

**TOWN OF ARLINGTON  
MASSACHUSETTS**

**REPORT OF THE  
SELECT BOARD**



**TO THE  
TOWN MEETING  
WEDNESDAY APRIL 24, 2024**

**8:00 P.M.**



## INTRODUCTION

The Select Board is pleased to present its report to Town Meeting of its main motions under the following articles. These votes are the result of hearings the Board conducted between February 21st and April 8th, during which time the Board heard from proponents and opponents of the various articles.

The objective of Select Board Warrant Article Hearings is to develop the Board's recommendations on each article before it by majority vote, to be set forth with the comments in the Select Board Report in advance of Town Meeting. Where the Board supports taking some action contemplated by an article, regardless of how it appears before the Board, the Select Board, with assistance of Town Counsel, shall develop a motion for Town Meeting to take a specific action. Where the Board opposes an article, it will recommend a vote of "no action" to Town Meeting in its report.

The Board would like to welcome back John V. Hurd and Eric D. Helmuth to serve as Arlington's newly re-elected members of the Board. The Board thanks Town Meeting members for their service and for their willingness to give fair and serious consideration to all of the important issues raised by the various articles. The Board wishes Town Meeting well in its deliberations and stands ready to respond to any questions or comments concerning these articles.

Please note that where necessary for clarity, new or additional language in an amended Town Bylaw has been underlined, while removed language is denoted by strikethrough

**ARTICLE 6                    BYLAW AMENDMENT / VACANT STORE FRONT  
   MAINTENANCE REGISTRY**

**VOTED: that the Town does and hereby amends Title V, Article 17 (“Registration and Maintenance of Vacant Commercial and Industrial Buildings”) of the Town’s Bylaws by clarifying the intent of the Article, streamlining legal definitions, removing the public art waiver option and making certain other clarifying revisions so that Article 17 reads as follows:**

**Title V, Article 17  
VACANT STOREFRONT MAINTENANCE REGISTRY  
(ART. 6, STM – 10/19/16; ART. 11, STM – 5/02/18)**

**Section 1 Findings and Purposes.**

The purposes of this bylaw are to protect the welfare and economic vitality of the residents of the Town of Arlington by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against economic property blight, protecting Town resources, and ensuring the safe and sanitary maintenance of commercial and industrial vacant properties. Among other things, vacant commercial and industrial properties with frontage along Massachusetts Avenue, Broadway or both, can degrade the vitality of Arlington's business districts, frustrate local planning and development efforts, create increased specific risks of fire damage, vandalism and unlawful entry or uses, and give rise to other public health and safety hazards. This bylaw is intended to promote the Town's public welfare and economic health by requiring all property owners to register and properly maintain vacant commercial and industrial properties.

**Section 2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

"Building Inspector" - The Building Inspector of the Town of Arlington or the Inspector’s designee.

“Financial Hardship” – a showing of demonstrable undue economic hardship through the presentation of evidence in such form as may be convincing and acceptable to applicable Town officials.

"Legally Occupied" - Occupied in accordance with the provisions of the Massachusetts Building Code.

"Owner" - A person or entity who, alone or severally with others:

- A. Has legal or equitable title to any building or has care, charge or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or

- B. Is a tenant with a legal right to possess an entire building; or
- C. Is a mortgagee in possession of any building; or
- D. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or
- E. Is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant property.

"Planning Department" - The Department of Planning and Community Development.

"Planning Director" - The Director of Planning and Community Development for the Town of Arlington or the Director's designee.

~~"Public Art" - Works of art for public benefit and viewing, approved by the Department of Planning and Community Development, for which owners have agreed to the temporary display inside storefront windows or upon other safe, visible exterior surfaces of vacant properties for agreed upon time periods and other material terms.~~

"Main Street Storefront" - Any unoccupied nonresidential commercial or industrial real property ground floor units with frontage along either Massachusetts Avenue or Broadway.

"Vacant ~~Building~~" - Any unoccupied non-residential commercial or industrial real property which:

- A. Is not legally occupied, is abandoned, or is not used for a period of at least ninety (90) consecutive days or longer by occupants having custody or legal right of entry to such property; or
- B. Which is intermittently occupied by persons with legal right of entry, but exhibits in the opinion of the Building Inspector dilapidated walls, roof, or doors which fail to prevent the entry of a trespasser for a period of more than seven (7) days).

### **Section 3. Registration.**

- A. Prior to, or not more than seven (7) days after a ~~unit or any portion of a property~~ Main Street Storefront becomes Vvacant, as defined herein, the owner(s) must register the vacancy with the Department of Planning and Community Development and the Building Inspector on forms agreed upon and provided by such departments. All registrations must state the owner's name, phone number, and mailing address as well as an emergency contact, if not the same. None of the required addresses shall be a post office box. This registration must state if the ~~property~~ Main Street Storefront is Vvacant at the time of filing. The registration shall also state the owner's efforts to regain occupancy. Once the ~~building~~ Main Street Storefront is not longer Vvacant, ~~or is sold or leased, or disposed of in another legal manner,~~ the owner must provide

proof of sale or written notice and proof of lawful occupancy to the Planning Department or Inspectional Service Department pursuant to the process outlined by such departments.

The Building Inspector will notify Police, Fire, Water and Sewer, and Health Departments of the submitted registration of ~~the~~ Vvacant building Main Street Storefront as well as ~~the any~~ re- occupancy of the ~~building~~ same.

- B. The Planning Director and the Building Inspector may jointly exempt a property owner from the provisions of this bylaw upon the presentation of evidence, in such form as may be convincing to them, that the failure to use or occupy a building for a period in excess of 90 days does not violate the purpose or intent of this bylaw.

#### **Section 4. Annual Registration Fee, Failure to Pay, Waiver.**

- A. The annual registration fee is due at the time of registration of the ~~Vvacant property~~ Main Street Storefront. The ~~property~~ Vacant Main Street Storefront owner will be invoiced on an annual basis until the ~~property~~ Main Street Storefront is leased, ~~or sold, or disposed of in another legal manner~~. The annual registration fee shall be set by the Select Board pursuant to M.G.L c. 40, § 22F.
- B. The annual registration fee covers the administrative cost of monitoring and ensuring the security and proper maintenance of such ~~building~~ Vacant Main Street Storefront, as identified in said billing statement. Failure to pay the annual registration fee shall be a violation of this ~~B~~bylaw, and the full fee shall be deemed an assessment resulting from a violation of this ~~B~~bylaw. Such fee, and any fines issued for violations of this ~~B~~bylaw, shall constitute a "municipal charges lien" on the property, to be collected in accordance with M.G.L. c. 40, §58.
- C. ~~Owners~~ Vacant Main Street Storefront may apply for a waiver of the annual registration fee at the time of registration of a ~~Vvacant property~~ and upon receipt of annual registration fee invoices each year thereafter, requesting waiver of some or the entire fee on grounds of ~~demonstrable~~ Ffinancial Hhardship, ~~or by agreeing in writing to display public art~~ as defined herein for the term of a vacancy. ~~Waivers for public art display will be granted only as sufficient public is available, appropriate to the location for display, and the Town, artist, owner agree to terms of exhibition as set forth by the Planning Department.~~ Waivers requested on the basis of Ffinancial Hhardship are subject to a thirty (30) -day review period. If a waiver based on Ffinancial Hhardship is granted, it will be reevaluated on a quarterly basis until ~~the~~ Vacant Main Street Storefront property is leased, ~~or sold, or disposed of in another legal manner~~. If a waiver of the registration fee based on Ffinancial Hhardship is denied, the registration fee is due within thirty (30) days of the decision.

#### **Section 5. Maintenance Requirements.**

- A. The owner of a ~~Vvacant building~~ Vacant Main Street Storefront must maintain ~~the~~

- ~~vacant building~~ the same in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes, pertaining to the external/visible maintenance ~~of the building~~ and major system maintenance of the Vacant Main Street Storefront property.
- B. The owner of a Vacant Main Street Storefront ~~vacant building~~ must promptly repair all broken windows, doors, other openings and any unsafe conditions at ~~a vacant building~~ the same. Boarding up of open or broken windows and doors is prohibited except as a temporary measure allowed by Title V, Article Seven of these Bylaws, unless the Building Inspector determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a determined period of time beyond such temporary measure. Boards or coverings must be fitted to the opening size and colored to blend with the existing ~~building~~ color scheme of the entirety of the building.
- C. The owner must maintain the Vacant Main Street Storefront ~~building and property~~ for the duration of the vacancy or abandonment. The owner shall maintain the condition of the Vacant Main Street Storefront ~~building and property~~ so as to appear not to be Vacant. Upon notice by the Building Inspector, any accumulated trash and/or graffiti shall be removed from the Vacant Main Street Storefront ~~property~~ by the owner within seven (7) days. The Building Inspector and/or the Inspector's designee will document violations. The owner of any Vacant Main Street Storefront ~~building~~ ~~vacant~~ for a period exceeding six (6) months, whose utilities have been shut off, shall have those utilities removed or cut and capped to prevent accidents.
- D. The owner of Vacant Main Street Storefront may include advertising materials in the ~~vacant space~~ same or displayed in ~~the property's~~ its street-facing windows. Such advertising materials must be approved by the Planning Director.
- E. Compliance with this Bylaw shall not relieve the owner of any obligations set forth in any other applicable bylaw, regulations, codes, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the stricter of the rules and regulations shall apply.

## **Section 6. Inspections**

The Building Inspector, Police Chief, Fire Chief and the Health Director, or their designees, shall have the authority to periodically inspect the exterior and interior of any building subject to this bylaw for compliance, as authorized under the terms of registration form filed with the Building Inspector and Planning Department. The Building Inspector shall have the discretionary authority to disconnect utilities immediately if a potential hazard that may be dangerous to life and limb is present.

