



Town of Arlington Select Board

Meeting Agenda

March 8, 2021

7:15 PM

Conducted by Remote Participation

1. Executive Order on Remote Participation
2. Discussion & Approval: Fiscal Year 2022 Water/Sewer Rates
Adam Chapdelaine, Town Manager
Mike Rademacher, Director of Public Work

CONSENT AGENDA

3. Request: Contractor/Drainlayer License
Raffaele Construction Corp
Gerardo A. Raffaele
233 Burrill Street
Swampscott, MA 01907
4. For Approval: ACAC Utility Box Painting Project
Adria Arch, Commission for Arts and Culture
Laurie Bogdan, Commission for Arts and Culture

LICENSES & PERMITS

5. For Approval: Food Vendor License
Fattoush, 142 Massachusetts Avenue, Karam T. Touma

TRAFFIC RULES & ORDERS / OTHER BUSINESS

6. For Discussion and Approval: Metrofire Mutual Aid Agreement
Adam W. Chapdelaine, Town Manager
Douglas W. Heim, Town Counsel

WARRANT ARTICLE HEARINGS

7. Articles for Review:
Article 8 Bylaw Amendment/Canine Control Fees & Fines
Article 9 Bylaw Amendment/Display of Notice Fines
Article 10 Bylaw Amendment/Street Performance Definitions
Article 17 Vote/Establishment of Youth and Young Adult Advisory Board, Commission, or
Committee Study Committee
Article 19 Vote/Establishment of Town Committee on Residential Development

Article 23 Vote/Provision of Town Email Addresses for Town Meeting Members
Article 24 Vote/Town Clerk Study
Article 26 Home Rule Legislation/Ranked Choice Voting

FINAL VOTES & COMMENTS

Articles for Review:

Article 12 Bylaw Amendment/Changing Columbus Day to Indigenous Peoples Day
Article 13 Bylaw Amendment/Adding Juneteenth Independence Day to Holidays
Article 78 Resolution/Tree Canopy As A Public Health Resource
Article 80 Resolution/Facilities Department Report/Clarify Responsibilities, Track Progress of the Department of Facilities and Maintenance
Article 82 Resolution/Advanced Registration and Organization of Town Meeting Speakers
Article 83 Resolution/Protocols for Deliberative Collaboration in Town Government Initiated Citizen
Article 84 Resolution/Formally Invite Arlington Housing Authority Representatives to Present to Town Meeting
Article 85 Resolution/Acknowledging Native Lands
Article 86 Resolution/Celebrating Indigenous Peoples Day
Article 87 Resolution/Overnight Parking Waiver for Residents of Multi-Family Dwellings in Precinct 4
Article 88 Resolution/Resident Parking Program for Precinct 4
Article 91 Resolution/Declare Climate Emergency in the Town of Arlington

NEW BUSINESS

Next Scheduled Meeting of Select Board March 22, 2021

You are invited to a Zoom webinar.

When: Mar 8, 2021 07:15 PM Eastern Time (US and Canada)

Topic: Select Board Meeting

Register in advance for this webinar:

https://town-arlington-ma-us.zoom.us/webinar/register/WN_ByGMak1ZSCq-wUSoevkuKQ

After registering, you will receive a confirmation email containing information about joining the webinar.

Notice to the Public on meeting privacy In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.

Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.

<https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>



Town of Arlington, Massachusetts

Executive Order on Remote Participation

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Executive_Order_on_Remote_Participation.pdf	Executive Order on Remote Participation



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.


(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in cursive script, reading "Charles D. Baker". The signature is written in dark ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



Town of Arlington, Massachusetts

Discussion & Approval: Fiscal Year 2022 Water/Sewer Rates

Summary:

Adam Chapdelaine, Town Manager

Mike Rademacher, Director of Public Work

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	FY22_Rate_Recommendation.pdf	FY22 Rate Recommendations
▢ Reference Material	2020_MWRA_AB_Rate_Study_Community_Comparison.pdf	2020 MWRA AB Rate Study



**PUBLIC WORKS DEPARTMENT
TOWN OF ARLINGTON**
51 Grove Street, Arlington, Massachusetts 02476
Phone: (781) 316-3104 Fax: (781) 316-3281

