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Minutes

Town of Belmont

Board of Selectmen

Selectmen's Meeting Room

Monday, August 12, 2019

7:00pm

APPROVED  
BOARD OF SELECTMEN  
DATE: 9/23/2019

CALL TO ORDER:

A regular meeting of the Board of Selectmen was called to order by Chair Tom Caputo. Vice Chair Adam Dash and Selectman Roy Epstein were present. Town Administrator Patrice Garvin was present.

COMMUNITY ANNOUNCEMENTS:

- Wednesday August 14 the Belmont and Boston Youth Environmental Entrepreneurship Program will be holding a native perennial sale at the First Church from 4-7pm.
- *Bocce and Burgers* event hosted by the Belmont Police and Fire Departments will be held August 13, 4pm at the Beech Street Center. Cost is free – sign up at the front desk.
- The Tom Nutile Big Band featuring vocalist Jim Bramante will be performing at the Beech Street Center September 12 at 7pm. Tickets are \$10 – the event is sponsored by the Friends of the Council on Aging, with proceeds going towards the Senior Center and Seniors' services.
- *Meet Belmont* annual event is Tuesday August 27. The event is free and will be held at the Belmont Day School in the gymnasium.

COMMENTS FROM TOWN RESIDENTS:

[There were none]

ACTION BY CONSENT:

**Massachusetts Water Resources Authority (MWRA) Water Assistance Loan Agreement (LWSAP20-323) for \$500,000 Interest Free Loan**

**MWRA Local Sewer Assistance Loan Agreement (WRA-P11-04-3-1116) for \$447,000 (\$201,150 Grant & \$245,850 Interest Free Loan)**

**MWRA Local Sewer Assistance Loan Agreement (WRA-P11-04-3-1124) for \$848,000 (\$636,000 Grant & \$212,000 Interest Free Loan)**

Floyd Carman (Town Treasurer) joined the meeting. The three borrowings were comprised of interest free loans, as well as grant money for sewer. This was part of an ongoing MWRA program that Belmont has participated in over the course of several decades. Carman noted the efforts of DPW Director Marcotte and Community Development Director Clancy in assembling the application materials.

*Motion: We, the Board of Selectmen of the Town of Belmont, Massachusetts, certify that at a meeting of the board held August 12, 2019, of which meeting all members of the board were duly notified and at*

APPROVED

Which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in our custody:

Voted: that the sale of the \$245,850 Sewer Bond of the Town dated August 19, 2019, to Massachusetts Water Resources Authority (the "Authority") is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on August 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>
2020	\$49,170
2021	\$49,170
2022	\$49,170
2023	\$49,170
2024	\$49,170

Further Voted: that the sale of the \$212,000 Sewer Bond of the Town dated August 19, 2019, to the Authority is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on August 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2020	\$21,200	2025	\$21,200
2021	\$21,200	2026	\$21,200
2022	\$21,200	2027	\$21,200
2023	\$21,200	2028	\$21,200
2024	\$21,200	2029	\$21,200

Further Voted: that the sale of the \$500,000 Water Bond of the Town dated August 19, 2019, to the Authority is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on August 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2020	\$50,000	2025	\$50,000
2021	\$50,000	2026	\$50,000
2022	\$50,000	2027	\$50,000
2023	\$50,000	2028	\$50,000
2024	\$50,000	2029	\$50,000

Further voted: that each member of the Select Board, the Town Clerk, and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts

*or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote.*

*(Vote passed 3-0)*

**Public Tree Hearing – 35 Myrtle St. – 8" Oak**

Caputo opened the tree hearing, but explained the Board would first go into executive session before returning to the hearing.

*Motion: To table the Public Tree Hearing, 35 Myrtle Street, 8" oak. (Vote passed 3-0)*

**Executive Session; Joint Session with the School Committee: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body, and the Chair so declares.**

Susan Burgess-Cox (Chair, School Committee) called the School Committee meeting to order and initiated a roll call vote for the School Committee to go into executive session.

