

**APPROVED BY
THE SELECT BOARD**

3/29/2021

SELECT BOARD MEETING
MONDAY, MARCH 1, 2021
REMOTE MEETING
7:00 PM

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: April 5, 2021
TIME: 2:57 PM

CALL TO ORDER

Select Board was called to order at 7:00 pm by Chair Roy Epstein. Vice Chair Tom Caputo and Select Board member Adam Dash were present, along with the Town Administrator Patrice Garvin, Director of Community Development Glenn Clancy, Acting Director of Human Resources Shawna Healey, and members of Police and Fire Department.

COMMUNITY ANNOUNCEMENTS

- Public meeting on March 8 at 7 pm on "Virtual Discussion about Proposal to Restrict Leonard St. to One Lane from April through October." This meeting will address how to handle Leonard St. this summer, with outdoor dining, etc.
- MBTA will undertake extensive track work starting February 1 through May. MBTA service at Belmont Center and Waverly will be replaced by bus stops. See MBTA website for more information.
- Program about safety and well being for seniors. District Attorney Marion Ryan will be discussing impacts of COVID and isolation. Virtual meeting on Tuesday March 16 at 11 am. Contact: Sheryl Ball 978-929-6453 or Council on Aging.
- "Be Heart Healthy," virtual presentation by Marie McCune, RN on Tuesday March 9 at 11 am. Preregistration is required. Contact COA for details about registration.
- Structural Impact Group will be holding public forum on March 4. Information about forum is on town website cover page. You can also add ideas on form on the Structural Change Group website.

APPROVAL OF MEETING MINUTES

- January 11, 2021 – Executive Session (tabled from 2/8/2021 meeting)
- January 27, 2021 – Special Meeting (tabled from 2/8/2021 meeting)
- January 21, 2021 – Special Meeting
- January 22, 2021 – Joint Meeting
- February 8, 2021 – Regular Meeting
- February 8, 2021 – Executive Session
- February 11, 2021 – Joint Meeting

Motion to table all meeting minutes until March 15 meeting was approved by vote of (3-0).

QUESTIONS/COMMENTS FROM TOWN RESIDENTS

[None.]

COVID Update by Wes Chin:

- There are changes to the local vaccine effort. On February 17th, we were notified by state that they will stop supplying first doses to local Boards of Health; ending our ability to hold local vaccine clinics.
- Second doses will be provided if you received the first dose at the clinic.
- Local vaccine effort has been rewarding. We received positive feedback. There is disappointment that clinics cannot continue to be held. Arlington, Belmont, and Lexington administered 1500 doses in four weeks. We had the capability to administer 1000 doses per week.
- Chin encourages residents to get vaccine wherever possible. You can go onto vaxfinder.mass.gov or local pharmacies are now administering vaccines.
- For residents with no computer, you are welcome to call our local vaccine number at 617-993-2606/2626.
- Garvin said that the Belmont Board of Health would be writing a letter to the state to let them know their dissatisfaction with the decision to stop supporting the local vaccination clinic for Belmont. Belmont may still be able to participate if the state allows the regional site in Arlington to continue to operate.
- The Select Board said they are willing to add their signatures to this letter.

ACTION BY CONSENT

Accept Donations and Gifts:

- From Emily Peterson for the Purchase of New Trees to Replace Taken Down Trees on Orchard Street across from the Wellington School.
 - Jay Marcotte reported that the Shade Tree committee has written an endorsement for this project and has drafted a rough layout of what they had envisioned. There is fundraising campaign currently underway.
 - Emily Peterson said the plan is for fundraising to be done for \$5K.
 - Trees will be sourced at cost and they will arrange delivery by DPW. Emily is looking for permission by Select Board.
 - Trees are purchased directly by Emily for a donation of 8 trees. Funds will be raised from residents. Intention is to give remaining funds to the Shade Tree committee.
 - Marcotte said that trees would be maintained by DPW.
 - Emily reported that \$4000 has already been raised in under a week.
 - The Board thanked Ms. Peterson for her generous contribution.

*Motion to accept 8 trees from Emily Peterson for Orchard St. to replace trees previously removed.
Motion approved by vote (3-0).*

- From the Belmont Police Patrolman's Union and Belmont Fire Department Union, Local 1637 in the amount of \$2,300.00 for 24 month AED service/tracking/maintenance program for the Defibrillators at Town Parks.
 - Captain DeMarco, EMS coordinator for Belmont Fire stated that there is currently a defibrillator located at five different parks.

