

You are invited to attend:

Warrant Briefing

**Wednesday, April 13th, 2022
at 7:00 PM**

Viewing Options:

<https://us02web.zoom.us/j/87250745088>

Zoom meeting ID: 872 5074 5088

Live broadcast: Belmont **Ch 8 (Comcast); Ch 28 (Verizon)**
Livestream or on-demand: belmontmedia.org/watch/govtv

Opportunity to ask questions about:

**Warrant Articles
prior to
Segment A of
Annual Town Meeting, May 2nd**

**Town Officials and Department Heads
will be present to provide information**

**Geoffrey Lubien
Chair of the Warrant Committee will preside**

**Cosponsored by: the Warrant Committee
and the**





TOWN OF BELMONT

455 CONCORD AVENUE
BELMONT, MASSACHUSETTS
02478

MICHAEL J. WIDMER
TOWN MODERATOR

mike.j.widmer@gmail.com
617-489-1822 (home)

March 21, 2022

By Hand

Adam Dash, Chair Belmont Select Board
455 Concord Avenue
Belmont, MA 02478

Re: 2022 Annual Town Meeting – Request to Call Meeting to be Held by Remote Participation

Dear Mr. Dash and Members of the Select Board:

I am hereby requesting, in my capacity as Town Moderator, that the Select Board call for the 2022 Annual Town Meeting to be held through remote participation because of the public health and safety risk presented by holding a physical meeting with 300 people. This letter is intended to conform to the requirements of Chapter 22 of the Acts of 2022.

Such a meeting would be conducted using a combination of technologies, described in more detail below, that will allow Town Meeting Members (TMMs) to see and hear the Moderator and all other participants, to be recognized and address the meeting, and to vote securely. This combination of technologies will allow non-TMMs to see and hear the proceedings and, when authorized in advance by the Moderator, to address the meeting in the same manner as is the practice in Belmont. It will allow TMMs to signal the Moderator when they wish to address the pending question and be put in line to speak, as is customary at live Town Meetings, to determine whether a quorum is present, to raise a point of order where appropriate, and to determine whether their votes have been properly recorded. The technologies will allow interested members of the public to watch the meeting remotely for purposes of witnessing the meeting and it allows for the meeting to be recorded so that the proceedings can be heard and viewed at a later time. Lastly, our court reporter would be creating the word-by-word transcript as required by Belmont General Bylaw §20-210.

The combination of technology methods I am proposing includes the following:

- TMMs will attend the meeting and vote using “TurningPoint,” a secure online application operated by Turning Technologies, the same company that provides

Belmont Select Board
Request for the 2022 Annual Town Meeting by Remote Participation

the electronic voting system acquired by the Town and used at Town Meetings since 2014. Each TMM will be assigned unique login credentials to use the system. TMMs who are logged in through TurningPoint will be deemed present at the meeting and will be able to vote using its features. All votes will be recorded electronically and the vote of each TMM will be displayed on the screen so that each member can verify that his or her vote was correctly recorded, as a roll call vote.

- Active participation in the meeting will be conducted through “Zoom,” a proprietary video conferencing platform (<https://zoom.us/>). The Town currently has a license to conduct a Zoom meeting with up to 500 participants. This number is sufficient to accommodate the 288 TMMs from the Town’s 8 precincts, the at-large members, and town officials and staff, with more than sufficient additional capacity for additional speakers if necessary. All approved speakers and TMMs will be issued an invitation allowing them to log in to the meeting from a desktop or laptop computer, tablet or smartphone, or to call into the meeting with any telephone (audio only). For security and clarity of presentation, the screen and the audio will be controlled by Town staff acting under my direction, as is our custom. All speakers will be muted until recognized by the Moderator. TMMs may use the “raise hand” feature of the software to get in line to speak, and will be recognized in order, unless I choose to recognize a town official to answer a question or address a particular point. Any non –TMM who has made arrangements with me in advance of the meeting to speak can be recognized in a similar manner.
- Town officials and staff will participate by logging in to the Zoom meeting in the same manner.
- If a TMM has a point of order, it can be raised by using the “Q&A” feature, which will be monitored by one of my staff assistants so that any such point of order can be brought to my attention promptly. This same feature would allow a TMM who does not have a microphone to contribute to the meeting, as above, with a member of the staff reading the comments and questions submitted through the Q&A feature so that they may be entered into the record.
- The Zoom video and audio feed will be simultaneously broadcast by Belmont Media on local cable stations and by livestreaming on the internet. It will also be simultaneously recorded for future viewing. Any member of the public, whether or not a Belmont resident, will be able to view the proceeding live. TMMs may choose to listen to and view the proceedings in the same manner, but will not be considered present unless also logged in to TurningPoint.

With the assistance and cooperation of the Town Clerk’s office and the Town’s Information Technology Department, I have tested these platforms and am satisfied that they will allow the conduct of a Town Meeting that will function in substantially the same manner as a Town Meeting conducted in a physical location and in accordance with the operational and functional requirements set forth in Chapter 92. Furthermore, Belmont has held ten successful sessions of Annual and Special Town Meeting in 2020 and 2021

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that were attended by more than 260 Town Meeting Members, using the combination of technologies described in this letter.

We will conduct further testing of these platforms in addition to training sessions and a warrant briefing which we propose to hold in the same manner prior to Town Meeting. Those training sessions and tests will allow us to ensure that all TMMs have the training and equipment necessary to participate fully, and to determine whether any adjustments are needed to the process to make sure it runs as smoothly as possible. I hereby confirm that I have conferred with the Chair of the Belmont Disabilities Access Commission about accessibility to the Town Meeting.

I appreciate your consideration of this request. Please contact me if you have any questions.

Sincerely,

/s/ Michael J. Widmer

Michael J. Widmer
Town Moderator

cc: Patrice Garvin, Town Administrator (by email)
Ellen O'Brien Cushman, Town Clerk (by email)
George A. Hall, Jr., Town Counsel (by email)



TOWN OF BELMONT
OFFICE OF THE SELECT BOARD
455 CONCORD AVENUE
BELMONT, MASSACHUSETTS 02478

selectboard@belmont-ma.gov

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SELECT BOARD

MARK A. PAOLILLO, Chair
ADAM DASH, Vice Chair
ROY EPSTEIN, Member

TOWN ADMINISTRATOR
PATRICE GARVIN

April 11, 2022

Dear Town Meeting Members:

We look forward to seeing you at the Annual Town Meeting scheduled for **6:30 pm on Monday, May 2, 2022**. It will be a virtual event conducted on Zoom. You will receive separate instructions from the Town Clerk on how to log onto the Zoom session and how to vote electronically in this remote meeting format. Please make sure to follow the instructions you should have received already from the Town Clerk on setting up an account on TurningPoint. You will need TurningPoint in order to vote.

Segment "A":

First Night is Monday, May 2nd, continuation dates are May 4th, 9th and 11th; all dates are via Zoom

Segment "B":

First Night is Wednesday, June 1st, continuation dates are June 6th, 8th and 13th; all dates are via Zoom

The warrant articles and other documents you should review in advance of Town Meeting have already been sent to you electronically by the Town Clerk. There are twenty-two articles. If there are any amendments that are filed in advance in the remaining time, they will also be sent to you electronically.

The Warrant and additional information can be found in the Town Meeting section of the Town Clerk's web page at www.belmont-ma.gov.

The customary Warrant Discussion Night, co-sponsored by the League of Women Voters and the Warrant Committee, is scheduled for April 13, 2022 at 7:00 pm. This will also be a Zoom meeting. The login information is posted on the calendar on the Town homepage.

We thank you for your continued devotion to our Town's affairs.

Sincerely,

Mark A. Paolillo
Chair

Adam Dash
Vice Chair

Roy Epstein
Member

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**TOWN OF BELMONT
WARRANT FOR 2022 ANNUAL TOWN MEETING
MAY 2, 2022
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To any of the Constables of the Town of Belmont in said County:

Greetings:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the Inhabitants of the Town of Belmont, qualified as the law requires to vote in elections and Town Affairs, to convene on **May 2, 2022 at 6:30 p.m.** by means of the audio/video conferencing platform described more particularly below, and to notify and warn the Town Meeting Members to convene by said method and act at said time on the Articles set forth on pages 2 through 34 of this Warrant.

The Town Meeting shall be held remotely by the means requested by the Moderator, as follows:

Interested members of the public may see and hear the proceedings by tuning in to the Belmont Media Center's live broadcast of the proceedings on Belmont cable television (Comcast channel 8, Verizon channel 28) or by live-streaming at www.belmontmedia.org.

Town Meeting Members will attend and vote by logging into a web page portal operated by the Town's electronic voting vendor with unique credentials that will be issued to each Town Meeting Member before the meeting.

Town Meeting Members and other participants approved by the Moderator who wish to address the meeting will participate in the meeting through the "Zoom" videoconferencing service. Login credentials will be provided to all Town Meeting Members. Registered voters who wish to address the meeting as approved by the Moderator may contact the Town Clerk's office for login credentials, 617-993-2603.

For more information, see the March 21, 2022 Moderator's letter to the Select Board appended to this Warrant as Appendix A.

ARTICLE 1:

REPORTS

To hear the report of the Select Board and other Town Officers, any Committee heretofore appointed and to act thereon.

This article accepts the reports of Town departments appearing in the Annual Town Report and allows the Select Board and other Town officers, boards and committees to report orally to the Town Meeting on appropriate matters not otherwise appearing on the Warrant. This article stays "on the table" throughout the Town Meeting to allow Town officials and committees to report at the call of the Moderator.

Majority vote required for passage.

ARTICLE 2: AUTHORIZATION TO REPRESENT THE TOWN'S LEGAL INTERESTS

To see if the Town will authorize the Select Board to bring and defend actions for and against the Town, to submit any such claims to arbitration and to enter into settlement on account of the same on behalf of the Town, as and when they deem it for the best interest of the Town, or in any way act thereon.

This is a standard article that authorizes the Select Board to represent the Town's legal interests and to settle legal claims.

Submitted by the Select Board

The Select Board will report on this Article.

Majority vote required for passage.

**ARTICLE 3: AMEND GENERAL BYLAW:
§ 40-405 CAPITAL BUDGET COMMITTEE**

To see if the Town will vote to amend § 40-405 of the Town's General Bylaws titled Capital Budget Committee, by striking out the current subsections A. through C. and replacing them with subsections A. through E., as follows:

§ 40-405. Comprehensive Capital Budget Committee.

A. The Capital Budget Committee shall henceforth be named "Comprehensive Capital Budget Committee" ("the Committee") composed of nine voting members and two non-voting members: the Vice-Chair of the Select Board, the Chair of the Warrant Committee (or a member of that Committee designated by its Chair), the Chair of the Energy Committee (or a member of that Committee designated by its Chair), the Chair of the School Committee (or a member of that Committee designated by its Chair), and five registered voters of the Town who shall be appointed by the Moderator. The Moderator-appointed members shall serve for staggered three-year terms and shall be eligible for reappointment. The Town Administrator and the Superintendent of Schools, or their designees, shall serve as the non-voting members.

B. The Committee shall prepare (and annually update) a Long-Term Capital Improvement Plan ("the Plan"). As used in this § 40-405, the term "capital improvement" shall refer to spending to acquire, lease, construct, rehabilitate, or upgrade long-lived assets such as buildings, infrastructure, vehicles, major pieces of equipment, and technology, and the acquisition by purchase or taking of land, easements, and other long-term interests in real estate, and such projects are referred to in this § 40-405 as "Capital Projects."

C. The Plan shall include one-year, five-year, and 30-year components, as hereinafter described. The Plan's one-year component shall include recommended appropriations for the next fiscal year, which shall consider the capital expenditure requests from each department head made through the Town Administrator and the Superintendent of Schools. The Plan shall also specify a program of capital expenditures by fiscal year over a period of five years. The Plan for one-year and five-years shall include recommendations for sources of funds the Town can utilize to pay for Capital Projects. Beginning with the second Long-Term Capital Improvement Plan, each Plan shall also include the Committee's analyses and recommendations for the anticipated capital improvement needs over a 30-year period following the date of the Plan.

D. The Committee shall coordinate with the Town Administrator to implement the Plan in accordance with the Town's Comprehensive Financial Policies and other governing plans of the Town adopted by the Select Board, as they may be amended from time to time. The Committee shall create procedures to be used by the Town and the Committee to review and prioritize Capital Project requests and ensure that full life-cycle costs and potential funding sources are identified for each Capital Project, including the establishment and updating of a comprehensive inventory of capital assets, and including coordination with related Town committees.

E. The Long-Term Capital Improvement Plan shall be provided annually to Town Meeting, including specific recommendations for appropriations and funding sources for the following fiscal year. The Plan shall be submitted to the Town Clerk in sufficient time for distribution to Town Meeting Members at least 14 days prior to the commencement of the Town Meeting session at which the capital budget is to be considered. The Plan shall be available at the Town Clerk's office and posted on the Town's website for distribution to the public. The Plan shall also be included in the Town of Belmont Annual Report.

or in any way act thereon.

This article replaces the existing bylaw that creates and governs the Capital Budget Committee and replaces it with a bylaw that creates and governs a Comprehensive Capital Budget Committee. The new committee will be larger and have broader responsibility to work with the Town to develop one-, five-, and 30-year capital improvement plans, including both potential project costs and funding sources. The new committee, once convened after approval, will develop guidelines for its operations and its interactions with the Town staff and departments, as well as with other Town committees that are related to capital improvements and funding.

Submitted by the Select Board

The Select Board, Capital Budget Committee and the Bylaw Review Committee will report on this Article.

Majority vote required for passage.

ARTICLE 4:**AMEND GENERAL BYLAW:
§ 60-320 DEMOLITION DELAY**

To see if the Town will vote to amend § 60-320 of the Town's General Bylaws titled Demolition Delay Bylaw by striking the expiration date of December 31, 2022, updating the reference to the

List of Significant Historic Buildings to identify the most recent version, and eliminating the process for removal of properties from the List by the Select Board, as follows:

1. Section C, Definitions add the following phrase after the date, March 30, 2017, "modified and filed with the Town Clerk on April 3, 2018, subject to deletions" and change "Subsection D" to "Subsection C(3).
2. Delete Section B, Time Limitation
3. Delete Section D (1)
4. Correct the internal references in D(4) by changing F to E
5. Renumber as required to accomplish the above,

so that the proposed changes appear as follows:

§ 60-320. Demolition delay.

A. Intent and purpose. This section is adopted for the purpose of preserving and protecting significant buildings within the Town of Belmont that constitute or reflect distinctive features of the architectural, cultural, economic, political, or social history of the Town; and to limit the detrimental effect of demolition on the character of the Town. Through this section, owners of preferably preserved buildings are encouraged to seek out and consider alternative options that will preserve, rehabilitate or restore such buildings; and residents of the Town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, this section promotes the public welfare by making the Town a more attractive and desirable place in which to live and work. To achieve these purposes, the Belmont Historic District Commission is authorized to advise the Inspector of Buildings with respect to demolition permit applications.

~~B. Time limitation. The provisions of this section shall be null and void and of no force and effect on and after December 31, 2022.~~

~~C.B.~~ Definitions. For the purposes of this section, the following terms shall have the following definitions:

APPLICANT — Any person or entity that files an application for a demolition permit.

APPLICATION — An application for a demolition permit. BUILDING —

A roofed structure enclosing useful space. COMMISSION — The Belmont Historic District Commission. DEMOLISH — To engage in demolition of a building.

DEMOLITION — The removal or dismantling of a building in whole or substantial part, with or without the intent to replace the construction so affected.

DEMOLITION PERMIT — The permit required by the Inspector of Buildings for demolition of a building.

INSPECTOR OF BUILDINGS — The person authorized by law to issue demolition permits within the Town of Belmont.

LIST — A list of buildings, entitled Belmont's Significant Historic Buildings Subject to Demolition Delay Bylaw, prepared by the Commission and filed with the Town Clerk,

on March 30, 2017, modified and filed with the Town Clerk on April 3, 2018, subject to deletions as it may be further modified pursuant to Subsection D-C(3).

PREFERABLY PRESERVED BUILDING — Any significant building that the Commission determines, following a public hearing, should be preserved or rehabilitated rather than demolished.

SIGNIFICANT BUILDING — A building that is listed on the list.

STRUCTURE — Anything constructed or erected, the use of which requires fixed location on the ground.

D.C. The list of buildings.

