

**MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
BEECH STREET CENTER
Thursday, May 1, 2014
6:30 PM**

RECEIVED
TOWN CLERK
BELMONT, MA.

MAY 29 10 35 AM '14

CALL TO ORDER

A meeting of the Board was called to order in open session at 6:36 p.m. by Chair Rojas at the Beech Street Center. Selectmen Baghdady and Paolillo were present. Town Administrator David Kale and Assistant Town Administrator Marshall were also present.

QUESTIONS FROM TOWN RESIDENTS

[There were none.]

Chair Rojas reviewed the agenda. He explained the process for the alcohol hearings.

ACTION BY APPOINTMENT

Continuation of the Alcohol License Hearings

Selectmen Statements

Selectman Paolillo read statements concerning the April 22, 2014 meeting, which he could not attend. The Certification under MGL c. 39, § 23D states the following:

“I, Mark A. Paolillo, Selectman for the Town of Belmont, having been unable to physically or remotely attend the April 22, 2014 hearing on the alcoholic beverages license application submitted by The Loading Dock, 11 Brighton Street, Belmont, MA, hereby certify that, pursuant to G.L. c. 39, § 23D, I have examined all the evidence presented at the said hearing, including a video recording of the session.”

Statements for L.C. Variety, D&L Wine and Spirits Inc., and Craft Beer Cellar were signed and submitted for the record.

“I, Mark A. Paolillo, Selectman for the Town of Belmont, having been unable to physically or remotely attend the April 22, 2014 hearing on the alcoholic beverages license application submitted by L.C. Variety, 326 Trapelo Road, Belmont, MA, hereby certify that, pursuant to G.L. c. 39, § 23D, I have examined all the evidence presented at the said hearing, including a video recording of the session.”

“I, Mark A. Paolillo, Selectman for the Town of Belmont, having been unable to physically or remotely attend the April 22, 2014 hearing on the alcoholic beverages license application submitted by D&L Wine and Spirits Inc., 334 Pleasant Street,

Belmont, MA, hereby certify that, pursuant to G.L. c. 39, § 23D, I have examined all the evidence presented at the said hearing, including a video recording of the session.”

“I, Mark A. Paolillo, Selectman for the Town of Belmont, having been unable to physically or remotely attend the April 22, 2014 hearing on the alcoholic beverages license application submitted by Craft Beer Cellar, 51 Leonard Street, Belmont, MA, hereby certify that, pursuant to G.L. c. 39, § 23D, I have examined all the evidence presented at the said hearing, including a video recording of the session.”

Chair Rojas disclosed to the State and Town Clerk that the Joseph Noone, Attorney for D&L Wine and Spirits made a donation to his 2012 campaign for Selectman, but that he could proceed objectively and fairly. Similarly, Fuad Mukarker, applicant for The Loading Dock made a donation to his 2012 campaign for Selectman. In addition, Chair Rojas also disclosed that Rojas Design Inc., of which he is 51% owner, undertook limited design work for Fuad Mukarker in 2012, but that he could proceed objectively and fairly.

Selectman Baghdady stated that he submitted an appearance of Conflict of Interest form with the Town Clerk to disclose that Fuad Mukarker of The Loading Dock and Attorney Joseph Noone, (representing D&L Wine and Spirits) also made contributions to his 2014 campaign for Selectman. He also stated that he could proceed objectively and fairly.

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 Cellar owners, appeared before the Board regarding the all alcohol license, as noted above. Ms. Schalow noted that signatures were collected and submitted. She expressed enthusiasm for expanding the business to include more spirits, with a full liquor license.

Public Comment:

Ms. Andrea Masciari, TMM Precinct 5, said she is in support of this license for Craft Beer Cellar.

Ms. Maryann Scali, TMM Precinct 3, expressed full support for Craft Beer Cellar.

Mr. Lawrence Brenkus offered that this establishment is already in a commercial area and therefore makes it appropriate to receive this license. It will not disrupt residential areas and it is well run.

Ms. Michele Banker, TMM Precinct 2, asked about the type of spirits that would be sold. Ms. Baker provided some information concerning what will be sold.

Ms. Athena McGuinness spoke in support of the Craft Beer Cellar.

Chair Rojas then asked the owners to sign the following statement as read, if the applicant agreed with the extension for written decision by the Board of Selectmen:

I, Suzanne Schalow of Craft Beer Cellar hereby agree that the deadline for the Belmont Board of Selectmen to issue a written decision on my application for an alcoholic beverages license at 51 Leonard Street, Belmont, MA, may be, and is hereby extended to May 15, 2014.

