

**TOWN OF ARLINGTON
MASSACHUSETTS**

**REPORT OF THE
BOARD OF SELECTMEN**



**TO THE
SPECIAL TOWN MEETING
WEDNESDAY, APRIL 27, 2005**

8:00 P.M.



JOHN W. HURD, CHAIRMAN
KATHLEEN KIELY DIAS, VICE-CHAIRMAN
KEVIN F. GREELEY
DIANE M. MAHON
ANNIE LACOURT

(Inserted at the request of Arlington Redevelopment Board)

VOTED: That the Town does hereby authorize the Board of Selectmen to do all things necessary and appropriate to abolish and release a certain forty foot Right of Way in favor of the Town located on the Symmes Hospital site which entered from Summer Street near Grove Street, being more particularly described in Certificate of Title No. 2000.53, Registration Book 1130, Page 103 and shown on Plan 589 filed in Certificate No. 618 in Registration Book 2, Page 445 at the Middlesex South Registry of Deeds.

(5-0)

COMMENT: The purpose of this vote would be to remove a certain cloud on the title of the Symmes site and is consistent with the vote under Article 6 of the 2004 September Special Town Meeting which dealt with the removal of certain impediments on the title. The Town has no further use for this Right of Way since the property will now be privately owned.

ARTICLE 4 HOME RULE PETITION LEGISLATION/SYMMES SITE

To see if the Town will vote to authorize and request the Board of Selectmen to file home rule legislation that would authorize the creation of a special account into which all revenue generated by the Town from the Symmes project, including without limitation, tax revenues from the site, would be placed and further said legislation would authorize payment without further appropriation from the account to retire bonded indebtedness or other expenses related to the acquisition, maintenance and operation by the Town of the site, or take any action or related thereto.

(Inserted at the request of the Symmes Advisory Committee)

VOTED: That the Town does hereby request and authorize the Board of Selectmen to file a Home Rule petition with the legislature that would provide substantially as follows:

**AN ACT AUTHORIZING THE TOWN OF ARLINGTON
TO ESTABLISH A SPECIAL ACCOUNT IN REGARD TO
THE SYMMES CONSERVATION AND IMPROVEMENT
PROJECT.**

Section 1

Notwithstanding the provisions of Chapter 44 of the General Laws, or any other general or special laws to the contrary, the Town of Arlington shall establish a special account into which all revenues generated by the sale of the Symmes site and any other revenue as provided in the land disposition agreement by and between the Arlington Redevelopment Board acting pursuant to the authority granted to it under Chapter 121B of the General Laws and Symmes Redevelopment Associates, LLC. Such revenue shall be deemed to include any fees and property taxes

generated to the Town from the site development excluding building permit fees. All such revenue shall be utilized by the Treasurer of the Town to amortize current debt service for all bond or bond anticipation notes authorized by the Treasurer and the Board of Selectmen for the project without further appropriation. Current year revenue amounts in excess of current year debt service requirements as defined by the Treasurer and Board of Selectmen shall be transferred from time to time at the discretion of the Treasurer and Board of Selectmen to the general fund of the Town. The account will be extinguished when all such debt expenses have been satisfied as determined by the Director of the Bureau of Accounts who may exercise such other oversight as the Director deems appropriate.

Section 2

Notwithstanding any provision of Chapter 59 of the General Laws or any other special or general law to the contrary the principal and interest due on debt amounts authorized by the vote of the Town on March 31, 2001 and expended in furtherance thereof shall not be added to the tax rate except when the funds provided for in Section 1 hereof are insufficient to amortize in any given year the maturing debt and interest then the amount of said insufficiency shall appear on the tax rate.

Section 3

This Act will take effect upon passage.

(5-0)

COMMENT: This precise vote was unanimously approved by the September 20, 2004 Special Town Meeting, which dealt primarily with the Symmes project. It is a Home Rule Petition to establish a special account into which all tax revenues, the sale price, and all other revenues with the exception of building permit fees will be deposited so that these funds can go immediately to pay down the debt associated with the purchase and maintenance of the Symmes site. It is hoped that sufficient revenues will be realized so that to the extent possible, the project costs can be kept off the tax rate. Since this was passed at a Special Town Meeting the Legislature requires its refiling in order for it to receive favorable consideration. A reaffirmation of the vote is requested.

ARTICLE 5 TRANSFER APPROPRIATIONS/FISCAL 2005 BUDGET

To see if the Town will vote to transfer any appropriations contained in the fiscal year 2005 budgets, or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTED: That the Board of Selectmen will report to the April 27, 2005 Special Town Meeting.

(5-0)

COMMENT: This article was inserted at the request of the Town Manager. He may wish to request transfers amongst various Town budgets as the fiscal year comes to a close. At the time of the printing of this report no such transfers requests have not been finalized. The Manager or the Finance Committee may request such transfers when this article comes before Town Meeting.

ARTICLE 6 PUBLIC MEMORIAL COMMITTEE REVIEW

To see if the Town will respectfully request the Board of Selectmen and School Committee to submit their recent decisions, those being to rename Reeds Brook and to name the sports stadium at Peirce Field, to the Town of Arlington Public Memorial Committee for review and approval as called for in Article 4, Title 2 of the Town of Arlington Bylaws, or take any action related hereto.

(Inserted at the request of 100 registered voters)

VOTED: That the Board of Selectmen will report to Town Meeting under Article 6 of the Warrant.

(5-0)

COMMENT: The Board has not yet finalized its position under this Article and will provide same when it is finalized.