

Town of Arlington
Select Board
Meeting Minutes

September 9, 2019
7:15 PM

Select Board Chambers, 2nd Floor, Town Hall

Present: Mrs. Mahon, Chair, Mr. Dunn, Vice Chair, Mr. Curro, Mr. Hurd, Mr. DeCoursey
Also Present: Mr. Chapdelaine, Mr. Heim, Mrs. Krepelka

CONSENT AGENDA

1. Minutes of Meetings: August 12, 2019
2. For Approval: HeatSmart Lawn Signs through 9/30/19
Andy Winslow, HeatSmart Coach
Ken Pruitt, Energy Manager
3. Request: Special (One Day) Beer & Wine License, 9/20/19 @ Robbins Library Reading Room for a Private Event
Jeri Robertson-Hanson and Tom Hanson
4. Request: Special (One Day) All Alcohol License, 9/22/19 @ Robbins Library Reading Room for a Private Event
Diana Filar and Scott Whitener
5. Request: Special (One Day) Beer & Wine License, 9/27/19 @ Arlington Center for the Arts for a Private Event
Pam Shanley, Operations Manager & Open Studios Director
6. Request: Special (One Day) Beer & Wine License, 10/4/19 @ Smith Museum, Jason Russell House for an Arlington Historical Society Fundraiser
Stuart Brorson, President, Arlington Historical Society
7. Request: Special (One Day) Beer & Wine License, 10/13/19 @ Robbins Memorial Town Hall for a Private Event
Nicole D'Alessandro
8. Request: Contractor/Drainlayer License
USA Excavating Inc., 100 Sophia Lane, Bridgewater, MA 02324

Mr. Dunn moved approval.

SO VOTED (5-0)

7:15 p.m. PUBLIC HEARINGS

9. Eversource Petitions
 - a. Park Avenue
 - b. Water StreetJacqueline Duffy, Supervisor, Rights and Permits
(all abutters notified)

Ms. Duffy, on behalf of Eversource, requested installation of a concrete base for electric vehicle charging station on Park Avenue. This work is necessary to provide electric service to the electric vehicle charging station.

Mr. Curro moved approval subject to all conditions as set forth. SO VOTED (5-0)

Ms. Duffy, on behalf of Eversource, would like to install 11 feet of conduit on Water Street. This work is necessary to supply power to the electric vehicle charging station.

Mr. Curro moved approval subject to all conditions as set forth. SO VOTED (5-0)

10. Request: All Alcohol Package Store - BB Liquors
BB Powers Corporation, Niles K. Patel Owner/Manager, 1215 Massachusetts Avenue
Attorney Mary Winstanley O'Connor

Mary Winstanley O'Connor, representing BB Powers Corporation, Niles K. Patel, who is the long-standing owner of Peter Pan Superette has applied for this license. Attorney Winstanley O'Connor stated that the Board was in receipt of the reports from Town Departments. She further states that it is a pre-existing non-conforming lot, and she will present Mr. Byrne, Director of Inspectional Services, a plot plan and new architectural plans. Mr. Patel has extensive experience and interest in three other all alcoholic package stores.

Mr. Curro asked Attorney Winstanley O'Connor if when changing the use of the building, does the pre-existing non-conformity of the lot stay with the use of the building. Attorney Winstanley O'Connor stated when changing from a restaurant to an all alcohol package store, it is a retail use to a retail use, which is not a substantial change of use. Attorney Winstanley O'Connor stated that you can have a change of use under the bylaw, but it cannot be a substantial change of use, and you cannot further extend the non-conformity.

Mr. Dunn questioned Mr. Patel on what his policy will be on checking customer identification. Mr. Patel stated they will be checking identification of customers who appear to be under the age of 35.

Mr. Dunn firmly advises Mr. Patel that all potential employees have the necessary training when selling alcohol to customers, so as not to be in violation.

