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MINUTES
TOWN OF BELMONT
BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
Monday, December 12, 2016
7:00 PM

APPROVED
BOARD OF SELECTMEN
DATE: 1-23-17

I. CALL TO ORDER

A regular meeting of the Board was called to order in open session at 7:15 p.m. by Chair Mark Paolillo in the Selectmen's Meeting Room. Selectmen Sami Baghdady and Jim Williams were present. Town Administrator David Kale and Assistant Town Administrator Phyllis Marshall were also present.

Chair Paolillo reviewed the agenda. He noted that the Board is running a bit late as it just met with the Belmont Light Department.

II. COMMUNITY ANNOUNCEMENTS

- **Recent Car/Train Accident Update:** Mr. Kale noted that data is being collected from the scene of the accident by the Transit Police. Information will be shared once it is provided.
- **Opioid Update:** Tuesday, January 10, 2017, 2:30 – 4:00 pm - the Health Department will hold a community conversation concerning the opioid epidemic and its impact on Belmont.
- **MLK Breakfast:** Monday, January 16, the MLK breakfast will occur from 9 -11 a.m. at BHS.
- **Cardboard Collection:** Saturday, January 7, 9:00 a.m. – Noon - There will be a cardboard recycling event at the Town Yard.
- **The League of Women Voters** - will host an "Early Voting Recap" brown bag lunch event, this Friday 12/16/16 at the Library.

III. QUESTIONS FROM TOWN RESIDENTS

[There were none.]

ACTION BY CONSENT

Discussion on Public event for Safety and Civility, Saturday, December 17' at 1:00 p.m., by members of "The Stand-Up Campaign" and Approval of Proclamation for Stand Up for Safety and Civility

Ms. Donna Ruvolo, from the Stand Up Campaign, appeared before the Board to discuss the Safety and Civility event entitled "The Stand-Up Campaign – Hands Around the Pond", scheduled for Saturday, December 17 at 1:00 p.m. Ms. Ruvolo explained that the event is a visual one and will express support for all residents in the community. The event came about

because of the rise in hate crimes across the state. This family event will reaffirm that Belmont
is a safe space for all.

Chair Paolillo expressed his (and the Board's) support for this event and read the Proclamation for Stand Up for Safety and Civility.

The Board took photos with Ms. Ruvolo.

Acceptance of Gift from Belmont Boosters for the Harris Field Press Box Project (Mr. Bob McLaughlin)

Mr. McLaughlin, Mr. Rick Jones, and Mr. Bill Webster, appeared before the Board to present a gift of \$75,000 from the Belmont Boosters for the Harris Field Press Box project. Mr. McLaughlin provided some background information on this issue and explained that the Press Box needed to be handicapped accessible. The group has been working on this issue for 16-years. Partial funding was allocated from the Capital Budget Committee, but \$75,000 still needed to be raised. Mr. Jones oversaw the fundraising and the necessary funds were raised.

Chair Paolillo thanked the gentlemen for all their efforts raising the necessary funding and in securing the new press box.

Photos were taken.

The Board moved: To accept the fiscal donation from the Belmont Boosters in the amount of \$75,000.

The motion passed unanimously (3-0).

Acceptance of Grant Award from the Massachusetts Interlocal Insurance Association

Mr. Mike Santoro, Assistant DPW Director, appeared before the Board to discuss the grant award from the Massachusetts Interlocal Insurance Association. Mr. Santoro thanked the Human Resources Department, as well as Mr. Kale and Ms. Marshall, for help in securing the \$10,000 grant. This program will allow DPW drivers to receive "simulation training" to learn how to handle the snowplow equipment. Twenty-six drivers will receive the simulation training.

Chair Paolillo congratulated Mr. Santoro on receiving the grant.

The Board moved: To accept the grant award from the Massachusetts Interlocal Insurance Association in the amount of \$10,000.

The motion passed unanimously (3-0).

Election Summary by Town Clerk Ellen Cushman

Mr. Ellen Cushman, Town Clerk, appeared before the Board to provide an Election Day 2016 summary. Ms. Cushman began by noting that 103 workers helped with the Early Voting process. Belmont was one 66 precincts of the 2,200 precincts Statewide chosen as part of a

random audit required by the Election Reform Law.

In Belmont, 82.5 percent of registered voters (14,691 people) voted in the Presidential election. Thirty-four percent (6,100) participated in Early Voting - over the eleven day period. While early voting went extremely well, it took tremendous effort across many departments and it ultimately did not increase the total voter turnout for the Presidential Election (Belmont routinely votes at 80-85% for Presidential Elections). Ms. Cushman informed the Board that the City of Woburn has asked the State Department of Revenue to determine if Early Voting is an unfunded mandate; she will be submitting Belmont's Early Voting Costs for the analysis.

There were 1,300 absentee ballots cast and 2,500 newly registered voters. She said she is lobbying, and asks for the Board's support, for Senator Brownsberger to endorse and sponsor "no-excuse" absentee voting. This would allow for ease in obtaining absentee voting and decrease printing and administrative costs of tracking Early Ballots, Absentee Ballots, and Official Ballots. This would require an amendment to the State Constitution. This notion was briefly explored.

