



Town of Arlington Select Board

Meeting Agenda

April 4, 2022

7:15 PM

Select Board Chambers for Select Board and Staff. Members of the Public may access the meeting by Zoom and ACMI.

1. Executive Order on Remote Participation
2. Organizational Meeting for the Purpose of Electing a Chair and Vice Chair
Douglas W. Heim, Town Counsel

FOR APPROVAL

3. Run to Remember Julia Miller
Michael Pescatore, 5 Lennon Road

CONSENT AGENDA

4. Minutes of Meeting: March 7, 2022
5. Farmers' Market 2022
Patsy Kraemer, Market Manager
6. Request: AHS Ice Cream Fundraiser for Dana-Farber Cancer Institute (DFCI)
Whittemore Park, May 14, 2022 (rain date May 15th), 10:00 a.m. to 6:00 p.m.
Emilie Bell and Katya Shubochkin
The AHS Scoops Club
7. Request: Contractor/Drainlayer License
Richard Gordon
Bay State Engineering Corp.
330 Hopping Brook Road
Holliston, MA 01746
8. Request: Contractor/Drainlayer License
Robert Hanss
Robert Hanss Inc.
207 Suffolk Road
Newton, MA 02467

LICENSES & PERMITS

9. Outdoor Restaurant and Retail Permit Application

Tryst, 689 Massachusetts Avenue

TRAFFIC RULES & ORDERS / OTHER BUSINESS

10. Discussion: Potential 40B Application Located at 1021-1027 Massachusetts Avenue
Paul L. Feldman
11. Discussion: Town Manager Search Process
Stephen W. DeCoursey, Select Board
12. For Discussion: Future Select Board Meetings

WARRANT ARTICLE HEARINGS

13. Special Town Meeting Articles for Review:
Article 6 Appropriation/Taking Stratton School Safe Routes Program

FINAL VOTES & COMMENTS

Articles for Review:

Article 7 Bylaw Amendment/Youth and Young Adult Advisory Board
Article 11 Bylaw Amendment/Domestic Partnerships
Article 13 Bylaw Amendment/Prohibit the Use of Face Surveillance
Article 14 Vote/Establish a Committee on Insurance Costs and Issues
Article 15 Bylaw Amendment/ Noise Abatement
Article 16 Bylaw Amendment/Noise Regulations for Gas Powered Leaf Blowers
Article 18 Bylaw Amendment/Phase Out of Certain Toxic Rodenticides on Public/Private Property,
with Reporting Requirement and Public Education
Article 21 Vote/Extension of Youth and Young Adult Advisory Board, Commission, or
Committee Study Committee
Article 23 Vote/Board of Youth Services Updates
Article 24 Home Rule Legislation/Financial Estimates & Budget Documents
Article 27 Revolving Funds
Article 47 Endorsement of Parking Benefit District Expenditures
Article 75 Resolution/Commitment to Increase Diversity in Town Appointments
Article 77 Resolution/Establishing an Integrated Pest Management Policy for Town Land,
Prohibitions, and Public Education about Rodenticide Hazards

CORRESPONDENCE RECEIVED

14. Letter Concerning Utility Poles
Peter Majeski
26 Baker Road

NEW BUSINESS

Next Scheduled Meeting of Select Board April 25, 2022

You are invited to a Zoom webinar.

When: Apr 4, 2022 07:15 PM Eastern Time (US and Canada)

Topic: Select Board Meeting

Register in advance for this webinar:

https://town-arlington-ma-us.zoom.us/webinar/register/WN_uB7CzAomRB2h0lejBEiSdQ

After registering, you will receive a confirmation email containing information about joining the webinar.

Notice to the Public on meeting privacy In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.

Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.



Town of Arlington, Massachusetts

Executive Order on Remote Participation

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Open_Meeting_Law_Requirements___Remote_Participation_Post_State_of_Emergency_.pdf	Executive Order on Remote Participation



**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

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MEMORANDUM

TO: Town Boards, Committees and Commissions

FROM: Douglas W. Heim

DATE: June 16, 2021

RE: ***UPDATE* Open Meeting Law Requirements & Remote Participation Post-State of Emergency**

Arlington boards, committees, and commissions, please accept this memorandum as an update with respect to your obligations and options under the Open Meeting Law for holding public meetings and hearings in light of Governor Baker's decision to end the COVID-19 State of Emergency and rescind related Executive Orders effective June 15, 2021, including the March 12, 2020 "Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20" ("The Order").

In short, following his decision to rescind the Order, Governor Baker filed special legislation to extend public bodies' ability to conduct public meetings remotely in exactly the same manner set forth by the Order. That initial bill was received favorably but amended and signed by the Governor in its new form late last night. It must be noted that in an effort to pass the much need legislation quickly, minor administrative issues in the bill may require correction.

Nonetheless, germane to remote meetings, the bill as passed accomplishes three critical things for Arlington meetings:

1. *Allows for remote meetings and hearings by public bodies through April 1, 2022;* (the initial legislation only extended these allowances through September 1, 2021);
2. Retroactively approves any remote *meetings*¹ held yesterday; and
3. Allows for remote town meetings through December 15, 2021.

Options for the Future

The bill allows committees and commissions to continue to conduct meetings entirely remotely but you will also have the options to conduct them entirely in-person, or in a “hybrid” manner where the public body meets in person, but the public is provided remote access (as allowed by Town and School policy respectively, and sufficiently resourced to meet requirements for remote meetings).²

As you will recall, remotely conducted meetings under the Order must provide “[a]dequate, alternative means” for public access which may include providing public access through telephone, internet, satellite enabled audio or video conferencing, or any other technology that enables the public to clearly follow the proceedings of the public body in real time (for most committees and commissions, the Zoom platform or similar technology). Remote participation also requires:

1. The Chair announce the name of the member or members who are participating remotely at the start of each meeting (and that the remotely participating members be reflected in the minutes)
2. That all votes be taken by roll call.
3. That members of the public body must be clearly audible to each other and to members of the public at all times;
4. That public bodies in remote executive sessions identify and approve any other persons present for executive session

If a hybrid meeting is held where only members or members and persons with business before the meeting are physically present, it is recommended that the foregoing requirements be applied to aid the public and other participants’ ability to follow the proceedings. Furthermore, please ensure that the public can access Zoom-based meetings without registration (by affording a dial-in option to listen rather than participate by video).

¹ The status of hearings performed yesterday is not clear.

² Boards and Commissions holding legal hearings are reminded that they must also provide for public comment and testimony, which are not covered under the Open Meeting Law.

Already Noticed and Noticing Meetings in the Immediate Term

For those public bodies who already noticed “in person” meetings but wish to switch to remote meetings, please contact the Town Clerk with updated information on the meeting “location” which can be published on the Town’s website and Community Calendar.

For those bodies noticing meetings or hearings taking place in the coming days and weeks, but still discerning where and how such meetings will take place, please include some version of the following contingency language:

Meeting venue subject to change while remote participation legislation is pending. Please check the Town’s Website and Calendar for the latest information on the location or means to access the meeting. Meetings may be moved to physical locations.



Town of Arlington, Massachusetts

Organizational Meeting for the Purpose of Electing a Chair and Vice Chair

Summary:

Douglas W. Heim, Town Counsel



Town of Arlington, Massachusetts

Run to Remember Julia Miller

Summary:

Michael Pescatore, 5 Lennon Road

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Special_Event_Application_J._Miller.pdf	Special Permit Application - J. Miller

**TOWN OF ARLINGTON
SPECIAL EVENT PERMIT APPLICATION**

Applicant and Sponsoring Organization Information

Name of Organization / Sponsor: Run to Remember Julia Miller

Address: 5 _____ City: Arlington State: MA Zip: 02474

Applicant Name: Michael Pescatore Tel#: _____

E-mail: _____

Event Manager: Michael Pescatore Contact Info: Same as above

Other Contact Person/s: _____ Contact Info: _____

Event Information

☒ Run/Walk ☐ Parade ☐ Event

Event Title: Run To Remember Julia Miller

Start Date & Time(s): 6/12/22 9:00AM End Date & Time(s): 6/12/22 12:00PM

Estimated Attendance: # 150 Admission Fee: \$23.00

Open to the Public: ☒ Yes ☐ No

Requested Location: Street (specify): _____

Other (specify): _____

Set Up Date/Time & Description: Set up will begin the same day around 7:30AM

Breakdown Date/Time & Description: Breakdown will occur after the race at 12:00PM

NOTE: ATTACH DIAGRAM OF ROUTE WITH SPECIFICS

Event Details

YES
☒
☒
☒

NO
☐
☒
☐

Will you set up table(s) and/or chair(s)? Approximate number: 2 tables

Booth(s), Exhibit(s), Display(s) and/or Enclosure(s): _____

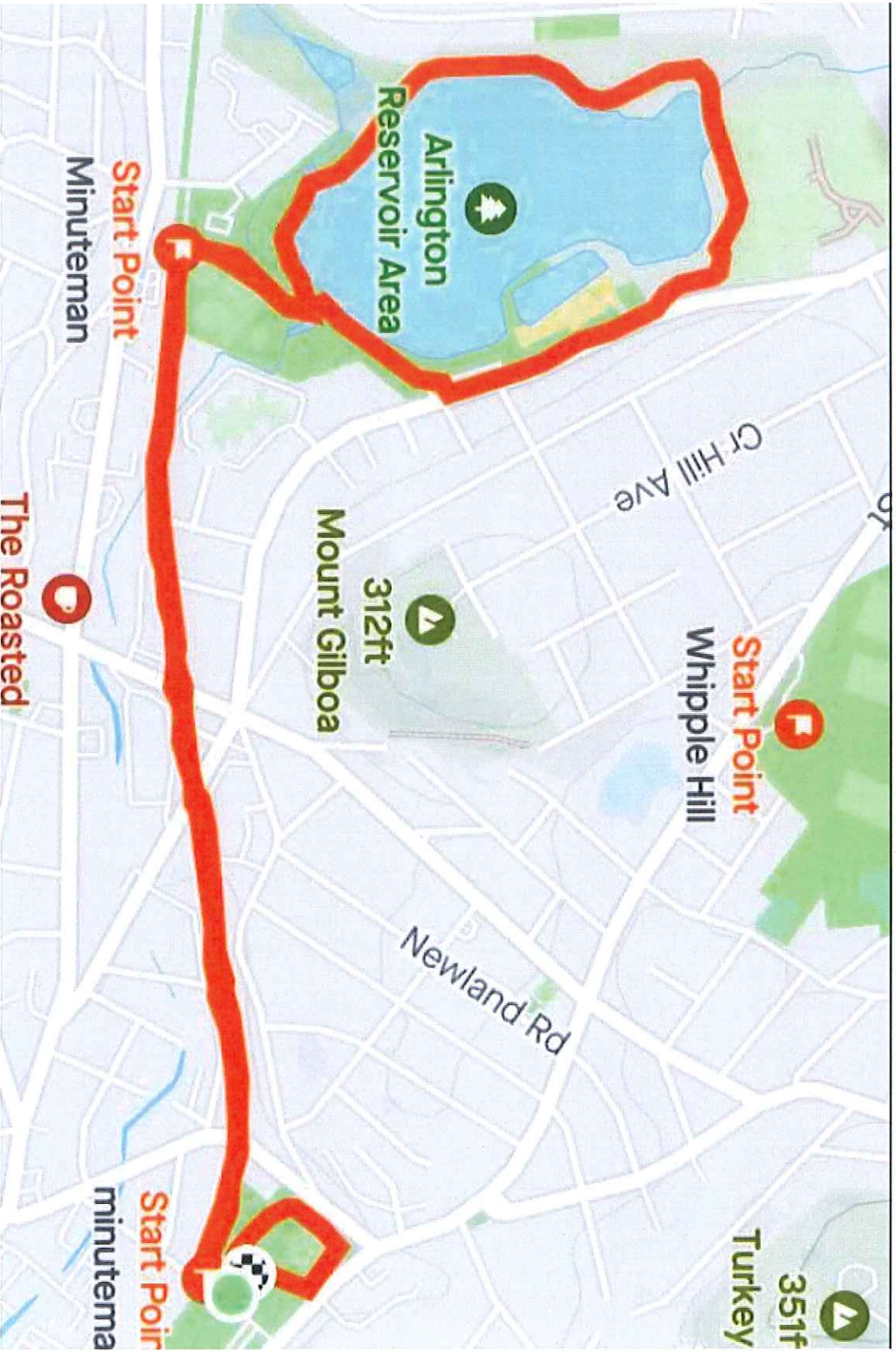
Canopy(ies) and/or Tent(s)- describe dimensions: 10x10

The following is required by your organization to insure the safety and health of all participating in this event: *Note: You do not need to contact the departments below if it is not required.*

YES
☐

NO
☐

Police Detail: _____ (contact police)





Town of Arlington, Massachusetts

Minutes of Meeting: March 7, 2022

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	3.7.2022_draft_minutes.pdf	Draft Minutes 3.7.2022



Select Board Meeting Minutes

Date: March 7, 2022

Time: 7:15PM

Location: Select Board Chambers for Select Board and Staff. Members of the Public may access the meeting by Zoom and ACMI.