Memo to: Adam Chapdelaine, Town Manager

From: Mike Rademacher, DPW Director

Date: March 4, 2021

Subject: FY22 Water/Sewer Rate Recommendation

Last year the Select Board requested that Water and Sewer Rates be structured in order to eliminate the shift of General Fund dollars in the Water and Sewer Enterprise Fund. We are entering into year two of that three year effort. In year one, the Water Rates increased by 17.2% and Sewer Rates increased 16.0%. At the same time, it was projected that FY22 rates would increase by 14.5% and 14.0% for Water and Sewer respectively. Late last spring, the MWRA made adjustments to community assessments in an effort to help with any financial struggles related to the Covid Pandemic. As a result, FY22's MWRA assessments are lower than previously projected. Adjusting for this reduction, it is my recommendation that in FY22, the Water Rates increase by 12.75% and Sewer Rates increase by 11.95%. Although future anticipated rate increases are shown below, these will need to be revisited annually to verify future expense projections hold true. This recommendation assumes the following:

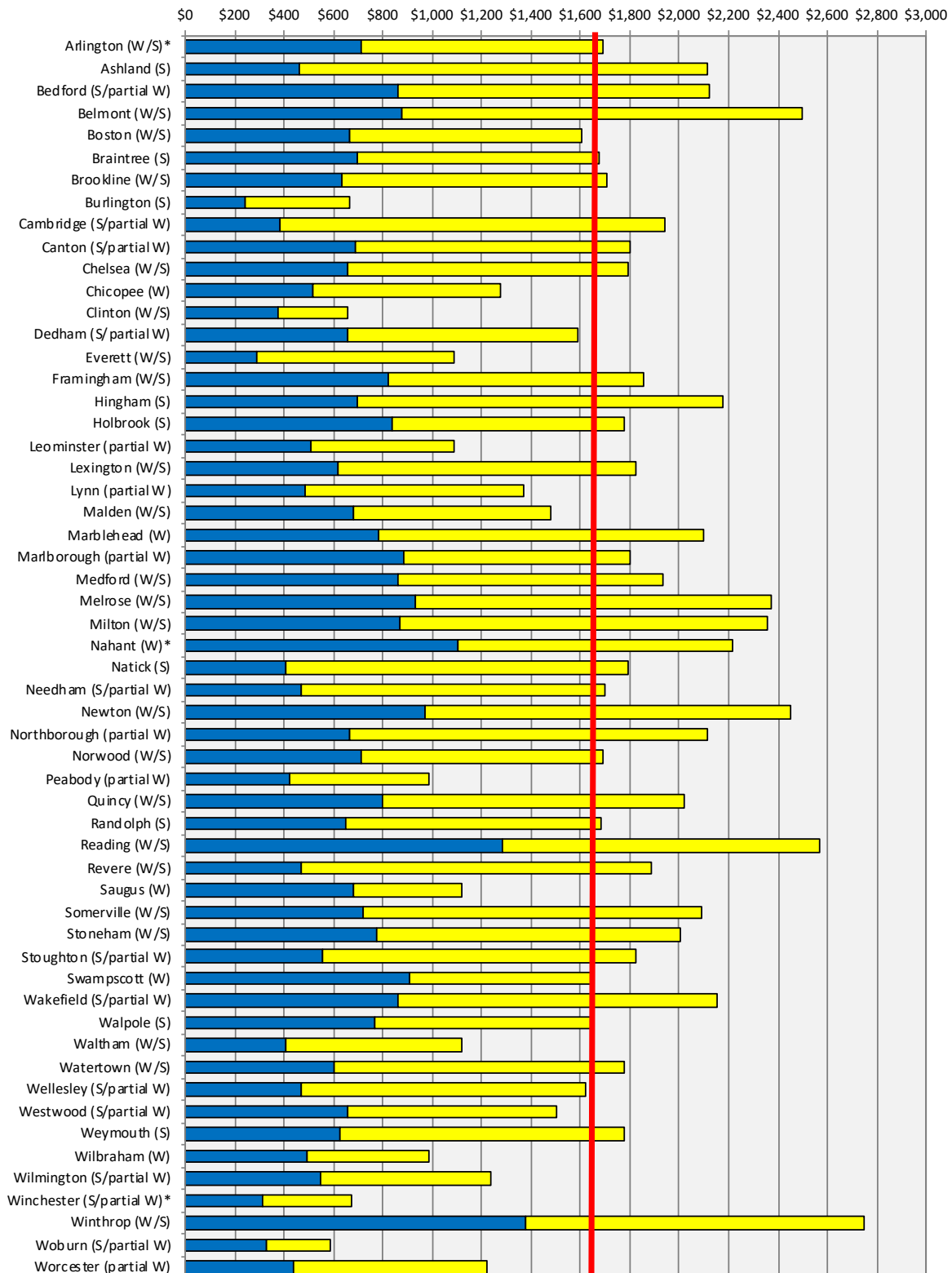
- Health and Retirement Indirect Costs have not yet been finalized
- Potential bargained salary increases have not been finalized but a placeholder estimate has been included.
- Rates are structured to eliminate the General Fund Offset evenly over FY21, FY22 and FY23.
- The General Fund shift would decrease from \$3,691,454 I to \$1,845,727 in FY22
- Rate projections include payment of future debt service related to capital projects including the DPW Facility
- All user fees increase by the same percentage at the proposed average rate increase
- Water use is assumed to level off around 1,215,000 CCF's based on current trends

