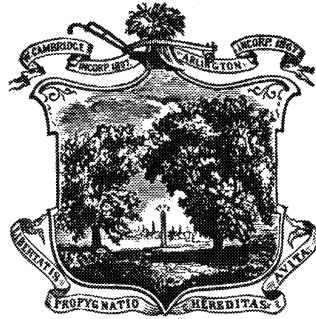


**TOWN OF ARLINGTON
MASSACHUSETTS**

**REPORT OF THE
BOARD OF SELECTMEN**



**TO THE
ANNUAL TOWN MEETING
MONDAY, APRIL 25, 2011**

8:00 P.M.

INTRODUCTION

The Board of Selectmen is pleased to present its report to Town Meeting of its main motions under the following articles. These votes are the result of hearings conducted by the Board at which proponents and opponents of the various articles were heard. The Board has voted no action on several of the 10 registered voter articles since in some instances the requested action can be accomplished without a Town Meeting vote. The Board appreciates the proponents having brought these matters forward.

The Board would like to recognize and welcome Daniel J. Dunn to his first Town Meeting as Arlington's newly elected Selectman.

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

ARTICLE 2

STATE OF THE TOWN ADDRESS

VOTED: That the Chair of the Board of Selectmen address Town Meeting under this article to review important events of the past year and preview expectations for the upcoming year.

(4-0)

Mr. Greeley was absent.

COMMENT: The Board supports favorable action under this standard article.

ARTICLE 3

REPORTS OF COMMITTEES

VOTED: That reports of various boards, committees, and commissions be received by Town Meeting.

(4-0)

Mr. Greeley was absent.

COMMENT: The Board supports favorable action under this standard article.

ARTICLE 4 APPOINTMENT OF MEASURERS OF WOOD AND BARK

VOTED: That the Measurer of Wood and Bark and other usual Town officers be appointed by Town Meeting.

(4-0)

Mr. Greeley was absent.

COMMENT: The Board supports favorable action under this standard article.

ARTICLE 5 ELECTION OF ASSISTANT TOWN MODERATOR

VOTED: That the Assistant Town Moderator be elected by Town Meeting.

(4-0)

Mr. Greeley was absent.

COMMENT: The Board supports favorable action under this standard article.

ARTICLE 14 ZONING BYLAW AMENDMENT/AFFORDABLE HOUSING REQUIREMENTS, DEFINITIONS, UNITS

COMMENT: The Town Manager submitted this article to amend the Zoning Bylaw to exempt assisted-living facilities from the current affordable housing requirements. Given the intensive programmatic standards for such facilities, providing affordable units in them through subsidies is not feasible. Under the existing Bylaw, required subsidies for units in assisted-living facilities could be as high as \$9,000 per month per unit, which is prohibitive. Exempting these facilities from the Affordable Housing Zoning Bylaw will allow the development of such facilities, both at the Symmes site and elsewhere in Arlington. Although the Board supports favorable action under this article, the recommended vote under this article will come from the Arlington Redevelopment Board, as the entity charged by law with hearing and reporting on warrant articles for the amendment of zoning bylaws.

(4-0)

Mr. Greeley was absent.

ARTICLE 18 BYLAW AMENDMENT/PORTABLE STORAGE CONTAINERS

VOTED: That Title V, Article 9 (“Placement of Dumpsters”), of the Bylaws be and hereby is amended by (a) adding the words “or portable storage container” after the words “No dumpster” in the first sentence; (b) deleting “\$24.00” from the second sentence and replacing it with the words “set by the Board of Selectmen”; (c) adding the words “and portable storage containers” after the word “dumpsters” in the third sentence; (d) inserting the following sentence between the fourth and fifth

sentences: “Portable Storage Container is any outside container temporarily placed at or in front of a private residence or business for the packing and/or storage of items of personal property, goods, or materials.”; and (e) inserting in the fifth sentence after the word “dumpster” the words “or portable storage container.”

(4-0)

Mr. Greeley was absent.

COMMENT: Positive action by Town Meeting under this article would codify the current practice of the Board of Selectmen to require permits and insurance for the temporary placement of portable storage containers (“pods”). The increasingly common use of such storage containers presents many of the same safety and aesthetic concerns as the use of dumpsters, which is currently regulated under the Bylaws. The proposed amendment to the Bylaws would make the Board’s requirements explicit, promoting clarity.

As amended, the Bylaw would read as follows (proposed deletions are struck and proposed insertions are underlined):

**ARTICLE 9:
PLACEMENT OF DUMPSTERS
(ART. 3, S.T.M., 11/30/88; ART. 24, A.T.M., 5/4/92)**

No dumpster or portable storage container shall be utilized within the Town unless and until the Board of Selectmen has issued a permit for same. The fee for each permit shall be ~~\$24.00~~ set by the Board of Selectmen. The Board of Selectmen is authorized from time to time to adopt and amend Rules and Regulations relating to the existence of dumpsters and portable storage containers which shall take into account various appropriate considerations, including but not limited to, positioning and enclosure so as to maximize aesthetic concerns, i.e., odor, noise, unsightliness; character of the neighborhood, traffic and other public safety concerns, and hours of use.

Dumpster shall be considered to be any outside container utilized for the collection for disposal of discarded or rejected materials including but not limited to rubbish and garbage, being either intended for a temporary or more or less permanent duration. Portable Storage Container is any outside container temporarily placed at or in front of a private residence or business for the packing and/or storage of items of personal property, goods, or materials. Failure to secure a permit or violations of regulations promulgated hereunder shall make the owner on whose land the dumpster or portable storage container is placed subject to a fine of not more than \$48.00, each day that a violation continues to be considered a separate offense.

ARTICLE 19

BYLAW AMENDMENT/INCREASE FINES FOR UNLEASHED DOGS

VOTED: That Title VIII, Article 2, Section 2 (“Leashing of Dogs”), Paragraph C (“Fines”), of the Town Bylaws be and hereby is amended by (1) after “First offense,” deleting the word “Warning” and replacing it with the words “By a fine of \$75.00”; (2) after “Second offense,” deleting the figure “\$50.00” and replacing it with the figure “\$100.00”; (3) after “Third offense,” deleting the figure “\$75.00” and replacing it with the figure “\$150.00”; and (4) after “Fourth and each subsequent offense,” deleting the figure “\$100.00” and replacing it with the figure “200.00.”

(4-0)

Mr. Greeley was absent.

COMMENT: The proponent inserted this warrant article after her mother was injured by a dog that was off leash in contravention of the Bylaws. The Animal Control Officer was unable to impose a fine for the violation because it was the dog-owner’s first offense. The Board of Selectmen agrees with the proponent that the Animal Control Officer needs additional tools to enforce the leash law effectively and that the proposed fine increases are a reasonable way to accomplish that. Authorizing the Animal Control Officer to write tickets for first offenses will allow tracking of repeated violations and send the message that the Town is committed to enforcement of its leash law. Although there are not a lot of off-leash incidents in which people or other dogs are injured, these incidents do occur and can be serious. The Parks and Recreation Commission and the Police Chief have expressed support for the proposed fine increase. For these reasons, the Board recommends favorable action to increase fines for violations of the leash law.

