

## INTRODUCTION

The Board of Selectmen is pleased to present its report to Town Meeting of its main motions under the following articles. These votes are the result of hearings conducted by the Board at which proponents and opponents of the various articles were heard. The Board has voted no action on several of the 10 registered voters articles since in some instances the requested action can be accomplished without a Town Meeting vote. The Board appreciates the proponents having brought these matters forward.

The Board would be remiss in not recognizing the excellent service provided by John Maher during his 33-year tenure as Arlington's Town Counsel. John will be retiring at the end of Town Meeting, and we wish him well in all future endeavors.

The Board knows that the Town Meeting will give fair and serious consideration to all of the important issues raised by the various articles. The Board wishes the Town Meeting well in its deliberations and stands ready to respond to any questions or comments concerning these articles.

All votes are unanimous unless otherwise indicated.

### **ARTICLE 15                      HOME RULE LEGISLATION/AFFORDABLE HOUSING COVENANTS**

**VOTED:**        That the Board of Selectmen be and hereby is Authorized to file the following Home Rule Petition:

**“An Act to Establish Long-Term Affordable Housing Covenants in the Town of Arlington.**

**Section 1:**        There is a housing crisis in Arlington resulting in housing prices that far exceed affordability for its current residents. And it is the Town's housing policy to increase the number of affordable housing units, and encourage retention of affordability in its housing units for the longest term allowed by law.

**Section 2:**        Notwithstanding any provisions of general or special laws to the contrary, the Arlington Redevelopment Board is designated as the agency authorized to create, administer and enforce Arlington Housing Covenants subject to the approval of the Board of Selectmen. These Covenants shall run with the land for a specified number of years or in perpetuity and shall be executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to occupancy by persons or families of low or moderate income in either rental or other housing or (b) restricting the resale price of all or part of the property in order to ensure its affordability by future low and moderate income purchasers or (c) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or ensuring the creation or

**retention of rental and other housing for occupancy by low and moderate income persons and families.**

**Section 3: For purposes of this Act “low and moderate income persons and households” shall mean persons or households earning less than 120% of median household income in the Boston-Cambridge-Quincy, MA HUD Metro FMR area as set forth in guidelines currently in effect or as may hereafter be amended by the United State Department of Housing and Urban Development.**

**Section 4: This Act shall take effect upon its passage.”**

**COMMENT:** This article was submitted by the Redevelopment Board. Its purpose is to extend the period of time that affordable housing covenants can be enforced particularly for the Symmes project. Ordinarily, affordable housing restrictions are perpetual rather than the 30-year period for which most land restrictions can be enforced. However, since 120% of median household income does not generally qualify for the perpetual affordable housing restriction, this legislation is necessary. A member of the Planning Department will provide more information.

**ARTICLE 16 HOME RULE LEGISLATION/SUBDIVISION CONTROL LAW**

**VOTED: That the Board will report to Town Meeting under Article 16.**

**COMMENT:** This article proposes the acceptance of Sections 81k through 81gg of Chapter 41 of the General Laws, the Subdivision Control Law. It was submitted by the Board of Selectmen. Currently the Town deals with the laying out of ways for new developments in the Town through the Board of Selectmen acting in its capacity as the Board of Survey pursuant to legislation enacted in 1897. It is abundantly clear that this process has become outmoded due to the very limited powers available to the Board of Survey. Acceptance of the Subdivision Control Law would afford the Town much more leeway in controlling these developments. Rather than being limited to review of only the location, direction, width and grade of roadway, the Town, acting through the Redevelopment Board in its capacity as the Planning Board, could take a much broader view so as to be able to consider such matters as flooding, impact on the neighborhood environmental concerns and other matters. However, there are certain provisions of the Subdivision Control Law, which may not be desirable for the Town. Therefore, the Board has directed the Town Counsel to draft a Home Rule Petition, which will take certain aspects of the Subdivision Control Law and utilize other appropriate land-use provisions so as to make them a better fit for the Town. The Town Counsel will consult with interested parties and land use consultants. The Board will present a recommended vote in a supplemental report to Town Meeting on this matter.



interest of proceeding to those matters over which the Town Meeting has control. The Committee will make a presentation on this matter to Town Meeting.