Proposed Rate Chart	<u>Water</u>		<u>Sewer</u>	
	FY21 (Exist)	FY22 (Prop)	FY21 (Exist)	FY22 (Prop)
0-15 ccf/3 months	\$6.28	\$7.08	\$7.45	\$8.34
16-30 ccf/3 months	\$6.72	\$7.58	\$7.94	\$8.89
Over 30 ccf/3 months	\$8.16	\$9.20	\$9.63	\$10.78

	FY21 Rates	FY22 Rates <u>Additional 33% Reduction</u>	FY23 Rates <u>Final 33% Reduction</u>	FY24 Rates <u>Offset Eliminated</u>
Cost Ave. Arlington Home Use: <u>60ccf/yr.</u>	\$877	\$986	\$1,125	\$1,162
Cost Ave. Arlington Home per bill: <u>3 months</u>	\$219	\$246	\$281	\$290

Approx. Rate increase Over previous FY:				
Water:	<u>17.2%</u>	<u>12.8%</u>	<u>14.4%</u>	<u>3.6%</u>
Sewer:	<u>16.0%</u>	<u>11.9%</u>	<u>13.9%</u>	<u>3.1%</u>
Ave:	<u>16.6%</u>	<u>12.4%</u>	<u>14.2%</u>	<u>3.4%</u>

2020 Combined Retail Water & Sewer Community Charge Comparisons (Consumption at 120 HCF ≈ 90 kgal)



(*) Indicates community that utilizes the debt service exclusion as permitted under General Law 59 Section 21 C(n)

Combined Annual Water and Sewer Charges for Communities Receiving Services from the MWRA

Household Usage Based on Local, State & Federal Data 2020

Charges include MWRA, community, and alternatively supplied services.
Rates based on consumption provided to DEP by the communities and calculated by MWRA staff.

