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MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
Homer Building Gallery – Floor 3
Monday, September 19, 2016
7:00 PM

APPROVED
BOARD OF SELECTMEN
DATE: 12/12/16

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 7:06 p.m. by Chair Mark Paolillo in the Homer Building Gallery. 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 and then turned to the first item.

COMMUNITY ANNOUNCEMENTS

- **Belmont Serves:** Mr. Douglas John, of the Belmont Religious Council, notified the Board that the 8th annual *Belmont Serves* event will be held on Columbus Day, October 10, from 8:30 a.m. – 12:30 p.m. There will be a food drive, as well as work at Clay Pit Pond, the Burbank School, and Lone Tree Hill.
- On Wednesday, September 28 at 8:00 a.m. (near the Oakley Country Club) the Mass DOT will hold a ribbon cutting ceremony for the completion of the Trapelo Road project.
- On Wednesday, September 21 from 6-9 p.m., there will be a Community Path Advisory Committee *Kick-Off* meeting (at the CMS) to begin the process of receiving information from the public and to continue the process of exploring community path options.
- On Saturday, September 24 from 5-8 p.m. is the *Welcome to the New Belmont Center* event to celebrate the completion of the Center project.
- **The Minuteman Debt Vote** will take place on Tuesday, September 20 from noon to 8 p.m. at all of Belmont's polling places.
- **Smart 911** – September is Emergency Notification Month. Check out the Town's website to gather more details on how to register a phone number, receive e-alerts, etc.
- **DPW Recycling Event:** Saturday October 22, from 9-1 at the Town Yard (C-Street).
- **The Dan Scharfman Annual Road Race** will be held on Sunday, October 2 at 9:30 a.m. Registration information can be found on the FBE's website.

QUESTIONS FROM TOWN RESIDENTS

Mr. Roger Wruble, Town Meeting Member (TMM) Pct. 6, noted that the successful *Belmont Goes Solar* campaign has earned Belmont solar renewable energy credits to be used on town buildings. Mr. Kale noted that deciding which building would receive solar panels will require some thought and consideration.

Mr. Claus Becker, TMM Pct. 5, spoke about the electric vehicle campaign. He encouraged the town to set a good example by pursuing an electric vehicle application.

ACTION BY CONSENT

Convene as the Board of Survey

The Board moved: To convene as the Board of Survey at 7:21 p.m.
The motion passed unanimously (3-0).

Board of Survey Hearing for a Proposed Road – 178 Marsh Street Possible Continuance to October Meeting Date

Chair Paolillo stated that the hearing will be continued until the Board's meeting on November 28, 2016. He read a document, which explained the necessary approval process by the Conservation Commission. Selectman Baghdady suggested the Board touch base about this topic when it meets in October.

The Board moved: To continue the Board of Survey hearing (for Marsh Street) to the Board meeting on October 24, 2016.
The motion passed unanimously (3-0).

Resume as Board of Selectmen

The Board moved: To exit as the Board of Survey and to resume as the Board of Selectmen at 7:25 p.m.
The motion passed unanimously (3-0).

Executive Session

The Board moved: To enter into executive session at 7:26 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 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 7:44 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).

Discussion and Vote on Cushing Village Documents-Land Development Agreement (LDA), Parking Management Agreement (PMA) and other documents

Mr. George Hall, Town Counsel, appeared before the Board to discuss the documents and issues relating to Cushing Village.

Chair Paolillo noted that the Board has been reviewing the documents (LDA, PMA, etc.) pertaining to Cushing Village.

Mr. Hall added that the Board has reviewed the documents and they are believed to now be final. He explained that the extension had been granted and that now the Board is on track to close on September 30. The changes are not at all substantial.

The Board moved: That the Board of Selectmen, in accordance with the Purchase and Sales Agreement for the property located at 116 Trapelo Road, Belmont, MA, as amended March 2016 and August, 2016, approve execution of the Land Development Agreement, Quitclaim Deed, Release Deed, and Parking Management Agreement between the Town of Belmont and Belmont Residential, LLC, a wholly-owned subsidiary of Toll Brothers, Inc., as assignee of Starr Capital Partners, LLC, subject to the condition that the closing documents executed by the Board shall be held in escrow by Town Counsel and delivered for recording by the Buyer only if:

1. They are to be recorded contemporaneously with such other documents as Town Counsel deems necessary to effect the assignment of the rights to the development of the Cushing Village project to Toll Brothers, Inc. or its subsidiary, Belmont Residential, LLC;
2. Town Counsel has verified that the documents will be recorded in appropriate order so as to preserve the rights of the Town with respect to the easement and other interests to be retained by the Town; and
3. All other conditions of the closing as specified in the Purchase and Sale Agreement have been met.

