

TOWN OF ARLINGTON  
BOARD OF SELECTMEN

Meeting Minutes  
Monday, November 14, 2016  
7:15 PM

Present: Mrs. Mahon, Chair, Mr. Dunn, Vice Chair, Mr. Greeley, Mr. Curro and Mr. Byrne.  
Also Present: Mr. Chapdelaine, Mr. Heim and Mrs. Krepelka.

**PROCLAMATIONS**

1. Arlington Recycles Week  
Gordon Jamieson

Gordon Jamieson, Co-Chair of the Recycling Committee, stated that the November event this year will be a regular Recycling Center Event. There will be no larger collection day this fall. The Community Collection will be back in the spring.

Mr. Dunn read the Proclamation naming November 14 - November 22nd as Recycling Week.

**CONSENT AGENDA**

2. Minutes of Meetings: October 31, 2016  
Mr. Byrne moved approval.

SO VOTED (4-0-1)  
Mr. Curro abstained.

3. Appointment of New Election Workers: (1) Margaret Fichera, 39 Temple Street, D, Pct. 8; (2) Diane Porcari, 34 Hamilton Road #409, D, Pct. 2; (3) Jeanne Wall, 36 Udine Street, D, Pct. 13

Mr. Byrne moved approval.

SO VOTED (5-0)

**PUBLIC HEARINGS**

4. Hearing: Illegality on Licensed Premise - Violation of 204 C.M.R. 2.05(2)  
Arlington Liquors, Inc. d/b/a Arlington Liquors  
94B Summer Street  
Alexander Kushnirsky, Manager/President  
Douglas W. Heim, Town Counsel

Town Counsel Heim explained that this meeting was a hearing to examine potential alcohol license violations by Arlington Liquors on February 26, 2016. After, testimony was heard from Arlington Police Officer Scott Urquhart and the license holder, Alex Kushnirsky. Many questions followed from the Board.

Mr. Kushnirsky stated he takes full responsibility and apologized for his actions. He thanked the Arlington Police Officers and the Arlington Rescue for saving his life.

Officer Urquhart stated that no attempt was made to arrest or cite Mr. Kushnirsky because it sets a bad precedent and discourages people from reaching out during life-threatening situations for fear of getting into trouble.

Mr. Byrne stated it is important the public knows that if they do need assistance, they can call and will not face criminal penalties.

Mrs. Mahon stated she was sympathetic to Mr. Kushnirsky's medical conditions. She feels the incident was more serious than just a marijuana edible. Mrs. Mahon also stated that Arlington Liquors had incurred two past violations for underage sales of tobacco and the appearance of his property is in violation of the Zoning Bylaws.

Mr. Greeley advocated against a three-day suspension due to the harsh financial impact it would have on a liquor store and stated the Board needed to focus on the facts. Mr. Greeley stated the violations Mrs. Mahon has cited can be spelled out in his renewal license in December.

Mr. Curro and Mrs. Mahon voted in favor of assessing a three-day suspension. Mrs. Mahon and Mr. Curro both felt an All Alcohol Package Store License holder should be held to a higher level and this violation was an extreme lapse in judgment and professionalism.

Mr. Greeley made a motion for a one-year probation, and if another violation of any kind occurs, Arlington Liquors will be subject to a five-day suspension of its license. SO VOTED (5-0)

### **LICENSES & PERMITS**

5. Request: All Alcohol License Change of Stockholder & Change of Manager  
Y Plus Y Inc., 303A Broadway, Attorney Wei Jia, Fusion Taste

Mr. Dunn moved to table until the meeting of November 28, 2016. SO VOTED (5-0)

6. Request: Common Victualler and Wine & Malt Licenses  
Noodle Market, 470-472 Massachusetts Avenue, Juthamas Pornsuwattanakul

Mr. Byrne moved approval subject to all conditions as set forth. SO VOTED (5-0)

### **CITIZENS OPEN FORUM - SIGN IN PRIOR TO BEGINNING OF 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.

No matters were presented for consideration of the Board.

