

**TOWN OF ARLINGTON
MASSACHUSETTS**

**REPORT OF THE
BOARD OF SELECTMEN**



TO THE

**TOWN MEETING
MONDAY, APRIL 23, 2018**

**SPECIAL TOWN MEETING
WEDNESDAY, MAY 2, 2018**

8:00 P.M.

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 objective of Board Warrant Article Hearings is to develop recommendations of the Board on each article before it by majority vote, to be set forth with the comments in the Report of the Board of Selectmen in advance of Town Meeting. As such, absent good cause shown, the Board will not recommend positive action on any article which fails to be presented at its appointed Board Warrant Article Hearing regardless of the substance of such articles.

Where the Board supports taking some action contemplated by an article, regardless of how it appears before the Board, the Selectmen, with assistance of Town Counsel, shall develop a motion for Town Meeting to take a specific action. Where the Board opposes an article, it will recommend a vote of “no action” to Town Meeting in its report. While respecting Town Meeting’s prerogative, the Board especially urges the Moderator and Town Meeting Members to procedurally and substantively support “no action” recommendations in such instances where article proponents fail to present at the appropriate Board Warrant Article Hearing and thus leave the details of their proposal to be presented for the first time on Town Meeting floor.

The Board would like to welcome back Joseph A. Curro, Jr. to serve as Arlington’s newly re-elected member of the Board, and John V. Hurd, our first newly elected member in six years.

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

Please note that where necessary for clarity, new or additional language in an amended Town Bylaw has been underlined, while removed language is denoted by strikethrough.

ARTICLE 6

BYLAW AMENDMENT/CAPITAL PLANNING
COMMITTEE

VOTED: That Title II, Article 3, Section 5, Capital Planning Committee of the Town Bylaws be and hereby is amended to expand the number of registered voter members appointed by the Moderator from four to “up to six” upon the request of the Town Manager and Chair of the Capital Planning Committee, with any members added serving a single term unless reappointment is requested by the Manager and the Chair; and further that Section 5 be amended to stagger the terms of Moderator appointed members so as to read as follows:

Section 5. Capital Planning Committee

There is hereby established a Capital Planning Committee consisting of the Town Manager, the Superintendent of Schools, the Town Treasurer, the comptroller, or their designees, a member of the Finance Committee and at least four and up to six registered voters of the town appointed by the Moderator.

The Finance Committee member and Moderator appointed members shall serve for ~~a three year terms commencing July 1, 1986~~, and members shall be eligible for reappointment. Following the effective date of this revised bylaw, the Moderator shall appoint four members for a term of one, two, or three-year terms for the specific purpose of staggering term expirations, with all subsequent appointments and reappointments for three years.

The Moderator may, at the joint request of the Town Manager and the Chair of the Capital Planning Committee, appoint up to two additional registered voters of the town. Additional members appointed pursuant to this section shall serve a single three-year term unless the Town Manager and Chair of the Capital Planning Committee jointly request reappointment.

A vacancy shall be filled for the unexpired term in the manner of the original appointment. The committee shall choose its own officers. It may spend such sums as shall be annually appropriated.

(5 – 0)

COMMENT: The Town Moderator, Town Manager, and Capital Planning Committee concur that the work of the Capital Planning Committee at times strains the capacity of a nine member body (especially where five of the nine members are either professional staff or concurrently a member of the Finance Committee). Moreover, the last time the Committee had a vacancy, a

greater number of qualified candidates applied than could be appointed to one open seat. Accordingly, the Board of Selectmen endorses this article to give the option to add two additional Moderator-appointed Capital Planning members when the Town Manager and the Chair of the Capital Planning Committee request an expansion. Each expansion appointee would serve a minimum of three years, but be eligible for reappointment only at the request of the Manager and the Chair of the Committee. Thus, the Committee will always have at least four Moderator appointed members, but as many as six upon request, such that the Committee could be as large as eleven (11) members, but would never be less than nine (9) absent a vacant seat. The Board also endorses new provisions for staggering committee terms such that all member terms will not expire the same year. All presently serving members shall serve the remainder of their three year terms before staggered terms will be implemented.

ARTICLE 7

**BYLAW AMENDMENT/TOWN MEETING
WARRANT DELIVERY**

VOTED: That no action be taken under Article 7, except to refer the matter to the Vision 2020 Governance Committee for further study.

COMMENT: The Board of Selectmen concurs with the opinion of the Town Meeting Procedures Committee, which is that the subject of this article requires further consideration. Arlington presently delivers its warrant by every means approved for advising the public of the subjects to be considered at Town Meeting. If the warrant may be alternatively delivered with equal effectiveness, but greater efficiency and lower cost, there may be sound reasons for change. However, further exploration of options is necessary before departing from current practice.

(5 – 0)

ARTICLE 8

**BYLAW AMENDMENT/ADDITION OF CERTAIN
DELINQUENT MUNICIPAL FEES/FINES TO BE
A LIEN ON REAL ESTATE TAX ACCOUNT**

VOTED: That Title I, Article 21 of the Town Bylaws be and hereby is amended; to include and insert new items “g,” “h,” and “i” therein as follows, so as to read:

**ARTICLE 21
MUNICIPAL CHARGES LIENS**

In accordance with Chapter 40, Section 58, of the General Laws, Municipal Charges Liens may be placed on real property located within the Town of Arlington related to the following Town charges:

- a) parking-violation charges

- b) **motor-vehicle excise taxes**
- c) **rental charges for town or school property and facilities**
- d) **public-safety details**
- e) **license, permit, and inspection fees**
- f) **charges assessed for snow and ice removal under Title III, Article 1, Sections 24, 25, and 26 of these Bylaws**
- g) **charges assessed for enforcement of Junk Car remediation under Title V, Article 2, Section 2 of these Bylaws;**
- h) **charges assessed for enforcement of Minimum Standards of Fitness for Human Habitation under the State Sanitation Code;**
- i) **charges assessed for removal of a “public health nuisance” defined by G.L. c. 111 sec. 125;**

upon non-payment of any such charge by its due date and upon request to the Town Treasurer by the municipal board or officer empowered to issue the license, permit, or certificate or to render the service or to perform the work for which the charge is assessed.

COMMENT: This article, submitted by the Town Treasurer and developed in concert with the Health Department, seeks to aid the Town’s efforts to recoup costs associated with enforcing state and local health and safety codes. While there are fines associated with violations of the Town’s Bylaws, the Sanitation Code, and the General Laws, collecting on those fines is a lengthy, difficult process, which sometimes requires the expenditure of more resources than fines themselves are worth.

Adding these limited, but common categories of charges as eligible for municipal liens serves primarily to develop a more effective method of recouping costs associated with these needed areas of public health service. However, it also may help encourage those property owners more frequently subject to the above-listed enforcement actions to obtain compliance and remain in compliance.

The Treasurer and Health Department has provided assurance that these municipal liens are not driven by revenue generation, and further that a review of municipal lien applications yielded no concerns of overzealous application. As such, we urge Town Meeting’s favorable action to aid the collection of the important enforcement-related charges.

ARTICLE 9

BYLAW AMENDMENT/FINANCIAL INFORMATION

VOTED: That the Town Bylaws be and hereby are amended by (a) deleting the text of Article 17, (“Financial Information”) of Title I; and (b) replacing it with the Word “DELETED.”