	Household Usage (HCF)	Household Usage (gal)	Water	Sewer	Combined
Belmont	79.6	59,543.5	\$610.46	\$1,100.68	\$1,711.14
Lexington	102.7	76,844.1	\$501.81	\$976.59	\$1,478.40
Stoneham	87.3	65,307.3	\$564.89	\$892.30	\$1,457.19
Nahant	78.7	58,859.4	\$725.51	\$725.51	\$1,451.03
Marblehead	75.6	56,523.6	\$522.24	\$852.73	\$1,374.97
Hingham	70.3	52,550.9	\$468.49	\$868.35	\$1,336.85
Wakefield	70.5	52,714.5	\$535.01	\$790.38	\$1,325.39
Reading	57.5	43,000.6	\$615.12	\$615.12	\$1,230.23
Winthrop	53.6	40,121.1	\$614.15	\$614.15	\$1,228.30
Wellesley	83.7	62,641.4	\$344.71	\$805.21	\$1,149.91
Milton	86.5	64,727.0	\$439.52	\$698.34	\$1,137.86
Ashland	62.0	46,368.6	\$261.29	\$862.41	\$1,123.69
Newton	58.2	43,550.8	\$434.78	\$673.37	\$1,108.14
Swampscott	73.0	54,593.7	\$571.93	\$487.26	\$1,059.20
Walpole	79.2	59,237.6	\$438.99	\$582.05	\$1,021.04
Melrose	46.7	34,964.4	\$367.43	\$642.76	\$1,010.19
Canton	71.6	53,562.3	\$359.73	\$645.91	\$1,005.64
Dedham	72.5	54,243.5	\$435.83	\$553.63	\$989.45
Saugus	67.3	50,309.7	\$596.58	\$391.38	\$987.96
Brookline	69.5	51,959.9	\$306.67	\$674.84	\$981.51
Westwood	72.5	54,243.5	\$435.83	\$502.36	\$938.19
Framingham	55.6	41,565.5	\$411.54	\$523.89	\$935.42
Needham	88.1	65,912.4	\$272.30	\$655.79	\$928.09
Somerville	48.1	35,980.3	\$278.97	\$622.87	\$901.84
Chelsea	59.2	44,276.7	\$323.79	\$560.56	\$884.35
Stoughton	57.1	42,702.9	\$276.01	\$604.01	\$880.01
Northborough	49.8	37,217.8	\$283.81	\$592.10	\$875.91
Braintree	57.0	42,669.9	\$352.75	\$487.21	\$839.96
Randolph	59.0	44,111.8	\$359.48	\$479.91	\$839.39
Arlington	54.2	40,523.3	\$336.42	\$457.29	\$793.71
Watertown	53.0	39,669.0	\$264.64	\$519.73	\$784.36
Weymouth	52.2	39,021.7	\$282.27	\$486.16	\$768.43
Medford	52.0	38,885.0	\$308.35	\$459.38	\$767.73
Holbrook	51.1	38,248.0	\$356.40	\$401.91	\$758.31
Lynn	65.7	49,122.3	\$265.31	\$485.97	\$751.28
Revere	47.1	35,222.8	\$184.12	\$555.18	\$739.30
Wilmington	71.0	53,099.5	\$296.39	\$405.35	\$701.74
Marlborough	45.4	33,951.2	\$333.61	\$348.14	\$681.75
Bedford	57.1	42,747.6	\$272.20	\$406.23	\$678.43
Natick	63.4	47,421.6	\$161.48	\$493.36	\$654.84
Chicopee	61.1	45,688.0	\$251.81	\$386.01	\$637.81
Worcester	57.4	42,914.5	\$258.18	\$374.07	\$632.24
Malden	62.0	46,345.3	\$282.53	\$346.35	\$628.88
Norwood	57.1	42,743.7	\$286.44	\$320.24	\$606.68
Cambridge	38.4	28,757.1	\$115.97	\$480.38	\$596.35
Woburn	90.1	67,409.6	\$329.78	\$256.52	\$586.30
Leominster	57.4	42,968.2	\$261.78	\$287.23	\$549.00
Boston	39.2	29,357.8	\$211.39	\$295.89	\$507.29
Everett	55.1	41,202.1	\$133.85	\$364.10	\$497.95
Waltham	55.7	41,695.5	\$171.13	\$304.35	\$475.48
Peabody	58.6	43,822.6	\$193.92	\$258.37	\$452.29
Wilbraham	52.7	39,385.4	\$216.94	\$215.88	\$432.82
Quincy	40.3	30,160.2	\$268.94	\$136.61	\$405.55
Lynnfield	76.3	57,089.8	\$401.50	\$0.00	\$401.50
Winchester	85.6	64,048.9	\$193.18	\$201.89	\$395.07
Weston	125.5	93,881.3	\$395.06		\$395.06
Southborough	82.1	61,402.1	\$364.55		\$364.55
Clinton	67.2	50,238.8	\$203.23		\$355.65
South Hadley	58.9	44,090.5	\$291.06		\$291.06
Burlington	52.3	39,137.0	\$90.14	\$90.86	\$181.00
Average (minus non-sewered communities)			\$347.11	\$514.63	\$861.74



Town of Arlington, Massachusetts

Request: Contractor/Drainlayer License

Summary:

Raffaele Construction Corp
Gerardo A. Raffaele
233 Burrill Street
Swampscott, MA 01907

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Raffaele_Construction_Corp.pdf	Reference



Engineering Division

TOWN OF ARLINGTON
Department of Public Works
51 Grove Street
Arlington, Massachusetts 02476
Office (781) 316-3320 Fax (781) 316-3281

MEMORANDUM

To: Select Board
From: Engineering Division
Re: Approved Contractor License
Date: February 11, 2021

Dear Board Members,

Reference is hereby made to an application by Gerardo A. Raffaele of Raffaele Construction Corp to be accepted as an Approved Contractor in the Town of Arlington.

Contact information is as follows:

Raffaele Construction Corp
233 Burrill Street
Swampscott, MA 01907
Gerardo A. Raffaele
Phone: 781-598-5989
Email: raffaelecorp@gmail.com

Upon review of the provided references supplied by the contractor, we recommend approval and issuance of an Approved Contractor and Drainlayer license.

