



Select Board Meeting Minutes

Date: July 18, 2022

Time: 7:15PM

Location: Select Board Chambers for Select Board and Staff. Members of the Public may access the meeting by Zoom and ACMI.

Present: Mr. Diggins, Chair, Vice Chair, Mr. Hurd, Mr. DeCoursey, Mr. Helmuth

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

Absent: Mrs. Mahon

1. Executive Order on Remote Participation

Mr. Diggins opened the meeting by stating the Commonwealth passed on February 15, 2022, an act relative to extending certain COVID-19 measures adopted during the state of emergency, which among other things, allows public meetings to be conducted remotely until July of 2022. Tonight's meeting is being conducted via Zoom, is being recorded and is also being simultaneously broadcasted on ACMI. As such, all business will be conducted by roll call vote. Persons wishing to join the meeting by Zoom may find information on how to do so on the Town's website. Persons participating by Zoom are reminded that they may be visible to others and then if you wish to participate, you are asked to provide your full name in the interest of developing a record of the meeting. Further, all participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves. Finally, both zoom participants and people watching on ACMI can follow the posted agenda materials, also found on the Town's website using the Novus agenda platform.

2. Land Acknowledgment

Mr. Diggins read the land acknowledgement that the Board supported last Spring in Town Meeting approved through a resolution and which is also contained on the Town's website. We acknowledged that the Town of Arlington is located on the ancestral lands of the Massachusetts tribe, the tribe of indigenous peoples from whom the colony, province and Commonwealth have taken their names. We pay our respects to the ancestral bloodline of the Massachusetts tribe and their descendants who still inhabit historic Massachusetts territories today.

FOR APPROVAL

3. The Summer Soul Celebration on Thursday, August 4, 2022 @ Regent Theatre

David Thomas, T.H. King US LLC

Mr. Thomas appeared before the Board and explained that this is a group of musicians that are working with the Regent Theatre to do a benefit to raise funds for Boston Children's Hospital, Mount Auburn Hospital, ASPCA, Arlington Eats, as well as a few veterans' groups. Mr. Thomas explained that they are looking for approval from the Board for the use of the 5 parking spaces after the bus stop for food trucks.

The Board thanked Mr. Thomas for this request and look forward to the event. The Board noted that a police detail would be required for this event.

Mr. Hurd moved approval.

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

Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mr. DeCoursey: yes

SO VOTED (4-0)

CONSENT AGENDA

4. Minutes of Meeting: June 13, 2022; June 27, 2022

5. Reappointments (all terms to expire 6/30/2025)

Conservation Commission

David Kaplan

Charles Tirone

Library Board of Trustees

Stephen Quinlan

Open Space Committee

Brian Kelder

Wendy Richter

Park and Recreation Commission

Phil Lasker

6. Request: Contractor/Drainlayer License

Paul J Rose Excavating Inc.

Paul Rose

55 Knox Trail #401

Acton, MA 01720

Mr. DeCoursey moved approval.

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

Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mr. DeCoursey: yes

SO VOTED (4-0)

PUBLIC HEARINGS

7. 7:15 p.m. Reed Street Betterment
 - a) Request: Repair to Private Way
 - b) Betterment OrderKatina Leodas, Resident

Ms. Leodas and Mr. Schizas, both residents of Reed and Thesda Streets appeared before the Board and explained their need for a private way repair. Mr. Schizas stated that they have gone through the process with the Town and now need approval from the Board to continue with the work. Ms. Leodas stated that the streets are in terrible condition, and it is very difficult to drive down the street that is filled with potholes. Mr. Heim explained that the departments involved have already approved the project and what is before the Board is the final approval for the applicants to start the work on the street.

The following members of the public spoke regarding this betterment:

Marc Shuster, 22 Reed Street

Michael Rosenblum, 107 Thesda Street

Edward Harman, 10 Thesda Street

Mr. Hurd moved approval.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mr. DeCoursey: yes

SO VOTED (4-0)

8. 7:15 p.m. Thesda Street Betterment
 - a) Request: Repair to Private Way
 - b) Betterment OrderJohn Schizas, Resident

Mr. Helmuth moved to approval.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mr. DeCoursey: yes

SO VOTED (4-0)

9. 7:15 p.m. Elmhurst Road Betterment
 - a) Request: Repair to Private Way
 - b) Betterment OrderLaurie Bogdan, Resident

Ms. Bogdan appeared before the Board and explained that they are requesting approval for the re-pavement of half their road as the other half was done a few years prior. Ms. Bogdan stated that they have worked closely with the Engineering Department and has chosen the contractor who will begin the work after the approval of this Board. Ms. Bogdan

stated that it is important at this time to pave the road for the safety of cars, cyclists, emergency vehicles and pedestrians. Ms. Bogdon explained that there is one sign at the Mass Ave end of the Road that reads 'Do Not Enter 7am – 9am'. Ms. Bogdon stated that they would appreciate having more signage to help mitigate traffic on their road but are looking for approval for the private way repair today.