(5 – 0)

COMMENT: The Board of Selectmen unanimously endorses this efficient amendment proposed by Town Treasurer, Mr. Dean Carman. As Mr. Carman explained, the Financial Information required by Title I, Article 17 is now readily available from multiple, and easily accessible sources such as annual Town reports posted online. In fact, more detailed representations of such information are readily available and shared routinely. As such, the several thousand dollars spent each year on inserting “pie chart” information about the Town’s finances into each tax bill, as well as time constraints placed on both the Treasurer’s Office and the Assessors’ Office to finalize information in order to place it in tax bills no longer worth the investment. Title I, Article 17 was a valuable directive, but its purpose is now easily met by more cost-effective means.

ARTICLE 10

BYLAW AMENDMENT/ANIMAL CONTROL REGULATIONS

VOTED: That Title VIII of the Town Bylaws (“Public Health and Safety”) Article 2: Canine Control be and hereby is amended in Sections 1.B and 4.F, as follows:

Chaining or Tethering Dogs and Humane Conditions

1. No person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than ~~24 consecutive hours~~ 5 hours in a 24-hour period or outside from 10:00 p.m. to 6:00 a.m. unless the tethering is not for more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper. A tethering so employed shall not allow the dog to leave the owner’s, guardian’s or keeper’s property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog’s body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.
2. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
 - a. inside a pen or secure enclosure, if the following conditions are met:

- i. the pen or secure enclosure shall have adequate space for exercise with a dimension of at least 100 square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;
 - ii. the pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all 4 sides enclosed; and
 - iii. the minimum height of the fence shall be adequate to successfully confine the dog;
 - b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
 - c. a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:
 - i. only 1 dog shall be tethered to each cable run;
 - ii. the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit; provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;
 - iii. there shall be a swivel on at least 1 end of the tether to minimize tangling of the tether;
 - iv. the tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level; and
 - v. the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described herein; provided, however, that a trolley system or tether shall be of appropriate configuration to confine the dog to the owner's, guardian's or keeper's property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other object or animals.
3. A person owning or keeping a dog confined outside in accordance with this section shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least 3 sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie

down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.

4. No person owning or keeping a dog shall leave a dog chained or tethered outside for longer than ~~24 consecutive hours~~ 5 hours in a 24-hour period or outside from 10:00 p.m. to 6:00 a.m. unless the tethering is not for more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper.
5. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
6. No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purposes of this subsection, “cruel conditions and inhumane chaining or tethering” shall include, but not be limited to, the following conditions:
 - a. filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
 - b. taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; ~~and~~
 - c. subjecting a dog to dangerous conditions, including attacks by other animals;
 - d. leaving a dog outside when a weather advisory, warning or watch is issued by a local, state or federal authority or when outside environmental conditions including, but not limited to, extreme heat cold, wind, rain, snow or hail pose and adverse risk to the health or safety of the dog, unless tether is for not more than 15 minutes; and
7. No person shall confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
 - a. After making reasonable efforts to locate a motor vehicles owner, an animal control officer, law enforcement officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. Such personnel shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.

b. An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal from a motor vehicle under subsection (a), and the Town shall be immune from criminal or civil liability that might otherwise result from removal.

8. A person who violates ~~this sections~~ 1 through 6 above shall, for a first offense, be issued a written warning or punished by a fine \$50, for a second offense, be punished by a fine of ~~\$100~~200 and for a third or subsequent offense, be punished by a fine of ~~\$300~~500, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.

A person who violates section "7" above shall, for the first offense be punished by a fine of \$150, for a second offense, be punished by a fine of \$300, and for a third and each subsequent offense, by a fine of \$500, and may be subject to prosecution under G.L. c. 272 section 77.

and;

F. Fees

2. Failure to comply; penalties.

a. Penalty for failure to comply with licensing requirements. Failure to comply with this section shall be punishable by a fine of \$50.

b. Additional late fees. Failure to comply with this section within the first Thursday following 45 business days of the date that the licensing or re-licensing obligation arises shall be punishable by a fine of \$50 ~~and failure to comply with this section within 90 days of the date that the licensing or re-licensing obligation arises shall be punishable by an additional fine of \$50.~~ An additional \$50 fine shall be applied where owners fail to register a dog for an entire calendar year, due upon registration the following year. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

(5 – 0)

COMMENT: The Animal Control Officer and Town Clerk submitted this set of updates and changes to the Town's Animal Control Bylaw, chiefly to reflect current General Laws provisions following the passage Chapter 248 of the Acts of 2016, which expanded and further detailed protections for dogs from exposure to dangerous weather conditions and excessive heat or cold. Specifically, the proposed changes limit the number of hours dogs may be tethered outside unsupervised, and employ both fines and other relief to ensure dogs are not exposed to dangerous weather outdoors or dangerous temperatures while confined inside cars. Lastly, the proposal also incorporates fee changes requested by the Town Clerk based upon her experiences administering dog licensing regulations. Accordingly, the Board unanimously supports the proposed revisions.

ARTICLE 11

BYLAW AMENDMENT/VACANT STORE FRONT REGISTRY

VOTED: That Title V, Article 17 be and hereby is amended as follows:

First, that Section 2. (Definitions) is amended to change the definition of “Vacant Building” subpart ‘A’ by striking the word “twenty-one” (and number “21”) and replacing it with the word “ninety” (and number “90”) so as to read:

“Vacant Building” - Any unoccupied non residential commercial or industrial real property which:

A. Is not legally occupied, is abandoned, or is not used for a period of at least ~~twenty-one~~ ninety (2190) consecutive days or longer by occupants having custody or legal right of entry to such property;

and;

Second, that Section 3.B (Registration) is amended to strike the number “21” and replace it with the number “90” so as to read:

B. The Planning Director and the Building Inspector may jointly exempt a property owner from the provisions of this bylaw upon the presentation of evidence, in such form as may be convincing to them, that the failure to use or occupy a building for a period in excess of ~~21~~ 90 days does not violate the purpose or intent of this bylaw.

and;

Third, that Section 4 (Annual Registration Fee, Failure to Pay, Waiver) be amended to make annual registration fees due at the time of registration (and annually thereafter) by deleting and inserting language so as to read as follows:

Section 4. Annual Registration Fee, Failure to Pay, Waiver.

A. ~~On or before October 15 of each calendar year, the Town shall send a billing statement, setting forth the annual registration fee, to the owner of the vacant property.~~ The annual registration fee is due at the time of registration of the vacant property. The property owner will be invoiced on an annual basis until the property is leased or sold. The annual registration fee shall be set by the Board of Selectmen pursuant to M.G.L. c. 40, § 22F.

B. ~~On or before November 15 of each calendar year, the owner of any vacant property shall pay to the Town an~~ The annual registration fee to cover the administrative cost of monitoring and ensuring the security and proper maintenance of such building, as identified in said billing statement. Failure to pay the annual registration fee shall be a violation of

this bylaw, and the full fee shall be deemed an assessment resulting from a violation of this bylaw. Such fee, and fines issued for violations of this bylaw, shall constitute a “municipal charges lien” on the property, to be collected in accordance with MGL c. 40, § 58.

- C. Owners may apply for a waiver of the annual registration fee ~~on or before October 1 of each calendar year~~, at the time of registration of a vacant property, requesting waiver of some, or the entire fee on grounds of demonstrable financial hardship, or by agreeing in writing to display public art as defined herein for the term of a vacancy. Waivers for public art display will be granted only as sufficient public art is available, appropriate to the location for display, and the Town, artist, owner agree to terms of exhibition as set forth by the Planning Department. Waivers requested on the basis of financial hardship are subject to a 30-day review period. If a waiver based on financial hardship is granted it will be reevaluated on a quarterly basis until property is leased or sold. If a waiver of the registration fee based on financial hardship is denied, the registration fee is due within 30 days of the decision.**

(5 – 0)

COMMENT: The Board unanimously supports this modest adjustment to the Town’s highly successful Vacant Store Front Registry Bylaw based on the request and recommendation of the Department of Planning and Community Development and Inspectional Services Department. The updates are twofold. First, the length of time a property may be unoccupied before registration is required is to be extended from 21 days to 90 days. Second, the timing and process for payment of annual registration fees and waiver applications for same is to be simplified and more clearly delineated in the bylaw. Both of these changes are informed by feedback received from commercial property owners in Arlington.

