



Select Board Meeting Minutes

Date: November 4, 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. Request: Contractor/Drainlayer License

Green Site Services Group, Inc., 24 William Way, Bellingham, MA

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)

TRAFFIC RULES & ORDERS / OTHER BUSINESS

3. For Discussion and Vote: Authorization for Remote Special Town Meeting,
November 16, 2020
Douglas W. Heim, Town Counsel
John Leone, Town Moderator

Mr. Heim stated that the special act that allows us to proceed by remote participation requires a Select Board vote to affirm the Moderator’s recommendation that we proceed in such a manner after he has affirmed that the technology platform adequately preforms all the functions we would need for a remotely conducted Town Meeting.

Mr. Leone stated that the Board is in receipt of his letter dated October 27th requesting that the Select Board approve a virtual Town Meeting. Mr. Leone stated that we will be using a hybrid Zoom and dedicated software platform that we leased or bought from Mr. Pato, a member of the Select Board from Lexington that wrote the software that we are using. Mr. Leone stated that he has been working closely with Select Board Member Len Diggins who has been very helpful. Mr. Leone stated that they have trained almost all the Town Meeting Members where they have had 5 training sessions and there will be a mock Town Meeting on November 10, 2020. Mr. Leone has been in contact with the Disability Commission where they will be part of the training to analyze to make sure it meets all of the ADA requirements. Mr. Leone understands that the Board is in receipt of a letter from a Town Meeting Member and their concerns but assures the Board they will have everyone trained and ready prior to Town Meeting.

The Board would like to thank everyone that has put in all the time and effort and urge people to utilize the training sessions and stated that this is not ideal but is needed.

Mrs. Mahon moved approval of the following language:

First, pursuant to c. 92 of the Acts of 2020, and having received a written request of the Town Moderator John D. Leone, Esq. dated October 22, 2020, that the November 16, 2020 Special Town Meeting be conducted remotely via the “Zoom” telephone and video conferencing platform combined with the “ZPato Research” technology as recommended by the Moderator; and

Second, that a Notice consistent with the foregoing for a remote Special Town Meeting on November 16, 2020 at 8:00 be issued in compliance with Chapter 92 of the Acts of 2020 and c. 39 sec. 10A.

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)

WARRANT ARTICLE HEARINGS

4. Articles for Review:

Article 8 Acceptance of Legislation/Bylaw Amendment/Municipal Affordable Housing Trust Fund (tabled from 10.19.20 meeting)

Article 25 Resolution/Black Lives Matter Banner at Town Hall (tabled from 10.19.20 meeting)

Jenny Raitt, Director of Planning and Community Development, spoke in regards to Article 8 and stated that we need as many tools that we can get to create and preserve affordable housing. Ms. Raitt stated that this is something that we have been talking about for many years and it was also included as a strategy in our Housing Production Plan which was adopted in 2016. Ms. Raitt stated that there are 115 of these trusts that operate in the Commonwealth; many of them operate in communities that have community preservation act funds like Arlington. Most of these trusts are also Municipal Affordable Housing Trusts which means that they were adopted after 2005 which is when the state legislature allowed municipalities to create municipal affordable housing trust funds; prior to this you had to go through a Home Rule Petition. This article is meant to streamline a process for affordable housing and allow the Town to work more quickly and nimbly when it comes to affordable housing opportunities. Ms. Raitt stated that we have many bodies in Town that either preserve affordable housing or have the option of creating it. Ms. Raitt stated that the Housing Plan Implementation Committee is the body that has put this forward and the reason for that is because it is coming from the housing production plan but also because they have identified a number of areas of opportunity where they want to be able to work and see the trust as being an excellent resource to do that. Ms. Raitt stated they are advancing goals such as preserving affordability at places where there is currently market rate affordable housing. Other things include rehabilitating housing and first time homebuyer opportunities. Ms. Raitt stated that they envision the trust to have staff from her department that would be helping with the trust, until such time that it is self-sustaining. This will be included in their current staff operation but then at that point in time they will have cash offset that comes directly from the trust that will fund that staff person for their time. Ms. Raitt stated that the Housing Production Plan is a 5 year plan that expires next year and starting in January they will be starting the process to update that plan. Ms. Kelleher stated that they have had a lot of community outreach in the past year about the need for affordable housing in Arlington.

