

Approved by
the Select Board on:

5/12/2021

SELECT BOARD MEETING
APRIL 26, 2021
REMOTE MEETING
7:00 PM

RECEIVED
TOWN CLERK
BELMONT, MA

DATE: June 3, 2021
TIME: 9:54 AM

CALL TO ORDER

A meeting of the Select Board was called to order at 7:00 pm by Chair Adam Dash. Vice Chair Roy Epstein and Select Board member Mark Paolillo were present, along with Town Administrator Patrice Garvin, Assistant Town Administrator Jon Marshall, and Director of DPW Jay Marcotte.

COMMUNITY ANNOUNCEMENTS

- "Supporting LGBTQ Youth," sponsored by the First Church in Belmont, Belmont Human Rights Commission and Belmont Against Racism will be held on May 4th at 7 pm with Jeff Perrotti. Other events will be happening throughout May and June. Contact: Belmont Human Rights Commission.
- The Leonard St. one-lane closure for outdoor restaurants will be starting May 3, 2021.
- "Electrify your Home" will be held April 29th at 7 pm. This Zoom event will be hosted by the Energy Committee.
- "Roads to Housing Equity" will be held on April 29th at 7 pm.

QUESTIONS/COMMENTS FROM TOWN RESIDENTS

Angelo Firenze commented on Indigenous People's Day (Article 10). He feels there are inaccuracies and untruths in parts of the Article language. He doesn't agree with replacing Columbus Day with Indigenous People's Day. He thinks it would be better to dedicate another day to the celebration of Indigenous People's Day and retain the Columbus Day holiday. He encourages withdrawal of Article 10.

ACTION BY CONSENT

Proclamation in honor of Mary Ehler, Longtime Belmont Municipal employee.

Adam Dash read the proclamation. Mary worked for 24 years in Belmont and was very beloved by co-workers. The Select Board members expressed their condolences to Mary's family and friends. This proclamation will be read again at Town Meeting.

Proclamation in honor of lives lost to COVID-19

Adam Dash read the proclamation. For over a year, since the beginning of the pandemic, our community has made sacrifices to protect the lives of others. In Belmont, 80 lives have been lost to COVID. The Select Board joins with Town Meeting members and citizens in remembering all those who have been affected by COVID-19.

Motion was made to adopt the proclamations in honor of Mary Ehler and the proclamation for COVID-19 victims. Motion was approved by a vote of 3-0.

COVID Update

Wesley Chin reported that Belmont received approval to resume use of the Johnson and Johnson vaccine and are reactivating their homebound resident vaccinations. Residents should call the Health Department to get vaccinated at home.

- Chin said, thus far, they have vaccinated 48 homebound residents with the help of the Belmont Fire Department. 32% of Belmont residents from all age groups have been vaccinated; 55% have received at least one vaccine. 80% of over 75 age group have been vaccinated.

Vote to release the Select Board Executive Session minutes from February 8, 2021

Motion to release the Select Board executive session minutes dated February 8, 2021, that were approved by the Select Board on March 15, 2021. Motion approved by a vote of 2-0 (Paolillo abstained).

Review second and third Open Meeting Law (OML) complaints (Edward Davison) against the Belmont Select Board and approve responses from Town Counsel.

