



Town of Arlington, Massachusetts
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2004 Selectmen's Report to Town Meeting

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 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.

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 other action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That, John A. FitzMaurice, 17 Lakeview, be and hereby is appointed Measurer of Wood and Bark until the next Annual Town Meeting

(5-0)

ARTICLE 4 ELECTION OF ASSISTANT MODERATOR

To elect a Town Meeting Member as Assistant Moderator for a term of one year, as provided in Title I, Article 1, Section 11, A, of the By-Laws.

(Inserted at the request of the Town Moderator)

VOTED: The Moderator will conduct an election for the position of Assistant Moderator which was created by a Bylaw amendment last year. The text of the Bylaw is as follows:

“Section 1. Assistant Moderator

- A. Election. Each year at the Annual Town Meeting, the Town Meeting Members shall elect one of their number to serve as Assistant Moderator for a term of one year, or until his or her successor is elected and qualified.
- B. Duties. Whenever the Moderator is unavailable, the Assistant Moderator shall preside at Town Meeting. In addition, the Assistant Moderator shall assist the Moderator in the performance of his or her other duties, as the Moderator may direct.”

(5-0)

COMMENT: This Bylaw was passed by the Town Meeting last year at the request of the Town Moderator. The Bylaw is self-explanatory, and the Board is certain that the Moderator will speak to it. The Moderator will conduct an election to fill this position under this Article.

ARTICLE 15 BYLAW AMENDMENT/TEMPORARY SIGNS II

To see if the Town will vote to amend the Town Bylaws to establish a special permit process, under authority of the Park & Recreation Commission and School Committee, to allow for the temporary display of advertising/sponsorship signs under an established set of rules and conditions at athletic fields under their control or take any related action thereto.

(Inserted at the request of the Park & Recreation Commission)

VOTED: That Article 1 Use of Areas Under Control of Park Department and Article 2 Use of Areas Under Control of the School Department of Title IV of the Bylaws be and hereby are amended to provide a new Section 11 under Article 1 and new Section 9 under Article 2 to provide as follows: (The following amends Article 1, Section 11, however, the same language shall be used to provide for a new Section 9 under Article 2 but with a different section reference.)

“Section 11. Permit for Advertising Signs

The Park and Recreation Commission and the School Committee may issue permits for a fee not to exceed \$75.00 to allow the placement of temporary advertising signs on the Town’s athletic fields. Such signs would be allowed by said commission and said committee depending upon their respective jurisdictions. The permit(s) shall be at the sole discretion of the commission and the committee and may only be granted to Arlington public or private school athletic teams, the recreation department, Arlington Youth Sport organizations and Arlington residents coordinating a special event fundraising for a charitable organization. The commission and the committee may make appropriate regulations regulating the issuance of such permits consistent with this Bylaw. This provision shall supersede any contrary provisions of Article 1 Billboards and Signs of Title V of these Bylaws.”

(3-2)

(Ms. Mahon and Mr. Lyons voted in the negative)

COMMENT: The intent of this Bylaw provision is to provide revenue to the Town in the approximate amount of \$10,000 generated from the issuance of permits, albeit some of which will be derived from Town departments. To the extent that fees are charged to Town departments they would be handled in a gray bill fashion, which in effect is a transfer of funds between departments. The principal purpose, however, of the proposed amendment would be to enable the users of the fields to solicit funds from local businesses who would pay for the privilege of placing tasteful advertising signs on the various fences on Town playing fields. All such fees given to Town government organizations would go to the General Fund and perhaps be later identified for appropriation for much needed maintenance of Town fields. All such funds enuring to the benefit of private organizations would augment their operating funds and thus contribute to their continued viability. Many such organizations exist on shoe string budgets.

Mrs. Dias, Mr. Greeley and Mr. Hurd believe that any revenue, however modest, generated for the Town coffers is beneficial. They also believe that the fees charged to the groups using the fields would provide funds to offset their operating expenses and in this way help such organizations remain financially viable.

Mr. Lyons is of the view that the process proposed is not worth the administrative oversight that the plan would require. Mrs. Mahon is of the view that private groups would prefer to do their own fundraising without having to solicit funds under this provision. She also believes that following through with this provision would pit some private organizations against each other in attempting to secure funding.

The Park Commission will provide further information regarding this article. The last sentence is required since signs such as these are arguably prohibited by Article 1 of Title V of the Bylaws relating to signs and billboards. A change to the zoning Bylaw would also be required since the display of signs in Open Space districts, in which most playing fields exist, do not permit the display of advertising signs of any kind. If an affirmative vote is taken under Article 30, this article (if passed) will need to be reconsidered to change the new section from 11 to 12.

ARTICLE 16

ABANDONMENT OF EXTERIOR LINES

To see if the Town will vote to abandon the exterior lines at 874 – 880 and 980 Massachusetts Avenue in support of the redevelopment of the site by Boston Federal Savings Bank, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That the Town hereby votes to abandon the exterior lines at 874 – 880 and 980 Massachusetts Avenue.

(5-0)

COMMENT: Exterior Lines are lines shown on a plan that the Town has previously voted on a particular public way. The purpose of exterior lines is to preclude any building of structures within the exterior lines of a Town street which would hinder the widening of that street. The Town established exterior lines on Massachusetts Avenue in the 1920s and 30s in the belief that Massachusetts Avenue would be widened for its entire length within the Town. Such widening has occurred in many portions of the avenue. The abandonment of lines at the above-referenced addresses would facilitate the development of a new Boston Federal Bank branch to be built on 874 – 880 Massachusetts Avenue. The abandonment would permit the developer to place the development close to Massachusetts Avenue within the existing exterior lines so as to provide an effective space buffer for the residents behind the development on Lockeland Avenue. The site at 980 Massachusetts Avenue will see the destruction of the existing branch and the placement of the house presently to the east of Hodgdon Noyes and other development. In like fashion the abandonment of exterior lines would permit the placement of these structures as far as possible away from residences on Mt. Vernon Street. The Redevelopment Board has suggested this action as part of their Environmental Design Review process. It may make sense for the Town to eventually abandon all exterior lines on Massachusetts Avenue. There are many existing encroachments of exterior lines up and down the avenue. Since the further widening of Massachusetts Avenue is unlikely, the Town Meeting may wish to abandon these lines sometime in the future. This vote would abandon the lines only for these two projects.

ARTICLE 19

BYLAW AMENDMENT/SNOW REMOVAL-RESIDENCES

To see if the Town will vote to amend Section 24, “Snow Removal – Residences” of Article 1 “Public Ways” of Title III of the Bylaws by replacing “fine of \$10 per day” with “fine of \$25 per day”, or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That the Town hereby amends Section 24 “Snow Removal – Residences” of Article 1 ‘Public Ways’ of Title III of the Bylaws by replacing ‘\$10.00’ with ‘\$25.00’ so that as amended Section 24 shall provide as follows:

“The owner or occupant of any residentially zoned land abutting a paved sidewalk in the Town shall cause all snow and ice to be removed from said sidewalk by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within eight hours between sunrise and sunset after such snow and ice have come upon the sidewalk. Only so much of said sidewalk that shall afford a space wide enough to accommodate the passage of two pedestrians shall be required. Violations of this section shall be punishable by a fine of \$25.00 per day that the snow and ice are not so removed.”

(5-0)

COMMENT: The Board has noticed that many residences, condominium complexes, apartment buildings and businesses in the Town have not been abiding by the snow removal provisions of Sections 24-26. Many such owners have been insufficiently encouraged to comply due to the relatively low level of the fine of \$10.00 for residential use and \$20.00 for businesses. The Board, therefore, believes that an increase to \$25.00 is warranted for all residential uses and \$50.00 for business uses. Articles 20 and 21 seek an increase in the respective fine levels. Article 20 proposes an increase for condominium complexes and apartments from \$10.00 to \$25.00 per day. Article 21 proposes an increase from \$20.00 per day to \$50.00 per day for businesses.

ARTICLE 20

BYLAW AMENDMENT/SNOW REMOVAL APARTMENTS/CONDOMINIUMS

To see if the Town will vote to amend Section 25, “Snow Removal – Apartments/Condominiums” of Article 1 “Public Ways” of Title III of the Bylaws by replacing “fine of \$10 per day” with “fine of \$25 per day”, or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That the Town hereby amends Section 25 “Snow Removal/Apartments/Condominiums” of Article 1 “Public Ways” of Title III of the Bylaws by replacing “\$10.00” with “\$25.00” so that as amended Section 25 shall provide as follows:

“The owner of any residential property utilized for apartment house or multi unit condominium use that abuts a paved sidewalk in the Town shall cause all snow and ice to be removed from said sidewalk by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within eight hours between sunrise and sunset after such snow and ice have come upon the sidewalk. Only so much of said sidewalk that shall afford a space wide enough to accommodate the passage of two pedestrians shall be required. Violations of this section shall be punishable by a fine of \$25.00 per day that the snow and ice are not so removed.”

(5-0)

COMMENT: See comment under Article 19.

ARTICLE 21**BYLAW AMENDMENT/SNOW REMOVAL/BUSINESSES**

To see if the Town will vote to amend Section 26, "Snow Removal – Businesses" of Article 1 "Public Ways" of Title III of the Bylaws by replacing "fine of \$20 per day" with "fine of \$50 per day", or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: "That Section 26 of Article 1 of Title III of the Bylaws be and hereby is amended by striking out the figure \$20.00 and substituting therefore \$50.00 so that as amended the Bylaw shall provide as follows:

'The owner or occupant of any land abutting upon a sidewalk of a public way in this Town which said property is used for business purposes other than farm business shall cause all snow and ice to be removed from said sidewalk by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within the first three hours between sunrise and sunset after such snow and ice have come upon such sidewalk. Violations of this section shall be punishable by a fine of \$50.00 per day that the snow and ice are not so removed.'

(5-0)

COMMENT: See comment under Article 19.

ARTICLE 22**BYLAW AMENDMENT/PUBLIC WAYS**

To see if the Town will vote to add a new Section under Article 1 "Public Ways" of Title III as follows:

"No person, except an officer or employee of the Town shall place or throw or cause to be placed or thrown on to any public sidewalk, street, fire hydrant, or highway any snow, dirt, gravel or foreign substance or material. Violations of this section shall be punishable by a fine of \$25 per day that the material is not removed. The Board of Selectmen is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized; the Board is also authorized to exempt citizens upon petition showing demonstrable extreme hardship due to health and/or financial duress", or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That Article 1 'Public Ways' of Title III of the Bylaws be and hereby is amended by adding a new Section 33 Prohibition Against Obstructing Public Ways to provide as follows:

"Section 33. Prohibition Against Obstructing Public Ways.

