC members believed that it should weigh in on Article 23. A small majority voted in favor of the WC voting on the by-law.

*Member McLaughlin moved:* To approve Article 23.  
The motion passed with 10 in favor, 0 opposed, and 3 abstaining.

*Member McLaughlin moved:* To approve Article 24.  
The motion passed unanimously.

### ***Land and Buildings***

#### **ARTICLE 28 - Establish Underwood Building Committee**

#### **ARTICLE 29 - Appropriation for Underwood Playground (If Needed)**

It was noted that Article 29 may not be necessary if the CPA article passes.

Vice Chair Libenson raised the topic of the likelihood that the Underwood pool may not receive approval to open after this summer. Mr. Castanino said that there are ongoing issues (the condition of the bathhouse, water filtration, etc.), based upon which the state is not likely to allow the pool to open in coming years. (Although, he clarified, they did give approval for this coming summer.)

The WC discussed that, under Option 1, the cost of a new pool is estimated to be a little over \$4M, which may impact the amount set aside in Article 29. There is a chance that Article 29 will be adjusted (from \$385K to \$298K) given the estimate of the project under Option 1. It was noted that Town Meeting can reduce or reject a CPA project, but it can't increase the funding.

Member Sarno expressed concern with spending money on the pool feasibility study, given that there are many capital projects needing attention. BOS Chair Paolillo said the Capital Budget Committee is working to come up with a prioritization scheme for the projects across town. Member Gammill offered that the study does not ensure that a new pool gets built. The establishment of a new pool would still need to pass a town-wide debt exclusion. The pool feasibility study, as well as the role of the pool/playground building committee, were further discussed by the WC.

*Member Grob moved:* To approve Article 28, conditional that the building committee will focus on Option 1. (This will be confirmed on Monday.)

Article 28 was further discussed.

The motion passed with 11 in favor, 0 opposed, and 2 abstentions.

Vice Chair Libenson asked for WC feedback on Article 29. Member Grob said that the WC should either not vote on it or it should be voted down, given that the article gets pulled if TM defeats the CPA article.

The WC chose to not weigh in on Article 29 at this time.

#### **ARTICLE 21 - New General By-Law (Article 35) - Demolition Delay**

Vice Chair Libenson provided a brief overview of this article. Member Baghdady said that the Planning Board has not yet voted on this article. He said that, at the public hearing, a few enforcement issues were raised. He said there are fines associated with violations and that there are concerns that the fines could be infinite. Member Baghdady said that the Planning Board will vote officially on this article tomorrow. Member Epstein said that the WC – as a committee – has not developed an informed opinion on this matter and perhaps should not opine on it. Member McLaughlin said that the article does have an economic impact on the town. He said it could possibly suppress development.

Vice Chair Libenson said that many communities surrounding Belmont have comparable Demolition Delay by-laws. Member Allison said that once a property is put on the list, under this by-law, it cannot be removed from the list. Vice Chair Libenson said that there may be an amendment put forth to add an ‘opt-out’ clause to the by-law. He also said that more homes could be added to the list by future Town Meeting votes.

Article 24’s potential impact on the town was further discussed.

*Member Grob moved:* To approve Article 24.

The motion passed with 8 in favor, 4 opposed, and 1 abstention.

#### ***Community Preservation Funds***

#### **ARTICLE 26 - FY14 Community Preservation Committee Budget & Projects**

Vice Chair Libenson reviewed this article as well as the various projects’ potential fiscal impacts on the town. He asserted that while many of the projects do not have an immediate impact on the town, certain projects, such as the Underwood Pool, could have a later impact to the town if a second phase is implemented.

The WC discussed Article 26’s potential fiscal impact on the town, both immediate, secondary, and *de minimus* impacts.

Member Allison noted that in some cases funding a study (the Intergenerational Walking Path, for example) will lead to funding the project that is being studied. Vice Chair

Libenson suggested that the WC may want to inform TM about secondary fiscal impacts, where they exist.

Member Sarno noted that three of the CPA requests are clearly “phase 1” of funding requests. BOS Chair Paolillo said that the WC should weigh in on each project, as the money came from a surtax. Member Grob offered that (as had been previously discussed) the WC should vote on the project that is in front of it, not the projects that may be develop down the road. Member Allison said that it is difficult to offer valuable analysis looking at one year only.

Vice Chair Libenson detailed the 9 projects, noting that three are likely to have a phase 2. He outlined options that the WC could consider in reviewing Article 26.

*Member Mclaughlin moved:* That the WC vote on all the projects under Article 26.

The motion passed with 7 in favor and 5 opposed.

#### **Homer House Survey – \$10K**

*BOS Chair Paolillo moved:* Favorable action on the Homer House Survey.

