

**WARRANT FOR  
ANNUAL TOWN MEETING**

**ELECTION**

**Saturday, April 5, 2008**



**ANNUAL TOWN MEETING  
Monday, April 28, 2008**

**TOWN OF ARLINGTON**

**TOWN WARRANT  
THE COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To the Constables of the Town of Arlington, in said County:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Arlington qualified to vote in elections, to meet at the polling places designated for the several Precincts in said Town on

**SATURDAY  
THE FIFTH OF APRIL 2008**

At eight o'clock in the forenoon, to act on the following articles, namely:

**ARTICLE 1**

**QUESTION 1**

**Shall the Board of Selectmen be granted the authority to reduce from 99 to 50 the minimum seating capacity for restaurants and function rooms for the sale therein of all alcohol beverages to be consumed on the premises?**

**YES ( )**

**NO ( )**

**Summary: The Board of Selectmen currently has the authority to issue up to ten licenses for the sale of all alcohol licenses to restaurants in the Town. An affirmative vote under this question would permit the Board to issue licenses to those restaurants that do not meet the minimum seat requirement for 99 patrons but do have a minimum of 50 seats. The Board believes that such a reduction will benefit smaller restaurants in Town and would enhance the dining experience of those patrons who want to consume alcoholic beverage in conjunction with their meal.**

**TO ELECT BY BALLOT:**

- A) One Town Clerk for three years**
- B) One Treasurer for three years**
- C) Two Selectmen for three years**
- D) One Assessor for three years**
- E) Three School Committee Members for three years**
- F) One Arlington Housing Authority member for five years**

Also, in accordance with the provisions of Chapter 43A of the General Laws, the number of Town Meeting Members hereinafter specified:

- PRECINCT 1 - Four for three years; One for two years;**
- PRECINCT 2 - Four for three years; One for one year;**
- PRECINCT 3 - Four for three years;**
- PRECINCT 4 - Four for three years;**

- PRECINCT 5 - Four for three years;**
- PRECINCT 6 - Four for three years;**
- PRECINCT 7 - Four for three years;**
- PRECINCT 8 - Four for three years; One for one year;**
- PRECINCT 9 - Four for three years;**
- PRECINCT 10 - Four for three years;**
- PRECINCT 11 - Four for three years;**
- PRECINCT 12 - Four for three years;**
- PRECINCT 13 - Four for three years;**
- PRECINCT 14 - Four for three years;**
- PRECINCT 15 - Four for three years;**
- PRECINCT 16 - Four for three years;**
- PRECINCT 17 - Four for three years;**
- PRECINCT 18 - Four for three years;**
- PRECINCT 19 - Four for three years;**
- PRECINCT 20 - Four for three years;**
- PRECINCT 21 - Four for three years.**

For these purposes, the polls will be opened at eight o'clock A.M. and remain open until eight o'clock P.M., at each of the polling places designated, viz.:

- Precinct 1 Thompson School, entrance on North Union Street
- Precinct 2 Hardy School, entrance on Brooks Avenue
- Precinct 3 Thompson School, entrance on North Union Street
- Precinct 4 Hardy School, entrance on Brooks Avenue
- Precinct 5 Thompson School, entrance on North Union Street
- Precinct 6 Hardy School, entrance on Brooks Avenue
- Precinct 7 Chestnut Manor, entrance on Chestnut Terrace
- Precinct 8 Town Hall, entrance on Massachusetts Avenue
- Precinct 9 Chestnut Manor, entrance on Chestnut Terrace
- Precinct 10 Town Hall, entrance on Massachusetts Avenue
- Precinct 11 Bishop School, entrance on Stowcroft Road
- Precinct 12 Brackett School, entrance on Eastern Avenue
- Precinct 13 Stratton School, entrance on Mountain Avenue
- Precinct 14 Brackett School, entrance on Eastern Avenue
- Precinct 15 Stratton School, entrance on Mountain Avenue
- Precinct 16 Dallin School, entrance on Florence Avenue
- Precinct 17 Stratton School, entrance on Mountain Avenue
- Precinct 18 Dallin School, entrance on Florence Avenue
- Precinct 19 Peirce School, entrance on Newland Road
- Precinct 20 Park Avenue Congregational Church, entrance on Paul Revere Road
- Precinct 21 Peirce School, entrance on Newland Road

You are also required to notify and warn the said inhabitants to meet at the Town Hall in said Town on Monday the 28th day of April, 2008, at eight o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members, in accordance with and subject to the referenda provided for by Chapter 43A of the General Laws.

