



**Town of Arlington, Massachusetts**  
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## Selectmen's Minutes 07-13-2009

### TOWN OF ARLINGTON BOARD OF SELECTMEN

Meeting Minutes  
 Monday, July 13, 2009  
 7:15 p.m.

Present: Mr. Greeley, Chair, Mrs. Mahon, Vice Chair, Mr. Hurd, Ms. Lacourt 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. Minutes of Meetings: June 22, 2009  
 Mrs. Mahon moved approval. SO VOTED (4-0)
  - b. Request: One Day All Alcohol License, 9/26/09 @ The Regent Theatre  
 David Crespo, The Opsercian Company  
 Ms. Rowe moved approval. SO VOTED (5-0)
  - c. Susan G. Komen Breast Cancer Walk, Saturday, 7/25/09  
 Jennifer Ricker, Coordinator  
 Ms. Rowe moved approval. SO VOTED (5-0)
2. Comcast Conduit Installation Petition/Cutter Hill Road  
 Jeffrey A. Clarke  
 (all abutters notified)  
 Mr. Stephen Connor, Ridge Street stated that neither Comcast nor Verizon were available to him.  
 Mr. Connor would like to have a Comcast conduit installed from a pole on Cutter Hill Road similar to a proposed trench to service Lillian Way. He does not want to see the street dug up after the conduit is installed and would like the Town to inquire as to why they have not had Comcast or Verizon wires installed in that location.  
 Mr. DeBole will look into Mr. Connor's request.  
 Ms. LaCourt moved approval subject to conditions as set forth. SO VOTED (5-0)
3. Verizon Guy Wire and Conduit Installation Petitions/Cutter Hill Road  
 Paul L. DeBole  
 (all abutters notified)  
 Mr. Hurd asked Mr. DeBole if he would inquire as to what is the latest report on double poles. The Board feels that there has been no activity lately on removal and they would like an update as to where we stand with all the double poles. Mrs. Mahon asked Mr. DeBole to notify the Town Manager when said information is available.  
 Mr. Hurd moved approval. SO VOTED (5-0)

4. Vote: ACMI Contract Extension

John Leone, Attorney

The Town of Arlington, by and through its Board of Selectmen, as cable television licensing "Issuing Authority" hereby issues this written Extension /Amendment of the Cable Television PEG Access Services Agreement granted to Arlington Community Media, Inc., ("ACMI"), a 501 ©(3) non-profit corporation duly established under the laws of the Commonwealth of Massachusetts, dated July 26, 2006. The Amendments are as follows:

1. Section 3.1 – Term of Final License. The term of the License is extended to June 30, 2011, subject to the Town's right to revoke (terminate) the License pursuant to the existing revocation/termination provisions of the Agreement and applicable law.

2. Section 8.4 (f) – Funding. The last sentence which currently reads "Within 14 days after receiving a payment from a licensee the town shall send a copy of the payment and any supporting statement to ACMI".

Shall be revoked in its entirety and replaced with the following sentence: "Within 30 days after receiving a payment from a licensee the town shall send a copy of the payment and any supporting statement to ACMI".

Mr. Hurd moved approval.

SO VOTED (5-0)

5. Vote Only: Board of Survey

Hill Park Drive (formerly 50 Washington Street)

(tabled from 5/11/09 and 6/22/09 meetings-Public Discussion Closed)

Ms. Rowe moved approval subject to conditions as set forth.

SO VOTED (5-0)

6. Update: Forest Street Construction

Michael Rademacher, Town Engineer

Mr. Rademacher stated that under the new plan proposed, there will be paved parking areas on the side of the road between Brand Street and Clyde Terrace. The new plan will designate parking areas while seeking to keep the sidewalks open for pedestrians. The project may qualify for federal funding and federal stimulus money. Town Manager Sullivan stated that the Town should hear whether it will receive the money within two to four months. The Board of Selectmen will hold a public hearing regarding Forest Street construction on Monday, August 10, 2009 at 6:00 p.m.

The Board thanked Mr. Rademacher for his excellent report.

Mr. Hurd moved receipt of Mr. Rademacher's report.

