



**Town of Arlington, Massachusetts**  
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## Selectmen's Minutes 06-21-2010

### TOWN OF ARLINGTON BOARD OF SELECTMEN

Meeting Minutes  
 Monday, June 21, 2010

7:15 p.m.

Present: Mrs. Mahon, Chair, Ms. LaCourt, Vice Chair, Mr. Greeley, Mr. Hurd and Ms. Rowe  
 Also Present: Mr. Sullivan, Ms. Rice and Mrs. Krepelka

#### FOR APPROVAL

1. CONSENT AGENDA (one vote required for approval of all items)
  - a. Request: Friends of Arlington Council on Aging Road Race, September 12, 2010  
 Art Budnick, President, Friends of ACOA  
 Mr. Budnick thanked the Board of Selectmen for their support and stated that they are looking for volunteers. Race will be held rain or shine.
  - b. FY2010 Transfer Request  
 Brian F. Sullivan, Town Manager  
 Ms. Rowe moved approval. SO VOTED (5-0)
  
2. Comcast Conduit Installation Petition/Ridge Street  
 Richard Gallagher  
 (all abutters notified)  
 The Engineering Department received Comcast's petition to perform conduit extension work on Ridge Street and the department has reviewed the plan and approve of the proposed work with conditions as set forth.  
 Ms. Jean Clarke, 29 Ridge Street, appeared before the Board and stated she was supportive of Comcast's request, but feels it is not acceptable for her to have cable wire laying on her lawn from the cable box next door. Mr. Gallagher assured Ms. Clarke that he would have the wire put 6 inches underground on her property.  
 Mr. Hurd moved approval. SO VOTED (5-0)
  
3. Vote: Request for Conflict of Interest Determination  
30-50 Mill Street, WP East Development Enterprises, LLC  
 Eugene Lucarelli, Esq  
 Town Counsel Rice recommended that Attorney Lucarelli invoke Section 19 (b)(1), which would permit him to participate in the ZBA proceedings without violating Chapter 268A if Attorney Lucarelli (1) advise Board of Selectmen, as your appointing authority, about the matter and make full disclosure of the relevant facts: and (2) receive a written determination from the Board of Selectmen that any financial interest you have in the matter "is not so substantial as to be deemed likely to affect the integrity of the services" that the Town may expect from Attorney Lucarelli as a member of the ARB. See G.L.c.268A, § 19(b)(1). While Town Counsel Rice does not believe this step is required under her analysis of Section 19, she has advised it under a highly conservative reading of the section.

Mr. Hurd moved approval.

SO VOTED (5-0)

4. Presentation: Draft Town of Arlington Hazard Mitigation Plan

James Freas, Metropolitan Area Planning Council

Mr. Freas presented a draft of the Town of Arlington Hazard Mitigation Plan for natural hazards such as flooding, high winds, hurricanes, tornadoes, winter storms, brush fire, earthquakes and landslides. The plan will include a database and maps of critical facilities, infrastructure and natural hazard areas. There are 89 sites identified in Arlington. After the draft is finalized, it will be submitted to the state hazard mitigation officer for an initial review. The process could take several months and then it will be brought before the Selectmen for approval. Once the plan is adopted, it can be submitted to FEMA for final review, which will make the town eligible to compete nationally for grants.

Mr. Hurd moved receipt of report.

SO VOTED (5-0)

**APPOINTMENTS**

5. Appointments: Tree Committee

Clarissa Rowe

Jim Dodge

Mary Ellen Aronow

Eliza Burden

Lisa Decker

Andrew Fischer

Patti Muldoon

Sally Naish

Walter Phillips

Ed Trembly

Greg Watt

Corinna Vanderspek

(terms to expire 6/2013)

The Board of Selectmen appointed the above members to the new Tree Committee. The committee will work on replacing lost trees (31 trees lost on June 6<sup>th</sup> during the storm) and planting new trees as well as advising on all tree related matters.

They also will be working closely with the Town Tree Warden James Dodge.

Mrs. Mahon asked the Town Manager to have the Town Web Content Manager to put something on the Web regarding pruning of trees.

Mr. Hurd moved approval.

SO VOTED (5-0)

6. **CITIZENS OPEN FORUM**

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.

Robert Radochia, 45 Columbia Road, appeared before the Board to address his annual report on graffiti, missing sidewalk lights and traffic issues.

His main concerns are the traffic lights at the intersections of Pleasant Street and Mass. Avenue and Mill Street and Mass. Avenue which he feels needs longer delays.

