

**APPROVED BY**

**THE SELECT BOARD**

*June 13, 2022*

Select Board Meeting

Monday, May 23, 2022

Remote Meeting

7:00 PM

**RECEIVED  
TOWN CLERK  
BELMONT, MA**

DATE: June 16, 2022

TIME: 2:50 PM

#### CALL TO ORDER

A meeting of the Select Board was called to order by Vice Chair Adam Dash. Select Board member Roy Epstein was present, along with Town Administrator Patrice Garvin, new Assistant Town Administrator Jennifer Hewitt and Director of Community Development Glenn Clancy. [Mark Paolillo joined the meeting right after Community Announcements.]

#### COMMUNITY ANNOUNCEMENTS

- Patrice Garvin Introduced the new Assistant Town Administrator/Finance Director, Jennifer Hewitt. Ms. Hewitt has 27 years experience in state and local government. Her most recent position was in the budget office for the Town of Lexington.
- The League of Women Voters will sponsor Warrant Briefing Night, on May 26<sup>th</sup>.
- There are a number of committee vacancies for various committees in the Town. Please apply through the Town website.
- The Planning Board has two vacancies that need to be filled by the end of June 2022. Applications can be submitted through the Town website.
- Glenn Clancy announced that MBTA bus routes in Town are changing. The 74 bus line will be eliminated and the 75 will be retained with enhancements. The changes are part of the MBTA Better Bus project. There is a plan to start up a new 54 bus line and to add bus service on Waverly St. The MBTA would like feedback from residents about the new service routes. Clancy said that an MBTA representative will be attending a future Transportation Advisory Committee meeting.

#### COMMENTS FROM TOWN RESIDENTS

[NONE.]

#### ACTION BY CONSENT:

Discussion and possible vote on request to co-sponsor the Third Belmont Pride Parade on Saturday, June 11, 2022 and request the use of the Town Green from 1:00 – 4:00 PM

Leslie Talmadge, co-Chair of the LGBTQ+ Committee said they are hoping to use the Town Green and they plan to follow the same parade route as last year.

*Motion was made to approve the request to hold the third annual Belmont Pride Parade on Saturday, June 11, 2022, including use of the Town Green at Wellington Station from 1:00 to 4:00 PM. Motion was approved by a vote of 3-0.*

Discussion and possible vote to approve request to hold the 7th Annual Becca Pizzi 5k Road Race on

Sunday, August 28, 2022

Becca Pizzi said the previous six road races have raised \$50K in donations for scholarships and equipment for Belmont schools. The race includes about 500 runners and walkers.

*Motion was made to approve the request to hold the Becca Pizzi 5k Road Race on Sunday, August 28, 2022 from 6 am to 12 noon. Motion was approved by a vote of 3-0.*

Discussion of proposed Leaf Blower Bylaw for Fall Town Meeting

Roy Epstein has been working with Geoff Lubien, Ian Todreas, Claus Becker and Dante Muzzioli on the draft of the leaf blower by-law.

Epstein said the goal of the working group was to get broad input from residents. The leaf blower project has been ongoing for the last two years. After a number of meetings and research, the group settled on an acceptable draft for the by-law.

Epstein discussed the by-law changes by referring to an annotated version of the by-law that was displayed on the screen. The draft by-law attempts to limit the number of blowers used simultaneously and it also limits commercial use in late Spring and early Fall. The seasonal restrictions do not apply to residential property. The by-law institutes a ban on all gas units starting January 1, 2026 and utilizes the Town Assessor's office codes that categorize residential lots based on square footage:

- Lots under 14K square ft. will only be allowed to use two blowers simultaneously.
- Lots over 14K square ft. and less than 24K sq. ft. will be allowed to use three blowers simultaneously.
- Lots larger than 24K square ft. will be allowed to use four leaf blowers simultaneously. Condominiums are assessed differently.

Epstein said that the group has generated a list of every residential address in Belmont to determine how many leaf blowers are allowed on each property based on the square footage categorizations. The by-law states that the Town of Belmont, private contractors and residents have to retire all gas leaf blowers by 2026. It also stipulates that the Town should not buy new gas units once the by-law has been approved.

