

**MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Monday, July 21, 2014
6:30 PM**

RECEIVED
TOWN CLERK
BELMONT, MA
2014 AUG 20 AM 10:49

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 6:36 p.m. by Chair Rojas in the Selectmen's Meeting Room. Selectmen Baghdady and Paolillo were present. Town Administrator David Kale and Assistant Town Administrator Marshall were also present.

EXECUTIVE SESSION

The Board moved: To enter into executive session at 6:37 p.m. to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the Chair so declares. A roll call vote was taken: Chair Rojas said aye, Selectmen Baghdady and Paolillo also said aye and the motion passed unanimously (3-0).

The Board moved: To exit Executive Session and Return to Open Session at 7:01 p.m. A roll call vote was taken: Chair Rojas said aye, Selectmen Baghdady and Paolillo also said aye and the motion passed unanimously (3-0).

Open Session

Chair Rojas informed the audience that the Board will need to vote on an item raised in executive session, held earlier in the evening, with HR Director Ms. Diane Crimmins.

The Board moved: To approve a 2% COLA increase for all non-union personnel. The motion passed unanimously (3-0).

QUESTIONS FROM TOWN RESIDENTS

[There were none.]

ACTION BY APPOINTMENT

Comcast Petition for 130 Concord Ave.

Mr. Ed Davis of Precision Valley Communications on behalf of Comcast described the proposed installation to service 130 Concord Avenue for 32 linear feet Becket Road and 98 linear feet down Concord Ave. Mr. Davis explained the relocation of the anticipated installation to meet requirements of the Department of Public Works that the conduit be installed beneath approximately 22 sidewalk panels instead of under area with trees along Concord Ave. After

meeting with Mr. Santos at the site and making the adjustment as needed, the Department is satisfied that the proposed installation is acceptable.

Mr. Kale indicated that the Public Works department would supervise the work and explained that the requested petition had been continued by the Board of Selectmen at the previous meeting on July 9 due to concerns by the Department of Public Works about the path of the conduit initially proposed by Comcast.

The Board moved: To approve the Petition for 130 Concord Ave. submitted by Comcast. The motion passed unanimously (3-0).

**Renewal of a Junk, Old Metals, and Second Hand Articles License:
Marcou Jewelers, 46 Leonard Street**

The Board moved: To approve the license renewal request, as noted above. The motion passed unanimously (3-0).

Update on Trapelo Road Project – Request to perform overnight work during the week of July 21

Mr. Glenn Clancy, Town Engineer, Mr. Ronald Strangfeld, from Mass. DOT, and Mr. Tony Barrile, from Newport construction, appeared before the Board regarding the request to perform overnight work on Trapelo Road. Mr. Kale noted that this request stems from a desire to keep the project on schedule.

Mr. Strangfeld explained that the area of Trapelo Road near Waverley Square has been challenging as a result of the traffic congestion. He explained why night work would be more advantageous for this section of Trapelo Road.

The Board discussed this issue. Mr. Clancy informed the Board that the abutters will be notified immediately. He stressed the benefits of the night work allowing the paving asphalt to cool during the overnight while businesses are closed and while there is less traffic. He said the night work would help with the scheduling challenges.

Selectman Baghdady expressed concern for those residing in front of the construction. He asked about mitigation for the noise and the lighting in the middle of the night. Selectman Paolillo expressed a process concern: approving the night request and then informing the abutters, as opposed to raising this issue with abutters and then approving the request after having heard their concerns.

The Board asked if the night work could happen next week, so that residents can be informed in time to make other plans. The Board agreed to approve the request, but for the night work to begin next Monday, July 28.

The Board moved: To approve the request to perform overnight work with Newport Construction on Trapelo Road, with the work to begin next Monday night (July 28).

The motion passed unanimously (3-0).

The Board took a brief recess.

Presentation on current information about Extreme Precipitation Events

Ms. Anne-Marie Lambert, TMM Precinct 8, and Mr. Bruce Jacobs, VP of HydroAnalysis, appeared before the Board to discuss the impact of the extreme precipitation events. Ms. Lambert provided background information for the storm water concerns in the Precinct 8 area. She explained the “storm of the century” which is described 8.8 inches of rain in a 24-hour period. Recent data has suggested that this storm of 6.5 inches of rain in a 24-hour period occurs every 30 years, not every 100 years.

Mr. Jacobs suggested that storm water standards should be able to withstand extreme precipitation events. Ms. Lambert then suggested that any future developments (Uplands, new electric Substation, Cushing Square, Waverly Road, Trapelo Road, etc.) take this data into account and require that these projects be developed with safe and properly-operating water filtration systems. She is requesting that the Board of Selectmen incorporate the data be used in the storm water rules and regulations.

Other communities such as Norwell, Cohasset and Sudbury have adopted the NRCC Standards. Ms. Lambert requests that the Board of Selectmen and the Building Inspector take action to incorporate the newer data to protect the Town against flooding risks under 2009 Building Codes. The recalculation of the data and design regarding storm water calculations and require infiltration systems that work is minimal. The cost to address this issue at the Uplands for a consultant is about \$1,500.

Chair Rojas stated that, while he agrees with many of the points presented

- Issue is when the Town adopts the regulations but not in conflict with the State and whether action has an impact to invalidate other regulations
- Town is not blind but concerned about how to proceed which is not “willful blindness”
- Cost is not the calculation to specific projects but cost to overall projects by adopting in advance of State action, unilaterally
- Do regulations that are adopted now apply to the Uplands project at all?

He said Belmont must proceed with caution because there are legal and procedural processes that need to be taken into consideration.

