

Approved by  
the Select Board on:  
04-06-2020

**Minutes**

**Town of Belmont**

**Select Board**

**Select Board Meeting Room**

**Monday, March 16, 2020**

**7:00pm**

**RECEIVED  
TOWN CLERK  
BELMONT, MA**

DATE: May 5, 2020  
TIME: 9:36 AM

**CALL TO ORDER:**

A regular meeting of the Select Board was called to order at 7:02pm by Chair Tom Caputo. Vice Chair Adam Dash and Select Board member Roy Epstein were present. Town Administrator Patrice Garvin was present. The meeting was open to the public by remote participation only, via Zoom or conference call, as per the Governor's suspension of portions of the Open Meeting Law due to the COVID-19 situation. Caputo reviewed instructions for how to access the meeting remotely.

**COMMUNITY ANNOUNCEMENTS:**

[None.]

**QUESTIONS/COMMENTS FROM TOWN RESIDENTS:**

[None, aside from comments related to specific agenda items below.]

**ACTION BY CONSENT:**

**Covid-19 Update**

Caputo provided some introductory remarks, and invited Wes Chin (Director, Health Department) and Town Administrator Garvin to provide updates:

- Chin explained that a working group had been up and running for the past two weeks, addressing the Town's response to the COVID-19 situation. Led by Chin and Garvin, the group also included the Police Chief, Assistant Fire Chief, Assistant Town Administrator and HR Director. As of this evening there were 3 presumptive cases and 11 individuals under quarantine / observation. The Health Department was strongly promoting use of social distancing – staying out of groups settings, avoiding mass gatherings, staying 6 feet away from others, and staying home as much as possible. Recently the working group had decided to implement a policy to close access to all Town playgrounds in order to help promote social distancing, and due to the fact that playground equipment consisted of many 'high-touch' objects.
- Garvin reported that Town Hall complex was closed, effective today. Residents could access services online or via telephone during usual business hours, however this may be subject to change. Fire stations are closed to the public; police station is open, but residents are advised to call ahead before visiting. At present, schools are closed through April 6 as per Governor Baker's order. Library and Beech Street Center are closed to the public; senior services still being provided.

- No guidance has been given from the State with respect to staffing of Town employees. Garvin had been communicating with other Town Managers in the region, and drafting a plan to allow for remote work.
- Food Pantry was adapting its' procedures to deliver food in a safe manner, and would be open this coming Saturday. Concern that demand would be increasing in the near future.
- Holding daily staff meetings with department heads to constantly assess the evolving situation.

[Open public comment.]

- *Phil Thayer (Town Meeting Member P6)*: Will the Library be offering online services? – Garvin said she had spoken with Library Director Struzziero about the matter; there were no specific plans at this time, but potential offerings would be looked at.

[Close public comment.]

Caputo acknowledged and thanked Town and School employees for their response to this challenging and rapidly evolving situation.

#### **Vote and sign Warrant to hold Annual Town Election, April 7, 2020**

Ellen O'Brien Cushman (Town Clerk) explained that it was not the intention to actually hold the election on this date, however it was necessary to call the election first in order to subsequently have it postponed.

*Motion: To sign the Warrant for the Annual Town Election, to be held on April 7, 2020. (Vote passed 3-0)*

Cushman proceeded to explain she was seeking to postpone the date of the election via several avenues. First preference was to have the State Legislature pass a bill that covered all municipalities, allowing them to postpone local elections; a bill specific to Belmont was also in the works if this did not pan out. A last recourse would be to seek a court order.

Cushman added she was working to expand absentee balloting as much as possible. If postponing the election was successful, this would also push out the deadline for voter registration and absentee ballot request.

#### **Discussion of Warrant for Annual Town Meeting**

Garvin relayed a statement from the Town Moderator: At this point in time, the plan was to move all business to the second session of Town Meeting (scheduled for the end of May / early June), and to take up only critical articles. Citizens' petitions, zoning articles, etc. would have to be deferred to a future, yet to be scheduled, Special Town Meeting.