ARTICLE 12

BYLAW AMENDMENT/BETTERMENT BYLAW REVISION

VOTED: That Title III of the Town Bylaws (“Public and Private Ways”) Article 3: Repairs to Private Ways be and hereby is amended to add, strike, and reformat the bylaw in the interests of clarifying the purpose and process of repairs, including betterments as follows:

Article 3: Repairs To Private Ways

Section 1. Classification

The Town Engineer and the Dir

ector of Public Works upon request of the Board of Selectmen acting in its capacity as the Board of Public Works shall recommend the classification of private ways in the Town according to the state of their construction and repair. The Board may then adopt such classifications with any modifications it may deem appropriate.

Section 2. Responsibility, Definition and Authorization

- A. The private property owners abutting private ways are responsible for the maintenance of such ways, which must be maintained so that there are no defects to impede the safe passage of emergency vehicles. This bylaw provides a means by which the Town may assist in the maintenance of such ways, primarily by providing a mechanism for private way abutters to fund repairs known as a “betterment.”**
- B. The Board may vote to direct the Town Manager to make temporary repairs to private ways at the request of the Director of Public Works as provided below. Temporary repairs shall be limited to the filling of potholes and temporary patching.**
- C. The Board may authorize a temporary or extensive repairs to private ways by abutter petition for a betterment. Extensive repairs shall include, but not be limited to, skimcoating, armor coating, drainage work, and grading of dirt gravel roadways, providing, however, in the case of said For all extensive repairs grading, the petitioners agree to enter into a contract with a private contractor or the Town to repair and pave the roadway forthwith. Drainage shall not be included.**

Section 3. Criteria

A. Abutter Criteria

The Board shall in making its determination as to the advisability of making temporary or extensive repairs by abutter petition, take into consideration the following factors:

- 1.** The accessibility of the properties on the private ways to emergency vehicles such as police, fire and rescue.
- 2.** The volume of traffic that utilizes the private way i.e. dead end as opposed to feeder or connecting streets.
- 3.** The percentage of abutters on the particular private way petitioning the Board for the repairs.
- 4.** The number of years that the way shall have been open to public use.
- 5.** Such other considerations that the Board deems appropriate.

B. Town Criteria

The Board may authorize temporary repairs at the request of the Town whenever the Director of Public Works so advises the Board that repairs are required to abate an immediate hazard caused by a defect necessary for the safe passage of public safety vehicles.

Section 4. Petition

The Board of Selectmen shall consider any private way or portion thereof for temporary or extensive repairs after having been petitioned to do so by at least two-thirds of the total number of abutting property owners on the Private Way who directly abut the portion to be considered for temporary or extensive repairs. The Town shall only be considered a abutter for the purposes of this section, and assessment of costs in Section “6,” to the extent a private way is substantially used by Town staff or the public for the specific purpose of utilizing an abutting Town parcel.

The Board may after careful consideration, elect to do the entire portion which was petitioned for, or a lesser portion, provided at least two-thirds of the abutting property owners on the lesser portion to be done are in favor of such action. The Board shall upon receipt of a petition with at least two-thirds of the abutters' signatures affixed thereto shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All abutters shall be given written notice of the hearing not less than seven (7) days prior thereto.

Section 5. Alternate Petition

Notwithstanding the provisions of Section 4 above, the Board may also consider a number of private ways for repair as a whole project when these private ways are ways where a majority of abutters are members of an association of abutters whose major purpose has been the maintenance and repair of those ways upon which these members' properties abut. The Board may only consider these private ways to be repaired as a whole project when having been petitioned by two-thirds of the total number of abutters who abut all of the ways represented by the association. The Board upon receipt of such a petition shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All of the abutters on all of the ways represented shall be given written notice of the hearing not less than seven days prior thereto.

Section 6. Assessment of Costs

The costs of all labor and materials and processing shall be assessed equally to all abutters on the private way, or portion thereof (except with respect to Town property as set forth in Section 4), or if the Board votes to order any repairs pursuant to a petition filed under Section 5 all the abutters on all the private ways to be repaired without regard to linear frontage.

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

Any and all such deposits shall be deducted from the equalized share of the property owners actually paying.

Section 7. Liability

There shall be a limitation of liability on the Town of Five Hundred (\$500.00) Dollars for any damages arising from any negligent repair of the private way by abutter petition which shall include damage from surface water run-off. No repair shall be commenced until all the petitioners have signed an agreement with the Town holding the Town harmless from any additional damages arising from any negligent repair and providing evidence of insurance to the satisfaction of the Town. However, nothing in this paragraph shall excuse the Town from damages to property caused by the Town or agents thereof, during the repair process.

Temporary repairs made at the request of the Director of Public Works necessary to abate an immediate hazard caused by a defect shall not be considered as maintenance of the private way, nor shall the way be considered a public way. The Town shall not be liable for any damage incurred by the defect, subsequent repair or failure to make repairs to private ways.

(5 – 0)

COMMENT: The Board of Selectmen requests that Town Meeting endorse three categories of amendments to the Town’s mechanism for assisting private way residents to meet the maintenance and repair needs of their streets. The majority of private ways in Arlington are so-called “statutory private ways,” roads which were approved, but not accepted by the Town. As such, these roads must be maintained by their abutters who share a mutual interest in the way, not the Town and its Department of Public Works. Title III, Article 3 “Repairs to Private Ways,” known alternatively as Arlington’s “betterment bylaw” helps abutters address the cost of private way maintenance and repair by allowing them to deposit at least one-third of the cost of the project with the Town and having the remainder placed upon property tax bills over a fixed period pursuant to G.L. c. 80.

First, as presently constituted, the bylaw has proven confusing in both presenting the responsibilities of the abutters and the Town as well as the scope of repairs eligible for the betterment process. The proposed amendment language clarifies the purposes and mechanisms of the bylaw, the responsibilities of private way residents, and distinguishes between temporary repairs and more extensive re-paving projects.

Second, the proposed revisions resolve a long-standing question regarding whether the Town itself is an abutter for the purposes of the bylaw. In recent years, abutters have sought to have the Town contribute to private way repairs because it owned land abutting the private way. Often times, the land at issue are very small parcels taken in tax title not used for any purpose by the Town or residents. The proposed amendments would require the Town to pay a share only where private way is meaningfully utilized to access abutting Town property.

Third, based upon persistent conditions on some private ways which inhibit the safe passage of emergency vehicles to render aid to Town residents, the amendment proposes to authorize the make temporary repairs to private ways upon the recommendation of the Director of Public Works and the vote of the Selectmen for the limited purpose of ensuring emergency service access, and with the explicit limitation on any liability for such repairs made by the Town.

Finally, the Board is committed to further study of private way maintenance and repair, issues, including examining whether the definition of abutters or the quantum of abutters should or should not be refined to facilitate more private way repairs. However, the above incremental improvements can be made with Town Meeting's approval immediately.