The statement was signed.

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

Mr. Pankaj Rai Ghai, LC Variety owner, appeared before the Board regarding the beer and wine license. Mr. Ghai said his customers are in support of the store selling alcohol. He spoke about operation of other establishments, experience with sales of alcohol and his focus on the Belmont location by describing the store layout as proposed.

Chair Rojas asked for information on sq. ft. of store and proposed beer and wine product. Mr. Ghai indicated 1700 sq. ft. now and proposes 300 sq. ft. for beer and wine.

Selectman Paolillo asked about the Health Department concerns about cleanliness and tobacco compliance violations in 2008. He raised additional concerns with regard to adequate storage space and trash (dumpster and exterior storage) facilities.

Mr. Ghai said he now owns four fewer businesses and will be on-site at LC location in Belmont on a full time basis. He said the basement can be used for storage.

Public Comment:

Mr. John Occhino spoke against the establishment having a liquor license.

Ms. Andrea Masciari, TMM Precinct 5, submitted 35 signatures against this request. She read a statement citing reasons why liquor should not be sold there.

Mr. David Cass, of Walnut Street, spoke to trash and parking concerns as well as the proximity of young children in the neighborhood.

Chair Rojas then asked the owners to sign the following statement as read, if the applicant agreed with the extension for written decision by the Board of Selectmen:

I, Pankaj Rai Ghai of L.C. Variety, hereby agree that the deadline for the Belmont Board of Selectmen to issue a written decision on my application for an alcoholic beverages license at 326 Trapelo Road, Belmont, MA, may be, and is hereby extended to May 15, 2014.

The statement was signed.

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

Mr. Joseph Noone, Attorney, and Mr. Peter Dion, Applicant appeared before the Board regarding the all alcohol license, for D&L Wine and Spirits, Inc. Mr. Noone said that this liquor store will be a “boutique” and will sell food products. He spoke of their exemplary record in selling liquor at other locations owned and operated by the applicant. He listed awards they have received as a business at the various locations and said the proposed building improvements will be a significant change to the exterior and interior of the existing building. Many in the neighborhood are in support of this establishment. He then spoke about the twelve on-site parking spaces which would be available for customers (estimated at 300 cars per day) and the hours of operation. Regarding the Henry Frost day care center objections to the application for alcohol license, Mr. Noone said that proposed establishment does not violate any statutes concerning day care facilities. As for the concerns submitted by the Open Door Baptist Church, he noted that the store will not be open during church hours.

Mr. Dion spoke in support of his family’s business, noting that the store will be family-friendly and professional.

Selectman Paolillo noted that the Board does regulate liquor licenses. He then asked about hours of operation from 10AM to 10PM weekdays and 12PM to 6PM Sunday and the sale of food which was not included in the presentation of April 22. Mr. Noone said that bread, cheese, and meats would be sold and estimated 260 sq. ft. for these items.

Chair Rojas asked for confirmation of the square footage allocation for first and second floors.

Public Comment:

Ms. Christine Deigo, Precinct 5, expressed support for D&L.

Mr. Banker, Precinct 2, reminded the Board that as a matter of principle it would only support “high end liquor stores” and that D&L is more of a traditional liquor store. He expressed concern about traffic congestion, parking, and deliveries during hours of operation. He asked several questions about the food. Mr. Dion, Jr. responded that deliveries would be made at 9:30AM.

Ms. Athena McGuinness, 291 Brighton Street, expressed her concerns about having a liquor store in the children-filled neighborhood.

Mr. Ed Mabardi spoke in opposition of having a “package store” in the neighborhood. He expressed traffic concerns, as well.

Mr. John Robotham, Precinct 2, said he is against this store in this location. The town does not need a package store and the traffic will be a nightmare.

Ms. Sue Pew, Precinct 2, said that she knows the family well but that parking is already very difficult in the area.

Ms. Robin Moore, Precinct 8, said that the town's alcohol needs are presently covered. She said parking and traffic will be a problem.

Mr. Todd Broader (phonetic), Attorney for the Henry Frost Pre-school, reiterated several points made in his opposition letter, which has been submitted to the Board. Ms. Iris Ponte, of the Henry Frost Pre-school, provided some information on the pre-school enrollment.

Ms. Anna Fox, Precinct 4, spoke highly of the D&L establishment.

Mr. Jed Jiang, said that this is a child-friendly neighborhood and he is against it.