SO VOTED (5-0)

**APPOINTMENTS**7. Appointment: Arlington Cultural Council

Amy Fischer

(term to expire 06/2012)

Ms. Rowe moved approval. SO VOTED (5-0)

**LICENSES & PERMITS**8. Request: Outside Furniture Permit

Ilir Velagoshti d/b/a Gemma, 315 Broadway

Ms. Rowe moved approval subject to conditions as set forth.

SO VOTED (5-0)

9. Request: Food Vendor License

Hong Xue d/b/a Barismo Inc., 169 Massachusetts Avenue

Ms. Rowe moved approval.

SO VOTED (5-0)

10. Request: School Street Hill Climb, 8/22/09

Ted Packard, Quad Cycles

Mrs. Mahon stated that she would like Mr. Packard to mail a copy of the letter he left in the residents mailboxes to each School Street resident a week before the race.

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

SO VOTED (5-0)

## 11. 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.

A group of opponents of the Mass. Avenue Corridor appeared before the Board to discuss their opposition to the plan. The following residents objected to the plan:

Lena Leone, 11 Orvis Road, stated she thought the Mass. Avenue remodeling is ridiculous. She stated she has lived in Arlington 56 years and this change will only make it worse. She also asked if the Town Manager would look into the street lighting on Orvis Road. She stated it is very dark as you enter from Mass. Avenue.

John Dunn, Arlington Vision, 160 Mass. Avenue, stated that the business people have many concerns and 95% of the business people he poled are not in favor of this plan. Mr. Dunn stated that there is still a lot of confusion and feels that this project should be put off until after the summer.

Georgia Rozanitis, Christos Fruit Market, stated that this plan is not going to help businesses.

Eric Berger, 18 Hamilton Road, feels the plan is unsafe.

Owner of Clay Dreams, 183 Mass. Avenue, feels this plan is not going to help businesses and is concerned about bikes on the sidewalks. Also feels that bicyclists should be licensed.

During the discussion, Mr. Greeley had to tell the people several times to stop shouting comments and questions from the audience section and come to the microphone.

Sarah Warren, Lexington Driving School, 142 Mass. Avenue, stated it is very dangerous walking at night and you cannot get across the street at night. She is concerned for pedestrians and would like to see more bump outs if this plan is implemented.

Cynthia Tolan expressed concern about the 5' wide bicycle lane.

Ann Myerson, 35 Pondview Road is against the entire plan and feels we are wasting taxpayers dollars.

Ms. Rowe stated she was willing to work with them if they are willing to sit down and try to work constructively on any improvements to the plan. She stated that she understood she is an elected official, but the Board are also human beings.

Mr. Hurd stated that a survey had been sent out by the project opponents that showed 95% disapproval from East Arlington businesses was a "push poll" and falsely quoted him.

Chairman Greeley indicated to those present that the Board will vote on the Mass. Avenue Corridor Project at their August 10<sup>th</sup> meeting.

## TRAFFIC RULES & ORDERS/OTHER BUSINESS

### 12. Request: 15 Minute Parking Signs @ 137, 137A & 141 Massachusetts Avenue

Sean Galvin, Giles Fine Wine

Ms. Rowe moved approval.

SO VOTED (5-0)

### 13. Approval – Stop Sign at Virginia Road and Dow Avenue

Officer Corey P. Rateau, Traffic Enforcement Unit

Mrs Mahon moved approval.

SO VOTED (5-0)

### 14. Receipt: Draft Alcohol Regulations

Vote: Section III. E. 2. Service of Alcoholic Beverages (page 8)

Kevin Greeley, Chair, Selectmen

Juliana Rice, Town Counsel

The Board of Selectmen voted unanimously to change the bylaw governing alcohol sales. Patrons can now have two drinks without the requirement that they order food. Anyone ordering a third drink must order food to be served with said drink. The change in policy takes effect immediately.

Selectmen Greeley initiated the change by saying it was a baby step toward allowing drinks to be served with

food. Selectmen LaCourt asked the Town Manger to assess the current rate of alcohol related incidents and do a reassessment six months later. Michelle Meagher, Executive Director of the Chamber of Commerce stated that the restaurants have proved themselves that they can handle alcohol responsibly and patrons have also proved they can handle themselves responsibly.