Epstein said that the group was aware that enforcement would be a challenge. Their goal was to encourage voluntary compliance. They are proposing that the Town maintain a list of contractors who have publicly committed to this policy so residents can consult this list before hiring. The first warning will be written and then monetary fines issued to repeat offenders. Enforcement will be directed against the property owner.

Epstein showed a map that delineated Town properties by size to denote where all parcels of land fall in the by-law usage categorization. He said that most large parcels of land over 14K square ft. are in Belmont Hill, Hillcrest Road and Common St.

Geoff Lubien said he feels improvements in electric leaf blower technology will be available by 2026 and the phase-in time of the by-law allows plenty of time to adopt the requirements of the by-law.

Ian Todreas said this by-law was created in an open process and it is a result of compromises of all interests. It is also respectful of small businesses, contractors and people working from home. The Town plans to retain a list of leaf blower models that comply with the by-law and they will also hold a demonstration day that allows people to test leaf blower equipment before purchase. They also plan to convene leaf blower summits with neighboring communities.

Dash asked if the Town leaf blower usage was bound by the annual restrictions? Epstein replied that the Town can use leaf blower units over the summer, but they are bound by the same deadline date to convert to electric units. Epstein reported that the by-law doesn't restrict hours of use. Epstein replied that the group decided to use the hours already stipulated in the Town's Noise By-law.

Glenn Clancy noted that the Noise By-law enforcement is split between Community Development and the Police Department. Both departments have noise meters. However, he also noted, that much of the leaf blower enforcement would default to the police because they have more mobility. Clancy said the Select Board has the authority to name an enforcing authority for any by-law. Dash said he thinks the enforcing authority should be the same for noise as leaf blowers and he suggested that the Noise By-law hours be repeated in the Leaf Blower By-law.

Paolillo thanked the group for their work. He asked about use by residents. Epstein affirmed that residents can use a gas leaf blower throughout the year anytime until the 2026 date, at which time they must convert to electric equipment.

Epstein said this will not come up in Town Meeting until the Fall.

PUBLIC COMMENTS on Leaf Blower By-law:

Sharon McGillivray asked what kind of communication will go out to residents? Epstein said they need to discuss a campaign that can be used to approach the main landscapers in Town.

Judith Feinleib, Town Meeting member, pct. 6, asked what if the technology doesn't evolve as expected? Epstein said if technology does not evolve as expected, any changes will be revisited in the future. The group thought it was important to have a deadline. She said it seems the burden of enforcement is on homeowners, what plans do you have to help residents comply with bylaws?

Paolillo said that we may need to have another forum to get input from the public on the draft by-law. He said he would like to commit to a robust communication plan with the community and landscapers so that homeowners will not have the responsibility of informing the contractors of the by-law rules.

Bill Anderson thanked the group for their work. He asked what evidence they had that the 2026 date is a viable start date for the by-law. Epstein said that other communities have established dates earlier than 2026. There is concrete evidence that better units are being produced every year. Claus Becker and Ian Todreas provided reading material to validate this date.

Geoff Lubien said the working group could supply residents with a list of manufacturers that produce environmentally friendly units.

Paolillo said people can send e-mails to the Select Board with specific questions.

Bill Anderson asked about provisional waivers on the by-law. Epstein said there is an exception for severe weather related issues, but he thinks it would be burdensome to allow special permit hearings for waivers.

Jerry Brown, pct. 6, added his support for the by-law. One other option is to leave a few leaves on the lawn. Having a quiet environment could trump having a perfect lawn.

The by-law document will be posted on the Town website. Epstein said another forum is planned before Fall Town Meeting. He noted that the enforcement piece needs to be revisited.

#### Discussion and possible vote on Fuel Tank Article for Town Meeting

Paolillo said there were 100 attendees at the Fuel Tanks Public Forum on May 19th. He announced that they will not be taking public comment tonight.

Dash said the decision has to be made about whether above- or under-ground tanks will be installed. The Select Board has received a letter from a law office hired by abutters of the DPW yard. Dash read the letter. The letter claims that above-ground tanks have the potential to: create a nuisance for abutters, create fumes, create a greater security risk, and may endanger lives, and impact property values. The letter says, since relocation is unlikely, the Town needs to reject installation of above-ground tanks.

