

Approved By the Select Board:
December 19, 2022

Select Board Meeting
Monday, November 21, 2022

Hybrid Meeting

7:00 PM

RECEIVED
TOWN CLERK
BELMONT, MA

DATE: December 27, 2022
TIME: 2:16 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.

COMMUNITY ANNOUNCEMENTS

- Looking for volunteers for nine Town committees.
- Snow Plow drivers wanted. Call the Belmont DPW at 617-993-2680. Jay Marcotte said a CDL license is required.
- LGBTQ+ memorial is currently open for viewing in front of the M&T bank. Senator Brownsberger, Representative Rogers, Middlesex District Atty. Marian Ryan, Police Chief McIsaac and Adam Dash attended the candle light vigil last night. The memorial will be open until November 28th.
- Paolillo announced that Adam Dash has decided not to run again this year for re-election.

COMMENTS FROM TOWN RESIDENTS

Peg Callanan, Town Meeting member, pct. 7, encouraged the Select Board to reconsider the striping on Concord Ave. It needs to be revisited. There is much opposition to it in the Town.

Paolillo said this is a trial period and we will be revisiting the plan after data is collected.

TOWN ADMINISTRATOR'S REPORT

Update on Rink Operations

Jay Marcotte reported that the rink is now open. He displayed a chart of lost revenues over the past few weeks when rink was under repair. The General Fund impact is calculated at \$32,707 (includes lost revenues and expenses). Frank Sartori, the rink manager, has been working hard to keep the rink open by making piecemeal repairs. The Belmont Hockey Team will start practicing on Monday.

Update on Community One Stop for Growth Grant

Garvin reported that the Town received a grant from the Department of Housing and Development in the amount of \$75K. They will use money to hire a technical advisor for the MBTA Advisories Committee to assist with affordable housing demands.

COVID-19 Small Business Grants awarded by Senator Brownsberger, Representative Rogers and the Select Board

The Town received \$100K in a small business grant from the state. Awards were made to the following businesses at \$10K per business:

- | | |
|--------------------------------------|-----------------------|
| a. Avalon Dance Productions | f. The Exercise Coach |
| b. Malcolmson Philanthropic Advisors | g. Cheeky Monkey |
| c. Gregory's House of Pizza | h. Sweet Heart |
| d. Burnin' by Ray | i. Il Casale |
| e. Valentina Day Spa | j. The Wellington |

Senator Brownsberger and Representative Dave Rogers said they were able to levy these funds because state revenue receipts have stayed strong. There are many good small businesses in Belmont that need this support. Paul Joy and Kathryn Venzke from the Belmont Economic Development Committee thanked Patrice for helping to secure the grant.

Awardees spoke about their businesses and had photos taken with Representative Rogers, Senator Brownsberger and Select Board members.

OPEN JOINT SESSION WITH BOARD OF ASSESSORS

A meeting of the Assessors was called to order by Chair Bob Reardon. Vice Chair Charles Laverty and Administrator Dan Dargon were also present.

Discussion and possible vote to appoint interim Board of Assessors member

Paolillo said we are here to discuss the temporary appointment to replace Chuck Clark.

Mr. Reardon announced that Patrick Murphy IV was the only applicant for the position. Mr. Murphy has been a practicing real estate lawyer for 20 years and he has extensive knowledge of the Town. Mr. Murphy introduced himself and said he is a lifelong resident who wants to help the Town. He plans to run for the office in April 2023.

Epstein asked Mr. Murphy what he thought would be the greatest skill he could bring to the position. Mr. Murphy said his negotiation skills will be helpful for contracts, also he has information on rules and regulations because he is representing buyers and sellers in Town.

Paolillo said he would like to see the Town develop a stronger pilot program.

Motion was made to appoint Patrick Murphy as interim member of the Board of Assessors with a term to expire April 4, 2023. Motion was approved by a vote of 3-0.

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

CLOSE JOINT SESSION WITH BOARD OF ASSESSORS

OPEN PUBLIC HEARING at 8:00 PM

Public Hearing on the application of Stone Hearth Also, Inc. d/b/a Stone Hearth Pizza, 57 Leonard Street, for a Multiple Amendment Liquor License Application for Change of Officers/Directors/LLC Managers and Change of Stock Interest and Change of Manager

Tony Leccese, Attorney for the corporation joined the group along with new owners. Some of the original owners have transferred their interest. The other owners and a key employee will acquire the interests so the restaurant remains locally owned. There will be no substantive changes to operations.

No public comment was made on the Stone Hearth application.

Motion was made to close PUBLIC HEARING and approved by a vote of 3-0.

Motion was made to approve the Section 12 liquor license (wine and malt only) for the multiple amendment applications received for Stone Hearth Also, Inc, d/b/a Stone Hearth Pizza, 57 Leonard Street, for Change of Officers/Directors/LLC Managers and Change of Stock Interest and Change of Manager. Motion approved by a vote of 3-0.

OPEN PUBLIC HEARING at 8:30 PM

Public Hearing on the application of Star Markets Company, Inc., d/b/a Star Markets, 535 Trapelo Road, for a Liquor License, Application for Change of Officers/Directors/LLC Managers

Attorney Nick Zozula from McDermott, Quilty and Miller joined the meeting remotely.

