



**Town of Arlington, Massachusetts**  
**730 Massachusetts Ave., Arlington, MA 02476**  
**Phone: 781-316-3000**

**webmaster@town.arlington.ma.us**

## **Town Meeting Warrants, spring 2003**

### **WARRANT FOR ANNUAL TOWN MEETING, April 28, 2003**

Middlesex, ss.

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

#### **GREETINGS:**

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

**SATURDAY, THE FIFTH OF APRIL 2003**

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

#### **ARTICLE 1**

To elect by ballot the following Town Officers:

- A) Two Selectmen for three years;
- B) One Assessor for three years;
- C) Two School Committee Members for three years; and
- D) One Member of the Arlington Housing Authority for five years

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

- PRECINCT 1 - Four for three years;
- PRECINCT 2 - Four for three years;
- PRECINCT 3 - Four for three years;
- PRECINCT 4 - Four for three years;
- PRECINCT 5 - Four for three years;
- PRECINCT 6 - Four for three years; Two for one year;
- PRECINCT 7 - Four for three years;
- PRECINCT 8 - Four for three years;
- PRECINCT 9 - Four for three years;
- PRECINCT 10 - Four for three years;
- PRECINCT 11 - Four for three years;
- PRECINCT 12 - Four for three years;
- PRECINCT 13 - Four for three years;
- PRECINCT 14 - Four for three years;
- PRECINCT 15 - Four for three years;
- PRECINCT 16 - Four for three years; One for two years;
- PRECINCT 17 - Four for three years;
- PRECINCT 18 - Four for three years;

**PRECINCT 19 - Four for three years;**  
**PRECINCT 20 - Four for three years; and**  
**PRECINCT 21 - Four for three years.**

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

- Precinct 1 Thompson School, entrance on North Union Street
- Precinct 2 Hardy School, entrance on Brooks Avenue
- Precinct 3 Edith Fox Library, entrance on Cleveland Street
- Precinct 4 Hardy School, entrance on Brooks Avenue
- Precinct 5 Thompson School, entrance on North Union Street
- Precinct 6 Gibbs Junior High (East), entrance on Tufts Street
- Precinct 7 Gibbs Junior High (East), entrance on Tufts Street
- Precinct 8 Town Hall, entrance on Massachusetts Avenue
- Precinct 9 Chestnut Manor, entrance on Chestnut Terrace
- Precinct 10 Town Hall, entrance on Massachusetts Avenue
- Precinct 11 Bishop School, entrance on Stowcroft Road
- Precinct 12 Brackett School, entrance on Eastern Avenue
- Precinct 13 Stratton School, entrance on Mountain Avenue
- Precinct 14 Highland Fire Station, entrance on Massachusetts Avenue
- Precinct 15 Stratton School, entrance on Mountain Avenue
- Precinct 16 Dallin School, entrance on Florence Avenue
- Precinct 17 Highland Fire Station, entrance on Massachusetts Avenue
- Precinct 18 Dallin School, entrance on Florence Avenue
- Precinct 19 Peirce School, entrance on Newland Road
- Precinct 20 Park Avenue Congregational Church, entrance on Paul Revere Road.
- Precinct 21 Peirce School, entrance on Newland Road

You are also required to notify and warn the said inhabitants to meet at the Town Hall in said Town on Monday the 28th day of April, 2003, at eight o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members, in accordance with and subject to the referenda provided for by Chapter 43A of the General Laws.

**ARTICLE 2 REPORTS OF COMMITTEES**

To receive, hear, and act upon the reports of the Board of Selectmen, Finance Committee, Redevelopment Board, and other committees, commissions, and boards heretofore appointed, including, without limitation: Permanent Town Building Committee (April 23, 1969), Vision 2020 Standing Committee (June 8, 1992), School Facilities "Working Group" (May 4, 1994), ByLaw Recodification Study Committee (May 9, 1994), Telecommunications Committee (June 18, 1997), Noise Abatement Study Committee (May 11, 1998), Affordable Housing Task Force (May 3, 1999), Zoning Bylaw Review Committee (May 12, 1999), Uncle Sam Committee (May 17, 1999), Fields and Playgrounds Task Force (May 19, 1999), Maintenance Study Committee (May 1, 2000), Alewife Brook Advisory Committee (May 15, 2000), Newsracks Study Committee (May 9, 2001), Community Preservation Act Study Committee (May 21, 2001), Symmes Hospital Advisory Committee (May 21, 2001), and Power Company Feasibility Committee (May 6, 2002), or take any action related thereto. (Inserted at the request of the Town Moderator)

**ARTICLE 3 APPOINTMENT OF MEASURERS OF WOOD AND BARK**

To choose and appoint all the usual Town Officers not hereinbefore mentioned, in such a manner as the Town may determine, or take any action related thereto. (Inserted by the Board of Selectmen)

**ARTICLE 4 ZONING BYLAW, AMENDMENT/OFF STREET PARKING AND LOADING REGULATIONS**

To see if the Town will vote to amend the Zoning Bylaw in Article 8, Off-Street Parking and Loading Regulations, by adding a new section as follows:

Section 8.13 – Bicycle Parking

The intent of this section is to provide standards for orderly and safe bicycle parking.



