



**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: Select Board

Cc: Adam Chapdelaine, Town Manager

From: Douglas W. Heim, Town Counsel

Date: October 18, 2018

Re: Special Town Meeting Warrant Articles ##3, 4, 5, and 6

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I write to provide the Select Board a summary of the above-referenced warrant articles to assist in the Board's consideration of these articles at its upcoming hearing on October 22, 2018. Given the timing of the Board's consideration of these articles, where possible, I have also included Draft Vote language for the Board's further consideration.

### **ARTICLE 3**

### **ACCEPTANCE/ LOCAL OPTION: RECREATIONAL MARIJUANA EXCISE TAX**

To see if the Town will vote to accept M.G.L. c. 64N Section 3, as recently amended by Section 13 of Chapter 55 of the Acts of 2017, and impose a local sales tax upon the sale of recreational marijuana originating within the Town by a vendor at a rate of up to 3% of the gross receipts of the vendor from the sale of recreational marijuana, marijuana products, and marijuana edibles, said excise to take effect on the first day of the calendar quarter commencing at least thirty days after such vote of Town Meeting; or take any action related thereto.

(Inserted at the request of the Town Manager)

This article invites Special Town Meeting to accept G.L. c. 64N, § 3, allowing the Town to impose a local excise on the retail sale of marijuana for adult use (recreational marijuana). The Town may set the excise tax rate any level up to and including 3 %. The Town may also accept the local excise tax at one level, and amend it later to increase (up to 3 %) or decrease the rate. Acceptance of the excise tax does not at present exclude a local excise pursuant to a host agreement, but the shifting and somewhat unpredictable landscape of marijuana regulation in the Commonwealth should be kept in mind in terms of the long term requirements of host agreements.

An acceptance of the local excise on retail sales becomes operative on the first day of the next calendar quarter after an affirmative vote, provided that date is at least thirty (30) days after the vote to accept the option. Otherwise, the excise becomes operative on the first day of the second quarter after the vote. The Town may make the acceptance operative at the start of a later quarter at its discretion.

With respect to the merits of the option, I expect that other Town officials may weigh in on the potential financial benefits of adopting the option (especially the Finance Committee) both independently and before the Select Board at hearing. However, if the Board is inclined to recommend favorable action to Town Meeting, a vote would be as follows:

*VOTED: That the Town of Arlington accept G.L. c. 64N, § 3 to impose an excise on the retail sales of marijuana for adult use at the rate of [REDACTED] percent.*

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**ARTICLE 4                      BYLAW      AMENDMENT/      LGBTQIA+      RAINBOW  
COMMISSION MEMBERSHIP**

To see if the Town will vote to amend Title II, Article 13 of the Town Bylaws by changing the number of members appointed to the Rainbow Commission from seven to between seven and nine; to specify the length of their terms as well as the manner of such appointments and reappointments; and/or to set forth the quorum requirements for the Commission; or take any action related thereto.

(Inserted at the request of the Town Manager & the LGBTQIA+ Rainbow Commission)

This article was submitted at the request of the LGBTQIA+ Rainbow Commission ("Rainbow Commission), and I expect that a representative of the Commission will speak at hearing as to the need for the option of expanded membership. If the Board is inclined to recommend favorable action to Town Meeting, a model vote to achieve same would start with the following:

VOTED: That Title II, Article 13 Section 2 of the Town bylaw be and is hereby amended as follows:

*Section 2. Membership*

*The Commission shall consist of seven (7) to nine (9) members, six (6) to eight (8) of which are to be appointed by the Town Manager subject to the approval of the Board of Selectmen, and one (1) of which shall be appointed by the School Committee. Members shall be appointed to the following initial terms:*

*Two (2) members to a one-year term, two (2) members for two-year terms, and three (3) members for three-year terms, as determined appropriate by the Town Manager and School Committee. All subsequent terms shall be for three years.*

*The Manager may, by the majority vote of the Rainbow Commission, may appoint up to two additional registered voters of the town for a total of eight (8). Additional members*

appointed pursuant to this section shall serve a single three-year term unless the majority vote of the Commission requests reappointment.

## **ARTICLE 5**

## **BYLAW AMENDMENT/CERTAIN PERSONNEL**

To see if the Town Meeting will vote to amend Title I of the Town Bylaws for all Articles that include the Treasurer & Collector of Taxes, Comptroller or Town Clerk to reflect approved and pending changes to the appointment of those offices, or take any action related thereto .

(Inserted at the request of the Town Manager)

This article was submitted at the suggestion of the former Town Treasurer Mr. Dean Carmen to harmonize Title I of the Town Bylaw with recent and pending changes to financial offices of the Town, including converting the Treasurer to an appointed office, altering the appointment and oversight of the Town Comptroller, and amending the Town Manager Act to create a Municipal Finance Department. For example, Title I, Article 4 generally grants the Treasurer powers and autonomy consistent with an elected position rather than an appointed position, including the process for appointing an Assistant Treasurer under Article 4, Section 5. Similarly, provisions within Title I, Article 6 Sec 9 afford the Treasurer and Clerk similar authorities with respect to personnel despite the fact that the Treasurer will soon be more firmly under the purview of the Finance Department. This Office in conjunction with the Manager's Office will report further on potential worthwhile changes at hearing.

**ARTICLE 6**

**ENDORSEMENT/ THE JOHN J. BILAFER ARLINGTON  
CITIZENS' SCHOLARSHIP FUND – DOLLARS FOR  
SCHOLARS**

To see if the Town Meeting will form a committee to review Title II, Article 1 of the Town Bylaws, “The John J. Bilafer Arlington Citizens’ Scholarship Fund – Dollars for Scholars,” and make recommendations to the 2019 Annual Town Meeting; or take any action related thereto.

(Inserted at the request of the Town Manager)

This article was also submitted at the suggestion of the former Town Treasurer Mr. Dean Carmen. It is my understanding that administration of Title II, Article 1 of the Town Bylaws, “The The John J. Bilafer Arlington Citizens' Scholarship Fund- Dollars For Scholars” has presented administrative challenges for some time. It seeks the Board’s endorsement to form a committee to examine the program and the bylaw to make its administration a more efficient and effective enterprise.