**ARTICLE 19 ACCEPTANCE OF LEGISLATION/BYLAW AMENDMENT/  
AFFORDABLE HOUSING TRUST**

**VOTED: That no action be taken under Article 19 of the Warrant. (5-0)**

**COMMENT:** This article was submitted at the request of the Redevelopment Board and is largely sponsored by the Planning Department and its Affordable Housing staff. The proposed article has much to recommend it. The principal focus of the article would be the acceptance of permissive legislation that would permit the Town to establish a trust to serve as a vehicle for collecting available grants and donations for the purpose of expending same for affordable housing purposes. Many communities have adopted this legislation and established this kind of trust with considerable success, although the majority of them, unlike Arlington, have adopted the Community Preservation Act and utilized some of those funds to fund the trust. The trust would establish a Board of Trustees appointed by the Board of Selectmen who would be chosen for their enthusiasm and expertise in this area. The trust, with the approval of the Board of Selectmen and Town Meeting, could acquire real property and dispose of it in furtherance of the trust's goals. However, there are some concerns regarding the Town's potential liability if such trust were adopted. The Board shares the concern of the Finance Committee about these liability issues. The Board believes that it is appropriate to postpone until next year further consideration of this matter so that these issues can be addressed and resolved. There currently exists legal authority for the Town to accept any such grants and donations and to expend same for affordable housing purposes.

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

**VOTED: That Article VI of the Bylaws be and hereby is amended by inserting a new article to provide as follows:**

**Article 8. Trench Safety**

**Section 1 Pursuant to the provisions of M.G.L. c. 82A, the Town hereby adopts and incorporates by reference the regulations of the Division of Occupational Safety as promulgated under 520CMR14.00 as same may be from time to time amended. The Director of the Department of Public Works shall serve as the permitting authority and may promulgate additional regulations consistent with such state enactments. The Town Manager shall promulgate a reasonable fee to defray the cost of**

**the issuance and administration of said permit.**

**Section 2 If the Director of the Department of Public Works is notified of an unattended trench during a time when the permit holder is unavailable, and the Director determines that a police detail is required to make the trench safe for the protection of the general public, the permit holder shall be assessed and be responsible to the Town for the cost of providing the police detail.**

**Section 3 In the event that the Town determines that a trench is unattended and unsafe, the Director of Public Works may take such action to backfill, barricade or cover the trench and the permit holder shall be assessed the costs associated with the action, including any overtime costs for Department of Public Works employees or the Department-authorized contractors.**

**Section 4 Whenever a permit holder is making multiple trenches over the course of a single project, the Town may choose to issue a blanket permit allowing the permit holder to add to the list of trench locations as the permit holder becomes aware that a trench is required. The permit holder shall advise the Director of the addition of each new trench.**

**Section 5. If any of the foregoing provisions are held invalid such invalidity shall not affect the validity of any remaining provision.**

**(5-0)**

**COMMENT:** This article was submitted at the request of the Town Manager. The State Department of Public Safety has promulgated new regulations that require all municipalities to enact bylaws that would govern the excavation of any trenches within the Town. The governing statute is M.G.L. c. 82A. Summarized, the bylaw would require the obtaining of a permit for anyone excavating any trenches in Town with particular attention to protections when the trenches are unattended.

The Town itself would be required to abide by such regulations if Town personnel excavated a trench. The regulations define what a trench is and what it is not such as excavation for a building foundation. The regulations require a shutdown of trench sites if no permit has been issued. The Town can charge a permit fee to defray the cost of administering the activity. Violations of the regulations would be subject to fines. All trenches in public ways, public property and privately owned land are required to have a

permit. The suggested permitting authority would be the Director of Public Works, who currently issues street-opening permits. The process is begun by the filing of an application to excavate a trench with evidence of a bond or insurance coverage. The information required on the application would include a dig safe number, the name to contact for information of the permit applicant, the name of the excavator if different from the permit holder, the specific location of the trench, insurance information and statements by the applicant concerning his or her familiarity with the regulation and the cognate OSHA regulation. The primary consideration is to make sure that safeguards are in place such as fences or other kinds of barriers or covers to protect against individuals falling into unattended trenches.

