

**MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Monday, March 21, 2011
7:00 PM**

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 7:10 pm by Chair Jones in the Selectmen's Meeting Room. Selectmen Firenze and Paolillo were present. Town Administrator Tom Younger was present.

QUESTIONS FROM TOWN RESIDENTS

[There were none.]

ACTION BY APPOINTMENT

McLean Hospital Proclamation for 200 Years Old Mission

Selectman Firenze read the Proclamation, which commemorated the 200-year-old mission and acknowledged McLean's impressive research, its progressive patient care, and the cutting-edge training of the physicians. A representative from McLean accepted the Proclamation. Photographs were taken.

Conservation Commission (ConCom) Activities (and Rock Meadow)

Ms. Mary Trudeau, Ms. Martha Moore, Ms. Miriam Weil, Mr. Tino Lichauco, and Mr. David Webster (among others) from ConCom appeared before the Board to provide the Board with an update on ConCom's activities. Ms. Weil said the basic responsibility of ConCom was to enforce the Mass Wetlands law. She reviewed the membership of ConCom, how often they meet, and where they focus their energy. Ms. Trudeau spoke about the gardens (Belmont Victory Gardens) that are rented out yearly. She noted that the gardens will now pay for themselves. Also explained were the activities surrounding Rock Meadow and some of the costs associated with the upkeep.

Mr. Webster described the Wetlands Protection Act and the enforcement actions that result if there is a violation of the act. He gave many examples where ConCom has provided guidance to the community, e.g., Belmont Manor, the Library, various residents (especially in the Belmont Hill area).

Mr. Lichauco gave a brief Uplands development litigation update. He noted that in early March, both sides gave testimony at a Superior Court hearing. They are waiting for the decision from that hearing. He noted the points made in the hearing, e.g. that the water level would rise by 22% in a 100-year storm, should this area be developed. Selectman

Paolillo asked if there was a way the developer could impact the flood issue. Mr. Webster replied that yes – there are things that can be done to mitigate the flooding.

Ms. Trudeau requested that the associate members (who work very hard) be officially appointed. Chair Jones said that this issue is being looked into.

One Day Liquor Licenses

Ms. Betsy Parrot, from Belmont Hill School (BHS), appeared before the Board to request the following one-day liquor licenses:

Belmont Hill School, 350 Prospect Street

April 14 – Women’s Speaker Series, Beer and Wine

May 19 – Track and Field Dinner, All Alcohol

November 10 – Women’s Speaker Series, Wine and Beer

December 8 – Alumni Holiday Dinner, All Alcohol

The Board moved: To approve the one-day liquor licenses as requested above from the BHS.

The motion passed unanimously (3-0).

Ms. Jane Hanenberg, Individual Art Show, Belmont Gallery of Art, Homer Building, 19 Moore Street, Wine and Beer

The Board moved: To approve the one-day liquor license for the Belmont Gallery of Art.

The motion passed unanimously (3-0).

Waldorf School, Auditorium/Gymnasium at 160 Lexington Street, Wine and Beer

Mr. Chuck Claus, from the Waldorf School, appeared before the Board regarding the liquor license request.

The Board moved: To approve the one-day liquor license for the Waldorf School.

The motion passed unanimously (3-0).

Ambulance Revenue and ALS Discussion

Fire Chief Frizzell and Assistant Fire Chief Davidson appeared before the Board to discuss the ambulance revenue, increasing ambulance fees, and ALS. Chief Frizzell said a rate increase for the ambulance fees will bring in more revenue to the town. He reviewed the historic rates. He said a rate increase is needed to get Belmont caught up to the private sector and to raise additional revenue for the Fire Department. Most patients have insurance. They are billed in full for the ambulance service. Insurance may or may not pay the fee charged, and patients are expected to pay what insurance does not cover. With Medicare, they pay 80% of \$398.00. An increase will impact private insurers and

self-payers. The Board discussed “hardship” cases. The Chief reviewed what the neighboring communities were charging. He noted that there are no rate limits established by law at this time, but that Governor Patrick has proposed Medicare + 300% as a limit. He reviewed the revenue projections under the current rate structure and he projected what revenue increases would be expected if the rates were increased. For FY12, he projected a \$200-\$300K increase. ALS will benefit from any rate increases. The Chief said that the “right rate” is the Selectmen’s choice. He noted uses the revenue would be put toward, e.g., restoration of positions, the OT account, and funding of EMS needs. The Board discussed the ramifications of increasing the ambulance rates.