B. **Special Place.** A Special Place shall be a place in the Town of Arlington of exceptional importance to the history, culture, or architecture of the Town and which is nominated according to the provisions of this article and so designated by the Town Meeting. Properties designated as Special Places shall be as described by map, block, and lot number on the date of designation regardless of any future subdivision or partition of any such lot.

C. **Affected Properties.** Affected Properties shall be all properties any part of which falls within 100 feet of the lot line of the designated Special Place. A list of such properties, the Affected Properties roster, shall be developed and maintained by the Town and furnished to the Building Inspector. Properties which become Affected Properties by reason of such designation shall be as described by map, block, and lot number on the date of designation regardless of any future subdivision or partition of any such lot.

### Section 3 - Procedures

#### A. Designation of a Special Place

##### 1. Nomination

A place in the Town may be nominated by the Commission or by registered voters, following usual warrant article requirements, to a regular or special Town Meeting for designation as a Special Place because of its exceptional importance to the history, culture, or architecture of the Town, and the need for it to receive the additional protection so provided. A Study Committee, including representatives of appropriate Town boards, commissions, and committees, shall be appointed by the Commission to conduct a survey of the area of a proposed Special Place, using the Massachusetts Historical Commission survey forms and inventory process, and to prepare a preliminary report for review in the hearing described below.

##### 2. Notification and Hearings

a. Following the closing of the warrant in which an article requesting designation of a Special Place has appeared, the Commission shall notify the property owners who would be affected by the designation of a location as a Special Place and the date, time, and location of the hearing on the matter.

b. The Commission shall hold such a hearing in a timely manner and at least two weeks before the start of the Town Meeting, which will consider the nomination.

3. **Town Meeting Action.** A two-thirds vote of the Town Meeting shall be required to designate a Special Place. Upon designation, a Special Place shall be added to the Town's inventory of Significant Properties unless it is already on that inventory.

#### B. Removal of a Special Place Designation

The process for removal of a "Special Place" designation shall be the same as that for designating it.

#### C. Protection of Special Places

##### 1. Procedure

a. The Building Inspector, within five business days of receipt of an application for a building or demolition permit on a site that is a Special Place or is on the Affected Properties Roster, shall verify the accuracy of the information contained in the application and shall cause a copy of each such application to be forwarded to the Commission. No permit shall be issued at that time.

b. Within 30 days of receiving a copy of such application, the Commission shall schedule and hold a hearing on any application and shall give legal notice thereof to the applicant, to the owners of all abutting or affected properties to that which is the subject of the hearing, and to any other party the Commission deems appropriate to notify. The Chair of the Commission may notify the Building Inspector where the changes proposed by the applicant are less than 25% of the facade that the changes are too minor to require a hearing and the building permit may then be issued.

c. The Commission shall consider only external features subject to public view, and shall not consider interior arrangements or the use to which any structure may be put. The Commission shall also not consider replacement in kind of a structure or built environment, a permit for which may be issued without Commission approval. The Commission will establish criteria for its review.

d. If, after such hearing, the Commission determines that the action proposed by the applicant would be adverse to the qualities that make the "Special Place" special, it shall so notify the Building Inspector and the applicant, and the requested permit shall not be issued. If the Building Inspector has not received such notification within 15 days of the closing of the hearing, or has received notice from the Commission that the proposed action would not adversely affect the "Special Place", (s)he may, subject to the requirements of the State Building Code and any other applicable laws, rules, and regulations, issue the requested permit.

##### 2. Appeal

An adverse decision of the Commission may be appealed by the applicant to the Board of Selectmen within 30 days of publication of the adverse decision. The Selectmen shall act on the appeal within 30 days of its filing or as otherwise agreed to by all parties. Should the Board of Selectmen by an affirmative vote of at least four members overrule the decision of the Commission, it shall so notify the Building Inspector and (s)he may issue the requested permit.

D. Building Inspector

Nothing in this article shall be construed to derogate in any way from the authority of the Building Inspector derived from Chapter 143 of the General Laws. However, the Building Inspector shall make every reasonable effort to inform the Chairperson of the appropriate commission before initiating action that affects a Special Place or Affected Property.