In the course of discussion about Annual Town Meeting, Dash raised a question about extending building permits due to the economic impact of COVID-19; similar measures were put in place during the 2008 recession. Garvin said that the Office of Community Development had initiated conversations with Town Counsel to this effect. Epstein called for development of an informed policy on delaying permits.

[Open public comment; there was none; close public comment.]

The Warrant for Annual Town Meeting would close as previously scheduled this coming Friday.

### **Discussion and possible vote on remote participation in meetings**

Paul Roberts (Chair, Information Technology Advisory Committee (ITAC)) joined the meeting for discussion of two issues:

1] Assessment of remote participation at present, due to suspension of portions of the Open Meeting Law: Garvin reviewed efforts being made to transition Town board/committee meetings to remote functionality, given the Governor's restrictions on physical gatherings resulting from the COVID-19 pandemic. Currently the focus was on getting statutory committees, and those with pressing business, up and running. Minimum requirement was for the public to hear what is going on at the meetings – public participation was required only for official public hearings. There were upcoming public hearings planned, for example for the Planning Board, and details on the logistics for holding these were still being worked out.

2] Proposal for committee members to participate remotely: Roberts explained that, as part of its work on 21<sup>st</sup> Century Government, ITAC was recommending to the Select Board a measure to allow for remote participation in meetings by committee members. This was not a mandate forcing remote participation, but rather would provide legal permissibility for individual committees to allow it, if desired. While this recommendation would only apply once Open Meeting Law was fully restored, Roberts urged the Board to vote on the matter at present.

Some points of discussion:

- Epstein raised concerns about practical implementation, such as ensuring full accessibility, and security of executive sessions. Further, one of the principles of Open Meeting Law (under normal circumstances) is that physical participation is important.
- Caputo and Dash expressed preference to see how the experiment with remote meetings plays out while Open Meeting Law was suspended due to COVID-19 – there was no pressing need to vote at this time.
- Ellen O'Brien Cushman (Town Clerk) argued the vote should be delayed in order to allow for time to develop rules / regulations governing remote participation that could be rolled-out at the same time.
- Jeff Hansell (Director, Belmont Media Center) also supported delaying the vote – from his perspective it was prudent to assess how things played out in terms of the technology aspect of actually implementing the remote meetings.

The Board agreed to table the vote on the proposal to allow for remote participation in meetings.

### **Financial Task Force II update**

A milestone joint meeting scheduled for April 6 had now been postponed due to COVID-19. Caputo said the group would still be working on a five year outlook, however there would inevitably be impacts to the FY21 budget that would need to be addressed. Garvin added that a reassessment of revenue assumptions was a priority.

### **Update on completion schedule of The Bradford in Cushing Square**

Caputo read a prepared statement from Otto Weiss (Toll Brothers), who had originally planned to attend the meeting in person to provide an update: project was nearing completion – the Winslow Building was substantially completed and working towards final inspections, the Highland Building scheduled for completion in the summer, Pomona Building in the fall; portions of the parking garage including public spaces were scheduled to open in the summer as well; finalizing schedule for opening a leasing office and model unit in the next few weeks. This update was based on information provided to Weiss up to last week and subject to change due to recent developments.

Dash relayed frustration expressed to him by residents and businesses over the delay in opening the parking garage, while public spaces on the street were still being occupied due to construction.

[Open public comment.]

- *Jeanne Mooney (Town Meeting Member P6):* Don't understand why street parking in front of Starbucks not yet open, as there was no longer construction taking place overhead.

[Close public comment.]

### **Discussion on Belmont Website Renewal Committee and possible approval of committee charge**

Garvin presented a draft charge, prepared in collaboration with the IT Advisory Committee (ITAC); proposal was for the Committee to have seven members in total, including staff representatives from the Treasurer's office, Town Clerk, Town Administrator and IT Department, as well as committee representatives from the ITAC, Disability Access Commission and Vision 21 Implementation Committee.

