

**TOWN OF ARLINGTON
MASSACHUSETTS**

**REPORT OF THE
SELECT BOARD**



**TO THE
TOWN MEETING
MONDAY APRIL 22, 2019
SPECIAL TOWN MEETING
MONDAY APRIL 29, 2019**

8:00 P.M.

INTRODUCTION

The Select Board 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 both proponents and opponents of the various articles were heard.

The objective of Board Warrant Article Hearings is to develop Select Board recommendations on each article before it by majority vote, to be set forth with the comments in the Report of the Select Board 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 Select Board, 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 this 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 Stephen W. DeCoursey to serve as Arlington’s newly elected member of the Board.

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.

VOTED: That the Town does and hereby amends Title V, Article 1 (Billboards and Signs) by deleting Sections 1, 2 and 4 in their entirety with the exception of Section 1(J), renaming the article “The Display of Notices,” and renumbering the bylaw so as to read in its entirety as follows:

ARTICLE 1: ~~Billboards and Signs~~ The Display of Notices

Section 1. Restrictions on Use

~~No person, firm, association, or corporation shall erect, display, or maintain, within the limits of the Town, a billboard, sign, or other outdoor advertising device, unless it meets the following requirements or unless it was approved by the Massachusetts Outdoor Advertising Board under Section 30 and 32 of Chapter 93 of the General Laws, or by any amendments or additions thereto, in which case any such sign, billboard, or other outdoor advertising device shall comply with the requirements of this Section (1) one by January 1, 1973:~~

- ~~A. Within fifty (50) feet of any public way;~~
- ~~B. Within three hundred (300) feet of any public park, playground or other public grounds, if within view of any portion of the same;~~
- ~~C. Nearer than fifty (50) feet to any other such billboard, sign or other advertising device, unless said billboards, signs or other advertising devices are placed back to back;~~
- ~~D. On any location at the corner of any public way and with a radius of one hundred and fifty (150) feet from the point where the center lines of such ways intersect;~~
- ~~E. Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight (8) feet or a height of four (4) feet;~~
- ~~F. Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of twenty five (25) feet or a height of twelve (12) feet;~~
- ~~G. In any event if such billboard, sign or other advertising device shall exceed a length of fifty (50) feet or a height of twelve (12) feet; except that the Selectmen may permit the erection of billboards, signs or other advertising devices which do not exceed forty (40) feet in length and fifteen (15) feet in height if not nearer than three hundred (300) feet to the boundary line of any public way.~~
- ~~H. No billboard, sign, or other advertising device shall be erected, displayed or maintained in any residence district or in any block in which one-half or more of the buildings on both sides of the street are used partially or wholly for residential purposes, or in any Planned Unit Development district.~~
- ~~I. No billboard, sign, or other advertising device shall be erected, displayed or maintained until a license has been issued by the Board of Selectmen. Upon receipt of an application for a license to erect, display or maintain a billboard within the limits of the Town, the Selectmen shall hold a public hearing on said application in~~

~~the Town, notice of which shall be given by posting the same in three or more public places in said Town at least one week before the date of such hearing, or by publication in a local newspaper of general circulation in the Town at least one week before the date of the public hearing. A written statement as to the results thereof shall be forwarded to the applicant containing, in the event of a disapproval of such application, the reasons therefor, within thirty days from the date of submission of the application to the Selectmen.~~

- ~~J. Signs erected by a person, town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet are hereby referred to as “notices” and are exempt from the provisions of this article of the Town Bylaws subject to Select Board regulations of “The Display of Notices” to be promptly promulgated by the Select Board. upon the passage of this section.~~

~~Section 2. Signs Related to Premises~~

~~This By-Law shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter.~~

~~Section 32. Fines for Violations~~

~~Whoever violates any of the provisions of this By-Law shall be punished by a fine of not more than one hundred dollars (\$100), and whoever, after conviction for such violation unlawfully maintains such billboard, sign or other outdoor advertising device notice for twenty (20) days thereafter shall be punished by a fine of not more than five hundred dollars (\$500).~~

~~Section 43. Severability Clause~~

~~If any provision of this By-Law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme Judicial Court of the Commonwealth, the validity of the remaining provisions of this By-Law shall not be affected thereby.~~

(5 – 0)

COMMENT: The Select Board requests Town Meeting’s support for this article *contingent upon the successful passage of Article 17*, which comprehensively reforms the Zoning Bylaw’s sign regulations. Both Article 17 and this Article are the products of a 2-year study of our Town’s sign ordinances, much of which are out of date with constitutional law, especially with respect to the regulation of non-commercial signage. Among the suite of recommendations to revise our sign regulations to meet present needs and improve our processes, this proposal eliminates a Town bylaw which is largely redundant with sign reviews conducted by the Zoning Enforcement Officer, the Zoning Board of Appeals and the ARB. The Select Board shall continue to regulate so-called “notices” – temporary flyers advertising one-time yard sales, lost pets, and public events because they are predominantly posted in the public way (on light poles, medians, etc), which is controlled by the Board.

Given the comprehensive nature of the sign regulation reforms before Town Meeting, should Article 17 fail to pass at Town Meeting, the Board will respectfully request no action on this article.

ARTICLE 27 BYLAW AMENDMENT/TOWN MEETING SPEAKING TIMES

VOTED: That Title I, Article 1 (Town Meetings), Section 7(C) “Time Limits” be and hereby is amended by striking the word “seven” in the first paragraph and replacing it with “five;” and further striking the word “five” in the second paragraph and replacing it with the word “three,” so as to read as follows:

C. Time Limits

No person shall speak, or otherwise hold the floor, for the first time on any subject for more than ~~seven~~ five minutes, unless, prior to beginning his or her presentation, the person requests of the Town Meeting a specific extension of time, and the request is granted by a majority vote of the Town Meeting members present and voting.

No person shall speak, or otherwise hold the floor, for a second time on any subject for more than ~~five~~ three minutes.

(4-1)

Mr. Hurd voted in the negative.

COMMENT: The Select Board acknowledges and respects that the main motion on this article belongs to the Town Meeting Procedures Committee, which urges a vote of no action on the instant article. The majority of the Board respectfully disagrees with such position and requests Town Meeting’s support for a substitute motion to the effect of the foregoing. In brief, the Select Board believes that reducing default Town Meeting speaking time limits will not only improve the efficiency of the proceedings, but encourage more residents to seek office and participate. Further, the Select Board is confident that the Moderator and Meeting members will grant extensions of time for constructive comments and questions on worthy subjects.

ARTICLE 28 BYLAW AMENDMENT/RECYCLING COMMITTEE MEMBERSHIP AND MISSION

VOTED: That Title II, Article 7 of the Town Bylaws, “Recycling Committee” be and hereby is amended to expand the number of registered voter members appointed by the Moderator from eight to ten, for a total of eleven members in Section 1: Membership; and further by revising the scope of solid waste management activities addressed by the Committee in Section 2: Purpose and Mission; and further by striking Section 3. Cost Effectiveness in its entirety; and further to rename the Recycling Committee consistent with its revised mission, so as to read in full as follows:

ARTICLE 7: ~~RECYCLING COMMITTEE~~ – ZERO WASTE ARLINGTON COMMITTEE

Section 1. Membership

ART. 27, A.T.M., 5/1/95

~~There shall be an Arlington Recycling~~ Zero Waste Arlington Committee (“ZWA”) to be appointed by the Moderator. The committee shall consist of ~~9~~ 11 persons; ~~The committee shall consist of the Town Manager or their designee, and 8-~~ 10 members to be selected from the registered voters of the town. ~~The terms of appointment to the committee initially shall be 3 members appointed for 3 years, 3 members appointed for 2 years, and 3 members appointed for 1 year. All appointments and reappointments upon the expiration of the original term of appointment shall be for 3 years. Members shall serve until their successors are appointed and qualified.~~

Section 2. Purpose and Mission

~~The mission of the Recycling Committee is to advise the Town of opportunities to improve and expand recycling in the Town, to educate and advocate recycling, source reduction, and reuse of waste, to the citizens, offices and businesses of the Town, and to conduct research and programs to increase participation in recycling, composting, and proper disposal of waste.~~

~~Among other actions, the Recycling Committee should monitor the activity of the trash and recycling contractor and report any problem areas to the Director of Public Works, monitor collection of white paper in the Town for recycling, manage collections of household hazardous waste and inform residents of non-toxic alternatives to hazardous substances, and publicize the benefits of and opportunities for recycling and composting of waste in Arlington.~~

The mission of ZWA is to foster greater participation in all forms of waste reduction to improve health and restore the environment. ZWA shall conduct outreach efforts to help the Town reduce generation of waste overall, while increasing the options for, and quality of, recycling.

ZWA shall advise the Town and advocate for policies which align with Massachusetts’ goals for municipal solid waste reduction, and includes responding both to advances in recycled material sorting technologies, and to changes in market demand for recovered materials.

ZWA shall also provide education and support at all levels within the community to create, implement, and promote programs that drive down the need for solid waste disposal via landfill or incineration. Such programs shall include, but not be limited to increasing diversion of organics, reducing plasticware retail sale and distribution, creating awareness about excessive consumer packaging, minimizing recycling contamination, teaching repair and repurpose, and encouraging community swapping and sharing practices.

Section 3. Cost Effectiveness

~~In carrying out this mission, the Committee shall ensure that its recommendations are cost effective (or will become cost effective with sufficient participation), or are necessary to comply with state and federal regulations.~~

(5 – 0)

COMMENT: The Select Board requests Town Meeting’s support for the substantive and administrative changes proposed by the Town’s Recycling Committee to rebrand itself as the “Zero Waste Arlington Committee,” and expand their work to more comprehensive and current waste reduction strategies. The Committee was initially formed in 1994 and has enjoyed great success in reducing waste and providing highly utilized recycling programs and services. However, as waste reduction, reuse, and recycling issues are changing, so too must our chief committee charged with advising the Town of appropriate strategies related thereto. Furthermore, expanded interest in the Committee’s activities invites an expansion in membership. By offering two additional seats on the committee we can better take advantage of the increasing number of skilled volunteers available to help tackle the Town’s waste challenges.

ARTICLE 29 BYLAW AMENDMENT/REGULATION OF POLYSTYRENE

VOTED: That Title VIII (Public Health and Safety) be and hereby is amended by adding a new “Article 10: Polystyrene Reduction” to read as follows:

Section 1. Purpose and Intent

The use and disposal of polystyrene has significant impacts on our Town and our environment, including:

- A. **Harm to aquatic life when ingested;**
- B. **Pollution of waterways;**
- C. **Human health risks from potential exposure to chemicals leaching from polystyrene food containers and consumption of aquatic wildlife that contains polystyrene microplastics;**
- D. **Limited recycling options for polystyrene containers and other polystyrene products.**

With the goal of protecting the health of residents and our natural resources, consistent with the Town Goals adopted by Town Meeting in 1993, and given that inexpensive, safe alternatives to polystyrene are easily obtained, the Town will phase out the use of certain polystyrene plastics by January 1, 2020.

Section 2. Definitions

- A. **“Department” shall mean the Arlington Department of Health and Human Services.**
- B. **“Director” shall mean the Director of Health and Human Services.**
- C. **“Food Establishments” shall mean any operations that store, prepare, package, serve, vend or otherwise provide food for human consumption, including, but not**

limited to, restaurants, mobile food vendors, caterers, residential kitchen operators, schools, farmers markets, and public venues. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for the purpose of this bylaw.

D. “Polystyrene” shall mean and includes:

(1) blown polystyrene and expanded and extruded foams (sometimes called “Styrofoam,” a Dow Chemical Co. trademarked form of insulation) also referred to as expanded polystyrene (EPS), which is herein referenced in this bylaw as "Foam Polystyrene." Foam Polystyrene is generally used to make opaque cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons; and
(2) clear or solid polystyrene, which is also known as “oriented,” which is herein referenced in this bylaw as “Rigid Polystyrene.” Rigid Polystyrene is generally used to make clear clamshell containers, and clear or colored cups, plates, straws, lids and utensils.

Polystyrene may be labeled with the recycling number “6” or “PS 6”.

E. “Polystyrene Disposable Food Services Containers” shall mean single-use disposable products used for serving, consuming, or transporting food or beverages, including, but not limited to, take-out foods or leftovers from partially consumed meals prepared by a restaurant or other food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery. It shall also include single-use disposable packaging for uncooked foods prepared on the premises, as well as disposable catering trays.

F. “Public Venues” shall mean operations including, but not limited to, meeting halls, churches, Town offices, the Senior Center, Recreation Department facilities, libraries, and public schools operating in Arlington.

G. “Retail Establishments” shall mean any commercial business facility, whether for-profit or not-for-profit, that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, convenience stores, theaters, and all other retail stores.

Section 3. Use Regulations

- A. Food Establishments: Effective January 1, 2020, food establishments shall be prohibited from using, distributing, or selling polystyrene disposable food service containers made from foam or rigid polystyrene, or polystyrene cutlery or other polystyrene single use disposable products within the Town of Arlington.
- B. Retail Establishments: Effective January 1, 2020, retail establishments shall be prohibited from selling or distributing polystyrene disposable food service containers made from foam polystyrene within the Town of Arlington.
- C. Exemptions: This bylaw shall not apply to:

1. Polystyrene foam packaging peanuts;
2. Prepackaged meat and produce trays, egg cartons, and other food or beverage products bought from or packaged by any supplier located outside of Arlington;
or
3. Polystyrene foam freezer chests.

Section 4. Penalties and Enforcement

A. Each food establishment or retail establishment, as defined in Section 2, located in the Town shall comply with this bylaw.

1. If it is determined that a violation has occurred, the Director, or his or her designee in the Department, shall first issue a "warning notice" to the food establishment or retail establishment for a first time violation.
2. If after 14 days from receipt of the warning notice, the food establishment or retail establishment continues to violate this bylaw or commits a second violation, the Director shall issue a notice of violation and shall impose a penalty against the food establishment or retail establishment.
3. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
 - (i) \$50 for the first offense;
 - (ii) \$100 for the second offense;
 - (iii) \$150 for the third and all subsequent offenses.
4. No more than one penalty shall be imposed upon a food establishment or retail establishment within a seven calendar day period.
5. A food establishment or retail establishment shall have 15 calendar days after the date that a notice of violation is issued to pay the penalty or request a hearing in writing to the Director.

B. The Director may promulgate additional guidelines and regulations necessary for the effective enforcement of this bylaw, consistent with the foregoing.

Section 5. Waivers

In the event that compliance with the effective date of this bylaw is not feasible for a food establishment or retail establishment because of either unavailability of alternative containers or products or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or owner's representative. The Director may provide one additional six-month waiver upon showing of continued infeasibility or hardship, as set forth above.

Section 6. Severability

The provisions of this bylaw are severable; and if any of the provisions of this bylaw shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(5 – 0)

COMMENT: The Select Board urges Town Meeting to vote in support of this measure to join communities such as Andover, Brookline, Cambridge, Concord, and Wayland in prohibiting the use of a limited class of polystyrene products at food and retail establishments – specifically a limited type of plastic food service containers, cutlery, and packaging materials. These products pose risks to human health and the environment, are difficult to recycle, and have cost-effective, readily available alternatives.

The Board emphasizes that only plastics bearing recycling number 6 (primarily single-use plastics) would be covered by this prohibition, and a variety of exceptions are woven into the bylaw such as exceptions for polystyrene coolers and food products which come to grocery stores and other retailers in pre-packaged in polystyrene containers. Furthermore, Arlington residents will be able to purchase polystyrene products online or outside of Arlington, and the cost difference for products purchased within Arlington should have minimal impact on consumers.