- \$2300 was raised by Fire and Police Departments. Donations will go in entirety to service maintenance for defibrillators. Outside vendor will keep track of the defibrillators so they can be ready for use whenever needed.
- The defibrillators were already purchased through the Recreation Department and they are owned by town. Part of the funds to service them had previously come from other private funds.
- Corey Taylor, head of police union, said this is the 10th year the funds have been raised. This year, during COVID, we conducted fitness challenge to raise funds.
- DeMarco wants to thank the Recreation, Light and Park Department, Elliot Daniels and the Lions' Club and the Fire Chief for their help in raising funds.
- The Board thanked the unions for their generous contribution.

Motion to accept \$2300 from the Belmont Police Union for maintenance program for defibrillators.

Motion approved by vote (3-0).

- For Donation of Funds for a Memorial Park Bench at Grove Street Park

Decision was made to defer park bench donation vote to March 15.

Discussion on the Request from the Energy Committee to Support Net Zero Stretch Code, MA Senate Bill

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- Marty Bitner, co-chair of Energy Committee, said there is specific letter that is being circulated that towns and cities need to respond to if they want to keep the net zero code in the State bill. He would like to get support from the Select Board on this letter.
- Epstein said letter was not specific to net zero part of bill, it refers to whole bill.
- Jacob Knowles, member of Energy Committee, explained that bill had broad range around climate. House and Senate waited until last minute. Governor vetoed bill due to time issue. House and Senate accelerated resubmission and went back to Governor and he responded with comments because he had concerns with Net Zero code. Governor replaced "net zero" with "high performance" stretch code. Now Senate has to decide what to do about his changes. They will finalize version and vote again and he will have to pass or veto. If veto, they can overrule to reverse veto. That is why advocacy effort is happening at town level. Since we can't create our own energy code, we need to ask to keep net zero.
- Epstein asked how this differs from Warrant Committee article. Bitner said there are four items in Warrant article and there is overlap.
- Glenn Clancy said that Belmont was the first community to sign onto stretch energy code. He feels there is no added burden to his department with the addition of the code.
- Epstein doesn't feel the Select Board should vote on something they haven't read. The bill is 14,000 words long. There are many provisions, including Municipal Light Plants. He would like to hear from Senator Brownsberger or Representative Rogers about this issue first.
- Dash feels that the members of the Select Board just need to voice support for the initiative. He is fine with signing letter because peers have done that in other towns.
- Caputo thinks this calls for individual signatures, not entities.
- Dash and Caputo said they would sign it, as individuals holding office in the town.

Discussion and Possible Vote on Amending the Community Preservation Act Article Regarding New Tennis Courts at Winn Brook Field

- Dash reported on the CPA article that added “up to” two tennis courts at Winn Brook. The Recreation Commission recommended adding one new court for a total of five tennis courts at Winn Brook.
- Select Board needs to vote to reduce the amount CPA requested to the amount needed for one new court to ensure the extra money would go back to the CPA fund. The Community Preservation Committee will not make a decision about this CPA application until Select Board weighs in on it.
- The recommendation to add just one new court was voted by the Recreation Commission after they held two public forums on the subject. It’s just a recommendation. CPC will have to vote the revised CPA tennis court article for Town Meeting.

Motion made to amend the CPA article regarding new tennis courts at Winn Brook field to an amount that reflects adding one new court. Motion approved by vote (3-0).

Vote to Make Recommendation to Town Meeting on the Community Preservation Act Articles

- Community Path Preparation for Acquisition to Right of Way
 - Russ Lino, Chair of Community Path summarized the plan
 - Currently in design phase for Phase 1A and B, nearing formal submission of 25% of design. We are starting to look at next steps to construction. One of those steps is acquisition of easements for right of way. This is Town responsibility, not State. Application to CPA is about preliminary steps to construction. We need to prepare package of information about what properties will be impacted by path constructions. For instance, may need a temporary easement. for workers to walk over private yards during construction.
 - Mass DOT proscribed process for getting permission of property owners or to provide the owner compensation of the impact. Need to fund those town responsibilities that are required by Mass DOT. Not for actual compensation for acquisition of easements. If there is any funding remaining, that could be used for actual acquisition.
 - Glenn Clancy said that the vast majority of property affected will be for temporary access. Even though ability for contractor can be secured for 2 to 3 years, the time that contractors need access will probably be 5 days. Tried to take best guess at how many properties would be impacted. It’s harder to predict who will be affected with a Community Path. Abutters should understand that.
- Epstein entertained public questions and cautioned that this is not a time for debate.