As amended, the Bylaw would read as follows (proposed deletions are struck and proposed insertions are underlined):

*ARTICLE 2
CANINE CONTROL*

*Section 2.
Leashing of Dogs*

....

C. Fines (ART. 40, ATM - 5/8/91; ART 17, ATM - 04/26/06)

Violations of Sections 2 of this Article shall be punishable as follows:

<i>First offense:</i>	Warning <u>By a fine of \$75.00</u>
<i>Second offense:</i>	By a fine of \$50.00 <u>\$100.00</u>
<i>Third offense:</i>	By a fine of \$75.00 <u>\$150.00</u>
<i>Fourth and each subsequent offense:</i>	By a fine of \$100.00 <u>\$200.00</u>

The Park and Recreation Commission shall provide for a hearing process to consider community input regarding the creation, placement and use of dog parks, dog runs or

dog exercise areas. The Commission shall adopt rules and regulations concerning these hearings subject to the approval of the Town Manager.

ARTICLE 20 BYLAW AMENDMENT/USE OF MINUTEMAN BIKEWAY

VOTED: That no action be taken under Article 20.

(4-0)

Mr. Greeley was absent.

COMMENT: Favorable action under the first part of this article would amend the Bylaws to eliminate the closing hours of the Minuteman Bikeway, which are now 9:00 p.m. to 5:00 a.m. The Board of Selectmen appreciates the efforts of the article’s proponent, the Arlington Bicycle Advisory Committee, to support expanded use of the Minuteman Bikeway through dispensing with restrictions on the hours of use. Unfortunately, given the Town’s current fiscal situation, the Board feels it would not be prudent to invite people to use the Bikeway at night when the Town does not have sufficient police resources to patrol it regularly. Therefore, the Board cannot recommend favorable action under this article. At some time in the future when resource constraints have shifted, the Board might consider an extension of Bikeway hours, but would not likely support a plan to lift the time restrictions entirely out of consideration for abutters.

Favorable action under the second part of this article would amend the Bylaws to clarify the definition of “motorized vehicles” that may traverse the Bikeway. The proponents have decided not to proceed with that proposed change. For this reason, the Board recommends that no action be taken under the second part of this article.

ARTICLE 21 BYLAW AMENDMENT/CLOSING OF WARRANT

The Board made no recommendation under this Article. The Board’s policy with respect to the Annual Town Meeting warrant is that:

“The Board shall endeavor subject to extenuating circumstances that the Warrant for any Annual Town Meeting be open not later than the first week of December nor be closed earlier than the end of the third full week in January. The Board will not depart from this policy without prior consultation with the Town Meeting Procedures Committee.”

**ARTICLE 22 BYLAW AMENDMENT/TOWN MEETING
STANDING VOTES**

VOTED: That Title I, Article 1, of the Town Bylaws be and hereby is amended by (a) in Section 6 (“Quorum”), deleting the words “(1) the Moderator declares the vote to be unanimous and (2)”; and (b) in Section 10 (“Procedural Rules”), adding to the end of Subsection C (“Votes”) the following: “Whenever a vote of two-thirds

of the Town Meeting Members present and voting is required on any matter, the Moderator may declare a motion passed by a voice vote of at least two-thirds in favor and a standing vote need not be taken unless required by law or these Bylaws. The Town Clerk shall record the Moderator's declaration that the motion passed by a two-thirds vote in favor."

(4-0)

Mr. Greeley was absent.

COMMENT: The Town Meeting Procedures Committee submitted this article to take advantage of a state law that allows town meetings to dispense with the necessity of a standing count for votes that requires a quantum of two-thirds to pass. Currently, a standing vote is required under a two-thirds article unless the voice vote is unanimous. If even one person voice-votes "no," then the Moderator must call for a standing vote, even if it is obvious that a two-thirds majority has voted in favor of the article. The Board supports adoption of this proposed Bylaw amendment, which may reduce the number of standing votes necessary at Town Meeting.

As amended, the Bylaws would read as follows (proposed deletions are struck and proposed insertions are underlined):

*TITLE I
GENERAL GOVERNMENT*

*Article 1
Town Meetings*

....

Section 6. Quorum (ART. 15, ATM 5/9/94)

Twenty-five percent of the total number of Town Meeting positions shall constitute a quorum for doing business at Town Meeting. No non-procedural action or reconsideration requiring a two-thirds vote under the provisions of any general or special law shall be taken without the affirmative vote of at least eighty-five Town Meeting Members, provided that no standing vote shall be required to satisfy the requirements of this section if ~~(1) the Moderator declares the vote to be unanimous and~~ (2) the Town Clerk certifies on the record that at least eighty five Town Meeting Members are present and voting. (Note: This Quorum By-Law is allowed based on a Special Law, Chapter 428 of the Acts of 1984 and supersedes the Quorum requirements of Chapter 43A Section 5.)

....

Section 10. Procedural Rules

....

C. Votes:

All votes, unless otherwise provided by law, shall be taken in the first instance by a "yes" and "no" voice vote. If the Moderator is in doubt as to the vote he may call for a show of hands or for a standing vote, or if five voters immediately question the vote, the Moderator shall call for a standing vote. On all questions submitted for the consideration of the Town Meeting, there shall be a roll call vote when requested by thirty or more

Town Meeting Members present at the meeting. All roll call votes shall be recorded so as to indicate the individual vote of each Town Meeting Member who shall have voted. Said roll call votes shall be available as recorded at the Town Clerk's Office. Whenever a vote of two-thirds of the Town Meeting Members present and voting is required on any matter, the Moderator may declare a motion passed by a voice vote of at least two-thirds in favor and a standing vote need not be taken unless required by law or these Bylaws. The Town Clerk shall record the Moderator's declaration that the motion passed by a two-thirds vote in favor.

ARTICLE 23 BYLAW AMENDMENT/SIDEWALK SNOW REMOVAL ENFORCEMENT

VOTED: That the Town Bylaws be and hereby are amended by (a) adding to the end of Section 24 (“Snow Removal - Residences”), Section 25 (“Snow Removal - Apartments/Condominiums”), and Section 26 (“Snow Removal - Businesses”) of Article 1 (“Public Ways”) of Title III (“Public and Private Ways”) of the Town Bylaws the following sentence: “Failure to comply with the requirements of this section may result in the Town causing removal of snow and ice at its expense and assessing the cost of that removal against the owner or occupant who failed to comply, in addition to or in place of any applicable fines.”; and (b) adding the following new paragraph f) to Title I (“General Government”), Article 21 (“Municipal Charges Liens”): “f) charges assessed for snow and ice removal under Title III, Article 1, Sections 24, 25, and 26 of these Bylaws.”

