



## Select Board Meeting Minutes

Date: Monday, February 27, 2023

Time: 7:15PM

Location: Members of the public may access the hybrid meeting via the Select Board Chambers, Zoom, or 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. Update: Town Manager Search Process

Lenard T. Diggins, Chair

Bernie Lynch, Founder and Managing Principal, Community Paradigm Associates, LLC appeared before the Board and gave an update based on the work that the screening committee has done the past couple of months. Mr. Lynch stated that in December the Board approved the position statement and started the process to solicit applicants. Mr. Lynch noted that upon the Board's approval to move forward with the search he had advertised and/or posted the Town Manager Position through a number of channels and beyond that Opportunity Consulting did active recruiting. After this process they had received 20 applicants who had applied for the position, which Mr. Lynch feels is consistent with other towns. The Select Board at that time had appointed a Preliminary

Screening committee to advance 3-5 worthy candidates for public interviews and appointment by the Select Board. At that time, Mr. Lynch reached out to the 4 candidates and 3 of them had withdrawn their application leaving only one candidate. Mr. Heim noted that the screening committee is required to recommend more than one candidate but on the other hand, the privacy interests of candidates who wish to withdraw from consideration are well protected in the law. Mr. Heim stated that the screening committee did its job developing four recommended candidates, but it cannot publicly identify three of them, leaving the Select Board with only one public recommendation. Mr. Heim noted that his office did reach out to the Department of Open Government which does not have precedent for this exact situation. Mr. Heim explained that the Board's options are to either reopen the search in a different manner without the screening committee and a second is to formally write the Division of Open Government, describing the Board's circumstances seeking any comment or concern they may have.

The Board thanked Mr. Lynch and Mr. Heim for the background information and where there is an opportunity to seek comment from the Division of Open Government, they feel inclined to move forward with that option.

Mrs. Mahon moved to submit a letter to the Department of Open Government.

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)

### 3. FY2023 Second Quarter Financial Report

Sandy Pooler, Town Manager

Ida Cody, Comptroller

Ms. Cody appeared before the Board to give the FY2023 Second Quarter Financial Report stating that all budgets are at 50% with a few exceptions. One being, at the time that the narrative was written the expense line is inaccurate as the Board did not have a Board Administrator at that time.

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)

## **CONSENT AGENDA**

4. Vote: Authorizing Police Detail and in Person Early Voting for Annual Town Election, April 1, 2023  
Juli Brazile, Town Clerk
5. Request: Special (One Day) Beer & Wine License, 03/11/2023 @ Robbins Memorial Town Hall for a Private Event  
Howard & Cherie Rudzinsky
6. Request: Special (One Day) Beer & Wine License, 03/25/2023 @ Robbins Memorial Town Hall for Beats for Eats Fundraiser  
Andi Doane, Arlington Eats, Executive Director
7. For Approval: Boston Women's Market @ Whittemore Park, Saturday, May 6, July 22 at 11:00am - 4:00p.m.  
Cara Loffredo, Directing Organizer, Boston Women's Market  
D.J. Beauregard, Economic Development Coordinator

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**

8. For Approval: Wine and Malt License and Common Vicutaller License

Thai Sticky Rice, 1377 Massachusetts Avenue, Narumon Jenkitcharoenchai  
Daniel Briansky, Attorney for Thai Sticky Rice appeared before the Board stating that they are seeking the Board's approval of a Beer and Wine Transfer License located at 1377 Massachusetts Avenue. Mr. Briansky noted that the proposed liquor manager is Christopher Rizza who was the manager of the previous business for over 10 years. The Board asked what the policy and plan would be for server training for alcohol handlings at this location. Mr. Briansky noted that all persons handling the liquor will be TIPS certified.

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)

9. For Approval: Common Victualler License

Boston Pizza and Gyro, 1323 Massachusetts Avenue, Ismail Beyaztas

The applicant did not appear before the Board and was tabled to a future Select Board Meeting.