**ARTICLE 21 PERMANENT TOWN BUILDING COMMITTEE MEMBERSHIP**

**VOTED: That Article 80 of the 1969 Annual Town Meeting establishing the Permanent Town Building Committee be and hereby is further amended as follows:**

**“In the event of any renovation, construction or reconstruction of any Town school, the school principal of the school to be renovated, constructed or reconstructed shall serve as an *ex officio* member of the Committee.**

**(5-0)**

**COMMENT:** The Massachusetts Local Building Authority has enacted a new regulation, which recommends that certain individuals serve on that local body that oversees construction of local schools. The Town has had such a committee since 1969 and for the most part the recommended members already serve on the Permanent Town Building Committee. Both the Permanent Town Building Committee and the Board believe that it would make sense to have as a member the principal of any school in order to provide information and recommendations as to the particular needs and concerns of that school. This has been the customary practice. The bylaw amendment would simply codify this practice.

**ARTICLE 22 BYLAW AMENDMENT/ALCOHOLIC BEVERAGES**

**VOTED: That no action be taken under Article 22 of the Warrant.**

**(4-0)**

**Mr. Greeley absent**

**COMMENT:** This is a 10 registered voters article that would amend the Bylaws so as to permit the service of alcoholic drinks without the necessity of the consumption of a meal, which is currently not legal for Town restaurants. Town Counsel has advised that the authority over alcoholic beverages is solely within the discretion of the Board of Selectmen as licensing authority under the General Laws. Moreover, such a bylaw would

be contrary to the provisions of the special legislation, which permits the Selectmen to issue both all-alcohol and beer and wine licenses.

**ARTICLE 23** **BYLAW AMENDMENT/ENTERTAINMENT**

**VOTED:** That no action be taken under Article 23 of the Warrant. (4-0)  
Mr. Greeley absent

**COMMENT:** This was a 10 registered voters article that requests an amendment to the Bylaws, which would permit musical performances in restaurants independent of the service of food. Again, this is in the sole discretion of the licensing authority for common victuallers, namely, the Board of Selectmen. The Board has frequently granted these kinds of licenses. Any restaurant wishing to provide such entertainment is encouraged to apply to the Board for such permission.

**ARTICLE 24** **BYLAW AMENDMENT/NOISE ABATEMENT**

**VOTED:** That no action be taken under Article 24 of the Warrant. (5-0)

**COMMENT:** This 10 registered voters article raises some concerns about potentially noxious noises particularly in the Summer Street area. The Board has referred this matter to the Noise Abatement Study Committee who has been asked to report back to the Board its findings so that these concerns might be dealt with at a future Town Meeting.

**ARTICLE 25** **BYLAW AMENDMENT/LEAF BLOWERS**

**VOTED:** Article 12 “Noise Abatement” of Title V of the bylaws shall be amended by adding a new Section 5 to follow the present Section 4 but to precede the present Section 5. The present Section 5 and higher numbered sections shall be renumbered accordingly. The new Section 5 shall be as follows:

**Section 5 Leaf Blowers**

- A. The use of leaf blowers is prohibited on Sundays and legal holidays and is prohibited on all other days except between the hours of 7:00 a.m. and 8:00 p.m. on Mondays through Fridays, and between the hours of 8:00 a.m. and 8:00 p.m. on Saturdays. These time limits do not apply to the use of leaf blowers when being used to perform emergency operations or for clean up associated with storms, hurricanes and the like.**
- B. No leaf blower shall be used within the Town unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 65 dB(A) as measured at a distance of 50 feet from the leaf blower.**

**Furthermore, Subsection J of Section 2 of Article 12 of Title V shall be amended by adding the following words at the end of the sentence: “other than leaf blowers”.**

**(5-0)**

**COMMENT:** The Board supports a favorable recommendation under this article submitted by 10 registered voters. The Board agrees with the proponents that the utilization of leave blowers, if not regulated, will continue to cause considerable excessive noise in many neighborhoods in the Town. The Board is grateful to the Noise Abatement Study Committee for their assistance in fashioning a new bylaw. The Committee looked to several other communities as to the manner in which those communities regulate leaf blowers. The Board recommends favorable action.

