

DATE: March 14, 2022
TIME: 9:28 AM

Bylaw Review Committee

Meeting Minutes

February 2, 2022 7:30 PM by Zoom

Meeting convened at 7:31 PM once

Members attending: Charles Hamann, Rob Schafer, Joe Hicks, Bob McGaw, Ellen O'Brien Cushman

Others attending: Lisa Harrington, Chair of Historic District Commission, sponsor of Demolition Delay amendment

§60-320 Demolition Delay

Chair Hamann asked Chair Harrington to provide an overview of the objectives of the proposed amendment and present the recommended changes in the draft of the proposed amendment to §60-320 the committee was provided. Basically the amendment will remove the sunset provision and the section allowing for appeal that was appropriate when the original Bylaw and List were approved by Town Meeting. The list is now considered fixed and no further appeals are allowed so the language should be removed as not to mislead.

For newer members of Bylaw Review Lisa added that the Historic District Commission performed a comprehensive survey of over 800 significant buildings to ultimately derive the list of 180 properties and the Bylaw was voted in 2016. The Bylaw has not proved detrimental of value of a home on the list, it could increase the value.

Lisa additionally mentioned that the proposed amendment has been to several Town committees and any changes Bylaw Review suggests would likewise need approval of the Historic District Commission, and perhaps the Planning Board or others. Charles explained that if there are additional changes, they should return to Bylaw Review.

The specifics the Historic District has included:

1. Delete subsection B, Time Limitation and Subsection D (1) , including (a) through (f) in The list of buildings
2. Delete existing subsection C(1)
3. Renumber the subsections accordingly
4. Revise current Subsection B, Definitions, for the term LIST, by inserting after the phrase "March 30, 2017 " the words " modified and filed with the Town Clerk on April 3, 2018"

The Committee reviewed the detailed amendment provided and offered the following additional revisions:

- A. Revise current Subsection B, Definitions, for the term LIST, by inserting after the phrase “March 30, 2017 “ the words “ modified and filed with the Town Clerk on April 3, 2018” by adding after “2018”, the following “ subject to deletions pursuant to Subsection C(3)”. This corrects the internal reference and clarifies that the only changes to the list will be deletions as described.
- B. Correct the internal references to the to reflect the renumbering by changing the words “Subsection F“ to “Subsection E” in the new Subsection C(4) and Subsection D. Exclusions title language.

The Committee also recommended that the language given to Town Meeting Members, in the warrant or motion should include the final text, including the renumbering, ‘So that the final text of the Demolition Delay Bylaw is as follows: {here insert the final text including the new numbering] so that it’s easy for Town Meeting Members to understand the changes. The committee recommends providing the redline from the existing Bylaw.

In addition Charles reminded Lisa that the Bylaw Review Committee votes on the text of the proposed Bylaw and the motion that Town Meeting will vote, “ moved that General Bylaw §60-320 Demolition Delay, be amended by....”

The goal is to get the final wording into the original warrant documents in the right format so Town Meeting can act.

It was the general consensus that the Committee would be inclined to approve the text of the Demolition Delay Bylaw with the edits that the Committee has recommended,(detailed above). Lisa will take the recommended edits back to the Historic District Commission and Planning Board and return to Bylaw Review with any additional changes so the Committee can vote on form and placement both of the Bylaw and the motion for Town Meeting.

Comprehensive Capital Committee - Ellen informed the Committee members that she had neglected to inform Chris Doyle, the sponsor until today and that Chris could not attend. Chris then informed Ellen that there is a completely new version of the proposed Bylaw and that she and other sponsors have and will be continuing to visit with many other committees to develop a final amendment. Ellen reminded Christ that the Bylaw Review Committee is usually the last stop unless a sponsor is asking for help in drafting. Ellen told the Bylaw Review members that Chris et al will get back in touch with the new draft when ready. The Committee members thought it would be worthwhile to give some guiding comments on the current draft to Chris and the sponsors to assist as they continue to draft –

If it is true that the new committee will replace the Capital Budget Committee, the Bylaw Review Committee recommends that Comprehensive Capital Committee motion should use the same subsection as Capital Budget Committee, rename the section, repurpose the committee to expand responsibilities and enlarge the membership. When a Bylaw is

adopted at Town Meeting, there is an approval period with the Attorney General. During that period, the old Bylaw, the Capital Budget Committee, remains in force. Following the replacement strategy described, there will be no question that the work of the Capital Budget Committee has been taken on by the new committee.

Then it's clear to everyone that this committee replaces the Capital Budget Committee, carrying on their work and records, etc. The Bylaw Review Committee recommends the motion should include a phrase to describe the transition of records and ongoing projects from the Capital Budget Committee to the new committee.

- Several other items were discussed :
 - The draft version of the Bylaw that we discussed needs more precise and appropriate language. There are general terms included that should be clearer and some language clean-up is needed. Some examples cited:
 - The number of members of the committee is actually 11, not 9. In addition to the 4 ex-officio voting members, the 5 voters there are two ex-officio non-voting members.
 - Is the committee to review “spending” or “requests for appropriation” by Town Meeting
 - Re the Plan, do you mean capital projects involving the acquisition, construction, rehabilitation, or upgrade of long-lived physical, legal or technology assets, examples of which are buildings, land, easements, infrastructure, vehicles, and major pieces of equipment, as well as the acquisition—by purchase or taking—of land, easements, or other long-term interests in real estate.
 - What is “infrastructure” – should this be physical and technology assets
 - Is the proposed committee also involved in recommending the sale or decommissioning, removal of assets from the Town's inventory? Not mentioned – should it be?
 - Paragraph D the language is particularly awkward . Do you mean something like this: The Long-Term Capital Improvement Plan shall specify a five-year program of anticipated capital expenditures by fiscal year. The Plan shall provide details of recommended appropriations for the next fiscal year, taking into account the capital expenditure requests submitted by the Town Administrator and the Superintendent of Schools. The Long-Term Capital Improvement Plan shall also include the Committee's analysis and recommendations for the Town's anticipated capital improvement needs for a thirty-year period following the date of the Plan.?
 - Was not the “Belmont Comprehensive Financial Policies” a specific document that was voted by the Select Board and will be updated and voted by the Select Board as required? If so, it should be so referenced.

- Paragraph D When you say “guidelines”, don’t you mean a financial models to review, evaluate and rank each capital project request? And it seems you want the model for each project to include the full life-cycle costs and identify any funding source opportunities. The sentences that are in there don’t say that.
- The Committee will prepare the Long-Term Capital Improvement Plan, update it annually, AND also prepare a report on the Plan?

The Committee obviously did not vote on this draft of the proposed amendment to the General Bylaws but asked Ellen to transmit the comments to those working on the draft.

Other – Ellen mentioned to the Committee that she is preparing a short amendment that clarifies that membership on our Belmont Committees, Boards and Commissions is reserved for those who live in Town. Exceptions would be specified in the charge of the committee as voted/prepared by the appointing authority. This would be to clarify and provide that a Belmont resident who moves out of Town would be removed from a committee so that a new appointment could be made. No further discussion.

Minutes of 10-20-21 Meeting

On a motion by Ellen to approve the minutes of October 20, 2021, the committee members voted unanimously to approve: Charles Hamann - Yes , Rob Schafer- Yes, Joe Hicks - Yes, Bob McGaw - Yes, Ellen O'Brien Cushman – Yes

The meeting adjourned at 8:52 PM