Dash said the abutters moved there knowing that fuel tanks already existed. He said only about 9% of people in US have FHA loans so it is unfair to say that the above-ground tanks would affect owners' ability to get private mortgage insurance for FHA loans. He said it is important to protect all of Belmont and the Select Board does not make decisions based on threats. However, even though he does not agree with any of the arguments in the letter, he would consider getting under-ground tanks just to complete the project. He said if the Select Board had known an attorney had been retained by abutters a year ago, as stated in the letter, the decision could have been voted last year and the Town could have saved money and time.

Epstein said that there were two Fuel Tank Forums in the Winter of 2020 and the analysis of the project continued throughout the last two years. He summarized a few facts about the tanks:

- if you compare under-ground to above-ground tanks, above-ground is cheaper by about \$350K over the life of the tanks
- Chief DeStefano has no concerns with safety issues of above-ground tanks
- Insurance companies who study risks, charge the same premium for above- and below-ground tanks
- Veteran's Administration and Fanny Mae loans no longer include special restrictions on above-ground tanks.

Epstein said the Select Board has solicited information about safety because we care about employees and residents. FHA changed their loan restrictions for above-ground tanks after July 2019. Since then, under-ground and above-ground tanks have the same standards. He also said there is no evidence that tanks would be visible to anyone. He feels that above-ground tanks make eminent economic sense and also fit our security needs, but he also feels that the Town cannot commit to litigating this issue. For that reason, he would support under-ground tanks with the understanding that this choice is not in the best interests of the Town.

Paolillo agrees we should not make decisions based on the threat of litigation, but he also feels that residents have had concerns about above-ground tanks for a long time. If we decide to put in under-

ground tanks, it would be to protect residents. He also feels the difference in cost is not enough to temper support of under-ground tanks.

Epstein replied that above-ground tanks are cheaper by \$14K per year and we need to reduce our costs in Town and he feels the safety concerns are misplaced. Paolillo said there was a petition signed by 200+ residents in Town who were concerned about the use of above-ground tanks and we have to acknowledge that sentiment.

Epstein and Dash agreed to support the installation of under-ground storage tanks in order to get the Article on the Town Warrant for Spring Town Meeting, but they also noted that the decision is not in the best interests of Belmont.

*Motion was made to favor installation of under-ground storage tanks (4K diesel, 4K regular gas) at the DPW yard in the current location without the construction of special canopies or fencing. Motion was approved by a vote of 3-0.*

The Select Board then discussed funding for the tanks because the Capital Budget Committee will not be involved in this project. Patrice Garvin proposed a financing plan. \$200K will be added by Belmont Light, and an appropriation of \$649,999 each will come from free cash and ARPA. Free cash is the only expenditure that needs to be approved by Town Meeting vote. If Town Meeting votes the free cash down, then we can still take additional funds from ARPA.

*Motion was made to propose funding for the two 4K under-ground tanks by using the available balance of the originally approved \$404,868, allocation of \$200K from Belmont Light, and a draw on Free Cash of \$649,999 and ARPA funding in the amount of \$649,999. Motion was approved by a vote of 3-0.*

The Warrant Committee will be voting on this proposal. Garvin said she would be attending the Warrant Committee meeting.

Discussion and possible vote on Select Board positions for Warrant Articles and Amendments for the Annual Town Meeting

WARRANT ARTICLES FOR ANNUAL BELMONT TOWN MEETING 2022	
Article #	Title
1	Reports
2	Authorization to Represent the Town's legal Interests
3	Amend General By-Law § 40-405A Capital Budget Committee
4	Amend General By-Law § 60-32 Demolition Delay
5	Amend General By-Law § 40-100 Membership of Town Committees
6	Amend General By-Law § 60-325 Stormwater Management and Erosion Control
7	Acceptance of Public Way: Oakmont Lane
8	Establish a Skating Rink and Playing Fields Building Committee
9	Special Act: Retail Liquor Licenses
10	Special Act: Relating to the Retirement Classification of Certain Employees in the Town of Belmont
CITIZEN PETITIONS	

