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TOWN CLERK  
BELMONT, MA

MONDAY, MARCH 26, 2018

BOARD OF SELECTMEN

2018 MAY -3 PM 3:08

SELECTMEN'S MEETING ROOM-TOWN HALL  
MEETING MINUTES

7:30 P.M.

APPROVED  
BOARD OF SELECTMEN  
DATE 5-2-18

**I. CALL TO ORDER**

Chair James Williams called the Board of Selectmen meeting to order at 07:36 PM on Monday, March 26, 2018. Chair Williams introduced Vice Chair Mark Paolillo and Selectmen Adam Dash.

**II. COMMUNITY ANNOUNCEMENTS**

Election will be on Tuesday April, 3rd (Please go out and vote)

**III. QUESTIONS FROM TOWN RESIDENTS**

**(Please contact the Town Administrator's Office before noon on 3/26)**

One phone call

**IV. ACTION BY CONSENT**

**7:30 P.M. Recognition of Boy Scout and Group Scout Troops**  
**Vice-Chair Paolillo, Selectman Dash**

David Emillo Committee Chair for Pack 377 who also works with Troupe 304 was present. Chair Emillo explained that this meeting is a requirement for the civic portion for the scouts (3 members of Troupe 304, members from Pack 384, a Daisy, and a Brownies). Troupe 304 inducted 4 Eagles Scouts at a ceremony yesterday.

Santiago Emillo, Nicholas Emillo, and Danny Carter of Troupe 304 were present.

**(Question)** Troupe 304 Santiago: What is the primary job and responsibilities of a Selectman?

**(Answer)** Chair Williams: A Selectman is in charge of the Town Administrator who is in charge of community development, Council of Aging, Facilities, Human Resources, and Information Technology, Public Works (highway, cemetery, parks and recreation, and water). BOS are also park commissioners, town liquor authority, and Board of Survey (special developments of property). The Police Chief, Fire Chief, Emergency Management, Belmont Light Board, Town Account, appointed committees (66 committees) and representatives report to the BOS. There is also an independent Board of Assessors and elected boards like the Board of Cemetery Commissioners, Belmont Housing Authority, Town Clerk, Town Treasury, Board of Health, Board of Library Trustees, School Committee, Town Moderator (appoints the Capital Budget Committee and Warrant

Committee), Town Meeting Members. BOS do not interact often outside of meetings so that they do not discuss politics outside meetings.

■ Belmont has a population of 24,000 people

- 17,000 registered voters

**(Question)** Troupe 304: How can a student get involved with BOS?

**(Answer)** Chair Williams: Students can do community service and volunteer. There are a number of opportunities to get involved with the BOS just talk to Patrice Garvin.

Selectman Dash spoke about meeting a group of high school students, who were working at the Food Pantry, during his office hours. The students were interested in moving the Food Pantry. Town Administrator Garvin has been looking into a permanent placement for the Food Pantry and they may have found a new location. The students took a project upon themselves to do something. Selectman Dash has office hours and he moves his location for those hours around to be convenient for the community. Students are welcome to approach Selectmen with ideas or questions.

**(Question)** Troupe 304: How does the town government fit into the other governments? How do they coordinate?

**(Answer)** Selectman Dash: There are 3 levels of government: federal, executive, and judicial. State governments operate similarly with a governor, state legislature and state courts, and municipal government like a mayor. The BOS all act as part of that municipal government like they are each  $\frac{1}{3}$  of a mayor. Instead of legislature there's town meeting and Town's don't have courts. There are bodies that are judicial-ish in certain areas like the Board of Health or Zoning Board will make certain decisions, but we don't have criminal court or anything. The different levels are parallel and structured similarly, but the federal government can set laws that bind what the state and local government can do. We can do what we want within the parameters of what that law is. There's a push and pull between how far states and local government can go outside of what the federal government does and that's what the courts are for. The Federal Courts and ultimately the Supreme Court has the final say.

Vice Chair Paolillo added that we do have a state representative that represents our town named Senator Brownsberger. We also have a state representative named Dave Rogers and we interact with them for matters like budget and we interact with them on that level. Selectman Dash said that we also have representatives at the federal level like Congresswoman Katherine Clark, Senator Ed Markey and Elizabeth Warren.

**(Question)** Chair Williams: What can you say about the supremacy clause in the Constitution?

**(Answer)** Selectman Dash: There are somethings that the upper levels of government can have us do and there are certain things that we can do beyond it. Often times you can require more. If there is a law about carbon emissions a state can require that cars emit even less carbon than the federal requirement. You can't have more emissions than what the federal limit says, but you can have much less and require much less on a state level. You can require it to be better, but not worse and sometimes it operates the other way. Then these things end up as a big fight. It's a fairly complicated question.

(Answer) Chair Williams: It's federal, state, and local. The Constitution has a clause in it called the supremacy clause which says that if it relates to the federal government then they are in charge. This is adjudicated by the Supreme Court, but the voters are still in charge.

(Answer) Vice Chair Paolillo: One of the things that's so rewarding about it is that we can have more of an impact on the residents of Belmont perhaps more than the state or the federal. I think at the local level you can do that more. We work for the people.

**7:40 P.M. Discussion and Vote on Board/Committee/Commission Meeting Rules  
Selectman Dash - UPDATED**

(Comment) Selectman Dash: Chair Williams found a loophole about who can call a meeting.

(Comment) Chair Williams: I did not find a loophole. It was permitted and I chose to do it. That is not a loophole. I'm not going to allow it to be mischaracterized.