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

**VOTED: That no action be taken under Article 26 of the Warrant.**

**(5-0)**

**COMMENT:** This is a 10 registered voters article, which proposes a bylaw amendment to require the Town to plow certain sidewalks on main thoroughfares in the vicinity of Town schools. Although the Board is recommending no action, it nonetheless believes that the points raised by the proponents have merit. The Board agrees with the proponents that the Town needs to do a better job in plowing a limited number of sidewalks to enhance public safety and will be looking at various options and costs for enhancing this snow removal effort. The Board’s Snow and Ice Committee as well as the Transportation Advisory Committee will devote considerable attention to this very important issue. The Town appreciates the proponents of this article and in particular Stephen Harrington for bringing this matter forward. At the present time the Public Works Department does not have the necessary equipment or personnel to perform this work. The Director has committed to applying what resources are available to clearing school ramps at key intersections. The Director of Public Works will provide more information at Town Meeting.

**ARTICLE 27: BYLAW AMENDMENT/TITLE I, ARTICLE 18**

**VOTED: That Title I General Government of the Bylaws be and hereby is amended by inserting a new Article 20 entitled Notice to Abutters to provide as follows:**

**“Article 20 Notice to Abutters, which shall be the responsibility of the Town Manager to notify all abutters and within his discretion other residents and businesses in the neighborhood of any planned construction of Town owned buildings when such construction is likely to have a detrimental impact as to noise, traffic or other effects of such construction or reconstruction. The purpose of such notification will be to forewarn said residents and business in order**



**that they may participate with Town officials on minimizing such detrimental impacts.”**

**(4-0)**

**Mr. Greeley absent**

**COMMENT:** This article was submitted by 10 registered voters. The article itself was more far-reaching in that it proposed that whenever any Town board or commission were to consider any actions that might impact the real estate values in the neighborhood that prior notification to such abutters would be made prior to such action being taken. The article although clearly well intended would be impossible to implement. For instance, one never knows beforehand for sure what issues will be discussed at various meetings. Who would have to make the determination as to what action might affect property values? Who would determine which abutters should be notified? The administration of this bylaw would clearly inhibit boards and commissions from taking timely action.

The Board, however, agrees that at least with regard to Town projects that the neighborhood should be alerted so that the people therein can be involved in a discussion with Town officials as to how detrimental impacts can be minimized.

**ARTICLES 28 and 29: BYLAW AMENDMENT/CANINE CONTROL**

**VOTED: That no action be taken under Articles 28 and 29 of the Warrant.**

**(5-0)**

**COMMENT:** Both Articles 28 and 29 were submitted by 10 registered voters. The Board is keenly aware that the issue of dogs in public parks and playgrounds is an issue of tremendous concern to many citizens of the Town. It has been the subject of intense discussion for several years by both proponents and opponents. Article 28 would seek to amend the Bylaws to modify the leash law so as to permit dogs to be off leash at certain times and under certain conditions. On the other hand, the proponents of Article 29 seek to prohibit the presence of dogs, leashed or otherwise, within the confines of Menotomy Rocks Park. The Board wishes to balance the competing interests sincerely held on both sides of this issue.

In recent months a committee called the Green Dog Committee led by Selectman Clarissa Rowe and Park Commission Chairman Leslie Mayer have met with interested parties in an attempt to strike some sort of balance. This would take into account both of the dog owners' concerns, which would give these owners more latitude in having their dogs off-leash, and those citizens who have objections to the presence of dogs in some areas for various reasons such as public health and safety, which would prefer increased control of dogs. This committee continues its deliberations with a goal of finalizing recommendations in time for submission of a warrant article to the 2009 Annual Town Meeting. The Board suggests that the Town Meeting defer any considerations of any bylaw amendments until then.



**ARTICLE 34**

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

**VOTED:** That the Board of Selectmen be and hereby is requested and authorized to file for Home Rule Legislation that will provide substantially as follows.

