

**MINUTES**  
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**BOARD OF SELECTMEN**  
**MONDAY, JUNE 19, 2006**  
**REGULAR SESSION**  
**SELECTMEN'S MEETING ROOM, TOWN HALL**  
**7:00 PM**

**Call to Order**

A regular meeting of the Board was called to order in open session at 7:00 PM in the Selectmen's Meeting Room at Town Hall. All members were present. Town Administrator Tom Younger and Assistant Town Administrator Jeff Conti were also present.

**Questions from Town Residents**

Resident Don Mercier of Cross Street stated he is concerned about affordable housing projects in town. He noted he had read in the paper that the Brighton Street project has not been turned over to Habitat. The cost to put one unit on the B Street site was \$343,000 and he feels the Town should be able to do it for half of that and that there could have been 4 units there instead of 3.

Chairman Solomon suggested he share the details of his concerns with the Housing Trust.

Mr. Mercier added that he has been involved with housing since he was 15 years old. He said that at the B Street site they put up wood siding instead of aluminum and a wood door instead of fiberglass – this will cost more to maintain. He does not want to see the same thing happen at Brighton Street, but feels that the Housing Trust is not interested in addressing these concerns. The Town could have purchased units on Thayer Road that would have been great starter housing and there would have been no construction costs. It is not worth building one unit for Habitat at the cost of three or four units of housing. The Town is not getting a good bang out of the buck. Mr. Mercier asked the Selectmen should call a meeting with the Housing Trust and look into this.

Chairman Solomon said the Board appreciates Mr. Mercier's expertise in this area and his concerns. He asked that Mr. Mercier put some of these points in writing or in an e-mail and give them to the Town Administrator. The Board will convey them to the Housing Trust and will get the answers to these questions.

Mr. Mercier said that the firms who supply services for these construction projects are taking advantage of the funding that is being allocated. Will the Board agree to not

transfer the property to Habitat until these issues have been resolved? Chairman Solomon responded that the Board cannot make that commitment right now, but will see to it that these questions are answered.

Mr. Mercier said that when the B Street property was put on the market, it had a Century 21 sign, and one of the members of the Housing Trust works for Century 21. That's a conflict of interest.

Chairman Solomon asked Mr. Mercier to include this information in his written comments for the Housing Trust.

### **Action by Appointment**

#### *Discussion of Short Term Borrowing Bond Issue*

Treasurer Floyd Carman and Town Clerk Delores Keefe appeared before the Board. Mr. Carman explained that the Town has a bond offering for \$2.5 million for three short term projects – completion of the fire stations (\$1.5 million), cemetery construction (\$500,000), and the beginning of the financial software project (\$500,000). The fire stations money will be paid back after we dispose of the old fire stations, the cemetery money will be paid back through sale of cemetery lots, and the remainder will be wrapped up into some long-term borrowing. Mr. Carman asked for the Board's approval that his office is handling this properly.

The Board moved: to approve the actions outlined by the Treasurer.

The motion was carried unanimously (3-0).

The Board inquired about the interest rate. Mr. Carman said that factoring in administrative expenses, the net rate was about 4.25%. The Board members signed the necessary documents.

#### *Town Administrator's Report*

Mr. Younger reported that he continues to work with the Belmont Center Planning Group on reviewing the proposals for redevelopment of the central fire station. The proponents have been asked for some additional information which will be submitted by June 30, with the group to make a recommendation to the Board hopefully by mid-July. There is a possibility the Board may be asked to modify the regulations surrounding the seating requirement (what kind of seating counts toward the 130-seat limit) for a full-liquor license to enable the proponents to meet the requirement.

On the Verizon cable contract, the Cable TV Advisory Committee is reviewing the latest draft of an agreement.

A 3-hour meeting on the Senior Center project was held with department heads in an effort to keep on track for a September bid. Chairman Solomon said it is very important that the department heads get to meet with the project manager before it is too late to make changes. He added that it is important to make sure this is done in the future with any new buildings. Mr. Younger said the project manager is reviewing some numbers that appear to conflict with the current zoning for the property.

### **Action by Consent**

*Approval of BOS Meeting Minutes (05/01/06, 05/08/06)*

The Board moved: to approve all the minutes from the May 1 and May 8, 2006 Selectmen's meetings.

The motion was carried unanimously (3-0).

### **Action by Writing**

*Community Development Director re: Request for Standing Sign – Kabloom*

Community Development Director Glenn Clancy appeared before the Board. Mr. Clancy explained that the applicant is requesting to permanently display a free-standing sign in front of the business. There was discussion as to whether the applicant was notified that this issue would be heard so that he could be present if he chose. There was a brief discussion of the request and how it fits in with the sign by-law. There was concern about setting a precedent which would encourage other business owners to request similar signs. There was discussion of the fee paid by the applicant.

Mr. Younger said if the Board's policy is going to be to deny requests for sidewalk signs across the board, the Town could refund the applicant's fee. Selectman Firenze asked if there is a possibility of a grandfathering justification if the sign has been there since before the by-law took effect. Selectman Brownsberger said it could never be determined conclusively when the signs were put up.