**ARTICLE 2**

**REPORTS OF COMMITTEES**

To receive, hear, and act upon the reports of the Board of Selectmen, Finance Committee, Redevelopment Board, and other committees, commissions, and boards heretofore appointed, including, without limitation: Permanent Town Building Committee (April 23, 1969), Vision 2020 Standing Committee (June 8, 1992), Commission on Disability (May 3, 1993), School Facilities Working Group (May 4, 1994), Bylaw Recodification Study Committee (May 9, 1994), Noise Abatement Study Committee (May 11, 1998), Affordable Housing Task Force (May 3, 1999), Zoning Bylaw Review Committee (May 12, 1999), Uncle Sam Committee (May 17, 1999), Fields and Playgrounds Task Force (May 19, 1999), Maintenance Study Committee (May 1, 2000), Alewife Brook Advisory Committee (May 15, 2000), Community Preservation Act Study Committee (May 21, 2001), Symmes Advisory Committee (May 21, 2001), Power Company Feasibility Committee (May 6, 2002), Community-Based Health Insurance Study Committee (April 30, 2003), Tree Committee (May 7, 2003), Post-Employment Medical Benefits Committee (May 17, 2004), Trust Fund Policies Committee (May 17, 2004), Information Technology Advisory Committee (May 17, 2004), Field Maintenance and Users Fee Study Committee (May 26, 2004), Symmes Neighborhood Advisory Committee (September 27, 2004), Private Way Procedures Committee (May 18, 2005), Symmes Neighborhood Committee (May 18, 2005), 200<sup>th</sup> Anniversary Committee (May 18, 2005), Explore Options for Additional Burial Spaces Committee (April 26, 2006), State Aid Task Force Committee (April 26, 2006), Part Time Elected Officials' Benefits Study Committee (May 1, 2006) G.I.S. Review Committee (May 10, 2006) and Comprehensive Fire Station Rebuilding Plan Committee (April 26, 2006) and Bus Shelters Study Committee (May 2, 2007); or take any action related thereto.

(Inserted at the request of the Town Moderator)

**ARTICLE 3**

**APPOINTMENT OF MEASURERS OF WOOD AND BARK**

To choose and appoint all the usual Town Officers not hereinbefore mentioned, in such a manner as the Town may determine; or take any action related thereto.

(Inserted by the Board of Selectmen)

**ARTICLE 4**

**ELECTION OF ASSISTANT TOWN MODERATOR**

To elect a Town Meeting Member as Assistant Moderator for a term of one year, as provided for in Title I, Article 1, Section 11, A, of the Bylaws; or take any action related thereto.

(Inserted at the request of the Town Moderator)

**ARTICLE 5 ZONING OR TOWN BYLAW AMENDMENT/SIGN PERMIT APPROVAL**

To see if the Town will vote to amend the Zoning Bylaw and/or the Town Bylaws so as to authorize the Planning Director to have the right of approval for all sign requests; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE 6**

**ZONING BYLAW AMENDMENT/NEON SIGNS**

To see if the Town will vote to amend the Zoning Bylaw so as to allow neon signs by sign permit or by special permit; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)



**ARTICLE 15**

**HOME RULE LEGISLATION/AFFORDABLE HOUSING COVENANTS**

To see if the Town will vote to request its representatives in the General Court to introduce legislation to authorize Affordable Housing Covenants that would make housing intended for people making up to 120% of median income to be permanently affordable; to file Home Rule Legislation so as to have same applied to the Town; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARTICLE 16**

**HOME RULE LEGISLATION/SUBDIVISION CONTROL LAW**

To see if the Town will vote to adopt Section 81K through 81GG of Massachusetts General Laws Chapter 41, the so-called Subdivision Control Law, and to file Home Rule Legislation if necessary to conform such acceptance with the provisions of the Town Manager Act for the Town of Arlington; or take any action related thereto.

(Inserted by the Board of Selectmen)

**ARTICLE 17**

**BYLAW AMENDMENT/ TITLE I, ARTICLE 1, SECTION 2**

To see if the Town will vote to amend the Bylaws, Title I, Article 1, Section 2, to provide that the Warrant for the Annual Town Meeting shall remain open until 60 days before the beginning of such meeting; or take any action related thereto.

(Inserted at the request of the Town Meeting Procedures Committee)

**ARTICLE 18**

**BYLAW AMENDMENT/TITLE I, ARTICLE 1, SECTION 7**

To see if the Town will vote to amend the Bylaws Title I, Article 1, Section 7, to add a provision to the effect that, with respect to resolutions and articles dealing with matters outside of the legislative powers of the Town, the Moderator may, in his or her discretion, limit the number of speakers, the time for speaking, and/or the total time for debate, notwithstanding the rules hereinbefore set forth; or take any action related thereto.

(Inserted at the request of the Town Meeting Procedures Committee)

**ARTICLE 19**

**ACCEPTANCE OF LEGISLATION/ BYLAW AMENDMENT/AFFORDABLE HOUSING TRUST**

To see if the Town will vote to accept Section 55C of Chapter 44 of the General Laws, and to amend the Bylaws, Title II, to add a sequentially numbered Article as follows:

**“Affordable Housing Trust Fund**

Section 1. Name of the Trust

The Trust shall be called the “Town of Arlington Affordable Housing Trust Fund.”

Section 2. Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Arlington for the benefit of low and moderate-income households. In furtherance of this purpose, the Trustees are hereby authorized, in accordance with the procedures set forth herein, to acquire by gift, purchase or otherwise, real property, personal property, or money, both tangible and intangible, of every sort and description; to use such property, both real

and personal, and money in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property and money held by the Trust and the net earnings thereof shall be used exclusively for the preservation and creation in the Town of Arlington of affordable housing for the purposes for which this Trust was formed.

