

APPROVED BY THE SELECT BOARD: Select Board Meeting

November 21, 2022

Monday, November 7, 2022

Hybrid Meeting

7:00 PM

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: December 27, 2022

TIME: 2:29 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 and Assistant Town Administrator/Finance Director Jennifer Hewitt.

COMMUNITY ANNOUNCEMENTS

- 8th Annual Veteran's breakfast will be held this Thursday, November at 10 am at Beech St. Center. Sponsored by COA. Call 617-993-2970 to register for the free event.
- Town elections tomorrow for mid-term elections. Polls open at 7 am and close at 8 pm. There are two debt exclusion articles on the ballot for Belmont and four state ballot questions in addition to the traditional elected officials.

COMMENTS FROM TOWN RESIDENTS

Matthew Schwartz, Belmont resident, Rutledge Rd. requests that there be a hearing to discuss the new parking lot and maintenance facility proposal from the Belmont Hill School. He noted that Belmont has made a commitment to sustainability, 90 Parking spaces were removed from the High School to promote carpooling and he does not think a parking lot and maintenance facility would be in keeping with Belmont's sustainability goals. He said most Belmont residents are against this proposal. Once open space is gone it will never return. He suggested the Select Board take action against this. Belmont Hill School would not be paying taxes on property converted to educational use. Retaining this property as open land will allow the Town to retain revenue. Mr. Schwartz believes that a Public Forum should be convened to make sure a productive conversation is conducted about the proposal.

Paolillo said he is concerned about the residents' opposition to this proposal. He reported that the Planning Board is waiting until a new Associate member is appointed before this matter can be discussed. Garvin said Belmont Hill withdrew their original application, and they plan to resubmit it. Paolillo said the discussion in the community has to begin with the Planning Board. Paolillo asked Mr. Schwartz to send the letters received from residents and signatures to the Select Board members. The Planning Board will continue to meet and gather more information about the applicability of the Dover Amendment before this matter can be discussed with any success.

Alison Lenk, Town Meeting member, pct. 8, asked about the process for hiring a new tree warden. Garvin said that they are waiting for the results from a tree assessment before they hire a tree warden. Paolillo said they would update the public as soon as possible on this matter.

Barbara Dubois, pct.7, called in to support Matthew Schwartz. Belmont residents take the environmental impact of the proposal by Belmont Hill School very seriously. The financial and environmental impact is sizeable.

TOWN ADMINISTRATOR'S REPORT

- a. November Bulletin – Garvin reported that this month's bulletin includes important dates for events, meeting links to Budget Summits, and updates on Town departments.
- b. Interim Human Resources Director – Garvin announced that Stephen Delaney was appointed as interim Human Resources Director. They are looking at resumes now and hopefully someone can be hired in the Human Resources permanent position within a few months.
- c. Retiring Belmont Exempt Debt Issuances – Jennifer Hewitt worked with the Treasurer to compile information about debt exclusions that will be retired in the near future. The Town Hall Complex, Fire Station and Beech St. Center debt issuances which had combined FY2023 debt service payments of \$1.3M will be rolling off by FY2026.
- d. Update on Cardboard Event held in October – Garvin announced that there was a loss of \$700 during the October Cardboard Event. The Select Board said this is the first time the event was held in October and it probably won't be held again. This was a trial and they think it's best to only hold this event after the holidays.
- e. State Appropriation for Tree Maintenance in FY2023 – Garvin said she worked with Senator Brownsberger and Representative Rogers to leverage a \$100K state appropriation for tree maintenance.

ACTION BY CONSENT

Discussion and possible vote on the Special Town Meeting (STM) Warrant Articles

Patrice Garvin reviewed the seven Articles for the November 2023 Special Town Meeting.

WARRANT ARTICLES FOR ANNUAL BELMONT TOWN MEETING November 2022	
Article #	Title
1	Reports
2	Off Cycle Community Preservation Project Town Hall Roof
3	Appropriation Belmont Library, authorization to borrow
4	Appropriation Belmont Municipal Ice-Skating Rink, authorization to borrow
5	Establish a Capital Stabilization Fund
6	Amend General Bylaws: Leaf Blower
7	Transition from Elected to Appointed (Hired) Treasurer/Collector

Article 2 is for an off-cycle CPA supplemental appropriation for the Town Hall roof (edits needed).

Article 3 Library authorization to borrow \$39.5M (if debt exclusion passes at Town Election).

Article 4 Ice Skating Rink authorization to borrow \$33.4M (if debt exclusion passes at Town Election).

Article 5 Capital Stabilization Fund establishment will be withdrawn.

Article 6 Leaf blower bylaw will be discussed tonight.

