

**MINUTES**  
**Page 1 of 11**  
**BOARD OF SELECTMEN**  
**MONDAY, JULY 17, 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**

There were no questions.

**Action by Appointment**

*Committee Appointments*

**Human Rights Commission:**

The Board moved: to re-appoint Fran Yuan to the Human Rights Commission for a 3- year term.

The motion was carried unanimously (3-0).

**Metropolitan Area Planning Council:**

The Board moved: to re-appoint Richard Kobayashi to the Metropolitan Area Planning Council.

The motion was carried unanimously (3-0).

**Pavement Management Committee:** Several people have indicated their interest in serving - John Brady, Karen Freidberg, Michelle Oishi, Ronald Sacca, Mario Rathle, and Fred Haggerty. DPW Director Peter Castanino and Community Development Director Glenn Clancy have recommended Dix Campbell, but he does not feel he can commit the

time at present. They have also recommended Tom DePace. Selectman Firenze suggested Frank French. There was discussion of the goal of having a member from each precinct.

The Board moved: to appoint John Brady, Karen Freidberg, Michelle Oishi, Ronald Sacca, Mario Rathle, and Fred Haggerty to the Pavement Management Committee.

The motion was carried unanimously (3-0).

Selectman Brownsberger said he had spoken with attorney Lee Slap and he had expressed an interest in serving.

The Board moved: to appoint Lee Slap, Frank French and Tom DePace to the Pavement Management Committee contingent on their willingness to serve.

The motion was carried unanimously (3-0).

The Board reserved the right to make additional appointments to the Committee and noted it feels strongly that the Traffic Advisory Committee (TAC) should have a representative on the Committee. The other organizations mentioned in the charge (Warrant Committee, Permanent Building Committee, and Vision 21) feel their members are already considerably burdened and the Board decided it was not critical to have a voting member from each.

There was discussion of minor changes to the Committee's charge.

The Board moved: to amend the charge by adding privately funded betterments and street opening permits to the list of items for the committee to look at, and to ask the TAC to send a representative as a member of the Committee, and the other organizations mentioned in the charge will have liaisons who need not attend every meeting.

The motion was carried unanimously (3-0).

The Board discussed committee tenure, referring to a chart submitted by Mr. Conti showing how many committee members have served for longer than 3, 4, and 5 terms. Chairman Solomon noted that certain committees require specific expertise and might not be well served by term limits. Selectman Firenze suggested establishing a guideline rather than a hard and fast limit, with the idea that after a certain number of terms there would have to be a unique reason to re-appoint someone. Selectman Brownsberger felt the limit should not be less than 5 terms.

The Board moved: in general it shall be the Board of Selectmen's policy not to re-appoint people after 15 years of consecutive service on a committee, however exceptions may be made at the discretion of the Board.

The motion was carried unanimously (3-0).

### *Approval of Tree Regulations*

Public Works Director Peter Castanino, Community Development Director Glenn Clancy, and Tree Warden Tom Walsh appeared before the Board. Mr. Clancy explained that the new regulations are an attempt to respond to problems that were encountered with a development that damaged a tree, and hopefully will help to avoid such problems in the future. The Tree Warden will review any building permit applications when the property contains a public shade tree to determine whether the tree needs to be protected.

Selectman Firenze expressed concern that any homeowner doing renovations will have to pay an extra \$75 fee if they have a shade tree. Mr. Clancy said that is an issue that was struggled with in developing the regulations. The fee is intended to cover the cost of the Tree Warden's inspection. Whether the Tree Warden has to look at the property will be determined by the proximity of the tree's drip line (indicating the health of the root system) to the project. Nothing in these regulations will require a plot plan if one is not required today.

Selectman Brownsberger asked who decides whether the \$75 is required? Mr. Clancy said the Office of Community Development will determine whether a project requires further review. Selectman Brownsberger expressed concern that the language of the regulations is too broad.

It was clarified that the language has been worked on by Town Counsel and is drafted so as to only apply to exterior projects.

Selectman Brownsberger suggested a different approach: providing developers with information on how they will be expected to protect trees and then pulling their permits if they fail to comply, rather than complicating the permit process with additional fees and reviews. Mr. Castanino said the Town is concerned about situations like vehicles driving over the roots while delivering materials to a work area that isn't necessarily near the tree.

Mr. Walsh raised the example of the trees at the new fire station which were critically impacted by the construction. No one had looked at that issue before the construction began. Had the proposed review process been in place at the time, it would have been discovered that the trees would inevitably be impacted by the project design.

Selectman Brownsberger noted that under the proposed regulations the tree warden has 14 days to review the plans and that is a significant delay for many small projects.