11	A Resolution in Support of Changing the State Flag and Seal of Massachusetts
12	Amend General By-Law § 40-25 Encouraging Public Participation
13	Resolution Requiring Middle/High School Solar Funding
<b>COMMUNITY PRESERVATION FUNDS</b>	
14	FY23 Community Preservation Committee Budget and Projects
<b>BUDGETS AND FINANCIAL ARTICLES</b>	
15	Salaries of Elected Officials
16	Enterprise Funds for Water, Sewer and Stormwater
17	Establish Expenditure Limitation for Revolving Funds
18	Appropriation of Transportation Grant
19	Appropriation of Capital Expenditure Fuel Tanks at DPW Yard
20	Appropriation of FY23 Capital Expenditures
21	Appropriation to Other Post-Employment Benefits (OPEB)
22	FY23 Budget Appropriation and Authorization to Transfer Balances to Fund the FY23 Budget

The Select Board agreed that votes would be made only on the Articles that were not expecting any changes.

Article 13: Resolution Requiring Middle/High School Solar Funding.

This is a non-binding resolution. The Select Board agreed to vote on this at the next Select Board meeting.

Article 14: FY23 Community Preservation Committee Budget and Projects.

This Article was voted on by the Warrant Committee and the Community Preservation Committee.

*Motion was made for favorable action on Article 14: FY23 Community Preservation Committee Budget and Projects. Motion was approved by a vote of 3-0.*

Article 15: Salaries of Elected Officials

*Motion was made for favorable action on Article 15: Salaries of Elected Officials. Motion was approved by a vote of 3-0.*

Article 16: Enterprise Funds for Water, Sewer and Stormwater

*Motion was made for favorable action on Article 16: Enterprise Funds for Water, Sewer and Stormwater. Motion was approved by a vote of 3-0.*

Article 17: Establish Expenditure Limitation for Revolving Funds

*Motion was made for favorable action on Article 17: Establish Expenditure Limitation for Revolving Funds. Motion was approved by a vote of 3-0.*

Article 18: Appropriation of Transportation Grant.

*Motion was made for favorable action on Article 18: Appropriation of Transportation Grant. Motion was approved by a vote of 3-0.*

Article 19: Appropriation of Capital Expenditure Fuel Tanks at DPW Yard

The Select Board decided to delay the vote on this Article because changes were being made to the Article.

Article 20: Appropriation of FY23 Capital Expenditures

The Select Board decided to delay the vote on this Article because changes were being made to the Article.

Article 21: Appropriation to Other Post-Employment Benefits

*Motion was made for favorable action on Article 21: Appropriation to Other Post-Employment Benefits. Motion was approved by a vote of 3-0.*

Article 22: FY23 Budget Appropriation and Authorization to Transfer Balances to Fund the FY23 Budget

The Select Board agreed to delay the vote on this Article because changes were being made to the Article.

Vote to approve Renewal of Antique/Second Hand Goods License(s):

Dick's Place, 360 Trapelo Road

*Motion was made to approve the renewal of Antique/Second Hand Goods license for Dick's Place at 360 Trapelo Road. Motion was approved by a vote of 3-0.*

Vote to approve renewal of Junk Licenses(s):

A. Sacca Junk, 51-53 Baker St.

*Motion was made to approve the renewal of the Junk license for A. Sacca Junk at 51-53 Baker St. Motion was approved by a vote of 3-0.*

Clancy explained that these approvals are coming up now because they are on a May cycle. Dash said that the Select Board has to approve these licenses and they cannot be delegated to Town Administrator.

Discussion and possible vote on American Rescue Act Plan (ARPA) funding operating budget and school budget for FY23

Garvin announced that she has updated the ARPA expenditure plan and she displayed the updated budget on the screen.

She noted that the items highlighted in yellow totalling \$1.3M have already been approved for expenditure.

The operating budget for FY23 needs approval. The \$163,303 and the \$1M ESSER amount needs to be approved for temporary hires. Fuel tanks appropriation of \$650,000 also needs approval.

