

Approved by
the Select Board on:

5/4/2022

Select Board Meeting

April 25, 2022

Remote Meeting

7:00pm

RECEIVED
TOWN CLERK
BELMONT, MA

DATE: May 25, 2022
TIME: 1:54 PM

CALL TO ORDER

A meeting of the Select Board was called to order by Chair Mark Paolillo. Vice Chair Adam Dash and Select Board member Roy Epstein were present, along with Town Administrator Patrice Garvin, Acting Assistant Town Administrator Glenn Clancy, Fire Chief DeStefano, and Director of HR Shawna Healey.

COMMUNITY ANNOUNCEMENTS

- Proclamation in honor of the 107th Anniversary of the Armenian Genocide.

Mark Paolillo read the proclamation. April 2022 marks the 107th Anniversary of the Armenian Genocide. The Select Board of the Town of Belmont recall the Armenian Genocide to remind society of this tragic event. Jirair Hovsepien read a letter condemning the ongoing tragedy in the country of Armenia and warned of another potential genocide in Armenia.

Motion was made to approve the Armenian Genocide proclamation. Motion was approved by a vote of 3-0.

[Mr. Hovsepien requested a moment of silence to remember those who have suffered in Armenia.]

- Proclamation in honor of Belmont being recognized as Tree City USA for the thirty eighth year by the National Arbor Foundation

Adam Dash read the proclamation recognizing Belmont as Tree City USA. 2022 will be the 38th year Belmont has been awarded this recognition by the National Arbor Day Foundation. The Select Board declares Friday, April 29, 2022 to be Arbor Day in the Town of Belmont and invites the citizens and employees of Belmont to join in observances and celebrations of Arbor Day in Belmont.

Motion was made to approve the proclamation to recognize Belmont as Tree City USA. Motion was approved by a vote of 3-0.

- Fuel Tank Public Forum will be postponed to Thursday, May 19, 2022 at 7:00 PM. Paolillo said there will be a vote on the fuel tanks at the Select Board Meeting on May 23, 2022.
- First Annual Asian Pacific Islander Walk/Run will be held on May 1, 2022.

COMMENTS FROM TOWN RESIDENTS

Alison Lenk, Town Meeting member, asked where the public can review the documents of the three architects who are advising demolition vs. renovation of the library. Paolillo said comments will be accepted later on in the meeting during the discussion about the library. Dash said that all design documents can be found on the Belmont Public Library website.

Norma Massarotti, Town Meeting member, asked if the Fuel Tank discussion documents could be posted publicly before the forum on May 19th.

ACTION BY CONSENT

Discussion and possible vote on request from Fire Chief to declare a surplus vehicle

Chief DeStefano requested that a 2007 Ford Expedition belonging to the Fire Department be declared surplus and placed on the auction list or transferred by intermunicipal agreement to the town of Peru MA. This vehicle will be replaced by a 2021 Chevrolet Tahoe. He said it would be an opportunity to secure some revenue for the Town. The value is estimated to be ~\$10K.

Garvin explained that this process entails the development of a formal agreement that needs to be approved by the Select Board. The Town is not required to undertake the usual bidding requirements with this type of agreement.

Motion was made to declare the 2007 Ford Expedition with VIN ending 8032 as surplus. Motion was approved by a vote of 3-0.

Discussion on Assistant Chief Haley's request to return to Fire Captain

Shawna Haley, HR Director and Brian Maser, Town Counsel, joined the meeting. Chief DeStefano reported that Captain Wayne Haley had asked to be removed as Assistant Chief and returned to Captain. He explained that this is not a routine request, but after going through the obligatory process for this type of request, the Town received Civil Service paperwork to allow Chief DeStefano to reinstate Wayne Haley as Captain.

Atty. Brian Maser from KP Law recounted the history of the request. In September of 2021, Haley requested to be returned to his previous post as Captain. Maser reported that there are Civil Service procedures that affect this request and there were a number of union meetings held in response to the viability of the action. Maser said since a final resolution was never received from the unions, the Town decided to go ahead with the reinstatement request. The new Assistant Chief was promoted through an internal process.

