

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
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**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.

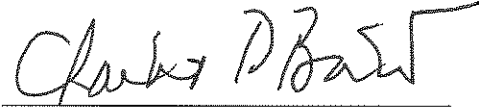
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts



## **Town of Arlington Notice of Meeting**

In accordance with the provisions of Massachusetts General Laws,  
Chapter 39, Section 23B, notice is hereby given of a meeting of the:

### **Finance Committee**

Monday, March 8, 2021

7:30 p.m. – 10 p.m.

Conducted by Remote Participation - Zoom Meeting

#### **AGENDA ITEMS:**

- Virtual Open Meeting protocol and roll call
- Chair's comments
- Call for budgets
- Minutes for approval
- Article 21
- Article 73
- New business
- Adjourn

Charlie Foskett is inviting you to a scheduled Zoom meeting.

**Topic:** Finance Committee Meeting

**Time:** March 8, 2021 07:30 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://town-arlington-ma-us.zoom.us/meeting/register/tJwofumgpzItG9eKlPf-kigDj22eZfQ5YxNI>

After registering, you will receive a confirmation email containing information about joining the meeting

Members of the public are asked to send written comments to [ediggins@town.arlington.ma.us](mailto:ediggins@town.arlington.ma.us)

Documents regarding agenda items will be made available via the Town's website.

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

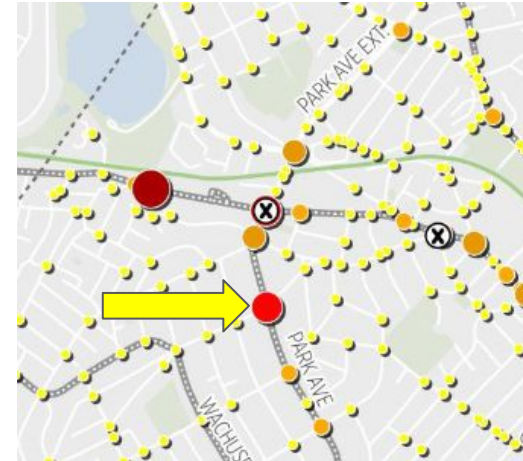
By Charlie Foskett, Chairman Finance Committee

# Article 73

Signal Study - Park Avenue & Appleton Street

# Background - Park Avenue & Appleton St

- TAC concluded the intersection is a “*strong candidate for signalization*” based on data collected by APD in September 2019
- 2015-2017 - Top 5% of Crash Clusters in Arlington <sup>1</sup>
- Common walking & biking route to Ottoson School, Dallin School, Arlington Heights Nursery School, Arlington Heights Business District
- Universal feedback from warrant signers that they avoid using the intersection due to safety concerns



Collisions 2008-2017 from the Connect Arlington Sustainable Transportation Plan p.37

# Why should we approve this funding?

- Support a study of the traffic timing along Park Ave between Florence Ave and Mass Ave. This data is required to understand if a signal at Park Ave & Appleton St is feasible without having an untoward impact on traffic.
- Pending the outcome of the study, it would allow the multi-year public process of approval, funding, design, and installation to begin
- Given the extended history of issues at this intersection, funding this study removes a small but critical roadblock to addressing a longstanding serious safety issue.

**ARTICLE 21 PUBLIC REMOTE PARTICIPATION**  
**Presenter - Elizabeth Dray**

**Background**

The one silver lining of COVID is that it pushed us to move to online and remote meetings, showing us what was possible and making town government more accessible to all residents. Arlington has done an incredible job rising to meet this challenge. The success of these meetings offers us an incredible opportunity as a town to continue this inclusive and more equitable public participation in the workings of the public bodies in Arlington. I urge Arlington to seize on this momentum and to continue to offer hybrid remote public participation beyond the pandemic. I acknowledge that it will be additional work for the Town and may involve start up costs, but I strongly believe it is worth it. Arlington can be a leader for our neighboring communities in the way we continue to reach out and engage residents in town government in a more inclusive and equitable way.

Since becoming a TMM last year, I have focused on encouraging and facilitating greater resident engagement in local town government, committees and commissions. I regularly email my constituents to let them know about important town events and meetings. For three months I held monthly zoom sessions to explain how town government works, to explain Town Meeting and warrants, to share ways to get involved and stay informed and to encourage residents to become Town Meeting members or attend/volunteer with Arlington's many volunteer groups. I also initiated precinct 8 & 10 monthly meetings and worked with other TMMs to create and distribute a leaflet to all precinct 8 & 10 residents sharing our contact info and asking them to voluntarily subscribe to a googlegroup so we can invite them to Precinct meetings and share town related information. It is very exciting and the reception from residents has been great. We have had over 40 participants at each monthly meeting. Residents have been very appreciative of our outreach.