No person, except an officer or employee of the Town shall place or throw or cause to be placed or thrown on to any public sidewalk, street, fire hydrant, or highway any snow, dirt, gravel or foreign substance or material. Violations of this section shall be punishable by a fine of \$25.00 per day if the material is not removed. The Board of Selectmen is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized; the Board is also authorized to exempt citizens upon petition showing demonstrable extreme hardship due to health and/or financial duress".

(5-0)

COMMENT: The Board is concerned about the practice of some residents of the Town, especially in the wintertime, throwing substances on the public ways or hydrants while clearing their property of snow or other materials that result in impediments to travel or access to fire hydrants. This article would address that issue.

ARTICLE 23 BYLAW AMENDMENT/REPAIRS TO PRIVATE WAYS

To see if the Town will vote to amend Article 3, Repairs to Private Ways of Title III of the Bylaws, or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That Article 3 Repairs to Private Ways of Title III of the Bylaws be and hereby is amended in Sections 2 and 6 as follows:

- A. In Section 2 by adding the words “thin asphalt overlays,” with a comma thereafter after the word “skim coating”;
- B. by deleting the last sentence of Section 2 which reads “Drainage shall not be included,” and substituting therefore the following: “Drainage may be included when necessary as determined by the Public Works Director, to prevent further erosion”, so that Section 2 as amended shall provide as follows:

“The Board may vote to direct the Town Manager to make temporary repairs to private ways. Temporary repairs shall be limited to the filling of potholes, temporary patching, skimcoating, thin asphalt overlays, armor coating and grading of dirt roadways providing however, in the case of said grading, the petitioners agree to enter into a contract with a private contractor or the Town to pave the roadway forthwith. Drainage may be included when necessary as determined by the Public Works Director in order to prevent further erosion.”

- C. By deleting the words “one-third deposit” and substituting the words “two-thirds deposit” as they appear in the second paragraph of Section 6 Assessment of Costs;
- D. By adding a new sentence after the existing second paragraph of Section 6 to provide as follows: “However, such apportionment, assessment and collection shall be limited to five years”;
- E. So that the second paragraph Section 6 as amended shall provide as follows:

“A two-thirds deposit of the total estimated cost of the completion of the repair project shall be required before any work can be commenced. All remaining costs shall be apportioned, assessed and collected on a per-property basis pursuant to the procedures provided in Chapter 80 of the General Laws, the Betterment Act, including the placing of liens on the affected property and the collection of apportioned costs by means of property tax collection. However, such apportionment, assessment and collection shall be limited to five years.”

(Emphasis by underlining supplied but will not appear in final version).

(5-0)

COMMENT: This article was submitted by the Board and proposes changes to the Private Ways Bylaw. The Private Ways Bylaw has existed generally in its present form since 1982. Section 6N of Massachusetts General Laws Chapter 40 permits cities and towns to enter on to private ways to perform minor repairs on these streets. Summarized the Town's Bylaw permits either the Town, or contractor hired by the Town, to make some repairs to private ways provided that two-thirds of the abutters petition the Board and that the projected cost of the repairs is paid by the abutters up front in at least one-third of the total amount. If 100 percent of the projected cost is not paid up front, then the remainder above one-third appears on the property addresses' tax bills over a 20-year period with 5 percent simple interest added each year. Many abutters on private ways have taken advantage of this procedure since it makes it more affordable to stretch out the payments in this fashion.

However, the stretching out of payments has had the effect of essentially making the Bylaw ineffective since any money paid over the course of time as a lien on the property does not go back into the private ways revolving fund but into free cash as a matter of municipal finance law. The Board suggests that rather than one-third of the projected costs being paid up front that two-thirds is a more prudent amount. The pay back period should be reduced to five years. If the Town Meeting agrees with these amendments, it will no doubt make it more difficult for some individuals abutting private ways to afford the work. On the other hand, the amount of the money in the revolving fund combined with the two-thirds deposit and the owners' shorter pay back period could serve to reinvigorate this now moribund option.

If the amendments are enacted, the Board would request that the Board of Assessors provide information of the amount collected as liens in the previous year. In this way the Board could ask the Town Meeting to appropriate out of free cash that same amount to be added to existing funds in the revolving fund. This would then make sufficient funds available for some repairs.

Finally, the Director of Public Works has suggested that the kinds of activities that can be undertaken by the Town such as skim coating, armor coating, etc. be expanded to include "thin asphalt overlays." This method, although still temporary in nature, will make for a better and more lasting repair. The Director has also suggested that the Town add drainage which would also increase the longevity of the repairs.

An affirmative vote is suggested.

ARTICLE 24 BYLAW AMENDMENT/RECREATION VEHICLES

To see if the Town will vote to amend the Bylaw to provide for the following:

Vehicles – Recreation

Section 1. Definitions:

"Recreation Vehicle", shall include the following types of registered or unregistered vehicles: motorized scooters, motorized skateboards, snowmobiles, all-terrain vehicles, go-carts, minibikes, and similarly styled vehicles.

"Motorized Scooter", any two-wheeled device that has handlebars, designed to be stood or sat upon by the operator, powered by an electric or gas "powered" motor that is capable of propelling the device with or without human propulsion.

"Motorized Skateboard", any four or eight-wheeled device that is designed to be stood or sat upon by the operator, which may or may not have an upright handlebar for steering, which is powered by an electric or gas "powered" motor that is capable of propelling the device with or without human propulsion.

“Way”, any public highway or private way laid out under authority of Massachusetts General Laws dedicated to public use, including but not limited to Town streets and sidewalks, or any area under the control of the Town of Arlington, Arlington School Department, or Redevelopment Board or body having like powers, including but not limited to school grounds, parks, playgrounds, and parking lots and cemeteries.

Section 2. Recreation Vehicles; Operation Regulations:

No recreational vehicle shall be operated upon any way in the Town of Arlington by any person under sixteen (16) years of age, nor at a speed in excess of twenty-five (25) miles per hour by any person, and no recreational vehicle shall be operated upon any way by any person not possessing a valid operator's license issued pursuant to General Laws Chapter 90, Section 8 or a learner's permit issued pursuant to General Laws Chapter 90 Section 8B, or by permit or license given by reciprocity to nonresidents under General Laws Chapter 90 Section 3 and Section 10, provided said Recreational Vehicle is registered by Massachusetts Department of Motor Vehicles.

Section 3. Exemptions:

The following recreational vehicles shall be exempt from the provisions of this By-Law:

- (a) Recreational Vehicles licensed by the Commonwealth of Massachusetts as Motor Vehicles,
- (b) Recreational Vehicles used by handicapped persons,
- (c) Equipment used for landscaping and snow removal,
- (d) Recreation Vehicles used by any governmental agency, and
- (e) Recreational Vehicles used during any declared emergency when authorized by the Chief of Police.

Section 4. Violations and Penalties:

Whoever violates the provisions of the By-Law shall be punished by a fine of \$100.00 for the first offense, and \$200.00 for the second offense, and \$300.00 for the third and each subsequent offense.

Any Recreational Vehicle being operated by a person under the age of sixteen (16) years may be confiscated by the Arlington Police Department and held at the Arlington Police Station until retrieved by a parent or guardian.

Section 5. Enforcement:

The Arlington Police shall enforce the provisions of this By-Law, or take any action related thereto.

(Inserted at the request of the Chief of Police)

VOTED: That Title VIII Public Health and Safety of the Bylaws

be and hereby is amended by adding a new Article 4

hereto to

provide as follows:

Article 4 Vehicles – Recreation

Section 1. Definitions:

“Recreation Vehicle”, shall include the following types of registered or unregistered vehicles: motorized scooters, motorized skateboards, snowmobiles, all-terrain vehicles, go-carts, minibikes, and similarly styled vehicles.

“Motorized Scooter”, any multi-wheeled device that has handlebars, designed to be stood or sat upon by the operator, powered by an electric or gas powered motor that is capable of

propelling the device with or without human propulsion.

“Motorized Skateboard”, any four or eight-wheeled device that is designed to be stood or sat upon by the operator, which may or may not have an upright handlebar for steering, which is powered by an electric or gas powered motor that is capable of propelling the device with or without human propulsion.

“Way”, any public highway or private way laid out under authority of Massachusetts General Laws dedicated to public use, including but not limited to Town streets and sidewalks, or any area under the control of the Town of Arlington, Arlington School Department, or Redevelopment Board or body having like powers, including but not limited to school grounds, parks, playgrounds, and parking lots and cemeteries.

Section 2. Recreation Vehicles; Operation Regulations:

No recreational vehicle shall be operated upon any way in the Town of Arlington by any person under sixteen (16) years of age, nor at a speed in excess of twenty-five (25) miles per hour by any person, and no recreational vehicle shall be operated upon any way by any person not possessing a valid operator’s license issued pursuant to General Laws Chapter 90, Section 8 or a learner’s permit issued pursuant to General Laws Chapter 90 Section 8B, or by permit or license given by reciprocity to nonresidents under General Laws Chapter 90 Section 3 and Section 10, provided said Recreational Vehicle is registered by Massachusetts Registry of Motor Vehicles.

Section 3. Exemptions:

The following recreational vehicles shall be exempt from the provisions of this By-Law:

- (a) Recreational Vehicles licensed by the Commonwealth of Massachusetts as Motor Vehicles,
- (b) Recreational Vehicles used by handicapped persons,
- (c) Equipment used for landscaping and snow removal,
- (d) Recreation Vehicles used by any governmental agency, and
- (e) Recreational Vehicles used during any declared emergency when authorized by the Chief of Police.

Section 4. Violations and Penalties:

Whoever violates the provisions of this By-Law shall be punished by a fine of \$100.00 for the first offense, and \$200.00 for the second offense, and \$300.00 for the third and each subsequent offense.

Any Recreational Vehicle being operated by a person under the age of sixteen (16) years may be confiscated by the Arlington Police Department and held at the Arlington Police Station until retrieved by a parent or guardian.

Section 5. Enforcement:

The Arlington Police shall enforce the provisions of this Bylaw, or take any action related thereto.

(5-0)

COMMENT: This Article was submitted at the request of the Chief of Police. The Chief is

concerned that recreational vehicles as defined in Section 1 above are becoming a substantial safety hazard for the users thereof and pedestrians. The Chief will speak further to this at Town Meeting.