Chief Frizzell said that Medicare + 300% would be his recommendation. He noted that the effective date would need to be determined. Selectman Firenze noted that residents will end up paying more, as their insurance premiums will rise based on this increase. He said that the \$1,595 seems high, and he questioned if it exceeded the cost of the service.

The Board moved: To establish a fee schedule for ambulance services provided by the Town of Belmont at the Medicare Allowable Amount plus 300% and, additionally, for non-Medicare listed services at the following rates:

Airway	\$173.30
Cardiac Monitor	\$214.07
Defibrillation	\$152.88
IV Therapy	\$152.88
MAST	\$101.93
Oxygen	\$71.36

Said fees to be adjusted automatically as Medicare Allowable Amounts change but in no event lower than the already established amount, or more than an amount established by statutory law or regulation. These Ambulance service fees shall be effective for all Town of Belmont provided ambulance services as of March 28, 2011.

The motion passed unanimously (3-0).

Regarding ALS, Selectman Paolillo noted that there was a study group formed, but that no decision was reached. Chair Jones suggested that the ALS be discussed at another time.

Committee Term Limit Discussion

Chair Jones noted that this topic will not be discussed this evening, but will be raised at another Board meeting.

Cushing Village Discussion

Chair Jones reviewed the Land Development Agreement (LDA) and the P & S. The discussion tonight, he said, will focus on the P & S. He explained that negotiations were stopped last fall because an impasse was reached. The parties involved threatened to sue the town. Chair Jones noted that he met with and sought counsel from several individuals. He said he realized that to demand 50 parking spaces may have been unreasonable. He also said that the \$4M liquidation damages provision would have made the project untenable from a fiscal perspective. Financing and having the town protected were fundamental to the Board and it was willing to compromise on the parking spaces and on the liquidation damages provision. Chair Jones said that this project needs to get to the Planning Board (PB) so decisions on size and scope could be decided. The Board, he said, is satisfied on the financing piece. The timeline for the project has been a concern and the town will be paid an amount of money (per month) if the project gets too delayed.

Chair Jones opened this for questions from the audience.

Ms. Sue Bass, Pct 3, asked if the PB would be constrained by the P & S. Chair Jones said if the PB decides not to issue a permit, the deal is dead. PB Chair Baghdady said that this permit is for the parking lot only.

Mr. Fred Paulsen, Pct. 1, expressed concern about the timing of the closing and the extensions. Mr. McLaughlin responded to Mr. Paulsen's concerns. Ms. Jeanne McKnight from Kopelman and Paige spoke to the LDA agreement and remediation of contamination of hazardous waste materials. Mr. McLaughlin said that these issues will get worked out at the PB level and should not hold up the P & S agreement. Chair Jones said a lot of the LDA will be determined at the PB level.

Mr. Epstein, Pct. 5, asked about the low purchase price. Selectman Firenze said it was \$850K plus the 50 parking spaces, which the Town will own and receive the revenue from.

Ms. Diane Gold, a Horne Road abutter, asked about the impact of this design to Horne Road. Mr. Baghdady said traffic studies will address this impact down the road. Chair Jones said that size and mass and other abutter concerns will be handled at the PB level.

Mr. David Gold, from Horne Road, said that it feels like there has been a lack of transparency with this process. After three years, he said, the town is rushing forward without the plan being known. The structure (as it last appeared) seems larger than what the overlay intended. He said he would like to see a design before the P & S is signed. Mr. Baghdady said that no title will change hands until the PB approves the design.

Ms. McKnight noted the two changes that were made to the P & S document.

A question was raised about office space in the plan. Mr. Szklut clarified that the overlay allows for office space.

Mr. Devin Brown, from Horne Road, said that only a handful of residents on Horne Road liked the idea of a plaza at the end of Horne Road. However, the neighborhood is unanimously horrified at the scale of the plan. Mr. Baghdady said that these issues are design issues and should be handled by the PB.