Caputo and Epstein suggested the addition of two resident members to provide input as end-users of the website. Following a public comment from Wendy Etkind, who had been a member of the Belmont Business Study Committee, it was agreed that one of the proposed resident slots should instead be allocated to a business owner, to improve the usability of the website by businesses.

*Motion: To approve the Website Renewal Committee charge as drafted, with changes as discussed, namely, to increase the number of members from seven to nine by adding one resident slot and one Belmont business owner slot. (Vote passed 3-0)*

### **Informational presentation on Curbside Mattress Collection**

Jay Marcotte (Director, DPW) presented a brief set of slides on plans to begin a mattress recycling program in Belmont, supported by a grant from the State. Currently, mattresses are disposed of as part of the bulky items collection program, at a cost to the DPW of \$15 per mattress. Participation in the recycling program would bring a savings of \$5 per mattress. The grant program was for two years and Marcotte hoped to roll-out the program by June 1. The Board was in favor of the initiative; Marcotte would return at a later date for approval by the Board once the logistics were finalized.

### **Discussion on Orchard Street trees and possible formation of a tree removal policy**

Recently, a number of diseased trees on a plot of Town-owned land by the Wellington School had been taken down. Residents had contacted Select Board member Dash expressing concerns over the process for removing the trees, in particular that little notice had been given to abutters. It was understood that the trees had been planted in memoriam of World War I.

Dash was proposing that the Shade Tree Committee be charged with drafting a formal tree removal policy that would help avoid such misunderstandings in the future, for example, by requiring a public hearing be conducted.

[Open public comment.]

- *Jon Carey (Orchard Street):* Neighbors did not appreciate the way things unfolded – trees were removed at 6:45am on a holiday Monday. More courtesy should be given to the neighbors in the future.
- *Emily Peterson (Lived adjacent to the plot of land where the trees were removed):* Was informed by the Tree Warden that two trees were being removed – in fact, ended up being six. In general, was highly appreciative of the Tree Warden for explaining why the trees needed to be removed. Peterson had started a fundraiser to replant the trees, and had been in contact with the Veteran's Committee.

[Close public comment.]

Garvin would reach out the Chair of the Shade Tree Committee to initiate drafting of a policy in collaboration with the Tree Warden.

### **Discussion and possible vote on Nursing Services Agreement**

The previous draft of the agreement, with changes proposed by the Board, had been accepted by Lexington; however, some additional language had now been added by Lexington in this iteration. Specifically, as the employee belonged to Lexington (health insurance, pension liabilities, etc.), Lexington had requested that its' Health Director make any final decisions with respect to whether an emergency situation warranted changes to the allocation of the employee's time, as specified in the agreement – Epstein noted this was particularly relevant to the recent COVID-19 developments. Garvin said the arrangement has been working out well in practice, and preferred not to have another iteration of the agreement. Epstein agreed to move forward as long as there was the explicit acknowledgement of what the proposed change entailed.

*Motion: To accept the Nursing Services Agreement between the towns of Lexington and Belmont. (Vote passed 3-0)*

### **Vote to sign letter to Massport and FAA requesting feedback on RNAV study**

Myron Kassaraba (Massport CAC representative) joined the meeting. The letter was a follow-up to a previous request, signed by representatives from Cambridge, Medford, Arlington and Somerville, for the FAA and Massport to provide necessary feedback/input required to evaluate potential dispersion options.

