



Town of Arlington Select Board

Meeting Agenda

April 13, 2020

7:15 PM

Conducted by Remote Participation

1. Executive Order on Remote Participation
2. Organizational Meeting for the Purpose of Electing a Chair and Vice Chair
Diane M. Mahon, Chair

CONSENT AGENDA

3. Minutes of Meetings: March 23, 2020; March 30, 2020

CITIZENS OPEN FORUM

Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the presentation in accordance with the policy under which the Open Forum was established. It should be noted that there is a three minute time limit to present a concern or request.

TRAFFIC RULES & ORDERS / OTHER BUSINESS

4. COVID-19 Response Update
Adam W. Chapdelaine, Town Manager
5. Discussion & Vote: An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19, Chapter 53 of the Acts of 2020
Diane M. Mahon, Chair
Adam W. Chapdelaine, Town Manager
Douglas W. Heim, Town Counsel
6. For Approval: Letter of Support for All-America Road Designation from the Federal Highway Administration's National Scenic Byways Program
Adam W. Chapdelaine, Town Manager
7. Discussion: May 2020 Select Board Meetings

NEW BUSINESS

EXECUTIVE SESSION

Next Scheduled Meeting of Select Board April 27, 2020

You are invited to a Zoom webinar.

When: Apr 13, 2020 07:15 PM Eastern Time (US and Canada)

Topic: Arlington Select Board Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/431490257>

Or iPhone one-tap :

US: +16468769923,,431490257# or +13126266799,,431490257#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 876 9923 or +1 312 626 6799 or +1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 346 248 7799

Webinar ID: 431 490 257

International numbers available: <https://zoom.us/u/aJ78ZrGGQ>

Notice to the Public on meeting privacy In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for *each meeting* and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.

Members of the public are asked to send written comment to amaher@town.arlington.ma.us

Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.

<https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>



Town of Arlington, Massachusetts

Executive Order on Remote Participation

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Executive_Order_on_Remote_Participation.pdf	Reference



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.


(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in cursive script, reading "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



Town of Arlington, Massachusetts

Organizational Meeting for the Purpose of Electing a Chair and Vice Chair

Summary:

Diane M. Mahon, Chair



Town of Arlington, Massachusetts

Minutes of Meetings: March 23, 2020; March 30, 2020

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	3.23.2020_draft_minutes.docx	Draft Minutes 3.23.2020
▢	Reference Material	3.30.2020_draft_minutes.docx	Draft Minutes 3.30.2020



Select Board Meeting Minutes

Date: March 23, 2020

Time: 7:15 PM

Location: Conducted by Remote Participation

Present: Mrs. Mahon, Chair, Mr. Dunn, Vice Chair, Mr. Curro, Mr. Hurd, Mr. DeCoursey
Also Present: Mr. Chapdelaine, Mr. Heim, Ms. Maher

Mrs. Mahon gave a brief overview regarding the Select Board meeting being held by remote participation. Mrs. Mahon stated that we are in compliance with Governor Baker's executive order of March 12th due to the current state of emergency in the Commonwealth given the outbreak of the Coronavirus. In order to mitigate the transmission of the virus and reduce the risk of COVID-19 illness the Board has been advised by the Commonwealth to suspend public gatherings. The Governor's order thus suspends the requirement of the Open Meeting Law to have all meetings in a public place publically accessible physical location. Further all members of public bodies are allowed and encouraged to participate remotely. The order which you can find the agenda materials for this meeting allow public bodies to meet entirely remotely as long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. Mrs. Mahon stated that ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment even if members of the public do not provide comment, participants are advised that people may be listening who do not provide comment and those persons are not required to identify themselves.

1. Executive Order on Remote Participation

Mr. Heim explained that this agenda item is present so people can see on Novus Agenda what the executive order entails and how it operates for remote meetings. Mr. Heim stated that this is one of our first remote meetings so we're all familiarizing ourselves with the technology. Mr. Heim wanted to make sure that members of the public have access to the Governor's order that essentially suspends the ordinary conduct of open meetings in a physically accessible location.

CONSENT AGENDA

2. Minutes of Meetings: March 9, 2020

3. Request: AHS Ice Cream Fundraiser for Dana-Farber Cancer Institute (DFCI)

Jefferson Cutter House Lawn, May 23, 2020 (rain date May 24th), 10:00 a.m. to 6:00 p.m. Sagar Rastogi The AHS Scoops Club

Mr. Curro stated that he has been in contact with a member of this Club where he advised them that although this was likely going to be approved by the Board but the eventualities of the event happening is related to what the state of emergencies are at that time.

4. Appointment of New Election Workers: (1) David R. Morrisette, 225 Waverly Street, U, Pct.18

Mr. Dunn moved approval

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

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

SO VOTED (5-0)

TRAFFIC RULES & ORDERS / OTHER BUSINESS

5. Vote: Acceptance of Gift/Donation of JJ Gardner
Douglas W. Heim, Town Counsel

Mr. Heim explained that the Town received a generous donation from JJ Gardner and the Select Board's vote is required to accept that donation.

Mr. Hurd moved approval.