Finally, this well-researched proposal is modeled after a successful plastic bag reduction bylaw passed by Town Meeting in 2017. As such, it includes advanced notice to retailers and establishments, graduated penalties, and a temporary waiver system for appropriate businesses.

ARTICLE 30 BYLAW AMENDMENT/WATERLINE REPLACEMENT

VOTED: That no action be taken under this article.

(4 – 0)

Ms. Rowe was not present.

COMMENT: The Select Board supports the establishment of a new bylaw to ensure that corroded, privately-owned waterlines connecting buildings to Town-owned water mains in the interests of conserving water and reducing water costs. However, additional work is necessary to ensure that such a bylaw will have an efficient and effective process to achieve such a goal without placing undue burdens on residents or Town Departments. As such, we request a vote of no action at this time so the Town may appropriately refine its proposal.

ARTICLE 31 BYLAW AMENDMENT/RENAME COMMUNITY PRESERVATION COMMITTEE

VOTED: That Title I, Article 12 of the Town Bylaws, “Community Preservation Committee” be and hereby is amended to rename the Community Preservation Committee, the “Community Preservation Act Committee” by adding the word “Act” wherever the Committee’s name appears in the bylaw, and replacing the term CPA with “CPAC” throughout, so as to read as follows:

**ARTICLE 12
COMMUNITY PRESERVATION ACT COMMITTEE**

Section 1. Establishment and Membership

- a. There is hereby established a Community Preservation Act Committee consisting of a total of nine (9) members pursuant to G.L. c. 44B § 5. The membership shall be composed of one member of the Conservation Commission as designated by such Commission, one member of the Historical Commission as designated by such Commission, one member of the Arlington Redevelopment Board (which serves as the Town's Planning Board) as designated by such Board, one member of the Park and Recreation Commission as designated by such Commission, one member of the Arlington Housing Authority as designated by such authority, and four (4) at-large members appointed by a joint vote of the approval by the Select Board and the Town Manager as follows below in Section 1(b).**
- b. Candidates for at-large membership shall be jointly gathered and screened by the Town Manager and the Chairperson of the of the Select Board or their designee, who shall jointly forward recommended candidates for a vote on appointment by the full Select Board plus the Town Manager (a maximum total of six votes representing the five Select Board and the Town Manager). A majority vote the Select Board and the Town Manager shall be required for appointment to an at-large member position.**
- c. At-large members shall be appointed to the following initial terms: One (1) for a one-year term, two (2) for two-year terms, and one (1) for a three-year term. All subsequent terms shall be for three years. All other members shall serve a term determined by their designating bodies not to exceed three years. All members, at-large and otherwise, are eligible for reappointment. Should any appointing or designating authority fail to appoint a successor to a CPAC member whose term is expiring, such member may continue to serve until the relevant authority names a successor.**

No At-Large member of the Community Preservation Act Committee shall serve more than six consecutive years at a time. A waiting period of three years shall be imposed on any member of the Committee after serving six consecutive years, if they wish to rejoin the Committee.

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

Section 2. Duties and Responsibilities

The Community Preservation Act Committee shall have all the duties and powers as set forth in G.L. c. 44 §5, including, but not limited to the following:

- a. The Community Preservation Act Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Select Board, Conservation Commission, the Historical Commission, The Redevelopment Board, the Park and Recreation Commission, the Council on Aging, the Housing Authority, the Finance Committee, and the Capital Planning Committee. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding the hearing in a newspaper of general circulation in the Town.
- b. The Community Preservation Act Committee shall make recommendations to the Town Meeting for the acquisition, creation, and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation, and support of community housing; and for rehabilitation or restoration of such open space and community housing that is acquired or created with CPA funds. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to Town Meeting shall include their anticipated costs.
- c. The Community Preservation Act Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.

- d. **Prior to making its final recommendations to Town Meeting for approval, the Committee shall present draft recommendations to the Select Board, the Finance Committee, and the Capital Planning Committee for comment. Further a designated member of the Select Board, Finance Committee, and Capital Planning Committee shall be permitted, but not required, to serve as a liaison to the Committee**

Section 3. Administration and Operation

- a. **The Community Preservation Act Committee shall not meet or conduct business without the presence of a quorum. A Majority of the members of the Community Preservation Act Committee all constitute a quorum.**
- b. **The Community Preservation Act Committee shall approve its actions by majority vote of the quorum.**
- c. **Each fiscal year, the Committee shall recommend to Town Meeting an operational and administrative budget. The timing of such budget recommendation shall be coordinated with the Town Manager's annual operating budget submission to the Select Board.**

Section 4. Amendments

The Community Preservation Act Committee shall, from time to time, review the administration of this by-law, making recommendations, as needed, for changes in the by-law and in administrative practice to improve its operations.

Section 5. Construction and Severability

At all times this by-law shall be interpreted in a manner consistent with G.L. c. 44B, the Community Preservation Act. Should any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

Section 6. Effective Date

Following Town Meeting approval of this by-law, this Title shall take effect immediately upon the approval by the Attorney General of the Commonwealth. Each appointing authority shall have forty five (45) calendar days after approval by the Attorney General to make their initial

appointments. Should any appointing authority fail to make their appointment within that allotted time, the Town Manager shall make the appointment from the membership of such appointing authority.

(5 – 0)

COMMENT: The Select Board endorses this straightforward effort to disambiguate the Community Preservation Committee, often known as the “CPC” from the Capital Planning Committee, also known as the “CPC,” by renaming it the Community Preservation Act Committee, or “CPAC.”

ARTICLE 32 BYLAW AMENDMENT/TREE PROTECTION AND PRESERVATION

VOTED: That Title V, Article 16, sections 2.A, 4.C, and 6, be and hereby are amended as follows:

**ARTICLE 16
TREE PROTECTION AND PRESERVATION**

Section 2. Definitions

A. The following definitions shall apply to this By-law:

“Protected Tree” - Any existing healthy tree on private land with a DBH of ~~ten (10)~~ eight (8) inches or greater, located in the setback area, which does not pose an immediate hazard to person or property or is not under imminent threat of disease or insect infestation.

“Tree Plan” - A site plan drawn and stamped by a certified land surveyor or engineer showing all Protected Trees in the setback areas, public shade trees on the property, and indicating, on the site plan or in a separate document, which Protected Trees will be retained, which will be removed, and, how critical root zones of each protected tree and public shade tree will be protected from damage during site work ~~as to Protected Trees which will be removed, as well as whether mitigation will be by replacement on the property or by payment into the Tree Fund;~~

“Tree Removal” - The cutting down of a tree, or the effective destruction, intentional or unintentional, of a tree during demolition or construction activities.

Section 4. Procedures and Requirements for the Preservation of Trees

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 payment made to the Tree Fund prior to the commencement of work on the property, 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, 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.

Section 6. Administration

The Select Board shall establish further administrative rules and regulations for the review and approval of Tree Plans, as well as enforcement determinations necessary to effectuate the purposes of this bylaw, including, but not limited to further definitions, tree plan requirements, and procedures. Failure to issue rules and regulations will not have the effect of suspending or invalidating this By-law.

(5 – 0)

COMMENT: Upon the recommendation of the Tree Committee and the Tree Warden, the Select Board unanimously urges Town Meeting’s approval of five adjustments to the Town’s Tree Protection and Preservation Bylaw, which are as follows:

1. Increasing the number of protected trees covered by the bylaw by changing the minimum size of trees subject to protections from 10 DBH (diameter breast height) to 8 DBH, because an insufficient number of trees in the canopy are protected at present;
2. Removing the mitigation option which invites property owners and developers to plant their own replacement trees. Unfortunately, because mitigation trees are often inadequately planted or cared for, they fail to thrive. Moreover, holding contractors accountable for dead or dying mitigation trees has proved impracticable;
3. Requiring additional information to be included on Tree Plans, including representing public shade trees and detailing how critical root zones of protected trees will be inured from fatal damage during construction activities;
4. Refining the definition of tree removal such that trees which are intentionally or unintentionally fatally harmed without being cut down are covered by the bylaw; and
5. Explicitly and transparently empowering the Select Board to promulgate regulations necessary to achieve the intent of the bylaw, which will also serve to keep the bylaw itself relatively simple.

ARTICLE 33

BYLAW AMENDMENT/NOTICE OF DEMOLITION

VOTED: That Title VI, Article 7 (“Notice of Demolition”) of the Town Bylaws be and hereby is amended to add “Protected Tree Removal” to the categories of activities requiring notice to abutters, as follows:

**NOTICE OF DEMOLITION, OPEN FOUNDATION
EXCAVATION, PROTECTED TREE REMOVAL,
NEW CONSTRUCTION, OR LARGE ADDITIONS**

A. The owner of any building or parcel who intends to have such building demolished, engage in open foundation excavation, engage in new residential construction, remove protected trees in advance of new residential construction, or build a large addition must at least seven (7) calendar days prior to the commencement of any site work (including demolition, tree removal, or open foundation excavation), or within seven (7) calendar days of the filing of an application for a Building Permit, whichever date is earlier, give notice by first-class mail to all abutters and current occupants (to the extent practicable) within 200 feet of such building or construction site before such demolition, construction, or open foundation excavation can commence.

B. The notice required herein shall, at a minimum, contain contact information for the developer or contractor, a site plan and/or tree plan for any applicable residential demolition, open foundation excavation, protected tree removal, alteration or construction project, as well as information detailing the hours of operation for the project, anticipated completion date, work schedule, and health safety, and abutting property protections, and as appropriate, noise abatement measures applied by the developer or contractor of the project.

C. “Demolition” shall be defined as the act of pulling down, destroying, removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.

“Open foundation excavation” shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.

“Large additions” shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

“Protected tree removal” shall be defined as removal of “Protected Trees” as defined in Title V Article 16 (“Tree Protection and Preservation”), Section 2.A and set forth in Title V Article 16, Section 3.A(3).

D. Prior to issuance of a demolition or building permit, or commencing an open foundation excavation or protected tree removal the applicant shall demonstrate to the satisfaction of the Inspector of Buildings (or the Tree Warden in the case of protected tree removal prior to new residential construction) that they have given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed.

E. Violators of this bylaw will be subject to a fine of \$200 per day upon notification of the Building Inspector.

(5 – 0)

COMMENT: The Select Board requests Town Meeting support this article which builds upon the recently revised “Notice of Demolition” bylaw to ensure that neighbors are also alerted to pre-construction activity which removes trees protected by the Town’s Tree Protection and Preservation bylaw. The revised notice bylaw would also ensure that Tree Plans, already required by the Tree Protection Bylaw, are included in the “Good Neighbor Agreement” documents contractors and owners provide to neighbors. The Board notes the Tree Committee’s support for positive action on this score.

ARTICLE 34 **BYLAW AMENDMENT/REGULATION OF OUTDOOR LIGHTING – DARK SKIES BYLAW**

VOTED: That Title V, Article 14 (Regulation of Outdoor Lighting) of the Town Bylaws be and hereby is amended as follows:

Section 1. Introduction

~~It is the intention of this by-law to regulate the use of outdoor lighting so as to reduce or eliminate light pollution (artificial light which causes a detrimental effect on the environment, interferes with the enjoyment of the night sky, causes undesirable glare, or unnecessary illumination of adjacent properties), and to conserve energy and resources to the greatest extent possible not unduly inconvenience and/or disturb residential abutters by having outdoor lighting shining directly into their windows or onto their properties, or by creating observable and unreasonable glare shining into their windows or onto their properties. This by-law is enacted with the understanding that enforcement shall be based upon any complaint issued by any resident or residential property owner with the Town.~~

Section 2. Definitions

- ~~A. A “luminaire” shall be defined as a complete outdoor lighting unit or fixture including a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, but not including a pole on which the luminaire may be mounted.~~

~~A luminaire shall be considered shielded if it is constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected above a horizontal plane passing through the lowest direct-light-emitting part of the luminaire.~~

Section 32. Regulation

- A. All outdoor lighting, including but not limited to: floodlighting, decorative lighting, lighting primarily designed to illuminate walks and/or walkways, driveways, flagpoles, outdoor living areas and/or outdoor recreational facilities shall be appropriately continuous, indirect, and installed and/or shielded in a manner that shall prevent unreasonably bright light from shining onto or upon any street and/or

nearby residential property whether directly or by creating unreasonably bright glare.

- B. The use of mercury vapor, high pressure sodium, and metal halide bulbs is prohibited within the Town of Arlington.
- C. Any lighting, affixed to a utility pole or placed on town property, on the public right-of-way or easement, in which the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement, shall be subject to a permit by the Select Board. In granting the permit, the Select Board shall establish that the permitted lighting fixture conforms to all provisions of this by-law.
- D. Up-lighting, the direct light illumination distributed above a 90 degree horizontal plane through the lowest direct light emitting part of the luminaire, is prohibited, except for signage governed by and permitted under the Arlington Zoning Bylaw, illumination of the United States Flag, the Flag of the Commonwealth of Massachusetts, or other flags on Town and/or school property, a building façade, or a public monument. For any up-lighting, the luminaire shall be equipped with shields so that the lamp is not visible from a street, or a lot that is in Residential or Conservation use.
- B- E. The following lighting shall be exempt from the provisions of this by-law:
 - i. Temporary holiday lighting.
 - ii. Internally illuminated signs.
 - iii. Emergency lighting such as used by the Police, Fire Department, or other official or utility emergency personnel. Placement of longer- term emergency lighting shall, to the largest extent possible, take into consideration the detrimental effects of glare on passing motorists and pedestrians and on residential lots.
 - iv. Lighting during special events such as fairs, concerts, or celebrations sponsored by the Town of Arlington or approved by the Select Board;
 - v. Lighting on playing fields and courts under the jurisdiction of the Town of Arlington;
 - vi. Lighting of historic or architectural significance exempted by a vote of the Arlington Historical Commission.
- ~~E. — Lighting installed prior to the enactment of this by-law, as amended, shall be exempt from the provisions of this by-law until April 15, 2015.~~

Section 43. Enforcement

Enforcement of this by-law shall be under the authority of the Building Inspector.

- A. For any and all lighting in violation of this by-law, in which the luminaire is owned, leased, or maintained by an electric utility, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law with the utility subject to the penalties set forth in the by-law.

- B. For any lighting that fails to conform to the terms and conditions of permit provisions of this by-law, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.**
- C. For any lighting that uses mercury vapor, high pressure sodium, or metal halide bulbs, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.**
- D. For any other instances, upon receiving a complaint in writing, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.**

~~Upon receiving a complaint in writing, from a resident or property owner in the Town, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.~~

Section 54. Fines & Fees Schedule

- A. First offense: A written warning stating a property owner/resident or utility is in violation: Ten (10) days to meet compliance.**
- B. Second offense: \$25.00 Fine. Five (5) days to meet compliance.**
- C. Third offense and \$50.00 Fine. Five (5) days to meet compliance before each subsequent offense another \$50.00 \$100.00 fine issues.**

(5 – 0)

COMMENT: Article 8 of the 2014 Annual Town Meeting adopted the first set of comprehensive changes to the Town’s regulation of outdoor lighting. However, over the past four years, the scope of those changes has been insufficient to address resident concerns regarding the impact of lighting and glare on quality of life. In particular, commercial light sources using outdated lighting technologies pose significant nuisances. The proposed revisions to the Outdoor Lighting bylaw (based upon the International “Dark Skies” Association’s model ordinance) will incentivize commercial lighting sources, especially utilities such as Eversource, to switch to modern LED lighting. It will also create a permit system for lights placed on the right-of-way by private entities.

The Board notes that many local businesses have already switched over entirely to LED lighting. Further, the exceptions maintained within Section 3.E., above otherwise address many common concerns about specific scenarios for the availability of non-LED residential or commercial lighting and up-lighting.