Mr. DeCoursey made a motion to table until the Board's next meeting on September 23, 2019. The Board requests the applicant submit architectural plans. SO VOTED (5-0)

APPOINTMENTS

11. Conservation Commission
David Kaplan (term to expire 6/30/2022)
Mr. Hurd moved approval. SO VOTED (5-0)
12. Conservation Commission, Associate Member
Michael Gildesgame (term to expire 6/30/2022)
Mr. Dunn moved approval. SO VOTED (5-0)
13. Equal Opportunity Advisory Committee
Nora Marantz (term to expire 6/30/2022)
Mr. Chapdelaine stated that Ms. Marantz would not be able to attend but he and Mrs. Malloy, Director of Human Resources, asked the Board if they would consider appointing her but having he appear at a future Board meeting.
Mr. Curro moved approval. SO VOTED (5-0)
14. LGBTQIA+ Rainbow Commission
Ari Leigh (term to expire 6/30/2022)
Mr. Curro moved approval. SO VOTED (5-0)

LICENSES & PERMITS

15. For Approval: Transfer of All Alcohol Package Store License
Giles Wine and Spirits, 137 Massachusetts Avenue, Vinodchandra J. Zaveri

Mr. Hurd recused himself due to his professional work with the current owner.
Mr. Curro moved approval. SO VOTED (4-0)
Mr. Hurd Abstained.

CITIZENS 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.

John Ward, 4 Winslow Street, Apt. 308, appeared before the Board regarding his efforts to purge the Arlington Housing Authority of the unacceptable and illegal practice of providing safe harbor to stolen shopping carts.

Carey Theil, 11A Lakeview Street, came before the Board to raise a concern about Town Day. He is the co-founder and executive director of a nonprofit organization named Grey2K Worldwide, the largest opponent of commercial greyhound racing globally. Mr. Theil has significant concerns regarding the petting zoo, Animal Craze, coming to Town Day and recommends that the Town Day Committee not contract with that company going forward.

David Leone, 67 Bartlett Avenue and Carol Band, 57 Bartlett Avenue, came to talk about the traffic on Bartlett Avenue. Mr. Leone and Ms. Band are asking that a traffic study be done on Bartlett Avenue. Traffic has increased significantly on Bartlett Avenue due to a combination of cut throughs and people going to Whole Foods. Mr. Leone expressed his concern about parking on Bartlett Avenue during Town Day. He suggested that parking be limited to one side of the street, or make it a one-way street for that one day. Mr. Chapdelaine will follow up with Mr. Leone's concerns regarding parking on Bartlett Avenue for Town Day.

TRAFFIC RULES & ORDERS / OTHER BUSINESS

16. Presentation: Food Waste Diversion - Expansion of Pilot Program
Charlotte Milan, Recycling Coordinator

Ms. Milan stated that the Massachusetts Waste Characterization studies show that food waste is the heaviest material in our waste stream: 15% - 20% of our trash by weight. Arlington's focus on diverting food scraps will result in lowering the weight of our trash and using this wet waste to create soil amendment through composting and clean energy through anaerobic digestion.

In addition to our longstanding backyard composting sales and education programs, two additional opportunities to divert food scraps have evolved - private subscription collection services, which pick up food scraps at a household's curb, and a Town-sponsored drop off pilot program called Feed FIDO.

Beginning in October, DPW will be more actively promoting food scrap diversion through these two newer methods. Residents who sign up for a subscription services will receive a starter kit of equipment including a small green rolling cart, a sink-side food scrap collection, and biodegradable bags. Our goal is to double the number of residents who use subscription services. To start, 500 kits will become available in October.

The Feed FIDO program will also be expanded. With over 400 current users, Feed FIDO is a no-cost-to-residents option that allows participants to experiment with food scrap separation and see what it's like.

Mr. Dunn moved approval and thanked Ms. Milan and Mr. Rademacher for said presentation.
SO VOTED (5-0)

17. Discussion & Approval: Metering of Spaces on Broadway - Franklin St. to Webster St.
Daniel Amstutz, Senior Transportation Planner
Adam W. Chapdelaine, Town Manager

The Parking Advisory Committee (PAC: formerly the Parking Implementation/Governance Committee) voted at its August 22, 2019 meeting to recommend the approval of two measures that will improve traffic and parking conditions in Arlington Center.

1. Move the MBTA Route 87 layover location from Broadway Plaza to 283 Broadway, in front of Play Time, Inc. at the corner of Broadway and Franklin Street; and

2. Install nineteen (190 parking meters on both sides of Broadway between Franklin Street and Webster Street

In the summer of 2018, a business owner on Broadway submitted a petition to the Board, with signatures from many of their customers, requesting action from the Town to address parking related concerns on the same section of Broadway. Follow-up conversations between that petitioner and the Town Manager along with DPCD staff indicated that the installation of meters, including the 15-minute grace period (which would facilitate drop-off and pick-up traffic for businesses on the block), would address their concerns. Funds for this purchase are sourced from existing parking meter revenues used to maintain and upgrade the system. Town staff expects to install the new parking meters this fall pending arrangements with DPW and the meter vendor, IPS.

Mr. Hurd moved approval.