Mr. Hurd moved approval.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mr. DeCoursey: yes

SO VOTED (4-0)

OPEN FORUM

The following members of the public spoke regarding the banner policy:

Lynette Culverhouse, Draper Avenue

Judith Garber, Massachusetts Avenue

Elizabeth Dray, Jason Street

The following member of the public spoke regarding the overnight parking pilot:

Rebecca Peterson, Florence Avenue

TRAFFIC RULES & ORDERS / OTHER BUSINESS

10. Discussion: Upcoming Authorized Use Limitation for Arlington High School Properties

Douglas W. Heim, Town Counsel

Tom Fiore, Special Counsel

Mr. DeCoursey recused himself from this discussion.

Mr. Heim introduced this agenda item stating that they are not looking for an action tonight but rather provide an update to the Board with what will later be an authorized use limitation that will require approval from this Board. Mr. Heim explained that Arlington High School is technically listed as a Town owned property for the purposes of the deed and will need the vote of the Select Board. Mr. Fiore, environmental counsel appeared before the Board and detailed the letter that was submitted to the Board prior to the meeting. Mr. Fiore stated that he is giving an update on the status of the environmental investigation and remediation affecting a portion of the Arlington High School property, including upcoming steps that will need to be taken by this Board. Mr. Fiore explained that a release of gasoline associated with two USTs at the DPW Yard located at 51 Grove Street was first reported in 1992. Subsequent investigations also discovered contamination associated with a former manufacture's gas plant and a former saw blade in this area. In 2001 the Town entered into a settlement agreement; following the settlement agreement, a remedy was implemented that included relocation of crucial utilities, and implementation of the groundwater remedy. Following completion of remedial activities in 2007, a level of control was achieved for soil on the AHS property, however a permanent solution was not achieved until 2007. Mr. Fiore explained that they will be returning to the Board for a

formalization of what they Town has been doing since 2001. The Town's legal and technical representatives have provided comments on a draft of the AUL to the Industrial Parties. Once the Industrial Parties finalize the AUL and supporting documents and, subject to final review and approval by the Town's representatives, the Grant of Easement contemplated by paragraph 6.4 of the Settlement Agreement will also be prepared. The final AUL and Grant will then be presented to the Select Board for execution.

The Board thanked Mr. Fiore for his detailed presentation and memo to the Board.

Mr. Hurd moved receipt of the memo.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mr. DeCoursey: SO VOTED (3-0)

11. Update: Double Poles

Steve DeCoursey, Select Board

Mr. DeCoursey gave a brief presentation to the Board explained that the over the last year and a half the Board has had discussions about the number of double poles in and Arlington and their desire to see them reduced as quickly as possible. Mr. DeCoursey reviewed the most recent report that Verizon submitted to the Department of Public Utilities outlining for the period of November 1, 2021, to April 30, 2022, the number of double poles that are still in Arlington which they have recorded as 86. Mr. DeCoursey questions their report as some of the double poles that are still on Mass Ave are not reported in this memo. Mr. DeCoursey asked if Mr. Pooler could coordinate the schedule to provide to residents to give us feedback as well as bringing all the parties together who have fixtures on the poles for a meeting of compliance.

The Board thanked Mr. DeCoursey for this update and his hard work over the past year on getting this list up to date.

Mr. Hurd moved receipt of the report.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mr. DeCoursey: yes SO VOTED (4-0)

12. Discussion: Letter of Support for Open Space and Recreation Plan

Ann LeRoyer, Chair, Open Space Committee

Mr. Heim gave a brief summary stating that the Open Space Committee has done a lot of work in conjunction with a variety of different departments and communities to develop this open space and recreation plan that gets submitted to the Executive Office of Energy and Environmental Affairs for approval. Mr. Heim explained that the Town has been operating under one open space and recreation plan for five years. Mr. Heim explained that this is to update and goal plan for the future! Ms. LeRoyer thanked the Community Preservation Act Committee as they were provided funds to them where they were able

to hire consultants to work on this project. Ms. LeRoye thanked the Board for their continued support on this project.

The Board thanked Ms. LeRoye for all her hard work on a project as big as this one and look forward to seeing this be implemented. Mr. DeCoursey acknowledged that it may be too late to make recommendations to the actual plan itself but would like to point out the priority of the 12 acres of property located behind the Mugar Property.

Mr. Hurd moved to approve the letter of support.
A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd:	yes	
Mr. Diggins:	yes	
Mr. Helmuth:	yes	
Mr. DeCoursey:	yes	SO VOTED (4-0)

13. Discussion & Update: Overnight/Permit Parking Pilot
Len Diggins, Chair

Mr. Diggins gave a brief update regarding the overnight permit and parking pilot. Mr. Diggins has met with the chair of the Transportation Advisory Committee where they decided they are going to have a meeting in August to coordinate how to start this pilot program.