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

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

SO VOTED (5-0)

6. Discussion & Vote: Postponement of Annual Town Election
Diane M. Mahon, Chair
Douglas W. Heim, Town Counsel

Mr. Heim stated that there was no mechanism for the postponement of a town election absent of obtaining a court order. Mr. Heim stated that the Governor signed into legislation an act granting authority to postpone 2020 municipal elections in the commonwealth and increase voting options in response to the declaration of emergency to respond to the COVID-19 crisis. This bill is a one-off that allows a Select Board in consultation with local election officials and Board of Registrar's to postpone the town election to a date up until June 30, 2020. Mr. Heim stated that the legislation also essentially builds out timelines for people to be able to register to vote and vote at for the new town election. This legislation also allows previously submitted absentee ballots to be counted. Mr. Heim stated that he would like to seek the Board's perspective on

whether or not the Board wants to take a vote tonight to support postponement of the town's election. Mr. DeCoursey stated that he would like to hear from Mr. Leone and his colleagues on other proposed dates for the election. Mr. Dunn stated that part of this vote depends upon what we do for town meeting and that vote depends on what we think we need for the budget. Mr. Dunn stated that he understands that there is going to be legislation that permits the Board to level fund our budgets which would permit us to put off Town Meeting. Mr. Curro stated that there were two companion pieces of legislation that went through as well and these two pieces actually moved off two special house elections. Mr. Curro stated that he also has some concerns about the timing Town Meeting. Mr. Hurd stated that he is also in favor of postponing the election but feels we don't have the information in front of us to make a decision on a date. Mr. Hurd also feels we should look at other options for the way we can conduct the election and thinks sending out absentee ballots could be an alternative. Mr. Leone, Town Moderator expressed his concern is that the election does occur prior to Town Meeting happening. Mr. Leone stated that he only has limited powers to postpone town meeting in 30 days increments, and confirmed that he would like to have the election prior to town meeting. Mr. Heim stated that section 1a of the bill asserts that a vote has to be taken to postpone the municipal town election to a date certain on or before June 30th. Mr. Heim stated that the legislation does say you should consult with both a local election official and the chief operation officer, who would be the Town Manager in our case on certain logistical issues. Mr. Heim stated that it would be wise to get the perspective of the Board of Registrar's in advance of a final vote. Janice Weber, Assistant Town Clerk had a question in regards to sending out the absentee ballots if they should wait to send them or send them as soon as they receive them. Mr. Heim stated that he would talk with the Clerk's Office more about this but feels it would not hurt to send out the absentee ballots.

Jordan Weinstein, had some concerns about holding the election before Town Meeting and would like to see the election held first so the new Town Meeting Members can be present at Town Meeting. Mr. Weinstein also suggested that there are plenty of printers that would mail the ballots for the Town.

Michael Jacoby-Brown, suggested to the Board to allow more absentee voting and perhaps to have drop off places throughout the town so people do not have to go to the post office.

Michael Ruderman, urged the Board to make a decision this evening in regards to setting a date certain for the election. Mr. Ruderman also questioned the moderator on the order of articles in Town Meeting if we don't have new members elected.

Lynette Martyn, had a question in regards to if we had to push the election further than the date to be determined being able to reach the population in Arlington that are not native English speakers. She recommended putting translations out and also messaging out to the community to make sure they don't handle their mail due the virus to keep all members of the community safe.

Mr. Curro moved to postpone the town election to either Saturday, June 6th or Saturday, June 13th or some date thereafter.

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

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

SO VOTED (5-0)

7. Discussion: Postponement of Annual Town Meeting

Diane M. Mahon, Chair

Douglas W. Heim, Town Counsel

Mr. Heim explained to the Board that the Town Moderator has the authority to postpone Town Meeting where conditions make it that members of town meeting cannot safely attend. Mr. Heim stated that our quorum rules are fairly specific about convening town meeting requiring 25% of town meeting members which would approximately be 62 members. Mr. Heim stated that there is another specific bylaw that states that any vote that requires a 2/3 majority which is 85 persons. In the current state of things neither one of those things seems feasible. Mr. Heim stated that there is additional relief that the Governor has been pursuing the legislature, including potentially giving the Select Board the authority to reduce quorum requirements. Mr. Curro stated that he hopes we can find a solution that does not involve relaxing the quorum requirements. Mr. Dunn agrees that town meeting should start after the town election. Mr. Chapdelaine added that with the information they have received from public health officials over the past few weeks is that it's highly unlikely there will be an all-clear sounded before June. Mr. Leone, Town Moderator stated that he has had multiple discussions with Town Counsel as well as the Mass Moderator Association. Mr. Leone stated that there is a bill right now in front of the legislature to expand the ability of the moderator to postpone the meetings. As it stands right now, Mr. Leone can postpone the meeting were public safety is at risk. Mr. Leone stated that is current plan is to as soon as tomorrow with the Board's approval release the letter that advises the town that it's the Town Moderators intention to postpone the meeting from the April 27th date to 30 days hence with would be May 27th. Mr. Leone would like to do this now so members of Town Meeting know and can get ready for the new date. He stated that he would not actually vote to postpone town meeting until April 27th to but us the 30 day time. He explained that 30 days after April 27th is May 27th which is a Wednesday and town meeting meets on Wednesday. If it is necessary after that to postpone again they will but the bill in front of the legislation now has provisions now that the moderator could postpone up to a period of 5 days after the government clears the state of emergency. Mr. Leone stated that he has talked to Christine Bongiorno, Director of Health and Human Services who is in agreement with his plan. Mr. Leone has also spoken with Al Tosti, Chair of the Finance Committee who will be ready by the April 27th date although they recognize that will not happen. Mr. Leone stated that his concern right now is if they postpone too long, will it have any negative effects upon the zoning articles that have certain requirements for publication and public meetings. Mr. Leone has also given thought to just meeting for the financial articles alone and promise everyone that all the other articles would be put on to a special town meeting in the fall but that would require the consent of the Board. Mr. Leone stated that these are things we will not know for a couple months and we will have to play it as it goes. Mr. Leone stated that they are looking at alternative options as