~~(1) Upon the effective date of the 2017 amendments to this section, the Commission shall notify the owner of record of any building identified on the list, of the owner's right to appeal to the Select Board within 60 days of such notice to have the building removed from the list. The basis for this appeal shall be limited to a factual demonstration that the building does not qualify to be a significant building, based upon the following considerations:~~

- ~~(a) Whether the building is associated with events that have made a significant contribution to our history;~~
- ~~(b) Whether the building is associated with the lives of persons historically significant in our past;~~
- ~~(c) Whether the building embodies distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic value; or represents a significant and distinguishable entity whose components may lack individual distinction;~~
- ~~(d) Whether the building has recognized national, state, or local level historical significance;~~
- ~~(e) The historic context of the building; and,~~
- ~~(f) The integrity of the building.~~

~~(2)(1)~~ Additional buildings shall not be added to the list.

~~(3)(2)~~ Buildings that are located within the McLean Hospital National Historic District, the Common Street Historic District, the Pleasant Street Historic District and the Richardson Farm Historic District, as well as the Belmont Center Fire Station and Waverley Square Fire Station and all municipal buildings shall be ineligible for inclusion on the list.

~~(4)(3)~~ The demolition of a significant building following the issuance of a demolition permit shall automatically result in the removal of such building from the list. Demolition permits issued for significant buildings shall expire six months after their issuance, and a significant building that is not demolished within such period shall remain on the list, and shall be subject to the review procedure set forth in Subsection ~~E. F.~~

E.D. Exclusions. Subsection E. F shall not apply to:

- (1) The removal of a building to another site within the Town of Belmont;
- (2) Routine maintenance of a building;
- (3) Interior renovations of a building;
- (4) Removal, replacement, renovation, or construction of a building's porches, entryways, entry platforms and accompanying roofs, decks, dormers, or other architectural elements;
- (5) Removal or replacement of a building's roofing materials, siding, railings, or windows; or
- (6) Removal or destruction of a substantial addition to a significant building that, in the determination of the Commission, does not contribute to the historic character of the building.

F.E. Review procedure.

- (1) No demolition permit for a significant building shall be issued until the provisions of this subsection have been satisfied.
- (2) An applicant proposing to demolish a significant building shall file with the Inspector of Buildings an application containing the following information:
 - (a) The address of the building to be demolished;
 - (b) The owner's name, address, relevant contact information and telephone number;
 - (c) A description of the building; and
 - (d) Photographs of the building and of neighboring properties.If the applicant is not the owner of the building, the application shall demonstrate the owner's assent to the filing of the application.
- (3) The Inspector of Buildings shall, within seven days of receipt of such application, forward a copy thereof to the Commission.
- (4) Within 35 days of receipt of a copy of the application from the Inspector of Buildings, the Commission shall hold a public hearing to determine if it is in the public interest for a significant building to be preserved or rehabilitated rather than demolished and, based on such determination, whether the significant building is a preferably preserved building. Public notice of the time, place and purpose of the hearing shall be posted in the same manner as meeting notices posted in Belmont under the Open Meeting Law, MGL c. 30A, § 20, for a period of not less than seven days prior to the hearing date. The Inspector of Buildings, the applicant and the owner of the significant building (if different from the applicant) shall be notified in writing of the meeting time and place no less than 14 days prior to the hearing date.
- (5) Within 10 days of the first date of such public hearing, the Commission shall provide written notification to the Inspector of Buildings and the applicant of its determination

as to whether the significant building is a preferably preserved building. If agreed to in writing by the applicant, the determination of the Commission and notification to the Inspector of Buildings may be postponed to a specified date. If the Commission does not provide written notification to the Inspector of Buildings and the applicant of its determination in writing by such deadline, then the Inspector of Buildings may issue the demolition permit.

- (6) If the Commission determines that the significant building is not a preferably preserved building, the Commission shall so notify the Inspector of Buildings and applicant in writing. The Inspector of Buildings may then issue the demolition permit.
- (7) If the Commission determines that the significant building is a preferably preserved building, a demolition permit may thereafter be issued no sooner than 12 months after the date that the application was filed with the Inspector of Buildings, unless a shorter time is otherwise authorized by the Commission based on its finding that the intent and purpose of this section, as provided in Subsection A hereof, will be adequately served.

G.F. Responsibility of owners and applicants.

- (1) The owner of a significant building for which a demolition permit is being sought shall:
 - (a) Provide such information as is reasonably requested by the Commission in connection with its consideration of whether the significant building is a preferably preserved building;
 - (b) Allow exterior access to the property on which the significant building is located, as reasonably requested by the Commission; and
 - (c) Secure the significant building, if vacant, to the satisfaction of the Inspector of Buildings until a demolition permit is issued.
- (2) An applicant who has applied for a demolition permit for a preferably preserved building shall:
 - (a) Participate in the investigation of preservation options for the preferably preserved building; and
 - (b) Reasonably cooperate with the Commission and any interested parties in seeking alternatives to the demolition of the preferably preserved building.
- (3) If the owner of a significant building fails to secure the building to the satisfaction of the Inspector of Buildings, the subsequent destruction of the building through any cause shall be considered a voluntary demolition in violation of this section if such destruction could have been prevented by the required security measures.

H.G. Emergency demolition.

- (1) Nothing in this section shall restrict the Inspector of Buildings from ordering the immediate demolition, in accordance with applicable law, of any building in the event of imminent danger to the safety of the public. In the event that the Inspector of Buildings is informed that a significant building is dangerous to life or limb, or otherwise may be subject to a removal order, the Commission shall be notified and, where practicable, the Commission or its designee shall be allowed to accompany the Inspector of Buildings during the inspection of the building.

- (2) As soon as practicable after the Inspector of Buildings has issued an emergency demolition order for a significant building, a copy of such order shall be provided to the Commission, together with copies of all documentation relevant thereto.

I.H. Administration, enforcement and remedies.

- (1) The Commission may adopt such rules and regulations as are necessary to administer the provisions of this section, but may not increase the length of the delay period stated herein.
- (2) In computing any period of time prescribed in this section, the day of the act, event, or default after which the designated period begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next business day.
- (3) The Commission and the Inspector of Buildings are each specifically authorized to institute any and all actions and proceedings, in law or equity, as either of them may deem necessary and appropriate to obtain compliance with the requirements of this section or to prevent a threatened violation thereof.
- (4) Any owner of a significant building that is demolished without first obtaining a demolition permit in accordance with the provisions of this section shall be subject to a penalty of \$300. Each day that such violation exists until a faithful restoration of the demolished significant building or other remediation or remediation plan has been approved by the Commission shall constitute a separate offense. The Inspector of Buildings may enforce this section by noncriminal disposition as provided in MGL c. 40, § 21D.
- (5) If a significant building is voluntarily demolished without first obtaining a demolition permit in accordance with the provisions of this section, no building permit authorizing construction on the lot on which the building was located or on any adjoining lot under common ownership therewith shall be issued for a period of two years from the date of the demolition, unless agreed to by the Commission.

or in any way act thereon.

The purpose of the demolition delay article is to make permanent the demolition delay bylaw which is set to expire at the end of 2022 and to eliminate the process for removal from the list of buildings. Also, minor changes to the Bylaw from the current version eliminate obsolete clauses and update document references and formatting.

Submitted by the Select Board

The Select Board, Historic District Commission and the Bylaw Review Committee will report on this Article.

Majority vote required for passage.

ARTICLE 5:

**AMEND GENERAL BYLAW: § 40-100
MEMBERSHIP OF TOWN COMMITTEES**

To see if the Town will vote to amend § 40-100 of the Town's General Bylaws titled Membership of Town Committees:

1. § 40-100(B) add the definition of Resident
2. § 40-120 change the title from "Failure to attend meetings" to "Grounds for removing members from appointed boards" and renumber the existing text as § 40-120(A) and delete the last sentence after the words "§ 40-110"
3. Add Subsections B, C, D and E to the resultant. § 40-120

so that the proposed changes appear as follows:

**Article 1
General Provisions**

§ 40-100 Applicability; definitions.

- A. Except as otherwise provided by law, or by these bylaws, or by specific vote of the Town Meeting, all Town boards shall be subject to the provisions of this article.
- B. As used in this article, the following terms shall have the following meanings:

APPOINTED BOARD

A board any of the members of which are appointed by an appointing authority.

APPOINTING AUTHORITY

The Moderator, the Select Board or any other officer or board of officers, or combination thereof, responsible for the appointment of members of an appointed board.

BOARD

Any board, committee, commission or other body of the Town, however named or constituted, which is composed of two or more members and has been or is established pursuant to statute, these bylaws, vote of the Town Meeting or vote of the Select Board.

ELECTED BOARD

Any board the members of which are elected by all the voters of the Town at the Town Election.

PERMANENT APPOINTED BOARD

An appointed board the purpose of which is ongoing and is not limited to one or more specifically defined objects culminating in the filing of a report or the completion of an authorized or delegated assignment.

RESIDENT: A natural person who resides in the Town; a Post Office Box address or address used exclusively for mailing purposes is not sufficient.

§ 40-105 Term of office for members of permanent appointed boards.

The members of each permanent appointed board shall be appointed for a term of three years ending on June 30 of the third year following the year of appointment, except that, when appointing the initial members of a newly established permanent appointed board or when appointing the members of a permanent appointed board established prior to the effective date of this article the members of which had been appointed for a term of one year, the appointing authority shall appoint as nearly 1/3 of the members as possible for terms expiring on June 30 of the first, second and third years, respectively, following the year of appointment. The members of permanent appointed boards shall serve until their respective successors are appointed and qualified.

§ 40-110 Vacancies on appointed boards.

If a vacancy occurs in the membership of an appointed board, the appointing authority shall appoint a new member to serve for the balance of the unexpired term.

§ 40-115 Officers; records; annual report; conduct of meetings.

- A. Every board, including every elected board, shall annually select a chair, a clerk or secretary and such other officers, if any, as the board shall deem necessary. The clerk or secretary may, but need not, be a member of the board.
- B. The clerk or secretary shall keep an accurate record of each meeting of the board and shall file such records with the Town Clerk following their approval by the board. All rules and regulations adopted by a board shall likewise be filed with the Town Clerk.
- C. Every board shall annually file a report of its activities, in form suitable for printing in the Annual Town Report, on or before such date as may be fixed by the Select Board.
- D. Every board shall conduct its meetings in accordance with the Open Meeting Law of the commonwealth.

§ 40-120 Grounds for removing members from appointed boards. ~~Failure to attend meetings~~**A. Failure to attend meetings.**

The chair of each appointed board shall report to the appointing authority the name of any member who fails to attend any three successive meetings of the board. The appointing authority may thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110. ~~This section shall not apply to persons who are serving as members of an appointed board solely by virtue of their holding another Town office.~~

B. Failure to comply with Conflict of Interest training requirement.

If under State law, members of a board are required to comply with the training requirements of the State Conflict of Interest (Ethics) Law (M.G.L. ch. 268A, § 28, or law of like import or effect), the Town Clerk shall notify the members of such requirements, and shall report to the appointing authority the name of any member who fails to comply with such requirements. The Town Clerk shall make at least two documented attempts to secure compliance by the member before making such report. Upon receipt of such report, the appointing authority shall thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.

C. Failure to maintain resident status.

Only a Resident, as defined in § 40-100B, may be a member of an appointed board, unless the written charge of the board allows for an exception. A member of an appointed board who ceases to be a Resident shall promptly notify the board's appointing authority. Upon receipt of such report, or upon otherwise learning that a member of a board has ceased to be a Resident, the appointing authority shall thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.

D. Inapplicability to ex officio members.

Subsections 40-120.A-C shall not apply to board members who are paid or unpaid employees or officers of the Town, and serving as members of the board in question solely because of their other Town employment or office.

E. Notice and Hearing

Before removing any board member pursuant to the provisions of § 40-120A, B or C, the appointing authority shall provide the board member reasonable notice and an opportunity to be heard on whether grounds for removal as set forth in this section are present.

§ 40-125 Use of Town materials.

No Town officer or member of a Town board shall use any paper, stationery or other article bearing the Town Seal or representation thereof or bearing the name of a Town board for other than official Town purposes regardless of whether private payment has been made for such use.

or in any way act thereon.

The intent of this article is to clarify Belmont residency for appointments to Town committees, unless the appointing authority includes an exception in the charge when creating the committee, and articulate and expand on the reasons and process for removal of a member from an appointed committee. The amendment also adds a notice requirement to conform to certain state statutes providing for the removal of members of certain boards or commissions.

Submitted by the Town Clerk

The Select Board, Town Clerk and the Bylaw Review Committee will report on this Article.

Majority vote required for passage.

ARTICLE 6:

**AMEND GENERAL BYLAW: § 60-325
STORMWATER MANAGEMENT AND EROSION CONTROL**

To see if the Town will vote to amend § 60-325 of the Town's General Bylaws titled Stormwater Management and Erosion Control:

1. In Section A (2), to add wording to clarify intent of definition, and in Section A (3) to add wording to include reference to Total Maximum Daily Load requirements and the General Permit (MS4) issued by EPA and DEP;

2. In Section B, Definitions, to add new definitions and remove unnecessary definitions to align with the General Permit;
3. In Section E, to clarify intent of this Section; to add wording to align with the General Permit, and to add subsection E (6) to address pet waste;
4. In Section F, Stormwater Management and Erosion Control, to add wording to align with the General Permit; and
5. Throughout the Bylaw, to replace wording to align with Bylaw Review Committee formatting.

So that the proposed changes appear as follows:

§60-325 Stormwater Management and Erosion Control

A. Purposes. The purposes of this **§ 60-325 bylaw** are:

- (1) To prevent pollutants from entering the Town of Belmont's Municipal Separate Storm Sewer System ("MS4");
- (2) To prohibit illicit connections and unauthorized discharges to the MS4 and to require the removal of all such illicit connections and unauthorized discharges;
- (3) To comply with state and federal statutes and regulations relating to stormwater discharges, including Total Maximum Daily Load requirements, and comply with the General Permit for Stormwater Discharges from Small Municipal Separate Stormwater Systems in Massachusetts, issued by the U.S. Environmental Protection Agency ("EPA") and the Massachusetts Department of Environmental Protection ("MS4 Permit");
- (4) To establish the legal authority to ensure compliance with the provisions of this bylaw through permitting, inspection, monitoring, and enforcement;
- (5) To control runoff and prevent soil erosion and sedimentation resulting from construction site stormwater runoff,
- (6) To promote infiltration and the recharge of groundwater;
- (7) To protect, maintain, and enhance the public safety, environment, health, and general welfare by establishing minimum requirements and procedures to manage stormwater runoff; and
- (8) To ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

B. Definitions. For the purposes of this **§ 60-325 bylaw**, the following definitions shall apply:

ALTERATION

Any activity, that will change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Examples include, but are not limited to without limitation, construction of new structures, earthmoving, paving, and modification of existing vegetation.

BEST MANAGEMENT PRACTICES (BMPs)

Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent or minimize increases in stormwater volumes and flows, reduce point-source and nonpoint-source pollution, and promote stormwater quality and protection of the environment.

CLEAN WATER ACT

The Federal *Water Pollution Control Act* (33 U.S.C. §§ 1251 *et seq.*) as it may hereafter be amended.

CONSTRUCTION AND WASTE MATERIALS

Excess or discarded building or site materials that may adversely impact water quality, including without limitation concrete truck "washout," chemicals, litter, and sanitary waste at a construction site.

CONSTRUCTION SITE

Any site where activity is proposed or occurs that involves the alteration of more than 2,500 square feet of land.

DEVELOPMENT

~~The alteration of land to accommodate a new use or an expansion or modification of an existing use.~~

HAZARDOUS MATERIAL

Any material that, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious material, acid and alkali, and any substance defined as Toxic or Hazardous under *M.G.L. c.21C* and *c. 21E*, or the regulations at 310 CMR 30.000 or 310 CMR 40.0000.

ILLCIT CONNECTION

A surface or subsurface drain or conveyance that allows an ~~illicit~~ **Dis**charge into the MS4, including any connection from an indoor drain, sinks, toilet, or laundry facility, regardless of whether the connection was previously allowed, permitted, or approved before the effective date of ~~this this bylaw~~ **§ 60-325**.

ILLCIT DISCHARGE

Any direct or indirect discharge to the MS4 or the Waters of the Commonwealth that is not composed entirely of stormwater, including, without limitation, any discharge of a pollutant, sewage, process wastewater, or wash water, except as exempted in Subsection **E(3)**. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit.

IMPERVIOUS SURFACE

Any material or structure on, above or below the ground that prevents water from infiltrating through to the underlying soil. Impervious surfaces may include, without limitation: paved surfaces, parking lots, sidewalks, driveways, roof tops, and swimming pools.