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

Also Present: Mr. Chapdelaine, Mr. Heim, Ms. Maher

1. Executive Order on Remote Participation

Mr. DeCoursey opened the meeting by stating the Commonwealth passed on June 16, 2021, an act relative to extending certain COVID-19 measures adopted during the state of emergency, which among other things, allows public meetings to be conducted remotely until April of 2022. Tonight's meeting is being conducted via Zoom, is being recorded and is also being simultaneously broadcasted on ACMI. As such, all business will be conducted by roll call vote. 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. Statement from Town Manager Adam W. Chapdelaine, Town Manager

Mr. Chapdelaine officially announced his decision to leave the role of Town Manager effective June 17th. Mr. Chapdelaine stated that he has served as Town Manager for the last 10 years and 2 years prior to that as Deputy Town Manager. Mr. Chapdelaine explained that he will be forever grateful for the opportunity here in Arlington and forever proud of what we have accomplished as a team. Mr. Chapdelaine stated that he is grateful to the Board for the faith and trust that they have put in him and is thankful to the team of employees that always rise to the moment. Mr. Chapdelaine looks forward to working to help facilitate a successful and safe Town Meeting working to see the FY 2023 budget adopted and helping the Board to build a transition plan. Mr. Chapdelaine would like to thank everyone for making Arlington such a wonderful Town.

3. Request for Increase of Funds to Private Way Repair Revolving Fund

Sandy Pooler, Deputy Town Manager

Mr. Pooler appeared before the Board and explained that the Town has a private way revolving fund in the process under which we allow residents to repair private ways as a group. They petition the Town for process under which they get permission from the Select Board to repair their private way. If a majority of residents on a street vote to have their street repaired, they select a contract from a list of approved contractors that the Engineering Department provides. After which, we collect fees from the residents to pay the contractors. Mr. Pooler explained that those fees are deposited into the revolving fund which has worked well for a number of years, but these were all on smaller roads. Mr. Pooler stated that last year, there was a major repair to the Mount Gilboa Neighborhood Association which costed roughly \$221,000, and because it was so expensive it is exceeding the limit that Town Meeting has voted. Mr. Pooler explained that he is before the Board tonight as well as the Finance committee for a vote to raise the limit on the fund from \$200,000 to \$275,000. Mr. Pooler explained that they are looking to raise the limit for FY23 at Town Meeting this year.

The Board thanked Mr. Pooler for bringing this to their attention.

Mr. Diggins moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

CONSENT AGENDA

4. Minutes of Meeting: February 7, 2022

5. Request: Contractor/Drainlayer License

D. Gillespie Inc.

Declan Gillespie

31 Chandler Road

Burlington, MA 01803

6. For Approval: School Bus Monitors - Special Municipal Employees

Robert Spiegel, Human Resource Director, Arlington Public Schools

Mr. Helmuth moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

APPOINTMENTS

7. Zoning Board of Appeals, Associate Member

Elaine Hoffman (term to expire 10/31/2024)

Ms. Hoffman appeared before the Board and stated that she is a local architect with a decade of experience in and around New England as a passive house professional as well as a LEED Architect Professional. Ms. Hoffman stated that her expertise is in sustainable design, particularly related to the operational energy and embodied carbon of both new and existing buildings. Ms. Hoffman explained that given her professional background she believes that she would be an asset to the Zoning Board.

The Board thanked Ms. Hoffman for her willingness to serve and look forward to working with her further.

Mr. Hurd moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

BOARD DISCUSSION

8. Coordination by Verizon of Double Pole Removals

Stephen W. DeCoursey, Chair

Mr. DeCoursey explained that this agenda item is really a means as a follow up from an earlier meeting where the Board had received word from Verizon that they were current on all of their double poles and were waiting on other utility companies to get in touch with them. Mr. DeCoursey noted that the Town Manager informed him today that he got confirmation from Verizon that they are willing to attend a meeting and asked for available dates in the next week or two. Mr. Chapdelaine stated that his office will work to pull together Eversource, RCN, Comcast, as well as other Town staff to join this meeting with Verizon where we can try to better coordinate for progress on the removal of the double poles.

PUBLIC HEARINGS

9. Verizon Petition/Massachusetts Avenue and Willow Court

Karen Levesque, Right of Way Manager, Verizon

Bill Wallace appeared before the Board and explained that this petition is to run a new four-inch conduit approximately 245 feet starting from an existing manhole 30/25B, located on the northerly side of Massachusetts Avenue for approximately 150 feet in a southeasterly direction then turning northerly and heading in a northeasterly direction

onto Willow court for an additional 95 feet to an existing pole. Mr. Wallace explained that the petition is necessary to improve the services in that area

The following member of the public spoke in regard to this agenda item:
Paul Chudigian

Mrs. Mahon moved approval.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

LICENSES & PERMITS

10. Outdoor Restaurant and Retail Permit Applications

Clay Dreams, 183 Massachusetts Avenue

Sugo Cucina, 162 Massachusetts Avenue

Trattoria Nina, 1510 Massachusetts Avenue

Rudy Maniscalco, Sugo Cucina, appeared before the Board and explained that they received two parking spaces in front of their restaurant last year and is requesting the same for this year. Mr. Maniscalco explained that they are looking to make it more presentable this year by having a local contractor build a collapsible deck with planters. Lorraine Frigoletto, Clay Dreams, appeared before the Board and explained that they are requesting two tables to be set up for pottery painting outside their building in the parking spaces.

Angelo Carbinì, Trattoria Nina, appeared before the Board and explained that they are looking for outside seating to be placed in the parking spaces in front of their building. Mr. Carbinì stated that the sidewalk in front of his restaurant needs repair and has brought it to the Town a few times but would like to bring it to the attention of the Board.

Mr. Diggins moved approval subject to conditions set forth in memos.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

TRAFFIC RULES & ORDERS / OTHER BUSINESS

11. For Discussion: Future Select Board Meetings

The Board voted on the following Select Board Meetings:

March 23, 2022

April 4, 2022

April 25, 2022

May 2, 2022

WARRANT ARTICLE HEARINGS

12. Articles for Review:

Article Bylaw Amendment/Conversion of Gas Station Dispensing Pumps to Self Service Operation

Rashid O'Cooley, owner's son of 125 Broadway, appeared before the Board and explained that they are looking to lift the self-service ban in Arlington. Mr. O'Cooley explained that he has been working in Arlington for almost three years and it has been hard to find workers especially during COVID. Mr. O'Cooley explained that the gas attendant is standing in the cold throughout the whole day. Mr. Annese, the applicants lawyer, explained that the ability to pump your own has been prohibited in the Town of Arlington since 1975 and explained that during the Pandemic a lot of people did not want to have other people pumping their gas and would rather have done it themselves. Mr. Annese did note that all the surrounding communities have the ability to pump their own gas, and this allows the gas station attendees to be able to do more with their time. Mr. Annese also explained that the Town still has protection because all the gas stations in the Town exist through a Special Permit or because it is non-conforming. Mr. Annese described that if the gas station would like to expand what it does, they would not be able to do so without going before the Redevelopment Board.

The Board thanked the applicant and their attorney for the presentation and after some discussion that in the past, the primary concerns expressed by Town Meeting were pump operation safety, expansion of the number of pumps at gas stations, and sufficient access for disabled and elderly customers. The Board agrees that the current state of gas pump technology renders stations far safer than they were in 1975 when the prohibition passed. The Board believes that modern technology, in which call buttons are standard on many pumps and pump fail-safes prevent prior safety concerns merits reconsideration of this Town policy, which could expand hours of operation for local stations and ease hiring and retention challenges as well.

The following members of the public spoke in regard to the warrant article:

Ellen Cohen, 48 Park Street

Mrs. Mahon moved favorable action.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes
Mr. DeCoursey: yes

SO VOTED (5-0)

*Article Bylaw Amendment/ Achieving Net Zero Greenhouse Gas Emissions From
Town Facilities Consistent with the Town of Arlington's Net Zero Action
Plan*

Mr. Chapdelaine stated that this article was filed at the request of the Clean Energy Future Committee focused on updating the existing town bylaw, which requires that new building construction or significant renovation of Town or school facilities be built to LEED silver standards which is what the current bylaw reads. Ultimately, it has been recommended that we update and strengthen that section of the bylaw to contemplate requiring a higher standard of net zero for significant building renovations or new construction of town and school buildings. Mr. Chapdelaine explained that the Town is about to embark on a building electrification study for all school buildings. Secondly, there are no projects that are going to begin in the next year. Mr. Chapdelaine is requesting favorable action on a statement asking Town Meeting to both endorse and request a recommendation to be brought back to the 2023 Town Meeting.

The Board is in support of the goals of this article up update and replace Title I, Article 16, Section 4 of the Town Bylaws to effectuate a policy of eliminating gas emissions from municipal buildings consistent with the Town's Net Zero Action Plan. The Board is aware that the committee needs more time to work out the details of appropriate standards and expects to see this article return for discussion at the 2023 Town Meeting.

Mrs. Mahon moved favorable action.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCoursey: yes

SO VOTED (5-0)

Article Resolution/True Net-Zero Opt-In Code for Cities and Towns

Coralie Cooper appeared before the Board and explained that they are looking for the Board's support this warrant article that is asking the Town to vote to endorse a resolution calling upon the Department of Energy Resources to promulgate a net zero stretch code. Ms. Cooper stated that the Clean Energy Future Committee voted in support of this warrant article on January 14th. Ms. Cooper explained that this will better allow municipalities to aggressively pursue policies to control greenhouse gas emissions in the building related to projects involving new construction or significant renovations.

The Board thanked Ms. Cooper for her presentation and looks forward to a member of the Clean Energy Future Committee providing further education of the meeting and the public about ways our community and state can take action on climate change.

Mr. Hurd moved favorable action.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

Article Home Rule Legislation/Early Voting for Town Elections

Greg Dennis appeared before the Board and explained that the Election Modernization Committee has been interested in offering voting for Town Elections. Mr. Dennis explained that when they first looked into this, they had noted that the City of Cambridge had tried the year prior but was not accepted by the state legislature. Mr. Dennis noted at that time they did not believe they had a good shot. Since then, there has been a lot of interest at the Statehouse, along with the long-standing interest among reform groups to make some of these reforms more permanent in light of the pandemic. Mr. Dennis stated that the home rule legislation that was drafted for the Boards consideration sets a minimum number of days and house at which early voting would be offered. The deadlines for establishing the site and theirs are set to be the same as the existing early voting deadlines for state elections. Also included in the draft, it gives the Select Board the authority to in consultation with the Clerk make early voting available beyond those minimums. Early voting would be available during normal business hours at the Clerk's Office.

The Board thanked Mr. Dennis for the presentation and is in support of the proposed warrant article. If approved by Town Meeting and the Commonwealth, this legislation would permit registered voters in Arlington to vote early in any regular or special Town election on terms to be set by the Select Board, in consultation with the Town Clerk.

Mr. Diggins moved favorable action.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

Article Bylaw Amendment/Noise Abatement

Mr. Schlichtman appeared before the Board and explained that this warrant article is looking to both clarify and strengthen the current noise abatement bylaw. Mr. Schlichtman expressed his frustration in regard to having non-emergency work done on his street during the early hours of the morning. Mr. Schlichtman explained that he is looking to have two things; one, take the whole bylaw and move it out of the regulations upon the use of private property and pit it into title eight, public health and safety.

Secondly, he is looking to tighten up the bylaw with the help of the Select Board and Town Counsel. Mr. Schlichtman explained that major repairs to the road that are not an emergency such as jackhammers and sewer jets can not occur during the prohibited hours.

The Board thanked Mr. Schlichtman for his presentation and explanation of the proposed warrant article. The Board had a very lengthy deliberation regarding the proposed changes and the regulations that they are proposing, for example the Board is recommending that there be a number of days' notice and the abutter notification radius prior to the non-emergency work. The Board agrees that it needs to be clear that emergency work is exempt from this proposal. There was some discussion on if the bylaw should remain in the section, it is in now rather than move it.

Mr. Hurd moved to table to the next meeting of 3/21.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

Article Vote/Code Enforcement

Mr. Schlichtman appeared before the Board and explained that he believes that there are a great deal of the Town and Zoning bylaws that have not been enforced over a number of years because the agencies that are charged with enforcing them have other priorities. Mr. Schlichtman stated that he is looking for the opportunity to alter the bylaw to place the existence of a code compliance officer into the bylaw. Subsequently, a position would be created, and a line item can be placed in the budget and the Town would have someone who would be able to enforce the bylaws.

