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MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Monday, August 22, 2016
5:30 PM

APPROVED
BOARD OF SELECTMEN
DATE: 1-23-17

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 5:30 p.m. by Chair Mark Paolillo in the Selectmen's Meeting Room. Selectmen Sami Baghdady and Jim Williams were present. Town Administrator David Kale and Assistant Town Administrator Phyllis Marshall were also present.

Chair Paolillo reviewed the agenda.

COMMUNITY ANNOUNCEMENTS

- The Meet Belmont event will be held on Tuesday, 8/30/2016 from 6:00 p.m. - 8:30 p.m. at the Chenery Middle School.

QUESTIONS FROM TOWN RESIDENTS

[There were none.]

ACTION BY CONSENT

Acceptance of Donation from Belmont Car Wash for \$975.00 to be used for the Meet Belmont 2016 Expenses

Mr. Kale provided some background information on the donation. The Board thanked Belmont Car Wash for the generous donation.

The Board moved: To accept the donation from Belmont Car Wash for \$975.00 to be used for the Meet Belmont 2016 expenses.
The motion passed unanimously (3-0).

Approval of an Entertainment License Application from Dante Muzzioli of Moozy's Ice Cream at 2 Trapelo Road to show children's movies on Friday evenings from 7:30 p.m. - 9:30 p.m. during the months of June - September

Chair Paolillo noted that there are no issues concerning this request.

The Board moved: To approve the Entertainment License Application from Dante Muzzioli of Moozy's Ice Cream at 2 Trapelo Road to show children's movies on Friday evenings from 7:30 pm - 9:30 pm during the months of June - September.

APPROVED
BOARD OF SELECTMEN
The motion passed unanimously (3-0).

Vote the State Primary Election 9/8/16 Warrant - Town Clerk: Ellen Cushman

Ms. Ellen Cushman, Town Clerk, appeared before the Board to discuss the State Primary Election (9/8/16) Warrant. Ms. Cushman informed the Board that they will need to approve and sign the warrant for the election that is to be held on September 8, 2016. She reviewed the ballot, and she also reviewed the four parties that are recognized in Massachusetts, and noted who can vote for which party. She provided a brief overview of the upcoming fall elections, e.g., the September 8 State Primary, the September 20 Minuteman Building debt vote, and the November 8 State/Presidential elections. She briefly explained the political designations, early voting, and absentee voting.

The Board moved: To approve the State Primary Election Warrant for the election to be held Thursday, September 8, 2016.
The motion passed unanimously (3-0).

The Board signed the Warrant.

Ms. Cushman added that on Tuesday, September 20 there will be an election concerning the debt for a new Minuteman school building. She reviewed that all seven standard polling locations (covering the eight precincts) will be open during the special voting hours of noon – 8:00 p.m.

She then explained further the early voting option (which begins on October 24, 2016) for the general election (Tuesday, November 4, 2016).

BOARD OF SURVEY

Convene as the Board of Survey

The Board moved: To convene as the Board of Survey at 5:47 p.m.
The motion passed unanimously (3-0).

Board of Survey Hearing for a Proposed Road – 178 Marsh Street

Chair Paolillo explained that this topic will be taken up when the Board meets on 9/19/16.

The Board moved: That the Board of Survey *continue* the public hearing for a proposed road at 178 Marsh Street (convened on August 22, 2016). The public hearing will be *reconvened* September 19, 2016 at 7:05 p.m. in the Gallery Homer Building at 19 Moore Street.

The motion passed unanimously (3-0).

Resume as Board of Selectmen

The Board moved: To adjourn at Board of Survey and to resume as the Board of Selectmen at 5:50 p.m.

The motion passed unanimously (3-0).

BOARD OF SELECTMEN (continued)

Approval of Request from the Belmont Center Business Association to have a “Welcome to the New Belmont Center” event on Saturday, September 24, 2016 from 5:00 - 8:00 p.m.

Chair Paolillo explained that this request includes the closing of Leonard Street on that evening. He noted that there have been no objections from town departments.

Mr. Kale added that the Center project should be completed by that date (9/24/16).

The Board noted that this will be a wonderful event to celebrate the new Center.

The Board moved: To approve the “Welcome to the New Belmont Center” event, details noted above.

The motion passed unanimously (3-0).

Approval of Meeting Minutes

- **June 21, 2016 Executive Session (ES)**

The Board moved: To approve the ES meeting minutes, date noted above.
The motion passed unanimously (3-0).

