



**Town of Arlington  
Legal Department**

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To: Select Board

Cc: Adam Chapdelaine, Town Manager

From: Douglas W. Heim, Town Counsel

Date: January 18, 2019

Re: Potential 2019 Annual Town Meeting Warrant Articles

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I write to provide the Select Board potential warrant article language for inclusion on the 2019 Annual Town Meeting Warrant.

**ARTICLE \_\_\_\_\_ VOTE/AUTHORIZATION TO DEACCESSION TOWN  
PROPERTY – LIBRARY ART PRINTS**

**To see if the Town will vote to authorize the Library Board of Trustees and the Town to deaccession and/or dispose of by sale, donation, or other means, the Robbins Art Print Collection.**

This article is requested by the Library Board of Trustees to sell, donate, or otherwise dispose of the entirety of the Robbins Art Print Collection. In brief, the Robbins family donated substantial volumes of prints to the Library over many years along with several sizeable trusts to increase and care for the Collection. However, the Collection was and is so voluminous (more than 150,000 prints) that it has never been entirely catalogued. Moreover, several appraisals,

including the most recent and most comprehensive appraisal ever performed (by the Childs Gallery of Boston), corroborates concerns library staff and trustees have expressed over nearly a century. The overwhelming majority of the collection has no fine art or monetary value, consisting primarily of print portraits of European subjects. Those pieces that have fine art value are rapidly declining in same (the overall Collection is -%25 percent since 2001).

More importantly, from the start the Library has noted limited capacity or mission identity to properly care for and showcase the prints; periodically expressing frustration with the scope of the collection and its management. The trust funds supporting the prints have more monetary value than the collection itself by a significant margin. Yet those funds are simultaneously unlikely to be sufficient develop the space, maintenance, and programming of an art museum, which would be necessary to display even a fraction of the prints.

Accordingly, the Library Board of Trustees voted to pursue deaccession the collection, which requires the approval of Town Meeting. They seek your support by placing this article on the 2019 Annual Town Meeting Warrant alongside them.

#### **ARTICLE \_\_\_\_\_ VOTE/SET SENIOR TAX DEFERRAL LIMIT**

**To see if the Town will vote to set a Senior Property Tax Deferral Limit consistent with Chapter 312 of the Acts of 2018, or take any action related thereto.**

As the Board will recall, you placed an article on the 2018 Annual Town Meeting Warrant which ultimately yielded special legislation authorizing the Town to extend tax deferral benefits to qualifying seniors with gross receipts over \$57,000 (the State's default limit). Such legislation, Chapter 312 of the Acts of 2018, requires the Select Board and Town Meeting both to vote to approve the maximum income level of qualifying seniors (within a cap set by the Commissioner of Revenue). As such, consistent with its commitment to mitigating the tax burden of Arlington home owning senior on limited incomes the Board should take the lead on this article.

**ARTICLE \_\_\_\_\_**

**LOCAL OPTION/SHORT TERM RENTAL IMPACT FEES**

**To see if the Town will vote to adopt a local option “community impact” fee for short-term rentals of residential or commercial properties pursuant to G.L. c. 64G sec. 3D(a); and/or also adopt a second local “community impact” fee for short-term rentals pursuant G.L. c. 64G sec. 3D(b); or take any action related thereto.**

Recent legislation signed by the Governor, “An Act Regulating and Insuring Short-Term Rentals” codified as G.L. c. 64G, affords cities and towns additional options for regulating and addressing the impacts of short-term rentals (houses, condominiums, etc. where at least one room or one unit is rented out for less than 31 days via an advanced reservation system such as “Airbnb” or “VRBO”). c. 64G affords two separate local option “community impact” fees assessed to short-term rentals for those communities which have already adopted a local room occupancy excise tax (which now applies to short-term rentals per the Act).

Given that Arlington has already adopted the room excise option, it may now vote to adopt one or both of the “community impact” fee options for short-term rentals. These community impact fees are directly paid to cities and towns. The differing fee options relate to the type of short-term rentals covered by the impact fee – first, units in apartment buildings, and second, units in one, two, or three family homes.