10. For Approval: Class II License

Boston Auto Exchange, LLC, 19 Park Avenue, Anthony Basile

Anthony Basile appeared before the Select Board and stated that after graduating college he worked for his father in Boston where they would do auto repair and used car sales. After leaving that location due to a development going in at that location, they had the opportunity to purchase 19 Park Avenue.

The Board thanked Mr. Basile for choosing Arlington and look forward to working with him in the future.

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)

**TRAFFIC RULES & ORDERS / OTHER BUSINESS**

11. Presentation and Vote: Mass Ave / Appleton Street Intersection Redesign

Stantec Consulting Services Inc.

Mr. DeCoursey recused himself from this discussion.

Claire Ricker, Director of Planning and Community Development appeared before the Board to give a brief update about the work that they have done with the Mass Ave / Appleton Street redesign following the 2020 fatality of Charlie Procter. For many years, this intersection has been recognized as troubled and has had many safety issues cited over a number of years. The Town retained the transportation consulting services of Green International to install temporary safety measures in 2021. The goals of those measures were to prioritize safety and concept designs element, control vehicle speed on Mass Ave to slow down the left turn on Appleton Street to Mass Ave, reduce the number of vehicle conflicts, protect pedestrian and cyclist. Ms. Ricker explained that to make long range changes and improve safety in that area the Town contracted Stantec Consulting Services to provide design engineering and public engagement for this project. Ms. Ricker stated that the Town has been awarded \$307,000 Mass Works Design Grant

to finish the design documents related to this project and bring us to 100% biddable documents. They would like to apply for construction funding for this project this Spring and are looking for a letter of support from the Select Board so that they can apply for the funds.

Ralph DeNisco, Stantec Consulting appeared before the Board and gave a detailed presentation of the design concept for the proposed improvements to Mass Avenue and Appleton Street intersection. Mr. DeNisco stated that the hope is to present this design to the community in the next few weeks and bring the design from 25% to 75% and apply for the Mass Works Grant and hopefully achieve funding that could move this into the construction phase. Mr. DeNisco noted that you must be at a certain level of design in order to apply to Mass Works for the funding.

The Board had a detailed conversation and stated their thoughts regarding the proposed design and noted their concern regarding the removal of parking spaces for the businesses. The Board questioned the timeline for this project and the letter of support and stated that they do not want to lose the momentum for the funding but would like Stantec to investigate other design options for the Board to review. It was stated that the Board would have another opportunity to approve the final design that will be submitted prior to June 2<sup>nd</sup>.

Mr. Helmuth moved to send a letter of support for the March initial submission deadline. 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:	

SO VOTED (4-0)

Mr. DeCoursey recused himself.

## 12. Presentation & Approval: Save the Alewife Brook

Diane M. Mahon, Vice Chair

Kristin Anderson, Co-Chair StAB

Mr. Helmuth recused himself from this discussion.

Mrs. Mahon briefly introduced this agenda item stating that they are seeking the Board's potential approval for legislation regarding the CSL process.

Ms. Anderson, Co-Chair of the StAB appeared before the Board and stated that Save the Alewife Brook is a grassroots environmental group with supporters in the communities along the Alewife Brook. The organization was formed to help raise awareness about the unsafe condition of the brook and to advocate for an end to untreated sewage discharges. Ms. Anderson is asking for support of the Select Board to support new legislation concerning combined sewer overflows. Ms. Anderson stated that there is a new Alewife Brook long-term sewage control plan being developed by the Massachusetts Water Resources Authority.

The Board thanked Ms. Anderson for all her efforts and the detailed presentation.

Mr. Hurd 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)

### 13. Discussion: MBTA Assessments

Lenard T. Diggins, Chair

Diane M. Mahon, Vice Chair

Mr. Diggins stated that there has been continuing discussion and concern regarding the MBTA Assessments and he has asked around to see when the legislature would be talking about the MBTA Assessments and there has been no date set. Mrs. Mahon noted that she would be happy to work with Mr. Diggins on requesting a reevaluation and reassessment of tout MBTA assessments.