to how hold town meeting. He stated that there are powers expected to be given in the legislation that have given the town through the Town Manager the ability to spend 1/12 of each month previous year's budget per month until we pass another actual budget. Mr. Leone clarified that once he makes a declaration it is 30 days from the date of declaration. The Board is in agreement that if possible town meeting should take place after the election. The following people from the public spoke:

Len Diggins, is concerned that not notifying town meeting members until April 27th is last minute and they won't be able to prepare in advance. He would like to know if there is some way to notify them beforehand. Mr. Leone state that his intent is to finalize the letter before the Board tomorrow morning where he will be sending it to the Town's IT Department to post on the Town's website and through the lists for all town residents as well as the PMM town meeting member list, the Arlington Advocate, Your Arlington, Arlington Patch and ACMI to get the word out.

Susan Stamps, stated that Mr. Leone's letter would say that town meeting is hereby postponed until May 27th. Ms. Stamps suggested that the vote read "or after the Town Election, whichever occurs later". Mr. Leone stated that he only has the legal authority to postpone for 30 days.

Mr. Dunn moved receipt.

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

Mr. DeCoursey: yes

Mr. Hurd: yes

Mr. Curro: yes

Mr. Dunn: yes

Mrs. Mahon: yes

SO VOTED (5-0)

8. Discussion & Vote: Declaring a Local State of Emergency

Douglas W. Heim, Town Counsel

Mr. Heim stated that the declaration before the Board is similar to the declarations that were issued in Brookline and a host of other communities ranging from Framingham to Malden and consistent with the actions taken in place like Provincetown and Nantucket. Mr. Heim stated that it contains a great deal of boilerplate language because these declarations stem from MEMA the Massachusetts Emergency Management Agency. He stated that the primary purpose of a local declaration of emergency is threefold. The first, is when you declare a local emergency you access powers granted by the Civil Defense Act of 1950 which includes getting the power to apply for and receive certain financial assistance in the form grants and other aid, the ability to have greater financial flexibility relative to measures needed to respond to an emergency and things like the appointment of auxiliary first responders should that become necessary. The second purpose is to make that the manager the health director and our emergency manager may need to exercise these extraordinary measures in parallel with state emergency declared by the government. The third is to signal the seriousness of this situation locally. Mr. Heim stated that the declaration does not cancel Select Board meetings, foreclose the Town Manager's responsibility to report to the Select Board or constrain the Board supervision of the Town Manager. Mr. Heim wanted to reiterate that this declarations primary purpose in Arlington will be able to give us access to certain

emergency funds and regional exercise of recourses. People should understand that it may mean there might be a lag between the state and town assessment and response. Mrs. Mahon stated that one of the benefits of having this is that if a national emergency does get declared having this declaration in place would give us the opportunity to access possibly federal funds that would become available. Mr. Chapdelaine reiterated what Mr. Heim stated and stated the importance of putting this declaration in place. Mr. Curro recommended that the language regarding the expiration should also be vested in the Board and should remain in effect until either the Town Manager notifies the Select Board that the purposes for the state of emergency are no longer present or the Select Board votes to lift the state of emergency and furthermore that the state of emergency will not extend beyond June 30, 2020 without an extension by this Board. Mr. DeCoursey is also in agreement. Mr. Dunn stated that he is in agreement with Mr. Curro, the vote he had in mind was "shall remain in effect until April 23rd at midnight or until notice was given. Mr. Dunn's reasoning was because it brings it to the Board to reconsider it monthly until it is over but he feels comfortable with the June 30th date. Mr. Dunn stated that he wanted to remind the public that the power still does lie with the Board but the Town Manager in consultation with us and has faith in his ability to do this and feels he is doing an excellent job. Mr. Hurd reiterated Mr. Dunn and stated that he has faith in the Town Manager and his decisions in the day to day work. The following people from the public spoke:

Jordan Weinstein had some question about the language in the declaration in regards to the sentence "the Arlington Town Manager and all personnel and agents". He asked if those actions can be specified. His second question was in regards to the Arlington Police force is going to be given expanded powers and if so what the powers may be. Mr. Heim stated that the Town Manager already is the authority that presides over town personnel. He stated that this is not an extraordinary change for our form of government. Mr. Heim stated that there is nothing in the declaration that provides some sort of extraordinary power to arrest that the state does not provide.