(4-0)

Mr. Greeley was absent.

COMMENT: The Board recommends favorable action under this warrant article to provide an additional tool for the enforcement of existing Town Bylaws requiring residential and commercial abutters to sidewalks to clear those sidewalks of snow and ice promptly. Under the proposed Bylaw change, if residents, property-owners, and businesses fail to comply with their snow-and-ice removal obligations, the Town could do the work or hire contractors to do it and charge that expense back to the responsible party. If unpaid, that charge could be converted to a lien on the property in accordance with existing procedures used for other types of municipal charges, such as unpaid parking violations, motor vehicle excise taxes, rental charges, public-safety details, and other fees. Under state law, the total charge per violation of these Bylaw sections could not exceed \$300. The Board recognizes the safety concerns associated with uncleared sidewalks and supports the adoption of an effective mechanism to enforce compliance with existing requirements.

As amended, the affected Bylaws would read as follows (proposed insertions are underlined):

**TITLE III
PUBLIC AND PRIVATE WAYS**

**Article I
Public Ways**

Section 24. Snow Removal - Residences

(ART. 19, A.T.M. 4/28/2004; ART. 45, A.T.M. 5/12/97)

The owner or occupant of any residentially zoned land abutting a paved sidewalk in the Town shall cause all snow and ice to be removed from said sidewalk by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within eight hours between sunrise and sunset after such snow and ice have come upon the sidewalk. Only so much of said sidewalk that shall afford a space wide enough to accommodate the passage of two pedestrians shall be required. Violations of this section shall be punishable by a fine of \$25 per day that the snow and ice are not so removed. The Board of Selectmen is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized; the Board is also authorized to exempt citizens upon petition showing demonstrable extreme hardship due to a combination of health and financial duress. Failure to comply with the requirements of this section may result in the Town causing removal of snow and ice at its expense and assessing the cost of that removal against the owner or occupant who failed to comply, in addition to or in place of any applicable fines.

Section 25. Snow Removal - Apartments / Condominiums

(ART. 20, A.T.M. 4/28/2004; ART. 45, A.T.M. 5/12/97)

The owner of any residential property utilized for apartment house or multi unit condominium use that abuts a paved sidewalk in the Town shall cause all snow and ice to be removed from the entire width of such sidewalk by plowing, shoveling, scraping or otherwise so as not to damage such sidewalk, and within the first three hours between sunrise and sunset after such snow and ice have come upon such sidewalk. Violations of this section shall be punishable by a fine of \$50 for each day the snow and ice are not so removed. The Board of Selectmen is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized. Failure to comply with the requirements of this section may result in the Town causing removal of snow and ice at its expense and assessing the cost of that removal against the owner or occupant who failed to comply, in addition to or in place of any applicable fines.

Section 26. Snow Removal - Businesses

(ART. 11, S.T.M. 1/25/88; ART. 45, A.T.M. 5/12/97; ART. 21, A.T.M. 4/28/2004)

The owner or occupant of any land abutting upon a sidewalk of a public way in this Town, which said property is used for business purposes other than farm business, shall cause all snow and ice to be removed from such sidewalk. Such snow and ice shall be so removed by ploughing, shoveling, scraping or otherwise so as not to damage such

sidewalk, and within the first three hours between sunrise and sunset after such snow and ice has come upon such sidewalk. Violation of this section shall be punishable by a fine of \$50 per day that the snow and ice are not so removed. The Board of Selectmen is authorized to promulgate rules and regulations consistent with this section relative to the ticketing procedures to be utilized. Failure to comply with the requirements of this section may result in the Town causing removal of snow and ice at its expense and assessing the cost of that removal against the owner or occupant who failed to comply, in addition to or in place of any applicable fines.

and

**TITLE I
GENERAL GOVERNMENT**

**Article 21
Municipal Charges Liens
(ART. 26, ATM – 05/06/2009)**

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

- a) *parking-violation charges*
- b) *motor-vehicle excise taxes*
- c) *rental charges for town or school property and facilities*
- d) *public-safety details*
- e) *license, permit, and inspection fees*
- f) *charges assessed for snow and ice removal under Title III, Article 1, Sections 24, 25, and 26 of these Bylaws*

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

ARTICLE 24 BYLAW AMENDMENT/MASSACHUSETTS PUBLIC RECORDS LAW

VOTED: That no action be taken under Article 24.

**(4-0)
Mr. Greeley was absent.**

COMMENT: This ten-registered-voter article proposes the erection of signage at Spy Pond reminding users of restrictions on the use of the Pond. The Board has directed the Town Manager to add and/or replace signage restating the Town Bylaws' prohibition against boats with engines larger than 10 horsepower or travelling at speeds greater than 10 miles per hour. Therefore, Town Meeting action is not necessary under this article.

ARTICLE 28

HOME RULE LEGISLATION/ SALES OF WINE AND BEER IN THEATERS

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

“AN ACT PROVIDING FOR A BALLOT QUESTION IN THE TOWN OF ARLINGTON AUTHORIZING THE GRANTING OF LICENSES FOR THE SALE OF BEER AND WINE TO BE DRUNK ON THE PREMISES IN THEATERS.

SECTION 1. Notwithstanding section eleven of chapter one hundred and thirty-eight of the General Laws or any other general or special law to the contrary, including but not limited to chapter two hundred and seventy-six of the acts of nineteen hundred and ninety-three, the Board of Selectmen of the town of Arlington shall cause to be placed on the ballot at the April 2012 town election the following question:

‘Shall the Board of Selectmen be authorized to grant licenses for the sale of wine and malt beverages in theaters with seating capacity of at least 100?’

YES	
NO	

If a majority of votes cast in answer to the question is in the affirmative, then the town of Arlington shall be taken to have authorized the granting of licenses for the sale in said town of wine and malt beverages to be drunk on the premises in privately operated enclosed entertainment facilities with minimum seating capacity of 100 that are used primarily for the presentation of motion pictures and/or dramatic, comedic, or musical performances, under the same terms and conditions as such licenses currently authorized for the sale of wine and malt beverages to be drunk on the premises in restaurants and subject to all other provisions of said chapter one hundred and thirty-eight.

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

(3-0)

Mr. Greeley and Mr. Hurd were absent.

COMMENT: Since 1994, the Board has had authority to allow the sale of wine and malt beverages in restaurants. The recommended home-rule legislation would allow the Board to permit the sale of these beverages in theaters as well. The Board supports this article because it wishes to increase business opportunities for its local theaters. Owners of two local theaters (the Regent and the Capitol) have expressed interest in offering their adult patrons the option of purchasing a wine or malt beverage while attending a movie or show. They have urged that adding such an amenity would help their small businesses in difficult economic times.