- **July 25, 2016 Regular Meeting**

The Board moved: To approve the meeting minutes, date noted above.
The motion passed unanimously (3-0).

- **July 28, 2016 Executive Session (ES)**

The Board moved: To approve the ES meeting minutes, date noted above.
The motion passed unanimously (3-0).

Town Administrator’s Report

Mr. Kale reported on the following items:

- **Verizon Licensing:** Ms. Marshall provided an update on the Verizon cable licensing process.
- **Minuteman:** The Warrant Committee is doing research and the Belmont’s Superintendent has received a list of questions regarding alternatives to Minuteman etc.; he will respond next week. The Board discussed these issues and will schedule a meeting with the Superintendent. The Board also discussed how and when it will express its viewpoint on the Minuteman issue. Various meeting dates were explored. Selectman Williams asked about the Board putting forth its opinion, individually and collectively. The rules and regulations concerning what elected officials can and cannot do was briefly

reviewed.

Public Hearing on the application from BLB 638 Inc., doing business as Cuveé Fine Wines, to transfer the Wine and Beer Retail Liquor License currently held by Artichoq, Inc., doing business as Vintages Adventures in Wine at 32 Leonard Street

Mr. Swapnil Gandbhir and Mr. William Carroll, attorney for the applicant, appeared before the Board to discuss the sale of the liquor license. He explained the details of the license transfer. Mr. Gandbhir provided some additional information on the selection of merchandise, e.g., expanding the wine selection. Mr. Carroll then explained the lease options. The Board confirmed that no food would be eaten on the premises.

Mr. Kale noted that there are no concerns with this application.

The Board moved: To approve the application from BLB 638 Inc., doing business as Cuveé Fine Wines, to transfer the Wine and Beer Retail Liquor License currently held by Artichoq, Inc. doing business as Vintages Adventures in Wine at 32 Leonard Street. The motion passed unanimously (3-0).

Public Hearing on National Grid Petition – Sherman Street

Mr. Dennis Regan, National Grid, appeared before the Board to discuss the petition for Sherman Street. Mr. Kale noted that approval of this petition has been recommended from the coordinator of street openings. Mr. Regan then provided specific details concerning this request.

The Board asked several clarifying questions concerning this request.

The Board moved: To approve the petition for Sherman Street, 60 feet of a 6-inch gas main. The motion passed unanimously (3-0).

Public Hearing on National Grid Petition – Homer Road

Mr. Regan remained before the Board to discuss the petition for Homer Road. The Board reviewed this request as well.

The Board moved: To approve the petition for Homer Road, 180 feet of a 6-inch gas main. The motion passed unanimously (3-0).

Executive Session I

The Board moved: To enter into executive session at 6:29 p.m. to consider the purchase, exchange, lease or value of real property (Cushing Village) 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 return to open session.

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

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Return to Open Session

The Board moved: To exit Executive Session and Return to Open Session at 7:10 p.m.
A roll call vote was taken: Chair Paolillo said aye, Selectmen Baghdady and Williams also said aye and the motion passed unanimously (3-0).

Presentation on Cushing Village by Toll Brothers

Mr. George Hall, Town Counsel, and Mr. Bill Lovett, Senior Development Manager of Toll Brothers, appeared before the Board to discuss the extension request as well as the amended Land Development Agreement (LDA). Mr. Lovett noted that Toll has been engaged in due diligence concerning the Cushing Village project. He stated he would like an extension to September 30 for the P & S for the sale of the parking lot. He noted that this additional time will allow for the completion of the due diligence as well as to continue the Special Permit process with the Planning Board. He added that further environmental testing took longer than expected.

Mr. Lovett then provided a PowerPoint presentation concerning Toll's vision for the apartment portion of Cushing Village. He reviewed renderings of similar living quarters in other communities. He said Toll is excited to pursue this project in Belmont.

Discussion and Vote on Requested Extension to the Closing Date for Cushing Village, Amendments to Land Development Agreement (LDA) and other documents related to Cushing Village

The Board then asked several questions of Mr. Lovett. Specifically, Selectman Baghdady asked what assurance the town has that another extension won't be requested. Mr. Lovett replied that Toll had no intention of requesting the first extension, but essential steps were needed to be taken and were taken. Toll, he said, wants to close. Money has been invested into the project. He stated the \$15,000 will be paid to the town on the closing date. This, he said, will be the last request.

Selectman Baghdady said that putting \$50,000 down to assure that another extension won't be requested would provide assurance. The \$15,000 is a bit insulting, he said, given the money Toll will make on this project.