Mr. Doug Koplow, Pct. 6, raised some P & S concerns regarding the financial portions and the mass issues.

Mr. Don Becker, Pct. 5, said that the document does not appear to be in final form. Specific provisions are needed around the delays as well as a deadline for the PB submission. He said the document is insufficient around the contamination clean up issues and the enforcement. He distributed details from another legal case regarding contamination clean up. There needs to be an enforceable provision regarding the site clean up.

Mr. McLaughlin said that the P & S requires them to do what they need to do under the law regarding the clean up. He stressed that a lot of the issues raised here tonight are currently unknown, but that all these blanks will get filled in via the PB process.

Mr. Carlini, Horne Road resident, Pct. 5, noted that the area of Horne Road needs to be dealt with now during the P & S process. He requested that the Board reconsider at this point. Chair Jones said that he has total confidence in the PB process.

Mr. Ron Ruth, Cushing Square attorney, spoke to the contamination and remediation process. He explained the 60 day due diligence clause.

Selectman Paolillo requested another week to deliberate on the issues raised tonight. Selectman Firenze said that delaying would put the Board back into negotiations. Chair Jones recommended taking a brief break to try to work through some of these issues (specifically those raised by Mr. Paulsen). The Board took a ten minute break so that the attorneys could meet.

At 9:47 p.m., the Board resumed the meeting and Chair Jones noted that the vote on the P & S would be postponed to next Monday, March 28. He said a pdf of the P & S would be put on the website starting tomorrow. He asked that suggestions and comments be forwarded to Mr. Younger.

Stretch Code Discussion

Mr. Roger Colton and Mr. Ian Todreas , Co-Chairs of the Energy Commission, appeared before the Board to discuss the stretch code. (Mr. Colton noted that Mr. Breslow will be speaking in Belmont next Monday, March 28 on energy efficiency.) He then turned to the stretch code. The stretch code concerns itself with creating a more aggressive energy code than the Mass. baseline energy code. Energy needs are reduced by almost half when the stretch code is adopted. Many of Belmont's neighbors have adopted the stretch code. He said this code will leave residents with more money in addition to conserving

energy. He noted that the Energy Commission researched other communities and learned that, in 100% of those who responded, this code made it easier on the building inspectors. He noted that this code is good for the environment, good for local contractors, saves money, and saves energy.

Selectman Firenze asked why the state has not adopted it? The state will adopt it in 2013, said Mr. Colton, but Belmont is expecting to start development in many areas before then. The Board discussed the financial impact (cost) of this to the town, which appears to be none. Selectman Paolillo said that the Board and TM have to take a formal vote on this.

The Board moved: To adopt the stretch code.
The motion passed (2-1).

Goals and Objectives Update

This topic will be covered at a later date.

Town Administrator's Report

The Town Administrator's Report will be covered at a later date.

ACTION BY WRITING

Approval of Town Administrator Oversight of Council on Aging (COA) Personnel

Chair Jones explained the process by which Mr. Younger can assume the oversight of the COA personnel.

The Board moved: To approve the Town Administrator's oversight of the COA personnel.
The motion passed unanimously (3-0).

ACTION BY CONSENT

Approval of BOS Meeting Minutes, 2/28/11

The Board moved: To approve the minutes of 2/28/11.
The motion passed unanimously (3-0).

Vote to Close the Annual Town Meeting Warrant

The Board moved: To close the annual TM Warrant.
The motion passed unanimously (3-0).

Mr. Younger will send the list of articles to the Board. He reviewed some of the articles.

TOPICS FOR FUTURE DISCUSSIONS

The Board discussed the presentation of budgets and the override decision deadline. The Board discussed a potential override date, noting that the SC budget is still missing key numbers and that the state aid amounts will not be known until April. The Board then discussed SPED projections as well as other areas that are fluid, e.g., overlay account. Chair Jones informed Board members that the school/town split will not renegotiated. The Board discussed where found revenue (health care savings, for example) would be applied. The need for a three year budget process was briefly touched upon.

OTHER

Selectman Firenze Other:

- Minuteman Audit Letter – Selectman Paolillo provided some background information.
- Annual Report – To be presented on March 28, 2011.

The Board moved to adjourn the meeting at 10:43 pm.

Thomas G. Younger, Town Administrator