Comments from residents:

Frank French said when we had originally talked about property on south side of tracks that town had no appetite for taking property. Is eminent domain on the table now?

- Dash answered that it is too preliminary to make that decision, but it could happen.
- Epstein said he doesn’t know answer. The need for eminent domain was never identified in the feasibility study.
- Garvin explained any easement has eminent domain language in scope of article.

- Russ Lino said right of way piece is a town responsibility for the project.
- Glenn Clancy said when he thinks of eminent domain he thinks of entire property. He is not aware that eminent domain will be necessary.

Cosmo Catarino asked if the design consultant was asked to find a way to construct it without going on property? He said it seems like we are skipping a step. Rules are that you have to ask first, and if rejected, you would need federal warrant to come on property.

- Clancy reaffirmed this not permanent access. Path will run along rear yards only. The contractor may need to stand on your property to put forms for grading. State and Feds are very particular about getting permission from property owner. Town Meeting needs to give Select Board consent to enter into agreement for temporary or permanent easement. If property owner does not want to give the Town consent for easement, then the Select Board has the right to do order of taking, and property owner can challenge that. He reminded that we are talking about appraisal, not assessment. For temporary easement, contractor just has to appraise the dollar amount that the small amount of property is worth over 2 or 3 years. If seller (resident) is not willing to accept, then buyer the (town) can continue with project and property owner can fight or accept. Once owner decides to challenge, it is handled by Town.

Catarino wants to know if consultants were asked to try to do job without coming on property. Clancy said that designers know the implications of private property impact and do they do their best to minimize impact. The impact of this project involves predominantly grading and planting.

- Clancy said that DOT requires town to notify property owners. If property owners decide to accept appraisal, they can be present. For Wellington project they had to ask if they could go on property. If owner doesn't want it, then they will find a way to work with them.

Marko Labudovic asked about plan for field next to ice rink? Seems to be lots of groups hoping to build tennis court, ice rink? No one is talking about residents playing soccer and he thinks we should keep it green. Do what you can not to build parking lot or tennis courts. Epstein said this is an unrelated issue, tennis courts come later on agenda.

- Epstein said that we can deal with problems with appraisal when they arise. We assume there can be some amicable settlement, and if not, there is procedure to be followed. There will be a link on town website that outlines the details of this project.

*Motion made for favorable action regarding the CPA article on community path acquisition.
Motion approved by vote (3-0).*

Payson Park Renovation Consulting Services

- Sue Croy (co-chair of Friends of Payson Park) provided summary of \$35K application to hire consultant to evaluate probable construction cost for Payson Park upgrade.

- Sue said they are currently in the first phase of the project which is the consultant part. Jay Marcotte has co-signed the final application. In 1970, a small group created a play space on the burned down Payson Park school property. It was converted to a nice area by the 1980s. The park is still useable but needs upgrades and now needs attention beyond what neighbors can provide.
- Possible improvements include: tree pruning, replacing steps, walkway, picnic table, new benches, seeding grass, and whatever else is agreed upon by neighbors. Phase 2 will involve a request for conceptual design for renovations. More than 53 neighboring houses have become Friends of Payson Park.
- Epstein asked if the music platform would be preserved? Croy said this is up to consultants. Recreation Department recommended a full evaluation of the property and what is sustainable. She knows that the music platform is right outside windows of a neighbor, however plan will be based on consultant ideas.
- Dash and Caputo thinks it's well needed, well done, and a reasonable monetary request.
- Caputo asked if this is similar to costs of other CPC projects? Marcotte said that it will be up to the community to come up with several concept designs. But he knows they are not looking to add trees or program equipment.

Motion made for favorable action regarding the CPA article on the Payson Park renovation consulting services. Motion approved by vote (3-0).

Application for Belmont Housing Trust Transfer

- Rachel Heller, co-chair of the Affordable Housing Trust, summarized the request. \$250K was approved by TM to develop affordable housing in Belmont in 2018. During COVID, funds were shifted to help needy households with rental assistance. The application is to restore the \$250K to be available for affordable housing development.

Comments from residents about Belmont Housing Trust Transfer:

Bill Anderson asked how the \$250K dovetails with state rental assistance program? Is the intent to utilize funding for a certain demographic or target to seniors and disabled? Rachel said money coming from the federal government to the State is separate from this. That is for emergency assistance. The Belmont funding will serve households who are in economic need. We need to ascertain the biggest needs in town and direct towards that.

Bill asked if the impact on schools is being considered because this housing is for families? Rachel said they cannot make decisions about what type of families will be utilizing the funding and that any housing created will be suitable for all needy groups. Belmont is one of the few communities with rising enrollments because of our good schools.