The Board then discussed the fees that the town *would have* collected if the closing extension was not granted.

Chair Paolillo said that an additional request to extend, beyond September 30, would likely not be supported by this Board. He then reviewed the highlights of the changes made to the LDA. Mr. Hall briefly reviewed the amended Parking Management Agreement.

Audience Comments:

Mr. Doug Koplou, Pct. 6, stated that a timeline had been set up by Toll and that the extension request is troubling. The timeline has been vague, and more detailed information would have been appreciated. The extension offer of \$15,000 is not an appropriate offer. Toll's explanation has not been serious, he said, and this is concerning. Mr. Lovett stated that the details of the due

diligence are not for public consumption. He noted some of the specific areas that required complex vetting. He then provided information on the immediate next steps that Toll is pursuing.

Ms. Rita Carpenter, 6 Oak Avenue, asked if the project might actually fall apart. Chair Paolillo said that this possibility does exist, but that the Board is willing to move forward, and there is nothing to indicate that such an unraveling will happen. Mr. Lovett agreed that Toll is ready, willing, and able to move forward. Ms. Carpenter then asked if further amendments would be accepted. Chair Paolillo said nothing major will be accepted.

Ms. Judith Fienlieb asked what would be done for the community so that it feels assured and comforted that the project will move forward. Mr. Lovett said that, once the project is underway, Toll will reach out to the community and offer updates about once a month.

Mr. Steve Carlini, Horne Road, noted that there is trash and waste in the area. He requested that Toll take responsibility for the area. He said 20 cars are consistently parked in the CVS lot.

Ms. Nicole Gianoukos, Pct. 5, stated that this is not the best project for Belmont. Another solution must be possible. It is unfair to pursue one option. Chair Paolillo stated that Belmont only owns the parking lot; Mr. Starr owns the land. However, the P & S of the parking lot has been used as leverage to get a say in the development.

Ms. Kathy Rushe, Horne Road, stated that it was over nine years ago this project was discussed. She added that the area is decaying, weeds have turned into trees, and that the cars in the CVS parking lot look abandoned. She asked: What can the neighbors do now? Can Mr. Starr be contacted by the town? Why has he utterly neglected his land? Chair Paolillo stated the Board will follow up with Mr. Starr.

Mr. Koplow, Pct. 6, said the next deadline could be blown. What is the “pulling the plug” point?

Selectman Williams said that a 30-day extension is not unheard of with a deal of this size. This is a necessary ask and it is expected that the closing will take place by September 30.

The Board moved: To approve the Second Amendment to the Purchase and Sale Agreement between the Town of Belmont and Smith Legacy Partners Series, LLC for the property at 116 Trapelo Road, which amendment will extend the closing date from August 26, 2016 to September 30, 2016.
The motion passed unanimously (3-0).

The Board took a 5-minute recess.

Chair Paolillo informed the audience that there is now another Executive Session that the Board will attend to.

Executive Session II

The Board moved: To enter into executive session at 8:09 p.m. in preparation for negotiations with union personnel or to conduct collective bargaining sessions or contract

negotiations with union personnel (Belmont Police Superior Officers Association) 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 return to open session.

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

[Executive Session II proceeded. See separate minutes.]

Open Session

The Board moved: To exit Executive Session and Return to Open Session at 8:20 p.m.
A roll call vote was taken: Chair Paolillo said aye, Selectmen Baghdady and Williams also said aye and the motion passed unanimously (3-0).

Vote to Approve the Belmont Police Superior Officers Association Contract

Ms. Jessica Porter, HR Director, appeared before the Board to provide an update on the contract negotiations for the Belmont Police Superior Officers Association. She reviewed the highlights of the changes: the rate increases (8.92% over three years), the COLA increase, the drug testing language, health insurance changes (for new employees), the first responder stipends, and the special assignment and detail rate increase.

The Board moved: To approve the Belmont Police Superior Officers Association contract, as stated.

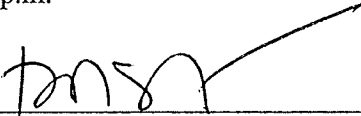
The motion passed unanimously (3-0).

NEXT MEETINGS

Monday, September 12, 2016 at 5:30 p.m. Beech Street Center

Monday, September 19, 2016 at 7:00 p.m. in the Gallery Homer Building

The Board moved to adjourn the meeting at 8:25 p.m.



Mr. David Kale, Town Administrator