14. Update: Transportation Advisory Committee
Len Diggins, Chair

Mr. Diggins explained that he has worked with the chair of TAC as well as the Arlington Police Department on ways to streamline the responses to letters especially those that involve speeding. Mr. Diggins explained that he would like to have the responses that TAC writes to the Board on a Select Board Agenda so the Board can see the responses. The Board thanked Mr. Diggins for the update and look forward to more responses from TAC.

15. Discussion & Approval: Authorizing the Police Details for the State Primary
Juli Brazile, Town Clerk
Douglas W. Heim, Town Counsel

Ms. Brazile appeared before the Board and explained that in the past under State Law the Police Chief was responsible for organizing the police details but under the new State Law it requires a vote of the Select Board. Mr. Diggins explained that he has started reviewing policies of neighboring Towns to see how they handle their process.

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

Mr. Hurd:	yes	
Mr. Diggins:	yes	
Mr. Helmuth:	yes	
Mr. DeCoursey:	yes	SO VOTED (4-0)

16. Discussion & Approval: Draft Joint Letter from Arlington Boards and Commissions re: Alewife Brook/Upper Mystic Combined Sewer Overflow Long Term Control Plan
Douglas W. Heim, Town Counsel

Mr. Heim gave a brief background stating that the MWRA Cambridge and Somerville all discharge a certain amount of combined sewer overflow (CSO's) into the Alewife Brook. Mr. Heim explained that they are in the beginning stages of what is called the variance process under Mass Department of Environmental Protection, water quality regulations and NPDES permit. The next steps are to develop a scope of work for what will be a long-term control plan that will be subject to more formal gearings administered by the Mass DEP. Mr. Heim stated that this letter is aimed at reinforcing what the Safe the Alewife Brook and Mystic River Watershed Association have advocated. Mr. Heim explained that another area of focus is trying to reinforce that Arlington is committing resources to reduce other sources of pollution into the Alewife Brook.

The Board thanked Mr. Heim for the memo and the summary of the events thus far. The Board acknowledges that the continued need for federal funding going forward is going to be necessary.

Mr. Helmuth moved to authorize the chair to transmit a letter of initial comment with the Conservation Commission subject to any additional comments made by Mrs. Mahon. A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mr. DeCoursey: yes

SO VOTED (4-0)

17. Discussion & Vote: Town Hall Banner Policy
Len Diggins, Chair
John Hurd, Select Board

The Board had a preliminary discussion regarding an update to the Town Hall Banner Policy. The Board acknowledged that there are different concepts under the First Amendment Law that they are looking into. The Board is considering if Town Hall should be a limited public forum, in which private speech is expressed. Mr. Heim explained that there are certain circumstances in which government speech would still be allowed. Mr. Heim explained that this does not affect traditional public forums meaning that people can still gather on street corners, including the Town Hall and engage in political expression. Mr. Heim explained that the question regarding Town Hall and the banners is whether or not the Board is creating a limited public forum. The Board agreed that this needs a further discussion of the Board and moved to table this to a future meeting.

CORRESPONDENCE RECEIVED

18. Discourage the Use of Helium Balloons at Town Day
Grant Cook, 16 Wollaston Ave

19. Concerns Regarding 40B Project Located at 1021-1025 Massachusetts Avenue
Patricia Barron Worden, Ph.D.

20. Safety Concerns in Dallin School Area
Peter Fuller, 7 Kilsythe Road

21. Recommendations from Transportation Advisory Commission
Laura Swan, TAC Chair

Mr. Hurd moved to refer 20 to TAC and receipt of 18, 19 and 21.
A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mr. DeCoursey: yes

SO VOTED (4-0)

NEW BUSINESS

Mr. Diggins noted that Mrs. Bongiorno received an award for her hard work during the pandemic and would like to acknowledge her efforts during the pandemic .

Mr. DeCoursey moved to adjourn at 10:08p.m.
A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mr. DeCoursey: yes

SO VOTED (4-0)

Next Scheduled Meeting of Select Board August 22, 2022

A true record attest

Ashley Maher
Office Manager

7/18/2022

Agenda Item	Documents Used
1	Executive Order on Remote Participation
2	Land Acknowledgment
3	Letter Special Permit Application Poster
4	Draft Minutes 6.13.2022 Draft Minutes 6.27.2022
5	Reappointment Reference
6	Paul J Rose Excavation Inc. Reference

7	2/3 Abutter Approval Abutter Hearing Notice Betterment Order
8	2/3 Abutter Approval Abutter Hearing Notice Betterment Order
9	2/3 Abutter Approval Abutter Hearing Notice Betterment Order
10	Memo from Special Counsel
11	Double Pole Reference
12	Open Space and Recreation Plan Reference
13	
14	
15	Memo from Town Counsel Memo from Town Clerk
16	Draft Letter
17	Banner and Sign Policy v2A Banner and Sign Policy v2B
18	G. Cook CR Reference
19	P. Worden CR Reference
20	P. Fuller CR Reference
21	Dallin School Recommendation Mass - Bates Recommendation Mass - Everett Recommendation