



**Minutes of the
Town of Belmont
REGULAR SESSION
of the
SELECT BOARD
March 4, 2024**

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: March 20, 2024
TIME: 2:52 PM

Approved by Select Board:
Monday, March 18, 2024

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

I. Call to Order: Mr. Epstein called the meeting to order at 7:00pm.

Select Board Members	Present	Staff Members	
Roy Epstein, Chair	Yes	Patrice Garvin, Town Administrator	Yes
Elizabeth Dionne, Vice-Chair	Yes	Jennifer Hewitt, ATA/Finance Director	Yes
Mark Paolillo, Member	Yes	Heidi Barberio, Recreation Department	Yes
Others Present		Dave Blazon, Director of Facilities	Yes
James Roth, Conservation Commission	Yes	Mary Trudeau, Conservation Agent	Yes
Prassede Vella, Conservation Commission	Yes	Ellen Cushman, Town Clerk	Yes
Christopher Morris, Conservation Comm,	Yes	Glenn Clancy, Town Engineer	Yes
Daniel Nolan, Conservation Commission	Yes	Others Present	
Mark Smith, Conservation Commission	Yes	Geoff Lubien, Warrant Committee	Yes
Margaret Velie, Conservation Commission	Yes	Deran Muckjian, Belmont Ctr. Business Assoc.	Yes
Miriam Well, Conservation Commission	Remote	Paul Cowing, Recreation Commission	Yes
Bill Lovallo, Middle & High School Building Comm.	Yes	Leslie Talmadge, LGBTQ+ Alliance	Remote
Paul Joy, Economic Development Committee	Yes		

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

- Design Public Hearing for Community Path Phase I – March 7, 2024 – 7:00 – 8:00 PM, Beech St. Center.
- League of Women Voters: Candidates' Night – March 21, 2024 – 7:00 PM

III. COMMENTS FROM TOWN RESIDENTS

- Paula Wright spoke about her views on the override and questions she had about it. She also spoke about the message the override sends to longtime residents.
- Mary Lewis commended the Town and Jennifer Hewitt for the Override Impact Calculator that is available on the website. She asked if there is more of the Executive Summary coming.
- Max Colice asked about the status of the Home Rule Petition to exempt Belmont from Chapter 61B. Ms. Garvin explained that Town Counsel is working on this.

IV. TOWN ADMINISTRATOR'S REPORT

- Update on Gas Supply Inspections by Building. Ms. Garvin and Mr. Blazon reviewed the inspections being done and the results. There were questions and discussion of the inspections.
- Statement by Select Board regarding Override and Possible Discussion: Mr. Epstein explained why he prepared the draft statement. Click [HERE](#) to see the document.

Ms. Dionne spoke about the possible cuts that are being considered, which are outlined on a postcard that residents received that was not sent by the Town.

Mr. Paolillo outlined what has been done to help control costs and items that the Town has no ability to influence. He emphasized that the budgets are not wish lists – they are level service delivery. He went

on to speak about the lack of one-time fund availability, including ARPA. He reviewed the process that was used to create the budgets and how reductions will be implemented if the override fails.

Ms. Dionne asked that approval of the statement be delayed until the wording can be more carefully reviewed in order to counter false statements that are being made on social media. This was discussed but it was decided to add items in the future if needed.

Mr. Epstein read the statement:

March 4, 2024

Statement by Belmont Select Board Regarding Override

The Select Board affirms its support for the override on the April 2 ballot. The override is necessary to preserve what makes Belmont a uniquely desirable place to live. We all recognize the critical importance of our schools, our public safety and public works departments, our library, our senior services, and the contributions of our dedicated town employees. Without the override, these services and people will suffer irreparable harm (see [here](#) and [here](#)). Our property values, the most valuable asset for most us, also depend on good stewardship. We need to ask what decisions are in our own best interest.

The Select Board is committed to slowing the rate of growth of expenses. There are plans for strategic investments to reduce out of district special education costs and further restructure town and school departments. We have strategies for better control of multi-million-dollar expenses such as health insurance and amortization of pension liabilities. Union contract negotiations are also part of the answer, because salary expense is the biggest single budget item by far.