LOW IMPACT DEVELOPMENT or LID

Site planning and design strategies that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat. LID employs principles to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product, such as preserving and recreating natural landscape features and minimizing effective imperviousness. LID practices include without limitation bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

MS4 (MUNICIPAL SEPARATE STORM SEWER SYSTEM)

The system of conveyances, owned or operated by the Town of Belmont, that is designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, swale, culvert, channel, catch basin, outfall, outlet, reservoir, or other drainage structure.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ("NPDES") STORMWATER DISCHARGE PERMIT

A permit issued by the ~~United States Environmental Protection Agency~~ EPA or jointly with the state that authorizes the discharge of stormwater containing pollutants into waters of the United States.

NEW DEVELOPMENT

Any Alteration creating any impervious cover that occurs on a a lot or parcel that has not previously been developed.

NONPOINT SOURCE POLLUTION

Any water pollution having a source that is not a "point source."

NON-STORMWATER DISCHARGE

A discharge into the MS4 that is not composed entirely of stormwater.

OCD

Town of Belmont Office of Community Development

OPERATION AND MAINTENANCE PLAN

A plan setting the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

PERSON

An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE

Any discernible, confined and discrete conveyance, including, without limitation, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. The term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

POLLUTANT

Any element or characteristic of sewage, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into Belmont's MS4 or waters of the Commonwealth. Pollutants shall include, but are not limited to:

- (1) Paints, varnishes, and solvents;
- (2) Oil and other automotive fluids;
- (3) Non-hazardous liquid and solid wastes and yard wastes;
- (4) Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) Excess Pesticides, herbicides, and fertilizers;
- (6) Hazardous materials and wastes;
- (7) Sewage, fecal coliform and pathogens;
- (8) Dissolved and particulate metals;
- (9) Animal wastes;
- (10) Rock, sand, salt, silt, soils;
- (11) Construction wastes and residues; and
- (12) Noxious or offensive matter of any kind.

RECHARGE

The process by which groundwater is replenished by precipitation.

REDEVELOPMENT

Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites.

RUNOFF

The water from rain, snowmelt, or irrigation that flows over the land surface and is not absorbed into the ground, instead flowing into the MS4 or streams or other surface waters or land depressions.

SANITARY SEWER SYSTEM

A separate underground conveyance system specifically for transporting sanitary waste operated separately and independently from the MS4, to which storm, surface, and ground waters are not lawfully admitted.

STORMWATER

Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce and control stormwater runoff pollutant loads, discharge volumes or peak flow discharge rates.

Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT AND EROSION CONTROL PERMIT

A permit issued by the Town of Belmont Office of Community Development, approving a system that is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT STANDARDS

The Stormwater Management Standards and accompanying Stormwater Handbook(s) issued by the Massachusetts Department of Environmental Protection or any successor agency, as such Standards and Handbooks may be hereafter superseded or amended.

SUBSTANTIAL DEMOLITION

The demolition of at least 50% of an existing principal structure, measured by the area of the footprint of the structure on the lot.

TOTAL MAXIMUM DAILY LOAD or TMDL

Section 303(d) of the Clean Water Act authorizes the EPA to assist states, territories, and authorized tribes in listing impaired waters and developing a Total Maximum Daily Load ("TMDL") for each of these waterbodies. A TMDL establishes the maximum amount of a pollutant that a waterbody can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL includes Waste Load Allocations for point source discharges, Load Allocations for nonpoint sources, and natural background and must include a margin of safety and account for seasonal variations.

VEGETATION

Trees, shrubs, bushes, and ground cover, including grass.

WATERS OF THE COMMONWEALTH

All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

C. Administration.

- (1) The ~~Board of Selectmen~~ **Select Board** shall adopt, and may periodically amend, rules and regulations relating to the requirements, procedures, administration, and enforcement of this **§ 60-325 bylaw**, after conducting a public hearing to receive comments on any proposed rules and regulations.
- (2) The OCD shall be responsible for the day-to-day administration of this **§ 60-325 bylaw** and shall be the Stormwater Management and Erosion Control Permit Granting Authority.
- (3) The OCD shall have the authority to investigate suspected illicit discharges and to require the elimination of illicit discharges.

D. Permit Process.

- (1) A completed application for a Stormwater Management and Erosion Control Permit shall be filed with the OCD. A permit shall be obtained prior to the commencement of any work regulated by ~~this bylaw~~ § 60-325.
- (2) Some permit applications may require the OCD to secure the services of a Licensed Professional Engineer with expertise in stormwater management and erosion control to assist with the administration of ~~this bylaw~~ § 60-325. These services shall be paid for by the Applicant prior to the issuance of the Stormwater Management and Erosion Control Permit.
- (3) The OCD shall take final action on an application for a Stormwater Management and Erosion Control Permit within ~~thirty (30)~~ 30 days from the receipt of a complete application. The OCD may approve the application; approve the application with conditions; or disapprove the application. Failure by the OCD to take final action on an application within 30 days following the receipt of a complete application shall be deemed to be approval of the application, unless this timeframe is extended by mutual agreement of the OCD and applicant.
- (4) The applicant, or an agent thereof, shall obtain the approval of the OCD prior to any change or modification of an activity authorized in a Stormwater Management and Erosion Control Permit. The OCD may approve the request if it determines that the change or modification is consistent with the Regulations promulgated pursuant to Subsection E of ~~this bylaw~~ § 60-325, the Stormwater Management Standards and Best Management Practices. The OCD has the right to amend the existing permit and require additional stormwater runoff and erosion control measures prior to approval of the change or modification.

E. Discharges to the Municipal Separate Storm Sewer System (MS4) Illicit Connection Detection and Elimination.

- (1) Applicability. This Subsection E shall apply to all direct or Indirect Discharges to the municipal storm drain system and to any activities that might obstruct the municipal storm drain system.
- (2) Prohibited Activities.
 - (a) Illicit Discharges. No person shall ~~commence, cause or~~ allow, conduct, or continue any Illicit Discharge into the MS4 or into the Waters of the Commonwealth. Nothing in ~~the this § 60-325 article~~ shall be construed to exempt stormwater discharges from regulation under the National Pollutant Discharge Elimination System ("NPDES") stormwater program where applicable.
 - (b) Illicit Connections. No person shall construct, use, allow, maintain, or continue any Illicit Connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
 - (c) Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of Sstormwater into or out of the MS4 without prior written approval from the OCD.

- (3) Regulated Activities. No person shall connect a pipe or other appurtenance to the Town of Belmont Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without a Sanitary Sewer and Storm Drain Connection Stormwater Management and Erosion Control Permit.
- (4) Exemptions. The following Non-Stormwater Discharges are exempt from the requirements of Sections **D** and **E** of this bylawSection except if the OCD determines, after notice and an opportunity for hearing, that the source is a significant contributor of a Pollutant to the MS4 or Waters of the United States:
- (a) Water line flushing;
 - (b) Landscape irrigation;
 - (c) Diverted stream flows;
 - (d) Rising ground waters,
 - (e) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005[20]);
 - (f) Uncontaminated pumped ground water;
 - (g) Discharges from potable water sources;
 - (h) Foundation drains;
 - (i) Air conditioning condensation;
 - (j) Irrigation water and springs;
 - (k) Water from basement, cellar, and crawl space pumps;
 - (l) Footing drains;
 - (m) Lawn watering;
 - (n) Car washing undertaken by individual residents at their homes;
 - (o) Flows from wetland resource areas;
 - (p) De-chlorinated swimming pool discharges;
 - (q) Street wash water and residential building wash waters, without detergents;
 - (r) Discharges or flows from firefighting activities;
 - (s) Dye testing, if written approval is given by the OCD prior to the time of the test;
 - (t) Non-Stormwater Discharges permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the U.S. Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
 - (u) Discharges necessary to protect public health, safety, welfare or the environment, for which advanced written approval is received from the OCD.
- (5) Emergency Suspension of Storm Drain System Access. The OCD may suspend MS4 access to any person or property without prior written notice when such suspension is determined to be necessary to prevent or terminate a threatened or actual discharge of Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event that any person fails to comply with an emergency suspension

order issued pursuant to this section, the OCD may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

~~(5)~~(6) Additional Prohibited Pollutants

Pet Waste: The Town of Belmont is subject to a Pathogen TMDL, and dog feces are a major component of stormwater pollution. In addition to the requirements of § 60-200, dog feces shall not be disposed in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface

F. Stormwater Management and Erosion Control.

(1) Regulated Activities. A Stormwater Management and Erosion Control Permit shall be required prior to undertaking any land disturbance that involves:

- (a) An alteration that will result in land disturbances of 2,500 square feet of total area or more, or that is part of a common plan ~~offer~~ development that will disturb 2,500 square feet or more;
- (b) An alteration that will increase the amount of a lot's impervious surface area to more than 25% of the lot's total area; or
- (c) Storage or permanent placement of more than 100 cubic yards of excavated material, fill, snow or ice.

(2) Exempt Activities. Alteration on lots with one, two, or three ~~dwelling~~ units existing as of the effective date of the Article shall be exempt from Subsections D and F, except for Alteration on any such lot greater than one- acre of land or associated with the Substantial Demolition of such dwelling unit(s) and Alteration on such lot thereafter. In addition, the following activities shall be exempt from Subsection F:

- (a) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw;
- (b) Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture, or the use, expansion, or reconstruction of existing structures for the primary purpose of agriculture, horticulture, floriculture, or viticulture, to the extent protected under the Zoning Act, M.G.L. c. 40A, § 3;
- (c) Customary cemetery management;
- (d) Stormwater discharges that are authorized by an Order of Conditions issued by the Conservation Commission that meet the requirements of the Massachusetts Stormwater Standards;
- (e) Customary landscaping, gardening, and lawn care activities;
- (f) Activities not expressly regulated by Subsection F(1);
- (g) ~~Normal~~ maintenance of Town-owned public land, ways, public utilities, and appurtenances; and
- (h) Emergency activities necessary to protect public health or safety

(3) General Requirements

- (a) An Operation and Maintenance Plan shall be submitted to the OCD for approval prior to the issuance of a Stormwater Management and Erosion Control Permit. The

Operation and Maintenance Plan shall be designed to ensure compliance with the Stormwater Management and Erosion Control Permit, this ~~bylaw~~Section, and the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, in all seasons and throughout the life of the system.

(b) As-built drawings ~~showing all stormwater management systems~~ shall be submitted to the OCD at the completion of a project. The as-built drawings must depict all on-site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site.

(c) The OCD may require the applicant to contribute to the cost of design, construction, and maintenance of a public or shared stormwater facility in lieu of an onsite stormwater facility where the OCD determines that there are not sufficient site conditions for onsite Best Management Practices that will satisfy the design criteria set forth in Subsection F(4) of this bylaw and the performance standards set forth in the regulations promulgated under this bylaw. Funds so contributed may be used to design, construct, and maintain stormwater projects that will improve the quality and quantity of surface waters in Belmont by treating and recharging stormwater from existing impervious surfaces that is now discharged to said waters with inadequate treatment or recharge. The amount of any required contribution to the fund shall be determined by the OCD pursuant to standards established in the Regulations adopted pursuant to this ~~bylaw~~Section.

(4) Design Criteria. ~~All-Each New~~ Development and each Redevelopment shall satisfy the following design criteria:

(a) Compliance with all applicable provisions of the Stormwater Management Standards, regardless of the proximity of the development to resource areas or their buffer zones, as defined by the Wetlands Protection Act, M.G.L. c. 131, § 40, and its implementing regulations.

(b) Erosion and sediment controls must be implemented to prevent adverse impacts during disturbance and construction activities.

(c) There shall be no change to the existing conditions of abutting properties from any increase in peak flows or volumes of stormwater runoff or from erosion, silting, flooding, sedimentation or impacts to wetlands, ground water levels, or wells.

(d) When any proposed discharge may have an impact upon streams, wetlands, or and/or storm sewers, the OCD may require minimization or elimination of this impact based on site conditions and existing stormwater system capacity.

~~(d)~~(e) Compliance with all applicable provisions of the MS4 Permit, including performance standards for New Development and Redevelopment.

G. Severability. If any provision of this ~~§ 60-325Article~~ shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of ~~the Article~~the Section shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Subsection A.

H. Enforcement. The OCD shall enforce this bylaw, and any regulations, orders, violation notices, and enforcement orders made pursuant to this ~~§ 60-325 bylaw~~, and may pursue all civil and criminal remedies for such violations.

- (1) The OCD may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include (but are not limited to) an order to:
 - (a) Eliminate illicit connections or discharges to the MS4;
 - (b) Perform monitoring, analyses, and reporting;
 - (c) Cease and desist unlawful discharges, practices, or operations; and
 - (d) Remediate contamination in connection therewith.
- (2) If the OCD determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the OCD may, at its option, authorize such work, and the expenses thereof shall be charged to the violator in an amount not exceeding the penalty specified in Subsection **H(5)**.
- (3) If the OCD performs the work described in Subsection **H(2)**, the violator and the property owner shall be notified of the costs incurred by the OCD, including administrative costs, within ~~thirty (30)~~30 days after completing all measures necessary for the abatement or remediation. Within ~~thirty (30)~~30 days of receipt of such notification, the violator or property owner may file with the Town Administrator a written protest objecting to the amount or basis of the costs incurred. Upon receipt of such a protest, the Town Administrator may adjust the amount of the costs to be charged to the violator pursuant to Subsection **H(2)**.
- (4) If a person violates the provisions of this bylaw, or any regulation, permit, notice, or order issued thereunder, the OCD, with the approval of the ~~Board of Selectmen~~ **Select Board**, may seek injunctive relief in a court of competent jurisdiction to restrain such person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.
- (5) As an alternative to criminal remedies set forth in this Section, the OCD may elect to utilize non-criminal disposition procedures set forth in M.G.L. c.40, § 21D. The penalty for the first violation shall be \$100.00. The penalty for the second violation shall be \$200.00. The penalty for the third and subsequent violations shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (6) To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the OCD, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this section and regulation, and may make or cause to be made such examinations, surveys, or sampling as the OCD deems reasonably necessary.
- (7) The remedies set forth in this ~~S~~subsection **H** are not intended to be exclusive of any other remedies available under applicable federal, state, or local law.

or in any way act thereon.

The article is to comply with state and federal regulations that requires a municipality to have a stormwater bylaw. New stormwater permitting requirements from the state require certain language be included in the bylaw.

Submitted by the Select Board

The Select Board and the Bylaw Review Committee will report on this Article.

Majority vote required for passage.

ARTICLE 7:

ACCEPTANCE OF A PUBLIC WAY: OAKMONT LANE

To see if the Town will vote to accept Oakmont Lane as a public way, as laid out by the Select Board and as shown on a plan entitled "Acceptance Street Plan and Profile Oakmont Lane Belmont, MA," prepared by Glenn R. Clancy, P.E., dated April 4, 2022, and on file with the Town Clerk; to authorize the Select Board to acquire, by gift, purchase or eminent domain such land and easements for the creation, maintenance and operation of a public way, including but not limited to easements for access, grading, drainage, sloping, construction and utilities, in all or any portions of such way and parcels on such way, or in any way act thereon.

The article is to accept Oakmont Lane as a public way.

Submitted by the Select Board

The Select Board will report on this Article.

Two-thirds/Majority vote required for passage.

ARTICLE 8:

**ESTABLISH A SKATING RINK & PLAYING
FIELDS BUILDING COMMITTEE**

To see if the Town will vote to establish a new Municipal Skating Rink & Playing Fields Building Committee for the purpose of design and construction of a new public skating rink, and to consider design and construction related to the land and its contents west of Harris Field; to authorize the Town Moderator to appoint the new Municipal Skating Rink & Playing Fields Building Committee to oversee the design and construction of said project; to authorize said Municipal Skating Rink & Playing Fields Building Committee to enter into contracts and take all actions necessary to carry out said project, or in any way act thereon.

The skating rink building and playing surface are terrible, fragile, past its useful life and not up to code. The committee will continue the work of the Preliminary Rink Design Committee recently appointed by the Select Board.

Submitted by the Select Board

The Select Board and the Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 9:

SPECIAL ACT: RETAIL LIQUOR LICENSES

To see if the Town will vote to authorize the Select Board to petition the General Court to enact legislation increasing the number of licenses that may be issued for the sale of all alcoholic beverages not to be drunk on the premises, and the number of licenses that may be issued for the sale of beer and wine not to be drunk on the premises, substantially in the form below, and further to authorize the Select Board to approve amendments to the bill before enactment by the General Court which shall be within the scope of the general public objectives of the petition, or in any way act thereon.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The Select Board of the town of Belmont may, in its discretion, grant licenses for the sale of all alcoholic beverages not to be drunk on the premises; provided, however, that no more than **four (4)** such licenses shall be in effect, including any license issued pursuant to chapter 395 of the acts of 2006 and chapter 16 of the acts of 2014. The licenses shall be subject to chapter 147 of the Acts of 2017, and chapter 138 of the General Laws.