The Board is in favor of this warrant article and understands the need for more affordable housing in Arlington.

Pat Hanlon, 20 Park Street, appeared before the Board to speak in favor of this Warrant Article.

Jorden Weinstein, 23 Lennon Road, spoke in favor of this Warrant Article.

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)

Katell Guellec, the proponent of Article 25, has lived in Arlington for the past 12 years and stated that she is co-chair of the Envision Arlington Diversity Task Group. Ms. Guellec stated that she is just one of the many people that are advocating that the banner be reinstated. Ms. Guellec stated that many people have endorsed this warrant article including the Envision Arlington Task Group, the Arlington Human Rights Commission, the Black Student Union at Arlington High School, Arlington Helps Mutual Aid, Arlington Fights Racism, the Mystic Valley Chapter of the NAACP and DiDi Delgado who is an antiracist educator and activist. Mrs. Guellec stated that after the banner was taken down there was an online petition of community members that gathered over 350 signatures and for this warrant article they gathered over 200 in person signatures. Ms. Guellec stated that this is a really crucial moment in our history and it is an opportunity for us to affirm the humanity of black lives and to denounce the ongoing ways that Black Americans are seismically oppressed. Ms. Guellec stated that the Town's efforts to change policies, to make our schools more inclusive, to bring our community together is extremely vital and hopes it continues. Ms. Guellec does not believe that Arlington needs to shy away from making a public statement but rather embrace it. Inclusivity is very important for all and hanging a black lives matter banner does not take away from that idea it allows the people of color to know that they are seen, important and valued member of the community.

Mr. DeCoursey stated that the Board has gone through a process since June 8th when the Board issued a proclamation and recognized that black lives matter. Mr. DeCoursey stated that he respects Ms. Guellec for bringing this warrant article forward but he feels there is a difference of opinion in the statements and actions that the Board is taking go far enough. Mr. DeCoursey stated whether the citizens support the permanent display of the banner or not should not be the test of whether they are committed to making the change or not.

Mr. Diggins stated that he supports the overall goal of Black Lives Matter and considers Ms. Guellec and all the other supporting groups' allies in the cause. Mr. Diggins would

like environmental justice listed under the goals which also touches on climate because that is paramount and how the effects of climate change affect poor communities have a correlation with people of color. Mr. Diggins stated that this is under the control of the Select Board and asked Ms. Guellec what the objective of the resolution. Ms. Guellec stated that the objective is to allow Town Meeting to weigh in on this and widen the conversation. Mr. Diggins asked Ms. Guellec if the banner does not go back up what will she do moving forward. Mr. Diggins asked what Ms. Guellec is doing in conjunction with trying to get the banner back on the Town Hall. Ms. Guellec stated that she will continue her work on the Task Force and will continue to use her voice when she can. Mr. Diggins stated that he does not agree with any banners of any kind hanging from Town Hall. Mr. Diggins stated that he likes the ideas of the light poles and they should think about expanding that idea to East Arlington.

Mr. Curro thanked Ms. Guellec for her work and efforts with this resolution. Mr. Curro stated that no matter what happens here or Town Meeting that we remain unified as a Town. Mr. Curro stated that he was one of the many people that were proud to raise the banner on Town Hall and they did that in the context of various incidents around the country and the outpouring they saw in Arlington's residents in solidarity in that. Mr. Curro stated that Arlington is one of the 5 out of 351 communities in Massachusetts that placed a Black Lives Matter banner in their Town. Mr. Curro is interested to see what Town Meeting has to say in regards to the reinstatement of the banner and the passion it has brought. Mr. Curro stated that part of the Board's charge and education is to make clear where the separation of powers is within town governance.

