



## Select Board Meeting Minutes

Date: October 5, 2020

Time: 7:15 PM

Location: Conducted by Remote Participation

Present: Mr. Hurd, Chair, Mr. Curro, Vice Chair, Mrs. Mahon, Mr. DeCoursey, Mr. Diggins

Also Present: Mr. Chapdelaine, Mr. Heim, Ms. Maher

### 1. Executive Order on Remote Participation

Mr. Hurd opened the meeting by explaining that due to the current State of Emergency, to lower the risk of the spread of COVID-19, the Town has been advised and directed by the Commonwealth to suspend public gatherings, and as such the Governor's orders suspends the requirement of the Open Meeting Law to have all meetings in a public and accessible location. Public bodies may meet entirely remotely as long as the public can access the meeting. The meeting reference materials and how to access the remote meeting are posted on the Town's website. The Chair asked participants that would like to speak, to use their full name rather than a nickname.

Mr. Hurd wanted to go over some business ground rules for effective and clear conduct of the meeting and to ensure accurate meeting minutes:

The Chair will introduce each speaker on the agenda, after they conclude their remarks; Mr. Hurd will ask each member of the Board for their remarks or a motion. Please wait until your name is called. Please remember to mute your phone or computer when you are not speaking and to speak clearly. For any response, please wait until the Chair yields to you and state your name before speaking. Anyone wishing to speak to someone must do so through the Chair.

## **CONSENT AGENDA**

### 2. Minutes of Meetings: September 14, 2020

### 3. Appointment of New Election Workers: (1) Caitlin Santacrose, 39 Sunnyside Avenue, D, Pct. 5; (2) Aimee Taberner, 41 Wellington Street, D, Pct. 10; (3) Madeline Upson, 46 Teel Street #2, U, Pct. 1; (4) Sarah White, 32 Pondview Road #1, D, Pct. 2

Mr. Curro moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes  
Mr. DeCoursey: yes  
Mr. Diggins: yes  
Mr. Curro: yes  
Mr. Hurd: yes

SO VOTED (5-0)

## **APPOINTMENTS**

### **4. Conservation Commission**

Douglas Kilgour, Associate Member (term to expire 6/30/2022)

Mike Gildesgame (term to expire 6/30/2023)

Mr. Kilgour stated that his family recently moved here and is looking for ways he can give back to the community. Mr. Kilgour's background is in environmental engineering as well as a business and has had a non-speaking role on this commission for the past few meetings and is looking forward to get started on the commission. The Board thanked Mr. Kilgour for his willingness to serve on this commission.

Mr. Gildesgame stated that he has lived in Arlington for 37 years and has been an Associate Member for the Conservation Commission for the last year and is looking forward to becoming a full member of the commission. Mr. Gildesgame's background is in forestry and natural resource management and feels he will provide a lot for the commission. The Board thanked Mr. Gildesgame for his willingness to serve on this commission.

Mr. Curro moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes  
Mr. DeCoursey: yes  
Mr. Diggins: yes  
Mr. Curro: yes  
Mr. Hurd: yes

SO VOTED (5-0)

### **5. Cyrus E. Dallin Museum Board of Trustees**

Molly Harper (term to expire 12/31/2023)

Ms. Harper appeared before the Board and stated that she started volunteering for the Museum in January of 2020. The leadership of the Board approached Ms. Harper and asked if she would be interested and feels that she would be a good fit for the Board. The Board thanked Ms. Harper for his willingness to serve on this Board and all the work she has already done for the Trustees.

Mr. DeCoursey moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes  
Mr. DeCoursey: yes  
Mr. Diggins: yes

Mr. Curro: yes  
Mr. Hurd: yes

SO VOTED (5-0)

## **LICENSES & PERMITS**

### 6. For Approval: Common Victualler License

Alfredo Italian Kitchen, 242 Massachusetts Avenue, Emadeldine Derebala  
Mr. Derebala appeared before the Board to explain that he is applying for a Common Victualler License in Arlington and is changing the name to Venice Italian Kitchen. The Board thanked Mr. Derebala for his interest in bringing his restaurant to Arlington and is excited for him to open and wishes him luck! Mr. Derebala would like to comment that he supports Mr. Curro and the Boards decision to change the policy for applications and agrees that some of the information is needed for public safety but some of the stuff is not needed.

Mr. Curro moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes  
Mr. DeCoursey: yes  
Mr. Diggins: yes  
Mr. Curro: yes  
Mr. Hurd: yes

SO VOTED (5-0)

## **OPEN FORUM**

The following people spoke in regards to the policy changes and the removal of the Black Lives Matter Banner on the Town Hall.

