

**TOWN OF ARLINGTON  
MASSACHUSETTS**

**REPORT OF THE  
SELECT BOARD**



**TO THE  
TOWN MEETING  
MONDAY APRIL 24, 2023**

**8:00 P.M.**



## INTRODUCTION

The Select Board is pleased to present its report to Town Meeting of its recommended votes under the following articles. These votes are the result of hearings the Board conducted between February 27<sup>th</sup> and April 3<sup>rd</sup>, during which time the Board heard from proponents and opponents of the various articles.

The purpose of Select Board Warrant Article Hearings is to develop the Board's recommendations on each article before it by majority vote, to be set forth with the comments in the Select Board Report in advance of Town Meeting. 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, develops a detailed recommendation for Town Meeting to take a specific action. Where the Board opposes an article, it will recommend a vote of "no action" to Town Meeting in its report. The board's recommended votes become the main motions before Town Meeting for these articles.

The Board would like to welcome back Diane M. Mahon and Lenard T. Diggins to serve as Arlington's newly re-elected members of the Board. The Board thanks Town Meeting members for their service and for their willingness to give fair and serious consideration to all of the important issues raised by the various articles. The Board wishes Town Meeting well in its deliberations and stands ready to respond to any questions or comments concerning these articles.

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

**ARTICLE 6**

**BYLAW AMENDMENT/CONVERSION OF GAS STATION  
DISPENSING PUMPS TO SELF SERVICE OPERATION**

**VOTED:** That Title V, Article 5 of the Town Bylaws (“Self Service Gas Dispensing”) be and hereby is amended by deleting Article 5 in its entirety and substituting in its place the following:

**Article 5 Self-service Petroleum Filling Station Regulations.**

**Section 1. The dispensing of motor fuel by means of self-service automated dispensing systems shall be permitted at any authorized filling station, so long as there is at least one full-service attendant employee dispensing system available at said station. All installations shall comply with the regulations promulgated by the Board of Fire Prevention Regulations in the Commonwealth.**

**Section 2. Each self-service automated dispensing system shall display a clear warning label explaining that burning gasoline, diesel and ethanol has major consequences on human health and on the environment, including contributing to climate change.**

**(5 – 0)**

**COMMENT:** The Select Board unanimously supports this follow up effort to Article 17 of the 2022 Annual Town Meeting to allow for a form of self-service gasoline in Arlington. In the previous discourse the primary concern with allowing for self-service was the potential impact on disabled or elderly patrons. The instant proposal would require at least one full-service attendant on site at all hours of operation. Further, as the petitioners noted, installation of self-serve pumps will require significant capital investment to meet the standards and regulations for such pumps imposed by state law. Finally, in addition to the benefit of allowing residents to pump their own gas, affording the choice to provide for self-service for businesses will be primarily oriented toward local owner-operated stations. Accordingly, the Board urges Town Meeting support for the compromise presented which will allow self-service while maintaining attendant service at all stations.

**ARTICLE 7**

**BYLAW AMENDMENT/PARKING DISCLOSURE  
REQUIREMENT**

**VOTED:** That no action be taken on Article 7.

**(5 – 0)**

**COMMENT:** The Board applauds the goals of this article to advise residents of the parking available to them before they enter into purchases or leases of homes. However, the Board holds concerns both about adding to the state-regulated list of mandatory disclosures to tenants and buyers in real estate transactions, and the enforceability of a Town Bylaw of this nature. The Select Board agrees with the petitioner that more can be done to advise the public of the present lack of on-street overnight parking on public ways and endeavors to find additional means of advising residents of both restrictions and parking options in public lots.

**ARTICLE 8**

**BYLAW AMENDMENT/MEDICAL ANTI-DISCRIMINATION BYLAW**

**VOTED:** That no action be taken on Article 8.

**(5 – 0)**

**COMMENT:** The Select Board appreciates the very personal and divergent points of view residents hold with respect to their bodily autonomy, including with respect to vaccinations and masks. However, the law already provides venues and forums for determining whether or not such matters are reasonably required to address public health conditions or risks – the Board of Health. Moreover, the language of the present proposal is so broad as to render it difficult to understand what would be covered on its face.

**ARTICLE 9**

**BYLAW AMENDMENT/STENOGRAPHIC RECORD OF TOWN MEETING**

**VOTED:** That Title I, Article I, Section 4 B (“Stenographic Record”) is hereby stricken and removed, so as to read as follows:

**TITLE I  
ARTICLE 1  
TOWN MEETINGS**

**SECTION 4. Duties of the Clerk**

**A. Record of Attendance – A record of attendance of Town Meeting Members at all representative Town Meetings shall be made under the direction of the Town Clerk, said record to be available to the public.**

~~**B. Stenographic Record – A complete stenographic record of the proceedings of the Town Meeting, including all discussion and debate, shall be made under the direction of the Town Clerk, said record shall be available to the public no later than sixty (60) days. Any partial record of the proceedings of Town Meeting shall be available to the public when said record is received by the Town Clerk prior to the required time period designated under this Section.**~~

**(5 – 0)**

**COMMENT:** The Select Board unanimously urges Town Meeting’s support for removing the Town Bylaws’ requirement to maintain a live stenographer during all sessions of Town Meeting. At present, the Town video records and broadcasts all sessions of Town Meeting, utilizes a live transcription service, and records substantive votes electronically. A live stenographer incurs a substantial cost for few if any requests for Town Meeting transcripts in recent years. Further, to the extent a stenographer transcript is necessary or useful, a stenographer can render an official transcript from recordings of the meeting. Finally, in rare circumstances, Town Meeting has risked otherwise unnecessary adjournments based solely on the unavailability of a scheduled stenographer. Accordingly, the Select Board believes removing the requirement is a practical measure given the current state of recording, broadcasting and accessing the audio-visual recordings of Town Meeting.

**ARTICLE 10**

**BYLAW AMENDMENT/VOTE/MUNICIPAL OPT-IN  
SPECIALIZED STRETCH ENERGY CODE**

**VOTED:** That the Town hereby accepts the “Specialized Stretch Code” as provided in G.L. c. 25A sec. 6, and enacts Title VI, Article 6 (B) of the Town of Arlington Bylaws, entitled “Specialized Energy Code” for the purpose of regulating the design and construction of buildings for the effective use of energy and reduction of greenhouse gas emissions, pursuant to the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including future editions, amendments or modifications thereto, with an effective date of January 1, 2024.

**AND FURTHER VOTED:** That the Town hereby amends Title VI, Article 6, to add a new section B “Specialized Stretch Code” as follows.