Jeff Alperin wanted to thank the Board.

Beth Melofchick would like to thank the people facilitating the meeting. She had a question in regards to what steps have been taken that this declaration seeks to allow. Mr. Heim reiterated that the purpose of these declarations is to understand that there are a lot of things that aren't anticipated at this very moment that could come up. Mr. Heim stated that there hasn't been any extraordinary power conferred upon the Police Department nor can a declaration of emergency give the police the power to arrest for something that isn't a crime.

Lynette Martyn stated that she didn't take the last comment to be a question. She stated that they were asking what the specific expanded powers would be. Ms. Martyn stated that she recognizes Mr. Heim's comments. Ms. Martyn had some question in regards to what actions are retro actively being ratified and adopted. Mr. Chapdelaine stated there have been a series of closures and restrictions that have been issued and reported to the public inclusive of town offices and school closures and the actual work that can be conducted or processed by town offices closure of playgrounds, dog parks, tennis courts and basketball courts. They have also closed nail salons, beauty salons, barber shops and other personal care services.

Mr. Curro moved approval with the condition that the Town Manager notifies the Select Board or the Select Board lifts to vote the emergency to not extend beyond June 30th without a further vote of the Select Board.

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

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

SO VOTED (5-0)

CORRESPONDENCE RECEIVED

9. 2020 Patriots' Day Parade Cancelled L. Munsey, Parade Committee

Mr. Dunn moved receipt.

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

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

SO VOTED (5-0)

NEW BUSINESS

Mr. Curro stated that the Board has taken actions in relation to the current public health emergency and would like to thank Mr. Chapdelaine and his staff as well as Mr. Heim and our public health officials and our first responders. He acknowledged the sacrifice everyone is making during this time as well as all of our small business owners, supermarket workers and our families.

Mr. DeCoursey questioned if the Board would need to meet before April 4th in order to make a vote to postpone the election before Election Day. Mr. Heim stated that is correct. Mrs. Mahon asked the Board if they would be available on Monday, March 30th for a meeting.

Mrs. Mahon asked if there were any guidelines in terms of this Select Board meeting through zoom to provide that to the Board as well as asking her colleagues to feel free to recommend anything she could do better to conduct the meeting in the future. Mrs. Mahon stated that the best recourse for people is the town website at arlingtonma.gov.

Mr. Dunn moved to adjourn at 9:18p.m.

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

Mr. DeCoursey: yes
Mr. Hurd: yes
Mr. Curro: yes

Mr. Dunn: yes
Mrs. Mahon: yes

SO VOTED (5-0)

Next Scheduled Meeting of Select Board March 30, 2020

A true record attest

Ashley Maher
Administrative Assistant

3/23/2020

Agenda Item	Documents Used
1	Executive Order Reference
2	3.9.2020 Draft Minutes
3	Request from AHS Scoops Club
4	Election Worker Reference
5	
6	Town Counsel Reference M. Marcinkiewicz Comments
7	Town Counsel Reference Draft Town Moderator Memo
8	Draft Declaration Revised Draft Declaration M.Marcinkiewicz Comments P. Worden Comments
9	L. Munsey Reference



Select Board Meeting Minutes

Date: March 30, 2020

Time: 7:15 PM

Location: Conducted by Remote Participation

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

Also Present: Mr. Chapdelaine, Mr. Heim, Mrs. Costa

1. Executive Order on Remote Participation

Mrs. Mahon 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.

Mrs. Mahon 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, Mrs. Mahon 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.

TRAFFIC RULES & ORDERS / OTHER BUSINESS

2. Update on Town of Arlington Response to COVID-19 Pandemic

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine wanted to provide an update on Arlington's response to the COVID-19 Pandemic. The best source of information the Town can provide is the daily e-mail update that is going out daily at 5:00 p.m. as well as that same information being posted on the Town's website. Every Friday there is an Arlington Alert by phone trying to pro-

vide what the most critical information or updates for people to be aware of. The Town is also updating all social media channels. The Town is trying to provide the residents with as much information as possible via as many channels as possible. Mr. Chapdelaine wanted to thank all Town staff, specifically the staff at Health and Human Services for working 7 days a week, around the clock and their response to this crisis. Today the cases rose to 19 positive cases in Arlington and sadly the Town has had their first COVID-19 related death, a 68 year old male. On a daily basis, the Board of Health staff is working with the State DPH, working through a state database to identify people who are positive for COVID-19 in Arlington. From there they begin with a process called contact tracing, to determine who that person who has been found positive has been in contact with. DPH defines a contact as someone who has been within 6 feet of the person who has been found positive for more than a 15 minute period of time. They work to trace as many contacts as they can identify, reach out, communicate with those contacts, and then place them in quarantine. This is all in an effort to break the line of transmission of the virus. These are efforts that are ongoing, that will remain ongoing to try as best as possible to contain the virus spreading in Arlington. Beyond that, it is the Board of Health staff that is advising us on the measures we should be taking as a general public and as a population here in Arlington to try and break the line of transmission. The Town is now operating under the Governor's closure of all the State's schools to be closed until May 4. The Town is also following the Governor's order of all non-essential businesses to be closed until April 7th as well as the stay at home advisory. Mr. Chapdelaine mentioned that the Governor is expected to make an announcement extending the non-essential business closure as well as the stay at home advisory. Mr. Chapdelaine wanted to emphasize how important it is to follow the guidelines of Town and State Officials. Mr. Chapdelaine wanted to assure the Board and the public that the Town is working on this issue every day, including the communication channels the Town is already using to provide information and updates.

