

**MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Monday, March 28, 2011
6:00 PM**

ACTION BY APPOINTMENT

Executive Session (BOS and School Committee Joint Meeting)

The Board moved: To enter into executive session jointly with the School Committee at 6:00 p.m. to discuss strategy with respect to collective bargaining. The Board will return to open session.
The motion passed unanimously (3-0).

The Board moved: To return to open session at 6:59 p.m.
The motion passed unanimously (3-0).

Resume in Open Session - Board of Selectmen

Executive Session (BOS)

The Board moved: To enter into executive session at 7:02 p.m. to consider the purchase, exchange, lease, or value of real property. The Board will return to open session.
The motion passed unanimously (3-0).

The Board moved: To return to open session at 7:31 p.m.
The motion passed unanimously (3-0).

Cushing Village Discussion and Vote on Purchase and Sale Agreement

Chair Jones noted that there have been many excellent comments received regarding the P & S which was posted on the town's website. He identified four major categories that the comments fall into:

- Project Design: Many comments pertained to the shaping of the design and characteristics of the plan. The Board feels that this concern will be best discussed with the Planning Board (PB). The Board has its focus, while the PB will focus on the details of the project.
- 2 Permit time-line: There were concerns regarding the specific time by which a permit can be filed with the PB. Chair Jones noted that this issue has been discussed with the owner of the property. The owner requested that the

parking lot have a retail-friendly approach, but the Board felt that this would not work. Chair Jones suggested going back to the original agreement. Selectman Firenze noted that the developer needs to file within three years or he will pay penalties to the town.

3 Environmental: The environmental concerns regarding the issues pertaining to hazardous waste were numerous. Chair Jones noted that perchloroethylene is a serious issue, as it is a toxic chemical resulting from the dry cleaning business. The P & S needs to guarantee a clean up by a certain date. There is a lack of (or slow) enforcement from the state on cleanups. However, Chair Jones noted that the Board of Selectmen are not contamination experts as the state has this authority. The P & S states that the developer must conform with state guidelines regarding contamination cleanup.

- Proposed characteristics and uses of the site: There are concerns that legal action could be taken against the town based on these proposed characteristics. Chair Jones explained that the PB must approve whatever project is put forward by the developer.

Chair Jones noted that the only change made (from last week) in the agreement is the date of the signing of the P & S which has been changed from March 21 to March 28, 2011.

The Board moved: To sign the P & S agreement for the sale of the parking lot in Cushing Square.

The Discussion:

Mr. David Gold, Horne Road, summarized some of the concerns put forth in his wife's email regarding the pluralities of the easement stated in the P & S. Ms. McKnight and Mr. McLaughlin responded to the language of the easement concern. Mr. McLaughlin explained how the easement would impact the properties on Horne Road. Chair Jones said that this issue would be taken under advisement.

Mr. Gold raised another issue regarding that all of Horne Road will be discontinued. Selectman Firenze said only a portion of Horne Road will be discontinued, not the entire road. Chair Jones said this was not an area that the Board had authority over. Selectman Firenze said that the current P & S is a document that works. He added that the document has been reviewed by several lawyers.

Mr. Don Becker, Horne Road, thanked the Board and legal counsel for all their hard work. He said he would like to reiterate his concerns that were sent in a recent email (without stating them). He said he hopes for a smooth and not a controversial process going forward. Chair Jones agreed. Chair Jones added that the PB is the appropriate place to proceed and that he is confident that, under Mr. Baghdady's leadership, the process will go well.

The motion passed unanimously (3-0).

Chair Jones thanked the lawyers involved in the process.

The Board signed the document. [There was some “side-bar” discussion.]

ACTION BY WRITING

Approval of the Annual Town Meeting Warrant

Mr. Younger noted that the TM Warrant consists of 25 articles. Twelve are standard articles and 13 are specialty items. The draft warrant was distributed on Friday and there are no changes to the draft, with the exception of the CPA article. The town, he clarified, is under no obligation to spend the CPA funding on an annual basis.

Mr. Younger noted that Town Counsel has approved the warrant. Selectman Firenze asked about the level of detail with regard to the CPA article. Mr. Younger replied that the language was appropriate.

Mr. Younger reviewed the articles. The Board discussed the Butler School boiler article. Selectman Paolillo noted that the Board can deliberate this article, but that it has to be on the warrant in order to be eligible for an MSBA grant. He explained the relationship of this issue to the Capital Budget Committee’s process. Chair Jones commented that it is frustrating when the state covers 40% of only what it desires to cover.

Mr. Younger noted that this article may be passed over at TM.

He then reviewed the “general by-law” articles. Article 18 addresses standardized language regarding town-owned property. Article 19 stipulates the preservation of trees. Other general by-law articles relate to the Stretch Code and the CPA.

Mr. Younger noted that Article 16 pertains to municipal buildings, e.g., the Library. This article authorizes the Library Trustees to submit to the state for grant approval. Article 23 allows for school and town facilities consolidation.

Mr. Younger noted the articles pertaining to selling two small parcels of town-owned land (Articles 24 and 25). The Board discussed the parcels. Mr. Younger said they will be appraised once these articles are approved.

The final article creates a five-member Municipal Light Board.

Chair Jones said that he feels the salary of the Town Clerk and the Town Treasurer should be under the authority of the Board (as the executive branch) and not under the Warrant Committee’s (WC) purview. The Board discussed. Chair Jones said he would like to bring this up with the WC.

Regarding the standard articles, Mr. Younger noted that he created an ambulance revolving fund (Article 11) so that the fees will go directly to the ambulance program.

The Board moved: To sign the Annual Town Meeting Warrant.
The motion passed unanimously (3-0).

Mr. Younger said that the Warrant will now go to the WC and then to the by-law committee.

The Board moved to adjourn the meeting at 8:35 pm.

Thomas G. Younger, Town Administrator