The application involves an administrative change of officers. Removing Gary Morton as Director/VP/Treasurer and Asst. Secretary and adding Cody Purdue in same role. Removing John Scuccimara and adding Eric Myers as new director. All the other names stay the same and there are no operational changes. They will be updating the liquor license with the Secretary of State.

Motion was made to approve the Section 15 Retail package store license all alcoholic beverage application for Star Markets Company Inc. d/b/a Star Markets, 535 Trapelo Road, for Change of Officers/Directors/LLC Managers.

Motion was made to reopen PUBLIC HEARING on Star Market to gather public input and approved by a vote of 3-0.

No public comments were made on the Star Market license.

Motion was made to close PUBLIC HEARING and approved by a vote of 3-0.

Motion was made to approve the Section 15 Retail package store license all alcoholic beverage application for Star Markets Company Inc. d/b/a Star Markets, 535 Trapelo Road, for Change of Officers/Directors/LLC Managers. Motion approved by vote of 3-0.

Discussion and possible vote to award FY2024-2028 Solid Waste & Recycling Contract to Waste Management of Massachusetts, Inc.

Jay Marcotte joined the meeting to continue the discussion from last week's presentation on the FY24-28 Solid Waste and Recycling Contract. He showed slides outlining information on a rebid vs. renewal. Solid Waste Recycling Committee voted unanimously to continue with Waste Management of Massachusetts. He is asking the Board approve the proposal recommended by the committee.

Marcotte said if they initiate a contract with a new company, they will need to buy new trucks, and if they went out to bid, the wait time for new trucks is one and half years. If the contract started July 1, then an additional rental fee would be required on top of the bid. He said that the first year of the renewal contract with Waste Management of Mass has a bigger increase than subsequent years. Marcotte said he is looking at the costs and benefits of charging fees for pick up of bulky items like mattresses.

Lisa Pargoli, asked whether Waltham still does manual pick up. Marcotte replied that Waltham has decided to move towards automation.

Motion was made to award the 2024-2028 Solid Waste Recycling Contract to Waste Management of Massachusetts, Inc. and approved by a vote of 3-0.

Update on the Community Path Project Committee:

Russ Leino, Chair of the Community Path Project Committee, and Glenn Clancy, Director of Community Development joined the group.

Phase I Update

Leino said the Nitsch team made the Phase I 25% design submission to MASSDOT earlier this summer. Nitsch met with MASSDOT to respond to a hundred or more comments. Nitsch is going through the same review process with the MBTA. There are a couple of last requests from MASSDOT and the MBTA. The design public hearing is expected to take place in the new year, not this fall.

Nitsch is in discussions with Greystone, a subcontractor that handles MBTA real estate, regarding rights of way on MBTA property. Nitsch expects the MBTA will make the necessary right of way available with a 99-year lease for one dollar.

Leino reported that the comments should be able to be resolved. Nitsch said that most of the comments are resolvable. Some comments will be rolled over to the 75% design plan and others will need to be addressed earlier. Leino said we should still should be able to get to 75% design by FFY 2026. We need to get everything ready to bid by October 2025. Clancy clarified that this is a Mass DOT project and they will be approving the budget and hiring the contractors. He said that Mass DOT is very reliable, but we are required to work with their process.

Alison Lenk, Town Meeting member, pct. 8 said that abutters would like to know about the design changes. Would they save any of the trees?

Leino replied that the design plan they are working on relates to the underpass. There are no alignment changes yet.

Paolillo said we should talk about any new changes that may occur. Leino said that they requested a design that saves existing vegetation.

Discussion and possible vote on Phase II recommendation of Pare Engineering and possible recommendation of contract

Mr. Leino reported that Phase II will run from the Clark St. bridge through to the Waltham border via Waverly Square. The Phase II design will explore final alignment options. We have options from the

feasibility study from 2010 and we are following that. But there are other options available that can be considered. The procurement process was completed for Phase II design. After recognition as a Mass DOT project, the project will be eligible for other grants. Pare Corporation and Nitsch Engineering answered our bid and both companies were interviewed. A clear consensus emerged for the bid from Pare Corp. and the Community Path Project Committee recommends Pare Corp. for Phase II project.

Leino said there were four criteria and Pare scored higher on the project management criteria. The quality of their proposal was better and the Pare feasibility study helped identify challenges.

The Select Board endorsed the recommendations of the feasibility study, but the final alignment was not yet voted on. The Mass. Trails money needs to be spent by FY2023, but Leino feels the work can be completed by that date.

Paolillo asked that the Pare proposal be sent to the other members of the Select Board because they have not seen it.

Garvin said she is working on the final wording of the contract for Phase II with Town Counsel. Epstein feels that no action should be taken until the Select Board sees the contract. He wants to know how the contract addresses the question of constructability.

Epstein asked how soon will they make a decision about the tracks. Leino said the plan is to make a recommendation for alignment by March. Scope of work and contract language should be finalized two weeks from today, after review by Town Counsel John Elder. The proposal will be sent to the Select Board and Town Counsel will review next week and then a more substantive discussion about the proposal can be undertaken. Leino said that the Mass. Trails funding would be used first because it expires June 2023. Epstein commented that we have to make sure that the proposed scope of work manages the limited budget of \$400K effectively.