- Open Meeting Law complaint #2 claimed that Select Board minutes were not adopted within the required timeframe. Dash replied that the meetings notes were approved 5 days later due to the volume of meetings at that time. Approvals were backed up and the Select Board wanted to ensure accuracy. He also noted that all meetings are recorded on Zoom and available to the public. Dash said that this complaint was filed later than 30 days after alleged violation was known.
- Open Meeting Law complaint #3 was about the individual one-on-one meetings that the Select Board conducted with the final three candidates. Dash reported that each candidate was interviewed by one Select Board member at a time, and no cross discussion occurred by members of the Select Board. And during the public interview session, the Select Board mentioned that the private interviews had taken place. This complaint was not filed within 30 days of being known and we do not believe it was a violation of the Open Meeting Law. Dash reported that the Select Board will delegate the response letter to the Chair and Town Counsel along the lines just discussed.
- George Hall, Town Counsel, said the deadline for approval of meeting minutes is the later of 30 days or three meetings. The complaint is timely in that the meeting of February 8th was approved five days late. The Board had held 10 mtgs from Jan 21 to March 15, which is a large volume. This is subject to show of good cause which can be decided by the Attorney General. Board reviewed all of the minutes in time except for the one that was five days late. Also the violation was cured before complaint was filed. The Select Board should continue to approve minutes in a timely manner.
- Paolillo asked the consequences of violation of OML. Hall said the Attorney General has the discretion to ask people to comply and there is a wide array of responses. In this situation, by the time the complaint was filed, the Select Board was in compliance of releasing minutes.
- Epstein said he read the response by George Hall and he is in agreement. He notes that this is the third alleged violation of OML in this case. He feels the Select Board has done its utmost to comply with OML.
- Epstein asked Patrice Garvin the cost to the Town in responding to these alleged violations.

Garvin said anytime a complaint is made, the Town Counsel needs to be involved. The three complaints amounted to approximately \$4K in counsel time. The complaints involved 13 public record requests. She and other Town administrators have spent over 50 hours on these requests.

Motion made to approve the response prepared by George Hall, subject to any additional edits agreed appropriate. Motion approved by a vote of 3-0.

Continuation of Public Hearing on the Grant of Location Petition Request from Verizon for Job #1A4M8ED, Common Street

Continuation of prior hearing from two weeks ago that was tabled until tonight so a Verizon representative could be present.

Motion made to remove the public hearing from table. Motion approved by vote of 3-0.

- James Watt, subcontractor for Verizon spoke about the project. Six houses are qualified for Fios and copper pipe needs to be replaced with FIOS. Verizon will be paying for the Common St. installation and Verizon promises to protect the safety of the property and to restore to original condition. The plan is to install service from 30 to 60 Common St. Right now, they are focusing on 70 Common St. Four other houses need to be evaluated for upgrades.
- Jay Marcotte from DPW, did not have any issues with the request.
- Epstein asked the size of the area being impacted. The Verizon representative said it would entail 10 feet of sidewalk and two feet of street. If there is interest in upgrades to other houses, they would have to trench along private way. He said they may not need to come back, unless a breakout further down the street is required. If it is not possible to complete it all on the private way, then they may have to go back to petition for 30 and 40 Common St.

Motion made to approve request from Verizon for job number #1A4M8ED to place (1) 4-inch PVC conduit approximately 12 feet in north easterly direction from existing main conduit line which is located on the eastern side of Common St. Set point is +- 262 feet south easterly from existing manhole MH21-5. Motion was approved by vote of 3-0.

Public Comments:
[NONE].

Vote to approve request from NANCA Nature Club to operate a fundraiser on April 30, 2021 at the delta in front of the Peoples United Bank, 2 Leonard Street, for the purpose of raising funds to donate to different environmental causes.

- Alexander Van Hal, representative from NANCA, explained the request. NANCA is planning on setting up a small table on Friday April 30th from 4 to 6 pm to distribute candy bars for a donation to their organization.
- NANCA is an organization that supports the environment. All donations received will go to an environmental organization. Some organizations under consideration are: Team Trees, Plant a Tree, Earth for Life, and Armenia Tree project.
- Garvin said the Health Department has been involved to make sure the candy being distributed followed the COVID rules.

Motion made to approve the request from NANCA Nature Club to operate a fundraiser on Friday April 30, 2021 from 4 – 6 pm at the delta in front of People's Bank on Leonard St. for the purpose of fundraising for environmental causes. Motion was approved by a vote of 3-0.