Paolillo said that the Select Board supports this decision. They felt it was important to understand the reasons for Haley's request and to honor his longstanding service with the Fire Department. A Select Board vote is not needed on this decision. The decision is made at the discretion of the Fire Chief.

Recognition of promotions and appointments by the Belmont Fire Department

Chief DeStefano announced the following promotions and appointments being made in the Fire Department:

Promotions:

- Assistant Fire Chief Andrew Tobio
- Captain Robert Wollner
- Lieutenant Andrew Goneau
- Lieutenant Ace Elefteriadas
- Lieutenant Michael Dayton

New firefighters:

- Firefighter on Probation Peter Donovan
- Firefighter on Probation John Conaty
- Firefighter on Probation Matthew McCabe

A number of the new appointees joined the meeting while Chief DeStefano read the details of the promotions and appointments. During COVID restrictions, there had been no public celebration for promotions and appointments, and some of the firefighters were promoted over a year ago. A pinning and awards ceremony will be held tomorrow night at the Fire Department Headquarters.

Motion was made to recognize the achievement of the above-named firefighters. Motion was approved by a vote of 3-0.

Discussion and response to former Assistant Fire Chief Angus Davison's claim regarding current Fire Chief's residency requirement

Brian Maser, Town Counsel from KP Law, joined the meeting.

Angus Davison filed this complaint as a Town Meeting member and taxpayer. Davison has claimed that the Fire Chief's fuel consumption with his Town vehicle shows that he violated the residency requirements of his contract. The Town asked KP Law to undergo a review of this complaint. Brian from KP Law said that Chief DeStefano waived his right to discuss this in Executive Session and agreed to discuss the issue in public. Davison stated in his letter to the Select Board that if no action is taken on this complaint that he will submit the complaint to the Atty. General's office for investigation of fraudulent activity by the Fire Chief.

Davison claims that the Fire Chief has not established a primary residence within 15 miles of Belmont as specified in the residency requirements of his contract. The complaint claims that his new primary residence was not established within six months of his appointment and that he still lives in Rhode Island. Davison determined this by reviewing public records of fuel consumption. In his complaint, Davison noted that during an Executive Session before DeStefano's hire, the Select Board did not extend the six month time period requested by DeStefano's attorney.

Atty. Maser said that the objective of the residency requirement is to ensure mobilization of firefighters and police officers in emergency situations. Residence is confirmed by property records, voting records, utility bills, motor vehicle registration, bank statements and excise tax statements. Atty. Maser said the Chief has submitted a copy of his signed lease, utility bills and driver's license on a residential property located within the 15 mile distance. He has also verbally confirmed that he lives at this address.

Paolillo read the conclusion of the legal opinion that stated that the allegations are unsupported and that Chief DeStefano is compliant with the employment agreement and general laws related to residency.

Paolillo stated that this process was done independently by KP Law and the review has proven to him that the Chief has not violated his contract. He thanked Chief DeStefano for his excellent service for the Town of Belmont.

Dash said mileage is not an indication of residency and he has full confidence in Chief DeStefano's integrity.

Epstein said that the relationship with the Chief is governed by his contract and according to all reports, his obligations have been met. He said he feels confident that Chief DeStefano has met the requirements of residency.

Chief DeStefano said he appreciates the support of the Select Board and proceeded to read some remarks about the complaint. The Chief said that there is a small network of people in Belmont who have complained about the process used to appoint him as Fire Chief. He said there have been attacks on his character since he was appointed the Belmont Fire Chief. He cited his varied and successful accomplishments since he joined the Belmont Fire Department. He also feels that he has succeeded at building morale in the department and he rejects the petty accusations whose only goal seem to be the obstruction of progress and fairness.

PUBLIC COMMENTS about residency requirement

Lisa Pargoli, Pct. 4, said that she feels when residents question a decision by the Town that these comments have not been recognized.

