

**TOWN OF ARLINGTON
MASSACHUSETTS**

**REPORT OF THE
SELECT BOARD**



**TO THE
TOWN MEETING
MONDAY APRIL 22, 2019
SPECIAL TOWN MEETING
MONDAY APRIL 29, 2019**

8:00 P.M.

INTRODUCTION

[*INSERT NARRATIVE*]

Please note that where necessary for clarity, new or additional language in an amended Town Bylaw has been underlined, while removed language is denoted by strikethrough.

VOTED: That the Town does and hereby amends Title V, Article 1 (Billboards and Signs) by deleting Sections 1 and 2 in their entirety with the exception of Section 1(J), renaming the article “The Display of Notices,” and renumbering the bylaw so as to read in its entirety as follows:

ARTICLE 1: ~~Billboards and Signs~~ The Display of Notices

Section 1. Restrictions on Use

~~No person, firm, association, or corporation shall erect, display, or maintain, within the limits of the Town, a billboard, sign, or other outdoor advertising device, unless it meets the following requirements or unless it was approved by the Massachusetts Outdoor Advertising Board under Section 30 and 32 of Chapter 93 of the General Laws, or by any amendments or additions thereto, in which case any such sign, billboard, or other outdoor advertising device shall comply with the requirements of this Section (1) one by January 1, 1973:~~

- ~~A. Within fifty (50) feet of any public way;~~
- ~~B. Within three hundred (300) feet of any public park, playground or other public grounds, if within view of any portion of the same;~~
- ~~C. Nearer than fifty (50) feet to any other such billboard, sign or other advertising device, unless said billboards, signs or other advertising devices are placed back to back;~~
- ~~D. On any location at the corner of any public way and with a radius of one hundred and fifty (150) feet from the point where the center lines of such ways intersect;~~
- ~~E. Nearer than one hundred (100) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight (8) feet or a height of four (4) feet;~~
- ~~F. Nearer than three hundred (300) feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of twenty-five (25) feet or a height of twelve (12) feet;~~
- ~~G. In any event if such billboard, sign or other advertising device shall exceed a length of fifty (50) feet or a height of twelve (12) feet; except that the Selectmen may permit the erection of billboards, signs or other advertising devices which do not exceed forty (40) feet in length and fifteen (15) feet in height if not nearer than three hundred (300) feet to the boundary line of any public way.~~
- ~~H. No billboard, sign, or other advertising device shall be erected, displayed or maintained in any residence district or in any block in which one-half or more of the buildings on both sides of the street are used partially or wholly for residential purposes, or in any Planned Unit Development district.~~
- ~~I. No billboard, sign, or other advertising device shall be erected, displayed or maintained until a license has been issued by the Board of Selectmen. Upon receipt of an application for a license to erect, display or maintain a billboard within the limits of the Town, the Selectmen shall hold a public hearing on said application in~~

~~the Town, notice of which shall be given by posting the same in three or more public places in said Town at least one week before the date of such hearing, or by publication in a local newspaper of general circulation in the Town at least one week before the date of the public hearing. A written statement as to the results thereof shall be forwarded to the applicant containing, in the event of a disapproval of such application, the reasons therefor, within thirty days from the date of submission of the application to the Selectmen.~~

- J. Signs erected by a person, town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet are hereby referred to as “notices” and are ~~exempt from the provisions of this article of the Town Bylaws~~ subject to Select Board regulations of “The Display of Notices” ~~to be promptly promulgated by the Select Board. upon the passage of this section.~~

~~Section 2. Signs Related to Premises~~

~~This By-Law shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter.~~

Section 32. Fines for Violations

Whoever violates any of the provisions of this By-Law shall be punished by a fine of not more than one hundred dollars (\$100), and whoever, after conviction for such violation unlawfully maintains such billboard, sign or other outdoor advertising device for twenty (20) days thereafter shall be punished by a fine of not more than five hundred dollars (\$500).

Section 43. Severability Clause

If any provision of this By-Law is declared unconstitutional or illegal by final judgment, order or decree of the Supreme judicial Court of the Commonwealth, the validity of the remaining provisions of this By-Law shall not be affected thereby.

(5 – 0)*

COMMENT: The Select Board requests Town Meeting’s support for this article *contingent upon the successful passage of Article 17*, which comprehensively reforms the Zoning Bylaw’s sign regulations. Both Article 17 and this Article are the products of a 2-year study of our Town’s sign regulations, much of which are out of date with constitutional law, especially with respect to the regulation of non-commercial signage. Among the suite of recommendations to revise our sign regulations to meet present needs and improve our processes, this proposal eliminates a Town bylaw which is largely redundant with sign reviews conducted by the Zoning Enforcement Officer, the Zoning Board of Appeals and the ARB. The Select Board shall

continue to regulated so-called “notices” – temporary flyers advertising one-time yard sales, lost pets, and public events because they are predominantly posted in the public way (on light poles, medians, etc), which is controlled by the Board.

Given the comprehensive nature of the sign regulation reforms before Town Meeting, should Article 17 fail to pass at Town Meeting, the Board will respectfully request no action on this article.

ARTICLE 27

BYLAW AMENDMENT/TOWN MEETING SPEAKING TIMES

VOTED: That Title I, Article 1 (Town Meetings), Section 7(C) “Time Limits” be and hereby is amended by striking the word “seven” in the first paragraph and replacing it with “five;” and further striking the word “five” in the second paragraph and replacing it with the word “three,” so as to read as follows:

C. Time Limits

No person shall speak, or otherwise hold the floor, for the first time on any subject for more than ~~seven~~ five minutes, unless, prior to beginning his or her presentation, the person requests of the Town Meeting a specific extension of time, and the request is granted by a majority vote of the Town Meeting members present and voting.

No person shall speak, or otherwise hold the floor, for a second time on any subject for more than ~~five~~ three minutes.

(4 –1)

Mr. Hurd voted in the negative.

COMMENT: The Select Board acknowledges and respects that the main motion belongs to the Town Meeting Procedures Committee, which urges a vote of no action on the instant article. The majority of the Board respectfully disagrees with such position and requests Town Meeting’s support for a substitute motion to the effect of the foregoing. In brief, the Select Board believes that reducing default Town Meeting speaking time limits will not only improve the efficiency of the proceedings, but encourage more residents to seek office and participate. Further, the Select Board is confident that the Moderator and Meeting members will grant extensions of time for constructive comments and questions on worthy subjects.

ARTICLE 28

BYLAW AMENDMENT/RECYCLING COMMITTEE MEMBERSHIP AND MISSION

VOTED: That Title II, Article 7 of the Town Bylaws, “Recycling Committee” be and hereby is amended to expand the number of registered voter members appointed by the Moderator from eight to ten for a total of eleven members in Section 1:

Membership; and further by revising the scope of solid waste management activities addressed by the Committee in Section 2: Purpose and Mission; and further by striking Section 3. Cost Effectiveness in its entirety; and further to rename the Recycling Committee consistent with its revised mission, so as to read in full as follows:

ARTICLE 7: RECYCLING COMMITTEE – ZERO WASTE ARLINGTON COMMITTEE

Section 1. Membership

ART. 27, A.T.M., 5/1/95

There shall be an Arlington Reeyeling Zero Waste Arlington Committee (“ZWA”) to be appointed by the Moderator. The committee shall consist of 9 11 persons; ~~The committee shall consist of the~~ Town Manager or their designee, and ~~8- 10~~ members to be selected from the registered voters of the town. ~~The terms of appointment to the committee initially shall be 3 members appointed for 3 years, 3 members appointed for 2 years, and 3 members appointed for 1 year.~~ All appointments and reappointments upon the expiration of the original term of appointment shall be for 3 years. Members shall serve until their successors are appointed and qualified.

Section 2. Purpose and Mission

~~The mission of the Reeyeling Committee is to advise the Town of opportunities to improve and expand recycling in the Town, to educate and advocate recycling, source reduction, and reuse of waste, to the citizens, offices and businesses of the Town, and to conduct research and programs to increase participation in recycling, composting, and proper disposal of waste.~~

~~Among other actions, the Reeyeling Committee should monitor the activity of the trash and recycling contractor and report any problem areas to the Director of Public Works, monitor collection of white paper in the Town for recycling, manage collections of household hazardous waste and inform residents of non-toxic alternatives to hazardous substances, and publicize the benefits of and opportunities for recycling and composting of waste in Arlington.~~

The mission of ZWA is to foster greater participation in all forms of waste reduction to improve health and restore the environment. ZWA shall conduct outreach efforts, to help the Town reduce generation of waste overall, while increasing the options for, and quality of, recycling.

Zero Waste Arlington (ZWA) shall advise the Town and advocate for policies which align with Massachusetts’ goals for municipal solid waste reduction, includes

responding both to advances in recycled material sorting technologies, and to changes in market demand for recovered materials.