Personally, being able to attend meetings on Zoom from my home has greatly widened the number and type of meetings I attend and has engaged me in many different areas of town government. These are meetings that pre-pandemic I would not have dragged myself out of the house to go to- too cold, too late, too inconvenient, too many easy excuses. I'm even able to attend two meetings at one some nights! Something that will not be possible after the pandemic without some serious advances in cloning in the next 6 months! All this to say that I am much more engaged in and aware of town government. I am not alone. I have heard from many friends and neighbors that Zoom has also made them able to attend more meetings. They can wash the dishes while listening or be in their pajamas, they don't need to find a babysitter and it's a short commute home to bed!



More important than convenience is equity. The ability to participate remotely is more inclusive and equitable for residents of all ages and abilities. Obstacles such as stairs, narrow doorways, icy sidewalks, lack of transportation and inaccessible meeting locations disappear on Zoom. This warrant article has received the endorsement of the Arlington chapter of the National Pain Foundation, the Boston Center for Independent Living and Jonathan Rodis, MBA of the National Disability and Medical Advocate for Rare Disorders and president of the Massachusetts Chapter of the Marfan Foundation. Please see his letter of endorsement below.

I have heard many Chairs of different boards comment that they have never had so many residents come to their meetings before Covid. At the precinct level, I believe almost all the precincts held a meeting before the last special town meeting and some are also holding them on an on-going basis. This is amazing and it is due to the convenience of technology and how it lowers the barriers to make participation and engagement easier and more equitable for all residents.

I would like to see Arlington continue down this road. That is why I am here to ask you to vote to support Article 21.

### **Recommended vote**

#### **ARTICLE 21 PUBLIC REMOTE PARTICIPATION**

To see if the Town will vote to: appropriate a sum or sums of money to support the purchase and maintenance of audio and visual technology needed to allow remote public participation in the meetings of public bodies, including any costs incidental and related thereto, after assessing the technology needs of the Town's eight primary public body meeting spaces and determined and expended under the direction of the Town Manager; work with each public body to support the interactive participation of both in person and remote public in public comment opportunities as defined by Open Meeting Laws, the Town Manager Act and at the discretion of the Chair of each public body; or take any action related thereto.

(submitted by Elizabeth Dray)

### **Expectations for implementation**

The intent of this warrant article is to support hybrid, interactive remote public participation in the town's public bodies in accordance with Open Meeting Law, the Town Manager Act and at the discretion of the Chair of each public body. It is not the intention of this warrant article to influence a public body's policy on public comment or engagement as this remains at the discretion of the Chair. That is, if the public body does not currently allow unscheduled public comments then that would remain the policy. If the public body does allow unscheduled public comments or more informal public participation, then that would remain the policy.

The Town currently has eight spaces that are most often used for public meetings, not including the Select Board chambers and the School Committee Conference room. Those eight primary

meeting spaces are the Town Hall Annex first floor and second floor, the Charles Lyons room, the Jason Cutter Housie, the Senior Center, the Town Manager's conference room, the O'Neill room in the Community Safety Building and the Whittemore Robbins House Double Parlor room. In looking at the meeting calendar for the last year, the number of meetings per night is generally 4, and only one time exceeded seven (on one evening there were 8). Therefore I suggest that the town focus on the seven most used of these spaces and assess what technology currently exists and what is needed to support a hybrid public participation model. This assessment should also be informed by the individual needs of the public bodies, as they vary in size, formality and manner of public participation. Upon completion of that assessment and the assessment of what technology the Town currently owns, the Town Manager would then purchase the audio visual technology needed to equip the meeting space for hybrid remote public participation.

For equity reasons, a survey of public body members will need to be completed to determine if they are able to provide a personal computer/tablet for use during a meeting or will need to borrow one from the town or share a device with a colleague. Lack of access to a personal device should not be a barrier to participation on a public body.

### **Organizational impact**

There will be some impact on the individual public bodies. After assessing their public participation policy they will need to work with a town employee to determine what the best set up is for them. Other possible impacts may be a need to change meeting locations, individual members may need to bring in personal devices (if they have them), individuals who do not have a personal device available may need to borrow one from the town, individuals may need IT training to run the technology and someone will need to monitor the online meeting to mute microphones and monitor the the waiting room etc, (as is currently practiced). It is not the intention of this warrant article to influence a public body's policy on public comment or engagement as this remains at the discretion of the Chair.

### **Possible costs**

An estimation of costs is between \$10,000 - \$20,000. A more accurate picture will be available after an assessment of the technology needs of the public bodies, of individual public body member's access to a personal device and of the meeting rooms. Some of these meeting spaces are already equipped with audio/video equipment including microphones, speakers, TV screens and internet and cable access.