Article 7 change from elected to appointed Treasurer will be discussed tonight.

- Treasurer/Collector

George Hall, Town Counsel joined the meeting to review the process for changing the Treasurer position from elected to appointed.

Hall said that we are now in the last year of a three-year term and this position will be on the ballot in Spring 2023. The election will either have Floyd Carman on the ballot or an open seat election. Both Town Meeting approval and voter approval at the Annual Town Election are needed to approve this change.

Dash said he would like to make the change in April 2023. The Select Board made a decision that it was the top priority of the Collins Center report. We won't know any more in January than now and if we don't do it now, then we will have a three year delay. Opposition is not a reason to back off and we need to lead on this issue.

Epstein said he agrees about the need for an appointed treasurer but he noted some additional issues. He recommends taking more time to educate the public first and then convene a Special Town Meeting that could still consider the question in time for the April election. Epstein wants the STM to include discussion of changing the Town Administrator Act, both to give the Town Administrator the legal authority to hire Treasurer Office staff and to consider whether the Treasurer appointment should be made by the Select Board instead of the Town Administrator.

Paolillo thinks that residents haven't been fully informed about the issue. This election includes two debt exclusions on the ballot and mid-term elections. He would like to see one more forum, and precinct meetings and town halls to further educate residents.

Town Moderator Mike Widmer said that he would support a Special Town Meeting in February to vote on this proposal. Paolillo suggested we include this as an agenda item at the next Select Board meeting.

Motion was made to lay on table the discussion on the Special Town Meeting Warrant. Motion was approved by a vote of 3-0.

[Public hearing was opened by the Select Board.]

Public Hearing on Request for new Liquor License (Wine & Malt Beverages only) from 11 Comellas Brighton, LLC, d/b/a Comella's Restaurant, 11 Brighton Street, Belmont

Stephen Rosales, attorney for 11 Comellas LLC announced that Comella's recently purchased the 11 Brighton St. building and have relocated there and are closing the one in Belmont Center. He said this is the same operation and the ownership group remains that same. Special permit was obtained through the Zoning Board. This would be a new victualler license. Application has been examined at Town Hall and fees have been paid.

Paul Joy, Economic Development Committee Co-chair, thanked Comella's for all the details they have provided to the public and he strongly suggests favorable action on this request.

Emma Thurston, Economic Development Committee member and abutter said she supports favorable action on this request.

Motion was made to approve the Section 12 liquor license for wine and malt only application for 11 Comellas Brighton LLC, d/b/a Comella's Restaurant. Motion was approved by a vote of 3-0.

[Public Hearing was closed by the Select Board.]

Motion was made to take off the table the discussion about the Special Town Meeting Warrant. Motion was approved by a vote of 3-0.

- Leaf Blower Bylaw

The revised bylaw was displayed on the screen. Epstein said the Bylaw Review Committee met about the language of the bylaw; a few changes were made but none that changed the substance of the bylaw.

Epstein said that after the Bylaw Review Committee review, it occurred to him and others that there was a potential conflict between the Leaf Blower and Noise Bylaws. The current version was revised to keep the restriction on hours of operation from the Noise Bylaw and otherwise to state that the Noise Bylaw does not apply to leaf blowers.

Dash asked if there is a noise limit on leaf blowers. Epstein said leaf blowers are required to meet EPA noise levels. The bylaw is aimed at residential property. If the clause that he is proposing is added, then the noise bylaw would not apply to leaf blowers. Instead, noise would be addressed by the limits on the number of leaf blowers used on a property at the same time.

Epstein said contractors who have agreed to abide by this bylaw will be allowed to add their names to a list that will be shared with residents. Dash asked if it is legal to have a list of contractors. Atty. George Hall said the list would be acceptable.

The enforcing person for the Leaf Blower Bylaw will be appointed by the Select Board. If a company violates the bylaw as a repeat offender, then the enforcing person would notify the Town Administrator's office and the Select Board has the authority to remove them from the list.

Epstein said that there are more changes to be voted on by the Bylaw Review Committee before Town Meeting.

Motion was made to include the Article 6 Leaf Blow Bylaw in the Special Town Meeting Warrant for November including the most recent language provided by Roy Epstein. Motion was approved by a vote of 3-0.

Discussion and possible vote to sign the Special Town Meeting Warrant

Garvin said that Article 2 for CPA funding requires a language change to further specify funding sources.

Motion was made to approve and sign the Special Town Meeting Warrant and authorize staff to make non-substantive edits as necessary (as recommended by Town or Bond Counsel) to include Article 1, 2 (as amended by Patrice Garvin), 3, 4 and 6 as presented tonight.