*Motion: To authorize the Town Administrator to sign the joint letter to the Federal Aviation Administration and the Massachusetts Port Authority, regarding the Massport CAC and MIT/RNAV study, which requests a dispersion solution for 33L departures. (Vote passed 3-0)*

**Approve request from the Belmont Center Business Association to hold the 30<sup>th</sup> Annual Belmont Town Day on Saturday, May 16, 2020 from 7:00am-5:00pm**

*Motion: To approve the request as stated above, reserving the right to rescind approval, or change the date, as circumstances require. (Vote passed 3-0)*

**Approve request from the Town of Belmont Veterans Services to host the Annual Memorial Day Parade and Exercises on Monday, May 25, 2020**

*Motion: To approve the request as stated above, reserving the right to rescind approval, or change the date, as circumstances require. (Vote passed 3-0)*

**Vote to approve request for an Agricultural Wine permit for House Bear Brewing, LLC, to serve samples of wine at the Belmont Farmers Market**

*Motion: To approve the Agricultural Wine Permit as outlined above. (Vote passed 3-0)*

#### **Committee appointments/resignations**

Jon Marshall (Assistant Town Administrator) joined the meeting.

Long Term Capital Planning Committee: Warrant Committee and Energy Committee had provided formal recommendations on their respective representatives. Marshall had not heard yet from the Community Preservation Committee, but Epstein said that Steve Pinkerton was willing to serve. One application had been received to fill the resident slot.

*Motion: To appoint the following to the Long Term Capital Planning Committee: Christine Doyle as the Warrant Committee representative; Erin Lynch as the Energy Committee representative; Stephen Pinkerton as the Community Preservation Committee representative; Melinda Wang as the general resident. (Vote passed 3-0)*

Economic Development Committee: Outreach to business owners had resulted in applications from Waverly Square and Belmont Center; still needed a member to fill the Cushing Square position. In the meantime the Board could make enough appointments to get the committee up and running.

*Motion: To appoint the following to the Economic Development Committee: Deran Muckjian, as the Belmont Center business owner representative; Artur Nergaryan as the Waverly Square business owner representative; Gabriela Salas as the outside business owner representative; Emma Thurston and Wendy Etkind as residents. (Vote passed 3-0)*

Master Plan Refresh Committee: The Vision 21 Implementation Committee had sought recommendations for representatives from each of the participating committees.

*Motion: To appoint the following to the Master Plan Refresh Committee: Renee Guo, Kevin Dorn, Lisa Harrington, Dana Miller, Greg Piotrowicz, Jeffrey Wheeler and Jon Marshall. (Vote passed 3-0)*

Resignations:

*Motion: To accept the resignation of Hardy Tey from the Financial Task Force II; to accept the resignation of Bihm Oli from the Human Rights Commission. (Vote passed 3-0)*

TOWN ADMINISTRATOR'S REPORT:

Garvin reviewed the Town Administrator's Report:

- Not taking vacation at the end of March, as previously scheduled.
- Received word that a certain class of business licenses were due to expire April 30; the Town Clerk had recommended that existing licenses be temporarily extended, with a postponed renewal deadline.
  - *Motion: That all businesses currently licensed by the Select Board under Massachusetts General Laws Chapter 140, for antiques, sale of second hand articles, taxi and junk dealer, be temporarily extended to June 30, 2020, with an application deadline of June 1, 2020. (Vote passed 3-0)*

SELECT BOARD COMMITTEE LIAISON REPORTS:

- Belmont Middle and High School Building Committee: At this point in time construction was continuing – last piece of steel for the super structure had gone up. Outlook for construction in the near future was uncertain; Committee would continue to follow guidance from the Governor.
- Police Station Building Committee: Delays possible due to the terracotta cladding for the rear addition being manufactured in Italy.

APPROVAL OF MEETING MINUTES:

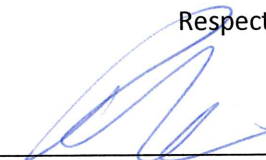
- *March 2, 20202 regular session:*

*Motion: To approve the March 2, 2020 regular session minutes. (Vote passed 3-0)*

ADJOURNMENT:

*Motion: To adjourn at 9:41pm. (Vote passed 3-0)*

Respectfully Submitted,



PATRICE GARVIN, Town Administrator