Securing authorization to grant these licenses to theaters is a three-step process: (1) Town Meeting authorizes the filing of home-rule legislation that will allow placement of a question on the ballot; (2) the Legislature adopts, and the Governor signs, the home-rule legislation; and (3) the question appears on a ballot and a majority of votes are cast in the affirmative. After that, the Board would be authorized -- but not required -- to issue licenses for the sale of wine and malt beverages to be consumed on the premises in theaters.

ARTICLE 29 HOME RULE LEGISLATION/TWO ADDITIONAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES

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

“AN ACT TO AUTHORIZE THE BOARD OF SELECTMEN OF THE TOWN OF ARLINGTON TO GRANT ADDITIONAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

SECTION 1. Notwithstanding section eleven of chapter one hundred and thirty-eight of the General Laws or any other general or special law to the contrary, including but not limited to chapter twenty-eight of the acts of two thousand and six and chapter eighty-three of the acts of two thousand and ten, the Board of Selectmen shall cause to be placed upon the official ballot at the 2012 Town election the following question:

“Shall the Board of Selectmen of the Town be authorized to issue up to two additional licenses for the sale of all alcoholic beverages not to be drunk on the premises?”

YES	
NO	

If a majority of votes cast in answer to the question is in the affirmative, then the town of Arlington shall be taken to have authorized the granting of up to two additional licenses for the sale of all alcoholic beverages to be drunk off the premises.

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

(2-1)

**Ms. Mahon voted in the negative.
Mr. Greeley and Mr. Hurd were absent.**

COMMENT: In April 2009, the electorate approved a non-binding question asking whether the Selectmen should be authorized to issue two additional licenses for the sale of alcoholic beverages not to be consumed on the premises, for a total of five such licenses. Currently, the Board is authorized to issue (and has issued) three licenses for the sale of alcoholic beverages not to be consumed on the premises. In accordance with home rule legislation passed in 2010, those three licenses are in the process of being converted from allowing the sale of beer and wine only to allowing the sale of all alcoholic beverages. The Board of Selectmen believes that increasing to five the number of stores licensed to sell alcoholic beverages for consumption off the premises will enhance convenience for Arlington residents by allowing a more even geographical distribution of these businesses. Therefore, a majority of the Board recommends favorable action under this article to begin the process of increasing the number of available licenses from three to five.

**ARTICLE 30 HOME RULE LEGISLATION/EXEMPTION OF
NEWLY HIRED NON-PUBLIC-SAFETY EMPLOYEES
FROM CIVIL SERVICE**

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

**“AN ACT EXEMPTING ORIGINAL LABOR SERVICE
APPOINTMENTS MADE IN THE TOWN OF ARLINGTON
FROM CIVIL SERVICE REQUIREMENTS.**

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the making of any original appointment to the Labor Service within the Town of Arlington shall not be subject to the provisions of Chapter Thirty-One of the General Laws.

SECTION 2. The provisions of Section 1 shall not impair the civil service status of any person holding a position covered by Chapter Thirty-One of the General Laws on the effective date of this act nor shall they affect

the civil service status of any member of the Labor Service except for the initial hiring process.

SECTION 3. This act shall take effect upon its passage.”

(3-0)

Mr. Greeley and Mr. Hurd were absent.

COMMENT: The Home Rule Legislation being proposed under this article would not change civil-service status or rights for any Town employee. What it would do is change the hiring process for new appointments to the Labor Service, which includes the jobs of Laborer, Skilled Laborer, and Mechanic/Craftsman. There are no Civil Service examinations for these positions: people simply sign up on a roster to be considered for appointment in the order in which they signed up. The Labor Service roster hiring system rewards people who happen to understand how the system works rather than allowing hiring on the basis of merit. Dispensing with it would provide the Town with the flexibility to hire based on ability and qualifications. Both the Board and the collective bargaining unit, AFSCME Local 680, support the filing of this proposed legislation that would improve the hiring process without undermining Civil Service protection for current and future employees.

ARTICLE 31 HOME RULE LEGISLATION/GROUP INSURANCE COMMISSION

VOTED: The Board will report to Town Meeting under Article 31 of the Warrant.
(5-0)

ARTICLE 32 HOME RULE LEGISLATION/GROUP INSURANCE COMMISSION HEALTH REIMBURSEMENT ACCOUNTS

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

“AN ACT RELATIVE TO HEALTH REIMBURSEMENT ACCOUNTS FOR INSURED EMPLOYEES OF THE TOWN OF ARLINGTON.

Section 1. Notwithstanding the provisions of any general or special law to the contrary, including but not limited to Chapter Thirty-Two B of the General Laws, if the Town of Arlington transfers its subscribers to the commission in accordance with applicable general or special law, the Town may reimburse its subscribers for the costs of co-payments related to hospitalizations and day surgery through the use of health reimbursement accounts.

Section 2. For purposes of this Act, “subscribers” is defined as it is in Section 19 of Chapter Thirty-Two B of the General Laws; “commission” means the Group Insurance Commission established by Section 3 of Chapter Thirty-Two A of the General Laws; and “health reimbursement account” means a federally recognized tax-exempt health benefits program that allows employers to reimburse qualified medical expenses paid by employees.

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

(5-0)

COMMENT: This article proposes Home Rule Legislation related to the potential transfer of Town health-care benefits to the Group Insurance Commission. If approved, the legislation would allow the Town to establish Health Reimbursement Accounts for its subscribers, which are not allowed under current GIC rules. One barrier to the Town joining the GIC has been the concerns of subscribers that they will experience increased co-pays associated with major medical events. Implementation of Health Reimbursement Accounts would allow the Town to set aside funds -- probably around \$200,000 -- from the savings realized by a transfer to the GIC and use those funds to reimburse subscribers for costs incurred in connection with hospitalization or surgery. In the opinion of the Board of Selectmen, adoption of Health Reimbursement Accounts would address subscribers’ concerns about increased costs without undermining incentives for good health-care practices. Therefore, the Board recommends favorable action under this article.

ARTICLE 33

HOME RULE LEGISLATION/WIRELESS ANTENNA LEASES

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

“AN ACT CONTINUING AUTHORIZATION FOR THE TOWN MANAGER IN THE TOWN OF ARLINGTON TO LEASE CERTAIN PARK LAND AND OTHER OPEN SPACES TO WIRELESS COMMUNICATIONS COMPANIES FOR THE ERECTION OF WIRELESS ANTENNAS OR OTHER RELATED APPURTENANT STRUCTURES.

