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APPROVED
BOARD OF SELECTMEN
DATE: 12/19/16

MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Thursday, October 6, 2016
6:00 PM

CALL TO ORDER

A regular meeting of the Board was called to order in open session at 6:04 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

- On Monday, October 10, *Belmont Serves Day* will be held. See their web site to sign up to serve the community.
- On Monday October 17, a League of Women Voters Briefing will be held to discuss the Minuteman article (at the Chenery Middle School at 7:00 p.m.).
- Concerning the Presidential Election, early voting is available. See the Town Clerk web page for details.
- The US Secretary of Education announced that the Butler School is a Blue Ribbon School as an exemplary high performing school – Congratulations to Mr. McAllister!

QUESTIONS FROM TOWN RESIDENTS

[There were none.]

ACTION BY CONSENT

Application for an Alcoholic Beverages License Transfer from the Nicolas Market & Deli, LLC d/b/a The Loading Dock to Star Market Company, Inc. d/b/a Star Markets located at 535 Trapelo Road, Belmont (*continued hearing*)

Chair Paolillo began by requesting that the meeting be conducted in a civil manner. He then provided some background information on the license process in Belmont, dating back to 1997. He cited the state laws related to the granting of licenses, the type of licenses (all alcohol, beer and wine, etc.), the transfer of licenses, one-day licenses, etc. He then reviewed the history of the Loading Dock's alcohol license requests, the license granting, and the request to transfer said license. He noted that the provision restricting a business from holding more than one license has changed, if certain conditions/terms are met.

Chair Paolillo asked if Mr. Mukarker would like to withdraw the request and apply to hold both

licenses. Mr. Orlandi stated that the Mr. Mukarker wishes to proceed with the transfer application.

Representatives from Star Market – Mr. Joseph Kelly, VP and General Manager; Mr. Stephen Duran, Store Director/Manager; and Mr. Nicholas Zozula, Attorney – appeared before the Board to discuss the application from Nicolas Market (The Loading Dock) to transfer/sell their *All Alcohol Retail Liquor License* to Star Market. Mr. George Hall, Town Counsel, Mr. Faud Mukarker, Loading Dock applicant, and Mr. Thomas Orlandi, attorney for the applicant, were present in the audience as well.

Chair Paolillo read a statement from Star Market, which reflected the modified application for the liquor license. He noted each change to the application, e.g., reduction of the total square footage to 1474 square feet, no selling of tobacco or lottery products, no sale of single serve nips, single bottles of beer or 30 packs of beer, no neon or flashing signage, trained alcohol manager, centralized location in the store, compliance with upgrade of store emergency equipment, etc. Mr. Zozula presented the Board with additional documentation (signatures) in support of the license being awarded to Star. Mr. Kelly spoke to the concessions made by Star as laid out by the Board at the September 19 meeting. In addition, Mr. Kelly noted that Star agreed not to sell the license to a third party for transfer off site but reserves the right to transfer the license to any new owner or successor corporation for operation at the same location.

Selectman Baghdady asked if the Mt. Auburn Street Star would be the model for the renovations at the Belmont Star. He specifically asked how liquor sales would fit in with the concept of the re-designed Star. Mr. Kelly explained the vision for the renovations. Selectman Baghdady then asked specific questions about several of the concessions. Selectman Williams asked Mr. Hall about the placement of conditions on the application, concerning the transferability. Mr. Hall provided information pertaining to license transferability.

Selectman Baghdady asked if this license would add to the congestion already present in Waverley Square. Mr. Kelly replied that no, this would not add to traffic, as the customers would likely already be doing their food shopping in the store. He added that the offering of alcohol augments the current offer of groceries for residents.

Selectman Williams then asked about the ownership of the license. Mr. Kelly stated that the license is an asset. Mr. Hall concurred that it is not a property right.

Chair Paolillo asked Mr. Kelly: Why now? Mr. Kelly responded that the time is right for this Star Market, under the new management. Also, costumers have been requesting this.