Mr. Pooler stated that he has spoken with the Director of the MBTA Advisory Board about this process and will continue to have those conversations with them and the chair.

There was no vote taken.

## **WARRANT ARTICLE HEARINGS**

### 14. Articles for Review:

#### *Article Resolution/Improve MBTA Service*

Mr. Helmuth recused himself from this discussion.

Mr. Schlichtman, article proponent appeared before the Board and stated that he is seeking a resolution of Town Meeting to urge improvements in MBTA service in Arlington. Mr. Schlichtman explained that there has been a tremendous loss of services to the Town of Arlington over the years and we have a community that desires to be walkable and sustainable. Mr. Schlichtman noted that the School Department has real concerns about the loss in service as they have relied on the MBTA for years for student transit in grades 7-12.

The Board thanked Mr. Schlichtman for his presentation and stated that they would be inclined to support a resolution and share his concerns regarding the loss of service to the Town of Arlington.

Mr. DeCoursey moved favorable action.

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

Mr. Hurd: yes

Mr. Diggins: abstain

Mr. Helmuth:

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (3-1)

Mr. Helmuth recused himself and Mr. Diggins abstained.

*Article Special Legislation/Repeal MBTA Prohibition*

Mr. Helmuth recused himself from this discussion.

Mr. Schlichtman, proponent of the article appeared before the Board and stated that in 1976 there was a decision to stop the red line and have it terminated from Alewife Station was very controversial. Since that was voted, the Town of Arlington is prohibited from having any discussion about improving transit through Arlington Center as long as the law lives. Mr. Schlichtman is requesting the Board to vote in favor of this warrant article which would repeal this law and have Arlington start on a neutral playing ground for the discussion.

The majority of the Board supports the proposed warrant article which would repeal the special act in which prohibited the MBTA from constructing any mass transportation facility including but not limited to a rapid transit station and parking garage, on any land located within seventy-five yards of Arlington Catholic High School. Mr. DeCoursey stated that he is not in favor of this warrant article as this act in law was a big deal when it was passed in 1976 and in fact was not the bill that killed the red line in Arlington. Mr. DeCoursey stated that he is concerned about asking the legislature to repeal something that that he does not agree with.

Mr. Hurd moved favorable action.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth:

Mrs. Mahon: yes

Mr. DeCoursey: no

SO VOTED (3-1)

Mr. Helmuth recused himself and Mr. DeCoursey voted in the negative.

*Article Special Legislation/Police Officer Age Waiver James M. Looney*

Mr. Helmuth recused himself from this discussion.

The proponent of this article has asked to be withdrawn.

Mr. Hurd moved no action.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth:

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (4-0)

Mr. Helmuth recused himself

*Article Resolution / Change State Flag & Seal*

Chadi Salamoun, proponent of this article appeared before the Board and stated that he is asking for the support from the Select Board and the Town of Arlington to support the work of the special commission relative to the seal and motto of the Commonwealth. The special commission was established by unanimous support from the Massachusetts State Senate and received approval of former Governor Charlie Baker to replace the current seal and motto of the MA State Flag with a new seal and motto. The resolution also asked the Town Clerk to forward a copy of this resolution to Senator Mark Pacheco and Representative Dave Rogers and Sean Garballey and to Senator Cindy Freidman with request that they continue their strong support.

Mr. Heim noted the proposed resolution joins long-standing efforts around the Commonwealth to advocate changing the Flag and Seal of the Commonwealth.

Mr. Hurd moved favorable action.

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

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth:

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (4-0)

Mr. Helmuth recused himself.

*Article Bylaw Amendment / Medical Anti-Discrimination Bylaw*

Mark Kaepplein, proponent of this warrant article appeared before the Board and stated that people should not be denied access to facilities or services based on medical status. Mr. Kaepplein is asking the Board to vote favorable action to protect the residents from discrimination based on what medical conditions they have or don't have.