**“AN ACT TO INCREASE THE NUMBER OF ALL-ALCOHOL LICENSES FOR RESTAURANTS IN THE TOWN OF ARLINGTON.**

**Section 1.** Notwithstanding any general or special law to the contrary including without limitation Sections 11A and 17 of Chapter 138 of the General Laws and Chapter 29 of the Acts of 2006 the Board of Selectmen in the Town of Arlington shall cause to be placed upon the official ballot used in the Town of Arlington at its annual Town Meeting to be held in the year 2009 the following question:

**‘Shall the Board of Selectmen be authorized to grant an additional five licenses for a total of fifteen for the sale therein of all alcoholic beverages by restaurants and function rooms having a seating capacity of not less than 50 persons?’**

Yes

No

**Section 2.** If a majority of the votes cast in said Town in answer to said question is in the affirmative, said Town shall be taken to have increased from ten to fifteen the number of licenses in the Town of all alcoholic beverages to be drunk on the premises of restaurants and function rooms having a seating capacity of not less than 50 persons. Said fifteen licenses shall be subject however, to all the other provisions of said Chapter 138, except those that provide for a limitation as to the number of licenses permitted or the wording of the question posed to the voters.

**Section 3.** The Board of Selectmen of the Town of Arlington is hereby authorized to and shall include a summary of the aforesaid question to be printed on the ballot along with the question as stated in Section 1.

**Section 4.** This Act shall take effect upon its passage.”

**(4-0)**

**Mr. Greeley absent**

**COMMENT:** The Board has issued to date 8 of the presently available 10 all-alcohol restaurant licenses in the Town. Voters in the Town have at this most recent election reduced the minimum seating capacity from 99 to 50 so as to benefit many of the smaller restaurants in Town. It is well known that the availability of liquor licenses enhances the profit margin of eating establishments. The Board strongly believes that the availability of all-alcohol and unlimited beer and wine licenses has helped make Arlington a very popular destination for diners in the Greater Boston area with the

intended effect of increasing foot traffic to the benefit of other merchants in the Town's commercial areas.

**ARTICLE 35** **HOME RULE LEGISLATION/MATTHEW SILVA**

**VOTED:** That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide as follows:

**“AN ACT TO PERMIT TOWN RESIDENT, MATTHEW SILVA, TO TAKE THE CIVIL SERVICE TEST FOR THE POSITION OF POLICE OFFICER IN THE TOWN OF ARLINGTON.**

**Section 1** Notwithstanding the provisions of any special or general law to the contrary including without limitation Chapter 31 of the General laws, the Civil Service Law, Matthew Silva, a resident of the Town of Arlington is eligible to take the civil service examination and be appointed to the position of Police Officer notwithstanding the fact that he has attained the age of 32. The authority under this act will expire on December 31, 2010.

**Section 2** This act will take effect upon its passage.”

**(3-1)**

**Mr. Greeley absent**

**Ms. LaCourt voted in the negative**

(Mr. Silva is 33 years old.)

**COMMENT:** This comment should be understood to apply to Articles 35 through 40. Each is a 10 registered voters article that requests that the Town Meeting authorize the Board of Selectmen to file Home Rule Legislation that would permit each of the named proponents to take the Civil Service examination for either police officer or firefighter in the Town notwithstanding the fact that each is older than 32 years of age. State Civil Service Law specifies that no individual will be eligible for appointment to the position of firefighter or police officer if they are older than 32 years of age unless the city or town has adopted certain other provisions of the Civil Service Law concerning physical fitness standards. There are many factors, which militate against the acceptance of these provisions, which have been persuasive over the years to Town officials in that the adoption of same would not be in the interests of the Town. All of the Police Chiefs, Fire Chiefs and Town Managers of the Town who have considered this matter have been strongly opposed to said adoption. Although there are many individuals over the age of 32 who are quite capable of performing the strenuous activities, which these positions entail, it is nonetheless true that these positions are for young individuals. The Town invests a great deal of money in training individuals for these jobs and the Police Chief and Fire Chief, therefore, considers such training expense a long-term investment.

There is also a concern that individuals who occupy nonpublic safety positions in the public sector with relatively long tenure could seek employment as a police officer or firefighter, and after serving a relatively short time, retire at a much higher rate than the

previous nonpublic safety position that he or she occupied. Additionally any imposition of physical fitness standards would have to be negotiated with the respective unions.