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, including without limitation section 3 of chapter 40 of the General Laws and chapter 44 of the Acts of 1998, the town manager of the town of Arlington, on behalf of the town, may lease for a period not to exceed 20 years, the hereinafter described parcels of land or portions of buildings, including any appurtenant air rights, to wireless communications companies for the erection of wireless antennas or related structures, after compliance with chapter 30B of the General Laws, including that described portion of

Hurd Field, presently dedicated to park and playground use, said properties to include the following:

- (1) Arlington High School, main building roof and cupola and a specific area within the building.**
- (2) Hurd Field, said area to be identified and approved by the park and recreation commission.**
- (3) Central Fire Station, located at 411 Massachusetts Avenue, hose tower, roof, and specific area within the building.**

SECTION 2. Notwithstanding the provisions of any general or special law to the contrary, including without limitation, the provisions of section 3 of chapter 40 of the General Laws and chapter 44 of the Acts of 1998, all proceeds for lease or leases of property leased by the town of Arlington to telecommunication companies for the erection of wireless antennas or related structures shall be devoted to the care, maintenance, upkeep or enhancement of park, playgrounds, or other open space in town. The treasurer of the town of Arlington is hereby authorized to keep said proceeds in a separate account and may invest and reinvest same with any interest from same to be returned to said account. Any annual or special town meeting of the town of Arlington may appropriate said funds for such previously described use, but only for such use, unless by two-thirds vote of said town meeting, another use is voted. The town treasurer shall make an annual accounting of the funds in said account at each subsequent annual town meeting. Any rental proceeds in excess of \$250,000 in any given fiscal year will be deposited into the available funds of the town and be available for any purpose as voted by the town.

SECTION 3. This act shall take effect upon its passage.”

(3-0)

Mr. Greeley and Mr. Hurd were absent.

COMMENT: In 1998, pursuant to a vote of Town Meeting, the Legislature adopted Home Rule Legislation that allowed the Town to (1) lease space on the roofs of the High School and the Central Fire Station and at Hurd Field for up to 20 years for the placement of wireless antennas; and (2) place the proceeds from these leases (up to \$250,000 per year) into a separate fund “devoted to the care, maintenance, upkeep or enhancement of park, playgrounds, or other open space in town.” Funds may be transferred to another use by a two-thirds vote of Town Meeting and proceeds over \$250,000 per year are deposited into the Town’s general fund. Authorization for the separate fund is subject to a sunset provision. The Board supports re-filing this legislation to continue authorization for setting wireless antenna rental proceeds aside to care for parks and open spaces.

ARTICLE 34

**VOTE/PAY AS YOU THROW (PAYT) TRASH
COLLECTION PROGRAM**

VOTED: The Board of Selectmen will report to Town Meeting under Article 34 of the Warrant.

(5-0)

ARTICLE 35

BYLAW AMENDMENT/TRASH REMOVAL

VOTED: The Board of Selectmen will report to Town Meeting under Article 35 of the Warrant.

(5-0)

ARTICLE 36

TRANSFER OF REAL ESTATE/23 MAPLE STREET

VOTED: That no action be taken under Article 36.

(5-0)

ARTICLE 37

DISPOSITION OF REAL ESTATE/23 MAPLE STREET

VOTED: That no action be taken under Article 37.

(5-0)

COMMENT:

Because the current lease arrangement yields more revenue than the Town spends to maintain this property, the Town Manager, who submitted these articles to enable the property to be sold, has now requested a vote of no action and prefers that the Town continue leasing this property for the time being.

ARTICLE 38

DISPOSITION OF REAL ESTATE/PARMENTER SCHOOL

VOTED: That the Board of Selectmen be and hereby is authorized to dispose of the Parmenter School and its appurtenant land by sale, lease, or otherwise.

(5-0)

COMMENT:

The 2010 Annual Town Meeting voted under Article 30:

That the care, custody, management, and control of the former Parmenter School and all appurtenant land be transferred to the Board of Selectmen for the purpose of managing the property, including but not limited to continuing or extending the current lease arrangement, while exploring options for the property's future use, provided that any and all appurtenant land currently in use for recreational

purposes remain so while the property is under the control of the Board of Selectmen,

and adopted this resolution under Articles 31 and 32:

***RESOLUTION REGARDING THE PARMENTER
AND CROSBY SCHOOLS***

WHEREAS the Parmenter and Crosby Schools served as elementary schools for the students of Arlington for many decades; and

WHEREAS both schools were removed from service as public school buildings in 1983 and have since remained in a state of temporary surplus; and

WHEREAS these facilities host important educational services, but enjoy no current or prospective use as public school buildings; and

WHEREAS the School Committee has declared no further need for the Crosby and Parmenter Schools as institutions of public education; and

WHEREAS the voters of Arlington have approved debt exclusions for the purpose of renovating and/or rebuilding all seven existing elementary schools in town; and

WHEREAS the Massachusetts School Building Authority is currently undertaking a feasibility study of the Thompson School rebuild and/or renovation project; and

WHEREAS completion of the aforementioned feasibility study may lead to an offer of state financial assistance for the Thompson rebuild and/or renovation project; and

WHEREAS any state assistance will be conditioned upon a demonstration by the Town of Arlington of an ability and willingness to fund a share of project costs; and

WHEREAS revenues from the future sale and/or lease of the Crosby and Parmenter Schools have been identified as potential sources of funding that might be applied to the rebuild and/or renovation of the Thompson Elementary School; and

WHEREAS RKG Associates -- in conjunction with the Town Manager, Department of Planning and Community Development, and other public officials and private citizens -- has undertaken a comparative analysis of reuse scenarios for the Crosby and Parmenter Schools;

NOW THEREFORE BE IT RESOLVED that the 2010 Annual Town Meeting of the Town of Arlington does hereby recognize the valued educational services provided to the community by the longstanding institutional tenants of the Parmenter and Crosby Schools; and

BE IT FURTHER RESOLVED that the Town Meeting does express its support in principle for the application of future net revenues from the sale and/or lease of the Crosby and Parmenter Schools to the renovation and/or rebuild of the Thompson Elementary School and other Arlington Public Schools capital needs.

In accordance with the 2010 transfer vote under Article 30, the Board of Selectmen extended the lease of the current Parmenter tenants, International School of Boston and Arlington Children's Center, through June 30, 2013. Given realistic expectations for rental income and the unpredictability of future capital costs associated with the building, the Town Manager and the Board of Selectmen believe that exploring a sale or long-term lease of the property is a sensible option at this point. If authorized by Town Meeting to pursue this option, the Board would have the property appraised and would seek proposals for its disposition. With these steps completed, the Board would be in a position to evaluate the most advantageous future use of the property. The Board would not be obligated to sell to the highest bidder or to sell at all. It is the intention of the Board to read the bids and use them to better inform the Town about the worth of the property. Armed with that information, the Board will be able to choose the best course of action. Its options will include both sale of the property and negotiation of a long-term lease (up to 30 years). Sale of the property may include reserving for the Town a right of first refusal in the event the purchaser later decides to sell. Either option will include preservation of open and recreational spaces.

ARTICLE 39 DISPOSITION OF REAL ESTATE/CROSBY SCHOOL

VOTED: That the Board of Selectmen be and hereby is authorized to dispose of the Crosby School and its appurtenant land by sale, lease, or otherwise.