Moana Mandel, 14 Water Street  
Rebecca Gruber, 215 Pleasant Street  
Lynette Culverhouse, 24 Draper Ave  
Anna Henkin, 11 Marion Road  
Robin Harney, 90 Brooks Avenue  
Laura Kiesel, 260 Massachusetts Avenue  
Gordan Jamieson, 163 Scituate Street  
Beth Melofchik, 20 Russell Street  
Erin Fera, Benjamin Road  
Kevin Heaton, 252 Mass Ave  
Kenneth Hughes, 20 Webster Street  
Steve Revilak, 111 Sunnyside Avenue  
Elizabeth Dray, 130 Jason Street  
Sandra Mostajo, 191 Park Avenue  
Kristin Martin, 48 Fairmont Street

The following people spoke in regards to the Mary Street Shared Streets Pilot

Elliot Eichen, 41 Mary Street  
Donna Kelly Williams, 110 Mary Street

At 9:14 Mr. Heim had to leave the meeting to join the Redevelopment Board meeting but will be back

The Board took a 10 minute break at 9:40 until 9:50p.m.

### **TRAFFIC RULES & ORDERS / OTHER BUSINESS**

#### **7. For Approval: Amendments to the Temporary Outdoor Dining License Regulations**

Ali Carter, Economic Development Coordinator

Mr. Chapdelaine stated that these are 2 minor changes to the Temporary Outdoor Dining Rules and Regulations the Board first adopted in June to help with restaurants doing business outside. Mr. Chapdelaine stated that there are two major changes one being explicitly calling out the Fire Department's role and being part of the permitting team that will review the applications and then explicitly calling out the allowance for the placement of outdoor heaters in outdoor seating areas and the Fire Department will inspect them. The second distinct area is allowing for temporary amendments to the service of alcohol outside being able to be allowed 60 days past the end date of the State of Emergency where the original policy had this ending on November 1<sup>st</sup>.

Mrs. Mahon moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon:           yes  
Mr. DeCoursey:       yes  
Mr. Diggins:           yes  
Mr. Curro:             yes  
Mr. Hurd:              yes

SO VOTED (5-0)

#### **8. Discussion: Plan to Implement & Outreach for Mary Street Shared Streets Pilot**

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine stated that they have updated the plan to the Shared Streets Pilot to Mary Street as there are remaining concerns and minor changes that are needed before implementing this. Mr. Chapdelaine stated that they are excited about moving forward with this and utilizing the grant funds for this project and to study, analyze and assess the data for the pilot period.

Mr. DeCoursey would like to thank Mr. Amstutz and Mr. Chapdelaine for their work on the pilot proposal. Mr. DeCoursey proposed that the pilot be between Margaret Street and Little John Street not Wilson Street. Mr. DeCoursey stated that the reason for this is because he heard from residents on Mary Street and there were some concerns about that part of Mary Street. There is an existing prohibition on travel into the neighborhood between 7-9a.m. and 4-7p.m. where Mary Street becomes the main cut through for those streets.

Mr. Curro questioned if this change would affect the grant money for this project. Mr. Chapdelaine confirmed that this would not have an impact on the grant money.

Mr. DeCoursey moved that the Mary Street Pilot be between Margret Street and Little John Street.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes  
Mr. DeCoursey: yes  
Mr. Diggins: yes  
Mr. Curro: yes  
Mr. Hurd: yes

SO VOTED (5-0)

#### 9. Discussion: Racial Equity Work in the Coming Year

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine would like to update the Board on some work that has been done and what they plan on doing in the near future. Mr. Chapdelaine stated that we have a good team here in Arlington that has been focusing on these issues for a number of years. The Town is trying to continue to enhance our engagement with the community as well as broadening and deepening the engagement. Mr. Chapdelaine stated that last year the Town created its first Diversity Equity and Inclusion Coordinator position to work in the Health and Human Services Department and we have been so lucky to have Jill Harvey. Ms. Harvey started a year ago where she stepped in at a very difficult time but has done an excellent job. The Town has decided to elevate Ms. Harvey's position to a division within Health and Human Services and change her title from Coordinator to Director as well as provide her administrative staff support. Mr. Chapdelaine stated that at the same time Ms. Harvey joined the Town we also joined the Government Alliance for Racial Equity as a community. The Town has embarked on a multi-session training and technical assistance initiative with the National League of Cities race equity and leadership division. Mr. Chapdelaine shared the Racial Equity Action Plan with the Board and is asking for their support and endorsement.

