



Town of Arlington, Massachusetts
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Minutes 09/24/2012

TOWN OF ARLINGTON
BOARD OF SELECTMEN
Meeting Minutes
Monday, September 24, 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. Sullivan

Mr. Greeley thanked and congratulated the Town Day Committee, volunteers, and financial supporters for the great work in executing another successful Town Day.

FOR APPROVAL

1. CONSENT AGENDA (one vote required for approval of all items)
 - a. Minutes of Meetings: August 27, 2012; September 10, 2012
 - b. REAPPOINTMENTS
 - Reappointment: Arlington Bicycle Advisory Committee
 - Jack Johnson
 - Christopher Tonkin
 - (terms to expire 12/31/2015)
 - Reappointment: Constable
 - Ellen Digby
 - (term to expire 6/30/2015)
 - c. Request: Peirce School PTO 4th Annual Walkathon and Fun Run, Saturday, 10/27/12
 Janice Weinberg, Peirce School PTO
 - d. Request: One Day Beer & Wine License, 10/19/12 @ Robbins Memorial Town Hall
 Auditorium, Evening Gala in Support of the AYCC
 Christine Connolly, Arlington Health and Human Services Charitable Corp.
 - e. Request: One Day Beer & Wine License, 10/12/12 @ Regent Theatre, Boston Bike Film
 Festival
 Cat Bryant, event organizer
 - f. Request: MPO Nomination - Town of Bedford
 Adam Chapdelaine
 - g. Request: Change of D/B/A - 319 Broadway
 Is: Gemma's
 Requests: Cooper's Tavern

Mr. Curro moved approval subject to conditions set forth. SO VOTED (5-0)
2. Report: Arlington Bicycle Advisory Committee
 Christopher Tonkin, Chair
 Mrs. Mahon moved receipt of report. SO VOTED (5-0)

APPOINTMENTS

3. Appointments: Arlington Cultural Council
Margaret Husak
Margaret D. Moore
(terms to expire 10/1/2015)
Mr. Dunn moved approval. SO VOTED (5-0)
4. Appointments: Vision 2020 Standing Committee
Gordon Jamieson
(terms to expire 1/31/2015)
Mr. Dunn moved approval. SO VOTED (5-0)
5. Introduction: Rick Gallagher, Symmes Designated Town Representative
Adam Chapdelaine, Town Manager
Town Manager, Adam Chapdelaine, introduced Rick Gallagher as the newly designated Town Representative for the Symmes Arlington Conservation and Improvement Project.
6. CITIZENS OPEN FORUM

These matters were presented for consideration of the Board.

Stephen Harrington, 74 Columbia Rd., stated he felt the Selectmen were sending the wrong message questioning the due process available to citizens utilizing the Special Town Election and Special Town Meeting petition process. He stated the Special Town Meeting had other important town business to vote on also in October. Mr. Harrington requested that the Selectmen respect his rights as they want to be respected-so that both sided would be respected in this process.

Gordon Jamieson, Chair of the Arlington Recycling Committee, publicized November 17th as Recycling Day in Arlington with future information to be posted on the website later. He also praised the good work of the DPW staff switching the Town recycling to weekly as part of the trash pick up.

Michael Ruderman, 9 Alton St. & Precinct 9 Town Meeting Member, thanked Gemma's Ristorante owner, Ilir Velagoshti, for his good work on maintaining deliveries that are parking compliant. He urged other business owners to have their deliveries also comply with parking rules.

TRAFFIC RULES & ORDERS/OTHER BUSINESS

7. Request: Residential Handicap Parking @ 100 Thorndike Street
Mila Guevara
Mr. Dunn moved no action. SO VOTED (5-0)
8. Request: One Space On Street Overnight Parking @ 31 Linwood Street
Willa and Michael Miller
Mrs. Mahon moved no action. SO VOTED (5-0)
9. Discussion: Cultural Commission
Joseph A. Curro, Jr., Selectman
Mr. Curro explained that Town meeting voted the establishment of a Cultural Commission (Art. 21, A.T.M., 5/17/93) consisting of seven members; six members appointed by the Town Manager, subject to approval by Selectmen, and one member appointed by the School Committee.
Mr. Curro made a motion to have Mr. Chapdelaine advertise and initiate the Commission established by Town Meeting. The Commission will advocate promoting greater awareness and support of many cultural opportunities in Arlington.

10. STM WARRANT ARTICLE HEARINGS

ARTICLE 2

BYLAW AMENDMENT/LEAF BLOWERS (I)

VOTED: That the Town hereby establishes a committee to study and make recommendations to the 2013 Annual Town Meeting on whether and to what extent Article 12 ("Noise Abatement") of Title V of the Town Bylaws, as amended by the vote of the 2012 Annual Town Meeting under Article 25 (the "Bylaw"), should be amended to modify, remove, or otherwise adjust restrictions on the use of gas-powered leaf blowers, said committee to consist of: (a) four members of the Arlington Landscape Association to be designated by that association; (b) four Town Meeting members as previously appointed by the Moderator to the committee earlier convened by the Board of Selectmen; (c) four Town citizens at large to be appointed by the Moderator; and (d) one member of the Board of Selectmen to be designated by that board, and said committee to begin its work by considering the following proposed amendment to the Bylaw:

"That Article 12 ('Noise Abatement') of Title V of the Town Bylaws, as amended by the vote of the 2012 Annual Town Meeting under Article 25, be and hereby is amended by: (1) deleting from the end of Section 2(J) the words, 'other than leaf blowers used on private property' and replacing them with the words, 'other than gas-powered leaf blowers, which shall be subject to the restrictions set forth in Section 3(D), below.'; and (2) inserting the following Section 3(D) in place of any existing Section 3(D):

'D. Use of Gas-Powered Leaf Blowers

1. For purposes of this section only, the term, "leaf blowers" shall mean "gas-powered leaf blowers."
2. The use of leaf blowers is prohibited between June 15th and September 15th except in accordance with the following restrictions, which shall not apply to the use of leaf blowers to perform emergency operations or for clean-up associated with storms, hurricanes and the like:
 - (a) The use of leaf blowers is prohibited on (i) Sundays and legal holidays except between the hours of 1:00 p.m. and 5:00 p.m.; (ii) Mondays through Fridays except between the hours of 7:30 a.m. and 5:30 p.m.; and (iii) Saturdays except between the hours of 8:00 a.m. and 4:00 p.m.
 - (b) No more than one leaf blower may be used on any lot of 6,000 square feet or smaller. One additional leaf blower may be used for each additional 6,000 square feet or portion thereof comprising one lot.
 - (c) Leaf blowers may be used for no more than 30 minutes at a time.
3. At no time shall any leaf blower be used in such a way as to permit the distribution of leaves, dust, or other debris beyond the vertically extended lines of the property on which the leaf blower is being used.
4. Leaf blowers shall at all times be operated at the lowest possible practical speed necessary to accomplish the task for which they are being used.
5. As of June 15, 2014, or one year after the effective date of this Bylaw, whichever is later, no commercial landscaper, commercial landscape company, or other entity engaged in the business of providing yard clean-up and maintenance services for a fee shall use any leaf blower within the Town in the exercise of that business unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 77 dB(A) at full throttle."

(5-0)

ARTICLE 3 BYLAW AMENDMENT/LEAF BLOWERS (II)

VOTED: That no action be taken under Article 3.

(5-0)

Correspondence Received

Neven Henen, Owner
I Chef

I Chef Name Change to Napoli Kitchen

Be Rec'd

Jeannette Iles
56 Teel Street

Donation and Enjoyed Town Day Fireworks

Be Rec'd

Mrs. Mahon moved receipt of correspondence.

SO VOTED (5-0)

NEW BUSINESS

Mr. Chapdelaine reported that there are repaving projects in progress one at Schueller Court & Lockeland Ave. and the other on Academy St.

Mr. Dunn acknowledged Officer Pedrini for his thoughtful and kind actions that are "above and beyond" the job in aiding an Arlington senior citizen over the past year.

Mrs. Mahon asked the Town Manager to get the Police/Fire report on the rescue of the Town Day road runner in order to acknowledge the great service offered by Police and Fire.

Mrs. Mahon reported that the microburst debris will be out of the cemetery by the end of this week. She also asked the Town Manager to be prepared with a different location plan for debris if something similar happens in the future.

Mrs. Mahon requested that a Snow & Ice Meeting be scheduled to especially deal with a contingency plan for snow removal now that Symmes cannot be a site to use for snow piling. She asked the Chair and Town Manager to schedule a meeting date in the near future.

Executive Session to discuss strategy with respect to pending or threatened litigation: Langone Open Meeting Law Complaint.

Mr. Greeley requested that the Board convene in executive session for the purpose of discussing strategy with respect to pending or threatened litigation: Langone Open Meeting Law Complaint.

Mrs. Mahon moved to convene into executive session at 9:50 p.m. for the above purpose.

Roll Call:

Mr. Curro yes
Mr. Dunn yes
Mr. Greeley yes
Mr. Byrne yes
Mrs. Mahon yes

Mrs. Mahon moved to adjourn executive session at 10:25 p.m. and reconvene to the Selectmen Meeting.

Roll Call:

Mr. Curro yes
Mr. Dunn yes
Mr. Greeley yes
Mr. Byrne yes
Mrs. Mahon yes

The Board reconvened in open session at 10:25 p.m.

Mrs. Mahon moved to adjourn at 10:26 p.m.

SO VOTED (5-0)

A true record: Attest:

Mary Ann Sullivan
Selectmen's Office

Next scheduled meeting of BoS October 15, 2012.

9/24/12

Agenda Item Documents Used

1 8/27/12 & 9/10/12 Draft Minutes

1(c) Traffic & Parking Unit Memo-Peirce School Fun Run, C. Rateau

1(d,e) Special 1-Day Liquor License Applications-AYCC Gala and Regent Theatre

1(f) 2012 MPO Nomination Papers

1(g) Petition for Change of License-D/B/A, Cooper's Tavern

2 ABAC 2012 Report

3 & 4 Resumes-(3) M. Husack & M. Moore, and (4) G. Jamieson

5 Resume- R. Gallagher

7 Traffic & Parking Unit Memo- and Handicap Parking Sign Application

8 Traffic & Parking Unit Memo- and On Street Parking Application

9 Bylaw: Article 8: Cultural Commission

10 Article 2: warrant article, draft proposed vote, Bylaw: Article 12:Noise AbatementArticle 3: warrant article and petition with signatures

C.R. Request for change of D/B/A, Napoli Kitchen, Permit to Operate food establishment

C.R. Thank you & donation letter