



**Town of Arlington, Massachusetts**  
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## Minutes 08/27/2012

**TOWN OF ARLINGTON**  
**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**Monday, August 27, 2012**  
 7:15 p.m.

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

Mr. Greeley asked for a moment of silence for Richard L. Duffy of Winchester. Mr. Duffy was the father of Richard Duffy, our local town historian and member of the Arlington Historic Commission.

### FOR APPROVAL

1. CONSENT AGENDA (one vote required for approval of all items)
    - a. Minutes of Meetings: July 16, 2012
    - b. For Approval: Annual Town Day Road Race, September 15  
Joe Connelly, Director of Recreation
    - c. REAPPOINTMENTS  
Board of Youth Services  
Lynn Horgan  
(term to expire 6/30/2015)  
Disabilities Commission  
Kerrie Fallon  
(term to expire 6/30/2015)
    - d. Request: (1) One Day Beer & Wine License, 9/14/12 @ Whittemore Robbins House and (2) One Day Beer & Wine, 9/15/12 @ Robbins Memorial Town Hall Auditorium, AHS Class of '62, 50th Reunion  
William Grannan, Esq.
    - e. Request: One Day Beer & Wine License, 9/9/12, Benefit Concert for the Life is Good Playmakers Association @ Regent Theatre  
Daniel Schuler
    - f. Request: Fundraising 5K Fun Run, 9/29, Minuteman Bike Trail  
Jessica Sainsbury, Brigham Young University Alumni Association
    - g. Request: Waive Parking Restrictions-Tufts and Foster Streets, 2012-2013 School Year  
Deanne Benson, Lesley Ellis School
    - h. Requests: Arlington Center for the Arts, 13th Annual Arlington Open Studios
      - (1) Arts Center to be open on Sunday, October 14 from 12N - 5p.m.
      - (2) Waiver of resident only parking' restrictions on Tufts and Foster Streets for Saturday, October 13 and Sunday, October 14.
      - (3) Placement of sandwich board @ intersection of Mass. Ave. and Rte. 60 from Sunday, through Sunday, 10/14. 10/7  
Pamela Shanley, Arlington Center for the Arts
    - i. Appointment: New Election Worker  
Dorothy Colarusso, 17 Mill St., U, Pct. 3
- Mrs. Mahon moved approval. SO VOTED (5-0)

## 2. Discussion: Leaf Blower Committee

Kevin F. Greeley, Chair

Mr. Greeley stated that in light of the recent special election wherein the Town's voters nearly overturned the leaf blower ban bylaw (20 out of 21 Precincts were not in favor of ban), he would like to form an ad-hoc committee for the purpose of exploring options to an outright ban on leaf blowers. It is Mr. Greeley's intention to bring to Town Meeting next Spring 2013, a compromise Article that will modify the complete ban and impose some level of restrictions on leaf blower use. The Committee will be comprised of Mr. Greeley, Mrs. Mahon, Town Manager Chapdelaine and Board of Health Director Christine Connolly, as well as four representatives from the Landscapers Association who oppose the ban, and four Town Meeting members to be appointed by the Moderator. Mrs. Mahon moved approval to establish committee. SO VOTED (5-0)

Mr. Greeley will be Chair and Mrs. Mahon will be the voting Board of Selectmen member for the Committee.

Mr. Dunn moved approval.

SO VOTED (5-0)

## LICENSES &amp; PERMITS

7:30 p.m. Public Hearing

## 3. Request: Menotomy Grille, LLC d/b/a Menotomy Grill and Tavern

William A. Lyons, Owner/Manager, 25 Massachusetts Avenue

## a. Common Victualler License

Mrs. Mahon moved approval.

SO VOTED (5-0)

## b. All Alcohol License

Mr. Dunn moved approval.

SO VOTED (5-0)

## c. All Alcohol Policy Amendment

Mr. Curro moved approval.

SO VOTED (5-0)

Mrs. Mahon asked Town Counsel to draft an amendment to its policy on Alcohol Licenses for Restaurants to allow service of alcoholic beverages in an outdoor dining area of a licensed premise.

Mr. Byrne moved approval.