Mr. Curro moved to endorse the Racial Equity Action Plan.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes  
Mr. DeCoursey: yes  
Mr. Diggins: yes  
Mr. Curro: yes  
Mr. Hurd: yes

SO VOTED (5-0)

#### 10. Discussion & Approval: Town Manager Evaluation Process

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine stated that he has provided the Board with a memo and an evaluation tool that we have used in the past. Within that memo are both a timeline and a reiteration of the process we have used in the past. Mr. Chapdelaine stated that we are late this year as it is usually done in the late winter or early spring. Mr. Chapdelaine is asking the Board to consider two things tonight. One is the Board still comfortable with this process, which includes a narrative self-evaluation put together by Mr. Chapdelaine coupled with an update on progress on goals that have been set by the Board. This will then be provided to the Board who will then review those and then complete the tool that has been provided for the Board's review. Mr. Chapdelaine stated that he has provided the Board with the same timeline that has been used in the past for how much

time the Board will have to perform the review, how much time the chair will have to work with HR Director to consolidate it into one comprehensive review, leading up to a Board meeting where it will be discussed and posted in a public session.

Mr. Diggins feels that the timeline is problematic because of Virtual Town Meeting and suggests that we start this process after the start of Town Meeting.

Mr. DeCoursey stated that he hasn't done this before and will look to colleagues regarding timeline and feels that to be fair to Town Manager he deserves an evaluation in a calendar year.

Mr. Curro feels we should go with the timeline that is laid out and in an ideal world this evaluation would have been done earlier and Town Manager deserves a yearly evaluation. Mr. Curro suggests that we consider that this evaluation encompass the last 18 months and that we reach out to former Select Board Member Mr. Dunn to provide feedback for the time that Mr. Diggins was not here.

Mrs. Mahon stated that she agrees we should do this in the timeline that Mr. Chapdelaine has outlined and that this time of year is better and we should continue this timeline in the future.

Mr. Hurd also agrees that we should stick to the timeline proposed.

Mr. Curro moved to accept the Town Manager's proposed timeline with the provision that review would be for the 18 month period and request the Chair to reach out to Mr. Dunn to provide any feedback that he may be willing to provide to the review.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes

Mr. DeCoursey: yes

Mr. Diggins: yes

Mr. Curro: yes

Mr. Hurd: yes

SO VOTED (5-0)

## 11. Discussion & Vote: Select Board Policy Changes

John V. Hurd, Chair

Joseph A. Curro, Jr., Vice Chair

Mr. Curro suggested that we review the changes and then have Mr. Heim compile the information and come back for a vote of adoption at our next meeting. Mr. Curro stated that this is a long standing project that was initially brought to their attention by the late Select Board Member Mr. Greeley. Mr. Curro stated that he has brought forward three sections of the Select Board Handbook for consideration of changes. One section is the "Code of Conduct" the second is "Board Meeting and Hearing Procedures" and the third is "License and Permits". Mr. Curro stated that he feels there has been big misunderstanding that has been circulating and would like to address them. In regards to the open forum, this is not changing their process at all. Mr. Curro explained the reasons why there would not be Open Forum at a meeting for example meetings that have warrant article hearings, big meetings, town meetings, etc. Mr. Curro reiterated that they are not changing their current policy and it was meant to explain what the current practice already is and not the privilege with it. Mr. Curro would like to note that one of their constituents who is a Librarian pointed out on page 9 in E1 in the last

sentence we use the word proscribed and should be prescribe. This is not a change but would be a grammatical change.

Mr. Curro stated that in the next section he had added some proposed language regarding virtual meetings that describes the practices that the Board has been following. Mr. Curro stated that he has a section that seeks to codify the way the Board has been handling meetings during the pandemic and is open to suggestions regarding this section. Mr. Curro stated that he switched the word citizen to public in a lot of that language. Mr. Curro added the language that there needs to be a properly posted agenda item in order for the Select Board to have a discussion as well as the need to direct all comments through the Chair.

Mr. Diggins stated that overall he supports the work that Mr. Curro has done but would like to discuss at a later time editing some of the language in the virtual meeting section. Mr. Diggins suggested moving open forum as well as the suggestion of having two sections one at the beginning and one at the end of the meeting.

Mrs. Mahon made a suggestion to block the “chat” feature in Zoom due to it not being a public record and should be removed for Select Board Members.

