

**Approved By the Select Board:**

Select Board Meeting

**December 5, 2022**

Monday, November 14, 2022

Hybrid Meeting

7:00 PM

**RECEIVED  
TOWN CLERK  
BELMONT, MA**

DATE: December 14, 2022

TIME: 3:00 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 (remote) were present, along with Town Administrator Patrice Garvin and Assistant Town Administrator/Finance Director Jennifer Hewitt.

**COMMUNITY ANNOUNCEMENTS**

Beech St. Center events:

- Beech Street Craft Fair, November 19, 2022 will be held from 9 am to 3 pm at the Beech St. Center. Raffle, bake sale and vendors. Free Parking.
- Flash Back Band Marlboro will be hold concert on November 15, 2022 at 1:15 PM. Free. Call 617-993-2970 to register.
- Navigating the Holidays for Solo Agers will be held on November 16, 2022 at 10:30 am. Identify practical solutions to navigate the holiday season. Free. Call 617-993-2970 to register.

Paolillo said 65% of voters turned out in Belmont for the Town election. The Library debt exclusion was approved by voters, but the Rink debt exclusion did not pass. He thanked all the people who worked on both projects.

**COMMENTS FROM TOWN RESIDENTS**

Dr. Michael Moskowitz, 257 Prospect St., announced that he is against the Belmont Hill School proposal. Building a semi-industrial parking lot with gasoline and diesel tanks is not what residents want. The maintenance facility and parking lot do not belong in that area near residences. 2,306 have signed the petition against the proposal. He would like to see a public forum on this topic to address public concerns about the proposal.

Paolillo said the Planning Board will be taking this matter up tomorrow night. At some point, the Select Board will invite the Chair of the Planning Board to report out on the matter.

Alison Lenk, Town Meeting member, pct. 8 asked about the Planning Board membership. Paolillo replied that one member had a conflict with Belmont Hill School so they had to withdraw from the discussion. Tonight, the Select Board will be appointing an Associate Member to serve as a voting member on this particular proposal.

Dick Madden, pct. 2, commented about the first responders' contract and the repairs at the Fire Station.

He feels that two contracts with first responders need to be settled. Paolillo said that they are doing what they can. All contracts were settled except for two, Patrolmen's Association and the Fire Department. Garvin said the Police and Fire Unions petitioned the Joint Management Labor Commission and they are now in mediation on these two contracts. Paolillo said that the Select Board is

trying to settle the contract in an equitable way that takes into consideration the financial needs of the Town and the needs of the first responders.

Dick Madden also noted that the Belmont Fire Station repairs have been going on for half a year. He wondered if the Town has recourse to move this project along? Garvin said the repairs are being done on the prior project that went to court. The contractor was sued and the money was put towards the repairs. The project should be finished soon.

Madden said about a year ago, there was a cell tower proposal that was approved at the corner of Statler and Channing. No barrier is protecting the area. The Town is responsible for any damage caused to the tower. Epstein said that the Select Board had asked for a granite curb to be installed, not a barrier. [Mike Santoro later reported that a granite curb had been installed.]

Lisa Pargoli, Town Meeting member, pct. 4, asked when the Select Board will be holding the Building Committee responsible for the cost overruns on the Middle and High School? She also asked why the Select Board would allow a debt exclusion for the rink that includes unrelated school costs?

Paolillo replied that the Middle and High School Building Committee will be supplying an update at a future Select Board meeting. He confirmed that the Rink Building proposal did not include any additional locker rooms and no construction of the fields. The final proposal excluded the White Field House from the proposal costs.

#### TOWN ADMINISTRATOR'S REPORT

##### Update on Rink Operations

Jay Marcotte and Frank Sartori gave an update on the condition of the ice at the rink.

- The rink was supposed to open on November 1, 2022, but due to warm temperatures the ice-making process was delayed.
- New opening date was November 7, but weather kept giving challenges.
- There was a need to repair coolant leaks which cost \$2K. Then the compressors leaked again. The repairs should be completed today and they should now be able to accommodate a November 21<sup>st</sup> opening date.
- The compressors are well beyond their expected life. They said they could get by with one condenser if it stays cold.

Brandon Fitts noted that the athletics director had reserved ice in Watertown as a backup in case the rink was not available for the start of the hockey season on November 28<sup>th</sup>.

Marcotte said it is possible to make repairs with the R22 coolant, but it's very expensive and outdated.

Epstein said that in order to continue to provide a hockey program for the High School, it would be helpful to get a cost estimate of what it would cost to plan ahead for a failed rink for all the groups in Town. Loss of revenue is also an issue.