We are also reviewing our options for increasing revenue. Zoning changes can help new construction and create new businesses. There is potential for PILOT payments and eliminating unnecessary tax breaks.

We are making progress in all these areas. It reflects a constant effort by the Select Board, our Town Administrator and new School Superintendent, the School Committee, and many other boards and committees in town.

The override will not only preserve existing services, it is the beginning of an investment in programming and staff that will help make it possible to bend the expense curve even more.

We don't engage in scare tactics. We do have a responsibility to explain the decisions made by the Select Board. In our budget summits we explained that without an override services and staff will have to be cut starting next year (potential layoffs are identified in the presentation linked [here](#)). The cuts would be much deeper the year after that. That is financial reality. There is no bailout this time like the ARPA money we received at the last minute three years ago that saved the day.

No opponent of the override has told you how we could preserve the same services if they cost more than our operating revenue. The opponents have not found a solution for that. If they are choosing instead to cut, I wish they would tell you that is their future for Belmont.

The Select Board urges you to get all the facts and vote Yes on Question 1 on April 2.

Ms. Dionne pointed out that the Select Board can issue statements on ballot questions without violating any ethics laws and it is in fact their responsibility to do so.

She asked that Paragraph 6 (beginning with "We don't engage in scare tactics") include a mention that layoff notices have already been sent to illustrate that planning for cuts has already happened.

She also asked that Paragraph 1 include links to the documents that show residents what the cuts could be.

Open Joint Session with the Conservation Commission

A Motion was made to open the meeting of the Conservation Commission. The motion was seconded and passed unanimously by 3-0 vote.

Update and Discussion on Order of Conditions for the Belmont Middle and High School Building Project

Mr. Roth explained that in the original plan for the school, the Building Committee wanted to use the path in front of the school for egress during construction. Conservation asked that the path be reconstructed after the building was complete with the same materials as the rest of the path. He explained that the agreed-to Order of Conditions outlined this agreement.

He then explained that when the Conservation Commission was asked to sign off on the Order of Conditions it asked if the condition related to the path (and others) was completed and found that it was not. Members of the Committee outlined some of the outstanding issues and difficulty getting information.

There was a discussion of the impact the path has on the Pond and other environmental impacts of the new building. The issue of the Path is the most significant outstanding item, and Ms. Trudeau explained that the upper path is actually missing. This was discussed.

Since the School Building Committee will not be able to comply with this condition, the impact of this on State reimbursement for the school project was discussed.

The group discussed how to proceed, and Ms. Garvin recommended that:

- The original permit be closed out and a Certificate of Compliance be issued.
- The Town would file a new Notice of Intent with the Conservation Commission.
- The Town would plan, design, and construct the path, potentially using CPA funding with approval by Town Meeting (for just items 9 & 10 on the original Order of Conditions).

Ms. Garvin pointed out that the Town would assume responsibility for building the path with this proposal.

There was a discussion of the above recommendation and the process needed to reach a solution, how to ensure that the path gets built, and how to release the Building Committee so the Town can be reimbursed by the State.

Mr. Lovallo offered that the Building Committee would engage a landscape architect to help move the design process along. He will take this to the Committee at the March 14, 2024 meeting. This will provide the cost estimate that will be needed to bring the project to the CPC and then to Town Meeting. How to proceed with this offer was discussed.

A Motion was made on Mass DEP Filing 106-141 by the Facilities Department of the Town of Belmont for the Conservation Commission to eliminate Special Conditions 9a & 9b of the Notice of Intent. The motion was seconded and passed unanimously by a show of hands vote.

A Motion was made for the Conservation Commission to issue a full Certificate of Compliance on Mass DEP Filing 106-141 by the Facilities Department of the Town of Belmont. The motion was seconded and passed unanimously by a show of hands vote.

A motion was made for the Conservation Commission to issue the full Certificate of Compliance with one signature. The motion was seconded and passed unanimously by a show of hands vote.

Mr. Lovallo spoke about the good relationship that the Building Committee has had with the Conservation Commission and reviewed some of the watershed protection work that was done at the site.