Mrs. Mahon thanked Mr. Chapdelaine and stated the best place to go for information is the Town website, arlingtonma.gov. Mrs. Mahon also wanted to thank Mr. Chapdelaine along with his Department Heads for really getting ahead and staying on top of this current situation.

3. Discussion and Vote: Postponement of Annual Town Election

Diane M. Mahon, Chair

Douglas W. Heim, Town Counsel

Mr. Heim stated that on Friday, the Board of Registrars and Assistant Town Clerk, Janice Weber met to discuss the Select Board's decision to postpone the Town Election. They concurred with the proposed timeline and did not appear to have a preference between the two dates that were discussed, June 6th or June 13th. They voted to

support whichever date the Select Board decides to choose. As the Board adjusts the date of the election, the deadline to register to vote will also change as well. People will be able to register to vote up to ten days prior to the date of the election. Mr. Heim proceeded to discuss the Legislation filed regarding elections. New ballots can be printed but they must be identical to the ballots previously printed. Absentee voting has been greatly expanded in the sense that any person can vote by absentee if they assert that health concerns due to COVID-19 are the reason they would like to vote absentee. Anybody who already voted by absentee ballot, their votes count. If they wanted to change their vote by voting in person, they could do that but it would have to be before their absentee ballot is counted. The legislation also expands early voting by mail, allowing folks to engage in early voting but only by remote means. There will not be physical early voting but there could be early voting by mail.

Mrs. Weber, Assistant Town Clerk, wanted clarification on early voting by mail because there are no early voting ballots. Mr. Heim responded that essentially the absentee ballots for people concerned about health issues related to COVID-19 would serve as an early voting ballot by mail so they do not have to go to the physical polling location.

Mr. Curro stated it appeared to him that absentee ballots could be mailed out as the early voting ballots and that they didn't have to even fill out the application for an absentee ballot. Mr. Curro understood it that even a written correspondence like an email would suffice as a request for an absentee ballot. Mr. Curro expressed some confusion that people had about the election being strictly early voting but it is somewhat like a hybrid allowing people to early vote by mail or vote in person. Mr. Curro had received some suggestions about making sure people are aware of the change of the date of the election, such as billboards at major intersections. Another suggestion was to request the support of ACMI holding a series of virtual debates. Another suggestion would be to send a mailer to registered voters including the availability of the early voting process or absentee process. Another person asked about mailing statements for all candidates running for Town wide offices, but that may be an issue bordering on using public resources for campaigning. Mr. Curro thought maybe it would be a good idea to reach out to the League of Women Voters and see if they have sent out candidate profiles already. Mr. Curro also recognized the correspondence that was received from Ms. Kramer regarding the use of Town Hall and that it is booked for an event on June 13th, so June 6th would be the preferred date.

Mrs. Weber wanted to state her concern regarding early voting; she was not aware of any early voting for this upcoming election. Mrs. Mahon thinks there needs to be further discussion regarding this election and the means by which people will be able to vote.

Mr. Hurd wanted to concur with the date. The June 6th date gives a little time between the election and Town Meeting according to the timeline they are looking at. Mr. Hurd

wants the Town to be prepared for as many absentee or early voting ballots as they can have available so residents do not have to worry about going in to physically vote.

Mr. DeCoursey also agrees with the June 6th date. Logistics still need to be discussed but there will be enough time for people to decide how they want to vote.

Mr. Dunn also agrees with June 6th. The date is being set tonight but there certainly are some logistics to be worked out. Mr. Dunn encourages the Town Clerk's Office, the Select Board's Office and the Town Manager's Office to make it as easy as possible for people to vote. Mr. Dunn recognizes that taking this vote is extending his term. He does think it is the right thing to do and he will be serving a couple months longer than he planned to.

Mrs. Mahon has had conversations about early voting and the upcoming election. Everything is manageable and will be able to be done. Mrs. Mahon mentioned the different channels that you can find candidate's information and election information.

Mr. Curro moved to set the date of the Municipal Town Election to Saturday, June 6, 2020 from 8:00 a.m. to 8:00 p.m.

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

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

SO VOTED (5-0)

CORRESPONDENCE RECEIVED

4. Requesting Select Board to Accelerate Public Road Projects
Joseph Weihs via Request Answer Center

5. Dangerous Intersection @ Wachusett Avenue & Appleton Street
Mark Lepler, 7 Wachusett Avenue

Mr. DeCoursey agreed that this is a dangerous intersection.

Mr. Hurd thinks this could be a matter of just painting the stop sign, if the problem is making a stop sign more visible.