Michael Rademacher, Town Engineer, said he would look into making the changes after he completes an evaluation of the intersections to see how they will be impacted.

The Board thanked Mr. Radochia for his report.

**TRAFFIC RULES & ORDERS / OTHER BUSINESS**

7. Request: One Handicap Parking Space @ Arlington Animal Clinic, 191 Broadway

Jennifer Wolcott-Schickler, VMD

Ms. Rowe moved approval.

SO VOTED (5-0)

8. Vote: Special Municipal Employee/Zoning Bylaw Review Committee

Gregory Flaherty, ZBRC Chair

Town Counsel Rice stated that the Board should be aware that the Special Municipal Employee includes all members of the Board.

Mr. Greeley moved approval.

SO VOTED (5-0)

9. Sunnyside Wetlands-Wetland Cattail Marsh Issue

Diane Mahon, Chair

Ms. Mahon stated that she is upset about the way the DCR is treating Sunnyside Avenue residents during the construction of the Alewife Greenway Project managed by the Massachusetts Department of Transportation. Mrs. Mahon stated that the mowing of an area of phragmites, a perennial grass found in wetlands areas should have been flagged by DCR. She feels they should not have been disturbed.

Christine Scypinski, 115 Sunnyside Avenue and Stephen Revilak, 111 Sunnyside Avenue, presented photos of the area before and after the cattails were cut.

In an e-mail to Mrs. Mahon from Tara Mitchell, a landscape designer for Mass DOT, stated that it should not have been mowed or disturbed during construction activities. If it doesn't grow back by the end of the growing season, the Mass. Dept of Transportation will take steps to restore the vegetation. Ms. Mitchell will periodically inspect the wetland to make sure that what is out there grows back and will meet with the Conservation Commission if they feel that is necessary.

Ms. Mitchell stated that if it doesn't grow back by the end of the growing season, they will take steps to restore the vegetation.

Ms. Scypinski asked the Selectmen for their support and help. She stated they are looking for the promised environmental responsibility with bank stabilization, wetland enhancements and the absolute minimum disturbance of this area. Ms. Scypinski stated that Dan Driscoll, a DCR Planner, has made off the cuff remarks such as introducing her as the "leader of the pack" on a recent walk through.

Ms. Rowe suggested that they be careful with how they resolve the issues. She feels we have to work with both DCR and DOT and develop a relationship that works. Mrs. Mahon suggested another DCR representative be assigned to the project. Mrs. Mahon asked why issues outlined in a three page memorandum of understanding from the Selectmen to DCR's Commissioner Richard Sullivan have not been addressed. Many of the issues are related to the resident's complaints such as bank stabilization, signage and rusty pipes. The residents are also concerned with the safety of entrance to boardwalk from the Sunnyside alley and back roadway. Ms. Scypinski stated they are concerned about both the residents who use this area daily and the new users being invited to enter the pathway at this very dangerous area.

Mrs. Mahon asked the Board to refer this to the Town Manager for his recommendations.

Mr. Greeley moved approval.

(SO VOTED 5-0)

Town Manager stated he plans to have a private meeting between all parties involved including state officials and Commissioner Sullivan to discuss the list of items and see what can be done to resolve the issues.

10. Approval: Draft Plans/Bike Signs, Arlington Center

Brian F. Sullivan, Town Manager

The Board approve signs to be installed at the crossing of the Minuteman Bikepath and Arlington Center to remind cyclists not to ride their bikes on the sidewalks. The Town will also paint shared-lane markings on the roadway. The shared-lane markings includes arrows and a rendering of a bicycle on the street to remind motorists to share the road with cyclists. The Town hopes to make traffic signal changes and find a way to carve out a separate path or possibly a bicycle lane at the intersection.

Mr. Hurd moved approval.

(SO VOTED 5-0)

11. Acceptance: Chapter 32B Section 19, Coalition Bargaining

Brian F. Sullivan, Town Manager

The Board of Selectmen approved a coalition bargaining agreement for the purpose of negotiating health care options. The recommended vote is as follows

VOTED:

The Board of Selectmen accept M.G.L c. 32B, Section 19 (as amended) for the purpose of transferring all subscribers for whom the Town provides health insurance to the Group Insurance Commission pursuant to M.G.L. c. 32B, Section 19 (e), or in the alternative for the purpose of reaching a written agreement with the Public Employee Committee in order to provide health insurance to all subscribers based on terms that achieves savings comparable to the Group Insurance Commission. And further, to authorize the Town Manager to: notice forthwith the initial meeting of a Public Employee Committee for the purposes of M.G.L. c 32, Section 19 or 19 (e); bargain with such Public Employee Committee for the

purposes of M.G.L. c. 32B, section 19 or 19(e); enter into an agreement with such Public Employee Committee for the purpose of M.G.L. c. 32B, Section 19 or 19(e); and take all such other steps as are reasonably related to the transfer of all subscribers in to the Group Insurance Commission.