ARTICLE 25

BYLAW AMENDMENT/DATA PROCESSING

ADVISORY BOARD

To see if the Town will vote to modify or rescind Title II, Article 5 of the Town Bylaws establishing a Data Processing Advisory Board, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That Article 5 of Title II of the Bylaws establishing a Data Processing Advisory Board is hereby repealed.

(4-0)

(Mr. Greeley absent)

COMMENT: The Board agrees with the proponents of this article that the duties of the Data Processing Advisory Board could be better handled by the proposed committee that the Town Meeting hopefully will support under Article 47. It might be more efficient to table Article 25 until it is known what action, if any, will be voted under Article 47. The vote under Article 47 will propose the establishment of a Bylaw Committee which will be charged with the present duties of the Data Processing Advisory Board amongst several other matters. It is clear that the establishment of the Data Processing Board in 1982 may have been adequate to address technological needs at that time. However, the spectacular advances in information technology since that time require a more detailed and sophisticated approach.

The present Article 5 relating to the Data Processing Advisory Board provides as follows:

Section 1. Membership

That the Town, pursuant to Section 23D of Chapter 41 of the General Laws, establishes a Data Processing Advisory Board consisting of nine voting members representing the various user groups of the data processing resource as follows: a representative of the Board of Selectmen, a business representative of the School Committee, an academic representative of the School Committee, the Town Treasurer and Collector of his designee, the Town Clerk or his designee, the Town Comptroller and Coordinator of Data Processing, a representative of the Finance Committee, a representative of the Board of Assessors and the Town Manager or his designee. Each representative shall serve at the pleasure of their respective appointing authorities. The Director of Data Processing shall be a non-voting member of the Board.

Section 2. Duties

The Board shall, no later than December 31, 1982, develop a formal plan for the implementation of a consolidated data processing department, which plan shall take into consideration both the concerns and objectives of Town departments with regard to Data Processing; and that the Board shall also provide advice to the Coordinator of Data Processing in such data processing activities as planning, facility management, staffing, and the setting of priorities; and that the board shall provide a

means of communication between user departments and a forum for the discussion of data processing requirements of user departments; and that the Board shall act as an Appeals Board to review disputes which may arise between user departments.

ARTICLE 26

BYLAW AMENDMENT/REVENUE MANUAL

To see if the Town will vote to amend the Town Bylaws Title IX, ENFORCEMENT AND FEES, by adding the following Article:

Manager Section 1. Town

It shall be the responsibility of the Town Manager to compile a manual consisting of all of the fees and charges of all departments of the Town. The fees shall be organized by the department or official responsible for setting such fee. The information shall consist of, but not limited to, the following: the official, board or department responsible for setting the fee, the statutory authorization, year when last revised and total amount raised in most recent fiscal year.

The Town Manager shall create this Manual by the 2005 Annual Town Meeting and update at least every two years thereafter. The Manual shall be posted on the Town website in an easily downloadable electronic format, or take any action related thereto.

(Inserted at the request of the Finance Committee)

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

(5-0)

COMMENT: This article was submitted by the Finance Committee. It proposes that the Bylaws be amended so as to require the Town Manager to compile a manual consisting of all fees and charges of all Town Departments as well as other tasks as outlined in the article. The Board has instructed the Manager to undertake this task and he has agreed to do so. Therefore, no bylaw amendment will be necessary. The Chairman of the Finance Committee supports this approach.

ARTICLE 27

BYLAW AMENDMENT/DOG PARKS

To see if the Town will vote to amend Section 2 of Article 2 Canine Control of Title VIII of the Bylaws by inserting the following sentence after the phrase "except a dog when restrained by a leash not exceeding six feet in length":

"The Board of Parks and Recreation Commissioners may designate a dog park, dog run, or dog exercise area only if same is enclosed by appropriate fencing to preclude the escape of any dog into any other area of the park or playground not so designated as a dog park, dog run, or dog exercise area.", or take any action related thereto.

(Inserted at the request of the Park and Recreation Commission)

VOTED: That the Town hereby amends Section 2A "Leash Required of Article 2 Canine Control of Title VIII" of the Bylaws by adding a new sentence to appear at the end of Section 2A to provide as follows:

"The Board of Parks and Recreation Commissioners may designate a dog park, dog run, or dog exercise area only if same is enclosed by appropriate fencing to preclude the escape of any dog into any other area of the park or playground not so designated as a dog park, dog run, or dog exercise area."

(5-0)

COMMENT: This article was submitted at the request of the Park and Recreation Commission. It seeks to add to the canine control article of the Bylaws an expansion of the existing Section 2. The Town last year expanded the Bylaw by specifying that the leash law would not apply in any area designated by the Park Commission as a 'dog park,' 'dog run,' or 'dog exercise area.' This amendment would make clear that the leash law could be abandoned in such area only if it were enclosed by appropriate fencing.

ARTICLE 28 BYLAW AMENDMENT/ADJUSTMENTS TO TOWN FEES

To see if the Town will vote to amend Title IX of the Bylaws entitled Enforcement and Fees by, adding to or adjusting any or all Town fees, or take any action related thereto.

(Inserted at the request of the Finance Committee)

VOTED: That no action be taken under Article 28 of the Warrant.

(5-0)

COMMENT: Most but not all Town fees are as provided in Title IX of the Town Bylaws. The Town has accepted Section 22(f) of Chapter 40, which permits the Town Manager to set all fees and charges not already provided in the General Laws subject to the approval of the Board of Selectmen. Very few towns continue to amend fees by Town Meeting vote. The Section 22(f) method is more efficient since the fees can be constantly updated as the costs of the service tied to the fee change rather than waiting for Town Meeting action. Once the Town Manager has provided a manual as suggested in Article 26, the Board may ask that the entire Bylaw currently setting out the fees be repealed. The Board believes that this is a more efficient, rational, and up-to-date approach and favorable action is urged.

ARTICLE 29 BYLAW AMENDMENT/NEWS RACKS

To see if the Town will vote to amend Bylaws of Article 1, Section 31 of Article 1 of Title III of the Bylaws, to provide for a pilot program that would require newspaper vendors to locate their news racks inside of special containers called "condos or corrals" in certain areas of the Town, the cost of which would be amortized by the establishment of a fee to be paid by the vendors, to determine the amount of such fees, to appropriate a sum of money to fund the initial purchase, determine how the money will be raised and expended, or to take any action related thereto.

(Inserted at the request of the News Rack Study Committee)

VOTED: That the Board of Selectmen will report to Town Meeting on Article 29.

(5-0)

COMMENT: This article was inserted at the request of the News Racks Study Committee. The Committee is intending to propose to the Town Meeting a Bylaw amendment to Section 31 News Racks of Article 1 Public Ways of Title III of the Bylaws. This amendment would propose a pilot program that would require the various publishers of newspapers and other periodicals in three areas of the Town to congregate their respective news racks in so-called "condos" or "corrals." These structures that encase the various news racks would have the hoped for result of making the display of news racks more aesthetically pleasing and, more importantly, in a more public safety conscious fashion. The question of placement of news racks has been the subject of considerable judicial scrutiny, mainly in the federal courts including the Supreme Court. The Town Counsel, who also chairs this Committee, has stressed the importance of working with the various publications to resolve any issues that they might consider as an impediment to their exercise of their First Amendment rights. As of the date of the printing of the Selectmen's Report, those discussions are ongoing. It is hoped that by the time this article is reached at Town Meeting these discussions will be satisfactorily concluded. This will permit a main motion to be

offered by the Board.

ARTICLE 30

AMEND BYLAWS/CONTROL OF PARKS

To see if the Town will vote to amend Article 1 Use of Areas Under Control of Park Department of Title IV of the Bylaws as follows:

ARTICLE I USE OF AREAS UNDER CONTROL OF PARK DEPARTMENT

Section 2. Protection of Parks

Using fields during inclement weather, when in poor conditions or when fields are closed can result in the following and no person shall injure, deface, dig up or displace, cut, break, remove, fill in, raise, destroy, or tamper with any road, walk, lawn or beach; deface, defile, injure, destroy or ill use any building, bridge, structure, fence, sign, bench, seat, platform, plant, flower, bush, tree, shrub, turf, rock or other property or equipment, real or personal, belonging to the Town of Arlington under the Jurisdiction of the Park and Recreation Commission, or have possession of any part thereof.

Section 3. Actions Prohibited

F. No Organized groups are allowed to utilize a playing field without a permit given by Recreation Department. These groups can be asked to leave by a person or persons designated by the Park and Recreation Commission.

Section 9. Signs and Direction of Town Personnel

No person shall refuse or neglect to obey any rule, posted by sign concerning the use of any area under the care and control of the Park Department and Park and Recreation Commission; nor shall they refuse or neglect to obey any reasonable direction of a police officer or a person designated by the Park and Recreation Commission.

Section 10. Violation and Fines

Any person violating any of the foregoing, except Section 1, Section 3C, Section 3F and Section 8 shall be punished by a fine of not more than twenty (\$20) dollars. Any person violating Section 8 for each offense, shall be punished by a fine of not more than fifty (\$50) dollars. Any person violating Section 3C, for each offense, shall be punished by a fine of not more than two hundred (\$200) dollars. Any person violating Section 3C, for each offense, shall be punished by a fine of not more than two hundred (\$200) dollars. Any person violating Section 1, for each offense, shall be punished for the full amount of damage assessed by Town Personnel, or take any action related thereto.

(Inserted at request of the Park and Recreation Commission)

VOTED: That Article 1 Use of Areas Under Control of the Park Department of Title IV of the Bylaws be and hereby is amended by adding a new Section 4 to provide as follows:

“Section 4 Permit Required

A permit is required for all organized groups to utilize a playing field. The Parks and Recreation Department may issue such permits as it deems appropriate with reasonable regulations as it shall determine relating to utilization of property under its jurisdiction. The regulations may include without limitation consideration as to the condition of the fields as affected by inclement weather or over use. There shall be no charge for any permit.

(The present Sections 4 – 10 will hereby be renumbered as Sections 5 – 11).

And further voted that Section 11 (as renumbered) be and hereby is amended by adding the words 'or Section 4' after the words 'Section 3C' as it appears for the second time in Section 11, so that as amended said sentence shall read 'Any person violating Section 3C or Section 4, for each offense shall be punished by a fine of not more than \$200.00.'

