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**BOARD OF SELECTMEN**  
**AUGUST 30, 2004**  
**REGULAR SESSION**

**Call to Order**

The Board of Selectmen convened in regular session at 7:30 p.m. in the Selectmen's Meeting Room at Town Hall. All members were present.

**Questions from Town Residents**

There were none.

**Action by Appointment**

*Approval of State Primary Election Warrant*

The Board moved: to sign the State Primary Election warrant.

The motion passed unanimously (3-0).

*Public Hearing—Transfer of Beer and Wine License  
Rohbaj Enterprises Inc., d/b/a Kashish, 61 Leonard Street*

The Selectmen convened a public hearing regarding the application by Rohbaj Enterprises, Inc., for a transfer of a restaurant beer and wine license at Kashish, 61 Leonard Street.

The applicant's attorney appeared before the Board in support of this request.

The Assistant Town Administrator noted the Alcoholic Beverages Licensing Committee reviewed this application and recommended its approval.

There were no other public comments.

The Board moved: to approve the application for the transfer of a Restaurant Beer and Wine License from Nikita Restaurant Group, doing business as Kashish at 61 Leonard Street to Rohbaj Enterprises, Inc, doing business as Kashish at 61 Leonard Street; and further, that the Board of Selectmen determines that this license to sell beer and wine shall not create a detrimental impact on any educational and religious institutions located within five hundred feet from the premises.

The motion passed unanimously (3-0).

*Public Hearing—Utility Petition  
Verizon Petition for Waverley Street*

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The Board convened a hearing for requesting permission to access the public way for the installation of a conduit by Verizon at Waverley Street.

Bob Parks, a representative of Verizon, appeared before the Board in support of this request.

The Board reviewed a memo from the Acting Director of Community Development regarding conditions which should be placed on any approval.

There were no other interested parties.

The Board moved: to approve the Verizon petition to install conduit along Waverley Street conditional upon: 1) coordination with the Water Department such that placement of the conduits avoids damage to sidewalk boxes and 2) satisfactory completion and approval by the Office of Community Development of trench work on Clifton and Prospect Streets.

The motion passed unanimously (3-0).

*Discussion of Re-Use of Waverley Fire Station*

Roger Colton, Chair of the Waverley Square Fire Station Re-Use Steering Committee discussed and reviewed before the Board of Selectmen the committee's report of July 23, 2004, which spells out recommendations for the redevelopment of the Waverley Square Fire Station.

Jil Wescott of the Library Trustees recommended the Board consider whether the Town might retain the branch library at that location through the reduction in the total number of units to be developed.

The Board discussed Ms. Wescott's recommendation and agreed that they did not wish to consider this option at this time.

The Board moved: to adopt the following recommendations of the Steering Committee: 1) redevelop the fire station as a condominium development, not exceeding seven units, 2) adopt a zoning by-law to allow for multi-family residential development by-right, 3) sell the fire station property with the condition that future use and renovation of the exterior of the fire station be consistent with the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings as well as the Secretary of the Interior's Standards for Rehabilitation as set forth in Appendix H, 4) control development impacts not involving issues of historic preservation through adoption of design guidelines substantially equivalent to those discussed in the text of the Steering Committee's final report (to be included in the RFP used to sell the property, and 5) retain the option of refusing all bids in response to the RFP for sale of the site, and allow for the Board of Selectmen to consider retaining the fire station site for lease.

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The motion passed unanimously (3-0).

The Board further moved: that the following action steps to be undertaken by the Town in the sale and redevelopment of the Waverley Fire Station site: 1) prepare a Request for Proposals (RFP) for the sale of the site, which includes a historic preservation and design guidelines prepared by two members of each of the Historic District Commission and Waverley Fire Station Steering Committee and staff from the Office of Community Development, 2) develop a historic preservation restriction to be retained by the Town, 3) develop a zoning package to permit the development of multi-family residential housing at the Waverley Square Fire Station by-right through the normal Planning Board zoning process, and 4) the Steering Committee host a pre-Town Meeting public forum devoted exclusively to the issue of historic preservation at the Fire Station.

The motion passed unanimously (3-0).

The Board thanked the Steering Committee for its work on this project to date.