*Motion: To enter executive session as described above. (Roll call vote: Tom Caputo, Adam Dash, Roy Epstein)*

*Motion: To come out of executive session as described above. (Roll call vote: Tom Caputo, Adam Dash, Roy Epstein)*

*Motion: To take the Public Tree Hearing off the table. (Vote passed 3-0)*

Garvin provided context for the hearing: a public hearing with the Tree Warden was held a couple months ago, wherein the resident had initially brought forth the proposal to remove the oak tree and replace it with two new trees in conjunction with relocating a driveway; neighbors had expressed concern over approval for removing the tree; Town Counsel had subsequently provided comments with respect to restrictions that the neighbors wished to place on the tree removal. At present, abutters had been notified of the tree hearing and the resident was to be given the opportunity to make the case for removal of the tree.

- *Steven Goodman (35 Myrtle St., Property owner adjacent to tree in question):* Goodman explained that he wanted to relocate the existing driveway on the uphill side of his house, a project intended to divert water away from the basement which was prone to flooding. The 8" oak currently stands in the only logical place for a new driveway. He was willing to replace with two ~60ft (2-3" caliper) trees. He had worked with neighbors to arrive at conditions for undertaking the work, and the driveway otherwise met zoning requirements.

[Open public comment.]

- *William Horn (79 School St.):* Spoke on behalf of the neighbors, confirming that the most recent email sent to the Board reflected an agreement with Goodman on how to proceed with the tree removal. Area will ultimately be improved and will result in a better quality of life for the Goodman family.

[No further public comment.]

Dash summarized Town Counsel's position on the neighbors proposed conditions for removing the tree: the term establishing an escrow account for the project was difficult/complicated to administer (Horn and Goodman clarified that the most recent agreement forewent this condition); two other conditions were not really necessary/enforceable (driveway complies with zoning, precautions to protect neighbors from dust/construction). This essentially left agreement on: 1) replacing old tree with two new trees of largest possible size; 2) installation of granite curbing to control future erosion.

Epstein disagreed with Dash's interpretation of Counsel's opinion regarding the granite curbing – it was theoretically okay to enforce this condition, but should be left to expertise of Town staff to determine whether granite curbing was in fact a required and proportional measure to take. Epstein was happy to go along with the neighbors' agreement, but noted that it should not be taken as any sort of precedent for future cases. He further noted it may be very challenging to find a contractor to take on a granite curbing project of such small scale – where would the agreement stand if this was the case?

Glenn Clancy (Director, Community Development) joined the meeting. He confirmed that zoning for the driveway was set to be approved once the tree question was resolved. Also, the granite curbing was necessary because of the excavation work that would be required to install the new trees. Clancy noted that the Tree Warden emphasized the need for the replacement to be conducted at the proper time of year (spring or fall).

*Motion: To allow the homeowner to remove the 8" caliper street tree in front of 35 Myrtle Street, with the following provisos: 1) to plant two root ball trees of the largest size possible as replacement – planting may occur after the completion of major construction so long as the new trees are planted within ten months of the removal of the current living oak tree and before the disrupted sidewalk is repaired and fixed; 2) install granite curbs and adequate soil backfill to protect the new trees and give them the best chance for survival, and repair any sidewalk damage. (Vote passed 3-0)*

#### **Award contract for trash disposal to Wheelabrator**

Jay Marcotte (Director, DPW) appeared to request approval of the contract. The price per ton was up 10% from the previous contract, similar to - and in fact the lowest among - other nearby communities (e.g. Lexington, Arlington). Marcotte was pleased with the pricing given recent increases in the recycling markets. The new contract was for five years, with no limit on the amount of trash. After the initial 10% jump, the year-over-year increases were expected to be in the range of 2.5-3.5%. Finally, Marcotte highlighted success of the new trash disposal program which had brought down the waste tonnage to 6200 tons per year, from an average of 7500.

*Motion: That the fiscal year 2021 to 2025 second amendment to the service agreement for trash disposal be awarded to Wheelabrator North Andover Inc., with revised cost per ton as noted in the memo from Jay Marcotte dated August 7, 2019. (Vote passed 3-0)*

#### **Award contract for engineering services for the Community Path to Nitsch Engineering**

Garvin requested to defer the item as Town Counsel was still reviewing the contract.

#### **Discussion of Vision 21 Master Plan**

Caputo explained the current Master Plan for the Town was put together in 2010 and expires in 2020. The Vision 21 Implementation Committee (VIC) had a proposal on how to approach a new version of the

Master Plan. Kevin Dorn (Chair, VIC), Rogelio Fussa (Vice chair, VIC), and Renee Guo (Member, VIC) joined the meeting to discuss.