Mrs. Mahon stated that she has spoken with a lot of residents, alumni and town employees of color and they have expressed that what is more important to them is actions, policies and forward speaking steps speak louder than the action of hanging the banner. Mrs. Mahon stated that what white men and women of privilege need to do is to engage with people of color and listen to their stories and what they need most.

Mr. Hurd stated that it has always been a policy of the Board to not hang policy banners on Town Hall. Mr. Hurd stated that they did this in June in response to a horrific incident to show solidarity with black brothers and sisters and to reconfirm the work we had already been doing to address systemic racism in Town. Mr. Hurd explained that in doing so we had a proclamation that the banner was originally going to be taken down in July. Over the summer we were still engaging in our community conversations and as a Board they decided to leave the banner up and the only way for the banner to come down is to have an additional vote from the Select Board. Mr. Hurd stated that this was the only way the banner could be taken down and it was not a stand that the Board did not care. Mr. Hurd stated that the Board has heard from both sides and feels that as a Town locally we need to get to a place where we are having really positive discussions particularly about issues with race and systemic racism.

The following people spoke in favor of the reinstatement of the Black Lives Matter Banner on Town Hall:

Drake Pusey, 162 Overlook Road
Rebecca Grueber, 215 Pleasant Street
Rajeev Soneja, 13 Mary Street

Anna Henkin, 11 Marion Road
Melanie Brown, 14 Sky Line Drive
Eric Dion, 130 Massachusetts Avenue
Elizabeth Dray, 130 Jason Street
Jordan Weinstein, 23 Lennon Road
Gordan Jamieson stated that he is against reinstating the banner on Town Hall.

The Board had some discussion regarding the Banner and the potential vote to Town Meeting. The Board questioned if they did not want to take a position on the warrant article what they could do as a Board.

Mr. Heim stated that Board generally recommends favorable action, which means there is a motion; there is a specific thing the Board is saying should be done. Mr. Heim stated for example there would be a resolution and the resolutions language would be proposed or endorsed by the Board stating this is what they are asking Town Meeting to do. Mr. Heim stated alternatively the Board can ask Town Meeting to take no action on the warrant article itself. Neither one of those things necessarily means that the Board can't provide comment that offers context. Mr. Heim stated that the Board can move favorable action for the purpose of discussion at Town Meeting without advancing a specific resolution although it can be awkward for the moderator because there would essentially need to be some motion presented by somebody with the actual language. Similarly, the Board can take no action and put in its comment that it is recommending no action because it doesn't have a specific resolution that it's supporting but would welcome dialogue at Town Meeting should a substitute motion be submitted. Mr. Heim stated that the only other option is to say you will report at Town Meeting. Mr. Heim stated that Town Meeting does not have the ability to direct the Select Board on what to do on something within their jurisdiction.

Mr. Curro feels that the Board should pass this warrant article with a very strong comment about this discussion and how the Board feels and their concerns and let Town Meeting discuss. Mr. Hurd stated that regardless of what the Board puts out Town Meeting will still have a vote.

Mr. Heim stated the Board intends to work with the petitioners to identify potential areas of agreement in light of an overall belief that the petitioners and Board members share many common goals. The Board will update its position to Town Meeting as appropriate, but at this juncture intends to focus its efforts on cultivating further options and recommendations on when, where, how, and how long to display the Black Lives Matter banner in question in the future, as well as other appropriate displays of the Town Government's commitments to racial equity, diversity, and inclusion without limiting its options to a permanent or indefinite display of the banner on Town Hall.

Mr. Curro moved favorable action with the detailed language drawn up from Town Counsel.