E. Historic Districts Act

Nothing in this article shall be deemed to conflict with the provisions of the Historic Districts Act, General Laws, Chapter 40C, or the bylaws affecting Historic Districts. Any Special Place or Affected Property within an Historic District shall be dealt with by the appropriate Historic District Commission.

F. Severability

If any section, paragraph or part of this article is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect,

or to take any action related thereto.

(Inserted at the request of Zoning Bylaw Review Committee)

## **ARTICLE 9 BYLAW AMENDMENT/ DOG PARKS**

To see if the Town will vote to amend the Town Bylaws Title IV, PUBLIC AREAS, Article 1, **USE OF AREAS UNDER CONTROL OF PARK DEPARTMENT**, Section 7, Animal Control, to allow dogs to be off leash in areas designated as a "Dog Park", "Dog Run" or "Dog Exercise Area", by adding the following wording (underlined):

No person shall cause or permit any animal owned by him or in his custody or under his control, to roam or be at large, in, on or through any park or playground, except in any area designated by the Town of Arlington as a "Dog Park", "Dog Run" or "Dog Exercise Area", under the care and control of the Park Department, except a dog when restrained by a leash not exceeding six (6) feet in length. No animals are allowed on any beach under the care and control of the Park Department, or take any other action relating thereto.

(Inserted at the request of 10 registered voters)

## **ARTICLE 10 BYLAW AMENDMENT/LEASH LAW**

To see if the Town will vote to amend the Town Bylaws Title VIII, PUBLIC HEALTH AND SAFETY, Article 2, **CANINE CONTROL**, Section 2. Leashing of Dogs, to allow dogs to be off leash in areas designated as a "Dog Park", "Dog Run" or "Dog Exercise Area", by adding the following wording (underlined):

Leash Required. No person owning or keeping a dog in the Town of Arlington shall permit such dog to be at large in the Town of Arlington elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the knowledge and permission of such other person. Such owner or keeper of a dog in the Town of Arlington, which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash not exceeding six feet in length. In any prosecution hereunder, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had. This provision shall not apply, however, in any area designated by the Town of Arlington as a "Dog Park", "Dog Run" or "Dog Exercise Area".

Dog Park: In any area designated by the Town of Arlington as a "Dog Park", "Dog Run" or "Dog Exercise Area", dogs are not required to be restrained by a leash provided the owner or keeper of such dog is present at the park and watching the dog.

or take any other action related thereto

(Inserted at the request of 10 registered voters)

**ARTICLE 11 BLAW AMENDMENT/PARKING METERS**

To see if the Town will vote to amend Title III, Article 1, Section 27 of the bylaws of the Town of Arlington, pertaining to parking meters, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 12 BYLAW AMENDMENT/HISTORIC DISTRICT COMMISSION**

To see if the Town will vote to amend the Bylaws, Title VII, Article 3 in the following respects:

In Section 2, by adding to the end of the third paragraph the following new language: "In the event that, after a diligent effort the Selectmen (or the Commissioners on their behalf) are unable to find or persuade any resident or property owner in a particular district to serve as the district representative, then the Selectmen may appoint any resident of the Town to such position for a term that will end when a resident or property owner of such district evinces his or her willingness to serve and is duly appointed by the Selectmen."

In Section 3, A, by adding, after the words "Vice Chairman" the words "or acting chairman," or take any action related thereto.

(Inserted at the request of the Historic District Commissions)

**ARTICLE 13 BYLAW AMENDMENT/BOARD OF HEALTH FEES**

To see if the Town will vote to amend the bylaws to provide for further fees or increase existing fees for services provided by the Board of Health, to establish fines for violations of its regulations, or take any action related thereto.

(Inserted at the request of the Board of Health)

**ARTICLE 14 BYLAW AMENDMENT/ASSISTANT MODERATOR**

To see if the Town will vote to amend the Bylaws, Title I, Article 1, to add a provision establishing the position of assistant Moderator, defining the duties of such office, and providing for election to such office by the Town Meeting Members, or take any action related thereto.

(Inserted at the request of the Town Moderator)

**ARTICLE 15 APPROPRIATION/ENVIRONMENTAL JOINT POWER AGREEMENT**

To see if the Town will vote to authorize the appropriate Town officials to do all things necessary and appropriate to participate in an Environmental Joint Power Agreement contemplated by Section 20 of Chapter 21A of the General Laws relating to a regional approach to flooding control in the Alewife watershed and related areas, or to take any action related thereto.

(Inserted by the Board of Selectmen)

**ARTICLE 16 REFUSE CONTRACT**

To see if the Town will vote to approve a contract or contracts for the collection and/or disposal of waste generated by the Town after September 26, 2005, or take any action related thereto.