#### ACTION BY CONSENT

##### Proclamation in honor of Edward Jones.

*Motion was made to approve the proclamation of Edward Jones. Motion was approved by a vote of 3-0.*

### Proclamation in honor of Veterans Day

Adam Dash read the proclamation on Veterans Day. The proclamation will be presented to Veterans' Services Officer Bob Upton.

*Motion was made to approve the proclamation as read by Adam Dash. Motion was approved by a vote of 3-0.*

### Permanent Audit Committee Update

Epstein said in his role as the Select Board liaison to the Permanent Audit Committee, he raised discussion about the recommendation by the Collins Center that the appointing authority for the Permanent Audit Committee should be changed from the Select Board to the Moderator. The Audit Committee was not aware that the Collins Center had made this recommendation.

Robert Keefe, Chairman of the Permanent Audit Committee joined the group.

Mr. Keefe gave a short summary of the duties of the Audit Committee.

- Members are appointed on a three-year rotating basis by the Select Board.
- Roy Epstein is the current representative along with the Town Accountant and Treasurer.
- The Town does an annual audit, even though it is not required.
- Powers and Sullivan audited the Town's finances for the year ending 2021. No material control weaknesses were noted.
- In 2021, Belmont Light was audited by Goulet Associates. They noted no material weaknesses.
- These statements will be included in the FY22 final report for the Town.

Mr. Keefe said, that, going forward he would like to make the Permanent Audit Committee presentation to the Select Board in May once the Light Department audit is completed. The recommendation by the Collins Center on the appointing authority change will be discussed on Wednesday.

Keefe thinks that Belmont Light should still have a regular meeting with the Audit Committee, even though their structure changed. Keefe said he had reached out to the Light Department to see how they would like to proceed.

Paolillo asked about management comments. Keefe said the only comments made were that the Light Department fell behind in collections, but they had made progress in 2021.

Paolillo said that Powers and Sullivan has been the auditor for many years. He asked if there is anything in the bylaws that sets limits on how long an outside auditor can be retained? Keefe said there is no specific requirement for the bidding process, but he said that can be another topic of discussion at the next meeting. He said they could consider changing the partner from within Powers and Sullivan to get a new perspective.

Epstein commended the Audit Committee on the thoroughness of the report.

Paolillo said we can consider meeting with the Permanent Audit Committee in May of next year, but the Permanent Audit Committee may want to provide their feedback on the Collins Center report recommendations before that time.

Alison Lenk, Town Meeting member, pct. 8 asked about the meeting on Wednesday. Paolillo said the Permanent Audit Committee will be meeting Wednesday morning to kick-off the Light Department audit and that a topic for conversation will be the Collins Center recommendation.

#### Solid Waste and Recycling Committee update and discussion on contract proposal

Jay Marcotte, DPW Director, joined the group along with Mayesh Jayakamur, the chair of the Solid Waste and Recycling Committee. Mr. Jayakamur said the committee was established a year ago. They are in the 5<sup>th</sup> year of a five-year contract with Waste Management.

Marcotte said the new collection contract realizes a Solid waste reduction of 15%. We had an audit by an outside company, and Belmont had less recycling contamination than most Towns. This helps reduce the rate paid for recycling processing. The Solid Waste Recycling Committee and DPW have been working on a new contract. The five-year option was decided to be the best option.

Marcotte and Jayakamur presented slides about the contract.

- FY19 was first year of five-year contract.
- The value of recyclables changes every month. The Chinese market has been significantly reduced in the past five years so costs are higher.
- All risks have been passed to municipalities to cover costs for operating the recycling facilities.
- Belmont gets a preferred rate based on our 11% contamination rate.
- At the October 18<sup>th</sup> meeting, the Solid Waste Recycling Committee unanimously recommended a five-year contract renewal with Waste Management. The current contract expires June 30, 2023.
- If the Select Board chooses to go out to bid, they should let him know far advance of that date.

Marcotte reported that if the contract went out to bid this year, then recycling bins would not have to be replaced. Bins can be used by another vendor.

The Select Board will vote on the new contract next week.

Jeanne Mooney, Town Meeting member, pct. 6, asked if there is an estimate for the tonnage reduction that includes the textiles ban? Marcotte said that typically textiles are 3 to 5% of the waste stream. He said there are textile drop boxes picked up by outside vendors and the process is going well. The new calendar will be sent out with the information about disposal of textiles and mattresses.

#### Planning Board Associate member interviews

- Christine Arthur

Ms. Arthur said she is an architect who owns a small architectural firm. She is familiar with the zoning codes of Belmont and neighboring towns. She would like to see the Town grow in an equitable and ecological way. Ms. Arthur feels the Belmont zoning laws should be modified so that they are fair and produce better results.