Town Counsel is hereby authorized to agree to the insertion of dates or recording information into the closing documents after their execution by the Board to the extent that he has verified such information to be correct and to execute any ancillary closing documents on behalf of the Town, other than instruments to be recorded, which Town Counsel deems necessary and appropriate to complete the sale as required under the Purchase and sales Agreement.

The motion passed unanimously (3-0).

The Board thanked Mr. Hall for his work.

The Board then signed the documents. Mr. Hall explained the closing process.

Committee Appointments

1. Economic Development Advisory Committee
2. Energy Committee
3. Historic District Commission
4. Housing Trust
5. Information Technology Advisory Committee

6. Planning Board
7. Recreation Commission
8. Traffic Advisory Committee
9. Vision 21 Implementation Committee
10. Zoning Board of Appeals

Economic Development Advisory Committee (EDAC)

Selectman Williams noted that he spoke with Ms. Tomi Olson and informed her that the Board may suspend the activities of the EDAC until the charge/mission statement of the committee is redefined. Chair Paolillo noted that the EDAC can do productive work once the charge is redefined.

The Board moved: To suspend all activities as well as all appointments of the EDAC until such time that a redefined charter can be established.
The motion passed unanimously (3-0).

Energy Committee

Chair Paolillo noted that the charge of this committee and its membership may be changing. It makes sense to defer the appointments until this process is complete. The Board discussed meeting with Mr. Colton to discuss the charge and any further appointments.

Historic District Commission (HDC)

The Board moved: To re-appoint Mr. Terry McCarthy and Ms. Lisa Harrington to the HDC.
The motion passed unanimously (3-0).

The Board moved: To appoint Ms. Kathleen Fahey to the HDC.
The motion passed unanimously (3-0).

Housing Trust

The Board moved: To re-appoint Ms. Rachel Heller and Ms. Judith Feins to the Housing Trust, each for three year terms.
The motion passed unanimously (3-0).

The Board moved: To appoint Mr. Don Mercier for a one year term, to appoint Ms. Judith Singler for a three year term and to appoint Mr. Paul Rickter for a one year term - to the Housing Trust.
The motion passed unanimously (3-0).

Information Technology Advisory Committee

The Board moved: To re-appoint Mr. Daniel Ellard and Mr. Charles Smart to the ITAC.
The motion passed unanimously (3-0).

The Board moved: To appoint Mr. Glenn Wong and Ms. Cheryl Fletterick to the ITAC.
The motion passed unanimously (3-0).

Planning Board (PB)

Chair Paolillo noted that there is a lot of interest from residents in serving on the PB. The Board agreed to do one reappointment and then to confer with the Chair regarding new appointments.

The Board moved: To re-appoint Mr. Charles Clark to the Planning Board.
The motion passed unanimously (3-0).

Recreation Commission

The Board moved: To re-appoint Ms. Ann Bere and Ms. Anne Helgen to the Recreation Commission.
The motion passed unanimously (3-0).

The Board moved: To appoint Mr. Joshua Gould to the Recreation Commission.
The motion passed unanimously (3-0).

Traffic Advisory Committee (TAC)

The Board moved: To re-appoint Mr. Matt Sullivan, Mr. Don Mercier, Mr. Larry MacDonald, and Ms. Tomi Olson to the TAC.
The motion passed unanimously (3-0).

Vision 21 Implementation Committee

The Board discussed potential appointing scenarios.

The Board moved: To re-appoint Ms. Natalie Leino to the Vision 21 Implementation Committee.
The motion passed unanimously (3-0).

The Board moved: To appoint Mr. Andrew Porter for a three year term, Mr. Kevin Dorn, also for a three year term and Mr. Perry Haynsworth for a two year term to the Vision 21 Implementation Committee.
The motion passed unanimously (3-0).

Zoning Board of Appeals

The Board moved: To re-appoint Mr. Jim Zarkadas to the ZBA.

The motion passed unanimously (3-0).

The Board moved: To appoint Mr. Andrew Plunket to the ZBA.
The motion passed unanimously (3-0).

Public Hearing on application from Nicolas Market LLC. d/b/a The Loading Dock to transfer their All Alcohol Retail Liquor License to Star Market LLC.

Representatives from Star Market – Ms. Nadine Lynch, Construction Manager; Mr. Joseph Hanley, Attorney; Mr. Stephen Duran, Store Director/Manager; and Mr. Nicholas Zozula, Attorney – as well as from the Loading Dock – Mr. Faud Mukarker and Mr. Thomas Orlandi, appeared before the Board to discuss the application from Nicolas Market (The Loading Dock) to transfer their *All Alcohol Retail Liquor License* to Star Market.

Chair Paolillo provided the background information on this transfer request. He reviewed the details of the transfer (a license to sell alcohol to be transferred from the Loading Dock to Star Market for the price of \$400,000). He then explained the “spirit and intent” of the liquor license initiative in Belmont dating back to the 1990s. He noted that the town has consistently not been in favor of having package stores. Since Star does sell tobacco and lottery products, the transfer presents a concern.