Mr. Chapdelaine suggested this be referred to the Senior Transportation Planner before moving forward to TAC. Mr. DeCoursey agreed that would be an acceptable course of action.

Mr. DeCoursey moved receipt of Correspondence Received.

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

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

SO VOTED (5-0)

NEW BUSINESS

Mr. Hurd wanted to thank the Department Heads and the Town Manager for keeping Arlington safe. Also he thanked any Arlington residents who work in the medical field.

Mr. Curro wanted to echo Mr. Hurd's comments and also thank the staff. He also wanted to thank a number of Arlington volunteers and residents who have been trying to help others in the community; there is a mutual aid Arlington organization, mutualaidarlington.org. Mr. Curro also mentioned he saw an announcement that came from the Planning Department facilitating the possibility for community activists to work together on an initiative to allow residents to come up with ideas and work within their areas as well as fighting social isolation.

Mr. Dunn thanked public safety, health and Town employees through these tough times and he appreciates what they're doing.

Mr. DeCoursey wanted to echo the statements of his colleagues. He also wanted to recognize that today is National Doctor's Day and on top of our Town workers, our first responders, he wants to thank all Doctors and health care professionals for all the work that they're doing. Mr. DeCoursey also wanted to emphasize that during these next few critical weeks it is really important for us to work together by staying apart.

At the end of the meeting several questions were raised by meeting participants. Mr. Heim spoke to clarify some of these questions.

Next Scheduled Meeting of Select Board April 13, 2020

Mr. DeCoursey moved to adjourn at 8:00 p.m.

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

Mr. DeCoursey: yes
Mr. Hurd: yes
Mr. Curro: yes

Mr. Dunn: yes
Mrs. Mahon: yes

SO VOTED (5-0)

A true record attest

Lauren Costa
Principal Clerk

3/30/2020

Agenda Item	Documents Used
1	Executive Order
2	
3	Chapter 45 of the Acts of 2020 2020 Municipal Early Ballot Application 2020 Special State Elections Early Ballot Application Correspondence from P. Kraemer
4	J. Weihs Request Answer Center Request
5	Correspondence from M. Lepler



Town of Arlington, Massachusetts

COVID-19 Response Update

Summary:

Adam W. Chapdelaine, Town Manager



Town of Arlington, Massachusetts

Discussion & Vote: An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19, Chapter 53 of the Acts of 2020

Summary:

Diane M. Mahon, Chair

Adam W. Chapdelaine, Town Manager

Douglas W. Heim, Town Counsel

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	H4598_Final_Bill_Summary.pdf	Reference
<input type="checkbox"/> Reference Material	Delayed_Tax_Payments_and_Waivers_of_Certain_Penalties_and_Interest_Memo_for_the_Select_Board.pdf	Delayed Tax Payment Reference

Summary of H4598

An Act to address challenges faced by municipalities and state authorities resulting from COVID-19

- Allows an annual town meeting to be delayed beyond June 30th in the event of an emergency that poses an immediate threat to health or safety that prevents the completion of the business of the delayed town meeting on or before June 30 if the Governor has declared a state of emergency with respect to the emergency.
- Allows a town moderator or person designated to perform the duties of town moderator during a weather-related, public safety or public health emergency, in consultation with local public safety or public health officials and the board of selectmen, to recess and continue a town meeting previously called to a time, place and date certain not exceed 30 days.
- Allows a town moderator or person designated to perform the duties of town moderator to renew the declaration of recess of town meeting and continuance period for up to 30 days at a time but not more than 30 days following the date of rescission of a state of emergency declared by the Governor.
- Requires a local public safety or public health official designated by the board of selectmen of a town to submit a report to the Attorney General providing the justification for the initial declaration of recess and continuance of a town meeting.
- Allows the Director of Accounts of the Department of Revenue, if a declared emergency prevents the adoption of an annual budget by a town or district by the June 30 preceding the start of the fiscal year, to approve expenditures of an amount sufficient for the operations of a town or district during the month of July not less than 1/12 of the total budget approved by the town or district in the most recent fiscal and allows the authority to continue for each successive month while the emergency continues to prevent the adoption of a budget.
- Allows, for the declaration of a state of emergency issued by the Governor on March 10, 2020 and 60 days thereafter, a public corporation, to conduct an annual or special meeting of the shareholders solely by means of remote communication.
- Allows, for the declaration of a state of emergency issued by the Governor on March 10, 2020 and 60 days thereafter, participation by remote communication at any non-profit corporate meeting of the members to constitute presence at such meeting if certain conditions are met.
- Allows the Director of Accounts of the Department of Revenue to authorize the appropriation from the available balance of a town's or district's undesignated fund balance or "free cash" as a funding source for the town's or district's fiscal year 2021 expenditures if the adoption of an annual budget in a town or district is delayed beyond June 30, 2020, as a result of the Governor's March 10, 2020 declaration of a state of emergency.
- Allows a city, town or district to amortize over fiscal years 2021 to 2023, the amount of its fiscal year 2020 deficit resulting from the outbreak of the 2019 novel coronavirus, as described in the Governor's March 10, 2020 declaration of a state of emergency.
- Allows a city or town, for fiscal year 2021, to expend from each revolving fund an amount not to exceed the amount authorized to be expended in fiscal year 2020 until the city or town adopts an annual budget for fiscal year 2021 and at which time, requires the legislative body of the city or town to vote on the total amount that may be expended from each revolving fund in fiscal year 2021.

