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BOARD OF SELECTMEN
JUNE 21, 2004
SPECIAL SESSION

Call to Order

The Board convened in regular session at 7:00 p.m. in the Selectmen's Meeting Room at Town Hall. All members were present.

Questions from Town Residents

There were none.

Action by Appointment

Discussion of Comments to 40B Application

The Board reviewed and discussed the proposed second revision to the Board's response to AP Cambridge Partners' (O'Neill Properties) 40B application as drafted by the Senior Planner. The Board of Selectmen also reviewed the Uplands Advisory Committee's redraft of the Senior Planner draft response to MassDevelopment.

The Board moved: to request further environmental review by the Secretary of Environmental Affairs by the filing of a Notice of Project Change, which the Senior Planner shall undertake.

The motion passed unanimously (3-0).

Mr. Brownsberger expressed his support for using Fred Paulsen's revised draft as the Board's submission.

Mrs. Mahoney was not supportive of substituting Mr. Paulsen's comments in lieu of Mr. Higgins' draft.

Dr. Solomon suggested the Board take certain portions of the Paulsen letter to incorporate into the most recent draft created by the Senior Planner.

Mr. Brownsberger noted his desire to incorporate Mr. Paulsen's section 4, relative to the history of the proposals for the development of residential housing on this site.

The Board moved: to include sections I and II of Mr. Paulsen's draft be included in the Selectmen's response.

The motion passed (3-0).

Mrs. Mahoney noted her intention to meet with the Chairman of the Arlington Board of Selectmen, Belmont's Town Administrator and Arlington's Town Manager.

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Discussion of Operations of Purecoat North (formerly known as Cambridge Plating)

Selectman Mahoney introduced the purpose of the meeting and reviewed its format.

Ms. Donna Moultrup, Health Director, reviewed the historical land use and facilities issues at this location.

David Frizzell, Acting Fire Chief, provided a brief history of the fire department's interaction with respect to fires, fire code, and fire prevention and safety at this site. He noted recent surprise fire inspections at Purecoat North by the State Fire Marshall's Office in cooperation with the Acting Fire Chief. He noted that only minor infractions were noted and have since been corrected by the company. He noted the need to develop a formal process for prompt public notice of any emergencies related to the plant operations.

Gretchen McClain represented a group of local residents in making a presentation of continued concerns about the operations of the Purecoat North facility, despite recent changes and improvements in their operations. She doubted whether this type of operation can ever be a safe neighbor in the Town.

Heidi O'Brien of the MA DEP spoke of their efforts to regulate noise, odor and related nuisances, including delegation of this authority to municipal agencies.

Brian Hiler of 95 Baker Street noted his experiences with bad smells in the morning and stated that a metal plating company is not compatible with where people live.

The Board then opened the floor to public comment.

Neil Hegarty noted that neither he nor the other residents in his precinct are hostile to business, just to this particular use. He encouraged the Board to think about the long term vision of the use of this property.

A resident complained about traffic noise and the operation of trucks accessing the loading dock on Hittinger Street.

Paul Marinelli inquired whether any member of the Board has experienced the odor themselves and whether they could smell it from their homes.

A representative of the EPA noted his agency's ongoing relationship with the operations of this business. He noted that in the past the agency identified many problems, but that recent inspections have indicated marked improvement in their measures to abate problems.

A resident noted the odor is particularly prominent when it is hot and humid.

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A representative of the EPA recommended that a log be kept of the incidence of odor and noise.

A resident expressed concern about exhaust venting from the side of the building.

A resident expressed ongoing concern for the noise and odors and inquired about defined business operating hours.

A resident inquired who would be required to clean up the site should Purecoat North cease operations.

The Board then undertook a discussion of goals and next steps relative to the operation of Purecoat North, LLP.