The Town Counsel is concerned that if such age limitation were abandoned, that the Town might be exposed to age-discrimination suits if an older individual were to be turned down for appointment for reasons unrelated to his or her age. The removal of this restriction could adversely affect the Town retirement system since older applicants could retire after vesting in the system without having made substantial contributions to the system during their relatively short tenure.

The Board has taken the position that each individual should be judged on his or her own merits. Various Boards of Selectmen over the years have taken the position that each individual be afforded the opportunity to address Town Meeting in an attempt to persuade the meeting that their qualifications are such to merit this exemption. It is important to understand that if an exemption is voted, it does not necessarily mean such an individual will be appointed. He or she would still be required to pass all other Civil Service prerequisites including a physical fitness test.

**ARTICLE 36 HOME RULE LEGISLATION/THOMAS WESLEY**

**VOTED: That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide as follows:**

**“AN ACT TO PERMIT TOWN RESIDENT, THOMAS WESLEY, TO TAKE THE CIVIL SERVICE TEST FOR THE POSITION OF POLICE OFFICER IN THE TOWN OF ARLINGTON.**

**Section 1 Notwithstanding the provisions of any special or general law to the contrary including without limitation Chapter 31 of the General laws, the Civil Service Law, Thomas Wesley, a resident of the Town of Arlington is eligible to take the civil service examination and be appointed to the position of Police Officer notwithstanding the fact that he has attained the age of 32. The authority under this act will expire on December 31, 2010.**

**Section 2 This act will take effect upon its passage.”**

**(3-1)**

**Mr. Greeley absent**

**Ms. LaCourt voted in the negative**

(Mr. Wesley is 34 years old.)

**ARTICLE 37**

**HOME RULE LEGISLATION/JAMES CARNELL**

**VOTED:** That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide as follows:

**“AN ACT TO PERMIT TOWN RESIDENT, JAMES CARNELL, TO TAKE THE CIVIL SERVICE TEST FOR THE POSITION OF FIREFIGHTER IN THE TOWN OF ARLINGTON.**

**Section 1** Notwithstanding the provisions of any special or general law to the contrary including without limitation Chapter 31 of the General laws, the Civil Service Law, James Carnell, a resident of the Town of Arlington is authorized to take the civil service examination and be appointed to the position of Firefighter notwithstanding the fact that he has attained the age of 32. The authority under this act will expire on December 31, 2010.

**Section 2** This act will take effect upon its passage.”

**(3-1)**

**Mr. Greeley absent**

**Ms. LaCourt voted in the negative**

(Mr. Carnell is 35 years old.)

**ARTICLE 38**

**HOME RULE LEGISLATION/MATTHEW EARLEY**

**VOTED:** That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide as follows:

**“AN ACT TO PERMIT TOWN RESIDENT, MATTHEW EARLEY, TO TAKE THE CIVIL SERVICE TEST FOR THE POSITION OF FIREFIGHTER IN THE TOWN OF ARLINGTON.**

**Section 1** Notwithstanding the provisions of any special or general law to the contrary including without limitation Chapter 31 of the General laws, the Civil Service Law, Matthew Earley, a resident of the Town of Arlington is authorized to take the civil service examination and be appointed to the position of Firefighter notwithstanding the fact that he has attained the age of 32. The authority under this act will expire on December 31, 2010.

**Section 2** This act will take effect upon its passage.”

**(3-1)**

**Mr. Greeley absent**

**Ms. LaCourt voted in the negative**

(Mr. Earley is 33 years old.)

**ARTICLE 39**

**HOME RULE LEGISLATION/ROBERT GRIFFIN**

**VOTED:** That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide as follows:

**“AN ACT TO PERMIT TOWN RESIDENT, ROBERT GRIFFIN, TO TAKE THE CIVIL SERVICE TEST FOR THE POSITION OF FIREFIGHTER IN THE TOWN OF ARLINGTON.**

**Section 1** Notwithstanding the provisions of any special or general law to the contrary including without limitation Chapter 31 of the General laws, the Civil Service Law, Robert Griffin, a resident of the Town of Arlington is authorized to take the civil service examination and be appointed to the position of Firefighter notwithstanding the fact that he has attained the age of 32. The authority under this act will expire on December 31, 2010.