(Comment) Selectman Dash: I drafted a rule that would prevent that from happening. I tied it to Robert's Rules of Order. Thank you for the clarification. Robert's Rule of Order say that meetings are called by the Chair and that special meetings are either called by the Chair or the majority of the committee and that would resolve ambiguity. A special meeting would only be for 1 agenda item. Committees can email the Chair and say that they want to have a separate meeting around a particular issue. The Chair would then be obligated to meet with the committee.

(Question) Vice Chair Paolillo: I'm fine with the rule. Agenda items are fine through email?

(Answer) Counsel Pickering-Cook: The boards can communicate with staff and amongst each other about the administrative matters with respect to meeting so putting agenda items on, dates, times, and locations of meetings. That communication can occur amongst board members.

(Comment) Vice Chair Paolillo: So this is a policy. It's not binding per se.

(Comment) Selectman Dash: It would be binding if we pass it.

(Question) Chair Williams: We can bind the Planning Board?

(Answer) Selectman Dash: Yes, all committees, commissions, and boards in the town.

(Question) Vice Chair Paolillo: Do other towns have these kinds of policies?

(Answer) Counsel Pickering-Cook: The other towns that I deal with follow the standard practice of Chair along with staff to coordinate and call the meetings. I've never seen it done before without ensuring that a quorum where the rest of the board can attend. I'm not aware of any of our other towns that have specific policies. Some towns may have a bylaw that lays it out in each of the separate border commission sections that say who can call on any particular border commission who can call a meeting. I have not seen a town-wide policy like this before.

(Comment) Selectman Dash: I just didn't want to end up with another situation like the one that we are having.

(Comment) Vice Chair Paolillo: I'm fine with it.

Selectman Dash moved approval. Chair Williams did not call for a second.

Chair Williams recounted that the BOS have an agreement that any Selectman can put an agenda item on the agenda. As such Chair Williams added the topic of the enterprise funds to the agenda because it was a \$66 million issue. He did not receive support from Town Clerk or Town Counsel, but there is nothing to prevent adding the item to the agenda.

**(Answer)** Counsel Pickering-Cook: Correct. I believe George said that there is no state or local bylaw that prohibited it. I think he would chafe at the idea that because something isn't explicitly prohibited that it is thereby permitted.

**(Comment)** Chair Williams: This thereby leads to the question of judgement. I consider this to be a very important item. If you don't have a meeting you can't put your item on the agenda. I chose to do it. I don't support this because I think it's something that should be addressed by town meeting and bylaw. I don't think protocol should set the precedence. If you think about what could have happened is the Chair does have the right to call the meeting or not. If you decided that you don't want to discuss this OPEB item that Chair Williams really wants to discuss but I can't know why he doesn't want to discuss it then you could have decided not to call the meeting. If Vice Chair Paolillo agreed not to call the meeting then there wouldn't have been a meeting. I'm not in favor of it.

**(Comment)** Selectman Dash: I think we do need this rule. I don't think this needs to go to town meeting. We didn't go to town meeting to set the other Selectman rules or the rules as to how process and procedure works with committees. I didn't think this was a huge deal. I thought it was the rule anyway.

**(Comment)** Chair Williams: What's important is that it is not the rule. I took a chance because I thought it was important which is consistent with the idea of putting topics on the agenda if there is a meeting. I'm okay if the change needs to be made but I don't think it should be made over this event.

**(Question)** Selectman Dash: Does he have to permit a second?

**(Answer)** Counsel Pickering-Cook: I have never seen it not done.

Selectman Dash's motion was still on the table. Chair Williams permitted a second. Vice Chair Paolillo seconded the motion. Selectmen Dash and Vice Chair Paolillo voted in favor of the motion. Chair Williams voted in opposition of the motion. (9:22 PM)

#### **7:50 P.M. Enterprise Fund/OPEB Discussion and vote (Ms. Riley)**

##### **Chair Williams**

Ms. Riley, Mr. Jones Chair of the committee that is studying OPEB, and Maria Makar-Limanov Finance Manager of Belmont Light were present.

Chair Williams explained that they were gathered to discuss whether the board would vote to allow the enterprise funds to fund their own OPEB obligations which would switch the funding of those obligations at the enterprise funds from free cash to fee-based funding.

#### **2017 evaluation report (handouts/PowerPoint)**

- Page 8 (breaks down if we were funding OPEB which is primarily healthcare by department it would tell you what the cost would be to fund it)
  - We aren't looking at the town, Public Safety, School