## **Section 7. Violations and Penalties; Enforcement**

- A. Violations of any portions of this Bylaw shall be punishable by a fine of one

hundred dollars (\$100) per day in total. However, the Building Inspector and Planning Director may waive the fine in total or in part upon the abatement of the violation(s).

- B. The Building Inspector or the Inspector’s designee shall enforce all provisions of this Bylaw and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this bylaw shall receive a written warning and a minimum of seven (7) days to remedy all violations prior to the institution of any enforcement action by the Inspector.

The Building Inspector, acting on behalf of the Town of Arlington, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this bylaw. This bylaw may also be enforced through non-criminal disposition in accordance with the provisions of the Town bylaws.

### **Section 8. Unsafe Buildings**

If the Building Inspector determines the building to be unsafe, the Inspector may act immediately in accordance with the Massachusetts State Building Code to protect public safety. Furthermore, nothing in this Bylaw shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, M.G.L c. 139, § 1 et seq. and M.G.L c. 143, § 6 et seq.

### **Section 9. Severability**

If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

**(5-0)**

**COMMENT:** The Board voted unanimously in support of this bylaw amendment. Mr. DeCoursey recommended that the word ‘unoccupied’ be omitted from the definition of Main Street Storefront for clarity, to which the Board agreed. Mr. DeCoursey further clarified, and had confirmed, that an outdated proposed component of the amendment to duplicate vacant signage provisions from the Town’s Zoning Bylaws would not be included in the bylaw amendment. A discussion ensued amongst the Board regarding the importance of the Town being made aware of vacant storefront owners’ plans for their properties.

## **ARTICLE 7                    BYLAW AMENDMENT / BETTERMENT BYLAW REVISION**

**VOTED:**     **That the Town does and hereby amends Title III, Article 3 (“Repairs to Private Ways”) to revise the number or percentage of abutters required for a betterment petition when representing an association, by increasing the required deposit before work can commence and eliminating the deposit requirement for repairs**



**to private ways when those repairs are financed by the Town through an instrument of borrowing or debt issuance, so that the amended bylaw reads in its entirety as follows:**

**ARTICLE 3  
REPAIRS TO PRIVATE WAYS**

**Section 1. Classification**

The Town Engineer and the Director of Public Works upon request of the Select Board acting in its capacity as the Board of Public Works shall recommend the classification of private ways in the Town according to the state of their construction and repair. The Board may then adopt such classifications with any modifications it may deem appropriate.

**Section 2. Definition and Authorization**

**(ART. 20, ATM –05/04/92) (ART. 23, ATM – 04/28/04) (ART. 12, ATM – 04/23/18)**

- A. The private property owners abutting private ways are responsible for the maintenance of such ways, which must be maintained so that there are no defects to impede the safe passage of emergency vehicles. This bylaw provides a means by which the Town may assist in the maintenance of such ways, primarily by providing a mechanism for private way abutters to fund repairs known as a “betterment.”
- B. The Board may vote to direct the Town Manager to make temporary repairs to private ways at the request of the Director of Public Works as provided below. Temporary repairs shall be limited to the filling of potholes and temporary patching.
- C. The Board may authorize a temporary or extensive repairs to private ways by abutter petition for a betterment. Extensive repairs shall include, but not be limited to, skim coating, armor coating, drainage work, and grading of gravel roadways. For all extensive repairs the petitioners agree to enter into a contract with a private contractor to repair and pave the roadway forthwith.

**Section 3. Criteria**

**(ART. 35, ATM – 05/18/05; ART. 12, ATM 04/23/18)**

A. Abutter Criteria

The Board shall in making its determination as to the advisability of making temporary or extensive repairs by abutter petition take into consideration the following factors:

- 1. The accessibility of the properties on the private ways to emergency vehicles such as police, fire and rescue.
- 2. The volume of traffic that utilizes the private way i.e. dead end as opposed to feeder or connecting streets.
- 3. The percentage of abutters on the particular private way petitioning the Board for the repairs.
- 4. The number of years that the way shall have been open to public use.

5. Such other considerations that the Board deems appropriate.
6. Public Safety.

**B. Town Criteria**

The Board may authorize temporary repairs at the request of the Town whenever the Director of Public Works so advises the Board that repairs are required to abate an immediate hazard caused by a defect necessary for the safe passage of public safety vehicles.

**Section 4.     Petition  
(ART. 12, ATM 04/23/18)**

The Select Board shall consider any private way, group of private ways, or portion thereof for temporary or extensive repairs after having been petitioned to do so by at least two-thirds of the total number of abutting property owners on the Private Way who directly abut the portion to be considered for temporary or extensive repairs. The Town shall only be considered an abutter for the purposes of this section, and assessment of costs in Section “6,” to the extent a private way is substantially used by Town staff or the public for the specific purpose of utilizing an abutting Town parcel.

The Select Board may after careful consideration, elect to do the entire portion which was petitioned for, or a lesser portion, provided at least two-thirds of the abutting property owners on the lesser portion to be done are in favor of such action. The Select Board shall upon receipt of a petition with at least two-thirds of the abutters' signatures affixed thereto shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All abutters shall be given written notice of the hearing not less than seven (7) days prior thereto.

**Section 5.     Alternate Petition**

Notwithstanding the provisions of Section 4 above, the Board may also consider a number of private ways for repair as a whole project when these private ways are ways where a majority of abutters are members of an association of abutters whose major purpose has been the maintenance and repair of those ways upon which these members' properties abut.

The Select Board may only consider these private ways to be repaired as a whole project when having been petitioned by two-thirds of the total number of abutters ~~who abut all of the ways represented by the association~~. The Select Board upon receipt of such a petition shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All of the abutters on all of the ways represented in the petition shall be given written notice of the hearing not less than seven days prior thereto.

**Section 6.     Assessment of costs  
(ART. 23, ATM – 04/28/04) (ART. 35, ATM – 05/18/05) (ART. 12, ATM  
04/23/18)**

The costs of all labor and materials and processing shall be assessed equally to all abutters on the private way, or portion thereof (except with respect to Town property as set forth in

Section 4), or if the Select Board votes to order any repairs pursuant to a petition filed under Section 5 all the abutters on all the private ways to be repaired without regard to linear frontage.

A ~~one-third~~ fifty (50) percent deposit of the total estimated cost of the completion of the repair project shall be required before any work can be commenced. The deposit requirement shall not apply to petitions or alternate petitions for repairs to private ways to be financed by the Town through an instrument of borrowing or debt issuance. All remaining costs shall be apportioned, assessed and collected on a per-property basis pursuant to the procedures provided in Chapter 80 of the General Laws, the Betterment Act, including the placing of liens on the affected property and the collection of apportioned costs by means of property tax collection.

Any and all such deposits shall be deducted from the equalized share of the property owners actually paying.

**Section 7. Collection of Apportioned Share  
(ART. 35, ATM – 05/18/05)**

The Select Board before authorizing any repairs shall adopt a formal Betterment Order which shall require each abutter to pay their property's unpaid apportioned share of the repair cost over a five-year period to include interest at 5 percent or 2 percent above the cost (including Town oversight and administration costs) of any bond issued to fund the repair in question. The Assessors in conjunction with the Town Tax Collector will commit such amount to the respective abutter's property tax bill and the Engineering Division of the Public Works Department will cause same to be recorded at the Registry of Deeds so that same runs with the land.

**Section 8. Liability  
(ART. 35, ATM – 05/18/05) (ART. 19, ATM – 05/04/92) (ART. 11, ATM  
04/23/18)**

There shall be a limitation of liability on the Town of Five Hundred (\$500.00) Dollars for any damages arising from any negligent repair of the private way which shall include damage from surface water run-off.

No repair shall be commenced until all the petitioners have signed an agreement with the Town holding the Town harmless from any additional damages arising from any negligent repair and providing evidence of insurance to the satisfaction of the Town. However, nothing in this paragraph shall excuse the Town from damages to property caused by the Town or agents thereof, during the repair process.

Temporary repairs made at the request of the Director of Public Works necessary to abate an immediate hazard caused by a defect shall not be considered as maintenance of the private way, nor shall the way be considered a public way. The Town shall not be liable for any damage incurred by the defect, subsequent repair or failure to make repairs to private ways.

**Section 9. Effect of Electronic Record**

Any petitions executed pursuant to this Article 3 may be executed electronically in accordance with applicable laws and shall be enforceable as if executed in writing.

(5-0)

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

Finally, in an effort to provide background for the rationale behind this proposed change, Mr. Helmuth requested that a summary, as previously set forth in a memorandum prepared by Town Counsel and made available to the public, be included in the comment. Accordingly, it is noted that in recent years, the increasing number of betterment petitions has made it difficult for the Town to provide the up-front costs that permits these projects to begin. Further, the requirement for threshold amount of approvals required from petitioners who are members of a residential association, even when some members are not direct abutters to the planned project, has made it difficult to secure approval for a number of projects. Therefore, changes in the bylaw to address these issues are sought by the proposed bylaw amendment.

The sections that the article seeks to amend Sections 4, 5 and 6. The effect of the changes to Sections 4 and 5 would alter the requirements for petitioners from associations so that those in the association, or a group of private ways, need only secure approval from two-thirds of the total number of abutters to the project itself, rather than all those who are on the private ways within the association. The proposed changes to Section 6 would change the required deposit from a petitioning group from one-third to two-thirds of the total estimated cost of the repair project, to be provided before any work begins. An additional proposed change to Section 6 would make it so that the deposit requirement would not apply to repairs to private ways that are financed by the Town through an instrument of borrowing or debt issuance.