**SPECIALIZED ENERGY CODE**

**1. Definitions**

**International Energy Conservation Code (IECC) – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.**

**Specialized Energy Code – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to 3 | P a g e incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.**

**Stretch Energy Code – Codified by the combination of 225 CMR 22 and 23 1 , not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.**

**2. Purpose**

**The purpose of 225 CMR 22.00 and 23.00 including Appendices RC and CC, also referred to as the Specialized Energy Code is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline**

**Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.**

**3. Applicability**

**This energy code applies to residential and commercial buildings.**

**4. Specialized Code Incorporated Herein**

**The Specialized Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any future editions, amendments, or modifications, is herein incorporated by reference into Title VI of the Town of Arlington Bylaws. The Specialized Code is enforceable by the inspector of buildings or building commissioner.**

**(5 – 0)**

**COMMENT:** The Select Board strongly supports adoption of this local option statute (and associated model bylaw) provided by the Commonwealth to enhance energy efficiency and electrification requirements for *new* residential homes and commercial developments. Such action builds upon the Town's long-standing efforts and previous adoption of the original "Stretch Code." Should Town Meeting approve, Arlington would join Brookline, Newton, Somerville and Cambridge (among others) in taking the next step toward meeting the Town's "Net Zero" energy goals. The "Specialized Stretch Code" essentially amends the building code as applied in Arlington to provide for design and construction standards to meet heightened baseline energy efficiency requirements. These requirements in turn incentivize electric heating and cooling systems which are less dependent on fossil fuels and consume less overall energy.

The Board appreciates the Sustainability Manager and Building Inspector's past and planned future efforts to educate and prepare contractors for the application the Specialized Stretch Code, as well as its alignment with housing affordability goals in Arlington. Indeed new construction of affordable housing has often been a proving ground for energy efficiency standard improvements. Town Meeting members can find additional details on the Specialized Stretch Code in the informational materials included in the Appendix to the Board's report.

**ARTICLE 11 VOTE/ESTABLISHMENT OF CIVIC PARTICIPATION STUDY GROUP**

**VOTED: That no action be taken on Article 11.**

**(5 – 0)**

**COMMENT:** The petitioner of this article requested its withdrawal following the recommendations of the Town Equity Audit. The Select Board concurs that the intent of the article is well covered by impending civic engagement work following the audit.

**ARTICLE 12 VOTE/THREE-YEAR MORATORIUM ON THE INSTALLATION OF ARTIFICIAL TURF ON TOWN LAND**

**VOTED: That no action be taken under Article 12.**

**(5 – 0)**

**COMMENT:** The Board values the concerns raised by the proponents of this article. However, the Board strongly recommends no action for three principal reasons. First, the Conservation Commission and Board of Health are the appropriate jurisdictions to assess environmental and human health impacts of artificial turf fields respectively. Second, there are significant impacts of prohibiting artificial turf on the Town’s over-utilized playing fields, which often results in the Town’s youth and adult patrons alike traveling to play on artificial turf in neighboring cities and towns. Third, the only Town field likely to be considered for artificial turf – Poet’s Corner – sits on top of an uncapped landfill and is often unusable in its current state. Given the proximity of Poet’s Corner to wetlands, any future artificial turf field installation by the Town would likely require review by the Conservation Commission and be subject to appropriation of Town Meeting.

Additionally, the Board acknowledges present debates about PFAS material components within artificial turf, including recent developments wherein the United States Environmental Protection Agency proposed to categorically regulate PFAS materials (as opposed to individual PFAS compounds). However, the Board also respectfully submits that there is not the same broad scientific or regulatory consensus on risk, particularly with respect to what levels of exposure pose risks to human health, that we have held in other circumstances where local regulations have been at the vanguard. Indeed, while the proponents noted artificial turf moratoriums of varying scope in Boston, Concord, Sharon, Wayland, Martha’s Vineyard, and Belmont, artificial turf fields continue to be used and constructed in Somerville, Winchester, Medford, and many other communities. Moreover, the individualized circumstances of such communities, such as artificial turf’s potentially more acute impact on communities with well water, bear consideration.

In summary, it is important to acknowledge that artificial turf fields have meaningful advantages to the community of field users, particularly given the environmental conditions present in several locations; that the potential risks of artificial fields are not agreed upon; and any future decision regarding future artificial turf fields in Arlington may only be made with significant review opportunities by both bodies of competent jurisdiction *and* Town Meeting. Accordingly, the Select Board does not believe a blanket moratorium on artificial turf in Arlington is merited at this time.

**ARTICLE 13                                      VOTE/APPOINTED TOWN CLERK**

**VOTED:      That (1), Town Meeting hereby approves the conversion of the Town’s elected Town Clerk from an elected position to an appointed position pursuant to G.L. c. 41 sec. 1B; and (2), that in accordance with G.L. c. 41 sec. 1B, the Select Board are hereby requested and authorized to place the following question on the 2024 Annual Town Election Ballot:**

*“Shall the town vote to have its elected Town Clerk become an appointed Town Clerk of the town?”*

*Yes \_\_\_\_\_ No \_\_\_\_\_ ”*

**(5 – 0)**

**COMMENT:** The Select Board recommends Town Meeting’s support for a local ballot question on converting the Office of the Town Clerk from an elected office to an appointed position as recommended by the Town Clerk Study previously authorized by Town Meeting. Only upon a positive vote on a local ballot question can the Clerk’s position be changed to appointed. While the duties of the Town Clerk are very important, they are almost entirely dictated by federal



and state law, in addition to the Town Bylaws. As such, while the duties of the position have increased in complexity and scope, they remain administrative in nature rather than focusing on matters of policymaking like the School Committee or the Select Board. Moreover, of the 120 communities which now utilize an appointed Town Clerk, none of them to the Board's knowledge have experienced a decline in the quality of services or the objectivity of their clerks based on their appointed nature. Further, an elected Town Clerk must be a Town resident interested in running for office. While the Select Board has confidence in its current Town Clerk, the quality of the clerk could vary dramatically depending on who is willing to run for such office, particularly against incumbent clerks. An appointed clerk, on the other hand, can be hired regardless of their residency based purely on their qualifications. For these reasons, the Board is comfortable putting this question to the voters of Arlington.

**ARTICLE 14 VOTE/STRATEGIC PLAN FOR NEW GROWTH**

**VOTED: That no action be taken on Article 14.**

**(4 – 0)**

**Mr. Diggins recused himself.**

**COMMENT:** The Board appreciates the tenor and goals of this warrant article and unanimously shares the sense that the substantive matter merits study. However, the balance of the Board also believes that the Arlington Redevelopment Board and Master Planning process in particular, are bodies and processes vested with the responsibility to undertake such study. Further, the intention to involve Town Meeting and alternate perspectives is also well served by the periodic development and redevelopment of our "Master Plan," which by its nature collects information and perspective from a variety of sources, but relies upon the same professional staff time for support as any new committee of Town Meeting. As such, an additional study committee, however well constituted and tasked, would likely involve duplicative work and use of resources.

**ARTICLE 15 VOTE/BOARD OF YOUTH SERVICES UPDATES**

**VOTED: That Article 63 of the 1962 Town Meeting (as amended by Article 116 of the 1979 Town Meeting) be and hereby is amended as follows:**

**That a committee be appointed known as the ~~Board of Directors of Youth Services~~ Arlington Youth Counseling Center Advisory Board, the purposes of which shall be to assist in the prevention, treatment and control of problems relating to the children and youth of the Town and to advise and assist other agencies, both public and private concerned with such matters; said committee to consist of up to eleven (11) and no fewer than seven (7) members reflecting racial, ethnic, and other forms of diversity in Arlington, consisting of the following with conditions set forth herein:**

- **At least four (4) registered voters of the town; and**
- **Between zero (0) and five (5) non-residents depending on the size of the Board who by occupation, course of study, or experience demonstrate noteworthy commitment to the concerns of Arlington children, youth, and the work of the Arlington Youth Counseling Center, such that at any given time the majority of the Advisory Board shall be registered voters of the Town, except in instances of unanticipated vacancies, until successors are appointed; and**

- All of whom shall serve without compensation and who shall be appointed by an appointing committee of three members composed of the Chairman of the Board of Selectmen-Select Board, the Town Manager, and the Superintendent of Schools;
- The appointing committee shall vote, upon receiving a request from the Advisory Board, to expand or contract the membership of the Board consistent with the foregoing requirements upon a request from the Board.

