



TOWN OF BELMONT
455 CONCORD AVENUE
BELMONT, MASSACHUSETTS
02478

MICHAEL J. WIDMER
TOWN MODERATOR

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October 3, 2022

By Hand

Mark Paolillo, Chair Belmont Select Board
455 Concord Avenue
Belmont, MA 02478

Re: 2022 Special Town Meeting – Request to Call Meeting to be Held by Remote Participation

Dear Mr. Paolillo and Members of the Select Board:

I am hereby requesting, in my capacity as Town Moderator, that the Select Board call for the November 29, 2022 Special Town Meeting to be held through remote participation because of the public health and safety risk presented by holding a physical meeting with 300 people. This letter is intended to conform to the requirements of Chapter 22 of the Acts of 2022, Section 26 and Chapter 107 of the Acts of 2022.

Such a meeting would be conducted using a combination of technologies, described in more detail below, that will allow Town Meeting Members (TMMs) to see and hear the Moderator and all other participants, to be recognized and address the meeting, and to vote securely. This combination of technologies will allow non-TMMs to see and hear the proceedings and, when authorized in advance by the Moderator, to address the meeting in the same manner as is the practice in Belmont. It will allow TMMs to signal the Moderator when they wish to address the pending question and be put in line to speak, as is customary at live Town Meetings, to determine whether a quorum is present, to raise a point of order where appropriate, and to determine whether their votes have been properly recorded. The technologies will allow interested members of the public to watch the meeting remotely for purposes of witnessing the meeting and it allows for the meeting to be recorded so that the proceedings can be heard and viewed at a later time. Lastly, our court reporter would be creating the word-by-word transcript as required by Belmont General Bylaw §20-210.

The combination of technology methods I am proposing includes the following:

- TMMs will attend the meeting and vote using “TurningPoint,” a secure online application operated by Turning Technologies, the same company that provides

Belmont Select Board
Request for the 2022 Annual Town Meeting by Remote Participation

the electronic voting system acquired by the Town and used at Town Meetings since 2014. Each TMM will be assigned unique login credentials to use the system. TMMs who are logged in through TurningPoint will be deemed present at the meeting and will be able to vote using its features. All votes will be recorded electronically and the vote of each TMM will be displayed on the screen so that each member can verify that his or her vote was correctly recorded, as a roll call vote.

- Active participation in the meeting will be conducted through “Zoom,” a proprietary video conferencing platform (<https://zoom.us/>). The Town currently has a license to conduct a Zoom meeting with up to 500 participants. This number is sufficient to accommodate the 288 TMMs from the Town’s 8 precincts, the at-large members, and town officials and staff, with more than sufficient additional capacity for additional speakers if necessary. All approved speakers and TMMs will be issued an invitation allowing them to log in to the meeting from a desktop or laptop computer, tablet or smartphone, or to call into the meeting with any telephone (audio only). For security and clarity of presentation, the screen and the audio will be controlled by Town staff acting under my direction, as is our custom. All speakers will be muted until recognized by the Moderator. TMMs may use the “raise hand” feature of the software to get in line to speak, and will be recognized in order, unless I choose to recognize a town official to answer a question or address a particular point. Any non –TMM who has made arrangements with me in advance of the meeting to speak can be recognized in a similar manner.
- Town officials and staff will participate by logging in to the Zoom meeting in the same manner.
- If a TMM has a point of order, it can be raised by using the “Q&A” feature, which will be monitored by one of my staff assistants so that any such point of order can be brought to my attention promptly. This same feature would allow a TMM who does not have a microphone to contribute to the meeting, as above, with a member of the staff reading the comments and questions submitted through the Q&A feature so that they may be entered into the record.
- The Zoom video and audio feed will be simultaneously broadcast by Belmont Media on local cable stations and by livestreaming on the internet. It will also be simultaneously recorded for future viewing. Any member of the public, whether or not a Belmont resident, will be able to view the proceeding live. TMMs may choose to listen to and view the proceedings in the same manner, but will not be considered present unless also logged in to TurningPoint.

With the assistance and cooperation of the Town Clerk’s office and the Town’s Information Technology Department, I have tested these platforms and am satisfied that they will allow the conduct of a Town Meeting that will function in substantially the same manner as a Town Meeting conducted in a physical location and in accordance with the operational and functional requirements set forth in Chapter 92. Furthermore, Belmont has held seventeen successful sessions of Annual and Special Town Meeting in 2020,

Belmont Select Board
Request for the 2022 Annual Town Meeting by Remote Participation

2021 and 2022 that were attended by between 250 and 260 Town Meeting Members, using the combination of technologies described in this letter.