(5-0)

COMMENT: The 2010 Annual Town Meeting voted under Article 29:

That the care, custody, management, and control of the former Crosby School and all appurtenant land be transferred to the Board of Selectmen for the purpose of managing the property, including but not limited to continuing or extending the current lease arrangement, while exploring options for the property's future use, provided that any and all appurtenant land currently in use for recreational purposes remain so while the property is under the control of the Board of Selectmen,

and adopted this resolution under Articles 31 and 32:

**RESOLUTION REGARDING THE PARMENTER
AND CROSBY SCHOOLS**

WHEREAS the Parmenter and Crosby Schools served as elementary schools for the students of Arlington for many decades; and

WHEREAS both schools were removed from service as public school buildings in 1983 and have since remained in a state of temporary surplus; and

WHEREAS these facilities host important educational services, but enjoy no current or prospective use as public school buildings; and

WHEREAS the School Committee has declared no further need for the Crosby and Parmenter Schools as institutions of public education; and

WHEREAS the voters of Arlington have approved debt exclusions for the purpose of renovating and/or rebuilding all seven existing elementary schools in town; and

WHEREAS the Massachusetts School Building Authority is currently undertaking a feasibility study of the Thompson School rebuild and/or renovation project; and

WHEREAS completion of the aforementioned feasibility study may lead to an offer of state financial assistance for the Thompson rebuild and/or renovation project; and

WHEREAS any state assistance will be conditioned upon a demonstration by the Town of Arlington of an ability and willingness to fund a share of project costs; and

WHEREAS revenues from the future sale and/or lease of the Crosby and Parmenter Schools have been identified as potential sources of funding that might be applied to the rebuild and/or renovation of the Thompson Elementary School; and

WHEREAS RKG Associates -- in conjunction with the Town Manager, Department of Planning and Community Development, and other public officials and private citizens -- has undertaken a comparative analysis of reuse scenarios for the Crosby and Parmenter Schools;

NOW THEREFORE BE IT RESOLVED that the 2010 Annual Town Meeting of the Town of Arlington does hereby recognize the valued educational services provided to the community by the longstanding institutional tenants of the Parmenter and Crosby Schools; and

BE IT FURTHER RESOLVED that the Town Meeting does express its support in principle for the application of future net revenues from the sale and/or lease of the Crosby and Parmenter Schools to the renovation and/or rebuild of the Thompson Elementary School and other Arlington Public Schools capital needs.

In accordance with the 2010 transfer vote under Article 29, the Board of Selectmen extended the lease of the current Crosby tenant, Schools for Children, by two years through June 30, 2013. Given realistic expectations for rental income and the unpredictability of future capital costs associated with the building, the Town Manager and the Board of Selectmen believe that exploring a sale of the property is a sensible option at this point. If authorized by Town Meeting to pursue this option, the Board would have the property appraised and would seek proposals for its disposition. With these steps completed, the Board would be in a position to evaluate the most advantageous future use of the property. The Board would not be obligated to sell to the highest bidder or to sell at all. It is the intention of the Board to read the bids and use them to better inform the Town about the worth of the property. Armed with that information, the Board will be able to choose the best course of action. Its options will include both sale of the property and negotiation of a long-term lease (up to 30 years). Sale of the property may include reserving for the Town a right of first refusal in the event the purchaser later decides to sell. Either option will include preservation of open and recreational spaces.

ARTICLE 40

VOTE/CROSBY SCHOOL LAND

VOTED: That no action be taken under Article 40.

(5-0)

COMMENT: The proponent of this ten-registered-voter article is looking for a commitment that the Town will not allow development of a strip of open space that runs between Winter and Oxford Streets and contains six or seven trees. The Board of Selectmen is recommending no action because it does not necessarily want to retain ownership of that strip if and when the Crosby School building is sold, which is what positive action under this article would require. The Board is, however, mindful of the importance of maintaining that space in its current form and will explore securing a conservation easement or other instrument to prevent its development.

ARTICLE 41

**VOTE/REPLACE BRICK CURB CUTS, SIDEWALKS,
CROSSINGS**

VOTED: That no action be taken under Article 41.

(5-0)

COMMENT: This article, submitted by the Arlington Commission on Disability, highlights important safety and accessibility issues. Because alteration or improvement to Town property ultimately rests with the Board of Selectmen, Town Meeting action is not necessary to achieve the goals of this article. Instead, the Board has agreed to work with the Commission and other interested parties to adopt a surfacing policy as requested by the Commission. The Board and the Commission also plan to meet on an annual or semi-annual basis to maintain open communication on issues in Town affecting the Commission's area of concern. For these reasons, the Board is requesting that no action be taken under this article at this time.

ARTICLE 42 VOTE/REPLACE BRICK ENTRANCE 27 MAPLE STREET

VOTED: That no action be taken under Article 42.

(5-0)

COMMENT: The Board of Selectmen recommends no action under this article for the same reasons stated above under Article 41. The Board intends to work with the Commission on Disability, the Historical Commission, the Town's ADA Coordinator, the Planning Department, and the Department of Public Works to develop a policy for surfacing at 27 Maple Street that will balance accessibility and safety issues with appropriate historic preservation and budgetary concerns. Therefore, no Town Meeting action is necessary under this article.

ARTICLE 51 VOTE/IMPLEMENTATION OF CONSOLIDATED TOWN-SCHOOL FINANCE DEPARTMENT

VOTED: That Town Meeting hereby indicates its support for a consolidated Town-School Finance Department and requests the Town Manager to research the implementation of such a department, including gathering input from the Board of Selectmen, School Committee, Superintendent, the Finance Committee and other appointed and elected officials with responsibilities related to financial management and to present the 2012 Annual Town Meeting with one or more warrant articles to implement such a department.

(5-0)

COMMENT: Disappointed that the Town Government Reorganization Committee of 2009 did not make a similar recommendation, the proponents of this article advocate the exploration of a single Finance Department for the Town and the School Department. The Board of Selectmen agrees with the proponents that implementation of a consolidated department would likely decrease fragmentation, duplication, obscurity, and complexity in the existing system and dismantle existing barriers to the adoption of best practices. It would also promote consistency between Town and School budgets and, consequently, enhanced understanding of both. Creation of a single department would support increased professionalism of financial functions while allowing the School

Department to concentrate on its educational mandate. In sum, the same benefits possible from consolidating Information Technology and Human Resources functions could be generated by creation of a single Finance Department. For these reasons, the Board urges favorable action under this article. The Board has also requested consideration of this proposal by the Town Government Reorganization Committee.

ARTICLE 52

REVOLVING FUNDS

VOTED: That the Town does hereby reauthorize the following Revolving Funds in accordance with G.L. c. 44, § 53E½:

Private Way Repair established under Article 46 of the 1992 Annual Town Meeting. Expenditures not to exceed \$200,000.

Beginning Balance	\$13,304.91
Receipts	0.00
Expenditures	0.00
Balance, 7/1/10	\$13,304.91

Public Way Repair established under Article 45 of the 1992 Annual Town Meeting. Expenditures not to exceed \$5,000.