SECTION 2. The Select Board of the town of Belmont may, in its discretion, grant licenses for the sale of beer and wine not to be drunk on the premises; provided, however, that no more than **seven (7)** such licenses shall be in effect, including those licenses issued pursuant to chapter 396 of the acts of 2006 and chapter 16 of the acts of 2014. The licenses shall be subject to chapter 147 of the Acts of 2017, and chapter 138 of the General Laws.

SECTION 3. This act shall take effect upon its passage.

This article would increase the current alcohol retail licenses that are held in Town. Currently the Town is allowed two all alcohol retail licenses and four wine and beer retail licenses.

Submitted by the Select Board

The Select Board will report on this Article.

Majority vote required for passage.

ARTICLE 10:

**SPECIAL ACT RELATING TO THE RETIREMENT
CLASSIFICATION OF CERTAIN EMPLOYEES OF THE TOWN OF BELMONT**

To see if the Town will vote to authorize the Select Board to petition the General Court to enact legislation to permit the Belmont Retirement Board to retain the classification of Public Safety Communications Dispatchers in "Group 2" as defined in MGL c. 32 § 3(2)(g), substantially in the form below, and further to authorize the selectmen to approve amendments to the bill before enactment by the General Court to advance the general public objectives of the petition, in whole or in part, or in any way act thereon.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of paragraph (2) (g) of section three of chapter thirty-two, or any other general or special law to the contrary, employees of the Town of Belmont employed as Public Safety Communications Dispatchers hired on or before January 1, 2022, shall be classified by the Belmont Retirement Board in Group 2.

SECTION 2. This act shall become effective upon its passage.

This article would allow the Town to continue to classify employees of the Town of Belmont who became employed in the Belmont Joint Public Safety Communications Center on or before January 1, 2022, shall be classified by the Belmont Retirement Board in Group 2.

Submitted by the Select Board

The Select Board and the Retirement Board will report on this Article.

Majority vote required for passage.

**ARTICLE 11: CITIZEN PETITION: A RESOLUTION IN
SUPPORT OF CHANGING THE STATE FLAG & SEAL OF MASSACHUSETTS**

To see if the Town will vote to approve the resolution as follows:

Resolution in Support of Changing the State Flag & Seal of Massachusetts

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived;

Whereas the Colonial broadsword held by a white hand above the head of the Native man on the Massachusetts State Flag and Seal is modeled after Myles Standish's own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders that

resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment;

Whereas the proportions of the body of the Native man in the Flag and Seal were taken from a Native skeleton unearthed in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and the facial features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in the winter of 1675, the enslavement of Native people in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self-rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this continent, occurred in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to an appreciation of the need for better relations between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

Whereas the land area now known as the Town of Belmont, formerly known as Pequotsette, shares a rich Native history with modern tribal Nations like the Massachusett and the Wampanoag, who inhabited this area for thousands of years before the first colonial settlers arrived in 1630;

Now, therefore, BE IT RESOLVED that the Town of Belmont hereby adopts this resolution in support of the work of the Special Commission Relative to the Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2020 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and in support of a new seal and motto for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall forward a copy of this resolution to Sen. Marc Pacheco and Rep. Antonio Cabral, co-chairs of the Joint Committee on State Administration, who serve as members of the Special Commission Relative to the Seal and Motto of the Commonwealth, and to Sen. Will Brownsberger and Rep. Dave Rogers, with the request that they continue their advocacy and support for the work of the aforementioned Special Commission.

or in any way act thereon.

Submitted by
Joseph Bernard Precinct (3) on behalf of the petitioners.

The petitioner will report on this Article.

Majority vote required for passage. This is a non-binding vote.

ARTICLE 12:

**CITIZEN PETITION: AMEND GENERAL
BYLAW: 40-115, ENCOURAGING PUBLIC PARTICIPATION**

To see if the Town will amend § 40-115 of the General Bylaws by adding to Paragraph B, the following:

Appointed boards shall establish procedures to encourage and facilitate public participation on important issues, which procedures could include ways to ensure public comments are provided to the board's members and ways to allow public comment before the board votes on a pending motion involving significant issues.

Or in any way act thereon.

Submitted by Robert McGaw Precinct (1) on behalf of the petitioners.

The petitioner will report on this Article.

Majority vote required for passage.

ARTICLE 13:

**CITIZEN PETITION: RESOLUTION REQUIRING
MIDDLE/HIGH SCHOOL SOLAR FUNDING**

To see if the Town will vote to adopt the following binding resolution:

The Belmont Middle and High School Building Committee ("BMHSBC") presented to the 6/4/2018 Belmont Town Meeting a plan for the new Belmont Middle and High School ("BMHS") to achieve Zero Net Energy ("ZNE") status that included the installation of a 1.3 megawatt ("MW") rooftop solar photovoltaic facility ("Solar PV"), which is the amount necessary to achieve ZNE. Critical to the Town's financial planning, Solar PV of that scale is expected to save an estimated \$5 million in electricity costs over its 30+ year lifespan. The BMHSBC has included in its budget an amount dedicated to procuring PV equal to the sum of \$2,600,000 ("Solar Budget").

The BMHSBC has recently announced that there may be more than \$1.5 million of project cost increases in part caused by the Covid pandemic. The BMHSBC has also warned that it may reduce the size of the Solar Budget as part of balancing its budget. A failure to install the full 1.3MW Solar PV would prevent the BMHS from achieving ZNE, and would be contrary to Town Meeting and Town expectations.

The Town has applied for a Federal grant under the American Rescue Plan Act ("ARPA")

and is currently in the process of prioritizing how it will spend the expected ARPA funding upon receipt. Among the proposals under consideration is for the BMHSBC to receive a portion of the ARPA funds.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Belmont hereby directs, to the maximum extent allowed by law, the Town Administrator, the Town Treasurer, the Select Board and the BMHSBC as follows:

- (1) that the Solar PV facility shall be installed as part of the construction of the BMHS project; and
- (2) that as a condition of the receipt by the BMHSBC of a portion of the Town's ARPA funds, if any, the Town Administrator and the BMHSBC shall commit in writing that any ARPA funds allocated to the BMHSBC shall be applied exclusively to the expenditure of \$2,600,000 on the Solar PV Facility, or such lesser amount as may be required to procure a 1.3MW Solar PV facility,

Or in any way act thereon.

Submitted by Brian Iler Precinct (7) on behalf of the petitioners.

The petitioner will report on this Article.

Majority vote required for passage.

ARTICLE 14:

**FY23 COMMUNITY PRESERVATION COMMITTEE
BUDGET & PROJECTS**

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects as summarized in the table below, and all other necessary and proper expenses for the year, or in any way act thereon.

Amount	Project Name	Category	Funding Source
\$60,000	Belmont Cemetery Preservation and Master Plan	HP	Historic Preservation
\$200,000	Belmont Community Path Phase II – 25% Design	RC	Open Space Recreation
\$40,000	Grove Street Baseball and Basketball Reconstruction	RC	Open Space Recreation
\$1,190,530	Payson Park Revitalization Phase II	RC	Open Space Recreation
\$26,100	Restoration of Belmont's Historic Clock Tower	HP	Historic Preservation
\$343,409	Town Field Playground and Court Restoration	RC	Open Space Recreation

\$400,000	Pre-Development Funding for Redevelopment of Sherman Gardens	CH	Community Housing
Emergency Funding Applications			
\$150,000	Benton Library Chimney Repair	HP	Historic Preservation
\$20,000	Benton Library Building Envelope Study	HP	Historic Preservation

This article is a standard article that appropriates funds to support the operations of the Town's Community Preservation Committee and its approved projects. The Community Preservation Fund receives revenues from a 1.5% property tax surcharge to fund the program. The state provides limited matching grant funds to the Town based on the surcharge collections.

Submitted by the Community Preservation Committee

The Select Board, Community Preservation Committee, Warrant Committee, and Capital Budget Committee will report on this Article.

Majority vote required for passage.

ARTICLE 15:

SALARIES OF ELECTED OFFICIALS

To see if the Town will vote to fix the salary and compensation of each and all the elected officers of the Town, appropriate a sum of money for that purpose, determine how the same shall be raised, or in any way act thereon.

Elected Officials of the Town	Salary
Town Moderator	\$450
Chair of the Select Board	\$5,000
Select Board (2)	\$4,500 (each)
Town Clerk	\$106,556
Town Treasurer	\$110,871
Chair of the Board of Assessors	\$3,030
Assessors (2)	\$2,200 (each)

This is a standard article to comply with the provision in M.G.L. c. 41, § 108 requiring the compensation levels of all elected officers to be fixed at the Annual Town Meeting, and to appropriate the funds necessary for FY23. Please note that Town Meeting will establish and appropriate the compensation of other municipal employees under Article 22. The Town Clerk and The Town Treasurer salaries include a two percent (2%) COLA increase over FY2022.

Submitted by the Select Board

The Select Board and Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 16:

**ENTERPRISE FUNDS FOR
WATER, SEWER AND STORMWATER SERVICES**

To see if the Town will vote to appropriate a sum of money from the accounts classified as an "Enterprise Fund", pursuant to Chapter 44, Section 53F½ of the General Laws for water service, and for sewer and stormwater service; or in any way act thereon.

This is a standard article to appropriate funds to support the operations of the Town's water and sewer functions from enterprise funds that receive revenues from user fees. Enterprise funds are entirely self-supporting from user fees and do not receive any funding from property taxes.

Submitted by the Select Board

The Select Board, Warrant Committee and Capital Budget Committee will report on this Article.

Majority vote required for passage.

ARTICLE 17:

**ESTABLISH EXPENDITURE LIMITATION
FOR REVOLVING FUNDS**

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the General Laws, to establish expenditure limitations for FY2023 for the revolving funds authorized in § 50-220 of the Town Bylaws;

<u>Fund Title</u>	<u>Fund Spending Limits</u>
Senior Programs	\$150,000
Art Gallery	\$15,000
Rock Meadow Maintenance	\$11,000
Copying/Lost Books	\$15,000
Stormwater Improvements	\$100,000
MLK Day Breakfast	\$5,000
Non-School Property Maintenance	\$60,000
Stormwater Consulting	\$50,000
Total	\$406,000

or in any way act thereon.

This is a standard article that sets a limit on the amount of fee revenue that can be expended from the various revolving funds listed in § 50-220 of the Town Bylaws during the upcoming fiscal year.

- A. Senior Programs Fund: funds derived from Council on Aging course and program fees, charges or other receipts to be expended by the Council on Aging to fund courses and programs for Fiscal Year 2018 and subsequent years.*
- B. Art Gallery Fund: funds derived from commissions on art sales, to be expended by the Belmont Cultural Council for gallery exhibits and event expenses, including administrative costs and part-time wages, for Fiscal Year 2018 and subsequent years.*
- C. Rock Meadow Restoration and Maintenance Fund: funds derived from rental fees from garden plots, to be expended by the Conservation Commission for costs associated with the restoration and maintenance of the Rock Meadow conservation area, including part-time wages, for Fiscal Year 2018 and subsequent years.*
- D. Library Lost Book and Copying Fund: funds derived from lost book fees and fees for printing and copying, to be expended by the Board of Library Trustees for the replacement of lost books and for copier and printer supplies and maintenance for Fiscal Year 2018 and subsequent years.*
- E. Stormwater Improvement Fund: funds derived from payments made in lieu of on-site stormwater facilities, under the Stormwater Management and Erosion Control Bylaw, to be expended by the Director of the Office of Community Development for design, construction, and maintenance of public or shared stormwater facilities, for Fiscal Year 2018 and subsequent years.*
- F. Martin Luther King Day Breakfast Fund: funds derived from ticket sales for the annual Martin Luther King Day Breakfast, to be expended by the Human Rights Commission for event expenses for Fiscal Year 2018 and subsequent years.*
- G. Non-School Property Maintenance Fund: funds derived from the rental of Town properties not under the control of the School Department, to be expended by the Select Board for the maintenance and repair of such properties.*
- H. Stormwater Consulting Fund: funds derived from consultant fees paid by applicants for stormwater permits, to be expended by the Director of the Office of Community Development for peer review consultant services for Fiscal Year 2018 and subsequent years.*

Submitted by the Select Board

The Select Board and Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 18:**APPROPRIATION OF TRANSPORTATION GRANT**

To see if the Town will vote to appropriate a sum of money received from the Commonwealth Transportation Infrastructure Fund for the purpose of funding improvements to the Town's transportation infrastructure or any other public purpose substantially related to the operation of transportation network services, or in any way act thereon.

This article is to appropriate \$9,483.50 received from the Commonwealth as the Town's share of the Transportation Infrastructure Enhancement Trust Fund. The Town has decided to utilize these funds to support the Council on Aging and to help defer the costs of intersection improvements at Mill Street, Winter Street and Concord Avenue.

Submitted by the Select Board

The Select Board and the Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 19:

**APPROPRIATION OF CAPITAL EXPENDITURE
FUEL TANKS AT DPW YARD**

To see if the Town will vote to raise and appropriate, or appropriate by transfer from available funds a sum of money for the purpose of removing and replacing two existing underground fuel tanks located at the DPW yard, or in any way act thereon.

This article will provide the remaining necessary funding to ensure the completion of the project.

Submitted by the Select Board

The Select Board and Warrant Committee will report on this Article.

Majority vote required for passage.

ARTICLE 20:

**APPROPRIATION OF FY23
CAPITAL EXPENDITURES**

To see if the Town will vote to appropriate sums of money to purchase public safety equipment, computer equipment (including consulting work), public works equipment and furnishings and equipment for Town facilities, construct public ways, and for building and facility and public works construction, major maintenance and alterations (including design work); to determine whether these appropriations shall be raised by borrowing or otherwise, or in any way act thereon.

This is a standard article to appropriate funds for capital budget expenditures. While the article is general as to the categories of capital expenditures, the motion will be explicit. The recommendations of the Capital Budget Committee for FY2023 capital expenditures will be distributed to Town Meeting Members prior to the Annual Town Meeting.

Submitted by the Select Board

The Select Board, Warrant Committee, and Capital Budget Committee will report on this Article.

Majority vote required for passage.



Given under our hands this 4th day of April, 2022

BELMONT SELECT BOARD

Adam Dash, Chair

Roy Epstein, Vice Chair

Mark Paolillo, Member

A True Copy, Attest
Ellen O'Brien Ashman
Town Clerk of Belmont, MA



**MOTIONS, FOR SEGMENT A
2022 ANNUAL TOWN MEETING
May 2, 2022
Draft as of April 14, 2022
(Subject to Change)**

PRELIMINARY MOTION

ORDER OF THE ARTICLES

MOVED: That the Town Meeting hear the motions in the following order: *(Majority Vote)*

1, 2, 4, 5, 6, 7, 9, 10, 3, 11, 12
8, 13 - 22

ARTICLE 1:

REPORTS

MOVED: That Article 1 be taken from the table.

MOVED: That Article 1 be laid on the table. *(Majority Vote)*

ARTICLE 2:

**AUTHORIZATION TO
REPRESENT THE TOWN'S LEGAL INTERESTS**

MOVED: That the Select Board be, and it hereby is, authorized to bring and defend actions for and against the Town, to submit any such claims to arbitration and to enter into settlement on account of the same in behalf of the Town, as and when they deem it for the best interest of the Town to do so; said power shall be vested solely in the Select Board.

(Majority Vote)

Reporting: The Select Board will report on this article.

ARTICLE 4:

**AMEND GENERAL BYLAW:
§60-320 DEMOLITION DELAY**

MOVED: That the Town vote to amend **§ 60-320** of the Town's General Bylaws titled Demolition Delay Bylaw, as printed in the Warrant for this Town Meeting.

(Majority Vote)

Reporting: The Select Board, Historic District Commission, and the Bylaw Review Committee will report on this Article.

ARTICLE 5: **AMEND GENERAL BYLAW:
§40-100 MEMBERSHIP OF TOWN COMMITTEES**

MOVED: That the Town vote to amend Chapter 40, Boards, Commissions and Committees, Article 1 General Provisions, of the Town's General Bylaws, as printed in the Warrant for this Town Meeting.
(Majority Vote)

Reporting: The Select Board, Town Clerk, and the Bylaw Review Committee will report on this Article.