A Motion was made that the Select Board direct the Town Administrator to file a Notice of Intent related to the Order of Conditions that has been released work and with the Town Engineer to create a CPC proposal to design the path. The motion was seconded and passed unanimously by 3-0 vote.

Close Joint Session with the Conservation Commission

A Motion was made to close the meeting of the Conservation Commission. The motion was seconded and passed unanimously by a show of hands vote.

Vote the Warrant to Hold the April 2, 2024 Belmont Town Election

Ms. Cushman explained the reason for this request and outlined the polling plan for the upcoming election.

A Motion was made to sign the Warrant for the Annual Town Election to be held April 2, 2024 in Belmont. The motion was seconded and passed unanimously by 3-0 vote.

Update on Recent Filing of Belmont Contributory Retirement Board Open Meeting Law Violation

Mr. Epstein explained the makeup of the four-person Board and that those individuals chose the fifth member. He explained that the term of the fifth member just expired and there was an election in January to appoint the fifth member that was deadlocked. On February 15, 2024 there was another deadlocked vote.

On February 26, 2024 the Retirement Board held another election, but it was not on the posted agenda. Additionally, the Town Accountant had notified the Board that she was not able to attend that meeting. At the end of the meeting the Vice Chair of the Retirement Board announced a vote to reconsider the previous vote, and the Board elected 2-1 to renew the current fifth member (Thomas Gibson).

The Select Board met the evening of February 26, 2024 where they expressed their belief that this was an egregious violation of the Open Meeting Law. The action usurped the role of the Select Board in dealing with a deadlock situation, as stipulated by statute, and disenfranchised the Town Accountant.

Mr. Epstein explained that in Executive Session that evening, the Select Board voted to file a lawsuit about this issue because of the urgency of the timing.

Mr. Epstein further reported that on February 27, 2024 the Vice Chair of the Retirement Board was quoted in the Belmont Voice as saying that the election was legitimate. Then PERAC, the State agency that oversees retirement boards, advised the Town that the election had come to their attention and that the election was invalid. The letter from this agency also said that the fifth member could appeal the decision. The fifth member announced that he would appeal the decision, and then withdrew the appeal.

The email requesting that the appeal be withdrawn stated that it was being done "at this time". This member was notified by Town Counsel that this was not only an open meeting violation but also an ethics violation because he was improperly participating in the election process and had a financial incentive to do so (because of the stipend received from the Retirement Board).

Given the uncertainty about the actions of the Retirement Board, the Chair of the Select Board decided to continue with filing the lawsuit out of an abundance of caution to protect the interest of the Select Board and the Town.

The Retirement Board has posted a meeting for March 6, 2024 to hold another election for the fifth member. This has been properly posted and appears to conform to Open Meeting Law.

Mr. Epstein said if the fifth member truly abandons his appeal and the Retirement Board proceeds with an appropriate election by the 4 members, the Select Board will cancel the hearing with the judge scheduled for Thursday, March 7, 2024.

Ms. Dionne explained why this situation has been of deep concern to her and the Board and emphasized that none of the situation has anything to do with trying to harm retirees or current employees. She explained that one of the reasons for the override is because pension obligations were underfunded for many years. She went on to speak about the issues she sees with the Retirement Board including high expenses and resistance to investing with the State-run fund.

Mr. Epstein emphasized that although the Retirement Board is named in the lawsuit it is not a statement on the conduct of any individual on the Board but rather because it was an Open Meeting Law Violation.

Discussion and Possible Vote on a Compact with the Community

Mr. Lubien explained how the Warrant Committee decided it was important to establish a financial compact that has agreements, goals, and financial policies that will help manage the next, hopefully smaller, override. He then explained the process that was used to create the compact and who was involved. He expects the Warrant Committee to vote on this compact on March 6, 2024.

Ms. Dionne explained the importance this type of compact can have in building trust and its importance in helping voters to support the override.