ARTICLE 35 BYLAW AMENDMENT/SHORT-TERM RENTAL REGULATIONS

VOTED: The Town Bylaws be and herby are amended to add a new section 18 to Article V (“Regulation of the Use of Private Property”) to provide for

regulation of short-term rentals as follows:

ARTICLE 18: SHORT TERM RENTALS

Section 1. Purpose

The purposes of this bylaw are to:

- A. provide a process through which certain residential premises and rooms within residential premises not otherwise regulated and licensed as lodging houses or bed and breakfasts may be registered with the Town of Arlington for use as “short-term rentals”;
- B. ensure relevant health and safety standards are met at short-term rentals; and
- C. provide for orderly operation of short-term rentals within the Town’s residential neighborhoods and assess the community impacts of such rentals.

Section 2. Definitions

“Short Term Rental” – an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where:

- (i) at least 1 room or unit is rented to an occupant or sub-occupant; and
- (ii) all accommodations are reserved in advance;

provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

“Operator” – a person operating a short-term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental.

Section 3. Applicability & Prohibitions

- A. No residential premises may be used as a short-term rental except those in compliance with this bylaw.
- B. The following residential housing units are ineligible from being used as short-term rentals:
 - 1. Residential premises designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law;

2. Residential units that are the subject of 3 or more findings of violations of this section within a six-month period, or 3 or more violations of any town bylaw or regulation or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six-month period; and
3. Accessory Dwelling Units as defined by the Zoning Bylaw if permitted in Arlington;

Section 4. Registration, Certifications and Fees

A. Registration Process.

An Operator of a short-term rental shall register with the Office of the Select Board to be listed on the Short-Term Rental Registry, providing all information and certifications required by this bylaw and the Office of the Board, and the registration fee.

Registration shall be valid for a one-year term, from January 1 through December 31 of each year or for such alternative twelve-month period as determined by the Board.

B. Required Information

At a minimum, an Operator shall provide the following:

Operator name, address of each short-term rental unit or units, the number of bedrooms within each unit, Operator's relationship to the unit (i.e. owner, professional manager, tenant, etc.), whether a Residential Unit being offered is within an owner-occupied home, condo, apartment, or two or three family home, and an authorized local agent able to act on behalf of the Operator in their event of their absence.

C. The Operator shall also certify that the short-term rental complies with the all of the following:

1. The State Sanitary Code;
2. Food Safe certification (if serving meals);
3. The Arlington Health Code;
4. Fire and carbon monoxide alarm requirements;
5. Fire escape route requirements;
6. The Building Code, including holding a valid certificate of occupancy; and
7. The Arlington Zoning Bylaw

D. Fees

Units shall be annually recorded in the Short-Term Rental Registry for a fee of \$25.00 per bedroom, per unit.

Section 5. Complaints, Enforcement, and Violations

A. Complaints

A complaint alleging that a short-term rental is in violation of this bylaw or any applicable law, code, or regulation may be filed with Select Board. The complaint must contain the Residential Unit's address, unit number, date and nature of alleged violation(s), and name and contact information of complainant.

B. Review of Complaint.

Within thirty (30) days after receipt of a complaint, the Select Board shall review the Complaint and refer it to the appropriate Town Department, official, Board, or Commission for findings. The Select Board shall not make a determination of a violation under any bylaw, regulation or law vested within another body or official's jurisdiction, but may utilize such determinations as evidence of a violation of this bylaw.

Upon a finding of a potential violation, the Select Board, or its designee shall serve notice of the violation upon the Operator of the short-term rental at issue, if such unit is listed on the Short-Term Rental Registry, and upon the owner or resident agent or owner of record of the premises at issue, if such unit is not listed on the Short-Term Rental Registry.

C. Right to Hearing.

A person upon whom a notice of violation has been served under this bylaw may request a hearing from Select Board by filing a written petition requesting a hearing on the matter within fourteen (14) days of receipt of a notice of violation. The Board shall render a decision within a reasonable time after the close of hearing. Any direction to correct conditions at the short-term rental and fines assessed shall be stayed until the Board issues its decision.

D. Violations, Suspensions and Fines.

1. Any person who offers a residential premises or units as a short-term rentals, where such premises or unit is not an eligible Residential Unit, or offers otherwise eligible premises or units but has not complied with the registration requirements of this bylaw, shall be fined three hundred dollars (\$300) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
2. Short-Term Rentals found to be in violation of this bylaw, or which are found to have any outstanding building, sanitary, zoning, or fire code

violations, orders of abatement, or stop work orders, or other requirements, laws or regulations that prohibit operation of the premises as a short-term rental, shall be suspended from the Short-Term Rental Registry and prohibited from operation until all violations have been cured or otherwise resolved.

Section 6. Room Occupancy Excise and Community Impact Fees

Short-term rentals subject to the provisions of this bylaw are subject to the Room Occupancy Excise under G.L. c. 64G and short-term rental community impact surcharge. Operators shall comply with the provisions of said statutes and are responsible for ensuring proper payment to the Commonwealth and the Town of Arlington.

(5 – 0)

COMMENT: The Select Board unanimously endorses this article to seize upon the local regulation authority afforded to municipalities by “An Act Regulating and Insuring Short-Term Rentals.” While the number of short-term rentals in Arlington is modest (less than 100), registering such establishments and requiring basic health and safety inspections can serve to both reduce negative community impacts associated with short-term rentals, and ensure quality, safe experiences for renters. The proposed bylaw also provides a formal process for examining complaints about common issues raised by short-term rental activity.

ARTICLE 36

VOTE/ELECTION MODERNIZATION STUDY GROUP

VOTED: That Town Meeting hereby establishes an Election Modernization Study Committee to be structured, organized, and charged as follows:

Election Modernization Study Committee

1. Committee Membership and Organization

A. The Committee shall consist of eleven (11) members

- The Town Clerk or their designee
- One member of the Board of Registrars to be determined by such Board;
- The Select Board Administrator or their designee
- The Town Moderator or their designee;
- One member of the School Committee as determined by the Committee;
- One member of the Disability Commission as determined by the Commission;
- One representative of the Republican Town Committee;
- One representative of Democratic Town Committee;
- Three residents to be appointed by the Town Moderator, one of whom is to be a green card-holding resident, one of whom is to have been a resident for less than five (5) years, and one of whom is a high school student; in the event

that the Moderator cannot fill the afore-listed positions after diligent efforts, the Moderator shall appoint residents with qualifications consistent article.

- B. The Town Moderator or their designee shall serve as chair of the committee for the purposes of the Committee's first organizational meeting, in which the Committee may elect officers as it deems appropriate.**

2. Committee Charge

The Committee is charged with comprehensively examining how to improve the Town's electoral practices and systems, including but not limited to:

- A. Voter eligibility rules in town elections;**
- B. Voter registration policies and practices;**
- C. Public engagement in the local election process;**
- D. The status of the Town's voting equipment and options for improvements thereof;**
- E. The Town's process for counting votes;**
- F. Ranked-choice voting;**
- G. Early voting policies and practices; and**
- H. Polling locations; and**
- I. Polling location accessibility.**

3. Committee Reports

- A. The Committee shall provide an interim report to the Town Clerk and the Select Board on or before September 1, 2019 to:**
 - i. Make ranked recommendations on any and all improvements which can be made to Town electoral systems and practices before the 2019 Fall election cycle; and**
 - ii. Offer any recommended Town Meeting warrant articles for inclusion on the 2020 Annual Town Meeting Warrant.**
- B. The Committee shall provide a final report to the 2020 Town Meeting on all of the subjects listed herein.**

4. Dissolution

Absent a vote of the 2020 Annual Town Meeting to maintain it, the Committee shall dissolve following the close of the 2020 Annual Town Meeting.

(5 – 0)

COMMENT: As more opportunities are being afforded to cities and towns to modernize their management of local elections, encourage wider participation in elections, and increase voter

access, the Select Board strongly urges Town Meeting to establish a study committee to comprehensively examine the Town's election practices, policies, and opportunities for improvement. The Board further urges such action with an aggressive and clear timeframe for recommendations that incorporates the perspective of a wide group of stakeholders. By doing so, the Select Board is hopeful that we can start by identifying and committing to capitalizing on "low-hanging fruit" prior to the Fall 2019 Election cycle, and then carry momentum forward, proactively assessing and availing ourselves of best practices in local elections.

ARTICLE 37

VOTE/REMOVE POLICE CHIEF FROM CIVIL SERVICE

VOTED: That the Town of Arlington hereby removes the position of "Chief of Police" of the Arlington Police Department from civil service, thereby divesting said position from all the rights and obligations set forth in G.L. c. 31 and its civil service predecessors in law including, but not limited to c. 19 of the Revised Laws and c. 320 of the Acts of 1884. This vote has no effect on the civil service status of any other Town of Arlington employee.

(3 – 2)

Ms. Mahon and Mr. Hurd voted in the negative.

COMMENT: A majority of the Select Board supports the request of the Town Manager to remove the Police Chief position from civil service. In short, civil service in Massachusetts provides and requires certain procedures and criteria for hiring, promotion, and termination of civil service-classified positions. Under the current system, the Town's options for hiring a new permanent police chief are determined in part by who opts to take the civil service exam for the position and what each candidates' score on the exam yields.¹ As such, whether the Town engages in a police chief search internally or in a so-called "open search," the Town is limited to the pool of candidates that take and score well on the civil service exam.

Members of the Board voting in the negative rightly point out that civil service affords an additional layer of process before civil service employees can be terminated or disciplined, and as such greater autonomy from the Manager. Further, officers have presented individual members of the Select Board nuanced views of the positives and negatives of keeping the position in civil service. Mindful of quality arguments of members of the Board and with great confidence in the excellence of the Acting Chief, captains, and other ranking officers, the majority of the Board still believes that the value of being able to set the criteria for qualifications and engage in as broad of a search as possible weighs in favor of a positive recommendation to Town Meeting.²

Finally, the Manager represents that he is committed first to putting the minimum qualifications

¹ There are additional factors, which can favor a candidate's overall score including for example their status as a veteran of the armed services.

² The Board also notes that statutory protections for employees, especially police chiefs, terminated for reasons other than cause, including G.L. c. 151B sec. 4 (prohibiting retaliation under the State's discrimination laws), G.L. c. 149 sec. 185 (Massachusetts Whistleblower Statute) and G.L. c. 41 sec. 97 (affording police chiefs rights to a hearing for termination for cause, as modified by the Town Manager Act).

for the chief position and the proposed hiring process before the Select Board for feedback and endorsement if the position is successfully removed from civil service. Moreover, the Manager is also committed to looking to fill the chief position with an internal candidate who meets such criteria.

ARTICLE 38

VOTE/SET SENIOR TAX DEFERRAL LIMIT

VOTED: That the maximum qualifying gross receipts amount for property tax deferrals under Clause 41A of Section 5 of Chapter 59 of the Massachusetts General Laws and Chapter 312 of the Acts of 2018 be set at \$88,000, beginning in fiscal year 2020.

(5 – 0)

COMMENT: Following the 2018 Town Meeting’s approval of the 2018 STM Article 5, the Legislature and Governor approved a special act allowing the Town to expand access to senior tax deferrals. Specifically, An Act Relative to Real Property Tax Deferrals” (Chapter 312 of the Acts of 2018), allows the Town to increase Tax Deferral Program eligible incomes above the \$57,000 state law limit by votes of the Select Board and Town Meeting. There is an income eligibility cap, anchored to the state circuit breaker limit for married couples filing jointly, set by the Commissioner of Revenue. Hence, the Select Board and Town Meeting can set the Tax Deferral eligibility limit (for both single persons and married joint filers) anywhere from \$57,001 to \$88,000.

Given the Board and Town Meeting’s mutual commitment to providing tax relief for Arlington Seniors in need as the Town prepares for an override and debt exclusion this summer, we urge Town Meeting to adopt the maximum eligibility level of \$88,000 for both single and joint filers.

ARTICLE 39

VOTE/AUTHORIZATION TO DEACCESSION TOWN PROPERTY – LIBRARY ART PRINTS

VOTED: That the Town hereby authorizes and requests that the Library Board of Trustees, through the Town Manager, dispose of the entirety of the Robbins Art Print Collection through sale, donation or other means, including all prints and pieces of artwork donated or bequeathed directly by Winfield, Caira, or Ida Robbins, and those artworks acquired with funds from trusts established to further the Collection in a manner consistent with the requirements of the General Laws and the Town of Arlington Bylaws.

(5 – 0)

COMMENT: The Select Board seeks Town Meeting’s positive action on this article requested of the Library Board of Trustees in order to obtain permission from the Town to sell, donate, or otherwise dispose of the entirety of the “Robbins Art Print Collection” – more than 150,000 art prints, only 20 percent of which have been catalogued over the past century. Over the past fifty years the Library Board of Trustees, a host of library volunteers, staff, and interested parties (including a series of print collection experts and appraisers) have reached the conclusions that the Print Collection is not consistent with the Library’s mission, is very difficult to manage, and is of very modest artistic interest to Arlington, the Greater Boston Area, or the region.

The overwhelming majority of prints were cut from books and other publications and primarily consist of portraits of 18th and 19th Century European aristocrats, which if displayed at a rate of 1,500 per year, would take more than 100 years to display them all. The most recent and comprehensive appraisal of the Collection by the Childs Gallery of Boston confirms not only that the Collection is of limited fine art interest, but is also precipitously declining in value, losing 20 to 25 percent of assessed value in the last decade.

Accordingly, the Collection is much more of a burden to the Library than a blessing. A deaccession would free valuable, limited space in the Library better suited to serve its mission. It would also potentially enable the Library to re-orient the approximately \$1.3 million in trust funds supporting the Collection to purposes consistent with the Robbins family's more appropriate legacy at the Robbins Library.

ARTICLE 40 **VOTE /ROBBINS LIBRARY PARKING COSTS**

VOTED: That no action be taken under this article.

(5 – 0)

COMMENT: The Select Board commends Mr. Fisher for raising concerns about the cost of Robbins Library parking lot fees on persons of limited means, but also respects the recommendations of the PIGC, and the Library Board of Trustees' concerns that lowering or eliminating parking fees would rekindle abuse of the lot by non-patrons seeking long-term parking in Arlington Center. Accordingly, given that Town Meeting does not have the authority to set parking rules and regulations, we welcome further discussion on this subject with the Trustees and other stakeholders, but cannot recommend positive action to Town Meeting.

ARTICLE 41 **VOTE/ARLINGTON REDEVELOPMENT BOARD MEMBERSHIP AND TERMS**

VOTED: That no action be taken under this article.

(5 – 0)

COMMENT: The Select Board respectfully recommends a vote of no action on this resident petition article to convert the Arlington Redevelopment Board from an appointed body to an elected body. Foremost, the Board does not believe such a conversion will achieve the article's intended effect of making the ARB more accountable or responsive by rendering it an elected, and therefore a *more political* body. Indeed the Board is concerned that the instead of doing more to attract the architects and skilled professionals which populate the ARB now, the campaign process will dissuade otherwise interested residents from seeking seats on such board.

ARTICLE 42 **HOME RULE LEGISLATION/TOWN TREASURER**

VOTED: That the Town does hereby request and authorize the Select Board 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 TREASURER”
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 “8” Election of Other Officers so as to strike the words and punctuation the “treasurer and town collector,” so as to read as follows (strike through text indicating words and punctuation to be deleted):

Section 8. Election of Other Officers.

The election of Town Clerk, ~~treasurer and town collector~~, and assessors shall continue as presently provided. Notwithstanding the election of the officers named in this section, by voters of the town, they shall be subject to the call of the manager for consultation, conference and discussion on matters relating to their respective offices.