The Board decided not to take a vote on this matter at this time while noting the importance of the issue. The Board asked that the regulations be revised in light of some of the concerns raised and mindful of the Board's desire to streamline the permit process.

Selectman Brownsberger said Town Counsel should be asked what the “hammer” of enforcement could be to penalize those who do damage trees. Mr. Walsh noted that the penalty in state law is \$500 which is too little.

*Public Hearing on Utility Petitions  
- Keyspan Petition on Clifton Street*

A representative for Keyspan explained that the company wants to install 100 feet of gas main on Clifton Street to hook up a residence.

It was clarified that the work will not require digging up the newly paved section of Clifton Street.

The Board moved: to approve the Keyspan petition as submitted.

The motion was carried unanimously (3-0).

*Town Administrator's Report*

Mr. Younger reported on the following items:

- Woodfall Road: The Belmont Country Club has recommended to Town Counsel some changes to the land transfer agreement. Selectman Firenze noted that he looked at the changes and nothing jumped out as being a problem, but would like Mr. Younger to review them as well.
- Harvard Lawn Fire Station: The draft RFP is being reviewed by Town Counsel and will come back to the Board for review – if approved, the RFP can be issued within a couple of weeks.
- Central Fire Station: A recommendation from the Belmont Center Planning Group should be ready for the Board at its July 31 meeting.
- There was discussion of Sycamore Street and other parking issues. Mr. Conti reported that the Town has a proposal to address residents' parking concerns on Sycamore Street and wishes to hold a public meeting to share it and get feedback. The Board asked that such a meeting be held ASAP.
- Small parcels of Town land: The Town has pulled the deeds on its small parcels to check for restrictions – there do not appear to be any. It will be necessary to check that public works or another town department does not have a public use for any of the parcels, such as an easement, before clearing them for sale. There was discussion of a specific parcel which is effectively a street extension with a driveway off it and whether it needs to be treated somewhat differently.

- Police Chief search process: MMA Consulting will place the advertising for the position within the next two weeks. This project was put on hold until a week ago because the search firm award was challenged. The Inspector General has ruled that the Town's process was legal and the process can move forward.
- Coalition bargaining: In response to the Town's letters, no union has agreed to reopen their contracts to discuss health care. Therefore, the Town will seek to raise the issue when talks begin for the next three-year contract.

### *Temporary Youth Center in Old Electric Light Building*

Dr. David Alper, Chair of the Youth Commission, appeared before the Board. He explained that the Commission would like to use the old Light Department building for a drop-in Teen Center. This would be a temporary situation. There are plenty of activities for young people in town but they are all adult-created and adult-run. This would be a space for them to hang out and the chaperones would blend into the background.

Dr. Alper said the bathroom in the building works but it is not ADA accessible and it will need to be. He intends to ask a couple of contractors to donate a weekend to work on this, and already has a plumber who has promised to help with the fixtures. The bottom line issue is staffing. The center will need at least one paid staffer. The pay should be minimal and Dr. Alper is willing to advocate it before the Warrant Committee if it is possible to get the building ready. There is no target date because Dr. Alper wanted to sound out the Board first.

Chairman Solomon said he is in favor of the idea, but \$20,000 for staffing in the Town's budget will be tough to find. Selectman Firenze suggested additional issues that need to be addressed will arise when the property is inspected for a building permit. He also asked what is the expected occupancy.

Dr. Alper responded that a survey indicated 75% of teens who responded said they would use a teen center. This is aimed at the teens "in the middle" between the super-successful and those in special programs. He said the current Youth Center gets about 50 kids normally and 100 when there is a dance.

Selectman Brownsberger said this isn't a great time to be adding items to the budget, especially new positions.

Dr. Alper said if the Board is comfortable with the concept, he can try to get a commitment from the contractors and see what would be required with the building itself. Nobody is going to do anything unless the salary issue can be resolved.

Selectman Brownsberger said he has no problem with the idea but does not think the Town can fund it now. The Town could also be looking to dispose of the property after a couple of years.

The Board expressed its conceptual approval of the project. Dr. Alper will return and meet with the Board again when he has his commitments and funding in place.

**Action by Consent**

Application for Licenses and Permit – Renewals

Victualler

*Adriano Medeiros DBA Thyaggo's Pizza, 368 Trapelo Road*

Mr. Medeiros appeared before the Board and expressed his desire to continue serving food in Belmont.

The Board moved: to approve the renewal.

The motion was carried unanimously. (3-0)

*Approval of Board of Selectmen's Meeting Minutes (05/22/06, 06/05/06, 06/07/06, 06/12/06)*

The Board moved: to approve all the minutes for 05/22/06, 06/05/06, 06/07/06 and 06/12/06.

