

**MINUTES**  
**Page 1 of 6**  
**BOARD OF SELECTMEN**  
**SEPTEMBER 13, 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. Mrs. Mahoney noted resident Lydia Ogilby's receipt of a Lifetime Achievement Award for Historic Preservation by the Secretary of the Commonwealth of Massachusetts.

**Questions from Town Residents**

Tony Oberdorfer of Fletcher Road appeared before the Board to discuss concerns about the traffic at the train underpass in Belmont Center. He suggested that in the meantime the Town place traffic signs at key places there.

The Board of Selectmen referred Mr. Oberdorfer to the Traffic Advisory Committee.

Mr. Oberdorfer inquired about the Burbank oil release and the U.S. EPA's recent fine of \$8,000.

The Assistant Town Administrator noted that the \$8,000 fine was the minimum fine that the EPA was able to levy. They chose the lowest fine because of the Town's excellent and prompt response to the clean-up of the spill.

He also questioned whether the creation of a Human Rights Commission was necessary.

He also expressed concern about the timing of the election to fill the Selectman's vacancy.

The members of the Board explained the problems with trying to schedule two elections simultaneously and noted that Town Counsel and the Town Clerk strongly urged the Town to schedule a separate election to fill this vacancy.

Joe White expressed a desire for the Town to consider temporary parking on the Kendall School site for the soccer league and other users of the field.

The Board requested this issue be referred to the Director of Public Works for his review and recommendation related to a limited use of this site for parking.

**Action by Appointment**

*Discussion of Process to Investigate Allegations of Racial Incidents*

The Board of Selectmen reviewed and discussed the Town Administrator's recommendation to follow Town Counsel's suggestion to rely on a third party investigation of the Police department's alleged misconduct, should the Board feel further investigation is necessary.

**MINUTES**  
**Page 2 of 6**  
**BOARD OF SELECTMEN**  
**SEPTEMBER 13, 2004**  
**REGULAR SESSION**

Mrs. Mahoney noted the Board has now received a complete set of all materials from the Police Chief regarding these matters.

Mr. Brownsberger noted his review of all background materials provided by the Police Department related to these incidents and the department's follow-up investigations. He thought that all of these incidents could have been handled better. However, he felt at least two of the three incidents were initiated in a legitimate way, with the possible exception of the violin-playing incident. He recommended that no formal investigation of the incident occur. However, he noted the need for the community to potentially discuss these incidents to discuss what we can learn from them.

He noted four issues that the Board should consider:

1. Reaffirming that racial profiling is not an acceptable law enforcement technique in Belmont
2. Making a commitment to a community-based conversation that will sensitize the community to issues of diversity, through the efforts of Selectman Solomon and the Human Rights Commission
3. Asking the Chief to give future attention to how citizen complaints are responded to, so as to never convey that complaints are unwelcome
4. Asking that the Chief report to the Board by January 1, 2005 on how the Belmont Police Officers should be further trained to handle street confrontations to ensure that "command presence" does not imply domineering behavior

A resident of Snake Hill Road noted an incident he had at his house with the police department when the police responded to an emergency call that really disturbed him and he hoped the Town would engage a discussion of the incident to see what it can learn from it.

Dr. Solomon reiterated that the Human Rights Commission is working to develop a process by which the Town will engage in a discussion of diversity.

Mr. Reynolds expressed concern for the narrowness of the police process for investigating and responding to these types of matters.

The Board moved: to transmit to Mr. Reynolds with Dr. Solomon's amendment the letter drafted by Mr. Brownsberger.

The motion passed unanimously (3-0).

*Discussion and Call of Special Town Meeting*

The Board of Selectmen discussed the Town Administrator's recommendation to call a Special Town Meeting for November 29, 2004.

**MINUTES**  
**Page 3 of 6**  
**BOARD OF SELECTMEN**  
**SEPTEMBER 13, 2004**  
**REGULAR SESSION**

The Board moved: to call a Special Town Meeting for Monday, November 29, 2004; and further open the warrant commencing immediately to close at 4:00 p.m. on Friday, October 1, 2004.

The motion passed unanimously (3-0).

*Discussion of FY06 Town Budget Needs*

The Town Administrator provided an overview of a process by which the Board of Selectmen would consider Town budget needs for FY06.

*Library Site Planning Committee*

The Board met with members of the Library Site Planning Committee to receive an update on the Committee's activities in identifying siting alternatives for the Town's main library and developing a draft plan.

Mr. Speidel of the Library Site Planning Committee noted three criteria applied by the committee in considering alternatives. The committee considered where to place a 50,000 sq. ft., two-story library, with 100 parking spaces within walking distance of the high school and middle school. The committee recommended considering the existing library, playground, the underutilized Armenian Church property and swimming pool sites as one whole. Mr. Speidel reviewed a concept plan to reconfigure these areas to contain these three functions.