ARTICLE 13

BYLAW AMENDMENT/ARLINGTON COMMISSION ON ARTS AND CULTURE

VOTED: That Title II, Article 8 of the Town bylaws is hereby amended by striking the bylaw in its entirety and replacing it with the following:

Section 1. Establishment and Purpose of the Arlington Commission for Arts and Culture

- A. The body previously known as the Arlington Commission on Arts and Culture shall hereafter be known as “the Arlington Commission for Arts for Culture” and shall incorporate into its mission, duties and responsibilities, the duties and responsibilities of the Arlington Public Arts Committee of Vision 2020, the Arlington Cultural Council, and the Cultural District Managing Partnership, all of which are consolidated under one public body as outlined herein.**

- B. The Commission shall promote and develop arts and culture programs, events, and resources, in order to create a sustainable and vibrant arts scene that engages and attracts artists, residents, businesses and visitors, as more specifically enumerated in Section “5” herein. The Commission shall be constituted of a “Core Committee” which shall serve as the coordinating and policy making body of the Commission, and up to five (5) action committees, which shall collaborate with the Core Committee to meet Commission’s duties and responsibilities. The Core Committee may also establish or disband action committees consistent with Section 3 of this bylaw, as well as any necessary ad hoc committees or advisory groups as needed under the umbrella of the Commission’s role and responsibilities.**

Section 2. Core Committee Membership, Quorum, Administration & Organization

- A. The Core Committee shall consist of up to 13 voting members appointed pursuant to subsection (1) below and a liaison from the Dept. of Planning and Community Development. A quorum shall consist of a majority of**

the current voting Core Committee Members, and all actions shall be made pursuant to a majority vote of members in attendance. The Committee shall organize for the conduct of its affairs and shall elect its own officers.

1. Core Committee Appointments and Membership

- a. Core Committee members shall be sourced from, or appointed by the following:**
 - i. One (1) at-large member appointed by the Arlington School Committee for an initial three-year term;**
 - ii. One (1) member of the Cultural District Managing Partnership or their designee;**
 - iii. One member of the Grants Committee set forth in section 3 below;**
 - iv. One member of up to four (4) action committees set forth in section 3 below;**
 - v. Three (3) at-large members recommended by the Town Manager and appointed by the Board of Selectmen, one of which shall serve an initial one-year term, one to serve an initial two-year term, and one of which to serve an initial three-year term;**
 - vi. One (1) representative of the Town of Arlington business community for an initial one-year term appointed by the Town Manager;**
 - vii. One (1) representative of the Town of Arlington's non-profit arts community for an initial two-year term appointed by the Town Manager;**
 - viii. One (1) representative of the local community of working artists for an initial three-year term appointed by the Town Manager;**
 - ix. The Director of Planning and Community Development, or their designee shall serve as a Department liaison to the Core Committee.**
- b. All appointed Core Committee members shall be eligible for reappointment for a three-year term.**

- c. **Members may be removed by the appointing authority upon request of a majority of the Commission for three or more unexcused absences from Commission meetings in any calendar year.**
- d. **A vacancy of an appointed Core Committee seat shall be filled by the Board of Selectmen, School Committee, or Manager consistent with the foregoing.**

Section 3. Grants Committee, Other Action Committees & Ad Hoc Committees

A. Grants Committee.

The Arlington Cultural Council shall hereafter operate as the Grants Committee of the Arlington Commission for Arts and Culture.

- 1. **The Grants Committee shall identify arts and culture grant opportunities for the Town and its communities, apply for such grants, and where appropriate, distribute such funds.**
- 2. **The Grants Committee shall also serve as the Local Cultural Council for the purposes of G.L. c. 10 § 58.**
- 3. **The Grants Committee shall be organized, appointed, and administered consistent with the requirements of c. 10 § 58.**
- 4. **All members of the Arlington Cultural Council serving at the time of passage of this bylaw shall continue the remainder of their appointed terms.**

B. Action Committees

The Core Committee may establish and/or disband up to four (4) additional action committees in the areas of operations listed below to be composed and organized as directed by the Core Committee, including the number of members and such members' terms of service:

- 1. **Public Art**
- 2. **Programs and Festivals**
- 3. **Marketing and Evaluation**
- 4. **Resource Development**

C. Core Committee Representation

As set forth in section 2, one member of the Grants Committee and one member of each other active action committee shall serve on the Core Committee.

- D. The Core Committee may also establish or disband any necessary ad hoc committees and advisory groups as needed, but such groups shall not be represented on the Core Committee.

Section 5. Duties and Responsibilities

The Arlington Commission for Arts and Culture shall endeavor to:

- A. Advocate to promote greater awareness of, and support for, the many cultural opportunities in Arlington;
- B. Advise the town and its commissions, committees and boards with respect to all matters of a cultural or artistic nature;
- C. Make recommendations to the appropriate authorities on the use of public areas, building and meeting spaces for cultural or artistic performances or exhibits, and recommend guidelines for the conduct of such events;
- D. Implement and update the Arts and Culture Action Plan for the Town and annually report on its progress;
- E. Manage the Arlington Cultural District, a hub for arts, culture, dining and entertainment spanning a walkable stretch along Massachusetts Avenue from East Arlington's Milton Street to Jason Street in Arlington Center;
- F. Accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the Commission's purposes;
- G. Distribute funding from the Massachusetts Cultural Council, as well as other arts and culture grants;
- H. Recommend policies to the appropriate authorities for the collection, preservations and care of public or Town owned art work;
- I. Preserve and promote the cultural and artistic resources of the Town; curate the Town's public art;
- J. Work toward establishing Arlington as a significant cultural center;
- K. Promote cultural education for all citizens regardless of age;
- L. Serve as a vocal, strong and visible advocate for the arts throughout the Town, its schools and its other educational entities;
- M. Promote the arts as a viable vocation as well as avocation and encourage the appreciation and understanding of the arts as a means of improving the quality of all endeavors;
- N. Recognize and honor Arlington citizens for outstanding service to the Town in the area of cultural affairs;
- O. Serve as the umbrella organization for Town coordinated arts and culture efforts; and
- P. Take all actions which in its judgment will further the purposes for which it was established consistent with the above.

Section 6. Department Coordination, Staff Position, and Office

The Commission’s activities shall be generally coordinated with staff support provided by the Department of Planning and Community Development. The Commission may work with the Department to define specific duties and solicit a person or persons to oversee arts and culture planning activities. Staff or consultant support may be paid by appropriation or from any funds received through grants or gifts to the Commission in compliance with Local Cultural Council regulations. If no such funds are available, then the appointment thereto may be made on a volunteer basis. The Town Manager shall appoint staff after considering the recommendation of the Commission and Department.

(5-0)

COMMENT: The Board of Selectmen unanimously supports this request by the Arlington Commission on Arts and Culture to marshal a variety of Town and quasi-Town bodies’ missions, duties, and responsibilities with respect to the Town’s arts and culture resources into a single umbrella entity with a number of subcommittees. The proposed “Arlington Commission *For* Arts and Culture” would have a policymaking “Core Committee” overseeing cultural district management, resource development, and related programming and responsibilities, along with smaller, distinct subcommittees that preserve the heritage and work of the many groups coming under this proposed umbrella. For example, the Arlington Cultural Council will continue to operate (as is required by law), but now within the coordinated efforts of the Commission. The revised bylaw also seeks to clarify and codify the important role of the Department of Planning and Community Development plays in our municipal arts and culture works as well as the need for professional support for the ever increasing role of arts and culture efforts in Arlington.

ARTICLE 14

BYLAW AMENDMENT/TREE PRESERVATION AND PROTECTION

VOTED: That Title V, Article 16 (Tree Protection and Preservation), Section 4, Procedures and Requirements for Preservation of Trees, be and hereby is amended by striking the amount “\$500” in paragraph “C;” and inserting the following after the words “Tree Fund,” and before the words “prior to commencement,” “in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public trees”; so as to read as follows:

Section 4. Procedures and Requirements for the Preservation of Trees

A. Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.