Mr. Greeley asked Mrs. Krepelka to notify all restaurants regarding the new change governing alcohol sales. Mrs. Mahon moved approval. SO VOTED (5-0)

Discussion: Future BOS Meetings

September 14, 2009 and September 21, 2009

October 5, 2009 and October 19, 2009

November 2, 2009 and November 16, 2009

December 14, 2009 and December 21, 2009

Mrs. Mahon moved approval.

SO VOTED (5-0)

16. Discussion: Town Government Reorganization Committee of 2009

Kevin F. Greeley, Chair, Selectman

Mr. Greeley requested that Article 32, Town Government Reorganization Committee of 2009 be on Agenda for August 10<sup>th</sup>.

SO VOTED (5-0)

Correspondence Received

Vaughn Beals AHS Scholarship-Pearl Wilmarth Beals Scholarship Trust Be Rec'd

Stephen J. Gilligan AHS Scholarship Pearl Wilmarth Beals Scholarship Trust BeRec'd

Mr. Greeley stated that he had received a call from Vaughn Beals regarding Mr. Gilligan's misleading him about the choice of investments and failing to provide him with financial statements concerning the Beals Scholarship Trust. Mr. Greeley noted that Mr. Gilligan sent a reply to Mr. Beals stating that he would provide financial reports after the close of the fiscal year. Mr. Greeley thanked Mr. Beals for his most generous scholarship donation and is hopeful things would be handled appropriately according to his specifications.

Kevin J. O'Brien East Arlington Parking Study Be Rec'd

Ms. Rowe stated that the committee did an excellent study regarding the Arlington Commercial Development Plan. Mr. Hurd asked that this be put on the Agenda for September 14<sup>th</sup>

Mrs. Mahon asked that the Redevelopment Board be at the meeting and is concern regarding the parking on side streets. She does not feel they included all the side streets that would be affected by this plan.

Mahon suggested that the Board meet with the Redevelopment Board at 6:00 p.m. on September 14<sup>th</sup>.

Ms. Rowe moved approval.

SO VOTED (5-0)

**Executive Session**

**Next meeting of BOS August 10, 2009.**

New Business

Mr. Sullivan stated the Town now has the option of implementing sections of the Fiscal Year 2010 state budget regarding local option taxes on restaurant meals and hotel rooms. The FY10 state budget adds a new local option tax of .75 percent on sales of restaurant meals originating within the municipality and increases the maximum rate of the existing local option room occupancy tax from four to six percent. Mr. Sullivan recommended that this subject on local option tax be on the August 10<sup>th</sup> Agenda for some discussion.

Ms. Rowe reported that the Home Rule Legislation/Subdivision Control/Board of Survey Article is now before the Senate.

Ms. Rowe reported that she and Mr. Sullivan will be attending a Mugar Presentation on Thursday, July 16<sup>th</sup>, at 10:00 a.m.

Ms. Rowe stated that tomorrow, July 14<sup>th</sup> at 3:00 p.m., there will be a meeting of the Scenic Byway Committee with members from Lexington Lincoln, Concord and Arlington attending. Said meeting will be held in the Selectmen's Hearing Room.

Mrs. Mahon stated the LABBB Collaborative is a special education program serving Lexington, Arlington, Burlington, Bedford and Belmont. They are the vocational services part of LABBB and provide a wide range of job experiences to our high school students. Two years ago they started a recycling program to Lexington town offices and businesses. The program was well received by the town. This program allows LABBB students to pick up recycling products from local businesses twice a week and send the items to Loveland, Colorado to a recycling plant. In return they are reimbursed a small fee for the amount of recycled items we sent to them. Recyclable items that they accept include:

- Ink Jets, Cell Phones, Laser Jet Cartridges, Digital Cameras, Used Video Games
- Used DVD's, PDA's & IPODS, Lap Tops

They are currently looking to expand this service to Arlington.

Mr. Hurd moved to ask the Town Manager to look into this program. SO VOTED (5-0)

Mrs. Mahon moved to adjourn at 9:45 p.m.

A true record: Attest:

Marie A. Krepelka  
Board Administrator

**Next meeting of BOS August 10, 2009**