



## Select Board Meeting Minutes

Date: August 22, 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, Mrs. Mahon, Vice Chair, Mr. Hurd, Mr. DeCoursey, Mr. Helmuth

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

### 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.

### 3. Proclamation: September is Childhood Cancer Awareness Month

Mrs. Mahon moved to approve the proclamation.  
A roll call vote was taken on the motion by Mr. Heim.

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

SO VOTED (5-0)

4. Discussion & Presentation Re: the Town Manager Act, the Term of Our Current  
Town Manager, and the Search Process for Our Next Town Manager

Lenard T. Diggins, Chair

Douglas W. Heim, Town Counsel

Mr. Heim gave a brief overview outlining the process, parameters, and options of a Town Manager under the Arlington Town Manager Act. Mr. Heim explained that Section 11 Appointment of Town Manager and Section 12 Temporary Manager or Manager for Unexpired Term provide a criteria and terms of a Manager Appointment. Section 11 primarily deals with the qualifications of a manager but also states that the manager is appointed for a three-year term. Section 12 describes what happens when a manager vacates their seat in the middle of a term. Mr. Heim explained that the timeline that is set forth in the Manager Act is that the Board has 90 days to make an appointment for a variety of reasons. Mr. Heim explained that the Board currently has appointed a manager while it is also engaging in the long-term search process for a manager who will serve a three-year term. Mr. Heim stated that although the manager act states that an appointment has to be for the remainder of a term, it can be shorter than that. Mr. Heim suggested that at the next Town Meeting we codify this term in the Manager Act so that it is more consistent with the actual state of Labor Employment Law.

The Board thanked Mr. Heim for the brief presentation and noted the importance of amending Sections 11 and 12 of the Town Manager Act at the Towns next Town Meeting.

**CONSENT AGENDA**

5. Minutes of Meeting: July 18, 2022

6. Request: Contractor/Drainlayer License

Craig's Landscaping Inc.

Albert Greenhut

70 Bow Street

Arlington, MA 02474

7. Request: Contractor/Drainlayer License

MSR Utility Maintenance Corp.

Matthew Raymond

209 Pleasant Street

Dunstable, MA 01827

8. Request: Contractor/Drainlayer License  
North Heritage Construction Corp  
Adriano Mendes  
14 Bradford Road  
North Chelmsford, MA 01863
9. Request: Contractor/Drainlayer License  
Minkin Construction LLC  
Matthew Minkin  
264 Providence Street  
Rehoboth, MA 02769
10. Request: Contractor/Drainlayer License  
Mendez Masonry and Construction, Inc.  
Julio Mendez  
34 Hawkes Street  
Saugus, MA 01906
11. Time Change for Beer Garden on Town Day, 9/17/22  
Brian Burke
12. Request: Special (One Day) Beer & Wine License, 9/9/22 @ Robbins Memorial  
Town Hall for a Private Event  
Suzanne Hammer  
Evan Bauer
13. Request: Oktoberfest at the Old Schwamb Mill, 10/1/2022, Noon - 4:00 p.m.  
Edward Gordon, Director of Museum Programs, Old Schwamb Mill
  - a) Special (One Day) Beer & Wine License
  - b) Mill Lane (between Lowell Street and bridge over Mill Brook) - street closing

Mr. Helmuth moved to approve.

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

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

SO VOTED (5-0)

### **LICENSES & PERMITS**

14. For Approval: Wine and Malt License

Makalu Nepali & Indian Cuisine, 352A Massachusetts Avenue, Roshan Dangol  
Mr. Dangol appeared before the Board and explained that they purchased this restaurant and are looking to serve beer and wine. The Board thanked Mr. Dangol for choosing Arlington and stated that the applicant should have all workers who will be serving alcohol be enrolled and complete the TIPS certification through the State.

Mr. DeCoursey moved to approve.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

### **OPEN FORUM**

Elizabeth Dray, Jason Street, spoke in regard to the Select Board's banner policy.

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

#### 15. For Approval: Pickup/Dropoff Signs @ Arlington High School

James Feeney, Deputy Town Manager

Mr. Feeney appeared before the Board and stated that he is here on behalf of the High School Building Project to formally request permission for a number of spots directly adjacent to the new front entrance of the High School. These spots will be designated as pickup and drop off spots only during school hours on weekdays, meaning that after 4:00p.m. these spots would revert back to standard parking spots. Mr. Feeney explained that these new spots would flank what will be a new and lengthy fire lane as required by the fire code, since the entrance to the building now abuts the public way. Mr. Feeney stated that this would entail blackout paint on all the existing pavement markings and implementing the new markings as well as signage.

