

**MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Monday, December 1, 2014
7:00 PM**

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2014 DEC 18 AM 9:15

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 7:05 p.m. by Chair Rojas in the Selectmen's Meeting Room. Selectmen Baghdady and Paolillo were present. Town Administrator David Kale was present; Assistant Town Administrator Marshall was not present.

Chair Rojas began the meeting by turning to the first item on the agenda.

QUESTIONS FROM TOWN RESIDENTS

[There were none.]

ACTION BY APPOINTMENT

Vote to Approve the Annual Property Classification / Tax Rate for FY15

Mr. Robert Reardon, Chair of the Board of Assessors, Mr. Charles Laverty III, Board of Assessors member, and Mr. Dan Dargon, Assessing Administrator, appeared before the Board to discuss the annual property tax rate for FY15.

Mr. Reardon first discussed the *classification* of the town's tax rate. He explained that there would be no fiscal benefit in having two different classifications, given how small Belmont's commercial base is. Doing so would only shift the tax burden to the commercial tax base, with no net gain (in tax revenue) for the town. It is beneficial, he said, when there is about 30-40% of commercial base; Belmont's is approximately 5%.

The Board briefly discussed this issue.

Regarding the residential exemption, Mr. Reardon suggested that this should not be adopted, as it also brings in no additional revenue. All this does is shift the burden to the higher valued properties, while the lower valued properties would pay less. The process requires costly and time-consuming data collection – again, without the town seeing additional revenue.

Mr. Reardon then informed the Board of the excess levy capacity, which is about \$90K. He explained the new growth estimation process.

The Board will need to sign a document attesting that they have been informed of the excess levy capacity.

The property tax rate has gone down, but the assessed home values are higher. However, the average homeowner will pay an increase amount on their property tax for FY15.

The Board moved: To approve a tax classification of 1.
The motion passed unanimously (3-0).

The Board moved: To not adopt a residential exemption.
The motion passed unanimously (3-0).

The Board signed the document.

Update: Community Path Implementation Committee

Mr. Kale noted that the appointments to the Community Path Implementation Committee (CPIC) will not happen tonight, as the deadline to receive applications has been extended to December 8. The Board will deliberate at its next meeting on December 15.

Chair Rojas highlighted the charge(s) of this committee. He noted that, while the Board will make the ultimate path (or route of bike path) decisions, this committee will deal with the design, construction, and feasibility issues. The Board is looking for people who have expertise in these areas. Selectman Baghdady added that the Board will need to be prepared to fund engineering services that will be necessary in getting to the next step.

The Board discussed that the original committee (Community Path Advisory Committee) provided valuable information, but that a feasibility study will need to happen as part of the next steps that will be overseen by the CPIC.

Trapelo Variety LLC, Kiran Nagar and Ajay Nagar (cannot be changed) New Application for Wine and Malt Retail License @ 386 Trapelo Road

Mrs. Kiran Nagar, Mr. Ajay Nagar, and Mr. Jacob Walters, Attorney for the Nagar Family, appeared before the Board concerning the application for a wine/malt license.

Mr. Walters spoke to the improvements made to the Trapelo Variety by the new owners. He then said that this is an appropriate location to sell beer/wine, as parking is available and Trapelo Road is a main thoroughfare. He then discussed trash pick up, delivery mechanisms, neighborhood support, storage capabilities, and the opportunity to expand. Mr. Walters added that, should the license be granted, the majority of the store's merchandise would shift to beer and wine.

Mrs. Nagar provided a brief presentation which touched on the benefits of adding beer and wine to this variety store, e.g., generating business in Belmont, convenience for shoppers, more jobs, more revenue for business owners and for Belmont. Mrs. Nager spoke to her experience in selling alcohol.

Selectman Baghdady asked about how many teenagers frequent the store. Mrs. Nager said there

are very few kids, it is mostly an older crowd who are seeking cigarettes and lottery tickets.

Chair Rojas noted that the last establishment to receive a liquor license was asked to give up the selling of cigarettes and alcohol. Selectman Paolillo spoke to the fact that this feels like a package store, which the Board has not historically supported. Also, this is type of establishment does not reflect the spirit in which Belmont grants liquor licenses. He added that this is close to the Butler School and that the Superintendent is not in favor of this. Selectman Baghdady said that this area is filled with kids and families. He said he is concerned about the loss of that family friendly atmosphere.

Audience Comments

Mr. Simone Bortolami said he lives near the store and that he strongly opposes this application as there are, in fact, many kids in the area. He said he sees no benefit to adding a liquor store to the neighborhood.

Mr. John Occhino said it is not a good location for a liquor store. He said he strongly opposes this application.

Mr. Dave Skolnick, Hull Street, said that a package store will add nothing of value to Trapelo Road.

Ms. Alice Lee, 29 Hawthorne Road, said a liquor store is not needed in this location. Also, Belmont has liquor-purchasing options in Cushing Sq. and in Belmont Center.

Ms. Sheila Flewelling, Sycamore Street, said she is opposed to this application and reiterated Selectman Paolillo's sentiment that this does not reflect what is intended by the granting of liquor licenses in Belmont.

Mr. Bill Jones, 29 Hawthorne Street, said there are a lot of high school kids nearby and that he is opposed to this.

Attorney Walters said it comes down to an issue of trust with the proprietors. Selectman Paolillo said that the store is within 500 feet of the Butler school and that this store does not reflect the character of an establishment in town that has (previously) been granted a liquor license. He noted that LC Variety, also in this neighborhood, was denied a liquor license for similar reasons.