Move for favorable action regarding the CPA article on the Belmont Housing Trust fund transfer. Motion approved by vote (3-0).

Winn Brook Tennis Courts

Motion made for favorable action regarding the CPA article on the Winn Brook courts with the revision voted earlier this meeting. Approved by vote of (3-0).

Discussion and Possible Vote on Positions on Town Meeting Warrant Articles

- George Hall could not review articles due to family emergency.
- Dash would like to wait until they are vetted by counsel. He suggested even waiting until after the election when the new Board member will take office, as that Board member will be a member during Town Meeting when the articles are debated.
- No votes were taken.

Vote to Approve Common Victualler License for La Victoria Taqueria, 66 Leonard Street, Belmont

- Applicant, Alejandra Molina is not here.
- Garvin confirmed that this is a standard license and all paperwork is up to date. There will be outdoor seating same as El Centro (former restaurant location).

Move to approve common victualler license for La Victoria Taqueria, 66 Leonard St. Motion approved by vote of (3-0).

Vote to Accept Resignations:

- Stacey Zawel from Economic Development Committee

Move made to accept resignation of Stacey Zawel. Approved by vote (3-0).

- Tracy Marquis from Historic District Commission (moving out of town).

Move to accept the resignation of Tracy Marquis from the Historic District Commission. Motion approved by vote (3-0).

Select Board Appointments:

- Appointment to Economic Development Committee
 - Chair recommended appointing Katherine Venzke. Dash stated that she served on the Belmont Business Study Committee that led to this Economic Development Committee. She was very helpful on the Study Committee.

Move to appoint Katherine Venzke to the Economic Development Committee with a term expiring June 30, 2021. Approved by vote of (3-0).

Diversity Task Force

- We have a recommendation from Belmont Against Racism and the Belmont Human Rights Commission for their spots. Other groups who are entitled to appoint have not yet done so. Resident slots are open until March 11. We won't vote tonight because the application process is open for another week.
- However, the Select Board can vote on the two unopposed candidates who have been recommended by groups with slots on the Task Force so far.
- Caputo asked if we are reaching out to Vision 21 Committee and the Belmont Chinese American Association? Garvin said they were doing that and they are aware of the due date for application.
- Epstein nominated Patrice Garvin to be Town representative for the Diversity Task Force.

Motion made to appoint Angela Middleton to the Diversity Task Force as the Belmont Against Racism representative term expiring Oct. 31, 2021. Approved by vote of (3-0).

Motion made to appoint Kimberly Haley-Jackson to the Diversity Task Force as the Human Rights Commission representative for term expiring October 31, 2021.

Motion made to appoint Patrice Garvin to the Diversity Task Force as the Town representative for term expiring October 31, 2021.

All are approved by vote of (3-0)

[Epstein asked to take break and reconvene in five minutes.]

Epstein reconvened meeting of March 1, 2021.

Ratify Appointment of the Human Resources Director

- Patrice reported that search was done for HR director last December. Five department heads looked at resumes and vetted 3 out of 6 candidates and made recommendations for two applications. Mike McAllister also joined in.
- Full interview was conducted with Shawna Healey. She had support of staff and has performed the last four months as acting director. Salaries in other nearby towns were considered before making offer. Shawna has agreed to take the position.

Select Board ratified the choice of Shawna Healey as the Human Resources Director by vote of (3-0).

- Shawna thanked everyone for offering her the position. She said it has been great working for town for the last 3 ½ years. She looks forward to continuing to build relationships in the town of Belmont.

Update Facilities Director Position at DPW

- Phelan and Garvin went through extensive process. 32 resumes were received. Four candidates were interviewed and narrowed down to two. Currently waiting for reference checks. Appointment will be brought for vote to Select Board on March 15.
- Start date is March 22.

Ice Skating Rink Update

- Epstein said Perkins Will was retained to reexamine use of space west of Harris Field. There are four competing demands for the space: playing fields, tennis, parking, and rink.
- Epstein said we have to explore what fits, and if something does not fit, what strategy is available to make it fit? If tennis courts take up too many parking spaces, then it's possible we could fit it by reducing parking. We will know by March 15.
- Garvin said there have been weekly meetings with Perkins Will. There will be a March 15th presentation to this board as well as school committee.
- Glenn Clancy, Director of Community Development, explained there is no locker room space, skate rental, or concession stand at current rink. The new rink footprint will be

much larger. Rink is being designed to accommodate fall and spring programs too. Tennis courts may or may not fit on site.