Beginning Balance	\$ 168.40
Receipts	0.00
Expenditures	0.00
Balance, 7/1/10	\$ 168.40

Fox Library established under Article 49 of the 1996 Annual Town Meeting. Expenditures not to exceed \$20,000.

Beginning Balance	\$14,241.35
Receipts	4,794.00
Expenditures	5,572.00
Balance, 7/1/10	\$13,463.35

Robbins House established under Article 77 of the 1997 Annual Town Meeting. Expenditures not to exceed \$55,000.

Beginning Balance	(\$4,116.98)
Receipts	42,700.00
Expenditures	18,655.92
Balance, 7/1/10	\$19,927.10

Conservation Commission established under Article 44 of the 1996 Annual Town Meeting. Expenditures not to exceed \$10,000.

Beginning Balance	\$2,847.07
Receipts	50.00
Expenditures	0.00
Balance, 7/1/10	\$2,897.07

Uncle Sam established under Article 31 of the 2000 Annual Town Meeting. Expenditures not to exceed \$2,000.

Beginning Balance	\$ 334.48
Receipts	0.00
Expenditures	0.00
Balance, 7/1/10	\$ 334.48

Life Support Services established under Article 37 of the 2001 Annual Town Meeting. Expenditures not to exceed \$750,000.

Beginning Balance	\$376,291.44
Receipts	463,522.75
Expenditures	393,620.60
Balance, 7/1/10	\$ 446,193.59

Board of Health Fees established under Article 30 of the 2005 Annual Town Meeting. Expenditures not to exceed \$100,000.

Beginning Balance	\$45,106.14
Receipts	68,696.20
Expenditures	34,638.94
Balance, 7/1/10	\$79,163.40

Field User Fees established under Article 78 of the 2004 Annual Town Meeting. Expenditures not to exceed \$80,000.

Beginning Balance	\$52,864.70
Receipts	39,220.00
Expenditures	3,239.00
Balance, 7/1/10	\$88,845.70

Robbins Library Rental established under Article 35 of the 2006 Annual Town Meeting. Expenditures not to exceed \$8,000.

Beginning Balance	\$6,492.61
Receipts	2,975.00
Expenditures	280.00
Balance, 7/1/10	\$9,187.61

Town Hall Rental established under Article 35 of the 2006 Annual Town Meeting. Expenditures not to exceed \$75,000.

Beginning Balance	\$ 3,456.05
Receipts	63,077.24
Expenditures	57,931.79
Balance, 7/1/10	\$ 8,510.50

White Goods Recycling established under Article 35 of the 2006 Annual Town Meeting. Expenditures not to exceed \$80,000.

Beginning Balance	\$38,067.25
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Receipts	60,131.57
Expenditures	70,311.98
Balance, 7/1/10	\$27,886.84

Library Vend established under Article 34 of the 2009 Annual Town Meeting. Expenditures not to exceed \$12,000.

Beginning Balance	\$ 0.00
Receipts	8,485.00
Expenditures	1,514.08
Balance, 7/1/10	\$ 6,970.92

Gibbs School Energy established under Article 45 of the 2010 Annual Town Meeting. Expenditures not to exceed \$100,000.

Beginning Balance	\$ 0.00
Receipts	0.00
Expenditures	0.00
Balance, 7/1/10	\$ 0.00

and that the Town further votes to establish in accordance with G.L. c. 44, § 53E½, the following additional Revolving Fund:

A revolving fund (Cemetery Chapel Rental) to accept payments from rental fees associated with the rental of the Cemetery Chapel, said sums to be expended in payment of costs associated with rental and care and maintenance of chapel, said expenditures not to exceed \$15,000.

(3-0)

Mr. Greeley and Mr. Hurd were absent.

COMMENT: This is the usual article to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and reauthorize such funds in accordance with state law.

ARTICLE 53

ENDORSEMENT OF CDBG APPLICATION

VOTED: The Board of Selectmen will report to Town Meeting under Article 53 of the Warrant.

(3-0)

Mr. Greeley and Mr. Hurd were absent.

**ARTICLE 58 / SPECIAL TOWN MEETING ARTICLE 7
APPROPRIATION/TAKINGS - MASSACHUSETTS AVENUE SIDEWALKS**

VOTED: That the Board of Selectmen be and hereby is authorized to acquire by eminent domain, purchase, or otherwise interests in certain parcels of land in conformance with plans as approved at 25% by the Massachusetts Department of

Transportation Highway Division for Project No. 604687 (Arlington-Massachusetts Avenue), subject to later finalization, and substantially as set forth in Appendix A, for the purpose of improving, repairing, or replacing sidewalks along Massachusetts Avenue from Pond Lane to the Cambridge City Line in connection with the above-referenced project.

(5-0)

COMMENT: One aspect of the Massachusetts Avenue Corridor Project is the renovation, improvement and/or replacement of sidewalks along Massachusetts Avenue from Pond Lane to the Cambridge Line. To that end, the Town will need to acquire certain rights to several small amounts of land to allow installation, repair, or reconstruction of the sidewalks. Most of these rights will be temporary construction easements, with a small number of permanent easements to allow the placement of handicap ramps. Regardless of the final configuration of the construction project, improvement of the sidewalks would be of a general benefit, so the Board of Selectmen urges favorable action under this article. The identical article is in the Special Town Meeting warrant to allow the process to begin more quickly, if necessary, without having to wait for the Annual Town Meeting to close.



CLARISSA ROWE, CHAIRMAN
KEVIN F. GREELEY, VICE-CHAIRMAN
DIANE M. MAHON
ANNIE LACOURT
DANIEL J. DUNN

BOARD OF SELECTMEN

SUPPLEMENTAL REPORT to TOWN MEETING

April 25, 2011

ARTICLES 44-50

**ARTICLE 44 AMEND TOWN MANAGER ACT/CONSOLIDATED
TOWN-SCHOOL HUMAN RESOURCE DEPARTMENT**

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

**“AN ACT AMENDING THE TOWN MANAGER ACT FOR THE TOWN
OF ARLINGTON WITH RESPECT TO HUMAN RESOURCES**

Section 1. Sections 24 and 24A of “An Act Establishing a Town Manager Form of Government for the Town of Arlington,” as adopted through Chapter 503 of the Acts of 1952, and subsequently amended, are hereby deleted and replaced with the following:

Section 24. Human Resource Department. – The Town Manager shall appoint a suitably qualified person to be Human Resource Director of the Town, who shall have overall supervision of the Human Resource Department of the Town, and who shall be responsible for the development and implementation of personnel policies and procedures based on the concept of merit. It shall be the duty of the Director to administer the pay and classification plans as now or hereinafter provided in the town by-laws, to maintain employee records, and to perform such other duties as may be assigned by a vote of the town meeting. All Town Appointing Authorities shall process the hiring of staff through the Town Human Resource Department. The Human Resource Department will work with Town Appointing Authorities to prepare job descriptions and job posting materials, will post positions and receive application materials, and will turn application materials over to Appointing Authorities for their consideration and final decision. Upon the School Department, as provided for under Chapter 71 Section 37M, of the Massachusetts General Laws, voting to consolidate its human resource functions with those of the Town, all of the duties described above relating to the School Department are subject to review and approval by the Superintendent of Schools and the Town Manager shall seek input from the Superintendent of Schools relating to the appointment and performance evaluation of the Director of the Human Resource Department.