Chair Paolillo noted that now he would allow the audience to comment. The license transferability issue is not up for debate. He requested that the audience comments focus on the issue of granting this license to Star Market and not on the attributes of the Loading Dock.

Audience Comments:

Dr. Paul Solomon, Lambert Road, stated that he is against the proposal of issuing the license to

Star. As a former Selectman, he noted that, when liquor licenses came to Belmont, the purpose of issuing liquor licenses was to assist small businesses, not large corporations. He spoke to preserving the viability of the small businesses in town.

Mr. Tom [Dangelle ?], attorney for Spirited Gourmet, noted that the Board has broad discretion in approving or denying this license application. He said that the size of the store does matter. He then spoke to what Town Meeting authorized when it granted the Loading Dock's license in 2014. He read from the Town Meeting transcript. Town Meeting would not have approved this application, given that licenses were to be granted to a small business or to a specialty store. Star will be running a full-scale liquor store. Star does not need this license to survive in Belmont. The Board, he said, needs to decide if this is in the public's best interest. Spirited Gourmet will be able to sell its license, he noted, if the Board sets this precedent.

Ms. Elena Benoit, Belmont resident, stated that the Spirited Gourmet played by all the rules set out by the Board and worked closely with Mr. Firenze (former Selectman) concerning its license. Spirited Gourmet will need to sell its license, as the granting of this to Star will bury the store. She expressed frustration with the fact that this license is now up for transfer.

Mr. Jeff Liberty, Worcester Road, stated that having Star Market raise revenue might be good for the town. He stated that he also supports small businesses. One-stop shopping at Star is a convenience, but shopping at Star would not preclude him from shopping elsewhere.

Ms. Anne Mahon, TMM Pct. 4, stated that these "markets" will not compete with each other. Star will not impact the small stores (Spirited Gourmet, Craft Beer) as people will shop at all of them.

Ms. Anne Marie Mahoney, Goden Street, former Selectman, stated that she has comments (from a historical perspective) on the transferability issue but will refrain from speaking on that point. She asked when the Board they will address the transferability issue.

Ms. Judith Feinleib, TMM Pct. 6, stated that she opposes giving the license to Star. She said it will discourage business at the local, small stores.

Ms. Neda Zovic, a 35-year resident, said that no one is against the Spirited Gourmet. The local businesses will be supported even if Star gets this license.

Ms. Laura Wuorinen, 33 Channing Road, stated that a liquor license for Star does not enhance Belmont.

Mr. Arik Colbath, spoke in support of small businesses. Star Market is a big corporation.

Ms. Maryann Scali, TMM for 47 years, former Chair of the Alcohol Committee, said that Town Meeting needs to address the transferability issue. The spirit of giving licenses was to support the little businesses.

Ms. Jen Bonislowski, owner of Arts Specialties on Trapelo Road, spoke about the threat that this

poses to her business.

Ms. Mary Westcott, owner of two retail shops in Belmont, spoke on behalf of the Cushing Square Merchant's Association. She noted that this will hurt the small businesses in town. The small businesses have fewer resources (than Star) and yet are generous with the town. Belmont needs to support the small businesses.

Mr. Steve Drescan, Alma Ave., stated he values the local stores in Belmont.

Mr. Brian Kemerer, Fitzmorris Circle, noted that several Selectmen accepted donations from Loading Dock. He spoke against the transfer.

Mr. Steve Kerins spoke in favor of the transfer.

Ms. Bonnie Friedman, TMM Pct. 3, spoke to the change in Belmont over the last few years. She applauded Star in getting rid of the tobacco. She said it would be nice to be able to buy cheaper selections in Belmont at Star.

Both Craft Beer owners (Ms. Kate Baker and Ms. Sue Schalow), spoke to the overarching impact this will have on the small town and on the small business community.

Mr. Zozula stated that this will not be a package store. There will be economic development as a result of this license. He noted that Star is a good member of the community. Mr. Kelly added that Star does not want to hurt the small businesses. Star is a stand-alone business, not a big box store. Star buys locally and will continue to be a good citizen in town. Mr. Duran stated that Star supports the community.