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

**ARTICLE 17 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)

**ARTICLE 18 TOWN OWNED/OPERATED LIQUOR STORE**

To see if the Town will vote to authorize the Board of Selectmen file a Home Rule Petition to authorize the Town to place on the ballot for determination by the voters of the Town the question as to whether the Town will be authorized to own and operate an establishment for the sale of all alcoholic beverages for consumption off premises, to do all other things necessary and appropriate to determine the manner of ownership and operation, or to take any action related

thereto.

(Inserted by the Board of Selectmen)

#### **ARTICLE 19 REINSPECTION OF VACATED PREMISES**

To see if the Town will vote to amend the bylaws in either Title V or Title VI so as to require the Inspector of Buildings to inspect all apartment dwellings after same have been vacated by the occupant or occupants thereof so as to determine that the maximum number of persons to occupy the unit complies with all local bylaws and the state building code and smoke detector regulations, the responsibility of notifying the Inspector of Buildings to be that of the owner of the premises, to establish a fee for such inspection and to provide for penalties for violations thereof, or to take any action related thereto.

(Inserted by the Board of Selectmen)

#### **ARTICLE 20 HOME RULE LEGISLATION/ HEALTH INSURANCE**

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule legislation which would permit town residents access to the Town employee health insurance plans, or take any action related thereto.

(Inserted at the request of 10 registered voters)

#### **ARTICLE 21 HOME RULE LEGISLATION/TOWN-BASED PROPERTY INSURANCE**

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule legislation which would permit the Town to encourage homeowners to purchase property insurance from a single Town based insurance plan, and would permit the Town to hire a third party administrator to manage and purchase re-insurance for such a Town based plan, or take any action related thereto.

(Inserted at the request of 10 registered voters)

#### **ARTICLE 22 HOME RULE LEGISLATION/POLICE AGE WAIVER**

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would provide essentially as follows:

An Act Exempting George Robert White of Arlington from Maximum Age Requirements for Applying for Civil Service Appointment as a Police Officer in the Town of Arlington.

Section 1:

Notwithstanding any special or general laws to the contrary, including without limitation MGL Chapter 31 Sections 58, 61A and 61B, or the Town of Arlington's failure to adopt the same, George Robert White, an Arlington citizen, is hereby eligible to have his name certified for original appointment to the position of police officer 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 George Robert White will be eligible for appointment to the position of police officer 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 any lawful hiring practices of the Town of Arlington.

Section 2:

This act shall take effect upon passage.

or take any action related thereto.

(Inserted at the request of 10 registered voters)

#### **ARTICLE 23 SYMMES HOSPITAL SITE PLAN**

To see if the Town will vote to include in any plan for the Symmes Hospital site the following plan of the Arlington Housing Authority: to acquire up to 1.5 acres of land and to construct thereon elderly housing and/or housing for the disabled not to exceed 75 units with approximately 50 of those units to be affordable, the cost of some to be borne by the Authority, its successors and/or its assigns, or take any action related thereto.

(Inserted at the request of the Arlington Housing Authority)

#### **ARTICLE 24 NEWS RACKS STUDY PLAN**

To see if the Town will vote to authorize the News Racks Study Committee to present a multi-year plan to the Capital Planning Committee designed to enhance and otherwise improve upon the appearance of the newspaper/media vending/display boxes located on the major thoroughfares of

the Town, the plan to include a proposal to revise the current fee structure for licensing said boxes in order to amortize the cost of the proposed enhancements; or take any action related thereto:  
(Inserted at the request of the News Racks Study Committee)

**ARTICLE 25 TOWN ELECTRICAL LOAD AGGREGATOR**

To see if the Town will vote to do all things necessary and appropriate to become an electrical load aggregator for citizens within its boundaries pursuant to the provisions of Section 134 of Massachusetts General Laws Chapter 164, or take any action related thereto  
(Inserted at the request of the Power Company Feasibility Committee)

**ARTICLE 26 GIBBS JUNIOR HIGH SCHOOL**

To see if the Town will vote to transfer the jurisdiction of the Gibbs Junior High School, currently under the temporary jurisdiction of the Redevelopment Board, under the vote of Article 14 of the 1989 Annual Town Meeting, from the jurisdiction of the School Committee, to some other board or commission, to determine to what use it will be put, including the sale or lease of same, or take any other action relating thereto.