SO VOTED (5-0)

18. Discussion & Approval: Recommendations to Address Pond Lane Safety Concerns

Daniel Amstutz, Senior Transportation Planner

Adam W. Chapdelaine, Town Manager

Mr. Amstutz explained the situation and stated the recommendations of the Department of Planning and Community Development. A challenge of addressing real or perceived safety issues on Pond Lane is that it is a private roadway between Wellington Street and the Bikeway underpass.

The Board approved the following recommendations:

In front of the Boys and Girls Club:

- Add pedestrian warning signage at both sides of the crosswalk facing oncoming traffic with downward arrows to indicate the location of the crosswalk. (MUTCD W11-2 with W16-7P)
- Restrict parking by 20' before the crosswalk on the northwest side of the street (on the same side as the tennis courts). There is a handicapped parking spot directly after the crosswalk on this side; ideally there would be a 5' gap between the crosswalk and this parking space, but this is not recommended at this time to avoid additional parking marking reworking of the space.

Additionally, near the underpass for the Minuteman Bikeway, the following recommendations for signage and markings were approved:

- A "ONE LANE BRIDGE" warning sign (MUTCD W5-3) was installed under the recommendation of TAC in 2009 on the Spy Pond side of the underpass. This sign is no longer there, for unknown reasons. This sign should be replaced.
- Install yield lines at the "YIELD TO ONCOMING TRAFFIC" sign for traffic approaching the underpass. This may assist with yielding compliance and reinforce right-of-way priority for the underpass, reducing the potential for close calls. See Figure 4 for examples of yield line layouts from the MUTCD.

Mr. Curro moved approval.

SO VOTED (5-0)

19. Discussion & Approval: Relocation of Bus Layover for 87 Bus

Daniel Amstutz, Senior Transportation Planner

Adam W. Chapdelaine, Town Manager

Town staff and the PAC have spent the last few years attempting to identify a better location for the layover. Several different options were reviewed with the PAC, MBTA, and local business and property owners. This past summer, Department of Planning and Community Development and MBTA staff met again to review more potential options to relocate the layover. After discussing these options with PAC members and the MBTA, it was determined that 283 Broadway meets the goals of the Town and the MBTA, including the 15-minute grace period (which would facilitate drop-off and pick-up traffic for businesses on the block).

Mr. Hurd moved approval.

SO VOTED (5-0)

20. Presentation: Pathways Celebration, Art on the Bikepath, Sunday, September 15

Adria Arch, Commission for Arts and Culture

Cecily Miller, Arlington Public Art

Cecily Miller and Adria Arch asked the Board and Arlington residents to join the Arlington Commission for Arts and Culture for a festive celebration of art in public places. Take a walking tour with the 4 artists involved in this season's PATHWAYS, installations of temporary public art inspired by the Minuteman Bikeway in Arlington's Cultural District.

Enjoy an open air concert by the raucous, soulful Revolutionary Snake Ensemble and Odaiko New England's dynamic Taiko drummers. Activities take place in SPY POND PARK (located at Linwood Circle) and along the Minuteman Bikeway. You can bike, take the Mass. Ave. Bus or park for free in nearby neighborhood streets. Light refreshments served, including pizza donated by ZA Restaurant. Rain date - September 22nd.

Mr. Curro moved approval.

SO VOTED (5-0)

21. Discussion & Vote: Support of the Town Manager's Open Letter to the Community

Regarding Lt. Pedrini

Daniel J. Dunn, Select Board

Mr. Dunn stated that by law, the Select Board cannot get involved in personnel issues. Mr. Chapdelaine's letter to the Community has made it possible for the Select Board to speak upon this matter. Mr. Dunn specific goal was to endorse the Town Manager's letter, not to dwell on his own personal opinion. Mr. Dunn moved to endorse Mr. Chapdelaine's open letter to the Community.

Mr. Curro spoke in length about the matter. Mr. Curro presented the Board with a recommended resolution as a proposed substitute motion.

