



Town of Arlington, Massachusetts
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Selectmen's Minutes 02-27-2006

**TOWN OF ARLINGTON
 BOARD OF SELECTMEN**

Meeting Minutes
 Monday, February 27, 2006
 7:15 p.m.

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

1. **Minutes of Meeting:** February 13, 2006
 Mrs. Mahon moved approval. SO VOTED (5-0)

APPOINTMENTS & REAPPOINTMENTS

2. **Appointment: Arlington Preservation Fund, Inc.**
 Amy Lee Slade
 (term to expire 2/2009)
 Mr. Greeley moved approval. SO VOTED (5-0)
3. **Appointment: New Election Worker**
 Paul Donellon, 32 Hathaway Circle, Pct. 18, D
 Alice J. Walsh, 70 Dow Ave., Pct. 16, R
 Betty Barrett, 15 Cherokee Rd., Pct. 13, D
 Mrs. Mahon moved approval. SO VOTED (5-0)

LICENSES & PERMITS

4. **Request: One Day Beer & Wine License, 6/15/06, Whittemore Robbins House**
 Christine Connolly, Director, Board of Health
 Mr. Greeley moved approval. SO VOTED (5-0)
5. **Request: One Day Beer & Wine License, 5/19/06, Whittemore Robbins House**
 Walter Fey, Membership Secretary, PTO Hardy School
 Mrs. Mahon moved approval. SO VOTED (5-0)
6. **Request: Food Vendor License**
 Attila Sahim d/b/a Arlington Café, 475 Summer St.
 Mr. Greeley moved approval subject to conditions set forth. SO VOTED (5-0)
7. **Request: Food Vendor License**
 Ibrahim Galal d/b/a Arlington Convenience, 457 Mass. Ave.
 Mrs. Mahon moved approval subject to conditions set forth. SO VOTED (5-0)

7:30 p.m.

8. CDBG – Performance Preview

Kevin O'Brien, Director, Planning & Community Development

Mrs. Mahon moved receipt of report. SO VOTED (5-0)

9. Discussion: Coalition Bargaining of Health Insurance

Brian F. Sullivan, Town Manager

(from 2/13/06 meeting)

Mrs. Mahon moved to adopt Coalition Bargaining under Chapter 32B, Section 19.

Kenneth Hughes, Chairman of the Town's Health Insurance Advisory Committee, said that he believes coalition bargaining is the best way to solve the impending health care emergency.

Mr. Kenneth Donnelly, President, International Firefighters Union, once again spoke in behalf of Coalition Bargaining. He referred to a situation in Worcester where negotiations didn't go well and turned to arbitration. He stated that there are ways to have civil disputes with unions and there are ways where you can have an adversarial relationship with your unions.

David Blakely, Arlington Education Association President, said he sees a challenge in getting his union members to agree to what might be difficult plan changes, if they cannot be assured the other unions are doing the same. He stated that the Town is facing a health care crisis and it requires an emergency response.

Mr. Brian Sullivan, Town Manager, presented the following reasons on why Coalition Bargaining is not good for Arlington

Reasons why accepting Section 19 is not in the Town's best interest

- o Divorces wage discussions from healthcare discussions.
- o Override commitment requires that wage and benefit costs be linked.
- o Weighted vote of unions leaves one or two unions in control.
- o Acceptance is forever, 70% of the unions must vote to dissolve.
- o Acceptance gives away the Town's right to determine retiree healthcare benefits.
- o Does not allow for different benefit structure or contribution levels for different unions.

Mr. Greeley stated that if you look at this from our side of the table, we'd be crazy, in his opinion, to enter into coalition bargaining.

Mrs. Dias stated that she doesn't think it is in the best interest of the community.

Mrs. Mahon stated that what she thinks she is hearing from the Board is that you just don't want to do it, you don't like it, and you don't trust the unions.

Ms. LaCourt stated that we have talked a lot about what this law does but one of the things that is clear to me from all of these discussions is a lot of people don't know the answers to a lot of the questions.

Mr. Hurd stated that if this is such a worthy goal, this coalition bargaining, why is it that such a small percentage of cities and towns are utilizing it.

Mr. Greeley moved against adopting Coalition Bargaining, Chapter 32, Section 19. Mrs. Mahon voted in the affirmative. SO VOTED (1-4)

10. CITIZENS OPEN FORUM

The following matter was presented for consideration of the Board.

Mr. Brian French invited all Selectmen to attend candidate's night on Thursday, March 16th at 7:00 p.m. at the Sons of Italy.

TRAFFIC RULES & ORDERS/OTHER BUSINESS

11. Discussion: Restaurant Beer & Wine and All Alcohol Requirements

Oakes Plimpton

After some discussion it was recommended that Mr. Plimpton contact Town Counsel, Mr. Maher, to further discuss the requirements.

12. Discussion: Federal Telecommunications Legislation

John F. Maher, Town Counsel

Mr. Philip McCarthy, Chairman of the Cable Advisory Committee, spoke warning against the loss of franchise rights for cities and towns by dismantling the local cable franchising process. Mr. McCarthy requested that each Selectmen sign and send a letter to Congressman Markey and (all state and federal representatives).

Mr. Greeley moved approval.

SO VOTED (5-0)

13. Discussion: Modification to Town Manager Contract

John F. Maher, Town Counsel

Mrs. Mahon inquired if Section 3A, 3C and 13 were included. She spoke with Town Manager regarding same.

Mr. Greeley moved approval.