ZWA shall also provide education and support at all levels within the community to create, implement, and promote programs that drive down the need for solid waste disposal via landfill or incineration. Such programs shall include, but not being limited to increasing diversion of organics, reducing plasticware retail sale and distribution, creating awareness about excessive consumer packaging, minimizing recycling contamination, teaching repair and repurpose, and encouraging community swapping and sharing practices.

Section 3. Cost Effectiveness

~~In carrying out this mission, the Committee shall ensure that its recommendations are cost effective (or will become cost effective with sufficient participation), or are necessary to comply with state and federal regulations.~~

(5 – 0)

COMMENT: The Select Board requests Town Meeting’s support for the substantive and administrative changes proposed by the Town’s Recycling Committee to rebrand itself as the “Zero Waste Arlington Committee” and expand their work to more comprehensive and current waste reduction strategies. The Committee was initially formed in 1994 and has enjoyed great success in reducing waste and providing highly utilized recycling programs and services. However, as waste reduction, reuse, and recycling issues are changing, so too must our chief committee charged with advising the Town of appropriate strategies related thereto. Furthermore, expanded interest in the Committee’s activities invites an expansion in membership. By offering two additional seats on the committee we can better take advantage of the increasing number of skilled volunteers available to help tackle the Town’s waste challenges.

ARTICLE 29 BYLAW AMENDMENT/REGULATION OF POLYSTYRENE

VOTED: That Title VIII (Public Health and Safety) be and hereby is amended by adding a new “Article 10: Polystyrene Reduction” to read as follows:

Section 1. Purpose and Intent

The use and disposal of polystyrene has significant impacts on our Town and our environment, including:

- A. Harm to aquatic life when ingested;
- B. Pollution of waterways;

- C. Human health risks from potential exposure to chemicals leaching from polystyrene food containers and consumption of aquatic wildlife that contains polystyrene microplastics;
- D. Limited recycling options for polystyrene containers and other polystyrene products.

With the goal of protecting the health of residents and our natural resources, consistent with the Town Goals adopted by Town Meeting in 1993, and given that inexpensive, safe alternatives to polystyrene are easily obtained, the Town will phase out the use of certain polystyrene plastics by January 1, 2020.

Section 2. Definitions

- A. “Department” shall mean the Arlington Department of Health and Human Services.
- B. “Director” shall mean the Director of Health and Human Services.
- C. “Food Establishments” shall mean any operations that store, prepare, package, serve, vend or otherwise provide food for human consumption, including, but not limited to, restaurants, mobile food vendors, caterers, residential kitchen operators, schools, farmers markets, and public venues. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for the purpose of this bylaw.
- D. “Polystyrene” shall mean and includes:

(1) blown polystyrene and expanded and extruded foams (sometimes called "Styrofoam," a Dow Chemical Co. trademarked form of insulation) also referred to as expanded polystyrene (EPS), which is herein referenced in this bylaw as "Foam Polystyrene." Foam Polystyrene is generally used to make opaque cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons; and

(2) clear or solid polystyrene, which is also known as “oriented,” which is herein referenced in this bylaw as “Rigid Polystyrene.” Rigid Polystyrene is generally used to make clear clamshell containers, and clear or colored cups, plates, straws, lids and utensils.

Polystyrene may be labeled with the recycling number “6” or “PS 6”.

- E. “Polystyrene Disposable Food Services Containers” shall mean single-use disposable products used for serving, consuming, or transporting food or beverages, including, but not limited to, take-out foods or leftovers from partially consumed meals prepared by a restaurant or other food establishment. This includes but is not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery. It shall also

include single-use disposable packaging for uncooked foods prepared on the premises, as well as disposable catering trays.

F. "Public Venues" shall mean operations including, but not limited to, meeting halls, churches, Town offices, the Senior Center, Recreation Department facilities, libraries, and public schools operating in Arlington.

G. "Retail Establishments" shall mean any commercial business facility, whether for-profit or not-for-profit, that sells goods directly to consumers including, but not limited to, grocery stores, pharmacies, liquor stores, convenience stores, theaters, and all other retail stores.

Section 3. Use Regulations

A. Food Establishments: Effective January 1, 2020, food establishments shall be prohibited from using, distributing, or selling polystyrene disposable food service containers made from foam or rigid polystyrene, or polystyrene cutlery or other polystyrene single use disposable products within the Town of Arlington.

B. Retail Establishments: Effective January 1, 2020, retail establishments shall be prohibited from selling or distributing polystyrene disposable food service containers made from foam polystyrene within the Town of Arlington.

C. Exemptions: This bylaw shall not apply to:

1. Polystyrene foam packaging peanuts;
2. Prepackaged meat and produce trays, egg cartons, and other food or beverage products bought from or packaged by any supplier located outside of Arlington;
or
3. Polystyrene foam freezer chests.

Section 4. Penalties and Enforcement

A. Each food establishment or retail establishment, as defined in Section 2, located in the Town shall comply with this bylaw.

1. If it is determined that a violation has occurred, the Director, or his or her designee in the Department, shall first issue a "warning notice" to the food establishment or retail establishment for a first time violation.
2. If after 14 days from receipt of the warning notice, the food establishment or retail establishment continues to violate this bylaw or commits a second violation, the Director shall issue a notice of violation and shall impose a penalty

against the food establishment or retail establishment.

3. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

(i) \$50 for the first offense;

(ii) \$100 for the second offense;

(iii) \$150 for the third and all subsequent offenses.

4. No more than one penalty shall be imposed upon a food establishment or retail establishment within a seven calendar day period.

5. A food establishment or retail establishment shall have 15 calendar days after the date that a notice of violation is issued to pay the penalty or request a hearing in writing to the Director.

B. The Director may promulgate additional guidelines and regulations necessary for the effective enforcement of this bylaw, consistent with the foregoing.

Section 5. Waivers

In the event that compliance with the effective date of this bylaw is not feasible for a food establishment or retail establishment because of either unavailability of alternative containers or products or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or owner's representative. The Director may provide one additional six-month waiver upon showing of continued infeasibility or hardship, as set forth above.

Section 6. Severability

The provisions of this bylaw are severable; and if any of the provisions of this bylaw shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(5 – 0)

COMMENT: The Select Board urges Town Meeting to vote in support of this measure to join communities such as Andover, Brookline, Cambridge, Concord, and Wayland in prohibiting the use of a limited class of polystyrene products at food and retail establishments – specifically a limited kind of plastic food service containers, cutlery, and packaging materials. These products pose risks to human health and the environment, are difficult to recycle, and have cost-effective readily available alternatives.

The Board emphasizes that only plastics bearing recycling number 6 (primarily single-use plastics) would be covered by this prohibition, and a variety of exceptions are woven into the bylaw such as exceptions for polystyrene coolers and food products which come to grocery

stores and other retailers in pre-packaged in polystyrene containers. Furthermore, Arlington residents will be able to purchase polystyrene products online or outside of Arlington, and the cost difference for products purchased within Arlington should have minimal impact on consumers.

Finally, this well-researched proposal is modeled after a successful plastic bag reduction bylaw passed by Town Meeting in 2017. As such, it includes advanced notice to retailers and establishments, graduated penalties, and a temporary waiver system for appropriate businesses.

ARTICLE 30 BYLAW AMENDMENT/WATERLINE REPLACEMENT

VOTED: That the Town does and hereby amends Title VI of the Town Bylaws (“Building Regulations”) to add a new Article 10 “Waterline Inspection & Replacement”

ARTICLE 10: WATERLINE INSPECTION & REPLACEMENT

Section 1: Purpose

The purpose of this bylaw is to prevent the loss of Town water due to degraded and/or damaged privately-owned waterlines which connect residential, commercial, and industrial premises to Town-owned water mains. The loss of water through seepage wastes natural resources and increases the water service costs borne collectively by the Town and its residents.

Section 2: Waterline Inspection and Working Order Compliance

- A. **No person shall cause or permit the transfer of any residential, commercial or industrial real property served by Town water mains without first obtaining from the Town Engineer a certificate of compliance that such premises are properly connected to the Town water main at the curbstop valve and there are no conditions which allow for loss of water between the curbstop valve and the connection to homes or commercial or industrial buildings; except this bylaw shall not apply to those properties outlined in Section 4 below.**
- B. **Any person intending to transfer real property served by Town water mains shall request a certificate of compliance from the Town Engineer, providing the Town Engineer a report from a licensed plumber or drainlayer (or other professional licensed to inspect and install water or sewer connections deemed appropriate by the Town Engineer) that demonstrates the good and working order the waterline connecting to the Town curbstop valve.**

- 1. Newly constructed buildings, buildings erected within 20 years of the date of the property transfer, or any properties in which owners can demonstrate to the**

Town Engineer that the waterline is composed of copper and/or has been replaced within the last 20 years shall be presumed to be compliant.