Ms. Claire Stone, a neighbor, said that Belmont is a nice, family town and does not need a liquor store on every corner.

Mr. Jim McCarthy, a neighbor, said he is favor of the applicant as they are a nice family.

Mr. Bob Butler, Pastor of Open Door Church, said that alcohol hurts families. More liquor sold will only increase dangerous driving situations.

Mr. Mark Sachs, Martin Road, spoke to supporting an *existing* establishment. He spoke in support of Craft Beer Cellar.

Ms. Ellen Nelson, Bradford Road, said she gathered 140 signatures of neighbors who are opposed to having D&L in this location. She said parking is very challenging in this location.

Ms. Carman Nu (phonetic) spoke in opposition to having this store, as the food will attract teenagers and then they will seek the liquor.

Mr. Roy Papalia, 16 Waterhouse Road, said that consumers of Belmont are entitled to have a liquor store in town.

Ms. Lisa Terry, Cross Street, spoke to concerns about noise and traffic. She said this store would service towns around Belmont.

Mr. Anthony DiNucci, psychologist, spoke to the fact that liquor is a very concentrated form of alcohol. He expressed concern.

Mr. Andrew Graham, attorney, spoke highly of the Dion family. They are experienced in selling liquor.

Ms. Susanne Robotham, Precinct 2, suggested a different location for a liquor store, perhaps on South Pleasant Street.

Ms. Joanne Gaffney, 363 Brighton Street, said it would be nice to buy domestic beer and she is in favor of D&L.

Ms. Robin Antonellis, Precinct 8, said that, while the family is lovely, she is in opposition to D&L.

Mr. Scott Stratford, Alexander Ave, encouraged the Board to keep its high standards in allocating liquor licenses. He said there are many reasons to not support this idea.

Mr. Mel Kleckner, 88 Tobey Road, said that this is not the right location for a liquor store.

Chair Rojas then asked the owners to sign the following statement as read, if the applicant agreed with the extension for written decision by the Board of Selectmen:

I, Peter Dion, of D&L Wine Shop, hereby agree that the deadline for the Belmont Board of Selectmen to issue a written decision on my application for an alcoholic beverages license at 334 Pleasant Street, Belmont, MA, may be, and is hereby extended to May 15, 2014.

The statement was signed.

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

Mr. Thomas Orlandi, Attorney, and Mr. Fuad Mukarker, Loading Dock owner, appeared before the Board regarding the all alcohol license, as noted above. Mr. Orlandi offered that this will be an international specialty market, with full kitchen to sell prepared foods and retail alcohol as an addition. He spoke to the hours and to the hiring of TIPS-certified employees. Mr. Mukarker said his business will be upscale in nature with improvements to the site and building. He will continue to sell cigarettes and lottery tickets.

Selectman Baghdady asked if he would forego the selling of cigarettes and lottery tickets to obtain the liquor license. Selectman Paolillo offered that this could be a *condition* of approving the application.

Mr. Mukarker said that the cigarettes and lottery tickets will not be visible and that it is convenient for costumers to get all of their needs met at one place. He explained the reasons why renovation to the store has taken so long and said it would be finished in August. He said he does not promote cigarette smoking, but that he does not want to abandon his current costumers.

Public Comment:

Ms. Carman Nu (phonetic), Brighton Street, spoke again to the dangerous combination of alcohol and food, since teenagers are always hungry.

Mr. Damon Lassiter (phonetic), Hill Estates, said that the concept of international food is interesting and that there should be international spirits sold there, as well.

Ms. Judy Carlson, said she is opposed to all of these licenses (alcohol, lottery tickets, and cigarettes) as they sell dangerous products.

Mr. Bob Mulhern, spoke to the character of the owner, Mr. Mukarker.

Ms. Field, Brighton Street, is against all liquor licenses on Brighton Street.

Ms. Maryann Scali expressed traffic concerns as well as concerns about having a liquor store so close to Belmont High School.

Chair Rojas then asked the owners to sign the following statement as read, if the applicant agreed with the extension for written decision by the Board of Selectmen:

I, Fuad Mukarker, of The Loading Dock, hereby agree that the deadline for the Belmont Board of Selectmen to issue a written decision on my application for an alcoholic beverages license at 11 Brighton Street, Belmont, MA, may be, and is hereby extended to May 15, 2014.

The statement was signed.

Chair Rojas informed the audience that the public portion of the hearing on each of the four applications would close at this time.