Motion was made to delete Article 5 Establish Capital Stabilization Fund from the Special Town Meeting Warrant. Motion was approved by a vote of 3-0.

Motion was made to remove Article 7 Transition from Elected to Appointed Treasurer/Collector from the Special Town Meeting Warrant. Approved by a vote of 2-1. Dash opposed.

Widmer commented that the deadline for amendments for Special Town Meeting is November 18, 2022. He said he will not accept any substantive amendments on the Town Meeting floor for the Leaf Blower Bylaw.

Discussion and possible vote on request from the Belmont LGBTQ+ Alliance to place posters of trans individuals who were murdered in 2022 on the Leonard St. delta in front of M&T Bank from November 16 through November 21, 2022 and request to close down the “driveway” in front of M&T Bank on Sunday, November 20 from 5:30 – 7:30 PM

Gladys Unger, member of the Belmont LGBTQ+ Alliance joined the meeting. She is asking for permission to hold a memorial display from November 16 to November 21, 2022 and on November 20, 2022 they are asking that a small driveway be closed off in that area from 5:30 to 7 pm for a vigil.

Motion was made to approve the requests from the LGBTQ+ Alliance to place posters of trans individuals murdered in 2022 on the Leonard St. delta in front of M&T Bank from November 16 through November 21, 2022 and request to close down the “driveway” in front of M&T Bank on Sunday, November 20 from 5:30 – 7:30 PM. Motion was approved by a vote of 3-0.

Open and close Special Town Meeting (STM) Warrant within the STM to add two (2) articles and to immediately close

Garvin said there is a need for a Special Town meeting within Special Town Meeting in order to finalize action for two items that need to be reflected in the Town’s submission to the Department of Revenue to certify the FY2023 tax rate.

Article 1 – Supplemental Budget for Recreation Department

This is a request to supplement FY2023 budget to cover additional programming for the Recreation Department. Expectations are that program revenues will cover the appropriation, so there will be no impact on the tax rate.

Article 2 – Reduce FY2023 Debt Service Amount

This will correct a clerical error to ensure that taxpayers are not overtaxed for exempt debt. More was appropriated for exempt debt service than is needed.

Motion was made to open the Warrant for Special Town Meeting to be held on November 29, 2022 at 7 pm. Motion was approved by a vote of 3-0.

Motion was made to place two Articles on the Warrant for Special Town Meeting on November 29, 2022 at 7 pm. Article 1: Supplemental budget for Recreation Department with language discussed. Article 2: to reduce the FY2023 Debt Service amount. Motion was approved by a vote of 3-0.

Motion was made to close the Warrant for Special Town Meeting on November 29, 2022 at 7 pm. Motion was approved by a vote of 3-0.

Planning Board Associate member interviews (to be continued November 14, 2022)

- 8:55 – 9:05 PM - Carol Ann Berberian

Ms. Berberian is a Town Meeting member from pct. 7 and a lifelong resident with two children in the public school system. Her background is in real estate and she is an instructor for state of Mass. in zoning and taxation. She is also Director of the Greater Boston Association of Realtors. She said she hopes to be able to assist with the upcoming planning projects in Belmont.

Ms. Berberian answered questions from the Select Board members.

- 9:05 – 9:15 PM - Alexandra Danahy

Ms. Danahy is a lifelong resident of Belmont. She is at a point in her life where she has the time to serve. She is a Town Planner by training and worked in management consulting and is familiar with the Belmont zoning regulations. She has done Town Planning for universities over the past 20 years. In that role she has experience working with stakeholders and she is comfortable working with data to make informed decisions.

Ms. Danahy answered questions from the Select Board members.

[Dash and Epstein noted that Ms. Danahy may have to recuse herself from the Belmont Hill project due to personal conflicts.]

- 9:15 – 9:25 PM - Ira Morgenstern

Mr. Morgenstern said that he is a semi-retired, six-year resident of Belmont. He would like to offer his experience and time to help alleviate some of the financial pressures faced by Belmont. His background is as CFO and CEO with under-performing companies and his focus in that role was resource allocation and managing cultures. He would like to help move forward commercial development in Belmont by helping the Planning Board develop a vision.

Mr. Morgenstern answered questions from the Select Board members.

Paolillo announced that three more interviews for the Planning Board would be conducted at the next Select Board Meeting on November 14th and an appointment would be made at that meeting after the interviews are conducted.

Possible vote on appointments, reappointments and acceptance of resignations:

Comprehensive Capital Budget Committee

The new Comprehensive Capital Budget Committee consists of nine Voting Members and two Non-Voting Members (Town Administrator & Supt. of Schools or their designees). Four members are appointed by the Select Board and five members are appointed by the Moderator.