Discussion of possible revenue opportunities by the Belmont Fire Department

- Chief DeStefano spoke about new opportunities. When he started his new job as Fire Chief, he started to look at ways the Fire Department could help to enhance revenue for the Town of Belmont to help out Town's financial situation.
- DeStefano outlined two potential revenue opportunities:
 1. Emergency medical services: reimbursement from services.
 - Routine Advanced Intervention (ALS) care provided by paramedics may use one to three of our fire companies working at the paramedic level. Incident value averages about 1800 responses per year. It costs over a million dollars to run rescue unit. The original model for reimbursements came online 10 years ago. Belmont's model for EMS billing results in less reimbursement than other towns. There are no longer billing codes for what we are billing out for and our reimbursement system could use updating.
 - Chief DeStefano is proposing a modern fee structure for: Basic Life Support (BLS), Routine Advanced Interventions (ALS) and Extreme Advanced Interventions (ALS2) emergency calls.
 - The numbers show that 34% of calls are covered by private insurance. With the new fee structure, the Town could collect \$914,615 per year, for an increase of \$251,000 from last year.
 - Dash asked why we can't get the collections to the million mark. Chief DeStefano said he doesn't want to charge more than nearby towns.
 - Epstein stated the annual cost of the ALS service should include the cost of the vehicle apportioned over its useful life, not the full cost of the vehicle.
 - Epstein asked if fees can be set to market rate or if they have to be cost justified? DeStefano said he would like to set them close to prevailing market and keep close to neighboring town's costs. But there are maximum limits from insurance and Medicare/Medicaid. DeStefano noted that not every call requires EMS or transport.
 2. Options for revenue enhancement recovery. Incident cost recovery.
 - DeStefano said we can recover costs for some incidents. This option intends to take advantage of coverage that already exists through insurance company premiums. It is not a direct bill process because the consumer already has paid.
 - The Fire Department would be contracting with a private company: Fire Recovery USA. We would be providing them with data we already have. This company works with 42 states.
 - Fire Recovery USA provided an estimated forecast for Belmont of potential revenue of ~\$51,000.
 - Bylaw update could allow recovery money for false alarms. Fees are small right now and not worth collecting. This type of program would be town administered.
 - Last year, Belmont had 215 malfunctions in commercial buildings (transmittal of alarm other than purpose) of fire alarm systems and based on this frequency, the Town could bring in revenue of about \$15K.

- Dash said this is the type of creative thinking that we need in Belmont. We should vote quickly once we get more concrete proposals.

Public Comments:

[NONE]

Review and approve enterprise fund policy regarding indirect costs

- Garvin said in 2018 when the Collins Center did their financial analysis of Belmont, they pointed out that indirect costs from water and sewer, were the same number every year. We discussed a formulaic proposal and got an indirect cost for revenue for 2020-21. However, auditors want to see a more concrete, codified policy put in place and approved by Select Board.
- Dash said having a written policy would be beneficial.
- Epstein asked about Table 9A. For FY22 where do the percentages come from under shared employees? Garvin explained that numbers come from discussions on the percentage of time spent by each department on water and sewer. This fluctuates, so it is a best guess by FTEs.
- Jay Marcotte said that an example of "Other Debt" was debt management related to departmental administration.
- Paolillo doesn't understand how they arrived at time analysis. Even though Select Board is not required to sign off on this policy, he thinks they should sign.
- Garvin said they used a model that assesses 5% administrative fees from the police department.
- Dash said we could adopt and change it later, we are never going to be exact. Paolillo said the approach used to arrive at figures should be stated in policy.
- Epstein asked if there is documentation for how they arrived at percentages? Garvin said she would try to provide more detail.

Discussion and possible vote to amend the Diversity Task Force charge and possible appointments

- Kim Haley-Jackson, Chair of Diversity Task Force, joined to talk about two additional seats to the Diversity Task Force. Task Force wants to add a representative from the Pan Asian Coalition and LGBTQ Alliance.
- Dash said we have to amend the charge of the task force and then go through prior applicants and see who we want to add.

Motion to amend charge to increase Diversity Task Force from 9 to 11 members, with one representative each from LGBTQ Alliance and Pan Asian Coalition. Motion was approved by vote of 3-0.

Candidates spoke about their interest:

Julie Wu (from Pan Asian Coalition)

Julie has attended the Diversity Task Force last meeting and she is interested in increasing diversity of town employees and schools.

Ellen Wolk (from LGBTQ Alliance)

Ellen has been involved in LGBTQ issues and is trained through state program and she is updated on laws.

Sharon Rich (from LGBTQ Alliance)

Sharon has been involved with LGBTQ group for a long time. She said she is interested, but thinks that Ellen would be a better representative. However, she is happy to be involved in future work.