- Focusing on the light, water, and sewer
- Evaluation showed that liability went down from \$200 million to \$93 million
  - Of these liabilities \$4 million for the Light Department, a little under \$2 million for the water department, and a little over \$1 million for the sewer department (total town liabilities)
  - A small amount of assets were allocated to each entity based on free cash
    - To fund the unfunded liability over 30 years in addition to making the payment on unfunded liability a payment has to be made to the current benefits being earned which is normal cost
      - normal cost line = line 6
      - payment on unfunded liability = line 9
      - total funding cost = line 12 (\$354,000 for light; \$129,000 for water; \$73,000 for sewer)
- We are already paying benefits payments so line 12 is a total
  - Subtract projected benefits payment which is projected amount that current retirees are expected to use in benefits (Pay-as-you-go)
    - We are currently funding OPEB on a Pay-as-you-go basis
      - We are paying \$4.2 million per year making OPEB payments for current retiree
      - We are not presently funding the unfunded portion for future benefits
    - To fund the obligation it would be the different between the funding amount and Pay-as-you-go benefit is the additional contribution we need to make
      - \$213,000 for light, \$35,000 for water, \$41,000 for sewer
- Funding policy funding (Page 10, column 5)
  - Current policy calls for a calculation based on free cash not of the cost of the unfunded liability or recommended contribution
    - \$250,000 per year through 2029 which is the end of the pension funding policy
    - \$12 million then shifted over to OPEB which pays off by 2041 because liability was reduced
      - when we had a \$200 million liability it would never had paid off
- 4 alternative ways to pay down the unfunded liability
  - Assumed 2018 would continue at current policy of \$250,000
  - Assumed 2019 would be \$850,000 (\$350,000 from enterprise funds, \$500,000 from the town)
    1. Alternative 1: If we pay \$2 million increasing by \$400,000 each year then by 2030 the amortization is reduced by \$6 million
    2. Alternative 2: If we pay \$2 million increase at a slower escalation rate and extend payment through 2044 this would keep the \$6 million reduction
    3. Alternative 3: If we put away \$1 million and extend the payment to 2047 we could reduce the required payment to \$6 million
    4. Alternative 4: (\$4.5 million) straight line amortization of our new obligation

- Agreeing to let enterprise funds to make this payment from their fees the amortization requirement on a proforma basis will be reduced from \$12 million to \$6 million
  - Column 5: 11 years at \$12 million
  - We would reduce the required payment by  $6 \times 11 = \$66$  million
  - This could happen at the same time if the high school is approved
  - This would contribute \$6 million in cash flow to the high school project because the \$12 million will already be in the town's projections since we are making the payments to the pension fund

Vice Chair Paolillo noted that the most direct impact on the unfunded liability was through planned design changes, and healthcare changes which have been a constant course of action. He recalled that the BOS assumed that once the pension resources were fully funded in 2029 they would turn to the OPEB liability which as an unfunded liability seems more like an actuarial estimate rather than a hard liability. There is no mandate in state law to fund it. As long the town is paying by Pay-as-you-go then the town is paying for the benefits for retirees. Vice Chair Paolillo was in favor of having extra money to compound, but was not certain that an additional \$600,000 could be allocated unless a substantial amount of funds were set aside. The town isn't flush with cash and there are significant deficits in the next fiscal years therefore

Ms. Riley explained the plans that were discussed were alternative cash flows to get the liabilities fully funded by putting in modest amounts sooner than later which accelerates the funding and alleviates future funding stress. The number that we are discussing are relatively small.

**(Question)** Vice Chair Paolillo: What impact does it have to put another \$45,000 in for water?

**(Answer)** Administrator Garvin: I met with the Water Advisory Committee last week. We talked about what the town was looking for and we ran the numbers. If we used the numbers that are reflected for their contribution then it's a minimal impact if any.

**(Question)** Vice Chair Paolillo: Minimal impact to its budget and all that we need to do with those enterprise funds?

**(Answer)** Administrator Garvin: Yes. They can still do all of it.

**(Comment)** Vice Chair Paolillo: If even putting in \$75,000 would relieve some stress then I would seriously consider doing it. Light is a little more than I might consider at this point.

Chair Jones weighed in stating that the board studying OPEB has not come to any conclusions yet. Mr. Jones did pose the question to the committee. Since the liability is below \$100 million and the town could pay it off in 2041, but is not a legal obligation what are the policy questions that need to be considered when we look at the issue of should we reduce the unfunded liability further? Mr. Jones has turned this question over to Jeff Lubien and Tim Luehrman our economics people. They will report back to Mr. Jones and the committee will also discuss possible healthcare changes before reporting back to the BOS.

Manager Makar-Limanov said that the Light Department collects OPEB obligations through its rate so they can fund the liability. It is part of their cost of doing business so it is

recognized in their financial statement and its part of a rate base. The latest rate study that the Light Department performed was in 2015. The Light Department takes the actuary reports and looks at the Light Department's portion of the OPEB obligation and that is what they accrue on their books.

**(Comment)** Chair Williams: The Light Department was using the prior OPEB reports so now they are using the current one. Because they are a standalone company that is how they need to operate. They cannot have free cash floating around. It's an option for the town but not for the Light Department from an accounting perspective. We are going to do the rate-based.

**(Question)** Vice Chair Paolillo: Where are you currently putting the additional amount?

**(Answer)** Manager Makar-Limanov: In December 2016 we also talked about the funds collected for OPEB purposes. There was a transfer which the Light Board voted on so we moved \$3.5 million to our depreciation construction funds. We are just holding, but not restricting the funds.

**(Comment)** Selectman Dash: The water & sewer is too little in my mind to bother with. As Mr. Jones said we aren't legally required to fund OPEB, but we are legally required to pay the pension which has been and will continue to be our priority through 2029. The plan we have is sound. I'd like to do things on a more expedited basis. I know we could save money in the long run especially if we are building the library and the police station, but everything today would be cheaper than doing it tomorrow. We can't however do everything today so some things will need to get done tomorrow and it will cost more because we don't have the money today. There are things we have to do now and there may be things we want to do, but can't. We have to do the pension. The high school is coming up on the ballot, we have MSBA deadlines that we have to meet. There are a lot of things that we legally have to do so I would prioritize those things that we legally have to do instead of those things that we don't legally have to do. It is an idea with merit, but with the Light Department holding the money we have maximum flexibility. We have budget issues coming up. We have the Collins Center reviewing town finances and making financial projections. We have a General Manager for the Light Department coming up in the next month. I would hate to restrict the new General Manager of the Light Department in a month or two. The same with the Collins Center since the report will be ready in a month or so. This jumps out of order in my mind. It won't take a year because we have things happening in a month or two, but I don't want to do this now and then have our hands tied if the Collins Center and the General Manager have other ideas and we have already committed to something. It's an accounting issue and we are in the middle of flux in terms of financial planning going into the future. Why would we get the grant to hire the Collins Center to do financial planning if we were just going to do it ourselves?