~~the initial appointments to said committee to be made in the following manner: two (2) members to be appointed to serve for a term of one year, two (2) members for a term of two years, and three (3) members for a term of three years, all to serve until their respective successors are duly appointed and qualified, and thereafter the said appointing committee to appoint annually such number of members as there are terms expiring in such year to~~

Members shall serve for a period of three years with the option for a single consecutive re-appointment term of three years and until their respective successors shall be duly appointed and qualified, such that no member shall be appointed to serve more than two consecutive three-year terms. Vacancies to shall be filled by appointment in the same manner as originally appointments for the period of the unexpired term except that vacancy appointments shall not count towards consecutive term limits and members may seek appointment again after at least one (1) year off the Board. , said The Advisory Board shall committee to choose annually from its members such officers as it shall deem desirable,; and further, that the sum of three thousand five hundred (3,500) dollars be and hereby is appropriated for the use of said committee, sad sum to be raised by general tax and expended under the direction of the Town Manager.

(5 – 0)

**COMMENT:** The Select Board urges Town Meeting’s support for updates to the 1962 Vote establishing the Board of Youth Services (“BYS”). In brief, the BYS’s orientation, resources, and challenges have changed since 1962. The BYS asserts that it would like to update its charter in the following manner:

- Rename the Board of Youth Services “the Arlington Youth Counseling Center Advisory Board,” which better captures their primary function relative to Arlington’s services for young people;
- Provide for flexible membership totals, allowing the Board to have no fewer than seven (7) and up to eleven (11) members;
- Amend member requirements to allow for appointment of persons who are not registered voters in Arlington, including volunteer and professional staff dedicated to serving Arlington youth, and affirming their commitment to an inclusive Board that reflects the diversity of the Town; and
- Adding term limits of up to two consecutive three-year terms to better cycle members on and off the Board; and

The Select Board trusts the BYS’s assessment of its needs to continue its long-standing and

excellent service to the children and youth of Arlington, and urges Town Meeting's positive action on their requests.

**ARTICLE 16 SPECIAL LEGISLATION/APPOINTMENT OF TOWN MANAGER OR TEMPORARY TOWN MANAGER**

**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 OF THE TOWN MANAGER”**

**Section 1.** Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, section 12(b) is hereby amended as follows:

**12(b) When a vacancy occurs in the office of Town Manager for any reason other than for expiration of their term, the select board shall as soon as possible appoint a qualified officer of the Town as Interim Town Manager to fulfill all the duties set forth in this Act until a permanent successor may be appointed, but in any event not later than one hundred and eighty ninety days after such vacancy occurs, ~~a~~ A permanent successor Town Manager shall within one hundred and eighty days be appointed for a period not longer than the balance of the unexpired term, or a new three (3) year contract at the Board's discretion. Such appointment shall, in so far as practicable, be subject to the same conditions and qualifications for the office of Town Manager as set forth in section eleven; ~~i~~ If not so practicable to make a permanent appointment within one hundred and eighty days, the select board shall so appoint a qualified officer of the town as acting manager for a period of not more than one (1) year the balance of the unexpired term, .**

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

**(4 - 0)**

**Mr. Helmuth recused himself.**

**COMMENT:** The Select Board requests Town Meeting's support for revisions to the Town Manager Act with respect to filling a vacancy before the end of a Manager's three-year contract term. In brief, the current Manager Act contemplates only a short window of ninety (90) days to appoint a successor, or allows the Town to appoint an Acting Manager from among the Town's employees. In either case, the new manager or "Acting Manager" is required to serve the balance of the prior Manager's term. In the Board's view this structure for addressing vacancy of the Town's chief executive officer is too ambiguous on the front end, and too rigid on the back end. The Board therefore proposes a clearer, but more flexible three-part approach for appointing successor Managers:

1. Immediately appoint a qualified officer of the Town as "Interim Manager" for a period of no more than 180 days;
2. Within the 180 day period, conduct a process for a permanent appointment for *either* a new three year contract, or the remaining balance of the previous Manager's term at the Board's discretion; and

3. Should it prove impractical to make a permanent appointment within the 180-day period, appoint an "Acting Town Manager" for no more than one year.

The Board believes this proposal provides more certainty in the immediate aftermath of an unanticipated vacancy, more time to conduct a thorough search for a successor as needed, and more flexibility in the event that a quality candidate is not identified or alternatively, merits a full three-year contract rather than the balance of the unexpired term.

**ARTICLE 17**                              **SPECIAL LEGISLATION/ALLOW DIGITAL LEGAL NOTICES**

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

**"AN ACT ALLOWING 'PRINT FREE' DIGITAL LEGAL NOTICES FOR THE TOWN OF ARLINGTON"**

**Section 1. Purpose**

The purpose of this Act is to allow, but not require the Town of Arlington and its subdivisions to satisfy legal notice requirements entirely by digital publication as voted necessary by its Select Board in light of the changing landscape of print newspaper businesses, particularly at the local level.

**Section 2. Means of Legal Notice Publication**

Notwithstanding G.L. c. 4 section 13(b), wherever the Town of Arlington, Arlington Public Schools and/or their subdivisions, committees, boards, commissions, or officers are required by statute, ordinance, by-law or judicial order to publish a legal notice in a newspaper or newspaper of general circulation, the person, corporation, agency, authority, municipality or other legal entity may satisfy such requirement by one or more of the following means as authorized by local vote in Section 3:

- A. a newspaper of local or general circulation's print publication;
- B. a newspaper's website;
- C. websites reporting local news and opinion which satisfy all criteria for digital publication set forth in G.L. c. 4 section 13(b)
- D. a statewide website that may be maintained as a repository for such notices;
- E. a town wide website that may be maintained as a repository for such notices;

**Section 3. Local Vote on Means of Publication**

A. For all legal notices to be issued by Town of Arlington boards, committees, commissions and officials, including, but not limited to the Arlington Zoning Board of Appeals, the Arlington Redevelopment Board, the Conservation Commission, the Arlington Historic District Commissions, the Town Manager, Town Treasurer, Town Clerk, Police Chief, Fire Chief, and Building Commissioner, the Select Board by majority vote shall determine at least two of the means of legal notice publication set forth in Section 2 to satisfy publication requirements.