B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree Plan accompanied by a fee of \$50, to the Tree

Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C

C. For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a \$500 payment made to the Tree Fund prior to commencement,” “in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public trees, prior to commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.

D. If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.

(5 – 0)

COMMENT: The Board also unanimously recommends positive action on this update to a successful bylaw adopted by Town Meeting in 2016, offered by the Tree Committee with the support of the Tree Warden. After a full year working with this bylaw, it has become clear that the current fee set for removing protected trees - \$500 into the Town's Tree Fund (for planting trees in public spaces, and where agreed upon, on private property), is often insufficient to cover the costs of planting replacement trees. Moreover, the fee does not sufficiently account for the difference between removing large, mature trees, and relatively young, smaller trees.

In order to bring the fee in harmony with the true cost of planting replacement trees, as well as in sync with the parallel fee associated with public shade tree removal, the Tree Committee and Warden recommend affording the Board of Selectmen the ability to annually set the mitigation fee to keep it consistent with actual costs and the same charge being applied to mitigate public shade tree removal, and to do so with a fee that is lower or higher depending on the width (and therefore age of the tree in most instances).

Currently, mitigation fees for public shade trees are set at \$50 per inch of DBH. The Tree Committee informs the Town Manager that the actual cost of replacement trees is likely at least \$375 per inch of DBH, or more. Any fee would only be approved after a public hearing and opportunity to hear stakeholder perspectives under this revised approach. As of this vote, if this bylaw is passed, the Board has taken a preliminary vote to formalize its intent to set the fee at

\$375 per inch of DBH. We note that this proposal does not eliminate applicants' ability to replace removed protected trees by planting their own trees rather than paying into a mitigation fund for the Town to plant trees, and as such, we support the proposal forwarded by the Tree Committee. Further, the Director of Public Works intends to increase the mitigation fee rate for public shade trees consistent with the calculation of costs and this approach.

ARTICLE 15 **BYLAW AMENDMENT/NOISE ABATEMENT**

VOTED: **That no action be taken under Article 15.**

(5 - 0)

COMMENT: The Board of Selectmen acknowledges the intent and concerns of this resident petition article, which proposed to establish new noise abatement regulations addressing parties of ten persons or more, including requiring neighbor notifications of parties, and more specifically managing use of noise amplification of daytime personal social events. In brief, while the proponent of this article proposed new provisions to rectify a Town-wide problem, Arlington Police Department data regarding noise complaints did not corroborate the need for a Town-wide solution. Mindful of the difficulties noise regulations presented Town Meetings past, the Board recommends no action in the absence of sufficient evidence of a widespread problem.

ARTICLE 16 **BYLAW AMENDMENT/TIME OF TOWN MEETING SESSIONS**

VOTED: **That no action be taken under Article 16.**

(5 - 0)

COMMENT: Following the recommendation of the Town Meeting Procedures Committee, the Board of Selectmen recommends no action on this warrant article. As noted by the Committee, this proposal has been raised several times in a variety of forms without success at Town Meeting.

ARTICLE 17 **BYLAW AMENDMENT/DEMOLITION OF HISTORIC STRUCTURES**

VOTED: **That no action be taken under Article 17.**

(5 - 0)

COMMENT: The Board of Selectmen shares much of the concern expressed by the proponent of this resident petition article regarding the demolition of residential homes in Arlington. However, the approach offered by this Article would dramatically and suddenly increase the number of homes subject to review by the Historical Commission not only for tear down demolitions, but for renovations as well. The Historical Commission performs an essential

function for the Town, in helping to preserve approximately 1, 200 architecturally and historically significant buildings in Arlington. An additional 130 buildings are scheduled to be added to that list by the Town's Historic and Cultural Resources Working Group (HCRWG) based upon the present criteria.

The proposal under this article would add thousands of residences to the list by establishing that any home built more than 50 years ago is automatically subject to Historical Commission protections (essentially a demolition delay provision). Such a broad proposal, even applied only to total demolitions could have a series of unintended impacts. As such, the Board recommends no action on this article, but positive action on an article developed for the Special Town Meeting Warrant (STM 3) in response to the issues raised herein – a committee of Town Meeting to study demolitions and report back with recommendations, including potential warrant articles as soon as feasible.

ARTICLE 18

HOME RULE LEGISLATION/APPOINTMENT OF TOWN COMPTROLLER

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

“AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO THE APPOINTMENT AND MANAGEMENT OF THE TOWN COMPTROLLER”

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended as follows:

First, by amending Section “4” Appointive Powers of Selectmen so as to strike the words and punctuation the “the town accountant,” so as to read as follows (strike through text indicating words and punctuation to be deleted):

“Section 4. Appointive Powers of Selectmen

The selectmen shall appoint and may remove ~~the town accountant~~ election officers, the boards of appeal and the registrars of voters, except the Town Clerk as a registrar.

Second, by amending Section 15(a) to strike the words and punctuation “Comptroller and Coordinator of Data Processing,” so as to read as follows:

“Section 15. Powers and Duties of Manager.

In addition to the specific powers and duties provided in this act the Town Manager shall have the general powers and duties enumerated in this section:

- (a) The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the Board of Selectmen, the School Committee, Moderator, Town Clerk, Town Treasurer and Collector, ~~Comptroller and Coordinator of Data Processing~~, Board of Assessors, Registrars of Voters, Election Officers, Boards of Appeal, the Finance Committee, the Capital Budget Committee and the Personnel Review and Appeals Board.

While the town manager shall not supervise the board of assessors as an elected body, the town manager shall supervise and direct the administration of the assessors' office and appoint the director of assessments in accordance with subsection (c). The director of assessments and all other assessors' office personnel, except for the board of assessors, employed or in office when this act takes effect shall continue in their respective positions subject to chapter 31 or 150E of the General Laws, or both such chapters, if applicable, but otherwise subject to removal by the town manager as provided in this section.

Nothing in this section shall otherwise abridge the authorities or responsibilities of the board of assessors as set forth in chapter 41 of the General Laws or any other general law.

Third, by amending Section 15(c) as follows to insert a second paragraph so as to read as follows (underscored text indicated new language):

- (c) Subject to the provisions of chapter thirty-one of the General Laws where applicable, and except as otherwise provided by this act, the Town Manager shall appoint upon merit and fitness alone, and may transfer and remove all officers and employees of the town, including maintenance employees of the school department and school custodians, but excluding other employees of the school department. Town officers and full-time employees not subject to said chapter thirty-one shall not be removed by him except on ten working days' notice in writing to said officer or employee, setting forth the cause of such removal.

The town manager shall also appoint upon merit and fitness alone, the Town's Comptroller (also vested with the authorities of a "Town Accountant") subject to the approval of the Selectmen. Appointment of the Comptroller shall become effective upon the approval of the Selectmen. If the Selectmen fail to act by approving, rejecting, or requesting additional, reasonable time to consider a candidate however, appointment shall become effective on the thirtieth day following the day on which notice of the proposed appointment is filed with the Board. For the purposes of this section, notice of appointment shall be considered filed with the board when such notice is filed at an open meeting of the Selectmen.

The Comptroller may be removed by the town manager subject to the approval of the Selectmen. Removal of the Comptroller shall become

effective upon approval of the Selectmen. If the Selectmen shall fail to act, by approving, rejecting, or requesting additional, reasonable time to consider a termination however, removals made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed removal is filed with the Selectmen. For the purposes of this section, notice of removal shall be considered filed with the Board when such notice is filed at an open meeting of the Selectmen. Nothing in this paragraph shall supersede or abridge the Comptroller's employment rights afforded by state law.