Vice-Chair Baghdady asked Mr. Kelly if Star Market plans to advertise alcohol in their promotional materials which are distributed in Town. Mr. Kelly responded that Star Market has no plans to promote the sale of alcohol in their local flyers.

Chair Paolillo stated that Star is a great store and is a great member of the community. However, the spirit and intent of the licenses was to grant them to local-owned businesses. Selectman Baghdady stated that Star has become a "local business" in town. He is relieved by the response from Star to so many of the Board's concerns. Liquor will become just one of many offerings (bakery, meat, etc.) of Star. Selectman Williams asked about the ownership of Star Market. He stated that progress involves change. He spoke to the value of this offering.

Chair Paolillo thanked the audience members as well as Star Market.

The Board moved: To approve the application for an Alcoholic Beverages License Transfer from the Nicolas Market & Deli, LLC d/b/a The Loading Dock to Star Market Company.

The motion passed (2-1).

The Board took a brief recess.

Chair Paolillo again acknowledged the civility of the Star Market license issue.

Approval of Request from C5K Sports Cambridge for a Half Marathon to be held on Sunday, November 13, 2016 at 8:00 a.m. The requested streets include: Brighton Street, Statler Road, Channing Road, Leonard Street underpass (one lane) and Concord Avenue (one side).

Mr. Ed O'Connor, C5K Sports, appeared before the Board to discuss the half marathon, which will pass through Belmont. He provided some background information and explained the planning process for the marathon. The race will benefit a childhood fund in Cambridge and will also support the "Belmont Sport Program". Mr. Kale added that C5K Sports will pay for the Police and Fire detail and have received clearance from those departments. The race will impact Belmont for about 90 minutes.

The Board reviewed the proposed path and the times that the race will impact Belmont. The Board expressed concern about the number of runners (5,000).

Chair Paolillo said he will support this so long as the neighbors are informed and that the event is well policed. The Board discussed ways in which those impacted could be notified. Selectman Baghdady expressed concern with the number of runners. He suggested that the Board hold off on voting until community feedback can be received.

The Board moved: To approve the request from C5K Sports Cambridge for a Half Marathon to be held on Sunday, November 13, 2016 at 8:00 a.m., with adequate police detail and contingent upon appropriate notification to neighbors and town.
The motion passed unanimously (3-0).

Vote and Sign the Warrant for the Presidential and State Election to be held Tuesday, November 8, 2016

Mr. Ellen Cushman, Town Clerk, appeared before the Board to discuss the Warrant for the Presidential and State Election, scheduled for Tuesday, November 8, 2016. Ms. Cushman noted that the Board will need to sign the warrant. She explained what would be on the ballot, e.g., the four ballot questions, the Sheriff race, etc.

The Board moved: To approve and sign the Warrant for the Presidential and State Election to be held on November 8, 2016.
The motion passed unanimously (3-0).

The Board signed the warrant.

Ms. Cushman noted that all polls will be open from 7:00 a.m. – 8:00 p.m.

She then explained the early voting process, which will hopefully increase the voting numbers. She reviewed the dates and times involved with early voting. All of this information is on the Town Clerk's website. Mr. Kale explained the parking arrangements.

Ms. Cushman then explained absentee voting. She noted that there are many voting tools online.

Discussion and Vote on Minuteman District Withdrawal Article (Special Town Meeting 10/19/16)

This agenda item was deferred. The Board will meet prior to the Special Town Meeting on Wednesday, October 19, 2016.

Town Administrator's Report

Mr. Kale reported on the following item:

- **Stormwater and Sewer Local Regulations Flyer:** The flyer will be distributed so that residents can be familiar with the regulations. The flyer will be distributed by the Water, Treasurer and Community Development Departments with various documents and permits issued by the Town.

NEXT MEETING

Wednesday, October 19, 2016 5:30 p.m. Chenery Middle School Teacher's Lounge
Monday, October 24, 2016 at 7:00 p.m. Selectmen's Meeting Room Town Hall

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



Mr. David Kale, Town Administrator