




**Town of Arlington  
Legal Department**

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To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager  
John Leone, Town Moderator  
Proponents of Articles

From: Douglas W. Heim, Town Counsel 

Date: March 3, 2016

Re: Annual Town Meeting Warrant Articles ##23, 29; and 60

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I write to provide the Board of Selectmen a summary of the above-referenced warrant articles to assist in the Board's consideration of these articles at its upcoming hearing on March 7, 2016.

## **ARTICLE 23**

### **BYLAW AMENDMENT/ELECTRONIC DISTRIBUTION OF NOTICES AND MATERIALS**

**To see if the Town will vote to amend the Town Bylaws to provide for a method of electronic distribution of the Warrant and all required notices and materials to Town Meeting Members; or take any action related thereto.**

(Inserted at the request of the Town Moderator, Town Clerk and Town Meeting Procedures Committee)

I expect the Town Meeting Procedures Committee, or their designee to discuss the details of this article. However, permit me to note that it is my understanding that an electronic distribution bylaw would not seek to make hard copies of required materials unavailable. Rather, the proposal would only distribute electronic copies to Town Meeting members and officials who opt-in to receive their materials electronically.

## **ARTICLE 29**

### **REMOVAL OF EASEMENT RESTRICTION**

**To see if the Town will vote to abandon the easement/building lines as may exist upon the real property located at the corner of 54 Pleasant View and Spring Street, as taken and established on April 6, 1942 and recorded at Middlesex South Registry of Deeds Book 6591, page 1 and as shown as lots 83 and 84 on a Plan filed with the taking being Plan No. 213 of 1942, determine the contingencies that will be attached to said release; or take any action related thereto.**

(Inserted at the request of David D. Dolan and ten registered voters)

The purpose of this article is for the Town to release its interests in exterior lines (a property restriction similar to an easement) located at the corner of 54 Pleasant View Road and Spring Street. As the Board may recall, a nearly identical article relative to the same larger set of exterior lines was favorably acted upon at 2014 Town Meeting, releasing only portions of such lines relative to 55 Venner Road.

The original taking of these exterior lines was made in 1942 was for the purpose of enabling the Town to build an extension of Spring Street. As with the 2014 Town Meeting

article relative to 55 Venner Road, the original property owners here were compensated for the value of the taking at such time, but the Town never acted upon its rights to the exterior lines, a restriction which runs with the land and as such restricted future owners as well. While the proponents of this article are expected to present arguments in support of a similar decision to abandon the exterior lines at 54 Pleasant View Rd., as with the Venner Road property, the Town Manager is in negotiation with them to develop a mutually amenable agreement (subject to Town Meeting approval) to fairly compensate the Town for the value of its property interest.

**ARTICLE 60            RESOLUTION/RETURN OF PRECINCT 17 TO HIGHLAND  
FIRE STATION**

**To see if the Town will vote to request that the Board of Selectmen return the Precinct 17 Polling Place to the Highland Fire Station located at 1007 Massachusetts Avenue from its present location at the Stratton School without delay; or take any action related thereto.**

(Inserted at the request of John R. Leonard and ten registered voters)

Article 60 seeks Town Meeting's resolve to move Precinct 17's voting location back to the Highland Fire Station. I expect the Resolution's proponent, Mr. Leonard to present his reasoning to the Board at hearing. However, it must be stressed that a resolution of Town Meeting on this subject, while probative for future decisions on polling location, cannot bind the Board of Selectmen or its Office.

The duties and authorities of the Board of Selectmen relative to the establishment of precincts and designation of polling places are derived from G.L. c. 54. More specifically, c. 54 provides in relevant part, "[T]he selectmen of towns divided into voting precincts, shall, twenty days at least before the biennial state or annual or biennial city election and ten days at least before any special election of a state or city officer therein, designate the polling place for each voting precinct and cause it to be suitably fitted up and prepared therefor." G.L. c. 54 sec. 24. Such precinct locations generally should be in safe, orderly, and convenient areas of each precinct, but the Selectmen are afforded wide discretion to designate polling places, including

consolidating multiple precincts into single polling places and even placing polling locations in other towns it is deemed in the interests of the public.

It is my understanding that the Highland Fire Station was originally discontinued as a polling location due to Americans with Disabilities Act compliance concerns. Following its renovation, the Fire Department continues to hold significant, broader concerns about the efficacy and safety of using a working fire station as polling location. Further, data collected from recent elections does not suggest that voter turnout has been negatively impacted by the move from the station.