**B. For all legal notices to be issued by Arlington Public School boards, committees, commissions and officials, the School Committee by majority vote shall determine at least two of the means of legal notice publication set forth in Section 2.**

**C. The Select Board and School Committee may revisit their means of publication votes at their discretion and elect different means of publication from the options afforded under Section” 2” by majority vote.**

**Section 3. Nothing set forth in this Act shall be construed to alter or amend the time or timing of publication of legal notices set forth in the General Laws.**

**Section 4. This Act shall take effect upon passage.**

**(4 – 0)**

**Mr. Helmuth recused himself.**

**COMMENT:** The Select Board endorses this resident petition effort to provide more flexible and potentially lower cost means of satisfying the Town’s legal advertising requirements for items such as hearings before town boards and commissions. At present, the law requires the Town to publish legal ads in the print version of a newspaper of local or general circulation. While the Town has consistently supported its local newspapers, there exists significant concern about the long-term viability of the print edition local newspapers. As such, the Town could be forced to expend significantly greater sums to advertise legal ads in Boston’s newspapers, where Arlington legal notices are also less likely to be seen by residents and concerned parties.

The proposed special legislation would provide the Town the option, but not requirement, to satisfy legal notice requirements through a combination of any two publication venues, such as the Town’s website and the Commonwealth’s repository for legal ads. It would also allow the Town to publish legal ads on local news websites (if they can meet legal requirements for archiving notices), or continue publishing in print media. The Select Board or the School Committee respectively would be charged with having a public vote to determine the adequate means of notice publication. Neither the length of the posting period of legal notices nor committee and commissions’ obligations under the Open Meeting Law would be affected by the special legislation. Mr. Helmuth’s recusal on this and other articles before the Meeting avoids a conflict of interest with his employment by the state legislature.

**ARTICLE 18**

**SPECIAL LEGISLATION/POLICE OFFICER AGE  
WAIVER JAMES M. LOONEY**

**VOTED: That no action be taken on Article 18.**

**(4 – 0)**

**Mr. Helmuth recused himself.**

**COMMENT:** The petitioner of this article requested its withdrawal.

**ARTICLE 19**

**SPECIAL LEGISLATION/REPEAL MBTA PROHIBITION**

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

**“AN ACT REPEALING CHAPTER 439 OF THE ACTS OF 1976,”**

**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 any general or special law to the contrary, Chapter 439 of the Acts of 1976, “*An Act Prohibiting The Massachusetts Bay Transportation Authority From Locating Mass Transportation Facility Within Certain Distance Of The Arlington Catholic High School,*” is repealed and nullified.**

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

**(3 – 1)**

**Mr. DeCoursey voted in the negative and Mr. Helmuth recused himself.**

**COMMENT:** The majority of the Select Board respectfully requests Town Meeting’s support to repeal a 1976 Special Act (“An Act Prohibiting The Massachusetts Bay Transportation Authority From Locating Mass Transportation Facility Within Certain Distance Of The Arlington Catholic High School” or “The Act”), which prohibited the MBTA from constructing any mass transportation facility, including but not limited to a rapid transit station and parking garage, on any land located within seventy-five yards of Arlington Catholic High School. Mr. DeCoursey dissented because in his view, the Act did not prevent the proposed expansion of the Red Line through Arlington. Indeed, he noted that Governor Dukakis, a strong proponent of public transportation, came to Arlington to sign the Act into law. Mr. DeCoursey further questioned whether a petition to repeal the Act would impact more pressing local legislative priorities. Nonetheless the balance of the Board agrees that it would be valuable to clear outdated home rule legislation which serves little practical purpose today and may inadvertently signal the Town’s reticence to improve its mass transit service options.

**ARTICLE 20                                      ACCEPTANCE OF LEGISLATION/G.L. c. 32B sec. 20 OPEB TRUST FUNDS**

**VOTED:** That the Town of Arlington hereby accepts General Laws Chapter 32B, Section 20, and establishes an Other Post-Employment Benefits Liability Trust Fund (OPEB Fund), effective July 1, 2023.

**AND FURTHER VOTED:** That the Town of Arlington affirms the establishment of an Other Post-Employment Benefits Liability Fund (OPEB Fund) Board of Trustees pursuant to General Laws Chapter 32B, Section 20, with five (5) members consisting of the members of the Arlington Contributory Retirement Board, with each member trustee serving for a term commensurate with the terms as member of such Board.

**(5 – 0)**

**COMMENT:** This article, submitted at the request of the Arlington Contributory Retirement Board (“Retirement Board”) seeks to accept a local option statute authorizing the establishment of an Arlington Other Post-Employment Benefits Liability Trust Fund (“OPEB”) – an authority Arlington already holds by special legislative means before the local option was revised by the 2016 Municipal Modernization Act. Unfortunately however, without the administrative step of adopting G.L. c. 32B sec. 20, our OPEB Trustees – the Retirement Board – cannot invest such funds with Pension Reserves Investment Management Board (“PRIM”) through the State Retiree



**ARTICLE 23**

**TRANSFER OF PROPERTY/611 MASSACHUSETTS AVENUE “JEFFERSON CUTTER HOUSE”**

**VOTED:** That jurisdiction of the property known as 611 Mass, Arlington MA, known as the Jefferson Cutter House (Parcel ID 050.0-0008-0001.B) be transferred from the Arlington Redevelopment Board to the Town Manager.

(5 – 0)

**COMMENT:** The Board also endorses this action to transfer the responsibility for maintenance and management of the Jefferson Cutter House to the Town Manager, who manages and maintains all other Town-owned buildings through the Facilities Department for the reasons fully articulated in the Select Board comment on Article 21.

**ARTICLE 24**

**ENDORSEMENT OF CDBG APPLICATION**

**VOTED:** That the Town hereby endorses the application for Federal Fiscal Year 2024 prepared by the Town Manager and the Select Board under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

(6 – 0)\*

\*Includes vote of Town Manager for CDBG purposes.

**COMMENT:** This article represents the vote to endorse the annual application for Community Development Block Grant funds, a summary of which Town Meeting may find following this report.

**ARTICLE 25**

**REVOLVING FUNDS**

**VOTED:** The Town does hereby reauthorize the following Revolving Funds for FY 2024:

**Private Way Repairs (3410): Originally established under Article 46, 1992 Annual Town Meeting expenditures not to exceed \$300,000**

<b>Beginning Balance 7/1/2021</b>	<b>\$55,513.05</b>
<b>Receipts</b>	<b>308, 403.84</b>
<b>Expenditures</b>	<b>256,642.44</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$107,274.45</b>

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

<b>Beginning Balance 7/1/2021</b>	<b>\$14,715.06</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>0.00</b>



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<b>Ending Balance, 6/30/2022</b>	<b>\$14,715.06</b>
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**Fox Library Community Center Rentals (3990): Originally established under Article 49, 1996 Annual Town Meeting expenditures not to exceed \$20,000**

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<b>Beginning Balance 7/1/2021</b>	<b>\$1,221.47</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>1,200.00</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$21.47</b>

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

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<b>Beginning Balance 7/1/2021</b>	<b>\$3,884.28</b>
<b>Receipts</b>	<b>9,672.72</b>
<b>Expenditures</b>	<b>5,955.38</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$7,601.62</b>

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~~**Conservation Commission Fees (5290): Originally established under Article 44, 1996 Annual Town Meeting expenditures not to exceed \$10,000<sup>1</sup>**~~

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<del><b>Beginning Balance 7/1/2021</b></del>	<del><b>\$412.03</b></del>
<del><b>Receipts</b></del>	<del><b>0.00</b></del>
<del><b>Expenditures</b></del>	<del><b>412.03</b></del>
<del><b>Ending Balance, 6/30/2022</b></del>	<del><b>\$ 0.00</b></del>

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**Uncle Sam Fees (2440): Originally established under Article 31, 2000 Annual Town Meeting expenditures not to exceed \$2,000**

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<b>Beginning Balance 7/1/2021</b>	<b>\$1,526.31</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>0.00</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$1,526.31</b>

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<sup>1</sup> Fund 5290 “Conservation Commission Fees” is now redundant with the 53G Peer Review Account provided under State Law for the same purpose and as such has been depleted and will be eliminated.