2. The Town Engineer may conduct a Town inspection of the waterline if the Engineer determines further examination is necessary to effectuate the purposes of this bylaw.
3. The Town Engineer shall issue a certificate of compliance or a determination of non-compliance within 14 days of receipt of the report required by Section 2(b) of this bylaw.
4. Non-compliant waterlines in need of replacement or major repair shall also replace any existing lead connections regardless of the condition of such connections.

Section 3. Escrow and Condominium Alternatives for Non-compliant Properties

- A. Any person who wishes to transfer real property subject to this bylaw which has been determined to be non-compliant by the Town Engineer may alternatively hold in escrow an amount sufficient to cover the costs of the water line repair or replacement necessary to bring the property into compliance for up to six months. To do so, an otherwise non-compliant transferor must file a statement from the real estate closing agent that 110% of the cost of repair or replacement shall be held in an escrow account for up to six months until the Town issues a certificate of compliance.
 1. The escrow amount shall be based upon a detailed estimate by a licensed plumber or drainlayer, or other professional licensed to inspect and install water or sewer connections deemed appropriate by the Town Engineer.
- B. Any condominium unit owner subject to this bylaw who can demonstrate that their condominium association is unable or unwilling to replace or repair a non-compliant waterline may satisfy the requirements of this bylaw by placing their proportionate share of a reasonable estimate of the cost waterline repair or replacement into their Condo Association's common account reserved for such uses.

Section 4 Applicability & Hardship Waiver

- A. This bylaw shall apply to transfer of real property regardless of the price paid for such transfer, except that it shall not apply to the transfer of real estate between immediately family members, including, but not limited to spouses for nominal consideration.

B. This bylaw shall not apply to those buildings not connected to Town water

C. The requirements of this bylaw may be waived at the discretion of the Select Board upon a showing of economic hardship by a transferor only where it is also demonstrated that the cost of repair or replacement of a waterline would exceed 1 percent of the sale price of the property at issue.

Section 5. Penalties

Persons found in violation of this bylaw shall be subject to a fine of \$300 for each day of non-compliance from the date of the sale or transfer of subject real property until waterlines are certified as compliant by the Town Engineer.

Section 6. Rules and Regulations

The Select Board shall promulgate rules and regulations necessary for the implementation and enforcement of this bylaw.

(3 – 2)

Mr. Hurd and Mr. Dunn voted in the negative.

COMMENT: The majority of the Select Board supports the establishment of a new bylaw to ensure that privately-owned corroded waterlines connecting buildings to Town-owned water mains (at the curbstop valve) are not leaching water through badly cracked and rusted pipes, and therefore both wasting a natural resources and increasing water costs for the Town and its residents.

The Board is sensitive to concerns about costs, and recommends this action in part because it is triggered only by the transfer of real estate, structured to flexibly provide for replacement of waterlines with the proceeds from a home sale if necessary, and contains a mechanism to facilitate individual condo unit owners paying their share of a future repair in the event an association is not able or ready to bear the replacement costs. Further, the Board is informed by the Director of Public Works that costs of inspection of waterlines should be modest for the majority of residents and business owners because licensed plumbers and drainlayers will be able to quickly identify copper waterlines far less likely to pose any problem. Copper pipes and other modern materials will be presumed to be compliant. The pipes that will require greater inspection meanwhile are those which are mostly likely to require service. Moreover, absent evidence of leaks, the bylaw shall not apply to buildings which were newly erected or replaced waterlines within the last 20 years.

Finally, the Select Board shall have the ability to waive the bylaw's requirements in cases of hardship where the cost of replacement or repair exceeds 1 percent of the total sale price of the property.

ARTICLE 31

BYLAW AMENDMENT/RENAME COMMUNITY PRESERVATION COMMITTEE

VOTED: That Title I, Article 12 of the Town Bylaws, “Community Preservation Committee” be and hereby is amended to rename the Community Preservation Committee, the “Community Preservation Act Committee” by adding the word “Act” wherever the Committee’s name appears in the bylaw, and replacing the term CPA with “CPAC” throughout, so as to read as follows:

ARTICLE 12 COMMUNITY PRESERVATION ACT COMMITTEE

Section 1. Establishment and Membership

- a.** There is hereby established a Community Preservation Act Committee consisting of a total of nine (9) members pursuant to G.L. c. 44B § 5. The membership shall be composed of one member of the Conservation Commission as designated by such Commission, one member of the Historical Commission as designated by such Commission, one member of the Arlington Redevelopment Board (which serves as the Town's Planning Board) as designated by such Board, one member of the Park and Recreation Commission as designated by such Commission, one member of the Arlington Housing Authority as designated by such authority, and four (4) at-large members appointed by a joint vote of the approval by the Select Board and the Town Manager as follows below in Section 1(b).
- b.** Candidates for at-large membership shall be jointly gathered and screened by the Town Manager and the Chairperson of the of the Select Board or their designee, who shall jointly forward recommended candidates for a vote on appointment by the full Select Board plus the Town Manager (a maximum total of six votes representing the five Select Board and the Town Manager). A majority vote the Select Board and the Town Manager shall be required for appointment to an at-large member position.
- c.** At-large members shall be appointed to the following initial terms: One (1) for a one-year term, two (2) for two-year terms, and one (1) for a three-year term. All subsequent terms shall be for three years. All other members shall serve a term determined by their designating bodies not to exceed three years. All members, at-large and otherwise, are eligible for reappointment. Should any appointing or designating authority

fail to appoint a successor to a CPAC member whose term is expiring, such member may continue to serve until the relevant authority names a successor.

No At-Large member of the Community Preservation Act Committee shall serve more than six consecutive years at a time. A waiting period of three years shall be imposed on any member of the Committee after serving six consecutive years, if they wish to rejoin the Committee.

- d. A vacancy of the committee shall be filled by the relevant appointing or designating authority.

Section 2. Duties and Responsibilities

The Community Preservation Act Committee shall have all the duties and powers as set forth in G.L. c. 44 §5, including, but not limited to the following:

- a. The Community Preservation Act Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Select Board, Conservation Commission, the Historical Commission, The Redevelopment Board, the Park and Recreation Commission, the Council on Aging, the Housing Authority, the Finance Committee, and the Capital Planning Committee. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding the hearing in a newspaper of general circulation in the Town.

- b. The Community Preservation Act Committee shall make recommendations to the Town Meeting for the acquisition, creation, and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation, and support of community housing; and for rehabilitation or restoration of such open space and community housing that is acquired or created with CPA funds. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to Town Meeting shall include their

anticipated costs.

- c. The Community Preservation Act Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose, or to set aside for later spending funds for general purposes that are consistent with community preservation.
- d. Prior to making its final recommendations to Town Meeting for approval, the Committee shall present draft recommendations to the Select Board, the Finance Committee, and the Capital Planning Committee for comment. Further a designated member of the Select Board, Finance Committee, and Capital Planning Committee shall be permitted, but not required, to serve as a liaison to the Committee

Section 3. Administration and Operation

- a. The Community Preservation Act Committee shall not meet or conduct business without the presence of a quorum. A Majority of the members of the Community Preservation Act Committee all constitute a quorum.
- b. The Community Preservation Act Committee shall approve its actions by majority vote of the quorum.
- c. Each fiscal year, the Committee shall recommend to Town Meeting an operational and administrative budget. The timing of such budget recommendation shall be coordinated with the Town Manager's annual operating budget submission to the Select Board.

Section 4. Amendments

The Community Preservation Act Committee shall, from time to time, review the administration of this by-law, making recommendations, as needed, for changes in the by-law and in administrative practice to improve its operations.

Section 5. Construction and Severability

At all times this by-law shall be interpreted in a manner consistent with G.L. c. 44B, the Community Preservation Act.

Should any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

Section 6. Effective Date

Following Town Meeting approval of this by-law, this Title shall take effect immediately upon the approval by the Attorney General of the Commonwealth. Each appointing authority shall have forty five (45) calendar days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the Town Manager shall make the appointment from the membership of such appointing authority.

(5 – 0)

COMMENT: The Select Board endorses this straightforward effort to disambiguate the Community Preservation Committee, often known as the “CPC” from the Capital Planning Committee, also known as the “CPC,” by renaming it the Community Preservation Act Committee, or “CPAC.”

ARTICLE 32

BYLAW AMENDMENT/TREE PROTECTION AND PRESERVATION

VOTED: That Title V, Article 16, sections 2.A, 4.C, and 6, be and hereby are amended as follows:

ARTICLE 16 TREE PROTECTION AND PRESERVATION

Section 2. Definitions

A. The following definitions shall apply to this By-law:

“Protected Tree” - Any existing healthy tree on private land with a DBH of ~~ten (10)~~ eight (8) inches or greater, located in the setback area, which does not pose an immediate hazard to person or property or is not under imminent threat of disease or insect infestation.