ARTICLE 6: **AMEND GENERAL BYLAW:
§60-325 STORMWATER MANAGEMENT AND EROSION CONTROL**

MOVED: That the Town vote to amend **§ 60-325** of the Town's General Bylaws titled Stormwater Management and Erosion Control, as printed in the Warrant for this Town Meeting.
(Majority Vote)

Reporting: The Select Board and the Bylaw Review Committee will report on this Article.

ARTICLE 7: **ACCEPTANCE OF A PUBLIC WAY: OAKMONT LANE**

MOVED: That the Town accept Oakmont Lane as a public way, as laid out by the Select Board and as shown on a plan entitled "Acceptance Street Plan and Profile Oakmont Lane Belmont, MA," prepared by Glenn R. Clancy, P.E., dated April 4, 2022, and on file with the Town Clerk; to authorize the Select Board to acquire, by gift, such land and easements for the creation, maintenance and operation of a public way, including but not limited to easements for access, grading, drainage, sloping, construction and utilities, in all or any portions of such way and parcels on such way.
(Majority Vote)

Reporting: The Select Board will report on this Article.

ARTICLE 9: **SPECIAL ACT: RETAIL LIQUOR LICENSES**

MOVED: That the Town vote to authorize the Select Board to petition the General Court for Special Legislation to increase the number of licenses that may be issued for the sale of alcoholic beverages, as set forth under Article 9 of the Warrant for this Town Meeting, and to authorize the Select Board to approve amendments which will be within the scope of the general public objectives of this petition.
(Majority Vote)

Reporting: The Select Board will report on this Article.

**ARTICLE 10: SPECIAL ACT RELATING TO THE RETIREMENT
CLASSIFICATION OF CERTAIN EMPLOYEES OF THE TOWN OF BELMONT**

MOVED: That the Town vote to authorize the Select Board to petition the General Court to permit the Belmont Retirement Board to retain the current classification of Public Safety Communications Dispatchers, as set forth under Article 10 of the Warrant for this Town Meeting, and to authorize the Select Board to approve amendments to advance the general public objectives of this petition, in whole or in part.
(Majority Vote)

Reporting: The Select Board and Retirement Board will report on this Article.

**ARTICLE 3: AMEND GENERAL BYLAW:
§40-405 CAPITAL BUDGET COMMITTEE**

MOVED: That the Town vote to amend **§ 40-405** of the Town's General Bylaws titled Capital Budget Committee Bylaw, as printed in the Warrant for this Town Meeting.
(Majority Vote)

Reporting: The Select Board, Capital Budget Committee and the Bylaw Review Committee will report on this Article.

**ARTICLE 11: CITIZEN PETITION: A RESOLUTION IN
SUPPORT OF CHANGING THE STATE FLAG & SEAL OF MASSACHUSETTS**

MOVED: That the Town vote to adopt the resolution to support changing the state flag and seal of Massachusetts, as printed in the Warrant for this Town Meeting.
(Majority Vote. This is a non-binding vote.)

Reporting: The petitioner will report on this Article.

**ARTICLE 12: CITIZEN PETITION: AMEND GENERAL
BYLAW §40-115, ENCOURAGING PUBLIC PARTICIPATION**

MOVED: That the Town vote to amend **§ 40-115** of the General Bylaws, as printed in the Warrant for this Town Meeting.
(Majority Vote)

Reporting: The petitioner will report on this Article.



MODERATOR'S MESSAGE ON TOWN MEETING PROCEDURES

Belmont's Town Meetings are conducted in accordance with the Massachusetts General Laws, our Representative Town Meeting statute, the General Bylaws, and traditional customs and practices that we have followed for many years, with guidance provided by the principles and rules of conduct in *Town Meeting Time, a Handbook of Parliamentary law*. Several matters of procedure are summarized below.

- An **article** in the Warrant provides notice to the Town Meeting of a matter to be considered. The article itself is not a specific proposal for action. A **motion** is a proposal for action by the Town Meeting and must be within the scope of the notice provided by an article in the Warrant. An article may not be amended but a motion may be amended by vote of the Town Meeting.
- Formal seconding will not be required on **main motions** under articles in the warrant. Seconding will be required on all other motions.
- All **main motions and proposed amendments** involving the expenditure of money must be in writing. All other motions and proposed amendments must also be in writing unless they are brief and simple as to be easily understood when stated orally.
- All substantive amendments and motions to be offered under an article in the Warrant must be submitted to the Town Clerk in writing not later than the close of business on the third (3rd) business day before the commencement of the session at which the Article is considered, in order to provide sufficient time for review by Town Counsel and the Moderator and to be made available for distribution to the Town Meeting Members before the commencement of such session. The Moderator may allow exceptions to the advance filing requirement in case of motions that are easy to understand, but such exceptions are within the exclusive discretion of the Moderator.
- Except for motions involving the expenditure of money or Bylaw amendments, the Moderator will first recognize the maker of the motion, if he or she wishes to speak.
- Before commencing discussion on motions involving the expenditure of money or Bylaw amendments, the Moderator will first call for committee reports as follows:
 - **Expenditure of Money** – Warrant Committee,
 - **Capital Improvements** – Warrant Committee, then Capital Budget Committee,
 - **General Bylaw amendments** – Bylaw Review Committee,
 - **Zoning Bylaw amendments** – Planning Board.
- Town Meeting Members wishing to speak should come to a microphone. When recognized by the Moderator, the Member should state his or her name and precinct number before commencing.
- Registered voters of the Town who are not Town Meeting Members may speak at the Town Meeting, but first must either arrange in advance with the Moderator for recognition or arrange to be introduced by a Town Meeting Member.

- Persons who are not Town Meeting Members may be admitted to the floor by invitation **but may not vote.**
- All discussion must be relevant to a motion before the town meeting. All speakers must address the Moderator; questions may be asked only through the Moderator. Speakers are limited to an initial question and one follow-up question. A Town Meeting Member who wishes to make a motion that is debatable must first make the motion and, after it is seconded, if required, the Moderator will recognize the maker of the motion to speak to it. The Moderator will not recognize a motion made at the conclusion of a speech. This, by definition, includes a motion that would terminate debate, such as a motion for the previous question.
- The Moderator will try to recognize Town Meeting Members in the order in which they come to the microphones. While our General Bylaws do not set a time limit for Town Meeting Members when speaking for the first time, the Moderator has established a limit of five minutes. Unless the Town Meeting consents no person may speak more than twice upon any question, except to correct an error or to make an explanation of a previous statement. No person should seek recognition to speak for a second time until others who have not yet spoken have had an opportunity to be recognized. The five-minute limit also applies to those speaking for a second time.
- Section 30-115(F) of our General Bylaws allows the Moderator to utilize electronic voting at his/her discretion. When not using electronic voting, the Section 30-115 further states that all votes shall be taken in the first instance by a “yes” or “no” voice vote. If the Moderator is in doubt as to the vote, or if any Town Meeting Member doubts the vote, the Moderator will call for an electronic vote. Any Town Meeting Member may also request a roll call vote; the request must be concurred in by 34 or more additional Town Meeting Members; and the request must be made in connection with final action under an article in the Warrant.
- Our Bylaws require that a Town Meeting Member who wishes to speak on an issue in which he or she or a member of his or her family has a direct financial interest, or in which he or she is engaged as an attorney or consultant, must first disclose this interest to the Town Meeting.
- A motion to reconsider a vote adopted at one session of a Town Meeting may not be made at an adjourned session of the same Town Meeting unless the mover has given notice of his or her intention either at the session at which the vote was passed or by written notice delivered to the Town Clerk by 12 o'clock noon on the first business day following the commencement of the session at which the vote sought to be reconsidered was passed. A two-thirds vote is required for reconsideration; no vote may be reconsidered more than once.
- Action on our general budget article will not be considered final so as to require a two-thirds vote for reconsideration, or any other procedures relating to reconsideration, until all action under that Article has been completed.

Any citizen who has questions about Town Meeting procedures is encouraged to email me at mike.j.widmer@gmail.com.

Michael J. Widmer

Moderator

Amendment to Article 3 – Robert McGaw, Precinct 1
robert.mcgaw@gmail.com 617-872-5683

As an individual Town Meeting Member, I am proposing to amend Article 3 by adding the following sentence to the end of Paragraph C to guide the renamed and repurposed Comprehensive Capital Budget Committee in its analyses:

Among its analyses, the Committee should include, where appropriate, projections, financial modeling, and comparisons of the full life-cycle costs of significant proposed Capital Projects and practicable alternatives to such Capital Projects (such as lease vs. purchase, renovation vs. new construction, Town-provided vs. outsourced, etc.).

I support Article 3, which renames and repurposes the Capital Budget Committee to take a longer view of Capital Projects. Belmont's finances are stretched. We all agree that Belmont taxpayers' money should not be squandered. We should all demand that we be the best possible stewards of the Belmont taxpayers' money. The proposed Article 3 will help, and I believe my amendment will make it better.

My amendment merely gives more meaning to the word "analysis."

The word "Analysis" is not self-defining, and could mean any of these things:

- Will it fit through the door?
- Will it work?
- Will we be embarrassed if we buy it?
- Will the "boss" approve it?
- Does anyone know how to operate it?
- Will Town Meeting pay for it?

These analyses may be important, but they do not assure Town Meeting that the Town is making the best financial decisions in the long run.

Belmont needs to be more rigorous in its analyses of proposed Capital Projects, in the same way corporations do, which are the same analyses we do as individuals when deciding to make personal purchases, such as "Is it better to fix the refrigerator or buy a new one"?

It is common sense. The full life-cycle cost of **significant** Capital Project should be examined and compared to alternatives, to see if it makes financial sense in the long run:

- Is it better to buy or lease a Town vehicle?
- Is a gasoline or electric vehicle better?
- Can departments share a vehicle?
- Is it better to outsource the program? Such as buying fuel from local gas stations.
- Is it better to buy the higher quality item, or the cheaper item?
- Is it better to repair or acquire a new item?

- Is it better to renovate or construct new?
- Should Belmont partner with an adjoining town to share the service?

These are things that taxpayers ASSUME the Capital Budget Committee and the Town would do, but financial modeling and comparisons of alternatives have not been performed routinely.

Creating a spreadsheet to compare alternatives is relatively easy:

- This amendment is not burdensome, and it does not require an appropriation.
- It is designed to help refine how Belmont makes financial decisions.
- It encourages the Town and the Committee to consider and compare alternatives.
- It encourages the Town and the Committee to do what we all assume they should be doing.

Robert McGaw

Town Meeting Member, Precinct 1

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: April 26, 2022
TIME: 1:21 PM

**Article 3, Amendment 2, by Robert McGaw, Precinct 1
This Amendment is intended to replace my Amendment 1 to Article 3**

Moved that Warrant Article 3 be amended to give guidance as to the types of financial evaluations that the Comprehensive Capital Budget Committee should include in its analyses of proposed Capital Projects, by inserting the following sentence after the first sentence of Paragraph D of the proposed Section 40-405:

The Committee will endeavor to utilize generally accepted financial analysis tools and models in its evaluation and comparison of Capital Projects.

Among the analyses that the Committee performs, this amendment urges the Committee to use financial analysis tools to evaluate life-cycle costs.

Submitted by
Robert McGaw, TMM, Precinct 1
23 Louse Road, Belmont, MA 02478
617-872-5683
robert.mcgaw.belmont@gmail.com

Proposed Amendment to Article 3

**Jack Weis, Precinct 1
617-489-1901**

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: April 27, 2022
TIME: 4:55 PM

Moved: To amend the main motion under article 3, §40-405 C by inserting the word “major” before the words “capital improvement needs” in the last sentence, and by deleting the hyphens in the terms “one-year” and “five-years” in the fourth sentence, so that the redlined subsection C appears as follows:

Redlined Proposed Amended Language for Subsection C:

The Plan shall include one-year, five-year, and 30-year components as hereinafter described. The Plan’s one-year component shall include recommended appropriations for the next fiscal year, which shall consider the capital expenditure requests from each department head made through the Town Administrator and the Superintendent of Schools. The Plan shall also specify a program of capital expenditures by fiscal year over a period of five years. The plan for one-year and five-years shall include recommendations for sources of funds the Town can utilize to pay for Capital Projects. Beginning with the second Long-Term Capital Improvement Plan, each Plan shall also include the Committee’s analyses and recommendations for the anticipated major capital improvement needs over a 30-year period following the date of the Plan.

Rationale for the Proposed Amendment:

Section B of Article 3 defines “capital improvement” broadly to include, not only long-term assests like buildings, but assets with shorter useful lives, specifically referencing vehicles, equipment, and technology. While it is appropriate to include such shorter-term assets in the early years of a capital plan, there is no real ability to accurately forecast equipment, vehicle, and technology needs 30 years into the future. The proposed amendment allows the Committee to limit forecasting capital improvement needs over that very long-term horizon to assets that have similarly long useful lives, rather than obligating the Committee to undertake an exercise for shoter-term assets that will likely have limited practical useful information.

The deletion of the hyphens is just a grammatical correction. The terms “one year” and “five years” as used in that sentence refer to the time periods themselves; they are not adjectives. So the hyphens are not appropriate.

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: April 27, 2022

TIME: 3:51 PM

34 Cushing Ave.
Belmont, MA 02478
April 27, 2022
repstein@belmont-ma.gov

BY EMAIL

Town Clerk
Town Hall
455 Concord Avenue
Belmont, MA 02478

Dear Ellen:

I would like to submit an amendment to Article 3 in the Warrant for the 2022 Town Meeting.

Amendment to Article 3

In the first sentence of paragraph A. change the words “the Vice-Chair of the Select Board” to “the Chair of the Select Board (or a member of that Board designated by its Chair)” so that the paragraph reads:

A. The Capital Budget Committee shall henceforth be named “Comprehensive Capital Budget Committee” (“the Committee”) composed of nine voting members and two non-voting members: **the Chair of the Select Board (or a member of that Board designated by its Chair)**, the Chair of the Warrant Committee (or a member of that Committee designated by its Chair), the Chair of the Energy Committee (or a member of that Committee designated by its Chair), the Chair of the School Committee (or a member of that Committee designated by its Chair), and five registered voters of the Town who shall be appointed by the Moderator. The Moderator-appointed members shall serve for staggered three-year terms and shall be eligible for reappointment. The Town Administrator and the Superintendent of Schools, or their designees, shall serve as the non-voting members.

The primary reason for this amendment is make the appointment of Select Board member the same as the process in the bylaw language for the existing Capital Budget Committee, the Warrant Committee, and the Permanent Audit Committee.

Thank you.

Roy Epstein
Member, Select Board
TMM, Precinct 6

ARTICLE 3: AMEND GENERAL BYLAWS, § 40-405 COMPREHENSIVE CAPITAL BUDGET COMMITTEE (FORMERLY CAPITAL BUDGET COMMITTEE)

SUMMARY OVERVIEW

Provided to Town Meeting by the Long Term Capital Planning Committee (LTCPC)

Background: Building on the work of the Major Capital Projects Working Group and the Financial Task Forces to focus on the capital investment needs of the Town and Schools, the Select Board created the temporary Long Term Capital Planning Committee (LTCPC). The LTCPC began meeting in fall 2020 and all meetings were in public in compliance with open meeting law. The charge of the LTCPC was to examine the Town's capital planning processes and to provide suggestions. One important output of the LTCPC work is that the Town should have one committee focused on capital improvements, not two committees, which was one proposal at the onset of the LTCPC.

Based on its deliberations and research, the LTCPC is proposing a bylaw revision to the Town's capital planning process. The proposed bylaw would amend the current capital budget bylaw by creating a "Comprehensive Capital Budget Committee" (CCBC). The new committee will take the place of the current Capital Budget Committee. It will build on the Town's current constructive capital budgeting process in the following ways:

- 1. Broaden membership.** The CCBC membership will expand to 9 rather than 7 by adding a representative from the Energy Committee and increasing the Moderator-appointees from 4 to 5. The larger membership will help the new Committee manage a larger workload and will ensure that a broader set of perspectives are incorporated into the Town's capital planning.
- 2. Broadened Scope.** The CCBC would have responsibility to prepare (and update annually) a Long-Term Capital Improvement Plan (Plan). The Plan will make annual recommendations to Town Meeting for appropriations to support capital projects, equipment and infrastructure upgrades in the following year; to prepare for Town Meeting a detailed five (5) year program of capital improvements and expenditures and a more general thirty (30) year plan of anticipated major capital needs; and to advocate for sufficient resources to fund the Plan.
- 3. Capital Funding.** The CCBC will provide integrated funding proposals, working with the Town staff and elected leaders. While only the one-year funding can be appropriated, the funding plans and possibilities for the 5- and 30-year plans will be examined as well.
- 4. Expanded public participation and engagement.** One goal of the LTCPC bylaw is to have the public more engaged and more educated about the Town's capital needs. Expanded membership and the three timeframes for the Long-Term Capital Improvement Plan advance these goals.