Second, by amending Section 15(a) to strike the words and punctuation “Town Treasurer and Collector,” 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~~, 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 the Town Treasurer and Collector as

an appointee under said Section so as to read as follows (underscored text indicated new language):

- (c) *The town manager shall also appoint upon merit and fitness alone, the Town's Comptroller (also vested with the authorities of a "Town Accountant") and the Town Treasurer and Collector subject to the approval of the Select Board. Appointment of the Comptroller and the Town Treasurer and Collector shall become effective upon the approval of the Select Board. If the Select Board fails 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 Select Board.*

The Comptroller or the Town Treasurer and Collector may be removed by the town manager subject to the approval of the Select Board. Removal of the Comptroller or Treasurer shall become effective upon approval of the Select Board. If the Select Board 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 Select Board. 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 Select Board. Nothing in this paragraph shall supersede or abridge the Comptroller's employment rights afforded by state law.

Notwithstanding the foregoing section (c), the Comptroller and Treasurer shall be authorized to report directly to the Chairperson of the Select Board, 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 Select Board endorses this article to bring the Town Manager Act up to date with the conversion of the Town Treasurer from an elected to an appointed office in a manner consistent with recent Town Manager Act revisions to the appointment of the Town Comptroller. Modifications to the Town Bylaws to the same effect were recently acted upon positively by Special Town Meeting and await Attorney General approval.

ARTICLE 43

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

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

**“AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO ESTABLISH A MEANS
TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION.”**

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.

With respect to each qualifying parcel of real property classified as class one, residential in the Town of Arlington there shall be an exemption from the property tax in an amount to be set annually by the Select Board subject to the criteria provided in section 2. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, “parcel” shall be a unit of real property as defined by the Board of Assessors under the deed for the property and shall include a condominium unit. The exemption provided for herein shall be in addition to any and all other exemptions allowed by the General Laws.

SECTION 2.

The Board of Assessors may set a policy to deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under Section “1” if all of the following criteria are met:

- (a) The qualifying real property is owned and occupied by a person whose prior year’s income would make the person eligible for the circuit breaker income tax credit under section 6(k) of chapter 62 of the General Laws;**
- (b) The qualifying real property is owned by a single applicant age 65 or older as of July 1 of the applicable fiscal year or jointly by persons either of whom is age 65 or above as of July 1 of the applicable fiscal year and if the joint applicant is 60 years of age or older;**
- (c) The qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;**
- (d) The maximum assessed value of the domicile is no greater than the prior year’s maximum assessed value for qualification for the circuit breaker income tax credit under Section 6(k) of chapter 62 of the General Laws as adjusted annually by the Department of Revenue; and**

(e) Property taxes shall not be reduced by more than 50 percent by this exemption

(f) The Board of Assessors has approved the application.

SECTION 3.

The Select Board shall annually set the exemption amount provided for in Section “1,” provided that the amount of the exemption shall be within a range of fifty per cent to two hundred per cent of the amount of the circuit breaker income tax credit under section 6(k) of chapter 62 of the General Laws for which the applicant qualified for in the previous year. The total amount exempted by this act shall be allocated proportionally within the tax levy on all taxpayers and cannot exceed 1% of the municipalities tax Levy.

SECTION 4.

A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the Board of Assessors, file an application, on a form to be adopted by the Board of Assessors, with the supporting documentation of the applicant’s income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5.

No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the tax levy.

SECTION 6. Acceptance of this act by the town of Arlington shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 5, inclusive, and section 7 shall take effect 30 days after an affirmative vote by the town.

SECTION 7. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation shall take effect 30 days after an affirmative vote by the town.

COMMENT: The Select Board strongly urges Town Meeting to join its effort to develop this means-based tax relief measure for Arlington seniors, many of whom are retired and on fixed incomes. A local means-tested circuit breaker concept was first employed as a pilot special legislation program in Sudbury and adopted by other similar communities including Concord. The “Sudbury Model” while successful by many metrics, has proved to be administratively unwieldy in some such communities. Accordingly, the Massachusetts Association of Assessing Officers have advocated for a bill pending before the Legislature (H.2470) that creates a local option statute to achieve the same goals but with greater certainty and flexibility in the amount of relief offered qualifying residents. The basic qualifications are the same:

- Town residents over 65 years of age;³
- Who own homes worth less than the median assessed value in Arlington; and
- Qualify for State “circuit breaker” ceiling under G.L. c. 62 section 6(k) (currently \$58,000 for singles, and \$88,000 for couples, the latter of which is also consistent with the recommended Senior Tax Deferral Limit);

are provided local tax relief via a new local exemption.

However, unlike the Sudbury Model, the H.2470 concept allows municipalities (in our case, the Select Board) to annually set the amount of relief for those qualifying additional tax exemption. This option is superior because the cost of tax relief is not only more flexible, but also more readily quantified. Therefore it will be easier to understand how much the tax relief will be borne by other taxpayers. For example, if the Board votes to provide eligible seniors \$1,000 of relief and there are 400 participants, the total cost of \$400,000 is spread across the tax-base, and such amount can be adjusted from year to year. In contrast, relief based upon “10 percent of income” is far more difficult to project. The Select Board will vote in advance of Town Meeting on its recommended exemption level should Town Meeting, the Legislature, and the voters act favorably. However, basic scenarios for informational purposes are as follows:

Properties Receiving Tax Relief	Property Tax Relief Payment		
	\$1,000	\$2,000	\$3,000
968	\$65.53	\$131.06	\$196.59
500	\$33.85	\$67.70	\$101.54
250	\$16.92	\$33.85	\$50.77

As such the Select Board recommends the proposed special legislation based upon the H.2470, which also contains safety valve measures to ensure first, that no qualifying resident may have their tax obligation reduced by more than 50 percent; and second, that the Town’s total tax relief under the program cannot be greater than .5 percent of the fiscal year’s total residential property tax levy for the Town. The proposed special legislation also requires acceptance of the program via town-wide local ballot question before implementation, and includes a revocation mechanism.

Finally, we note that there is no guarantee that H.2470 will pass, or if it does, when it would be first available to the Town. In the event that H.2470 is signed into law and acceptance of the local option statute becomes a more efficient route to providing tax relief for our qualifying seniors, we may certainly respectfully request our special legislation be pulled with

³ The only significant distinction between the Select Board’s recommended qualifying criteria, and the H.2470 is that the Board does not believe there should be a requirement of a minimum number of years of residency – at least 10 years under the local option proposal and the Sudbury Model.

the support of Town Meeting. However, the importance of advancing senior tax relief measures warrants Town Meeting's support now.

ARTICLE 44 HOME RULE LEGISLATION/CPA SURCHARGE EXEMPTION FOR SENIOR HOMEOWNERS

VOTED: That no action be taken on Article 44.

(5 – 0)

COMMENT: The Board commends the petitioner for seeking to identify additional means by which the Town may ameliorate the property tax burden on Arlington's senior residents. However, the Town already opted to both exempt the first \$100,000 of commercial and residential value from the CPA surcharge, and exempt qualifying low and moderate income seniors entirely at the ballot when the CPA was adopted. Carving out a further exemption without going to the voters first is procedurally problematic. More importantly, the Board is asking this Town Meeting both to adopt a Senior Property Tax Deferral Income Limit (Article 38) and a Senior Means-Test "Circuit-Breaker" Tax Relief Program (Article 43). Both of those means of assisting senior homeowners meet their tax burden will provide more significant tax relief than the proposed CPA exemption without weakening our successful CPA program, which receives matching funds from the state.

ARTICLE 45 EXTENDING LOCAL VOTING RIGHTS TO ALL LEGAL PERMANENT ARLINGTON RESIDENTS

VOTED: That the Select Board be and hereby is requested and authorized to file for Home Rule Legislation which will provide substantially as follows:

“AN ACT TO EXTEND LOCAL VOTING RIGHTS TO ALL LEGAL PERMANENT RESIDENTS OF THE TOWN OF ARLINGTON.”

Be it enacted, etc., as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, permanent legal residents eighteen years of age or older who reside in Arlington may, upon application, have their names entered on a list of voters established by the Town Clerk for the Town of Arlington and may thereafter vote in any election for local office, including but not limited to Select Board, School Committee, Town Clerk, Board of Assessors, Housing Authority, and Town Meeting, as well as local ballot questions distinct to Arlington.

Section 2. The Arlington Select Board, in consultation with the Town Clerk, is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. For the purposes of this act, a permanent legal resident is a non-U.S. citizen with primary residence in Arlington who has been given the privilege, according to the immigration laws, of residing permanently as an immigrant with the issuance of a "green card" from the Bureau of Citizenship and Immigration Services.

ARTICLE 50

LOCAL OPTION/SHORT TERM RENTAL IMPACT FEES

VOTED: That the Town does hereby adopt provisions of G.L. c. 64F (“Act Regulating and Insuring Short-Term Rentals”), Sections 3D(a) and 3D(b) regarding the authorization of the Town to assess two local option community impact fees from short-term rental units in Arlington, including any subsequent amendments or modifications thereto, such adoption shall be effective upon acceptance.

(5 – 0)

COMMENT: Recognizing the impacts that short-term rental units (such as Airbnb and VRBO) have on communities, the Commonwealth now allows municipalities to adopt two supplemental two local option “community impact fees,” which operate similarly the excise tax on hotel rooms. Thirty-five percent of the impact fee revenues must be dedicated to affordable housing or local infrastructure projects, but the remaining balance of funds may be appropriated for any legal purpose. As such, the Board requests Town Meeting adopt this straightforward and equitable local option.

The Town does not possess perfect data on the number of short-term rental units in Arlington, but website surveys suggest the number of active properties may be less than 100, with many consisting of rooms or small units within owner-occupied homes. For rentals in the range of \$100 to \$200 per night, the cost of the community impact fee is between \$3 and \$6 dollars per evening. For the most expensive short-term rentals in the community, \$500 to \$1,000, the added cost would be \$15 to \$30 per night. Hence, both the expected overall community impact fee revenue collected by the Town, and the impact on local short-term rental owners is likely to be modest. Nonetheless, such fee revenues can be used to the community’s betterment.

The Board notes that c. 64F allows the Town to opt to assess the fee only on certain types of short-term rental units. Were the Town to accept only c. 64G, § 3D(a), the fee would apply only to “professionally managed units,” essentially meaning rentals that do not include an operator’s primary residence within the dwelling. The Town may (but is not required to) also adopt § 3D(b), which applies to units located within dwellings that includes an operator’s primary residence. Based upon the short-term rental landscape in Arlington, the Board recommends Town Meeting adopt both sections 3D(a) and 3D(b).

ARTICLE 51

ENDORSEMENT OF CDBG APPLICATION

VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2020 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 52

REVOLVING FUNDS

VOTED: The Town does hereby reauthorize the following Revolving Funds for
FY 2020:

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

Beginning Balance	\$85,766.79
Receipts	37,339.39
Expenditures	63,500.00
Ending Balance 6/30/18	\$59,606.18

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

Beginning Balance	\$15,255.06
Receipts	9,460.00
Expenditures	10,000
Ending Balance 6/30/18	\$14,715.06

**Fox Library Community Center Rentals (3990) established under Article 49 1996 Annual Town Meeting
Expenditures not to exceed \$20,000**

Beginning Balance	\$3,857.44
Receipts	587.00
Expenditures	3098.87
Ending Balance 6/30/18	\$1,345.47

**Robbins House Rentals (4060) established under Article 77 1997 Annual Town Meeting
Expenditures not to exceed \$75,000**

Beginning Balance	\$17,641.31
Receipts	21,485.00
Expenditures	31,260.91
Ending Balance 6/30/18	\$7,865.40

**Conservation Commission Fees (5290) established under Article 44 1996 Annual Town Meeting
Expenditures not to exceed \$10,000**

Beginning Balance	\$2,623.07
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Receipts	0.00
Expenditures	0.00
Ending Balance 6/30/18	\$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 6/30/18	\$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	\$687,553.37
Receipts	642,968.20
Expenditures	837,014.23
Ending Balance 6/30/18	\$687,553.37

**Board of Health Fees (4120) established under Article 30 2005 Annual Town Meeting
Expenditures not to exceed \$100,000**

Beginning Balance	\$113,619.09
Receipts	99,039.42
Expenditures	75,516.54
Ending Balance 6/30/18	\$137,141.97

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

Beginning Balance	\$48,065.43
Receipts	43,345.10
Expenditures	59,840.00
Ending Balance 6/30/18	\$31,570.53

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

Beginning Balance	\$24,413.70
Receipts	8,399.50

Expenditures	3,404.50
Ending Balance 6/30/18	\$29,408.70

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

Expenditures not to exceed \$125,000

Beginning Balance	\$86,999.06
Receipts	83,020.48
Expenditures	85,441.13
Ending Balance 6/30/18	\$84,578.41

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

Expenditures not to exceed \$80,000

Beginning Balance	\$59,215.88
Receipts	24,421.61
Expenditures	18,457.47
Ending Balance 6/30/18	\$84,578.41

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

Expenditures not to exceed \$12,000

Beginning Balance	\$9,661.33
Receipts	5,961.15
Expenditures	4,554.67
Ending Balance 6/30/18	\$11,067.81

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

Beginning Balance	\$26,467.91
Receipts	0.00
Expenditures	18,065.45
Ending Balance 6/30/18	\$8,402.46

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

**ARTICLE 79 RESOLUTION/OVERNIGHT PARKING EXEMPTION PROGRAM
FOR MEDICAL AND FINANCIAL HARDSHIPS**

VOTED: That no action be taken on Article 79.

(5 – 0)

COMMENT: The Select Board commends the petitioners and interested persons for raising concerns regarding the impact of the overnight parking ban on disabled and low-income residents. The Board has adopted revisions to its policies as Parking Commissioners to establish a new type of overnight parking permit and associated process, which operates as an exemption rather than an application, and does not require applicants to address personal and sensitive information with the Board at a public meeting.

APPENDIX: REFERENCE MATERIAL BY ARTICLE

ARTICLE 31

M.G.L. c. 44B sec. 5

Section 5: Community preservation committee; members; recommendations

Section 5. (a) A city or town that accepts sections 3 to 7, inclusive, shall establish by ordinance or by-law a community preservation committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and one member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.

ARTICLE 35

“AN ACT REGULATING AND INSURING SHORT-TERM RENTALS”

**Relevant Sections*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the

SECTION 6. Chapter 64G of the General Laws is hereby amended by striking out sections 1 to 6, inclusive, as appearing in the 2016 Official Edition, and inserting in place thereof the following 11 sections:-

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

“Bed and breakfast establishment”, a private owner-occupied house where not less than 4 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.

“Bed and breakfast home”, a private owner-occupied house where not more than 3 rooms are let, a breakfast is included in the rent and all accommodations are reserved in advance.

“Commissioner”, the commissioner of revenue.

“Hosting platform”, a service through a digital platform, third-party website, software, online-enabled application, mobile phone application or some other, similar electronic process that allows: (i) an operator to advertise, list or offer the use of an accommodation subject to the excise under this chapter in exchange for rent; (ii) an operator to collect the payment of rent on an accommodation; and (iii) a person to arrange, book, reserve or rent an accommodation.

“Hotel”, a building used for the feeding and lodging of guests licensed or required to be licensed under section 6 of chapter 140.

“Intermediary”, a person or entity, other than an operator, that facilitates the sale, use or possession of an occupancy and charges a room charge to the general public; provided, however, that the term

“facilitates” shall include a person or entity that brokers, coordinates or in any other way arranges for the purchase, sale, use or possession of occupancies by the general public; provided further, that the term “intermediary” shall include a hosting platform and operator’s agent.