Motion was made to fill the Pan Asian and LGBTQ Alliance seat on the Diversity Task Force. Motion was approved by vote of 3-0.

1. Motion was made to appoint Julie Wu to Diversity Task Force as the representative of Pan Asian Alliance. Motion was approved by vote of 3-0.

2. Motion was made to appoint Ellen Wolk to the Diversity Task Force as the representative of LGBTQ Alliance. Motion was approved by vote of 3-0.

Discussion and possible vote to amend the Structural Change Impact Group charge and possible appointments

This issue was discussed at the last Select Board meeting. At the last meeting, the Select Board decided that they wanted to add Brian Antonellis to the group. This item had to be added to tonight's agenda in order to make the change to the charge.

Motion made to increase the Structural Change Impact Group membership by one member to make it an 11-member body, including one additional Town resident. Motion was approved by vote of 3-0.

Motion made to appoint Brian Antonellis to the Structural Change Impact Group. Motion approved by vote of 3-0.

Review and discussion of Q3 Report

- Patrice Garvin wanted to explain the column in the report titled "FY23 Recap." The recap is submitted to the Department of Revenue annually in the Fall along with the projection for upcoming fiscal year. When this report was submitted at Annual Town meeting in June 2020, it included an estimate on the state aid amount for FY21.
- Property Tax, State Aid, Local Receipts and Town Revenue comprise the components of revenue for FY22. The State legislature level funded all municipalities, which created a \$3M difference between projected and actual revenue. Since actual State aid revenue must be reflected on recap, the Town had to rebalance the budget.

Revenue from Q3:

- In the Q3 report, the impact of the \$3M of state impact looks like an overcollection of local receipts. Garvin said that local receipts projections were lowered to reflect the increase of \$3M state aid. On the report, it looks like actual revenue exceeds projected revenue, but it doesn't mean that we are collecting more than last year.
- This Q3 report will be presented to the Warrant Committee this week. Garvin explained that we taxed to the levy, put in our state aid number and free cash, and the only place to reduce was in local receipts. The reason for this is that State aid numbers came out late.

Expenses from Q3:

- We are under our estimated expenditures from last year due to vacancies and turnover on salary lines due to COVID and uncertainty of override. Q3 expenses are only showing about 70% of where we should be because it only includes activity to March 2021.
- Garvin said she will put this spreadsheet online.

Discussion and possible vote on positions on Town Meeting Articles/Amendments

- Dash said all Articles were voted by Select Board except for Article 2. There are also three amendments to existing Articles that have to be approved.

Article 2: Municipal Light Board Change in Governance.

- The Select Board previously voted 2-1 with Adam Dash voting against. Dash was concerned that the change would interfere with the green focus and would cost the Town more money. Belmont is currently the top 10 of the green communities in Boston area.
- Epstein will do a presentation in favor of Article 2 and Dash will make a presentation against Article 2 at Town Meeting. The Select Board needs to vote on this Article tonight.

Motion made for favorable action on the Light Board Governance Article 2. Motion approved by vote of 2-1. Dash voted against.

- Epstein presented slides on the Light Board governance that he will be showing at Town Meeting.

Article 8: Amend 60-805 of the General Bylaws: Parking at Intersection and Enforcement

This Article has been withdrawn by petitioner.

Article 10: Resolution to establish Indigenous People's Day.

Epstein offered an amendment to this Article that was similar to language he suggested when the proposal was first presented. Similar proclamations have been adopted in other towns and each town has adopted different language. Epstein supports the proclamation as long as it includes acknowledgement of the origins of Columbus Day as a response to discrimination against Italian-Americans.

Dash thinks it's a non sequitur. The President has dedicated the month of October as Italian-American Heritage month so Italian Americans haven't been forgotten.

Paolillo said we need to make clear that we condemn racism. He said he has not made his mind up and he would like to do more research before he can vote on the amendments.

Public Comments about Article 10:

Stephanie Crement commented that Firenze's statements were not based on facts. She feels that having October dedicated to Italian Americans is enough. She feels that the best way to prevent division is to not embrace racist policies.

