

APPROVED
BOARD OF SELECTMEN
DATE: 12/16/19

Minutes
Town of Belmont
Select Board

2020 JAN 17 AM 9:37

Select Board Meeting Room
Monday, October 28, 2019
7:00pm

CALL TO ORDER:

A regular meeting of the Select Board was called to order at 7:00pm by Chair Tom Caputo. Vice Chair Adam Dash and Select Board member Roy Epstein were present. Town Administrator Patrice Garvin was present.

COMMUNITY ANNOUNCEMENTS:

- The following events to be held at the Beech Street Center:
 - Gothic Ghost Tales by Candlelight, October 29, 1:15-2:15pm.
 - Custom and Border Patrol Canine Program event Friday November 1, 1-2pm.
 - Thursday November 7 is the 5th Annual Veterans Breakfast, 9-10:30am.
 - State Representative Rogers Office Hours, November 12, 9:30-10:30am (held second Tuesday of each month); State Senator Will Brownsberger Office Hours, November 15, 10-11am (held every third Friday of the month).
 - Veterans' Coffee Hour, Friday November 15, 10:30-11:30am; meet Bob Upton, socialize and learn more about benefits.

QUESTIONS/COMMENTS FROM TOWN RESIDENTS:

[There were none.]

ACTION BY CONSENT:

Discussion on forming a Website Committee

Paul Roberts (Chair, Information Technology Advisory Committee (ITAC)) joined the meeting. Caputo reviewed that the question had been to put ITAC on how best to address challenges with usability and other issues related to the Town's website.

Roberts reported from the survey on 21st Century Government which showed a vast majority of committee members (90%) felt the public used the website to interact with their committees. His view was to conduct a holistic revamp of the website, taking into account both Town and public side users, versus superficial sprucing it up. Roberts further noted there may be desirable features of the website that have simply not been 'turned on' as of yet, i.e. the current platform may be able to meet the needs.

The Board agreed with Roberts that a broader committee (i.e. not subcommittee of ITAC) should be established for the website revamp; that it be temporary; and that ITAC should move forward with drafting a charge.

Vote to approve request from Belmont Lion's Club for parking exclusion for their Annual Christmas Tree and Wreath Sale

Albert Murphy (President, Belmont Lions Club) was present. The Lions' Club has been holding the Christmas Tree and Wreath sale since 1957. In addition to the parking exclusion for the Christmas Sale, a request had also been added to for parking exclusions during events to be held in the spring.

Motion: To approve the request from the Belmont Lions Club for a parking exclusion in front of the Belmont Lions Club house at 1 Common Street, from Saturday November 30, 2019 to Tuesday December 24, 2019, for the Annual Christmas Tree and Wreath Sale, and to grant permission to use the War Memorial Delta across the street for tree storage and sale; to approve a parking exclusion in front of the Belmont Lions Club house for the Friends of Belmont Softball Mother's Day Flower Sale, Friday May 8, 2020 through Sunday May 10, 2020; to approve a parking exclusion in front of the Belmont Lions Club house for the Belmont Garden Club's Annual Perennial Plant Sale, Saturday May 16, 2020. (Vote passed 3-0)

Public hearing – Extenet Systems, Inc. Grant of Location Request to construct a small wireless facility – 223 Channing Road

George Hall (Town Counsel) was present. Craig Spinale (Assistant GM, Belmont Light) was present. Colin Robinson and Marty Cohen (Network Building Consulting) were present representing Extenet.

Robinson gave an overview of the application: Seeking to locate a small wireless facility on behalf of AT&T, to provide a boost in data capacity to the surrounding neighborhood. This was the second application submitted by Extenet - the previous one had been withdrawn, and the new application sought to comply with the new regulations established by the Board.

The proposal included replacing an existing Belmont Light pole with a new pole having added equipment (an omni antenna and side-mounted radio); the work would also require trenching for a fiber connection to the node. Robinson stated the locations had been changed from the previous application; this was subsequently corrected by Dash who noted the 223 Channing Rd. location was the same as the previous application; Robinson then clarified that requests for alternate location had been evaluated by AT&T engineers and it was determined that 223 Channing was the only viable location.

The Board raised a series of concerns regarding the application:

- Still unclear why other locations would not be functional, though they may be less convenient to install, e.g. on MBTA right-of-way, another location had also been proposed along Concord Ave.
- Application was not complete. The Board had developed an application form and several items were missing. A key missing item was signoff from Belmont Light in the form of a pole attachment agreement; apparently discussions were still ongoing to reach an agreement. The Board did not want to set a bad precedent by accepting an incomplete application.
- Question over who owns the new pole once installed? Spinale said the intention was for Belmont Light to own the pole.
- Unclear whether the 60 day shot clock was running since the application was incomplete. Robinson and Cohen were proceeding under the assumption the shot clock was running.
- Dash mentioned there were several recent court cases that may have implications on whether consideration of health impacts could be taken into account. Hall said the Telecommunications

Act of 1996 does not allow municipalities to regulate based on health effects, however he would look further into the cases.