Chairman Solomon said he is all for helping local businesses, but this is not something he thinks the Town should allow. He feels strongly that this is a question of enforcing the by-laws and maintaining the character of the center of town.

Selectman Firenze volunteered to talk with the applicant and try to come up with some kind of solution. He noted other communities are enforcing similar by-laws.

The Board moved: to take no additional enforcement actions against commercial signs on town property at this time pending a final decision, and that whatever final policy is decided by the Board in this area, it will not include any grandfathering provisions.

The motion was carried unanimously (3-0).

The Board moved: to seek input from the Belmont Center Planning Group on this issue, if possible by the end of the summer.

The motion was carried unanimously (3-0).

The Board agreed to return the applicant's fee since a decision is being deferred pending the Belmont Center Planning Group's recommendation.

### **Action by Appointment**

#### *Public Hearing on Utility Petitions* - *Keyspan Petition for Common Street*

Keyspan proposes to install 30 feet of gas main on Common Street. This will improve the pressure in the area during peak times. The Board expressed concern that the roadway be restored to its current condition since it is now in better condition than most roadways in town. The Board asked why this installation was not done before the road was reconstructed. The Keyspan representative said the service problem has only come to light subsequent to the road being paved. He will talk to Mr. Clancy about the method that will be used to patch the holes, and Keyspan will also re-do two existing patches to improve their condition.

The Board moved: to approve the request, subject to the conditions discussed.

The motion was carried unanimously (3-0).

#### - *Keyspan Petition for Trapelo Road*

The proposal is to install 10 feet of gas main on Trapelo Road in the vicinity of White Street. Mr. Mooney of Wheelworks asked how large will the hole be and how long will it be there. The Keyspan representative said it will be in the middle of the intersection parallel to Trapelo Road and it will probably take about two days to do. Keyspan hopes to do it within the next week or two and agreed it will not start work on a Friday, so it will not be torn up over the weekend.

The Board moved: to approve Keyspan's petition.

The motion was carried unanimously (3-0).

### **Action by Writing**

*Assistant Town Administrator re: Reauthorization of Minuteman School Revolving Funds*

Mr. Conti explained that the Minuteman School has asked member towns to accept a state statute authorizing the school to maintain certain revolving funds. The school has had these funds for some time but is now moving to make sure the legal authorization is in place.

The Board moved: to approve the re-authorization and accept the statute.

The motion was carried unanimously (3-0).

### *School Building Assistance Regulations*

Permanent Building Committee Chair Pat Brusch appeared before the Board. She explained that the state has revamped the School Building Assistance program, which has been moved from the Board of Education to a newly created School Building Authority (SBA) under the Treasurer. They were supposed to have new regulations in place as of July 1. The draft version was supposed to be ready in January for public hearings. However, the draft regulations did not come out until May 22 – they are very lengthy. They are holding public hearings now and will accept public comment until Friday. They will revise and give final approval to the regulations next Wednesday. Our committee has some concerns about the regulations.

Ms. Brusch added that while she attended a public hearing on the proposed regulations with Gerry Missal and Karen Pressey, it is felt that Belmont needs to respond in writing as other communities are doing. She has drafted a rough draft of a letter to the SBA. She wants to only include in the letter areas in which all parties in the Town are in agreement.

The first issue is with the composition of the building committees (BCs) – the SBA is mandating that the Superintendent, school principal, buildings manager, Town Administrator, and a municipal CEO (such as a Selectman) be on each building committee. There are additional regulations for members with architectural experience and other professional experience. There is no requirement for a lawyer, a parent, or neighbors, although the Town is allowed to add additional members to the committees. In Belmont, Selectmen have generally found being on a BC is too much work. The Town has generally had 7-10 members on BCs and they do a lot of work.

Other areas of concern include: a 90-day window for local funding approval. The SBA will not allow the hiring of an architect or project manager until after the community has voted the funding. They will only determine the reimbursement rate when they approve the project and the Town will then have 90 days to get any and all votes that are required. Ms. Brusch said no community she has heard from thought that timetable made sense – there seems to be a consensus that 6 months would make more sense. The state is going to do the feasibility study for each project and it is hard to see how they can do that for all the projects that will be submitted. When the building committee goes to the voters for approval, it will not have floor plans available, just a bubble flowchart. The Committee thinks this will be a huge problem and wants to be able to hire the architect before going for the vote.

Ms. Brusch said the Committee is hopeful that the SBA will show some flexibility on these issues if communities are vocal.

The SBA is also saying the architect who does the feasibility study cannot also do the design. This separation was tried in the past and found to be impractical because feasibility studies are loss leaders and the architects want to recoup their costs.

Ms. Brusch summarized by saying that it seems the state is trying to solve individual problems by dictating an overall solution. The Committee does not think that a one size fits all solution works for all communities.

She added that state reimbursement will no longer cover the cost of the project manager, legal costs, bonding or interest costs.

The Board moved: to express general support for the letter and to authorize Chairman Solomon to sign the letter after agreeing on the details with Ms. Brusch and the School Committee.

The motion was carried unanimously (3-0).