Section 3. Tenure of Trustees

There shall be a Board of Trustees consisting of not less than seven Trustees who shall be appointed by the Board of Selectmen. One of the Trustees shall be a member of the Arlington Housing Authority. Only persons who are residents of the Town of Arlington shall be eligible to hold the office of Trustee. Trustees shall serve for a term of two years, except that two of the initial Trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Board of Selectmen. Any Trustee who ceases to be a resident of the Town of Arlington shall cease to be a Trustee hereunder and shall promptly provide a written notification of the change in residence to the Board and to the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. No such appointment shall be required so long as there are six Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

Section 4. Meetings of the Trust

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, G.L. Chapter 39, Sections 23A, 23B and 23C. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

Section 5. Powers of Trustees

The Board of Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of G.L. Chapter 44, Section 55C:

- A. with the approval of the Board of Selectmen, to accept and receive real property, personal property or money, by gift, grant, contribution, devise, or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any ordinance or bylaw or any general or special law, or any other source, including money from G.L. Chapter 44B;
- B. with the approval of the Board of Selectmen, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

- C. with the approval of the Board of Selectmen and Town Meeting, to sell, lease, exchange, transfer or convey any real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust real property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
- D. with the approval of the Board of Selectmen, to sell, lease, exchange, transfer, or convey any personal property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust personal property notwithstanding the length of any such lease or contract;
- E. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the Trust;
- F. to employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary;
- G. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- H. to apportion receipts and charges between income and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- I. with the approval of the Board of Selectmen, to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution, to vote any securities or certificates of interest, and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- J. with the approval of the Board of Selectmen, to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as that board, with the approval of the Board of Selectmen, may deem necessary and appropriate;
- K. to carry property for accounting purposes at other than acquisition date values;
- L. with the approval the Board of Selectmen and the approval of Town Meeting by a two-thirds majority vote, to incur debt, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, and to mortgage and pledge Trust assets as collateral;



- M. with the approval of the Board of Selectmen, to disburse Trust funds for the purpose of making loans or grants in furtherance of the creation or preservation of affordable housing in Arlington upon such terms as the Trustees shall deem most appropriate to carry out such purposes;
- N. to make distributions or divisions of principal in kind;
- O. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of G.L. Chapter 44, Section 55C, to continue to hold the same for such period of time as the board may deem appropriate;
- P. to manage or improve real property and, with the approval of the Board of Selectmen and Town Meeting, to abandon any property which the trustees determine not to be worth retaining;
- Q. to invest the funds of the Trust, and to hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate; and
- R. to extend the time for payment of any obligation to the Trust.

Section 6. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning by-law, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the board within one year of the date they were appropriated into the Trust, remain Trust property.

Section 7. Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

Section 8. Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is public employer and the Trustees are public employees for the purposes of G.L. Chapter 258. The Trust shall be

deemed a municipal agency and the Trustees special municipal employees for the purposes of G.L. Chapter 268A.

Section 9. Taxes

The Trust is exempt from G.L. Chapter 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.

Section 10. Custodian of Funds

The Town Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities.

Section 11. Governmental Body

The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of G.L. Chapter 39.

Section 12. Board of the Town

The Trust is a board of the Town for purposes of G.L. Chapter 30B and Section 15A of G.L. Chapter 40 but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

Section 13. Duration of the Trust

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Section 14. Execution of Documents

The Board of Selectmen may authorize the Trustees to execute, deliver, and record with the Registry of Deeds any documents required for any conveyance authorized hereunder, or to carry out the purposes and powers of the Trust.

Section 15. Titles

The titles of the various Sections herein are for convenience only and are not to be considered part of said Sections nor shall they affect the meaning or the language of any such Section.”; or take any other action related hereto.

(Inserted at the request of the Affordable Housing Task Force)

**ARTICLE 20 BYLAW AMENDMENT/EXCAVATION AND TRENCH SAFETY**

To see if the Town will vote to amend the Bylaws pursuant to the provisions of Massachusetts General Laws Chapter 82A related to excavation and trench safety, including without limitation the designation of a “permitting authority,” to determine a schedule of fees for such activities; or take any action related thereto.

(Inserted at the request of the Town Manager)

**ARTICLE 21 REVISE PERMANENT TOWN BUILDING COMMITTEE MEMBERSHIP**

To see if the Town will vote to change the membership of the Permanent Town Building Committee so as to conform said membership with state law; or take any action related thereto.

(Inserted at the request of the Permanent Town Building Committee)

**ARTICLE 22 BYLAW AMENDMENT/ALCOHOLIC BEVERAGES**

To see if the Town will vote to amend the Bylaws to allow restaurant patrons to be served alcoholic drinks without being served a meal; or take any action related thereto.

(Inserted at the request of Oakes Plimpton and 10 registered voters)

**ARTICLE 23 BYLAW AMENDMENT/ENTERTAINMENT**

To see if the Town will vote to amend the Bylaws to allow musical performances in the restaurants independent of the service of foods, and at a later hour than 10 p.m.; or take any action related thereto.

(Inserted at the request of Oakes Plimpton and 10 registered voters)

**ARTICLE 24 BYLAW AMENDMENT/NOISE ABATEMENT**

To see if the Town will vote to amend Article 12 “Noise Abatement” of Title V of the Bylaws by expanding the kinds of activities that are regulated under said Article, determine the penalty for violation thereof; or take any action related thereto.

(Inserted at the request of Jeanne Leary and 10 registered voters)

**ARTICLE 25 BYLAW AMENDMENT/LEAF BLOWER REGULATIONS**

To see if the Town will vote to amend the Bylaws to ban or otherwise regulate the use of leaf blowers, determine a fine for violations of said Bylaw; or take any action related thereto.