The Board moved: To close the public portion of the hearing on each of the four applications.

The motion passed unanimously (3-0).

BOS Discussion

Chair Rojas stated that two licenses were available for sale of beer and wine and one license was available for sale of all alcohol in Belmont.

LC Variety

Selectman Paolillo stated several reasons to deny the application by LC Variety due to violations over the years for sale of cigarettes to minors as described by the Belmont Health Department in addition to problems with the location of the dumpster, storage of packaging, commercial sign violations. Selectman Baghdady identified the lack of off-street parking at the location and concern that a convenience store for sale of beer and wine was not the intent of Town Meeting when the additional license was approved as reasons the application would not be awarded to LC Variety. Chair Rojas said that economic development was a driving factor to issuing these licenses and LC Variety does not align with the economic perspective. He also expressed concern about the parking limitation, proximity to a school as reason to deny the application for

retail sale of beer and wine at 326 Trapelo Road.

The Board moved: To deny the beer and wine liquor license to LC Variety.
The motion passed unanimously (3-0).

D&L Wine Shop

Selectman Paolillo said that the application submitted for D&L Wine Shop feels like a package store and although additional food sale was discussed at other locations, he did not see it in the application for Belmont. The proximity to the Open Door Baptist Church, a preschool facility and a residential neighborhood concerned him about this application. He added that the traffic will be significant. Selectman Baghdady agreed. Chair Rojas stated that he respected the family and its business experience, but the concerns about heavy traffic in the residential neighborhood, and the fact that other applications near churches did not receive complaints were reasons that he did not support the application. In addition, there was not an indication that economic development would be encouraged and economic development was the intended purpose behind the all alcohol license in Belmont.

The Board moved: To deny the all-alcohol liquor license to D&L.
The motion passed unanimously (3-0).

Craft Beer Cellars

Selectman Paolillo said that, while this is a well-run business, he isn't sure the full alcohol license is intended for this type of store. Selectman Baghdady said it is a wonderful business and well-run, but he is not sure that 200-250 square feet of retail space for the sale of alcohol will spur economic development. The business is well respected, but he wanted to use the all alcohol license to spur greater economic development. Chair Rojas agreed that the economic development factor is not met here either. This is a successful business and will continue to be successful without this license.

The Board moved: To deny the all-alcohol license to Craft Beer Cellar.
The motion passed unanimously (3-0).

The Loading Dock

Selectman Paolillo said he loves the idea of an international bistro including food, coffee and bakery products that offers spirits. However, he would not support the application with the sale of cigarettes and lottery tickets. Selectman Baghdady said that he is impressed with the international market concept; however, the construction must be complete by August. The Brighton Street location needs improvement that could be offered by this application. Chair Rojas said that this location would generate economic development. The international café will be the draw of customers instead of cigarette and lottery ticket sales. The license approval would need to be conditional based on completion of construction and related town permits, and in addition, cigarettes and lottery tickets are not sold.

Selectman Paolillo asked about the process of revoking a liquor license. Mr. Kale said that yes, it can be revoked if applicant does not comply, as the Board reviews licenses annually.

The Board moved: To grant a license for the retail sale of all alcoholic beverages not to be drunk on the premises, subject to conditions to the above referenced applicant:

- Subject to the completion and final approval by the Inspector of Buildings for all work required to conform and comply with Special Permits.
- The total square footage of the area within the premises dedicated to the retail sale of alcoholic beverages should not exceed 750 square feet.
- All employees will be required to be Training for Intervention Procedures (TIPS) Certified.
- The applicant agrees not to sell alcoholic nips or individual cans of beer.
- 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.
- The applicant agrees not to sell any tobacco products upon the sale of all alcoholic beverages at the location.
- The Board of Selectmen heard no objections from the church within 500 that this application will have an adverse impact on the religious activities.
- The applicant has no history of non-compliance with public health or safety regulations.
- The applicant agrees not to sell any Massachusetts Lottery Games, including “Scratch Tickets” upon the sale of all alcoholic beverages at the location.

The motion passed unanimously (3-0).

ACTION BY CONSENT

Approval of Town of Belmont Policy for CORI

Police Chief McLaughlin appeared before the Board to explain the CORI Policy. The Board briefly discussed the policy.

The Board moved: To approve the CORI policy, as noted above.
The motion passed unanimously (3-0).

Approval of the Arbor Day Proclamation in Belmont on Friday, May 2, 2014

Selectman Paolillo read the Proclamation.