Mr. Lubien presented a Framework for the proposed Community Compact, explaining that because of time constraints it will be flushed out during the summer:

Belmont April 2024 Override Commitments - Framework

- No additional Proposition 2½ override request prior to FY28 at the earliest.
- Reduce annual expense growth rates in FY26 and FY27 to bring expenditures in closer alignment with revenue to achieve financial stability and sustainability.
- Pursue policies to spur revenue growth and diversify our tax base through zoning changes to promote economic development and business growth.
- Substantially reduce the reliance on one-time sources to fund the operating budget and place excess Free Cash each year generated by turnbacks or excess revenue into specific stabilization funds and capital projects.
- Invest in key initiatives to reduce future expenses, including developing in-district special education programs, identifying Town/School organizational structure efficiencies.
- Bolster much-needed town services, including revamping aging school curriculum and expanding discretionary capital for sidewalks.
- Provide transparent budgeting and multi-year financial planning, including the creation of a fiscal planning group with representation from town boards/committees, town and school administration, and town residents.
- Protect against future fiscal shocks by maintaining adequate financial reserves and a strong bond rating.

Mr. Epstein said he believes a lot of these things are already being done but that it is good to “declare it” and commit to it.

Mr. Paolillo expressed his support for the compact and spoke about its value and importance and what it can help the Town to achieve.

Ms. Dionne asked about Senior Tax Relief being part of the compact. Mr. Lubien explained that it was discussed by the Warrant Committee and explained the challenges of implementing this item.

Ms. Dionne suggested that an item be added that reads “A commitment to keep working toward Senior Tax Relief”. There was agreement to add this item and a discussion of the process to do this.

A Motion was made to support the Framework of a Compact with the Community as presented with the addition of “A commitment to continue to analyze Senior Tax Relief”. The motion was seconded and passed unanimously by 3-0 vote.

Ms. Hewitt explained and demonstrated the new Override Impact Calculator now available on the Town website. Click [HERE](#) to access the calculator.

Discussion of Summer Parking Plan for Outdoor Dining

Mr. Clancy explained that this has evolved over several years. He explained that only 6 parking spaces will be lost for outdoor seating (down from 9 spaces last year). He added that DPW approves of this plan. There was a discussion of the plan and improvements that will be made to outdoor dining facilities.

Mr. Clancy explained that the season has been shortened to September 15, 2024 (from October last year), and outdoor dining will begin on Mother’s Day, May 6, 2024.

Mr. Epstein asked about potential changes to the ABC rules on April 1st. Mr. Clancy said that no action has been taken by the legislature, and it is unclear if they will take action in the future. He explained the plan to address whatever the outcome is and Mr. Muckjian outlined the work he has done with the restaurants regarding this issue.

Mr. Clancy emphasized that this request is specific to Belmont Center only, but other restaurants may apply in the future. There was a discussion about this and the logistics of including other restaurants.

A Motion was made to adopt the Summer Parking Plan for outdoor dining in Belmont Center as presented beginning May 6, 2024 and ending on September 15, 2024. The motion was seconded and passed unanimously by 3-0 vote.

Discussion and Possible Vote to Adopt Paws in the Park Regulations. Click [HERE](#) to see the proposed regulations.

Mr. Epstein reviewed the history of developing the Paws in the Park program, reviewed the bylaw about dogs, and spoke about the challenges of developing a program recommendation.

Mr. Cowing pointed out that the Recreation Commission has not voted on the proposal.

Mr. Epstein reviewed the key components of the proposed regulations. He emphasized that this is a pilot program which will end on December 31, 2024, and will be reviewed by the Select Board and Recreation Commission to see what, if any, changes are needed.

There was a discussion of the recommendations, implementing and enforcing the program, and next steps.

Mr. Epstein explained that the Board will not vote pending action by the Recreation Commission but would accept public comment.

David Gordon explained the benefits he gets from owning a dog and suggested that collective punishment is not a good course of action and encouraged enforcement of the law which many dog owners are willing to do.

Joanne Adducii expressed her support for the program, and asked if the daily access to Winn Brook could be extended to 8:00pm (from 7:30) and explained why she is making the request. She also expressed concern about the number of permitted group applications which might exclude dogs even further. She asked if dog owners could have designated evening hours. Mr. Cowing explained the changes to the scheduling and said there is flexibility available, which was discussed.

Ira Morgenstern pointed out that dog owners are committed to the shared good of the parks and will self-police, but suggested that a mechanism be set up to deal with serious issues. He asked where suggestions for the program should go, and Mr. Epstein recommended the Recreation Commission.

