

TOWN OF ARLINGTON
BOARD OF SELECTMEN

Meeting Minutes
Monday, December 7, 2015
7:15 PM

Present: Mr. Greeley, Chair, Mrs. Mahon, Vice Chair, Mr. Dunn, Mr. Curro, Jr. and Mr. Byrne
Also Present: Mr. Chapdelaine, Mr. Heim and Mrs. Krepelka

CONSENT AGENDA

1. Minutes of Meetings: November 9, 2015, November 23, 2015
Mr. Byrne moved approval. SO VOTED (5-0)

PUBLIC HEARINGS

2. 7:30 pm Discussion and Vote: Property Tax Classification - Tax Rate
Paul Tierney, Assessor
Mr. Paul Tierney, Director of Assessment, reported on behalf of the Board of Assessors to continue to tax residents and businesses at a single tax rate. The new rate will be \$12.80 for every \$1,000 of property value for fiscal year 2016. The Board of Selectmen unanimously voted a residential factor of 1, citing the hardship if they went to a two-tier tax rate on the small amount of commercial/industrial properties
Mr. Curro moved approval. SO VOTED (5-0)

Mr. Gordon Jamieson, 163 Scituate Street, a member of Vision 2020 Task Force thanked the Board of Assessors for all their work and assistance in answering all his questions this year.

APPOINTMENTS

3. Arlington Cultural Council
Sherry A. Greene
(term to expire 11/30/2018)
Mr. Curro moved approval. SO VOTED (5-0)
4. Arlington Tree Committee
John Ellis
(term to expire 11/30/2018)
Mr. Dunn moved approval. SO VOTED (5-0)

LICENSES & PERMITS

5. Request: Menotomy Grill & Tavern Late Night Event, 12/31/15-1/1/16
William A. Lyons, Owner, Menotomy Grill & Tavern, 25 Massachusetts Ave.
Mrs. Mahon moved approval subject to all conditions as set forth. SO VOTED (5-0)
6. Hearing: Potential Chapter 138, Section 69 Violation
Douglas W. Heim, Town Counsel

Town Counsel Heim opened the hearing by stating the Board must examine whether or not Common Ground violated the terms of its alcohol license by serving alcoholic beverages to an intoxicated person in violation of G.L. c. 138 Subsection 69 and 204 C.M.R. 2.05 (2) on or about December 31, 2014. The Selectmen serve as the liquor licensing authority for the Town and must rule on the alleged violations, violations which Common Ground through its counsel and owner denies.

After Town Counsel summarized the evidence, Attorney for Common Ground, John Leone, and Bob O'Guin, Jr., owner of Common Ground, presented their defense, denying that a customer had been over served, and arguing among other things that said customer was only served five drinks throughout the afternoon and evening in question with food. Nonetheless, Attorney Leone represented that his client acknowledged and appreciated many of the concerns expressed by members of the Board and the Police Department.

Following discussion among and questions from the Selectmen, the Board approved a recommendation from Town Counsel Heim to suspend Common Ground's liquor license for three (3) days to be served consecutively, with a further fourteen (14) day suspension held in abeyance for one year (meaning that any violation whatsoever in the next calendar year would result in an automatic two-week suspension). The Board also imposed a one-year prohibition on requesting single-day extended hours for events, and Common Ground stipulated to policy and practice changes as well as a training measures for its staff. Town Counsel noted that penalties for over service are hard to compare, but that many first violations result in only a warning and that Common Ground has no previous record of violations.

Mr. Greeley stated that this is by far the most serious punishment we've handed out in his twenty-seven (27) years on the Board of Selectmen.

Selectman Curro stated he was grieved by the entire situation because a death occurred and said that the punishment must reflect the severity of the accident.

Mrs. Mahon asked for harsher penalties including a five (5) day suspension of the liquor license. Mrs. Mahon was not satisfied with a number of answers to her questions to Common Ground, and her reasoning was that this offense was more grave than a simpler alcohol violation that usually merits a three -day suspension. Mrs. Mahon asked Mr. O'Quinn for a copy of his old and new Uniform Policy. Also, she would like a signed copy of Common Ground's Alcohol Service Policy.