Mr. Hall explained the process by which the license can be transferred.

Mr. Hanley explained that Star Market is a well-established store, having been in Belmont for almost 25 years. He said the store will undergo a renovation and that this renovation is linked with the receiving this license to sell alcohol.

The Board asked clarifying questions concerning the transfer of the license.

Mr. Mukarker explained that his business would greatly benefit from a “pouring license” and not a “selling of alcohol” license. He said he had been unaware that a business could only possess one license. He said Star Market had expressed interest in this particular license, and therefore he reached out to them.

Mr. Hanley noted that Star does sell lottery tickets and cigarettes, but at the Customer Service Desk only (a separate area from where the alcohol will be sold). Chair Paolillo noted that it has been a condition of the Board not to have alcohol sold with cigarettes and lottery tickets.

Audience Comments:

Ms. Marianne Scali, a founding member of the Alcohol Commission, provided some background information on the issuing of alcohol licenses to the town. She suggested, as a matter of correct process, that the license be made available for all to pursue. Then Star can apply and be evaluated from there.

Ms. Anne Mahon, TMM Pct. 4, stated that The Loading Dock owner did not know that his

license was not for "pouring". She stated that this is a win/win situation for Belmont as The Loading Dock and Star Market are stellar members of the community. Star has given so much to the food pantry over the years.

A 35-year resident of Belmont (Ms. Nega Chernak?), stated that Belmont is not "the boring town" it used to be. She is in favor of the transfer as it will support both of these establishments.

Ms. Amy Rocco Orlando, a longtime resident, provided some personal history on the Mukarker family. She offered full support for the transfer.

Mr. Joe Habelow, resident, also supported Mr. Mukarker and his family. He agreed that this is a win/win for the town.

Ms. Erin Lubien, TMM Pct. 7, spoke words of support for this transfer. She praised Star Market for their civility, helpfulness, and contributions to the community. She said Belmont has not been business friendly.

Mr. Daniel Wakabayashi, a Belmont resident, stated that Craft Beer and Spirited Gourmet are licensed in Belmont and are much closer to having a "package store" feel than Star Market is.

Mr. Steve Kerins, TMM Pct. 8, stated that his precinct supports this transfer. He said The Loading Dock needs this to happen in order to succeed. Can we do the right thing here and help the Mukarker family? he asked the Selectmen.

Chair Paolillo stated that he is concerned that this transfer is not in the spirit of the intent of the license. Star Market, while local, is a corporation. Local, small businesses need these licenses. He said he is uncomfortable with the transfer to Star. If Star had requested the license when the Loading Dock did, it would have gone to the Loading Dock. He said he would like to look at the legality of the issue and reflect on the audience's comments before making a decision tonight. He stated he wants to support the Loading Dock, but that Star market is not a small local business.

Mr. Hanley provided additional information on why this transfer should be supported. He said Star is open to not selling cigarettes.

Selectman Baghdady said he is concerned with the setting of a precedent concerning the transfer of alcohol licenses in Belmont. He suggested that Star come back with information on the selling of lottery and tobacco products. Selectman Williams stated that the Board will not discuss this issue outside of a public Board meeting. He asked about the hearing notification process. He agreed that the Board will need more time to deliberate on this issue. He noted that the Board must be in compliance with state law.

Mr. Orlandi stated that the continuance will hurt The Loading Dock. He said the Board has had sufficient time to deliberate the issue. He expressed his frustration with the delay.

The Board moved: To continue the hearing on the transfer of the application from

Nicolas Market LLC. d/b/a The Loading Dock to transfer their All Alcohol Retail Liquor License to Star Market LLC to October 3, 2016.
The motion passed unanimously (3-0).

The Board took a five-minute recess.

Public Comment for Amendment Report for Verizon Final License

Ms. Marshall offered an update on the process leading up to the Verizon License. She noted that no public comments have been submitted to date.

Town Administrator's Report

Mr. Kale deferred his report.

Other

The Board discussed two topics raised by Selectman Williams:

- exploring a CPA grant for open space as an alternative to a proposed housing project near the Lexington/Belmont line
- the Dan Scharfman road race – he encouraged his colleagues on the Board to run the race with him.

Approval of Meeting Minutes

October 27, 2015 regular meeting

The Board will vote on this set at its next meeting.

Before adjourning, Chair Paolillo spoke briefly to the need for civility at the public hearings.

NEXT MEETINGS

Monday, September 26, 2016	7:00 p.m. Selectmen's Meeting Room Town Hall
Monday, October 3, 2016	7:00 p.m. Selectmen's Meeting Room Town Hall

The Board moved to adjourn the meeting at 9:46 p.m.



Mr. David Kale, Town Administrator