(Inserted at the request of Carol Band and 10 registered voters)

**ARTICLE 26 BYLAW AMENDMENT/SIDEWALK, CURB AND SCHOOL ROUTE SNOW REMOVAL**

To see if the Town will vote to amend the Bylaws and/or take any other necessary action so that the Town snow removal program includes the clearing of heavily used sidewalks, curb cuts and school routes to increase accessibility and pedestrian safety throughout the Town; or take any action related thereto.

(Inserted at request of Stephen Harrington and 10 registered voters)

**ARTICLE 27**

**BYLAW AMENDMENT/TITLE I, ARTICLE 18**

To see if the Town will vote to amend the Bylaws, Title I, Article 18, as follows:

1. By retitling said Article 18 as “Notices of Meetings and Submission of Minutes”
2. By adding a new Section as follows:
  - “Section 1. Notices of Meetings
    - A. All Town officials, Boards, Committees, and Commissions shall notify abutters and other persons determined by them to be interested, or any meeting or hearing at which an action may be considered which would affect the property rights or property values of such abutters or persons.
    - B. To effectuate the foregoing, each such official or body shall establish a process by which such notification will be made including the establishment of a listing of the current and correct names and addresses of all Town residents and property owners.”
3. By adding a new Section heading entitled “Submission of Minutes” and by identifying the present two paragraphs of said Article 18 as A. and B. respectively; or take any action related thereto.

(Inserted at the request of Jeanne Leary and 10 registered voters)

**ARTICLE 28**

**BYLAW AMENDMENT/CANINE CONTROL**

To see if the Town will vote to amend Article 2, Canine Control, of Title VIII, Public Health and Safety, of the Bylaws so as to allow dogs off leash at certain times and/or under certain conditions; or take any action related thereto.

(Inserted at the request of Susan Doctrow and 10 registered voters)

**ARTICLE 29**

**BYLAW AMENDMENT/DOGS MENOTOMY ROCKS PARK**

To see if the Town will vote to amend the Bylaws so as to prohibit the presence of dogs in Menotomy Rocks Park, determine the penalty for violations of such Bylaws; or take any action related thereto.

(Inserted at the request of David O’Rourke and 10 registered voters)

**ARTICLE 30**

**ESTABLISH COMMITTEE/HONOR OF MARGARET T. SPENGLER**

To see if the Town will vote to establish a committee to recommend ways to honor the memory of Margaret T. Spengler, to determine the committee’s membership and to establish a charge to it for its proposed responsibilities and duties; or take any action related thereto.

(Inserted at the request of the Board of Library Trustees)

**ARTICLE 31**

**HOME RULE LEGISLATION/SPECIAL LEGISLATION  
FOR NAME-CHANGE OF SCHOLARSHIP FUND**

To See if the Town will vote to request special legislation to effect a name-change of the Arlington Citizen’s Scholarship Fund – Dollars-for-Scholars Program; or take any action relating thereto.

(Inserted at the request of the Town Treasurer)

**ARTICLE 32**

**ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2009 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager)

**ARTICLE 33**

**AUTHORITY TO FILE FOR GRANTS**

To see if the Town will vote to give the Town Manager, the Board of Selectmen, the Superintendent of Schools, and the School Committee, the general authority to file applications and to accept grants from the Federal Government, the Commonwealth of Massachusetts and/or any grant-making organization/body during Fiscal Year 2009; or take any action related thereto.

(Inserted at the request of the Town Manager and the Superintendent of Schools)

**ARTICLE 34**

**HOME RULE LEGISLATION/REQUEST FOR LEGISLATION/  
ALL ALCOHOL LICENSES**

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would permit the placing on the 2009 Annual Election ballot the following question: “Shall the Board of Selectmen of the Town of Arlington be authorized to increase from the current number of 10 all alcohol restaurant licenses to 15 of such licenses”; or take any action related thereto.

(Inserted by the Board of Selectmen)

**ARTICLE 35**

**HOME RULE LEGISLATION/MATTHEW SILVA**

To see if the Town will vote to request and authorize the Board of Selectmen to file a Home Rule Petition with the General Court so as to permit Matthew Silva of 57 Moulton Road to apply for the position of Police Officer in the Town’s Police Department notwithstanding the fact that the Town has not accepted the provisions of Section 61A and 61B of Chapter 31 of the General Laws and further notwithstanding the fact that Mr. Silva’s age is in excess of 32 years; or take any action related thereto.

(Inserted at the request of Matthew Silva and 10 registered voters)

**ARTICLE 36**

**HOME RULE LEGISLATION/THOMAS WESLEY**

To see if the Town will vote to request and authorize the Board of Selectmen to file a Home Rule Petition with the General Court so as to permit Thomas Wesley of 42 Arnold Street to apply for the position of Police Officer in the Town’s Police Department notwithstanding the fact that the Town has not accepted the provisions of Section 61A and 61B of Chapter 31 of the General Laws and further notwithstanding the fact that Mr. Wesley’s age is in excess of 32 years; or take any action related thereto.