Possible costs for each meeting room include microphone, bluetooth speaker, projector screen, wifi and a camera. One option is that Zoom offers Zoom Rooms which cost \$500 year. Currently we pay 200-250/year. That would be an increase of approximately \$1,400.00 per year. Another option would be to buy the needed equipment. An online search of recommended audio visual equipment for such a hybrid meeting found results that averaged \$1,070.00 to completely

outfit one meeting space that currently has no equipment. The total to fully equip seven meeting spaces would be \$7,490.00. Estimate costs are per unit - projector screens \$70, Bluetooth//camera/speaker \$1,000. One example is the Meeting Owl Pro - 360 Degree, 1080p Smart Video Conference Camera, Microphone, and Speaker (Automatic Speaker Focus & Smart Meeting Room Enabled) found on Amazon.

A survey of public body members will need to be completed to determine if they are able to provide a personal computer/tablet for use during a meeting or will need to borrow one from the town or share a device with a colleague. The online cost of a ASUS chromebook, a brand used by APS, is \$269.00. If we assume that 30 individuals will need to borrow a town owned device, that brings us to \$8,070. The town can follow the process that APS follows to assess need and lend out and maintain the devices.

Zoom licenses are currently paid for and Deputy Town Manager Sandy Pooler does not anticipate the need to appropriate any additional money to pay for new accounts to support this warrant article. ( Zoom accounts currently cost \$200.00 - \$250.00 per year.)

The total estimate including the chromebooks and brand new audio visual equipment is \$15,560.00. This estimate is extremely rough and will be impacted by the needs of the town.

#### **Parameters of this warrant article**

1. All public bodies that are currently open to the public.
2. Meetings will be recorded for the public to access after the meeting without requiring a public records request.
3. The public, both remote and in person, will be able to see and hear each other and the members of the public body for the duration of the meeting.
4. Both in person and remote public will be able to actively participate in public comment opportunities as defined by Open Meeting Law and by the discretion of the Chair of each public body.
5. The town will continue their practice of making the zoom accounts available for the public bodies to use for their meetings.
6. The town will assess meeting locations to determine what the technology needs are.
7. The town will provide training, as needed, to a member or members of each public body so that they know how to use the equipment.
8. Each public body has the discretion to decide if other business before the public body such as but not limited to, applicants for licenses, permits, petitions, appointments and/or Committee reports, can do so remotely or are required to attend in person.

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Dear Arlington Select Board Members,

As a longtime disability and medical advocate for those with rare health disorders, the President of the Massachusetts Chapter of the Marfan Foundation, and the Founder and Co-Leader of the Ehlers Danlos Syndrome and CTD (Connective Tissue Disease) New England/Massachusetts

Support Group, I am writing you today in support of a warrant that would enable remote options post-COVID for those wishing to participate in Arlington Town government, including as a representative Town Meeting Member.

Those of us with disability are often excluded from public spaces where we can contribute valuable and critical input to the policies and practices that most impact us. This is especially the case in the age of COVID, where we disproportionately absorb the brunt of risk and mortality of exposure to the virus should we attend in-person events. As such, it is paramount that governments work to ensure access to their spaces in ways that maximize equity and diversity. Prior to COVID, many disabled folks were denied telecommuting and remote options, whether in the workplace, or when it comes to accessing healthcare (i.e., telehealth appointments), or attending government commission and committees in their hometowns and cities. We were told that it wasn't feasible or practical to offer us remote options. Yet, when the pandemic hit, the disability community watched as society pivoted in a matter of days and weeks to embrace the remote options we'd been asking for years. In other words, once health risks and access problems became an issue for everyone, society was willing to make changes. Now that the precedent has been set and expectations have also been established, denying disabled people remote options for participation in town government would be nothing less than exclusionary and prejudicial.

If those of us are denied options for participating in town government post-COVID, it would not be for a lack of ability to accommodate our needs, but because of a lack of will to create more equitable spaces and a failure to value our participation. If anything good can come out of this pandemic, it should be the ability to maintain expanded access to spaces that many disabled people were previously denied. We should be able to participate in our local governments in ways that accommodate our access needs, and maintaining remote options is one key way to do this. Therefore, I hope the Town will consider taking steps to ensure those us with extenuating medical circumstances are able to resume with hybrid remote options for government participation if and when the Town of Arlington commences with in-person meetings again. Thank you for your consideration.

Sincerely,

Jonathan Rodis, MBA  
National Disability and Medical Advocate for Rare Disorders  
President-Massachusetts Chapter of the Marfan Foundation  
Founder and Co-leader-Ehlers-Danlos and CTD New England/Massachusetts Support Group