The Board thanked Mr. Schlichtman for his presentation and explained that they appreciate the concerns and frustrations regarding code enforcement. The Board explained that it is important to acknowledge the amount of time and resources it would take to enforce the bylaws. Even more significantly, the Board concerned about creating a position through a Town bylaw. The Manager is empowered and charged under the Town Manager Act with creating and dissolving positions and departments. Some members expressed their concern about creating a new position with an operating override coming before the Town soon.

Mrs. Mahon moved no action.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

Article Vote/Street Name-"Maglioizzi Boulevard"

Mr. Schlichtman appeared before the Board and stated that the Town has an intersection and a stretch of roadway that has no identification. This public way is located between 49 Spring Street and Route 2 Frontage Road. Mr. Schlichtman is proposing that this stretch of roadway be designated at Maglioizzi Boulevard. Mr. Schlichtman explained that the Maglioizzi's lived in Arlington and this would be a great way to honor them.

The Board thanked Mr. Schlichtman for his presentation and had some discussion. Mrs. Mahon and Mr. DeCoursey noted that naming a previously undesignated portion of a public way can likely be accomplished by the Select Board without a Town Meeting discussion, and preferred referral to the Town's Public Memorial Committee. The remaining members of the Board are in favor of the proposed warrant article and the recognition of the national impact of the Maglioizzi-hosted program.

Mr. Hurd moved favorable action.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: no

Mr. DeCoursey: no

SO VOTED (3-2)

Article Vote/Establishment of Town Committee on Examine Budgetary Impact of Overnight Parking

Mr. Schlichtman appeared before the Board and explained that over the past few years the Town has adopted the use of parking apps where you can pay by phone. Mr. Schlichtman explained his hope is to explore if that is an option for overnight parking. The Town has a two-hour parking restriction between the hours of 1:00a.m. and 7:00a.m. meaning that the police would have to see the parked car twice in a period of time for more than two hours. Mr. Schlichtman explained that he is looking to establish a committee to examine the revenues the town could be collecting.

The Select Board thanked Mr. Schlichtman for his presentation and while they agree with many of the issues identified the Board is already engaged in much of the same work through a pilot program. The Board noted that the same professional staff would likely be tasked with supporting an additional committee engaged in the same or similar work as an existing committee.

Mr. Hurd moved no action.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

FINAL VOTES & COMMENTS

Articles for Review:

Article Bylaw Amendment/Updating Human Rights Commission Bylaw
Article Bylaw Amendment/Civilian Police Advisory Commission
Article Bylaw Amendment/Tree Preservation and Protection
Article Resolution/Support of the Mass. Fair Share Constitutional Amendment

Article Resolution/Alewife Brook is a Valuable Natural Resource

Mr. Heim noted that the Alewife Brook proponents reached out to him and asked that in the last part of the vote that further Town Meeting also resolve to encourage and support all Town officials and engaging the MWRA ; they would like to add DCR to that list of entities.

Mr. Helmuth moved to table Article Bylaw Amendment/Civilian Police Advisory Commission until the Board's next meeting.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCoursey: yes

SO VOTED (5-0)

Mrs. Mahon moved to approve the remaining warrant articles.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes
Mr. Diggins: yes
Mr. Helmuth: yes
Mrs. Mahon: yes
Mr. DeCoursey: yes

SO VOTED (5-0)

NEW BUSINESS

Mr. Helmuth noted that he intends to recognize the Board of Health Office at the next meeting for their hard work and sacrifices they have made during the Pandemic.

Mr. Hurd congratulated the AHS Boys and Girls Hockey Teams for their first-round wins over the weekend.

Mrs. Mahon noted that the search process will begin soon regarding a new Town Manager.

Mr. DeCoursey noted that the Redevelopment Board has asked for comment from the Select Board regarding three of their warrant articles 28, 30 and 38. Mr. DeCoursey

explained that he has been working with Ms. Malloy regarding requests for quotations for a search firm for the future Town Manager and he will come back to the Board at a future meeting with an update on that. Mr. DeCoursey would also like to congratulate the boys' and girls' hockey teams on their win. Mr. DeCoursey would also like to congratulate two former Arlington High School basketball players Collin McNamara and Dom Black for their college teams both making the Sweet 16.

Mrs. Mahon moved to adjourn at 11:03p.m.

A roll call vote was taken on the motion by Mr. Heim.

Mr. Hurd: yes

Mr. Diggins: yes

Mr. Helmuth: yes

Mrs. Mahon: yes

Mr. DeCoursey: yes

SO VOTED (5-0)

Next Scheduled Meeting of Select Board March 21, 2022

A true record attest

Ashley Maher
Office Manager

3/7/2022

Agenda Item	Documents Used
1	Open Meeting Law Requirements Post State of Emergency
2	
3	Private Way Revolving Fund Memo from Deputy Town Manager
4	Draft Minutes 2.7.2022
5	D. Gillespie Reference
6	Special Municipal Employee Request
7	E. Hoffman Resume
8	
9	Grant of Location Reference
10	BOH Memo Building Dept Memo Planning Dept Memo Clay Dreams Application Sugo Application Trattoria Nina Application
11	April – May Calendar
12	Warrant Article Text Memo from Town Counsel Early Voting Reference P. Schlichtman Noise Abatement P. Schlichtman Magliozzi Boulevard P. Schlichtman Code Enforcement

	P. Schlichtman Overnight Parking S. Blagden Public Comment
13	Draft Final Votes and Comments Memo from Town Counsel



Town of Arlington, Massachusetts

Farmers' Market 2022

Summary:

Patsy Kraemer, Market Manager

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Farmers_Market_2022.pdf	Farmers Market Memo



29 March 2022

MEMORANDUM TO THE ARLINGTON SELECT BOARD

2022 FARMERS' MARKET

The Arlington Farmers' Market respectfully requests permission to hold the twenty-fifth Arlington Farmers' Market at the Russell Common Parking Lot, Arlington Center, for the 2022 season. The market is held on Wednesday's 2:00 pm to 6:30 pm. The Market will begin on Wednesday, June 7, 2022, and close on Wednesday, October 26, 2022.

We had a very successful year in 2021 and received many compliments and thanks from customers, glad we held the market, and happy with the parameters that we had in place. Many people told us that they felt safe shopping at an outdoor market during the pandemic.

We collaborated with Arlington's food pantry – Arlington Eats – for the 2021 season on a new program called "Fresh Bucks." Any market customer eligible for SNAP or HIP (state sponsored food vouchers) received \$15 worth of "fresh bucks" each week to use at all the vendors at the market. Arlington Eats provided approximately \$35,000 to cover this program. The program was phenomenally successful, giving low-income customers access to even more products from the market – and giving the farmers even more sales!

The market will continue to have liability insurance that is provided from the Massachusetts Farmers' Market Association.

We hope you will approve the continuation of this program at the Russell Common Parking Lot.

**Patsy Kraemer
Market Manager
85 Columbia Road, Arlington, Ma. 02474
h: 781-646-4645 c: 781-858-8629
patsy@patsykraemer.com**



Town of Arlington, Massachusetts

Request: AHS Ice Cream Fundraiser for Dana-Farber Cancer Institute (DFCI)

Summary:

Whittemore Park, May 14, 2022 (rain date May 15th), 10:00 a.m. to 6:00 p.m.

Emilie Bell and Katya Shubochkin

The AHS Scoops Club

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Scoopermania_Request.pdf	Request

To,
The Arlington Selectmen,
730 Massachusetts Ave,
Arlington, MA-02476

SUB: Request for permission to use 611 Mass. Ave.,

on May 14th (rain date May 15th), from 10:00-6:00, as a venue for a fundraiser

Dear Selectmen,

For the past few years, multiple groups of proactive students at Arlington High School have committed to raising money with the Jimmy Fund for cancer research and put on a town-wide ice cream fundraiser. The event, inspired by Boston's own Scooper Bowl, has consisted of a day-long ice cream festival at Whittemore Park, during which we scooped our hearts out to raise money for research and care at the Dana-Farber Cancer Institute (DFCI) in Boston. The majority of our donation to DFCI has come from the \$5 entry fee for children and \$7 for adults to the all-you-can-eat event. Our goal has been to inspire community support for the cause and to raise money for DFCI, especially since several members of our community are currently battling cancer. In the past four years we have raised a sum of \$25,250 for the Jimmy Fund.

This year, we are hoping to put on the same fundraiser, so we can continue uniting Arlington in the fight against cancer. We request that you allow us a permit to use Whittemore Park from 10:00AM - 6:00PM, on May 14th (rain date May 15th) as the venue for our event, as the lawn is ideal due to its easy visibility through traffic. We thank you greatly for your support and consideration!

Most Sincerely,
Emilie Bell and Katya Shubochkin
The AHS Scoops Club

ebell2023@spyponders.com
kshubochkin2022@spyponders.com

**TOWN OF ARLINGTON
SPECIAL EVENT PERMIT APPLICATION**

Applicant and Sponsoring Organization Information

Name of Organization / Sponsor: Arlington High School Scoopermania Club

Address: 869 Massachusetts Ave City: Arlington State: MA Zip: 02476

Applicant Name: Emilie Bell Tel#:

E-mail: ebell2023@spyponders.com

Event Manager: Jayce McG Contact Info: jmcg@arlington.k12.ma.us

Other Contact Person/s: Contact Info:

Event Information

☐ Run/Walk ☐ Parade ☒ Event

Event Title: Scoopermania

Start Date & Time(s): 5/14/2022 12:00PM End Date & Time(s): 5/14/2022 4:00PM

Estimated Attendance: # 500 Admission Fee: \$5 children, \$7 adults

Open to the Public: ☒ Yes ☐ No

Requested Location: Street (specify): Jefferson Cutter House Lawn

Other (specify): 611 Massachusetts Ave., Arlington, MA 02474

Set Up Date/Time & Description: 5/14/2022 10AM-12PM. Set up tables with ice cream

Breakdown Date/Time & Description: 5/14/2022 4PM-6PM. Break down tables, clean up.

NOTE: ATTACH DIAGRAM OF ROUTE WITH SPECIFICS

Event Details

YES

☒☐☒

NO

☐☒☐

Will you set up table(s) and/or chair(s)? Approximate number : 10 tables, 25 chairs

Booth(s), Exhibit(s), Display(s) and/or Enclosure(s):

Canopy(ies) and/or Tent(s)- describe dimensions: 1 10' x 20' tent

The following is required by your organization to insure the safety and health of all participating in this event: *Note: You do not need to contact the departments below if it is not required.*

YES

☐

NO

☐

Police Detail: (contact police)



Town of Arlington, Massachusetts

Request: Contractor/Drainlayer License

Summary:

Richard Gordon
Bay State Engineering Corp.
330 Hopping Brook Road
Holliston, MA 01746

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Baystate_Engineering_Corp_Reference.pdf	Reference



Engineering Division

TOWN OF ARLINGTON
Department of Public Works
51 Grove Street
Arlington, Massachusetts 02476
Office (781) 316-3320 Fax (781) 316-3281

MEMORANDUM

To: Select Board
From: Engineering Division
Re: Approved Contractor License
Date: March 25, 2022

Dear Board Members,

Reference is hereby made to an application by Richard Gordon of Baystate Engineering Corp. to be accepted as an Approved Contractor in the Town of Arlington.

Contact information is as follows:

Baystate Engineering Corp.
330 Hopping Brook Road
Holliston, MA 01746
Richard Gorman
Phone: 508-893-8931
Email: jennyg.baystate@gmail.com

Upon review of the provided references supplied by the contractor, we recommend approval and issuance of an Approved Contractor and Drainlayer license.

Regards,

William C. Copithorne, P.E.
Assistant Town Engineer

cc: Wayne Chouinard PE,
Town Engineer



TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

Directions: Please complete ALL fields below and deliver the completed application to the Department of Public Works Engineering Department at 51 Grove Street for Processing and Submission to the Board of Selectmen. Please also include in your submission a \$75.00 application fee in the form of a check payable to the "Town of Arlington". Any questions regarding this application form or procedure should be directed to the Town of Arlington Engineering Department at 781-316-3386.

Scope of Work

Please indicate the scope of work you intend to perform as a DPW Approved Contractor in the Town of Arlington (check all that apply):

☒ Water ☒ Sanitary Sewer ☒ Stormwater Drainage ☒ Sewer/Drain Inspection ☒ Driveway Work ☒ Curb/Sidewalk Work

Applicant Information

Applicant/Firm Name: Baystate Engineering Corp.