**(Comment)** Chair Williams: Mr. Jones mentioned in the meeting that we had with the OPEB Committee and your charge was to figure out what the liability is and the results are historic. You said you were going to start to focus on the benefits which is what we expected you to do. I said I was going to work with Ms. Riley to explore restructuring repayment to lower our liability which I've done. The 3 of us are in charge of the financial strategy of the town. We are on point tonight. We have an opportunity on a proforma basis to reduce the liability by 50% which to me is a logical conclusion to the work that we have done. The



water, sewer, and light company can afford the contribution. The Light Department is actually collecting the funds. I voted against transferring the funds to the capital stabilization fund for the same reason that I felt those funds needed to be allocated to OPEB because they have been collected. I'm proposing that we make an incremental contribution to cut the future obligation in half. My sense of this is that they are unfunded mandates that were given to all towns in MA and all towns are handling it differently.

**(Question)** Vice Chair Paolillo: Is Wayland funding it?

**(Answer)** Chair Jones: They are not. A town administrator was putting in \$1 million per year to take care of the liability unbeknownst to the town. Once town meeting found out about it they fired the town administrator and I don't believe that they are contributing anything right now. Wellesley had a referendum and got a 10 year agreement to fund it at \$1 million a year. They tried to re up that same agreement and it failed for a referendum for an override. It varies.

**(Comment)** Chair Williams: No towns are fully funded now. Mr. Jones, in our meeting when we talked about Wayland they said that the town manager had been fired over this, but they were grateful that he had put the \$10 million in. They are the ones who went to a firm in CT to figure out what to do. It's our job to figure out what to do. When you think about unfunded liabilities like this how can the state come to a town and say you have to put this amount of money aside? How can they say that? We are concerned that when it's time to pay your pensions you aren't going to be in any condition to pay them so therefore put the money aside to make sure the payments take place. Then we turn to healthcare and say if we have people who work for us for 30 years we aren't sure that you are going to have the money to pay for the retiree healthcare. We aren't sure that you are going to have the money to do that so you have to put the money aside. How much money are we supposed to have set aside at the end of this? \$232 million.

**(Answer)** Ms. Riley: GSAB doesn't require the setting aside of assets. GSAB requires fully recognizing the unfunded liability on your financial statements. The setting aside of assets is entirely different.

**(Question)** Chair Williams: If you fully fund it how much money do you need to have in the bank to make these payments?

**(Answer)** Ms. Riley: Right now you would have to have \$97 million in the bank to be fully funded now and then you would just have to keep current with your normal costs of \$3-5 million depending on the benefits.

**(Comment)** Chair Williams: If we don't start doing this the liability grows to \$143 million. What we are doing by not funding it is issuing the town a debt equivalent of a bond every year because it adds to our liability.

**(Question)** Vice Chair Paolillo: If we are never ever required to fully fund this then we could continue to fund our Pay-as-you-go benefits forever?

**(Answer)** Ms. Riley: Yes.

**(Comment)** Selectman Dash: That's not even our plan today.

**(Comment)** Chair Williams: The reason that we are paying 10% of our real estate tax is because we didn't fund it in the past.



**(Question)** Vice Chair Paolillo: If we are never statutorily required to fund the unfunded liability then why would we?

**(Answer)** Ms. Riley: I hear that, but long term you should fund the obligation. Page 10 shows how those benefits payment increase. When you get this obligation fully funded you cost drops down to normal cost which is less than half of it. While there might be some room for benefit changes most programs have been squeezed dry. I don't think there is anything left to do on the design end of this. There is a reason to fund even if it isn't right now.

**(Question)** Selectman Dash: On page 10 of our current plan do you think that is a sound plan with our circumstances?

**(Answer)** Ms. Riley: When I look at that I think it's too bad you can't put a little more in to accelerate it instead of holding it flat through 2029. The fact that you are redirecting the pension funding and ultimately are fully funded in 24 year is great but your unfunded liability in column 8 is increasing through 2029. If you could put a little bit more into stabilize that increase and then pay it down at the end. I am a little reluctant about pushing out alternative 3 and extending it out to 2047. You have a lot of time between now and 2029 to see what the retirement system looks like then.

**(Comment)** Selectman Dash: That's my point.

**(Comment)** Vice Chair Paolillo: I'm open-minded about using the enterprise funds, but I'm willing to wait based on what Selectman Dash just said. If we are collecting it anyway I would like to know what the impact is to the Light Department operations if we redirect those resources. We can lay that out and get the Collins report. Then if we can put an additional \$400,000 away without an impact on water, sewer, and light than I'm willing to do that.

**(Comment)** Chair Williams: We have been working on this for 4 years so to bring new people in doesn't make sense to me. I don't need anyone else's opinion. We have this in front of me. I would ask you to consider water and sewer tonight.

**(Answer)** Vice Chair Paolillo: I'd rather wait. This idea to use enterprise funds has a lot of merit but I agree with Selectmen Dash. I'm willing to wait to consider it.