IT IS VOTED that the Arlington Select Board rejects writings of Lieutenant Richard Pedrini in *The Sentinel* that assault human dignity and contravene the policies and decisions of the Arlington Select Board, Arlington Police Department, Arlington Town Meeting, and other applicable municipal authorities; and

IT IS FURTHER VOTED that the Arlington Select Board acknowledges the Town Manager's legal authority to make personnel decisions and fitness-for-duty determinations, in conjunction with responsible members of his management team and in conformance with applicable provisions of collective bargaining agreements and governing statutes, policies, and regulations; and

IT IS FURTHER VOTED that the Arlington Select Board supports efforts by the Town Manager and Arlington Police Department to communicate and engage with the public to the greatest extent practicable and appropriate, utilizing a variety of means, including, without limitation: written communications, third-party mediation, and outreach initiatives like the Citizens Police Academy; and

IT IS FURTHER VOTED that the Arlington 'Select Board advocates for staff training in areas including bias identification and mitigation and de-escalation; and

IT IS FURTHER VOTED that the Arlington Select Board urges maximal effort to extend communication and engagement initiatives to all protected classes enumerated in Title II, Article 9, Section 2.C. of the Town Bylaws and that training initiatives likewise address the discrete needs of said classes; and

IT IS FURTHER VOTED that the Arlington Select Board encourages all residents to avail themselves of engagement opportunities with the Arlington Police Department and other Town authorities and to assist in making these known and available to marginalized populations.

The following people appeared before the Board regarding Lieutenant Pedrini's employment status:

Jordan Weinstein, 23 Lennon Road , Lynette Martin, 18 Eustis Street, Shaileen Pokress, 51 Crosby Street, Robin Bergman, 320 Park Avenue, Erik Pohl, 285 Massachusetts Avenue, Mona Mandal, 14 Water Street, Forrest Snyder, 15 Allen Street, Ellie Gerzon, 224 Massachusetts Avenue, John Sanbonmatsu, 100 Varnum Street. Clarissa Rodrigues, 287 Massachusetts Avenue, Elizabeth Dray, 130 Jason Street, Mary Fusoni, 94 Grandview Road, Kate Tranquada, 108 Park Avenue Extension, Kevin Heaton, 252 Massachusetts Avenue, Michael Jacoby-Brown, 10 Brattle Terrace, Ella Williams, 160 Mount Vernon Street, June Rutkowski, 128 Alpine Terrace, Rajeev Soneja, 13 Mary Street

The above named residents spoke against Mr. Chapdelaine's decision to not terminate Lt. Pedrini.

Mr. Hurd stated that this personnel issue is not within the charge of the Select Board. There is a separation of powers the Town Manager is charged with handling personnel issues, hiring, firing, disciplinary issues. It is not within the Select Board's purview to tell the Town Manager how he should handle this specific matter.

Mr. DeCoursey at this time feels that he cannot endorse the Town Managers letter at this point as he feels that the process is still incomplete. However, he feels that he can support Mr. Curro's substitution resolution with the change of the word affirm to acknowledge.

Mr. Dunn withdrew his motion to endorse the Town Managers open letter to the community. Mr. Dunn amended Mr. Curro's resolution by adding the following: IT IS FURTHER VOTED that the Arlington Select Board fully supports the Town Manager's actions and good faith efforts to steer the Town through the difficult issues of race and equality.

On a motion made by Mr. Curro amended by Mr. DeCoursey and Mr. Dunn. SO VOTED (5-0)

CORRESPONDENCE RECEIVED

22. The Good Neighbor Agreement Bylaw
Don Seltzer via e-mail

Mr. Hurd moved receipt of Correspondence Received.

SO VOTED (5-0)

NEW BUSINESS

Mrs. Krepelka stated that she expects to see everyone on Saturday at Town Day.

Mr. Chapdelaine reminded the Board that he would not be at the next meeting and Mr. Pooler would be here in his place as he will be representing our town in their sister city in Japan.

Mr. DeCoursey wanted to give a shout out to the Arlington High School class of 1959 who just had their 60th reunion this past weekend. Inside their program there was a narrative about the new high school and encouraging the alumni to take a look at what the new building is going to look like.

Mr. Hurd stated that he has had members in the community ask him the timeframe of the Community Host Agreement process. He has asked the Board if it would be possible to have a representative from both approved marijuana establishments to give a progress update on where they are in the process.

Mr. Curro moved to adjourn at 11:15 p.m.

SO VOTED (5-0)

Next Scheduled Meeting of Select Board September 23, 2019

A true record attest

Marie A. Krepelka
Board Administrator

9/9/19

Agenda Item	Documents Used
1	Minutes of Meetings: August 12, 2019
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16	Presentation: Food Waste Diversion - Expansion of Pilot Program Charlotte Milan, Recycling Coordinator
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21	Discussion & Vote: Support of the Town Manager's Open Letter to the Community Regarding Lt. Pedrini Daniel J. Dunn, Select Board

22	The Good Neighbor Agreement Bylaw Don Seltzer via e-mail
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