Section 24A. Human Resource Board. – There shall be established a Human Resource Board, which shall consist of three members to be appointed by the Town Manager. Each member shall be selected on the basis of professional experience and expertise in the area of personnel administration. Said Human Resource Board shall be empowered, after consultation with the Human Resource Director, to

hear and rule on employee appeals of adverse reclassification determinations of the Human Resource Director. Said Human Resource Board shall perform such other functions as may be provided for in the town by-laws or in a collective bargaining agreement. Implementation of this section shall be guided by the town bylaws.

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

(5-0)

COMMENT: Through this article, the Town Government Reorganization Committee of 2009 (“Committee”) proposed creation of a single Human Resources Department to manage both Town and School personnel functions. In the opinion of the Committee -- with which the Board of Selectmen is in full agreement -- expert human-resource administration is a critical component of successful modern municipal government. Lack of such guidance can lead to disruptive employment grievances and litigation. Too much administration has been cut from the School Department in recent years, contributing to these types of situations. Moreover, the excellent, efficient service that has resulted from consolidation of the Town and School Department Information Technology staff demonstrates that providing supportive services through a single department can work well. Positive action under this article would memorialize in the Town Manager Act the commitment to a professional, properly staffed Human Resource Department serving the complex labor and employment needs of both the Town and the School Department.

ARTICLE 45 BYLAW AMENDMENT/CONSOLIDATED TOWN-SCHOOL HUMAN RESOURCE DEPARTMENT

VOTED: That no action be taken under Article 45.

(5-0)

COMMENT: The proponent of Article 45, the Town Government Reorganization Committee of 2009, has requested that no action be taken at this time. The Committee wishes to pursue the filing of Home Rule Legislation under Article 44 and, if appropriate, will propose Bylaw changes to next year’s Town Meeting to implement those changes to the Town Manager Act.

ARTICLE 46 BYLAW AMENDMENT/ANNUAL FINANCIAL REPORT

VOTED: That no action be taken under Article 46.

(5-0)

COMMENT: The proponent of Article 45, the Town Government Reorganization Committee of 2009, has requested that no action be taken at this time. The Committee has worked with the Town Manager’s Office to create a four-page annual financial report that will be distributed to all residents, so no Bylaw changes are necessary at this time to implement the requirement of such a report.

ARTICLE 47 AMEND TOWN MANAGER ACT/BUDGET SUBMISSIONS

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

“AN ACT AMENDING THE TOWN MANAGER ACT FOR THE TOWN OF ARLINGTON WITH RESPECT TO BUDGET SUBMISSIONS

Section 1. Section 31 of “An Act Establishing a Town Manager Form of Government for the Town of Arlington,” as adopted through Chapter 503 of the Acts of 1952, and subsequently amended, is hereby deleted and replaced with the following:

Section 31. On or before the second business day of January each year, all boards and departments not under the control of the Town Manager shall submit to the Town Manager in writing detailed estimates for their respective boards or departments of the fiscal requirements for the ensuing fiscal year. These submissions shall include detailed estimates of any revenues that support their budgets and shall be in a format as required by the Town Manager or as provided by Town bylaws. No later than the fifteenth day of January each year, the Town Manager shall submit to the Selectmen, with copies to each member of the Finance Committee, a careful detailed estimate in writing of the fiscal requirements for the ensuing fiscal year of each fund and department of the Town along with a detailed listing of all projected revenues to support these requirements. The Town Manager shall state the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the Town. All the estimates required by this section shall include a statement of the budgeted amount for the current year and the actual expenditures for the two preceding years.

Section 2. This act shall take effect upon passage.’’

(5-0)

COMMENT: Through this article, the Town Government Reorganization Committee of 2009 (“Committee”) proposes amending the Town Manager Act to require that all departments and appointing authorities submit their budget requests to the Town Manager by January 2 of each year. The Town Manager would then create a global budget document that would be transmitted to the Board of Selectmen and the Finance Committee by January 15. Under the current version of the Town Manager Act, the Town Manager and the departments and appointing authorities not under the control of the Town Manager all submit their budget estimates directly to the Board of Selectmen and the Finance Committee on or before January 2. The Board of Selectmen agrees with the Committee that it is appropriate for the legislative arm of Town government to receive a comprehensive and timely annual budget estimate from all executive departments at the same time and therefore urges favorable action under this article.

ARTICLE 48 BYLAW AMENDMENT/BUDGET SUBMISSIONS

VOTED: That no action be taken under Article 48.

(5-0)

COMMENT: The proponent of Article 48, the Town Government Reorganization Committee of 2009, has requested that no action be taken at this time. The Committee wishes to pursue the filing of Home Rule Legislation under Article 47 and, if appropriate, will propose Bylaw changes to next year’s Town Meeting to implement those changes to the Town Manager Act.

ARTICLE 49 CREATE COMMITTEE FOR LONG TERM FINANCIAL PLANNING

VOTED: That no action be taken under Article 49.

(5-0)

COMMENT: Although the Board of Selectmen appreciates the sentiment of the Town Government Reorganization Committee of 2009 in proposing the creation of this committee and understands the importance of attention to long-term state, national, and international trends, the Board feels that the Town has enough committees doing this type of work, including Vision 2020, the Budget and Revenue Task Force, the Capital Planning Committee, the Long-Term Planning Committee, the Committee on Tourism

and Economic Development, and the Financial Working Group. If there are areas of concern not being addressed, the charge of one or more existing committee may be amended to focus attention on those areas. In addition, the Town Manager has a professional multi-disciplinary staff to advise him on relevant financial, legal, scientific, social, cultural, and political developments. Therefore, the Board recommends that no action be taken under this article.

ARTICLE 50

**VOTE/EXTEND TOWN REORGANIZATION
COMMITTEE OF 2009**

VOTED: That authorization for the Town Government Reorganization Committee of 2009, created under Article 32 of the 2009 Annual Town Meeting, be and hereby is extended through the completion of the 2012 Annual Town Meeting, at which time the Committee shall dissolve.

(5-0)

COMMENT: The current authorization for the Town Government Reorganization Committee of 2009 is due to expire at the dissolution of the 2011 Annual Town Meeting. To provide it with an additional year to implement the recommendations it has made to the 2011 Town Meeting, the Committee seeks, and the Board of Selectmen supports, an extension of the Committee's mandate through the 2012 Annual Town Meeting.