**(Comment)** Chair Jones: I think we will have a couple different points of view. We have some people who would like to see more added and some who would not.

**(Question)** Chair Jones: Water and sewer are both enterprise funds governed by Chapter 53.5 E. The enterprise funds are set up so that there is no cross-subsidy between general government and the operations that are operating separately. Is the transfer of this obligation which is subsidizing the rest of the town is that allowable under that chapter?

**(Answer)** Administrator Garvin: I'll find out.

**(Answer)** Vice Chair Paolillo: The way the calculation was done was that it was specific to those. Track the assets separately.

**(Comment)** Chair Williams: The answer is on this document. This is the use of free cash to pay for OPEB in 2015, 2016, 2017. You can see that water, sewer, and light are charged separately.

**(Comment)** Chair Jones: Light is not an enterprise fund it's a department that is setup separately.

**(Comment)** Chair Williams: It's reported as an enterprise fund on the town annual report.

**(Comment)** Vice Chair Paolillo: If that is an issue we can set up separately for each of these funds. We would set up an OPEB account at the water, sewer, and light departments.

**(Comment)** Ms. Riley: It might just be a paper allocation. We could address that.

Geoff Lubien of the OPEB Committee appearing as a Town Meeting Member of Precinct 7 was present.

Precinct 7 Member Lubien reiterated Ms. Riley's sentiment that whatever can be put away is important because it's all about compounding. Lubien doesn't look at the issue in terms of funding or not funding. They do have a plan to fund the OPEB, but it's risky because all of a sudden one year all of this money is going to come out of the pension and go into OPEB. There might be competing priorities that we don't even know about yet. Therefore it's about mitigating risk against that current policy and it's a signal for rating agencies. If we fund it at the end the amount that we have to pay comes down a lot. It frees up a lot of cash. If we can do a little more on compounding that would be helpful.

**(Question)** Chair Williams: If the board decides to do the enterprise funds is there time after the Collins Center who hopefully has some experience to make recommendations to get it into the FY19 budget or not?

**(Answer)** Vice Chair Paolillo: Depends. We could certainly do the Light Department because they are on the calendar year but if we decide to do this I can see us moving in that direction. If we miss FY19 it's not that big of an issue because we can create a policy going forward.

**(Comment)** Chair Williams: You need town meeting approval.

**(Comment)** Selectman Dash: There might be a fall town meeting anyway.

**(Comment)** Ms. Riley: I know in Wellesley they have different schedules for the Light Department and they are scheduled to fund their OPEB over a really short period of time depending on the amount of cash that they have available. That makes the whole town's financial a little better too.

**(Comment)** Vice Chair Paolillo: Could you run numbers based on what an additional contribution would be instead of using round numbers?

**(Comment)** Ms. Riley: Sure.

Selectman Dash moved to adjourn the Light Board. Chair Williams seconded. The BOS voted in favor of the motion. (8:50 PM)

## **8:15 P.M. Reconsideration of Marijuana Vote**

### **Chair Williams**

Nina Pickering-Cook of the Town Counsel Office, and Ellen O'Brien-Cushman Town Clerk were present.

Chair Williams recapped that the BOS said that they would revisit this topic when the state issued their guidelines on March 15th. Then the BOS would hear those guidelines and decide what to do. The BOS have the Town Administrator's report on the docket but had run out of time at a previous meeting. The state issued the guidelines ahead of March 15th but we haven't had time to discuss them and then we received a citizen's petition.

Administrator Garvin summarized that since the previous meeting the Cannabis Control Commission finalized some regulations. They tentatively decided on some regulations like the home delivery and other uses like social use establishments like cannabis cafes have been held off for discussion at another date. Many of the town's aren't sure what is going to happen with those two items. There was an all opt-out citizen's petition that was received and certified today by the town clerk's office so we will have a special town meeting within the annual town meeting.

**(Question)** Vice Chair Paolillo: It has to be a general referendum though?

**(Answer)** Selectman Dash: Correct: There has to be an actual vote at town meeting.

**(Question)** Vice Chair Paolillo: Ultimately the BOS will have to decide?

**(Answer)** Administrator Garvin: The way that it has been explained to me is that if the ballot goes before town meeting, because it has to be exact in wording, if the election votes one way and town meeting votes another way then the towns have had to go back and fix it so to have the town meeting approve language that goes on the ballot makes the process cleaner.

**(Comment)** Selectman Dash: Correct: It's still up to the Selectmen. It's not up to town meeting to opt out.

**(Comment)** Administrator Garvin: Correct.

**(Question)** Vice Chair Paolillo: BOS then have to decide to make a ballot question?

**(Answer)** Administrator Garvin: Correct.

**(Question)** Chair Williams: Have to decide?

**(Answer)** Vice Chair Paolillo: Right we aren't required to.

**(Answer)** Selectman Dash: Town meeting can vote but they don't put it on the ballot.

**(Answer)** Administrator Garvin: BOS call the election.

**(Question)** Vice Chair Paolillo: If we wanted to opt out we would have to put a ballot question then both town meeting and the residents have to opt out?

**(Answer)** Counsel Pickering-Cook: If Belmont was a town that vote yes on question 4, which it was, then you do need both a town meeting vote which should be a bylaw as well as a ballot question.

**(Comment)** Selectman Dash: Right but what is also on the warrant is to extend the moratorium to December 31st. If we extend to December 31st then it's kind of moot anyway.