SO VOTED (5-0)

Mr. James Anzalone, Henderson Street, stated he is fine with the restaurant, but expressed concern about the parking behind the property which is very dark. He feels there should be more lights to make it a safe area.

Mr. Byrne stated he hoped it doesn't change the neighborhood and feels it is great for the Town.

Mr. Curro stated he is excited about the project and feels it will redo the gateway to Arlington.

Mr. Lyons stated to the Board that he is in it for the long haul.

## 4. Request: Outside Furniture Permit

Ken McCord d/b/a The Savory Plate, 1346 Massachusetts Avenue

Mrs. Mahon moved approval.

SO VOTED (5-0)

## 5. Discussion: Update on Microburst and Follow-Up

Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine once again thanked all town staff, state officials (MEMA, DCR DOT), NSTAR and residents for their patience and cooperation. In the immediate aftermath, the Manager dispatched public safety resources, Department of Public Work crews, and building inspection officials. All of these crews were supplemented by crews from the State and NSTAR.

The Town's priorities were removing limbs that created a public safety hazards, addressing wires that were a public safety hazard and identifying damage to structures that may have posed a danger. Following that, crews worked to remove trees that had been pushed up against homes and restore power to residents that had lost electricity. All trees were removed and power restored to the areas affected so not as to interfere with the Special Election on Thursday afternoon. The Town Manager stated work began on clearing the bike path and restoring sidewalks. The bike path has been cleared and all sidewalks are expected to be repaired by September 30th.

Approximately ninety (90) trees were damaged and have an estimate of \$355 per tree - replacement costs approximately \$31,000.

The Town Manager stated the Trees Please Fund currently has \$3,700 and \$450 of that \$3,700 was received after an appeal was made in the Arlington Advocate. The Manager will continue to discuss the best financial approach to replanting trees and will be looking at options that may be available via the capital operating budgets as well as the

possibility of further request for public support.

The Town Manager stated more lessons need to be learned and he will continue to improve the coordination of the emergency response team with the latest technology. The Board thanked the Town Manager and all departments for doing a great job.

Town Manager Chapdelaine, Town Engineer Wayne Chouinard, Selectwoman Mahon and Selectman Greeley met with Chairman Stephen M. Brewer, Senate Committee on Ways and Means and Chairman Brian S. Dempsey, House Committee on Ways and Means, to plea for some relief due to our recent microburst. Senator Donnelly and Representative Sean Garballey arranged the meetings.

6. Discussion: Meeting on Alewife Greenway with DCR Officials  
Adam W. Chapdelaine, Town Manager

Selectman Greeley, Selectwoman Mahon, Town Manager Chapdelaine, Town Engineer Wayne Chouinard, Senator Donnelly, and Representative Garballey met with Commissioner Edward M. Lambert, Jr., Department of Conservation and Recreation and Dan Hunt, Director of Government Affairs in Commissioner Lambert's Office, to discuss the Greenway Project.

The Manager stated that they went over a number of outstanding issues that related to MDR (contractor), DOT along with the DCR. Mrs. Mahon started the discussion with the flooding and CSO issues that occur along the Alewife Brook and asked for a representative of DCR to consider becoming involved with the Tri-Community Flooding Group. Commissioner Lambert agreed to take this under advisement.

Mr. Chouinard talked about the punch list/project closeout items with the contractor. DCR is aware of these issues which include:

1. Joint issues between aggregate and Boardwalk
2. Drain line issues on Sunnyside Avenue
3. Disposal of remaining construction debris - rusted fence on Boulevard Road
4. Repair of ruts near path in Sunnyside Area

Mr. Chapdelaine reported that the knotweed is a maintenance issue. DCR stated their commitment to dealing with the knotweed with regular mowing of some areas with knotweed. This is one strategy that has demonstrated success in dealing with the issue.

The Town expressed the need for clear parking regulations and signage for Sunnyside Avenue and Boulevard Road areas. The DCR is willing to consider these requests and the Town will be following up with them.

Mr. Greeley moved receipt of report.

SO VOTED (5-0)

7. Requests for Borrowing
- a. Request to Proceed: Recommendation for Borrowing for Capital Projects, MWRA Bonds and School Construction \$13,640,650 G.O.B. and \$5,300,000 BANS  
Mrs. Mahon moved approval.

