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Selectmen's Minutes 03-19-2008

TOWN OF ARLINGTON
BOARD OF SELECTMEN

Meeting Minutes
 Wednesday, March 19, 2008
 7:15 p.m.

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

The Board of Selectmen offered a moment of silence in memory of Dennis Shaughnessy, Community Safety mechanic, who passed away after a long illness.

WARRANT ARTICLE HEARINGS

Article 15 Home Rule Legislation/Affordable Housing Covenants
 Mr. Hurd moved favorable action. SO VOTED (5-0)

Article 16 Home Rule Legislation/Subdivision Control Law
 Discussion by Mr. Alan McClennan, Mr. Richard Keshian, and Mr. Chris Loretta urged the Selectmen to vote against subdivision control as a bylaw. The negative parts of the law, particularly the "Grandfather Rights", pose incredible problems for towns regarding development. Discussion by Ms. Rowe, Ms. LaCourt, Mrs. Mahon, Mr. Sullivan and Mr. Harris Band, 57 Bartlett Ave. urged subdivision control to have more control than what is offered by the Board of Survey to benefit the community. It was decided that Mr. Maher would craft legislation leaving out the "Grandfather Rights" and other unsuitable aspects and bring it before Town Meeting instead of a subdivision control bylaw. Mr. Hurd and Mr. Greeley discussed this was a good compromise for more control without the negative aspects of subdivision control.
 Ms. Rowe moved a will report to Town Meeting and offered to work with Mr. Maher on the wording. SO VOTED (5-0)

Article 20 Bylaw Amendment/Excavation and Trench Safety
 Mr. Marvin Lewiton, 18 West St., requested the Selectmen support the permitting of trenches to be properly attended, guarded, or back filled on public and private/home properties (6x6 trench). Mr. Lewiton stated that this is legislation to address general public safety not worker safety and that mandatory inspections are not part of the limited control. Mr. Maher cautioned that the bylaw would affect private property owners.
 After discussion the Selectmen agreed that there was vagueness of language and some desired language missing, Mr. Maher said he would implement the language changes.
 Ms. Rowe moved favorable action. SO VOTED (5-0)

Article 21 Revise Permanent Town Building Committee Membership
 (tabled from 2/25/08 meeting)
 Mr. Maher, Mr. Sullivan, and Mr. Cole, Permanent Town Building Chair, recommend amending the article and when the PTBC is dealing with schools to let the principal be an ex-officio member.
 Ms. Rowe moved favorable action. SO VOTED (5-0)

Article 24 Bylaw Amendment/Noise Abatement

Chief Ryan, Police Department, and Ms. Connolly, Director of Health and Human Services, recommended in a report that the Selectmen vote a no action to the noise articles #24 and #25. Their concerns to the warrants are due to lack of funding for the equipment and almost impossible enforcement of these bylaws.

Mr. Ciano, Noise Abatement Study Committee, recommended the Selectmen change their original votes to: #24 no action and #25 to adopt a leaf blower amendment to the current law a new section #5 (see below).

Mrs. Mahon moved no action for Article #24. SO VOTED (5-0)

Article 25 Bylaw Amendment/Leaf Blower Regulations

Mr. Ciano, Noise Abatement Study Committee recommends the following:

Article 12 "Noise Abatement" of Title V of the bylaws shall be amended by adding a new Section 5 to follow the present Section 4 but to precede the present Section 5.~ The present Section 5 and higher numbered sections shall be renumbered accordingly.~ The new Section 5 shall be as follows:

Section 5 ~ Leaf Blowers

A. The use of leaf blowers is prohibited on Sundays and legal holidays and is prohibited on all other days except between the hours of 7:00 a.m. and 8:00 p.m. on Mondays through Fridays, and between the hours of 8:00 a.m. and 8:00 p.m. on Saturdays.~ These time limits do not apply to the use of leaf blowers when being used to perform emergency operations or for clean up associated with storms, hurricanes and the like.

B. No leaf blower shall be used within the Town unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 65 dB (A) as measured at a distance of 50 feet from the leaf blower.

Furthermore,

Subsection J of Section 2 of Article 12 of Title V shall be amended by adding the following words at the end of the sentence: "other than leaf blowers".

Mrs. Mahon moved favorable action for Article #25 to include the Noise Abatement Study Committee recommendations.~~~~~
SO VOTED (5-0)~

Article 26 Bylaw Amendment/Sidewalk, Curb and School Route Snow Removal
(tabled from 2/25/08 meeting)

Mr. Hurd moved no action but instead include part of the article into the procedure of the current snow removal process, especially curb cuts. SO VOTED (5-0)

The Selectmen thanked Mr. Harrington for his hard work, reports, and attendance at several meetings.

Article 41 Appropriation/Increase in Accidental Death Benefits
(tabled from 3/3/08 meeting)

Mr. Rosselli, Retirement Board member, explained the history behind this article, citing that the legislature approved this law in 2005. This stipend will be given to disability veteran's survivors.

Mrs. Mahon moved favorable action. SO VOTED (5-0)

FINAL VOTES AND COMMENTS

Article 18 Bylaw Amendment/Title1, Article 1, Section 7

Article 19 Acceptance of Legislation/Bylaw Amendment/ affordable Housing Trust

Article 27 Bylaw Amendment/Title 1, Article 18

Article 30 Establish a Committee to Honor Margaret T. Spengler

Article 34 Home Rule Legislation/Request for Legislation/All Alcohol Licenses

Article 42 Home Rule Legislation/Extend Benefits

Mr. Greeley moved approval on all votes and comments. SO VOTED (5-0)

NEW BUSINESS

Mrs. Mahon invited everyone to Gibbs Gym April 1st, at 7:00 pm to view the Pop Warner D Squad cheerleaders who won the national title. She asked proclamations to be created by the office and that Rachel Cove appear as an agenda item to talk about this achievement.

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

Mr. Greeley moved to adjourn at 10:20 pm. SO VOTED (5-0)

Next Meeting of BOS March 24, 2008