

Approved by  
the Select Board on:

5/17/2021

SELECT BOARD MEETING  
MONDAY, NOVEMBER 9, 2020  
REMOTE MEETING  
7:00 PM

RECEIVED  
TOWN CLERK  
BELMONT, MA

DATE: June 3, 2021  
TIME: 9:54 AM

CALL TO ORDER

A meeting of the Select Board was called to order at 7:00 pm by Chair Roy Epstein. Vice Chair Adam Dash and Select Board member Tom Caputo were present, along with Town Administrator Patrice Garvin, Assistant Town Administrator Jon Marshall, and Director of Community Development Glenn Clancy.

II. COMMUNITY ANNOUNCEMENTS

- The MBTA is having a public meeting about service by commuter rail and bus on November 12<sup>th</sup> at 6 pm. Details on MBTA.com.
- Medicare Open Enrollment ends on December 7<sup>th</sup>. Call Beech St. Center.
- Indoor gardening event will be held on Thursday, Nov. 12 at 1:30 pm via Zoom. Call Beech St. Center.
- Virtual Thanksgiving cooking class on Nov. 19th at 3 pm.
- Virtual beer and cider tasting with Craft Beer Cellar in Belmont. November 18th at 6 pm. Beer and cider will be delivered to the home for tasting.

III. APPROVAL OF MEETING MINUTES

- a. September 14, 2020 – Regular Minutes
- b. September 14, 2020 – Executive Session
- c. September 21, 2020 – Regular Minutes
- d. September 21, 2020 – Executive Session
- e. September 23, 2020 – Regular Minutes
- f. September 23, 2020 – Executive Session
- g. October 5, 2020 – Regular Minutes
- h. October 5, 2020 – Executive Session

*Motion was made to approve regular session minutes for September 14, September 21 (as amended), September 21, September 23 and October 5 (as amended), and October 5<sup>th</sup> Executive Session. The Executive Sessions of Sept. 14, Sept. 21 and Sept. 23 will need to be edited before approved.*

QUESTIONS/COMMENTS FROM TOWN RESIDENTS

[NONE.]

ACTION BY CONSENT

COVID Update

- New mask regulations are in place. Governor Baker has asked that masks be worn at all times, even outside. Emergency order 1 and 2 remain in place.
- Wesley Chin said there are differences between Belmont temporary regulation and the Governor's order. 1. Our age regulation does not instruct those over 2 to wear a face mask. 2. Our regulation requires signage.
- Epstein said our amendment was slightly more restrictive than the Governor's restrictions.
- The Board asked that the Health Department review the current amendments and draft new ones based on new rules.
- Chin said he received questions about the increase in COVID cases. We have an increase of 30 communities due to household spread. In the great majority of cases the cause is unknown. People need to be more vigilant.
- The Health Department will come out with Thanksgiving guidance.
- Chin thanked Garvin and Dave Rogers for getting \$80K from state to help hire a temporary health inspector.

*Motion was made to amend Temporary Emergency Amendment #2 to delete Amendment #1. Motion was approved by a vote of 3-0.*

#### Unreserved Fund Balance (Free Cash) Presentation

- Patrice Garvin made presentation on Free Cash reserves.
  - She provided overview of FY20 Free Cash balance of \$11.2M.
  - She explained that Free Cash is when revenues don't match expenses. This year there were hiring and spending freezes starting in March and we received federal assistance from the CARES act.
  - Each year we use Free Cash to fund the operating budget, OPEB, and one time capital requests.
  - Free Cash does not address the structural deficit.
  - Some revenue was received from borrowing for High School. But other revenues were lower.
  - Department turnbacks and abatements/exemptions were significant due to COVID.
  - The next step is to determine the override request and plan for the next three years.
  - A third party consultant was brought in to review and resubmit Free Cash and the amount was certified at \$11.2M on October 28, 2020.
- Caputo said that the Financial Task Force 2 is trying to follow the Warrant Committee guidelines. He said there would be less free cash than indicated above, if we follow these guidelines. The Financial Task Force 2 will start modeling and start to think about spreading it over three years. The Financial Task Force would like to come back to Select Board with more information by beginning of 2021.