Allison Lenk, pct. 8, asked about alignment and how it would impact the housing for disabled people on the Clark St. bridge.

Leino said that housing is not affected by the alignment.

Positions on Articles and Amendments for the Fall Special Town Meeting

Two amendments were filed to Leaf Blower Bylaw for Special Town Meeting 1.

Amendment #1: submitted by Rick Hartley, pct. 3, Town Meeting member.

Rich Hartley said that this amendment focuses on noise pollution in addition to air pollution. The amendment proposes to prohibit all leaf blowers before 7 am on weekdays and before 9 am on weekends and legal holidays.

Epstein said the committee discussed this issue. The hours cited in the Leaf Blower Bylaw were taken from the Noise Bylaw that allows landscapers to work from 7 am as long as they are keeping with other parameters in the Noise Bylaw. He stated that the amendment would create a negative economic impact on landscapers. Dash noted that residents may want to clean their lawns on Saturday before 9 am as well.

The Select Board suggested that Mr. Hartley e-mail the Town Moderator regarding further changes to his amendment.

Motion was made for unfavorable action on the Hartley proposed amendment to the Leaf Blower Bylaw for Article 3, Special Town Meeting I. Motion was approved by a vote of 3-0.

Amendment #2: submitted by John Robotham, Town Meeting member, pct. 2.

Mr. Robotham explained that the purpose of the amendment is to extend the proposed bylaw to all properties of the Town, including non-residential.

Epstein said the committee decided early on to restrict to residential properties only, predominantly because the majority of the complaints registered were about residential properties. The bylaw bans all gas units starting in 2026.

Dash said there has to be a phase-in period and negotiations have to be recognized during that beginning phase.

Motion was made for unfavorable action on the proposed Robotham amendment to the Leaf Blower Bylaw for Article 3, Special Town Meeting I. Motion was approved by a vote of 3-0.

Special Town Meeting 1

Motion was made for favorable action on Article 2, Special Town Meeting I, Appropriation of Belmont Library Authorization to Borrow. Motion was approved by a vote of 3-0.

Motion was made for favorable action on Article 3, Special Town Meeting 1, Leaf Blower Bylaw. Motion was approved by a vote of 3-0.

Epstein said the Bylaw Committee is voting on word changes tomorrow. Dash said we could vote it again if needed, on the morning of STM.

Special Town Meeting 2

Motion was made for favorable action on Article 1, Special Town Meeting 2, Supplemental Budget for Recreation Budget. Motion was approved by a vote of 3-0.

Motion was made for favorable action on Article 2, Special Town Meeting 2, Reduce FY23 Debt Service Appropriation. Motion was approved by a vote of 3-0.

Motion was made for favorable action on Article 3, Special Town Meeting 2, Offcycle Community Preservation Project Town Hall Roof. Motion was approved by a vote of 3-0.

Possible vote on appointments, reappointments and acceptance of resignations:

a. Age Friendly Action Plan Committee

Motion was made to remove Judy Singler and Theresa O'Connor from the Age Friendly Action Plan Committee. Motion was approved by a vote of 3-0.

Motion was made to appoint Betsy Lipson as the Housing Trust Representative to the Age Friendly Action Plan Committee for a term expiring June 30, 2023 (to replace Judy Singler). Motion was approved by a vote of 3-0.

Motion was made to appoint Paul Cawling as the Recreation Commission representative to the Age Friendly Action Plan Committee for a term expiring June 30, 2025 to replace Theresa O'Connor. Motion was approved by a vote of 3-0.

b. MBTA Communities Advisory Committee

Motion was made to appoint Julie Wu as the Diversity Equity and Inclusion Committee member to the MBTA Communities Advisory Committee for a term expiring June 30, 2023. Motion was approved by a vote of 3-0.

[Assessors will need to nominate their member.]

c. Structural Change Implementation Committee

Motion was made to appoint Paul Rickter as the Warrant Committee member to the Structural Change Implementation Committee member for a term expiring June 30, 2025. Motion was approved by a vote of 3-0.

Motion was made to appoint Vicki Amalfitano and Tim Bucarelli to the Structural Change Implementation Committee for the Town resident positions for terms to expire June 30, 2025. Motion was approved by a vote of 3-0.

SELECT BOARD COMMITTEE LIAISON REPORTS

- Comprehensive Capital Committee is holding first meeting tomorrow.
- MBTA Communities Advisory Committee is meeting weekly and plan to make presentation to Select Board in January 2023.
- Permanent Audit Committee plans to return to Select Board in January to provide updates.

APPROVAL OF MINUTES

November 7, 2022 – Regular Meeting

Motion was made to approve the minutes of November 7, 2022 as amended. Motion was approved by a vote of 3-0.

[Executive Session was tabled until December 5, 2022.]

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

Next Meetings:

a. Potential Topics:

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

b. Next Meeting Dates:

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

Submitted by

Virginia Quinn

Recording Secretary