“Lodging house”, a house licensed or required to be licensed under section 23 of chapter 140 and where lodgings are rented to not less than 4 people who shall not be within the second degree of kindred to the owner or operator of such lodging house.

“Motel”, a building or portion of a building in which a person is lodged for hire with or without meals and that is licensed or required to be licensed under section 32B of chapter 140; provided, however, that a “motel” shall not include a hotel or lodging house.

“Occupancy”, the use or possession or the right to the use or possession of a room in a bed and breakfast establishment, hotel, lodging house or motel designed and normally used for sleeping and living purposes for a period of not more than 90 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee, or the use or possession or the right to the use or possession of a room in a short term rental normally used for sleeping and living purposes for a period of not more than 31 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee; provided, however, that “occupancy” shall include the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment, accompanying the use and possession of such a room.

“Occupant”, a person who uses, possesses or has a right to use or possess a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel for rent under a lease, concession, permit, right of access, license or agreement.

“Operator”, a person operating a bed and breakfast establishment, hotel, lodging house, short-term rental or motel in the commonwealth including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such bed and breakfast establishment, hotel, lodging house, short-term rental or motel.

“Operator’s agent”, a person who on behalf of an operator of a bed and breakfast establishment, hotel, motel, short-term rental or lodging house: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent; provided, however, that an “operator’s agent” shall include, but not be limited to, a property manager, property management company or real estate agent.

“Person”, an individual, partnership, trust or association, with or without transferable shares, joint-stock company, corporation, society, club, organization, institution, estate, receiver, trustee, assignee or referee and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any combination of individuals acting as a unit.

“Professionally-managed unit”, 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator’s primary residence.

“Rent”, the total consideration paid by or on behalf of an occupant, including any service, cleaning or other charge, to an operator or an intermediary collecting and remitting the excise on behalf of an operator under section 13 for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

“Short-term rental”, an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance;

provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Section 2. This chapter shall not include: (i) lodging accommodations at a federal, state or municipal institution; (ii) lodging accommodations, including dormitories, at religious, charitable, educational and philanthropic institutions; provided, however, that the exemption allowed shall not apply to accommodations provided by any such institution at a hotel or motel generally open to the public and operated by the institution; (iii) privately-owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; (iv) religious or charitable homes for the aged, infirm, indigent or chronically ill; (v) summer camps for children up to 18 years of age or developmentally disabled individuals; provided, however, that a summer camp that offers its facilities off season to individuals 60 years of age or older for a period of not more than 30 days in a calendar year shall not lose its exemption under this section; (vi) bed and breakfast homes; (vii) lodging accommodations provided to seasonal employees by employers; (viii) alcohol and drug free housing that is certified pursuant to section 18A of chapter 17; (ix) tenancies at will or month-to-month leases; and (x) time-shares, as defined in section 2 of chapter 183B.

For the purposes of this section, “developmentally disabled individual” shall mean an individual who has a severe chronic disability that: (i) is attributable to a mental or physical impairment or combination of mental and physical impairments; (ii) is likely to continue indefinitely; (iii) results in substantial functional limitations in not less than 3 of the following areas of major life activity: (A) self-care; (B) receptive and expressive language; (C) learning; (D) mobility; (E) self-direction; (F) capacity for independent living; and (G) economic self-sufficiency; and (iv) reflects the individual’s need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services that are of lifelong or extended duration and are individually planned and coordinated.

Section 3. An excise shall be imposed upon the transfer of occupancy of a room or unit in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel by an operator at the rate of 5 per cent of the total amount of rent for each such occupancy. An excise shall not be imposed if the total amount of rent is less than \$15 per day or its equivalent.

The operator shall pay the excise to the commissioner at the time provided for filing the return required under section 16 of chapter 62C.

No excises or fees established under this chapter shall be imposed upon the transfer of occupancy of a short-term rental if the operator transfers such short-term rental for not more than 14 days in a calendar year, provided, that the operator has first: (i) registered with the commissioner in accordance with section 67 of chapter 62C; and (ii) filed a declaration with the commissioner, signed by the operator and subject to section 5 of chapter 62C, setting forth the intention to transfer the short-term rental for not more than 14 days in a calendar year. Such a declaration, if applicable, shall be required annually in a manner determined by the commissioner. If the operator transfers the short-term rental for 15 days or more in the same calendar year, or fails to register and file a declaration as required by this section, then the operator shall be liable for the payment of required excises and fees under this chapter, including payment of required taxes and fees on the first 14 days the short-term rental was transferred in the calendar year.

Section 3A. A city or town that accepts this section may impose a local excise upon the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel located within that city or town by an operator at a rate of not more than 6 per cent of the total amount of rent for each such occupancy; provided, however, that the city of Boston may impose such local excise upon the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel located within the city by an operator at the rate of not more than 6.5 per cent of the total amount of rent of each such occupancy. No excise shall be imposed if the total amount of

rent is less than \$15 per day or its equivalent or if the accommodation is exempt under section 2. An operator shall pay the local excise imposed under this section to the commissioner at the same time and in the same manner as the excise due to the commonwealth. All sums received by the commissioner under this section as excise, penalties or forfeitures, interest, costs of suit and fines shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted this section in proportion to the amount of such sums received from the transfer of occupancy in each such city or town. Acceptance of this section shall be: (i) by a majority vote of the city council with the approval of the mayor in the case of a city with a mayor elected to serve as the chief executive officer of the city; (ii) by a majority vote of the city council in every other city; (iii) by a majority vote of the annual town meeting or a special meeting called for that purpose in the case of a municipality with a town meeting form of government; or (iv) by a majority vote of the town council in the case of a municipality with a town council form of government. This section shall take effect on the first day of the calendar quarter following 30 days after its acceptance or on the first day of a later calendar quarter as the city or town may designate. The city or town, in accepting this section, shall not revoke or otherwise amend the applicable local tax rate more often than once in a 12-month period.

The commissioner shall make available to a city or town requesting such information the total amount of room occupancy tax collected in the preceding fiscal year in the city or town requesting the information.

Section 3B. Notwithstanding sections 9 and 10 of chapter 152 of the acts of 1997, the convention center financing fee imposed upon the transfer of occupancy of a short-term rental in the cities of Boston, Cambridge, Springfield, Worcester, West Springfield and Chicopee shall revert half to the General Fund and half to the city in which the short-term rental was transferred.

Section 3C. In addition to the excise imposed under section 3 and any excise imposed under section 3A, an excise shall be imposed on the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel located within a municipality that is a member of the Cape Cod and Islands Water Protection Fund established under section 19 of chapter 29C at a rate of 2.75 per cent of the total amount of rent for each such occupancy; provided, however, that all revenues received from the excise under this section shall be credited to the Cape Cod and Islands Water Protection Fund. An excise shall not be imposed if the total amount of rent is less than \$15 per day or its equivalent. An operator shall pay the excise due to the Cape Cod and Islands Water Protection Fund to the commissioner at the same time and in the same manner as the excise due to the commonwealth.

Section 3D. (a) A city or town that accepts section 3A may, by a separate vote and in the same manner of acceptance as set forth in section 3A, impose upon an operator a community impact fee of not more than 3 per cent of the total amount of rent for each transfer of occupancy of a professionally managed unit that is located within that city or town.

(b) A city or town that votes to impose a community impact fee under subsection (a) may, by a separate additional vote and in the same manner of acceptance as set forth in section 3A, also impose the community impact fee upon each transfer of occupancy of a short-term rental unit that is located within a two-family or three-family dwelling that includes the operator's primary residence.

(c) All community impact fees under this section shall be paid monthly by the operator to the municipality. A city or town shall dedicate not less than 35 per cent of the community impact fees collected under this section to affordable housing or local infrastructure projects.

Section 4. Except as provided in section 13, reimbursement for the excise imposed under this chapter shall be paid by the occupant of any such room to the operator and each operator shall add to the rent and collect from the occupant the full amount of the excise imposed by this chapter or an amount equal as nearly as possible or practical to the average equivalent thereof and such excise shall be a debt

from the occupant to the operator when so added to the rent and shall be recoverable at law in the same manner as other debts.

Section 5. The amount of the excise collected by the operator from the occupant pursuant to this chapter shall be stated and charged separately from the rent and shown separately on any record of the excise at the time the transfer of occupancy is made or on any evidence of such transfer issued or used by the operator.

Section 6. A person shall not operate a bed and breakfast establishment, hotel, lodging house, short-term rental or motel unless a certificate of registration has been issued to the person in accordance with section 67 of chapter 62C.

Section 6A. No person subject to this chapter shall engage in an unlawful practice under section 4 of chapter 151B.

SECTION 7. Said chapter 64G is hereby further amended by striking out sections 7A and 7B, as so appearing, and inserting in place thereof the following 2 sections:-

Section 7A. An operator who has paid to the commissioner an excise pursuant to section 3 upon an account later determined to be worthless shall be entitled to an abatement of the excise paid on the worthless account. A claim for abatement shall be filed not later than April 15 annually and shall cover the amount of the excise on accounts determined to be worthless in the prior calendar year.

An operator who recovers an excise on an account determined to be worthless and for which an application for abatement has been filed shall report and include the same in a monthly return at the time of recovery.

Section 7B. An operator who fails to pay to the commissioner money required to be paid by this chapter shall be personally and individually liable therefor to the commonwealth. As used in this section, the term "operator" shall include an officer or employee of a corporation or a member or employee of a partnership or a limited liability company who, as such officer, employee or member, is under a duty to pay the excises imposed by this chapter.

An operator who misrepresents to an intermediary that the transfer of occupancy of the operator's property is exempt from the excise imposed by sections 3, 3A and 3C and the community impact fee imposed by section 3D shall be liable for any unpaid excise under said sections 3, 3A and 3C and the community impact fee imposed by said section 3D and shall be deemed to have committed an unfair trade practice under chapter 93A in making such a misrepresentation to the intermediary.

SECTION 8. Said chapter 64G is hereby further amended by striking out section 12, as so appearing, and inserting in place thereof the following 7 sections:-

Section 12. No excise shall be imposed under this chapter upon the transfer of occupancy of a room in a hotel, lodging house, short-term rental or motel if the occupant is an employee of the United States military traveling on official United States military orders that encompass the date of such occupancy. Each operator shall maintain such records as the commissioner shall require to substantiate exemptions claimed under this section.

Section 13. (a) An operator may elect to allow an intermediary to collect rent or facilitate the collection or payment of rent on its behalf through a written agreement on an accommodation subject to the excise under this chapter. An intermediary that enters into a written agreement with the operator to collect rent or facilitate the collection or payment of rent on behalf of the operator of an accommodation subject to the excise under this chapter shall: (i) apply for and obtain a certificate of registration from the commissioner in accordance with section 67 of chapter 62C on behalf of the operator; (ii) assess, collect, report and remit the excise to the commissioner as described for operators in sections 3, 3A, 3B, 3C, 5,

7A, 7B and 12; (iii) assess, collect and remit the community impact fee to the municipality as described for operators in section 3D; (iv) maintain records of any excises collected that have been remitted to the commissioner and shall make these records available to the department upon request; (v) ensure that the operator is registered pursuant to said section 67 of said chapter 62C prior to permitting such operator to list or offer an accommodation for rent through the use of the intermediary; and (vi) notify the operator that the operator must comply with all applicable municipal, state and federal laws including, but not limited to, the collection and remittance of required excises. The certificate of registration obtained from the commissioner pursuant to this subsection shall identify and be in the name of the individual operator, not the intermediary.

(b) An intermediary collecting and remitting the excise on behalf of an operator shall provide notification within a reasonable time to the operator that the excise has been collected and remitted to the commissioner pursuant to section 3. The notification may be delivered in hand or by mail or conveyed by electronic message, mobile or smart phone application or another similar electronic process, digital media or communication portal. An operator shall not be responsible for collecting and remitting the excise on a transaction for which the operator has received notification from an intermediary that the excise has been collected and remitted to the commissioner on their behalf.

(c) The intermediary shall not be liable for faults in collecting or remitting the excise proximately caused by the intermediary's reasonable reliance on representations made to it by the operator about the nature of the property being rented, the duration of the occupancy or other similar misrepresentations made by the operator to the intermediary. The operator shall be liable for any unpaid excise resulting from any such misrepresentation. An intermediary shall not be liable for any over collection of the excise if the excise collected was remitted to the commissioner and the over collection resulted from the intermediary's reasonable reliance on the operator's representations about the nature of the property being rented or the nature of the occupancy or whether such property was exempt from the excise. The operator shall be liable for monetary damages to the occupant resulting from any such misrepresentations.

Section 14. A city or town, by ordinance or by-law, may regulate operators registered pursuant to section 67 of chapter 62C and impose penalties for the violation of such an ordinance or by-law. A city or town, by ordinance or by-law, may:

(i) regulate the existence or location of operators under this section within the city or town, including regulating the class of operators and number of local licenses or permits issued to operators under this section and the number of days a person may operate and rent out an accommodation in a calendar year;

(ii) require the licensing or registration of operators within the city or town; provided, however, that a city or town may: (A) accept a certificate of registration issued to an operator in accordance with section 67 of chapter 62C in lieu of requiring an operator to obtain a local license or registration under this section; or (B) issue a provisional license or registration to permit an operator to offer accommodations on temporary or seasonal basis;

(iii) require operators to demonstrate that any properties or premises controlled, occupied, operated, managed or used as accommodations subject to the excise under this chapter are not subject to any outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices;

(iv) require properties or premises controlled, occupied, operated, managed or used by operators as an accommodation subject to the excise under this chapter to undergo health and safety inspections; provided, however, that the cost of any inspection conducted under this section shall be charged to and solely paid by the operator under this section; provided further, that after any initial health and safety inspection, the city or town may determine the frequency of any subsequent inspections;

(v) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this section; provided, however, that a city or town that suspends or terminates an operator's right to operate an accommodation for a violation of any ordinance or bylaw shall notify the commissioner of revenue of the suspension or termination; and

(vi) establish a reasonable fee to cover the costs associated with the local administration and enforcement of regulating operators and accommodations.

Notwithstanding any ordinance or by-law adopted by a city or town pursuant to this section, an operator of a short-term rental shall post inside the short-term rental unit information regarding the location of any fire extinguishers, gas shut off valves, fire exits and fire alarms in the unit and building.

Nothing in this section shall preclude a city or town from publishing a public registry of all short-term rental accommodations located within that city or town offered for rent by operators who are registered in accordance with section 67 of chapter 62C. A city or town may determine what relevant information shall be listed, including where the accommodation is located.

Section 15. Nothing in this chapter shall confer a right to lease, sublease or otherwise offer a residential unit as a short-term rental where such use is prohibited by a homeowner's association agreement or requirements, a rental agreement or any other restriction, covenant, requirement or enforceable agreement.

Section 16. For residential units subject to rent control provisions, operators of short-term rentals shall charge not more than the prorated maximum amount allowed.

Section 17. The commissioner shall annually publish a report on the economic activity of short-term rentals in the commonwealth rented for occupancy through a hosting platform or intermediary. The commissioner may require a hosting platform, intermediary or operator of a short-term rental to submit to the department of revenue, in a form approved by the commissioner, information necessary to compile the report including, but not limited to: (i) the aggregate rent paid by all occupants during the reporting period; (ii) the total amount of revenue collected from the excise on the transfer of occupancy of the short-term rentals; and (iii) the total amount of revenue collected from the local excise on the transfer of occupancy of the short-term rentals.