Paolillo replied that the Select Board welcomes feedback from the community, but the Select Board has to protect employees from unsupported complaints.

Discussion and possible vote on recommendation from the Transportation Advisory Committee on Concord Avenue striping

David Coleman, Chair of the Transportation Advisory Committee (TAC), and Bill Schwartz from Nelson and Nygaard Consulting, joined the meeting to present a proposal that seeks to reorient the Concord Avenue striping so that the bike lane is closest to the curb. The project includes the area along Concord Ave excepting the section from Trowbridge to Blanchard. Coleman reported that this plan grew out of the High School Building Project and the main goals are to promote walking and biking. He reported that the DPW started to work with Nelson and Nygaard in 2018 and the proposal was brought to the TAC in 2020. Public Forums were held April and May 2021 and after traffic observations were undertaken by the TAC group, another Public Forum was held in February 2022. Of the 24 people who spoke at that forum, 17 were in favor of the plan. The problematic issues raised at this Forum were: 1) setbacks for driveways and side streets, 2) parking access, 3) lane width (which helps control speed), and, 4) emergency access.

Coleman reported that the TAC vote on the final draft of the plan resulted in a 5-3 decision in favor of the proposal. The plan is basically unchanged since the original proposal. Some of the reasons for the

rejection of the plan were: 1) the plan didn't take into account the number of parking users in that location, 2) the danger to cars exiting directly onto the travel lane, and, 3) the consideration of a small number of residents on Concord who did not support the plan. He feels the bike lane is a standard and economical design used successfully by other communities.

Coleman presented a map of the proposed design and discussed the concerns raised about the proposal. The TAC recommendation is to adopt this design and then test the plan in the Spring in order to make adjustments. Chief DeStefano said the south bound side has the bulk of emergency use, and this plan should not affect emergency access. Coleman reported that the Traffic Working Group – Middle and High School has put in place parking restrictions on Concord that would contribute to the success of the new bike lane.

Paolillo affirmed the importance of the testing period because many residents are still against this plan due to safety concerns. Coleman said TAC will be monitoring the area on a regular basis and they are open to revising the plan if the implementation followup indicates problems. Bill Schwartz from Nelson and Nygaard explained that aerial photography had been used to develop the features for the plan. Community Development will work in the field to refine the installation plan. He pointed out that the plan utilizes a 20-foot setback for residences and side streets to create safer sight lines.

Epstein, the Select Board liaison member of TAC and the Traffic Working Group – Middle and High School, addressed peak-hour use patterns. He said that after spending time observing traffic on Concord Ave. during the peak traffic hours between 7:30 am and 8:00 am, he counted 10 bikes on Concord Ave. During that same peak hour time period, he counted 350 cars in the same area. He also noted that, after these observations, he believes that speeding is not an issue. However, he observed a large volume of drop-offs for school aged children during that period. He is concerned that a designated drop off zone has not been discussed in the TAC plan. He is also concerned that there is 1) a significant loss of parking due to setbacks from driveways and intersections, 2) congestion at the post office could result in a blocked travel lane on Concord Ave. at peak hours, 3) exiting cars could be an issue when a bus is in the lane, and, 4) that there have been eight bicycle accident reports over the last ten years in the area and all the accidents have been during a left hand turn and the plan does not address this issue. He said he is not willing to vote on the current plan due to these important unaddressed issues.

Dash said this is not just about the high school but it's about bikes and promoting wellness. He supports the plan, and said that the plan can be changed later if necessary. He said that the Town-Wide Traffic Study showed that most of the rush-hour traffic is cut-through traffic. Similar plans have worked in other communities and he would prefer to put the plan in motion before school lets out. Dash stated that this issue has been discussed for a long time and that we need to vote on it now.

Paolillo feels the solution for parked cars and the travel lane is the most important issue. He suggested adding in an additional buffer space. He feels that Concord Ave is very unsafe for bicyclists right now and we need to do something. He said the Select Board can work with TAC on further implementation to address any concerns after testing.