Mrs. Mahon thanked Ms. LaCourt for her time and effort involved in reaching an agreement with the Unions.

Ms. LaCourt stated she whole heartedly supports this vote.

Mr. Sullivan stated the next meeting with the PEC would take place June 29<sup>th</sup> and he expects to meet with them on a weekly basis in order to come to an agreement by the deadline set by Town Meeting.

Ms. LaCourt moved approval as recommended by the Town Manager. SO VOTED (5-0)

## 12. Discussion: Future BoS Meetings

Mr. Greeley asked if the Board would be willing to change the August Meeting from August 16<sup>th</sup> to August 9<sup>th</sup> at 7:15 p.m.

Mr. Hurd moved approval.

SO VOTED (5-0)

The following is the Board of Selectmen Meeting Schedule:

September 13<sup>th</sup>

September 20<sup>th</sup>

October 4<sup>th</sup>

October 25<sup>th</sup>

November 8<sup>th</sup>

November 22<sup>nd</sup>

December 6<sup>th</sup>

December 20<sup>th</sup> – 6:00 p.m.

Mr. Greeley moved approval.

SO VOTED (5-0)

## Correspondence Received

Guanah Davis, CEO  
American Red Cross

Thank you for Platinum Level  
Sponsorship of Blood Program

Be Rec'd

Julie Rioux  
111 Sunnyside Avenue

Request: Crosswalks Across Broadway at  
Sunnyside Avenue and Silk Street

Be Rec'd

Dr. Jerome Schultz  
Marlene Schultz  
23 Whittemore Street

Opposed to Re-Routing of Minuteman Bikeway

Be Rec'd

Ms. Rowe asked Mrs. Krepelka to send memo to Dr. Schultz stating the Town has no plans to change the Minuteman Bikeway.

Mr. Hurd moved approval.

SO VOTED (5-0)

Ms. LaCourt moved receipt of correspondence.

SO VOTED (5-0)

## **New Business**

Ms. Rice stated that the new Open Meeting Law Requirements effective date will be pushed

back to November 1<sup>st</sup>.

Mr. Sullivan stated he will be on vacation from July 21<sup>st</sup> thru August 6<sup>th</sup>. Adam Chapdelaine, Deputy Town Manager will be Acting Town Manager.

Mr. Sullivan stated there will be a meeting regarding the Massachusetts Avenue Project tomorrow night, Tuesday, June 22<sup>nd</sup>, 7:00 p.m. at Town Hall

Ms. Rowe requested that Mrs. Krepelka speak with Mr. Salipante, Chairman, Public Memorial Committee, regarding the notification of meetings. She feels that since we now have five members that they should be notified five (5) days in advance of any meeting.

Mr. Greeley stated that he is interested in forming a Selectmen's Awards Committee in the fall and will discuss it at the August meeting.

Ms. LaCourt stated she is working with the 5-Year Planning Committee and will report back after their meeting in September. Ms. LaCourt stated that the ITAC Committee will be adding two new members and they will appear before the Board at the July 12<sup>th</sup> meeting.

Mr. Hurd thanked the Public Works and Police Department for all their help in making the Feast of the East a success. He stated it was a great day for everyone.

Mrs. Mahon stated she was saddened by the resignation of Curtis Morgan, Zoning Board of Appeals, and asked that Mr. Hurd and Mrs. Rowe be appointed to the Sub-Committee to conduct interviews for a replacement.

Ms. LaCourt moved approval.

SO VOTED (5-0)

Ms. Mahon stated she would like to invite DCR Commissioner Richard Sullivan to a future meeting to discuss the issue of the loud music coming from Dilboy Stadium, particularly on the weekends when it is rented.

Ms. Rowe suggested the Town compete for the lease of the stadium and try to get it ourselves and share it with Somerville. She stated that at least fifty percent of the time it would be quiet.

Mr. Hurd moved to adjourn meeting at 10:00 p.m.

SO VOTED (5-0)

A true record: Attest

Marie A. Krepelka  
Board Administrator