“Tree Plan” - A site plan drawn and stamped by a certified land surveyor or engineer showing all Protected Trees in the setback areas, public shade trees on the property, and indicating, on the site plan or in a separate document, which Protected Trees will be retained, which will be removed, and; how critical root zones of each protected tree and public shade tree will be protected from damage during site work ~~as to Protected Trees which will be removed, as well as whether mitigation will be by replacement on the property or by payment into the Tree Fund;~~

“Tree Removal” - The cutting down or effective destruction during demolition or construction activities of a tree intentionally or unintentionally.

Section 4. Procedures and Requirements for the Preservation of Trees

- C. For each Protected Tree removed, there shall be either ~~(1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or~~ (2) a payment made to the Tree Fund prior to the commencement of work on the property, in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public trees, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.

Section 6. Administration

The Select Board shall establish further administrative rules and regulations for the review and approval of Tree Plans, as well as enforcement determinations necessary to effectuate the purposes of this bylaw, including, but not limited to further definitions, tree plan requirements, and procedures. Failure to issue rules and regulations will not have the effect of suspending or invalidating this By-law.

(5 – 0)

COMMENT: Upon the recommendation of the Tree Committee and the Tree Warden, the Select Board unanimously urges Town Meeting’s approval of five adjustments to the Town’s Tree Protection and Preservation Bylaw, which are as follows:

1. Increasing the number of protected trees covered by the bylaw by changing the minimum size of trees subject to protections from 10 DBH (diameter breast height) to 8 DBH, because an insufficient number of trees in the canopy are protected at present;
2. Removing the mitigation option which invites property owners and developers to plant their own replacement trees. Unfortunately, because mitigation trees are often inadequately planted or cared for, they fail to thrive. Moreover, holding contractors accountable for dead or dying mitigation trees has proved impracticable;
3. Requiring additional information to be included on Tree Plans, including representing public shade trees and detailing how critical root zones of protected trees will be inured from fatal damage during construction activities;
4. Refining the definition of tree removal such that trees which are intentionally or unintentionally fatally harmed without being cut down are covered by the bylaw; and

5. Explicitly and transparently empowering the Select Board to promulgate regulations necessary to achieve the intent of the bylaw, which will also serve to keep the bylaw itself relatively simple.

ARTICLE 33

BYLAW AMENDMENT/NOTICE OF DEMOLITION

VOTED: That Title VI, Article 7 (“Notice of Demolition”) of the Town Bylaws be and hereby is amended to add “Protected Tree Removal” to the categories of activities requiring notice to abutters, as follows:

NOTICE OF DEMOLITION, OPEN FOUNDATION EXCAVATION, PROTECTED TREE REMOVAL, NEW CONSTRUCTION, OR LARGE ADDITIONS

A. The owner of any building or parcel who intends to have such building demolished, engage in open foundation excavation, engage in new residential construction, remove protected trees in advance of new residential construction, or build a large addition must at least seven (7) calendar days prior to the commencement of any site work (including demolition, tree removal, or open foundation excavation), or within seven (7) calendar days of the filing of an application for a Building Permit, whichever date is earlier, give notice by first-class mail to all abutters and current occupants (to the extent practicable) within 200 feet of such building or construction site before such demolition, construction, or open foundation excavation can commence.

B. The notice required herein shall, at a minimum, contain contact information for the developer or contractor, a site plan and/or tree plan for any applicable residential demolition, open foundation excavation, protected tree removal, alteration or construction project, as well as information detailing the hours of operation for the project, anticipated completion date, work schedule, and health safety, and abutting property protections, and as appropriate, noise abatement measures applied by the developer or contractor of the project.

C. “Demolition” shall be defined as the act of pulling down, destroying, removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.

“Open foundation excavation” shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.

“Large additions” shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

“Protected tree removal” shall be defined as removal of “Protected Trees” as defined in Title V Article 16 (“Tree Protection and Preservation”), Section 2.A and set forth in Title V Article 16, Section 3.A(3).

D. Prior to issuance of a demolition or building permit, or commencing an open foundation excavation or protected tree removal the applicant shall demonstrate to the satisfaction of the Inspector of Buildings (or the Tree Warden in the case of protected tree removal prior to new residential construction) that they have given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed.

E. Violators of this bylaw will be subject to a fine of \$200 per day upon notification of the Building Inspector.

(5 – 0)

COMMENT: The Select Board requests Town Meeting support this article which builds upon the recently revised “Notice of Demolition” bylaw to ensure that neighbors are also alerted to pre-construction activity which removes trees protected by the Town’s Tree Protection and Preservation bylaw. The revised notice bylaw would also ensure that Tree Plans, already required by the Tree Protection Bylaw, are included in the “Good Neighbor Agreement” documents contractors and owners provide to neighbors. The Board notes the Tree Committee’s support for positive action on this score.

ARTICLE 34

BYLAW AMENDMENT/REGULATION OF OUTDOOR LIGHTING – DARK SKIES BYLAW

VOTED: That Title V, Article 14 (Regulation of Outdoor Lighting) of the Town Bylaws be and hereby is amended as follows:

Section 1. Introduction

It is the intention of this by-law to regulate the use of outdoor lighting so as to reduce or eliminate light pollution (artificial light which causes a detrimental effect on the environment, interferes with the enjoyment of the night sky, causes undesirable glare, or unnecessary illumination of adjacent properties), and to conserve energy and resources to the greatest extent possible ~~not unduly inconvenience and/or disturb residential abutters by having outdoor lighting shining directly into their windows or onto their properties, or by creating observable and unreasonable glare shining into their windows or onto their properties. This by-law is enacted with the understanding that enforcement shall be based upon any complaint issued by any resident or residential property owner with the Town.~~

Section 2. Definitions

A. A “luminaire” shall be defined as a complete outdoor lighting unit or fixture including a lamp or lamps, together with the parts designed to distribute the light,

to position and protect the lamps, and to connect the lamps to the power supply, but not including a pole on which the luminaire may be mounted.

A luminaire shall be considered shielded if it is constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected above a horizontal plane passing through the lowest direct-light-emitting part of the luminaire.

Section 32. Regulation

- A. All outdoor lighting, including but not limited to: floodlighting, decorative lighting, lighting primarily designed to illuminate walks and/or walkways, driveways, flagpoles, outdoor living areas and/or outdoor recreational facilities shall be appropriately continuous, indirect, and installed and/or shielded in a manner that shall prevent unreasonably bright light from shining onto or upon any street and/or nearby residential property whether directly or by creating unreasonably bright glare.
- B. The use of mercury vapor, high pressure sodium, and metal halide bulbs is prohibited within the Town of Arlington.
- C. Any lighting, affixed to a utility pole or placed on town property, on the public right-of-way or easement, in which the purpose of the luminaire is to illuminate areas outside the public right-of-way or easement, shall be subject to a permit by the Select Board. In granting the permit, the Select Board shall establish that the permitted lighting fixture conforms to all provisions of this by-law.
- D. Up-lighting, the direct light illumination distributed above a 90 degree horizontal plane through the lowest direct light emitting part of the luminaire, is prohibited, except for signage governed by and permitted under the Arlington Zoning Bylaw, illumination of the United States Flag, the Flag of the Commonwealth of Massachusetts, or other flags on Town and/or school property, a building façade, or a public monument. For any up-lighting, the luminaire shall be equipped with shields so that the lamp is not visible from a street, or a lot that is in Residential or Conservation use.
- ~~B.~~ E. The following lighting shall be exempt from the provisions of this by-law:
 - i. Temporary holiday lighting.
 - ii. Internally illuminated signs.
 - iii. Emergency lighting such as used by the Police, Fire Department, or other official or utility emergency personnel. Placement of longer- term emergency lighting shall, to the largest extent possible, take into consideration the detrimental effects of glare on passing motorists and pedestrians and on residential lots.

- iv. Lighting during special events such as fairs, concerts, or celebrations sponsored by the Town of Arlington or approved by the Select Board;
- v. Lighting on playing fields and courts under the jurisdiction of the Town of Arlington;
- vi. Lighting of historic or architectural significance exempted by a vote of the Arlington Historical Commission.

~~E. Lighting installed prior to the enactment of this by-law, as amended, shall be exempt from the provisions of this by-law until April 15, 2015.~~

Section 43. Enforcement

Enforcement of this by-law shall be under the authority of the Building Inspector.

- A. For any and all lighting in violation of this by-law, in which the luminaire is owned, leased, or maintained by an electric utility, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law with the utility subject to the penalties set forth in the by-law.
- B. For any lighting that fails to conform to the terms and conditions of permit provisions of this by-law, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.
- C. For any lighting that uses mercury vapor, high pressure sodium, or metal halide bulbs, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.
- D. For any other instances, upon receiving a complaint in writing, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.

~~Upon receiving a complaint in writing, from a resident or property owner in the Town, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.~~

Section ~~5~~ 4. Fines & Fees Schedule

- A. First offense: A written warning stating a property owner/~~resident~~ or utility is in violation: Ten (10) days to meet compliance.
- B. Second offense: \$25.00 Fine. Five (5) days to meet compliance.
- C. Third offense and \$50.00 Fine. Five (5) days to meet compliance before each subsequent offense another ~~\$50.00~~ \$100.00 fine issues.