Mr. Dunn moved approval, seconded by Mr. Byrne.

SO VOTED (4-1)
Mrs. Mahon voted in the negative.

CITIZENS OPEN FORUM - SIGN IN PRIOR TO BEGINNING OF OPEN FORUM

Except in unusual circumstances, 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. It should be noted that there is a three minute time limit to present a concern or request.

Gary Tibbetts, 15 University Road, owner of Tibbetts Landscaping, Robert Lalicata, 151 Ridge Street, owner of Lalicata Landscaping and William Downing, 24 Fabyan Street, owner of Downing Landscape Services, Inc. appeared before the Board regarding the Jason Street truck exclusion.. They would like the Town to increase the weight of truck exclusion to 45,000 lbs in order for them to continue to do business in the Jason Street area. They feel that all the signs installed in that area should be consistent.

Mr. Chapdelaine stated he would talk to TAC and get more clarity on this matter. Mr. Byrne stated the exclusions shall not apply to heavy commercial vehicles going to or coming from places upon said streets for the purpose of making deliveries of goods, materials or merchandise to or similar collections from abutting land or buildings or adjacent streets or ways to which access cannot otherwise be gained.

TRAFFIC RULES & ORDERS / OTHER BUSINESS

7. For Approval: Arlington Bicycle Advisory Committee
 - a) Letter of Support for SD273 and HD2137, Act to Protect Vulnerable Road Use and SD284 and HD2130, Act to Protect Bicyclists in the Bike Lane.

Mr. Dunn moved approval to send letter of support for SD273, Act to Protect Vulnerable Road Use. SO VOTED (5-0)

Mr. Dunn moved approval to send letter of support for SD284 and HD 2130, Act to Protect Bicyclists in the Bike Lane. SO VOTED (5-0)

- b) Support for Rails-to Trails Sign Program
Christopher Tonkin, Chair, ABAC

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

8. Discussion and Approval: Revisions to Selectmen's Handbook Chapters 1 and 6
Douglas W. Heim, Town Counsel

Mr. Greeley thanked the Committee consisting of Mary Ann Sullivan, Office Manager Board of Selectmen's Office, Town Counsel Heim, Selectman Steven Byrne, Eve Margolis, Town Manager's Office and Selectman Greeley. Mr. Greeley stated that the Draft will be ready for the December 21st meeting.

Mrs. Mahon moved approval. SO VOTED (5-0)

9. Discussion and Vote: Minuteman Regional Agreement

Daniel J. Dunn, Selectmen

Mr. Dunn stated that he has spent the last two months working to find an answer to the question "what will get you to yes" from representatives from the 16 towns as they reconsider a regional agreement proposed in 2014. Mr. Dunn stated the new agreement, which shifts the division of capital costs as well as the voting power on the regional school committee is necessary for his fellow selectmen. Mr. Dunn stated Arlington needs a regional agreement before we support the building.

Mr. Dunn also stated that at a December 2nd meeting at Weston Town Hall, Selectmen representing the 16 members towns found agreement in principle on how to proceed with the governance of the district. If the Selectmen can convince their own boards of Selectmen to call for a Special Town Meeting in February, then voters will be able to decide if they can support this new proposed regional agreement. Mr. Dunn stated that many in the towns believe a new regional agreement would end years of conflict between the towns, as well as allow towns that want out of the district to leave, creating the opportunity for new towns to join and increase the odds that the proposed new high school will go forward.

The Board thanked Mr. Dunn for all the work he has done in trying to solve the problems with Minuteman.

Mr. Dunn moved approval, seconded by Mr. Curro.

SO VOTED (5-0)

CORRESPONDENCE RECEIVED

Letter of Map Revision

Luis Rodriguez, P.E., Chief

FEMA, Engineering Management Branch

Federal Insurance and Mitigation Administration

Requesting Safety Audit at Intersection of Appleton Street and Park Avenue

Jen Cardillo, 147 Park Avenue

Mrs. Mahon asked that Ms. Cardillo's letter be referred to the Town Manager for review

and recommendations by the Police Department.