(Inserted at the request of Thomas Wesley and 10 registered voters)

**ARTICLE 37**

**HOME RULE LEGISLATION/JAMES CARNELL**

To see if the Town will vote to request and authorize the Board of Selectmen to file a Home Rule Petition with the General Court so as to permit James Carnell of 325 Gray Street to apply for the position of Firefighter in the Town’s Fire Department notwithstanding the fact that the Town has not accepted the provisions of Section 61A and 61B of Chapter 31 of the General Laws and further notwithstanding the fact that Mr. Carnell’s age is in excess of 32 years; or take any action related thereto.

(Inserted at the request of James Carnell and 10 registered voters)

**ARTICLE 38**

**HOME RULE LEGISLATION/MATTHEW EARLEY**

To see if the Town will vote to request and authorize the Board of Selectmen to file a Home Rule Petition with the General Court so as to permit Matthew Earley of 192 Spring Street to apply for the position of Firefighter in the Town’s Fire Department notwithstanding the fact that the Town

has not accepted the provisions of Section 61A and 61B of Chapter 31 of the General Laws and further notwithstanding the fact that Mr. Earley's age is in excess of 32 years; or take any action related thereto.

(Inserted at the request of Matthew Earley and 10 registered voters)

**ARTICLE 39 HOME RULE LEGISLATION/ROBERT GRIFFIN**

To see if the Town will vote to request and authorize the Board of Selectmen to file a Home Rule Petition with the General Court so as to permit Robert Griffin of 92 Franklin Street to apply for the position of Firefighter in the Town's Fire Department notwithstanding the fact that the Town has not accepted the provisions of Section 61A and 61B of Chapter 31 of the General Laws and further notwithstanding the fact that Mr. Griffin's age is in excess of 32 years; or take any action related hereto.

(Inserted at the request of Robert Griffin and 10 registered voters)

**ARTICLE 40 HOME RULE LEGISLATION/TARA R. DIAB**

To see if the Town will vote to request and authorize the Board of Selectmen to file a Home Rule Petition with the General Court as to permit Tara R. Diab of 131 Lowell Street #3 to apply for the position of Police Officer in the Town's Police Department notwithstanding the fact that the Town has not accepted the provisions of Section 61A and 61B of Chapter 31 of the General Laws and further notwithstanding the fact that Ms. Diab's age is in excess of 32 years; or take any action related hereto.

(Inserted by the Board of Selectmen)

**ARTICLE 41 APPROPRIATION/INCREASE IN ACCIDENTAL DEATH BENEFITS**

To see if the Town will vote to request and authorize the Board of Selectmen to file Home Rule legislation that would extend a benefit to the widows of deceased disabled Town employees who were qualified veterans of the armed services who died before the Town's acceptance of Chapter 157 of the Acts of 2005 which provided for a payment of fifteen dollars for each year of credible service up to \$300 per year for those employees retired under Section 7 of Chapter 32 of the General Laws or any other section of said law, determine how the money to fund same will be raised or expended; or take any action related thereto.

(Inserted at the request of the Contributory Retirement Board)

**ARTICLE 42 ACCEPTANCE OF LEGISLATION/SURVIVOR BENEFITS**

To see if the Town will vote to accept the provisions of M.G.L. c. 32, § 9(2) (d) (ii), which provides for an increase in the accidental death benefits payable to surviving eligible children of deceased members; or take any action related thereto.

(Inserted at the request of the Contributory Retirement Board)

**ARTICLE 43 APPROPRIATION/PENSION ADJUSTMENT FOR FORMER TWENTY-FIVE YEAR/ACCIDENTAL/DISABILITY EMPLOYEE**

To see if the Town will vote to appropriate a sum of money to implement the provisions of Chapter 32 of the Massachusetts General Laws Sections 90A, 90C, 90D and 90E, pursuant to which the Town pays up to fifty percent of the maximum salary as set forth in the Compensation and Pay Plan for the position formerly held by retired employees with twenty-five or more years of service to the Town and those employees who retired under an Accidental Disability; this adjustment to be paid to those who qualify, and administered in accordance with prior practice and



3. Special needs students;  
or take any action related thereto.

(Inserted at the request of the School Committee and the Superintendent of Schools)

**ARTICLE 49** **POSITIONS RECLASSIFICATION**

To see if the Town will vote to make additions, deletions and/or modifications to the Classification and Pay Plan, appropriate a sum of money to fund same if necessary, determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request of the Town Manager and the Director of Personnel)

**ARTICLE 50** **COLLECTIVE BARGAINING**

To see if the Town will vote to fund any fiscal items in the event that any are contained in collective bargaining agreements between the Town and the following named collective bargaining units, and to fund for non-union, M Schedule, and elected officials' salaries or fringe benefits, determine how the money shall be raised and expended; or take any action related thereto:

- A. Local 680, American Federation of State, County and Municipal Employees;
- B. Service Employees International Union (formerly NAGE);
- C. Robbins Library Professional Association;
- D. Local 1297, International Association of Firefighters;
- E. Arlington Patrolmen's Association;
- F. Arlington Ranking Police Officers' Association;
- G. M Schedule and non union employees; and
- H. Full-time elected officials.