**ARTICLE 8                    BYLAW AMENDMENT / REVISED TOWN MEETING START TIME**

**Mr. Hurd moved that the Select Board “will report” on Article 8.**

(5-0)

**COMMENT:** The Board initially voted to table its hearing and discussion on Article 8 after observing that Articles 8, 9 and 10 were materially similar in substance and each Article would likely include public testimony pertinent to its consideration on the vote of all three Articles. The Board held its public hearing on Article 8 and heard testimony from the Town

Moderator. The Board was presented with survey results that the Town Moderator facilitated to better understand the preference of responding Town Meeting Members for Town Meeting start time. Mr. DeCoursey inquired into whether the survey indicated results for an amendment to the Town Meeting start time, as opposed to the start date. The Town Moderator confirmed the priority of the survey was to focus on the start time.

The Board engaged in a thorough discussion regarding the start time for the Annual Town Meeting. Individual Board members identified the potential positive and negative impacts of moving the start time of Town Meeting from 8:00 pm to 7:00 pm or 7:30 pm. The Board also considered the favorability of allowing Town Meeting to determine its own start time after the first night. In fact, the Board noted that the Town Bylaws set the start time at 8:00 pm for the first night of Annual Town Meeting, but that the start time for subsequent sessions of Annual Town Meeting are set by Town Meeting itself when it recesses at the end of each session.

After an initial motion by Mr. Hurd for favorable action that was seconded by Mr. Diggins, the motion was amended at the suggestion of Mrs. Mahon to alter the proposed motion to one of “will report.” Accordingly, the Select Board took a vote that it “will report” on its recommendation regarding this warrant article at some future time, including the possibility of doing so during Town Meeting, after further input from the Town Meeting Procedures Committee, or if requested by an individual Select Board member.

**ARTICLE 9                    BYLAW AMENDMENT / START TIME FOR ANNUAL TOWN MEETING**

**Mr. Hurd moved that no action be taken on Article 9.**

**(5-0)**

**COMMENT:** The Board voted to table its hearing and discussion on Article 9, consistent with its vote to table Article 8. The Board heard from the bylaw amendment proponent, who offered to withdraw the amendment if duplicative to Article 8 or 10. The Board voted no action on this Article because the substance of it is addressed in Article 8.

**ARTICLE 10                    BYLAW AMENDMENT / ANNUAL TOWN MEETING START DATE**

**VOTED:**     That the Town does and hereby amends Title I, Article 1, Section 1 (“Date of Annual Meeting and Adjournment”) of the Town’s Bylaws so as to allow the Select Board discretion in the setting of the start date and time of Annual Town Meeting so that the bylaw reads in its entirety as follows:

**TITLE I  
ARTICLE 1  
TOWN MEETINGS**

**Section 1. Date of Annual Meeting and Adjournment  
(ART. 93, ATM – 05/23/88)(ART. 12, ATM – 05/09/04)**

The Annual Town Meeting for the purposes of conducting the regular Town Election of Town officers including Town meetings members, and for the submission of questions to the voters of the Town, if required to be submitted thereat, shall be held annually on the first Saturday of April unless the Select Board vote not later than February 1 to establish another date in order to better suit the public convenience for reasons it shall determine including, but not limited to, conflicts with the observance of religious holidays. Said election shall be considered part of the Annual Town Meeting held in that year. All articles in the warrant for any regular Town meeting to be acted upon and determined otherwise than by ballot shall be considered at a Town meeting to be held annually on the fourth Monday in April, at eight o'clock in the evening unless the Select Board votes not later than February 1 to establish another date and time in order to better suit the public convenience for reasons it shall determine including, but not limited to, conflicts with the observance of religious holidays. In no case shall the Annual Town Meeting begin later than the second Monday in May at eight o'clock in the evening.

**(5-0)**

**COMMENT:** The Board supports favorable action on this Article. The Board recognizes that this amendment will assist this and future Select Boards by providing flexibility with the setting of the date for the first night of the Annual Town Meeting so that conflicts with dates of religious observance or other important events can be avoided.

**ARTICLE 11 BYLAW AMENDMENT/FOSSIL FUEL FREE BYLAW  
LANGUAGE CHANGES**

**VOTED:** That the Town does and hereby amends Title VI, Article 10, Section 1 (“Prohibition on New Fossil Fuel Infrastructure in New Construction and Major Renovation”) of the Town’s Bylaws so update the definition of “major renovation” so that the bylaw reads in its entirety as follows:

**TITLE VI  
ARTICLE 10**

**PROHIBITION ON NEW FOSSIL FUEL INFRASTRUCTURE IN NEW  
CONSTRUCTION AND MAJOR RENOVATION**

**Section A. Definitions**

“Effective Date” shall mean 90 days following the date on which the Town is authorized by the Department of Energy Resources to regulate fossil fuel infrastructure.

“Fossil Fuel-Free Demonstration” shall mean the project codified by the entirety of 225 CMR 24.00, the Fossil Fuel- Free Demonstration.

“Major Renovation” shall mean a renovation project associated with a valid building permit application filed on or after the Effective Date of this article that is (a) a low-rise residential addition in which the Work Area exceeds 1,000 square feet or exceeds 100% of the conditioned floor area of the existing dwelling unit; (b) for all other building use types, an addition in which the Work Area exceeds 20,000 square feet or exceeds 100% of the conditioned floor areas of the existing building; (c) for low-rise residential buildings, a Level 3 Alteration as defined in the International Existing Building Code (IEBC 2021) in which the Work Area exceeds 50% of the existing conditioned floor area and exceeds 1,000 square feet; ~~or that is,~~(d) for all other building uses, a Level 3 Alteration as defined in the International Existing Building Code (IEBC 2021) in which the Work Area exceeds 50% of the existing conditioned floor area or an alteration that exceeds 20,000 square feet; (e) for low-rise residential use types, a change of use of over 1,000 square feet per International Energy Conservation Code (IECC 2021) Sections R505; or (f) for all building use types except low-rise residential, a change of use of over 20,000 square feet or change of use equal to 100% of the conditioned floor areas of the existing building per International Energy Conservation Code (IECC 2021) Sections C505.

“New Construction” shall mean a new building or new accessory building (a building devoted exclusively to a use accessory to the principal use of the lot) that is associated with a valid building permit application on or after the Effective Date.

“Specialized Energy Code” – Codified by the entirety of 225 CMR 22.00 and 23.00 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

“Work Area” shall mean the portions of a building affected by renovations for the reconfiguration of space and/or building systems, as indicated in the drawings associated with a building permit application. Areas consisting of only repairs, refinishing, and/or incidental work are excluded from the Work Area.

## **Section B. Purpose**

This Bylaw is adopted by the Town of Arlington, pursuant to “Act Driving Clean Energy and Offshore Wind” (St. 2022, c. 179, § 84) and 225 CMR 24.00, also referred to as the Fossil Fuel-Free Demonstration, the purpose of which is to restrict and prohibit new building construction and major renovation projects that are not fossil fuel-free in the interests of protecting health, safety, and the natural environment and reducing air pollution and greenhouse gas emissions, which cause climate change, thereby threatening the Town and its inhabitants. This bylaw is intended to work in conjunction with the

Specialized Stretch Code, adopted by the 2023 Arlington Town Meeting and incorporated into Title VI Art. 3 of the Town Bylaws as well as the Town’s “Net Zero” goals.

**Section C. Applicability**

1. The requirements of this bylaw apply to residential and non-residential buildings that qualify as New Construction or Major Renovation.
2. The requirements of this bylaw shall not apply to:
  - a. Research laboratories for scientific or medical research, hospitals and medical offices regulated by the department of public health as a health care facility as defined in 225 CMR 24.00.
  - b. Multi-family buildings over 12,000 square feet with permit applications filed prior to January 1, 2027, that utilize gas or propane for domestic water heating as the only combustion equipment.
  - c. Utility service piping connecting the grid to a meter, or to a gas meter itself.
  - d. Piping required to fuel backup electrical generators.
  - e. Portable propane appliances for outdoor cooking and heating.
  - f. The extension or modification of heating systems via HVAC system modification, or modification of radiator, steam, or hot water piping, so long as new fossil fuel piping is not installed.
  - g. Repairs of any existing portions of a fuel piping system deemed unsafe or dangerous by the Plumbing and Gas Fitting Inspector.

**Section D. Fossil Fuel-Free Demonstration**

The Fossil Fuel-Free Demonstration, as codified by the entirety of 225 CMR 24.00, is herein incorporated by reference into Title VI, Article 3 of the Town of Arlington General Bylaws.

With adoption of the Fossil Fuel-Free Demonstration, and upon approval by DOER, the following amendments to the Specialized Energy Code (codified in Title VI Article 3 of the Town Bylaws) are adopted. These changes are enforceable by the Building Inspector and will go into effect for any project seeking a permit after the Effective Date.

1. Low-rise Residential Code (225 CMR 22 Appendix RC)
  - a. Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction.
2. Commercial and All Other (225 CMR 23 Appendix CC)
  - a. Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction, with the following



exceptions:

- i. Research laboratories for scientific or medical research,
  - ii. Hospitals regulated by the department of public health as a health care facility,
  - iii. Medical offices regulated by the department of public health as a health care facility,
  - iv. Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027, may utilize gas or propane for domestic water heating as the only combustion equipment.
3. Equipment or appliances used for space heating, service water heating, cooking, clothes drying, and/or lighting that can utilize coal, oil, natural gas, other fuel hydrocarbons, including synthetic equivalents, or other fossil fuels may not be installed as part of any residential or non-residential Major Renovation, with the exception of C(2)(a – g) and D(2)(a)(i – iv) above. All Major Renovations associated with C(2)(a – g) and D(2)(a)(i –iv) must follow applicable stretch code requirements.

#### **Section E. Waivers**

1. In the event that compliance with the provisions of this bylaw makes a project financially infeasible or impractical to implement, the Building Inspector may grant a waiver subject to reasonable conditions. Where appropriate, such waivers shall be issued narrowly for specific portions of a project that are financially infeasible or impractical to implement under the requirements of this Article. Waiver requests shall be supported by a detailed cost comparison, inclusive of available rebates and credits. A waiver request may be made at any time and may be based upon submission of conceptual plans. Particular consideration for waivers will be given to projects sponsored by non-profit or government-sponsored affordable housing entities.
2. Guidance regarding the granting of waivers and prescription of conditions shall be provided by the Select Board prior to the Effective Date and periodically extended or amended in the light of experience and changing circumstances.