The department shall make available any data set used pursuant to this section to a regional planning agency, municipality or other public agency requesting such information; provided, however, that the department shall utilize the practices that are necessary to prevent the public disclosure of personal information regarding operators and occupants. The department shall annually publish local summary statistics on its website. The department shall take all measures necessary to protect the confidentiality and security of an operator's personal tax information from any disclosure pursuant to this section.

Section 18. The commissioner shall promulgate rules and regulations for assessing, reporting, collecting, remitting and enforcing the room occupancy excise pursuant to this chapter.

SECTION 9. Chapter 175 of the General Laws is hereby amended by inserting after section 4E the following section:-

Section 4F. (a) As used in this section, the terms "hosting platform", "operator" and "short-term rental" shall have the same meanings as under section 1 of chapter 64G unless the context clearly requires otherwise.

(b) An operator shall maintain liability insurance of not less than \$1,000,000 to cover each short-term rental, unless such short-term rental is offered through a hosting platform that maintains equal or

greater coverage. Such coverage shall defend and indemnify the operator and any tenants or owners in the building for bodily injury and property damage arising from the short-term rental.

(c) Prior to an operator offering a short-term rental through the use of a hosting platform, the hosting platform shall provide notice to the operator that standard homeowners or renters insurance may not cover property damage or bodily injury to a third-party arising from the short-term rental.

(d) Insurers that write homeowners and renters insurance may exclude any and all coverage afforded under the policy issued to a homeowner or lessee for any claim resulting from the rental of any accommodation under chapter 64G. Insurers that exclude the coverage described in this section shall not have a duty to defend or indemnify any claim expressly excluded by a policy. Nothing under this section shall preclude an insurer from providing coverage for short-term rentals.

(e) Any policy or policy form intended to cover operators of short-term rentals from liabilities, whether the policy or policy form is provided by a hosting platform or an operator itself, shall be filed according to instructions provided by the division of insurance.

(f) An operator who intends to operate a short-term rental shall provide notice to any insurer that writes a homeowners or renters insurance policy for the property where such short-term rental is to be located of the operator's intent to operate such short-term rental.

SECTION 10. There shall be a commission to study the feasibility and potential for use of lodging units within the hospitality industry, including hotel, motel, bed and breakfast and short-term rentals, as resources to increase the availability of emergency shelter for individuals and families displaced during extreme weather events or other states of emergency declared by the governor. The commission shall study and make recommendations relating to: (i) ways to maintain up-to-date inventories of units available for shelter during emergencies; (ii) networks to alert local officials about the availability of hospitality industry units as emergency shelter; (iii) platforms and protocol for communication and coordination between the hospitality industry and state and local officials during emergencies; and (iv) any other factors deemed relevant by the chair of the commission.

The commission shall consist of: the director of the Massachusetts emergency management agency or a designee, who shall serve as chair; 2 members appointed by the Massachusetts Lodging Association, Inc.; 3 members appointed by the Massachusetts Municipal Association, Inc., 2 of whom shall have experience in local emergency planning and management and 1 of whom shall have experience in municipal licensure processes; and 3 members appointed by the governor, 1 of whom shall be a representative of the department of revenue, 1 of whom shall be a representative of a hosting platform, as defined in section 1 of chapter 64G of the General Laws, and 1 of whom shall be a representative of a non-profit entity with experience in national-level emergency management and relief.

The commission shall report the results of its study, together with drafts of recommended legislation, if any, by filing the report with the clerks of the house of representatives and senate not later than January 1, 2020.

SECTION 15. A city or town that accepted section 3A of chapter 64G of the General Laws before July 1, 2019 shall be deemed to have accepted said section 3A of said chapter 64G for the purposes of this act.

SECTION 16. Section 9 shall take effect on July 1, 2019.

Approved, December 28, 2018.

Chapter 19 of the Revised Laws
Chapter 78 of the Acts of 1901
Arlington Human Resources Civil Service Records

CHAPTER 19.

OF THE CIVIL SERVICE.

- SECTIONS 1-5. — Civil Service Commission and Officers.
- SECTIONS 6-9. — Rules.
- SECTIONS 10, 11. — Special Provisions applicable to Boston.
- SECTION 12. — Applications.
- SECTIONS 13-15. — Examinations and Lists.
- SECTIONS 16-19. — Appointments.
- SECTIONS 20-25. — Veterans' Preference.
- SECTIONS 26-33. — Corrupt Practices.
- SECTIONS 34-37. — General Provisions.

CIVIL SERVICE COMMISSION AND OFFICERS.

Civil service
commission.
1884, 320, § 1.
188 Mass. 603.

SECTION 1. The governor shall annually, in May or June, with the advice and consent of the council, appoint a civil service commissioner for a term of three years from the first Monday of July following. All appointments shall be so made that not more than two commissioners shall at the time of any appointment be members of the same political party. Each commissioner shall be paid five dollars for each day's service and his travelling and other expenses incurred in the performance of his official duties.

Chief exam-
iner, secretary,
etc.
1884, 320, § 20.
1888, 41.
1889, 177, 351.
1895, 376.
(1899, A. G.
382.)

SECTION 2. The commissioners may appoint a chief examiner, who, under their direction, shall superintend any examination held under the provisions of this chapter and perform such other duties as they may prescribe. He shall receive an annual salary of three thousand dollars, and travelling expenses incurred in the performance of his official duties. They may appoint a secretary who shall receive an annual salary of two thousand dollars. They may appoint a registrar of labor, who shall, under their direction, supervise the administration of civil service rules applicable to the public labor service of the commonwealth or of any city thereof. He shall receive an annual salary of two thousand dollars, and his travelling expenses. They may incur other expenses not exceeding the annual appropriation therefor.

Witnesses and
testimony.
1891, 140.

SECTION 3. The commissioners or any of them, in an investigation by them, may summon witnesses, administer oaths and take testimony. The fees of such witnesses shall be the same as for witnesses before the superior court, and shall be paid from the appropriation for the incidental expenses of the commissioners.

Examiners.
1884, 320, § 20.

SECTION 4. They may designate persons in the official service of the commonwealth or of any city or of any town wherein this chapter is in force, who shall, with the consent of the head of department or office in which any such person serves, act as examiners of applicants for public employment. But no person shall serve as such examiner when any relative or connection by marriage, within the degree of first cousin, shall be an applicant.

1 SECTION 5. They shall keep records of their proceedings and
 2 of examinations made by them or under their authority. Recon-
 3 mendations of applicants received by them or by any officer author-
 4 ized to make appointments or to employ laborers or others, within
 5 the scope of such rules, shall be preserved. Such records and
 6 recommendations shall, under regulations approved by the governor
 7 and council, be open to public inspection. The commissioners
 8 shall from time to time suggest to the general court appropriate
 9 legislation for the administration and improvement of the civil
 10 service and shall annually before the tenth day of January make
 11 a report which shall contain any rules adopted under the provisions
 12 of this chapter.

Records and
annual report.
1884, 320, §§ 2,
23.

RULES.

1 SECTION 6. The commissioners shall from time to time prepare
 2 rules regulating the selection of persons to fill appointive positions
 3 in the government of the commonwealth and of the several cities
 4 thereof and the selection of persons to be employed as laborers or
 5 otherwise in the service of the commonwealth and said several cities,
 6 and altering, rescinding, amending or adding to the rules now
 7 established. Such rules may be of general or limited application
 8 and shall take effect only when approved by the governor and
 9 council.

Rules.
1884, 320, § 2.
143 Mass. 5-9.
146 Mass. 587,
689.

1 SECTION 7. The rules heretofore prepared by the commissioners
 2 and now in force shall continue in force, and such rules and those
 3 hereafter prepared by them and approved by the governor and
 4 council, shall be administered by the commissioners. They shall
 5 not be inconsistent with law, may be of general or limited applica-
 6 tion and shall include provisions for:—

Application of
rules.
1884, 320, § 14.
1885, 301, § 1.
1890, 317, § 8.
188 Mass. 103.
145 Mass. 600.

7 The classification of the positions and employments to be filled.
 8 Open competitive and other examinations to test the practical
 9 fitness of applicants.

10 The filling of vacancies in and the selection of persons for public
 11 positions and employments in accordance with the results of such
 12 examinations, or in the order of application, or otherwise.

13 Promotions, if practicable, on the basis of ascertained merit in
 14 the examination and seniority of service.

15 A period of probation before an appointment or employment is
 16 made permanent.

17 Preference to veterans in appointment and promotion.

1 SECTION 8. Changes in the rules shall forthwith, when approved,
 2 be printed for distribution, and a certified copy thereof sent to the
 3 mayor of each city and the selectmen of each town to which such
 4 changes relate, and shall be published in one or more newspapers.
 5 In such publication the date when such changes shall take effect
 6 shall be specified, which date shall be not less than sixty days sub-
 7 sequent to the date of such publication.

Printing and
distribution of
rules.
1884, 320, § 10.
1888, 253.

1 SECTION 9. Judicial officers and officers elected by the people
 2 or by a city council, or whose appointment is subject to confirma-
 3 tion by the executive council or city council of any city, officers
 4 elected by either branch of the general court and the appointees

Officers not
affected.
1884, 320, § 15.
1885, 35.
1890, 502.
[1 Ch. A. G. 72,
104.]

of such officers, heads of principal departments of the common- 5
wealth or of a city, the employees of the treasurer and receiver 6
general, of the board of commissioners of savings banks, and of 7
the treasurer and collector of taxes of any city, two employees of 8
the city clerk of any city, teachers of the public schools, the 9
secretaries and confidential stenographers of the governor, or of 10
the mayor of any city, police and fire commissioners and chief 11
marshals, or chiefs of police and fire departments, shall not be 12
affected as to their selection or appointment by any rules made 13
as aforesaid; but, with the above exception, such rules shall apply 14
to members of police and fire departments. 15

SPECIAL PROVISIONS APPLICABLE TO BOSTON.

SECTION 10. Engineers, janitors and all persons having charge 1
of steam boilers and furnaces in the school buildings in the city of 2
Boston, and truant officers appointed by the school committee of 3
said city, shall be classified and appointed pursuant to this chapter 4
and the rules thereunder. 5

Classification of janitors, etc., in charge of steam boilers in school buildings in Boston. 1880, 352, 1880, 253.

SECTION 11. Persons five feet five inches in height or over, if 1
otherwise qualified, shall be eligible to appointment in the fire de- 2
partment of the city of Boston. Call members in said department 3
who have served three or more successive years shall, upon applica- 4
tion to the civil service commissioners, be placed upon the eligible 5
list for appointment as permanent men without further examina- 6
tion, and may at the discretion of the fire commissioner be appointed 7
at the same salary as permanent men who have served three or 8
more years in said service. 9

Qualifications of firemen in Boston. Placed on list for permanent appointment. 1886, 256, 424.

APPLICATIONS.

SECTION 12. Every application shall state under oath the full 1
name, residence and post office address, citizenship, age, place of 2
birth, health and physical capacity, right of preference as a veteran, 3
previous employment in the public service, business or employment 4
and residence for the previous five years, and education of the 5
applicant, and such other information as may reasonably be required 6
relative to his fitness for the public service. 7

Statements of applicants for examination. 1884, 320, § 17. 1889, 187. 145 Mass. 587, 609.

Applicants for positions in the labor service of the commonwealth 8
or of the cities thereof shall, to the number of five hundred, be 9
allowed to register on the first Monday of February, May, August 10
and November in each year, at the places appointed therefor. 11

Application for registry in labor service. 1887, 328.

EXAMINATIONS AND LISTS.

SECTION 13. No question in any examination shall relate to, and 1
no appointment to a position or selection for employment shall be 2
affected by, political or religious opinions or affiliations. Exam- 3
inations shall be practical and shall relate to matters which will 4
fairly test the capacity and fitness of the applicants. The examina- 5
tion of applicants for employment as laborers shall relate to their 6
capacity for labor and habits of sobriety and industry and to the 7
necessities of themselves and their families. 8

Scope of examination. 1884, 320, § 16.

1 SECTION 14. No person in the public service shall wilfully and
 2 corruptly defeat, deceive or obstruct any person as to his right of
 3 examination; or wilfully or corruptly make a false mark, grade,
 4 estimate or report upon the examination or proper standing of any
 5 person examined hereunder, or aid in so doing; or wilfully or
 6 corruptly make any false representation concerning the same or
 7 concerning the person examined; or wilfully or corruptly furnish to
 8 a person special or secret information, for the purpose of improving
 9 or injuring the prospects or chances of appointment, employment
 10 or promotion of any person so examined or to be examined.

Obstruction of
 right of ex-
 amination for-
 bidden.
 1884, 320, § 18.

1 SECTION 15. The commissioners, within five days after the re-
 2 sults of an examination have been ascertained, shall prepare a list
 3 of the applicants who have passed the examination, with the stand-
 4 ing of each; and, within five days after certification of persons for
 5 appointment or employment, prepare a list of the persons so certi-
 6 fied which shall be open to public inspection.

Lists of names
 of successful
 applicants.
 1885, 501, § 4.
 1886, 517, § 2.

APPOINTMENTS.

1 SECTION 16. No person habitually using intoxicating liquors
 2 to excess and no vendor of intoxicating liquors shall be appointed
 3 to or retained in any office, appointment or employment to which
 4 the provisions of this chapter apply.

Vendor or
 user of liquor
 ineligible.
 1884, 320, § 3.

1 SECTION 17. No person shall be appointed to or employed in
 2 any office to which the provisions of this chapter apply within one
 3 year after his conviction of any crime against the laws of this
 4 commonwealth.

Convicts inel-
 ligible for one
 year.
 1884, 320, § 4.
 1888, 334.
 [1 Op. A. G.
 243.]

1 SECTION 18. No recommendation of an applicant for a position
 2 or employment under the provisions of this chapter given by any
 3 member of the general court, alderman or councilman, except as to
 4 the character or residence of the applicant, shall be received or
 5 considered by any person concerned in making the appointment
 6 under this chapter.

Recommendations of public
 officers re-
 stricted.
 1884, 320, § 5.

1 SECTION 19. The name and residence of every person, except
 2 laborers, appointed to, promoted or employed in a position coming
 3 within the rules governing the civil service, the designation of such
 4 position and the rejection or discharge of every such person, shall
 5 forthwith be reported to the commissioners by the officer making
 6 such appointment, promotion, rejection or discharge, or providing
 7 such employment.

Name, etc., of
 appointees
 to be reported
 to commis-
 sioners.
 1884, 320, § 22.

VETERANS' PREFERENCE.

1 SECTION 20. The word "veteran" in this chapter shall mean a
 2 person who served in the army or navy of the United States in
 3 the war of the rebellion and was honorably discharged therefrom,
 4 or a citizen of this commonwealth who distinguished himself by
 5 gallant and heroic conduct while serving in the army or navy of
 6 the United States and has received a medal of honor from the
 7 president of the United States.

Definition of
 "veteran."
 1886, 517, §§ 1, 6.

Application of
veterans for
examination.
1887, 437.
1890, 473.
1893, 501, §§ 1-3,
6.
1896, 517, § 2.
115 Mass. 387.
191 Mass. 14,
589.
[1 Op. A. G.
243, 340.]

SECTION 21. A veteran may apply for examination under the rules, and if he passes the examination, shall be preferred in appointment and employment to all persons not veterans. The commissioners shall cause the names of the veterans who pass the examination to be placed upon the eligible list in the order of their respective standing, above the names of all other applicants, and to be certified to the appointing officers for appointment and employment in preference to other applicants, and the appointment or employment shall be made from the list so certified. But nothing herein shall prevent the certification and employment of women.

- for employ-
ment.
1896, 517, § 3.
102 Mass. 589.

