



**Town of Arlington  
Legal Department**

Douglas W. Heim  
Town Counsel

50 Pleasant Street  
Arlington, MA 02476  
Phone: 781.316.3150  
Fax: 781.316.3159  
E-mail: [dheim@town.arlington.ma.us](mailto:dheim@town.arlington.ma.us)  
Website: [www.arlingtonma.gov](http://www.arlingtonma.gov)

To: Board of Selectmen  
Cc: Adam Chapdelaine, Town Manager  
From: Douglas W. Heim, Town Counsel  
Date: April 1, 2016  
Re: Annual Town Meeting Warrant Articles ##29, 32, 33, and 58, and STM 6

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I write to provide the Board of Selectmen a summary of the above-referenced warrant articles, including the supplemental hearing of Article 29, to assist in the Board's consideration of these articles at its upcoming hearing on April 4, 2016. Given the timing of the Board's consideration of these articles, where possible, I have also included Draft Vote and Comment language for the Board's further consideration.

## 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)

As previously reported to the Board, the purpose of this article is for the Town to release its interests in exterior lines (a property restriction akin to an easement) located at the corner of 54 Pleasant View Road and Spring Street. The exterior lines are the same category of property interests the Town held on the 55 Venner Road lot previously released by Town Meeting in 2014 – an easement-like right the Town acquired to build an extension road off of Spring Street in the 1940s; a plan which was later abandoned by the Town.

At the Board's request, the Legal Department and the Department of Public Works worked to identify the extent to which these types of property rights generally encumber residential properties throughout Arlington. Unfortunately, it is not possible to develop a reliable inventory without either conducting thorough title searches on individual parcels or possessing better inventories of abandoned projects. Our best estimation is that these types of property interests, which do have incidental impacts on property use and sale are likely rare based in part on the nature and purpose of the Town's acquisition of property interests.

The Town Manager has negotiated an agreement in principle for the Town to receive consideration of \$28,000 (contingent upon Town Meeting approval) for the release of the property interest in question. The sum is based upon the amount the Town paid in 1942 for the

exterior lines adjusted for inflation plus the difference in property tax over a reasonable period of years.

Should the Board be inclined toward favorable action on this matter, a vote and comment would be as follows:

**VOTED:** The Town hereby releases the exterior lines taken by the Town of Arlington upon the real property located at the corner of 54 Pleasant View and Spring Street for the purpose of a roadway extension, 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, in exchange for the valuable consideration of \$28,000, as authorized by M.G.L. c. 40 §15.

**COMMENT:** The proposal under this article closely resembles an agreement approved at the 2014 Town Meeting to release a portion of the same type of exterior line property interests held by the Town – the right to construction of an extension roadway in the vicinity of Venner Road, Pleasant View Road, and Spring Street – acquired in the 1940s. The roadway project was later abandoned by the Town, but the restrictions on the properties affected by the defunct extension roadway remain in effect.

The proponent and the Town Manager negotiated an Agreement in Principal to provide the Town consideration of \$28,000 for the release of its property interest based upon a combination of inflation adjusted purchase price for the exterior lines and the difference in property tax revenue for a reasonable period given the property restriction's impact on same. The Board believes this a fair representation of the Town and property owner's interests and further understands that there should not be additional properties similarly affected by the exterior lines at issue.

## ARTICLE 32

## ENDORSEMENT OF CDBG APPLICATION

**To see if the Town will vote to endorse the application for Federal Fiscal Year 2017 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.**

(Inserted by the Board of Selectmen and at the request of the Town Manager)

This article presents the annual vehicle for consideration and endorsement of Community Development Block Grant expenditures. Should the Board approve the CDBG proposal, a draft vote and comment have been prepared for your review below.

**VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2017 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.**

**COMMENT:** This article represents the usual vote to endorse the annual application for Community Development Block Grant funds.

## ARTICLE 33

## REVOLVING FUNDS

**To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds or to amend the votes under any previously adopted revolving funds, to appropriate a sum of money to fund same, to determine how the money shall be raised or expended; or take any action related thereto.**

(Inserted by the Board of Selectmen)

As previously commented, this article, tabled at the March 21, 2015 Board of Selectmen meeting is a standard annual warrant article. The Board should receive proposed votes from the Comptroller. Should it be inclined to move for action under this article, the following draft vote and comment reflect the Board's usual endorsement.

**VOTED: The Town does hereby reauthorize the following Revolving Funds for  
FY 2017:**

**Private Way Repairs: Originally established under Article 46, 1992 Annual Town Meeting  
FY2017 expenditures not to exceed \$200,000**

Beginning Balance, 7/1/14	\$50,858.67
Receipts	36,856.17
Expenditures	0.00
Ending Balance, 7/1/15	\$87,714.84

**Public Way Repairs: Originally established under Article 45, 1992 Annual Town Meeting  
FY2017 expenditures not to exceed \$5,000**

Beginning Balance, 7/1/14	\$168.40
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$168.40

**Fox Library Community Center Rentals: Originally established under Article 49, 1996 Annual Town Meeting  
FY2017 expenditures not to exceed \$20,000**

Beginning Balance, 7/1/14	\$15,068.13
Receipts	2,020.00
Expenditures	314.78
Ending Balance, 7/1/15	\$16,773.35

**Robbins House Rentals: Originally established under Article 77, 1997 Annual Town Meeting  
FY2017 expenditures not to exceed \$75,000**

Beginning Balance, 7/1/14	\$31,893.61
Receipts	45,846.96
Expenditures	58,647.15
Ending Balance, 7/1/15	\$19,093.42

**Conservation Commission Fees: Originally established under Article 44, 1996 Annual Town Meeting  
FY2017 expenditures not to exceed \$10,000**