(Inserted by the Board of Selectmen)

**ARTICLE 27 SALE OF TOWN OWNED REAL ESTATE**

To see if the Town will vote to authorize the Selectmen to sell any Town owned real estate property, to determine to what purpose the proceeds of such sale shall be put, or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 28 AMEND TOWN MANAGER ACT/TOWN MANAGER QUALIFICATIONS**

To see if the Town will vote to petition the Legislature to amend the Town Manager Act by removing the requirement that the Town Manager be a resident of the Town as provided in Section 11 of the Act, or otherwise alter the qualifications and requirements necessary to be the Town Manager or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 29 ESTABLISH TREE COMMITTEE**

To see if the Town will vote to amend the bylaws so as to establish a Tree Committee, determine the scope of its authority and manner of appointment, said amendment to also provide for a procedure governing the removal of trees in construction projects, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 30 TRASH COLLECTION PLAN I**

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 established 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 to be picked up per week; additional bags would be sold for a fee under an arrangement devised by the DPW, or take any other action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 31 TRASH COLLECTION PLAN II**

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 established 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 to be picked up per week; additional bags would be sold for a fee equal to that charged for commercial waste pickup as arranged by the DPW, or take any other action related thereto.

(Inserted at the request of the Recycling Committee)

**ARTICLE 32 LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN**

To see if the Town will vote to take all appropriate action, including amendment of Town Bylaws if necessary, to reduce operating costs and increase the environmental efficiency of Town buildings



and to require new Town buildings to achieve at least Leadership in Energy and Environmental Design (LEED) silver level certification in the building scoring system promulgated by the US Green Building Council, or similar level in a comparable scoring system, or take any other action relating thereto.  
(Inserted at the request of the Vision 2020 Environment Task Group and the Vision 2020 Standing Committee)

### **ARTICLE 33 ACCEPTANCE OF LEGISLATION/COMMUNITY PRESERVATION ACT**

To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said act including the acquisition, creation, and preservation of open space; the acquisition and preservation of historic resources; the acquisition, creation and preservation of land for recreational use; the creation, acquisition, preservation and support of community housing; and the rehabilitation and restoration of such open space, historic resources, land for recreational use and community housing that is required or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy of up to 3% against real property; to determine whether the Town will accept the low and moderate income exemption and the first \$100,000 exemption permitted under Section 3(c) of said Act; to present the acceptance of the act to the voters as a referendum question at the next election; or to take any other action relative thereto  
(Inserted at the request of the Community Preservation Act Study Committee).

### **ARTICLE 34 COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will amend the bylaws to establish a Community Preservation Committee as set forth below or take any action relating thereto.

There is hereby established a Community Preservation Committee to be appointed by the Moderator according to Title I, Article 1, Section 9 of the Bylaws. The Committee shall consist of one member of the Conservation Commission nominated by its chair, one member of the Historical Commission nominated by its chair, one member of the Redevelopment Board nominated by its chair, one member of the Parks and Recreation Commission nominated by its chair, one member of the Housing Authority nominated by its Board, one member of the Capital Planning Committee nominated by its chair, one member of the Finance Committee nominated by its chair, and two registered voters of the Town. Members of the Community Preservation Committee shall serve for a period of three years beginning 1 July, 2003 and are eligible for reappointment. A vacancy shall be filled in the same manner as the original appointment. The Community Preservation Committee shall choose its own officers.

The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including, but not limited to, the Conservation Commission, the Historical Commission, the Redevelopment Board, the Parks and Recreation Commission, the Open Space Committee, the Affordable Housing Task Force, the Capital Planning Committee, and the Finance Committee. As part of its study, the Committee shall hold at least one annual public informational hearing on the needs, possibilities, and resources of the Town concerning community preservation, notice of which shall be posted publicly and published for each of two weeks preceding the meeting. After gathering this information, the Committee shall prepare a five-year plan for expending the funds raised under the provisions of and for the purposes authorized by the Community Preservation Act (Chapter 44B of the General Laws).

After review of the plan by the Board of Selectmen, the Finance Committee, and the Capital Planning Committee, the Community Preservation Committee shall recommend to the Annual or Special Town Meeting for approval the first year of the plan.

No action shall be recommended by the Community Preservation Committee that will prevent a reconsideration and possible revocation of acceptance of the Community Preservation Act five years after the act is initially accepted.

(Inserted at the request of the Community Preservation Act Study Committee)

**ARTICLE 35 ENDORSEMENT OF CDBG APPLICATION**

To see if the Town will vote to endorse the application for Federal Fiscal Year 2004 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended, or take any action related thereto.

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

**ARTICLE 36 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 2004, or take any action related thereto.

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

**ARTICLE 37 EARLY RETIREMENT**

To see if the Town will vote to accept any permissive legislation related to retirement changes and/or Early Retirement, or take any action related thereto.

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

**ARTICLE 38 EDUCATION REFORM**

To see if the Town will vote to accept any permissive legislation relative to education reform and/or to apply and accept any educational funds as appropriated by the legislature, or take any action related thereto.

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

**ARTICLE 39 SPECIAL EDUCATION**

To see if the Town will vote to accept any permissive legislation concerning special needs students, or take any action related thereto.