Select One: ☒ Corporation ☐ Partnership ☐ Proprietorship ☐ Other: _____

Street Address: 330 Hopping Brook Road City/Town: Holliston State: MA

Primary Phone: 508-893-8934 E-mail: jennyg.baystate@gmail.com

Length of Time in Business under the same Firm Name: 10

Full Name(s) of Principal(s): Richard Gordon- President & Owner

Primary Contact Person: Michael Parente- Vice President/ Job Operations

Experience/Previous Work

Nature of Typical/Standard Work: Cut and cap all existing utilities- hopefully within the next 3-4 weeks. Future installation of water, sewer and drainage utilities

Have you ever performed this type of work in Arlington: ☐ Yes ☒ No

If Yes, Please provide Location: _____ Approximate Date: _____

Total Amount of such construction this year: 7,500,000

Total Amount of such construction last year: 6,200,000

Total Amount of such construction next previous year: 6,500,000

Municipal References - Please Attach Written Reference Letters

Municipality: City of Cambridge

Primary Contact Name: Jeya Niranjana Email: jniranjan@cambridgema.gov

Municipality: Town of Brookline

Primary Contact Name: Deborah Baker Email: _____

Municipality: City of Somerville

Primary Contact Name: Mark Nolan Email: MNolan@somervillema.gov

Banking/Financial References - Please Attach Written Reference Letters if Available

Bank Reference: Cambridge Trust Phone: 617-876-5500

Federal Tax ID or Social Security #: _____

Note to Town Staff: Redact Social Security # before releasing document

Your social security number or federal identification number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licenses who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Law, Chapter 62C, Section 49A.

Signature/Endorsement

By signing below, I certify that under the penalties of perjury that to the best of my knowledge and belief all information on this application is true and correct. I also certify by signature below that I/we have filed all state tax returns and paid all state taxes as required by law. I also hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen and/or Department of Public Works may establish.

Applicant Signature:  Date: 3/24/22

Reset Form

Print Form

OFFICE OF THE SELECT BOARD

STEPHEN W. DECOURCEY, CHAIR
DIANE M. MAHON, VICE CHAIR
JOHN V. HURD
LENARD T. DIGGINS
ERIC D. HELMUTH



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

March 31, 2022

Richard Gordon
Baystate Engineering Corp.
330 Hopping Brook Road
Holliston, MA 01746
Jennyg.baystate@gmail.com

Dear Mr. Gordon:

The Select Board will be discussing your request for a License to do Drainlaying in the Town of Arlington by remote participation on Monday, April 4, 2022 at 7:15 p.m. Although it is not a requirement that you join this virtual meeting, you are invited to do so.

Information which includes a link to the meeting will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Thursday, March 31st by 7:00 p.m.

Please contact this office by email, lcosta@town.arlington.ma.us, if you have any questions.

Very truly yours,
SELECT BOARD

A handwritten signature in cursive script that reads "Lauren Costa".

Lauren Costa
Administrative Assistant



Town of Arlington, Massachusetts

Request: Contractor/Drainlayer License

Summary:

Robert Hanss
Robert Hanss Inc.
207 Suffolk Road
Newton, MA 02467

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Robert_Hanss_Inc_Reference.pdf	Reference



Engineering Division

TOWN OF ARLINGTON
Department of Public Works
51 Grove Street
Arlington, Massachusetts 02476
Office (781) 316-3320 Fax (781) 316-3281

MEMORANDUM

To: Select Board
From: Engineering Division
Re: Approved Contractor License
Date: March 25, 2022

Dear Board Members,

Reference is hereby made to an application by Robert Hanss of Robert Hanss Inc. to be accepted as an Approved Contractor in the Town of Arlington.

Contact information is as follows:

Robert Hanss Inc.
207 Suffolk Road
Newton, MA 02467
Robert Hanss
Phone: 617-285-9102
Email: rhanss@roberthanass.com

Upon review of the provided references supplied by the contractor, we recommend approval and issuance of an Approved Contractor and Drainlayer license.

Regards,

William C. Copithorne, P.E.
Assistant Town Engineer

cc: Wayne Chouinard PE,
Town Engineer



TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

Directions: Please complete ALL fields below and deliver the completed application to the Department of Public Works Engineering Department at 51 Grove Street for Processing and Submission to the Board of Selectmen. Please also include in your submission a \$75.00 application fee in the form of a check payable to the "Town of Arlington". Any questions regarding this application form or procedure should be directed to the Town of Arlington Engineering Department at 781-316-3386.

Scope of Work

Please indicate the scope of work you intend to perform as a DPW Approved Contractor in the Town of Arlington (check all that apply):

☐ Water ☐ Sanitary Sewer ☐ Stormwater Drainage ☐ Sewer/Drain Inspection ☒ Driveway Work ☒ Curb/Sidewalk Work

Applicant Information

Applicant/Firm Name: Robert Hanss Inc.

Select One: ☒ Corporation ☐ Partnership ☐ Proprietorship ☐ Other: _____

Street Address: 207 Suffolk Road City/Town: Newton State: MA

Primary Phone: 6172859102 E-mail: rhanss@roberthanss.com

Length of Time in Business under the same Firm Name: 31 Years

Full Name(s) of Principal(s): Robert Hanss, President

Primary Contact Person: Robert Hanss

Experience/Previous Work

Nature of Typical/Standard Work: Landscape Construction and Masonry

Have you ever performed this type of work in Arlington: ☐ Yes ☒ No

If Yes, Please provide Location: _____ Approximate Date: _____

Total Amount of such construction this year: \$2,530,000.

Total Amount of such construction last year: \$2,410,000.

Total Amount of such construction next previous year: We anticipate a similar volume of work for next year.

Municipal References - Please Attach Written Reference Letters

Municipality: Cambridge

Primary Contact Name: Andrew Bock Email: abock@cambridgema.gov

Municipality: Brookline

Primary Contact Name: Tom Steel Email: tsteel@brooklinema.gov

Municipality: _____

Primary Contact Name: _____ Email: _____

Banking/Financial References - Please Attach Written Reference Letters if Available

Bank Reference: Walpole Cooperative Bank Phone: 508-668-1080

Federal Tax ID or Social Security #: _____

Note to Town Staff: Redact Social Security # before releasing document

Your social security number or federal identification number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licenses who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Law, Chapter 62C, Section 49A.

Signature/Endorsement

By signing below, I certify that under the penalties of perjury that to the best of my knowledge and belief all information on this application is true and correct. I also certify by signature below that I/we have filed all state tax returns and paid all state taxes as required by law. I also hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen and/or Department of Public Works may establish.

Applicant Signature:

Robert Hanss

Date:

3/25/22

Reset Form

Print Form

OFFICE OF THE SELECT BOARD

STEPHEN W. DECOURCEY, CHAIR
DIANE M. MAHON, VICE CHAIR
JOHN V. HURD
LENARD T. DIGGINS
ERIC D. HELMUTH



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

March 31, 2022

Robert Hanss
Robert Hanss Inc.
207 Suffolk Road
Newton, MA 02467
rhanss@roberthanss.com

Dear Mr. Hanss:

The Select Board will be discussing your request for a License to do Drainlaying in the Town of Arlington by remote participation on Monday, April 4, 2022 at 7:15 p.m. Although it is not a requirement that you join this virtual meeting, you are invited to do so.

Information which includes a link to the meeting will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Thursday, March 31st by 7:00 p.m.

Please contact this office by email, lcosta@town.arlington.ma.us, if you have any questions.

Very truly yours,
SELECT BOARD

A handwritten signature in cursive script that reads "Lauren Costa".

Lauren Costa
Administrative Assistant



Town of Arlington, Massachusetts

Outdoor Restaurant and Retail Permit Application

Summary:

Tryst, 689 Massachusetts Avenue

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	ORRPA_Tryst_-_Inspection_Reports.pdf	Inspection Reports
▢	Reference Material	ORRPA_Tryst_-_Application.pdf	Application



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

To: Board of Selectmen
From: Padraig Martin, Lead Health Compliance Officer
Date: March 31, 2022
RE: Outdoor Restaurant and Retail Permit Application

Please accept the following as comments from the Office of the Board of Health regarding Outdoor Restaurant and Retail Permit Applications for Tryst:

- The Establishments must prohibit smoking in the outdoor seating areas by conspicuously posting a notice or sign which states "No Smoking" or the by using a sign with the international "No Smoking" symbol in the outdoor area.
- The owners or designated Persons in Charge are responsible for maintaining the outdoor seating areas Smoke Free.
- Any Person In Charge of a public place or workplace who fails to comply with the regulations is subject to a fine of two hundred dollars (\$200.00) for each day of the violation.
- The Establishments are responsible for maintaining the outdoor seating in a clean and sanitary manner, free from garbage and trash or other refuse that would constitute a public health nuisance. The Establishment must clean and remove improperly discarded food waste and related garbage from the outdoor seating areas on a nightly basis.
- The Establishments must empty trash receptacles used for the outdoor seating areas on a nightly basis.



Town of Arlington
Inspectional Services Department
23 Maple Street
Arlington, MA 02476
781-316-3390

Inspectionalservices@town.arlington.ma.us

To: Office of the Select Board
From: Michael Ciampa, Building Commissioner
Date: March 30, 2022
RE: Outdoor Restaurant and Retail Permit Application

Please accept the following as comments from the Inspectional Services Department regarding the Outdoor Restaurant and Permit Application for Tryst.

Building

- All building changes need permits.
- All sign changes need approval and sign permit.
- Window signs cannot exceed 25% of window or fine lines will be levied.
- Certificate of Occupancy is needed - \$100 fee.
- The Director of Inspectional Services has no objection to the issuance of this license as the applicant has been made aware of seating capacity and necessity for showing proof of ownership of sidewalk.

Plumbing

- The Inspector of Plumbing and Gasfitting has no objection to the issuance of this license.
- All Plumbing and Gasfitting work requires that the permits be obtained from this office for their respective trades by a licensed contractors.

Electrical

- The Inspector of Wires has no objection to the issuance of this license
- The applicant acknowledges that this is a conditional approval of the premises only and is not to be constructed as approval of the Inspector of Wires of concealed electrical wiring. Any new wiring must conform to the Mass. Electrical Code. Notify the Inspector of Wires in accordance with Chapter 143, Section 3L.

**OFFICE OF THE SELECT BOARD
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Select Board by 3/31/2022

ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 689 Mass Ave
Applicant's Name: Taek Kim
D/B/A: Tryst
Telephone: 781-641-2227
Department: Sent Via E-mail

Date: 3/28/2022

Meeting Date: 4/4/2022

Re: OUTDOOR RESTAURANT AND RETAIL PERMIT

Board of Health

Building

Planning: Marisa Lau, Senior Planner

The proposed outdoor seating application is for 8 tables and 32 chairs. 7 jersey barriers are proposed. The site plan indicates adequate pedestrian passage for ADA compliance. The Department supports the issuance of an Outdoor Restaurant and Retail permit to the applicant.

Any changes in signage, including signs in the window, and changes to the façade of the building may be subject to review by this Department. The Applicant is reminded that all signs, including re-lettering of the existing signs require a permit issued by the Building Department. Other provisions of the Zoning Bylaw may apply as determined by the Building Inspector.



Outdoor Restaurant and Retail Permit Application

This is an application to the Select Board of the Town of Arlington Massachusetts, for a permit to place and maintain an outdoor seating or retail installation on the public right of way in Arlington, Massachusetts described below:

(PLEASE TYPE OR PRINT)

Business Name:

Tryst

Length of Storefront (ft):

60 ft

Business Address/Location:

639 Mass Ave Arlington MA 02476

Width of Sidewalk along Storefront (linear ft); *1:

16 ft including parking space

Phone Number/Email:

781 641 2227 / trystrestaurant639@gmail.com

Length of Proposed Sidewalk Café (linear ft); *2:

60 ft

Business Representative's Name:

Tack Kim

Width of Proposed Sidewalk Café (linear ft); *3:

16 ft

Name & Address of Building Owner:

Andre, PO Box 11535 Glendale CA 91226

of Tables

8

of Seats

32

*1: Measure from front Building Wall to inside of sidewalk granite curb edge.

*2: Measure from one outer edge of perimeter fencing/barrier to the other outer edge of perimeter fencing/barrier.

*3: Measure from front Building Wall to outer edge of perimeter fencing/barrier.

Do you plan to erect a tent?*: YES _____

NO ☒

*If "YES," a copy of your application for or copy of a Building Permit from the Inspectional Services Department should be provided as part of this application.

Outdoor dining and retail areas of appropriate design, configuration and appearance can be an attractive amenity throughout the warmer months of the year. Outdoor Restaurant and Retail (ORR) permit applications will be reviewed by Town staff for compliance with these guidelines and will be forwarded to the Select Board office for administrative approval in the case of installations that have no public parking impacts. For applications that involve installations in public parking spaces, which are only available for use between April 15 and November 15 annually (subject to change due to weather conditions), a hearing before the Select Board will be scheduled to analyze the parking impacts of such an installation. ORR permits must be reapplied for annually to assure that they remain in compliance with terms of the original approval and are adequately maintained from year-to-year.