- Daniel Barry

Mr. Barry said he is a Town Meeting member and he wants to give back to Belmont. He feels the biggest challenge will be to increase the commercial tax base. Belmont is spending more than it's taking in. He

hopes we don't have to cut services and boost property taxes. The MBTA Communities Advisory may make us develop housing near the MBTA and encourage multi-families. He would like to help create a better financial environment in Belmont.

- Michael Klug

Mr. Klug moved to Belmont in 2016. His background is in horticulture. He would like to see the Planning Board develop more streamlined processes. His son graduated from Belmont Hill so there may be a conflict with the Belmont Hill issue.

#### Discussion and possible vote to appoint Associate Member to the Planning Board

The Select Board said they plan to vote tonight on the Associate Member appointment after discussion.

Paolillo said that this position needs background and technical expertise. The one individual who has that without conflict is Carol Ann Berberian.

Dash said there are many excellent candidates and he hopes the persons who are not appointed tonight, will apply for similar open positions in Town. He would like to appoint a person with specialized knowledge of the zoning laws, due to the Belmont Hill proposal. Carol Ann Berberian would be his first choice because she is a zoning instructor, Town Meeting member and is getting her contractor's license. He also thinks Chris Arthur would be a good candidate because she knows the code and agrees that the Zoning Bylaw needs an overhaul.

Epstein commented that this is a very interesting group of applicants. He ranks Carol Ann Berberian and Chris Arthur as his top choices, but recommends Chris Arthur because of her experience with the Planning Board and the zoning bylaws.

After further discussion, the Select Board agreed to appoint Carol Ann Berberian.

*Motion was made to appoint Carol Ann Berberian as the Associate Member to the Planning Board for a term to expire June 30, 2025. Motion was approved by a vote of 3-0.*

Paolillo thanked Matt Lowrie for stepping up to be the Chair of the Planning Board.

#### Discussion and possible vote on request from the Belmont Center Business Association (BCBA) to present the 33rd Annual Tree Lighting/Turn on the Town event on Thursday, December 1, 2022 from 6:00 PM through 8:30 PM on Leonard St.

*Motion was made to approve the request from the Belmont Center Business Association (BCBA) to present the 33rd Annual Tree Lighting/Turn on the Town event on Thursday, December 1, 2022 from 6:00 PM through 8:30 PM on Leonard St.*

#### Amend and sign the Special Town Meeting (STM) Warrant and the STM Warrant within the Special Town Meeting that was previously approved on November 7, 2022

- Shift Community Preservation Act (CPA) item between warrants

Garvin said they need to move the CPA Article from STM 1 to STM 2 because the Article would affect the Recap and all items which impact the Recap are included in STM 2. Dash said we should also remove the Article 4 Rink Debt Exclusion. He doesn't want to close the Warrant for STM 1 yet.

Discussion and possible vote on positions including the Library debt exclusion motion for Warrant Articles for the 2022 Special Town Meeting and the Special Town Meeting within the Special Town Meeting

Library Debt Exclusion Article

Kathy Keohane, Vice Chair of the Belmont Public Library Board of Trustees joined the group.

Paolillo said he would like to see a fixed amount in the Article presented to Town Meeting on the library debt exclusion.

Dash thinks the motion needs to be simplified and he would like an explanatory note added to the Article.

Epstein agreed the motion needs to have a number. Kathy said they are committed to the \$5M in additional funds, but not all funds are in hand.

After discussion about donations, pledges and grants, it was decided that the motion and summary would set the amount to be borrowed at \$34.5M.

Dash read the Article and suggested a change in the amount to be borrowed to \$34.5M in the Article and the motion, and suggested that an explanatory note be added to the Article to explain why the amount being proposed is less than the cost of the project due to the fundraising and grants.. Any additional funds from grants and donations would be handled separately. The word “construct” was added to the description and the address of the library was corrected.

Kathy Keohane said she will supply regular updates to the Select Board about donations and fundraising. She said there are still more opportunities for fundraising.