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

**ARTICLE 40 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 Whittemore-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 same, determine how the money shall be raised and expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

#### **ARTICLE 41 ACCEPTANCE OF LEGISLATION ORDINARY DISABILITY RETIREMENT**

To see if the Town will vote to accept the appropriate provisions of Massachusetts General Laws Chapter 32, Section 6 allowing non-veteran employees of the Town to receive an ordinary disability retirement upon the completion of ten years of creditable service; or take any action related thereto.

(Inserted at the request of the Contributory Retirement Board)

#### **ARTICLE 42 ACCEPTANCE OF LEGISLATION/ VETERANS BUY BACK**

To see if the Town will vote to accept the provisions of Chapter 71 of the Acts of 1996 allowing certain public employees of the Town to purchase up to four years for active service in the armed forces to be added to current creditable service time; or take any action related thereto.

(Inserted at the request of the Contributory Retirement Board)

#### **ARTICLE 43 APPROPRIATION/PENSION ADJUSTMENT FOR RETIREES**

To see if the Town will vote to appropriate a sum of money to implement the provisions of Chapter 32 of the General Laws, Sections 90A, 90C, 90D and 90E, pursuant to which the Town pays up to fifty percent of the maximum salary as set forth in the classification and pay plan for the position formerly held by retirees of the Town, and in accordance with prior practice and understanding of the Town relating to the pension adjustment of former employees, determine how the money shall be raised and expended; or take any action related thereto.

(Inserted at the request of the Contributory Retirement Board)

#### **ARTICLE 44 COLLECTIVE BARGAINING/LOCAL 680**

To see if the Town will vote to fund any fiscal items in the event that any are contained in a collective bargaining agreement between the Town and that collective bargaining unit represented by Local 680, American Federation of State, County and Municipal Employees, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Acting Town Manager)

#### **ARTICLE 45 COLLECTIVE BARGAINING/NAGE**

To see if the Town will vote to fund any fiscal items in the event that any are contained in a collective bargaining agreement between the Town and that collective bargaining unit represented by Local 113, National Association of Government Employees, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Acting Town Manager)

#### **ARTICLE 46 COLLECTIVE BARGAINING/LIBRARY PROFESSIONALS**

To see if the Town will vote to fund any fiscal items in the event that any are contained in a collective bargaining agreement between the Town and that collective bargaining unit represented by the Robbins Library Professional Association, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Acting Town Manager)

#### **ARTICLE 47 COLLECTIVE BARGAINING/LOCAL 1297 FIREFIGHTERS**

To see if the Town will vote to fund any fiscal items in the event that any are contained in a collective bargaining agreement between the Town and that collective bargaining unit represented by Local 1297, International Association of Firefighters, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Acting Town Manager)

**ARTICLE 48 COLLECTIVE BARGAINING/PATROLMEN**

To see if the Town will vote to fund any fiscal items in the event that any are contained in a collective agreement between the Town and that collective bargaining unit represented by the Arlington Police Patrolmen's Association, determine how the money shall be raised, and expended, or take any action related thereto.

(Inserted at the request of the Acting Town Manager)

**ARTICLE 49 COLLECTIVE BARGAINING/RANKING POLICE OFFICERS**

To see if the Town will vote to fund any fiscal items in the event that any are contained in a collective bargaining agreement between the Town and that collective bargaining unit represented by the Ranking Police Officers Association, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Acting Town Manager)

**ARTICLE 50 M SCHEDULE AND NON-UNION EMPLOYEES**

To see if the Town will vote to appropriate a sum of money to fund salary or fringe benefit increases for those employees who occupy a position in Schedule M of the Compensation and Pay Plan or who are non-union Town side employees, amend the Compensation and Pay Plan accordingly, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Acting Town Manager)

**ARTICLE 51 SALARY ADJUSTMENT/ELECTED OFFICIALS**

To see if the Town will vote to appropriate a sum of money in order to adjust the salaries or fringe benefits of certain elected officials, including the Town Clerk and Town Treasurer, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted by the Board of Selectmen)

**ARTICLE 52 FUNDING FUTURE COLLECTIVE BARGAINING**

To see if the Town will vote to carry over a sum of money left unexpended at the end of Fiscal Year 2003 in Town budgets in order to establish a reserve for funding future collective bargaining agreements, to appropriate a sum of money for same, determine how the money will be raised or expended, or take any action related thereto.