1) SUBMISSION AND APPROVAL OF APPLICATIONS

- Applications for ORR permits shall be submitted to the Select Board office.
- The Select Board office will review the application and plan for outdoor dining or retail area for completion and will distribute it to the Department of Health and Human Services, the Inspectional Services Department, and Department of Planning and Community Development. Staff may also refer the application to the Department of Public Works or the Fire Department if the application contains elements that warrant their review, such as parklet barriers, accessible ramps, or outdoor heaters.

I have read and fully understand the above rules and regulations applying to the approval of this permit.

Dated Feb. 16, 2022 By: Tael Kim
(Signature)

(Print Name & Address) Tryst 689 Mass Ave



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/19/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HUB NE Association Programs 300 Ballardvale Street Wilmington, MA 01887	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
INSURED Taeksoo Corp d/b/a Tryst Restaurant 689 Mass Avenue Arlington, MA 02476	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: MA Retail Merchants WC Group Inc.	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		
NAIC #		

COVERAGES **CERTIFICATE NUMBER:** 00001 **REVISION NUMBER:** 00001

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY						EACH OCCURRENCE \$
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR						MED EXP (Any one person) \$
							PERSONAL & ADV INJURY \$
							GENERAL AGGREGATE \$
							PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED RETENTION \$						
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input type="checkbox"/> N	N/A	014005034068122	1/01/2022	1/01/2023	E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

Town of Arlington
730 Mass Ave
Arlington, MA 02476

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Rev. S. Flores



Town of Arlington, Massachusetts

Discussion: Potential 40B Application Located at 1021-1027 Massachusetts Avenue

Summary:

Paul L. Feldman



Town of Arlington, Massachusetts

Discussion: Town Manager Search Process

Summary:

Stephen W. DeCoursey, Select Board



Town of Arlington, Massachusetts

For Discussion: Future Select Board Meetings

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	April_-_June_Calendar.pdf	April - June Calendar

APRIL 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2 Annual Town Election
3	4 Select Board Meeting	5	6	7	8	9
10	11	12	13	14	15 Passover Begins & Good Friday	16
17 Easter	18 Patriot's Day	19	20	21	22	23
24 Orthodox Easter	25 Town Meeting Begins	26	27	28	29	30

MAY 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Select Board Meeting	3	4	5	6	7
8	9	10	11 Special Town Meeting	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30 Memorial Day	31				

JUNE 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19 Juneteenth	20	21	22	23	24	25
26	27	28	29	30		



Town of Arlington, Massachusetts

Special Town Meeting Articles for Review:

Summary:

Article 6 Appropriation/Taking Stratton School Safe Routes Program



Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 7 Bylaw Amendment/Youth and Young Adult Advisory Board

Article 11 Bylaw Amendment/Domestic Partnerships

Article 13 Bylaw Amendment/Prohibit the Use of Face Surveillance

Article 14 Vote/Establish a Committee on Insurance Costs and Issues

Article 15 Bylaw Amendment/ Noise Abatement

Article 16 Bylaw Amendment/Noise Regulations for Gas Powered Leaf Blowers

Article 18 Bylaw Amendment/Phase Out of Certain Toxic Rodenticides on Public/Private Property, with Reporting Requirement and Public Education

Article 21 Vote/Extension of Youth and Young Adult Advisory Board, Commission, or Committee Study Committee

Article 23 Vote/Board of Youth Services Updates

Article 24 Home Rule Legislation/Financial Estimates & Budget Documents

Article 27 Revolving Funds

Article 47 Endorsement of Parking Benefit District Expenditures

Article 75 Resolution/Commitment to Increase Diversity in Town Appointments

Article 77 Resolution/Establishing an Integrated Pest Management Policy for Town Land, Prohibitions, and Public Education about Rodenticide Hazards

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Draft_Final_Votes_and_Comments_re_Articles7__11__13__14__16__18__21__23__27__47__and_75.pdf	Draft Final Votes & Comments



**Town of Arlington
Legal Department**

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To: Select Board

Cc: Adam Chapdelaine, Town Manager
John Leone, Town Moderator

From: Douglas W. Heim, Town Counsel; Deputy Town Counsel Michael C. Cunningham

Date: April 1, 2022

Re: Draft Votes and Comments re: Articles 7, 11, 13, 14, 16, 18, 21, 23, 27, 47, and 75

Members of the Board, this Office writes to provide the Board Draft Votes and Comments regarding the above-referenced 2022 Annual Town Meeting Warrant Articles, based upon your prior hearings for same. Where existing bylaws are amended by a vote, please note that deleted language will be denoted using "strike-through," while, revised or added language is denoted with underlined text.

**ARTICLE 7 BYLAW AMENDMENT/YOUTH AND YOUNG ADULT
ADVISORY BOARD**

VOTED: That Title II of the Town Bylaws ("Committees and Commission") be and hereby is amended to add a new "Article 15 'The Young Arlington Collaborative'" as follows:

Article 15. The Young Arlington Collaborative

Section 1. Establishment and Purpose of the Young Arlington Collaborative

- A. The Young Arlington Collaborative shall strive to engage with all of the youth and young adults that reside, attend school, or work in Arlington with the purpose of increasing their awareness of their local government and their participation in all aspects of it. The Young Arlington Collaborative shall also act as a conduit of issues and concerns of the youth and young adult population to Town Meeting, the Select Board, the School Committee, and the Town Manager.
- B. The Young Arlington Collaborative shall be composed of a “Standing Committee” which shall serve as the coordinating and policy-making body and any number of working groups which will work with and report to the Standing Committee. The working groups, as well as any necessary ad hoc committees, may be established and disbanded by a vote of the majority of the Standing Committee members (or as consistent with Section 2 of this bylaw).

Section 2. Standing Committee Membership, Quorum, Administration & Organization

- A. The Standing Committee shall consist of up to twenty-one (21) voting members appointed pursuant to subsection (1) below and a liaison from the Select Board who is the Secretary and non-voting member.

A quorum shall consist of a majority of the current voting Standing Committee Members, and all actions shall be made pursuant to a majority vote of members in attendance. The Committee shall organize for the conduct of its affairs and shall elect its own officers.

1. Standing Committee Membership

- a. **Two (2) Standing Committee members shall be selected from be selected from among the respective residents of each of the town’s twenty-one (21) precincts by its Town Meeting Members, and these two (2) members shall reside in the respective precincts of the Town Meeting Members;**
 - i. One (1) Standing Committee member from each precinct shall range in age from twelve (12) years through twenty (20) years (21 years minus 1 day). That Standing Committee member shall be recognized as the “Youth Member” for that precinct.
 - ii. One (1) Standing Committee member from each precinct shall range in age from twenty-one (21) years through **thirty-nine (39) years (40 years minus 1 day).** That Standing Committee member shall be recognized as the “Young Adult Member” for that precinct.

- b. The first selection of representatives from each precinct shall be conducted by lottery from all names submitted directly to the Select Board office by any youth or young adult from their respective precinct or by any Town Meeting Member on their behalf.**
- c. Terms shall be for two (2) years.**
- d. Within eighteen (18) months of the first meeting of the Standing Committee, a presentation will be made to the Select Board seeking its approval for the process determined by the Standing Committee for selecting its subsequent cohort of members.**
- e. For one (1) year of a Standing Committee member's term that member will be designated as the alternate, and that member shall vote in the Standing Committee meeting only when the other Standing Committee from the same precinct is absent.**
- f. Voting members of the Standing Committee**

 - i. In odd-numbered years, the voting members for Standing Committee shall include the "Youth" representatives from precincts 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and the "Young Adult" representatives from precincts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20.**
 - ii. In even-numbered years, the voting members for Standing Committee shall include the "Youth" representatives from precincts 2, 4, 6, 8, 10, 12, 14, 16, 18, 20 and the "Young Adult" representatives from precincts 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21.**
- g. Only the voting members are required to attend Standing Committee meetings.**
- h. The Select Board liaison, which need not be a member of the Select Board, shall be chosen by the Select Board by September 1 after the passage of this Bylaw .**
- i. If Town Meeting Members of a given precinct fail to present candidates by September 1 after the passage of this Bylaw, the Secretary shall work with the Select Board staff to fill the vacancies with a residents from the respective precinct(s).**
- j. If no representative from a precinct attends a Standing Committee for six (6) months, the Secretary shall notify the**

Town Meeting Members from the respective precinct and being the process of replacing the absent representatives with two (2) other representatives for either the rest of the term, if over one (1) year, or for two (2) years plus the remainder of the term, if under one (1) year,

2. **Standing Committee Quorum** A quorum requires eleven (11) representatives from eleven (11) of the twenty-one (21) precincts. Only one (1) representative from each precinct may participate in the meeting as a voting member of the Standing Committee. Both representatives may attend any Standing Committee meeting, and both may speak when called upon by the Chair.
3. **Voting at a Standing Committee meeting**, each precinct shall have only one vote that is cast by the either representative of that precinct **as set forth in Section 1(e) & (f) above.**
4. **Chair and Vice Chair**
 - a. Upon convening the first meeting and on the anniversary of that meeting, thereafter, the first order of business shall be the selection of two (2) Co-Chairs.
 - b. One (1) chair shall be a Youth representative, and one (1) chair shall be a Young Adult representative.
 - c. The term for each Co-Chair shall be one (1) year.
5. **Required Meetings** For the first two (2) years, the Standing Committee shall meet at least six (6) times per year at the dates of its choosing.
6. **Open Meeting Law** Standing Committee Meetings shall comply with Massachusetts' Open Meeting Law.

Section 3. Task Groups

- A. The Standing Committee may authorize the creation of Task Groups on any subject at any time of its choosing.
- B. **Members of Task Groups participants shall range in age between 12-39.**
- C. **Members of Task Groups participants may or may not be members of the Standing Committee and may or may not be Youth or Young Adult representatives from the precincts.**
- D. One (1) Youth and one (1) Young Adult member of the Standing Committee shall function as Co-Chairs for the first three (3) meetings of a Task Group,

and they shall administer the election of the first Chair or Co-Chairs of Task Group at the Task Group's fourth meeting.

- E. Eligibility of participants to vote on administrative and procedural matters shall require a minimum attendance at three (3) meetings within the previous twelve (12) months or since the inception of the task group (whichever is shorter).
- F. **Task Groups function as forums for the exchange of ideas with no requirement of a formal membership, quorums or authority to make reports or recommendations. Task Groups are not subject to the Open Meeting Law.**

Nonetheless, Task Groups shall:

1. Post announcements (~~agendas are optional~~) of their meeting at least two (2) business days before the meeting;

2. Keep minutes of their meetings for presentation to the Standing Committee.

- G. Votes on non-administrative or non-procedural matters by a Task Group shall require review by the Standing Committee or an Ad Hoc Committee of the Standing Committee. Examples of such votes include endorsements of warrants articles, **candidates**, and letters presented by other parties.
- H. At least annually, following the election of its Co-Chairs, one or both Co-Chairs shall submit a report that includes the minutes and anything else of note to the Standing Committee. I. If a Task Group does not meet for twelve (12) consecutive months and does not submit a report to the Standing Committee, it shall be considered inactive and defunct.

(5 – 0)

COMMENT: The Select Board unanimously recommends to Town Meeting the creation of the Arlington Youth Collaborative as developed by the Youth and Young Adult Advisory Board, Commission, or Committee Study Committee established under Article 17 of the 2021 Annual Town Meeting. The purpose of the Collaborative will be to cultivate the perspective of youth and young adults on issues affecting the Town. While purely advisory in nature, the Collaborative will serve to enhance representation of youth and young people, harness youth activism, and establish a pathway and resource for further engagement in and with the Town's government.

The proposed structure of the Collaborative is modeled on Envision Arlington – a standing committee which may also utilize more flexible and informal forums for discussion and idea development known as "Task Groups." As presented, the bylaw would authorize appointment of one youth (ages 12 and up) and one young adult (up to age 39) from each of the Town's 21 precincts in order to garner a wide base of participation and viewpoint. Only half of the membership will be voting members at any given time. Paired with modest quorum requirements, the Collaborative will be able to efficiently conduct its business while benefitting from the collective wisdom a larger public body.

