

Minutes
Town of Belmont

Approved by
the Select Board on:

June 1, 2020

Select Board

Virtual meeting on Zoom

Monday, May 11, 2020

7:00pm

CALL TO ORDER:

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

Epstein made a general procedural comment: As Chair, it was his intention to keep meetings short and to finish on time. To accomplish this, going forward he would limit the number of items on the agenda as much as possible and provide time limits to speakers. Public comment would be at the Chair's discretion for items on the agenda not requiring a vote by the Select Board.

COMMUNITY ANNOUNCEMENTS:

- *Belmont Together Live* community event to be held virtually on May 16. Deadline for uploading videos/photos is 5pm tomorrow. Visit www.belmonthelps.org for more information.
- An online caregiver drop-in group organized by the Beech Street Center being held weekly on Thursdays at 2pm.
- Beech Street Center has organized a quarantine art challenge – send in your pictures recreating famous works of art.
- Applications being accepted for a vacant seat on the Belmont School Committee. Contact School Committee Chair Andrea Prestwich for more information, aprestwich@belmont.k12.ma.us

QUESTIONS/COMMENTS FROM TOWN RESIDENTS:

Epstein read a statement he had prepared concerning plans for the upcoming graduation at Belmont High School.

ACTION BY CONSENT:

COVID-19 update and discussion

Wes Chin (Director, Belmont Health Department) summarized the recent order from Governor Baker, which had gone into effect as of May 6. In effect, the order extended Belmont's Temporary Emergency Order #1 to cover outdoor public spaces; it also included language requiring use of face coverings when utilizing taxis/rideshares/public transit, including associated waiting areas. A penalty of \$300 for non-compliance could be enforced either by State or Local authorities. Chin reported that a recent survey of Belmont food establishments had shown positive results in terms of compliance with use of face coverings.

With respect to the situation at Rock Meadow:

- Suzanne Trasavage (Belmont's Animal Control Officer) reported an improved situation with off-leash dogs – she had observed only two such cases over the weekend. She had also observed high compliance with use of face coverings. The parking situation had improved; new signage to help direct parking would be in place soon.
- Jamie MacIsaac (Chief, Belmont Police Department) added that parking on Mill Street had not interfered with the flow of traffic. Any additional restrictions near Rock Meadow would have an impact on the surrounding neighborhoods; MacIsaac thought it was ultimately a question for the Conservation Commission, whether further parking restrictions were necessary.

The Board then took up discussion of a proposed Temporary Emergency Order #2. The primary intent of the Order was to bring Belmont's regulations in line with the State, as discussed above by Chin. To that end, the Order proposed mandatory face coverings in outdoor settings where social distancing could not be observed, and instituted a fine for non-compliance. Chin relayed that Belmont Board of Health Chair Stephen Fiore was in support of the Order.

There was discussion about whether Order #2 was clear enough about the prescription for use of face coverings in outdoor settings. A slight amendment was proposed in order to clarify/highlight the relation to Gov. Baker's order.

Motion: To adopt Temporary Emergency Regulation #2 as presented in the Select Board's packet, with the amendment that the fifth 'Whereas' clause, read only: "Whereas, on May 1, 2020, Governor Baker issued COVID-19 Order No. 31 entitled "Order Requiring Face Coverings In Public Places Where Social Distancing Is Not Possible;"

- Epstein noted for the public that, while advisable, the regulation does not mandate face coverings in outdoor situation where six feet of social distancing can be observed.
- (Vote passed 3-0; roll-call vote: Roy Epstein, Tom Caputo, Adam Dash)

Caputo noted that neighboring communities such as Cambridge and Somerville had rolled out extensive testing programs, and asked if Belmont would consider such a program. Chin explained that the program in Cambridge/Somerville was facilitated by their relationship with the Community Health Alliance, resources not available in Belmont. Thus far, the Department of Public Health was recommending community-wide testing only for densely populated communities, as there were not enough tests available. Chin said he could potentially look into arranging a partnership with a private entity.

Discussion and vote to approve "HOPE" kiosk request and placement of kiosk

A request had originally been made to set up the kiosk on the green in Belmont Center. However, this had been changed, and the applicant was now requesting to place it in the doorway of her business (Westcott Mercantile). The Board was supportive, so long as the kiosk was not considered to be a sign (for which relevant bylaws would apply) and it did not encroach significantly on the public way. Glenn Clancy (Director, Community Development) expressed that he did not have any concerns about either of these items.