**Life Support Services (Ambulance) Fees (3210): Originally established under Article 37,  
2001 Annual Town Meeting  
Expenditures not to exceed \$800,000**

<b>Beginning Balance 7/1/2021</b>	<b>\$248,628.65</b>
<b>Receipts</b>	<b>588,804.19</b>
<b>Expenditures</b>	<b>426,761.90</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$410,670.94</b>

**Board of Health Fees (4120): Originally established under Article 30, 2005 Annual Town Meeting  
expenditures not to exceed \$200,000**

<b>Beginning Balance 7/1/2021</b>	<b>\$154,089.82</b>
<b>Receipts</b>	<b>139,553.40</b>
<b>Expenditures</b>	<b>55,343.59</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$238,299.63</b>

**Field User Fees (5275): Originally established under Article 78, 2004 Annual Town Meeting  
expenditures not to exceed \$100,000**

<b>Beginning Balance 7/1/2021</b>	<b>\$35,219.53</b>
<b>Receipts</b>	<b>35,756.00</b>
<b>Expenditures</b>	<b>53,235.27</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$17,740.26</b>

**Robbins Library Rentals (4250): Originally established under Article 35, 2006 Annual Town Meeting  
expenditures not to exceed \$8,000**

<b>Beginning Balance 7/1/2021</b>	<b>\$36,742.82</b>
<b>Receipts</b>	<b>1,650.00</b>
<b>Expenditures</b>	<b>1,500.00</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$36,892.82</b>

**Town Hall Rentals (4150): Originally established under Article 35, 2006 Annual Town Meeting  
expenditures not to exceed \$175,000**

<b>Beginning Balance 7/1/2021</b>	<b>\$63,270.69</b>
<b>Receipts</b>	<b>57,331.97</b>

<b>Expenditures</b>	<b>68,579.31</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$52,023.35</b>

**White Goods Recycling Fees (3510): Originally established under Article 35, 2006 Annual Town Meeting  
expenditures not to exceed \$80,000**

<b>Beginning Balance 7/1/2021</b>	<b>\$43,008.82</b>
<b>Receipts</b>	<b>54,004.03</b>
<b>Expenditures</b>	<b>38,938.99</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$58,073.86</b>

**Library Vending Fees (4220): Originally established under Article 34, 2009 Annual Town Meeting  
expenditures not to exceed \$25,000**

<b>Beginning Balance 7/1/2021</b>	<b>\$4,551.97</b>
<b>Receipts</b>	<b>8,929.72</b>
<b>Expenditures</b>	<b>3,622.38</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$9,859.31</b>

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

<b>Beginning Balance 7/1/2021</b>	<b>\$4,814.41</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>0.00</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$4,814.41</b>

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

<b>Beginning Balance 7/1/2021</b>	<b>\$0.00</b>
<b>Receipts</b>	<b>0.00</b>
<b>Expenditures</b>	<b>0.00</b>
<b>Ending Balance, 6/30/2022</b>	<b>\$0.00</b>

**Council On Aging Program Fees (3840): Originally established under Article 28, 2013 Annual Town Meeting**





**RESOLUTION IN SUPPORT OF AN EXTENDED PRODUCER RESPONSIBILITY  
AND BOTTLE BILL**

**Whereas, local governments must arrange and pay for the management of waste and recycling, and state policies currently make local governments responsible for achieving waste diversion goals; and**

**Whereas, Massachusetts faces a finite and dwindling amount of landfill space and capacity at waste-to-energy disposal facilities; and**

**Whereas, municipalities must find alternative ways of managing products banned from disposal or incineration through the MassDEP Waste Disposal Bans using taxpayer funding; and**

**Whereas, excess packaging, single-use products, products designed for disposal, and hazardous products contaminate recycling streams, increasing costs to municipalities; and**

**Whereas, local governments do not have the resources to adequately address the contamination rates of recycling streams, nor hard-to-manage and hazardous products; and**

**Whereas, costs paid by local governments to manage products are, in effect, subsidies to the producers of products designed for disposal or recycling, and hard-to-manage or hazardous products; and**

**Whereas, there are significant environmental and human health impacts associated with improper and inefficient management of all categories of waste, and the costs of such impacts are externalized with the burden placed on taxpayers; and**

**Whereas, Extended Producer Responsibility (EPR) is a policy approach in which producers are obligated to pay for and manage the end-of-life collection and disposal/recycling of their products and/or product packaging, reducing costs to municipalities, and which has been shown to be effective at increasing recovery of materials and reducing costs of recycling systems overall; and**

**Whereas, when the higher costs of responsible management for products are placed on the producer, there is an incentive to design products that are durable, easier to repair and recycle and less toxic; and**

**Whereas, there has been national support for EPR legislation in the form of resolutions and polices (National Association of Counties, July 2008; National League of Cities, November 2009; US Conference of Mayors, June 2020); and**

**Whereas, in January 2019, the Massachusetts Municipal Association passed a resolution which supports statewide product stewardship legislation; and**

**Therefore be it resolved, that by the adoption of this Resolution, the Town of Arlington urges MassDEP and the Massachusetts Legislature to continue taking timely action to promote a**

**circular economy in Massachusetts to manage excess packaging, single-use products, products designed for disposal, and hazardous products; and**

**Be it further resolved, that the Town of Arlington Town Meeting requests the Massachusetts Legislature enact product specific and framework legislation to have producers share in the responsibility for product waste management costs by passing extended producer responsibility laws, including bills currently under consideration, which will shift costs from municipalities and give producers the incentive to design products to make them easier to reuse and recycle and less toxic.**

**Be it further resolved, that the Zero Waste Arlington committee and the DPW Recycling Coordinator be authorized to send letters to the Massachusetts Municipal Association, MassDEP, the State legislature, and any other local government and to use other advocacy methods to urge support for EPR Framework or product legislation and related regulations when deemed appropriate; and**

**Be it further resolved, that the Town of Arlington encourages all manufacturers to share in the responsibility for eliminating waste through minimizing excess packaging, designing products for durability, reusability, repairability and the ability to be recycled; using recycled materials in the manufacture of new products; and providing financial support for collection, processing, recycling, or disposal of used materials; and communicating with waste haulers and local governments about end-of-life management of their products and product packaging.**

**(3 – 0 –1)**

**Mr. Diggins Abstained and Mr. Helmuth recused himself.**

**COMMENT:** All members of the Board whom heard this article support and urge action on extended producer responsibility “EPR” legislation. EPR as a broad policy charges product manufacturers with varied product-category-specific obligations with respect to the lifecycle of goods, ranging from measures to extend the lifespan or ability to repair certain products, to requiring recycling and hazard waste management by manufacturers for those goods which are expensive and/or difficult to safely dispose of by communities. The end goal is to reduce waste overall, encourage recycling of resources, and force thoughtful design and product management to mitigate the harms of hazardous materials. The majority of the Board supports a resolution to provide legislators and Commonwealth agencies support for such legislation. Mr. Diggins concurs with the values articulated by the resolution, but is unconvinced that a Town Meeting Resolution is the optimal vehicle for the pursuit of such goals.