Notwithstanding the foregoing, Compliance with this bylaw may be considered financially infeasible if:

- a. As a result of factors beyond the control of the proponent the additional cost of the project over the long term, including any available subsidies, would make the project commercially unviable; and/or



## **Section 2. Purpose**

The purpose of the John J Bilafer Arlington Citizens' Scholarship Fund is to establish and maintain a perpetual trust fund in order to expand the educational opportunities for residents of the Town who have been accepted to pursue education beyond the secondary school level by promoting the scholarship program, maintaining an operational structure, raising funds for student aid distribution and conducting an objective selection process for distributing awards on a fair, equitable and non-discriminatory basis. The Chapter shall operate in accordance with the Bylaws, legal status and procedures of CSFA which are consistent with Chapter 405 of the Acts of 1983 as amended, the General Laws of Massachusetts and the Bylaws of the Town.

## **Section 3. Powers**

The Town is empowered to promote and encourage contributions to the scholarship fund and place a check-off box on the tax and other municipal bills. The Chapter can also raise and receive money and other property by gift, devise, subscription, dues and other legal means including the establishment of individual scholarship funds in a name specified by the Donor. The Collector of Taxes of the Town shall, at least as often as monthly, account and turn over to the Town Treasurer monies which have been checked off by the taxpayers as a contribution to the scholarship fund by increasing the amount otherwise due on the tax or other municipal bills.

All monies collected as a result of the voluntary check-off shall be transferred to the Principal of the fund by the Town Treasurer. The Town Treasurer is the custodian of the scholarship fund and shall deposit, disburse and invest the funds as empowered by law.

The Town Treasurer/Tax Collector shall give bond annually for the faithful performance of said duties in a form approved, and in an amount determined by the Commissioner of Revenue; the said Treasurer shall make and submit to CSFA such reports as CSFA may prescribe relative to Chapter finances. The John J. Bilafer Arlington Citizens' Scholarship Fund shall be audited by an outside auditing firm in conjunction with the audit of the books and records of the Town.

The said scholarship fund including the individual scholarship funds, shall be under the jurisdiction of the Board of Commissioners of trust funds and said Commissioners shall, at least as often as once each year, pay over not less than five percent and not more than seven percent of the market value of said funds as of December 31st of the prior calendar year, said percent to be determined by the Town Treasurer and the Commissioners; and the amount determined to be applied to student aid under the direction and control of the scholarship committee. The Chapter shall be operated solely for charitable purposes. No committee member, officer or employee of the Town shall be entitled to receive compensation from the scholarship fund for services to the Chapter. Annual recertification by CSFA is required for the Chapter Agreement and Charter to remain in effect. In the event that the Chapter Agreement and Charter between the Chapter and CSFA is terminated the John J. Bilafer Arlington Citizens' Scholarship Fund shall continue to operate in accordance with Chapter

405 of the Acts of 1983 as amended, the General Laws of Massachusetts and the Bylaws of the Town.

**Section 4. Scholarship Committee and Officers**  
**(ART. 13, ATM – 05/09/94)**

The following are permanent members of the scholarship committee as determined by Chapter 405 of the Acts of 1983 and amended by Chapter 256 of the Acts of 1993: the Principal of Arlington High School; the Principal of Arlington Catholic High School; the Superintendent-Director of Minuteman Regional Vocational School District and the Treasurer of the Town, or their designees. A registered voter of the Town who is interested in education shall be appointed to a three year term as the fifth member of the committee by the Town Moderator. The committee may elect from among its members a Chairperson, Vice Chairperson, Secretary and such other officers as it may designate for election. The scholarship committee shall make, implement and supervise the policies of the Chapter, and shall elect all officers and fill vacancies as empowered by law. The Chairperson shall be the chief executive officer of the Chapter, shall preside at all meetings of the scholarship committee and shall implement Chapter policy as established by the scholarship committee.

The Secretary shall record and keep minutes of the meetings and shall prepare and transmit to CSFA such reports as may be required by CSFA pursuant to these Bylaws and to annual Chapter recertifications.

The Vice Chairperson and such other officers as the scholarship committee may from time to time designate and elect shall have such powers and shall perform such duties as the scholarship committee may determine.

**Section 5. Standing Committees**

There shall be an Awards Committee, chaired by a member of the Scholarship Committee, which shall be comprised of not fewer than three members, who need not be Scholarship Committee members.

No person shall attend or take part in any meetings of the Awards Committee at which applications for student aid are to be discussed so long as there is pending before that committee an application for student aid from any blood relation of such person or spouse.

Each scholarship applicant shall be a legal resident of the Town and shall complete an application and submit financial and other supporting data which considers character, scholastic record and involvement in community work as well as extra-curricular school activities.

The application process is not considered complete until a financial assistance questionnaire is submitted by the person(s) obligated to pay applicant's educational costs. All scholarship information shall be received and processed with the Office of the Town Treasurer/Collector of Taxes, assigned a number and considered thereafter without reference to name until such time as the Awards Committee has completed its evaluation of each application. All completed applications shall be considered for student aid at a meeting of the Awards

Committee called by the Chairperson. The award of student aid is based on merit in accordance with the prescribed evaluation criteria. The Awards Committee shall consider financial need in determining the amount of each award. Whenever possible, there shall be at least one scholarship recipient from each of the segments of the student population represented by the members of the Scholarship Committee. In making awards the Awards Committee shall apply such further rules and standards not inconsistent with the purposes of this Chapter as prescribed in these Bylaws and Charter between this Chapter and CSFA and, subject to such rules and approval of the Scholarship Committee, it shall implement and oversee all policy relative to awards and shall transmit to CSFA such reports as CSFA may provide relative to award procedures. The Scholarship Committee may from time to time seek to amend these Bylaws by adding other Standing Committees it may determine necessary to the Chapter's operation.

### **Section 6. Ceremonies and Meetings**

#### **A. Scholarship Award Ceremony**

The Scholarship Committee shall conduct an annual scholarship award ceremony for the recipients of student aid, their families and friends in the spring at such time and place as shall be fixed by the Chairperson.

Notice of the time, date and place of this ceremony shall be published in the local press and the public invited to attend.

#### **B. Meetings**

Regular periodic meetings of the Scholarship Committee may be held from time to time pursuant to vote of the Scholarship Committee. Special meetings of the Scholarship Committee may be held from time to time upon the call of the Chairperson or upon written application to the Secretary or Chairperson of not less than one-third in number of the committee members. The Secretary or Chairperson shall make public announcement of the meetings and shall mail written notice of all the meetings of the Scholarship Committee to each member at least seven days prior to the meeting unless the time, date and place of such meeting has been previously fixed by vote of the Scholarship Committee, or unless waiver of the notice of the meeting is signed by every committee member and filed with the Secretary or the Chairperson. One-third of the Scholarship Committee members then in office shall constitute a quorum in the case of a meeting of the Scholarship Committee; and a majority of those present at a meeting, and entitled to vote, shall decide any matter properly brought before the meeting.

### **Section 7. Fiscal Year**

**(ART. 23, ATM – 05/04/98)**

The fiscal year of the Chapter shall be the twelve month period ending December 31 in each year.

### **Section 8. Amendment**



to a local bylaw the Town of Brookline passed, and the Massachusetts Attorney General approved, in 2004. The City of Boston also enacted a focused residential picketing ordinance in 2022, albeit with restrictions as to time the Board will distinguish further in this comment.

The proposed bylaw was inserted in the warrant in response to several resident inquiries and expressions of concern following the targeted demonstrations that took place in front of the Governor's residence last Fall and earlier this year.

Chief Flaherty provided the Board with information on three protests that have taken place in front of the Governor's residence, the second and third of which resulted in numerous calls to the Arlington Police Department. The first was planned and was peaceful. The second was unplanned and involved 25-30 people wearing military gear who were directly in front of the Governor's residence, holding flares, chanting and yelling obscenities at neighbors. Chief Flaherty also noted that the protest lasted for about twenty minutes and dispersed thereafter. The third protest was similar to the second protest. Both unplanned protests resulted in calls to 911 and to the Department's business line, some of which indicated that the protest was blocking roadways and, in one instance, required police assistance to allow a neighbor to exit their driveway.

In supporting the proposed bylaw, the Board recognizes the balance between important First Amendment free speech rights and the significant government interest in a person's right to privacy in their home. In this instance, the majority believes the balance favors residential privacy. The majority further notes that the Supreme Court drew a distinction between the home and an office for purposes of First Amendment protection. As noted in the following excerpt from the *Frisby* decision that Town Counsel provided to the Board, "the State's interest in protecting the well-being, tranquility, and privacy of the home is certainly of the highest order in a free and civilized society." *Frisby*, 487 U.S. at 484 (1988).

Where a particular home is the subject of a protest, the occupants of the home are compelled listeners who are not readily able to avoid the speech, as would be the case in other settings. It is this element of compulsion the majority believes justifies the restriction contained in the proposed bylaw, as the First Amendment, while containing a right to free speech, does not require compelled listening.

The Board took into account Town Counsel's conclusion that the proposed bylaw is constitutional because it:

- 1) is content-neutral on its face;
- 2) prohibits only focused residential picketing taking place solely in front of a particular residence;
- 3) leaves open ample alternative channels of communication for the dissemination of messages;
- 4) prohibits the type of focused picketing which is fundamentally different from more generally directed means of communications that may not be completely banned in residential areas; and
- 5) is narrowly tailored to serve the significant government interest in protecting residential privacy.