(Inserted at the request of the Acting Town Manager)

**ARTICLE 53 POSITIONS RECLASSIFICATION**

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

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

**ARTICLE 54 APPROPRIATION/TOWN BUDGETS**

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

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

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

**ARTICLE 55 AUGMENT FUNDS/DEFERRED COMPENSATION**

To see if the Town will vote to appropriate a sum or sums of money for the purpose of funding the liability of the Town for deferred wage increases voted or to be voted by Town Meeting on behalf of employees eligible for such compensation, said fund having been established under Article 26 of the 1994 Town Meeting, to determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Acting Town Manager)

**ARTICLE 56 APPROPRIATION/CAPITAL PROJECTS AND DEBT**

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

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

**ARTICLE 57 APPROPRIATION/PARKS AND RECREATION**

To see if the Town will vote to appropriate a sum of money to fund field and playground renovations in the Town in order to permit the Park and Recreation Commission to complete its ten year capital plan as it relates to the following fields in the Town: Robbins Farm, Spy Pond Shore, Summer Street Field, Waldo Playground, Bishop Field, Hibbert Street Playground, Hurd Field, Buzzell Field, Locke Playground, Menotomy Rocks Park, Florence Tot Playground, Poets Corner Field, Summer Street Playground, and Cutter Playground. Said appropriation to include funds for a feasibility study related thereto and maintenance, determine how the money shall be raised and expended including the possibility of borrowing same or take any action related thereto.

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

**ARTICLE 58 RESCIND AUTHORITY TO BORROW**

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

(Inserted at the request of the Capital Budget Committee)

**ARTICLE 59 APPROPRIATION/MINUTEMAN REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL**

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

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

**ARTICLE 60 APPROPRIATION/COMMITTEES AND COMMISSIONS**

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

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

**1 ARTICLE 61 TRANSFER OF FUNDS/CONSERVATION COMMISSION**

To see if the Town will vote to transfer funds from the Receipt Reserve account of the Conservation Commission, established at Town Meeting in 1990, to the budget of the Conservation Commission for fiscal year 2004, or take any action related thereto.

(Inserted at the request of the Conservation Commission)

**ARTICLE 62 WETLANDS BYLAW WAIVER PROVISIONS**

To see if the Town will vote to amend Article 8 – Wetlands Protection of Title V of the Bylaws so as to provide the Conservation Commission with the authority to grant a variance in those situations where strict adherence to provisions of the bylaw would result in an extreme hardship, or take any action related thereto.

(Inserted at the request of the Superintendent of Schools, the Director of Planning and Community Development, and Town Counsel)

**ARTICLE 63 APPROPRIATION/TOWN CELEBRATIONS, ETC.**

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

- A. Seasonal Lighting
- B. Veterans' Day Parade, Memorial Day Observation and the Patriots' Day Celebration
- C. 2003 Town Day Celebration
- D. Display of American Flags on Massachusetts Avenue
- E. Placing of American Flags on the Graves of Veterans

(Inserted at the request of the Acting Town Manager)

**ARTICLE 64 APPROPRIATION/MISCELLANEOUS**

To see if the Town will vote the following:

- A. Legal Defense - To appropriate a sum of money to replenish the Legal Defense Fund established under Article 13, Section 5 of Title I of the Town Bylaws,
- B. Unemployment Compensation - To appropriate a sum of money to be expended under the direction of the Town Manager for the Unemployment Compensation Program,
- C. Out-Of-State Travel - To appropriate a sum of money for expenses incurred outside the Commonwealth and as described in the General Laws, Chapter 40, Section 5, Paragraph 34, said appropriation to be expended under the direction of the Board of Selectmen and the Town Manager,
- D. Revaluation - To appropriate a sum of money to fund the cost of a revaluation of Town property,
- Indemnification of Medical Costs - To appropriate a sum of money in accordance with the provisions of Chapter 41, Section 100B of the General Laws, to indemnify certain retired Police Officers and Firefighters for all reasonable medical and surgical expenses which they incurred,

determine how the money will be raised and expended, or take any action related thereto.

(Inserted at the request of the Acting Town Manager)

**ARTICLE 65 APPROPRIATION/FINANCING OF CONSTRUCTION OR RECONSTRUCTION OF SEWERS AND SEWERAGE FACILITIES**

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

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

**ARTICLE 66 APPROPRIATION/FINANCING OF CONSTRUCTION OR RECONSTRUCTION OF WATER MAINS AND WATER FACILITIES**

To see if the Town will vote to appropriate a sum of money for the purpose of financing the construction or reconstruction of water mains and water facilities, including costs incidental and



representations made to the voters of the Town during the April 1, 2000 debt exclusion campaign regarding the thirty-seven percent limitation imposed upon the Town's share of the debt service costs specifically related to the issuance of Proposition 2 1/2 exempt notes and/or bonds for the purpose of financing the remodeling, furnishing, equipping or otherwise constructing and/or reconstructing the Dallin, Thompson and Stratton Elementary Schools; and any borrowing for these projects which will, at any time, exceed the said thirty-seven percent limitation shall be issued either as non-exempt debt within the Town's capital planning process, or postponed until such time as state reimbursements allow the continuance of these school rebuilding projects; that the Treasurer and the Board of Selectmen shall accept input with regard to these matters from the leaders of the April 1, 2000 debt exclusion campaign; or take any action related thereto.  
(Inserted at the request of the Town Treasurer)