(Inserted at the request of the Town Manager)

**ARTICLE 51** **FUNDING FUTURE COLLECTIVE BARGAINING**

To see if the Town will vote to establish a reserve for funding future collective bargaining agreements, to appropriate a sum of money for same, determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request of the Town Manager)

**ARTICLE 52** **REVOLVING FUNDS**

To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

**ARTICLE 53** **APPROPRIATION/TOWN BUDGETS**

To see if the Town will vote to make appropriations to defray Town obligations, liabilities, outlay and expenses and especially for or relating to all or any of the boards, departments, purposes and matters hereinafter mentioned, and to provide for the disposal of motor vehicles and other personal property belonging to the Town, determine how the money shall be raised and expended; or take any action related thereto:



Finance Committee, Board of Selectmen, Town Manager, Personnel, Comptroller, Town Treasurer and Collector of Taxes, Assessors, Information Technology, Legal and Worker's Compensation, Town Clerk, Registrars, Planning and Community Development, Redevelopment Board, Parking, Zoning Board of Appeals, Public Works, Highway, Snow and Ice Removal, Engineering, Properties, Natural Resources, Cemeteries and Sanitation, Community Safety, School Department, Libraries, Human Services, Insurance, Non-Contributory Pensions, Contributory Pensions, Town Debt and Interest, Reserve Fund, and/or any other Town Departments, Boards, Commissions or Committees, Water and Sewer Enterprise Fund, Recreation Enterprise Fund, Council on Aging Transportation Enterprise Fund, Veterans Memorial Rink Enterprise Fund, and Youth Services Enterprise Fund.

(Inserted by the Board of Selectmen at the request of the Town Manager and the Finance Committee)

**ARTICLE 54**

**CAPITAL BUDGET**

To see if the Town will vote to appropriate a sum of money to defray the expense of purchasing, leasing, or bonding of capital equipment, infrastructure, buildings or other projects of the Town or to acquire real property for municipal purposes; to appropriate a sum of money to fund previously incurred or future Town debt, to acquire land for said projects where necessary by purchase, eminent domain taking or otherwise determine how the money shall be raised including the possibility of borrowing any or all of the same, or the transfer of funds from any previous appropriation, determine how such money shall be expended; or take any action related thereto.

(Inserted by the Board of Selectmen and at the request of the Town Manager and the Capital Planning Committee)

**ARTICLE 55**

**APPROPRIATION/THOMPSON ELEMENTARY SCHOOL**

To see if the Town will vote to appropriate a sum of money for architectural design services as well as the cost of construction, remodeling, reconstruction or furnishing of the Thompson Elementary School, determine how the monies shall be raised and expended, including the possibility of borrowing all or some of same; or take any action related thereto.

(Inserted at request of the Permanent Town Building Committee)

**ARTICLE 56**

**ESTABLISH COMMITTEE/OUTDOOR SWIMMING POOL**

To see if the Town will vote to form a committee to study the feasibility of building a Recreational Center to include an outdoor swimming pool and other recreational uses, determine a charge to the committee as to its responsibility and duties, determine the membership thereof, to appropriate a sum of money to defray the expenses of said committee, determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request Carol Band and 10 registered voters)

**ARTICLE 57**

**APPROPRIATION/FINANCING OF CONSTRUCTION OR RECONSTRUCTION OF SEWERS AND SEWERAGE FACILITIES**

To see if the Town will vote to appropriate a sum of money for the purpose of financing the construction or reconstruction of sewers and sewerage facilities for inflow/infiltration reduction or system rehabilitation, including costs incidental and related thereto, and to determine how the appropriation shall be raised or expended, including the possibility of borrowing all or some of same; or take any action related thereto.

(Inserted at the request of the Town Manager and the Director of Public Works)

**ARTICLE 58** **APPROPRIATION/FINANCING OF CONSTRUCTION  
OR RECONSTRUCTION OF WATER MAINS AND WATER FACILITIES**

To see if the Town will vote to appropriate a sum of money for the purpose of financing the construction or reconstruction of water mains and water facilities, including costs incidental and related thereto, and to determine how the appropriation shall be raised and expended including the possibility of borrowing all or some of same; or take any action related thereto.

(Inserted at the request of the Town Manager and the Director of Public Works)

**ARTICLE 59** **RESCIND AUTHORITY TO BORROW**

To see if the Town will vote to rescind the authority to borrow for certain abandoned capital projects; or take any action related thereto.

(Inserted at the request of the Capital Planning Committee)

**ARTICLE 60** **APPROPRIATION/MINUTEMAN REGIONAL VOCATIONAL  
TECHNICAL HIGH SCHOOL**

To see if the Town will vote to appropriate a sum of money for the purpose of paying the Town's apportioned share of the operating and maintenance costs, including capital costs, of the Minuteman Regional Vocational Technical High School, determine how the money shall be raised and expended; or take any action related thereto.

(Inserted at the request of Minuteman Regional Vocational School District Committee)

**ARTICLE 61** **APPROPRIATION/TOWN CELEBRATIONS, ETC.**

To see if the Town will vote to appropriate a sum or sums of money to be expended under the direction of the Town Manager for the following celebrations and memorials, determine how the money shall be raised and expended; or take any action related thereto:

Veterans' Day Parade;

Memorial Day Observation and the Patriots' Day Celebration;

Display of American Flags on Massachusetts Avenue;

Placing of American Flags on the Graves of Veterans.