5. Coordination with Other Town Policies, Plans, and Committees. The bylaw indicates that the CCBC will develop the Plan in a manner that comports with both the Town's Financial Policies (as adopted in September 2021) and with other governing plans of the Town. This ensures that the Long-Term Capital Improvement Plan will speak to and be compatible with other Town policies and plans, and not exist in isolation from them. The bylaw also indicates that the CCBC will communicate with other Town committees, not just those that are represented in its membership.

6. Committee Processes. The bylaw requires that the CCBC create procedures for its work, including how it will review and prioritize capital needs and requests and analyze funding needs and financial resources, taking into account full life-cycle costs. This will be a first order for the Committee and these procedures will need to be revisited periodically by the Committee. These procedures will contain specific guidelines detailing the information and analyses that are necessary for the CCBC work, but which do not belong in the legal framework of a bylaw.

Note: The materials and records of the current Capital Budget Committee will be inherited by the new CCBC.

Proposed Amendment from TMM1 Robert McGaw

TMM Robert McGaw has proposed an amendment delineating a process for the CCBC to conduct its analyses. The LTCPC is opposed to this amendment because it places in the bylaw processes that are more appropriately considered by the new Committee as part of the procedures it will set up at its onset (and likely revisit periodically). The LTCPC's understanding is that the Town's By-Laws create the governmental structure and areas of responsibility and authority for carrying out the Town's business. The details of how work will be done by boards and committees should be defined in procedure documents. It would be more appropriate for this proposed amendment to be brought to the new committee to consider as it establishes procedures for doing its work and interacting with the Town staff.

(The Long Term Capital Planning Committee voted No on this amendment at its April 27, 2022 meeting.)

Proposed Amendment from TMM1 Jack Weis

TMM Jack Weis has proposed an amendment to add the word "major" to the description of the 30-year version of the Long-Term Capital Improvement Plan. This amendment would obviate the need to try to project requirements for shorter-lived and smaller capital items such as some types of vehicles and some varieties of technology .

(The Long Term Capital Planning Committee voted Yes on this amendment at its April 27, 2022 meeting.)



**OFFICE OF COMMUNITY DEVELOPMENT
TOWN OF BELMONT**

19 Moore Street
Homer Municipal Building
Belmont, Massachusetts 02478-0900

Historic District Commission

§ 60-320. Demolition Delay Bylaw Renewal.

The Historic District Commission is seeking to renew Belmont's existing Demolition Delay Bylaw and make it permanent.

Town Meeting approved Belmont's Demolition Delay Bylaw in 2014. The original bylaw expired after 3 years, and the second version, approved at Town Meeting in 2017, expires in 2022 (5 years). We propose to renew the current bylaw with 3 minor changes:

1. Remove the expiration clause to make the law permanent.
2. Update the definition of the "Significant Buildings List" to the current version. Two properties originally on the list were edited through the appeals process since the 2017 version of the bylaw was enacted. (One property was removed entirely and the other had a portion of the building removed from the list.)
3. Remove the section about appeals. The appeals process was established for properties newly added to the list in 2017. No new properties have been added to the list and the proposed bylaw does not include a process to add properties to the list, so the appeals process from the 2017 bylaw is no longer valid or necessary.

Background:

The Demolition Delay Bylaw is a preservation tool for saving the town's most significant buildings and structures that are not located in one of the town's local historic districts. The bylaw only applies to those buildings that are on the Significant Buildings List.

The Significant Buildings List was developed utilizing data from the Historic Resources Survey, which was conducted by a historic preservation consultant working with the Historic District Commission. The Historic Resources Survey was completed in 2016. The Survey began with over 600 properties, 205 of which were inventoried, and ultimately 182 were identified by the HDC as either being associated with historically significant people or events or outstanding representations of a given architectural style. The current List includes 181 buildings and structures. The List encompasses the most significant buildings that are otherwise unprotected that contribute to the Town's character.

The bylaw is a tool to discourage the destruction of Belmont's cultural resources, but it does not prohibit demolition. The bylaw allows the Historic District Commission to review applications for demolition and to impose a delay period as a means to

encourage the owner to consider alternatives. The bylaw does not prevent maintenance or renovations to buildings on the List, nor does it trigger any additional review by the HDC. Many comparable communities in Massachusetts have demolition delay bylaws, and Belmont's is among the most focused and concise in its application and procedures.

Article 5: Amend General Bylaw §40-100 and §40-120
Concerning Membership on Appointed Committees

- A. §40-100 B Definitions. The general presumption of residents of the Town is that appointments to Belmont committees are reserved for Belmont residents, unless the appointing authority, such as the Select Board, includes exceptions in the charge for the committee when they create it. Examples of exceptions may be owners of businesses located in Belmont, or parents of any student in Belmont Public Schools. This amendment clarifies the Bylaw for Committees, Boards and Commissions, §40-100 B by defining a Belmont resident as a person who resides in the Town.
- B. §40-120 Failure to attend meetings We propose changing the title to Grounds for removing members from appointed boards, and we have provided two additional reasons for removal: 1. the member is no longer residing in Belmont; 2. the member does not comply with the State's Conflict of interest (Ethics) requirements.

The current Bylaw only allows an appointing authority to decide whether to remove a member if the member misses three successive meetings and the Chair reports the absences to the appointing authority. However, by defining residency in the Bylaw, we also needed to add a statement that a member who moves out of Belmont shall cease to be a member. Lastly our current Bylaw, § 40-115 D indicates that committees, boards and commissions must conduct meetings in accordance with the State's Open Meeting Law, however it doesn't include any reference to the State's Conflict of Interest (Ethics) Laws with which members of committees, and all employees, must personally comply by taking training and submitting a certificate of completion to the Town Clerk. Non-compliance was added in the grounds for removal section. Finally, we also added a hearing with notice requirement to provide the committee member an opportunity to be heard on whether there are in fact grounds for removal or there are other circumstances to be considered.

These proposed changes are for appointed committees only because members elected to boards, commissions or committees must be registered voters and residents of Belmont. Belmont has a special act for recalling/removing elected officials.

Any questions, please feel free to contact Town Clerk Ellen O'Brien Cushman at 617-993-2604 or ecushman@belmont-ma.gov

TOWN OF BELMONT, MASSACHUSETTS
ANNUAL TOWN MEETING
MAY 2, 2022

Notes and Errata for Article 5, Amendments to Committees Bylaw

Article 5: When adding the last new section of §40-120 E. Notice and Hearing, to the amended Bylaw allowing the committee member a hearing with the appointing authority on the premise for removal, the last sentence of section B. Failure to comply with Conflict of Interest training requirement should have been revised by changing the word “shall” to “may” shown in blue bold font so that the full section §40-120 B reads as follows:

§40-120 B. Failure to comply with Conflict of Interest training requirement.
If under State law, members of a board are required to comply with the training requirements of the State Conflict of Interest (Ethics) Law (M.G.L. ch. 268A, § 28, or law of like import or effect), the Town Clerk shall notify the members of such requirements, and shall report to the appointing authority the name of any member who fails to comply with such requirements. The Town Clerk shall make at least two documented attempts to secure compliance by the member before making such report. Upon receipt of such report, the appointing authority **may** thereupon declare the office of such member vacant and appoint a successor to fill such vacancy in accordance with § 40-110.

The correction to the last sentence on page 11 of the Warrant is required because the appointing authority, in meeting with the committee member, may choose not to remove the member.

TOWN OF BELMONT, MASSACHUSETTS
ANNUAL TOWN MEETING
MAY 2, 2022

Notes and Errata for Article 6, Amendments to the Stormwater Bylaw

Article 6: When editing the Bylaw for insertion in the Warrant, the word “Permit” was inadvertently omitted from the proposed Bylaw and will be reinserted, shown in blue bold font below. See page 19 of the warrant, §60-325 E (3) that will read as follows:

- (3)Regulated Activities. No person shall connect a pipe or other appurtenance to the Town of Belmont Sanitary Sewer System or the MS4, or otherwise perform any modification, repair, rehabilitation, or replacement work on either system, without a Sanitary Sewer and Storm Drain Connection **Permit**.~~Stormwater Management and Erosion Control Permit.~~

APPROVED BY
SELECT BOARD
DATE: _____

ACCEPTANCE

STREET PLAN AND PROFILE


OAKMONT LANE

BELMONT, MASS.


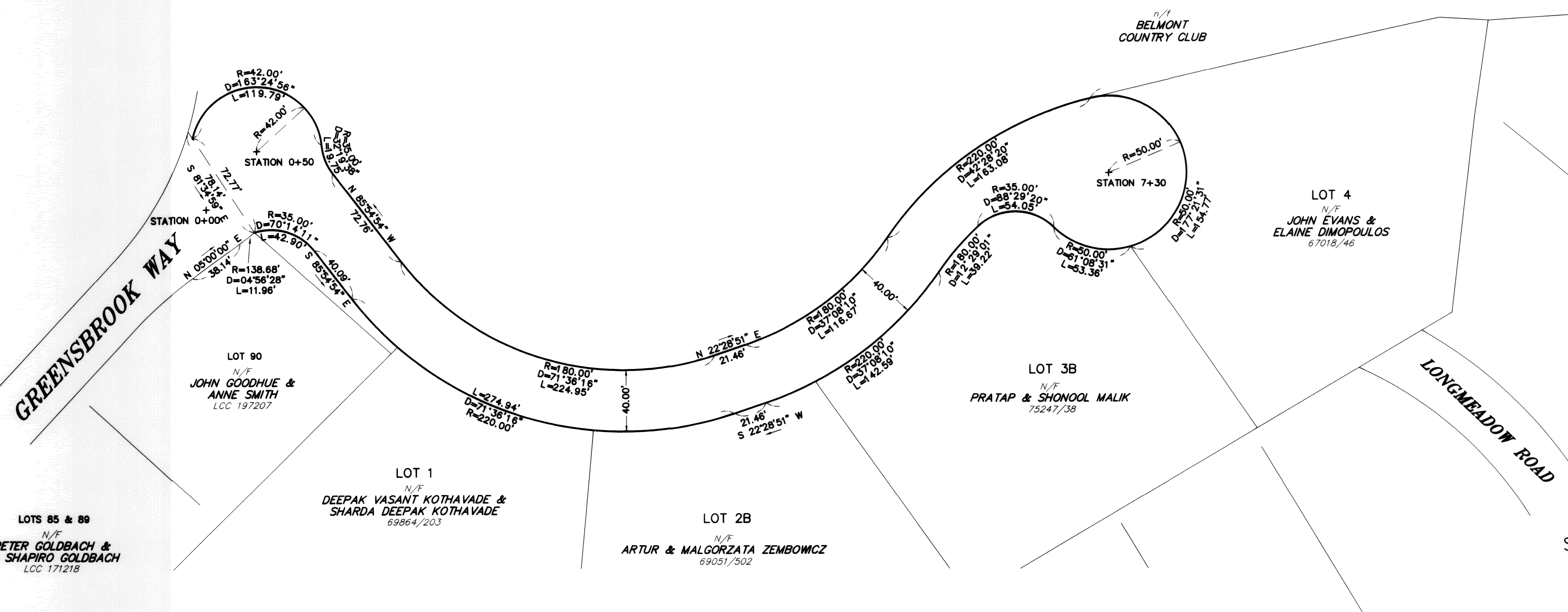
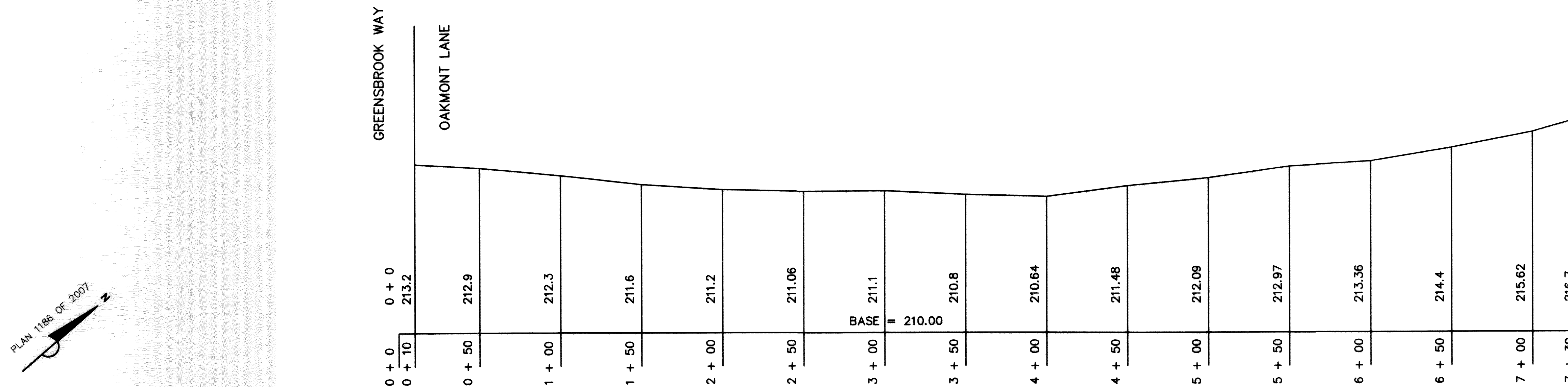
SALES: HOR. 1 IN. = 40 FT. APRIL 4, 2022
VER. 1 IN. = 5 FT.

I HEREBY CERTIFY THAT

THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS
OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS


GLENN R. CLANCY, P.E. NO. 46248

DATE 4/4/22



Town of Belmont 2022 Annual Town Meeting

Warrant Article 7: Acceptance of a Public Way: Oakmont Lane

Fact Sheet

Q. Are all four residences on Oakmont Lane occupied?

A. Yes

Q. Do any of the residents of Oakmont Lane have an opinion on this article?

A. None that have been communicated to the Town. They all were informed at the time they purchased their properties that the developer was retaining ownership of the street for the purpose of conveying it to the Town. Obviously, the residents would be negatively impacted by the condition of the road 25 years from now if they were to be responsible for its repair.

Q. What is the assessment of the four residences on Oakmont Lane?

- 7 Oakmont Lane - \$2,529,000
- 39 Oakmont Lane - \$3,511,000
- 17 Oakmont Lane - \$3,087,000
- 51 Oakmont Lane - \$2,827,000

Q. What are the anticipated repair costs for accepting Oakmont Lane as a Public Way?

A. The road is expected to have a life cycle of 25 years. It is a newly constructed road, completed in 2020, so I wouldn't expect there to be any significant cost for repairs until many years from now.

Q. What are the obligations of the owner of a Private Way to maintain that Private Way in order for the residents to receive public services such as snow plow, emergency service, and trash pickup?

A. The Town has an obligation to provide emergency services to Town residents regardless of where they live. To meet that obligation to residents on private ways, the Town may perform minimal repairs (such as patching pot holes) as necessary to keep a private way passable for emergency service vehicles. However, the Town cannot by law reconstruct a private way or bring it up to current standards because it cannot spend taxpayer money to repair a privately owned access way. For the same reason, the Town is also precluded from providing regular snow-plowing, unless it were to vote by ballot to accept a local option statute allowing the expenditure of public funds for that purpose (which it has not done.) Ultimately the condition of the road and the road's ability to provide access is up to the owners of the road.

Q. What precedent is there for accepting Oakmont Lane as a Public Way?

A. Many private ways have been accepted over the years though very few in the last 35 years or so. The most recent acceptance was of Carlton Circle at the Special Town Meeting in September, 2020. Each is taken individually and Town Meeting ultimately decides yes or no.

Q. What precedent does this set for the owners of other Private Ways?

A. None. Acceptance of a street as a public way requires the approval of both the Select Board and the Town Meeting. The other private ways in Belmont would require reconstruction upon acceptance as a public way which means some sort of betterment assessment for the abutters to fund the reconstruction. In addition, the Town is required to acquire ownership of, or an easement in, the road layout within 4 months of the Town Meeting vote to accept the road. In most cases in Belmont this would require a taking by eminent domain, which exposes the Town to damages claims unless all of the abutting property owners agree in advance to waive those claims. The betterment requirement and the need for a waiver of eminent domain damages are two reasons that 100% agreement has been difficult for residents to attain on their roadways. Some abutters don't want to pay to repair the segment of road they own or surrender their rights in the roadway without compensation.

Q. How many other Private Ways are there in Belmont?

A. There are 19 segments of road that are private and 51 roads that are entirely private.

Q. Are there any other Private Ways in Belmont that are or were owned by a party other than the abutters before they became a Public Way?