Devan (a Watertown resident online) said that she pays for a permit and asked how she can offer input. She expressed her shock at how dog owners were represented earlier in the presentation, and how problems will be handled. Mr. Epstein said the Recreation Commission will be the point of contact.

Elizabeth Allison explained that if the Town could find a 5000 square foot area to fence it could receive a grant to build a dog park. She went on to discuss the benefits of this approach. Mr. Epstein explained a failed effort to use some land for this purpose and that unfortunately the grant program is ending soon.

Mary Bradley spoke about the benefits of dog parks and asked what the plan is to handle problems. Mr. Epstein said the Recreation Department and Commission will continue to communicate with residents. Mr. Cowing reinforced this comment.

Timothy Flood expressed his support for the proposed program, and his concern that the working group was circumvented by this proposal. Mr. Epstein said most of the proposal came from the Recreation Commission working with the working group. Ms. Garvin outlined the history of the creation of the working group by her and the Recreation Director to help quickly address the problem. Mr. Epstein explained why the proposal needed to be done quickly and that it embraces the work the Commission did with the working group.

There was a discussion of next steps.

The Board took a break from 10:00 pm to 10:05pm.

Vote to accept donation from Cambridge Savings Bank in the amount of \$1,500 for an Economic Development Committee Event

Mr. Joy reviewed the plans for the upcoming event on March 12, 2023 at 5:30pm.

A Motion was made to accept the donation from Cambridge Savings Bank in the amount of \$1,500 for an Economic Development Committee event. The motion was seconded and passed unanimously by 3-0 vote.

Discussion of Potential Articles for Annual Town Meeting

Mr. Garvin said that she had not heard of any Citizen's Petitions. She explained that there is one change to the list involving a hotel zoning bylaw which will be considered at a later date. There was a discussion of this change.

There was also a discussion of a fall Town Meeting and other articles that might be added to this Warrant.

Discussion and possible vote to approve the request from the Belmont LGBTQ+ Alliance to install twenty-five posters on the Town Green at 2 Leonard Street from March 27 through April 3, 2024, and to close the driveway in front of the M&T Bank on Tuesday, April 2, 2024, from 6:00 – 7:00 PM to read names and accomplishments, in celebration of Transgender Day of Visibility. Click [HERE](#) to see the presentation.

Ms. Talmadge explained the reason for the request and provided details of the display.

Ms. Dionne pointed out that April 2, 2024 is Election Day and recommended a date change to April 3, 2024.

A Motion was made to approve the request from the Belmont LGBTQ+ Alliance to install twenty-five posters on the Town Green at 2 Leonard Street from March 27 through April 4, 2024, and to close the driveway in front of the M&T Bank on Wednesday, April 3, 2024, from 6:00 – 7:00 PM to read names and accomplishments in celebration of Transgender Day of Visibility. The motion was seconded and passed unanimously by 3-0 vote.

Discussion and possible vote on committee appointments and reappointments:

- Constables

Mr. Epstein explained that the applicant had been removed as a Constable due to his failure to comply with Ethics Training. However, he has now completed the training and can be reappointed.

Ms. Dionne pointed out that Member #4, David Benoit, is incorrectly shown as being a Belmont resident.

A Motion was made to appoint Richard Picceri to the Constables for a 2-year term to expire June 30, 2025. The motion was seconded and passed unanimously by 3-0 vote.

Next Meetings & Upcoming Topics

- Monday, March 18, 2024 – 7:00 PM – Regular Meeting
- Friday, April 5, 2024 – 8:30 AM – Reorganizational Meeting
- Monday, April 8, 2024 – 7:00 PM – Regular Meeting
- Monday, April 22, 2024 – 7:00 PM – Regular Meeting
- Monday, April 29, 2024 – 5:30 PM – Pre-ATM Meeting
- Wednesday, May 1, 2024 – 5:30 PM – Pre-ATM Meeting

Adjournment

A motion was made to adjourn the meeting of the Belmont Select Board Committee, and the motion was seconded and passed unanimously. The meeting was adjourned at 10:15pm.

Respectfully submitted by,

Susan Peghiny
Recording Secretary