(5 – 0)

COMMENT: Article 8 of the 2014 Annual Town Meeting adopted the first set of

comprehensive changes to the Town's regulation of outdoor lighting. However, over the past four years, the scope of those changes has been insufficient to address resident concerns regarding the impact of lighting and glare on quality of life. In particular, commercial light sources using outdated lighting technologies pose significant nuisances. The proposed revisions to the Outdoor Lighting bylaw (based upon the International "Dark Skies" Association's model ordinance) will incentivize commercial lighting sources, especially utilities such as Eversource, to switch to modern LED lighting. It will also create a permit system for lights placed on the right-of-way by private entities.

The Board notes that many local businesses have already switched over entirely to LED lighting. Further, the exceptions maintained within Section 3.E., above otherwise address many common concerns about specific scenarios for the availability of non-LED residential or commercial lighting and up-lighting.

ARTICLE 35 BYLAW AMENDMENT/SHORT-TERM RENTAL REGULATIONS

VOTED: The Town Bylaws be and hereby are amended to add a new section 18 to Article V ("Regulation of the Use of Private Property") to provide for regulation of short-term rentals as follows:

ARTICLE 18: SHORT TERM RENTALS

Section 1. Purpose

The purposes of this bylaw are to:

- A. **provide a process through which certain residential premises and rooms within same not otherwise regulated and licensed as lodging houses or bed and breakfasts may be registered with the Town of Arlington for use as "short-term rentals";**
- B. **ensure relevant health and safety standards are met at short-term rentals; and**
- C. **provide for orderly operation of short-term rentals within the Town's residential neighborhoods as assess the community impacts of such rentals.**

Section 2. Definitions

"Short Term Rental" – an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where:

- (i) at least 1 room or unit is rented to an occupant or sub-occupant; and
- (ii) all accommodations are reserved in advance;

provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

“Operator” – a person operating a short-term rental including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental.

Section 3. Applicability & Prohibitions

- A. No residential premises may be used as a short-term rental except those in compliance with this bylaw.
- B. The following residential housing units are ineligible from being used as short-term rentals:
 - 1. Residential premises designated as affordable or otherwise income-restricted, which are subject to the affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law;
 - 2. Residential Units that are the subject of 3 or more findings of violations of this section within a six-month period, or 3 or more violations of any town bylaw or regulation or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six-month period; and
 - 3. Accessory Dwelling Units as defined by the Zoning Bylaw if permitted in Arlington;

Section 4. Registration, Certifications and Fees

A. Registration Process.

An Operator of short-term rental shall register with the Office of the Select Board to be listed on the Short-Term Rental Registry, providing all information and certifications required by this bylaw and the Office of the Board, and the registration fee.

Registration shall be valid for a one-year term, from January 1 through December 31 of each year or for such alternative twelve-month period as determined by the Board.

B. Required Information

At a minimum, an Operator shall provide the following:

Operator name, address of each short-term rental unit or units, the number of bedrooms within each unit, Operator's relationship to the unit (i.e. owner, professional manager, tenant, etc.), whether Residential Unit being offered is within a an owner-occupied home, condo, apartment, or two or three family home, and an authorized local agent able to act on behalf of the Operator in their event of their absence.

C. The Operator shall also certify that the short-term rental complies with the all of the following:

- 1. The State Sanitary Code;**
- 2. Food Safe certification (if serving meals);**
- 3. The Arlington Health Code;**
- 4. Fire and carbon monoxide alarm requirements;**
- 5. Fire escape route requirements;**
- 6. The Building Code, including holding a valid certificate of occupancy; and**
- 7. The Arlington Zoning Bylaw**

D. Fees

Units shall be annually recorded in the Short-Term Rental Registry for a fee of \$25.00 per bedroom, per unit.

Section 5. Complaints, Enforcement, and Violations

A. Complaints

A complaint alleging that a short-term rental is in violation of this bylaw or any applicable law, code, or regulation may be filed with Select Board. The complaint must contain the Residential Unit's address, unit number, date and nature of alleged violation(s), and name and contact information of complainant.

B. Review of Complaint.

Within thirty (30) days after receipt of a complaint, the Select Board shall review the Complaint and refer it to the appropriate Town Department, official, Board, or Commission for findings. The Select Board shall not make a determination of a violation under any bylaw, regulation or law vested within another body or official's jurisdiction, but may utilize such determinations as evidence of a violation of this bylaw.

Upon a finding of a potential violation, the Select Board, or its designee shall serve notice of the violation upon the Operator of the short-term rental at issue,

if such unit is listed on the Short-Term Rental Registry, and upon the owner or resident agent or owner of record of the premises at issue, if such unit is not listed on the Short-Term Rental Registry.

C. Right to Hearing.

A person upon whom a notice of violation has been served under this bylaw may request a hearing from Select Board by filing a written petition requesting a hearing on the matter within fourteen (14) days of receipt of a notice of violation. The Board shall render a decision within a reasonable time after the close of hearing. Any direction to correct conditions at the short-term rental and fines assessed shall be stayed until the Board issues its decision.

D. Violations, Suspensions and Fines.

1. Any person who offers a residential premises or units as a short-term rentals, where such premises or unit is not an eligible Residential Unit, or offers otherwise eligible premises or units but has not complied with the registration requirements of this bylaw, shall be fined three hundred dollars (\$300) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
2. Short-Term Rentals found to be in violation of this bylaw, or which are found to have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders, or other requirements, laws or regulations that prohibit operation of the premises as a short-term rental, shall be suspended from the Short-Term Rental Registry and prohibited from operation until all violations have been cured or otherwise resolved.

Section 6. Room Occupancy Excise and Community Impact Fees

Short-term rentals subject to the provisions of this bylaw are subject to the Room Occupancy Excise under G.L. c. 64G and short-term rental community impact surcharge. Operators shall comply with the provisions of said statutes and are responsible for ensuring proper payment to the Commonwealth and the Town of Arlington.

(5 – 0)

COMMENT: The Select Board unanimously endorses this article to seize upon the local regulation authority afforded to municipalities by “An Act Regulating and Insuring Short-Term Rentals.” While the number of short-term rentals in Arlington is modest (less than 100), registering such establishments and requiring basic health and safety inspections can serve to

both reduce negative community impacts associated with short-term rentals, and ensure the quality, safe experiences for renters. The proposed bylaw also provides a formal process for examining complaints about common issues raised by short-term rental activity.

ARTICLE 36 VOTE/ELECTION MODERNIZATION STUDY GROUP

VOTED: That Town Meeting hereby establishes an Election Modernization Study Committee to be structured, organized, and charged as follows:

Election Modernization Study Committee

1. Committee Membership and Organization

A. The Committee shall consist of eleven (11) members

- The Town Clerk or their designee
- One member of the Board of Registrars to be determined by such Board;
- The Select Board Administrator or their designee
- The Town Moderator or their designee;
- One member of the School Committee as determined by the Committee;
- One member of the Disability Commission as determined by the Commission;
- One representative of the Town Republican Committee;
- One representative of Town Democratic Committee;
- Three residents to be appointed by the Town Moderator, one of whom is to be a green card-holding resident, one of whom is to have been a resident for less than five (5) years, and one of whom is a high school student; in the event that the Moderator cannot fill the afore-listed positions after diligent efforts, the Moderator shall appoint residents with qualifications set by the Committee at its organizational meeting.

B. The Town Moderator or their designee shall serve as chair of the committee for the purposes of the committee's first organizational meeting, in which the Committee may elect officers as it deems appropriate.

2. Committee Charge

The Committee is charged with comprehensively examining how to improve the Town's electoral practices and systems, including but not limited to:

- A. Voter eligibility rules in town elections;
- B. Voter registration policies and practices;
- C. Public engagement in the local election process;
- D. The status of the Town's voting equipment and options for improvements thereof;
- E. The Town's process for counting votes;

- F. Ranked-choice voting;**
- G. Early voting policies and practices; and**
- H. Polling locations;**
- I. Polling location accessibility.**

3. Committee Reports

- A. The Committee shall provide an interim report to the Town Clerk and the Select Board on or before September 1, 2019 to:**
 - i. Make ranked recommendations on any and all improvements which can be made to Town electoral systems and practices before the 2019 Fall election cycle; and**
 - ii. Offer any recommended Town Meeting warrant articles for inclusion on the 2020 Annual Town Meeting Arrant.**
- B. The Committee shall provide a final report to the 2020 Town Meeting on all of the subjects listed herein.**

4. Dissolution

Absent a vote of the 2020 Annual Town Meeting to maintain it, the Committee shall dissolve following the close of the 2020 Annual Town Meeting

(5 – 0)

COMMENT: As more opportunities are being afforded to cities and towns to modernize their management of local elections, encourage wider participation in elections, and increase voter access, the Select Board strongly urges Town Meeting to establish a study committee to comprehensively examine the Town’s election practices, policies, and opportunities for improvement. The Board further urges such action with an aggressive and clear timeframe for recommendations that incorporates the perspective of a wide group of stakeholders. By doing so, the Select Board is hopeful that we can start by identifying and committing to capitalizing on “low-hanging fruit” prior to the Fall 2019 Election cycle, and then carry momentum forward, proactively assessing and availing ourselves of best practices in local elections.