We will continue to conduct testing of these platforms in addition to holding training sessions and a warrant briefing which we propose to hold in the same manner prior to Town Meeting. Those training sessions and tests will allow us to ensure that all TMMS have the training and equipment necessary to participate fully, and to determine whether any adjustments are needed to the process to make sure it runs as smoothly as possible. I hereby confirm that I have conferred with the Chair of the Belmont Disabilities Access Commission about accessibility to the Town Meeting.

I appreciate your consideration of this request. Please contact me if you have any questions.

Sincerely,

Michael J. Widmer
Town Moderator

cc: Patrice Garvin, Town Administrator (by email)
Ellen O'Brien Cushman, Town Clerk (by email)
George A. Hall, Jr., Town Counsel (by email)

INDEX OF WARRANT ARTICLES

Article 1: Reports 3
Article 2: Appropriation Belmont Library, Authorization to Borrow..... 3
Article 3: Amend General Bylaws: Leaf Blowers..... 3



**TOWN OF BELMONT
WARRANT FOR 2022 SPECIAL TOWN MEETING 1
NOVEMBER 29, 2022
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To any of the Constables of the Town of Belmont in said County:

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the Inhabitants of the Town of Belmont, qualified as the law requires to vote in elections and Town Affairs, to convene on **November 29, 2022 at 6:30 p.m.** by means of the audio/video conferencing platform described more particularly below, and to notify and warn the Town Meeting Members to convene by said method and act at said time on the Articles set forth on pages 2 through 6 of this Warrant.

The Town Meeting shall be held remotely by the means requested by the Moderator, as follows:

Interested members of the public may see and hear the proceedings by tuning in to the Belmont Media Center's live broadcast of the proceedings on Belmont cable television (Comcast channel 8, Verizon channel 28) or by live-streaming at www.belmontmedia.org.

Town Meeting Members will attend and vote by logging into a web page portal operated by the Town's electronic voting vendor with unique credentials that will be issued to each Town Meeting Member before the meeting.

Town Meeting Members and other participants approved by the Moderator who wish to address the meeting will participate in the meeting through the "Zoom" videoconferencing service. Login credentials will be provided to all Town Meeting Members. Registered voters who wish to address the meeting as approved by the Moderator may contact the Town Clerk's office for login credentials, 617-993-2603.

For more information, see the October 3, 2022 Moderator's letter to the Select Board appended to this Warrant as Appendix A.

ASSESSORS' RECORDS — The records of Belmont real estate maintained by the Board of Assessors. The Assessors' Records are hereby authorized to be used and relied on to determine lot size and classification of a Relevant Property for purposes of this Article.

COMBUSTION LEAF BLOWER — Any Leaf Blower powered in part by gasoline or oil.

ENFORCING PERSON — Any Town employee designated by the Select Board as an enforcing person.

LEAF BLOWER — Any powered machine used to blow leaves, dirt, and other debris by forced air for landscape maintenance, including, but not limited to, cleaning of downspouts and gutters.

PROPERTY MANAGER — Any person or entity in control of real property, including, but not limited to, a condominium association or a tenant in possession.

PROPERTY OWNER — The legal owner or owners of record of real property as listed by the real estate and probate records of Middlesex County.

RELEVANT PROPERTY — Any real property, as identified by map number, block number, and lot number, with a property type classification of 013 or 101 through 111, all as determined by the Assessors' Records. In addition, a Relevant Property may include a parcel of land containing units with zero lot size that have the same map number, block number, and lot number.

§ 60-1210. Limitations on Use.

- A. All lot sizes in this section shall be determined by the Assessors.
- B. Up to two Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size greater than zero and less than or equal to 14,000 square feet, or any Relevant Property of more than 14,000 and less than 24,000 square feet that abuts two or more Relevant Properties each of which has a lot size of greater than zero and less than or equal to 14,000 square feet.
- C. Up to three Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size of more than 14,000 square feet and less than 24,000 square feet that is not described in § 60-1210(B).
- D. Up to four Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size of 24,000 square feet or more.
- E. For Relevant Properties with a lot size of zero including condominium and cooperative units, the following limits shall apply:
 1. Up to two Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number that contains three or fewer units.
 2. Up to four Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number that contains four to six units.
 3. Up to eight Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number that contains seven or more units.
- F. Effective January 1, 2023, no Combustion Leaf Blower shall be operated by a commercial landscaper or other commercial entity on any Relevant Property between May 15 and September 30, inclusive.