*Discussion of Town Hall Annex Art Gallery Space*

Various parties joined the Board of Selectmen in the discussion of the utilization of the third floor of the soon to be renovated Town Hall Annex for the display of art.

Donna Moultrup, Health Director appeared before the Board to update the Board on her discussions with representatives of the Belmont Cultural Council relative to the use of the space.

The Board requested the Town Administrator to develop an agreement for the use of third floor space by all Town entities.

*Chief of Police re: Organization of Police Department*

Police Chief O'Malley appeared before the Board to review and discuss his recommendations to reorganize his department.

The Chief acknowledged the recent promotion of Richard Lane to the position of Assistant Chief.

The Chief requested approval for the backfilling of all position vacancies created from the promotion of the Assistant Chief. The Chief also requested authorization to promote an additional patrol officer to sergeant.

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The Board moved: to approve the backfilling of all position vacancies created from the recent promotion of the Assistant Chief; and further to authorize the promotion of an additional patrol officer to sergeant.

The motion passed unanimously (3-0).

*Consideration of Citizen's Complaint of Police Conduct*

The Board heard from a variety of Town residents and members of the Police Department on the subject of race relations, both in the Police department and in the community at large.

Dr. Solomon expressed his appreciation for the conversation this evening. He stated that the Town does have a problem, but this is an issue for the whole community and the solution must come from the community as a whole. He recommended the Board initiate a process for enhancing the community's awareness and understanding of all issues relating to diversity in the Town.

Mr. Brownsberger commented he does believe the community can do better on this issue. He also noted the difficult job that police officers have. He stated an overriding concern of his is that the Board be committed to providing quality municipal services across the board. He stated the importance of the Town being open to feedback. He thanked Doug Reynolds for coming forward to provide this feedback and stated that the Town should be open to listening to this type of feedback.

Mrs. Mahoney expressed her support for the police department and their efforts. She thanked the group for being polite and courteous in what is a very difficult, but important issue.

The Board moved: that Selectman Solomon work with the Human Rights Commission to ensure it has the adequate representation and process to achieve its charter and the additional goal of enhancing awareness and understanding related to diversity in our town; and further that this Commission shall report back to the Board of Selectmen not later than February 1, 2005 with recommendations for a process by which the Town can address the issue of cultural diversity in our community.

The motion passed unanimously (3-0).

Mr. Brownsberger encouraged the Board to bring closure to the specific issues that have been raised tonight.

The Board requested copies of the police reports on the Bright Road police incident and to receive advice of counsel on the appropriate process by which to deal with this issue. The Board requested these issues come before the Board at their meeting on September 13.

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*Appointment of Acting Treasurer/Collector*

The Board discussed their appointment of an Acting Treasurer/Collector. Mrs. Mahoney recommended the appointment of Daniela Boccia as Acting Treasurer/Collector.

The Board moved: to appoint Daniela Boccia as Acting Treasurer/Collector for the Town of Belmont.

The motion passed unanimously (3-0).

The Board requested the Town Administrator work with the Acting Treasurer to identify the types of support that she needs to fulfill her new responsibilities.

*Discussion of Board of Selectmen Meeting Schedule*

Mrs. Mahoney announced her intention to resign from the Board of Selectmen, effective September 28, 2004 and noted that this decision would likely affect the Board's meeting schedule.

Mr. Brownsberger thanked Mrs. Mahoney for her service and noted his respect for her decision.

Dr. Solomon concurred with Mr. Brownsberger's comments and wished her the best with her endeavors.

The Board of Selectmen discussed its meeting schedule and agreed it would meet on September 13 and 27 and October 18 and 25, 2004.

The Board discussed a memo from Town Counsel regarding the options the Board has to deal with the vacant selectman position. The Board expressed a desire to fill the vacancy as soon as possible and not wait until the Annual Town Election in April.

The Board discussed the possibility to schedule a special local election on the same day as the federal election. The Town Clerk noted potential problems with scheduling a local special election on the same day as the federal or state election.

The Board concurred with the recommendation of the Town Clerk and Town Counsel to not schedule these two elections simultaneously.

The Board moved: to call a special election for November 15, 2004 to fill the vacancy created by Mrs. Mahoney's resignation.

The motion passed unanimously (3-0).

The Town Clerk noted this would require individuals interested in serving in this position, file election papers not later than September 27, 2004.