**ARTICLE 65**

**RESOLUTION/MY BODY MY CHOICE**

**VOTED: That no action be taken on Article 65.**

**(5 – 0)**

**COMMENT:** The Select Board agrees with the general spirit of the resolution insofar as it affirms human bodily autonomy, but is unclear what such a resolution would accomplish or how it would be used to clarify disputes and disagreements about public health policy in a manner distinct from the Courts or state and federal law. As such, the Board does not recommend positive action.

**ARTICLE 66**

**RESOLUTION/IMPROVE MBTA SERVICE**

**VOTED: That Town Meeting does and hereby resolves as follows:**

**Whereas, the last streetcar from Arlington Heights to Harvard Square ran on November 18, 1955; and**

**Whereas, the last MBTA train from Arlington to North Station ran on January 10, 1977; and**

**Whereas, the last 79 bus from Arlington Heights to Alewife ran on March 12, 2021; and**

**Whereas, on December 18, 2022, six days after the Green Line Extension opened to Tufts-Medford, the MBTA reduced service on the 80 bus that connects Arlington Center with the Green Line Terminus; and**

**Whereas, despite challenges faced by Arlington commuters and student pass holders due to poor service, the MBTA reduced service on the 77 bus on December 18, 2022; and**

**Whereas, the Town of Arlington's MBTA assessment of \$3,208,065; and**

**Whereas, the Town of Arlington is committed to amending our zoning for the purpose of increasing the number of transit-friendly residential units; and**

**Whereas, the Town of Arlington and the City of Cambridge have built bus lanes to facilitate the movement of buses along Massachusetts Avenue;**

**Now therefore be it resolved, the Town of Arlington asks the MBTA to provide frequent, reliable service along Massachusetts Avenue with convenient connections to the Red Line; and**

**Be it also resolved, the Town of Arlington asks the MBTA to provide frequent, reliable service from Arlington Heights, through Arlington Center, and along Medford Street and Boston Avenue with convenient connections to the West Medford commuter rail station and the Tufts-Medford terminus of the Green Line Extension; and**

**Be it also resolved, the Town of Arlington seeks a partnership with the MBTA to plan significant improvements to the transit infrastructure in Arlington.**

**A copy of this resolution shall be sent to the Governor, the Lieutenant Governor, members of the General Court representing the Town of Arlington, the MBTA Board of Directors, the MBTA General Manager, and the Secretary of Transportation.**

**(3 – 0 – 1)**

**Mr. Diggins abstained and Mr. Helmuth recused himself.**

**COMMENT:** The majority of the Select Board supports this resolution registering the Town's concerns with the reductions in Arlington Bus service even as the Greenline expands its service elsewhere in the MBTA system. The Town pays a significant annual assessment as an MBTA member community and has demonstrated its commitment to public transit, yet the MBTA





limited increases in height, and relaxation of certain other zoning limitations for residential developments in which all units are made permanently affordable to households earning at or below 120% of the area median income is achievable without stressing municipal infrastructure; and

WHEREAS, AHODs would serve to incentivize the reuse of existing buildings in order to create AHOD Projects that are more compatible with established neighborhoods and align with Arlington's design objectives; and

WHEREAS, communities have seen significant benefits when AHOD Projects are permitted as-of-right, subject to non-binding advisory design consultation procedures that follow all design objectives; and

WHEREAS, AHODs will promote affordable housing objectives, promote greater socioeconomic diversity, and ensure a more equitable distribution of affordable housing town-wide; and

WHEREAS, Arlington has passed the Community Preservation Act and continues to seek passage of the real estate transfer fee which, along with Arlington's Affordable Housing Trust, can provide subsidy funds to promote AHOD development; and

WHEREAS Arlington, a MBTA community, is required to have zoning that provides for at least I district of reasonable size in which multi-family housing is permitted as of right; and

WHEREAS, having denser and smaller housing units around businesses, public transportation, and schools near Boston/Cambridge is more environmentally efficient; and

WHEREAS, creating significant additional affordable housing, with varying tiers of affordability, will provide housing opportunities for current and future Arlington residents, including people who live in Arlington Housing Authority properties; and

WHEREAS, housing density may also increase economic development and thus Arlington's goals for its commercial tax base;

**THEREFORE BE IT RESOLVED that Arlington affirms the Affordable Housing Overlay District as a means to mitigate the worst of Arlington's housing crisis.**

**(5 – 0)**

**COMMENT:** The Select Board supports this resolution affirming an important recommendation of the Arlington Housing Production Plan, previously approved by this Board and the Arlington Redevelopment Board. Among the potential tools available to address the Town's commitment to creating affordable housing, the Affordable Housing Overlay District is an effect measure for encourage the development of affordable housing within identified areas in Town. The specific details of an overlay ordinance are expected to be discussed and debated in future town meetings, but the Board recommends this resolution as a means of affirming that this tool is important for achieving the Town's goals.

**ARTICLE 68**

**RESOLUTION/IN-STATE TUITION**

**VOTED: That no action be taken on Article 68.**

**(5 – 0)**

**COMMENT:** The Select Board recommends no action on this resolution because the issue – ensuring in-state tuition rates for all Massachusetts high school graduates regardless of immigration status is both beyond the scope of Town Meeting’s authority and without a direct target audience. Several members of the Board expressed support for the overall idea, but overall the resolution did not seem ripe for Town Meeting action.