Mr. Brownsberger agreed that from a planning perspective the Town wouldn't now, if given the choice, choose to place this operation in this particular area, because of its proximity to residences and schools. He suggested the Town appoint a committee to examine this issue further and to determine what strategies might be implemented to eliminate public safety and health hazards in the Hittinger Street/Channing Road area resulting from the operations of Purecoat North, LLP.

Dr. Solomon supported Mr. Brownsberger's recommendation.

Mrs. Mahoney expressed concern for a committee process, which would mandate private business owners to do certain things, when the owner is not violating any regulations.

Mr. Brownsberger added that he recommends Town Counsel review the Town's enforcement actions.

Dr. Alper, Chairman of the Board of Health, noted his general support for Mr. Brownsberger's recommendation. He recommended that instead of the Board of Health providing a liaison to this committee, that the committee be required to attend the Board of Health meetings and provide an update.

The Board moved: to appoint a nine-member temporary committee as outlined in a draft charge provided by Mr. Brownsberger, with the amendment that the Board of Health will not be required to have a liaison on this committee; and further that this committee shall report back to the Board not later than June 30, 2004.

The motion passed unanimously (3-0).

The Board requested Town Counsel to review the Town's enforcement option relative to Purecoat North's operations.

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The Board agreed that it would discuss its appointments to this committee at its next meeting.

Discussion of Town Counsel Appointment

The Board discussed its appointment of a successor Town Counsel.

Mrs. Mahoney expressed a concern that the lead counsel from Murphy, Hesse, Toomey & Lehane lives quite a distance away (Osterville).

Mr. Brownsberger was impressed most with John Giorgio as lead counsel, but was concerned that he may not be as available to the Town because of the long list of municipal clients and the many demands placed upon him.

Mrs. Mahoney shared this concern.

Dr. Solomon noted that the Town can articulate this expectation with Mr. Giorgio and if the Town didn't see the type of responsiveness it desired, the Town could make it clear that it has options elsewhere.

The Town Administrator noted that he has heard that both lead counsels have a reputation for being very responsive.

Mr. Brownsberger stated that the Town has two good options here and can't go wrong with either choice. However, he stated that he leans toward the firm with the broadest expertise and lowest hourly costs, Kopelman & Paige.

Dr. Solomon also indicated he was leaning in the direction of Kopelman & Paige.

The Town Administrator noted that the firm of Murphy, Hesse, Toomey & Lehane likely has a stronger reputation with labor law.

Mr. Brownsberger noted his preference for an impartial Town Counsel with respect to planning and land use issues.

The Board moved to appoint: John Giorgio, lead counsel, and the firm of Kopelman & Paige as Town Counsel.

The motion passed unanimously (3-0).

Committee Appointments

The Board discussed its committee appointments.

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The Board moved: to appoint Mark Carthy, 21 Stone Road to the Cable Television Advisory Committee.

The motion passed unanimously (3-0).

The Board moved: to appoint Joseph Tovares of 41 Waverley Street to the Cable Access Committee.

The motion passed unanimously (3-0).

The Board moved: to appoint Art Heron as an associate member of the Belmont Housing Trust.

Action by Consent

Memorandum from Acting Director of Community Development re: Contract Award for Sewer and Storm Drain Improvements

The Board moved: to award the sewer and storm drain improvements contract to RJV Construction.

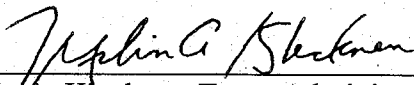
The motion passed unanimously (3-0).

Other

The Board requested an inquiry be sent to the Planning Board requesting when some zoning changes may be made in the Pleasant Street area.

Mrs. Mahoney noted the owners of a parcel along Pleasant Street have suggested they may install a fence along Pleasant Street and was concerned how that might impact the Pleasant Street reconstruction. The Town Administrator indicated he would inquire of the Office of Community Development.

The Board adjourned their regular session at 10:15 p.m.



Melvin A. Kleckner, Town Administrator
Clerk, Board of Selectmen