

**Bylaw Review Committee – by Zoom  
May 8, 2023 Meeting Minutes**

Members present: Robert Schafer, Robert McGaw (Chair), Joe Hicks,  
Ellen O'Brien Cushman

Member not present: Elizabeth Goss

Others Present: Tommasina Olson, sponsor of Article 8, Annual Town Meeting

3 PM Chair McGaw called the meeting to order, with a quorum of members present.

Article 8: Amend General Bylaw §40-325E: Fees for Special Even Permits for Use of the Park Sites, Amendment by Substitute Motion submitted by Tomi Olson  
The text of the amendment by Substitute Motion filed by Tomi Olson was distributed to the Committee Members and brought up on screen for all to see, the blue words display her changes to the original text of the amendment in the warrant for Annual Town Meeting. Tomi indicated that Payson Park Music Festival and PorchFest are two examples of qualified non-profits. This is the amendment language Tomi had filed with the Town Clerk prior to the Moderator's amendment deadline Wednesday, May 3rd:

"Fees for Special Event permits for use of the park sites shall be waived if the permittee is an IRS-defined § 501(c)(3) nonprofit organization (category "Arts, Culture & Humanities" or "Fairs, County and Other") which is listed by the Massachusetts Attorney General as a charity and is domiciled in Belmont, the event is open to all communities and attendees are not charged a fee to attend."

Tomi Olson explained that she had heard from the Select Board, Town committees, Town Department Heads and Town Meeting Members who expressed concern that the pool of non-profits based in Belmont was much too broad and would waive fees in the tens of thousands. They mentioned large entities like the Belmont Hill School, Belmont Day School, McLean Hospital and asked her to refine the list or withdraw the article. She chose to attempt to refine the list and spoke with Bob McGaw, Chair of Bylaw Review, to write the submission. The above language is her attempt to do so.

Joe Hicks made several comments:

1. The casual reference to an acronym, though well known, should not be included in the General Bylaws. The proper name is Internal Revenue Service.
2. The use of the term "IRS-defined" and the parenthetical phrase, " (category "Arts, Culture & Humanities" or "Fairs, County and Other") are not accurate. The IRS may use such categories for descriptive purposes but the categories are separate from the IRS and should be dropped.
3. Since the reference is not the Internal Revenue Service itself, but its code of regulations, the amendment should instead read "Internal Revenue Code".

Bob Schafer added:

1. To echo Joe Hicks' point, Bob indicated that the parenthetical as is does not do what Tomi wants, to effectively restrict the fee waiver to a subset of Belmont non-profits in a general category of music and culture, instead the restrictive language should apply to both the event and the non-profit organization: add the words "for musical or cultural events" after the words and remove the parenthetical "(category "Arts, Culture & Humanities" or "Fairs, County and Other") "
2. Bob also recommended that the word "domiciled" is awkward as used and could imply a residence relationship to readers. Instead the committee members, to simplify and clarify, agreed to replace "domiciled" with the words "with its principal office" to convey what Tomi was trying to achieve.
3. Ellen asked why there is a reference to charity. Bob S. replied that the Non-Profit status is a US federal designation and the State maintains the Charity list.

Before voting on the motion, Bob asked Tomi, the sponsor, whether the newly revised motion does what she wanted it to do when she drafted her substitute motion. Tomi's reply was yes and she thanked the Committee for assistance.

On a motion by Bob S, seconded by Ellen, to accept the resultant Revised Substitute Motion:

"Fees for Special Event permits for use of the park sites [for musical or cultural events](#) shall be waived if the permittee is an [Internal Revenue Code § 501\(c\)\(3\)](#) nonprofit organization, [which is also listed by the Massachusetts Attorney General as a charity, with its principal office](#) in Belmont, the event is open to [all communities](#), and attendees are not charged a fee to attend."

The motion was approved unanimously as to form, placement and consistency by a roll call vote: Bob S – Yes, Bob M – Yes, Ellen – Yes, Joe – Yes 4-0-0

Chair McGaw asked Ellen to distribute the final text to Tomi and Town Officials and Town Meeting Members in advance of tonight's session of Annual Town Meeting.

Meeting Minutes of April 27, 2023 – not yet available for committee review, will be voted at the next meeting.

Meeting Adjourned at 3:34 PM

Respectfully Submitted,

Ellen O'Brien Cushman

Town Clerk, Ex-officio member