The Board congratulated Ms. Cushman and her Office on the well-run election.

Presentation and Discussion on Alcohol Transfer Information from Town Counsel

Mr. George Hall, Town Counsel, appeared before the Board to discuss his recent memo concerning the issue of transferring alcohol licenses. Mr. Kale provided some background information on this issue. He explained that a non-transferability clause was instituted in 2006 with the original licenses.

Selectman Baghdady provided some additional historical background:

- 2006 Town Meeting (TM) authorized issuing three retail licenses with some restrictions on transferability
- 2013-14 TM authorized an additional three retail licenses – with no restrictions on transferability

Selectman Baghdady then noted that the Loading Dock license could not, legally, be surrendered to the Town. He also confirmed that the Board could not, legally, stop the sale of this license (for \$400,000 to Star Market). Mr. Hall agreed with these two points and added some legal background. Selectman Baghdady confirmed that the size of the company (Star) could not stop this license transfer and then that the issue of competition (with other small businesses) could also not stop this transfer. Mr. Hall agreed these with these two points, as well.

Selectman Baghdady then said that, given the points outlined above, the Board's hands were tied with regard to transferring the Loading Dock's retail license to Star. If the Board had denied the transfer, the town would have been vulnerable to litigation. In light of these legal constraints, he explained that in supporting the transfer to Star, it was his intention wanted to avoid litigation. He says he understands the importance of the non-transferability issue.

Mr. Hall agreed that it was a surprise that the transfer prohibition did not carry through at TM in 2013. Perhaps an amendment could be added to restore the transfer prohibition. He then explained the legislature's process with regard to alcohol license granting as well as license restricting. He said the 2014 TM language could be amended so that licenses would get turned back to the town in the event that a business fails or gets sold.

The Board then reviewed Belmont's existing licenses and explored the impact of restoring a non-transferability provision on those licenses.

Dr. Ralph Jones, Precinct 3, spoke to the appeal process, in place, concerning the granting of the license to Star Market. He noted that the woman in charge of license appeals has been out sick for two weeks. However, it was noted that a license has (in fact) already been issued to Star Market.

Selectman Williams asked about The Loading Dock's impending request to be granted an all-alcohol pouring license. The Loading Dock cannot obtain a pouring license while they are in possession of a retail license, replied Mr. Hall. Mr. Kale stated that the transfer to Star was approved so that The Loading Dock is no longer in possession of the retail license.

Selectman Williams raised the issue of TM motions and amendments, as these caused a lot of confusion. Mr. Hall replied that the issue of transferability was not clearly raised at the 2013 Town Meeting. Other issues pertaining to alcohol licensure were discussed.

Chair Paolillo stated that pouring and retail licenses should all be turned back to the town, should a business close or fail. How, he asked, can the all licenses be deemed "non-transferable"? The Board, he said, will then grant the license once it is reissued to the Town. Selectman Baghdady suggested that the Board meet with Senator Brownsberger and Representative Rogers to explore this issue. Eventually, he said, Town Meeting will need to take a position.

Mr. Hall noted that retail licenses will need to be handled differently than pouring licenses.

The Board thanked Mr. Hall for his efforts on the memo.

Dr. Jones thanked the Board for agreeing to have alcohol licenses directed back to the town. The intent of the entire set of licensing regulations was always to have them go back to the town, regardless of the 2013 Town Meeting. He urged the Board to act with some urgency.

Acceptance of Gift from the Friends of Belmont Sports Inc. in the amount of \$8,000.00 to support Belmont SPORT Program Events

Mr. Kale noted that this money will be used on the SPORT Program events.

The Board moved: To accept the gift from the Friends of Belmont Sports Inc. in the amount of \$8,000.00 to support Belmont SPORT Program Events.
The motion passed unanimously (3-0).

Belmont Media Center (BMC) Annual Report

Mr. Jeff Hansell, Executive Director, Mr. Mike Tymm, Vice Chair of the Board, Ms. Erin McNeill, Chair of the Board, and former Selectman Mr. Angelo Firenze, Treasurer of the Board, appeared before the Board to present the BMC's annual report.

Mr. Firenze noted that the funding is robust and the cash reserves are healthy. \$2,000,000 has been set aside for capital upgrades.

Mr. Hansell spoke to the expansion of classes offered at the BMC. He then reviewed the numbers, e.g., membership, meetings covered, volunteer hours, programming, website visits, PSAs, etc. He touched on future programming that is being developed, e.g., recording Veterans' stories, etc.

The Board thanked the BMC for its tremendous efforts within the community.

Committee Appointments:

Minuteman Regional Vocational High School - School Committee Rep

Mr. Jim Gammill, Warrant Committee member, appeared before the Board concerning the Minuteman vacancy. Chair Paolillo thanked outgoing representative, Mr. Jack Weis, for all his efforts over the past six years. The Board briefly discussed Mr. Gammill's role as School Committee Rep.