ARTICLE 11

BYLAW AMENDMENT/DOMESTIC PARTNERSHIPS

VOTED: That Title I, Article 23 of the Town Bylaws (“General Government”), “Domestic Partnerships” is hereby amended as set forth below:

TITLE I

ARTICLE 23

DOMESTIC PARTNERSHIPS

(ART. 15, ATM – 04/26/21)

Section 1. Purpose and Intent

The Town of Arlington (“Town”) recognizes the diverse composition of its citizenry and realizes that a perpetuation of the traditional meaning of “family” can exclude a segment of the Town’s population by: (1) depriving them of recognition and validation; and (2) denying them certain rights and responsibilities that should be afforded to persons who share their ~~homes~~, hearts and lives. Recognizing its commitment to fair treatment of its citizens, the Town adopts this Bylaw that acknowledges domestic partnerships. People in committed relationships who meet the criteria established by the Town as constituting a domestic partnership are provided an opportunity by this Bylaw to register at the office of the Town Clerk, obtain a certificate attesting to their status, and share in certain rights and benefits conferred under this Bylaw.

Section 2. Definitions

A. “Domestic partnership” shall mean two or more persons who meet all of the following requirements and who register their domestic partnership in accordance with Title I, Article 23, Section 3.

- (1) They have made a commitment of mutual support and caring for their domestic partners;*
- ~~(2) They reside together and intend to do so indefinitely;~~*
- ~~(3) They share basic living expenses;~~*
- (2) They are at least eighteen (18) years of age;*
- (3) They are competent to enter into a contract; and*
- (4) They are not ~~married to anyone or related to each other~~ by blood closer than would bar marriage in the Commonwealth of Massachusetts.*

B. “Dependents” shall mean a child or step-child of any domestic partner.

Section 3. Registration, Amendment and Termination

A. Registration

- (1) Statement of Domestic Partnership*

(a) Domestic partners who meet the requirements set forth in Title I, Article 23, Section 2(A) of this Bylaw may make an official record of their domestic partnership by completing, signing and submitting to the Town Clerk a statement of domestic partnership. Persons submitting a statement of domestic partnership must declare under penalty of perjury that they meet the requirements set forth in Title I, Article 23, Section 2(A) of this Bylaw.

(b) The domestic partnership statement shall be on a form prescribed by the Town Clerk, which form shall include, but shall not be limited to, the names of the domestic partners and the date on which they became each other's domestic partners:-

~~(c) and The~~ the names and dates of birth of any dependents of the domestic partnership.

(c) If any member of the prospective domestic partnership is married or in another domestic partnership, a notarized Affidavit of Consent is needed from all other current domestic partners or spouses.

B. Amendments

(1) To change an address, Domestic partners may file a Domestic Partnership Amendment Form, with the Town Clerk. The to add or delete dependents or change an address. Any amendment shall be signed, under the pains and penalties of perjury, by both all of the domestic partners whose addresses are changing.

(2) To add or remove dependents, domestic partners may file a Domestic Partnership Amendment Form with the Town Clerk. The amendment shall be signed, under the pains and penalties of perjury, by all of the domestic partners.

(3) To add domestic partners, the prospective domestic partners may file a Domestic Partnership Amendment Form with the Town Clerk. If any member of the prospective domestic partnership is married or in another domestic partnership, a notarized Affidavit of Consent is needed from all other current domestic partners or spouses in order to add additional partners to an already established domestic partnership. The amendment shall be signed, under the pains and penalties of perjury, by all of the current and new domestic partners.

C. Withdrawal and Termination

(1) Any member of a domestic partnership may withdraw from the domestic partnership by filing a withdrawal statement with the Town Clerk. Withdrawal from a domestic partnership shall become effective immediately when the withdrawal statement is filed with the Town Clerk. Any person filing a withdrawal statement must declare under the pains and penalties of perjury that they have withdrawn and that all other domestic partners have been notified of such withdrawal either personally or by mailing a copy of the withdrawal statement to the other domestic partner's last and usual address by certified mail.

~~(2) (4) If only one or zero domestic partner(s) remain(s) after a withdrawal goes into effect, then the domestic partnership is considered terminated immediately. If there are two or more persons remaining in a domestic partnership after a withdrawal goes into effect, then the withdrawal does not terminate the domestic partnership as to the remaining persons in the domestic partnership. Domestic partners shall notify the Town Clerk of the termination of their domestic partnership. Any member of a domestic partnership may terminate the domestic partnership by filing a termination statement with the Town Clerk. Termination of a domestic partnership shall become effective ninety days (90) days after the termination statement is filed with the Town Clerk. Any person filing a termination statement must declare under the pains and penalties of perjury that the domestic partnership is thereby terminated and that the other domestic partner has been notified of such termination either personally or by mailing a copy of the termination statement to the other domestic partner's last and usual address by certified mail.~~

~~(3) (2) The death of a domestic partner functions as an automatic withdrawal from the domestic partnership as to that partner, but not as to the remaining persons in the domestic partnership. Such automatic withdrawal will be effective immediately. No person may file a new statement of domestic partnership until any previous domestic partnership of which he or she was a member has been effectively terminated.~~

Section 4. Town Clerk

- A. The Town Clerk shall maintain records of the registration, amendment, withdrawal and termination of domestic partnerships as permanent records. The Town Clerk shall provide appropriate forms for a Statement of Domestic Partnership, for the registration of the Statement and for the amendment, withdrawal and termination of a domestic partnership.
- B. The Town Clerk shall charge a fee for filing a domestic partnership equal to the fee charged to file a marriage license. Payment of the filing fee shall entitle the person filing the statement on behalf of the domestic partnership to receive one copy of the statement certified by the Town Clerk. The fee for additional certified copies of the statement, or for copies of amendment, withdrawal, or termination statements, shall be the same fee charged for additional certified copies of a marriage license.

Section 5. Rights of Domestic Partners

Persons who have registered their domestic partnership with the Town Clerk pursuant to Title I, Article 23, Section 3 are entitled to the following rights:

- A. Visitation at health-care facilities.

(1) A domestic partner shall have the same visitation rights as a spouse or parent of a patient at all health-care facilities operated and maintained by the Town, except to the extent that doing so would conflict with federal or state law. A dependent shall have the same visitation rights as a patient's child.

- (2) *The term "health care facilities" includes hospitals, convalescent facilities, mental health care facilities, nursing homes, and other short and long term care facilities operated and maintained by the Town.*

B. Visitation at correctional facilities.

- (1) *A domestic partner shall have the same visitation rights at all correctional facilities operated and maintained by the Town-as a spouseor parent of a person in custody, except to the extent that doing so would conflict with federal or state law. A dependent shall have the same visitation rights afforded to the child of a person in custody.*
- (2) *The term "correctional facilities" includes, but is not limited to, holdingcells, jails and juvenile correction centers operated and maintained by the Town.*

C. Access to children's school records and personnel.

- (1) *A domestic partner who is also the custodial parent or legal guardian ofa child may file a school authorization form at, or send a letter to, the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's existing parent or guardian, except to the extent that doing so would conflict with federal or state law.*
- (2) *When a domestic partnership is withdrawn or terminated pursuant to Title I, Article 23, Section 3(C), it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.*
- (3) *As used herein, the term "school" shall ~~only~~ include facilities owned and operated by the Town and shall include, but shall not be limited to, high schools, vocational schools, junior high and middle schools, elementary schools, preschools and preschool programs, after-school programs and day-care programs,~~provided that such are owned and operated by the Town.~~*

SECTION 6. Employment Benefits

- A. *Employees shall be granted bereavement leave, with pay, for the death of a domestic partner or family member of a domestic partner to the same extent as for a spouse or family member of a spouse. Use of the term "in-law" in employee handbooks shall include the relatives of a domestic partner.*
- B. *Employees shall be granted sick leave to care for a domestic partner to the same extent permitted to care for a spouse, and to care for a dependent of a domestic partnership to the same extent permitted to care for a child.*

- C. Employees in domestic partnerships shall be entitled to take parental leave, as provided for under the Town's by-laws, to the same extent as married employees.

SECTION 67. Interpretation and Limitation of Liability

- A. It is the intention of this Bylaw that its provisions shall be enforceable to the maximum extent permitted by law.
- B. Nothing contained in this chapter shall be construed to impose liability upon a domestic partner for the health or medical expenses of their domestic partner, with the sole exception of the medical insurance contributions assumed by a Town or School Department employee who is a member of a domestic partnership.
- C. Nothing in this chapter shall be construed to create additional legal liabilities greater than those already existing under law or to create new private causes of action.

SECTION 78. Reciprocity

All rights, privileges and benefits shall be extended to domestic partnerships registered ~~pursuant to similar laws enacted~~ in other jurisdictions.

SECTION 89. Non-Discrimination

No person who seeks the benefit of this Bylaw, registers pursuant to its provisions, or assists another person in obtaining the benefits of this Bylaw shall be discriminated against in any way for doing so.

SECTION 910. Severability

The provisions of this Bylaw are severable. If any of its provisions are held invalid by the Attorney General, a court of competent jurisdiction or other reviewing authority, all other provisions shall continue in full force and effect.

(5 – 0)

COMMENT: The Select Board unanimously supports this recommendation of the LGBTQIA+ Rainbow Commission to update the Domestic Partnership bylaw. The proposed amendments include changes aimed at establishing the following goals:

1. To eliminate the requirement that domestic partners reside together or share basic living expenses. The proposed amendments also eliminate the requirement that domestic partners are not married;

2. To establish certain employment benefits for domestic partners, including bereavement leave, sick leave to care for a domestic partner or dependent of a domestic partnership, and parental leave; and

3. To set out limitations of liability so that nothing in the bylaw should be construed to impose liability upon a domestic partner for the health or medical expenses of their domestic partner, with the sole exception of the medical insurance contributions assumed by a Town or School Department employee who is a member of a domestic partnership.

The Board unanimously supports these amendments to the original bylaw that was passed by the 2021 Annual Town Meeting and approved by the Massachusetts Attorney General's Municipal Law Unit in a decision set forth in correspondence dated December 23, 2021. The Board recognizes that the proposed amendments to the bylaw, if adopted by the 2022 Annual Town Meeting, will likely be subject to review by the Massachusetts Attorney General's Municipal Law Unit.

ARTICLE 13 BYLAW AMENDMENT/PROHIBIT THE USE OF FACE SURVEILLANCE

VOTED: That Town Meeting hereby resolves as follows:

“A Resolution that Government use of Face Surveillance should be Further Limited in Order to Conform with Our Values”

WHEREAS:

- A. Facial recognition technology has been proven to be worse at identifying people of color and women and even worse at identifying women of color. This biased inaccuracy has already led to multiple cases of false arrest leading to lawsuits against municipalities; AND**
- B. The rights of free speech and assembly are among our most prized and government use of face surveillance has a chilling effect on free exercise of these rights; AND**
- C. Widespread government use of face surveillance would violate basic expectations of privacy and our Fourth Amendment rights against unreasonable searches and seizures; AND**
- D. The people disproportionately harmed when government surveillance power expands are the segments of our population uniquely vulnerable to any kind of poorly wielded government power: LGBT+, homeless people, people with mental illnesses, people of color, and of course the many people who embody more than one of those categories; AND**
- E. The current state law pertaining to this issue (M.G.L. Ch. 6, Section 220) has several gaps:**
 - a. By regulating only the use of facial recognition by law enforcement, it allows other branches of government free reign to use face surveillance however they wish;**
 - b. It requires only a court order to perform a facial recognition search, which is a lower standard of proof than a warrant; and**
 - c. It defines both facial recognition and facial recognition search but then only legislates the use of facial recognition search. This means that while the limited application of taking an unidentified image and using software to identify it is regulated, there's nothing to prevent any part of government, including law enforcement from doing facial recognition in their day-to-day operations.**

**THEREFORE BE IT RESOLVED BY TOWN MEETING OF THE TOWN OF ARLINGTON,
MASSACHUSETTS:**

- 1. Town Meeting calls upon our state representatives to promptly follow the recommendations of the Special Commission to Evaluate Government Use of Facial Recognition Technology in the Commonwealth including amending the current state law to:**
 - a. both limit use of facial recognition search to felony cases and by requiring a warrant based on probable cause with the exception of responding to emergency situations or identifying a deceased person; and**
 - b. ban the use of face recognition for surveillance, tracking, and emotion recognition;
AND**
- 2. We further ask that our state representatives push for additional legislation to address the non-law enforcement government use of this technology; AND**
- 3. We also use this resolution to make our expectations of our own town government clear. We expect that the only use of facial recognition technology by the Town of Arlington be that which is explicitly provided for in state law.**

(5 – 0)

COMMENT: The Select Board joins the resident petitioners in their concern about the abuse of facial recognition technologies to gather inappropriate information from and about members of the public. The recently enacted Chapter 253 of the Acts of 2020, of the Justice, Equity, and Accountability in Law Enforcement Act (“JEALE” Act) for the first time in Massachusetts regulates law enforcement personnel’s use of computerized facial recognition searches for the purpose of identifying “unidentified persons,” but does not cover all the necessary ground in this body’s opinion, including passive use of such technologies, use of such technologies to monitor “known” persons, or use of such technologies by non-law enforcement entities.