- Suspends all time periods within which any municipality is required to act, respond, effectuate or exercise an option to purchase during and for a period of 90 days after the termination of the Governor's March 10, 2020 declaration of a state of emergency.
- Allows the chief executive officer of a city or town, as a result of the outbreak of the 2019 novel coronavirus, to extend certain local tax payment deadlines in accordance with this act.
- Prohibits a city or town from terminating an essential service of a resident, including, but not limited to, water, trash collection or electricity, for nonpayment of taxes or fees with a due date on or after March 10, 2020, made after its respective due date but before June 30, 2020, if the nonpayment resulted from a demonstrated inability to pay due to circumstances related to the outbreak of the 2019 novel coronavirus; provided that the inability to pay shall include a demonstrated financial hardship of a resident, which may include, but not be limited to, loss of employment, serious illness of someone within the home or death of someone within the home.
- Allows the chief executive officer of a city or the prudential committee or commissioners of a district, as a result of the outbreak of the 2019 novel coronavirus and the declaration of a state of emergency issued by the Governor on March 10, 2020, to waive the payment of interest and other penalty in the event of late payment of any excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or other charge added to a tax for any payments with a due date on or after March 10, 2020 and made after its respective due date but before June 30, 2020.
- Extends the filing deadline for all tax returns and payments for the 2019 calendar year otherwise due on April 15, 2020 to July 15, 2020.
- Allows an establishment licensed to sell alcoholic beverages or only wines and malt beverages on-premises, during the state of emergency declared by the Governor on March 10, 2020, to sell wine or malt beverages only for off-premises consumption subject to certain conditions.
- Exempts from the caps on hours worked and earnings received during the state of emergency issued by the Governor on March 10, 2020 (i) any person who has been retired and who is receiving a pension or retirement allowance from the commonwealth, a county, city, town, district or authority; and (ii) any person whose employment in the service of the commonwealth, county, city, town, district or authority has been terminated by reason of having attained a specified age without being entitled to any pension or retirement allowance.
- States that, for the duration of the state of emergency declared by the Governor on March 10, 2020 as a result of the outbreak of the 2019 novel coronavirus:
 - an application for a permit shall be deemed duly filed and accepted as of the date of the filing by the applicant, if filed with and certified as received the receiving entity;
 - a requirement of a statute, ordinance, bylaw, rule or regulation that a hearing commence within a specific period of time after the filing of an application or request for approval of a permit is suspended as of March 10, 2020 but shall resume 45 days after the termination of the state of emergency;
 - a permit in effect or existence as of March 10, 2020, shall not lapse or expire and the expiration date of the permit, or time period for meeting a deadline or for performance of a condition of the permit, shall toll during the state of emergency;

- no permit shall be considered granted, approved or denied due to a failure of the permit granting authority to act within the time required by law provided that the permit granting authority acts within 45 days of the termination of the state of emergency;
- a permit granting authority may schedule or reschedule on 1 or more occasions the hearing or decision deadlines on a permit application provided no such date or deadline is rescheduled for more than 45 days after the termination of the state of emergency;
- suspends the requirement that a permit be recorded with the registry of deeds or filed with registry district of the land court within a certain period of time after its issuance in order to remain in force and effect or as a condition to exercising the permit;
- a permit granting authority, during the state of emergency, may conduct meetings and public hearings remotely, consistent with the Governor's order entitled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20" issued March 12, 2020; and
- a permit granting authority may issue decisions on permit applications for which duly held public hearings or meetings have been held.



**Town of Arlington
Office of the Town Manager**

Sanford M. Pooler
Deputy Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail:

spooler@town.arlington.ma.us

Website: www.arlingtonma.gov

TO: Select Board and Adam Chapdelaine, Town Manager

FROM: Sandy Pooler, Deputy Town Manager and Phyllis Marshall, Treasurer/Collector

DATE: April 9, 2020

RE: Extending Due Dates for Tax and Excise Bills

Section 10 of Chapter 53 of the Acts of 2020 gives cities and towns the option to delay the due date of various the Fourth Quarter property tax bills to June 1, 2020. We recommend that the Select Board adopt this provision. Although we have received very few inquiries about delayed payments, we believe this provision may provide relief to some taxpayers and bills payers in Arlington.

Section 11 of Chapter 53 allows the Town to "waive the payment of interest and other penalties in the event of late payment of any excise, tax, betterment assessment or appropriation thereof, water rate or annual sewer use or other charge added to a tax for any payments" made before June 30, 2020. We are concerned about this provision relative to property tax bills because it effectively changes the due date for all these bills to June 30, 2020. The Treasurer's Office has already received inquiries from mortgage companies as to whether we have adopted Section 11. We believe it is their intention to hold off payment until the last day it is due, which will benefit the mortgage companies and banks, but not necessarily the taxpayer. We are also concerned about the impact of such delayed payments on the Town's cash flow. June is a time of year when many substantial payments are due, including interest payments on debt and other significant end of year payments. Therefore, we respectfully recommend against accepting Section 11 with respect to tax bills and excise bills (the overwhelming majority of which have already been paid), but defer to the Board with respect to water and sewer charges.