- Epstein said the CPA project to put tennis court at Winn Brook is also being done at same time. He would like not to proceed with the court if tennis could be accommodated on the school campus.
- Dash disagrees with the premise. Just because a court fits doesn't mean we have to do it or that it works. We could have more green space or parking instead. What is our purview as Select Board in this process, when it is a project on School Committee property, and the Middle and High School Building Committee and Planning Board would need to be involved?
- Epstein reported that the School Committee is willing to be part of this effort.
- Caputo said there was an effort underway over the last year that, driven by Town Administrator Garvin and Supt. Phelan to explore options for the field layout west of Harris field. This site review by Perkins and Will is the next step. It's possible a number of groups may disagree as to the priorities.
- Epstein requested his colleagues to keep an open mind. He feels the Select Board could help stimulate thinking.
- Dash reiterated that he doesn't understand the Select Board's legal role in this.

Vote to Set Health Insurance Rates for Fiscal Year 2022

- Garvin met with health insurance consultants to get an idea of rates for FY22. Right now, we are carrying 5% increase in budget for health insurance.
- We are trying to narrow down rates and we decided to go with rate of 3%. Hospital claims went down due to COVID and this impacts town rate. The savings based on current projection from 5% to 3%, would be \$260,300. Garvin feels comfortable suggesting recommending 3% for both town and school. She just needs placeholder in order to get budget books out this week so we can move forward.
- Garvin reviewed with town insurance consultant and she felt that 3% was a conservative number. She said Financial Task Force will discuss on Friday.
- Caputo said he is comfortable with locking in the number with the highest probability of representing the actual healthcare costs we will experience.
- Dash had questions to ask of the consultant used by the town in this matter.
- Garvin said we can revisit it later when the consultant can be here. There will still be a lot of fluctuations anyway on a lot of budget items, ie, state aid is still an unknown.
- Caputo said Financial Task Force will be looking at updated model and we can include this new estimate. We have not had clarity from state, but we have governor's numbers with changes to unrestricted aid. Our new model can now be used for new assumptions and changes.
- Patrice will relay that to the school for budget purposes but no motion will be made tonight.

TOWN ADMINISTRATOR'S REPORT by Patrice Garvin

Information Technology Advisory Committee (ITAC) Remote Committees Report

- Attached report from ITAC is entitled “enabling remote committee work.” Does Select Board want to have them come and discuss findings?
- Epstein wants to revisit this after town election. It may be that Open Meeting Law may be altered in general. To craft policy based on current law may not be advisable.
- Dash thought it would be a good idea to get moving on it now and let the State know how they feel. He feels the remote access has been great for participation and would like to see it continue post-pandemic.
- Caputo said there may be a need for hardware and retrofitting in Town offices. The governor’s state of emergency could be rescinded soon as well which would mean the Town could no longer conduct remote meetings.
- Epstein said if sufficient time opens up in April, then we could think about getting report. We may need report from Senator Brownsberger too.

Community Path Update

- Moving forward with Phase 1 design funding. Governor approved \$7.5M for construction funds. Residents have made statements to MPO, the state overseer of the path.

Logo for Belmont Human Rights Commission

- Town Administrator office received a request from Kimberly Jackson for a logo. Garvin has not seen it yet, but when it is submitted, she will forward to the board. She said there is currently no policy with regards to logos.
- Epstein said we need to give some thought to policy if there is need for more logos in the future. There has to be some type of formal process for approval and Select Board should provide oversight.
- In absence of policy, Select Board should see the logo for Human Rights Commission before it is used, and if there are concerns we can change.
- Garvin will look to see if any other town has logo approval process.

Open the Committee Appointment Process

Need to start annual appointments. Board agreed to raise issue at next meeting.

SELECT BOARD COMMITTEE LIAISON REPORTS

- Upcoming forum on structural change will be held Thursday, March 4 at 7 pm.
- Long Range Capital Planning meeting will be held later this week.
- Capital Budget Committee will be meeting every Thursday to review and prioritize capital budget requests because the requests already exceed discretionary capital funds available. The committee will be making two different funding recommendations, based on successful and unsuccessful override
- High School Building Committee continues to meet. Next meeting on March 12.

Move to enter Executive Session:

1. 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; Litigation

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; Union Negotiation Strategies

Motion approved by vote of 3-0. The chair announced that the Board would not return to Open Session following the Executive Session.

Next Meeting: Monday, March 15, 2021 at 7:00 PM

Respectfully Submitted,



PATRICE GARVIN, Town Administrator