The JEALE Act also established a Special Commission to Evaluate Government Use of Facial Recognition Technology in the Commonwealth, which released a 173 page report outlining its concerns and recommendations on March 14, 2022. The petitioners and the Select Board agree that it is important to track the progress of action on those recommendations in the immediate future. It is also essential to acknowledge that the Town does not now and has no plans to utilize facial recognition technology. Nonetheless, the Select Board believes that the instant resolution affirms the importance of prohibiting the use of this technology both externally and internally in a manner that avoids potential issues of pre-emption by state law and is consistent with the discretion invested in the Town Manager and department heads under our separation of powers within the Town Manager Act.

**ARTICLE 14 VOTE/ESTABLISH A COMMITTEE ON INSURANCE COSTS
AND ISSUES**

COMMENT: The petitioner intends to pursue the contemplated project through the already existing Civic Engagement Group. As such, the Select Board recommends no action with appreciation for the petitioners' continued interest and research on this subject,

ARTICLE 15 BYLAW AMENDMENT/NOISE ABATEMENT

VOTED: Title V Article 12 (“Noise Abatement”) Section 3 (“Daytime-Only Activities”), Subsection (A)(3)(a) (“Authorized Exemptions for Public and Private Way Projects”) be and hereby is amended to provide for a notice provision for application of exemptions for certain roadway and utility projects, to read as follows:

3. Authorized Exemptions for Public and Private Way Projects

a. Following transmission of an “abutter notice” as set forth herein Arlington Department of Public Works, public utilities, and/or their contractors may perform non-emergency work in and/or on public and private ways within the Town of Arlington outside of the operating hours set forth in this Section with the permission of the Town Manager.

i. “Abutter notice,” shall be required for non-emergency public works or utility projects in or on public or private ways outside of allowed day-time hours under this bylaw, and may be satisfied by a mail, hand, or electronic delivery of a notice setting forth the date, time, and expected nature of work being permitted by the Town Manager under this section to each residential unit within 500 feet of anticipated work, two (2) business days in advance of such work commencing.

COMMENT: The Select Board recommends this resident-petitioner-proposed adjustment to the Town’s “Noise Bylaw,” which presently permits the Department of Public Works, its agents, and certain public utilities to perform work during restricted hours which would otherwise violate the Town’s noise bylaw with the permission of the Town Manager. The purpose of the already existing exemption is to recognize that some road and utility projects are better and more safely performed under night-time or early morning traffic conditions. However, the consequential noise from such work, while unavoidable impacts surrounding abutters. By providing advance notice of these Noise Bylaw-exempt activities, such residents can prepare for and mitigate such impacts, or provide further input to the Town Manager.

**ARTICLE 16 BYLAW AMENDMENT TO NOISE BYLAW REGARDING GAS
POWERED LEAF BLOWERS**

VOTED: That Title V, Article 12, Section 3(D) of the Town Bylaws (“Regulations Upon the Use of Private Property”), “Noise Abatement” is hereby amended as set forth below:

Section 3. Daytime-Only Activities

D. Use of Leaf Blowers Powered By Internal Combustion Engines and Transition to Electric Powered Leaf Blowers

1. ~~For purposes of Paragraphs 1-5 of this subsection, the term, “leaf blowers” shall mean “gas-powered leaf blowers used for commercial or municipal purposes.”~~ For purposes of this subsection, the following terms shall be defined as follows:

- (a) “Leaf blower”- Any powered machine used to blow leaves, dirt and other matter by forced air for landscape maintenance.**
- (b) “Gas powered leaf blower” – A leaf blower powered by gas or gas and oil.**
- (c) “Electric leaf blower” – A leaf blower powered by attaching a cord to an electricity source or rechargeable batteries.**
- (d) “Commercial landscaper” – A person or entity that receives compensation to utilize landscaping equipment on another’s property.**
- (e) “Resident” – The legal owner of record of real property, as listed by the tax assessor’s records, operating on their own property; tenants operating on the property for which they hold a lease; and condominium associations operating on condominium property.**
- (f) “The Town” – Town of Arlington municipal employees, operating on municipal property.**

2. The use of gas powered leaf blowers is prohibited between June 15th and September 15th except in accordance with the ~~following restrictions~~, transition and phase out schedule as set forth below. ~~which shall not apply to the use of leaf blowers to perform emergency operations or for clean-up associated with storms, hurricanes and the like;~~

(a) Commercial and Municipal Users Transition Period

During the transition period from May 31, 2022 – March 15, 2025, gas powered leaf blowers may be operated by commercial landscape companies and the Town during the following times:

- (i) Monday-Friday, 7:30 am – 5:30 pm;**

- (ii) Saturdays, 8 am – 4 pm;
- (iii) Use is prohibited on Sundays and Legal Holidays.

Electric powered leaf blowers may be operated by commercial landscape companies and the Town during the following times:

- (i) The full calendar year;
- (ii) Monday-Friday, 7:30 am – 5:30 pm;
- (iii) Saturdays, 8 am – 4 pm;
- (iv) Use is prohibited on Sundays and Legal Holidays

(b) Commercial and Municipal Users Phase Out

As of March, 15, 2025, all use of all gas powered leaf blowers by commercial landscape companies and the Town shall be prohibited, but for the following exemptions:

- (i) The Town may use wheeled leaf blowers powered by four-stroke engines for the purposes of clearing the Minuteman Bikeway and other municipal property;
- (ii) The Town may use gas powered leaf blowers under emergency conditions.

(c) Resident Users Transition Period

During the transition period from May 31, 2022 – March 15, 2025, gas powered leaf blowers may be operated by residents while on their own property during the following times:

- (i) March 15th – May 31st and September 15th – December 30th;
- (ii) Mondays through Fridays, 7:30 am – 6 pm;
- (iii) Saturdays, Sundays and Legal Holidays, 8 am – 4 pm.

Electric powered leaf blowers may be operated by residents while on their own property during the following times:

- (i) The full calendar year;
- (ii) Monday – Friday, 7:30 am – 6 pm;
- (iii) Saturdays, Sundays and legal holidays, 8 am – 4 pm.

(d) Resident Users Phase Out

As of March, 15, 2026, all use of all gas powered leaf blowers by residents shall be prohibited.

(a) The use of leaf blowers is prohibited on:

- (i) Sundays and legal holidays;

(ii) Mondays through Fridays except between the hours of 7:30 a.m. and 5:30 p.m.; and

(iii) Saturdays except between the hours of 8:00 a.m. and 4:00 p.m.

(b) (e) No more than one leaf blower may be used on any lot of 6,000 square feet or smaller. One additional leaf blower may be used for each additional 6,000 square feet or portion thereof comprising one lot.

(e) (f) Gas powered Leaf blowers may be used for no more than 30 minutes at a time with shut down time of 15 minutes in between operation.

3. At no time shall any leaf blower be used in such a way as to permit the distribution of leaves, dust, or other debris beyond the vertically extended lines of the property on which the leaf blower is being used.

4. Leaf blowers shall at all times be operated at the lowest possible practical speed necessary to accomplish the task for which they are being used.

5. As of June 15, 2014, or one year after the effective date of this Bylaw, whichever is later, no commercial landscaper, commercial landscape company, or other entity engaged in the business of providing home and yard repair, clean-up, and maintenance services for a fee shall use any leaf blower within the Town in the exercise of that business unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 74 dB(A) at 50 feet at full throttle.

(ART. 2, STM – 4/24/13)

~~6. The restrictions set forth herein shall not apply to homeowners and residents using leaf blowers to perform private home and yard repair, clean-up, and maintenance on residential property they own or control. Such residential use of leaf blowers of any kind shall be subject to Section 3(A) of this Bylaw (“Daytime-Only Activities”).”~~

6. Enforcement

(a) This bylaw shall be enforced by the Board of Health;

(b) Violations of this bylaw shall be subject to the following penalties:

(i) For the first violation in a calendar year, a written warning shall be issued and education on the bylaw will be provided to resident and commercial landscaper, if applicable;

(ii) For the second violation, a fine of \$100 shall be given to both the resident and commercial landscaper, if applicable;

(iii) For each subsequent violation in a calendar year, a fine of \$200 shall be given to the resident and commercial landscaper, if applicable;

(c) Reporting of Violations – Violations may be reported by any person who observes a gas-powered leaf blower in use in the Town, in violation of this bylaw, with appropriate evidence to support the claim. Witnesses to violations of this bylaw may submit a complaint to the Board of Health that must include:

- (i) The name of the commercial landscaper or resident alleged to have violated this bylaw;**
- (ii) The location of the alleged violation;**
- (iii) The date and time of the alleged violation;**
- (iv) Any additional identifying information regarding the use of the gas-powered leaf blower.**

All complaints must be submitted within seven days of the alleged violation. All complaints must be signed by the complainant before an investigation can be initiated. Photographic and recorded evidence in support of the complaint is permitted, but not required.

(5 – 0)

COMMENT: The Select Board unanimously supports this resident petition to transition from, and eventually phase out the use of gas powered leaf blowers in Town. The Board recognizes the adverse environmental impact that gas powered leaf blowers have on the environment and appreciate that advancing technology continues to make electric powered leaf blowers more efficient, effective and affordable.

The Board expressed concern with the phase out timeline, especially as applied to residents, originally set out by the bylaw amendment proponents, but the current timelines are more feasible for residents and also more consistent with transition and phase out timelines already adopted by some surrounding communities. Accordingly, the Board unanimously supports this proposed bylaw amendment.

VOTED: That Title VIII (“Public Health and Safety”) be and hereby is amended to add a new Article 12 “Use of Second Generation Anti-Coagulant Rodenticides” as for the purpose of encouraging Integrated Pest Management practices and document the use of Second-Generation Anticoagulant Rodenticides by licensed Pest Management Professionals, as follows:

Art. 12 “Use of Second Generation Anti-Coagulant Rodenticides

Section 1. Purpose and Findings

- A. The purpose of this bylaw is to protect the health and welfare of Arlington, its residents, and local wildlife, by reducing the use of second-generation anticoagulant rodenticides and promoting Integrated Pest Management strategies.**
- B. The Town finds that it is in the best interest of public health to eliminate the use of toxic rodenticides on town-owned land, ponds and waterways, to encourage the reduction and elimination of the use of toxic rodenticides on private property, and to introduce and promote natural organic management practices.**
- C. The Town further finds that second-generation anticoagulants are more likely than first-generation anticoagulants to kill non-target animals after feeding on poisoned prey or carcasses, and remain longer in animal tissues. As a result, second-generation anticoagulants pose greater risks to non-target species including pets and wildlife. Children are at risk of poisoning when coming into contact with highly toxic second-generation anticoagulants.**
- D. The Town finds that all its citizens, particularly children, have every right to protection from exposure to hazardous chemicals and from rodenticides in particular.**
- E. The Town finds that a balanced and healthy ecosystem is vital to the health of the town and its citizens, and as such it is also in need of protection from exposure to hazardous chemicals including rodenticides.**

Section 2. Definitions

The following terms shall, for the purpose of this article, have the following meanings, unless the context otherwise requires.

“Rodenticides” are a subclass of pesticides, defined under the Massachusetts Pesticide Control Act, M.G.L. c. 132B and/or 333 CMR 10.00, as substances or mixtures of substances intended to prevent, destroy, repel, or mitigate rodents that are declared to be pests by the Massachusetts pesticide board.

“Integrated Pest Management” is a decision-making strategy and record-keeping process for managing pests that monitors to determine pest population levels, and combines biological, cultural, mechanical, physical, and chemical tools and other management practices to control pests in a safe, cost effective, and environmentally sound manner that contributes to the protection of public health and sustainability. It prioritizes the use of non-chemical pest control methods and the careful use of least-toxic chemical methods when non-chemical methods have been exhausted or are not feasible, and the selection of rodenticides that are the least toxic product that will be effective on a target pest.

“Second-generation anticoagulant” is a rodenticide that was developed to control rodents that are resistant to first-generation anticoagulants, including but not limited to brodifacoum, bromadiolone, difenacoum, and difethialone.

“Certified applicator”, an individual who is certified under the provisions of 333 CMR 10.00 as authorized to use or supervise the use of any pesticide (including rodenticides) which is classified by the Massachusetts Department of Agriculture as being for restricted use.

“Commercial applicator” is a certified applicator under the provisions of 333 CMR 10.00, whether or not they are a private applicator with respect to some users, who uses or supervises the use of any pesticide (including rodenticides) which is classified by G.L. c. 132B, the Massachusetts Department of Agriculture or any agency of the Commonwealth of Massachusetts being for restricted use for any purpose or on any land other than as provided in the preceding paragraph.