*Motion was made to reopen the Warrant for STM 1. Motion was approved by a vote of 3-0.*

*Motion was made to amend that Warrant by deleting Article 2 (off-cycle Town Hall roof appropriation) and Article 4 (municipal skating rink authorization to borrow). Motion was approved by a vote of 3-0.*

*Motion was made to amend the remaining Article 2 (appropriation Belmont Library authorization to borrow) to add the explanatory note read earlier by Dash, and to change the amount of the funds to be borrowed in the motion to \$34.5M. Motion was approved by a vote of 3-0.*

*Motion was made to close the Warrant and sign the Warrant for STM 1. Motion was approved by a vote of 3-0.*

*Motion was made to reopen the Warrant for STM 2 (STM within STM). Motion was approved by a vote of 3-0.*

*Motion was made to amend the STM within STM Warrant to add Article 3 (off-cycle Town Hall roof appropriation). Motion was approved by a vote of 3-0.*

*Motion was made to close and sign the Warrant for the STM 2 (STM within STM). Motion was approved by a vote of 3-0.*

*Motion was made to reopen the Warrant for STM 1. Motion was approved by a vote of 3-0.*

### Leaf Blower Bylaw Article

Epstein discussed the changes to the wording on the Leaf Blower Bylaw. He said that the previously discussed edit to define the enforcing person is not necessary because it is in the preamble. There are two new sentences: 1) Noise bylaw does not apply to leaf blowers 2) hours when use of combustion leaf blowers is allowed.

*Motion was made to amend the Leaf Blower Bylaw Article Section of 60-121.0 to add I and J as proposed by Roy Epstein. Motion was approved by a vote of 3-0.*

*Motion made to close and sign the Warrant for STM 1. Motion was approved by a vote of 3-0.*

### Open STM Warrant for January 30, 2023 for the purpose of adding one article for Treasurer/Collector and to immediately close

*Motion was made to open a Warrant for STM to begin January 30, 2023. Motion was approved by a vote of 3-0.*

*Motion was made to add one Article to STM starting January 30, 2023 for the purpose of making the Treasurer/Collector position appointed. Motion was approved by a vote of 3-0.*

*Motion was made to close and sign the STM Warrant to begin January 30, 2023. Motion was approved by a vote of 3-0.*

### Possible vote on appointments, reappointments and acceptance of resignations:

#### Youth Commission (the appointments below supersede the appointments made at November 7<sup>th</sup> Select Board meeting)

*Motion was made to accept the resignation of Agnes Shen from the Youth Commission. Motion was approved by a vote of 3-0.*

*Motion was made to reappoint Anya Chen to the Youth Commission for a three-year term to expire 6/30/2025. Motion was approved by a vote of 3-0.*

*Motion was made to reappoint Chris Bauge to the Youth Commission for a three-year term to expire 6/30/2025. Motion was approved by a vote of 3-0.*

*Motion was made to appoint Brittany Ray to the Youth Commission for a one-year term to expire 6/30/2023. Motion was approved by a vote of 3-0.*

*Motion was made to appoint Tim Bucarelli to the Youth Commission for a three-year term to expire 6/30/2025. Motion was approved by a vote of 3-0.*

#### **b. Water Advisory Board**

William Shea is recommended by Chair of the Water Advisory Board.

*Motion was made to appoint William Shea to the Water Advisory Board for a term to expire 6/30/2025. Motion was approved by a vote of 3-0.*

### **SELECT BOARD COMMITTEE LIAISON REPORTS**

- Comprehensive Capital Budget Committee met this morning. Elected Chris Doyle Chair, Susan Burgess-Cox Vice Chair and Aaron Pikcilingis as Secretary. They are talking about how to move forward in an expedited way.
- MBTA Communities Advisory Group met twice. Rachel Heller and Roy Epstein are Co-chairs of the committee and they are making progress towards meeting the January 2023 deadline for an initial submission.
- Patrice Garvin announced that the third member of the Board of Assessors will be appointed at next week's Select Board meeting.

#### APPROVAL OF MINUTES

October 27, 2022 – Select Board Public Forum

*Motion was made to approve the minutes of October 27, 2022. Motion was approved by a vote of 3-0.*

#### Potential Topics for Next Meetings:

- (1) Committee and Board Appointments/Reappointments
- (2) Belmont Middle High School Building Committee Update
- (3) MAPC Presentation on Net Zero Carbon Emissions

#### Next Meeting Dates:

- (1) Monday, November 21, 2022 - 7:00 PM – Regular Meeting
- (2) Tuesday, November 29, 2022 – 5:30 PM – Pre-STM Meeting
- (3) Wednesday, November 30, 2022 – 5:30 PM – Pre-STM Meeting
- (4) Thursday, December 1, 2022 – 5:30 PM – Pre-STM Meeting
- (5) Monday, December 5, 2022 – 7:00 PM – Regular Meeting
- (6) Monday, December 19, 2022 – 7:00 PM – Regular Meeting

*Submitted by*

*Virginia Quinn*

*Recording Secretary*