

**TOWN OF ARLINGTON  
MASSACHUSETTS**

**SUPPLEMENTAL REPORT OF THE  
BOARD OF SELECTMEN**



**TO THE  
2005 ANNUAL TOWN MEETING**

**CORRECTED 4/28/2005**



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

**SUPPLEMENTAL REPORT OF THE  
BOARD OF SELECTMEN TO THE 2005 ANNUAL TOWN  
MEETING AND APRIL 27, 2005 SPECIAL TOWN MEETING  
*CORRECTED APRIL 28, 2005***

At the time of the printing of the Board's initial report to Town Meeting, which has a blue cover, the Board had not yet finalized all of its proposed main motions to the Town Meeting. The Board wishes now to present its recommended votes under Articles 22, 35, 59 and 60 as well as a proposed amendment to the recommended vote under Article 4 of the April 27, 2005 Special Town Meeting. They follow.

1. **Article 22 – Bylaw Amendment News Racks**

VOTED: That Article 1 of Section 31 News Racks of Title III of the Bylaws be and hereby is amended by adding a new Subsection G to be denoted "Condos" to provide as follows:

**"Subsection G Condos**

**There shall be a pilot program effective July 1, 2006 whereby the Town shall install, subject to the approval of the Capital Planning Committee and the 2006 Annual Town Meeting (for inclusion in fiscal year 2007 Capital Budget), three street furniture condos, one each in Arlington Heights, Arlington Center and East Arlington at such locations as determined by the Town Manager after consultation with the News Racks Study Committee. The cost of each condo will be amortized over a five-year period by the establishment of a fee from the operator of each news rack in Town in an annual amount calculated to defray the Town's cost of such purchase."**

**And further voted the News Racks Study Committee is authorized and directed to work with all operators as defined in Subsection B of Section 31 in such a manner as to make such program effective.**

COMMENT: The Board recommends the adoption of the above-referenced vote so that the News Racks Study Committee can engage the various operators of news racks

in Town to consider the implementation of a pilot program that would require in three locations in Town the placement of news racks in street furniture structures called condos, thus making a more aesthetically pleasing street scene than currently exists. The actual appropriation for the condos will be presented to the Capital Planning Committee for approval and to the 2006 Annual Town Meeting in the capital budget. When the exact costs are known, the Committee will propose that the Bylaws be amended to provide for a permit fee calculated to reimburse the Town over a five-year period for the cost of these enclosures. The above vote will give some credibility to the News Rack Study Committee in their approach to the operators of these news racks in an effort to work together cooperatively to give this program a try.

2. **Article 35 – Private Ways Procedures**

VOTED: **That Article 3 Repairs to Private Ways of Title III of the Bylaws be and hereby is amended as follows:**

1. **In Section 3 Criteria a new subsection F “Public Safety” so that as amended Section 3 shall provide as follows:**

**Section 3. Criteria**

**The Board shall in making its determination as to the advisability of making temporary repairs take into consideration the following factors:**

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

**E. Such other considerations that the Board deems appropriate.**

**F. Public safety.** (Underline not to appear in final version).

2. Amend Section 6 Assessment of Costs by striking out the words, “two-thirds deposit” in the first sentence of the second paragraph and substituting therefor “one-third deposit” so that said sentence as amended provides as follows:

**“A one-third deposit of the total estimated cost of the completion of the repair project shall be required before any work can be commenced.”**

3. and by further amending Article 3 by adding a new Section 7 Collection of Apportioned Share to provide as follows:

**“Section 7 Collection of Apportioned Share”  
The Board of Selectmen before authorizing any repairs shall adopt a formal Betterment Order which shall require each abutter to pay his/her property’s unpaid apportioned share of the repair cost over a five-year period to include interest at 5 percent or 2 percent above the cost (including Town oversight and administration costs) of any bond issue issued to fund the repair in question whichever amount is higher. The Assessors in conjunction with the Town Tax Collector will commit such amount to the respective abutter’s property tax bill and the Engineering Division of the Public Works Department will cause same to be recorded at the Registry of Deeds so that same runs with the land.”**

4. and further that the existing Section 7 Liability is renumbered as Section 8.
5. and further voted that the Town Meeting hereby establishes a Private Way Repair Study Committee whose membership shall include one member of the Board of Selectmen, the Town Treasurer, the Town Counsel, the Director of Public Works and one citizen appointed by the Board of Selectmen who lives on a

**private way. The charge of the Private Way Repair Study Committee will be to examine the efficiency and procedures of the private way repair program and make recommendations as appropriate to the Board of Selectmen, Town Manager and Town Meeting.**

COMMENT: There will be two recommended votes under Article 35 of the Warrant dealing with private ways repairs. Article 3 of Title III of the Bylaws permits the Town or its contractor to enter on to private ways to make repairs provided that two-thirds of the abutters thereto petition the Board of Selectmen to make such repairs. The above motion by the Board would make some important changes in order to make this somewhat moribund process more viable and effective. When a petition is received by the Board signed by two-thirds of the abutters the Engineering Division calculates an estimate of the cost of same. If the Board votes to proceed, then the abutters must put down two-thirds of the cost and same deposited in the Public Ways Revolving Fund and the remainder apportioned to each abutter in their respective share. The proposed new procedure outlined above would reduce the up-front amount from two-thirds to one-third of the cost so as to make the process more affordable and available to private ways abutters. Since any money collected when such apportioned share is placed on a tax bill must go to the General Fund, an additional vote requesting funding is necessary. The proposed new Section 7 will tighten up the collection procedures and ensure that the Town realizes sufficient interest to offset administrative costs associated with such procedures. The Finance Committee will also have a recommended vote under this article requesting bonding authorization.

3. **Article 59 – Permissive Legislation**

VOTED: **That no action be taken under Article 59 of the Warrant.**

COMMENT: This is the usual article that is inserted in each Annual Warrant so that the Town Meeting could consider the adoption of any permissive legislation that might pass the legislature that would benefit the Town. Since none has passed to date, a no-action vote is appropriate. The Board reserves the right to revisit this vote if any such legislation passes.

4. **Article 60 – Local Option Taxes**

VOTED: **That no action be taken under Article 60 of the Warrant.**

COMMENT: Please see Comment under Article 59 above. As of the date of the printing of this report, no such local option taxes have been passed by the legislature.

5. **Article 4 – April 27, 2005 Special Town Meeting/Symmes Home-Rule Legislation**

VOTED: That the following sentence be added at the end of Section 1 appearing on Page 3 of the Selectmen’s recommended vote.

**“Payment for all expenses related to the project shall be paid at the discretion of the Director of Planning subject to the approval of the Redevelopment Board.”**

COMMENT: A concern has been raised that the legislation proposed is ambiguous as to who is authorized to make expenditures related to the Symmes project. Although the Town Counsel believes that same was made clear in the Town Meeting vote relating to bond proceeds expenditures at prior Town Meetings, he raises no objection to the inclusion of the above.