SO VOTED (5-0)

- b. Request: Vote for Advance Refunding of 2003 Bond Issue

Vote of the Board of Selectmen

Voted: That, in order to save interest costs, the Treasurer is authorized to provide for the sale and issuance of bonds under G.L. c. 44, Section 21A, to refund all or any portion of the remaining principal of and redemption premium and interest on the Town's General Obligation Bonds dated August 15, 2003; and that for this purpose, the Treasurer is authorized to provide for the preparation and distribution of a Preliminary Official Statement; provided, however, that no bonds shall be issued under this vote unless and until the final interest rates and other terms of the refunding bonds are approved by the Board.

- c. Request: Vote to Determine Useful Life of Equipment for 2013 Capital Borrowing

Vote of the Board of Selectmen

Voted: that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$997,000 borrowing authorized by the vote of the Town passed May 7, 2012 (Article 41, Section 3) is hereby determined pursuant to G.L. c.44, x7 (9) to be as follows:

Purpose	Borrowing Amount	Maximum Useful Life
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Replace Engine for Fire Services	\$550,000	20 Years
Dump Truck for Highway Division	\$85,000	15 Years
53 Passenger Bus for School Department	\$85,000	15 Years
Landscaping Multi-Purpose Tractor for Natural Resources Divisions	\$58,000	15 Years
#109 B passenger 7-D suburban bus for School Department	\$40,000	15 Years
Pickup 4wd w/plow for Highway Division	\$45,000	10 Years
Protective Gear Replacement for Fire Services	\$32,000	5 Years
Animal Control Van	\$30,000	10 Years
Utility Vehicle for Engineering Division	\$30,000	10 Years
Vehicle for Inspections	\$25,000	10 Years
Sander Body for Highway Division	\$17,000	10 years

d. Request: Vote - M.W.R.A. Water Bonds

Vote of the Board of Selectmen

VOTED: that the sale of the \$850,000 Water Bond of the Town dated September 10, 2012, to the Massachusetts Water Resources Authority (the "Authority"), as recommend by the Town Treasurer, is hereby approved and the Town Manager is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on August 15 of the years and in the principal amounts as follows:

Year	Installment	Year	Installment
2013	\$85,000	2018	\$85,000
2014	85,000	2019	85,000
2015	85,000	2020	85,000
2016	85,000	2021	85,000
2017	85,000	2022	85,000

Mrs. Mahon moved approval.

SO VOTED (5-0)

- 8. NSTAR Petition: 60 North Union Street  
Richard Schifone, Supervisor, Rights and Permits  
(all abutters notified)

Mrs. Mahon moved approval subject to all conditions as set forth.

SO VOTED (5-0)

APPOINTMENTS

- 9. Appointment: Permanent Town Building Committee  
John Maher

(term to expire 6/30/2013)

Mr. Dunn moved approval.

SO VOTED (5-0)

## 10. CITIZENS 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.

No matters were presented for consideration of the Board.

## TRAFFIC RULES & ORDERS/OTHER BUSINESS

### 11. Discussion: Master Plan

Carol Kowalski, Director, Planning and Community Development

Ms. Kowalski explained why a Master Plan is needed. She feels a comprehensive Municipal master plan should be developed in Arlington to serve as the Town's primary policy statement on future physical development in Arlington. The process involves public participation to set goals and communicate a long-term shared vision, followed by a review of current trends relative to land use, economic strength, housing, open space, recreation, natural, cultural trends, historic resources, transportation, population, demographics, public facilities, and includes steps to implement the plan. Each element of the master plan is inter-related, for example economic development may depend on transportation; increased housing can lead to increased demand for services. The legal basis for master planning in Massachusetts is provided in Chapter 41, Section 81D of Massachusetts General Law. This act encourages Planning Boards to create Master Plans to "provide a basis for decision making regarding the long term physical development of the Municipality."

Ms. Kowalski stated the master plan will take between 18 months and two years to complete. The first step is an interactive, community-wide workshop on Wednesday, October 17, 2012 at 7:00 p.m. in the Town Hall Auditorium to hear from Arlington's broad and varied voices on shared values that will form the goals and policies of the master plan.