The Board also considered the impact on neighbors when a targeted protest takes place as further justification for the proposed bylaw. During its hearing, the Board heard from an immediate neighbor of the Governor, who noted the fear she and her family were placed when the protests occurred. She stated that for her, support for the proposed bylaw is about public safety. Mr. DeCoursey, who also lives in the same neighborhood as the Governor, reported hearing from several other neighbors who expressed similar concerns.

Finally, support for the Board's recommended vote comes from Chief Flaherty's statement that passage of the proposed bylaw would accelerate the time period during which the Police Department could begin to clear a targeted protest.

The Board notes that a restriction on targeted picketing applies at all times in Brookline, while is enforced between 9 pm and 9 am pursuant to a City of Boston ordinance. The two focused demonstrations in Arlington that were reported by state and local media occurred at different times (6:00pm and 9:00pm, respectively) but were equally disruptive, as evidenced by the testimony received at the Board's hearing and the Town's receipt of calls from residents both during and after the protests. For this reason, the majority supports a full ban similar to the bylaw approved in Brookline.

Mr. Diggins voted against the proposed bylaw. He stated that although he understood residents' concerns, he questioned the bylaw's impact on First Amendment rights. He observed that the bylaw in his view could make it more difficult for residents to access Town or elected officials even if the protests were quiet, but nonetheless challenged the deeply-held view and mores of the target person. Further, he questioned whether there were other ways to protect the interests at issue rather than passing a new bylaw. He fully appreciates that several legal decisions have determined that we can pass this bylaw with little or no concern about its constitutionality, but he has deep reservations regarding whether we should.

**ARTICLE 15                    BYLAW AMENDMENT / PROHIBITION OF FAIR-TRADE  
RESTRICTIONS - FUR PRODUCTS**

**VOTED: that the Town does and hereby amends Title I of the Town's Bylaws to add a new provision to restrict the trade in and sale of new fur products by making it unlawful to sell, offer for sale, trade or otherwise distribute for monetary or nonmonetary consideration of a fur product; or take any action related thereto, so that the new provision of Title I reads as follows:**

**TITLE I  
ARTICLE 24  
FUR PRODUCTS**

**Section 1. Purpose and Intent**

The Town of Arlington ("Town") finds that animals that are slaughtered for their fur endure tremendous suffering. Animals raised on fur farms typically spend their entire lives in



cramped and filthy cages. Fur farmers typically use the cheapest killing methods available, including suffocation, electrocution, gas, and poison. Considering the wide array of alternatives for fashion and apparel, the Town finds that the demand for fur products does not justify the unnecessary killing and cruel treatment of animals.

Further, fur farms are reservoirs and transmission vectors for dangerous zoonotic diseases, including SARS coronaviruses, that threaten public health, including in the Town of Arlington. In addition, the fur production process is energy intensive and has a significant environmental impact, including air and water pollution, and animals that are slaughtered for their fur endure tremendous suffering. Eliminating the sale of fur products in the Town of Arlington will decrease the demand for these cruel and environmentally harmful products and promote community health and wellbeing as well as animal welfare. The Town believes that eliminating the sale of fur products in the Town of Arlington will promote community awareness of animal welfare and, in turn, will foster a more humane environment in Arlington.

## **Section 2. Definitions**

For purposes of this Article, the following words and phrases have the definitions set forth next to them:

- A. “Fur”: Any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.
- B. “Fur product”: Any article of clothing or covering for any part of the body, or any fashion accessory, including, but not limited to, handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, toys or trinkets, and home accessories and décor, that is made in whole or part of fur. “Fur product” does not include any of the following:
  - i. A dog or cat fur product, as defined in Section 1308 of Title 19 of the United States Code;
  - ii. An animal skin or part thereof that is to be converted into leather, or which in processing will have the hair, fleece, or fur fiber completely removed;
  - iii. Cowhide with the hair attached thereto;
  - iv. Lambskin or sheepskin with the fleece attached thereto; or
  - v. The pelt or skin of any animal that is preserved through taxidermy or for the purpose of taxidermy.
  - vi. “Non-profit organization”: Any corporation that is organized under 26 U.S.C. Section 501(c)(3) that is created for charitable, religious, philanthropic, educational, or similar purposes.

- C. “Retail transaction”: Any transfer of title of a fur product for consideration, made in the ordinary course of the seller’s business, to the purchaser for use other than resale or further processing or manufacturing.
- D. “Taxidermy”: The practice of preparing and preserving the skin of an animal that is deceased and stuffing and mounting it in lifelike form.
- E. “Ultimate consumer”: A person who buys for their own use, or for the use of another, but not for resale or trade.
- F. “Used fur product”: Fur in any form that has been worn or used by an ultimate consumer.

**Section 3. Prohibitions**

It is unlawful to sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration a fur product in the Town of Arlington.

**Section 4. Exceptions**

The prohibitions set forth in Section 3 of this Bylaw do not apply to the sale, offer for sale, displaying for sale, trade, or distribution of:

- A. A used fur product by a private party (excluding a retail transaction), non-profit organization or second-hand store, including a pawn shop;
- B. A fur product required for use in the practice of a religion;
- C. A fur product used for traditional tribal, cultural, or spiritual purposes by a member of a federally recognized or state recognized Native American tribe; or
- D. A fur product where the activity is expressly authorized by federal or state law.

**Section 5. Penalty**

In addition to any other remedy provided by law, this Article may be enforced by police officers and animal control officers through any means available in law or equity, including but not limited to noncriminal disposition in accordance with G.L. c. 40, § 21D. Any person violating this Bylaw shall be liable to the Town in the amount of \$300. Each fur product and every day upon which any such violation shall occur shall constitute a separate offense.

**Section 6. Effective Date**

This Bylaw shall take effect on October 1, 2024.

**(5-0)**

**COMMENT:** The Board heard from the amendment proponent as well as the public. Mr.

Hurd inquired as to the exclusion of second-hand fur sales from the bylaw amendment, to which the proponent responded that passage of the bylaw warranted its omission because second-hand fur has already been through economic circulation. The Board agreed with the proponent's desire to amend the penalty fee from \$100 to \$300 in Section 5. Mr. DeCoursey inquired about the status of state law restricting the sale of new fur products, observing that this amendment signals to the Legislature that a similar state law may be well timed. Further, the Board agreed with the proponent that favorable action on the amendment would not result in any adverse economic impact in the Town, because no retail stores currently sell new fur. The Board also agreed with the proponent's suggested additions regarding the proposed bylaw's purpose as set forth in Section 1 and those changes are reflected in the draft language included above. Ms. Mahon moved for favorable action with the amendments to sections 1 and 5 included, and the Board voted unanimously in support of this bylaw amendment.

**ARTICLE 16            BYLAW AMENDMENT / PET SALE RESTRICTIONS/RETAIL  
PET SALES**

**VOTED: that the Town does and hereby amends Title I of the Town's Bylaws to add a new provision to ban the sale of mammals, birds, reptiles, amphibians and fish in pet shops within the Town, by making it unlawful; or take any action related thereto, so that the new provision of Title I reads as follows:**

**TITLE I  
ARTICLE 25  
RETAIL PET SALES**

**Section 1. Definitions**

For purposes of this Article, the following words and phrases have the definitions set forth next to them:

- A. "Animal Rescue Organization": Means a not-for-profit organization that is registered with the Massachusetts Department of Agricultural Resources, if required, and whose mission and practice is, in whole or in significant part, the rescue and placement of mammals, birds, reptiles or amphibians into permanent homes. The term "animal rescue organization" does not include any person or entity that breeds animals or obtains animals in exchange for payment or compensation from a person that breeds or brokers animals.
- B. "Offer for Sale": Means to advertise or otherwise proffer an animal for acceptance by another person or entity.
- C. "Pet Shop": Means a retail establishment where animals are sold or offered for sale as pets which is required to be licensed pursuant to MGL c. 129, § 39A, and 330 CMR 12.00. A person who only sells or otherwise transfers the offspring of animals the person has bred on their residential premises shall not be considered a "pet shop" for purposes of this section.

- D. “Public Animal Control Agency or Shelter”: Means a facility operated by a governmental entity for the purpose of impounding seized, stray, homeless, abandoned, unwanted, or surrendered animals, or a facility operated for the same purposes under a written contract with a governmental entity.
- E. “Sell”: Means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer for consideration.

## **Section 2. Prohibition of the Sale of Mammals, Birds, Reptiles and Amphibians**

- A. It shall be unlawful for a pet shop to sell or offer for sale a mammal, bird, reptile or amphibian.
- B. A pet shop may provide space for the display of mammals, birds, reptiles or amphibians available for adoption by a public animal control agency or shelter or an animal rescue organization so long as the pet shop receives no part of any fees associated with the display or adoption of the animals and has no ownership interest in any of the animals displayed or made available for adoption.

## **Section 3. Prohibition on the Sale of Pet Fish**

- A. It shall be unlawful for a pet shop to sell or offer for sale any fish that is intended to be kept as a pet in a tank, bowl or other water-filled enclosure in which living fish or other aquatic animals are kept.
- B. A pet shop may provide space for the display of fish available for adoption by a public animal control agency or shelter or an animal rescue organization so long as the pet shop receives no part of any fees associated with the display or adoption of the fish and has no ownership interest in any of the fish displayed or made available for adoption.
- C. This Section shall not be construed to prohibit the sale of fish meant for human consumption that is otherwise commercially available.

## **Section 4. Enforcement and severability**

- A. This Bylaw shall be enforced by the Town Manager or the Town Manager's designee pursuant to MGL c. 40, § 21D, according to the following schedule:

- First offense: \$50;
- Second offense: \$100;
- Third and each subsequent offense: \$300.

Each unlawful sale or offer for sale shall constitute a separate violation.



The Board also heard lengthy comments regarding the legality of the amendment.