A. The Town is not aware of any. Note that state law was changed in 1968 to provide that the legal title to private ways belongs to the abutters unless the original developer has expressly retained ownership when it conveyed out the abutting lots. Before that change, the Town may well have acquired road layouts from developers that saw continued ownership of the road layout as a liability, and who were not seeking compensation. That change, combined with the passage of Proposition 2½ in 1980 and the steep rise in property values, makes it unacceptably risky for the Town to take ownership of private ways without the unanimous support and consent of the abutting property owners.

Town of Belmont

Liquor License Holders

As of January, 2022

Retail – Wine & Beer

Total Licenses: 4

Available Licenses: 0

Business (DBA)	Address
CRAFT BEER CELLAR-BELMONT	87 Leonard Street
CUVEE FINE WINES	32 Leonard Street
ART'S SPECIALTIES, LLC	369 Trapelo Road
BELMONT CONVENIENCE STORE	62 Concord Ave

Retail – All Alcohol

Total Licenses: 2

Available Licenses: 0

Business (DBA)	Address
THE SPIRITED GOURMET	448 Common Street
STAR MARKET	535 Trapelo Road

Restaurant - Wine & Beer

Total Licenses: 16

Available Licenses: 11

Business (DBA)	Address
PHO & THAI	63 White Street
MARK & TONI'S	121 Trapelo Road
PATOU	69 Leonard Street
COMELLA'S	43 Leonard Street
Stone Hearth Pizza	57 Leonard Street

Restaurant – All Alcohol

Total Licenses: 8

Available Licenses: 4

Business (DBA)	Address
SAVINO'S GRILLE INC.	449 Common Street
IL CASALE	50 Leonard Street
THE WELLINGTON	75 Leonard Street
TRINKTISCH	87 Leonard St.

Club Licenses

Total Licenses: 2

Available Licenses: 0

Business (DBA)	Address
BELMONT COUNTRY CLUB	181 Winter Street
VETERANS CLUB	310 Trapelo Road

Article 10: Special Act Relating to the Retirement Classification of Certain Employees of the Town of Belmont

Purpose: To retain the Retirement Group Classification of current employees of the Belmont Public Safety Communications Center hired before January 1, 2022 in Group 2. Employees of the department to be hired thereafter will be classified in Group 1.

What is Group Classification?

- Mass. General Laws Chapter 32, § 3(2)(g) classifies all public workers into one of four retirement groups. Along with Age, Salary and Years of Service, Group Classification is a factor used in calculating retirement allowances. Group 1 is the default classification which includes “officials and general employees including clerical, administrative and technical worker, laborers, mechanics, and all others not otherwise classified.”
- Groups 2, 3 and 4 include specific positions which have certain characteristics – e.g., inherent danger or hazard, exposure to the elements, mental or physical requirements, and provide a higher age factor in the calculation of retirement allowances. Group 3 applies to State Police only. Group 4 includes Belmont Police Officers, Belmont Fire Fighters, and certain employees of the Belmont Electrical Light Department.
- Group 2 includes, “employees of a municipal department who are employed as fire or police signal operators or signal maintenance repairman.” As communication technology has evolved, however, the job titles for these positions have also evolved to “Dispatchers.”
- While in a majority of communities, Dispatchers are desk-bound employees whose duties almost exclusively involve processing emergency 911 calls, Belmont Emergency Communication Dispatchers still perform many of the duties of fire and police signal operators and maintenance repairmen. For example, there are 227 fire alarm (red) boxes located throughout Belmont (72 in facilities, 155 street boxes located in public locations), which are operated and maintained by Belmont Emergency Communications personnel. Belmont Emergency Communications personnel have been classified in Group 2 since 1946, and have retired in Group 2 at the end of their careers.

Why is Article 10 Needed?

- The Public Employee Retirement Administration Commission has ordered the Belmont Retirement Board to reclassify the current emergency personnel in Group 1. Of the 8 current personnel, 5 are retirement eligible, with 20 to 35 years of service. The remaining 3 personnel have service ranging from 5 to 10 years. PERAC’s directive applies to current personnel and no previously retired dispatcher will be impacted.

- There are no additional costs or pension liability associated with enactment of the Special Act – the Belmont Retirement System’s valuations have always included employees of the Public Safety Communications Center in Group 2.
- The Belmont Retirement Board voted unanimously to support passage of Article 10, finding that the change of Group Classification at the end of an employee’s public service career is manifestly unfair, and negatively impacts the employee’s retirement benefits, after decades of reliance and retirement planning.



BELMONT CONTRIBUTORY RETIREMENT SYSTEM

90 CONCORD AVENUE, THIRD FLOOR SUITE THREE

BELMONT, MA 02478-0900

TEL (617) 993-2792 – Fax (617) 993 2793

Thomas F. Gibson
CHAIR

Ross C. Vona
ELECTED MEMBER

Glen Castro
EX-OFFICIO MEMBER

Walter D. Wellman
VICE-CHAIRMAN

Floyd S. Carman
APPOINTED MEMBER

Robert M. Soohoo
EXECUTIVE DIRECTOR

DATE: February 23, 2022

TO: Belmont Select Board

RE: Retirement Group Classification of
Town of Belmont Dispatchers

We are writing on behalf of the Belmont Retirement Board to inform the Select Board of a pending issue regarding the group classification of Belmont Dispatchers for retirement purposes, which may result in a future petitioning for approval of a special act/home rule petition to the Legislature.

Legislative Background

G.L. c. 32, § 3(2)(g) classifies public workers who belong to the public retirement system into four groups, based largely upon job titles and functions. Group 1 is the default classification which includes “[o]fficials and general employees including clerical, administrative and technical worker, laborers, mechanics, and all others not otherwise classified.” Groups 2, 3 and 4 include specific positions which have certain characteristics – e.g., inherent danger or

hazard, exposure to the elements, physical requirements – and, depending on years of service, provide a maximum retirement allowance at an earlier age.

Group 4 includes Belmont Police Officers, Belmont Fire Fighters, and certain employees of Belmont Electrical Light Department. Group 3 is applicable solely to State Police. Group 2, which is pertinent here, includes, “employees of a municipal department who are employed as fire or police signal operators or signal maintenance repairman.”

Belmont Dispatchers

Since the 1945 codification of the Massachusetts public employee retirement systems in General Laws Chapter 32, the Retirement Board has classified employees who operate and maintain fire and police signals in Group 2. As the signal equipment and duties modernized and the job title evolved to Dispatcher, the Retirement Board maintained the Group 2 classification for the police and fire signal operators throughout their careers and into retirement. (The same scenario has occurred elsewhere, e.g., emergency dispatch personnel in Boston, Waltham, Cambridge, Barnstable County are classified in Group 2. In other retirement systems, emergency dispatch personnel are classified in Group 1.)

A recent audit of the Belmont Retirement System performed by the Public Employee Retirement Administration Commission (PERAC) determined that Belmont Dispatchers are erroneously classified in Group 2, and must be classified in Group 1.

The Retirement Board and the impacted employees strongly disagree with PERAC’s determination for several reasons. The Retirement Board has filed a

supplemental regulation seeking PERAC's approval to maintain these employees in Group 2. Although PERAC has not yet acted on the Retirement Board's request, the success of that submission is in doubt, due to PERAC's recent refusal to approve regulations seeking to re-classify emergency dispatch personnel elsewhere, from Group 1 to Group 2, an action which has been upheld on administrative appeal.

Unlike those other efforts, however, the Retirement Board's supplemental regulation seeks to *maintain*, not change, the existing Group 2 status for Belmont Dispatchers.

Although the supplemental regulation pends approval by PERAC, nevertheless, the Retirement Board believes that a legislative resolution in the form of a special act may ultimately be required to ensure that Belmont Dispatchers retain Group 2 classification, in which case the support of the Select Board and Town Meeting will be sought. At that time, the Retirement Board is prepared to present additional legal, historical and equitable arguments in support of maintaining the classification of Belmont Dispatchers in Group 2.

Thank you for your kind attention to this important matter.

Thomas F. Gibson

Thomas F. Gibson, Chair
Belmont Retirement Board



BELMONT CONTRIBUTORY RETIREMENT SYSTEM

90 CONCORD AVENUE, THIRD FLOOR SUITE THREE

BELMONT, MA 02478-0900

TEL (617) 993-2792 – Fax (617) 993 2793

Thomas F. Gibson
CHAIR

Ross C. Vona
ELECTED MEMBER

Glen Castro
EX-OFFICIO MEMBER

Walter D. Wellman
VICE-CHAIRMAN

Floyd S. Carman
APPOINTED MEMBER

Robert M. Soohoo
EXECUTIVE DIRECTOR

DATE: March 31, 2022

TO: Belmont Select Board

RE: Retirement Group Classification of
Town of Belmont Dispatchers

Previously, by memorandum of February 23, 2022, the Select Board was made aware of an issue regarding the retirement classification of the employees of the Belmont Joint Public Safety Communications Department.

Please accept this memorandum in further support of the Belmont Retirement Board's request of the Select Board to support a home rule petition requesting the State Legislature to continue to maintain these employees in the Group 2 retirement classification.

History of Police and Fire Signal Operators and Maintenance Repairmen

Early in our nation's history, police and signal operators were individuals who patrolled urban streets, relying on bells and whistles to alert the community, and other public safety personnel, of fires or crimes.

In the mid-1800's, cities began to utilize telegraph technology for fire and police signal boxes. In fact, the first telegraph fire alarm system was employed in Boston, in 1851. As communications technology evolved, police and fire signal operations evolved as well, incorporating electrical and telephonic communications, first through underground cables, and later through overhead electrical and telephone wires.

Eventually, electrical and telephonic communications increasingly gave way to wireless radio transmissions. More recently, police and fire signal operations have been computerized. Whatever technologies have been employed, since the introduction of telegraphic fire and police signal alarms in the mid-nineteenth century, those technologies have relied on workers who are able to operate the technologies and other workers who are able to maintain and repair those technologies.¹

Group Classification Legislative History

As indicated in the prior memorandum, employees of a municipal department who are employed as fire or police signal operators or signal maintenance repairmen are entitled to Group 2 status in accordance with G.L. c. 32, § 3(2)(g).

The Legislature first included fire and police signal operators and maintenance repairmen in Group 2 in 1968, in Chapter 516 of the Acts of 1968,

¹ For further information see, *A Brief History of Fire Alarm Systems* (March 18, 2020, <https://www.epssecurity.com/news/eps-news/a-brief-history-of-fire-alarm-systems/>).

although such workers had to be employees of municipal fire or police departments. Later that same year, however, in Section 1 of Chapter 650 of the Acts of 1968, the Legislature amended the statute to exclude those positions from Group 2.

In 1969, the Legislature, in Section 1 of Chapter 110 of the Acts of 1969, again amended the statute to re-include fire and police signal operators and signal maintenance repairmen in Group 2, but again required these workers to be employees of municipal fire or police departments.

In 1973, in Chapter 725 of the Acts of 1973, the Legislature classified all fire and police signal operators and signal maintenance repairmen in Group 2, regardless of whether they were employed by municipal police or fire departments. The present version of the statute, including fire and police signal operators and signal maintenance repairmen, was adopted in 1974, in Section 1 of Chapter 626 of the Acts of 1974.

In March 1974, the Massachusetts Civil Service Commission approved a Munclass Manual, which was a municipal classification plan for Massachusetts, containing Civil Service job titles and definitions.² The Munclass Manual, at page 15, includes a definition for the Signal Maintaining Series, which reads as follows:

This series includes all positions the duties of which are to perform and/or supervise work in the installation, maintenance, modification, adjustment or repair of . . . fire alarm and/or police signal systems.

² The 1974 Munclass Manual is presently available on the Commonwealth's website. See: <http://www.mass.gov/anf/docs/csc/decisions/other/munclass-manual.pdf>.

The Municlass Manual, at page 15, also includes the following definition of a Signal Maintainer:

Installs, maintains, modifies, adjusts and repairs fire alarm signals, police signal systems or other emergency signal systems; repairs fire and/or police signal systems consisting of boxes, registers, switches, relays, lights, switchboards, bells, sirens, circuits and cables; maintains storage batteries, performs scheduled tests and troubleshooting of circuits; installs and repairs underground or aerial wiring of fire and/or police signal systems. May also perform maintenance of traffic signals and circuits. Performs other routine manual work related to signal maintenance work. Incidentally may supervise a small crew of workers at a lower skill level such as laborers, helpers and maintenance men.

The Municlass Manual has only been updated once, in 1987, and that revision made only a slight change to the position of Signal Maintainer, adding two years of experience in electrical work, specifically in the installation, repair, maintenance, and construction of electrical systems, as an entrance requirement for the position. The Civil Service Commission continues to rely upon the Municlass Manual in its adjudicatory decisions, as recently as July 2016.

Belmont Public Safety Dispatchers

The description of the Belmont telecommunication system and the job duties of the telecommunication personnel for the Town of Belmont are both somewhat unique in its method of providing telecommunications support for Police and Fire service members. The Town's Joint Public Safety Communications Center utilizes multiple systems, including a Fire Box System (Municipal Fire Alarm Telegraph System). The employees monitor and service all of the systems on a daily ongoing basis, including monitoring the DC electrical power in the system, and make the

appropriate adjustments when necessary. The Belmont Dispatcher position's characteristics include many of the same elements as police and fire signal operators and signal maintenance repairmen, and much more.

In 2012 the communications personnel adopted the Emergency Medical Dispatcher (EMD) systems to enhance the triage requests for assistance and provide established and vetted lifesaving pre-arrival instructions. The duties and obligations of the Belmont Public Safety Dispatchers include:

respond to all Police, Fire and EMS radio transmissions; answer 911 calls and department phones; answer and respond to all radios for the Light, Highway, Water, Recreation and School Departments; communicate with Police cruisers and Fire Apparatus via mobile data terminal (MDT) software and computers; monitors, tests and performs adjustments to the municipal fire alarm box telegraph system from within the communications center; monitors town alarm systems for activations and appropriate response; monitor and respond to Mutual Aid cities and towns (via BAPERN, MetroFIRE and other radios) and dispatches response personnel and apparatus as requested. Greets the public and responds to requests for service from visitors to the police station lobby; monitors prisoners and Police Station on closed circuit monitors; performs periodic checks of cellblock when occupied by prisoners; and at the direction of the Police Chief, serves as the Alarm Administrator; Receives, enters and processes alarm system and master fire box registrations and renewals.

Why is Approval of a Home Rule Petition Being Sought Now?

The duties of emergency dispatch personnel in municipalities varies, and the majority of dispatchers, whose are console-bound employees with duties different from those of the Belmont Public Safety Dispatchers, are classified in Group 1.³ As explained in our previous memorandum, Group 2 classification, in which the

³ Other Dispatcher Group 2 communities include Andover, Arlington, Boston, Cambridge, Waltham, and Barnstable County.

Belmont Dispatch employees have been classified for decades, provides a maximum retirement allowance at an earlier age (60, or 62 for post-04/02/2012 members), depending on years of service.

In its most recent triennial audit of the Belmont Retirement System, the Public Employee Retirement Administration Commission (PERAC) ordered the Board to reclassify these employees into Group 1, notwithstanding that at least five employees are retirement eligible now, with service ranging from 21 to 35 years, and preparing to retire in the near future under the Group 2 classification which has been applicable for the entirety of their careers as Belmont Dispatchers.

After extensive review, including meetings with the impacted employees and a review of job duties and responsibilities, the Retirement Board voted to request PERAC's approval of a supplemental regulation which would maintain the Belmont Dispatcher position in Group 2. This request has been pending at PERAC since January 21, 2022, and the likelihood that PERAC will approve it is not favorable, based upon PERAC's prior rulings.

Notwithstanding, the Retirement Board also voted to support a parallel initiative for special legislation to protect the retirement rights of these workers. Where the deadline for Town Meeting is looming, the Board is seeking to submit a warrant article with proposed legislation in the form of a special act, which, if successful, will maintain the Belmont Dispatcher position in Group 2.

In addition to the strong moral argument in favor of this action, and as the Select Board is keenly aware, the telecommunications personnel are highly trained

and must be prepared while on duty to handle highly emotionally charged situations. Their decision-making impacts the response time for providing emergency services – the men and women performing these duties have little room for error without serious consequences. In order for these positions to attract competent personnel for long-term career service, the employer must provide incentives to enhance the status of these individuals. One way to do this is to maintain the Group 2 status for the position. Seeking legislative approval to maintain Belmont Dispatchers in Group 2 will continue a significant employee benefit that enhances recruitment and retention of high quality employees in this vital department of the Town of Belmont.