**ARTICLE 69**

**RESOLUTION/CHANGE STATE FLAG & SEAL**

**VOTED: WHEREAS the history of the Commonwealth of Massachusetts is replete with instances of conflict between European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonist on their shores in 1620, and helped them survive starvation during the settlers’ first winters on their land; and**

**WHEREAS members of the Native Nation for whom the Commonwealth of Massachusetts in named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, at Wessagusett (now Weymouth) in April of 1623, barely two years after the Pilgrims arrived; and**

**WHEREAS the Colonial broadsword held by a white hand above the head of the Indigenous person on the Massachusetts Flag and Seal is modeled after Myles Standish’s own broadsword, borrowed for that purpose from Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884; and**

**WHEREAS the belt binding the Native’s cloak on the Flag and Seal is modeled after a belt for my Metacomet, known to the English as King Philip, who was among the Indigenous leaders that resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment; and**

**WHEREAS the proportions of the body of the Indigenous person on the Flag and Seal were taken from the skeleton of an Indigenous person unearthed in Winthrop, the bow modeled after a bow taken from an Indigenous man shot and killed by a colonist in Sudbury in 1665, and the facial features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts; and**

**WHEREAS the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so13 called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in the winter of 1675, the enslavement of Indigenous people in Boston , Bermuda , and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of indigenous men, women and children in Massachusetts beginning in 1686 , increased to 100 pounds sterling for the scalps of Indigenous adult males by 172 2, half that amount for Indigenous women and children; and**

**WHEREAS Indigenous people were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that Colonial law was finally repealed; and**

**WHEREAS the 400th anniversary of the landing of the Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate government policies of cultural destruction against Native Nations of this continent, occurred in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to an appreciation of the need for better relations between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth; and**

**WHEREAS the land area now known as the Town of Arlington, shares a rich Native history with modern tribal Nations such as the Massachusetts, who have inhabited this area long before the first colonial settlers arrived, in 1635; and**

**NOW THEREFORE, BE IT RESOLVED that the Town of Arlington hereby adopts this resolution in support of the work of the Special Commission on the Official Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor to recommend changes to the current flag and seal of Massachusetts, and in support of a new flag and seal for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall forward a copy of this resolution to Sen. Cindy Friedman, Rep. Dave Rogers, and Rep. Sean Garballey, with the request that they continue their strong support of the work of the aforementioned Special Commission and advocacy for a new flag and seal for the Commonwealth;**

**(4 – 0)**

**Mr. Helmuth recused himself.**

**COMMENT:** The Select Board urges Town Meeting’s positive action to join with a wide swath of municipalities who have resolved their support for changing the Flag and Seal of the Commonwealth to amend its depiction of an Algonquian Native American and the Myles Standish sword and motto “Ense Petit Placidam, Sub Libertate Quietem” (“By the Sword We Seek Peace, But Peace Only Under Liberty”). The Commonwealth has already passed a resolve to change the flag and seal, appointing the Special Commission on the Official Seal and Motto of the Commonwealth to recommend alterations or alternatives. However, such work has yet to result in recommendations for a new seal, flag, or motto and requires further financial and political support. It is the Board’s hope that a resolution of Town Meeting can add further momentum to push the effort to completion and result in a flag and seal of the Commonwealth that does not evoke violence towards or oppression of the indigenous peoples who resided on this land before the arrival of colonists.

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**APPENDIX ITEMS**

**ARTICLE 10: BYLAW AMENDMENT/VOTE/MUNICIPAL OPT-IN SPECIALIZED  
STRETCH ENERGY CODE FACT SHEETS**

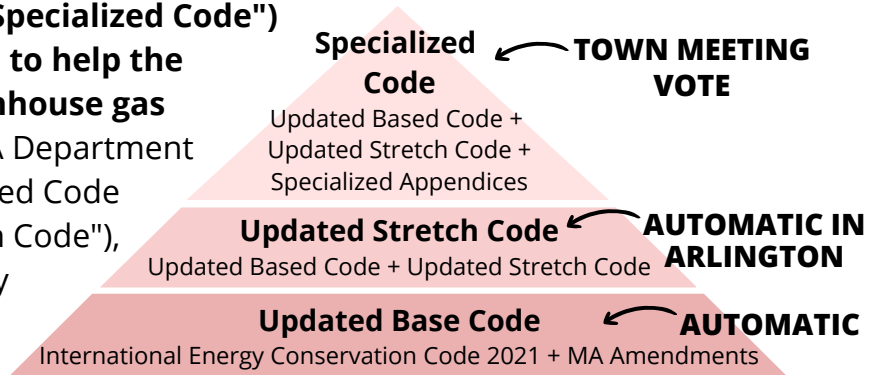
**ARTICLE 25: REVOLVING FUND DETAILS**

**ARTICLE 47: PARKING BENEFIT DISTRICT REPORT**

# WARRANT ARTICLE 10: MUNICIPAL OPT-IN SPECIALIZED STRETCH ENERGY CODE

## What is the “Specialized Stretch Energy Code”?

The Specialized Stretch Energy Code (“Specialized Code”) is a new building energy code designed to help the Commonwealth achieve net-zero greenhouse gas emissions by 2050. Developed by the MA Department of Energy Resources (DOER), the Specialized Code amends the Stretch Energy Code (“Stretch Code”), which in turn builds upon the Base Energy Code. All three energy codes support energy conservation in buildings.



## What is Town Meeting's Role?

**Town Meeting must vote to adopt the Specialized Code in Arlington.** The Town Manager and the Clean Energy Future Committee (CEFC), which is tasked with pursuing climate mitigation activities in Arlington, have proposed a vote for potential adoption of the Specialized Code at the spring 2023 Annual Town Meeting. A vote of Town Meeting was also required for the Stretch Code, which Town Meeting voted affirmatively to adopt in 2010. Arlington is one of 300 municipalities (out of 351 total in the Commonwealth) that have already voted to adopt the Stretch Code. Four communities — Watertown, Somerville, Cambridge, and Brookline — adopted the Specialized Code within the first six weeks after it became available, and at least 20 others will bring the vote to decision-makers this year.

If Town Meeting adopts the Specialized Code, that code will become legally binding in Arlington in addition to the Stretch Code. State agencies are responsible for updates to the codes, and Town Meeting cannot vary their terms.

## Hasn't Town Meeting addressed these issues before?

**Yes! In 2022, by a vote of 170-8, Town Meeting passed Article 73, a resolution calling on DOER to adopt a “True Net Zero Opt-In” code** with provisions *more* stringent than those of the Specialized Code that Town Meeting is voting on this spring. In 2020, Town Meeting enacted a “clean heat” bylaw, which required all new construction and major renovations to be fossil-fuel free, with some exemptions and waiver possibilities. The following year, Arlington became the first town in the Commonwealth to file a home rule petition authorizing a clean heat bylaw. The legislature did not grant Arlington and other communities’ petitions; rather, it created a demonstration project allowing up to 10 communities to implement fossil-fuel free policies.

**Adoption of the Specialized Code will facilitate participation in the fossil-fuel free demonstration project**, based on DOER’s draft regulations. A bylaw to implement the project will come before Town Meeting this fall, after DOER’s regulations become final.

## What does the Specialized Code do?

The Specialized Code applies only to new construction. It goes beyond the Stretch Code in four important ways:

- 1) All new houses with at least one dwelling unit over 4,000 conditioned square feet (CSF) must be either all-electric or zero energy, if they use natural gas or other fossil fuel systems.**
  - All-electric means that no fossil fuels are used for space heating, cooking, or water heating (outdoor grills and generators are exempted).
  - Zero energy requires that buildings meet stringent energy efficiency requirements and then reduce greenhouse gas emissions to zero by offsetting any fossil fuel use with renewable energy, typically rooftop solar.
  - In 2022, approximately 70% of new single-family homes constructed in Arlington exceeded 4,000 CSF per year.
- 2) All mid- and high-rise multifamily housing over 12,000 SF must be constructed to highly efficient Passive House standards.**
  - This will produce buildings that reduce heating energy usage by 80% and overall energy use (including plugs and lights) by 40-60%.
  - Approximately 1-2 new multifamily buildings >12,000 SF are constructed in Arlington per year, on average.
- 3) Builders who do not follow the all-electric pathway must pre-wire their buildings to be all-electric ready.**
  - These buildings must have the reserved spaces and wiring required for electric heating, ventilation, and air conditioning (HVAC), hot water service, and appliances.
- 4) Builders who do not follow the all-electric path must install solar photovoltaics (PV), where feasible, to offset greenhouse gas emissions.**
  - Exemptions exist for shaded sites and Passive House-certified buildings.