The proponent advanced arguments that California is considering a similar bill (AB2216), and that federal housing law permits pets in federally-funded housing. Mr. Diggins inquired about the pending California legislation, and the proponent noted that presently in California, pets are only permitted in state-funded housing. Mr. Diggins further inquired about the scope of the proposed bylaw and raised questions regarding the rental market and how it has previously and may continue to react to the issue of pet ownership.

Mr. DeCoursey observed that reasonable accommodations permit assistance animals in housing under the federal Fair Housing Act and that would apply to the instant matter. The proponent again advanced arguments about California's legislation and its applicability to the bylaw amendment, but Mr. DeCoursey noted that the bill is currently pending in the legislature and has not been enacted. Mr. DeCoursey further noted that while the bill may be instructive, Massachusetts has its own laws, including a state statute that permits condominiums in Massachusetts to prohibit pets. Further, the proponent again advanced an argument that pets are permitted in state-funded housing in California, to which the Board then noted that federal housing and antidiscrimination laws preempt any state or local laws in conflict.

Ms. Mahon observed that at the core of the discussion was whether the Select Board and Town Meeting are the appropriate public bodies to address the issue advanced by the proponent as a result of the discussion regarding the inability to create new rights at the local level. Ms. Mahon also expressed that the proponent acknowledged that the bylaw amendment was untested and needed to be addressed by the appropriate authority.

A discussion ensued regarding whether the Select Board had the authority to act on the bylaw, to which the Board agreed that the creation of new rights could not be addressed at the local level, mooting the need for the bylaw to be reviewed and opined on by the Attorney General.

The Board heard public comments on the bylaw, which received strong support on a policy level. However, the Board noted that the legal issues presented by the bylaw amendment needed to be further examined.

The Board heard further comments regarding the bylaw's conflict with private contracts and the bylaw's inability to add pet ownership as a protected class protected under federal law. The Board also heard comments on the applicability of federal housing laws to private housing, and that pets are expressly omitted from the definition of assistance animals under the Fair Housing Act. The Board further heard comments that federal and state housing and discrimination laws create private rights of action that tenants can pursue if they are experiencing discrimination in housing. Further, the Board heard comments that even if the law was unsettled on the prohibition of pets in housing, no affirmative right can be created in the absence of a law expressly creating such a right. In addition, the Board heard comments on the constitutional principles of freedom of contract, which include rental and condominium agreements.

Mr. Hurd noted that there is a market for tenants with pets to rent housing, as Mr. Diggins suggested, and that the legal implications could not result in favorable action on the bylaw amendment. Mr. Hurd further noted that no other municipality has enacted a similar law in Massachusetts and the untested nature of the bylaw amendment's language precluded him from acting favorably on it. Mr. Hurd then moved for no action, to which Ms. Mahon seconded.

Ms. Mahon noted that more work should be done on the bylaw amendment and the Board was not the best forum to address its current form. Mr. Diggins agreed that the bylaw amendment needed to be further examined, but acknowledged the need for legislation to address the policy issues raised in the amendment. Mr. Diggins urged the Board to articulate its opinion on the amendment to provide guidance to Town Meeting.

Mr. DeCoursey emphasized the need for robust commentary in the Board's draft votes and comments to guide Town Meeting on this matter. Mr. DeCoursey noted the potential legal conflicts with the amendment and state statutes permitting pet fees in certain rentals, condominium regulations, and that certain state and federal laws would preempt the actions contemplated in the amendment.

Mr. Helmuth noted the value of the process and robust discussion is to identify dimensions for Town Meeting to receive informed advice and guidance on the amendment. Mr. Helmuth further noted the Board appreciates the issue but needs to balance the rights of owners, tenants and landlords.

**ARTICLE 18                    BYLAW AMENDMENT / HISTORIC BUILDING  
    DEMOLITION DELAY**

**Mr. Hurd moved that no action be taken on Article 18.  
(5-0)**

**COMMENT:** The Board declined to take action on this article. The Board felt the proponent's amendment to increase the demolition delay period from twelve to twenty-four months was too long in light of the numerosity of properties on the historic registry that are already in need of certain repairs. Mr. Diggins inquired into what resources the proponent needed to ensure the current twelve month demolition delay was sufficient. The proponent acknowledged that historic home resources are scarce. A discussion ensued and public comment was heard regarding whether the increase to a twelve month demolition delay would be considered a penalty.

Mr. DeCoursey asked if the proposal had any exceptions, to which the proponent noted that the demolition delay process currently addresses situations in which the full delay is inappropriate. The Board noted that twenty four months was a longer delay compared to other municipalities, some of which have twelve, eighteen or possibly twenty-one month demolition delays.

Mr. Hurd moved for no action, which Mr. DeCoursey seconded. Mr. Helmuth noted the Board was committed to finding better ways to support the historic commission with current municipal resources.

**ARTICLE 19            VOTE/EXTEND TIME FOR ARTIFICIAL TURF STUDY  
COMMITTEE AND REPORT**

**Mr. Hurd moved that no action be taken on Article 19.  
(5-0)**

**COMMENT:** The Board heard from the proponents regarding the need to extend the time and report of the study committee. Mr. Helmuth noted that a draft report was accessible to the public, and the Board heard from the Committee’s Chair, who noted the substantial progress made in recent months. The Committee Chair acknowledged that while the draft report was not filed precisely 30 days before the 2024 Annual Town Meeting as scheduled, that the Committee has been committed to the quality of the report and is confident the Committee will fulfill its obligations in a timely manner.

Mr. Hurd moved for no action, to which Mr. DeCoursey seconded. Mr. DeCoursey and Ms. Mahon commended the Committee Chair for the body’s hard work and the quality of the draft report. Ms. Mahon observed that this Article presented a good starting point to discuss the artificial turf matter due to constituent feedback on the topic.

Mr. Diggins and Mr. Helmuth commented that they looked forward to reviewing the report. The Board noted that it could meet and revisit this vote if the Committee needs more time, and could then take a vote on the same.

**ARTICLE 20            HOME RULE LEGISLATION / TOWN CLERK**

**VOTED: That the Town does and hereby authorizes the Select Board to file Home Rule Legislation to amend the Town Manager Act to convert the Town Clerk from an elected to appointed position; or take any action related thereto, so that the Home Rule Legislation reads as follows:**

**“AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE  
TO THE APPOINTMENT AND MANAGEMENT OF THE TOWN CLERK”**

**Section 1.** Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended as follows:

First, by amending Section “8(a)” Election of Other Officers so as to strike the words and punctuation “Town Clerk, and” so as to read as follows (strike through text indicating words and punctuation to be deleted):

Section 8. Election of Other Officers.



(a) The election of ~~Town Clerk, and~~ assessors shall continue as presently provided. Notwithstanding the election of the officers named in this section, by voters of the town, they shall be subject to the call of the manager for consultation, conference and discussion on matters relating to their respective offices.

Second, by amending Section 15(a) to strike the words and punctuation “Town Clerk,” so as to read as follows (strike through text indicating words and punctuation to be deleted):

In addition to the specific powers and duties provided in this act the Town Manager shall have the general powers and duties enumerated in this section:

(a) The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the Select Board, the School Committee, Moderator, ~~Town Clerk,~~ Board of Assessors, Registrars of Voters, Election Officers, Boards of Appeal, the Finance Committee, the Capital Budget Committee and the Personnel Review and Appeals Board.

While the town manager shall not supervise the board of assessors as an elected body, the town manager shall supervise and direct the administration of the assessors’ office and appoint the director of assessments in accordance with subsection (c). The director of assessments and all other assessors’ office personnel, except for the board of assessors, employed or in office when this act takes effect shall continue in their respective positions subject to chapter 31 or 150E of the General Laws, or both such chapters, if applicable, but otherwise subject to removal by the town manager as provided in this section.

Nothing in this section shall otherwise abridge the authorities or responsibilities of the board of assessors as set forth in chapter 41 of the General Laws or any other general law.

Third, by amending Section 15(c) as follows to insert the Town Clerk as an appointee under said Section so as to read as follows (underscored text indicated new language and strike through text indicating words and punctuation to be deleted):

The Town Manager shall appoint upon merit and fitness alone the Town's Comptroller, who shall also be vested with the authorities of a town accountant, ~~and~~ the Town Treasurer and Collector, and the Town Clerk, subject to the approval of the Select Board. Appointment of the Town Clerk, Comptroller and the Town Treasurer and Collector shall become effective upon the approval of the Select Board. If the Select Board fails to act by approving, rejecting, or requesting additional reasonable time to consider a candidate however, appointment shall become effective on the thirtieth day following the day on which notice of the proposed appointment is filed with the Board. For the purposes of this section, notice of appointment shall be considered filed with the board when such notice is filed at an open meeting of the Select Board.

The **Town Clerk**, Comptroller or Town Treasurer and Collector may be removed by the town manager subject to the approval of the Select Board. Removal of the **Town Clerk**, Comptroller or Town Treasurer and Collector shall become effective upon approval of the Select Board. If the Select Board shall fail to act, by approving, rejecting, or requesting additional reasonable time to consider a termination however, removals made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed removal is filed with the Select Board. For the purposes of this section, notice of removal shall be considered filed with the Board when such notice is filed at an open meeting of the Select Board. Nothing in this paragraph shall supersede or abridge the Comptroller's employment rights afforded by state law.

Notwithstanding the foregoing section (c), the **Town Clerk**, Comptroller and the Town Treasurer and Collector shall be authorized to report directly to the Chairperson of the Select Board, or any Member of the Board, on any matter in the Town at any time, without the necessity of prior approval from the Town manager or any other official.

**Section 2.** Upon the effective date of this act, the incumbent elected to the office of town clerk shall continue to hold the office and to perform the duties thereof until the expiration of the term for which the individual was elected or until the individual otherwise vacates the office, whichever is sooner, at which time the elected office of town clerk shall be abolished and appointments to the position of town clerk shall be made in accordance with section 1.