Beginning Balance, 7/1/14	\$2,742.54
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$2,742.54

**Uncle Sam Fees: Originally established under Article 31, 2000 Annual Town Meeting  
FY2017 expenditures not to exceed \$2,000**

Beginning Balance	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$1,526.31

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

Beginning Balance, 7/1/14	\$405,815.24
Receipts	670,729.13
Expenditures	529,395.91
Ending Balance, 7/1/15	\$547,148.46

**Board of Health Fees: Originally established under Article 30, 2005 Annual Town Meeting  
FY2017 expenditures not to exceed \$100,000**

Beginning Balance 7/1/14	\$65,529.70
Receipts	61,917.41
Expenditures	70,727.17
Ending Balance, 7/1/15	\$56,719.94

**Field User Fees: Originally established under Article 78, 2004 Annual Town Meeting  
FY2017 expenditures not to exceed \$80,000**

Beginning Balance, 7/1/14	\$63,848.53
Receipts	37,016.50
Expenditures	77,475.46
Ending Balance, 7/1/15	\$23,389.57

**Robbins Library Rentals: Originally established under Article 35, 2006 Annual Town Meeting  
FY2017 expenditures not to exceed \$8,000**

Beginning Balance 7/1/14	\$21,696.10
Receipts	8,300.00
Expenditures	3,409.90
Ending Balance, 7/1/15	\$26,586.20

**Town Hall Rentals: Originally established under Article 35, 2006 Annual Town Meeting  
FY2017 expenditures not to exceed \$100,000**

Beginning Balance, 7/1/14	\$14,534.54
Receipts	123,677.11
Expenditures	68,057.64
Ending Balance, 7/1/15	\$70,154.01

**White Goods Recycling Fees: Originally established under Article 35, 2006 Annual Town Meeting  
FY2017 expenditures not to exceed \$80,000**

Beginning Balance, 7/1/14	\$45,109.39
Receipts	23,568.77
Expenditures	11,272.24
Ending Balance, 7/1/15	\$57,405.92

**Library Vending Fees: Originally established under Article 34, 2009 Annual Town Meeting  
FY2017 expenditures not to exceed \$25,000**

Beginning Balance, 7/1/14	\$4,873.93
Receipts	10,115.50
Expenditures	10,244.55
Ending Balance, 7/1/15	\$4,744.88

**Gibbs School Energy Fees: Originally established under Article 45, 2010 Annual Town Meeting  
FY2017 expenditures not to exceed \$120,000**

Beginning Balance, 7/1/14	\$36,459.27
Receipts	104,728.67
Expenditures	107,017.08
Ending Balance, 7/1/15	\$34,170.86

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

Beginning Balance, 7/1/14	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance, 7/1/15	\$0.00

**Council On Aging Program Fees: Originally established under Article 28, 2013 Annual Town Meeting Expenditures not to exceed \$25,000**

Beginning Balance, 7/1/14	\$4,320.94
Receipts	12,722.56
Expenditures	12,472.15
Ending Balance, 7/1/15	\$4,571.35

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

**ARTICLE 58 RESOLUTION/COMMUNITY PRESERVATION PLAN**

**To see if the Town will accept, receive, or resolve to endorse the Community Preservation Plan adopted by the Community Preservation Committee; or take any action related thereto.**

(Inserted at the request of the Community Preservation Committee)

As the Board will recall, following the adoption of the Community Preservation Act (“CPA”), 2015 Town Meeting created Arlington’s Community Preservation Committee (“CPC”). As part of its duties, the CPC is required to develop a Community Preservation Plan, presently in draft form. It is my understanding that the CPC intends to present their Plan to Town Meeting to garner its endorsement, similar to last year’s presentation of the Master Plan.



## STM ARTICLE 6

## MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL: BOND AUTHORIZATION FOR MINUTEMAN SCHOOL CONSTRUCTION

**To see if the Town will vote to approve debt authorized by vote of the Minuteman Regional Vocational Technical School District for the purpose of paying Arlington's apportioned capital costs for the construction of a new Regional Vocational Technical School building in Lincoln Massachusetts, the design for which having been approved by the Regional School Committee, said sum to be expended at the direction of the Minuteman School Building Committee; or take any action related thereto.**

(Inserted at the request of the Town Manager)

This article was inserted in the Special Town Meeting Warrant at the request of the Town Manager to allow Town Meeting to vote on whether or not it will authorize bonding requested by the Minuteman Regional Vocational Technical School (hereinafter "Minuteman") for the purposes of a capital construction project to build a new school under M.G.L. c. 71 §16(d) via letter to member communities on March 16, 2016.

It is my understanding that this matter remains under active discussion and that a vote on this article is not yet ripe. However, for the Board's information, permit me to highlight the following:

1. The New Minuteman Regional Agreement was approved by DESE and is now in effect with two caveats. First, certain provisions, including the methodology for calculation of capital costs are, by the language of the agreement, operative starting on July 1, 2016. Second, even though the amended agreement allowed for withdraw of certain member communities from the Agreement, their effective exit date is July 1, 2017.
2. Under the New Regional Agreement, Minuteman is required to seek authorization for incurring debt under M.G.L. c. 71 §16(d), before pursuing a member community wide ballot question to approve debt under c. 71 §16(n). Under §16(d), if any one community votes against incurring debt at its Town Meeting, the measure fails and a ballot question presents Minuteman's only means of authorizing debt to be incurred by its members.

3. Under §16(n) only a simple majority of Minuteman member community voters approving debt at the ballot is required.
4. However, should a ballot question pass in the Minuteman member community-wide bally, but *also be rejected by the majority of voters in Arlington*, the Town *may* insulate itself from such debt by promptly sending a notice of withdrawal from the Minuteman Regional School District consistent with the process outlined in the New Regional Agreement.