Mrs. Mahon moved to approve.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

#### 16. Summary: Dallin's School Safe Arrival/Dismissal "School Street" Pilot Program

Thad Dingman, Principal

Dallin Elementary School

Mr. Dingman appeared before the Board and gave a presentation regarding the summary of Dallin Elementary Schools Safe Arrival/Dismissal pilot program that had been approved by this Board previously. Since then, the pilot program has been fully in place with a lot of success based on the feedback that they have collected from the community. Mr. Dingman gave a brief overview of the proposed updates and phased implementation of the updates and explained that for the upcoming school year they are looking for some signage updates. Mr. Dingman explained that the school week and day for elementary schools in the district are changing and are looking for support from the DPW to update the signs to reflect the correct times as well as reflecting the early release days to Wednesdays. Mr. Dingman stated that the feedback they received from the public stated that the traffic on Florence Avenue can be congested during morning travel times and will be requesting a pilot to restrict both sides of Florence Avenue from 7:30am – 8:15am and 2:15pm – 2:45pm with the exception of early release Wednesdays. Mr. Dingman stated that they are also looking to make the signage clearer by installing a sign at the end of Florence Field to help clarify some of the confusion. Mr. Dingman explained that they are also looking to extend their drop-off zone across two blocks of Florence Field. Mr. Dingman explained that what they feel would be the most important would be to ask the DPW to paint intersections and no-parking zones around Dallin to increase visibility and pedestrian safety. It was noted that they are also asking for an additional crosswalk on the west corner of Renfrew that would allow for safer crossing.

The Board thanked Mr. Dingman for the detailed presentation and noted the success that they have already accomplished in making this area safer for pedestrians as well as drivers during school times.

Mr. Hurd moved receipt.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

17. Appeal of Tree Worden Decision Re; Non-Removal of Honey Locust Tree @ 261 Hillside Avenue  
Rob and Eileen Gainfort

Mr. and Mrs. Gainfort appeared before the Board and explained that they are seeking permission from the Board to remove a Honey Locust Town tree that is in front of their home. Mrs. Gainfort explained that they have had damage from the tree and are looking to expand their driveway with impervious pavers and in order to do that they would need to remove the tree. Mrs. Gainfort stated that since they have moved to Arlington, they have planted six trees and would be happy to continue to do so around Arlington if this tree could be removed. Mrs. Gainfort explained that they have been before the Tree

Committee where it was denied and are seeking permission from the Board to move forward.

The Board had questions in regard to the process leading them to the Select Board as well as alternate options that could be taken so that the tree did not need to be removed. The Board is concerned that they would be setting a precedent for the future if they approve this tree to be removed. The Board noted that this is a healthy public shade tree despite the difficulties it may be causing the applicants. The Board has some questions regarding Chapter 87 and if they could grant an appeal contingent on a specific set of things including a setback tree agreement prior to authorization. The Board at this time agrees to table this discussion to a future meeting to examine what the extent of the Board's authority is under Chapter 87.

Mr. DeCoursey moved to table.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

#### 18. Continued Discussion & Vote: Overnight/Permit Parking Pilot

Lenard T. Diggins, Chair

Stephen W. DeCoursey, Select Board

Mr. Diggins stated that since the last time the Board met he has met with the Transportation Advisory Committee with the hopes that they would have some ideas on how to track or measure the metric space. The Transportation Advisory Committee noted that they did not have any way to measure this in the short run. Mr. Diggins noted that since then they have decided to explore the idea of doing a less restrictive overnight parking policy that will not be available to the whole Town but will still require a permit at a cost, as well as look at ways to enforce the current overnight policy and the idea of one side parking.

The Board thanked Mr. Diggins and Mr. DeCoursey for their work during this process. The Board noted that they do agree that the pilot should not be town wide that it should be a defined area and time and move forward from there. The Board also questioned the idea of bringing this back to the voters for a town wide vote to see where they stand and how to gage next steps. Mr. DeCoursey noted that at this point with the continued support of the board they will continue to refine their thinking and work towards brining something back to the Board.

#### 19. Discussion: Redistribution of Open Forum to Middle and End of Most Select Board Meetings

Lenard T. Diggins, Chair

Mr. Diggins noted that he wants to be able to have a predictable time when to expect to be done with the major parts of the agenda. Mr. Diggins noted that keeping the first

open forum where it is but limit the time to be 30 minutes. If there was a demand or a lengthy list of speakers in the queue that they would have an opportunity to speak during the second open forum towards the end of the meeting so the Board can vote on the major things on the agenda.

## 20. Discussion & Vote: Update of Town Hall and Light Pole Banner Policy

Lenard T. Diggins, Chair

John V. Hurd, Select Board

Mr. Diggins stated that the documents that are before the Board are the same as the last meeting and there have been no changes to prevent the lighting on Town Hall. Mr. DeCoursey noted that at the last meeting it was left off that there were questions that the Board had on what standards they would be creating if the Board decides to engage in government speech and what it would apply to. Mr. DeCoursey had some questions in regard to the light poles which are included in this policy and if the Board has been in compliance with this policy to date on what has been approved. There is some question in regard to sections of the Zoning Bylaw under signs and billboards and if we are in compliance. The Board questioned if they were to prohibit Town Hall facade is that would include the sandwich board outside that is used for election information as well as town sponsored information. The Board agreed that this would not be considered the facade as it is not adhered to the building. The Board had a lengthy discussion regarding whether or not to allow government speech on Town Hall and decided that the vote they would be taking tonight would strictly be for the facade of Town Hall but noted that they would need to work on updating the policy for all banners and light poles. Mr. Heim clarified that the distinction that the Board has been discussing is the difference between a limited public forum versus government speech. The vote tonight is that the Board is stating that Town Hall is not going to be a limited public forum nor is it going to be a place where the Select Board engages in government speech.

