



Select Board Meeting Minutes

Date: Monday, March 4, 2024

Time: 7:15PM

Location: Members of the public may access the hybrid meeting via the Select Board Chambers, Zoom, or ACMI

Present: Mr. Helmuth, Chair, Mr. Hurd, Vice Chair, Mrs. Mahon, Mr. DeCoursey, Mr. Diggins

Also Present: Mr. Feeney, Mr. Cunningham, Ms. Maher

1. Legislative Provision for Remote Participation

Mr. Helmuth opened the meeting by stating that tonight's meeting is being conducted via Zoom, is being recorded and is also being simultaneously broadcasted on ACMI. Because all members are present, votes will be taken by voice unless a roll call is required. Persons wishing to join the meeting by Zoom may find information on how to do so on the Town's website. Persons participating by Zoom are reminded that they may be visible to others and then if you wish to participate, you are asked to provide your full name in the interest of developing a record of the meeting. Further, all participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves. Finally, both Zoom participants and people watching on ACMI can follow the posted agenda materials, also found on the Town's website using the Novus agenda platform.

2. Update: Key Minuteman High School School Committee Initiatives

Sarah Montague, Arlington Representative on Minuteman High School Committee

Ms. Montague appeared before the Board to give a high-level update on both the budget process and the superintendent search. Ms. Montague stated that she is a member of the finance subcommittee in which she has seen four versions of the budget as it has been developed. Ms. Montague noted that the MMHS School Committee approved the budget on January 31, 2024. Ms. Montague noted that she will be attending the Arlington Finance Committee Meeting on March 11, 2024.

Ms. Montague further stated that the School Committee interviewed three final candidates for Superintendent in which the recordings for all three finalists have been posted on the MMHS School Committee YouTube site. Ms. Montague stated that during

their deliberation they successfully selected a candidate; Heidi Driscoll who is currently the Assistant Superintendent for Scituate.

The Board thanked Ms. Montague for the updates and for serving on the MMHS School Committee as the Town of Arlington's representative.

FOR APPROVAL

3. Storm Drain Mural Painting Project

Laurie Bogdan Co-chair ACAC Community Engagement

Ms. Bogdan appeared before the Board and stated that she is working with David Morgan the Environmental Engineer for the Town of Arlington on a mural painting project to create awareness to storm drains and the waterways they drain to. Ms. Bogdan stated that they are looking for approval to paint 5 storm drains roughly 4x4 in size. The final designs for the project have not been selected. If approved by the Board Ms. Bogdan will solicit artists and the designs will be selected.

Mr. Diggins moved approval.

SO VOTED (5-0)

4. Patriots Day Celebration in Whittemore Park, April 15, 2024

Heather Leavell, Director and Curator, Cyrus Dallin Art Museum

Ms. Leavell appeared before the Board to request the use of Whittemore Park on April 15, 2024, from 9:00a.m. - 12:30p.m. for the Patriots Day Celebration. At the event they will have poetry readings as well as museum tours.

Mr. Hurd moved approval.

SO VOTED (5-0)

5. Placement of Two Monitoring Wells on Town Property

Christopher M. Leich Arlington Land Trust, President

Mr. Leich appeared before the Board to request the permission to place two monitoring wells on Town property that abuts the Mugar site where the proposed Thorndike Development is. Mr. Leich stated that the purpose of the monitoring wells would be to provide an objective reference point for accurately measuring the groundwater levels. This is extremely important to have accurate measurements in order to ensure that the project does not exacerbate area flooding and damage adjacent wetlands. Mr. Leich noted that Land Trust is concerned that the measurements provided by the developer are not reliable and do not comply with state requirements. The wells would be constructed with 6-inch PVC pipe and would not protrude from the ground. The wells would be placed approximately three feet from the curb on Dorothy Road and would continuously be monitored during the seasonal high groundwater months.

Mr. Feeney noted that as the Board consider this proposal there is a baseline requirement that the contractor perform a dig safe and mark it out, so the Town is able to ensure there are no conflicts with underground utilities. Longer term, when the monitoring wells are no

longer needed that the Land Trust be responsible for helping, they be decommissioned or abandoned in place so there is no future confusion about what exists under the access hatch that will be installed at grade.

The Board thanked Mr. Leich and the Land Trust for their advocacy for the Mugar site over the years and noted the importance of the monitoring wells on this site.

Mr. DeCoursey moved approval.