The Board moved: To approve the Arbor Day Proclamation, as noted above.
The motion passed unanimously (3-0).

One-Day Liquor License for Sunday, May 4th, 2014 Wine and Malt only – Baptism event for the Sorrentino family at the Beech Street Center

The Board moved: To approve the one-day liquor license request, as noted above.
The motion passed unanimously (3-0).

Town Administrator's Report

Mr. Kale reported on the following items:

- The Board voted to write a letter of support regarding the extension of the joint powers agreement of the Arlington-Belmont-Cambridge (A-B-C) Stormwater Flooding Board in association with the public hearing scheduled on May 15, 2014.
- Think Big, Think Belmont had requested brighter lights in Cushing Square – this work has been completed by the Light Department.

BOARD OF SELECTMEN COMMITTEE LIAISON APPOINTMENTS

Chair Rojas read the list of Board liaison appointments.

The Board moved: To approve the 2014-15 Board of Selectmen liaison appointments to the committees, as read aloud by Chair Rojas.
The motion passed unanimously (3-0).

Approval of Meeting Minutes

March 28, 2014

The Board moved: To approve the meeting minutes of March 28, 2014.
The motion passed unanimously (2-1).

March 31, 2014 meeting with Executive Session

The Board moved: To approve the meeting minutes of March 31, 2014 with Executive Session.
The motion passed unanimously (2-1).

(Selectman Baghdady was not on the Board at this time.)

April 2, 2014 (Joint with SC)

The Board moved: To approve the meeting minutes of April 2, 2014.
The motion passed unanimously (3-0).

April 22, 2014 meeting

These minutes were not approved at this time.

Town Meeting – Vote and Discuss Warrant Articles

Selectman Baghdady requested to see the votes of other committees on the amendments to the warrant articles. Selectman Paolillo agreed that he would need to review the amendments.

Article 16 and 17: Underwood Pool

The Board moved: To recommend favorable action on Article 16.
The motion passed unanimously (3-0).

Article 17 implements the debt exclusion and was voted favorable by the citizens.

The Board moved: To recommend favorable action on Article 17.
The motion passed unanimously (3-0).

Article 15: CPA - First Time Home Owner Assistance

The Board moved: To recommend favorable action on Article 15.

Selectman Baghdady said that, given that Belmont is so short of its affordable housing goal and that this is taxpayer money, to get only get three affordable units is not a wise expenditure of tax dollars. He said he would rather see this money get applied to the Underwood Pool. Selectman Paolillo and Chair Rojas agreed that, while this concept is not perfect, it does support affordable Housing in the community.

The motion passed (2-1).

Article 6: Repealing the Snow Removal Bylaw

Selectman Paolillo said he opposes repealing the bylaw. The intent, he offered, was to influence snow removal behavior.

The Board moved: To recommend unfavorable action on Article 6.

Selectman Baghdady said that this bylaw has not worked in the dense sections of Belmont. He said he would like to give the bylaw a chance to be fully implemented.

The motion passed unanimously (3-0).

Article 7: Yard Sale

Article 8: Animals

Article 9: Kennels Special Permit

The three articles, as listed above, will be reviewed by the Board at a meeting next week, prior to TM.

NEXT MEETINGS

Monday, May 5, 2014 at 6:00 p.m. (pre-Town Meeting, BHS)

Wednesday, May 7, 2014 at 6:00 p.m. (pre-Town Meeting, BHS)

Executive Sessions I and II

The Board moved: To enter into executive session at 9:45 p.m. to discuss strategy with respect to collective bargaining with union personnel due to the fact that an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the Chair so declares. The Board will not return to open session, except to adjourn the meeting.

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

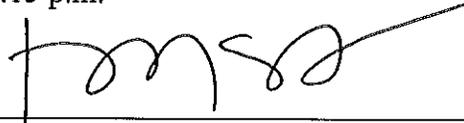
The also Board moved: To enter into executive session at 9:46 p.m. to consider the purchase, exchange, lease or value of real property if meeting may have a detrimental effect on the negotiating position of the public body and the Chair so declares. The Board will not return to open session, except to adjourn the meeting.

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

Open Session/Adjournment

The Board moved: To exit Executive Session and Return to Open Session at 10:15 p.m. A roll call vote was taken: Chair Rojas said aye, Selectman Baghdady and Paolillo also said aye and the motion passed unanimously (3-0).

The Board moved to adjourn the meeting at 10:15 p.m.



Mr. David Kale, Town Administrator