

MINUTES  
TOWN OF BELMONT  
BOARD OF SELECTMEN  
TOWN HALL AUDITORIUM  
Monday, August 4, 2008  
7:30 PM

#### CALL TO ORDER

A regular meeting of the Board was called to order in open session at 7:00 by Selectman Leclerc in the Town Hall. Chairman Firenze and Town Administrator Tom Younger were not present. Assistant Town Administrator Jeff Conti was present.

#### QUESTIONS FROM TOWN RESIDENTS

Mr. Matthew Sullivan, a Hammond Street resident, appeared before the Board to voice his concerns regarding the following: how the town has been spending money (e.g., property taxes that are too high), his lack of response after having made several attempts to contact School Superintendent Dr. Holland, and the need for consolidation of school and town buildings and grounds.

Selectman Leclerc responded that the Warrant Committee has examined the issue of consolidation and is working toward solutions to that issue.

#### ACTION BY APPOINTMENT

Approval of NEW Class II Used Car Dealer License - Teddy's Foreign Motors

Teddy and Joanne Miris appeared before the Board to request the license for their new used car dealer's business. "Teddy's Foreign Motors" currently is a car repair shop and this license would allow for the sale of no more than two used cars at a time.

The Board moved: To approve the Class II Used Car Dealer License.  
The motion passed unanimously (2-0).

Verizon Petition No. D08-21 for proposed sidewalk anchor on Staunton Road

Mr. Burgio appeared on behalf of Verizon with a petition to remove an anchor from a tree stump on Staunton Road and replace it in the grass shoulder. Community Development Director Glenn Clancy, who was in attendance, had no concerns about the matter.

The Board moved: To approve the petition No. D08-21.  
The motion passed unanimously (2-0).

Verizon Petition No. D08-26 for relocation of multiple poles on Pleasant Street as part of the Pleasant Street road work

Mr. Burgio remained before the Board and presented a second petition, requesting the relocation of multiple poles on Pleasant Street. Mr. Eric Anderson, a resident of Pleasant Street voiced his concern about new sidewalks being torn up and the additional expense involved. Mr. Clancy responded that there will be no changes at all to Pleasant Street and that the petition is for work that has already been completed.

The Board moved: To accept the Verizon petition No. D08-26.

The motion passed unanimously (2-0).

Mr. Burgio than asked the Board to reconsider Verizon's previous request to install a new conduit for the Waverley Woods development. Selectman Leclerc suggested that the Board address this question when Chairman Firenze is present in September.

Mr. Clancy presented to the Board an amendment pertaining to the agreement with McLean Hospital to widen Pleasant Street. Mr. Clancy stated that the timeline needs to be extended to August 31 and that some tasks will be added that the Mass. Highway Department will not be doing.

The Board moved: To support amendment number 2 for revisions to Pleasant Street.  
The motion passed unanimously (2-0). The selectmen signed the amendment.

#### ACTION BY WRITING

##### FY2008 Pavement Management Project Recommendation

Mr. Clancy is recommending that Newport Construction Corp., the low bidder, be awarded the contract for FY08 to reconstruct Moore, Baker, Cross, and Mill Streets.

The Board moved: To award the contract for Pavement Management for the work on Moore, Baker, Cross and Mill Streets to Newport Construction for \$711,408.  
The motion passed unanimously (2-0). The Selectmen signed the contract.

#### ACTION BY CONSENT

##### Donation to General Fund of the Town of Belmont

The Roads Now Ballot Question committee has disbanded and wishes to donate its existing funds to the general fund of Belmont.

The Board moved: To accept the donation of \$5,116.  
The motion passed unanimously (2-0).

Selectman Leclerc thanked the Roads Now committee for their gift to the town.

#### ACTION BY APPOINTMENT (continued)

##### Parking and Traffic Restriction - Watson Road

Mr. Clancy and Traffic Sergeant Kevin Shea of the Belmont Police Department appeared before the Board to present a memo written by a resident who lives on the corner of Watson Road and Clyde Street regarding the signage on Watson Road, which is a one-way road. While the side streets are well signed, Mr. Clancy explained, people aren't following signs. The resident suggested the placement of a "One Way" sign opposite the parking lot for 90 Concord Ave., replacing the "Do Not Enter" signs at the intersection of the two roads with a new "One Way" sign and adding a "No Parking Here to Corner" sign.