- G. Effective January 1, 2023, the Town shall not purchase or acquire a Combustion Leaf Blower.
- H. Effective January 1, 2026, the use of Combustion Leaf Blowers in the Town is prohibited.
- I. Article 6 of Chapter 60 of the General Bylaws ("Noise") shall not apply to Leaf Blowers.
- J. Effective January 1, 2023, no Combustion Leaf Blower shall be operated on a Relevant Property between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and Saturday, and between the hours of 8:00 p.m. and 9:00 a.m. on Sunday or a legal holiday

§ 60-1215. Regulations and Administration.

- A. The Director of Public Works shall have the authority to promulgate regulations to implement the provisions of this Article, subject to the approval of the Select Board.
- B. The Director of Public Works shall have the authority to waive temporarily any of the limitations on the use of Leaf Blowers set forth in this Article in order to aid in emergency operations or clean-up associated with storms. The Director of Public Works shall make good faith efforts to notify the public of any such waiver, including by posting a notice prominently on the Town's website; however, the validity of the waiver shall not be affected by the adequacy of those efforts.
- C. The Town shall maintain publicly-available list(s) of Relevant Properties. The list(s) shall state which category described in § 60-1210 each Relevant Property falls into. A Property Owner of a Relevant Property or the Property Owner of an abutting Relevant Property thereto on the same street may request that the Select Board review whether such property has been correctly listed. The Select Board shall respond to this request within 30 days.
- D. The Town shall create and maintain an online application form for service providers to affirm their commitment to comply with the Leaf Blower provisions of this Article. A list of providers who have so affirmed shall be made available to the public on the Town's website.

§ 60-1220. Enforcement.

- A. "Enforcing Person" as used in this Article shall mean any Town employee designated by the Select Board as an enforcing person.
- B. Violations of this Article, or any rule or regulation adopted hereunder, shall be subject to the following penalties:
 - 1. For the first offense in any calendar year, a written warning will be issued to the Property Owner or Property Manager.
 - 2. For the second offense in the same calendar year, the penalty shall be \$100, and the penalty shall be \$300 for the third and each subsequent offense in the same calendar year.
 - 3. Penalties shall be cumulative and each day on which a violation occurs shall constitute a separate offense. If, after written notice of a violation has issued under § 60-1220(B)(2), another violation occurs the same day, that additional violation shall constitute a separate offense.

- C. An Enforcing Person taking cognizance of a violation subject to § 60-1220(B)(2) of this Article shall give the offending Property Owner or Property Manager a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provision of General Laws c. 40, § 21D. The provisions of § 21D are incorporated by this reference.
- D. Any Enforcing Person taking cognizance of a violation subject to § 60-1220(B) of this Article may give notice in writing to the Town Administrator's Office of the name of the service provider who was working on the Relevant Property. If the service provider appears on the list described in § 60-1215(D), the Select Board may remove the service provider from the list and give the service provider written notice of the removal. A service provider removed from the list may reapply for inclusion on the list in accordance with § 60-1215(D) after three months have elapsed since the date of its removal.

§ 60-1225. Severability.

The invalidity of any parts of this Article shall not affect the validity of the remaining parts.

This will establish an enforceable General Bylaw regarding the use of electric leaf blowers throughout Town.

Submitted by the Select Board

The Select Board will report on this Article.

Majority vote required for passage.



Given under our hands this 14th day of November, 2022.

BELMONT SELECT BOARD

Mark Paolillo, Chair

Adam Dash, Vice Chair

Roy Epstein, Member

A True Copy, Attest
Ellen O'Brien Ashman
Town Clerk of Belmont, MA

**Two Amendments to 2022-11-29 Special Town Meeting 1, Article 3
Leaf Blower Control – Amendment to the General Bylaws**

Amendment #1 - Submitted by Rich Hartley, Town Meeting Member, Precinct 3

withdrawn

Amendment #2 – Submitted by John Robotham, Town Meeting Member Precinct 2

Moved : to strike the words "with a property type classification of 013 or 101 through 111," from the definition of "Relevant Property".

Library Building Project – *Fundraising*

\$ 39.5 M *Total Project Costs*

Less \$ 5.0 M *Fundraising Total to Date*

\$ 34.5 M *Net Project Costs*

- *\$309* average single family homeowner impact. Fundraising reduces impact by \$45 per year*
- *Includes design fees, construction costs, contingencies, and temporary needs (space, moving)*
- *\$1.9 M reserve for market volatility*

Potential Additional Funding to Further Reduce Net Project Costs

- *\$ 1.0 M Bond Bill from the state*
- *\$ 100K Economic Development Grant*
- *\$ 500K Additional fundraising*
- *Community Preservation Grant (submitted)*
- *Other*

* \$23.23 rate per \$100,000. Use details provide by Town Treasurer