(Inserted at the request of the Town Manager)

**ARTICLE 62** **APPROPRIATION/COMMITTEES AND COMMISSIONS**

To see if the Town will vote to appropriate a sum or sums of money to be expended under the direction of various committees, commissions, and boards of the Town, determine how the money shall be raised; provided that any funds appropriated hereunder shall remain under the jurisdiction of said entities until expended at their direction, unless otherwise appropriated by the Town Meeting; the entities included hereunder, without limitation, are: Arlington Historical Commission, Arlington Recycling Committee, Avon Place Historic District Commission, Broadway Historic District Commission, Central Street Historic District Commission, Mt. Gilboa/Crescent Hill Historic District Commission, Jason/Gray Historic District Commission, Pleasant Street Historic District Commission, Russell Historic District Commission, Conservation Commission, Capital Planning Committee, Commission on Disability, Personnel Board, Public Memorial Committee, Human Rights Commission, and any other Town committee or commission; or take any action related thereto.

(Inserted at the request of the Town Moderator and the Finance Committee)

**ARTICLE 63                    APPRIOPRIATION/TRANPORTATION ADVISORY COMMITTEE**

To see if the Town will vote to carry over any unexpended balance of monies previously appropriated for the use of the Transportation Advisory Committee for Fiscal 2008-2009; or take any action related thereto.

(Inserted at the request of the Transportation Advisory Committee)

**ARTICLE 64                    APPROPRIATION/MISCELLANEOUS**

To see if the Town will vote the following:

Legal Defense – To appropriate a sum of money to replenish the Legal Defense Fund established under Article 13, Section 5 of Title I of the Town Bylaws; Out-Of-State Travel – To appropriate a sum of money for expenses incurred outside the Commonwealth and as described in the General Laws, Chapter 40, Section 5, Paragraph 34, said appropriation to be expended under the direction of the Board of Selectmen and the Town Manager; Indemnification of Medical Costs – To appropriate a sum of money in accordance with the provisions of Chapter 41, Section 100B of the General Laws, to indemnify certain retired Police Officers and Firefighters for all reasonable medical and surgical expenses which they incurred, determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request of the Town Manager)

**ARTICLE 65                    HOME RULE LEGISLATION/MAINTENANCE OF  
TOWN WATER BODIES**

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation that would establish a special fund into which may be appropriated a sum or sums of money to be utilized for the maintenance, treatment and oversight of the Town's water bodies within or without the confines of the Town, to appropriate a sum of money for such fund provided that is enacted into law, to determine how the money shall be raised and expended, including the possibility of borrowing some or all of same, and for the purpose of maintaining, treating and oversight of the Town's water bodies the sum of \$15,000 be and hereby is appropriated, said sum to be raised by the general tax and expended under the direction of the Town Manager; this appropriation is not contingent upon passage of the special legislation; or take any action related thereto.

(Inserted at the request of the Vision 2020 Standing Committee and the Vision 2020 Environment Task Group)

**ARTICLE 66                    APPROPRIATION/HARRY BARBER COMMUNITY SERVICE  
PROGRAM**

To see if the Town will vote to appropriate a sum of money to continue the Harry Barber Community Service Program, determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request of the Council on Aging)

**ARTICLE 67                    LOCAL OPTION TAXES**

To see if the Town will vote to accept any local option taxes or other revenue raising options, which are made available to cities and towns through enactments of the legislature; or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 68**

**APPROPRIATION/TIP FEE STABILIZATION FUND**

To see if the Town will vote to make an appropriation/transfer from the Tip Fee Stabilization Fund established by Chapter 8 of the Acts of 1998 for any purpose allowed by such act; or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 69**

**APPROPRIATION/TIP FUND MONIES**

To see if the Town will vote to revise the Town’s budgeting procedures so that “Tip Fund” monies will be hereafter recognized on an annual basis as revenues so to better reflect the actual expenditures within the town for the purposes of solid waste, recycling, yard waste and related services; or take any action related thereto.

(Inserted at the request of Gordon Jamieson and 10 registered voters)

**ARTICLE 70**

**TRANSFER OF FUNDS/CEMETERY**

To see if the Town will vote to transfer a sum of money to the Cemetery Commissioners for the improvement of Town cemeteries, said sum shall be taken from the Mt. Pleasant Cemetery “Sale of Lots and Graves Fund”; or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 71**

**APPROPRIATION/OVERLAY RESERVE**

To see if the Town will vote to appropriate a sum of money from previous years overlay reserve surplus accounts, determine to what purpose this appropriation shall be made; or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 72**

**APPROPRIATION/STABILIZATION FUND**

To see if the Town will make an appropriation to be added to the Fiscal Stability Stabilization Fund created under Article 65 of the 2005 Annual Town Meeting in accordance with the provisions of the General Laws, Chapter 40, Section 5B, as amended, or other appropriate provisions of law, determine how the money shall be raised and expended; or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 73**

**USE OF FREE CASH**

To see if the Town will vote to authorize the taking of a sum of money voted for appropriations heretofore made at the Town Meeting under the Warrant and not voted to be borrowed from available funds in the Treasury, and authorize the Assessors to use free cash in the Treasury to that amount in the determination of the tax rate for the Fiscal Year beginning July 1, 2008; or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 74**

**APPROPRIATION/MEDICARE PART D REIMBURSEMENTS**

To see if the Town will vote to apply Medicare Part D reimbursement payments as may be received by the Town during calendar year 2008 as an offset against the cost of Employee Healthcare Insurance for the fiscal year 2009.