Mrs. Mahon moved receipt of the Master Plan and stated the Board supports the Workshop on October 17th. SO VOTED (5-0)

### 12. Renewal: ACMI Agreement

John Leone, President ACMI

Mrs. Mahon moved approval. SO VOTED (5-0)

### 13. Discussion: Swan Place Parking

Diane M. Mahon, Selectman

If the Board decides to eliminate the Swan Place permits for residents to park all day and Night for \$10.00, the enforcement would begin January 1, 2013. Overnight parking permits would be available to residents who demonstrate hardship. Mrs. Mahon told the residents that appeared before the Board that the signs were changed before the Board actually voted on the Sub Committees recommendations. The following residents spoke against the new recommendations:

Richard Langone, 12 Swan Place, stated he feels the Board has ruined his street and said enforcing one-hour parking was ridiculous. He stated that when the homeowners bought their homes, they were told that there was a residential parking system and their property values would drop if the system was taken away.

Mrs. Lansnik, 22 Swan Place, stated that the subcommittee plan is not a plan for her neighborhood. She feels that every neighborhood is different and the Board should have been able to consider their circumstances. She feels that the system that has been in place for seventeen years and now the new system has turned their lives upside down-- that's not the way Selectmen are supposed to work. Mrs. Mahon stated the Board could not be responsible for what realtors lead buyers to believe, and stressed the need to be fair.

Jim Ballin, 30 Swan Place, stated he feels it is a mistake to take a vote tonight and he would like to be involved in the decision regarding parking on Swan Place.

The following residents of Swan Place voiced their concerns regarding the proposed parking changes to Swan Place - Resident Parking Only and Overnight Parking:

Elizabeth Pavoni, 14 Swan Place  
 Donna - 16 Swan Place  
 Laurie O'Neill - 18 Swan Place  
 Peter Sweet - property owner on Swan Place

The subcommittee felt that many residents pay to park in the municipal parking lot during the day and night and everyone pays the same fee.

Mrs. Mahon also stated the Police Dept. was notified not to enforce any ticketing until final recommendations were made.

Mr. Curro stated that he is troubled by the daytime parking restriction and feels the subcommittee should meet again to review this particular situation.

Selectmen Dunn agreed Swan Place is not like most streets held to one-hour parking and he is comfortable in creating exceptions for good reasons within our parking policy.

After much discussion, the Selectmen agreed to send the matter back to the parking subcommittee for more study and report back to the Board.

14. Discussion: Alcohol Compliance Report Manna Sushi, 9A Medford Street  
 Juliana Rice, Town Counsel  
 (postponed from 7/16/12 meeting)

The Selectmen all agreed and spoke to the seriousness of the underage serving. It was agreed that the owner and daughter would work on adopting a written policy and training materials so that this would not happen again. This policy along with a draft liquor license suspension letter drafted by Ms. Rice will be on the agenda at the next meeting.

Mrs. Mahon moved approval to impose a minimum suspension of 3 consecutive days during October.

SO VOTED (5-0)

15. Approval: Draft Liquor License Suspension Decision  
 Juliana Rice, Town Counsel

On July 16, 2012, after proper notice and hearing, the Board of Selectmen, in its capacity as local liquor licensing authority, unanimously voted to order suspension of the following three Licensees' for three days:

Kathmandu Spice Restaurant, Inc. 166 Massachusetts Avenue  
 Monday, Sept. 10th, Wednesday, Sept. 12th, and Thursday, Sept. 13th  
 (Licensee is closed on Tuesdays)

This order does not affect the Licensee's Common Victualler permit.

Mr. Curro moved approval.

SO VOTED (5-0)

Sabzi, 352A Massachusetts Avenue  
 Tuesday, Sept. 11th, Wednesday, Sept. 12th and Thursday, Sept. 13th  
 (Licensee is closed on Mondays)

This order does not affect the Licensee's Common Victualler permit.

Mr. Dunn moved approval.

SO VOTED (5-0)

Sweet Chili, 470-472 Massachusetts Avenue  
 Monday, Sept. 10th, Tuesday, Sept. 11th, and Wednesday, Sept. 12th  
 This order does not affect the Licensee's Common Victualler permit.

Mr. Byrne moved approval.

SO VOTED (5-0)

16. Approval: Board of Selectmen and Town Manager Goals  
 Adam W. Chapdelaine, Town Manager  
 Mrs. Mahon moved approval.