**ARTICLE 75 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 adjusting any or all Town fees contained therein, or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 76 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)

**ARTICLE 77 APPROPRIATION/TIP FEE STABILIZATION FUND**

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

(Inserted at the request of the Finance Committee)

**ARTICLE 78 TRANSFER OF FUNDS/CEMETERY**

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

(Inserted at the request of the Finance Committee)

**ARTICLE 79 APPROPRIATION/OVERLAY RESERVE**

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

(Inserted at the request of the Finance Committee)

**ARTICLE 80 USE OF FREE CASH**

To see if the Town will vote to authorize the taking of a sum of money voted for appropriations heretofore made at the Town Meeting under the Warrant and not voted to be borrowed from available funds in the Treasury, and authorize the Assessors to use free cash in the Treasury to that amount in the determination of the tax rate for the Fiscal Year beginning July 1, 2003, or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 81 RESOLUTION/ THE USA PATRIOT ACT AND THE PROTECTION OF CIVIL RIGHTS AND CIVIL LIBERTIES**

To see if the Town will adopt the following resolution:

**Whereas**, the Town of Arlington has a long and distinguished history of fighting for the civil liberties of its residents; and

**Whereas**, the Town of Arlington comprises a diverse population, including working people, people of color, students, and non-citizens, whose contributions to the community are greatly valued and provide vitality and character to the Town; and

**Whereas**, the Town of Arlington is committed to upholding the human rights of all persons in



Arlington and all the rights and privileges secured by our Constitution and the laws of the United States, the Commonwealth of Massachusetts, and the Town of Arlington, which guarantees all citizens the following rights:

- Freedom of speech, assembly, and privacy;
- The rights to counsel and due process in judicial proceedings; and
- Protection from unreasonable searches and seizures; and

Whereas, we believe these civil liberties are precious and are now threatened by:

**The USA PATRIOT Act**, which

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government’s ability to conduct secret searches;
- Gives the Attorney General and the Secretary of State the power to designate domestic groups as “terrorist organizations”; and
- Grants the FBI broad access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

**Federal Executive Orders**, which

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Justice Department regulations against illegal COINTELPRO-type operations by the FBI (covert activities that in the past targeted domestic groups and individuals); and
- Limit the disclosure of public documents and records under the Freedom of Information Act;

**Therefore be it resolved** that:

- The Town of Arlington and its elected and appointed officials and employees will continue to preserve residents’ freedom of speech, religion, assembly, and privacy; the right to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures; and
- The Town of Arlington will reject racial profiling of any group within our community; and
- The Town of Arlington will urge the United States Federal Government and its various branches, representatives, and employees to act in a fair, open, and consistent manner by ensuring that all individuals are afforded their appropriate rights to due process; and
- The Town of Arlington will urge US Congressional representatives and Senators to monitor the implementation of the USA PATRIOT Act and actively work for repeal of the parts of that Act and those Executive Orders that violate fundamental rights and liberties; and
- The Town of Arlington will send copies of this resolution to our U.S. Congressional and Senate representatives, the U.S. Attorney General, and the President of the United States., or take any action related thereto.

(Inserted at the request of 10 registered voters (on behalf of Arlington United for Justice and Peace))

**ARTICLE 82 RESOLUTION: CHILD DISCIPLINE/POLICY**

To see if the Town will adopt a policy to encourage parents and caregivers of children to: refrain from the use of corporal punishment; use alternative nonviolent methods of child discipline and management, with an ultimate goal of mutual respect between parent and child; and take advantage of the Arlington Youth Consultation Center, which is available to offer parents support, information, and direction regarding effective disciplinary methods. This policy statement is in no way intended to undermine parental authority or familial autonomy. Its goal is to promote and advocate mutually respectful relationships between children and their parents and encourage thoughtful determination of discipline methods, or take any action related thereto.

(Inserted at the request of 10 registered voters)

Hereof, fail not, and make due return of the Warrant, with your doings thereon, to the Town Clerk, on or before said day and hour of meeting.

(SIGNED)

A true copy.

Attest:

RICHARD T. BOYLE  
CONSTABLE

(SIGNED)

KATHLEEN KIELY DIAS      SELECTMEN  
 JOHN W. HURD              OF THE  
 CHARLES LYONS            TOWN  
 KEVIN F. GREELEY        OF  
 DIANE M. MAHON        ARLINGTON