Garvin said the terms in the bylaw state that the terms should be staggered. Epstein said he helped to make the first draft of the bylaw and it was expected that only the Moderator appointments would be staggered. After further discussion, the Select Board decided that they would make the Select Board appointment end with the 2023 Annual Town Election, at which time the term could be discussed again.

Motion was made to appoint Vice Chair Adam Dash to the Comprehensive Capital Budget Committee as Select Board designee with a term to expire 4/4/2023. Motion was approved by a vote of 3-0.

Motion was made to appoint Chris Doyle to the Comprehensive Capital Budget Committee as Warrant Committee designee with a term to expire 6/30/2023. Motion was approved by a vote of 3-0.

Motion was made to appoint Claus Becker to the Comprehensive Capital Budget Committee as Energy Committee designee with a term to expire 6/30/2023. Motion was approved by a vote of 3-0.

Motion was made to appoint Catherine Bowen to the Comprehensive Capital Budget Committee as School Committee designee with a term to expire 4/4/2023. Motion was approved by a vote of 3-0.

Motion was made to appoint Jennifer Hewitt to the Comprehensive Capital Budget Committee as Town Administrator's Designee (non-voting). Motion was approved by a vote of 3-0.

Motion was made to appoint John Phelan, or designee, to the Comprehensive Capital Budget Committee as Superintendent of School's Designee (non-voting). Motion was approved by a vote of 3-0.

Shade Tree Committee

Motion was made to reappoint Eva Hoffman to the Shade Tree Committee for a three-year term to expire 6/30/2025. Motion was approved by a vote of 3-0.

Motion was made to reappoint Christine Arthur to the Shade Tree Committee for a three-year term to expire 6/30/2025. Motion was approved by a vote of 3-0.

Motion was made to reappoint Michael Chesson to the Shade Tree Committee for a three-year term to expire 6/30/2025. Motion was approved by a vote of 3-0.

Motion was made to reappoint DeNee Reiton Skipper to the Shade Tree Committee for a three-year term to expire 6/30/2025. Motion was approved by a vote of 3-0.

Youth Commission

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

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

Motion was made to appoint Brittany Ray to a three-year term to expire 6/30/2025 (Anya Chen seat). Motion was approved by a vote of 3-0.

Appoint Tim Bucarelli to a three-year term to expire 6/30/2025 (C. Svetney seat). Motion was approved by a vote of 3-0.

Transportation Advisory Committee (total of 9 members)

Motion was made to appoint Richard Hartley to the Transportation Advisory Committee for a term to expire 6/30/2024 to fulfill the rest of Larry McDonald's term. Motion was approved by a vote of 3-0.

Discussion and possible vote to disband the Long-Term Capital Planning Committee

Motion was made to disband the Long-Term Planning Committee effective November 7, 2022. Motion was approved by a vote of 3-0.

SELECT BOARD COMMITTEE LIAISON REPORTS

- Community Path Project Committee are scheduled to come to Select Board meeting on November 21, 2022 to present a report on Phase I.
- Light Board held a public forum on proposed increases. Epstein said the forum was lightly attended and he hopes the public is aware of the rate increases.

APPROVAL OF MINUTES

- a. September 15, 2022 – Joint Meeting – Budget Summit I
- b. October 3, 2022 – Regular Meeting (as amended)
- c. October 18, 2022 – Regular Meeting (as amended)
- d. October 20, 2022 – Joint Meeting – Budget Summit II

Motion was made to approve the minutes of September 15, 2022, October 3, 2022 (as amended), October 18, 2022 (as amended) and October 20, 2022. Motion was approved by a vote of 3-0.

Next Meetings:

- a. Potential Topics:
 1. Planning Board Associate Member Interviews (continued from 11/7/2022)
 2. Solid Waste & Recycling Committee Update
 3. Committee and Board Appointments/Reappointments
 4. Belmont Middle High School Building Committee Update
 5. MAPC Presentation on Net Zero Carbon Emissions
- b. Next Meeting Dates:
 1. Monday, November 14, 2022– 7:00 PM – Regular Meeting
 2. Monday, November 21, 2022 - 7:00 PM – Regular Meeting
 3. Tuesday, November 29, 2022 – 5:30 PM – Pre-STM Meeting
 4. Wednesday, November 30, 2022 – 5:30 PM – Pre-STM Meeting
 5. Thursday, December 1, 2022 – 5:30 PM – Pre-STM Meeting
 6. Monday, December 5, 2022 – 7:00 PM – Regular Meeting
 7. Monday, December 19, 2022 – 7:00 PM – Regular Meeting

Submitted by

Virginia Quinn

Recording Secretary