ARTICLE 37

VOTE/REMOVE POLICE CHIEF FROM CIVIL SERVICE

VOTED: That the Town of Arlington hereby removes the position of “Chief of Police” of the Arlington Police Department from civil service, thereby divesting said position from all the rights and obligations set forth in G.L. c. 31 and its civil service predecessors in law including, but not limited to c. 19 of the Revised Laws and c. 320 of the Acts of 1884. This vote has no effect on the civil service status of any other Town of Arlington employee.

(3 – 2)

Ms. Mahon and Mr. Hurd voted in the negative.

COMMENT: A majority of the Select Board supports the request of the Town Manager to remove the Police Chief position from civil service. In short, civil service in Massachusetts provides and requires certain procedures and criteria for hiring, promotion, and termination of civil service classified positions. Under the current system, the Town's options for hiring a new permanent police chief are determined in part by who opts to take the civil service exam for the position and what each candidates' score on the exam yields.¹ As such, whether the Town engages in a police chief search internally or in a so-called "open search," the Town is limited to the pool of candidates that take and score well on the civil service exam.

Members of the Board voting in the negative rightly point out that civil service affords an additional layer of process before civil service employees can be terminated or disciplined, and as such greater autonomy from the Manager. Further, officers have presented individual members of the Select Board nuanced views of the positives and negatives of keeping the position in civil service. Mindful of quality arguments of members of the Board and with great confidence in excellence of the Acting Chief, captains, and other ranking officers, the majority of the Board still believes that the value of being able to set the criteria for qualifications and engage in as broad of a search as possible weighs in favor of a positive recommendation to Town Meeting.²

Finally, the Manager represents that he is committed first to putting the minimum qualifications for the chief position and the proposed hiring process before the Select Board for feedback and endorsement if the position is successfully removed from civil service. Moreover, the Manager is also committed to looking to fill the chief position with an internal candidate who meets such criteria.

ARTICLE 38

VOTE/SET SENIOR TAX DEFERRAL LIMIT

VOTED: That the maximum qualifying gross receipts amount for property tax deferrals under Clause 41A of Section 5 of Chapter 59 of the Massachusetts General Laws and Chapter 312 of the Acts of 2018 be set at \$88,000, beginning in fiscal year 2020.

(5 – 0)*

¹ There are additional factors, which can favor a candidate's overall score including for example their status as a veteran of the armed services.

² The Board also notes that statutory protections for employees, especially police chiefs, terminated for reasons other than cause, including G.L. c. 151B sec. 4 (prohibiting retaliation under the State's discrimination laws), G.L. c. 149 sec. 185 (Massachusetts Whistleblower Statute) and G.L. c. 41 sec. 97 (affording police chiefs rights to a hearing for termination for cause, as modified by the Town Manager Act).

COMMENT: Following the 2018 Town Meeting’s approval of the 2018 STM Article 5, the Legislature and Governor approved a special act allowing the Town to expand access to senior tax deferrals. Specifically, An Act Relative to Real Property Tax Deferrals” (Chapter 312 of the Acts of 2018), allows the Town to increase Tax Deferral Program eligible incomes above the \$57,000 state law limit by votes of the Select Board and Town Meeting. There is an eligibility cap, anchored to the state circuit breaker limit for married couples filing jointly income eligibility set by the Commissioner of Revenue. Hence, the Select Board and Town Meeting can set the Tax Deferral eligibility limit (for single persons and married joint filers) anywhere from \$57,001 to \$88,000.

Given the Board and Town Meeting’s mutual commitment to providing tax relief for Arlington Seniors in need as the Town prepares for an override and debt exclusion this summer, we urge Town Meeting to adopt the maximum eligibility level of \$88,000 for both single and joint filers.

**ARTICLE 39 VOTE/AUTHORIZATION TO DEACCESSION TOWN
PROPERTY – LIBRARY ART PRINTS**

VOTED: That the Town hereby authorizes and requests that the Library Board of Trustees, through the Town Manager, dispose of the entirety of the Robbins Art Print Collection through sale, donation or other means, including all prints and pieces of artwork donated or bequeathed directly by Winfield, Caira, or Ida Robbins, and those artworks acquired with funds from trusts established to further the Collection in a manner consistent with the requirements of the General Laws and the Town of Arlington Bylaws.

(5 – 0)

COMMENT: The Select Board urges Town Meeting’s positive action on this article requested of the Library Board of Trustees in order to obtain permission from the Town to sell, donate, or otherwise dispose of the entirety of the “Robbins Art Print Collection” – more than 150,000 art prints, only 20 percent of which have been catalogued over the past century. Over the past fifty years the Library Board of Trustees, a host of library volunteers, staff, and interested parties (including a series of print collection experts and appraisers) have consistently reached the conclusion that the Print Collection is not consistent with the Library’s mission, very difficult to manage, and of very modest artistic interest to Arlington, the Greater Boston Area, or the region. The overwhelming majority of prints were cut from books and other publications and primarily consist of portraits of 18th and 19th Century European aristocrats, which if displayed at a rate of

1,500 per year, would take more than 100 years to display them all. The most recent and comprehensive appraisal of the Collection by the Childs Gallery of Boston confirms not only that the Collection is of limited fine art interest, but is also precipitously declining in value, losing 20 to 25 percent of assessed value in the last decade.

Accordingly, the Collection is much more of a burden to the Library than a blessing. A deaccession would free valuable, limited space in the Library better suited to serve its mission. It would also potentially enable the Library to re-orient the approximately \$1.3 million in trust funds supporting the Collection to purposes consistent with the Robbins family's more appropriate legacy at the Robbins Library.

ARTICLE 40 **VOTE /ROBBINS LIBRARY PARKING COSTS**

VOTED: That no action be taken under this article.

(5 – 0)

COMMENT: The Select Board commends Mr. Fisher for raising concerns about the cost of Robbins Library parking lot fees on persons of limited means, but also respects the recommendations of the PIGC and the Library Board of Trustees' concerns that lowering or eliminating parking fees would rekindle abuse of the lot by non-patrons seeking long-term parking in Arlington Center. Accordingly, given that Town Meeting does not have the authority to set parking rules and regulations, we welcome further discussion on this subject with the Trustees and other stakeholders, but cannot recommend positive action to Town Meeting.

ARTICLE 41 **VOTE/ARLINGTON REDEVELOPMENT BOARD MEMBERSHIP AND TERMS**

VOTED: That no action be taken under this article.

(5 – 0)

COMMENT: The Select Board respectfully recommends a vote of no action on this resident petition article to convert the Arlington Redevelopment Board from an appointed to an elected body. Foremost, the Board does not believe such a conversion will achieve the article's intended effect of making the ARB more accountable or responsive by rendering it an elected, and therefore a *more political* body. Indeed the Board is concerned that the instead of doing more to

attract the architects and skilled professionals which populate the ARB now, the campaign process will dissuade otherwise interested residents from seeking seats on such board.

ARTICLE 42

HOME RULE LEGISLATION/TOWN TREASURER

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

“AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON RELATIVE TO THE APPOINTMENT AND MANAGEMENT OF THE TOWN TREASURER”

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended as follows:

First, by amending Section “8” Election of Other Officers so as to strike the words and punctuation the “treasurer and town collector,” so as to read as follows (strike through text indicating words and punctuation to be deleted):

Section 8. Election of Other Officers.

The election of Town Clerk, ~~treasurer and town collector~~, and assessors shall continue as presently provided. Notwithstanding the election of the officers named in this section, by voters of the town, they shall be subject to the call of the manager for consultation, conference and discussion on matters relating to their respective offices.

Second, by amending Section 15(a) to strike the words and punctuation “Town Treasurer and Collector” so as to read as follows:

“Section 15. Powers and Duties of Manager.

In addition to the specific powers and duties provided in this act the Town Manager shall have the general powers and duties enumerated in this section:

- (a) The Town Manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the Board of Selectmen, the School Committee, Moderator, Town Clerk, ~~Town Treasurer and Collector~~, Board of Assessors, Registrars of Voters, Election Officers, Boards of Appeal, the Finance Committee, the Capital Budget Committee and the Personnel Review and Appeals Board.*

While the town manager shall not supervise the board of assessors as an elected body, the town manager shall supervise and direct the administration of the assessors’ office and appoint the director of assessments in accordance with

subsection (c). The director of assessments and all other assessors' office personnel, except for the board of assessors, employed or in office when this act takes effect shall continue in their respective positions subject to chapter 31 or 150E of the General Laws, or both such chapters, if applicable, but otherwise subject to removal by the town manager as provided in this section.