Administrator Garvin reviewed the warrant aloud: On this day March 26th 2018 we hereby certify 231 signatures of registered Belmont voters have been certified on the citizen's petition submitted March 26th 2018 at 3:26 PM by Pam Eager to amend the general bylaws adding section 60-107 prohibiting all types of marijuana establishments as defined by Massachusetts General Law Chapter 94G section 1 provided that however a registered marijuana dispensary shall not be deemed to be a marijuana establishment. The attached is the language established for the article as submitted. Ellen provided names but not the actual wording.

**(Comment)** Chair Williams: With 200+ signatures of registered voters those citizens can require the BOS to call a town meeting within 60 days.

**(Answer)** Counsel Pickering-Cook: That requires the BOS to have the special meeting but the BOS are not obligated to put the question on the ballot but the citizens can call the special town meeting.

**(Question)** Chair Williams: Who calls the special town meeting?

**(Answer)** Counsel Pickering-Cook: It depends on the duration of time for town meeting. I'd rather be looking at the statutes before answer this question on the spot, but if the town clerk knows then...

**(Answer)** Clerk O'Brien-Cushman: The statute is 39 - 10 that states that 45 days from today the town meeting has to have happened.

**(Question)** Chair Williams: Who is responsible for calling the town meeting?

**(Answer)** Clerk O'Brien-Cushman: The BOS on a warrant, but you are compelled to do so. 45 days is the most which brings us to May 10th which aligns with our annual town meeting. You have a few choices that have already been set aside: 2, 7, and 9 of May although Mike may not want it on the first night of town meeting. You don't have to decide that tonight. You need to give town meeting members and the public at least 14 days notice which means you have to decide by April 26 and hold the meeting at the latest by May 10th.

**(Question)** Chair Williams: This is a majority vote by town meeting?

**(Answer)** Counsel Pickering-Cook: For a general bylaw yes it is.

**(Question)** Chair Williams: If there is a 51% vote to do this then what happens next?

**(Answer)** Counsel Pickering-Cook: The BOS then determine whether to put it forth on the election ballot.

**(Question)** Chair Williams: So then it's up to the 3 BOS to decide what to do?

**(Answer)** Counsel Pickering-Cook: The 3 Selectmen.

**(Comment)** Chair Williams: a lot of people didn't feel that the November 16th ballot did that.

**(Comment)** Counsel Pickering-Cook: If you were a "No" vote it would not have to go back to the ballot. Town meeting would do it.

**(Comment)** Vice Chair Paolillo: I'm very much against home delivery and social use establishments.

**(Comment)** Vice Chair Paolillo: We put an article in the warrant which I think the right thing to do is to extend the moratorium to the end of the calendar year to get as much input as possible from the residents to the Planning Board about where this establishment, if there was to be one, would be placed.

**(Comment)** Chair Williams: They voted to abandon that determination and voted to extend the moratorium which we agreed to as well.

**(Comment)** Administrator Garvin: Their plan is to work on the zoning bylaw to bring to the fall town meeting.

**(Question)** Selectman Dash: If town meeting votes to not opt-out then what would happen?

**(Answer)** Counsel Pickering-Cook: The town can regulate in that manner. The BOS are not obligated to do anything. The ballot question alone would be effective.

**(Question)** Selectman Dash: If town voted to not opt-out therefore defeating the citizen's petition would we even be able to put it on the ballot for opt-out?

**(Answer)** Council Pickering-Cook: If you put it on the ballot that would not be enough to opt-out.

**(Comment)** Vice Chair Paolillo: It would still have to go back to town meeting.

**(Answer)** Counsel Pickering-Cook: You always need both.

**(Comment)** Selectman Dash: If the town votes to defeat the citizen's petition then we are basically done with the issue.

**(Comment)** Chair Williams: No that is not what she is saying. You can have a vote and then it would have to go to town meeting.

**(Comment)** Selectman Dash: But town meeting will have already voted. I don't see the point.

**(Answer)** Counsel Pickering-Cook: That's a procedural issue for the BOS to figure out.

**(Question)** Vice Chair Paolillo: If there was going to be an applicant they have to hold community outreach means in the proposed host community within 6 months of the application to the Cannabis Control Commission which will be taking applications as of April 1 and to have a completed and community agreement with the municipality prior to applying to the CCC for a license. How does that work?

**(Answer)** Counsel Pickering-Cook: They can't get to the state licensing level without coming to the town and going through the process with any town. Any town that they want to locate in they need to have community meetings and then they need to enter into a host community agreement. That agreement is a contract.

**(Question)** Vice Chair Paolillo: Who enters in that agreement?

**(Answer)** Counsel Pickering-Cook: Whoever in your municipality can enter into contracts so I would assume it would be the BOS.

**(Question)** Vice Chair Paolillo: So if we don't enter into a host community agreement with someone that we don't want to agree to then they cannot apply for a license?

**(Answer)** Counsel Pickering-Cook: That might be one gift that the Cannabis Control Commission gave to the municipalities. It's done by regulation here it isn't in the statute.

David Alper Member of the Board of Health (BOH) was present.

Member Alper confirmed that in addition to the host agreement there is an additional 3% that goes directly to the town coffers and that's a 5 year agreement that does not need to be renewed. An hour ago the BOH passed regulations for adult use of marijuana for the town so we will be protected. If it is opted out then it will just sit there and no one uses it. The minimum age for purchase in Belmont will be 25.