Alex Fick (one of the students who proposed the original Article) said he doesn't think switching to Indigenous People's Day would be marginalizing Italian Americans. He says that not every heritage has a holiday. The reason we need to do this is because Native Americans have been, and still are, marginalized.

Motion made for favorable action to amend Article 10 as proposed by Roy Epstein. Motion approved by vote of 2-1. Dash voted against.

Article 11: Resolution for Fossil Free New Construction

Article was changed to amend language due to passage of the bill at the State level.

Motion made to approve favorable action on amendment to Article 11. Motion was approved by vote of 3-0.

[Amendments close three days before each Town Meeting session. Citizen petitions will be on second night. May 3, May 5, May 10 and May 11 are scheduled Select Board meetings.]

Vote to approve the following Facilities contracts:

Contract Amendment #5 with Guardian Energy Management Solutions, Marlborough, MA, to remove and replace the second of two (2) boilers at the Butler Elementary School. Components include: Domestic Hot Water Installation in the amount of \$59,233.00 and Heating Hot Water Installation in the amount of \$80,849.00 for a contract amendment total of \$140,082.00.

Contract Amendment #6 with Guardian Energy Management Solutions, Marlborough, MA, to remove and replace the second of two (2) boilers at the Burbank Elementary School. Components include: Domestic Hot Water Installation in the amount of \$63,985.00 and Heating Hot water Installation in the amount of \$85,277 for a contract amendment total of \$149,262.00.

Jay Marcotte, Director of the DPW, explained that this is similar to the boiler replacements done at Winn Brook. He said the Town gets green community grant money for energy efficiency upgrades, but boiler replacements are not funded by grants. The work is slated to start on July 1, 2021. There is a need of \$118K for capital money. He said this job needs to get booked and in the queue. This is previously appropriated capital money from 2016. Savings will be significant once updated; about \$25K in energy savings over the three projects. Burbank and Butler requests will come before Capital Budget Committee Meeting.

Public Comments:

Phil Thayer

Have you considered heat pump alternates? He claims there are industrial grade air source heat pumps. Before we commit to another investment in fossil-based technology, could we look at air-based heat pumps before we make a decision? Marcotte said he will talk about this with the new Director of Facilities, Dave Blazon.

Bill Anderson

What are the total costs of all three projects? Marcotte said we are getting eight boilers in total. We will be reimbursed at \$4K per boiler by Mass Energy.

Motion to approve Contract Amendment #5 with Guardian Energy Management Solutions, Marlborough, MA, to remove and replace the second of two (2) boilers at the Butler Elementary School. Components include: Domestic Hot Water Installation in the amount of \$59,233.00 and Heating Hot Water Installation in the amount of \$80,849.00 for a contract amendment total of \$140,082.00. Motion approved by a vote of 3-0.

Motion made to approve Contract Amendment #6 with Guardian Energy Management Solutions, Marlborough, MA, to remove and replace the second of two (2) boilers at the Burbank Elementary School. Components include: Domestic Hot Water Installation in the amount of \$63,985.00 and Heating Hot water Installation in the amount of \$85,277 for a contract amendment total of \$149,262.00. Motion approved by a vote of 3-0.

Discussion and possible vote on Select Board meeting schedule from July 1, 2021 – December 31, 2021

Changes to schedule were made due to Light Board meetings.

Motion made to approve changes to the regular meeting schedule. Motion was approved by vote of 3-0.

- Paolillo asked about budget hearings. Dash said that all departments had presented their budget before Paolillo joined the board, the budget book has been online for a few months and public forums were held.
- Garvin said she is willing to bring to Select Board a completed budget that will go to Town Meeting. She would like to see some of the department heads be present at this meeting. The Financial Subcommittee to schools is meeting tomorrow morning. Garvin said we could invite Supt. Phelan to the May 17 meeting to discuss school department budget.

Vote to approve Renewal of Antique/Second Hands Goods Licenses:

- a. As Tyme Goes By, 97 Trapelo Rd.
- b. Dick's Place, 360 Trapelo Rd.
- c. BenchCraft Jewelers, 383 Trapelo Rd.
- d. All That Matters, 400 Trapelo Rd.
- e. Belmont Jewelry Place, 5 Williston Rd.
- f. Westcott Mercantile, 63 Leonard St.