(Emphasis by underline shall not appear in final version)

(5-0)

COMMENT: The Board supports a refashioning of the Town's Bylaws relating to the use of Park and Recreation Commission property. These amendments will give the Recreation Department more authority over the use of Town fields by utilization of a permit process. It is not the intention of the Park Commission or the Recreation Department to unduly restrict the use of Town fields, but rather, it is only intended to permit the department and commission to use this permit process in order to assert more control over inappropriate use. This Bylaw would help in those instances where the fields might sustain damage as a result of inclement weather or further damage when the fields are in poor condition as a result of over use. If this Article is approved, Article 15 will need to be reconsidered.

ARTICLE 31 VOTE AMENDMENT/WETLANDS PROTECTION

To see if the Town will vote to amend the vote under Article 5 of the May 5, 2003 Special Town Meeting relating to Article 8 of Title V Wetlands Protection of the Bylaws so as to permit the Conservation Commission to grant variances in appropriate circumstances, where such amendment may include, without limitation, the deletion of the last sentence, the effect of which would be to eliminate the existing expiration date for the granting of variances, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under Article 31 of the Warrant.

(5-0)

COMMENT: The Board had initially supported this 10 registered voters on the basis that it might prove valuable in assisting people in the Town who might experience a hardship in addressing some pressing need on their property, the relief from which is not currently available due to the strictures of our Local Wetlands Protection Bylaw. However, inquiries to the Conservation Commission have revealed that no one has evinced any interest in applying for such a variance. Since there appears to be no need for this relief, a no action vote is suggested. If any need appears then the Board might reconsider its vote.

ARTICLE 32 SPECIAL PLACE/THE OLD SCHWAMB MILL

To see if the Town will vote, pursuant to the Town of Arlington Bylaw, Title VI, Article Seven, Special Places, and alter the Town of Arlington Inventory of Significant Properties by designation as a Special Place, all of the land shown on the Town of Arlington Assessors Map 58.0, Block 7, lot 9.0 and known as the The Old Schwamb Mill at 17 Mill Lane, presently owned by the Schwamb Mill Preservation Trust according to Certificate of Title No. 131878 in Book 789 page 128 of the Middlesex (South District) Registry of Deeds, described therein as Lot 1 on Land Court Plan 13386B, and that the said parcel be designated and protected as a Special Place because of its exceptional importance to the history, culture, and architecture of the Town of Arlington and added to the Town's Inventory of Significant Properties, unless it is already on that Inventory, and that the affected properties shall be put on the Affected Properties Roster as shall be developed and maintained by the Historical Commission and furnished to the Building Inspector, or take any action related thereto.

(Inserted at the request of the Arlington Historical Commission)

VOTED: That the Board will report to Town Meeting under Article 32 of the Warrant.

(5-0)

COMMENT: This Article was inserted at the request of the Historical Commission. It proposes the designation of the Old Schwamb Mill as the first "Special Place" in the Town. The Board shares the view of the Commission that this site is of special importance to the history, culture and architecture of the Town. However as of the date of this report, the Board has not had the opportunity to hear from all abutters to The Old Schwamb Mill who would be affected by this designation. The Board after this hearing will provide a proposed vote to Town Meeting by way of an addendum.

ARTICLE 33

BYLAW AMENDMENT/SPECIAL PLACES

To see if the Town will vote to repeal the Special Places Bylaw (Title VI, Article 7) enacted under Article 8 of the annual town meeting of 2003, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under Article 33 of the Warrant.

(5-0)

COMMENT: This is a 10 registered voters article which proposes the repeal of the Special Places Bylaw. The Board believes that the Bylaw has merit provided, as is required under the Bylaw, that each proposed Special Place garner the two-thirds vote from Town Meeting necessary for such designation. A prominent factor in any future support by the Board for further designations rests on a consideration of whether the owners of the Affected Properties, whose ability to make changes to their properties are impacted by the designation of the Special Place, are in favor of the designation. The Town Meeting can make future judgments on a case by case basis. The Board, therefore, supports a no action vote.

ARTICLE 34

HOME RULE PETITION/SAFE PLACEMENT OF NEWBORNS AND INFANTS

To see if the Town will vote to request and authorize the Board of Selectmen to file Home Rule legislation that would support "Safe Placement of Newborns and Infants" also known as the Baby Safe Haven Law, the particulars of which provide for no criminal violation for any individual to leave any unharmed newborn or infant at designated locations in the Town, or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That the Town hereby authorizes and requests that the Board of Selectmen file a Home Rule petition which would request that the legislature enact legislation that would allow a parent of an unwanted and unharmed newborn to abandon the child at any police station or fire station in the Town without the risk of criminal penalty.

(4-0)

(Mr. Greeley absent)

COMMENT: The Board supports the proponents of this 10 registered voters article. The Board shares the concern of the proponents that every effort should be made to discourage the abandoning of infants by parents in places where the child will likely die. It is a far better approach to permit parents of

unwanted newborns to be able to drop off these innocents at places where care can be quickly arranged for them. Some will argue that liability concerns should dissuade the Town from pursuing this course. Others might contend that it is better to address the root causes of child abandonment. Still others say that a "Baby Safe Haven Law" draws away from resources from teen pregnancy programs and additional services. Although somewhat sympathetic to these points, the Board feels that surely these concerns cannot overcome the possibility of saving just one child's life. The precise wording of the legislation will track the uniform language that the many other municipalities have adopted. Copies of the uniform vote will be provided to the Town Meeting by proponents of the Article. The precise wording of the legislation need not appear in the vote. The Board urges favorable action.

ARTICLE 35 HOME RULE PETITION/TIMOTHY PACHECO

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 Timothy Pacheco of 15 Fordham Street, Arlington, 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 Sections 61A and 61B of Chapter 31 of the General Laws and further notwithstanding the fact that Mr. Pacheco's age is in excess of 32 years, or take any action related thereto.
(Inserted at the request of 10 registered voters)

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

“AN ACT EXEMPTING TIMOTHY PACHECO OF ARLINGTON FROM THE MAXIMUM AGE REQUIREMENTS FOR APPLYING FOR CIVIL SERVICE APPOINTMENT AS A FIREFIGHTER IN THE TOWN OF ARLINGTON.

Section 1: Notwithstanding any special or general laws to the contrary, including without limitation Massachusetts General Laws Chapter 31 Sections 58, 61A and 61B, or the Town of Arlington's failure to adopt the same, Timothy Pacheco, an Arlington citizen, is hereby eligible to have his name certified for original appointment to the position of firefighter in the Town of Arlington notwithstanding his having reached the age of 32 prior to his taking any Civil Service examination in connection therewith. In all other respects Timothy Pacheco will be eligible for appointment to the position of firefighter in the Town of Arlington but only insofar as he qualifies and is selected for employment under the statutory procedures provided for in Chapter 31 of the General Laws, any regulations of the Civil Service Commission and the Human Resources Division of the Commonwealth and any lawful hiring practices of the Town of Arlington.

Section 2: This act shall take effect upon passage.”

(4-1)

(Mrs. Dias voted in the negative)

COMMENT: A majority of the Board supports this special legislation which would permit a Town resident to be eligible for appointment to the position of firefighter in the Town notwithstanding the fact that he is over the age of 32. State law prohibits the appointment as firefighters of individuals over such age unless the city or town in question has accepted certain sections of law relating to mandatory fitness and wellness standards. The acceptance of these standards have proven to be problematic in many communities that have accepted them and their acceptance has required the appointment of some individuals in their fifties with a potentially adverse impact on the retirement systems of these communities. If older applicants were turned down for appointment due to lack of qualifications unrelated to their age,

the Town might nonetheless be exposed to the filing of age discrimination law suits. The acceptance of these sections has been defeated at several past Town Meetings and have been consistently opposed by present and previous Fire Chiefs and Police Chiefs.

The Board, however, supports the general principle that age should not necessarily be a bar to appointment if the individual is otherwise qualified and passes all the other requisite civil service and fitness tests necessary for appointment to this position. Therefore, it is important to keep in mind that Mr. Pacheco will obtain appointment, if at all, based solely upon his qualifications and merit. The only thing this legislation would do is remove the age impediment to his being considered for the job.

ARTICLE 36 **HOME RULE LEGISLATION/REQUEST FOR LEGISLATION/MEETING NOTICES**

To see if the Town will vote to initiate a Home Rule Petition to allow posting of a notice on the Town web page for two weeks to constitute the advertising of such a notice, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under Article 36 of the Warrant.

(5-0)

COMMENT: Legislation has passed and is available to the Town that would permit the placing of all legal notices on the Town website in lieu of publication. According to the Comptroller this might save the Town approximately \$47,000 a year based upon last year's numbers. However, although resort to the Town website for notices might be advisable in the future, the Board believes that more pressing needs must be addressed regarding the Town website before this task is undertaken. In addition, the Board is wary of the fact that not all Arlington residents are internet savvy. It is estimated that only 50 percent of Arlington homes access the web on a regular basis. The Board will take another look at this matter in the future and may take advantage of this legislation with or without continued resort to publication. The special law in question does not require Town Meeting acceptance.

ARTICLE 37 **HOME RULE LEGISLATION/BEER, WINE, AND MALT SALE LICENSES**

To see if the Town will vote to authorize the Selectmen to file a Home Rule Petition which requests that the Great and General Court authorize a ballot question for the Town which requests permission from the voters for the Selectmen to issue licenses for establishments to sell beer, wine, and malt beverages not for consumption on the premises, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under Article 37 of the Warrant.

(5-0)

COMMENT: The Board believes that Article 94 is a better vehicle for accomplishing the intention of this 10 registered voter article. The reference to malt in this article is not sufficiently broad to encompass all kinds of alcohol since malt generally includes only the fermentation of grains usually barley. The Board is also of the view that it is better to give the Townspeople two options, namely voting for beer and wine licenses only or for all alcohol licenses for consumption off premises. The beer and wine option would prevail only if the all alcohol license question did not garner a majority provided that the beer and wine licenses did obtain a majority. This matter will be dealt with under Article 94. Article 38 that follows deals with restaurant consumption not take out.

ARTICLE 38 **HOME RULE LEGISLATION/REQUEST FOR LEGISLATION/**

ALL ALCOHOL LICENSES

To see if the Town will vote to authorize and request that the Board of Selectmen file a Home Rule Petition with the legislature which would authorize a ballot question to ask the registered voters of the Town for permission to increase the number of All-Alcohol licenses from the current limitation of five, or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That the Town hereby authorizes and requests the Board of Selectmen to file a home rule petition that would provide substantially as follows:

“AN ACT TO EXPAND THE NUMBER OF LICENSES WHICH THE BOARD OF SELECTMEN CAN ISSUE FOR ALL ALCOHOL LICENSES FOR RESTAURANTS IN THE TOWN OF ARLINGTON.