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

7. Gift Presentation: Congressional Gold Medal Replica Honoring Doolittle Tokyo Raiders  
Chris Costello, Medal Designer, Dallin Art Museum Board of Trustees

Mr. Costello was recently in Washington, D.C. at the Congressional Gold Medal Ceremony honoring the Doolittle Tokyo Raiders. Mr. Costello designed the front of the medal that was presented to the raiders and discovered that two (2) of the eighty (80) men honored were from Arlington: Eugene Francis McGurl and Howard Albert Sessler. He stated it was pretty exciting to see coverage in the news and to hear about their stories. Mr. Costello heard there was a monument in Town honoring these two gentlemen, and he would like to present to the Town

a bronze replica of the Medal honoring the Doolittle Tokyo Raiders.  
The Board thanked Mr. Costello for his gift and stated they would present it to Arlington High School to include in their Veterans Case.

8. Presentation: 'Arlington Council on Aging Guide'  
Mara Klein Collins, Chair, Arlington Council on Aging  
Jim Munsey, Vice Chair

Ms. Klein Collins and Mr. Munsey presented a Mission Statement as follows:

The Council's primary responsibilities are to design, promote and implement services to address the needs of the community's elder population and to coordinate existing services in the community.

The Council on Aging Board requests the Selectmen to:

1. Assign a Selectman as a Liaison to the COA Board to continue to plan together for the increase in elder population and their needs.
2. Support the Senior Center Renovation Project.
3. Increase staffing to meet the growing population of Arlington seniors.

The Board thanked Ms. Klein Collins and Mr. Munsey for an excellent presentation and for all their many hours of volunteering on behalf of the senior residents.

Mr. Greeley moved receipt of report.

SO VOTED (5-0)

9. Revised Selectmen Letter to ZBA Regarding Oaktree 40B Application  
Douglas W. Heim, Town Counsel

Brian Rehrig, 23 Academy Street, thanked the Board for taking action and sending the ZBA said letter. He also stressed how important that ZBA's role is in this process. The following residents also thanked the Board for their support on this matter:

- Parul Vakani, 2 Mott Street
- Elaine Lyte, 53 Dorothy Road
- Shona Gibson, 107 Mary Street
- Pama Miller, 43 Burch Street

Ms. Vakani stated that they have 783 signatures of members that want to save the Wetlands and are here tonight to support the Board. Also, they are willing to help in any way they can.

Mr. Dunn moved approval of letter being sent to the members of the Zoning Board of Appeals.

SO VOTED (5-0)

10. Vote: Creation of Working Group for Maintenance of Public Lands  
Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine proposed that the Public Land Maintenance Working Group would be comprised of the following representatives:

- \*1. Town Manager's Office ( Jim Feeney)
2. Recreation Department (Jon Marshall)
3. Department of Public Works (Mike Rademacher)
4. Planning Department Representative
5. Parks and Recreation Commission Member
6. Conservation Commission Member
7. Open Space Committee Member
8. Finance Committee Member

9. Resident at Large

\*Mr. Feeney will convene the first meeting.

Mr. Chapdelaine stated the Working Group would engage other stakeholders as necessary, assess and evaluate needs, and develop any necessary recommendations for the maintenance and management of open space, recreation land, and other natural resources. Following their review, the Working Group would advise the Town Manager and he will report back to the Board and Town Meeting as necessary.

Mr. Curro moved approval.

SO VOTED (5-0)

11. Vote: Referral of HCA Downing Square Traffic Study to Transportation Advisory Committee for Review  
Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine stated that on Monday November 7th the Arlington Redevelopment Board (ARB) held a public hearing on a proposal by the Housing Corporation of Arlington to develop 34 units of affordable housing at 19R Park Avenue. At that meeting, the ARB asked if the Transportation Advisory Committee (TAC) might be able to assist them by reviewing the Traffic Study for the project, and advise them about any additional information that might be useful, and if any traffic related conditions should be placed on the Special Permit. Mr. Chapdelaine also stated that TAC met on November 9, 2016 and briefly discussed the ARB request. They offered to have a Working Group review the Traffic Study and do their best to get a memo to the ARB for their next meeting on November 21.