The motion was carried unanimously. (3-0)

**Action by Appointment**

*Approval of Developer for Mclean Land Adjacent to Waverley Oaks*

Members of the Housing Trust appeared before the Board. Chairman Roger Colton explained that the Trust is asking the Board to approve its selection of a developer for the affordable housing project on the former McLean land adjacent to Waverley Oaks. Prior to Town Meeting, the Selectmen approved the issuance of an RFP for this project. The timing of the project is being driven by a September 8 deadline for filing applications for affordable housing funding programs that would apply to this project.

Mr. Colton said that the Housing Trust received five responses to the RFP. The Town's Planning Coordinator Jeffrey Wheeler reviewed them to make sure all the mandatory elements were present. The Housing Trust then met several times to compare the responses to its criteria and selected three of the five proposed teams to interview last week. The Trust then looked again at the criteria and unanimously voted to approve the proposal of Affirmative Investments. They have incredible financial strength – they have a financial commitment from Sovereign Bank that will hold the interest rate constant until the end of the year. To have this in place before the development is unusual and supports the proposal very strongly. This company has recently completed an award-winning development in Manchester-by-the-Sea. They propose a building management team, Maloney, that is large, experienced, and local. If the Board approves, the Trust can

move ahead with the funding applications and begin the special permit process before the Planning Board.

Mr. Colton went on to note that the zoning of the property allows for up to 40 housing units. Affirmative Investments proposed to build the full 40 units on the site. The Trust thought that might be a few too many given the parking requirements and asked if they could do fewer units. The developer responded positively, so the Trust expects they will go to the Planning Board with a plan for 34 or 35 units. The project will also include extra parking for Waverley Oaks, and this developer was the only one that seemed to understand the importance of working with the Housing Authority to optimize the parking situation.

Driving access to the units will be from Olmsted Drive. There will be seven buildings with an average of 5 units each. There will be a mix of 1, 2, and 3 bedroom units. The original proposal was 10 1-bedrooms, 20 2-bedrooms, and 10 3-bedrooms – this might drop to 7 3-bedrooms under the revised plan. They will all be rental units and the Town will retain ownership of the land with the option to buy the buildings or sell the land after 15 years. There are no market rate units. 10% will be low-income, the remainder will be affordable and there is a Belmont preference to the extent allowed by law – a goal of 70% of units to those with a Belmont connection.

Mr. Colton added that the Housing Trust talked with Superintendent Holland about school impact and the schools feel this development will not have a significant impact on enrollment, partially because children would likely be spread across age groups.

The Board moved: to designate Affirmative Investments as the selected developer for the Zone 6 property as recommended by the Housing Trust.

The motion was carried unanimously (3-0).

#### *Final State Budget Numbers*

Mr. Younger reported on the difference between the final amount of local aid from the state for FY07 compared to the amount that was budgeted. All local aid items were as budgeted except for Chapter 70, which was an additional \$134,590, and a minor reduction in tuition assessment reimbursement, for a net positive difference of \$134,432. Town Meeting will need to appropriate this money.

There was discussion of how to best utilize the money. The Warrant Committee and School Committee will need to be involved. The decision should be made before Town Meeting in the fall.

The Board suggested that Mr. Younger and Dr. Holland or one of his deputies meet and try to arrive at a joint recommendation on how to use the money to report back to the Board on July 31.

## **Action by Writing**

### *Agreement with BSC Group – Trapelo Road Belmont Street Corridor Improvement Project*

Town Counsel and the office of Community Development have reviewed and approved the contract. The funding for this is in the roads budget.

The Board moved: to approve the contract.

The motion was carried unanimously. (3-0)

### *Community Development Director re: Grove Street Striping Request*

The Board moved: to authorize the DPW to implement the striping as requested.

The motion was carried unanimously. (3-0)

### *School Street and Fairview Avenue intersection*

The Board moved: to approve all the recommendations of Community Development Director Clancy and Police Sergeant Hamilton regarding the intersection.

The motion was carried unanimously. (3-0)

## **Other**

The Board moved: to refer the issue of a commercial truck parking at the intersection of Poplar & Belmont Streets to Community Development and to request a response back from that department to the Selectmen by Aug. 7.

The motion was carried unanimously. (3-0)

The Board expressed its desire to see the Verizon cable negotiations progress as quickly as possible.

The Board discussed the possibility of having a form for people to fill out if they wish to make a tree damage or pothole claim. Mr. Younger will check to see if other towns have such a form.

Selectman Firenze suggested that work begin on drafting the RFP for Woodfall Road on the assumption that the land exchange agreement will be worked out, in order to expedite the process of issuing the RFP once the agreement is in place. Mr. Younger noted that a property of that size has to remain on the market for at least 30 days by statute once the

RFP is out. So if it were sent out by mid-September, proposals could not be due before mid-October.