Motion: To allow Mary Westcott to place the "HOPE" kiosk display in the entrance way of Westcott Mercantile, as long as there is de minimis encroachment on the public way. (Vote passed 3-0; roll-call vote: Roy Epstein, Tom Caputo, Adam Dash)

Discussion of Water and Sewer Rates

Jay Marcotte (Director, DPW) gave a presentation summarizing his recommendations on Water and Sewer rates for FY21. MWRA assessments had come in favorably, and based on this he was recommending a 0% increase to both Water and Sewer rates. Planned initiatives for the coming year included: 6970 linear feet of water main replacement; \$600k transfer to Community Development (increased from usual \$500k) for pavement management, related to large culvert project, joint with Waltham, on Trapelo Rd.; completion of smart meter installation (99% complete) and move to monthly billing.

Items raised by the Board:

- Epstein asked about projections for retained earnings under the proposed 0% increases. Marcotte was expecting a surplus of \$500k by the end of the year to be put towards retained earnings. In terms of the following year, Marcotte saw potential pressure on the Sewer budget, as rates had remained unchanged for three years.
- Given the loss of paving funds in the FY21 Town budget, what is the plan for reconstruction necessitated by water main replacement projects? Marcotte said a temporary patch would be used together with more frequent monitoring by the Highway Department; hopefully catch up with permanent reconstruction the following year.
- Epstein asked about a letter concerning a loan deferral option on money borrowed through the MWRA for Water/Sewer projects. Marcotte advised against such an approach and to use retained earnings instead.
- Caputo inquired about the financial impact from switching to monthly billing. Marcotte explained that the transition would actually increase costs, however this was accounted for in the budget; it was the most requested change from customers. Switching customers to paperless billing would introduce savings.
- Illicit discharge detection portion of the budget: Clancy reported progress putting together a contract for continued sampling using MWRA grant loan funding – on track to meet EPA obligations by 2022.
- Dash asked about use of funds from community relief package; Marcotte said they would go directly into retained earnings.

Motion: To accept the Water and Sewer proposed 0% increase to rates for FY21 as presented by DPW Director Marcotte. (Vote passed 3-0; roll-call vote: Roy Epstein, Tom Caputo, Adam Dash)

Marijuana submissions: MINT, 768 Pleasant St.; Cal Verde, 1010 Pleasant St.

Epstein first provided some context for the discussion: Belmont had voted in 2018 to allow retail marijuana establishments; Town Meeting had subsequently voted to limit the number of establishments in Town to two, with zoning permissible only on South Pleasant Street. Using models from other towns in the State, Community Development had set forth submission criteria for potential applicants. The Town was currently entertaining two submissions, for which Community Development had verified that the criteria had been met. The purpose of the current discussion was for the Board to determine whether to

proceed to the next step, i.e. with negotiations of the Community Host Agreement. Ultimately the Planning Board would vet the actual merits of the business proposals.

Steve Tomaselo (Cal Verde) was present to represent the submission from Cal Verde; no representative from MINT was present. The Board was favorably impressed with the comprehensive nature of the submission from Cal Verde, and asked several follow-up clarifying questions of Tomaselo. Dash noted outstanding questions regarding the MINT application, which he preferred to have answered prior to voting to proceed with Community Host Agreement negotiations. The Board decided to delay a formal vote to its meeting in a week's time, with the understanding that MINT would be present or otherwise respond to outstanding questions; Tomaselo agreed to accommodate this timeline so that both submissions could enter negotiations at the same time.

There was discussion of who was to be responsible for negotiating the Community Host Agreement with Cal Verde and MINT. Garvin proposed that one member of the Board join with herself, Director of Community Development Clancy and Town Counsel; Dash agreed to participate as the Board's representative.

Annual Town Meeting Warrant Discussion

Garvin provided an update on efforts to proceed with a remote Town Meeting planned for June 16, 2020. Legislation to allow towns to conduct a remote Town Meeting had passed the Senate, but was stalled in the House. Epstein added that the current thinking was *not* to proceed with a live Town Meeting in a physical location, however it was in the Town's best interest to pass the FY21 budget prior to the end of FY20. Therefore, he had explored contingency options that would allow for a remote Town Meeting to be held in lieu of the legislation passing.

