



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

50 Pleasant Street  
Arlington, MA 02476  
Phone: 781.316.3150  
Fax: 781.316.3159  
E-mail: [dheim@town.arlington.ma.us](mailto:dheim@town.arlington.ma.us)  
Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

To: Select Board

Cc: Adam Chapdelaine, Town Manager  
John Leone, Town Moderator

From: Douglas W. Heim, Town Counsel

Date: April 22, 2020

**Re: Town Meeting and Warrant Article Votes & Comments in COVID-19 Emergency**

---

In light of the COVID-19 State of Emergency on a local, state, and federal level, and the directives and advice of Massachusetts Department of Public Health and the Arlington Health and Human Services Department and Board of Health regarding social distancing and large public gatherings, I write to provide a draft motion for the Board's consideration in advance of an anticipated June 2020 Town Meeting.

As the Board will recall, given the present State of Emergency, you voted to postpone the Annual Town Election until June 6, 2020. Concurrently, the Town Moderator, John Leone announced his intention to postpone Town Meeting from April 27, 2020 to a date to be determined after the Town Election (potentially June 15<sup>th</sup>). In the meantime, the State passed several pieces of emergency legislation which *inter alia* allow 2020 Town Meetings to continue past June 30<sup>th</sup>, and/or permit Town's to continue operating on a 1/12<sup>th</sup> monthly budget in the event they have not passed appropriations articles and closed Town Meeting before June 30<sup>th</sup>.<sup>1</sup>

However, with the State of Emergency and social distancing directives potentially, if not likely to continue into June, after consultation with public health officials, the Town Moderator, the Chair of the Select Board, the Chair of the Finance Committee, the Chair of the Community

---

<sup>1</sup> It bears noting under G.L. c. 43A sec. 10, in order for appropriations to be available for July 1<sup>st</sup>, 2020, Town Meeting must approve a budget AND dissolve seven business days in advance of such date; no later than June 22<sup>nd</sup>.

Preservation Act Committee, the Town Manager, the Planning Director and I conferenced to discuss the best means of balancing the need to hold a Town Meeting with the need to consider and protect the public safety of Town Meeting Members, the public, and Town staff. In summary, in order to convene a June Town Meeting as briefly and effectively as possible the proposal before you seeks a vote from the Select Board to effectively table all non-essential articles – 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 21, 22, 23, 24, 25, 26, 27, 78, 79, 80, 81, 82, 83, with a technical vote of “no action.”

To be clear, “essential articles” are defined as those articles necessary to the financing of the Town government and related appropriations such as approval of CDBG funds expenditures. It is not intended to devalue any non-financial articles including your own sponsored articles. Hence, the stated purpose of all no-action votes regardless of the prior proceedings before you would be the same – that in light of the COVID-19 Emergency, the Select Board recommends no debate or action at this time in the interests of an abbreviated Town Meeting to protect the public health and to allow for the robust debate of all articles at a future meeting. The only votes remaining before you would be on articles 50 (CDBG), 51 (Revolving Funds), 52 (Endorsement of Parking Benefits District Expenditures) and 66 (Community Preservation Plan).

Further, in keeping with that spirit, your vote could include provisions to place all such non-essential 2020 Annual Town Meeting Warrant articles on the warrant for the next regular or special town meeting by vote of the Board, such that their proponents would not be prejudiced by an action taken purely to allow for the safe and efficient conduct of a trimmed-down 2020 Town Meeting in the midst of a public health emergency.

If is inclined to adopt such an approach, suggested motions are as follows:

**VOTED: That no action be taken at the 2020 Town Meeting on Articles 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 21, 22, 23, 24, 25, 26, 27, 78, 79, 80, 81, 82, and 83.**

**COMMENT:** The Select Board votes “no action” on all non-financial articles before it for the 2020 Annual Town Meeting for the purposes of allowing an abbreviated Town Meeting in light of the COVID-19 public health emergency. The Board offers no qualitative assessment of any of such articles, and hereby commits to placing each of such articles on the next special or annual town meeting warrant as articles of the Select Board for the purposes of discussion.

---