Section 1. Notwithstanding any limitations imposed by Sections 11A and 17 of Chapter 138 of the General Laws or the provisions of Chapter 887 of the Acts of 1977, or any other special or general law to the contrary, the Selectmen of the Town of Arlington shall cause to be placed on the official ballot used in the Town of Arlington at the Annual Town Meeting to be held in the year 2005 the following question:

‘Shall the Town be authorized to grant an additional five licenses for the sale therein of all alcoholic beverages by restaurants and function rooms having a seating capacity of not less than 99 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 five to ten 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 99 persons. Said ten 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.”

(5-0)

COMMENT: In 1977 the Board of Selectmen was authorized by a Town wide ballot question to issue up to five all alcohol licenses to restaurants with not less than 99 seats. This article would raise such number to ten. Currently the Board has issued five, but one has been forfeited when the restaurant in question went out of business. The Board feels strongly that an increase in the number of licenses, in conjunction with the beer and wine licenses issued or to be issued by the Board, have contributed greatly to

make Arlington a mecca for restaurant patrons both from inside and outside the community looking for enjoyable and eclectic dining. The Board also believes that the original intention behind the issuance of such licenses, namely the increase in foot traffic that these establishments have engendered, has benefited surrounding businesses in the Town. A favorable vote is urged.

ARTICLE 39 REVOLVING FUNDS

To see if the Town will vote the following:

- A. Private Way Repair – to reauthorize the revolving fund established under Article 46 of the 1992 Annual Town Meeting relating to defraying the cost of private way repairs; to hear or receive a report concerning the receipts and expenditures of same;
- B. Public Way Repair – to reauthorize the revolving fund established under Article 45 of the 1992 Annual Town Meeting relating to the maintenance of public ways; to hear or receive a report concerning the receipts and expenditures of same;
- C. Fox Library – to reauthorize the revolving fund established under Article 49 of the 1996 Annual Town Meeting relating to the Fox Library and Community Center; to hear or receive a report concerning the receipts and expenditures of same;
- D. Robbins House – to reauthorize the revolving fund established under Article 77 of the 1997 Annual Town Meeting relating to the Whittimore-Robbins House; to hear or receive a report concerning the receipts and expenditures of same;
- E. Conservation Commission – to reauthorize the revolving fund established under Article 44 of the 1996 Annual Town Meeting relating to consultant fees charged by the Conservation Commission; to hear or receive a report concerning the receipts and expenditures of same;
- F. Tuition Payments – to reauthorize the revolving fund established under Article 34 of the 1999 Annual Town Meeting relating to grants or reimbursements paid by another governmental entity including tuition payments of U.S. citizen students; to hear or receive a report concerning the receipts and expenditures of same;
- G. All Day Kindergarten – to reauthorize the revolving fund established under Article 31 of the 2000 Annual Town Meeting for all day kindergarten under the auspices of the School Department; to hear or receive a report concerning the receipts and expenditures of same;
- H. Uncle Sam – to reauthorize the revolving fund established under Article 31 of the 2000 Annual Town Meeting for the Uncle Sam program that promotes Arlington as the “Birthplace of Uncle Sam” under the auspices of the Uncle Sam Committee; to hear or receive a report concerning the receipts and expenditures of same;
- I. Hardy After School Program – to reauthorize the revolving fund established under Article 51 of the 2001 Annual Town Meeting for the after school program at the Hardy School; to hear or receive a report concerning the receipts and expenditures of same;
- J. Life Support Services – to reauthorize the revolving fund established under Article 6 of the May, 2001 Special Town Meeting for basic life support and advanced life support services which provides for billing and payment to other entities in the Town to take account of new Medicare regulations; to hear or receive a report concerning the receipts and expenditures of same;

To appropriate a sum of money for any one or all of the same; to establish new revolving funds; to determine how the money shall be raised and expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That the Town does hereby vote to renew the following listed revolving funds and to receive the reports on revenues, expenditures and balances on each.

A. Private Way Repair – to reauthorize the revolving fund as established under Article 46 of the 1992 Annual Town Meeting and expenditures not to exceed \$50,000.

Beginning Balance: \$ 2,720.56
 Receipts: \$33,489.00
 Expenditures: \$ 2,720.56
 Balance: \$33,489.00

B. Public Way Repair – to reauthorize the revolving fund established under Article 45 of the 1992 Annual Town Meeting and expenditures not to exceed \$50,000.

Beginning Balance: \$1,091.75
 Receipts: \$ 7.00
 Expenditures: 0
 Balance: \$1,098.75

C. Fox Library – to reauthorize the revolving fund established under Article 49 of the 1996 Annual Town Meeting relating to receipts received at the Fox Library/Community Center and expenditures not to exceed \$20,000.

Beginning Balance: \$ 2,088.13
 Receipts \$ 526.15
 Expenditures: \$ 1,343.00
 Balance: \$ 4,271.28

D. Robbins House – to reauthorize the revolving fund authorized under Article 77 of the 1997 Annual Town Meeting and expenditures not to exceed \$75,000.

Beginning Balance: \$ 2,368.30
 Receipts: \$51,230.00
 Expenditures: \$46,539.48
 Balance: \$ 7,058.82

E. Conservation Commission – to reauthorize the revolving fund established under Article 44 of the 1996 Annual Town Meeting relating to consultant fees charged by the Conservation Commission and expenditures not to exceed \$50,000.

Beginning Balance: \$ 3,693.19
 Receipts: \$ 685.00
 Expenditures \$ 0
 Balance: \$ 4,378.19

F. Tuition Payments – to reauthorize the revolving fund established under Article 34 of the 1999 Annual Town Meeting relating to the receipts including grants and reimbursements paid any governmental entity for tuition payments for non-U.S. citizen students with expenditures not to exceed \$20,000.

Beginning Balance: \$33,230.85
 Receipts: \$ 6,000.00
 Expenditures: \$ 0
 Ending Balance: \$39,230.85

G. All Day Kindergarten – to reauthorize the revolving fund established under Article 31 of the 2000 Annual Town Meeting for all day kindergarten under the auspices of the School Department.

Beginning Balance: \$(2,052.14)
 Receipts: \$ 1,250.00
 Expenditures: \$ 1,825.42
 Ending Balance: \$(2,627.56)

H. Uncle Sam – to reauthorize the revolving fund established under Article 31 of the 2000 Annual Town Meeting for the Uncle Sam program that promotes Arlington as the “Birthplace of Uncle Sam” under the auspices of the Uncle Sam Committee.

Beginning Balance: \$ 1,147.80
 Receipts: \$ 0
 Expenditures: \$ 0
 Ending Balance: \$ 1,147.80

I. Hardy School Program – to reauthorize the revolving fund established under Article 51 of the 2001 Annual Town Meeting for the after school program at the Hardy School with expenditures not to exceed \$225,000.

Beginning Balance: \$ 80,424.32
 Receipts: \$188,581.76
 Expenditures: \$191,804.85
 Ending Balance: \$ 77,201.23

J. Life Support Services – to reauthorize the revolving fund established under Article 37 of the 2001 Annual Town Meeting for emergency medical services with expenditures not to exceed \$400,000.

Beginning Balance \$ 85,699.07
 Receipts: \$150,322.57
 Expenditures: \$ 85,259.35
 Ending Balance: \$150,762.29

(5-0)

COMMENT: This is the usual housekeeping article that permits the Town to continue its various revolving funds. Revolving funds permit the funding of various activities through fees and charges that fund each activity.

ARTICLE 40

ENDORSEMENT OF CDBG APPLICATION

To see if the Town will vote to endorse the application for Federal Fiscal Year 2005 prepared by the Acting 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 then Acting Town Manager)

VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2005 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (Public Law 93-383) as amended.

(5-0)

COMMENT: The Director of Planning, on behalf of the Board and the Manager, will present and seek endorsement of the Town Meeting of the Town’s application for expenditure of CDBG funds for the upcoming fiscal year.

ARTICLE 41

RESIDENCY REQUIREMENT/TOWN COUNSEL

To see if the Town will vote to authorize and request the Board of Selectmen to file a Home-/Rule Petition to amend Section 28 of the Town Manager Act to remove the residency requirement for the office of Town Counsel, or take any action related thereto.

(Inserted at the request of the Acting Town Manager and Town Counsel)

VOTED: That the Board of Selectmen be and hereby is authorized to petition the legislature for home rule legislation to provide substantially as follows:

“AN ACT TO REMOVE THE RESIDENCY REQUIREMENT FOR THE TOWN COUNSEL OF THE TOWN OF ARLINGTON

Section 1

Section 28 Appointment of Town Counsel of an Act Establishing a Town Meeting Form of Government for the Town of Arlington being Chapter 503 of the Acts of 1952 as from time to time amended, hereby is further amended by striking the words, “who is a resident of said town” from the first sentence of said Section.

Section 2

This act shall take effect upon passage.”

(5-0)

COMMENT: Given the removal of a residency requirement of the Town Manager it makes little sense to continue such a residency for the Town Counsel. The Board is not clear as to why the drafters of the Town Manager Act required such a residency requirement. Perhaps it was a desire to have someone serve in this position familiar with Town affairs. For whatever reason it was required there is now no rational reason to continue it. A continuation of the requirement would preclude many municipal attorneys and law firms who do not reside in the Town from being appointed to this key position. The present Town Counsel supports this recommended vote but has indicated to the Board that he has no intention to move during his tenure. _

ARTICLE 42 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 2005, or take any action related thereto.

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

VOTED: That the Board of Selectmen, Town Manager, the School Superintendent and the School Committee are granted the general authority to file applications and to accept grants from the federal government, the Commonwealth of Massachusetts and/or any grant making organization during fiscal year 2005.

(5-0)

COMMENT: This is another housekeeping article that places the Town Meeting on record as authorizing Town officials to apply for and accept grants.

ARTICLE 43 ON STREET PARKING

To see if the Town will vote to recommend to the Board of Selectmen as Parking Commissioners of the

Town to change the parking regulations to provide for on-street sticker parking except for Massachusetts Avenue, said stickers to be required after the maximum time limit for parking in a particular area has been exceeded, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under Article 43 of the Warrant.