- Jon Marshall said the paperwork is all in order for these licenses.

Motion made to renew licenses for the above establishments. Motion approved by vote of 3-0.

Vote to approve renewal of Junk License(s):

Sacca Junk, 51-53 Baker St. 16/P 9:10 PM

Motion made to renew junk license for Sacca Junk. Motion approved by vote of 3-0.

Vote to approve renewal of Taxi Cab License(s):

Yellow Cab of Belmont, 61 White St.

Motion was made to renew Taxi Cab license for Yellow Cab of Belmont. Motion was approved by vote of 3-0.

Vote to conditionally approve Renewal of Antique/Second Hands Goods Licenses for:

- a. The Blue Butterfly, 113 Trapelo Road
- b. Design Jewelry by GVS, 6 Trapelo Road

- Jon Marshall explained that the Town is waiting for full information and it should be received by end of week. Licenses are up at the end of April so there is a need for conditional approval.

Motion was made to conditionally approve renewal of antique second-hand licenses for The Blue Butterfly and Design Jewelry. Motion was approved by a vote of 3-0.

Motion was made to grant the Town Administrator the power to issue the licenses once documentation is provided. Motion was approved by vote of 3-0.

TOWN ADMINISTRATOR'S REPORT

Town Administrator's vacation through October 31, 2021

- Town Administrator, Patrice Garvin, wants to provide her vacation plans through October 31, 2021 and appoint an acting Town Administrator for that time. She explained that it's for the purpose of signing expense warrants. The understanding is that Jon Marshall would be appointed to step in for Patrice Garvin.

Motion was made to approve vacation for Town Administrator for the dates of: June 30 – July 5, August 4 – August 8, and October 4 – 8. Motion was approved by a vote of 3-0.

State supplemental requests

- A request list was submitted to Representative Rogers by Patrice Garvin.

The requests include the following items:

- Intersection design at Winter and Mill St. (\$200K)
- Mowing issues at Rock Drive (60K)
- Trees planting after storm damage (80K)
- BVO Veteran's Park maintenance (15K)
- Remote participation equipment (60K)

Special Town Meeting (STM) date

There may be need for special Town Meeting in Fall. She will be working with Town Moderator on that date.

Increase number of retail liquor licenses

This decision has to go through Town Meeting. We can add this as a placeholder for Special Town Meeting in Fall.

General Liability Insurance Update

This is insurance that relates to events in town. The Town is working to ensure that all proper insurance is gathered for Town events in the event of an accident.

LIAISON REPORTS

- The Capital Budget Committee had success in addressing some of the issues involving Wellington HVAC.
- There will be a Joint Select Board with Capital Budget Committee on Thursday. Need to have meeting about challenges they are facing to look at how discretionary budget is allocated and looking at debt over time.
- Structural Change Impact Group is actively working in three subgroups: outsourcing, revenue budget and town services and personal and compensation
- Financial Task Force 2 has meeting on Wednesday. Discussion is planned for recommendations to Select Board.

Council on Aging Board has meeting on Tuesday. Paolillo said he has not been removed from this Board. Dash said he has to resign and submit resignation letter to Town Clerk.

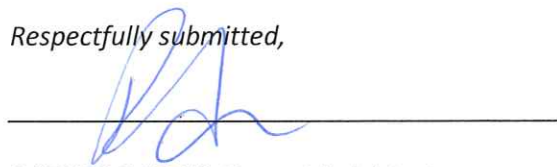
APPROVAL OF MEETING MINUTES

- a. April 5, 2021 - Regular Meeting
- b. April 7, 2021 – Reorganizational Meeting

*Motion made to approve April 5 meeting notes. Motion approved by vote of 2-0. Paolillo abstained.
Motion made to approve April 7 meeting minutes. Motion approved by vote of 3-0.*

Motion made to adjourn. Motion approved by vote of 3-0.

Respectfully submitted,



PATRICE GARVIN, Town Administrator