#### Discussion and Possible Vote on Request for Proposals (RFP) for Labor Counsel

- KP Law
- Mirick O'Connell, DeMallie & Lougee, LLP
- Morgan, Brown & Joy
- Norris, Murray & Peloquin, LLC
- Valerio, Dominello & Hillman, LLC

Epstein said there were five firms that responded to call for Labor Counsel for the Town. All firms have representatives that will speak at this meeting.

Brian Maser and Joe Fair, from KP Law

KP Law served the Town of Belmont as Town Counsel from 2004 – 2011. The firm would like to re-establish the relationship with the Town. The firm is the most experienced public law firm in the Commonwealth. KP Law represents 140 towns as labor or town counsel.

- Dash said KP Law has had a good track record with the Town. He said the final decision may come down to rates. Joe Fair replied that KP Law would use a single rate.
- Caputo asked what they considered the primary role of labor counsel. Maser answered that their optimal role is based on the client's direction.

Nicholas Anastasopoulos, from Mirick O'Connell, DeMallie and Lougee, LLP

Full-service law service with 80 attorneys and 15 attorneys that specialize in public sector and municipal law. The firm has a long-standing commitment to the public sector.

- Epstein asked about whether availability will be an issue. Nicholas said that their firm makes a commitment to get back to questions within a couple of hours. Nicholas would be the primary point of contact, but they will involve others at their firm if they have more expertise in the subject at hand.
- Dash asked if they have ever worked with towns to leave civil service or enter GIC? Nicholas said he's working with communities who are showing a level of receptiveness to exiting civil service.
- Caputo asked how many municipalities do they work with at one time? Nicholas said he currently represents about 12 communities.

Dave Connelly from Morgan, Brown & Joy

Their firm has been representing Belmont for 10 years. The firm does only labor and employment work and has many high-profile cases.

- Epstein asked if the legal work he does for the City of Boston takes up a lot of his time? Connelly said it would not preclude serving Belmont.
- Caputo asked what is the optimal role of labor counsel? Connelly said the most important role is strategy and flexibility.
- Dash asked what he thought Belmont's labor challenges will be this year? Connelly said there will be a need to deal with the slow down of the economy due to COVID regarding contract negotiations and health insurance.

Leo Peloquin and Lisa Murray from Norris, Murray & Peloquin, LLC

The firm is a small, but experienced public sector labor and education law firm. The firm has experience in labor and employment law. The firm is solely focused on public sector, labor employment and school law. They have experience removing towns from civil service.

- Epstein asked if they have dealt with towns joining GIC? Peloquin said they have not had that experience because there seems to be less towns wanting to join, but they understand the process.
- Dash asked Peloquin's opinion on the current status of public sector municipal union relations? Peloquin feels the relationship hasn't been contentious.
- Caputo asked how many municipalities Lisa Murray is working with and what about availability? Lisa said she is working with 7 cities/towns and 7 school committees. She said she contacts clients immediately and usually can address any issues within a few hours.

#### Nick Valerio and Liz Dominello from Valerio, Dominello & Hillman, LLC

The firm focuses on labor and employment and school law for public employers. They have a team of 8 employees who also serve as volunteers on their respective town committees. They provide training for town administrators regarding HR related services in order to avoid costly litigation. They are readily available through any means of communication.

- Epstein asked for comments on any disciplinary matters on which they have worked? Dominello said they have attorneys who have experience dealing with civil service and grievance procedures.
- Caputo asked how they approach their leadership role in collective bargaining process? Dominello said they need to hear the goals of the Board clearly to help them achieve their goals.
- Dash asked the advantage to going with their firm? Dominello said they look to have long term relationships with communities and in order to accomplish that, they are proactive and responsive.
- Epstein announced that the Select Board will study their options and get back to firms within the next week.