Further, despite the application of these amounts as an offset against Employee Healthcare Insurance costs for FY09 that this action does not preclude the Town from appropriating an equal

amount of funds into the Town's OPEB (Other Post-Employment Benefit) account; or take any action related thereto.

(Inserted at the request of Gordon Jamieson and 10 registered voters)

**ARTICLE 75** **CONTRIBUTORY RETIREMENT BOARD REPORT**

To see if the Town will vote to require the Arlington Contributory Retirement Board to report in writing on an annual basis beginning no later than during the 2009 Annual Town Meeting, said report to include at minimum:

General Information

- Board membership and eligibility
- Board administrator and process for selection and periodic review thereof
- Investment consultant(s) and process for selection and periodic review thereof
- Annual CRB cost structure - Investments, consultants, administrator, board costs
- Discussion of relationship with Arlington Housing Authority

Report on the Arlington Contributory Retirement Fund Performance

- Year-end balance
- Return on investment on annual and average annual basis
- In depth comparison of Arlington system versus State retirement (PRIT/PRIM) system
- Detailed analysis of advantages and/or disadvantages of Arlington v. State system (in dollar amounts)
- Each of the above to be reported both retrospective (1yr, 5yr, 10yr & since inception) and prospective fashion

In particular the report should provide information on the relative 'cost of control' of an independent retirement system versus full incorporation into the State Contributory Retirement System (PRIT/PRIM); or take any action related thereto.

(Inserted at the request of Vision 2020 Fiscal Resources Task Group)

**ARTICLE 76** **SERVICES TO NON-PROFITS**

To see if the Town will vote to require the Town Manager to report annually to the Town, starting with the 2009 Annual Town Meeting, regarding the approximate cost of all services provided to nonprofits located within the Town. The report to include, but not be limited to, costs for the provision of trash removal and disposal services, and field maintenance and capital costs thereof. The only exception shall be non-profits that pay rent to the Town for the use of real estate, public space and like services; or take any action related thereto.

(Inserted at the request of Vision 2020 Fiscal Resources Task Group)

**ARTICLE 77** **APPROPRIATION/SPECIAL EDUCATION SERVICES**

To see if the Town will vote to revise the Town's budgeting procedures and budget future special education costs at a level 7% above the level of funds appropriated during the preceding fiscal year; or take any action related thereto.

(Inserted at the request of Gordon Jamieson and 10 registered voters)

.... (SIGNED)  
.... A true copy.

.... Attest:

....

....

....

....

....

....

.... RICHARD BOYLE

.... CONSTABLE

(SIGNED)

ANNIE LA COURT  
DIANE M. MAHON  
KEVIN F. GRELEY  
JOHN W. HURD  
CLARISSA ROWE

SELECTMEN  
OF THE  
TOWN  
OF  
ARLINGTON

## **HOW TO VOTE BY ABSENTEE BALLOT**

### **Reasons for voting absentee**

You may vote absentee if you are registered and will be unable to vote at the polls on Election Day because of

Absence from the Town  
Physical disability  
Religious beliefs

Illegal absentee voting is punishable by a fine of up to \$10,000 and up to five years in prison.

### **Applying for an absentee ballot**

You must apply for an absentee ballot from the Town Clerk no later than noon of the day before the election. Applications may be mailed or hand delivered and you may use any form of written communication (letter or postcard) or the official application form.

Include on the application

Your name as registered  
Your registration address  
Precinct, if you know it  
The precise address to which you wish the ballot sent  
Your own signature

### **Requesting to vote by mail**

A ballot will be sent to any address you specify including your own home. Be sure to apply early because the ballots must be sent by mail and may be returned by mail or hand delivered.

### **Requesting to vote in person**

If you prefer, you may request to vote in person before Election Day. You may vote at the Town Hall before Election Day at a time arranged with the Clerk, but application for your ballot must be made no later than noon of the day before the election. A voter may apply for an absentee ballot and then vote over-the-counter during the same visit.

### **Applying to vote if you are absent from the state, in the armed services or a prisoner**

Registered and unregistered residents of Massachusetts outside the state and residents on active duty in the armed forces and merchant marine and their spouses or dependents, and prisoners, may vote absentee. They may request an absentee ballot from the Town where they legally reside (if outside the U.S., where they resided last before leaving). In addition, a close relative may apply on their behalf in person at the Town Clerk's Office.

A parent of a registered voter who is a student at a Massachusetts college or university may apply for an absentee ballot on the student's behalf to the Town Clerk where the student is registered.

In all cases, unregistered voters must register in person when they return to the state, since this does not establish permanent registration.

**What if I am permanently physically disabled?**

If you are permanently physically disabled and cannot cast your vote at the polling place, you may file a letter from your physician with the Town Clerk, stating that you are permanently unable to cast your vote at the polling place because of physical disability. A completed application for an absentee ballot, for you to sign and return, must be mailed by the Town Clerk to you at least 28 days before every primary and election.

**NOTE:** Voters who are admitted to a health care facility after noon of the fifth day before an election may apply for an absentee ballot up until the polls close on the day of the election (rather than noon the day before the election) and must designate a person to hand deliver and return the absentee ballot.