**Section 2** This act will take effect upon its passage.”

(3-1)

Mr. Greeley absent

Ms. LaCourt voted in the negative

(Mr. Griffin is 37 years old.)

**ARTICLE 40**

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

**VOTED:** That the Town does hereby request and authorize the Board of Selectmen to file Home Rule Legislation to provide as follows:

**“AN ACT TO PERMIT TOWN RESIDENT, TARA R. DIAB, TO TAKE THE CIVIL SERVICE TEST FOR THE POSITION OF POLICE OFFICER IN THE TOWN OF ARLINGTON.**

**Section 1** Notwithstanding the provisions of any special or general law to the contrary including without limitation Chapter 31 of the General laws, the Civil Service Law, Tara R. Diab, a resident of the Town of Arlington is authorized to take the civil service examination and be appointed to the position of Police Officer notwithstanding the fact that he has attained the age of 32. The authority under this act will expire on December 31, 2010.

**Section 2** This act will take effect upon its passage.”

(3-1)

Mr. Greeley absent

Ms. LaCourt voted in the negative

(Ms. Diab is 44 years old.)





for the allowance paid to disabled retirees and dependants of employees who have died of a Town work-related injury. This vote was forwarded to the Public Employee Retirement Administrative Commission and approved for Arlington and many other Boards in the Commonwealth. Apparently, the original 1987 law dealing with this matter was only for the approval of Section 7 and not for Section 9. Section 7 authorizes retirement allowances for Town employees retired for job-related disabilities. Section 9 provides for death benefits for survivors of such injured employees. Chapter 64 of the Acts of 2006 corrected this by allowing local Boards to adopt this with the approval of the Selectmen and the Town Meeting. Due to the confusion engendered by these changes the allowance has been paid anyway in Arlington and in many other communities. If this law is not adopted, then the three current Town dependents, and any future dependents similarly situated, will only receive \$312 a year instead of the \$648 annually that they are currently receiving. In addition, they will not be able to receive any increases when future cost-of-living increases are granted.

A representative of the Retirement Board will be present to provide more information and explanation.

**Article 48**

**PERMISSIVE LEGISLATION**

**VOTED: That no action be taken under Article 48 of the Warrant.**

**COMMENT:** At the time of the printing of this report no desirable local option amendments of the Legislature have been passed into law. If any such amendments are made prior to the vote by Town Meeting on this article, then a substitute motion will be offered.

**ARTICLE 52**

**REVOLVING FUNDS**

**VOTED: That the Town does hereby reauthorize the following Revolving Funds. (5-0)**

Private Way Repair established under Article 46 of the 1992 Annual Town Meeting

Expenditures not to exceed \$200,000	
Beginning Balance	\$27,790.12
Receipts	11,819.69
Expenditures	15,461.50
Balance, 7/1/07	\$24,148.31

Public Way Repair established under Article 45 of the 1992 Annual Town Meeting

Expenditures not to exceed \$50,000	
Beginning Balance	\$1,559.21
Receipts	0.00
Expenditures	0.00
Balance, 7/1/07	\$1,559.21

Fox Library established under Article 49 of the 1996 Annual Town Meeting

Expenditures not to exceed \$20,000

Beginning Balance	\$6,365.70
Receipts	4,837.00
Expenditures	2,224.22
Balance, 7/1/07	\$8,978.48

Robbins House established under Article 77 of the 1997 Annual Town Meeting

Expenditures not to exceed \$75,000

Beginning Balance	\$6,616.17
Receipts	39,420.00
Expenditures	41,382.98
Balance, 7/1/07	\$4,653.19

Conservation Commission established under Article 44 of the 1996 Annual Town Meeting –expenditures not to exceed \$50,000

Beginning Balance	\$2,726.07
Receipts	211.00
Expenditures	0.00
Balance, 7/1/07	\$2,937.07

Uncle Sam established under Article 31 of the 2000 Annual Town Meeting

Expenditures not to exceed \$2,000

Beginning Balance	\$ 359.48
Receipts	0.00
Expenditures	0.00
Balance, 7/1/07	\$ 359.48