**ARTICLE \_\_\_\_\_**

**BYLAW AMENDMENT/SHORT-TERM RENTAL REGULATIONS**

**To see if the Town will vote to amend the Town Bylaws to require registration, inspection, and other regulations governing the operation of short-term rentals as defined by c. 64G in Arlington; or take any action related thereto.**

As previously noted, “An Act Regulating and Insuring Short-Term Rentals” authorizes and invites cities and towns to develop ordinances to register and regulate Airbnb-style rentals on a local level. The Planning Department is presently working to identify what regulations might be helpful in Arlington, but at a minimum, registration would improve the Town’s ability to understand the benefits and challenges associated with short-term rental units throughout Town, as well as ensure certain health and safety standards are met.

**ARTICLE \_\_\_\_\_ BYLAW AMENDMENT/WATER LINE REPLACEMENT**

**To see if the Town will vote to amend the Town Bylaws to require inspection, and as needed, repair or replacement of residential and commercial water connections prior to the sale of any privately owned property within the Town of Arlington; or take any action related thereto.**

This article aims to require residential and commercial connections to the Town-maintained water mains be inspected and as necessary, repaired or replaced prior to closing on any privately owned property in Town. The Director of Public Works reports that significant water leaks remain throughout Town, often despite water main replacements because many water lines from homes and businesses connecting to such mains are in disrepair. Further, many old waterline connections are fitted with lead pipes, which should also be replaced as property's change ownership. As such, a bylaw requiring water line inspections and replacements at the time of sale would conserve water, address water costs associated with leaks, and replace environmentally disadvantageous materials, hopefully at a time when homeowners will have additional financial resources to make any necessary repairs or replacements.

**ARTICLE \_\_\_\_\_ RESOLUTION/ VOTING ACCESS**

**To see if the Town will resolve to increase voting access throughout the Town by exploring and encouraging the adoption of all available, legal measures to enhance voting opportunities for State and Town elections, or take any action related thereto**

This potential article overlaps to a degree with an expected registered voter article seeking to examine how the Town may consistently identify and take advantage of all opportunities for early voting, and otherwise expand and ease Arlington residents' access to the polls in State and local elections.

**ARTICLE \_\_\_\_\_ RESOLUTION/ INDIGENOUS PERSONS DAY**

**To see if the Town will vote to adopt a resolution to celebrate "Indigenous People's Day" on the Second Monday in October in lieu of Columbus Day, and take further action to educate the Town of indigenous persons' history, culture, and contributions to our nation and community; or take any action related thereto.**

The foregoing is a placeholder article for your consideration as the Arlington Human Rights Commission finalizes its language for an article aimed at resolving to celebrate Indigenous Persons to the United States, their cultures, history, and contributions to our community and nation on the state and federal holiday known as Columbus Day. I expect further information from the Human Rights Commission shall be forthcoming.

**ARTICLE \_\_\_\_\_ HOME RULE LEGISLATION/TOWN TREASURER**

**To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to update the Town Manager Act to reflect the transition of the Treasurer's Office from an elected to appointed position; or take any action related thereto.**

This article would allow the Town to update its Town Manager Act to be consistent with the vote to convert the Treasurer to an appointed position and our updated Town bylaws, which will reflect such changes.

**ARTICLE \_\_\_\_\_ HOME RULE LEGISLATION/MEANS-TESTED SENIOR TAX RELIEF**

**To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would establish a locally controlled, means-tested senior citizen property tax exemption, known as a local option "circuit breaker" program; or take any action related thereto.**

Consistent with this Board's efforts to reduce the tax burden on Arlington's senior residents, this proposed article would establish a local means-tested "circuit breaker" tax relief program, modeled on the pilot program forwarded by the Town of Sudbury. The Sudbury model is summarized as follows:

- Town residents over 65 years of age;
- Residing in Arlington for more than 10 years;
- Who own homes worth less than the median assessed value in Arlington; and
- Have incomes less than the State "circuit breaker" ceiling (\$57,000 for singles, and \$86,000 for couples);
- May apply to have their property tax not exceed 10 % of total income.

The model special legislation requires acceptance of the program via town-wide ballot question before implementation, includes a revocation mechanism, and includes an automatic sunset provision, absent an affirmative action to extend the program.