If the Board is inclined to adopt either of these measures, draft motions are provided below.

Motion to Postpone Due Dates for Arlington Fourth Quarter Tax Bills:

I move that in light of the ongoing COVID-19 State of Emergency both throughout the Commonwealth and the Town of Arlington, the Select Board hereby postpones the following Town of Arlington 4th Quarter municipal tax deadlines pursuant to the authority vested in the Board by section 10 of c. 53 of the Acts of 2020:

- a) all real estate and personal property tax payment deadlines shall be postponed from May 1st until June 1st for the purposes of sections 57 and 57C of c. 59; and
- b) tax abatement filing deadlines shall be postponed from May 1st to June 1st for the purposes of section 59 of c. 59.

Motion re Waiver of Interest & Penalties for Water & Sewer Charges

I move that in light of the ongoing COVID-19 State of Emergency both throughout the Commonwealth and the Town of Arlington, the Select Board hereby approves the waiver of the following pursuant to the authority vested in section 11 of c. 53 of the Acts of 2020:

a) penalties and interest for late payment of water and sewer charges for those payments due on or after March 10, 2020.



Town of Arlington, Massachusetts

For Approval: Letter of Support for All-America Road Designation from the Federal Highway Administration's National Scenic Byways Program

Summary:

Adam W. Chapdelaine, Town Manager

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Scenic_Byway_Committee_All- America_Road_designation_Request.doc	Reference

OFFICE OF THE SELECT BOARD

DIANE M. MAHON, CHAIR
DANIEL J. DUNN, VICE CHAIR
JOSEPH A. CURRO, JR.
JOHN V. HURD
STEPHEN W. DECOURCEY



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON MASSACHUSETTS 02476-4908

April 13, 2020

Danielle Blackshear
Transportation Specialist
National Scenic Byways Program
Federal Highway Administration
Washington, DC

Dear Ms. Blackshear,

On behalf of the Town of Arlington, we are pleased to support this nomination to the U.S. Department of Transportation's Federal Highway Administration National Scenic Byways Program for the Battle Road Scenic Byway All-America Road designation.

Today Arlington is a lively suburb with a burgeoning local arts scene and beautiful parks and open spaces, including the Minuteman Bikeway, one of the most popular rail trail bike paths in the country. We welcome visitors to our community with great hospitality in our local businesses, restaurants, theaters, and public spaces. But in the Revolutionary period Arlington, incorporated as a town in 1807, was a village known as Menotomy. Paul Revere and William Dawes traversed this area on their way to Concord, and the bloodiest battles of April 19, 1775 took place in our town. The Battle Road begins in Arlington near the site of the Black Horse Tavern where the Committee of Safety frequently met to criticize the oppressive British policies. The Committee of Safety met there on April 18, 1775 to criticize the oppressive British policies, and at 3 a.m. the next day the committee was awakened by the marching of the British troops through town going to Concord to destroy the military stores collected there. In Arlington a number of "witness houses" (houses that were on the Battle Road in 1775) are extant including the Jason Russell House, where bullet holes still show; evidence of the battle where thirteen men were killed, making it the bloodiest fighting on the first day of the American Revolution, April 19, 1775.

In 2006 the Battle Road was designated a scenic byway by the Commonwealth of Massachusetts. Since then the Battle Road Scenic Byway Committee has overseen the implementation of many of the Byway's 2011 Corridor Management Plan and meets the qualifications for All-America Road designation.

The All-America Road designation from the FHWA's National Scenic Byways program will enshrine the Byway's status as national tourist attraction, and we thank you for accepting our nomination.

_____	SELECT BOARD
_____	OF THE
_____	TOWN
_____	OF
_____	ARLINGTON



Town of Arlington, Massachusetts

Discussion: May 2020 Select Board Meetings

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	May_2020_Calendar.pdf	May Calendar

MAY 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17 Mother's Day	18	19	20	21	22	23
24	25 Memorial Day	26	27	28	29	30
31						



Town of Arlington, Massachusetts

NEW BUSINESS



Town of Arlington, Massachusetts

Next Scheduled Meeting of Select Board April 27, 2020

Summary:

You are invited to a Zoom webinar.

When: Apr 13, 2020 07:15 PM Eastern Time (US and Canada)

Topic: Arlington Select Board Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/431490257>

Or iPhone one-tap :

US: +16468769923,,431490257# or +13126266799,,431490257#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 876 9923 or +1 312 626 6799 or +1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 301 715 8592 or +1 346 248 7799

Webinar ID: 431 490 257

International numbers available: <https://zoom.us/u/aJ78ZrGGQ>

Notice to the Public on meeting privacy In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for *each meeting* and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.

Members of the public are asked to send written comment to amaher@town.arlington.ma.us

Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.

<https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>