**Section 3.** This Act shall take effect upon its passage.

**(4-0)\* Mr. Helmuth recused himself.**

**COMMENT:** The Board initially voted to table its hearing and discussion on Article 20 so that the voters of Arlington could vote on this issue, as it was a ballot question as part of this year's Annual Town Election. Mr. DeCoursey noted that the Town voters voted in favor converting the Town Clerk from an elected to an appointed position with a positive vote of approximately 59%. Mrs. Mahon addressed the issues of who would serve as the appointing authority and confirmed that the current Town Clerk's elected term would not be prematurely cut short by this action. The Board confirmed that the proposed Home Rule Legislation addresses these issues and provides for a similar transition from elected to appointed by the Town Manager as was done in prior years with the Town's Comptroller and Treasurer positions. The Board unanimously supports favorable action on this article.

**ARTICLE 21                    HOME RULE LEGISLATION / TO AMEND THE SENIOR  
CITIZEN PROPERTY TAX EXEMPTION**

**Mr. DeCoursey moved that no action be taken on Article 21.**

**(4-0)\* Mr. Helmuth recused himself.**

**COMMENT:** The Board heard from the Town Manager that Article 21 was submitted on

behalf of the Town's Board of Assessors while the Town contemplated the implementation of the tax exemption, which voters approved as a ballot question in November of 2023 regarding whether the Town should accept the provisions of a state law permitting the tax exemption. The Town Manager noted that the Board of Assessors agrees that no action is recommended on the Article at this time. The Town Manager explained that there is presently a lack of information to assess the implications of the tax exemption, such as how it would be implemented, the number of eligible participants, and the cost.

The Board then voted that no action be taken on this Article following the Town Manager's summary of the current issues.

**ARTICLE 22            HOME RULE LEGISLATION / LOWERING THE VOTING AGE TO 16 IN LOCAL ELECTIONS**

**VOTED: that the Town does and hereby authorizes the Select Board to file Home Rule Legislation to allow Arlington to lower the voting age from 18 to 16 for municipal elections; or take any action related thereto; so that the Home Rule Legislation reads as follows:**

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

**ORDERED:** That a petition to the General Court, accompanied by a bill for a special law relating to the Town of Arlington to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

**PETITION FOR A SPECIAL LAW RE:  
AN ACT GRANTING THE TOWN OF ARLINGTON, MA THE AUTHORITY TO  
PROVIDE LEGAL VOTING RIGHTS IN MUNICIPAL ELECTIONS FOR TOWN  
RESIDENTS AGED 16 and 17 YEARS OLD**

**SECTION 1.** Notwithstanding the provisions of section 1 of chapter 51 of the General Laws or any other general or special law, rule or regulation to the contrary, any individual aged 16 or 17 years old residing in the Town of Arlington, who is ineligible to vote due to age under state law, but who is otherwise eligible, may apply to have their names entered on a list of voters established by the Office of the Town Clerk for the Town of Arlington. Such individuals on the list of voters may vote in any election for local offices, local ballot questions, and Town Meeting in accordance with this Act. For the purposes of this Act, "local voters" are anyone who is eligible to vote pursuant to this Act in a local election or upon a local ballot question in the Town of Arlington.

**SECTION 2.** The Office of the Town Clerk shall establish a separate registration list for local voters who shall fill out an alternative registration form. Upon turning eighteen, each local voter shall be taken off the separate list and notified that he or she must register as a





Public Way Repairs (3105): Originally established under Article 45, 1992 Annual Town Meeting  
 expenditures not to exceed \$15,000

Beginning Balance, 7/1/2022	\$14,715.06
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/23	\$14,715.06

Fox Library Community Center Rentals (3109): Originally established under Article 49, 1996 Annual Town Meeting  
 expenditures not to exceed \$20,000

Beginning Balance, 7/1/2022	\$21.47
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/23	\$21.47

Robbins House Rentals (3110): Originally established under Article 77, 1997 Annual Town Meeting  
 expenditures not to exceed \$75,000

Beginning Balance, 7/1/2022	\$7,601.62
Receipts	9,333.54
Expenditures	6,848.39
Ending Balance, 6/30/23	\$10,086.77

Uncle Sam Fees (3101): Originally established under Article 31, 2000 Annual Town Meeting  
 expenditures not to exceed \$2,000

Beginning Balance, 7/1/2022	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/23	\$1,526.31

Life Support Services (Ambulance) Fees (3103): Originally established under Article 37, 2001 Annual Town Meeting  
 Expenditures not to exceed \$800,000

Beginning Balance, 7/1/2022	\$410,670.94
Receipts	167,431.76
Expenditures	470,145.99
Ending Balance, 6/30/23	\$107,956.71

Board of Health Fees (3111): Originally established under Article 30, 2005 Annual Town Meeting expenditures not to exceed \$150,000

Beginning Balance, 7/1/2022	\$238,299.63
Receipts	242,346.14
Expenditures	60,297.31
Ending Balance, 6/30/23	\$420,348.46

Field User Fees (3115): Originally established under Article 78, 2004 Annual Town Meeting expenditures not to exceed \$80,000

Beginning Balance, 7/1/2022	\$17,740.26
Receipts	33,360.00
Expenditures	35,104.64
Ending Balance, 6/30/23	\$15,995.62

Robbins Library Rentals (3114): Originally established under Article 35, 2006 Annual Town Meeting expenditures not to exceed \$8,000

Beginning Balance, 7/1/2022	\$36,892.82
Receipts	6,950.00
Expenditures	1,387.50
Ending Balance, 6/30/23	\$42,455.32

Town Hall Rentals (3112): Originally established under Article 35, 2006 Annual Town Meeting expenditures not to exceed \$175,000

Beginning Balance, 7/1/2022	\$52,023.35
Receipts	91,764.07

Expenditures	84,131.39
Ending Balance, 6/30/23	\$59,656.03

White Goods Recycling Fees (3107): Originally established under Article 35, 2006 Annual Town Meeting expenditures not to exceed \$80,000

Beginning Balance, 7/1/2022	\$58,073.86
Receipts	28,567.90
Expenditures	36,850.58
Ending Balance, 6/30/23	\$49,791.18

Library Vending Fees (3113): Originally established under Article 34, 2009 Annual Town Meeting expenditures not to exceed \$25,000

Beginning Balance, 7/1/2022	\$9,859.31
Receipts	12,070.14
Expenditures	4,693.56
Ending Balance, 6/30/23	\$17,235.89

Gibbs School Energy Fees (3102): Originally established under Article 45, 2010 Annual Town Meeting expenditures not to exceed \$120,000

Beginning Balance, 7/1/2022	\$4,814.41
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/23	\$4,814.41

Cemetery Chapel Rentals (INACTIVE): Originally established under Article 52, 2011 Annual Town Meeting Expenditures not to exceed \$15,000

Beginning Balance, 7/1/2022	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/23	\$0.00





**of these parcels, through all legal means, including, but not limited to, donation, purchase or eminent domain.**

**(5-0)**

**COMMENT:** The Board first heard from John Alessi, the Town’s Senior Transportation Planner for the Department of Planning and Community Development requesting the Board’s vote for favorable action on the Article. Mr. Alessi explained that an authorizing vote by Town Meeting is required by MassDOT’s Right of Way Bureau to take or acquire land by eminent domain in accordance with the Safe Route to School Infrastructure grant received by the Town from MassDOT in 2019. Mr. Alessi also explained that the purpose of the MassDOT grant is to provide a fully accessible walking route to the Town’s Stratton Elementary School. Mr. Alessi noted that the Board and subsequent Town Meeting vote on this Article was necessary at this time to avoid any construction delays in the future. Finally, Mr. Alessi discussed the status of the Town’s actions related to the grant and the number of affected properties for which the takings would apply.

Mr. Helmuth clarified that the Board was presently being asked to vote on the right of way process, and an affirmative vote on this Article by Town Meeting would require future Board votes on specific takings or acquisitions. Mr. Hurd inquired about whether every lot in Town was subject to a sidewalk easement. The Board was informed that the MassDOT grant set forth specific guidelines for easements that required compensation to affected property owners. Mr. DeCoursey noted that currently, public rights of way may differ depending on the property and street.

Ms. Mahon moved for favorable action and the Board voted unanimously in support of this Article.

## **ARTICLE 56**

## **LOCAL OPTION/ACCEPTANCE OF M.G.L. CHAPTER 203C THE PRUDENT INVESTOR RULE**

**VOTED:** That the Town does and hereby accepts the provisions of Massachusetts General Laws, Chapter 203C and authorizes the trustee of the town’s previously established Trust Funds, as authorized by Chapter 32B, Section 20, G.L. c. 44, s. 54, and G.L. c. 44, ss. 55, 55A and 55B of the General Laws, as amended, to invest and reinvest the monies in such fund in accordance with the Prudent Investor Rule established under Chapter 203C of the Massachusetts General Laws.