PUBLIC COMMENTS about the Concord Ave. striping plan

Daniel Eldridge, member of TAC, said this has been a comprehensive process and he fully supports the plan. He said he has counted 100 bikes in the school racks and he thinks we should encourage more student bicyclists.

Petru Sophio ?, high school student who rides down Concord Ave. said he has worked on this project. A Belmont High School survey about biking resulted in 70% of students saying that they would be more apt to ride their bikes on Concord Ave. with the implementation of this plan.

Seth Clark, lives on Concord Ave. and he said he is against the plan. He feels that the plan does not protect everyone. Data has shown increased accidents at intersections. He would like to see comprehensive mockups being used before the plan is implemented.

Tigran Airapetian, lives on Concord Ave. and he is concerned that Concord Ave is unique because of the island and if there is a large parked vehicle at the island, traffic will collapse. He would like to see bike lanes on the sidewalk.

Brenda Morris, resident on Myrtle St., said she would like to support this plan. It's unsafe right now to come out of Myrtle onto Concord.

Norma Massarotti, pct. 5, asked about the width of bike lane. Coleman said it was 5 ½ feet. She asked about the impact on handicapped parking spaces. She said that ramps are needed for these spaces and the design should take that into consideration.

Adriana Poole, Town Meeting member, pct. 1, voiced the concern of constituents on Louise and Concord Ave. Many of them are against this plan. She thinks more work needs to be done on the project.

Mary Lewis, Town Meeting member, pct. 1, said she is strongly in favor of this plan. She feels we need to encourage more bicycles, and traffic calming will mitigate cut through traffic.

Russ Leino, Chair of the Community Path Project, said he is a frequent user of the bike lane and he said the current lane is very scary and he thinks the new plan is an improvement over the current situation. He also thinks it is a complementary infrastructure to the Community Path Project.

Larry Link, member of TAC, said the issue isn't about the number of bikes used now, it's about encouraging more bikers in the future.

Coreen McHugh Olmstead, Town Meeting member, pct. 1, said she would like Concord Ave to be safer. Her concern is the removal of the buffer between the parked cars and the travel lane. There are critical services near that area and there are many people exiting their vehicles who may be endangered. We have older individuals with mobility issues and parents with small children. Glenn Clancy said this issue was raised and the Chief of Police said it was acceptable to have the edge of the road indicated by a painted line rather than curbing.

Robert McGaw is concerned that there is nothing concrete to vote on tonight. There are no details on the process. No one has talked about how the plan would be affected by trash trucks and the Town will have to commit a rigorous schedule to update the painting of the lines in the road. Clancy said that painting on Concord Ave. was deferred until the decision was made on this project and that is why the current lines have not been repainted.

Paolillo agrees that a more detailed construction plan may need to be developed, but he feels that something has to be done to improve safety on Concord Ave.

Bill Schwartz said a conceptual plan was developed with a 11 ½ ft. travel lane, a parking lane, bicycle buffer and bicycle lane. The 11 ½ ft. travel lane is wider than required. He said it's possible to add up to another 1 ½ feet on the lane width. Paolillo said he would like to see this extra width added to the plan. Paolillo asked about the time frame for the project and the process for gathering follow-up data after implementation. Coleman said TAC can use the City of Cambridge studies as a guide and traffic studies can be undertaken with Sgt. Garabedian of the Belmont Police. Paolillo said if the travel lane is widened and a follow-up study is put in place after implementation, that he would be willing to support the current proposal. Coleman said mockups would start in May.

Motion was made to adopt the recommendation of the TAC on the Concord Ave. striping. Motion was approved by a vote of 2-1. Epstein voted against the recommendation.