SO VOTED (5-0)

CONSENT AGENDA

6. Minutes of Meeting: February 5, 2024

7. Request: Contractor/Drainlayer License

USA Excavating Inc.

Rafael Schmidt

Northborough, MA 01532

8. Request: Special (One Day) Beer & Wine License, 03/16/2024 @ Robbins Memorial Town Hall for Beats for Eats Fundraiser

Andi Doane

Director, Arlington Eats

9. Extension of Black History Month Banners

Jillian Harvey, Director of Diversity, Equity & Inclusion Division

Mrs. Mahon moved approval.

SO VOTED (5-0)

APPOINTMENTS

10. Historic District Commissions (Jason/Gray Historic District)

Kenneth Lubar

(term to expire: 01/31/2026)

Mr. Lubar appeared before the Board and stated that he has lived in a historic district in Arlington for over 20 years. Mr. Lubar stated that he is confident that he can provide insight to the committee having lived in the district for many years.

The Board thanked Mr. Lubar for his willingness to serve and look forward to working with him in the future.

Mrs. Mahon moved approval.

SO VOTED (5-0)

LICENSES & PERMITS

11. For Approval: Common Victualler License

Makalu Nepali Restaurant, 352A Massachusetts Avenue
Bishnu Dabadi, Sandesh Munankarmi
Drad Group, Inc.

Mr. Munankarmi appeared before the Board and stated that he is looking forward to opening his business in Arlington and noted that he also owns a business in Somerville. The Board thanked Mr. Munankarmi for choosing Arlington to have his business and look forward to visiting his restaurant in the future.

Mrs. Mahon moved approval.

SO VOTED (5-0)

12. For Approval: Common Victualler License

Boston Pizza & Gyro, 1323 Massachusetts Avenue, Ismail Beyaztas

Mr. Beyaztas appeared before the Board for a Common Victualler License.

Mr. Feeney gave a detailed history of the establishment to date stating that the business located at 1323 Massachusetts Avenue had a change of ownership on or about December 2022 or January 2023. At that point in time the new owner applied for a certificate of occupancy from Inspectional Services as well as a permit to operate a food establishment from the Arlington Health Department as well as a Common Victualler License through the Select Board Office. Shortly after the applications, the establishment was placed for a hearing on a Select Board agenda in February of 2023, at which point the applicant did not appear for the hearing therefor the license was never issued. However, the establishment has stayed in operation since that time and shortly after the new year it was learned that the Common Victualler was never issued, and staff reached out to the owner to request an updated application and materials and to again reschedule a hearing before the Board. Unfortunately, those materials were not submitted in a timely manner where the Inspectional Services Department then became involved where a number of letters were hand delivered to the establishment noting that without a Common Victualler License their Occupancy Permit could be revoked. After a few rounds of letters, the applicant applied for a Common Victualler License through the Select Board's Office where the inspection groups each wrote a report. Noted in nearly all the reports were violations which are included in the Board's materials. Mr. Feeney noted that he spoke with the Health Department prior to the meeting where it was noted that the applicant has scheduled a meeting with them to be held on March 7, 2024, with respect to the ongoing repeat violations.

The Board deliberated their options noting that this is a unique situation where an establishment has been open for a year without a license. The Board stated that they would like to continue the hearing to the Board's next meeting to give the applicant the opportunity to fix a number of the violations that were listed. The Board also stated that they will request the Inspectional Services Department to extend the temporary certificate of occupancy through March 18th. It was further explained to the applicant that unless the violations are remedied the Board is not inclined to grant the issuance of this license.

Mr. DeCoursey moved to continue to 3/18.

SO VOTED (5-0)

TRAFFIC RULES & ORDERS / OTHER BUSINESS

13. Future Select Board Meetings

The Board voted the following meeting dates:

Tuesday, March 26, 2024

Monday, April 1, 2024

WARRANT ARTICLE HEARINGS

14. Articles for Review:

Article 7 Bylaw Amendment/Betterment Bylaw Revision

Mr. Feeney appeared before the Board and stated that the intent of this article is to address a few discrete issues that have arisen with respect to different betterment projects. In recent years, the increasing number of betterment petitions has made it difficult for the Town to provide the up-front costs that permits these projects to begin. Further, the requirement for threshold number of approvals required from petitions who are members of a residential association, even when some members are not direct abutters to the planned project, has made it difficult to secure approval for a number of projects. The sections that the article seeks to amend sections 4,5 and 6. The effect of the changes to sections 4 and 5 would alter the requirements for petitioners from associations so that those in the association or a group of private ways need only secure approval from 2/3 of the total number of abutters to the project itself rather than all those who are on the private ways within the association. The proposed changes to section 6 would change the required deposit from a petitioning group from 1/3 to 2/3 of the total estimated cost of the repair project to be provided before any work begins. An additional proposed change to section 6 would make it so that the deposit requirement would not only apply to repairs to private ways that are financed by the Town through an instrument of borrowing or debt insurance.