### **Action by Appointment**

#### *Discussion of Stormwater and Sewer Issues (Winn Brook Sewage Overflows)*

Sewer and Stormwater Committee Chair Ralph Jones appeared before the Board.

Selectman Brownsberger began by noting that the Town has undertaken a long-term and ongoing effort to solve these problems and has been making slow but steady progress.

Mr. Jones said this is a good time to set priorities for what the Town wants to look at with the new hydraulic models. Belmont has been focused on re-lining old sanitary sewer lines and the Committee wants to continue to move forward aggressively with this. The Town also needs to get a start on what it is going to do with storm drains. The system in the Winn Brook area is undersized. Mr. Jones said he would like to develop some sort of causal modeling of the flooding to create a plan on how to move forward, and would like some direction from the Board as to what the Committee ought to be doing.

Selectman Brownsberger said this is a town-wide issue. He is convinced that the Town is basically on the right path. Better elevation data is needed, and the Town needs to make an investment from its sewer funds in depth gauges and see some storm events with those gauges in place to see where the backups are.

There was discussion of a plan to use a pump to raise the height of the sewage outflow in the Winn Brook area so that in a storm event it can be pumped into the MWRA system (as during normal conditions) instead of backing up because the area is so low-lying.

MWRA seems to be comfortable with the idea of the Town doing this. Selectman Brownsberger said the Town needs to be sure there isn't a cheaper solution before going forward with this – what is the price tag?

A resident provided photographic evidence of the backups she has been experiencing during storm events.

There was discussion of illicit connections where stormwater from homes is going into the sanitary sewer system and whether to establish by-laws that authorize fines for such connections, the revenue from which would help to identify these locations. The Town has done some work in eliminating some of these connections but there is much more to be done.

The Board asked that when IT does a GIS presentation for the Board in August that there be detailed information presented on how the GIS will allow the Town to pursue some of these initiatives. Mr. Jones will also attend that presentation.

#### *Committee Appointments*

Conservation Commission: Selectman Brownsberger said his original candidate declined but a new one has arisen and he would support the appointment of David Webster as a full member. He is an environmental regulations expert with DEP experience. Selectman Firenze said his candidate also declined.

The Board moved: to appoint David Webster as a full member of the Conservation Commission.

The motion was carried unanimously (3-0).

There are three associate members who are not continuing. One new member was appointed last week.

The Board moved: to appoint Tino Lichauco as an associate member of the Conservation Commission.

The motion was carried unanimously (3-0).

The Board moved: to appoint Darryl King as an associate member of the Conservation Commission.

The motion was carried unanimously (3-0).

Cultural Council: The Board still has not heard from the Cultural Council chairs on this. The Board will have to make 3 appointments next Monday regardless.

Recreation Commission: Selectman Brownsberger said the Board is looking for people who will take a leadership role in pro-actively planning for how to fund the maintenance of assets like the pool. Selectman Firenze said the Commission needs people who will bring some creative ideas on how things can be done differently.

The Board asked the Town Administrator to put something on the web site immediately that the Board is still seeking candidates for the Recreation Commission in hopes of getting some new resumes.

Youth Commission: The Commission has requested 2 new members be appointed. Selectman Firenze asked if they have to be Town residents, with the idea of appointing Rick Chasse, the departing director of the Commission, if he were interested. Mr. Younger indicated this would be legal.

The Board moved: to appoint Rick Chasse to the Youth Commission, pending his willingness to serve.

The motion was carried unanimously (3-0).

Mr. Conti will check with the Health Director, the Board of Health chair, and the chair of the Commission to get some more names.

There was discussion of what the Board's policy should be regarding tenure limits for committees and whether those limits are for consecutive or total service. Selectman Firenze suggested a limit of three consecutive terms, with the possibility of re-appointment after a one-term interval. Selectman Brownsberger suggested four or five terms. It was clarified that current committee members would be grandfathered.

Chairman Solomon said when this appointment process is finished, the Board should look at how the process can be improved.

### **Other**

The Board discussed the status of its representative on the Metropolitan Area Planning Council. Richard Kobayashi has been the Town's representative but he is often out of the country for six months at a time. The Board expressed its confidence in him but only if he is going to be able to go to the meetings. If a new appointment is necessary, the Board would like to appoint Planning Director Jay Szklut. Mr. Younger will check with Mr. Kobayashi.

The Board requested an update on Sherman Street parking issues. Mr. Conti said that at his request the Police had conducted traffic counts on Sherman Street which confirmed the residents' reports of heavy volume during school drop-off and pick-up times. The count also observed parking situations which raised the possibility that an emergency vehicle might not be able to get through during these hours. Mr. Conti will continue to work on the issue.

There was discussion of the lack of a formal process for citizens to request privately funded betterments.

Selectman Firenze reported that he and Mr. Younger met with the T to talk about the location of a possible combined T station. The T wants the Town to help them find a developer that would be interested. They said they would be unlikely to consolidate the T stops on their own despite the obvious benefits, because they have encountered difficulties with such projects in the past. So consolidation is only likely to occur if the Town takes a leadership role, but they are very willing to work with the Town.

The Board adjourned at 9:44 PM.

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Thomas G. Younger  
Town Administrator