Mike Flamang of the Conservation Commission noted that conservation values are woven into this proposal and he noted his support for the concepts in this recommendation and urged further evaluation.

Paul Bell of the Historic District Commission noted the Historic District Commission's support for this concept.

Hal Shubin of the Board of Library Trustees indicated his support for this concept.

Mary Ann Johnson of the Recreation Commission indicated her commission's support for further exploration of this concept.

Jil Wescott of the Library Trustees noted the need for the Town to fund the costs of hydrology studies of this concept plan.

The Board requested the Library Committee provide the Board with a cost estimate for the hydrology study costs for its next meeting on September 27, 2004.

**MINUTES**  
**Page 4 of 6**  
**BOARD OF SELECTMEN**  
**SEPTEMBER 13, 2004**  
**REGULAR SESSION**

The Board discussed its next steps.

The Board moved: to express their support for this concept.

The motion passed unanimously (3-0).

**Action by Consent**

*Memorandum from Director of Public Works re: Request to Fill Two Vacant HMEO positions*

The Board moved: to approve the Director of Public Works' request to fill two HMEO positions.

The motion passed unanimously (3-0).

**Action by Writing**

*Request from The First Church in Belmont re: Use of Town Seal*

The Board of Selectmen discussed a request from The First Church in Belmont's Gift Recognition Committee to use a modified version of the Town Seal (without its encircling words) on decorative panels in the Church.

The Board moved: to allow First Church in Belmont to utilize a modified version of the Town Seal on decorative panels in the church.

The motion passed unanimously (2-0), Mr. Brownsberger abstained from any discussion of this issue due to his membership in this church.

*Memorandum from Acting Director of Community Development re: Pleasant Street Update*

The Board of Selectmen discussed the memorandum from the Acting Community Development Director, relative to a revised Pleasant Street reconstruction project bid opening timeline.

The Town Administrator noted our state legislators' support for this project with MassHighway.

*Request from Resident re: Renaming of School Administration Building*

The Board of Selectmen reviewed and discussed a resident's request to restore the original name of the School Administration Building to the Underwood Building.

The Board moved: to support the concept of restoring the original name of the School Administration Building to the Underwood Building, with referrals to the Historic District Commission and the School Committee.

**MINUTES**  
**Page 5 of 6**  
**BOARD OF SELECTMEN**  
**SEPTEMBER 13, 2004**  
**REGULAR SESSION**

The motion passed unanimously (3-0).

*Correspondence re: Condition of Property at 280 Trapelo Road*

The Board of Selectmen reviewed the Health Director's and Fire Chief's response to a resident's inquiry about the current condition of the Tarabelsi Auto Service site at 280 Trapelo Road. The Board acknowledged ongoing efforts by Town departments to address the concern raised.

*Memorandum from Technology Director and Building Services Manager re: Request for Reserve Fund Transfer*

The Board considered a request from the Technology Director and Building Services Manager seeking a reserve fund transfer to fund the Town Hall portion of the upgrade of phones in the Town Hall Complex.

The Board moved: to approve that the request be forwarded to the Warrant Committee for their consideration.

The motion passed unanimously (3-0).

**Other**

The Board moved: to appoint the following individuals to the LEPC, as recommended by Fire Chief Frizzell;

LEPC Chairman, Edward A. Davison  
Fire Department Primary David Frizzell, Fire Chief (2 year term)  
Fire Chief Alternate Edward Davison (3 year term)  
Emergency Management Primary Leo Saidnawey, Director (2 year term)  
Emergency Management Alternate Edward Davison, Assistant Director (3 year term)

The motion passed unanimously (3-0).

The Board of Selectmen noted an opinion from Town Counsel indicating there is no conflict of interest relative to residents whose homes are near the Purecoat North operations who are serving on the Purecoat Committee.

The Board requested this opinion be communicated to the Committee.

The Board moved: to appoint Robert McGaw to fill the Democratic vacancy on the Board of Registrars.

**MINUTES**  
**Page 6 of 6**  
**BOARD OF SELECTMEN**  
**SEPTEMBER 13, 2004**  
**REGULAR SESSION**

The motion passed unanimously (3-0).

The Board moved: to appoint Fran Yuan and Bev Witten to the Human Rights Commission; and further to revise the charge of the committee to allow for 11 members.

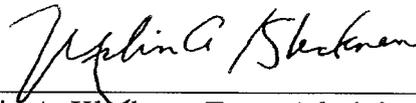
The motion passed unanimously (3-0).

**Action by Appointment (continued)**

The Board moved: to enter executive session for the purpose of discussing potential litigation, collective bargaining and 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 10:05 p.m.



---

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