The following members of the public spoke to this warrant article:

John Ross, 2 Stevens Terrace

Ben Ames, 14 Hawthorne Avenue

Jack Hurd, 38 Spy Pong Parkway

The Board had a detailed debate regarding the utility and impact of the change proposed in Section 6 (Assessment of costs) from requiring one-third deposit of the total estimated cost of the project to two-thirds. The Board considered the impact of this increased fee on residents and moved to amend the proposed language from two-thirds to fifty percent. Further, the Board requested that the proposed amendment be further revised to clarify the last sentence in Section 5 to reflect abutters who had petitioned the Board. Finally,

the Board moved to further amend the proposed changes by requesting that the permissibility of electronic petitions be incorporated into the amendment.

Mr. Hurd moved favorable action with amendment to 50% up front cost instead of 2/3.

SO VOTED (5-0)

Article 12 Bylaw Amendment/John J. Bilafer Arlington Citizens' Scholarship Fund

Ms. Wayman, Treasurer, appeared before the Board and stated that this article seeks to amend Title II, Article I of the town's bylaws. The proposed bylaw amendment is intended to increase flexibility of the Committee to act by allowing the permanent members of the Scholarship to designate a person to attend and participate in Committee meetings on their behalf, in the event that a permanent member is unable to attend a scheduled meeting. Ms. Wayman noted that the Dollars for Scholars Committee voted at its recent committee meeting to support this proposed bylaw amendment.

The Board thanked Ms. Wayman for her presentation and recognized the need for flexibility with permanent membership of the Scholarship Committee.

Mr. Hurd moved favorable action.

SO VOTED (5-0)

Article 13 Bylaw Amendment/Leaf Blower Dates of Transition

Mr. Feeney stated that this article was inserted at the request of the Town Manager and after consultation with the Director of Board of Health in the event that proposed changes to Title V, Article 12, Section 3(D) might be deemed appropriate. After further consideration of the article and the existing bylaw, no proposed changes are requested at this time.

Mr. Diggins moved no action.

SO VOTED (5-0)

Article 56 Local Option/Acceptance of M.G.L Chapter 203C the Prudent Investor Rule

Ms. Wayman, Treasurer, appeared before the Board and stated that this article seeks adoption of a local option that will allow the Town to take advantage of the recent amendments to MGL that permits municipalities to utilize the provisions set for in the "Prudent Investor Rule" while managing its trust funds. Ms. Wayman stated that this is change would help broaden how are trust funds are invested. It should be noted that the Arlington Board of Trust Fund Commissioners voted to support this article and further, the adoption of this is supported by the Massachusetts Collectors and Treasurers Association.

The Board inquired into the type of risk that acceptance of this law would invoke, and how much Town monies would be impacted. The Board agreed that this local option allows Treasurers to broaden the options available to "balance safety, liquidity, and yield when investing public funds – in this case, trust fund monies.

Mr. Hurd moved favorable action.

SO VOTED (5-0)

NEW BUSINESS

No new business.

Mrs. Mahon moved to adjourn at 9:32p.m.

SO VOTED (5-0)

Next Scheduled Meeting of Select Board Monday, March 18, 2024

A true record attest.

Ashley Maher

Board Administrator

3/4/2024

Agenda Item	Documents Used
1	
2	
3	Drain Mural Memo 3 Additional Locations
4	Application, Request and Event Flyer
5	Arlington Land Trust Letter Mugar Site Test Pit Map
6	Draft 2.5.2024 Minutes
7	USA Excavating Reference
8	Special One-Day Reference
9	Extension of Black History Month Banners
10	K Lubar Reference
11	Makalu CV Application Inspection Reports
12	Boston Pizza & Gyro Application Inspection Reports
13	Calendar
14	Warrant Article Text

	Town Counsel Memo Article 7 Reference
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