#### Discussion and Update on 91 Beatrice Circle

- Mass Housing issued a determination of eligibility last week and gave the go ahead for the development of 12 units at Beatrice Circle. Epstein said he was disappointed because it did not address the Town's concerns.
- It is now up to the Zoning Board of Appeals to discuss the comprehensive permit. The Select Board role has ended.
- Dash thought it was unfortunate that Mass Housing let this go forward. The letter sent by Mass Housing, however, does provide guidance for the Zoning Board going forward.
- Caputo echoes the general disappointment. He was discouraged that Mass Housing did not mandate any changes.
- Epstein said that the Select Board and Town Meeting should be giving more thought about what the future will hold for other developments.

#### PUBLIC COMMENTS:

Kathy Keohane thanked the Select Board and Town for their support on this issue. She asked what the next steps will be? Dash said approval is effective for two years. Epstein wondered if the market for this type of development may not be as attractive as it was when they started, and maybe the developer may contemplate something different.

Sam Alexander thanked the Select Board for the letter and the help.

Approval of Licensing Agreement between the Town of Belmont and 90 Trapelo Road, LLC for An Encroachment at 90 Trapelo Road

- Glenn Clancy said there is a request from the property owner to enter into a license to allow elements of his gas station to be located in a public way. The owner wants to construct a canopy over the gas pumps and it will encroach on the right of way on Trapelo Way. There is also a free-standing sign and lights that are associated with the gas station that is on the right-of-way due to the realignment of property.
- The long-term plan is that the current free-standing sign would be removed and replaced with one that is zoning compliant.
- Clancy said the Planning Board would review the sign independent of the Zoning Commission.
- Dash asked if we could formally request the owner take down the sign? Clancy said he feels this is not necessary because the applicant wants to take down sign.
- Dash asked if the owner of the gas station could purchase the public land? He said if we have to go through a licensure, then he would like to see something that says there will be no alterations of the proposal and he wants to make sure it's revocable.
- Epstein feels that a license could get complicated for a little bit of land and an outright sale would have advantage.
- Clancy said he will engage appraisal services to appraise the value of the property.
- Caputo said the other alternative is to grant a license that will give the Town flexibility in the future.
- Clancy said he will look into any questions about run off from the canopy and he will do more research on this issue.

[Epstein announced the meeting will resume after a 5-minute break.]

Discussion and possible Vote on Marijuana Host Community Agreement (HCA)

- Epstein had questions on the agreement:
  - Regarding the 3% community impact fee: What about sales tax? Dash said you don't have to address sales tax in agreement.
  - Why aren't the terms the same in each agreement for the section called Community Support. He noted that one agreement is paying a \$25K charitable amount.
  - Each agreement is referencing a traffic mitigation study but the businesses are next to each other. Wouldn't it make sense to do one study?
- Dash said the standards in the agreement should be the same, but you don't know which will be approved first and one establishment is larger than the other, so two separate traffic studies should be undertaken.
- Dash said he looked at other community HCAs and he feels that these agreements look fine. They have to go off to the State and the Planning Board very soon and we have to renegotiate in five years. The agreements are not auto renewing and the hours of operation will be based on what the Planning Board decides. There will also be semi-annual meetings with the police chief.
- Epstein said he would like to hear from applicants.

- Caputo noted the agreement says that applicants would have to pay for recommended mitigation. Who makes that decision? Clancy said that the applicant engineers may come forward with recommendations for mitigation or the process will be developed by the Planning Board. Clancy said we don't know that both agreements will be coming to Planning Board at the same time. Resources can't be pooled, due to site specific issues.
- Clancy said agreements were drafted so they would not be transferable. The applicants wanted to include a clause that if the traffic engineering exceeds 10K, it would come out of the first payment of their community impact fee.
- The representatives of the HCAs talked about their ventures:

Blake Mensing, representative for Mint LLC said that the traffic studies are typical. Every HCA includes transferability by written approval of Select Board. He said he is ready to sign agreement.