Dorn recommended doing a refresh of the Master Plan document, largely compiling and referencing other documents already approved by Town Meeting (e.g. Housing Production Plan) as well as focusing on areas that have changed since 2010. Additionally, the VIC would seek a grant through the Metropolitan Area Planning Council to assist with the refresh; much of the work for the grant application had already been completed. With respect to timelines, Dorn anticipated to submit the grant application within the month and to spend roughly one year working on the Master Plan refresh, beginning in January.

Caputo invited Stephen Pinkerton (Chair, Planning Board) to comment. Pinkerton was supportive of the Planning Board participating in the Master Plan refresh, and wanted to assign the soon-to-be-appointed associate member to help work on the project.

The Board was supportive of VIC's proposal for the Master Plan refresh as well as seeking the grant through MAPC. Caputo noted two areas of potential focus would be increasing school enrollment and traffic.

**Discussion and possible vote on the use of Town Green space on August 29, 2019 by the Belmont After School Enrichment Collaborative (BASEC)**

Annie Gladfelter (Director of Community Education and Engagement, BASEC) explained that BASEC had been running a summer program out of the Unitarian Church, for which an end-of-summer picnic and BBQ was planned. The Church had agreed to share facilities and resources for hosting the event.

*Motion: To allow the use of Town Green space on August 29, 2019 by the Belmont After School Enrichment Collaborative for a picnic and BBQ. (Vote passed 3-0)*

**Discussion and possible appointments to the Zoning Board of Appeals (ZBA)**

Nick Iannuzzi (Chair, Zoning Board of Appeals) joined the meeting. He explained there was one regular position to fill, as well as two associate positions. He was recommending that Phil Ruggiero, a current associate member, be appointed to full membership. Further, he requested that the Board subsequently conduct interviews for the remaining two associate positions.

John Marshall (Assistant Town Administrator) interjected that the Town Administrator's office had contacted candidates in advance of the present meeting, with the intention that they be interviewed. After some discussion, the Board agreed that it was only fair to proceed with interviewing those that had showed up for the meeting.

- *Andrew Kelly:* A 16 year Belmont resident with professional experience in commercial real estate. Self-described neophyte, interested in learning about zoning issues in the Town and bringing skill set to help provide solutions to complex issues on the ZBA.
- *Theresa McNutt:* A residential real estate appraiser, experience/understanding of issues related to determining highest and best use, legal permission. Thought the biggest challenge for the ZBA was meeting in the middle of the property owner's vision for the property and following appropriate bylaws.

Dash and Epstein stated that Kelly and McNutt were the two candidates they each had identified as their top choices based on the applications. Dash asked about the structure of the appointments – one was for a three year term, the other for a two year term.

*Motion: To appoint Phil Ruggiero to a three year term as full member on the Zoning Board of Appeals; to appoint Andrew Kelly to a three year term as associate member on the Zoning Board of Appeals; to appoint Theresa McNutt to a two year term as associate member on the Zoning Board of Appeals. (Vote passed 3-0)*

#### **Discussion and possible appointments to the Planning Board**

Stephen Pinkerton (Chair, Planning Board) joined the meeting. There were two open seats on the Planning Board, one full member and one associate, both with requested appointments for three year terms in order to get the staggering of appointments back in sync.

For the associate member, Pinkerton was recommending Renee Guo. He saw the position as initially devoting time to the refresh of the Town's Master Plan; Guo had professional experience in master planning, and he thought she would make a great full member down the road as well. For the full position, Pinkerton's top two choices were Matthew Lowrie and Laura Burns. Both were extremely qualified, with different sets of qualifications. Pinkerton leaned towards recommending Lowrie due to a need on the Planning Board for a lawyer, as well as his past experience serving the Town on other committees.

The following candidates under consideration of appointment to the Planning Board were in attendance at the meeting:

- *Jonathan Birge:* An eight year resident, director of the Space Systems Group at MIT Lincoln Lab. His interest in the Planning Board was to bring his skill set to bear in stewarding the character of the Town for future generations; ultimately expressed deference to other candidates with more relevant experience. The Board encouraged his involvement in other committees.
- *Laura Burns:* Career in residential architecture with project management and design experience. Had wealth of experience providing information to municipalities for permitting processes, but had not yet served Town government in any capacity.
- *Renee Guo:* Oak Street resident, Masters from Tufts. Experience as a practicing professional planner with VHB consulting firm, working with State agencies and local government on long range master planning projects.
- *Matthew Lowrie:* A twenty five year Belmont resident, former Town Meeting Member from Precinct 7, and had served as the Chair of the Board of Library Trustees for eight years. His background was as a litigator in intellectual property law. He had recently stepped back from service in Town government for a period, but was ready to reengage once again.
- *Ira Morgenstern:* Background in turning around troubled companies, requiring a skill set of: sorting through lots of information quickly; coming up with a plan; testing the plan and moving forward; dealing with complex legal issues. He wanted to bring this skill set to bear on the Planning Board to help keep Belmont a special place to live.
- *Bethany Murray:* An IT manager at Harvard with additional background as a painter and artist. She had been following the Planning Board minutes and wanted to get involved in the community. Murray was deferential to the experience of the other candidates, and expressed interest in serving on other committees.

Dash had identified Guo as perfect for the Master Plan refresh project, and Burns and Lowrie as his top two choices – because there was a need for a lawyer, he supported Lowrie. Caputo echoed these sentiments. Epstein had identified Lowrie for the full member slot with Burns as the associate, but was willing to defer to Chair Pinkerton's recommendation of Guo due to the need for master planning experience.

*Motion: To appoint Matthew Lowrie as a full member to the Planning Board for a three year term; to appoint Renee Guo as an associate member to the Planning Board for a three year term. (Vote passed 3-0)*

#### **Discussion and possible appointments to the Community Path Project Committee (CPPC)**

There were three openings for appointment by the Board. Epstein expressed a desire to be reappointed; Caputo and Dash thought that, in this case, he should recuse himself from discussion involving the other appointments. It was agreed that Town Counsel should weigh in on the matter prior to taking up discussion of the appointments.

Epstein raised that the charter was unclear on whether the four ex officio members were voting members; Garvin said it was intended that they be non-voting.

*Motion: To change the charge of the Community Path Project Committee, to the effect that ex officio members be specified as non-voting. (Vote passed 3-0)*

Caputo said the Board would pick up CPPC appointments at the next meeting, August 26<sup>th</sup>.

#### **TOWN ADMINISTRATORS REPORT:**

Garvin reviewed the Town Administrator's Report:

- Shared a draft schedule for the upcoming budget process; the schedule was reviewed by the Financial Task Force II and works from an assumption that an override vote would take place April 7, 2020. Garvin had met with Warrant Committee Chair Slap to advise her that the budget process would be earlier than usual. Plan to kick off the budget process September 4<sup>th</sup>.
- Now that filming is complete it was possible to reveal the amount of the Paramount Studios donation toward the Police Station renovations - \$20k.
- Garvin passed along letters in support of the Park Ave. MassWorks grant. The Town will be notified in November if the application was successful.
- Similar to last year, will be implementing merit based performance reviews by the end of the month.
- Happy Birthday Adam Dash!

#### **BOARD OF SELECTMEN COMMITTEE LIAISON REPORTS:**

*Dash:* Board of Library Trustees and the Library Foundation will be in joint session with the Board at the September 23rd meeting, to give a presentation updating on the project.

*Epstein:* At the Conservation Commission meeting, a presentation was given by Belmont Middle and High School Building Committee Chair Lovallo and a representative from Nitsch (site engineer) – a document prepared by Nitsch had recently emerged showing unexpected implications of the High School

construction for potential runoff into Claypit Pond. This could entail additional costs for Town/School, the extent of which was unknown at present. Epstein would reach out to Lovallo to attend an upcoming Board meeting (likely October) to get out in front of the matter.

APPROVAL OF MEETING MINUTES:

- *May 1, 2019, regular session:*

*Motion: To approve the May 1, 2019 regular session minutes. (Vote passed 3-0)*

- *May 30, 2019, regular session:* Dash requested the acronym 'PPP' be defined and to check instances of PPP – some of them should refer to RFP instead.

*Motion: To approve the May 30, 2019 minutes, as amended. (Vote passed 3-0)*

- *June 21, 2019, regular session:*


*Motion: To approve the June 21, 2019 minutes. (Vote passed 3-0)*

- *June 24, 2019, regular session:*

*Motion: To approve the June 24, 2019 minutes. (Vote passed 3-0)*

ADJOURNMENT:

*Motion: To adjourn. (Vote passed 3-0)*

  
Respectfully Submitted,  
\_\_\_\_\_  
PATRICE GARVIN, TOWN ADMINISTRATOR