SECTION 22. A veteran may apply for appointment to or for employment in the classified public service without examination. In such application, he shall state under oath the facts required by the rules. Age, loss of limb or other disability which does not in fact incapacitate shall not disqualify him for appointment or employment under the provisions of this section. Appointing officers may make requisition for the names of any or all such veterans and appoint or employ any of them.

Removal of
veteran only
after hearing.
1894, 519.
1896, 517, § 5.
1901, 339.
175 Mass. 489.

SECTION 23. No veteran who holds an office or employment in the public service of the commonwealth, or of any city or town therein, shall be removed or suspended, or shall, without his consent, be transferred from such office or employment, nor shall his office be abolished, except after a full hearing of which he shall have at least seventy-two hours' written notice, with a statement of the reasons for the contemplated removal, suspension, transfer or abolition. The hearing shall be before the state board of conciliation and arbitration, if the veteran is a state employee, or before the mayor of the city or selectmen of the town of which he is an employee, and the veteran shall have the right to be present and to be represented by counsel. Such removal, suspension or transfer, or such abolition of an office, shall be made only upon a written order stating fully and specifically the cause or causes therefor, and signed by said board, mayor or selectmen, after a hearing as aforesaid.

Rules for
veterans.
1896, 517, § 4.
190 Mass. 589.
170 Mass. 28.

SECTION 24. The rules shall provide for the employment of veterans in the labor service of the commonwealth and of the cities and towns thereof, in the class for which they make application, in preference to all other persons except women. If the appointing officer certifies in his requisition for laborers that the work to be performed requires young and vigorous men, and, upon investigation, the commissioners are satisfied that such certificate is true, they may fix a limit of age and certify only those whose age falls within such limit. In cities and towns in which the provisions of this chapter and the rules governing the civil service have not been applied to the labor service, the selectmen and the city councils shall take any necessary action to secure the employment of veterans in the labor service of their respective cities and towns in preference to all other persons except women.

Reinstatement
of certain per-
sons.
1898, 484.

SECTION 25. Any person in the classified public service of the commonwealth or of any city or town thereof who resigns such office or leaves such service for the purpose of enlisting and serv-

4 ing in the army or navy of the United States or in the militia of
 5 this commonwealth in time of war and so enlists and serves, may
 6 at any time within one year after his honorable discharge from such
 7 military or naval service be appointed to or employed in his former
 8 or a similar position or employment, without application or exam-
 9 ination.

CORRUPT PRACTICES.

1 SECTION 26. No councillor, member of the general court, alder- Public officers
 2 man or councilman, or any officer or employee of any of said not to solicit
 3 bodies, and no executive or judicial officer of the commonwealth, contributions
 4 no clerk or employee of any department or branch of the govern- for political
 5 ment of the commonwealth and no executive officer, clerk or em- purpose.
 6 ployee of any department of a city shall personally solicit or receive, 1884, 320, § 6.
 7 directly or indirectly, or be concerned in soliciting or receiving,
 8 any assessment, subscription or contribution for any political pur-
 9 pose whatever; but this shall not forbid such persons to be mem-
 10 bers of political organizations or committees.

1 SECTION 27. No person shall solicit in any manner whatever or Solicitations
 2 receive any contribution of money or other thing of value for any forbidden in
 3 political purpose whatever in a room or building occupied for the official build-
 4 performance of official duties by an officer or employee of the com- ings.
 5 monwealth or of any city herein. 1884, 320, § 7.

1 SECTION 28. No officer or employee of the commonwealth or of Public officers,
 2 any city or town wherein this chapter is in force, shall discharge, etc., not to be
 3 promote, or degrade an officer or employee, or change his official affected by
 4 rank or compensation, or promise or threaten so to do, for giving, refusal to
 5 withholding or neglecting to make a contribution of money or other contribute.
 6 valuable thing for a political purpose. 1884, 320, § 8.
142 Mass. 50, 55.

1 SECTION 29. No officer, clerk or other person in the service of Gifts for
 2 the commonwealth or of any city or town wherein this chapter is in political object
 3 force shall, directly or indirectly, give or deliver to an officer, clerk forbidden.
 4 or person in said service, or to any councillor, member of the 1884, 320, § 9.
 5 general court, alderman, councilman or commissioner, any money
 6 or other valuable thing on account of, or to be applied to, the pro-
 7 motion of any political object whatever.

1 SECTION 30. No person in the service of the commonwealth or Coercion of
 2 of any city or town wherein this chapter is in force shall use his political action
 3 official authority or influence to coerce the political action of any forbidden.
 4 person or body, or to interfere with any election. 1884, 320, § 10.

1 SECTION 31. No person in the public service shall, for that reason, Public officers,
 2 be under obligation to contribute to any political fund, or to render etc., not re-
 3 any political service, and shall not be removed or otherwise preju- quired to con-
 4 diced for refusing to do so. tribute to
political fund.
1881, 320, § 11.
142 Mass. 50, 55.

1 SECTION 32. No person holding a public office or in nomina- Corrupt meth-
 2 tion for, or seeking a nomination for, or appointment to, an office, ods of procur-
 3 shall corruptly use or promise to use, directly or indirectly, any ing nomina-
 4 official authority or influence to confer upon any person, or to aid a tions, etc.,
prohibited.
1884, 320, § 12.

person to obtain, an office or public employment, or a nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote, political influence or action of any person shall be given or used in behalf of a candidate, officer or party, or upon any other corrupt condition or consideration.

Refreshments at public expense regulated. 1884, 320, § 13.

SECTION 33. No city shall pay a bill incurred by any official thereof for wines, liquors or cigars; nor shall a city pay a bill for refreshments furnished to an official of said city if the amount for any one day exceeds one dollar for each member of the government of said city who certifies over his own signature to the correctness of the bill.

GENERAL PROVISIONS.

Enforcement of rules. 1901, 512.

SECTION 34. If, in the opinion of the civil service commissioners, a person is appointed or employed in the public service classified under civil service rules in violation of any of such rules, the commissioners shall, after written notice mailed to the appointing or employing officer or officers and to such person, notify in writing the treasurer, auditor or other disbursing officer of the commonwealth, city or town in whose service such person is so employed, and the payment of any compensation to such person shall be illegal and shall cease at the expiration of one week after the mailing of the latter notice, until the legality of such appointment or employment is duly established. The attorney general may, within thirty days after said notice to such treasurer, auditor or other disbursing officer, file in the superior court, sitting in equity for the county in which such appointee or employee was appointed or employed, an information in the nature of a quo warranto against such appointee or employee, and the superior court or any justice thereof shall have jurisdiction to hear and determine the same. At any time after the beginning of such proceedings the court may, if it is of opinion that there is reasonable doubt whether the employment of such person is in violation of such rules, order that the compensation accruing to the person notified shall be paid to him until otherwise ordered by said court. If the attorney general shall fail within said thirty days to file such information, the said notice shall be regarded as null and void.

Penalties. 1884, 320, § 24. 1895, 501, § 5. 1897, 517, § 7. 143 Mass. 589.

SECTION 35. Whoever makes an appointment to office or selects a person for employment contrary to, or wilfully refuses or otherwise neglects to comply with, the provisions of this chapter or of any rule hereunder shall, unless some other penalty is specifically provided, be punished by a fine of not less than one hundred nor more than one thousand dollars for each offence.

Application of chapter. 1894, 267. 1896, 449.

SECTION 36. This chapter shall be in force in any town of more than twelve thousand inhabitants when accepted by it. So much of this chapter and the rules established under it as relate to the employment of laborers, designated as the "Labor Service," shall not be in force in any city of less than one hundred thousand inhabitants until the city council, with the approval of the mayor, accepts the same.

1 SECTION 37. In a town which by a vote of a majority of the
2 voters voting thereon at an annual or special town meeting accepts
3 the provisions of this section or has accepted the corresponding
4 provisions of earlier laws, the provisions of this chapter and the
5 rules made under the authority thereof which relate to the police
6 and fire forces of cities except Boston shall apply to all members
7 of the regular or permanent police and fire forces, or to the call
8 fire force, or to either of said forces, of a town. Such vote may
9 limit the application of the provisions of this chapter and of the
10 rules made thereunder either to the police force or to the fire force
11 of such town, or it may extend such application to both of said
12 forces. Upon such vote of acceptance, each member of the force
13 or forces included therein and within the classified civil service shall
14 continue to hold his office until his death, resignation or removal.
15 He shall not be removed except for cause shown after a full hearing
16 before the board or officer of the town having power to make
17 removals, and such member shall have the right to be present at
18 such hearing and to be represented by counsel.

Application to
fire and police
forces in
towns.
1901, 78.

AN ACT TO EXTEND THE PROVISIONS OF THE CIVIL SERVICE LAW TO THE POLICE AND FIRE FORCES OF TOWNS. *Chap. 78*

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, entitled "An Act to improve the civil service of the Commonwealth and the cities thereof", and all acts in amendment thereof, and the civil service rules thereunder which relate to the police and fire forces of cities of the Commonwealth other than the city of Boston, are hereby extended and made applicable to all members of the regular or permanent police and fire forces, or to the call fire force, or to either of said forces, in every town in the Commonwealth in which this act shall be accepted by a majority of the legal voters present and voting thereon at an annual town meeting or at any special meeting called for the purpose.

1884, 320, etc., to apply to members of police and fire forces in certain towns.

SECTION 2. Any town shall have the right in any such vote to limit the application of said chapter three hundred and twenty and of the civil service rules thereunder to the police force or to the fire force of such town, or to require the application thereof to both of said forces.

Application may be limited, etc.

SECTION 3. Upon such vote each member of the force or forces included in it, and within the classified civil service, shall continue to hold his respective office until death, resignation or removal.

Term of office.

SECTION 4. No member of either of said forces so included by vote of the town, and within the civil service law and rules, shall be removed except for cause shown after a full hearing before the board or official of said town having power to make removals, at which hearing the member in question shall have the right to be present and to be represented by counsel.

Removals.

SECTION 5. This act shall be submitted to the voters of any town at any annual town meeting or at any special meeting called therefor; and shall take effect in any town upon its acceptance by a majority of the voters voting thereon in such town.

May be submitted to voters.

SECTION 6. This act, except as otherwise provided herein, shall take effect upon its passage.

When to take effect.

Approved February 21, 1901.

NAME (WRITE ABOVE LINE)			DATE OF BIRTH
DATE	RATING	SALARY	REMARKS
	3.6.11--		Police classified.
	3.4.12--	59988	Chief of Police classified--
	1924	27445	--Police Reserves established--
	4.23.34--		All other employees in Police Department classified.
	7.1.38--		No ordinance which states definitely the number of regulars in Police Department.--339029
10.11.43			Pymt. of add'l day's pay each wk. to reg. Patrolmen for extra work performed by them auth.
		407970	
			<i>10.24.63 - Female School Traffic Supervisors brought under 63113763</i>
			<i>38 Service by Chapter 162, Acts of 1963. (over)</i>

NAME POLICE

CITY OR TOWN ARLINGTON

ARTICLE 38

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 clause forty-first A of section 5 of chapter 59 of the General Laws or any general or special law to the contrary, the town of Arlington may, by vote of its town meeting and with the approval of its board of selectmen, adopt a maximum qualifying gross receipts amount in excess of \$57,000 for purposes of said clause forty-first A; provided, however, that such maximum qualifying gross receipts amount shall not exceed the income limit determined by the commissioner of revenue for the purposes of subsection (k) of section 6 of chapter 62 of the General Laws for married persons filing jointly, regardless of the taxpayer's marital status.

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

Approved, November 27, 2018.

ARTICLE 41

Chap. 738 of the Acts of 1971

AN ACT PROVIDING FOR REDEVELOPMENT BOARD AND ABOLISHING THE PLANNING BOARD AND BOARD OF PUBLIC WELFARE IN THE TOWN OF ARLINGTON.

Be it enacted, etc., as follows:

Section 1. Chapter 503 of the acts of 1952 is hereby amended by striking out section 17 and inserting in place thereof the following section: —

Section 17. Appointment of Redevelopment Board. — The redevelopment board shall consist of five members, four to be appointed by the town manager, subject to the approval of the board of selectmen, and one to be appointed by the department of community affairs, hereinafter in this section referred to as the department. One of said persons shall be appointed to serve for an initial term of one year, two of said persons shall be appointed to serve for an initial term of two years and one of said persons shall be appointed to serve for an initial term of three years. The member appointed by the department shall serve for an initial term of three years. Thereafter, as the term of a member expires, his successor shall be appointed in the same manner and by the same body for a term of three years from such expiration. The members shall serve until their respective successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the redevelopment board, the vacancy shall be filled forthwith in the same manner and by the same body for the unexpired term. The town manager may make or receive written charges against, and may accept the written resignation of, any member appointed by the town manager or a former town manager or may, after hearing and with the approval of the board of selectmen, remove any such member because of inefficiency, neglect of duty or misconduct in office. Such member shall be given, not less than fourteen days before the date set for such hearing, a copy in writing of the charges against him and written notice of the date and place of the hearing to be held thereon, and at the hearing he shall be given the opportunity to be represented by counsel and to be heard in his defense. The town manager may make and receive written charges against the member of the redevelopment board appointed by the department and refer the same to the department which will proceed in the same manner as the town manager and the board of selectmen. Pending final action upon such charges, the officer or officers having the power to remove such member may temporarily suspend him, provided they shall

immediately reinstate him in office if they find such charges have not been substantiated, and may appoint a person to perform the duties of such suspended member until he is reinstated or removed and his successor is qualified. In case of any such removal, the removing authority shall forthwith deliver to the clerk of the town attested copies of such charges and of its findings thereon and the clerk shall cause the same to be filed with the department and the state secretary. Membership shall be restricted to residents of the town and a member who ceases to be a resident of the town shall be deemed to have resigned effective upon the date of his change of residence.

Members of the board shall be sworn to the faithful performance of their duties by the town clerk or a justice of the peace. The board shall organize for the proper conduct of its duties, shall elect from among its members a chairman and a vice-chairman, shall appoint such other officers and agents as it deems necessary, shall determine their respective duties and may delegate to one or more of its members, officers or agents such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it. The director of planning and community development, hereinafter called the director, shall be ex officio the secretary of the board. The director shall be appointed by the town manager to serve at his pleasure; neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to the director.

The town, acting by and through the redevelopment board, shall, except as herein specifically provided otherwise, be and have all the powers of an operating agency subject to the limitations provided in sections forty-five to fifty-nine, inclusive, of chapter one hundred and twenty-one B of the General Laws, and have such further powers and be subject to such further limitations as would from time to time be applicable to a redevelopment authority if such an authority had been organized in the town; provided, however, that notwithstanding sections eleven, forty-seven and forty-eight of said chapter one hundred and twenty-one B, no urban renewal project or rehabilitation project shall be undertaken by the redevelopment board, nor shall any property be acquired for any such project by eminent domain or otherwise, until the plan for such project has been approved by an annual or special town meeting; and provided further, that the redevelopment board shall not borrow or agree to borrow money without the approval of an annual or special town meeting. Without limiting the generality of the foregoing, the town, with the approval of an annual or special town meeting, may raise and appropriate, or may borrow, or may agree to raise and appropriate or to borrow, or may do or agree to do other things, with or without consideration, in aid of any project or activity planned or undertaken by the redevelopment board to the same extent and subject to the same limitations as if the board were a redevelopment authority. Nothing herein shall, however, alter or limit the powers and rights of the town or any other operating agency therein with respect to the powers and limitations in sections twenty-five to forty-four, inclusive, of said chapter one hundred and twenty-one B.