Nothing in this section shall otherwise abridge the authorities or responsibilities of the board of assessors as set forth in chapter 41 of the General Laws or any other general law.

Third, by amending Section 15(c) as follows to insert the Town Treasurer and Collector as an appointee under said Section so as to read as follows (underscored text indicated new language):

- (c) *The town manager shall also appoint upon merit and fitness alone, the Town's Comptroller (also vested with the authorities of a "Town Accountant") and the Town Treasurer and Collector subject to the approval of the Select Board. Appointment of the Comptroller and the Town Treasurer and Collector shall become effective upon the approval of the Select Board. If the Select Board fails to act by approving, rejecting, or requesting additional reasonable time to consider a candidate however, appointment shall become effective on the thirtieth day following the day on which notice of the proposed appointment is filed with the Board. For the purposes of this section, notice of appointment shall be considered filed with the board when such notice is filed at an open meeting of the Select Board.*

The Comptroller or the Town Treasurer and Collector may be removed by the town manager subject to the approval of the Select Board. Removal of the Comptroller or Treasurer shall become effective upon approval of the Select Board. If the Select Board shall fail to act, by approving, rejecting, or requesting additional reasonable time to consider a termination however, removals made by the town manager shall become effective on the fifteenth day following the day on which notice of the proposed removal is filed with the Select Board. For the purposes of this section, notice of removal shall be considered filed with the Board when such notice is filed at an open meeting of the Select Board. Nothing in this paragraph shall supersede or abridge the Comptroller's employment rights afforded by state law.

Notwithstanding the foregoing section (c), the Comptroller and Treasurer shall be authorized to report directly to the Chairperson of the Select Board, or any Member of the Board, on any matter in the Town at any time, without the necessity of prior approval from the Town manager or any other official.

Section 2. This Act shall take effect upon its passage.”

(5 - 0)

COMMENT: The Select Board endorses this article to bring the Town Manager Act up to date with the conversion of the Town Treasurer from an elected to an appointed office in a manner consistent with recent Town Manager Act revisions to the appointment of the Town Comptroller. Modifications to the Town Bylaws to the same effect were recently acted upon positively by Special Town Meeting and await Attorney General approval.

ARTICLE 43

**HOME RULE LEGISLATION/MEANS-TESTED
SENIOR TAX RELIEF**

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 AUTHORIZING THE TOWN OF ARLINGTON TO ESTABLISH A MEANS
TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. With respect to each qualifying parcel of real property classified as Class one, residential in the town of Arlington there shall be an exemption from the property tax equal to the total amount of tax that would otherwise be assessed without this exemption less the sum of (i) 10 per cent of the total annual qualifying income for purposes of the states “circuit breaker” income tax credit, and (ii) the amount of the state’s “circuit breaker” credit the applicant was eligible to receive in the year prior to the application being filed. The percentage of total annual qualifying income may be raised by section 3. In no event shall property taxes be reduced by more than 50 per cent by this exemption. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, “parcel” shall be a unit of real property as defined by the assessors under the deed for the property and shall include a condominium unit.

SECTION 2. The board of assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

- (a) the qualifying real property is owned and occupied by a person whose prior year’s income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;
- (b) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;

(c) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

(d) the maximum assessed value of the domicile is no greater than the prior year's average assessed value of a Arlington single family residence plus 10 percent; and

(e) the board of assessors has approved the application for the exemption.

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to .5 per cent of the fiscal year's total residential property tax levy for the town of Arlington, including any levy for the regional vocational high school if not included in the town of Arlington's tax levy at some subsequent date with the total exemption amount granted by this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of such exemption, the total cap on the exemptions granted by this act shall be set annually by the Select Board within a range of .5 to 1 per cent of the residential property tax levy for the town of Arlington, including the levy for the regional vocational high school. In the event that benefits to the applicants may be limited because the percentage established annually by the selectmen would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. In the event the cap exceeds the need for the exemption, the total cap on the exemptions granted by this act shall be reduced to meet the need.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. Acceptance of this act by the town of Arlington shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 6. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation of sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 7. No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 8. This act shall expire after 3 years of implementation of the exemption.

COMMENT: The Select Board strongly urges Town Meeting to join its effort to develop this means-based tax relief measure for Arlington seniors, many of whom are retired and as such on fixed incomes. The local means-tested circuit breaker concept was first employed as a pilot special legislation program in Sudbury and adopted by other similar communities including Concord. The “Sudbury model” is summarized as follows:

- Town residents over 65 years of age;³
- Who own homes worth less than the median assessed value in Arlington; and
- Have incomes less than the State “circuit breaker” ceiling (\$58,000 for singles, and \$88,000 for couples, the latter of which is also consistent with the recommended Senior Tax Deferral Limit);
- May apply to have their property tax not exceed 10 % of their total income.

The proposed special legislation contains safety valve measures to ensure first, that no qualifying resident may have their tax obligation reduced by more than 50 percent; and second, that the Town’s total tax relief under the program cannot be greater than .5 percent of the fiscal year’s total residential property tax levy for the Town.

The proposed special legislation requires acceptance of the program via town-wide local ballot question before implementation, and includes both a revocation mechanism and an automatic sunset provision, absent an affirmative action to extend the program. At present, we estimate that approximately [REDACTED] residents may be eligible for an Arlington local circuit-breaker, and the non-eligible average tax-bill is estimated to increase by \$ [REDACTED] to cover the cost of the relief for eligible seniors.

ARTICLE 44 HOME RULE/CPA SURCHARGE EXEMPTION FOR SENIOR HOMEOWNERS

VOTED: That no action be taken on Article 44.

(5 – 0)

COMMENT: The Board commends the petitioner for seeking to identify additional means by which the Town may ameliorate the property tax burden on Arlington’s senior residents. However, the Town already opted to both exempt the first \$100,000 of commercial and

³ The only significant distinction between the Select Board’s recommended proposal and the Sudbury Model, is that the Board does not believe there should be a requirement of a minimum number of years of residency. Sudbury and Concord both require eligible seniors to have resided within said towns for at least 10 years.

residential value from the CPA surcharge, and exempt qualifying low and moderate income seniors entirely at the ballot when the CPA was adopted. Carving out a further exemption without going to the voters first is procedurally problematic. More importantly, the Board is asking this Town Meeting both to adopt a Senior Property Tax Deferral Income Limit (Article 38) and a Senior Means-Test “Circuit-Breaker” Tax Relief Program (Article 43). Both of those means of assisting senior homeowners meet their tax burden will provide more significant tax relief than the proposed CPA exemption without weakening our successful CPA program, which receives matching funds from the state.

**ARTICLE 45 EXTENDING LOCAL VOTING RIGHTS TO ALL LEGAL
PERMANENT ARLINGTON RESIDENTS**

VOTED: That the Select Board be and hereby is requested and authorized to file for Home Rule Legislation which will provide substantially as follows:

**“AN ACT TO EXTEND LOCAL VOTING RIGHTS TO ALL LEGAL PERMANENT
RESIDENTS OF THE TOWN OF ARLINGTON.**

Be it enacted, etc., as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, permanent legal residents eighteen years of age or older who reside in Arlington may, upon application, have their names entered on a list of voters established by the Town Clerk for the Town of Arlington and may thereafter vote in any election for local office, including but not limited to Select Board, School Committee, Town Clerk, Board of Assessors, Housing Authority, and Town Meeting, as well as local ballot questions distinct to Arlington.

Section 2. The Arlington Select Board, in consultation with the Town Clerk, is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. For the purposes of this act, a permanent legal resident is a non-U.S. citizen with primary residence in Arlington who has been given the privilege, according to the immigration laws, of residing permanently as an immigrant with the issuance of a “green card” from the Bureau of Citizenship and Immigration Services.

Section 4. Nothing in this act shall be construed to confer upon legal resident aliens the right to run for public office, or the right to vote for any state or federal office or any state or federal ballot question.

Section 5. This act shall take effect upon its passage.

In order to effect this change, home rule legislation is necessary given the status quo under state law because the General Laws make citizenship a prerequisite to voting. The Board is aware and acknowledges that it may be difficult to pass an individual voting rights petition in the Legislature on this score, as has been the experience in Amherst, Brookline, and a number of other communities throughout the State. However, even if there continues to be resistance to town-by-town changes, positive action by Town Meeting would bolster the work of Arlington State Representative Dave Rogers, who has a bill before the House which calls for a statewide change to the same effect.

VOTED: That no action be taken on Article 46.

COMMENT: Following discussions with the Finance Committee, the Disability Commission determined that additional time and planning is necessary prior to bringing this proposal before Town Meeting.

VOTED: That the Town hereby accepts General Laws Chapter 44, Section 53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2020 which begins on July 1, 2019.