SO VOTED (5-0)

## Correspondence Received

Cricket Beauregard Lewis      Replanting of Town Trees After Microburst      Be Rec'd  
107 Jason Street

Frank Foss, Sr. Manager      Programming Changes      Be Rec'd  
Comcast

Catrice C. Williams      License Expiration Notice      Be Rec'd  
Dept. of Telecommunications  
And Cable

Mrs. Mahon moved receipt of correspondence.      SO VOTED (5-0)  
New Business:

Mr. Chapdelaine reported that the Crosby School Purchase/Sale Documents will be ready for final review and signatures at the Board's meeting on September 10, 2012.

Mr. Chapdelaine stated that the Salary Survey Committee continues to meet and is looking at 13 different communities regarding salaries/ benefits and will select a consultant in the near future.

Mr. Chapdelaine stated the Town will be repaving Mass. Avenue from Brattle Street to Schouler Court. Work will include new wheelchair ramps, new paving at bus stops, milling and final paving. The contractor is D & R Paving. The Town anticipates work to begin this week and will take a few weeks for completion.

Mrs. Mahon reported that she and Clarissa Rowe met with Jake Upton and had a wonderful tour of the Symmes Project. She stated the project is moving along and the Symmes Developers will be inviting the Board back for another site visit in late October.

Mr. Byrne stated that since the first meeting of the Coordinated Finance Stake Hold Group they have been focused on making Arlington's Finances more efficient and coordinated. We have looked into the hiring practices of the Town's finance positions, the form and content of Budget Data, and we discussed the different software used for our financial functions, as well as many other initiatives. Mr. Byrne believes that the discussions have been very productive and will lead to a more structured finance department. He expects further significant updates in the near future.

Mr. Byrne also congratulated the Andrew Chiefs of the Intercity Baseball League for winning the championship game. There are a few Arlington boys on the team and he feels congratulations are in order.

Mr. Curro, member of Symmes Neighborhood Group, stated that the Symmes project is progressing and that he understands the Town is about to hire a Project Manager soon.

Mr. Greeley stated that he wants to remind all residents about enforcement of the mandatory recycling, trash limits program that will take affect September 1st.

Mrs. Mahon moved to adjourn at 10:00 p.m.      SO VOTED (5-0)

A true record: Attest

Marie A. Krepelka  
Board Administrator

Next scheduled meeting of BOS September 10, 2012.

8 /27/12

Agenda Item Documents Used

1(a) Draft Meeting Minutes: 7/16/12

1(b) Walter Moynihan Road Race Application

1(d) (e) Special 1-Day Liquor License Applications- Class '62 Reunion at Whittemore Robbins House & Robbins Memorial Town Hall Benefit Concert for Life at Regent Theatre

1(f) Brigham Young Univ. Alumni 5k run request & Police response memorandum

1(g) Lesley Ellis School/Tufts & Foster Streets parking waiver request

1(h) Openstudio-Arl. Center for Arts/ Tufts & Foster Streets parking waiver request

3 Menotomy Grille CV & AA License Application and Dept. Reports

4 Savory Plate outside furniture permit application and Dept. Reports

5 Microburst/Town Manager status report

7 Bond borrowing/Treasurer's Memorandum

8 NSTAR Petition request and Town Engineering Report

9 Permanent Town Building Comm/J. Maher resume

11 Master Plan/Town Planning Memorandum

12 ACMI Agreement

13 Swan Place Parking: sub-comm. minutes/memo, sub-comm. letter to residents, J. Ballin request letter, Treasurer Transmittal of Documents Memo, Police Services Memo (1995), R. & E. Langone request letter, Resident/abutter meeting letter, Response & request email for 8/27/12 meeting, Abutter list & mailing labels from Assessor's Dept., 2012 Residential Permit List from Treasurer's Dept., and J.Carroll/Director of Police Services Memo (1994)

14 Manna Sushi Alcohol Compliance Report

15 Manna Sushi Decision of the Local Licensing Authority

16 Draft Selectmen & Town Manager Goals

C.R. Xfinity Programming Changes memo

C.R. Dept. of Telecommunications Letter-License expiration Notice