Selectman Leclerc said that he spoke with the resident and he (the resident) is in agreement with all of these changes.

The Board moved: To approve Parking and Traffic restrictions on Watson Road.  
The motion passed unanimously (2-0).

##### Town Administrator's Report (Part 1)

Mr. Conti spoke on the following:

" New Bids on Fuel Oil. Mr. Conti said he is recommending that the Board accept bids from Dennis Burke of Chelsea and Global Montello of Waltham.

Board members Leclerc and Jones asked question about fuel prices dropping and the potential for opting out of the contract as well as the fact that the town is facing a shortfall of funds for fuel prices in FY09. Selectman Jones asked that the contract be forwarded to the Warrant Committee. He also asked for a list of town-owned vehicles.

The Board moved: To award the contract to the low bidders (Burke and Montello).  
The motion passed unanimously (2-0).

#### Shade Tree Hearing

Mr. Paul Laffey, currently a resident of Dartmouth Road, appeared before the Board to request permission to remove a maple shade tree in order to build a driveway to the left of the home he is building on 66 Vernon Road. DPW Director Peter Castanino and Tree Warden Tom Walsh were also present before the Board. Mr. Walsh explained a hearing was held and several objections were received in writing, which necessitated that the matter go before the Board of Selectmen.

Mr. Laffey read a statement which basically reviewed the issue to-date: He purchased the house 5 years ago, and was intending to put a second floor on but discovered major deficiencies with house. He decided to remove the foundation and start from scratch. He had intended to put the driveway to the right of the property, but this proved difficult to do because of topographical issues of property/retaining walls/cavernous driveway, and the neighbor on the right requested he not do this plan. Mr. Laffey then revised his driveway plan, always intending to petition the town to remove the tree, and then replace the tree with four replacement trees at a cost of \$10,000, which he is willing to fund.

Members from the Shade Tree Committee reminded the Board that its policy states that the Board needs a very compelling reason to take down a healthy shade tree. Mrs. Ruth Foster added that this is a 50-year old maple shade tree and that the tree should remain and a more manageable driveway could be devised. Mr. Walsh asserted that it is his bias to not remove this tree.

At this point in the meeting, Selectman Leclerc allowed comments from the audience. The comments comprised two distinct viewpoints: Vernon Street neighbors who felt strongly that this is a healthy, beautiful, vibrant, shade-providing, property-value-increasing, 50-year old red maple tree, and that it should remain intact. The other comments came from Belmont residents who spoke on behalf of the Laffey family and attested to their excellent character and generous nature as Belmont residents.

Having heard from members of the audience, Selectman Leclerc said he was predisposed to reject taking the tree down. He said that the concrete foundation was poured hoping that the tree would "ex post facto come down" and Mr. Laffey should have reorganized his plan to accommodate keeping the tree. Selectman Jones spoke to the procedural question put to the Board which states that the Board will effectively support the Shade Tree Act in the presumption of retaining a healthy tree unless a there is a compelling reason to do otherwise. No compelling reason has been put forth here, Jones continued, and he is inclined therefore to preserve the tree.

The Board moved: To reject Mr. Laffey's request to take down the shade tree in question.  
The motion passed unanimously (2-0).

Town Administrator's Report (continued)

Mr. Conti continued his report:

- " Town Field. The field will be closed starting Aug. 5 due to field improvements funded by Belmont Second Soccer.
- " Pleasant Street. Work is continuing.
- " Senior Center. Construction is continuing.
- " Cushing Village. There is an RFP to dispose of the parking lot.
- " PILOT Payments. Belmont Hill School has declined to provide monetary compensation to the town.
- " VFW. A draft lease and grant agreement has been sent to the VFW which would enable the VFW to stay at its current property.
- " Central Fire Station. Burke and Co. are in default, as there has been no response; the issue will be brought to Town Counsel regarding next steps.
- " Pool/Rink. DPW Director Castanino submitted a memo on the Underwood pool and the rink, which included a cost/benefit analysis. It is being reviewed.
- " Security Project. Continuing at Phase 1.
- " Homer Building. The installation of an emergency generator was approved.
- " VFW. The Alcohol license bill for the VFW was approved by the House and sent to the Senate.

OTHER

The Board moved to adjourn the meeting at 9:04 pm.

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Thomas G. Younger, Town Administrator