[Caputo opened the hearing for public comment.]

- *Andrew Wall (223 Channing Road)*: Concern with having the facility so close to the neighborhood due to potential impact on kids, as well as not being able to consider/discuss possible health impacts. Given the small radius of the devices, expect that many more such applications will be coming – the Board should consider the precedent being set. Prefer to have the facility away from the neighborhood, e.g. along the MBTA right-of-way.
- *Cosmo Caterino (241 Channing Road)*: Jury is still out on health effects – if it is possible to keep away from the kids and neighborhood this should be a priority.
- *Karl Dzierzeski (74 Statler Road)*: Worked for Raytheon, familiar with this type of technology – weaponized type of microwave, impacts electrical systems in the body. Why take the chance putting in the neighborhood? There are more than enough WiFi connections available.
- *Courtney Sturgeon (409 Common Street)*: No evidence yet that these facilities are safe. As property owners, have a stake in maintaining property values – these devices are ugly and potentially hazardous. Should put the brakes on the 5G rollout until more evidence/study of the impacts.
- *Brenda Dzierzeski*: Should investigate whether there is a way to get around the government regulating ability to discuss potential health impacts – ridiculous that the Board can't consider this aspect.
- *Pam Kinsinger*: Have been going through online 4G summit, will sift through and pass on any relevant information to the Board. Issue needs more education: some countries (e.g. Sweden) have banned 5G; FCC has done no safety testing on 5G.

[Close public comment.]

Hall advised the Board to request from Extenet a written statement that outlined a proposed timeline in which Extenet would supplement the existing application with missing components, and that formally requested a continuation of the hearing to a later date, still within the 60 day shot clock. (Hall did not concede the shot clock was running, but advised to proceed as if it were.) If the supplemental materials were not provided by the applicant, as per the written statement, this could be grounds for denial of the application. The Extenet representatives agreed to these terms and there was mutual agreement to continue the hearing at the Select Board's meeting on November 18, 2019.

Motion: To continue the Public Hearing regarding Extenet Systems, Inc. Grant of Location Request to construct a small wireless facility at 223 Channing Road to November 18, 2019. (Vote passed 3-0)

Public hearing – Extenet Systems, Inc. Grant of Location Request to construct a small wireless facility – 19 Moore Street

Lauren Meier (Co-chair, Historic District Commission HDC)) was present. She confirmed that the HDC had received an incomplete application (missing the pole attachment agreement with Belmont Light); a completed application was required prior to scheduling a public hearing of the HDC which was necessary for granting a historical certificate. There was agreement with the Extenet representatives to proceed

along similar lines as the 223 Channing Road application, but allow for additional time for the HDC to conduct its hearing and take a vote on whether to grant the certificate.

Motion: To continue the Public Hearing regarding Extenet Systems, Inc. Grant of Location Request to construct a small wireless facility at 19 Moore Street to December 2, 2019. (Vote passed 3-0)

[Caputo noted the public record would officially be left open during the period of continuation for the two public hearings.]

Discussion of presentation for Special Town Meeting (STM) Article 6, Non-binding Citizens' Petition "to Protect the Health Benefits of Belmont Town Employees"

George Hall (Town Counsel) and Jessica Porter (Director, HR) joined the meeting. Caputo had worked with Garvin and Porter to draft the presentation, intended to provide context to Town Meeting Members regarding the Board's decision to enter into health insurance plan design negotiations. The purpose of the present discussion was to get feedback on the draft from the other Select Board members; and, to consult with Town Counsel Hall on the limits of discussion, both presently and for Special Town Meeting, as the Town was currently in the process of negotiations.

Hall summarized his recommendations of what was appropriate to discuss in relation to Article 6: description of the process; statutory framework; history of Town's contribution to health insurance; Board's initial proposal for health plan design changes which triggered the negotiation process under the relevant laws (MGL Chapter 32B Sections 21-23). Hall thought it would be inappropriate to discuss anything beyond the original proposal at this time.

Hall then gave an overview of the statutory framework/history behind MGL Chapter 32B, Sections 21-23, passed in 2011. The legislation arose as a way to stall municipalities from making sharp reductions to their health insurance contribution splits (percentage covered by the Town vs employees); it allowed the executive branch (i.e. Board of Selectmen for Belmont) to enter into negotiations to change the elements of plan design such as copays, deductibles, out-of-pocket maximums, etc., without having to enter into a full collective bargaining process. There were limitations to the changes that could be proposed, as the plan had to be at least as generous as the State GIC insurance plan; municipalities also had the option at the time to simply join the GIC plan.

Epstein provided a marked up version of the slides with his comments; Dash also provided comments on the structure of the presentation. Garvin would attempt to incorporate the feedback and produce another draft.