By requiring additional measures (solar, pre-wiring) of buildings that use fossil fuels, **DOER has explicitly designed the Specialized Code to incentivize all-electric new construction.** Building electrification is an essential strategy in Arlington's Net Zero Action Plan and in the Massachusetts 2050 Decarbonization Roadmap in pursuit of net zero greenhouse gas emissions.

**For additional resources on the Specialized Code, visit the CEFC website:**  
**[arlingtonma.gov/town-governance/boards-and-committees/  
clean-energy-future-committee](https://arlingtonma.gov/town-governance/boards-and-committees/clean-energy-future-committee)**



FY2022 REVOLVING FUNDS: EXPENDITURE DETAIL

Revolving Fund	Amount
<u>Private Ways Repairs: 3410</u>	
Contracted Services	\$ 256,642.44
Total Expenditures	\$ 256,642.44
<u>Public Way Repairs: 3400</u>	
Contracted Services	\$ -
Total Expenditures	\$ -
<u>Fox Library Community Center Rentals: 3990</u>	
Maintenance	\$ 1,200.00
Total Expenditures	\$ 1,200.00
<u>Robbins House Rentals:4060</u>	
Personnel	\$ 480.06
Supplies	
Maintenance	
Utilities	\$ 2,885.32
Contracted Services	\$ 2,590.00
Total Expenditures	\$ 5,955.38
<u>Conservation Commission Fees: 5290</u>	
Other Expense	\$ 412.03
Total Expenditures	\$ 412.03
<u>Uncle Sam Fees: 2440</u>	
Total Expenditures	\$ -
<u>Life Support Services (Ambulance) Fees: 3210</u>	
General Fund Offset (Personnel)	\$ 308,391.00
Contracted Services	\$ 118,370.90
Emergency Vehicle	\$ -
Capital Offset	\$ -
Total Expenditures	\$ 426,761.90
<u>Board of Health Fees: 4120</u>	
Personnel	\$ 1,698.07
Supplies	\$ 4,293.84
Contracted Services	\$ 24,059.17
Other Expenses	\$ 25,292.51
Total Expenditures	\$ 55,343.59

Revolving Fund	Amount
<u>Field User Fees: 5275</u>	
Contracted Services	\$ 19,277.77
Maintenance	\$ 33,957.50
Total Expenditures	\$ 53,235.27
<u>Robbins Library Rentals: 4250</u>	
Personnel	\$ -
Contracted Services	\$ 1,500.00
Total Expenditures	\$ 1,500.00
<u>Town Hall Rentals: 4150</u>	
Supplies	\$ 523.58
Personnel	\$ 22,597.10
Utilities	\$ 13,787.68
Contracted Services	\$ 31,670.95
Total Expenditures	\$ 68,579.31
<u>White Good Recycling Fees: 3510</u>	
Transfer to General Fund	\$ 35,000.00
Equipment and Materials	\$ 3,938.99
Total Expenditures	\$ 38,938.99
<u>Library Vending Fees: 4220</u>	
Supplies	\$ -
Equipment	\$ -
Contracted Services	\$ 3,622.38
Total Expenditures	\$ 3,622.38
<u>Gibbs School Energy Fees: 2790</u>	
Utilities	\$ -
Total Expenditures	\$ -
<u>Cemetery Chapel Rentals: 3435</u>	
Total Expenditures	\$ -
<u>Council on Aging Program Fees: 3840</u>	
Supplies	\$ -
Contracted Services	\$ 2,799.37
Total Expenditures	\$ 2,799.37



**PARKING FUND BUDGET**

REVENUES	PROJECTED FY23	FY23 ACTUAL 2/2/23	PROJECTED FY24
Single Space Meters	\$ 105,032.48	\$ 69,758.76	\$ 259,798
Multi-Space Meters	\$ 83,108.82	\$ 45,838.61	\$ 139,985
Charging Station	\$ 14,363.76	\$ 7,181.88	\$ 5,317
Pay by Phone	\$ 76,009.98	\$ 57,137.13	N/A
Interest	\$ 16,909.92	\$ 11,431.42	\$ 11,824
<b>TOTAL</b>	<b>\$ 295,424.96</b>	<b>\$ 191,347.80</b>	<b>\$ 416,924.00</b>

EXPENDITURES	PROJECTED FY23	FY23 ACTUAL 2/2/23	PROJECTED FY24
<b>MAINTENANCE AND OPERATION</b>			
IPS, CC Fee, Coin Collection	\$ 115,188	\$ 149,581.67	\$ 163,100
Lease Payments	\$ 6,000	\$ 3,500.00	\$ 6,000
Parking Enforcement/Admin	\$ 103,948	\$ 103,948.00	\$ 111,325
Meter Upgrade	\$ 104,497		
PCO Replacement Vehicle	\$ 21,090	\$ 25,000.00	\$ -
<b>Maintenance and Operation Subtotal</b>	<b>\$ 350,723</b>	<b>\$ 282,029.67</b>	<b>\$ 280,425</b>
<b>PARKING BENEFIT DISTRICT</b>			
Chestnut Street Safety Improvements	\$ 50,000	\$ -	\$ -
Russell Common Lot	\$ 65,000	\$ -	\$ -
Trash Management	\$ -	\$ -	\$ 32,500
Seasonal Plantings	\$ 20,000	\$ 9,685	\$ 22,400
Watering of Seasonal Planting	\$ -	\$ -	\$ 14,340
Other	\$ -	\$ -	\$ 17,959
Seasonal Decorations	\$ -	\$ -	\$ 49,300
Sidewalk on Old Mystic St., west of Mystic/Pleasant St.	\$ 40,000	\$ -	\$ -
RR Lot Blue Bike Station	\$ -	\$ -	\$ -
<b>Parking Benefit District Subtotal</b>	<b>\$ 175,000</b>	<b>\$ 9,685</b>	<b>\$ 136,499</b>
<b>TOTAL</b>	<b>\$ 525,723</b>	<b>\$ 291,714.67</b>	<b>\$ 416,924</b>

	PROJECTED FY23	PROJECTED FY24
<b>REVENUES</b>	\$ 295,424.96	\$ 416,924.00
<b>EXPENDITURES</b>	\$ 525,723.00	\$ 416,924.00
<b>Surplus (Deficit)</b>	\$ (230,298.04)	\$ -
<b>End of Prior FY (FY22 + FY23) Fund Balance</b>	\$ 526,254.00	\$ 295,955.96
<b>End of FY Anticipated Fund Balance Fund Balance (FY23+FY24)</b>	\$ 295,955.96	\$ 295,955.96

CARRY FORWARD SOY 7.1.22

**\$526,254.00**

Updated March 3, 2023



**ERIC D. HELMUTH, CHAIR  
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