

Approved by Select Board:
October 30, 2023

Minutes of the
Town of Belmont
REGULAR SESSION
of the
SELECT BOARD
October 13, 2023

RECEIVED
TOWN CLERK
BELMONT, MA

DATE: November 16, 2023
TIME: 8:40 AM

To view the recording of the meeting, please click [HERE](#).

I. Call to Order: Mr. Epstein called the meeting to order at 8:30am.

Select Board Members	Present	Staff Members	
Roy Epstein, Chair	Yes	Patrice Garvin, Town Administrator	Yes
Elizabeth Dionne, Vice-Chair	Yes	Michael Widmer, Town Moderator	Remote
Mark Paolillo, Member	Yes	Susan Peghiny, Recording Clerk	Yes
		Others Present	
		Paul Kominers, Anderson & Kreiger	Remote

II. COMMUNITY ANNOUNCEMENTS. Chair Epstein made the following announcements:

- Belmont Middle/High School Dedication Ceremony: Saturday, October 21, 2023 at 11:00am at the BMHS Auditorium.

Discussion of which Select Board member will speak at the Belmont Middle and High School dedication on Saturday, October 21, 2023

Mr. Epstein explained that he is unable to attend and asked if one of the others would speak. Ms. Dionne volunteered.

Discussion and possible vote to authorize payment for Underwood Pool Expense.

Ms. Garvin explained that there was money left over from the construction of the pool, and it was asked that this be set up as a trust fund, but this never occurred, so the funds are available at the Select Board's discretion. The pool is now experiencing some needs and instead of using CPA funds Ms. Garvin recommended that these funds would be a better funding source.

Ms. Dionne spoke about what the CPC has considered for this issue.

Using the funds for the request for a pool cover for the smaller pool, and replacement of the shade structure were discussed.

Mr. Epstein summarized that the pool cover, and shade replacement are well within the spirit of the original funds. However, the chlorinator, mats & filters are maintenance issues that may not have been within the scope of the original suggestion for use of pool funds. There was a discussion of these issues.

A Motion was made to authorize the payment of \$63,000 for Underwood Pool related expenses from the Underwood Pool Special Revenue Fund. The motion was seconded and passed unanimously by 3-0 vote.

Discussion and possible vote to approve and sign the Special Town Meeting Warrant, November 6, 2023

Mr. Epstein said he had created a one-page summary of why the town would like to leave Civil Service and outlined the possible uses of the document. Ms. Dionne and Mr. Paolillo made some recommendations for the document which was discussed.

- REPORTS: No discussion.
- COMMUNITY PRESERVATION COMMITTEE (CPC)-OFF CYCLE REQUEST(S): Ms. Dionne explained that there are 3 requests and outlined the process challenges with these. She then reviewed the requests:

- Community Path Phase 1 Design
 - Town Hall Retaining Wall
 - School Administration Building Roof Restoration
3. TRANSFERS TO STABILIZATION FUNDS: Ms. Garvin said there will be a presentation on this at the October 23rd meeting although there was a discussion of this and its timing in relation to the budget process.
 4. CAPITAL APPROPRIATION SECURITY CAMERAS AT WELLINGTON & CHENERY SCHOOLS: Ms. Garvin briefly explained this item.
 5. REPLACE GENERAL BYLAW §60-310 WITH SPECIALIZED ENERGY CODE: Ms. Garvin reviewed the history of this article and explained that the “opt-in” for this Specialized Energy Code does not allow fossil fuels in new constructions. She explained that the new town buildings in process will not be impacted by this code and that the effective date needed to be decided at the meeting. There was a discussion of some of the issues of the code and what effective date to identify. One year was chosen.
 6. AMEND ZONING BYLAW(S): RESTAURANTS: This has been broken into 2 articles:
 - Amend Section 1.4 Definitions and Abbreviations
 - Amend Section 3.3 Schedule of Use Regulations

There was a discussion of the articles with Mr. Epstein reiterating his concerns about the definition of a chain restaurant, which was discussed. The Board discussed amending the number of outlets that defines a chain and how to proceed.

Mr. Kominers agreed that the number could be amended at Town Meeting. He also explained that the number 10 was used because of a recommendation by a consultant and that any number could leave a business on the “wrong” side of the chosen number. There was a discussion on how to proceed including whether the State AG has an opinion on what the number should be.

Mr. Epstein then spoke about what he believes is hostile language in the article such as “the adverse impact of standardized businesses” and “detracts from the overall experience of being in Belmont”, etc., and asked why such negative language is included when the goal is to attract businesses to town. There was a discussion of this language and how to proceed.

Mr. Kominers said that it’s important to explain why the Special Permit exists, and in this case it’s talking about a rapid increase of chains detracting from Belmont. He also noted that all of the local brands are more complementary to Belmont than “placeless brands”. This will put the local brands in a better position in the process. He pointed out that the Special Permit criteria are focused on the precise concerns of chain restaurants. His opinion was that the bylaw change would streamline the process for larger, local brand restaurants. There was a discussion of changing the language and the purpose of the language.

Mr. Widmer said there will be discussion of the order of the articles and invited the Board to let him know about their preferences.

There was further discussion about the article and language.

7. AMEND ZONING BYLAW(S): OFF STREET PARKING: Part of the restaurant issue.
8. REMOVAL FROM CIVIL SERVICE: POLICE: Previously discussed.
9. CITIZEN PETITION: HOME RULE LEGISLATION / 61B EXEMPTION: There was a discussion of this being a symbolic act since it likely will not pass the State Legislature.
10. CITIZEN PETITION: TRANSITION FROM ELECTED TO APPOINTED (HIRED) BOARD OF ASSESSORS: This will be postponed to a January Special Town Meeting, and the process to do this was discussed.
11. APPROPRIATE FROM OPIOID SETTLEMENT STABILIZATION FUND: Ms. Garvin explained that Ms. Hewitt has been working with the Board of Health, and Police and Fire on how to expend these funds, and the details will be provided in the specific motion once it is complete.

A Motion was made to sign the Special Town Meeting Warrant, November 6, 2023 as amended and allowing non-substantive changes. The motion was seconded and passed unanimously by 3-0 vote.

EXECUTIVE SESSION

A Motion was made to enter Executive Session to discuss strategy with respect to collective bargaining or 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. The Select Board will/will not return to Open Session. The motion was seconded and passed unanimously 3-0 by a roll call vote.

The Select Board went into Executive Session at 9:38am.

Respectfully submitted by,

Susan Peghiny
Recording Secretary