Mr. DeCoursey stated that we need to be very clear when it comes to what the exceptions for when there would not be public comment at a meeting and explicitly state what those reasons are.

Mr. Hurd reiterated that these are all practices that were put in place before and when there were more requests around a year ago for participating in open forum and the rules surrounding it in our handbook and at that time the Board decided that they wanted to clarify and the rules regarding open forum. Mr. Hurd stated that we are not changing any of our current practices.

Mr. Curro stated that one of the things they found in the Application and Permit Working Group is that some of the information that we have asked for traditionally in our applications for license and permits is not appropriate or germane to our granting of the license. One thing we did get rid of a few years ago was spousal information on the applications. Mr. Curro stated that there are a number of other items on the application that he is proposing that unless otherwise required by law that we do not require the following: Cori checks of applicants, place of birth including country, date of birth, naturalization date, photo as well as being able to self-identify their gender or not require that response.

The Board is in agreement of this section pending the approval of Town Counsel. Mr. Heim stated that he is taking notes and will provide the Board with a proposed policy for further review

There was no vote needed at this time.

## 12. Presentations: Marijuana Establishment Host Community Agreement License Applicants

- a) Calyx Peak of MA, Inc., 2 Hampshire Street, Suite 100-B, Foxborough, MA  
Edward Schmults
- b) The Human Connection LLC, 29 Florence Avenue, Arlington, MA  
Jared Glanz-Berger

Mr. Curro moved to suspend 11:00p.m. timeline and move to 12:00a.m.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes  
Mr. DeCoursey: yes  
Mr. Diggins: yes  
Mr. Curro: yes  
Mr. Hurd: yes

SO VOTED (5-0)

Mr. Hurd stated that each applicant will be awarded 20 minutes for each of their presentations after which the Board will have a discussion and a vote if so appropriate.

The representatives of Calyx Peak appeared before the Board to present their presentation and application to the Board. Mr. D'Agostino stated that Calyx Peak previously applied for the last marijuana license in the Town but was denied due to their proposed location being too close to another approved marijuana establishment and did not meet the 2000 feet requirement. They are back tonight with a new location located at 251 Summer Street and are here to present their application to the Board. Ed Schmults appeared before the Board to review their presentation and application.

Mr. Curro thanked the applicants for their presentation and questioned the amount of transactions a day. Mr. Curro stated that in their presentation they estimated approximately 200 transactions a day and questioned if this was an average. Mr. Schmults stated that this is an average and explained that there could be peak times throughout the weekend typically more so on a Friday and the weekend. Mr. Curro stated that this location is in close proximity to a major intersection and the Town does not allow on street parking on Summer Street. Mr. Curro is worried about the parking as in the application it is stated they only have 10+ parking spots and how they will accommodate the number of patrons. Mr. Curro had a question for Town Counsel when computing the buffer zones do the Symmes Woods come into play where they are under a conservation restriction. Mr. Heim stated that he does not believe those play a factor in computing the buffer zone under our zoning bylaw. Mrs. Mahon asked if the 300 people on the notice would get a mailing, Mr. Schmults confirmed that they would. Mrs. Mahon stated that in their application it lists Mr. Niedermeyer as the community outreach director and questioned if he would be there every day. Mr. Schmults stated that he is doing that for their two Massachusetts stores and the cultivation store. He will move through those three points and stated that he will be there multiple times a week. Mrs. Mahon questioned if there will be someone hired for the day to day operations. Mr. Schmults stated that there is a full time operations manager as well as a full time compliance person, store assistant managers, security and staff which will make the 18 people. Mrs. Mahon questioned at what point the checking of ID and verification happens. Mr. Schmults stated that this will happen before a patron enters the establishment. Mr. DeCoursey stated that outreach is very important and questioned what he will be doing in Arlington. Mr. Schmults stated that they will do outreach through the mail, newspaper and community notices for a virtual meeting. Mr. DeCoursey stated that this proposal is unique due to the fact that past applications aren't constructing a new building and he is wondering how the footprints of the new building compares to the existing building. Mr. Schmults stated that they will work with the Town on the



permitting and zoning requirements of the new building and stated that the new building would be comparable in size to the existing structure.

Mr. Leone the representative for the Human Connection gave a brief overview of Jared Glanz-Berger, owner and promoter who is an Arlington resident. Mr. Leone feels that he has a great location for this kind of business. Mr. Glanz-Berger appeared before the Board to review their presentation and application.