(5-0)

COMMENT: This article was submitted by 10 registered voters and requests that the Board change its parking regulations to permit on-street sticker parking throughout the Town except for Massachusetts Avenue. Town Counsel has advised that the Board, acting as the Parking Commissioners of the Town, is the only body that can make such changes. The Board believes that the overnight parking ban has served the Town well over the years. It provides for more easy access for emergency vehicles and makes for a more pleasing appearance of our streets unobstructed by many parked cars. It has also been suggested that an overnight parking ban reduces the incidence of crime. The Board as it deems appropriate has granted some exceptions. The character of the Town would surely change if all of its streets were filled with parked cars on a 24-hour basis. A no action vote is thus urged.

ARTICLE 44 **REQUEST FOR LEGISLATION/MUNICIPAL BUILDING**
INSURANCE FUND

To see if the Town will vote to authorize and request the Board of Selectmen to file a home-rule petition that would authorize the Town Manager to expend funds from the Town's Municipal Building Insurance Fund for purposes not listed in Section 13 of Chapter 40 of the Massachusetts General Laws which establishes such fund, determine how much money should be utilized from such fund and to determine the purpose for which said money will be expended, or take any action related thereto.

(Inserted at the request of the then Acting Town Manager)

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

“AN ACT TO PERMIT THE TOWN OF ARLINGTON TO TRANSFER CERTAIN FUNDS.

Section One. The Town of Arlington be and hereby is authorized to transfer 1.5 million dollars (\$1,500,000) from its Municipal Building Insurance Trust Fund to its Stabilization Fund for such lawful purposes as subsequent Town Meetings may direct, notwithstanding the provisions of Section 13 of Chapter 40 of the General Laws or any general or special law to the contrary.

Section Two. This act shall take effect upon passage.”

(4-0)

(Mr. Greeley absent)

COMMENT: In an attempt to identify all available funds to assist the Town in maintaining core services, the former Acting Town Manager submitted this article proposing to utilize 1.5 Million Dollars of the 2.3 Million Dollars currently in the above-referenced fund. This fund has seen some very substantial growth over the years with little in the way of expenditures. The law that establishes this fund permits

cities and towns to accumulate money to pay for casualty losses such as fire or flooding to Town buildings and other capital assets. Since the Town has building insurance and insurance for other capital assets like its motor vehicle fleet, this money now can only be utilized to pay for losses up to the amount of any deductible. In recent years this fund has also been utilized to pay for the collision coverage as opposed to liability coverage for the fleet. The Town's insurance consultants have recommended that a cushion of \$800,000 is sufficient to address any losses, except those of the most catastrophic nature, i.e., multiple building loss. The Board supports utilizing this money for core essential services to be at the discretion of future Town Meetings.

ARTICLE 45 **HOME RULE LEGISLATION/MUNICIPAL BUILDING**
INSURANCE TRUST FUND

To see if the Town will vote to authorize and request the Board of Selectmen to file a Home Rule Petition allowing the transfer of all or a portion of the existing balance in the Municipal Building Insurance Trust Fund as Established under Massachusetts General Laws Chapter 40, Section 13 to the Retiree Health Care Trust Fund as established under Chapter 12 of the Acts of 1998; or take any action related thereto.

(Inserted at the request of the Town Treasurer)

VOTED: That no action be taken under Article 45 of the Warrant.

(4-0)

(Mr. Greeley absent)

COMMENT: This article was submitted by the Town Treasurer. It is essentially the same as the preceding article except that it attempts to allocate the funds for a particular purpose, namely for some additional funding for the Town's Retirees' Healthcare Trust Fund as established by a Home Rule petition in 1998. Although the Board commends the Treasurer for his prudence, it believes that it is a better approach to place this money in a Town reserve fund to permit future Town Meetings to access it for any lawful purpose. This would afford the Town more discretion over these funds. The Treasurer has indicated that he supports the Board's recommended vote but will argue at a future Town Meeting that these funds once in the Stabilization Fund should be allocated to defray future retiree health care costs.

ARTICLE 46 **ESTABLISH COMMITTEE/INFORMATION SYSTEMS**

To see if the Town will vote to establish an Information Systems Advisory Committee, determine its duties and responsibilities, and specify the manner and number of appointments to said committee, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under Article 46 of the Warrant.

(4-0)

(Mr. Greeley absent)

COMMENT: The Board believes that the more appropriate vehicle for dealing with the issues raised by this Article is under Article 47 of the Warrant.

ARTICLE 47 **ESTABLISH INFORMATION TECHNOLOGY ADVISORY**
COMMITTEE

To see if the Town will vote to establish an Information Technology Advisory Committee which among other things may be charged with the responsibility of reviewing the Town's current technology plan including its information technology processes and procedures and developing a written technology plan for the Town, determining its membership and its manner of appointment, or taking any action related thereto.

(Inserted by the Board of Selectmen)

VOTED: That the Bylaws be and hereby are amended by substituting the following as Article 5 of Title II. (This vote assumes that the existing Article 5 establishing a Data Processing Advisory is repealed under Article 25 of the Warrant).

“Article 5 – Technology Advisory Board”

Section 1. There shall be a Technology Advisory Board (hereinafter called the Board) consisting of five (5) regular members and ten (10) *ex officio* members.

Section 2. The regular members of the Board shall be appointed by the Board of Selectmen to staggered three-year terms. The regular members of the Board shall be residents of the Town who have knowledge and experience in telecommunications or information technology and/or are persons skilled in representing and advocating for residents. No employee of the Town shall be a regular member of the Board. In the event that a vacancy occurs during a regular member’s three-year term, the Appointing Authority shall, within ninety (90) days, appoint a successor to fill the balance of the un-expired term.

Section 3. The *ex officio* members (or their designee) of the Board shall be:

- a. The Town Manager
- b. The Town Comptroller
- c. The Town Treasurer
- d. The Town Assessor
- e. The Town Clerk
- f. The Town Director of Data Processing
- g. The School Department Chief Financial Officer
- h. The School Department’s Director of Technology
- i. A designee of the Cable Advisory Committee
- j. One designee jointly chosen by the Finance Committee and the Capital Planning Committee.

The Board shall be chaired by the Town Manager or his designee.

Section 4. The role of the Board shall be (a) to advise the Town Manager on the manner of providing advice and/or technical Assistance to all Town Departments and the School Department in the formulation of technology plans and capital requests for information and communications systems and technologies specifically excluding educational software and systems; taking into consideration the goals of maximizing efficiency and cost effectiveness, removing unnecessary redundancy, and ensuring, to the extent possible, the compatibility of each request with other existing or proposed systems; (b) to advise Town Manager and the Permanent Town Building Committee on the specifications to be

considered for information and communications systems and technologies when constructing or renovating Town facilities; and, (c) advise the Town Manager on matters relating to information technology policy, specifically with reference to issues of security, privacy, risk, future technology, legal or regulatory requirements and the provision of government services to the public through information technology; (d) The Board shall report to the Board of Selectmen and the residents of Arlington as appropriate; (e) The Board shall develop a technology plan which will be presented at Town Meeting annually.

(5-0)

COMMENT: Arlington as a community is rich in many things. Among them is a high rate of volunteerism and a well educated population many of whom work in the high tech industry. It is apparent that the Town could benefit from bringing together some of these highly skilled and community oriented professionals with the equal skilled professionals who run our town. The creative and effective application of information technology can produce tremendous savings of time and money for any organization and the town of Arlington is no exception. A well chosen group of citizens can provide the town with expertise that it cannot afford to purchase and the use of their time and talents will surely lead to benefits that could not otherwise be obtained. The Town recognizes the need for technology planning and has made efforts in this area by establishing a Data Processing Advisory Board. Although the By-law that created the DPAB was very forward thinking in 1982, it does not take into account the many changes that have occurred in the technology and its use since then. When this board was conceived, the users of any possible software application would have been employees of the Town. The internet has changed that. In addition, it takes a tremendous amount of knowledge to understand the current capability of the technology. Most private companies use outside experts to help them with website development, application services and other internet strategies even when they have an internal IT/IS staff.

These circumstances lead to the conclusion that citizen input in this area is appropriate and would be assistance to the town's managers and staff. The vote under article 25 is intended to rescind the Bylaw that created the DPAB. This vote will replace it with a new Bylaw which has a citizen component and expands the original mission~that was~intended when the DPAB was established. The end result should be new energy and ideas, a forward looking technology plan, transparency and better communication with residents.

As defined in the recommended vote, the Board will consist of representation from all departments of the Town as well as citizens. The citizen members will be appointed based on their skills and therefore be required to submit a resume showing relevant experience in information systems, information technology or the development of policy for the application of technology to government. A group of well qualified volunteers, including several town meeting members, is available and prepared to serve on the board.

At a future Town Meeting, depending upon the deliberations of this Board and other town officials, there may be a new warrant article to place the whole of data processing under the Town Manager. Favorable action is urged.

ARTICLE 48

ESTABLISH COMMITTEE/TOWN BUDGETS

To see if the Town will vote to create a committee to study the way in which the Town Meeting votes upon the budgets and determines revenue, said committee to report to the appropriate boards and officials of the Town and to the 2005 Annual Town Meeting on its recommendations if any, or take any other action related thereto.

(Inserted at the request of 10 registered voters)

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

(4-0)

(Mr. Greeley absent)

COMMENT: This was a 10 registered voters article that proposed the creation of a committee to study how the Town votes on budgets and determines revenues. The Board recognizes that the budgeting process for fiscal year 2004 was marked to some degree by a certain level of uncertainty. The Board firmly believes, however, that having recognized the shortcomings of last year, that the budget process for fiscal year 2005 has been marked with a more intensive and cooperative approach by all Town officials in coming to grips with the fiscal requirements that drive the difficult decisions that make up the budget process. In particular, the Budget and Revenue Task Force, which is made up of all key Town officials, who are charged with the responsibility of making recommendations to the Finance Committee, met on a more frequent basis and considered more realistic revenue projections and various service demands. The Board believes, therefore, that any favorable vote under this article would introduce redundancy which would not substantially enhance the budget making process.

ARTICLE 49**ESTABLISH COMMITTEE/POST-EMPLOYMENT MEDICAL BENEFITS COMMITTEE**

To see if the Town will vote to establish a Post-Employment Medical Benefits Committee comprised of the Acting Town Manager, or the Acting Town Manager's designee; the Finance Committee Chairman, or the Finance Committee Chairman's designee; the Town Treasurer; Town Comptroller; one town affiliated and one school affiliated member of the Health Insurance Advisory Committee; and the said Post-Employment Medical Benefits Committee shall report and make recommendations to the 2005 Annual Town Meeting as to how the Town intends to fund and/or otherwise integrate the new accounting standards regarding the reporting of Other Post-Employment Benefits (OPEB), as promulgated by the Government Accounting Standards Board (GASB); the organizational meeting of said Post-Employment Medical Benefits Committee to be called and presided over by the Town Treasurer, and the business of the committee will be conducted so long as a quorum of the members are present at the organizational and subsequent meetings of the committee, or take any action related thereto.