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The Board agreed to meet with the Library Site Planning Committee on September 13<sup>th</sup> to get a report on this committee's progress. The Board also requested the members of the "mega-group" be informed that the Board of Selectmen may convene in special session to discuss large scale capital projects on September 20<sup>th</sup>.

*Discussion of FY06 Budget Process*

The Town Administrator reviewed and discussed before the Board his process for collecting information from Town departments relative to their budgetary needs for FY 2006.

The Board agreed to begin presentations relative to the Town service levels at their meeting on September 13.

*Committee Appointments*

The Board discussed various appointments to committees.

The Board moved: to appoint Jeffrey Bairstow to the Cable Access Committee.

The motion passed unanimously (3-0).

The Board moved: to appoint Peter Palandjian to the Retirement Board.

The motion passed unanimously (3-0).

The Board deferred their appointment to the Democratic Town Committee.

**Action by Consent**

*Approval of Meeting Minutes (06/28/04, 07/12/04, 08/04/04)*

The Board moved: to approve its meeting minutes of June 28, July 12, and August 4, with minor modification to reflect the vote of the appointment of Steven Tomczyk to the Purecoat Committee.

The motion passed unanimously (3-0).

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*Application for Licenses and Permit—Original*

*Adam J. Tocci, d/b/a Belmont Street Laundromat, Inc., 167 Belmont Street*

The Board moved to: approve the license for Adam Tocci, d/b/a Belmont Street Laundromat.

The motion passed unanimously (3-0).

*Memorandum from Assistant Town Administrator re: Class II Auto Dealer's Licenses*

The Board moved to: revoke the three following licenses for lack of compliance with state law; Frank Basile, Waverley Auto Exchange, 134 Waverley Street; Stephen P. Kelly, Kelly's Auto Sales, 32 Statler Road; and Frank Rizzo, Frank Rizzo Auto Sales, 18 Trapelo Road.

The motion passed unanimously (3-0).

**Action by Writing**

*Correspondence re: Pleasant Street Project*

The Acting Community Development Director discussed the impact of the revised schedule set by the Massachusetts Highway Department in relation to the Pleasant Street reconstruction project.

The Board moved: to approve a contract with MassHighway relative to the Pleasant Street reconstruction project.

The motion passed unanimously (3-0).

*Correspondence re: Library Steps*

The Board of Selectmen reviewed and discussed an update from the Library Director relative to the status of repairs to the Memorial Library stairs.

*Correspondence from Belmont Citizens Forum re: O'Neill Properties*

The Board of Selectmen discussed a Belmont Citizens Forum's request that the Conservation Commission engage legal counsel to represent its position before the DEP against O'Neill properties.

The Board recognized that this request should be addressed directly by the Conservation Commission and not the Board of Selectmen.

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The Board moved: to forward this request to the Conservation Commission for their review and action.

The motion passed unanimously (3-0).

**Other**

Mr. Brownsberger expressed concern about the absence of yellow lines along Pleasant Street and requested the Department of Public Works ensure this roadway is safely striped.

Mr. Roger Colton requested the Board of Selectmen waive the building permit fees for the development of the B Street affordable housing.

The Board moved: to waive the building permit fees for the development of the B Street affordable housing project.

The motion passed unanimously (3-0).

Joel Mooney, chairman of the Town Hall Complex Building Committee, and Linn Hobbs of the Historic District Commission appeared before the Board to request permission for the Town Hall Annex Building to be named the "Homer Municipal Building."

The Board moved: to rename the Town Hall Annex the "Homer Municipal Building."

The motion passed unanimously (3-0).

Mr. Mooney also noted significant mortar work that needs to be done on the exterior of the Town Hall building.

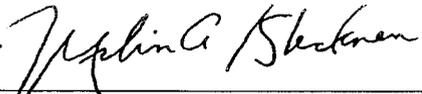
**Action by Appointment (continued)**

*Discussion of Negotiations with Non-Union Personnel (Executive Session)*

The Board moved: to enter executive session for the purpose of discussing negotiations with non-union personnel; and further that the Board shall not return to open session.

The motion passed (3-0), by roll call vote.

The Board adjourned their regular session at 11:45 p.m.

  
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Melvin A. Kleckner, Town Administrator  
Clerk, Board of Selectmen