Life Support Services established under Article 37 of the 2001 Annual Town Meeting

Expenditures not to exceed \$400,000

Beginning Balance	\$ 73,325.54
Receipts	170,737.33
Expenditures	134,320.82
Balance, 7/1/07	\$ 109,742.05

Board of Health Fees established under Article 30 of the 2005 Annual Town Meeting

Expenditures not to exceed \$50,000

Beginning Balance	\$39,035.30
Receipts	22,240.93
Expenditures	23,114.32
Balance, 7/1/07	\$38,161.91

Field User Fees- Established under Article 78 of the 2004 Annual Town Meeting

Expenditures not to exceed \$40,000

Beginning Balance	\$10,769.50
Receipts	00.00

Expenditures	00.00
Balance, 7/1/07	\$10,769.50

Robbins Library Rental – Established under Article 35 of the 2006 Annual Town Meeting

Expenditures not to exceed \$15,000	
Beginning Balance	800.00
Receipts	1,000.00
Expenditures	729.39
Balance, 7/1/07	1,070.61

Town Hall Rental – Established under Article 35 of the 2006 Annual Town Meeting

Expenditures not to exceed \$75,000	
Beginning Balance	488.79
Receipts	15,070.00
Expenditures	13,283.30
Balance, 7/1/07	2,275.49

White Goods Recycling – Established under Article 35 2006 Annual Town Meeting

Expenditures not to exceed \$75,000	
Beginning Balance	0.00
Receipts	66,729.95
Receipts 7/1-12/31/07	29,051.39
Expenditures 7/1-12/31/07	23,169.02

**COMMENT:** This is the usual housekeeping article to receive the reports on the expenditures and receipts of the various Town revolving funds and to reauthorize same.

**ARTICLE 56 ESTABLISH COMMITTEE/OUTDOOR SWIMMING POOL**

**VOTED:** That the Town does hereby establish a committee to be appointed by the Board of Selectmen to study the feasibility of building an outdoor swimming pool or other recreational facility, said committee to report to the Board of Selectmen, Finance Committee, and the 2009 Annual Town Meeting concerning same. The Board shall appoint a member of the Finance Committee, Board of Health, the Director of Recreation, a member of the Park Commissioners, the Town Manager or his designee, a member of the Disability Commission and three citizens of the Town.

(5-0)

**COMMENT:** This is a 10 registered voters article, which proposes the establishment of a committee that would look at the feasibility of adding to the Town’s quality of life by establishing these very desirable recreational amenities. The Board obviously is aware of the severe fiscal constraints under which the Town labors, but sees





**ARTICLE 76**

**SERVICE TO NON PROFITS**

**VOTED: That no action be taken under Article 76 of the Warrant.**

**(5-0)**

**COMMENT:** This article was submitted at the request of the Vision 2020 Fiscal Resources Task Group. It would require the Town Manager to report on the approximate cost of all the services the Town provides to non-profit entities in the Town. The implication apparently is that given the very tight financial state of the Town, these services should be limited or curtailed. The Town Manager reports that it would be nearly impossible to calculate in any meaningful fashion what the costs of Town services are for the well over 100 non-profits that exist in the Town. More importantly, the Board believes that whatever the costs of the services the Town provides is more than outweighed by the benefits these entities provide to the social fabric of the Town. A no-action vote is urged.

**ARTICLE 77**

**APPROPRIATION/SPECIAL EDUCATION SERVICES**

**VOTED: That no action be taken under Article 77 of the Warrant.**

**(5-0)**

**COMMENT:** This article was submitted by 10 registered voters and asks Town officials to revise its budgeting procedures so as to limit special education costs to no more than a 7% annual increase. The School Committee is the only entity that can make decisions about special education budgeting. Special education costs are both state and federally mandated. Part and parcel of the Town's adoption of the so-called Lyons' Five-year Financial Plan was the adoption of certain assumptions on percentage of budget increases in various categories. The adoption of any favorable action under this article, even if it were legally enforceable, would run afoul of those assumptions. A no-action vote is recommended.