(Inserted at the request of the Town Treasurer)

VOTED: That the Town hereby establishes a Post Employment Medical Benefits Committee comprised of a Selectmen as designated by the Board's Chair, the Town Manager, or the Town Manager's designee; the Finance Committee Chairman, or the Finance Committee Chairman's designee; the Town Treasurer; Town Comptroller and one Town affiliated and one school affiliated member of the Health Insurance Advisory Committee. The said Post-Employment Medical Benefits Committee shall report and make recommendations to the 2005 Annual Town Meeting as to how the Town intends to fund and/or otherwise integrate the new accounting standards regarding the reporting of Other Post-Employment Benefits (OPEB), as promulgated by the Government Accounting Standards Board (GASB). The organizational meeting of Committee shall be called and presided over by the Town Treasurer. The Town Treasurer shall serve as permanent Chair.

(4-0)

(Mr. Greeley absent)

COMMENT: The Board supports this article as submitted by the Town Treasurer. Eventually the Town will be required to carry on its balance sheets all of its post employment benefits as an obligation of the Town. These new standards when they become applicable will require new accounting methods. This Committee will assist the Town in planning for this critical event. Favorable action is suggested.

ARTICLE 50 ESTABLISH COMMITTEE/RESERVE FUND/SPENDING POLICIES

To see if the Town will vote to establish a Reserve Fund/Spending Policy Committee comprised of the Acting Town Manager, or the Acting Town Manager's designee; the Superintendent of Schools, or the Superintendent's designee; the Finance Committee Chairman, or the Finance Committee Chairman's designee; the Town Treasurer; Town Comptroller, and two (2) Town Meeting Members to be appointed by the Town Moderator; said committee to review a minimum of five (5) years of Town/School spending patterns; identify and review the Town's reserve funds in order to determine a mean level at which these funds have been maintained over a five (5) year period; and recommend to the 2005 Annual Town Meeting a spending/reserve fund policy designed to buffer the Town from the economic fluctuations of the state, national and global economies; the organizational meeting of said Reserve Fund/Spending Policy Committee to be called and presided over by the Town Treasurer, and the business of the committee will be conducted so long as a quorum of the members are present at the organizational and subsequent meetings of the committee; or take any action related thereto.

(Inserted at the request of the Town Treasurer)

VOTED: That the Town hereby establishes a Reserve Fund/Spending Policy Committee comprised of a Selectman as designated by the Chairman of the Board, the Town Manager, or the Town Manager's designee; the Superintendent of Schools, or the Superintendent's designee; the Finance Committee Chairman, or the Finance Committee Chairman's designee; the Town Treasurer; Town Comptroller, and two (2) Town Meeting Members to be appointed by the Town Moderator. The committee shall review a minimum of five (5) years of Town/School spending patterns; identify and review the Town's reserve funds in order to determine a mean level at which these funds have been maintained over a five (5) year period; and recommend to the 2005 Annual Town Meeting and other appropriate Town officials a spending/reserve fund policy designed to buffer the Town from the economic fluctuations of the state, national and global economies; the organizational meeting of said Reserve Fund/Spending Policy Committee to be called and presided over by the Town Treasurer.

(4-0)

(Mr. Greeley absent)

COMMENT: The Board again supports the foresight of the Treasurer in trying to establish some benchmarks on how the Town's various reserve funds should be determined. It should be understood, however, that although a proposed policy to deal with these funds is desirable, no policy accepted by one Town Meeting can be binding on any future Town Meetings.

ARTICLE 51 ESTABLISH COMMITTEE/TRUST FUND POLICIES

To see if the Town will vote to establish a Trust Fund Policy Committee comprised of one member from the Board of Trust Fund Commissioners; one member from the Board of Library Trustees; one member from the Board of Cemetery Commissioners; said members to be appointed by the Chairpersons of the aforementioned boards; the Town Treasurer; and the Town Comptroller; said committee to report to the 2005 Annual Town Meeting with recommendations regarding a trust fund growth management policy to be followed with regard to the trust funds of the Town; the organizational meeting of said Trust Fund Policy Committee to be called and presided over by the Town Treasurer, and the business of the committee will

be conducted so long as a quorum of the members are present at the organizational and subsequent meeting of the committee; or take any action related thereto.

(Inserted at the request of the Town Treasurer/Trust Fund Custodian)

VOTED: That the Town establishes a Trust Fund Policy Committee comprised of one member from the Board of Trust Fund Commissioners; one member from the Board of Library Trustees, one member from the Board of Cemetery Commissioners, said members to be appointed by the Chairpersons of the aforementioned boards, the Town Treasurer, and the Town Comptroller. The committee will report to the 2005 Annual Town Meeting with recommendations regarding a suggested trust fund growth management policy to be followed with regard to the trust funds of the Town. The organizational meeting of said Trust Fund Policy Committee to be called and presided over by the Town Treasurer.

(4-0)

(Mr. Greeley absent)

COMMENT: The Board supports the Town Treasurer's efforts in establishing this Committee to review the various Town trust funds as to how investments can be managed most effectively. It is appropriate that the Town Treasurer serve as Chair of the Committee since he is custodian of all Town trust funds. He understands as should the Town Meeting, however, that the various trust fund commissioners of the Town retain the unrestricted discretion on these matters subject to the control and direction of the various state laws applying to this matter.

ARTICLE 61 ALTERNATIVES REGARDING ELEMENTARY SCHOOL REBUILD PROGRAM

To see if the Town will consider and vote to accept one of the following alternatives regarding the remodeling, reconstructing or making extraordinary repairs to the Dallin, Thompson and Stratton schools, or for constructing, equipping and furnishing a new building to replace any or all of the existing three structures; said alternatives are set forth as follows:

1. Continue to delay the Dallin, Thompson and Stratton rebuild projects until the state reimbursement schedule is clarified.
2. Temporarily expand the existing annual percentage of revenue currently allocated to capital projects in order to resume the elementary rebuild program.
3. Include the Dallin, Thompson and Stratton schools within the existing capital plan without expansion of the capital revenue base.
4. Vote to place another debt exclusion question on the Town ballot requesting sufficient funds to complete the Dallin, Thompson and Stratton schools;

or take any action related thereto.

(Inserted at the request of the Town Treasurer)

VOTED: That no action be taken under Article 61 of the Warrant.

(4-0)

(Mr. Greeley absent)

COMMENT: The Board supports the intention in submitting this article by the Town Treasurer that a thorough discussion be had as to the various issues surrounding the Town's elementary schools rebuilding program. The Board believes, however, that this discussion is more appropriate under Article 60 relating to the Dallin School or as same appears in a Special Town Meeting Warrant.

ARTICLE 78

FIELD USER FEES

To see if the Town will vote to take any appropriate action including, without limitation, enactment of a Bylaw that would require the Park and Recreation Commission to charge a fee for the use of fields under its jurisdiction that would be calculated to offset, in whole or in part, the cost of the maintenance of said fields attributable to the use of such fields by any person or organization that is not associated with the Arlington School Department or, in the alternative, to take any other action calculated to prohibit the expenditure of any funds by any Town, Board, or Committee or official for maintenance of fields under the jurisdiction of the Park and Recreational Commission unless same is offset by the receipt of funds from any person or organization unrelated to the Arlington School Department, or take any action related thereto.

(Inserted at the request of the Finance Committee).

VOTED: That no action be taken under Article 78 of the Warrant.

(5-0)

COMMENT: The Board strongly urges a negative vote under this article notwithstanding the great respect it has for the sponsors of the article, the Arlington Finance Committee. The Board believes that the charging of fees to some user groups would have the effect of restricting, if not eliminating, the use of Town fields by some of these groups. Most of the participants in these groups are charged a fee for participating in the various sports programs. A fee calculated to offset the maintenance of Town fields would have the unfortunate effect of making such participation unaffordable for some. Under Article 30 of the Warrant the Board has proposed a permit system that would be controlled by the Park Commission which would have the effect of coordinating and regulating the use of Town fields by user groups when a particular field or fields are in a state that limit its use due to overuse or inclement weather. No charge will be made for the issuance of these permits by the commission. The Board believes this type of control is a better approach to protecting Town fields than the approach proposed under this article.

ARTICLE 80

TRASH COLLECTION

To see if the Town will vote to exclude trash collection and disposal (when legally permitted) from those items paid for from the general revenues of the Town, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under Article 80 of the Warrant.

(3-0-1)

(Mrs. Dias abstained)

(Mr. Greeley absent)

COMMENT: The Board recommends no action under Articles 80, 81 and 82. All of these were submitted at the request of 10 registered voters. In one way or another each proposes that a charge be made for the collection of trash in the Town. Article 80 does this by requiring that no general revenues of the Town be spent for this purpose with the assumed intent of requiring a fee for same. Article 81 proposes that there be the establishment of a fee for the collection of trash. Presumably the proponents of this article would want the Town to exact a flat fee from each household in the Town. The proponents have suggested that the revenues generated from the fees would augment existing Town revenues and thus

be available for core services such as schools, police, fire, and other departments. The final article, Article 82, is a so-called Pay As You Throw or PAYT proposal. Although there would be some revenue generation associated with this, the principal focus would be on environmental considerations. Each household would receive a bag once a week for the disposal of trash. Any additional bags needed for that household's trash would have to be purchased from the Department of Public Works. The proponents suggest that the Town would generate money not only from the sale of the bags but would substantially reduce its solid waste disposal costs since recycling would naturally follow from this arrangement.

Although recognizing the merit of Article 82, the Board nonetheless strongly urges a no action vote under that article as well as Articles 80 and 81. The Board has established a Trash Study Committee which has been charged with the responsibility of reviewing all issues relating to the subject matter. Once the recommendations are received, the Board will revisit this issue and possibly make proposed changes to the existing structure. However, the Board has a fundamental and philosophical difference with the proponents of all of these Articles. The Board believes that the residents of the Town have always considered that trash collection is a core governmental service supported by the tax rate. Trash collection is a Town service that all individuals in the Town are directly and visibly served by. The Board strongly believes that the exacting of a trash fee, in any form, will have a severe detrimental effect on the ability of the Town to persuade its voters to pass overrides or debt exclusions in the future. A recent study by Vision 2020 made clear that of all potential Town actions a trash fee was the most unpopular even to the point that a local income tax received a lower negative vote. The Board urges Town Meeting to vote no on these articles until the Selectmen's Committee and other Town committees can review this matter and consider all options.