Discussion and possible vote on request from the Economic Development Committee (EDC) to amend Committee Charge

Katherine Venzke, co-Chair of the Economic Development Committee (EDC), reported that at a previous meeting the Select Board suggested adding two additional members to the EDC. The new members preferably would be a resident, business owner or landlord/ real estate owner. If permanent seats cannot be found, the Select Board requested two Alternate members of the same constitution. The Economic Development Committee voted on this amendment to the charge and it passed by a vote of 6-0: Emma Thurston, Erin Brown, Wendy Etkind, Paul Joy, Katherine Venzke, Deran Muckjian.

Motion was made to increase the number of seats on the Economic Development Committee from 7 to 9 members by adding two additional seats for persons who are either a resident, real estate business person, landowner, or business owner. Motion was approved by a vote of 3-0.

Update from the Board of Library Trustees regarding the Library Building Project and cost estimation

Claire Colburn, Chair of the Library Building Committee, and Kathy Keohane, Vice Chair of the Board of Trustees and member of the Library Building Committee, gave an update on the building project. They announced that all study documents to date are posted on the website.

- The Board of Library Trustees met with the Select Board in October 2021. At that meeting, there was unanimous agreement that the building could be voted on as a debt exclusion in November.
- In spite of the building condition, the library still has the 10th largest in circulation in Mass.
- The Mass. Board of Library of Commissioners came out with new guidance about the need for functional safe environments and most of the recommendations from this group have been included in the design.
- Claire Colburn said the cost estimate was last done in 2019 and construction costs have escalated since then. She said the Library Building Committee went back to the design team and the Project Manager to ask for changes to every single line item and they also asked for an additional 2% premium for market volatility. She reported that a number of important construction materials have increased by 100% to 125%. Colburn said that these numbers will be detailed in their Town Meeting presentation and the updates will be posted on the Library Building Project website.
- A library Public Forum will be held on June 9.

- There has now been over \$2.1M donated towards this project. Another Spring fundraiser will be launched on May 1, 2022. This is a once in a lifetime opportunity to build a library that we can all enjoy.

[Dash commented that the Town needed to get this ballot question in to the state by on or about August 1, 2022 in order to have it included on the November 2022 election ballot.]

PUBLIC COMMENTS about the Library Building Project

Alison Lenk asked if there are documents available from the three different architects that confirm that the building needs to be replaced, not renovated. Dash reported that the existing building was not built well and a renovation of the existing library would be the same size but would not have the resources or the size to optimally service the Town of Belmont's needs. Epstein said that a renovation of the existing library would result in a product which did not meet Belmont's needs for a cost near that of a new library. Dash noted that every study done for the library is posted on the Library Building Project website. Paolillo suggested that Ms. Lenk discuss her concerns with Kathy Keohane. He said the agenda item tonight did not anticipate a debate of the plan. There will be ample opportunity to continue to discuss the proposed plan at another time.

Discussion and possible vote on Select Board positions for Warrant Articles and Amendments for the Annual Town Meeting

- Amendment to Warrant Article 3: "Amend General Bylaw §40-405 Capital Budget Committee" – Robert McGaw
 - Garvin announced that there is a replacement to the current amendment that was submitted by Robert McGaw, Town Meeting member from pct. 1. McGaw explained that his amendment adds a more rigorous definition of the meaning of analysis. The new amendment language defines analysis as "financial modeling and comparison of alternatives." The new amendment urges that the Town Departments become more involved in the analysis process of capital projects in order to ensure more comprehensive outcomes.
 - Chris Doyle, Chair of the Long Term Capital Budget Committee, thanked Robert for raising important questions. She said the committee will take up the revised amendment on Wednesday. She hopes that the new committee would undertake the analysis in conjunction with Town Departments. She thinks it's an important point of discussion for the new committee, but it does not belong in the bylaw, because it is a procedural issue. Chris Doyle reported that the Bylaw Review Committee reviewed the previous form but they have not yet reviewed the new amendment.
- Possible Amendment to Warrant Article 9: "Special Act: Retail Liquor Licenses"
 - Dash reported that, by state law, the number of marijuana licenses in Town is linked to the number of liquor establishments allowed. As a result, if an increase to 11 liquor licenses were allowed, then one additional marijuana license would be allowed. Currently, the Town has two (2) all alcohol and four (4) beer and wine retail licenses, for a total of 6. The proposed Town bylaw increases the number of retail liquor licenses to a total of 10, such that no new marijuana licenses would be allowed. The Select Board members agreed to revise the Warrant article amendment that was voted on at a

[Dash returned to the meeting.]