Joe Noone, representative for Cal Verde said with regard to traffic, he sent over edits today. The \$10K cap deals with offsite mitigation that might be recommended by the traffic study. Dash feels that the traffic mitigation should be supplied by the dispensary. Noone said he will bring this issue up with the client. He noted that transferability language was subject to the approval of town.

- Caputo feels that overall transferability to a different entity is not desirable.
- Noonan reports that his client just agreed to striking out the transferability request and traffic clause.

#### PUBLIC COMMENTS:

David Alper thanked the board for supporting the 25 year limit. He asked about selling of paraphernalia related to marijuana sales. He said there are rules about displaying paraphernalia.

- Dash said that the agreement anticipates the sale of paraphernalia.

Emma Thurston is opposed to the \$25K donation payment going into HCAs. She said it is an inequity. There is legislation pending that will strike out the \$25K donation and she would like to see Belmont take that out. She asked about home delivery and Dash said that is not included in the agreement.

*1. Motion was made to approve the Mint retail facilities LLC host community agreement for the citing of a recreational marijuana establishment as provided, with the change that language be added to the Section 2 that states the agreement is non transferrable other than transfers to wholly owned subsidiary with no change in ownership. Motion was approved by a vote of 3-0.*

*2. Motion was made to approve the Cal Verde Naturals LLC host community agreement for the citing of recreational marijuana establishment in Belmont with the same change to section 2 regarding transferability being allowed to a wholly owned subsidiary with no change in ownership. Motion was approved by a vote of 3-0.*

#### Discussion and Possible Vote on a Cardboard Event on December 5, 2020

Jay Marcotte presented the highlights of the event.

- Marcotte said that they have had these events before and people are asking for an event during the holiday.



- He said last year the volume of traffic required a police detail. He anticipates the same problem with this event because we haven't had any events so far this year. He is anticipating they will need more interaction with the public because of the social documentation needed and it's in our best interests to get contact info. Jon Marshall has offered to help with program so we can use the same system they have used in the recreation department. People can go to recreation department to preregister and pay. The event is scheduled for Dec. 5<sup>th</sup> from 8 am to 1 pm.
- Epstein said because we don't have any overtime budget this year, the event needs to be self-sustaining and net expenses are estimated at \$2K. We need to find a price that covers those costs. If we have profits, then they can be used to lower the cost of the second event.
- Caputo said these events are becoming important to the community. But collecting fees may not be equal to the work involved. He suggested holding the event during work hours and not charging the fee.
- The idea was raised about doing this as a hybrid. People can choose to do on a weekday with no charge or on a weekend with small fee.
- Epstein said if only 3% of the population use the service than 97% should not have to pay for it.
- Marcotte said he will attempt to organize this during a weekday.

#### Updates from the Economic Development Committee

##### a. Business Survey Results

Emma Thurston and Wendy Etkind from the Economic Development Committee reported on the survey.

- Wendy Etkind reported that the short survey was done with the business community to get an idea of the level of confidence that existed with business owners in Belmont. They received 40 responses from the survey. A high percentage of businesses said they were able to continue to operate.
- The survey showed that businesses wanted more communication with town residents and the Town. Free parking was a strong recommendation. They asked for more advertising and promotion and for Town incentive programs.
- Emma said that their first recommendation involves communication. She said that other towns have made small business loans and grants info readily available to businesses. She said that Belmont does not even have a directory of businesses in town. Their strong recommendation is to develop an updated directory and to appoint one person in each Town department to be designated for business community communication.
- The parking recommendations from the survey talked about free parking for employees and free parking on Saturdays for residents to encourage local shopping.
- Epstein said some of the suggestions from the survey are easier to act on than others. Is there a means to do a directory?
- Garvin said that some of the recommendations involve staffing issues and this would be challenging for Belmont. She asked if a directory could be developed by High School volunteers?
- Free parking could be made available for the holiday season on Saturdays. And promotions could be made to shop locally.
- Garvin spoke to a member of the business association and Floyd Carman about reducing employee passes from \$60 to \$30 until the end of year.