Mr. Greeley moved approval.

SO VOTED (5-0)

**NEW BUSINESS**

Town Counsel Heim stated that although Ballot Question #4 passed regarding the sale of recreational marijuana, Board of Health regulations will be coming forward.

Mrs. Mahon stated that if a seminar is required the Board would attend and play any role necessary.

Mr. Greeley wanted everyone to put Wednesday, December 21, 7:30 p.m. on their calendar for the Holiday Show. Dress rehearsal will be December 15 at 6:15 p.m.

Mr. Byrne thanked the Selectmen's staff and all the poll workers for their role in the Presidential Election.

Mr. Curro and Mr. Dunn also thanked the residents for coming out to vote and the poll workers for all their work in Tuesday's Election.

Mr. Dunn also thanked the Town Manager for sending out his message regarding the recent election. He was extremely pleased with the statement that the Town of Arlington is a diverse community, and we value that diversity. We all provide services to the residents of Arlington, and it is his expectation that those services will be delivered equitably and fairly without discrimination. Lastly, he wanted to reassure all residents that despite all the rhetoric to the contrary, life and work as we know it here in Arlington will go on.

Mrs. Mahon stated she wanted to thank the Arlington Police Dept. for their excellent job in arresting a New Hampshire resident who attempted to enter a residence on Lee Terrace. He was wearing an FBI baseball hat. When the victim realized that something wasn't right, they called the police. After police arrested the gentleman, they found in his possession a black bag containing a stun gun, a loaded 38 caliber hand gun, black leather gloves, rope duct tape, a ski mask and copies of the FBI flyer given to the residents. Considering what was in the black bag, the Police are taking this matter very seriously.

Mr. Curro stated he attended the Open House at the newly renovated Police Station on Thursday night. It was wonderful to see so many retired, as well as current, Police Officers at the ceremony.

Mr. Greeley moved to adjourn at 9:35.

SO VOTED (5-0)

**Next Meeting of BoS November 28, 2016**

11/14/16

Agenda Item	Documents Used
1	Proclamation: Arlington Recycles Week-Gordon Jamieson
2	Minutes of Meeting - October 31, 2016
3	Appointment of New Election Workers (Margaret Fichera, 39 Temple Street, D, Pct.8 (2) Diane Porcari, 34 Hamilton Road #409, D, Pct 2, (3) Jeanne Wall, 30 Udine Street. D. Pct. 13
4	Hearing Illegality on Licensed Premise - Violation of 204 C>M>R> 2.05 (2) Arlington Liquors, Inc. d/b/a Arlington Liquors, 94B Summer Street Alexander Kushnirsky, Manager/President Douglas W. Heim, Town Counsel
5	Request: All Alcohol License Change of Stockholder & Change of Manager Y Plus Y inc., 303A Broadway, Attorney Wei Jia, Fusion Taste
6	Request: Common Victualler and Wine & Malt Licenses Noodle Market, 470472 Mass. Ave., Juthamas Pornsuwattanakul
7	Gift Presentation: Congressional Gold Medal Replica Honoring Doolittle Tokyo Raiders Chris Costello, Medal Designer, Dallin Art Museum Board of Trustees
8	Presentation: Arlington Council on Aging Guide Mara Klein Collins, Chair, Arlington Council on Aging Jim Munsey, Vice Chair
9	Selectmen Letter to ZBA Regarding Oaktree 40B Application Douglas W. Heim, Town Counsel
10	Vote: Creation of Working Group for Maintenance of Public Lands Adam W. Chapdelaine, Town Manager
11	Vote: Referral of HCA Downing Square Traffic Study to Transportation Advisory Committee for Review - Adam W. Chapdelaine, Town Manager