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

Mrs. Mahon: yes
Mr. DeCoursey: yes
Mr. Diggins: no
Mr. Curro: yes
Mr. Hurd: yes

SO VOTED (4-1)

FINAL VOTES & COMMENTS

Articles for Review:

Article 5 Home Rule Legislation/Bylaw Amendment/Fossil Fuel Infrastructure
Article 6 Vote/Establishment of Police Civilian Advisory Board Study Committee
Article 10 Acceptance of Legislation/Gold Star Family Tax Exemption

Mr. Heim stated that there are two corrections in Warrant Article 6 as follows:

17 total members with 15 voting members

Used the wrong “complimentary” should be “complementary”

Mr. Heim stated that he will make the two corrections for the purposes of the Board’s report.

Mrs. Mahon moved favorable action on Final Votes and Comments for Articles 5, 6, 10.

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)

NEW BUSINESS

Mr. Heim wanted to extend his compliments to the Clerk’s office and their staff for their hard work on this particular election and their attention to detail.

Mr. Chapdelaine would like to echo Mr. Heim’s comment in regards to the Clerk’s Office for their hard work during the election as well as all Town Departments that have worked together to make this election happen. Mr. Chapdelaine would like to thank all the Town staff and volunteers that have worked on Virtual Town Meeting and is extremely appreciative. Mr. Chapdelaine stated that they have hired a replacement for Attorney Ed Marlena, Compensation and Benefit Attorney. Mr. Chapdelaine stated that they have switched that role to also include Deputy Town Counsel. Michael Cunningham will officially start on November 9th. Mr. Chapdelaine stated that Kristina Coleman started today who will fill the role as Jillian Harvey’s Administrative Assistant.

Mr. Chapdelaine updated the Board that they are very close in hiring a new Facilities Director.

Mrs. Mahon thanked everyone involved in the election and Virtual Town Meeting. Mrs. Mahon feels confident in the new hires and looks forward to working with them. Mrs. Mahon would like to thank the Girl Scouts from Hardy Elementary and Thompson Elementary who invited her into one of their girl scouts meeting. Mrs. Mahon stated this was to earn their government badge where she spoke about women in politics and what the Select Board and Town Meeting is about.

Mr. Diggins would like to congratulate Mr. Dunn on his wedding. Mr. Diggins also stated that he and the Chair attended a brief dedication for a memorial for Richard Buzzell which was touching and rewarding to attend. Mr. Diggins stated that he is on the executive committee for MBTA Advisory Board.

Mr. Curro would like to congratulate Mr. Dunn on his recent marriage. Mr. Curro would also like to thank everyone that helped with the polls to make the election happen especially the election workers. Mr. Curro noted that he is the municipal representative for the Superintendent Search Screening Committee where they have forwarded 2 finalists to the School Committee Dr. Victoria Greer who is the superintendent of schools for the Town of Sharon and Dr. Elizabeth Homan who is the assistant superintendent of schools in Waltham.

Mr. Hurd reiterated thanks to everyone that helped run a smooth election. Mr. Hurd would like to mention that the Arlington Rotary Club at the water tower has the flags for heroes. Mr. Hurd would like to thank Jeff Chunglo for all of his hard work and dedication. Mr. Hurd would like to note that the joint meeting with the Housing Authority will need to be rescheduled because it does not work with Chair of Arlington Housing Authority.

Mrs. Mahon moved to adjourn at 10:28p.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 November 9, 2020

A true record attest

Ashley Maher
Administrative Assistant

11/4/2020

Agenda Item	Document Used
1	Executive Order on Remote Participation
2	Green Site Services Group Inc. Reference
3	Memo from Town Counsel Letter from Moderator J. Leone
4	Warrant Article Text Town Counsel Comments W.A. 8 and 25 Supplemental Memo from Town Counsel re W.A. 8 Memo from DPCD re Article 8 Letter to 100 Registered Voters BLM Reference from K. Guellec BLM DTG Endorsement from K. Guellec
5	Draft Final Votes and Comments 5,6,10