Mr. DeCoursey asked the applicant if one of the proposed locations at 369 Massachusetts Avenue is off the table and no longer being considered. Mr. Glanz-Berger confirmed that it is no longer a proposed location. Mr. DeCoursey questioned the location of 23-35 Mass Ave and asked if it would be located in Buzzy's Bazar. Mr. Glanz-Berger stated that they have a strong commitment with the landlord who they will be working with until they find something that will work. There is a question of the density buffer and stated that they would be happy to work with the Town to find a spot on 23-35 Mass Ave or an alternative location. Mr. Glantz-Berger noted that after reviewing prior Select Board Meetings he did hear Town Counsel highlight at least the intent for the ARB to have the authority to allow for exceptions from the density buffer under certain circumstances if the density buffer would not serve a real purpose. Mr. DeCoursey stated that he spoke with the Planning Director who informed him that we follow the Cannabis Control Commission Regulations which defines a property line to property line. Mr. DeCoursey stated he feels there is a problem for them as if we apply the standard they will be less than 2000 feet from the nearest marijuana establishment.

Mr. Curro moved the 12:00a.m. timeline to 12:15a.m.  
A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon:	yes
Mr. DeCoursey:	yes
Mr. Diggins:	yes
Mr. Curro:	yes
Mr. Hurd:	yes

SO VOTED (5-0)

Mrs. Mahon asked that the specific address is and Mr. Glanz-Berger confirmed that it is 25B Mass Avenue. Mrs. Mahon would like that to be spelled out in the application itself. Mrs. Mahon stated that she is concerned about having two of the three allowed licenses all being in the east and would like to see the license dispersed throughout the Town. Mrs. Mahon noted that she is also concerned regarding the parking at this location.

Mr. Curro moved the 12:15a.m. timeline to 12:30a.m.  
A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon:	yes
Mr. DeCoursey:	yes
Mr. Diggins:	yes
Mr. Curro:	yes
Mr. Hurd:	yes

SO VOTED (5-0)

Mr. Curro questioned the location as well and asked if they had a written agreement with the landlord to definitively give them site control. Mr. Glantz-Berger stated that the application is evidence itself as well as a conversation with the landlord.

Mr. Heim stated that the Host Community Agreement process is not synonymous with the Special Permit process. Mr. Heim stated that he communicated with the applicant that he misspoke at that meeting and that the buffer zone in respect to the 2000 feet cannot be waived under 8.3 B3. Mr. Heim stated that when we have measured previously we have measured from property line to property line.

Mr. Curro moved to postpone further deliberations and action on the presentations to our next regularly scheduled meeting.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes  
Mr. DeCoursey: yes  
Mr. Diggins: yes  
Mr. Curro: yes  
Mr. Hurd: yes

SO VOTED (5-0)

### **CORRESPONDENCE RECEIVED**

13. Letter Regarding Black Lives Matter Banner  
Sam O'Keefe  
Rebecca Gruber  
Robert Santosuosso  
Anne-Marie Bono  
Beth Loomis

Mrs. Mahon moved receipt.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes  
Mr. DeCoursey: yes  
Mr. Diggins: yes  
Mr. Curro: yes  
Mr. Hurd: yes

SO VOTED (5-0)

Mrs. Mahon moved to adjourn @ 12:20 a.m.

A roll call vote was taken on the motion by Mr. Heim.

Mrs. Mahon: yes  
Mr. DeCoursey: yes  
Mr. Diggins: yes  
Mr. Curro: yes  
Mr. Hurd: yes

SO VOTED (5-0)

Next Scheduled Meeting of Select Board October 19, 2020

A true record attest

Ashley Maher  
Administrative Assistant

10/5/2020

Agenda Item	Document Used
1	Executive Order on Remote Participation
2	Draft 9.14.2020 Minutes
3	Election Master Records
4	D. Kilgour Reference M. Gildesgame Reference
5	M. Harper Reference
6	Venice Italian Kitchen – Inspection Reports Venice Italian Kitchen – Common Victualler Application
7	TODL Regulations Reference
8	Memo from Planning Department – Mary Street Shared Street
9	Racial Justice Teach-ins Description Reference
10	Town Manager Performance Evaluation TM Evaluation Form
11	Handbook Policy Changes
12	Memo from Legal Department Memo from Planning Department Memo from Marijuana Study Group Select Board Host Community Agreement Process Criteria Calyx Peak Application Calyx Peak Presentation The Human Connection LLC Application The Human Connection Presentation
13	s. O’Keefe CR R. Gruber CR R. Santosuosso CR A. Bono CR B. Loomis CR