The following members of the public spoke regarding this warrant article:

Michelle (no last name was stated for the record)

Paul Schlichtman

Mr. Hurd moved no action.

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)

*Article Resolution / My Body My Choice Resolution*



Mark Kaepplein, proponent of this warrant article appeared before the Board and stated that this resolution is resolved that people have a natural and innate authority over their own body. Mr. Kaepplein explained that it is short and simple and is based on the Constitution of the US and Massachusetts. Mr. Kaepplein stated that at a minimum, mandates need to be made by elected Boards to implement change and that the government does not grant rights but instead must protect the rights people are born with. The following members of the public spoke regarding this warrant article:  
Michelle (no last name was stated for the record)

Mr. Helmuth moved no action.

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)

*Article Vote/Establishment of Civic Participation Study Group*

The proponent of this article has asked to be withdrawn.

Mr. Hurd moved no action.

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)

**UPDATES**

15. Overnight Parking Pilot

Lenard T. Diggins, Chair

Stephen W. DeCoursey, Select Board Member

Mr. Diggins stated that the Board is in receipt of the video recording of the parking forum that the Board held by special meeting. Mr. Diggins stated that they still have some work to do before coming back to the Board for a vote. Mr. DeCoursey noted that there were a lot of comments from the public that the Board still must sift through, but one comment that the Board received a lot of was the struggles residents have with overnight guest parking in Town.

The Board noted that they appreciated all members of the public that joined the forum and are looking for ways to incorporate some of the comments into the pilot.

There was no vote taken at this time.

## **CORRESPONDENCE RECEIVED**

16. Traffic Concerns on Gray Street  
Jill Greenlee, 24 Windermere Avenue  
Claudia Mattison, 77 Gray Street

17. Intersection Improvements at Churchill Ave, Endicott Rd, and Gloucester St  
Devin Bridgen, 25 Endicott Street

18. Support/Opposition Re: Potential Overnight Parking Pilot  
Lori Leahy  
Mark Dipsey

Mr. Hurd moved receipt and referred 16, 17 to TAC and 18 to Overnight Parking Committee.

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. Pooler reported that the Town is in receipt of the State Aid figures from the Governor's Budget and the amounts are more than the original estimates. The Town received close to \$3 million in State Aid.

Mr. DeCoursey stated that the Arlington High School boy's hockey team is playing Thursday against Westford Academy in the first round and the girl's hockey team is playing Wednesday night at the Ed Burns Arena against Beverly and wanted to wish them good luck. Mr. DeCoursey noted that the boys' basketball team lost at the buzzer tonight in the first round to Reading but wanted to congratulate them for making the tournament.

Mr. Hurd congratulated the Arlington Youth Hockey teams for winning the state tournament this weekend.

Next Scheduled Meeting of Select Board March 6, 2023

Mr. Hurd moved to adjourn at 10:51p.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)

A true record attest

Ashley Maher  
Board Administrator

2/27/2023

Agenda Item	Documents Used
1	Executive Order on Remote Participation
2	Memo
3	Q2 Report
4	Memo from Town Clerk
5	Special One-Day Reference
6	Special One-Day Reference
7	BWM Endorsement BWM Proposal BMW Special Permit Application
8	Inspection Reports Wine and Malt Application Common Victualler Application
9	Inspection Reports Common Victualler Application
10	Inspection Reports Class II Application
11	Mass Ave/Appleton Street Presentation
12	Save the Alewife Brook Comments Legislation Map
13	MBTA Reference MBTA Reference #1
14	Warrant Article Text Town Counsel Memo C. Salamoun Change State Flag and Seal Reference P. Schlichtman HRL MBTA Resolution P. Schlichtman Resolution MBTA M. Kaepplein Reference E. Dray Reference Civic Engagement

15	
16	J. Greenlee CR C. Mattison CR
17	D. Bridgen CR
18	L. Leahy CR M. Dipsey CR S. Smith CR