Section 3. Integrated Pest Management Education

- A. Both commercial applicators and the general public are encouraged to utilize Integrated Pest Management strategies on all properties throughout the Town.**
- B. Integrated Pest Management shall be encouraged during licensing and permitting processes, including common victualar, demolition, and building permit application processes.**

Section 4. Registration of Applicators

- A. All certified and commercial pesticide applicators operating within the Town of Arlington must register with the Town of Arlington Department of Health and Human Services prior to the application of any second generation anti-coagulant rodenticides within the Town of Arlington.**
- B. The applicator must provide proof of licensure for each employee who will be applying second generation anti-coagulant rodenticides within the Town of Arlington.**
- C. The Department of Health and Human Services shall be authorized to enact regulations to effectuate this section, including a method to indicate registration by certified and commercial applicators**
- D. Failure to produce a Town-issued proof of registration upon request shall be considered a violation of this bylaw, subject to the penalties set forth herein.**
- C. Each applicator who registers shall be given a copy of this bylaw as well as any resources highlighting the dangers of second-generation anticoagulants in Arlington and benefits of Integrated Pest Management, and recommend alternatives deemed appropriate by the Department of Health and Human Services.**

Section 5. Notification of Deployment of Second Generation Anti-Coagulant Rodenticides

- A. All licensed certified and commercial applicators shall provide written notification to the Department of Health and Human Services within forty-eight (48) hours any time**

second-generation anticoagulant pesticides are utilized or deployed for proactive or reactive pest management services in Arlington.

- B. The Department of Health and Human Services is authorized to enact regulations to effectuate this section, including processes for coordinating the other Town departments, State agencies, and commercial applicators to enable tracing placement, cleanup, and unintended impacts of second generation anti-coagulant rodenticide on non-targeted wildlife and domestic animals.**

Section 6. Fees & Penalties for Non-Compliance

- A. A fee sufficient to cover the costs of implementing registration, notification, and education systems may be levied by the Department of Health and Human Services.**
- B. Any commercial pesticide applicator who fails to register with the Department of Health and Human Services and dispenses or uses second generation anti-coagulant rodenticides in the Town without being registered shall be subject to the following penalties:**
 - a. A fine of fifty dollars (\$100.00) for the first offense;**
 - b. A fine of two hundred dollars (\$200) for the second offense;**
 - c. Any subsequent failure to register paired with use of second generation anti-coagulant rodenticide shall be punishable by a fine of three hundred dollars (\$300); and/or prohibition from applying pesticides of any kind in Arlington for a period of one year.**
- C. Any commercial pesticide applicators' failure to timely notify the Department of Health of use of second generation anti-coagulant rodenticides within the Town regardless of registration status shall be subjected to the following separate penalties:**
 - a. A fine of fifty dollars (\$100.00) for the first offense;**
 - b. A fine of two hundred dollars (\$200) for the second offense;**
 - c. Any subsequent failure to register paired with use of second generation anti-coagulant rodenticide shall be punishable by a fine of three hundred dollars (\$300); and/or prohibition from applying pesticides of any kind in Arlington for a period of one year.**

Section 6. Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any determination or finding of a violation under this bylaw which has been issued.

AND FURTHER VOTED: That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

**“AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO PROHIBIT USE OF
SECOND GENERATION ANTI-COAGULANT RODENTICIDES BY COMMERCIAL
PESTICIDE APPLICATORS”**

**Be it enacted by the Senate and House of Representatives in General Court assembled, and
by the authority of the same as follows:**

SECTION 1. Notwithstanding any general or special law to the contrary, including G.L. c. 132B, the Town of Arlington may regulate through local bylaw or Board of Health regulation or ordinance the use of second generation anti-coagulant rodenticides within the Town of Arlington, including prohibiting the use of such pesticides by licensed commercial applicators as defined in 333 C.M.R. 10.00.

SECTION 2. This act shall take effect upon its passage.

(5 – 0)

COMMENT: The Select Board respectfully requests Town Meeting’s support for a three-pronged approach to address the many dangers posed by use of second-generation anti-coagulant rodenticide (“SGARs”) poisons to address the rodent population in Arlington:

1. A bylaw requiring licensed commercial applicators of SGARs to register with the Town and notify the Health Department when and where SGARs are deployed;
2. Special Legislation to authorized the Town to locally regulate SGARs, with the long-term goal of prohibiting SGAR use throughout the Town and promoting Integrated Pest Management solutions which rely on non-toxic methods to address infestations and permit SGARs only as a las resort; and
3. Adopt a Resolution encouraging Integrated Pest Management, discouraging SGAR applications throughout Town, but particularly for Town and School lands and buildings.

These poisons pose a danger not only to their targets, but to wildlife, pets, and potentially humans, and have resulted in the documented deaths of wildlife throughout the Town. However, the use, handling and transportation of SGARs are regulated by state law, which almost certainly pre-empts local regulation absent the authorizing special legislation set forth in the recommended vote. As such, the Board believes the goals of this resident petition article can best served by adding a registration and notification layer harmonious with existing state law, seeking authority to prohibit SGARs in the future, and resolving to support and educate the public about Integrated Pest Management regardless of the Town’s regulatory authority.

ARTICLE 21

**VOTE/ EXTENSION OF YOUTH AND YOUNG ADULT
ADVISORY BOARD, COMMISSION, OR COMMITTEE
STUDY COMMITTEE**

VOTED: That no action be taken on Article 21.

(5 – 0)

COMMENT: In supporting the recommended action under Article 7, the Select Board believes that no action is required to extend the life of the Study Committee. However, if Town Meeting does not support the vote on the establishment of the Arlington Youth Collaborative, it is the hope of the Select Board that an extension of the Study Committee will be authorized under Article 7.

ARTICLE 26

ENDORSEMENT OF CDBG APPLICATION

VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2023 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

(5 – 0)

COMMENT: This article represents the annual vote to endorse the annual application for Community Development Block Grant funds, a summary of which Town Meeting may find attached to this report.

ARTICLE 23

VOTE/BOARD OF YOUTH SERVICES UPDATES

VOTED: That no action be taken on Article 23.

(5 – 0)

COMMENT: The Select Board expects the Board of Youth Services to return this article to Town Meeting after conducting further research on the scope of necessary action before Town Meeting.

ARTICLE 27

REVOLVING FUNDS

VOTED: **The Town does hereby reauthorize the following Revolving Funds for**
FY 2022:

[INSERT TABLE PROVIDED BY THE COMPTROLLER]

(5 – 0)

COMMENT: The above summary represents the annual vote to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and reauthorize such funds in accordance with state law. These funds must be reauthorized annually in order to enable expenditures from them, and as such, must be included in our abbreviated Town Meeting session. Additional materials regarding the Revolving Funds have also been included in the Appendix to this report for further consideration.

ARTICLE 47 ENDORSEMENT OF PARKING BENEFIT DISTRICT EXPENDITURES

VOTED: **That the Select Board approves the operating and capital expenditures proposed by the Town Manager and Parking Implementation Governance Committee, and recommends Town Meeting’s endorsement of the votes of the Finance and Capital Planning Committee’s respectively.**

(5 – 0)

COMMENT: Pursuant to Title I, Article 11 of the Town Bylaws, “Parking Benefit District Expenditures,” proposed Parking Benefit District Operating and Capital Expenditures are prepared by the Town Manager and the Parking Implementation Governance Committee (“PICG”) before submission for endorsement by the Finance Committee and Capital Planning Committee respectively; and subsequently Town Meeting. The Select Board approves the Manager and PICG’s proposal to the Capital Planning and Finance Committees and urges Town Meeting’s support as well.

ARTICLE 75 RESOLUTION/COMMITMENT TO INCREASE DIVERSITY IN TOWN APPOINTMENTS

VOTED: **That Town Meeting hereby resolves as follows:**

WHEREAS, Arlington is deeply committed to the principles of diversity, equity and inclusion (DEI) and building a community where everyone is heard, respected, and protected; and

WHEREAS, the Select Board has shown its commitment to identifying and eliminating barriers to access and engagement with the goal of bringing unheard voices to the table by creating a DEI division and by voting to approve a Community Equity Audit: and

WHEREAS, the Select Board recently voted to approve a reprecincting map with the specific goal of increasing the diversity of Town Meeting; and

WHEREAS, the Diversity, Equity and Inclusion Division has identified barriers of outreach, engagement and education that inhibit applicants from underrepresented groups from applying for open position on our public bodies: and

WHEREAS, the Town is committed to being more welcoming and an important component of that is making the Town's public bodies more accessible to, and representative of, the full diversity of Arlington's residents; and

WHEREAS, increasing the diversity in teams adds new perspectives and experiences that have been shown to increase problem solving, innovation, productivity and personal growth;

BE IT THEREFOR RESOLVED, that the Arlington Town Meeting votes to deepen Arlington's commitment to diversity, equity and inclusion; and

BE IT FURTHER RESOLVED, that Town Meeting urges and invites the Town's appointing authorities to prioritize and center the communal goal of increasing the diversity of Town boards and committees by intentionally working to identify and break down barriers, such as education, engagement and outreach, that inhibit applicants from underrepresented groups from applying for positions on Arlington's public bodies and to commit to appointing qualified applicants from underrepresented groups to fill openings such that the Town's Boards and Committees reflect the diversity of Arlington residents including race, ethnicity, color, religious views, national origin, sex, gender identity or expression, citizenship, age, sexual orientation, disability, housing tenure, military status and other forms of diversity.

(5 – 0)

COMMENT: The Select Board unanimously supports this resident submitted resolution and seizes the opportunity to reaffirm the Board's continuing commitment to diversity, equity and inclusion in all Town matters. The Board unanimously supports this resolution and hopes that it leads to an increase in applicants and appointments of persons from underrepresented groups to Town committees and boards.



Town of Arlington, Massachusetts

Letter Concerning Utility Poles

Summary:

Peter Majeski
26 Baker Road

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	CR_P._Majeski.pdf	Correspondence from P. Majeski

Peter Majeski

26 Baker Road

Arlington, MA 02474

March 24, 2022

Board Of Selectmen

730 Mass. Ave.

Arlington, MA 02476

Dear Sirs,

Enclosed is a letter that I sent to Verizon. I am sending it to you as an example of the degree of difficulty the citizens of Arlington have in dealing with utilities. I personally have pride in the appearance of the Town. The unsightly utility poles around town don't help.

Very truly yours,



Peter Majeski

Peter Majeski
26 Baker Road
Arlington, MA 02474
March 24, 2022

Chairman of the Board
Verizon New York Corporate Headquarters
1095 Avenue of the Americas
New York, NY 10036

Dear Sir,

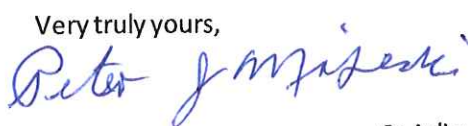
Almost two years ago, two Verizon trucks arrived to replace a pole on my property. After some effort, the work was stopped because they apparently encountered boulders or shallow bedrock which prevented deep enough excavation. However, in the process, the Verizon crew damaged my wall and dug up my lawn. In the late summer or early fall of 2020, I contacted Verizon who sent out a representative. Unfortunately, pole replacement was not his department. He indicated that his supervisor would contact the appropriate department who would contact me. No one ever called.

During the late fall, I again attempted to contact Verizon, but this was difficult to accomplish because of the Covid problems. I decided to put the issue to rest until spring 2021. I was able to make contact with a Verizon representative on approximately March 23, 2021 and Ticket No. #MAEHOBM45K was opened. I explained that my neighbors and I were looking at a damaged lawn and broken wall, as well as a painted pole for nearly a year. (See enclosed pictures) I asked the Verizon Representative to let me know how Verizon was going to correct the situation, particularly their plans for the pole replacement. The representative said that she would get back to me in a week. After two weeks had passed without a call back, I called the telephone number provided to me. I called several times and left messages, which were not returned.

I do not understand how a Company such as Verizon can be so rude as to not return phone calls, particularly after inviting me to do so and providing me with a direct phone number. Without information from Verizon, if I choose to repair the wall and lawn, what would stop Verizon from doing the same thing again?

To add insult to injury, more than two weeks ago, a moving van snagged two communication wires which apparently had been installed too low over the street. My neighbor called three companies, including Verizon and RCN to inform them of the two wires dangling from the pole. No one responded.

I should appreciate an appropriate action from Verizon to resolve these issues.

Very truly yours,


Cc Arlington Board Of Selectmen





Town of Arlington, Massachusetts

NEW BUSINESS



Town of Arlington, Massachusetts

Next Scheduled Meeting of Select Board April 25, 2022

Summary:

You are invited to a Zoom webinar.

When: Apr 4, 2022 07:15 PM Eastern Time (US and Canada)

Topic: Select Board Meeting

Register in advance for this webinar:

https://town-arlington-ma-us.zoom.us/webinar/register/WN_uB7CzAomRB2h0lejBEiSdQ

After registering, you will receive a confirmation email containing information about joining the webinar.

Notice to the Public on meeting privacy In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.

Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.