Discussion and possible vote on Amendment and Relocation of Sewer Easement with Belmont Hill School

Hall remained to discuss the easement. The Board proposed some changes to the current draft of the easement: include a specification that costs were to be paid by Belmont Hill School; include reference to the three part test for relocating an easement; attempt to remove clause 4a) – if not possible, clarify that it applies to any future work. Hall would make the changes and send a red-lined version to Belmont Hill.

Approve contract for Bituminous Concrete Permanent Patching Trench and Gutter Repair to N. Sacca & Sons, Inc. in the amount of \$198,000

Jay Marcotte (Director, DPW) explained this was the annual asphalt contract. DPW had solicited eight vendors to provide bids back in April; ultimately only two bids were received, with N. Sacca having the low bid. The price of \$33/square yard had been roughly the same going back to 2017.

Motion: To award the Bituminous Concrete Permanent Patching Trench and Gutter Repair contract to N. Sacca & Sons, Inc. in the amount of \$198,000. (Vote passed 3-0)

Free Cash discussion

One of the articles on the Warrant for upcoming Special Town Meeting was to authorize the Board to move money from Free Cash to the General Stabilization Fund (GSF). To be determined was the amount to be transferred, which would be specified in the motion for the Article. Caputo said the Financial Task Force II had discussed the matter at its last meeting on Friday, but no consensus had been reached on a recommendation as to the amount.

Caputo requested time for a follow-up discussion with Town Treasurer Carman; Garvin was also interested in having the Warrant Committee weigh in at its upcoming meeting on Wednesday.

Vote to approve request from the Belmont Center Business Association (BCBA) to host the "Holiday Celebration/Tree Lighting Ceremony" on Thursday December 5, 2019 from 5:45pm-8:30pm

Motion: To approve the request as stated above. (Vote passed 3-0)

Discussion and possible appointments to the Youth Commission

There were currently two vacancies to fill. Youth Commission Chair Alper had requested two adults be appointed. Dash proposed Maria Turreilles (psychology and social justice background) and Andrew Mountford (Executive Director of Belmont After School Enrichment Collaborative).

Motion: To appoint Maria Turreilles to the Youth Commission for a term expiring in 2020; to appoint Andrew Mountford to the Youth Commission for a term expiring in 2021. (Vote passed 3-0)

Adopt charge of the Long Term Capital Planning Committee (LTCPC)

Dash reported out from the Capital Budget Committee (CBC) that concerns had been raised about the roles of the CBC and LTCPC having overlap, and whether the committees should just be merged into one. He proposed a joint meeting of the Select Board and CBC to clear up these issues before adopting the charge. Caputo reviewed efforts made by the Financial Task Force II to include the CBC in development of the charge, but ultimately agreed a joint meeting makes sense if there were still unresolved questions. Epstein was also supportive of a joint meeting.

TOWN ADMINISTRATORS REPORT:

Garvin reviewed the Town Administrator's Report:

- Town had received a Notice of Intent for establishment of a retail marijuana outlet in the South Pleasant Street District. Next step involved negotiating a host agreement with the applicants.

- Garvin reviewed upcoming holiday hours for Town Hall and requested formal approval to close early on December 24.
 - *Motion: To allow Town offices to be closed at noon on Tuesday December 24, 2019. (Vote passed 3-0)*
- Received funding from the state: \$100k towards installation of traffic signals at Lexington-Sycamore; \$50k for mold mitigation at the old Municipal Light building; \$80k for tree work. An unexpected supplemental appropriation (\$40k) had also come through and Garvin was looking into possibly using the money for a school security item.

SELECT BOARD COMMITTEE LIAISON REPORTS:

Dash had reported from the CBC already; Epstein said the Community Path Project Committee was continuing its work, no specific update.

APPROVAL OF MEETING MINUTES:

- *September 23, 2019, Executive Session:*

Motion: To approve the September 23, 2019, Executive Session minutes. (Vote passed 3-0)

- *September 24, 2019, Regular Session:*

Motion: To approve the September 24, 2019, Regular Session minutes. (Vote passed 3-0)

- *October 7, 2019, Executive Session:*

Motion: To approve the October 7, 2019, Executive Session minutes. (Vote passed 3-0)

- *October 7, 2019, Regular Session:*

Motion: To approve the October 7, 2019, Regular Session minutes. (Vote passed 3-0)

- *October 21, 2019, Executive Session:*

Motion: To approve the October 21, 2019, Executive Session minutes. (Vote passed 3-0)

- *October 21, 2019, Regular Session:* Dash clarified a statement about using Free Cash to pay for the fire pumper truck, related to Article 2 for upcoming Special Town Meeting.

Motion: To approve the October 21, 2019, Regular Session minutes, as amended. (Vote passed 3-0)

ADJOURNMENT:

Motion: To adjourn at 9:45pm. (Vote passed 3-0)


 Respectfully Submitted,
 PATRICE GARVIN, Town Administrator