SO VOTED (5-0)

14. Request: Residential Overnight Handicap Parking

Jean Pine, 6 Sorenson Court

Mrs. Mahon moved approval.

SO VOTED (5-0)

Mrs. Mahon was happy that there is a process in place for yearly renewals.

FOR APPROVAL**WARRANT ARTICLE HEARINGS**

15. Article 7 Bylaw Amendment/Control of Stormwater Quantity and Quality

Joey Glushko, Planning Dept. appeared before Board.

The BOS voted that the Bylaws be amended as follows: "That a new Article 13 "Storm water management" be added to Title V Regulations on the Use of Private Property.

Mrs. Mahon moved approval.

SO VOTED (5-0)

Article 8 Bylaw Amendment/Curb Snow Removal

Mrs. Barbara Cutler, Commission on Disabilities, appeared before Board.

Although the BOS supported the rationale of the article, the Board agreed that the issues were policy matters and could be addressed without changes to the Bylaw.

Mr. Greeley moved no action.

SO VOTED (5-0)

Article 9 Bylaw Amendment/Snow Removal Donald R. Marquis Minuteman Trail

Mrs. Barbara Cutler, Commission on Disabilities, and Paulo Marinelli, 28 Brooks Avenue appeared before Board.

Mrs. Dias stated that when the Minuteman Trail was constructed, abutters were promised that the bikeway would not be plowed in the wintertime in order to afford the abutters some privacy during a portion of the year. Also, due to limited resources and monies, the Public Works Department could not take on this extra work.

Ms. LaCourt moved no action.

SO VOTED (4-1)

Mrs. Mahon voted in the negative.

Article 10 Bylaw Amendment/Uniform Construction Access

Mrs. Barbara Cutler, Commission on Disabilities, appeared before Board. The Board agrees in principal with the Commission's aim of encouraging the use of universal design and "age in place" so as to facilitate handicapped individuals and elderly to say in their homes, the Board suggested that a Resolution may be the best way to proceed.

Mrs. Mahon moved no action.

SO VOTED (5-0)

Article 11 Bylaw Amendment/Smoothen Sidewalks

Mrs. Barbara Cutler, Commission on Disabilities, appeared before Board. The Board agrees with the Commission that repair of brick sidewalks with a smoother construction method is appropriate and suggested that the Commission and the Director of Public Works work together to address this issue.

Mrs. Dias moved no action.

SO VOTED (5-0)

Article 12 Bylaw Amendment/Health care Reserve Fund

Julie Dunn, 212 Gray Street, appeared before Board regarding this Bylaw Amendment.

The Board sees no reason to amend the Bylaws. The information is provided in the Town Manager's Financial Plan available to Town Meeting Members and is posted on the Town website.

Mr. Greeley moved no action. SO VOTED (5-0)

Article 13 Bylaw Amendment/Recycling

Gordon Jamieson appeared before Board.

Mr. Greeley moved to table. SO VOTED (5-0)

Article 14 Bylaw Amendment/Notice of Hearings and Meetings

Mr. Christopher Loreti, 56 Adams Street, appeared before Board.

Mrs. Mahon moved to table. SO VOTED (5-0)

Article 15 Bylaw Amendment/Board of Assessors Report

Gordon Jamieson appeared before the BOS. The Board of Assessors stated that they would provide annually to the Town Meeting the information requested.

Ms. LaCourt voted no action. SO VOTED (5-0)

Article 16 Bylaw Amendment/Article 6 Personnel Bylaw

Town Counsel stated that several years ago the Town unions agreed to cap sick leave buybacks at 150 days for employees hired after July 1, 1997 and the language is in their respective contracts (Patrolmen are the exception). This proposed by law change would bring non-union personnel in line with other unions.

Mr. Greeley moved approval. SO VOTED (5-0)

Article 17 Bylaw Amendment/Section 8 Animal Control

Jeanne Leary, 425 Summer Street, and Angela Olszewski, 1 Watermill Place, appeared before the BOS asking that a hearing process to consider community input be in place regarding the creation and placement of dog parks.

The Board agreed that an amendment to the Bylaw would provide a public forum to hear the concerns of the neighborhood.

Mrs. Mahon moved approval.

SO VOTED (5-0)

Correspondence Received

Ralph Elwell Letter of resignation to TAC Be Rec'd
21 Montague St.

James Colman Municipal Waste Reduction Grant award Be Rec'd
DEP

Jane Howard Spy Pond Trails, Phase II Be Rec'd
Vision 2020

Mrs. Dias thanked Mr. Elwell for his years of service and stated he will be missed.

Mrs. Mahon moved correspondence received. SO VOTED (5-0)

NEW BUSINESS

Mr. Maher informed the Board that the two home rule petitions regarding additional All Alcohol Licenses and the sale of Beer/Wine and All Alcohol at package stores have been passed by the legislature. The two questions will appear on the April 1st ballot.

Mr. Sullivan reminded the Board that he would be presenting the FY2007 Budget with Department Heads on Monday, March 6th at 6:00 p.m.

Mr. Hurd stated that he and Mr. Sullivan met last Friday, February 24th, with Mr. Joseph Dalton, aid to Congressman Markey, to discuss revenues for Arlington. Also on Friday they met with Representative Jay Kaufman regarding the state budget. Mr. Sullivan will have memos reporting on the meetings at the next meeting.

Mrs. Mahon moved to adjourn at 11:18 p.m.

SO VOTED (5-0)

A True Record: Attest:

Marie A. Krepelka
Board Administrator