Selectman Firenze reported that he and Mr. Younger met with a representative from O'Neill about a week and a half ago regarding the Uplands property and the amount owed to the Town from the 2002 memorandum of understanding which is in dispute. Selectman Firenze also attended the Uplands Advisory Committee meeting to share information with that group. O'Neill made it clear that they are only pursuing the 40B option at this time, but they did not deny that an office building might be the best economic solution for them. Selectman Firenze plans to invite some commercial developers to take a look at the property to see if there would be interest in purchasing it from O'Neill. The Board agreed that the best solution would be no development at all and would prefer to see it remain as open space. However, Selectman Firenze pointed out that outcome, however desirable, is very unlikely.

### **Action by Appointment**

#### *Goals and Objectives (Continued)*

#### *BOS Objective 5: Review Town Management of Facilities*

Centralized building maintenance: Mr. Younger has drafted a plan and a subcommittee is reviewing this for possible implementation in FY08.

Privatization of rink & pool: Inquiring about what other towns have done did not produce much of use with regard to the pool because other towns don't have pools. The Town continues to look at possible privatization contracts for the rink.

Review progress of ESCO project: Done.

Brighton Street property: Project is back on track.

Negotiation of temporary use of Senior Center: Done.

Develop RFP for construction of Senior Center: The Building Committee has been meeting with department heads to get their input. The timeline for construction may need to be stretched because of issues that have arisen that require Planning Board review.

Develop and execute RFP for Central Fire Station: The Town is reviewing proposals with a final decision anticipated within weeks.

Woodfall Road, Harvard Lawn Fire Station, Light Department building re-use: Status of these issues was covered earlier in this meeting [see above]. The Belmont Center Planning Group is also reviewing ideas for the Light building. The Town continues to work on removing materials from the basement.

DPW yard capital planning: A feasibility study was completed and the project will be added to the future capital projects list.

Incinerator site status: Lee Barber will report on possible use of the site for a driving range. Mr. Younger continues to review deed issues.

Security Committee: The Board requested either a final report or a progress report from the Committee by Sep. 11.

*BOS Objective 6: Assist in public/private partnership regarding development and land conservation.*

Re-use of DeMilia property and review of underutilized properties: The Town has spoken with the T and tried to work with the owners. This will be carried over as a goal for FY07.

Trapelo Road renovation project/bike path project: The bike path project did not make it onto the FY06 TIP for funding. The three towns involved will try for the FY07 TIP..

Pleasant Street Construction Project: Has been delayed 6 months, but the contractor is now paying the police details on time.

Uplands Project Review: Addressed earlier in this meeting [see above].

*BOS Objective 7: Improving communications.*

Monthly meetings with senior citizens: Meetings continued through the spring and will resume in the fall.

Expand use of web page: Virtual Town Hall is upgrading the Town's web site. The Town wants to allow greater interactive use of the site including online applications.

Utilize newspapers for monthly reports and project updates: The Town Administrator's office will work with the Citizen-Herald to develop something.

Continue reviewing update of committee minutes on web sites: The Selectmen's office has been pushing the committees to comply with this requirement. Some are doing a better job, but the ones who meet irregularly have been less diligent. The Board of Selectmen is less than one month behind in posting its own minutes and is getting caught up.

Expand committee information database to make the volunteer base more user friendly: The Board would like to see this done as a web application. Mr. Younger will ask Technology Director Lee McCanne if the computer class at the high school could work on this for a senior project.

*BOS Objective 8: Address Personnel Management and Development.*

Annual review of department heads: This is ongoing and will be done by the end of the month.

Professional Development plan for department heads: This goal has been expanded to include committee chairs. For example: training on how to do minutes. The Ethics Commission also does free training.

Succession plan for department heads: No town seems to have one but they all think it would be great to have. Selectman Firenze explained that there should be a set of questions for the departments on what would be done if the top person in the department left. He and Mr. Younger will work on developing a template.

Plan to create combined Financial Officer position: Determined this is not feasible for Belmont.

Management plan for recreation administration: A proposed Town Meeting article to change the recreation administration structure was withdrawn but there is more work to be done on this.

The Board noted the next step is to synthesize goals for FY07. Mr. Younger wants to create a policy book containing the Board's policies such as committee term limits. He will create a draft document containing the carryover goals from FY06 and any new items he wishes to add and then the Board will review it and add any other items.

Chairman Solomon will be sending out to the Board members a summary of the evaluations of the Town Administrator for formal review on the 31<sup>st</sup>.

Selectman Firenze requested that there be no Selectmen's meeting during Columbus Day week because he will be going to Europe.

The Board adjourned at 10:19 PM.

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Thomas G. Younger  
Town Administrator