ARTICLE 81**TRASH COLLECTION FEE**

To see if the Town will vote to institute a fee to offset all or part of the costs of trash collection and disposal, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under Article 81 of the Warrant.

(3-0-1)

(Mrs. Dias abstained)

(Mr. Greeley absent)

COMMENT: See comment under Article 80.

ARTICLE 82**TRASH COLLECTION PLAN**

To see if the Town will vote to make all necessary changes to its Bylaws so as to establish a trash collection plan to be created and administered by the Department of Public Works (DPW), said plan to provide for Town trash collection only of household waste placed in approved bags; each household would be provided with enough bags to allow for one bag of waste per week; additional bags to be made available for a fee set by Town Meeting through a distribution plan devised by the DPW, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under Article 82 of the Warrant.

(4-0)

(Mr. Greeley absent)

COMMENT: See comment under Article 80.

ARTICLE 83**PERMISSIVE LEGISLATION**

To see if the Town will vote to accept permissive legislation relating to any one or more of the following:

1. Retirement changes and/or early retirement.
2. Education reform and/or application and acceptance of any educational funds appropriated by the legislature.
3. Special needs students.

or take any action related thereto

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

VOTED: That no action be taken under Article 83 of the Warrant.

(5-0)

COMMENT: This is the usual article submitted by the School Committee and the Superintendent of Schools. At the time of the printing of this report no such legislation has passed. If any legislation does pass which is advantageous to the Town, the Board will propose a substitute motion.

ARTICLE 84

LOCAL OPTION TAXES

To see if the Town will vote to accept any local option taxes 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)

VOTED: That no action be taken under Article 84 of the Warrant.

(4-0)

(Mr. Greeley absent)

COMMENT: If any local option taxes pass the legislature, the Board will offer a substitute motion if the legislation is advantageous to the Town.

ARTICLE 85

CREATE POSITION/TOWN WEB SITE

To see if the Town will vote to create a position (full or part time) in the office of the Town Clerk to keep current the Town web site, posting any required notices or minutes of meetings thereto, or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That no action be taken under Article 85 of the Warrant.

(4-0)

(Mr. Greeley absent)

COMMENT: The Board believes that issues relating to the Town website can be better handled under Article 47 which proposes to establish a committee amongst whose duties will make recommendations concerning the Town's web site.

ARTICLE 92

RESOLUTION/AFFORDABLE HOUSING

To see if the Town will adopt the following resolution:

WHEREAS, The Town of Arlington through its elected and appointed officials, has made the objective of providing affordable housing solutions a high priority, and
 WHEREAS, the Town of Arlington recognizes that Massachusetts General Law Chapter 40B was enacted by the State Legislature with an intent of creating more opportunities for the development of affordable housing, and
 WHEREAS, the Town of Arlington has added to its by-laws a requirement that all residential development

in excess of 6 units must include a minimum of 15% units designated as affordable, and

WHEREAS, in the present 40B General Law and currently proposed amendments to it, there is no

provision for this type of inclusionary zoning on a statewide basis, and

WHEREAS, developers continue to build sites without affordable units while also using the threat of 40B to force concessions from the community for high density or controversial sites.

It is therefore RESOLVED, that the Town of Arlington believes that Chapter 40B as it currently exists is not any effective means of addressing the affordable housing problem in Massachusetts, and that the Massachusetts Legislature should amend Chapter 40B by a) requiring ALL residential developments over six units to include a minimum of 15% units designated as affordable, and b) all such units will remain affordable in perpetuity, and, c) maintain the current definition of "Consistent with local needs" as amended by 2003, 26, Sec. 181 effective July 1, 2003.

Or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That the Town adopts the following resolution:

WHEREAS, the Town of Arlington through its elected and appointed officials, has made the objective of providing affordable housing solutions a high priority, and

WHEREAS, the Town of Arlington recognizes that Massachusetts General Law Chapter 40B was enacted by the State Legislature with an intent of creating more opportunities for the development of affordable house, and

WHEREAS, the Town of Arlington has added to its by-laws a requirement that all residential development in excess of 6 units must include a minimum of 15% units designated as affordable, and

WHEREAS, in the present Chapter 40B and currently proposed amendments to it, there is no provision for this type of inclusionary zoning on a statewide basis, and

WHEREAS, developers continue to build sites without affordable units while also using the threat of 40B to force concessions from the community for high density or controversial sites.

It is therefore RESOLVED, that the Town of Arlington believes that Chapter 40B should be amended so that it is a more effective means of addressing the affordable housing problem in Massachusetts, and that the Massachusetts Legislature should amend Chapter 40B by (a) requiring ALL residential developments over six units to include a minimum of 15% units designated as affordable, (b) all such units will remain affordable in perpetuity, and (c) maintain the current definition of "Consistent with local needs" as amended by 2003, 26, Sec. 181 effective July 1, 2003.

(4-0)

(Mr. Greeley absent)

COMMENT: The Board believes that Chapter 40B has proven to be an invaluable tool to advance public housing in the Commonwealth. However, it agrees with the proponents of this article that the law can be changed to make it even more effective. The proponents will provide further information on this matter.

ARTICLE 93 RESOLUTION/PRINCIPLES FOR PUBLIC SCHOOL EDUCATION

To see if the Town will vote to endorse the following principles for public school education in Arlington:

All students have the right to a full and comprehensive curriculum taught by certified, competitively compensated, professional staff members, who are provided with appropriate professional development training.

Needs of diverse learners should be addressed for all students K-12.

A safe, positive school climate with appropriate programs to support the needs of our students will exist in each school.

Implementation of the District Goals for Arlington Public Schools, as approved by the School Committee, will be supported.

And resolve that the Town of Arlington and its elected and appointed officials and employees will:

Provide adequate funding to support these principles for the Arlington Public Schools; and

Urge the United States Federal Government and its various branches, representatives, and employees to provide adequate funding and support for public education; and

Urge US Congressional representatives and Senators to monitor the implementation of the ESEA/ "No Child Left Behind" legislation, change the accountability standards and actively work for additional monies for municipalities to fully fund this and the IDEA/Special Education mandates; and Urge the Massachusetts State legislature to provide adequate monies to local authorities to fully fund Special Education mandates and School Building Assistance commitments, and send copies of this resolution to our State legislators, Governor, U.S. House and Senate representatives, and the

President of the United States,
or take any action related thereto.

(Inserted at the request of 10 registered voters)

VOTED: That the Town endorses the following principles for public school education in Arlington:

All students have the right to a full and comprehensive curriculum taught by certified, competitively compensated, professional staff members, who are provided with appropriate professional development training.

Needs of diverse learners should be addressed for all students K-12.

A safe, positive school climate with appropriate programs to support the needs of our students will exist in each school.

Implementation of the District Goals for Arlington Public Schools, as approved by the School Committee, will be supported.

And be it resolved that the Town of Arlington and its elected and appointed officials and employees will:

Provide adequate funding to support these principles for the Arlington Public Schools; and

Urge the United States Federal Government and its various branches, representatives, and employees to provide adequate funding and support for public education; and

Urge US Congressional representatives and Senators to monitor the implementation of the ESEA "No Child Left Behind" legislation, change the accountability standards and actively work for additional monies for municipalities to fully fund this and the IDEA/Special Education mandates; and

Urge the Massachusetts State legislature to provide adequate monies

to local authorities to fully fund Special Education mandates and School Building Assistance commitments; and the Educational Reform Act of 1993; and send copies of this resolution to our State legislators, Governor, U.S. Congressional and Senate representatives, and the President of the United States.

(4-0)

(Mr. Greeley absent)

COMMENT: The Board supports and asks that the Town endorse the sentiments espoused by the proponents of this article who will make a presentation on same at the Town Meeting.

ARTICLE 94 HOME RULE LEGISLATION/BEER AND WINE AND ALL ALCOHOL

To see if the Town will vote to authorize and request that the Board of Selectmen file a home rule petition with the legislature which would authorize the Town to provide for a ballot question which would ask the voters of the Town to answer two questions, the first of which would be to authorize the Selectmen to issue licenses for the sale of beer and wine for establishments to sell for consumption off premises, and the second would authorize a ballot question which would permit the Selectmen to issue licenses to establishments for sale of beer, wine and all alcohol for consumption off premises, or take any action related thereto.

(Inserted by the Board of Selectmen)

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

“AN ACT TO AUTHORIZE THE BOARD OF SELECTMEN OF THE TOWN OF ARLINGTON TO PLACE UPON A TOWN BALLOT TWO QUESTIONS RELATING TO THE LICENSING OF PURVEYORS OF BEER AND WINE AND/OR PACKAGE STORES.

Section 1. The Board of Selectmen of the Town of Arlington be and hereby is authorized to place upon the ballot at the 2005 Annual Town Meeting Election the following two questions:

(A) ‘Shall the Board of Selectmen of the Town be authorized to issue up to three licenses to establishments that would sell beer and wine only for consumption off premises?’

? ?
Yes No

(B) Shall the Board of Selectmen be authorized to issue up to three licenses to establishments that would be permitted to sell beer, wine or any other alcohol beverage for consumption off premises?’

? ?

Yes No

Section 2. If a majority of the voters voting at the 2005 Annual Town Meeting Election vote yes on question (B) above, then the results of the vote on question (A) will be rendered moot and without effect. If a majority of the voters voting at the 2005 Annual Town Meeting Election vote no on question (B), but a majority of voters vote yes on question (A), then the Board may issue up to three licenses for the sale of beer and wine only not for consumption on the premises

Section 3. This act will take effect upon passage.”

(5-0)

COMMENT: The Board is of the view that the Town would be best served by the issuing of up to three licenses for either a beer and wine store or full package stores. Besides providing a convenience to Arlingtonians to obviate their need to go out of town for any carry out libations, it is believed that, just as it had the same desired effect for the licensing of restaurants for beer, wine and a limited number of all alcohol licenses, such issuance would increase foot traffic to the benefit of other town merchants. It must be stressed that this question, if this vote is approved by Town Meeting, will then be solely decided by the voters assuming legislature approval. Before such decision in April of 2005, the Board intends to conduct a thorough public discussion of this matter at various forums. The Town Manager, who has extensive experience on this kind of public process during his tenure in Winchester on the very same issue, will be charged with the establishment of extensive, detailed and strict guidelines governing the issuance of any licenses and the overseeing thereof of any licensed establishments. Favorable action is urged to permit this process to proceed.