Vice Chair Paolillo summarized that the BOS have every opportunity through the host agreement and there will only be one establishment that can be regulated if there ever is a retail establishment in town. We sponsored 2 articles the moratorium and then the 3% that will be voted on.

**(Question)** Vice Chair Paolillo: I'm very much against home-delivery. If the CCC decides that is the direction that they would like to go in do we need to go into an opt out vote?

(Answer) Counsel Pickering-Cook: If you wanted to ban certain types of establishments, a partial ban, then you would need to go through the whole process of an opt-out. There are many Selectmen all over the state that are having this same issue.

(Comment) Clerk O'Brien-Cushman: Town meeting can amend the special article that has been put forth. They can amend it. So just because it goes in as a full opt-out doesn't mean it comes out as a full opt-out.

(Question) Chair Williams: Doesn't the Moderator control that?

(Answer) Clerk O'Brien-Cushman: No. Someone can file an amendment ahead and that requires 1 signature from 1 town meeting member. The amendment is voted on first and if that is voted down then it goes to the original article for vote. There can only be 2 amendments.

(Question) Chair Williams: If Cambridge does not have an opt out and they have home delivery can they deliver to Belmont?

(Answer) Counsel Pickering-Cook: I don't know.

#### **8:25 P.M. EXECUTIVE SESSION**

To conduct strategy sessions in preparation for negotiations with union personnel or to conduct collective bargaining sessions or contract negotiations with union personnel; International Association of Firefighters, Local 1637 for the period July 1, 2017 thru June 30, 2020

Vice Chair Paolillo motioned to move to executive session. BOS voted in favor of the motion. (09:24 PM)

**8:35 P.M.** Vote to approve the collective bargaining agreement between the Town of Belmont and the International Association of Firefighters, Local 1637 for the period July 1, 2017 thru June 30, 2020

BOS returned from executive session. (09:41 PM)

Jessica Porter Human Resources Director for the town, Shawna Walsh of Human Resources Generalist, Chief David Frizzell, and Assistant Chief Wayne Haley were present.

Director Porter presented the successors agreement over the 3 year period from July 1st 2017 to June 30th, 2020. The agreement covers 54 total members and represents a cumulative increase of 7.01% over the 3 years. Key highlights of the agreement are COLA increases of 1.25% in the 1st year, 2% in year 2, 2% in year 3. Addition of a senior member step as well as a consolidation of all of the adolescent EMT stipends paid to the members. Slight changes to education incentive, longevity payments, and some other small stipends in the contract. Implemented an early retirement notification article which will assist town will filling vacancies as members retire from the town. The firefighters union has ratified the agreement. Hoping to get the BOS votes on the agreement.

Vice Chair Paolillo moved to approve the collective bargaining agreement between the Town of Belmont and the International Association of Firefighters, Local 1637 for the period July 1, 2017 thru June 30, 2020. Selectmen Dash seconded. The BOS voted in favor of the motion. (9:42 PM)

## 8:40 P.M. Library Budget Discussion

Peter Struzziero, Director of the Belmont Public Library, Gail Mann and Mary Sterns  
Members of the Board of Library Trustees were present.

### Budget documents

- Usage highlights
  - 558,000 items were borrowed from the library
  - ranked #4 for circulation per open hours out of approximately 375 public libraries
    - 11th best circulation in the Commonwealth which includes comparison to the large cities
  - 1,168 people signed up for library cards
    - 63% of Belmont residents have library cards
  - 14% increase in electronic media
  - 20,000 people attended 811 meetings
  - 18,198 children, teens, and adults attended 618 concerts, storytimes, book clubs, and other library programs
- Non-salary increases
  - 2.58% increase
- Supplemental request
  - Extend children's room hours to include Thursday evenings
    - Present hours are 9AM to 9PM Monday-Thursday
    - Present children's room hours 9AM to 6PM Mon-Wed
      - Extending children's room hours to 6PM allows the library to see 5,000 more patrons
      - Hours on Thursday could enable another 1,500 patrons
  - Last year the library requested additional hours for 1 children's position
    - Increase part-time hours for 1 children's room staff from 15 to 19 hours
    - Enabled administrative person to do more administrative work
- Minimum wage library positions
  - Teens work at the library
    - These roles are paid the federal minimum wage (\$7.25/hour)
      - Not the state minimum wage (\$11/hour)
- MAR (Municipal Appropriation Requirement)
  - 5 ways that the library meets the state standard for accreditation
    1. Have a certain appropriation from the town of Belmont
    2. Meet all the minimum standards for free public library service
      - a. no charge for library services - equal access
      - b. remain open for an allotted number of hours each week
      - c. allow non-residents to borrow materials
      - d. expend a certain part of budget on materials based on population (books, movies, electronic resources)
      - e. Director with a MA in Library Science
  - Belmont library meets all the requirements



**(Question)** Administrator Garvin: Does the town pay minimum wage or doesn't it? Are there other jobs that pay minimum wage and are they paid state or federal minimum wage?

**(Answer)** Director Struzziero: The library is the only department in town that pays minimum wage.

**(Question)** Vice Chair Paolillo: Do we need all of the workers doing this work?

**(Answer)** Director Struzziero: We do. This would not mean that there are less workers. We would spend less money training and hiring people. There's constant turnover because any other job in town offers more than the library.

**(Comment)** Vice Chair Paolillo: We will seriously consider your supplemental request.

## **8:50 P.M. Health and Veterans Services Department Budget Discussion**

David Alper Member and Julie Lemay Vice Chair of the Belmont Board of Health, Wes Chin Health Director, Bob Upton Veteran Agent, Brie Gray Health Intern, were present.