The motion passed with 6 in favor, 0 opposed, and 7 abstaining.

#### **Intergenerational Walking Path – \$20K**

*BOS Chair Paolillo moved:* Favorable action on the Intergenerational Walking Path.

The motion passed with 3 in favor, 1 opposed, and 9 abstaining.

#### **Rock Meadow Irrigation Improvements - \$10K**

*BOS Chair Paolillo moved:* Favorable action on the Rock Meadow Irrigation Improvements.

The motion passed with 6 in favor, 0 opposed, and 7 abstaining.

#### **Town Hall Door Remediation - \$72K**

*Member Grob moved:* Favorable action on the Town Hall Door Remediation.

The motion passed with 10 in favor, 0 opposed, and 3 abstaining.

#### **Joey’s Park – up to \$100K**

*BOS Chair Paolillo moved:* Favorable action on the Joey’s Park (to fully fund the project).

The motion passed with 7 in favor, 0 opposed, and 6 abstaining.

#### **Electrical Service Upgrade - \$147K**

*BOS Chair Paolillo moved:* Favorable action on the Electrical Service Upgrade.  
The motion passed with 8 in favor, 0 opposed, and 5 abstaining.

#### **Underwood Park – up to \$385K**

*BOS Chair Paolillo moved:* Favorable action on the Underwood Park.  
The motion passed with 9 in favor, 0 opposed, and 4 abstaining.

#### **Comprehensive Cultural Resources Survey of Belmont - \$115K**

*BOS Chair Paolillo moved:* Favorable action on the Cultural Resources Survey.  
The motion passed with 5 in favor, 1 opposed, and 7 abstaining.

#### **Preserving and Digitizing Records – up to \$100K**

*BOS Chair Paolillo moved:* Favorable action on the Preserving and Digitizing of Belmont's vital Records.  
The motion passed with 9 in favor, 0 opposed, and 4 abstaining.

In answer to a question from BOS Chair Paolillo, Vice Chair Libenson explained that abstentions on these individual project votes are occurring for two reasons: 1) because the project has either no impact (or a *de minimus* impact) on the town's finances (given the use of CPA funds); and / or, 2) because the WC has not done a detailed analysis for these individual projects.

#### **ARTICLE 25 - Senior Tax Abatement Program**

Vice Chair Libenson explained the article; BOS Chair Paolillo noted that this reflects a statutory change. Member Grob said that the Culture and Recreation subcommittee voted to support this. Member Gammill said that Belmont is basically paying volunteers under this article. The IRS implications were discussed.

*Member McLaughlin moved:* To support Article 25.  
The motion passed with 10 in favor, 3 opposed, and 0 abstaining.

#### ***Zoning By-Laws***

#### **ARTICLE 31 - New Zoning By-Law: Religious & Municipal Building Preservation**

Member Baghdady explained this article, noting that it works hand-in-hand with the Demolition Delay article for certain buildings. He explained the criteria of the article.

*Member Allison moved:* To support Article 31.  
The motion passed with 12 in favor, 0 opposed, and 1 abstaining.

### ***Subcommittee Reports***

Vice Chair Libenson noted that Draft subcommittee reports are due now and that Final subcommittee reports are due Friday, May 10.

### ***Minuteman Update***

BOS Chair Paolillo said that a letter was received from Minuteman's superintendent (in response to a letter Belmont sent last fall). The Board, he said, will respond to this letter saying that Belmont will work directly with the MSBA regarding enrollment and issues relating to the size of the proposed facility.

Member McLaughlin said that Minuteman hopes to have an agreement on enrollment by summer, that the out-of-district tuition is being lowered (thus lessening their incentive to ever join the member towns). He said that changes regarding district member agreement have been discussed. He said that there may be a dissolution of the district agreement at some point in the future.

### ***Approval of Meeting Minutes***

The review of the minutes of 3/13/13, 3/27/13, 4/10/13 was deferred.

### ***Updates: Board of Selectman, School Committee, Planning Board***

Due to the fact that it was approaching 10:00 pm, SC Rep Slap gave the only update.

School Committee: SC Rep Slap noted that the SC approved the budget as it currently stands, understanding that it could change. It includes \$275K in additional funding (from state aid and utility savings) since the original budget proposal of February.

The Board will likely recommend, said BOS Chair Paolillo, that this money will go to the school side to help mitigate the gap there.

### ***Public Contributions***

There were none.

Vice Chair Libenson said that the WC should expect to meet again before Town Meeting on Monday April 29 at 6:00 pm.

### ***Adjournment***

Member McLaughlin moved to adjourn at 10:01 pm.

Submitted by Lisa Gibalerio  
WC Recording Secretary