Section 2. Upon the effective date of this act the terms of office of the members of the planning board of the town shall be terminated. The redevelopment board shall have all the powers and perform all the duties heretofore conferred or imposed on the town planning board by statute or by-law or otherwise and shall further have the powers and perform the duties from time to time hereafter conferred or imposed by statute or by-law or otherwise on planning boards of towns in the commonwealth established under the provisions of section seventy of chapter forty-one. All property in the care and custody of the planning board and all appropriations of the town for the use of the planning board shall be transferred to the care and custody of and vested in the redevelopment board; and for all purposes, including without limitation those of chapters forty-one and one hundred and twenty-one B of the General Laws, the redevelopment board shall be deemed to be a continuation of the existing planning board of the town.

Section 3. Said chapter five hundred and three is hereby further amended by striking out section eighteen.

Section 4. This act shall take effect upon passage.

Approved September 9, 1971,

Arlington Town Manager Act

Section 17. Appointment of Redevelopment Board.

The Redevelopment Board shall consist of five members, four to be appointed by the Town Manager, subject to the approval of the Select Board, and one to be appointed by the department of community affairs, hereinafter in this section referred to as the department. One of said persons shall be appointed to serve for an initial term of one year, two of said persons shall be appointed to serve for an initial term of two years, and one of said persons shall be appointed to serve for an initial term of three years. The member appointed by the department shall serve for an initial term of three years. Thereafter, as the term of a member expires, their successor shall be appointed in the same manner and by the same body for a term of three years from such expiration. The members shall serve until their respective successors are appointed and qualified. If for any reason a vacancy occurs in the membership of the Redevelopment Board, the vacancy shall be filled forthwith in the same manner and by the same body for the unexpired term. The Town Manager may make or receive written charges against, and may accept the written resignation of, any member appointed by the Town Manager or a former Town Manager or may, after hearing and with the approval of the Select Board, remove any such member because of inefficiency, neglect of duty, or misconduct in office. Such member shall be given, not less than fourteen days before the date set for such hearing, a copy in writing of the charges against them and written notice of the date and place of the hearing to be held thereon, and at the hearing they shall be given the opportunity to be represented by counsel and to be heard in their defense. The Town Manager may make and receive written charges against the member of the Redevelopment Board appointed by the department and refer the same to the department which will proceed in the same manner as the Town Manager and the Select Board.

Pending final action upon such charges, the officer or officers having the power to remove such member may temporarily suspend them, provided they shall immediately reinstate them in office if they find such charges have not been substantiated, and may appoint a person to perform the duties of such suspended member until the member is reinstated or removed and their successor is qualified. In case of any such removal, the removing authority shall forthwith deliver to the clerk of the town attested copies of such charges and of its findings thereon and the clerk shall cause the same to be filed with the department and the state secretary. Membership shall be restricted to residents of the town and a member who ceases to be a resident of the town shall be deemed to have resigned effective upon the date of their change of residence.

Members of the board shall be sworn to the faithful performance of their duties by the Town Clerk or a Justice of the Peace. The board shall organize for the proper conduct of its duties, shall elect from among its members a chairperson and a vice-chairperson, shall appoint such other officers and agents as it deems necessary, shall determine their respective duties and may delegate to one or more of its members, officers or agents such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it. The director of planning and community development, hereinafter called the director, shall be ex-officio the secretary of the board. The director shall be appointed by the Town Manager to serve at their pleasure; neither chapter thirty-one of the General Laws nor any rule made thereunder shall apply to the director.

The town, acting by and through the Redevelopment Board, shall, except as herein specifically provided otherwise, be and have all the powers of an operating agency subject to the limitations provided in sections forty-five to fifty-nine, inclusive, of chapter one hundred and twenty-one B of the General Laws, and have such further powers and be subject to such further limitations as would from time to time be applicable to a redevelopment authority if such an authority had been organized in the town; provided,

however, that notwithstanding sections eleven, forty-seven and forty-eight of said chapter one hundred and twenty-one B, no urban renewal project or rehabilitation project shall be undertaken by the Redevelopment Board, nor shall any property be acquired for any such project by eminent domain or otherwise, until the plan for such project has been approved by an annual or special town meeting; and provided further, that the Redevelopment Board shall not borrow or agree to borrow money without the approval of an annual or special town meeting. Without limiting the generality of the foregoing, the town, with the approval of an annual or special town meeting may raise and appropriate, or may borrow, or may agree to raise and appropriate or to borrow, or may do or agree to do other things with or without consideration, in aid of any project or activity planned or undertaken by the Redevelopment Board to the same extent and subject to the same limitations as if the board were a redevelopment authority.

Nothing herein shall, however, alter or limit the powers and rights of the town or any other operating agency therein with respect to the powers and limitations in sections twenty-five to forty-four, inclusive, of said chapter one hundred and twenty-one B.

The Redevelopment Board shall have all the powers and perform all the duties presently or from time to time hereafter conferred or imposed by statute or by-law or otherwise on planning boards of towns in the commonwealth established under the provisions of section eighty-one A of chapter forty-one of the General Laws and the town of Arlington shall be deemed to have a planning board established under said section eighty-one A and shall be empowered to take such actions and shall have such powers and perform such duties as it if had established a planning board under said section eighty-one A, except that the Redevelopment Board shall not have any of the powers or perform any of the duties of, or in conflict with the powers or duties of, a board of survey all of which powers and duties shall continue to be exercised and performed by the Select Board constituted as a board of survey unless and until such town by vote of a town meeting shall vote to terminate the existence of the board of survey or to accept the provisions of the subdivision control law contained in sections eighty-one K to eighty-one GG, inclusive, of said chapter forty-one and any amendments thereof or additions thereto, and the subdivision control law shall not be or be deemed to be in effect in such town unless and until such town by vote of a town meeting shall vote to accept the provisions thereof.

ARTICLE 42

Arlington Town Manager Act

Section 8. Election of Other Officers.

The election of Town Clerk, treasurer and town collector, and assessors shall continue as presently provided. Notwithstanding the election of the officers named in this section, by voters of the town, they shall be subject to the call of the manager for consultation, conference and discussion on matters relating to their respective offices.

Section 15. Powers and Duties of Manager.

Amended by Chapter 101 of the Acts of 2016

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 Select Board, the School Committee, Moderator, Town Clerk, Town Treasurer and Collector, 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.

- (b) The Town Manager, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, boards or offices under their direction and supervision, in whole or in part, may establish such new departments, commissions, boards and offices as they deems necessary and make appointments to such boards, subject to the approval of the Select Board. The Town Manager may in connection with such transfer of such powers or duties transfer the duties and powers of one department, commission, board or office to another and may, with the approval and consent of the finance committee, transfer the appropriation of such one department, commission, board or office to another. The Town Manager may temporarily establish such new positions, as they deems necessary and appoint temporary employees thereto. Such positions shall be placed under the Classification and Pay Plans at the next succeeding special or annual town meeting.

- (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 the Town Manager 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 Select Board. Appointment of the Comptroller shall become effective upon the approval of the Select Board. If the Select Board fails 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 Select Board.

The Comptroller may be removed by the town manager subject to the approval of the Select Board. Removal of the Comptroller shall become effective upon approval of the Select Board. If the Select Board 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 Select Board. 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 Select Board. 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 Chairperson of the Select Board, 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.

ARTICLE 44

G.L. c. 44B sec. 3

Section 3. (a) Sections 3 to 7, inclusive, shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.

(b) Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59.

(b 1/2) Notwithstanding chapter 59 or any other general or special law to the contrary, as an alternative to subsection (b), the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not less than 1 per cent of the real estate tax levy against real property and making an additional commitment of funds by dedicating revenue not greater than 2 per cent of the real estate tax levy against real property; provided, however, that additional funds so committed shall come from other sources of municipal revenue including, but not limited to, hotel excises pursuant to chapter 64G, linkage fees and inclusionary zoning payments, however authorized, the sale of municipal property pursuant to section 3 of chapter 40, parking fines and surcharges pursuant to sections 20, 20A and 20A 1/2 of chapter 90, existing dedicated housing, open space and historic preservation funds, however authorized, and gifts received from private sources for community preservation purposes; and provided further, that additional funds so committed shall not include any federal or state funds. The total funds committed to purposes authorized under this chapter by means of this subsection shall not exceed 3 per cent of the real estate tax levy against real property, less exemptions, adopted. In the event that the municipality shall no longer dedicate all or part of the additional funds to community preservation, the surcharge of not less than 1 per cent shall remain in effect, but may be reduced pursuant to section 16.

(c) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. The surcharge to be paid by a taxpayer receiving an exemption or abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such exemption or abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(e) The legislative body may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates;

(3) for \$100,000 of the value of each taxable parcel of residential real property; or

(4) for \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said chapter 59.

[Paragraph added in subsection (e) by 2016, 218, Sec. 100 effective November 7, 2016.]

A person claiming an exemption provided under this subsection may apply to the board of assessors, in writing, on a form approved by the commissioner of revenue, on or before the deadline for an application for exemption under section 59 of chapter 59. Any person aggrieved by the decision of the assessors, or by their failure to act, upon such application, may appeal as provided in sections 64 to 65B, inclusive, of chapter 59. Applications for exemption under this chapter shall be open for inspection only as provided in section 60 of chapter 59.

(f) Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:

"Shall this (city or town) accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below"

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.

(g) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the ballot shall be 35 days before the city or town election or 60 days before the state election.

(h) If the legislative body does not vote to accept sections 3 to 7, inclusive, at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance through approval of a particular surcharge rate with exemption or exemptions, may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrars, who shall have seven days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the ballot at the next regular city or town election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.

(i) With respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member under a proprietary lease as the member's domicile shall be considered real property owned by that member for the purposes of exemptions provided under this section. The member's portion of the real estate shall be represented by the member's share or shares of stock in the cooperative corporation, and the percentage of that portion to the whole shall be determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. This portion of the real property shall be eligible for any exemption provided in this section if the member meets all requirements for the exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation, and the reduction in taxes realized by this exemption shall be credited by the cooperative corporation against the amount of the taxes otherwise payable by or chargeable to the member. Nothing in this subsection shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but this subsection shall apply to the land on which the manufactured home or mobile home is located if all other requirements of this clause are met. This subsection shall take effect in a city or town upon its acceptance by the city or town.

ARTICLE 47

**G.L. c. 44 sec. 53 ³/₄
*PEG Access and Cable Related Fund***

Section 53F3/4. Notwithstanding section 53 or any other general or special law to the contrary, a municipality that accepts this section may establish in the treasury a separate revenue account to be known as the PEG Access and Cable Related Fund, into which may be deposited funds received in connection with a franchise agreement between a cable operator and the municipality. Monies in the fund shall only be appropriated for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental access cable television services; (ii) monitor compliance of the cable operator with the franchise agreement; or (iii) prepare for renewal of the franchise license.

ARTICLE 50

G.L. c. 64G sec. 3A

Section 3A: Local excise tax; information concerning amount collected available

Section 3A. Any city or town which accepts the provisions of this section shall be authorized to impose a local excise tax upon the transfer of occupancy of any room or rooms in a bed and breakfast establishment, hotel, lodging house or motel located within such city or town by any operator at a rate up to, but not exceeding, 6 per cent of the total amount of rent for each such occupancy; provided, however, that the city of Boston is hereby authorized to impose such local excise upon the transfer of occupancy of any room in a bed and breakfast establishment, hotel, lodging house or motel located within said city by any operator at the rate of up to but not exceeding 6.5 per cent of the total amount of rent of each such occupancy. No excise shall be imposed if the total amount of rent is less than fifteen dollars per day or its equivalent or if the accommodation is exempt under the provisions of section two of this chapter. The operator shall pay the local excise tax imposed under the provisions of this section to the commissioner at the same time and in the same manner as the excise tax due the commonwealth. All sums received by the commissioner under this section as excise, penalties or forfeitures, interest, costs of suit and fines shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted the provisions of this section in proportion to the amount of such sums received from the transfer of occupancy in each such city or town. This section shall only take effect in a city or town accepting the provisions of this section by a majority vote of the city council with the approval of the mayor, in the case of a city with a Plan A, Plan B, or Plan F charter; by a majority vote of the city council, in the case of a city with a Plan C, Plan D, or Plan E charter; by a majority vote of the annual town meeting or a special meeting called for the purpose, in the case of a municipality with a town meeting form of government; or by a majority vote of the town council, in the case of a municipality with a

town council form of government. The provisions of this section shall take effect on the first day

of the calendar quarter following thirty days after such acceptance, or on the first day of such later calendar quarter as the city or town may designate. The city or town, in accepting the provisions of this section, may not revoke or otherwise amend the applicable local tax rate more often than once in any twelve month period.

The commissioner of the department of revenue shall make available to any city or town requesting such information the total amount of room occupancy tax collected in the preceding fiscal year in the city or town requesting the information.

ARTICLE 52

FY2018 REVOLVING FUNDS: EXPENDITURE DETAIL

Revolving Fund	Amount
<u>Private Ways Repairs:</u>	
Contracted Services	\$ 63,500.00
Total Expenditures	\$ 63,500.00
<u>Public Way Repairs:</u>	
Contracted Services	\$ 10,000.00
Total Expenditures	\$ 10,000.00
<u>Fox Library Community Center Rentals:</u>	
Maintenance	\$ 3,098.97
Total Expenditures	\$ 3,098.97
<u>Robbins House Rentals:</u>	
Personnel	\$ 7,250.00
Supplies	\$ 6,585.22
Maintenance	\$ 4,835.59
Utilities	\$ 10,305.10
Contracted Services	\$ 2,285.00
Total Expenditures	\$ 31,260.91
<u>Conservation Commission Fees:</u>	
Other Expense	\$ -
Total Expenditures	\$ -
<u>Uncle Sam Fees:</u>	
Total Expenditures	\$ -
<u>Life Support Services (Ambulance) Fees:</u>	
General Fund Offset (Personnel)	\$ 172,934.00
Contracted Services	\$ 364,529.23
Emergency Vehicle	\$ 246,395.00
Capital Offset	\$ 53,156.00
Total Expenditures	\$ 837,014.23
<u>Board of Health Fees:</u>	
Personnel	\$ 26,739.36
Supplies	\$ 4,737.21
Contracted Services	\$ 42,830.45
Other Expenses	\$ 1,209.52
Total Expenditures	\$ 75,516.54

Revolving Fund	Amount
<u>Field User Fees:</u>	
Contracted Services	\$ 59,840.00
Maintenance	\$ -
Total Expenditures	\$ 59,840.00
<u>Robbins Library Rentals:</u>	
Personnel	\$ 1,612.50
Contracted Services	\$ 1,792.00
Total Expenditures	\$ 3,404.50
<u>Town Hall Rentals:</u>	
Supplies	\$ 12,823.78
Personnel	\$ 42,632.59
Utilities	\$ 14,482.17
Contracted Services	\$ 15,502.59
Total Expenditures	\$ 85,441.13
<u>White Good Recycling Fees:</u>	
Transfer to General Fund	\$ 15,000.00
Equipment and Materials	\$ 3,457.47
Total Expenditures	\$ 18,457.47
<u>Library Vending Fees:</u>	
Supplies	\$ 788.34
Equipment	\$ 2,053.00
Contracted Services	\$ 1,713.33
Total Expenditures	\$ 4,554.67
<u>Gibbs School Energy Fees:</u>	
Utilities	\$ 18,065.45
Total Expenditures	\$ 18,065.45
<u>Cemetery Chapel Rentals:</u>	
Total Expenditures	\$ -
<u>Council on Aging Program Fees:</u>	
Supplies	\$ -
Contracted Services	\$ 2,815.86
Total Expenditures	\$ 2,815.86



DANIEL J. DUNN, CHAIR
DIANE M. MAHON, VICE CHAIR
JOSEPH A. CURRO, JR.
JOHN V. HURD
CLARISSA ROWE