The Board moved: To appoint Mr. Jim Gammill as the Minuteman Regional Vocational High School - School Committee Rep.
The motion passed unanimously (3-0).

OPEB (Other Post-Employment Benefits) Study Group

Chair Paolillo noted that Ms. Liz Allison is stepping down from the OPEB study group.

The Board moved: To appoint Mr. Timothy Luehrman to the OPEB Study Group.
The motion passed unanimously (3-0).

The Board moved: To accept Ms. Liz Allison's resignation from the OPEB Study Group.
The motion passed unanimously (3-0).

Update on Regulations/Process from the Board of Health on Recreational Marijuana Law Implementation

Dr. David Alper, Director of the Board of Health, and Ms. Julie Lemay, newest Board of Health Member, appeared before the Board to discuss the regulations concerning the recreational marijuana law implementation. Dr. Alper noted that he is getting steeped in understanding what will be involved in dispensing marijuana in Belmont. He reviewed what is allowable with regard

to growing and obtaining marijuana. He then reviewed where marijuana is prohibited. The goal, he said, from the state's perspective – is to treat marijuana like alcohol.

Dr. Alper stated that in order to control the number and location of retailer shops, the town will need to write an article for Town Meeting. Selectman Baghdady noted that this would fall under the Planning Board (zoning), as well.

The Board discussed how best to move forward with this issue. They also discussed the 2 percent retail tax that can be charged on the sale of marijuana (noting that all sales will be in cash) as well as the fact that marijuana is illegal at the federal level.

Chair Paolillo suggested that the Board put together a task force as Belmont's plan needs to be in place by January 2018. Mr. Kale suggested that the Board meet with Senator Brownsberger to receive guidance on this. The possibility of a moratorium will be explored.

The Board thanked Dr. Alper for his efforts with regard to this new legislation.

EXECUTIVE SESSION

(The International Association of Fire Fighters, Local 1637)

The Board moved: To enter into executive session at 9:11 p.m. to discuss strategy sessions with union personnel or to conduct collective bargaining sessions or contract negotiations if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the Chair so declares. The Board will return to open session.

A roll call vote was taken: Chair Paolillo said aye, Selectmen Baghdady and Williams also said aye and the motion passed unanimously (3-0).

[The Executive Session proceeded. See separate minutes.]

The Board moved to adjourn the Executive Session and return to Open Session at 9:30 p.m.

Approval of New Longevity Article/Amendment for the International Association of Fire Fighters, Local 1637

Fire Chief Frizzell and Ms. Jessica Porter, HR Director, remained before the Board to discuss the New Longevity Article/Amendment for the International Association of Fire Fighters, Local 1637.

Chair Paolillo provided a brief summary concerning the amendment to the current agreement that is in place. Ms. Porter explained the modification to longevity payments based on a recent ruling from PERAC.

The Board moved: To approve the New Longevity Article/Amendment for the International Association of Fire Fighters, Local 1637.
The motion passed unanimously (3-0).

The Board signed the appropriate documents.

Town Administrator's Report

Mr. Kale reported on the following items:

- **Library Proclamation for a Retiring Library Employee, Ms. Muriel McGinty.** Chair Paolillo read the Proclamation.

The Board moved: To approve the above noted Proclamation.
The motion passed unanimously (3-0).

Committee Liaison Reports / Other

Recreation Commission Vacancy:

Selectman Williams noted that there is a new vacancy.

VI. Approval of Meeting Minutes

- July 11, 2016 Executive Session
- July 25, 2016 Executive Session
- July 28, 2016 Regular Meeting

The Board moved: To approve the above noted meeting minutes, with Executive Session, where indicated.
The motion passed unanimously (3-0).

- August 8, 2016 Regular Meeting
- August 15, 2016 Executive Session

The Board moved: To approve the above noted meeting minutes, with Executive Session, where indicated.
The motion passed unanimously (3-0).

- September 16, 2016 Executive Session
- September 19, 2016 Regular Meeting
- September 19, 2016 Executive Session
- September 26, 2016 Regular Meeting
- September 26, 2016 Executive Session
- September 30, 2016 Regular Meeting
- September 30, 2016 Executive Session

The Board moved: To approve the above noted meeting minutes, with Executive Session, where indicated.
The motion passed unanimously (3-0).

- October 6, 2016 Regular Meeting
- October 19, 2016 Regular Meeting Pre –STM
- October 24, 2016 Regular Meeting
- October 28, 2016 Executive Meeting

The October meeting minutes will be approved when the Board meets again on December 19, 2016.

VII. NEXT MEETINGS

Friday, December 16, 2016 at 8:15 a.m. Working Session

Monday, December 19, 2016 at 7:00 p.m. Selectmen's Meeting Room Town Hall

Monday, January 9, 2017 at 7:00 p.m. Selectmen's Meeting Room Town Hall

The Board moved to adjourn the meeting at 9:38 p.m.



Mr. David Kale, Town Administrator