Notwithstanding the foregoing section (c), the Comptroller shall be authorized to report directly to the Chairman of the Board of Selectmen, or any Member of the Board, on any matter in the Town at any time, without the necessity of prior approval from the Town manager or any other official.

Section 2. This Act shall take effect upon its passage.”

(5 - 0)

COMMENT: The Board of Selectmen endorses this Home Rule petition request to amend the Manager Act proposed by Town Treasurer, Mr. Dean Carman because it improves the efficient administration of the Town's finances while maintaining the important "check and balance" role of the Board of Selectmen. This Board is mindful that the direct, day-to-day management of the Comptroller's Office by an elected body with a wide range of responsibilities presents a series of organizational challenges. Even so, it is essential that the Board maintain some role in guaranteeing safeguards against mismanagement. Accordingly, Mr. Carman's proposal, informed by the advice and endorsement of the Finance Committee, maintains a direct line of communication between the Comptroller and this Board, and assurances that a Comptroller may not be hired or fired without the meaningful opportunity for this elected body to approve or reject such actions. With such protections in place, we urge Town Meeting to approve this petition that will streamline financial operations of the Town.

ARTICLE 19

HOME RULE LEGISLATION/MUNICIPAL FINANCE DEPARTMENT

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

**“AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON TO
ESTABLISH A TOWN FINANCE DEPARTMENT”**

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended as follows:

First, by inserting after Section “28” a new Section “29” “Finance Department” to read as follows:

SECTION 29. Finance Department.

There shall be established, by the Board of Selectmen, a Finance Department as herein provided. The Town Manager shall appoint a suitably qualified person to the position of Finance Director. The Finance Director shall be eligible to also hold the position of Comptroller, Treasurer and Collector, Deputy Town Manager or Assistant Town Manager. The Finance Director. shall be sworn to the faithful performance of her/his duties by the Town Clerk or by a Justice of the Peace. The Town Manager shall establish such divisions and subordinate offices within the Finance Department as s/he deems necessary and shall prescribe the powers, rights, duties and liabilities of the same.

Second, by renumbering and renaming each subsequent section as follows:

**Rename existing SECTION 29 as SECTION 30;
Rename existing SECTION 30 as SECTION 31;
Rename existing SECTION 31 as SECTION 32;
Rename existing SECTION 32 as SECTION 33;
Rename existing SECTION 33 as SECTION 34;
Rename existing SECTION 34 as SECTION 35;
Rename existing SECTION 35 as SECTION 36
Rename existing SECTION 36 as SECTION 37:
Rename existing SECTION 37 as SECTION 38;
Rename existing SECTION 38 as SECTION 39;
Rename existing SECTION 39 as SECTION 40;
Rename existing SECTION 40 as SECTION 41;
Rename existing SECTION 41 as SECTION 42;
Rename existing SECTION 42 as SECTION 43;
Rename existing SECTION 43 as SECTION 44;
Rename existing SECTION 44 as SECTION 45;
Rename existing SECTION 45 as SECTION 46;
Rename existing SECTION 46 as SECTION 47;
Rename existing SECTION 47 as SECTION 48;
Rename existing SECTION 48 as SECTION 49; and
Rename existing SECTION 49 as SECTION 50;**

Section 3. This Act shall take effect upon its passage.”

(5 – 0)

COMMENT: The Board of Selectmen unanimously requests Town Meeting’s approval of this request for a petition to amend the Town Manager Act to formally create a Finance Department, also proposed by Town Treasurer, Mr. Dean Carman. Under the proposal, the Town Manager would appoint a Finance Director responsible for overseeing the Town’s financial operations within a flexible Town Finance Department (School financial operations would be unaffected). The Comptroller, the Deputy Town Manager or Assistant Town Manager, or the Treasurer and

Collector would be eligible to serve in the capacity of Finance Director if they are suitably qualified. Such a proposal builds upon changes already made since the Department of Revenue (“DOR”) issued a series of recommendations to improve financial operations in its 2012 analysis and report. In such a context, this modest proposed addition to the Manger Act effectively addresses the DOR’s call for structural changes to improve the coordination of the Town’s key financial officers under one point person’s management.

**ARTICLE 20 HOME RULE LEGISLATION/BYLAW AMENDMENT/CHANGE
THE BOARD OF SELECTMEN TO SELECT BOARD**

VOTED: That the Town hereby amends the Town’s General Bylaws as follows:

First, that the entirety of the Town Bylaws be and hereby are amended to substitute the term “Select Board” for: (a) for “Board of Selectmen” (and any abbreviated variant thereof), and (b) for “Selectmen” in contexts in which that term refers to the Select Board as a whole, acting as a board;

Second, that the entirety of the Town Bylaws be and hereby are amended Substitute (a) “Select Board member” for “Selectman”, and (b) “Select Board members” for “Selectmen” in contexts in which that term refers to one or more (or all) Selectmen individually but not to the entire Select Board acting as a Board.

Third, that Title I, Article 2, Section 1, be and hereby is amended to add a clause noting that that the Select Board is the body historically termed the “Board of Selectmen” and holds all of the powers and duties associated therewith, so as to read as follows:

Section 1. Duty The ~~Selectmen~~ Select Board shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for, so far as permitted by law.

The Select Board is the entity historically known as the “Board of Selectmen,” and possesses all the duties, authorities, and legal rights and responsibilities of the Town of Arlington’s “Board of Selectmen.”

Fourth, that Title I, Article 2, be amended to provide for new section 6, to provide that an individual member of the Select Board may be referred to by office in the following manners:

**Section 6. Office Title
Members of the Select Board may be addressed as “Select Board Member,” or “Board Member,” “Selectwoman,” or “Selectman.”**

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

“AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON TO RENAME THE BOARD OF SELECTMEN, ‘THE SELECT BOARD.’”

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended in all sections and subparts to substitute the term “Select Board” for: (a) for “Board of Selectmen” (and any abbreviated variant thereof), and (b) for “Selectmen” in contexts in which that term refers to the Select Board as a whole, acting as a board; and further amended in its the entirety to substitute (a) “Select Board member” for “Selectman”, and (b) “Select Board members” for “Selectmen” in contexts in which that term refers to one or more (or all) Selectmen individually but not to the entire Select Board acting as a Board.

Section 2. Said chapter 503 is further amended by appending the following clause to paragraph to the end of Section :

‘The Select Board and its members are the entity and elected offices historically known as the “Board of Selectmen,” and “Selectman” respectively, possessing all the duties, authorities, and legal rights and responsibilities of the latter.’

Section 3. This Act shall take effect upon its passage.”

(5 – 0)

COMMENT: This article seeks to bring the only gender-specific-titled public body of the Town into form with its fellow offices in Arlington, and indeed its fellow Boards throughout the Commonwealth. Over 30 Massachusetts Towns have made this change in recent years alone, reflecting the growing recognition that a gendered title for one of the chief elected offices in municipal government is archaic, and potentially discouraging to some who might seek to hold such an office. Members of the Board are also mindful of the perspective of Arlington’s youth, many of whom noted their support for this article with passion.

Finally, the Board respects the Town’s long history, including those who held this office before us. However, acknowledgment of the perspective and positions of the past is not mutually exclusive with recognizing the rightness of change. Historically, this Board was once known as the “Board of Selectmen and Overseers of the Poor;” collected a poll tax; restricting voting to men only – all of which were rightly amended or ceased by our forbearers. Thus, part of our history has also been knowing when to correct our collective course. As a culture, we are increasingly aware of unconscious biases and the often unintentional detrimental impact words can have on the way we see ourselves and others. We believe that history will look back upon this change as one of those modest, but meaningful moments that improved our community, and as such unanimously urge Town Meeting’s favorable action.