Mrs. Mahon moved to remove the Town Hall Facade from a place of public forum and government speech.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: no

Mrs. Mahon: yes

Mr. DeCoursey: no

SO VOTED (3-2)

## 21. Review/Approval of 2022/2023 Select Board and Town Manager Goals

Lenard T. Diggins, Chair

Sandy Pooler, Town Manager

Mrs. Mahon moved to table.

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

Mr. Hurd: yes

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

SO VOTED (5-0)

## 22. MBTA Assessment

Diane Mahon, Select Board

Mrs. Mahon noted that she would like to on behalf of the Select Board request that Arlington's MBTA assessment be recalculated at the upcoming meetings. Mrs. Mahon noted that she would like to prove to the citizens that they have tried to get a fair assessment explaining that Arlington pays the most to the MBTA compared to all the surrounding cities and Towns. Mr. Pooler stated that he has had a discussion with the director of the MBTA Advisory Board where it was mentioned that the MBTA is extending their service further south to more communities, they are going to have to start assessing those communities to pay into the system and noted that that may be an opportunity to look at Arlington's assessment to get a new read.

Mrs. Mahon moved on behalf of the Select Board request that Arlington's MBTA assessment be recalculated at the upcoming MBTA meetings.

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

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

SO VOTED (5-0)

## **CORRESPONDENCE RECEIVED**

23. Traffic Concerns at School Crossing Posts  
Arlington School Committee

24. Traffic Calming on Huntington Road  
Daniel Amstutz, Senior Transportation Planner

25. Comments Re: Proposed Banner Policy

26. Concerns Re: Bus Stop at Park Circle for Private School  
Kevin Farrell

27. International Coverage  
Beth Melofchik, Russell Street

28. Traffic Concerns at Four-Way Intersection  
Jess Leber, Lewis Avenue



29. Concerns Re: Park Avenue Bus Stop Changes  
Nate Herpich

30. Banners on Town Hall  
Ezra Fischer  
32 Thorndike Street

Mrs. Mahon moved receipt and referred items 23, 24, 26, 28 and 29 to TAC.  
A roll call vote was taken on the motion by Mr. Heim.

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

SO VOTED (5-0)

### **NEW BUSINESS**

Mr. DeCoursey noted that last Friday was the last day of the Reservoir Beach summer season and stated that it was a huge success. Mr. DeCoursey also noted that today, the construction started at Hurd Field which is another fantastic program that will make improvements to the field but in addition it will link the bike path to reservoir beach to Lowell Street.

Mr. Helmuth would like to add his compliments to Mr. Connolly and the team on the improvements on the Res and the upcoming construction to Hurd Field.

Mrs. Mahon moved to adjourn to enter executive session at 10:00p.m.  
A roll call vote was taken on the motion by Mr. Heim.

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

SO VOTED (5-0)

### **EXECUTIVE SESSION**

- A. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements: Approval and or Release of Executive Session Minutes of: May 26, 2022; June 1, 2022; June 6, 2022; June 8, 2022; June 9, 2022; June 13, 2022; June 16, 2022

Next Scheduled Meeting of Select Board September 12, 2022

A true record attest

Ashley Maher  
Office Manager

8/22/2022

Agenda Item	Documents Used
1	Executive Order on Remote Participation
2	Land Acknowledgment
3	Proclamation
4	Town Manager Hiring Process Outline Town Manager Hiring Process Timeline Chart
5	Draft Minutes 7.18.2022
6	Craig's Landscaping Inc. Reference
7	MSR Utility Maintenance Corp Reference
8	North Heritage Construction Corp Reference
9	Minkin Construction LLC Reference
10	Mendez Masonry and Construction, Inc. Reference
11	Beer Garden Request
12	Special One Day Application
13	Special One Day Application Special Event Application
14	Wine and Malt Application Inspection Reports
15	Traffic Signs Reference
16	Dallin Safe Street Summary Reference
17	Request for Tree Removal Tree Removal Reference Letters of Objection
18	
19	
20	Banner and Sign Policy v2A Banner and Sign Policy v2B
21	
22	MBTA Assessment
23	E. Exton CR
24	Traffic Calming on Huntington Road Reference
25	CR Various Citizens
26	K. Farrell CR
27	B. Melofchik CR
28	J. Lewis CR
29	N. Herpich CR
30	E. Fischer CR