### **Health Department supplemental budget requests**

1. \$10,000 line item to support addressing rodent issue in people's homes
  - a. There are still neighborhood complaints outside of Joey's Park
    - i. 2016 = 50 complaints
    - ii. 2017 = 123 complaints
    - iii. 2018 = 15 complaints
  - b. Food remnants are causing a rat infestation at Joey's Park
    - i. Considering carry-in, carry-out policy at the park
2. \$10,000 line item for public education
  - a. Eliminate food, water, shelter for rats to treat areas so they move on
  - b. Construction can disperse rat colonies
  - c. No more composting, investigate garages and reports from neighbors
  - d. Education by:
    - i. outreach, foot patrol, public meetings
    - ii. door hangers, rat mailings about sightings, brochures
    - iii. order letters
3. \$3,900 line item for decluttering and hoarding support groups
  - a. 2 support groups with Social Work who also works with the Council on Aging
    - i. 4 active reported cases of hoarding in Belmont
    - ii. support groups have been popular and productive
      1. community does want the help and they do come to the support groups
      2. boys at the Hill School have helped fill dumpsters
    - iii. received grant funding for 2 years unlikely to get a 3rd year of funding

### **Health Department 7.44% increase factors**

- weights and measures which are shared with Arlington
  - will be working with Brookline to keep costs in line with last year's cost
  - cost will decrease by about \$3,000
  - Arlington came in with a number of \$5,300

- Years passed they came in with a number of \$1,500

#### Veterans Services Department Budget Discussion

1. Increase in hours for Veterans Agent Upton
  - Position is 19 hours requesting increase to 24 hours
    - Over 600 veterans in Belmont (veterans, guards, reserves)
    - Belmont recognized as a purple heart community
- Agent Upton
  - created outreach at Beech Street Center
    - raising awareness (brochures to spread awareness, restoration of veterans memorial)
    - reaching out to the senior center
    - learning more about the elder community
  - reinvigorated getting the funds that the program deserves
  - organized events (veterans breakfasts, monthly veterans coffee hour)
  - VA benefits, entitlements, and assistance for veterans and their family members
  - current serving 7 chapter 115 recipients receiving income reimbursed at a rate of 75%
    - there are likely 21 chapter 115 eligible recipients in Belmont
      - federal and state benefits are available
      - might be able to start a 501 3c for veterans who don't qualify for federal or state aid but need support
    - the state could penalize Belmont and reduce the rate of return to 50% because Belmont doesn't have a full-time Veterans Service Officer
    - recognizing veterans and their service
  - Working with Housing Authority to support veterans housing
  - Needs:
    - healthcare
    - home-based care
    - VA benefits & VA compensation

#### 9:20 P.M. Carry In and Carry Out Signage Discussion with Department of Public Works and Board of Health

David Alper Member and Julie Lemay Vice Chair of the Belmont Board of Health, Wes Chin Health Director, and Jay Marcotte Director of Public Works were present.

#### Carry In and Carry Out

- Issue of illegal dumping
- Parks in disrepair because of trash
  - March 2017 - Issues with illegal dumping
  - October 2017 - Complaints about the rats
    - Joey's Park closed for 1 month for cleaning
    - Signage added to the park about fines for dumping and overflowing trash barrels

#### Powerpoint presentation

- Service Schedule for Public Barrels
- DPW Recommends a Carry-In Carry-Out Policy
- Pilot Program Plan

Vice Chair Paolillo moved to approve the Department of Public Works to execute a pilot project at Joey's Park and Town Field for a period of 3 months for Carry In and Carry Out policy. Selectman Dash seconded. The BOS voted in favor of the motion. (10:41 PM)

**9:50 P.M. Acceptance of Nan Donald's resignation from the Human Rights Commission**

Vice Chair Paolillo moved to accept Nan Donald's resignation from the Human Rights Commission. Selectman Dash seconded. The BOS voted in favor of the motion. Thank you for your 10 years of service. (10:47 PM)

**9:55 P.M. Appointment to the Meet Belmont Planning Committee**

Natalie Leino Member of the Meet Belmont Planning Committee was present.

- Ashley Lang and Lisa Scudder appointed to a 3 year term.
- Emily Farris and Valerie Krimpis appointed to a 2 year term.
- Natalie Leino and Brian Saber appointed to a 1 year term.
  - 4 new people who have not been on a board before

Selectman Dash moved to appoint Ashley Lang, Lisa Scudder, Emily Farris, Valerie Krimpis, Natalie Leino, and Brian Saber to the Meet Belmont Planning Committee. Vice Chair Paolillo seconded the motion. The BOS voted in favor of the motion. (10:45 PM)

**10:00 P.M. Clear Gov Presentation**

Brian Burdock President and Co-Founder of Clear Gov was present.

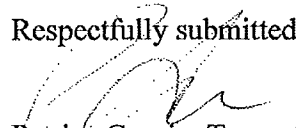
Clear Gov demo

- Met with Administrator Garvin to talk about the product
- Transparency and benchmarking platform to help local governments
- Offering a risk free trial or a 1 week free trial
- Method of introducing transparency

Vice Chair Paolillo moved to adjourn. Selectmen Dash seconded. The BOS voted in favor of the motion.

**Next Meeting:** Monday, April 2, 2018 7:00 PM Selectmen's Meeting Room – Town Hall

Respectfully submitted,

  
Patrice Garvin, Town Administrator