Jack Weis, member of the Warrant Committee feels that long term approval of ARPA funding needs to be vetted further. He doesn't understand how we can justify cost overruns with COVID relief funds? He would like to have a broader discussion at the Warrant Committee about this.

Patrice Garvin said that in light of the rejection of the Town override, we heard that voters wanted ARPA funds used to cover operational costs in the Town budget. In FY24, they expect to roll over \$8M of free cash. Schools will turnback money in FY23 and there are some unknowns including September school enrollment. She said the only expenditures under consideration tonight are \$163K for operating costs, the ESSER amount and the funding for the fuel tanks. There is time to discuss the \$4.6M balance. Jack Weis said as long as everyone agrees to be flexible on the spending plan, then he is fine with having a discussion about the FY24 budget later.

Jack said he would make sure the Warrant Committee discusses the fuel tank Article at the next meeting. Garvin said she would send the updated ARPA budget to the Chair of the Warrant Committee.

*Motion was made to appropriate funds for FY23 for the operating budget, ESSER and Fuel Tanks. Motion was approved by a vote of 3-0.*

#### SELECT BOARD COMMITTEE LIAISON REPORTS [NONE.]

#### TOWN ADMINISTRATOR'S REPORT

##### a. May Bulletin

The Select Board packet includes the May Bulletin with key dates and initiatives.

##### b. Wage and Classification Study

The Town is currently conducting a Wage and Classification Study of non-union Town positions. Survey questions have been sent out to all employees in these positions. They are trying to look at job descriptions of comparable communities. The last time a similar study was done was in 2014. She expects the report to be published by Fall 2022.

##### c. Third Quarter (Q3) Financial Result

###### Revenues

59.2% of total revenue has been collected up to March 31, 2022. COVID is still impacting local receipts. Excise tax, ambulance and building permit revenues will show up in Q4. Meal tax and building permits are reflecting increased activity in those areas.

###### Expenses:



Garvin said the Town expenses to date are at 72.8% of expected amounts and that amount is on target. Salary expenses are a little lower due to a number of position vacancies. Projections show that the legal budget may be expended soon. She will need to go to Warrant Committee for approval to increase the legal budget. This is primarily due to legal costs related to COVID, specifically mask and vaccine mandates. Utility cost increases are due to general increases in cost and Middle and High School building costs. The Town budget is not adequate to take care of tree maintenance. The costs to develop a tree inventory have been included in the Capital Budget Warrant.

#### APPROVAL OF MINUTES

- a. April 25, 2022 – Regular Meeting
- b. May 2, 2022 – Pre-ATM Meeting

*Motion was made to approve the April 25, 2022 regular meeting and the May 2, 2022 pre-ATM meeting. Motion was approved by a vote of 3-0.*

Executive Session #1: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares

Executive Session #2: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; All unions

*Motion was made to go to Executive Session and not return to public session. Motion was approved by a vote of 3-0.*

#### Next Meetings:

- a. Potential Topics to be discussed at May 25, 2022 Select Board meeting:

- (1) Energy Committee discussion of electrification of Town Fleet
- (2) Structural Change Impact Group Presentation
- (3) Presentation by the Chair of the Preliminary Rink Design Committee
- (4) Update on hybrid participation in public meetings

- b. Upcoming meeting dates:

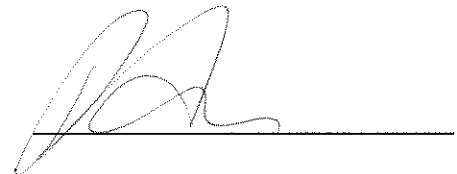
- (1) May 25, 2022 – 7:00 PM - Regular Meeting
- (2) June 1, 2022 – 5:30 PM – Pre-ATM Meeting
- (3) June 6, 2022 – 5:30 PM – Pre-ATM Meeting
- (4) June 8, 2022 – 5:30 PM – Pre-ATM Meeting
- (5) June 13, 2022 – 5:30 PM – Pre-ATM Meeting
- (6) June 27, 2022 – 7:00 PM – Regular Meeting

*Submitted by*

*Virginia Quinn*

*Recording Secretary*

*Submitted by Respectfully Submitted,*



Patrice Garvin, Town Administrator