Ms. Lambert stated that she appreciates the exchange of information with the Board. If the Board is taking action using the information presented and uses it in a way that it deems appropriate then it is not willful blindness. As a citizen in a low lying district then it is not too late to consider in application of the building code edition 8 in 2009. She is very proud of the project on Channing Road, lining the sewers and the 30 year plan.

Selectman Baghdady asked whether there is a flaw in the present storm water bylaw passed by Annual Town Meeting. She replied that she didn't know.

Chair Rojas said that the Board will take all of this information into account going forward. Legal Counsel will be consulted, he said, as will town departments. He does not want to cause unintended consequences and the Town will therefore vet the issue thoroughly.

Public Comments

Mr. David Webster, Precinct 4 TMM and Conservation Commission member, spoke about the ConCom exemptions and design standards, buffer zones and wetland wildlife that would be affected if the Belmont Town bylaw referenced the state storm water management practices.

Mr. Fred Paulson spoke about the issue of timing. He said that this is a vitally important issue for Belmont. He stressed that Belmont's bylaw can be stricter than the state's guidelines.

Ms. Idith Haber, TMM Precinct 8, said that there is a handbook from 2002 that she will send the Board concerning regulations and policy guidelines for storm water and references the TP40 standards.

Mr. Daryl King, Precinct 1, said that he worked near Alewife for many years and that there was significant flooding in that area. He encouraged the Board to use the most current data and to do what it can do to adjust the storm water standards.

Ms. Martha Moore, Precinct 1, area around Alewife has changed in last 200 years and water ways have changed a lot with impermeable surfaces. She encouraged the Board to think hard about the storm water regulations.

Chair Paolillo noted that Belmont needs to communicate with Cambridge and Arlington on this issue.

Draft Stormwater Rules and Regulations Review

Mr. Kale began by stating that draft storm water rules and regulations were created in the fall of 2013 after Town Meeting approval of the Bylaw in the spring of 2013. He reviewed the process for development of draft rules and regulations to implement the Bylaw.

Mr. George Hall, Town Counsel, and Mr. Glenn Clancy, Community Development Director, then appeared before the Board to discuss the draft storm water rules and regulations. Mr. Hall provided some information on the current storm water regulations. He said that Belmont's bylaw points to the handbook and exempts projects that are approved through an order of conditions issued by the Conservation Commission. The Bylaw needs to be amended to clearly empower the Conservation Commission to employ the Cornell Atlas (NRCC) data in projects that it reviews which would allow for application of the data consistently and uniformly for projects throughout the Town of Belmont. Mr. Hall spoke about specifics of the bylaw, including adoption, amendment, and enforcement details. Amending the bylaw will require Town Meeting approval.

The Board agreed that the bylaw would need to be amended if the NRCC 2011 standards are incorporated. Mr. Clancy expressed concern about projects that are already underway using the *existing* storm water regulations. When Cushing Village and the new electric substation for the Belmont Municipal Light Department were seeking site plan review the projects were designed to meet the bylaw as expected at the time of review. If the rainfall data was changed, then the designs would have to be reevaluated.

Mr. Hall discussed the in-lieu fees and designated funds were recommended to be stricken from the regulation because the revenues associated with the regulations are governed by state law and municipal finance rules require that all funds received must go into the General Fund unless Town Meeting establishes a revolving fund and cannot be specified in a local regulation.

The Board discussed factors relating to the existing bylaw as well as the possibility of amending the bylaw and take into consideration comments from the Conservation Commission.

ACTION BY CONSENT

Contract Approval for FY14 Pavement Management Project

Mr. Clancy discussed the Pavement Management Project. The streets slated to be involved in pavement management was listed and there is no water main work required on these streets.

The Board moved: To approve the contract for the FY14 Pavement Management Project to the lowest bidder: EH Perkins Construction in the amount of \$1,667,099.50.
The motion passed unanimously (3-0).

The Board signed the contract.

Town Administrator's Report

Mr. Kale reported on the following items:

- Representative Rogers has notified the Town of Belmont that the \$50K grant for energy efficient measures was appropriated by the Legislature.
- October is the deadline for the Green Communities Grant to reduce energy consumption plan. A presentation is planned for a future Board of Selectmen Meeting
- The bid for the Underwood Pool has been issued.
- Harris Field reconstruction has been ongoing and is expected to be completed on time.

Committee Liaison Reports

Chair Rojas noted that Committee Appointments will occur at the next Board meeting.

Approval of Meeting Minutes

May 7, 2014 with Executive Session

The Board moved: To approve the meeting minutes of May 7 with Executive Session.
The motion passed unanimously (2-0-1).

May 12, 2014 with Executive Session

The Board moved: To approve the meeting minutes of May 12 with Executive Session.
The motion passed unanimously (3-0).

May 20, 2014 with Executive Session

The Board moved: To approve the meeting minutes of May 20 with Executive Session.
The motion passed unanimously (3-0).

May 28, 2014 with Executive Session

The Board moved: To approve the meeting minutes of May 28 with Executive Session.
The motion passed unanimously (3-0).

NEXT MEETINGS

Regular Meeting July 29, 8AM

Regular Meeting August 18, 6PM

Precinct Meeting September 8, 7PM (Beech St. Center): Belmont Center Reconstruction
Presentation

Precinct Meeting October 20, 7PM (Beech St. Center): Pension and OPEB Presentation

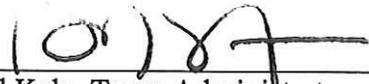
Executive Session

The Board moved: To enter into executive session at 9:35 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).

Mr. Glenn Clancy appeared before the Board.

The Board moved to adjourn the meeting at 10:35 p.m.



Mr. David Kale, Town Administrator