Thank you for your kind attention to this important matter.

Thomas F. Gibson

Thomas F. Gibson, Chair
Belmont Retirement Board

GROUP 1 RETIREMENT PERCENTAGE CHART

PRE 04022012

GROUP 1 CHART

HOW TO USE THE CHART

Multiply the indicated percentage by the average of your
Three highest consecutive years salary.

Eligibility: You are eligible to retire at age 55 with 10 years of service.
If you have 20 years of service you can retire at any age.

AGE AT RETIREMENT																	
	AGE→	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65+
	YEARS↓																
Y E A R S O F S E R V I C E	10						15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0
	11						16.5	17.6	18.7	19.8	20.9	22.0	23.1	24.2	25.3	26.4	27.5
	12						18.0	19.2	20.4	21.6	22.8	24.0	25.2	26.4	27.6	28.8	30.0
	13						19.5	20.8	22.1	23.4	24.7	26.0	27.3	28.6	29.9	31.2	32.5
	14						21.0	22.4	23.8	25.2	26.6	28.0	29.4	30.8	32.2	33.6	35.0
	15						22.5	24.0	25.5	27.0	28.5	30.0	31.5	33.0	34.5	36.0	37.5
	16						24.0	25.6	27.2	28.8	30.4	32.0	33.6	35.2	36.8	38.4	40.0
	17						25.5	27.2	28.9	30.6	32.3	34.0	35.7	37.4	39.1	40.8	42.5
	18						27.0	28.8	30.6	32.4	34.2	36.0	37.8	39.6	41.4	43.2	45.0
	19						28.5	30.4	32.3	34.2	36.1	38.0	39.9	41.8	43.7	45.6	47.5
	20	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0	36.0	38.0	40.0	42.0	44.0	46.0	48.0	50.0
	21	21.0	23.1	25.2	27.3	29.4	31.5	33.6	35.7	37.8	39.9	42.0	44.1	46.2	48.3	50.4	52.5
	22	22.0	24.2	26.4	28.6	30.8	33.0	35.2	37.4	39.6	41.8	44.0	46.2	48.4	50.6	52.8	55.0
	23	23.0	25.3	27.6	29.9	32.2	34.5	36.8	39.1	41.4	43.7	46.0	48.3	50.6	52.9	55.2	57.5
	24	24.0	26.4	28.8	31.2	33.6	36.0	38.4	40.8	43.2	45.6	48.0	50.4	52.8	55.2	57.6	60.0
	25	25.0	27.5	30.0	32.5	35.0	37.5	40.0	42.5	45.0	47.5	50.0	52.5	55.0	57.5	60.0	62.5
	26	26.0	28.6	31.2	33.8	36.4	39.0	41.6	44.2	46.8	49.4	52.0	54.8	57.2	59.8	63.4	65.0
	27	27.0	29.7	32.4	35.1	37.8	40.5	43.2	45.9	48.6	51.3	54.0	56.7	59.4	62.1	64.8	67.5
	28	28.0	30.8	33.6	36.4	39.2	42.0	44.8	47.6	50.4	53.2	56.0	58.8	61.6	64.4	67.2	70.0
	29	29.0	31.9	34.8	37.7	40.6	43.5	46.4	49.3	52.2	55.1	58.0	60.9	63.8	66.7	69.6	72.5
	30	30.0	33.0	36.0	39.0	42.0	45.0	48.0	51.0	54.0	57.0	60.0	63.0	66.0	69.0	72.0	75.0
	31	31.0	34.1	37.2	40.3	43.4	46.5	49.6	52.7	55.8	58.9	62.0	65.1	68.2	71.3	74.4	77.5
	32	32.0	35.2	38.4	41.6	44.8	48.0	51.2	54.4	57.6	60.8	64.0	67.2	70.4	73.6	76.8	80.0
	33	33.0	36.3	39.6	42.9	46.2	49.5	52.8	56.1	59.4	62.7	66.0	69.3	72.6	75.9	79.2	80.0
	34		37.4	40.8	44.2	47.6	51.0	54.5	57.8	61.2	64.6	68.0	71.4	74.8	78.2	80.0	80.0
	35			42.0	45.5	49.0	52.5	56.0	59.5	63.0	66.5	70.0	73.5	77.0	80.0	80.0	80.0
	36				46.8	50.4	54.0	57.6	61.2	64.8	68.4	72.0	75.6	79.2	80.0	80.0	80.0
	37					51.8	55.5	59.2	62.9	66.6	70.3	74.0	77.7	80.0	80.0	80.0	80.0
	38						57.0	60.8	64.6	68.4	72.2	76.0	79.8	80.0	80.0	80.0	80.0
	39							62.4	66.3	70.2	74.1	78.0	80.0	80.0	80.0	80.0	80.0
	40								68.0	72.0	76.0	80.0	80.0	80.0	80.0	80.0	80.0

GROUP 2 RETIREMENT PERCENTAGE CHART

GROUP 2 CHART

HOW TO USE THE CHART

PRE 04022012

Multiply the indicated percentage by the average of your
Three highest consecutive years salary.

Eligibility: You are eligible to retire at age 55 with 10 years of service.
If you have 20 years of service you can retire at any age.

AGE AT RETIREMENT																	
	AGE→	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60+
	YEARS↓																
Y E A R S O F S E R V I C E	10											20.0	21.0	22.0	23.0	24.0	25.0
	11											22.0	23.1	24.2	25.3	26.4	27.5
	12											24.0	25.2	26.4	27.6	28.8	30.0
	13											26.0	27.3	28.6	29.9	31.2	32.5
	14											28.0	29.4	30.8	32.2	33.6	35.0
	15											30.0	31.5	33.0	34.5	36.0	37.5
	16											32.0	33.6	35.2	36.8	38.4	40.0
	17											34.0	35.7	37.4	39.1	40.8	42.5
	18											36.0	37.8	39.6	41.4	43.2	45.0
	19											38.0	39.9	41.8	43.7	45.6	47.5
	20	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0	36.0	38.0	40.0	42.0	44.0	46.0	48.0	50.0
	21	21.0	23.1	25.2	27.3	29.4	31.5	33.6	35.7	37.8	39.9	42.0	44.1	46.2	48.3	50.4	52.5
	22	22.0	24.2	26.4	28.6	30.8	33.0	35.2	37.4	39.6	41.8	44.0	46.2	48.4	50.6	52.8	55.0
	23	23.0	25.3	27.6	29.9	32.2	34.5	36.8	39.1	41.4	43.7	46.0	48.3	50.6	52.9	55.2	57.5
	24	24.0	26.4	28.8	31.2	33.6	36.0	38.4	40.8	43.2	45.6	48.0	50.4	52.8	55.2	57.6	60.0
	25	25.0	27.5	30.0	32.5	35.0	37.5	40.0	42.5	45.0	47.5	50.0	52.5	55.0	57.5	60.0	62.5
	26	26.0	28.6	31.2	33.8	36.4	39.0	41.6	44.2	46.8	49.4	52.0	54.8	57.2	59.8	63.4	65.0
	27	27.0	29.7	32.4	35.1	37.8	40.5	43.2	45.9	48.6	51.3	54.0	56.7	59.4	62.1	64.8	67.5
	28	28.0	30.8	33.6	36.4	39.2	42.0	44.8	47.6	50.4	53.2	56.0	58.8	61.6	64.4	67.2	70.0
	29	29.0	31.9	34.8	37.7	40.6	43.5	46.4	49.3	52.2	55.1	58.0	60.9	63.8	66.7	69.6	72.5
	30	30.0	33.0	36.0	39.0	42.0	45.0	48.0	51.0	54.0	57.0	60.0	63.0	66.0	69.0	72.0	75.0
	31	31.0	34.1	37.2	40.3	43.4	46.5	49.6	52.7	55.8	58.9	62.0	65.1	68.2	71.3	74.4	77.5
	32	32.0	35.2	38.4	41.6	44.8	48.0	51.2	54.4	57.6	60.8	64.0	67.2	70.4	73.6	76.8	80.0
	33	33.0	36.3	39.6	42.9	46.2	49.5	52.8	56.1	59.4	62.7	66.0	69.3	72.6	75.9	79.2	80.0
	34		37.4	40.8	44.2	47.6	51.0	54.5	57.8	61.2	64.6	68.0	71.4	74.8	78.2	80.0	80.0
	35			42.0	45.5	49.0	52.5	56.0	59.5	63.0	66.5	70.0	73.5	77.0	80.0	80.0	80.0
	36				46.8	50.4	54.0	57.6	61.2	64.8	68.4	72.0	75.6	79.2	80.0	80.0	80.0
	37					51.8	55.5	59.2	62.9	66.6	70.3	74.0	77.7	80.0	80.0	80.0	80.0
	38						57.0	60.8	64.6	68.4	72.2	76.0	79.8	80.0	80.0	80.0	80.0
	39							62.4	66.3	70.2	74.1	78.0	80.0	80.0	80.0	80.0	80.0
	40								68.0	72.0	76.0	80.0	80.0	80.0	80.0	80.0	80.0

GROUP 4 RETIREMENT PERCENTAGE CHART

GROUP 4 CHART

HOW TO USE THE CHART

PRE 04022012

Multiply the indicated percentage by the average of your
Three highest consecutive years salary.

Eligibility: You are eligible to retire at age 55 with 10 years of service.
If you have 20 years of service you can retire at any age.

AGE AT RETIREMENT																	
	AGE→	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55+
	YEARS↓																
Y E A R S O F S E R V I C E	10																25.0
	11																27.5
	12																30.0
	13																32.5
	14																35.0
	15																37.5
	16																40.0
	17																42.5
	18																45.0
	19																47.5
	20	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0	36.0	38.0	40.0	42.0	44.0	46.0	48.0	50.0
	21	21.0	23.1	25.2	27.3	29.4	31.5	33.6	35.7	37.8	39.9	42.0	44.1	46.2	48.3	50.4	52.5
	22	22.0	24.2	26.4	28.6	30.8	33.0	35.2	37.4	39.6	41.8	44.0	46.2	48.4	50.6	52.8	55.0
	23	23.0	25.3	27.6	29.9	32.2	34.5	36.8	39.1	41.4	43.7	46.0	48.3	50.6	52.9	55.2	57.5
	24	24.0	26.4	28.8	31.2	33.6	36.0	38.4	40.8	43.2	45.6	48.0	50.4	52.8	55.2	57.6	60.0
	25	25.0	27.5	30.0	32.5	35.0	37.5	40.0	42.5	45.0	47.5	50.0	52.5	55.0	57.5	60.0	62.5
	26	26.0	28.6	31.2	33.8	36.4	39.0	41.6	44.2	46.8	49.4	52.0	54.8	57.2	59.8	63.4	65.0
	27	27.0	29.7	32.4	35.1	37.8	40.5	43.2	45.9	48.6	51.3	54.0	56.7	59.4	62.1	64.8	67.5
	28	28.0	30.8	33.6	36.4	39.2	42.0	44.8	47.6	50.4	53.2	56.0	58.8	61.6	64.4	67.2	70.0
	29	29.0	31.9	34.8	37.7	40.6	43.5	46.4	49.3	52.2	55.1	58.0	60.9	63.8	66.7	69.6	72.5
	30	30.0	33.0	36.0	39.0	42.0	45.0	48.0	51.0	54.0	57.0	60.0	63.0	66.0	69.0	72.0	75.0
	31	31.0	34.1	37.2	40.3	43.4	46.5	49.6	52.7	55.8	58.9	62.0	65.1	68.2	71.3	74.4	77.5
	32	32.0	35.2	38.4	41.6	44.8	48.0	51.2	54.4	57.6	60.8	64.0	67.2	70.4	73.6	76.8	80.0
	33	33.0	36.3	39.6	42.9	46.2	49.5	52.8	56.1	59.4	62.7	66.0	69.3	72.6	75.9	79.2	80.0
	34		37.4	40.8	44.2	47.6	51.0	54.5	57.8	61.2	64.6	68.0	71.4	74.8	78.2	80.0	80.0
	35			42.0	45.5	49.0	52.5	56.0	59.5	63.0	66.5	70.0	73.5	77.0	80.0	80.0	80.0
	36				46.8	50.4	54.0	57.6	61.2	64.8	68.4	72.0	75.6	79.2	80.0	80.0	80.0
	37					51.8	55.5	59.2	62.9	66.6	70.3	74.0	77.7	80.0	80.0	80.0	80.0
	38						57.0	60.8	64.6	68.4	72.2	76.0	79.8	80.0	80.0	80.0	80.0
	39							62.4	66.3	70.2	74.1	78.0	80.0	80.0	80.0	80.0	80.0
	40								68.0	72.0	76.0	80.0	80.0	80.0	80.0	80.0	80.0

Article 11: A Resolution in Support of Changing the State Flag & Seal of Massachusetts

For more than 50 years, Indigenous leaders have been calling for the flag and seal of Massachusetts to change. On January 6th, 2021, the Massachusetts Legislature finally approved a bill to establish a Special Commission Relative to the Seal and Motto of the Commonwealth, and to invite Native leaders from the region to sit with legislators, historians, and others on this 19-member panel. The Special Commission is charged with making recommendations for changes to the Massachusetts flag and seal, and for an educational program on the history and meaning of the flag and seal.

A closer look at the current state flag and seal

In an 1885 article, the illustrator described his process of using stereotypes and stolen relics to create the image on the current state flag and seal

The sword is modeled on Myles Standish's broadsword. Standish was military commander for Plymouth Colony, known for his brutality and slaughtering Native people.

The hand gripping the sword portrays a grip that was "adapted to cutting rather than to thrusting, and was peculiarly English".

The proportions for the Native man's body—as well as the string of shell beads—were taken from a Native person's skeleton unearthed in Winthrop.

The Native man's face is modeled on a photograph of Thomas Little Shell, an Ojibwe chief who lived in the 19th century in the Montana region.

The bow is modeled on one taken from a Native man who was shot and killed by a colonist in Sudbury.

The belt is modeled on one believed to have belonged to Metacom (King Philip), whose severed head was impaled on a pike and displayed in Plymouth for more than 20 years as a war trophy.



The Latin motto begins: "By the sword, we seek peace..." The arrow pointing downward indicates a 'pacified' Native person. He has no quiver.

Article 12 – Robert McGaw, Precinct 1

The purpose of Citizens' Petition for Article 12, is to encourage public participation and civic engagement. This applies only to appointed committees.

At some Belmont Committee meetings, the Committee votes on an issue and then allows public comment. This seems backwards. It frustrates public involvement. Article 12 encourages Committees to adopt procedures so that public participation is allowed BEFORE the Committee votes on significant issues.

If a person sends a letter or email comment to the Chair of a Committee, the person assumes that the Chair would share the comment with the members, before the vote is taken. But currently, Chairs are not obligated to do so. This Article 12 encourages Committees to adopt procedures so that the Chair of a Committees will distribute such comments to the members before the vote is taken. This could be accomplished easily if the Committee had a general email address for people to use which would automatically forward the emails to the Committee members. The Select Board currently has such a general address that works well.

This proposed Article 12 is not burdensome and doesn't affect the Town's finances. It is the right thing to do. Public engagement in Town government should be encouraged, not discouraged.

Questions should be addressed to Robert McGaw at 617-872-5683

robert.mcgaw.belmont@gmail.com;

Article 12: Encouraging Public Participation
Amendment by Substitute Motion
Robert McGaw, Precinct 1, Article sponsor

MOVED: That this non-binding Resolution be substituted for the main motion for Warrant Article 12:

**A RESOLUTION TO ENCOURAGE
PUBLIC PARTICIPATION IN TOWN GOVERNMENT**

WHEREAS, the use of Zoom has facilitated and increased public participation in the affairs of Belmont Town government and the meetings of Belmont's appointed boards, commissions, and committees, collectively, known as "Committees"; and

WHEREAS, the Town of Belmont benefits by encouraging Belmont inhabitants to share their ideas and concerns with Belmont's Committees; and

WHEREAS, it is desirable that public participation in Town government be encouraged, whether meetings of Committees are held in-person or virtually,

NOW, THEREFORE, BE IT RESOLVED that each of the Belmont appointed boards, commissions, and committees (collectively, "Committees"), as described by § 40-100.B of the General Bylaws, is hereby urged and encouraged to establish procedures designed to facilitate public participation in its public meetings, including ways to enable delivery of written public comments to the Committee members and allowing reasonable opportunities for public comments to be presented orally to the Committee when the Committee is considering taking action on significant issues.

Robert E. McGaw,
Town Meeting Member, Precinct 1
23 Louise Road, Belmont, MA 02478
robert.mcgaw.belmont@gmail.com
617-872-5683