VOTED: That the 1992 vote of Town Meeting (Article 41) as subsequently amended by the of the 2015 vote of Town Meeting, (Article 12) reorganizing is hereby replaced in its entirety with the following:

A. Vision 2020 Name Change

That the committee previously known as Vision 2020 Standing Committee will henceforth be known as Envision Arlington Standing Committee.

B. Envision Arlington Standing Committee Establishment and Purpose

That the Town hereby provides for the appointment of a committee and advisory board, to be called the Envision Arlington Standing Committee, which will create, implement, monitor, and review methods for open, town wide public participation in the Envision Arlington process. The Envision Arlington process is intended to be an ongoing process of discussion, action and review whereby all members of the community are invited to participate in a range of activities (including surveys, forums and online discussions) aimed at developing and refining how our community realizes the intentions of vision statements for Arlington (previously known as Town Goals under Vision 2020). The committee will create task groups or working groups, and support existing ones, consisting of residents, community groups, town personnel and other stakeholders. The committee will report to Town Meeting on the action items and evolving vision that will result from the Envision Arlington process.

C. Standing Committee Membership, Quorum, Administration, & Organization

The Standing Committee shall consist of nine (9) Voting Members including a Chairperson, and a ten (10) person non-voting Advisory Board. Voting members and the Advisory Board shall both be charged with fulfilling the mission of Envision Arlington. Only Voting Members shall have authority to make decisions and set policy of the Committee and otherwise bind the committee by a majority vote of a quorum. However, the Advisory Board shall have the right to be recognized at meetings and request topics and issues be placed before the Standing Committee on agendas. A quorum shall consist of a majority of Voting Members (5).

1. Appointment of Voting Members

a. Voting Members shall be comprised of:

- i. Two (2) Town of Arlington residents appointed by the Town Moderator for three year terms;**
- ii. Two (2) Town of Arlington residents appointed by the Superintendent of Schools with approval of the School Committee for three year terms;**
- iii. Two (2) persons appointed by the Town Manager with approval of the Board of Selectmen for three year terms;**
- iv. Two (2) persons appointed by the Director of Planning and Community Development with approval of the Arlington Redevelopment Board for three year terms; and**
- v. One (1) Chairperson, who shall be a resident nominated by a majority vote of the eight (8) above-listed Voting Members following recommendations from the Town Manager and School Committee Members, and approved by the Board of Selectmen. The Chairperson shall serve an initial three-year term, with all subsequent terms for three years.**

b. All Voting Members shall be eligible for reappointment.

c. At all times at least one of the four collective appointments between the Town Manager and the Director of Planning shall be a current Town employee. All Town Manager and Director of Planning appointees who are not Town employees must be Town residents.

d. A vacancy of the Committee shall be filled by the relevant appointing or designating authority.

2. Advisory Board

The Advisory Board will be composed of the following ten (10) total members: the Town Manager, the Superintendent of Schools, the Town Moderator, the Director of Planning and Community Development, Town Counsel, one secondary student residing in the Town of Arlington appointed by the Superintendent and approved by the School Committee on a one-year term, and the Chairpersons of the Board of Selectmen, the School Committee, the ARB and the Finance Committee or such bodies' designees.

D. Effective Date and Appointments

Following Town Meeting approval of this revised vote, all active Voting

Member appointments to the Vision 2020 Standing Committee will remain in effect for the Envision Arlington Standing Committee.

(5 – 0)

COMMENT: As the year 2020 quickly approaches, the Board recommends favorable action on this continuation of the update to Vision 2020 enacted at the 2015 Town Meeting. Along with renaming Vision 2020 “Envision Arlington,” the crux of this vote is revising the mission and goals of Vision 2020 to be more flexible as our community engages to identify the Arlington of tomorrow as we see it today. The structure, appointments, and other facets of this body of Town Meeting’s creation remain otherwise unchanged from the 2015 amendments.

ARTICLE 23

ENDORSEMENT OF CDBG APPLICATION

VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2019 prepared and approved by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

(5 – 0)

COMMENT: Presented above is the annual vote to endorse the application of Community Development Block Grant funds. Further details on grant distribution may be found in the appendix attached hereto.

ARTICLE 24

REVOLVING FUNDS

VOTED: The Town does hereby reauthorize the following Revolving Funds for

FY 2019:

**Private Way Repairs (3410) established under Article 46 1992 Annual Town Meeting
Expenditures not to exceed \$200,000**

Beginning Balance	\$118,526.39
Receipts	33,443.40
Expenditures	66,203.00
Ending Balance 6/30/17	\$85,766.79

**Public Way Repairs (3400) established under Article 45 1992 Annual Town Meeting
Expenditures not to exceed \$5,000**

Beginning Balance	\$168.40
Receipts	15,111.00
Expenditures	24.34
Ending Balance 6/30/17	\$15,255.06

Fox Library Community Center Rentals (3990) established under Article 49 1996 Annual Town Meeting

Expenditures not to exceed \$20,000

Beginning Balance	\$3,780.44
Receipts	525.00
Expenditures	448.00
Ending Balance 6/30/17	\$3,857.44

Robbins House Rentals (4060) established under Article 77 1997 Annual Town Meeting

Expenditures not to exceed \$75,000

Beginning Balance	\$13,027.11
Receipts	45,845.00
Expenditures	41,230.80
Ending Balance 6/30/17	\$17,641.31

Conservation Commission Fees (5290) established under Article 44 1996 Annual Town Meeting

Expenditures not to exceed \$10,000

Beginning Balance	\$2,709.53
Receipts	0.00
Expenditures	86.46
Ending Balance 6/30/17	\$2,623.07

Uncle Sam Fees (2440) established under Article 31 2000 Annual Town Meeting

Expenditures not to exceed \$2,000

Beginning Balance	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance 6/30/17	\$1,526.31

Life Support Services (Ambulance) Fees (3210) established under Article 37 2001 Annual Town Meeting

Expenditures not to exceed \$800,000

Beginning Balance	\$628,306.01
Receipts	622,449.19

Expenditures	563,201.83
Ending Balance 6/30/17	\$687,553.37

Board of Health Fees (4120) established under Article 30 2005 Annual Town Meeting

Expenditures not to exceed \$100,000

Beginning Balance	\$104,465.98
Receipts	71,133.24
Expenditures	61,980.13
Ending Balance 6/30/17	\$113,619.09

Field User Fees (5275) established under Article 78 2004 Annual Town Meeting
Expenditures not to exceed \$80,000

Beginning Balance	\$36,125.82
Receipts	29,380.25
Expenditures	17,440.64
Ending Balance 6/30/17	\$48,065.43

Robbins Library Rental (4250) established under Article 35 2006 Annual Town Meeting
Expenditures not to exceed \$8,000

Beginning Balance	\$24,451.20
Receipts	7,800.00
Expenditures	7,837.50
Ending Balance 6/30/17	\$24,413.70

Town Hall Rentals (4150) established under Article 35 2006 Annual Town Meeting

Expenditures not to exceed \$125,000

Beginning Balance	\$96,859.31
Receipts	99,317.71
Expenditures	109,177.96
Ending Balance 6/30/17	\$86,999.06

White Goods Recycling Fees (3510) established under Article 35 2006 Annual Town Meeting

Expenditures not to exceed \$80,000

Beginning Balance	\$57,041.01
Receipts	19,497.87

Expenditures	17,323.00
Ending Balance 6/30/17	\$59,215.88

Library Vendor Fees (4220) established under Article 34 2009 Annual Town Meeting

Expenditures not to exceed \$12,000

Beginning Balance	\$8,419.76
Receipts	10,594.50
Expenditures	9,352.93
Ending Balance 6/30/17	\$9,661.33

Gibbs School Energy Fees (2790) established under Article 45 2010 Annual Town Meeting
Expenditures not to exceed \$120,000

Beginning Balance	\$28,077.88
Receipts	80,341.50
Expenditures	81,951.47
Ending Balance 6/30/17	\$26,467.91

Cemetery Chapel Rentals (3435) established under Article 52 2011 Annual Town Meeting
Expenditures not to exceed \$15,000

Beginning Balance	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance 6/30/17	\$0.00

Council On Aging Program Fees (3840) established under Article 28 2013 Annual Town Meeting
Expenditures not to exceed \$25,000

Beginning Balance	\$9,973.75
Receipts	13,823.41
Expenditures	1,534.15
Ending Balance 6/30/17	\$22,263.01

(5 – 0)

COMMENT: The above/attached represents the usual vote to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and reauthorize such funds in accordance with state law. Additional materials regarding the Revolving Funds have also been included in the Appendix to this report for further consideration.