SO VOTED (5-0)

Town Manager: Notice of Vacation "Buy Back"

Adam W. Chapdelaine, Town Manager

Mrs. Mahon moved receipt of "Correspondence Received".

SO VOTED (5-0)

NEW BUSINESS

Town Counsel Heim stated that Mass Housing sent a project eligibility letter for the Mugar/Oak Tree project. He and Jonathan Whitten, Special Counsel will audit all of our

options.

Town Manager Chapdelaine announced the untimely death of long time Public Works Dept. employee, Scott Enright. The wake is Wednesday 4 - 8 p.m and funeral will be Thursday morning at 11:00 a.m. Scottie will be greatly missed by all.

Mr. Chapdelaine stated he attended a "Food Link" reception before the meeting tonight. and they are to be congratulated for all their good work.

Mr. Chapdelaine stated he will be attending an MBTA meeting on Wednesday, December 9th regarding Fiscal Control. They will be discussing the Green Line Extension continuing to Route 16 - Somerville and Medford.

Town Manager Chapdelaine stated the bill proposed by Governor Charles Baker aimed at streamlining state oversight of municipalities would help towns conduct business more easily. This bill would lift the cap on the number of liquor licenses towns and cities can give out so they don't have to ask the Legislature for approval for new permits.

Ms. Mahon stated that Arlington High/Arlington Catholic game was a great way to start the Thanksgiving Holiday. It was the first year the Bob Geribo Memorial Thanksgiving Award was given out to Arlington High School.

Mrs. Mahon attended the first School Enrollment Meeting held in the Lyon Hearing Room on Monday, November 30th. The Town Manager was named Chairman of said committee and they will be meeting on December 9th and December 22nd.

Mr. Curro stated that a public meeting will be held on Thursday, January 7, 2016 at 7:00 p.m. in the Town Hall Auditorium regarding school enrollment for elementary schools. Ms. Jennifer Susse, Community Relations Chair will be conducting the meeting. All parents and residents are encouraged to attend.

Mr. Curro stated that on Wednesday, December 3rd, he attended the meeting at Milton High School along with Congressman Lynch and Representatives Clark and Capuano. Representatives from Senator Markey's office and Senator Warren's office were also present. This meeting was arranged by the FAA and Massport due to all the complaints of noise as a result of the implementation of the RNAV system. There were many heated comments made and after several hours of discussion, FAA and Massport were made to understand in the strongest terms the need to change plane routes to give relief to our communities."

Mr. Curro stated that the Arlington Public Art Youth Initiative would be installing 30 banners (10 Heights - 10 Arlington Center - 10 East Arlington) during the month of April and May. This initiative will be funded by Thomas Hartl and family in memory of their daughter, an Arlington High School student.

Mr. Greeley stated he attended the First Lights Festival on Friday, December 3rd, sponsored by the Arlington Chamber of Commerce and local businesses. He stated it was well -attended and he was very impressed with all the work that was done by the Chamber. He also reminded everyone to Shop Local and remember there is free parking every Saturday through December.

Mrs. Mahon moved to adjourn at 9:50 p.m.

SO VOTED (5-0)

A true record: Attest

Marie A. Krepelka
Board Administrator

12 /7/15

Agenda Item	Documents Used
1.	Draft 11.9.15 Minutes and Draft 11.23.15 Minutes
2.	Vote: Property Tax Classification- Tax Rate
3.	Appt. Arlington Cultural Council, Ms. Sherry Greene - term expires 11/30/2016
4.	Appt. Tree Committee - John Ellis - term expires 11/30/2018
5.	Request - Menotomy Grill & Tavern Late Night Event, 12/31/15-1/1/16
6.	Town Counsel Memo - Alcohol Hearing on Common Ground
7.	Request from ABAC regarding Bills in Legislature/ Draft Letter of Support/ Rails to Trails Sign Program
8.	Discussion and Approval - Revisions to Selectmen's Handbook Chapters 1 and
9.	Discussion and Vote: Minuteman Regional Agreement
Corr. Rec'd	Reference from FEMA / Letter of Map Revision Cardillo e-mail/ Safety Audit at Intersection of Appleton Street and Park Avenue Memorandum to Board from Town Manager - Notice of Vacation "Buy Back"