**(5-0)**

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

**ARTICLE 66**

**RESOLUTION/MBTA SERVICE**

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

**Whereas, the last streetcar from Arlington Heights to Harvard Square ran on November 18, 1955; and**

**Whereas, the last MBTA train from Arlington to North Station ran on January 10, 1977; and**

**Whereas, the last 79 bus from Arlington Heights to Alewife ran on March 12, 2021; and**

**Whereas, on December 18, 2022, six days after the Green Line Extension opened to Tufts-Medford, the MBTA reduced service on the 80 bus that connects Arlington Center with the Green Line Terminus, and**

**Whereas, the lack of frequent bus service from Arlington to Tufts-Medford prevented Arlington commuters from connecting to the Green Line or the Lowell Commuter Rail line as a viable alternative for travel to and from Boston during the recent shutdown of the Red Line, and**

**Whereas, despite challenges faced by Arlington commuters and student pass holders due to poor service, the MBTA reduced service on the 77 bus on December 18, 2022, and**

**Whereas, the deterioration of MBTA bus service has become extreme enough that, for the first time, the Arlington School Committee has been forced to run parallel bus service for Ottoson Middle School students beginning on January 29, 2024, and**

**Whereas, the Town of Arlington and the City of Cambridge have built bus lanes to facilitate the movement of buses along Massachusetts Avenue, at the same time the MBTA reduced bus service along this artery, and**

**Whereas, the Town of Arlington's projected FY25 MBTA assessment is three times the per-capita assessment of two municipalities categorized under the MBTA Communities ACT as Rapid Transit Communities, as well as 33 municipalities classified as Commuter Rail Communities, and**

**Whereas, the assessment multiplier used to determine Arlington's projected FY 25 MBTA assessment of \$3,403,415 is the fourth highest (along with 10 other cities and towns) among the 176 communities within the MBTA service territory. Of the 11 communities, Arlington is one of only two (along with Watertown) that do not host either a rapid transit or commuter rail station, and one of only three (along with Belmont and Watertown) that are not designated as Rapid Transit Communities in the MBTA Communities Act, and**

**Whereas, the Town of Arlington demonstrated its commitment to transit-**

**oriented housing when Town Meeting voted 189-35 on October 25, 2023 to create a MBTA Communities Overlay District that significantly exceeds the town’s requirement for permitting multifamily transit-friendly residential units by right, and**

**Therefore be it resolved, the Town of Arlington asks the MBTA to provide frequent, reliable service along Massachusetts Avenue with convenient connections to the Red Line, and**

**Be it also resolved, the Town of Arlington asks the MBTA to provide frequent, reliable service from Arlington Heights, through Arlington Center, and along Medford Street and Boston Avenue with convenient connections to the West Medford commuter rail station and the Tufts- Medford terminus of the Green Line Extension, and**

**Be it also resolved, the Town of Arlington seeks a partnership with the MBTA to plan significant improvements to the transit infrastructure in Arlington, and**

**Be it also resolved, the Town of Arlington invites Transportation Secretary Monica Tibbits-Nutt and MBTA General Manager Phillip Eng to conduct a community forum relative to the transportation needs and expectations for service in the Town, and**

**Be it also resolved, the Town Clerk of the Town of Arlington shall transmit a copy of this resolution to Governor Maura Healey, Lieutenant Governor Kim Driscoll, United States Senators Ed Markey and Elizabeth Warren, United States Representative Katherine Clark, State Senator Cindy Friedman, State Representatives Sean Garballey and Dave Rogers, Transportation Secretary Monica Tibbits-Nutt, and MBTA General Manager Phillip Eng.**

**(3-1)**

**Mr. Diggins voted in the negative and Mr. Hurd was not present.**

**COMMENT:** The majority of the Select Board supports the resolution in spirit, but Mr. Diggins questioned the utility and impact of the resolution. Mr. DeCoursey and Mrs. Mahon viewed the resolution as part of a larger worthwhile discussion regarding the fairness of the MBTA assessment process and its disproportionate impact upon Arlington. The members voting in favor of the proposed resolution support the movement to revisit the historical statutory formula by which assessments are determined so that all current MBTA communities pay their fair share.

Further, the Board members in attendance were unanimous in their questioning regarding whether the Select Board is the best forum for voting on such resolutions, with Mr. Diggins and Ms. Mahon noting that the Town Meeting may be better suited to develop its language. Mr. DeCoursey and Mrs. Mahon suggested that it should be considered whether resolutions should be sent directly to Town Meeting so that petitioners are not faced with the prospect of having to submit a substitute motion at Town Meeting if their resolution language is amended by the Select Board. Mrs. Mahon noted that such a change may “streamline the process” and Mr. Helmuth suggested that the resolutions are properly the “voice of Town Meeting.”

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**APPENDIX ITEMS**

ARTICLE 24: REVOLVING FUND DETAILS

ARTICLE 36: PARKING BENEFIT DISTRICT REPORT

**FY2023 REVOLVING FUNDS: EXPENDITURE DETAIL**

Revolving Fund	Amount
<u>Private Ways Repairs: 3106</u>	
Contracted Services	\$ 318,369.30
Total Expenditures	\$ 318,369.30
<u>Public Way Repairs: 3105</u>	
Contracted Services	\$ -
Total Expenditures	\$ -
<u>Fox Library Community Center Rentals: 3109</u>	
Maintenance	\$ -
Total Expenditures	\$ -
<u>Robbins House Rentals:3110</u>	
Personnel	\$ 2,700.00
Supplies	\$ 262.50
Maintenance	\$ 285.00
Utilities	\$ 3,229.64
Contracted Services	\$ 371.25
Total Expenditures	\$ 6,848.39
<u>Conservation Commission Fees: 3116</u>	
Other Expense	\$ -
Total Expenditures	\$ -
<u>Uncle Sam Fees: 3101</u>	
Total Expenditures	\$ -
<u>Life Support Services (Ambulance) Fees: 3103</u>	
General Fund Offset (Personnel/cap )	\$ 307,465.00
Contracted Services	\$ 162,680.99
Emergency Vehicle	\$ -
Capital Offset	\$ -
Total Expenditures	\$ 470,145.99
<u>Board of Health Fees: 3111</u>	
Personnel	\$ 1,649.98
Supplies	\$ 253.54
Contracted Services	\$ 24,136.52
Other Expenses	\$ 32,941.95
Total Expenditures	\$ 58,981.99

Revolving Fund	Amount
<u>Field User Fees: 3115</u>	
Contracted Services	\$ 22,669.16
Maintenance	\$ 12,475.48
Total Expenditures	\$ 35,144.64
<u>Robbins Library Rentals: 3114</u>	
Personnel	\$ 587.50
Contracted Services	\$ 800.00
Total Expenditures	\$ 1,387.50
<u>Town Hall Rentals: 3112</u>	
Supplies	\$ 1,917.52
Personnel	\$ 35,961.91
Utilities	\$ 16,499.92
Contracted Services	\$ 29,974.17
Total Expenditures	\$ 84,353.52
<u>White Good Recycling Fees: 3107</u>	
Transfer to General Fund	\$ 35,000.00
Equipment and Materials	\$ 2,576.38
Total Expenditures	\$ 37,576.38
<u>Library Vending Fees: 3113</u>	
Supplies	\$ 1,115.47
Equipment	\$ -
Contracted Services	\$ 4,000.20
Total Expenditures	\$ 5,115.67
<u>Gibbs School Energy Fees: 3102</u>	
Utilities	\$ -
Total Expenditures	\$ -
<u>Cemetery Chapel Rentals: 3915</u>	
Total Expenditures	\$ -
<u>Council on Aging Program Fees: 3108</u>	
Supplies	\$ -
Contracted Services	\$ 11,291.00
Total Expenditures	\$ 11,291.00

**PARKING FUND BUDGET**

REVENUES	FY24 BUDGET	FY24 ACTUAL 2/13/24	FY25 BUDGET
Single Space Meters	\$ 259,798.00	\$ 126,310.64	\$ 179,599
Multi-Space Meters	\$ 139,985.00	\$ 44,056.55	\$ 62,712
Charging Station	\$ 5,317.00	\$ 14,617.30	\$ 20,464
Pay by Phone	N/A	\$ 88,254.67	\$ 123,556
Interest	\$ 11,824.00	\$ 25,503.93	\$ 35,704
<b>TOTAL</b>	<b>\$ 416,924.00</b>	<b>\$ 298,743.09</b>	<b>\$ 422,034.20</b>

EXPENDITURES	FY24 PROJECTED	FY24 ACTUAL 2/13/24	PROJECTED FY25
<b>MAINTENANCE AND OPERATION</b>			
IPS, CC Fee, Coin Collection	\$ 163,100	\$ 160,432.26	\$ 128,500
Charging Stations	\$ -	\$ -	\$ 10,000
Electricity at Charging Stations	\$ -	\$ -	\$ 4,800
Lease Payments	\$ 6,000	\$ 3,000.00	\$ 6,000
Parking Enforcement/Admin	\$ 111,325	\$ 111,325.00	\$ 114,148
<b>Maintenance and Operation Subtotal</b>	<b>\$ 280,425.00</b>	<b>\$ 274,757</b>	<b>\$ 263,448</b>
<b>PARKING BENEFIT DISTRICT</b>			
Russell Common Lot	\$ -	\$ -	\$ 65,000
Trash Management	\$ 32,500	\$ -	\$ -
Seasonal Plantings	\$ 22,400	\$ 22,705	\$ 23,060
Watering of Seasonal Planting	\$ 14,340	\$ -	\$ 13,200
Other	\$ 17,959	\$ -	\$ -
Electric Upgrades	\$ -	\$ -	\$ 25,000
250th Decorations	\$ -	\$ -	\$ 27,500
Seasonal Decorations	\$ 49,300	\$ -	\$ 75,000
Streetscape Improvements	\$ -	\$ 3,500	\$ 40,000
Encumbrances	\$ -	\$ 84,814	\$ -
<b>Parking Benefit District Subtotal</b>	<b>\$ 136,499</b>	<b>\$ 111,019</b>	<b>\$ 268,760</b>
<b>TOTAL</b>	<b>\$ 416,924.00</b>	<b>\$ 385,776.43</b>	<b>\$ 532,208</b>

	PROJECTED FY24		PROJECTED FY25
<b>REVENUES</b>	\$ 416,924.00		\$ 422,034.20
<b>EXPENDITURES</b>	\$ 416,924.00		\$ 532,208.00
<b>Surplus (Deficit)</b>	\$ -		\$ (110,173.80)
<b>Beginning FY Fund Balance</b>	\$ 623,422.00		\$ 623,422.00
<b>Ending FY Fund Balance</b>	\$ 623,422.00		\$ 513,248.20

CARRY FORWARD SOY 7.1.23

**\$623,422.00**

Updated February 16, 2024



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