COMMENT: The acceptance of this legislation is necessary to reserving PEG Access and cable related funds from our cable franchise license holders (Verizon, Comcast, and RCN) for our PEG Access provider, ACMI. Given ACMI's years of quality service in providing educational and government access programing, among other things, the Board respectfully requests Town Meeting's support on this article.

ARTICLE 50

LOCAL OPTION/SHORT TERM RENTAL IMPACT FEES

VOTED: That the Town does hereby adopt provisions of G.L. c. 64F (“Act Regulating and Insuring Short-Term Rentals”), Sections 3D(a) and 3D(b) regarding the authorization of the Town to assess two local option community impact fees from short-term rental units in Arlington, including any subsequent amendments or modifications thereto, such adoption shall be effective upon acceptance.

(5 – 0)

COMMENT: Recognizing the impacts that short-term rental units (such as Air BnB and VRBO) have on communities, the Commonwealth now allows municipalities to adopt two supplemental two local option “community impact fees,” which operate similarly the excise tax on hotel rooms. Thirty-five percent of the impact fee revenues must be dedicated to affordable housing or local infrastructure projects, but the remaining balance of funds may be appropriated for any legal purpose. As such, the Board urges Town Meeting to adopt this straightforward and equitable local option.

The Town does not possess perfect data on the number of short-term rental units in Arlington, but website surveys suggest the number of active properties may be less than 100, with many consisting of rooms or small units within owner-occupied homes. For rentals in the range of \$100 to \$200 per night, the cost of the community impact fee is between \$3 and \$6 dollars per evening. For the most expensive short-term rentals in the community, \$500 to \$1,000, the added cost would be \$15 to \$30 per night. Hence, both the expected overall community impact fee revenue collected by the Town, and the impact on local short-term rental owners is likely to be modest. Nonetheless, such fee revenues can be used to the community’s betterment.

The Board notes that c. 64F allows the Town to opt to assess the fee only on certain types of short-term rental units. Were the Town to accept only c. 64G, § 3D(a), the fee would apply only to “professionally managed units,” essentially meaning rentals that do not include an operator’s primary residence within the dwelling. The Town may (but is not required to) also adopt § 3D(b), which applies to units located within dwellings that includes an operator’s primary residence. Based upon the short-term rental landscape in Arlington, the Board recommends Town Meeting adopt both sections 3D(a) and 3D(b).

ARTICLE 51

ENDORSEMENT OF CDBG APPLICATION

VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2020 prepared and approved by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

COMMENT: Presented above is the annual vote to endorse the application of Community Development Block Grant funds. Further details on grant distribution may be found in the appendix attached hereto.

ARTICLE 52

REVOLVING FUNDS

VOTED: The Town does hereby reauthorize the following Revolving Funds for
FY 2020:

Private Way Repairs (3410) established under Article 46 1992 Annual Town Meeting
Expenditures not to exceed \$200,000

Beginning Balance 7/1/19	\$85,766.79
Receipts	37,339.39
Expenditures	63,500.00
Ending Balance 6/30/18	\$59,606.18

Public Way Repairs (3400) established under Article 45 1992 Annual Town Meeting
Expenditures not to exceed \$5,000

Beginning Balance 7/1/19	\$15,255.06
Receipts	9,460.00
Expenditures	10,000
Ending Balance 6/30/18	\$14,715.06

Fox Library Community Center Rentals (3990) established under Article 49 1996 Annual Town Meeting
Expenditures not to exceed \$20,000

Beginning Balance 7/1/19	\$3,857.44
Receipts	587.00
Expenditures	3098.87
Ending Balance 6/30/18	\$1,345.47

Robbins House Rentals (4060) established under Article 77 1997 Annual Town Meeting
Expenditures not to exceed \$75,000

Beginning Balance 7/1/19	\$17,641.31
Receipts	21,485.00

Expenditures	31,260.91
Ending Balance 6/30/18	\$7,865.40

**Conservation Commission Fees (5290) established under Article 44 1996 Annual Town Meeting
Expenditures not to exceed \$10,000**

Beginning Balance 7/1/19	\$2,623.07
Receipts	0.00
Expenditures	0.00
Ending Balance 6/30/18	\$2,623.07

**Uncle Sam Fees (2440) established under Article 31 2000 Annual Town Meeting
Expenditures not to exceed \$2,000**

Beginning Balance 7/1/19	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance 6/30/18	\$1,526.31

**Life Support Services (Ambulance) Fees (3210) established under Article 37 2001 Annual Town Meeting
Expenditures not to exceed \$800,000**

Beginning Balance 7/1/19	\$687,553.37
Receipts	642,968.20
Expenditures	837,014.23
Ending Balance 6/30/18	\$687,553.37

**Board of Health Fees (4120) established under Article 30 2005 Annual Town Meeting
Expenditures not to exceed \$100,000**

Beginning Balance 7/1/19	\$113,619.09
Receipts	99,039.42
Expenditures	75,516.54
Ending Balance 6/30/18	\$137,141.97

**Field User Fees (5275) established under Article 78 2004 Annual Town Meeting
Expenditures not to exceed \$80,000**

Beginning Balance 7/1/19	\$48,065.43
Receipts	43,345.10
Expenditures	59,840.00

Ending Balance 6/30/18 \$31,570.53

**Robbins Library Rental (4250) established under Article 35 2006 Annual Town Meeting
Expenditures not to exceed \$8,000**

**Beginning Balance 7/1/19 \$24,413.70
Receipts 8,399.50
Expenditures 3,404.50
Ending Balance 6/30/18 \$29,408.70**

**Town Hall Rentals (4150) established under Article 35 2006 Annual Town
Meeting
Expenditures not to exceed \$125,000**

**Beginning Balance 7/1/19 \$86,999.06
Receipts 83,020.48
Expenditures 85,441.13
Ending Balance 6/30/18 \$84,578.41**

**White Goods Recycling Fees (3510) established under Article 35 2006 Annual Town
Meeting
Expenditures not to exceed \$80,000**

**Beginning Balance 7/1/19 \$59,215.88
Receipts 24,421.61
Expenditures 18,457.47
Ending Balance 6/30/18 \$84, 578.41**

**Library Vendor Fees (4220) established under Article 34 2009 Annual Town
Meeting
Expenditures not to exceed \$12,000**

**Beginning Balance 7/1/19 \$9,661.33
Receipts 5,961.15
Expenditures 4,554.67
Ending Balance 6/30/18 \$11,067.81**

**Gibbs School Energy Fees (2790) established under Article 45 2010 Annual Town Meeting
Expenditures not to exceed \$120,000**

**Beginning Balance 7/1/19 \$26,467.91
Receipts 0.00
Expenditures 18, 065.45
Ending Balance 6/30/18 \$8,402.46**

Beginning Balance 7/1/19	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance 6/30/18	\$0.00

Beginning Balance 7/1/19	\$22,263.01
Receipts	9,709.00
Expenditures	2,815.86
Ending Balance 6/30/18	\$29,156.15

(5-0)

COMMENT: The above/attached 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 53 ENDORSEMENT OF PARKING BENEFIT DISTRICT
EXPENDITURES**

VOTED: That the Select Board approves the operating and capital expenditures proposed by the Town Manager and Parking Implementation Governance Committee, and recommends Town Meeting's endorsement of the votes of the Finance and Capital Planning Committee's respectively.

(5-0)

COMMENT: Pursuant to Title I, Article 11 of the Town Bylaws, “Parking Benefit District Expenditures,” proposed Parking Benefit District Operating and Capital Expenditures are prepared by the Town Manager and the Parking Implementation Governance Committee (“PICG”) before submission for endorsement by the Finance Committee and Capital Planning Committee respectively; and subsequently Town Meeting. The Select Board approves the Manager and PICG’s proposal to the Capital Planning and Finance Committees and urges Town Meeting’s support as well.

ARTICLE 78**RESOLUTION/INDIGENOUS PEOPLES' DAY**

VOTED: That no action be taken on this article.

(5 – 0)

COMMENT: Having been advised by the proponent of this article – Arlington Human Rights Commission – that said Commission intends to pursue this matter in the future with the benefit of further study and preparation, the Select Board respectfully requests Town take no action on this article.

**ARTICLE 79 RESOLUTION/OVERNIGHT PARKING EXEMPTION PROGRAM
FOR MEDICAL AND FINANCIAL HARDSHIPS**

VOTED: That no action be taken on Article 79.

(5 – 0)

COMMENT: The Select Board commends the petitioners and interested persons for raising concerns regarding the impact of the overnight parking ban on disabled and low-income residents. The Board has adopted revisions to its policies as Parking Commissioners to establish a new type of overnight parking permit and associated process, which operates as an exemption rather than an application, and does not require applicants to address personal and sensitive information with the Board at a public meeting.



DANIEL J. DUNN, CHAIR
DIANE M. MAHON, VICE CHAIR
JOSEPH A. CURRO, JR.
JOHN F. HURD