STM ARTICLE 3

VOTE/STUDY OF DEMOLITION OF HISTORIC RESIDENTIAL BUILDINGS

VOTED: That Town Meeting hereby amends its vote on Article 11 of the 2016 Town Meeting, wherein the committee known as the “Residential Study Group” was formed, by specifically charging the Group to study the demolition of Arlington residential structures and associated impacts on:

- 1. The character of neighborhoods and historic preservation efforts;**
- 2. Sellers, including an analysis of the demographic and economic profile of such individuals;**
- 3. Affordability of housing;**
- 4. Persons employed in the building trades**
- 5. The natural environment**
- 6. Local regulatory and licensing bodies; and**
- 7. Continuing work on assessing localized disruption and health impacts during demolition and construction.**

Further, the Group is charged with determining appropriate policy and zoning recommendations to balance the above considerations based upon the Group’s findings, and make recommendations both to Town Meeting and pertinent Town officials on same.

(5 – 0)

COMMENT: Following multiple hearings on Article 17 of the Annual Town Meeting Warrant, this Board attempted to further discourse and options regarding the demolition of historic residential structures in Arlington. However, after hearing the testimony of residents, volunteers, and staff, it is apparent the issues surrounding demolition of older homes in Arlington is about much more than historic preservation. Indeed, while the original Article focused on expanding the number of homes potentially subject to the Arlington Historical Commission’s “demolition delay” provisions, it is clear the Selectmen that addressing so-called “teardowns,” especially the replacement of older, smaller homes with new or multiple new and larger homes through a historic preservation lens will not sufficiently examine the scope of concerns for our community.

The Residential Study Group was created in 2016 by vote of Town Meeting to address a variety of issues with respect to zoning and new residential construction (including demolition). The Group has submitted successful proposals to revise both the Town Bylaws and the Zoning Bylaws, including the creation of the “Good Neighbor Agreement” and addressing driveway slope concerns. As such, the Board respectfully urges Town Meeting to underscore the concerns presented about demolition to the Residential Study Group within its original charge, and more

specifically direct them to conduct a holistic assessment of the status quo and potential policy changes surrounding “tear down” demolitions.

STM ARTICLE 4

**HOME RULE LEGISLATION/PROPERTY
TAX DEFERRALS**

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

**“AN ACT RELATIVE TO REAL PROPERTY TAX DEFERRALS
IN THE TOWN OF ARLINGTON.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding the provisions of the first paragraph of clause Forty-first A of section 5 of chapter 59 of the General Laws, the Town of Arlington may, by vote of its Town Meeting and with the approval of its Board of Selectmen: (1) adopt a higher maximum qualifying gross receipts amount than \$57,000.

SECTION 2. This act shall take effect upon its passage.”

(5 – 0)

COMMENT: Consistent with the Town’s commitment to identify and pursue means of providing tax relief for Arlington’s senior homeowners living on fixed, limited incomes, the Board of Selectmen recommends positive action on this Article to join other communities in extending tax deferral to a broader set of Arlington’s senior population. In short, existing law allows eligible resident property owners over age 65 to apply to delay payment of their property taxes for a total of up to half their home’s assessed value. Such deferment rights, particularly in the context of potential overrides and debt exclusions allow seniors to tap the valuable asset that is their home’s value. Payment can often be deferred until a home is sold or otherwise conveyed, until death, or a homeowner elects to pay, with the deferred payment subject to a fixed, low interest rate, all codified in a written deferral and recovery agreement with the Board of Assessors.

However, the income limit for eligibility set by state law is presently \$57,000 (with the approval of Town Meeting). By filing the Home Rule legislation before Town Meeting, the Town can gain permission to increase income limits otherwise by confined by the statute and periodically reassess its position. In neighboring Lexington for example the income limit was set at \$70,000 for Fiscal Year 2018.

STM ARTICLE 5

**HOME RULE LEGISLATION/MEANS-TESTED
SENIOR TAX RELIEF**

VOTED: That no action be taken on Special Town Meeting Article 5 at this time and to have the option referred to the Town Manager, the Board of Assessors, and the Finance Committee for further study.

(5 – 0)

COMMENT: Similar to Special Town Meeting Article 4, the Board of Selectmen inserted this article to explore a local means-tested “circuit breaker” tax relief program for Arlington seniors, which would cap property taxes for eligible seniors at no greater than 10 percent of their total income. This model has been employed in a number of municipalities based upon a pilot administered by the Town of Sudbury. While the Board remains interested in adding this measure as another means of easing the burden on Arlington’s senior property owners with limited incomes, the financial ramifications to the rest of the Town are not sufficiently clear to move forward yet and a local circuit breaker tax relief program likely would require an increase to the average tax bill. Accordingly, we recommend no action, but also respectfully request that the Board of Assessors, Finance Committee, and Town Manager’s Office study the potential benefits and impacts of implementing such a program in Arlington.

STM ARTICLE 6

HOME RULE /PACKAGE STORE LICENSES

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

“AN ACT TO AUTHORIZE THE BOARD OF SELECTMEN OF THE TOWN OF ARLINGTON TO PLACE UPON A TOWN BALLOT A QUESTION RELATING TO THE LICENSING OF PURVEYORS OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Section 1. The Board of Selectmen of the Town of Arlington is hereby authorized to place upon the ballot at a 2019 Town election the following question:

Shall the Board of Selectmen of the Town be authorized to issue up to 7 licenses for the sale of all alcoholic beverages not to be drunk on the premises in replacement of up to 5 existing licenses for the sale of wine and malt beverages not to be drunk on the premises?

YES	
NO	

Section 2. If a majority of voters voting at the 2019 Town election at which the above question appears on the ballot vote ‘yes’ on the question, then the Board of Selectmen of the Town of Arlington may issue up to three licenses for the sale of all alcoholic beverages to be drunk off the premises in place of up to three licenses that are currently authorized in the Town of Arlington for the sale of wine and malt beverages to be drunk off the premises.

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

COMMENT: In concert with this Board's recommendation on Article 20 of the Annual Town Meeting Warrant, which seeks authorization to file Home Rule legislation to convert the "Board of Selectmen" to the "Select Board" under the Town Manager Act, and amend the Town Bylaws consistent with same, the Board respectfully respects Town Meeting's support to replace the gendered nouns and pronouns found throughout the Town Bylaws and the Town Manager Act. The terms to be employed will be limited to the historically used gender-neutral pronouns such as "their" "they," "them" and/or "one" which, it must be noted, has been the practice of legislative drafting for the Commonwealth for nearly a decade. While these changes will not any substantive impact on the duties, authorities, rules, and regulations set forth in our local ordinances and charter, they nonetheless represent an important message to our community about equality.