Specifically, Epstein proposed that the Board vote to authorize himself, together with Town Administrator Garvin and Town Counsel, to seek legal recourse to hold the remote Town Meeting in the form of an emergency court order. Given that several other towns were in a similar situation (and had also supported the legislative action), it was hoped that the burden of legal costs could be shared with them. Dash preferred to have more information on the range of potential legal fees as well as likelihood of success; Town Clerk O'Brien Cushman stressed that time was running out, in terms of being able to organize logistics for a remote Town Meeting.

It was agreed to move ahead with pursuing further exploration of an emergency court order, with the understanding that the Town Administrator and Select Board Chair would exercise judgement with respect to potential costs and weighing the likelihood of success.

Motion: To authorize the Town Administrator and Select Board Chair to work with Town Counsel to investigate potential costs, likelihood of success and potential cost sharing with other towns, with the goal of pursuing an emergency court order to allow for holding a remote Annual Town Meeting in June, 2020. (Vote passed 3-0; roll-call vote: Roy Epstein, Tom Caputo, Adam Dash)

FY21 Budget update

Garvin reported on continued work to firm up the FY21 budget numbers – her team had settled on a conservative approach in assuming a 25% reduction to State Aid revenue. In addition to previously discussed proposed reductions, the budget now reflected preliminary proposals by the School

Department for additional reductions which brought the outstanding shortfall down to \$379k. Epstein said that a meeting with the School Committee and Superintendent Phelan was planned for later this week to finalize a strategy for closing the gap; following this, the final recommendations for the FY21 budget would be presented at the May 18 Select Board meeting, joint with the School Committee and Warrant Committee.

TOWN ADMINISTRATOR'S REPORT:

Garvin reviewed the Town Administrator's Report:

- Garvin wanted to initiate discussion with / seek feedback from the Board, on matters related to the upcoming Phase 1 reopening of the State that was scheduled for May 18. E.g., strategy for bringing back remote employees, opening Town parks/playgrounds, etc. The State had not given any direction aside from the indication that Phase 1 would go into effect on May 18. Ultimately, the Board advised to wait until further guidance was given, and take up the conversation again in a week's time.
- Bond call for the second round of borrowing for the High School project was this coming Thursday.
- The demographic impact study related to the proposed McLean Zone 3 development had been completed and would be presented at next week's meeting.

SELECT BOARD COMMITTEE LIAISON REPORTS:

- Dash: Recreation Commission would vote on a recommendation for the Underwood Pool at its meeting this coming Wednesday.
- Caputo: Upcoming series of meetings this week on Wednesday-Friday for the Middle and High School Building Committee to finalize documents establishing the guaranteed maximum price. Overage for the project running in the \$1-2m range, but have yet to tap into contingency funds. Topping-off ceremony to be held Friday at 11am.
- Epstein: Community Preservation Committee awaiting an imminent proposal from the Housing Trust on rental assistance program – would be included in Warrant for June 16 Town Meeting. Community Path Project Committee met this morning to recap meeting between Nitsch and MBTA; it appeared the MBTA would allow for only one certain type of construction method, which was relatively more costly. Upcoming meeting on Thursday with Nitsch to assess progress on the goal for 25% design.

APPROVAL OF MEETING MINUTES:

- *April 13, 2020 regular session:* Caputo corrected 'Belmont Savings Bank' to 'Belmont Savings Bank Foundation' in a motion to accept a donation.

Motion: To approve the April 13, 2020 regular session minutes, as amended. (Vote passed 3-0; roll-call vote: Roy Epstein, Tom Caputo, Adam Dash)

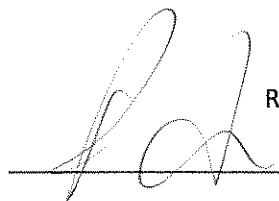
EXECUTIVE SESSION AND ADJOURNMENT:

The Board would go into Executive Session and adjourn directly from there.

Executive Session: To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the Chair so declares;
Public Safety.

Motion: To enter Executive Session as described above. (Vote passed 3-0; roll-call vote: Roy Epstein, Tom Caputo, Adam Dash)

[Public meeting concluded 9:26pm.]

 Respectfully Submitted,

PATRICE GARVIN, Town Administrator