The Board moved: To close the public hearing for a wine/malt license for Trapelo Variety.

The motion passed unanimously (3-0).

The Board moved: To deny the request for a wine/malt license for Trapelo Variety, 386 Trapelo Road, because of the Butler School proximity (within 500 feet) and objection of the Belmont Superintendent of Schools and the adverse impact on traffic/congestion on Trapelo Road.

The motion passed unanimously (3-0).

Comcast Petition for Moore and Leonard Street locations

Mr. Kale noted that this matter was *continued* from the November 17 Board meeting. He noted that the Cable TV Advisory Committee is planning to provide an update on the status of the license renewal to the Board on December 15. He suggested that this petition not be voted on until the Board has heard from the Cable TV Advisory Committee.

The Board moved: To *continue* this matter to the December 15 meeting.
The motion passed unanimously (3-0).

Presentation by Anne Marie Lambert on Extreme Precipitation at the Uplands

Ms. Anne Marie Lambert, TMM Precinct 8, appeared before the Board to present on the issue of extreme precipitation at the Uplands. She referenced a drainage report submitted by Dr. Bruce Jacobs. Ms. Lambert requested that the Selectmen ensure that no building permit is issued on the Uplands site without consideration of public health and safety issues due to increased rainfall on the site and increased impervious surface near the site. She stated that public safety issues must be taken into consideration under Massachusetts' state building code, independent of the outdated regulations used to enforce the Wetlands Protection Act, and independent of whether the Town's new stormwater regulations are applicable.

Ms. Lambert suggested that in the 24-hour 100-year storm, the proposed Uplands development will generate 150,000 gallons more storm water runoff than what was estimated by the applicant using 50-year old rain data, and that it will generate a peak discharge rate of 6.61 cubic feet per second more stormwater runoff than the original forested site conditions.

Ms. Lambert added that in the last 80-90 years of automobile-driven development, the amount of impervious surface in the surrounding area has doubled. She requested continued leadership from the Board in finding ways to convert impervious to pervious surface in order to address predictable flooding issues in Belmont.

Chair Rojas said that the Board cannot comment in detail tonight as a result of pending legal action. Selectman Baghdady thanked Ms. Lambert for all her hard work.

Audience Comments

Ms. Idith Haber (Kisis), TMM Precinct 8, reiterated that no building permit should be issued given the pending litigation.

Mr. Steve Kerins, TMM 8, said that he is very upset by the process. This is a bad situation and it involves the permanent future of Belmont. Board members are not permanent, but this situation is.

Ms. Virginia Fuller, Precinct 8, said that the immediate neighborhood is sickened by what is happening. Animals are dying and flooding has already happened.

Ms. Chris Woodward, Kenmore Road, spoke to the present flooding issues, the present road congestion, and other negative impacts that will get worse in Belmont, if a permit is issued.

Ms. Ellen Mass, Friends of Alewife Preservation, spoke to the discharge systems, the flooding concerns, pollution, and the impact of all of this on Cambridge.

Mr. Richard Clarey, of Cambridge, spoke to the fact that Cambridge feels disappointed that Belmont would not work with it on this issue.

Ms. Caroline Meith, of Cambridge, spoke to the flooding issue. She said the building needs to be stopped and that it is a shame that the trees are now down.

Ms. Deb Locket, TMM Precinct 7, asked about Belmont sitting down with Cambridge and Arlington – can this still happen? Selectman Paolillo answered that this Board has worked very hard on this issue and will continue to reach out to the neighboring communities.

The Board took a 5-minute break.

Town Administrator's Report

Mr. Kale reported on the following items:

- He requested that the Board confirm the appointment of Mr. Jason Marcotte as the Director of Public Works. Mr. Kale reviewed his credentials. Chair Rojas concurred that Mr. Marcotte is well qualified to lead the department. The Board expressed its enthusiasm for the appointment.

The Board moved: To confirm the appointment of Mr. Jason Marcotte as Director of Public Works effective Monday January 5, 2015.

The motion passed unanimously (3-0).

- The President of the Belmont Business Association (BBA) requests that the Belmont Center stores stay open until midnight on Dec. 2, 2015 as part of “Midnight Madness”.

The Board moved: To approve the BBA request for the retail stores in the Center to remain open until midnight on Tuesday, December 2, 2015.

The motion passed unanimously (3-0).

- The Green Community event, held tomorrow, will be Governor Patrick's last ceremony. Chair Rojas said he would attend.
- The Board received the available revenue budget draft – a presentation (based on the draft) will occur at the Warrant Committee on Wednesday evening. He discussed the highlights of changes including the fact that the Chenery Middle School debt will come “off the books” in FY16. The Board agreed that this should be presented as a preliminary report.

Financial Task Force Update

Selectman Paolillo requested that the Board meet to discuss the Financial Modeling Group's findings as well as to review the FTF preliminary report. He said it might be helpful for the WC to review the 5-year projected plan and provide some overall feedback to the fiscal analysis. The Board agreed.

Approval of Meeting Minutes

October 20, 2014

The Board moved: To approve the meeting minutes of 10/20/14.
The motion passed unanimously (3-0).

Executive Session

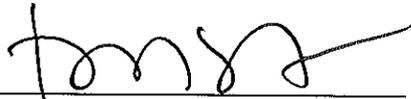
The Board moved: To enter into executive session at 9:19 p.m. to consider the purchase, exchange, lease or value of real property if an open meeting may have a detrimental effect on the negotiating position of the public body and the Chair so declares. The Board will not return to open session.

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

NEXT MEETINGS

Monday, December 15, 2014

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



Mr. David Kale, Town Administrator