SELECT BOARD COMMITTEE LIAISON REPORTS

[NONE.]

TOWN ADMINISTRATOR'S REPORT

a. Cherry Sheet

Garvin said that when the state develops their budget, it starts with the Governor's proposed budget in January and then moves to the House and Senate. She said the Town received the House budget for FY23 and there was an increase in Chapter 70 and the unrestricted amount was level funded. She said she doesn't expect the Senate budget to be much different than the House budget.

APPROVAL OF MINUTES

a. April 11, 2022 – Regular Meeting

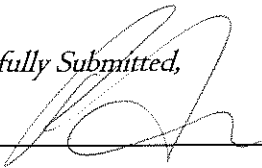
Motion was made to approve the amended April 11, 2022 minutes. Motion was approved by vote of 3-0.

Next Meetings:

Monday, May 2, 2022 – 5:30 PM – Pre-ATM Meeting
Wednesday, May 4, 2022 – 5:30 PM – Pre-ATM Meeting
Monday, May 9, 2022 – 5:30 PM – Pre-ATM Meeting

Motion made to adjourn the Select Board meeting was approved by a vote of 3-0.

Respectfully Submitted,



PATRICE GARVIN, Town Administrator

previous meeting to increase the number of all alcohol licenses to four (4) and beer and wine licenses to six (6).

Motion was made to file an amendment to Article 9 to alter the total number of licenses to 10 (four (4) all alcohol and six (6) beer and wine). Motion was approved by a vote of 3-0.

Vote to approve Renewal of Antique/Second Hands Goods Licenses Pending departmental reviews:

- a. As Tyme Goes By, 97 Trapelo Rd.-Annette Hannon
- b. BenchCraft Jewelers, 383 Trapelo Rd. – Tony Minassian
- c. All That Matters, 400 Trapelo Rd. – Ursula Weaver
- d. Belmont Jewelry Place, 5 Williston Rd. -- Levon Terzian
- e. Westcott Mercantile, 63 Leonard St – Mary Thomajan
- f. Belmont Consignment Furniture, 695-697 Belmont St – Donata Barber

Motion was made to approve the above listed Antique/Second Hands Good licenses. Motion was approved by vote of 3-0.

Vote to approve renewal of Taxi Cab License(s):

- a. Yellow Cab of Belmont, 61 White St.

Motion was made to approve the renewal of Taxi Cab License for Yellow Cab of Belmont. Motion was approved by a vote of 3-0.

Possible votes to approve requests for the following one-day liquor licenses:

- a. J. Corazzini (beer & wine only) - for a family event at the Beech Street Center on Saturday, May 21, 2022 from 11:00 AM – 2:00 PM
- b. M. Chambers (beer & wine only) – for a wedding at the Beech St. Center on Saturday, April 30, 2022 from 5:00 PM – 10:00 PM
- c. Two for Belmont Hill School (all alcohol) – for alumni weekend – Friday, May 13, 2022 and Saturday, May 14, 2022, both from 6:00 – 9:00 PM
- d. Belmont Hill School (all alcohol)—for Alumni Reception –Thursday, April 28, 2022 from 7:00 PM – 9:00 PM

Motion was made to approve the above one-day liquor licenses. Motion was approved by a vote of 3-0.

Discussion and Vote on Extension of Student Parking Restrictions

[Adam Dash was recused from this discussion.]

Epstein reported that the program is working well and will be revisited over the summer for the new school year. The Traffic Working Group – Middle School and High School is asking for an extension of the parking restriction program until June 2022.

Motion was made to extend the parking restrictions approved on March 14, 2022 to June 2022. Motion was approved by a vote of 3-0.