- Epstein would propose that we have free parking at meters on Saturdays, 50% reduction in employee parking passes from now until end of year, and follow up to promote the idea of an internship at the high school to work with the Town to develop a business directory.

*Motion was made that the metered lots and parking spaces in Waverly Square, Cushing Square and Belmont St. between Thanksgiving and Christmas on Saturdays be at no charge. Motion was approved by a vote of 3-0*

*Motion was made to reduce the cost of employee parking passes from \$60 to \$40 from Nov 1, 2020 to December 31, 2020. Motion was passed by a vote of 3-0.*

#### b. Belmont High School Community Service Apprenticeship Program

- The Economic Development Committee can recruit high school students as they see fit in order to achieve the goals as outlined above.

#### Re-vote Bradford Regulatory Agreement

- Garvin said that George Hall worked out changes with the representative from Toll Brothers. Toll Brothers wanted a change to the agreement that involves adding the word "municipality" in 9B2.
- Dash said that the change may have a substantive effect. He feels that this limits the Town's rights. He wonders why Toll is asking for this change.
- Garvin said she will raise the concerns with George Hall and item can be tabled until the next meeting.

#### Hockey Rink Update and Discussion

- Caputo informed everyone of updates to this project. Select Board had decided to explore a public/private partnership to build a new hockey rink west of Harris Field. The Select Board entered into an RFP with Community Development and the School Committee that requested that applicants need to construct, operate, and design the rink and provide free access to high school teams. He said the hope was to get revenue from the rink and to make it an economically viable project. A group affiliated with the Belmont Hockey Association submitted a proposal that met the minimum components of the RFP. However, in the end we couldn't make it economic viability with the constraints required. The thought is that we may need to modify the RFP.
- Epstein said it's important that people know that every avenue has been explored. He asked if the current rink is still operable. Jon Marshall replied that the rink is currently functional. But he warned, that, at some point, the systems will fail.
- Epstein said he has hope that the hockey rink and library projects can continue to be evaluated.

#### Discussion and possible vote on Town Administrator's Goals and Objectives

- Garvin expanded on the objectives discussed in the last meeting. The Select Board has to vote to adopt the goals and objectives so they can be used as a baseline for future performance evaluation.



*Motion was made to adopt the Town Administrator goals and objectives for the year 2020-21 as provided. Motion was approved by a vote of 3-0.*

#### Appointment of Acting Town Accountant

- The previous town accountant elected to not seek renewal of their contract as of Oct. 31, 2020. Garvin said that the Town needs to appoint an acting town accountant while the search is made to fill the position permanently
- Garvin has identified Glen Castro for this role. His priority will be to work on the recap sheet, free cash balance sheet and to help set the tax rate. Glen has agreed to take on this role and he already does similar work with the accountant's office. The temporary appointment will be made until the end of year. The accounting position has been posted.
- The Board thanked Glen for offering to help.

*Motion was made to approve Glen Castro as budget director/acting accountant effective November 10, 2020. Motion was approved by a vote of 3-0.*

#### Discussion on Protocol for Communications to the Select Board

- Epstein suggested a procedure to try to ensure that resident emails to the Select Board general mailbox receive a response. On occasion residents have complained that emails have gone unanswered. Epstein suggested that the Chair take responsibility for either following up or requesting the Vice Chair to answer, and the Vice Chair could either answer or request the Member to answer. None of this would inhibit the ability of any Select Board member to answer independently.
- Dash doubted that failure to respond to resident emails was a significant issue.
- The issue was left that the Chair could try the new process.

#### TOWN ADMINISTRATOR'S REPORT

##### a. Vacation Request


Patrice Garvin will be out of office from Nov. 24-30, 2020.

#### VII. SELECT BOARD COMMITTEE LIAISON REPORTS

- Long Range Capital Planning Committee had a second meeting and discussed process going forward.

*Motion was made to adjourn meeting. Motion was approved by a vote of 3-0.*

Respectfully Submitted,



---

PATRICE GARVIN, Town Administrator