Regards,

William C. Copithorne, P.E.
Assistant Town Engineer

cc: Wayne Chouinard, Town Engineer
File



TOWN OF ARLINGTON DEPARTMENT OF PUBLIC WORKS

APPLICATION FOR TOWN OF ARLINGTON DPW CONTRACTOR LICENSE

Directions: Please complete ALL fields below and deliver the completed application to the Department of Public Works Engineering Department at 51 Grove Street for Processing and Submission to the Board of Selectmen. Please also include in your submission a \$75.00 application fee in the form of a check payable to the "Town of Arlington". Any questions regarding this application form or procedure should be directed to the Town of Arlington Engineering Department at 781-316-3386.

Scope of Work

Please indicate the scope of work you intend to perform as a DPW Approved Contractor in the Town of Arlington (check all that apply):

☒ Water ☒ Sanitary Sewer ☒ Stormwater Drainage ☐ Sewer/Drain Inspection ☒ Driveway Work ☒ Curb/Sidewalk Work

Applicant Information

Applicant/Firm Name: Raffaele Construction Corp
Select One: ☐ Corporation ☒ Partnership ☐ Proprietorship ☐ Other: _____
Street Address: 233 Burrill St City/Town: Swampscott State: MA
Primary Phone: 781-598-5989 E-mail: raffaelecorp@gmail.com
Length of Time in Business under the same Firm Name: 20
Full Name(s) of Principal(s): Gerardo A. Raffaele
Primary Contact Person: Gerardo Raffaele

Experience/Previous Work

Nature of Typical/Standard Work: Water and sewer line repair/replacement
Have you ever performed this type of work in Arlington: ☐ Yes ☒ No
If Yes, Please provide Location: _____ Approximate Date: _____
Total Amount of such construction this year: 180,000
Total Amount of such construction last year: 250,000
Total Amount of such construction next previous year: 275,000

Municipal References - Please Attach Written Reference Letters

Municipality: Marblehead, MA
Primary Contact Name: Paul Talbert Email: TalbertP@marblehead.org
Municipality: Swampscott, MA
Primary Contact Name: Gino Cresta Email: gcresta@swampscottma.gov
Municipality: Lynn, MA
Primary Contact Name: Racanna Hughes Email: rhughes@lynnwatersewer.org

Banking/Financial References - Please Attach Written Reference Letters if Available

Bank Reference: TD Bank Phone: 978-741-7779

Federal Tax ID or Social Security #: _____

Note to Town Staff: Redact Social Security # before releasing document

Your social security number or federal identification number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licenses who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Massachusetts General Law, Chapter 62C, Section 49A.

Signature/Endorsement

By signing below, I certify that under the penalties of perjury that to the best of my knowledge and belief all information on this application is true and correct. I also certify by signature below that I/we have filed all state tax returns and paid all state taxes as required by law. I also hereby agree to conform in all respects to the conditions governing such license as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen and/or Department of Public Works may establish.

Applicant Signature: _____

Raffaele

Date: 10/26/20

Reset Form

Print Form



TOWN OF MARBLEHEAD

Water and Sewer Commission

P.O. BOX 1108

Marblehead, Massachusetts 01945

Paul E. Jalbert
Office Manager
jalbertp@marblehead.org

Office: 100 Tower Way
781 631-0102
781 631-2694
781 631-2670

February 21, 2020

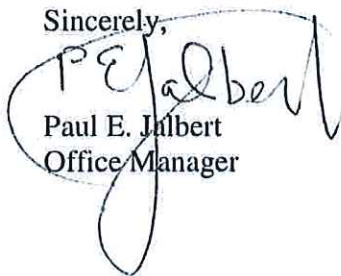
RE: Raffaele Construction Corp.
P.O. Box 436
Swampscott, MA 01907

To Whom It May Concern:

Please be informed that Raffaele Construction Corp. has held a Drain Layer License issued by the Marblehead Water and Sewer Commission, Marblehead, MA, for several years for the purpose of performing work on sewer service lines in Marblehead. There have been no issues with the work done in Marblehead by Raffaele Construction and I would offer an affirmative recommendation for an application for a license in your community.

If you have any questions, please contact me at 781 631-0102.

Sincerely,



Paul E. Jalbert
Office Manager



*Town of Swampscott
Department of Public Works*

22 Monument Avenue
Swampscott, Massachusetts 01907
Tel: 781-596-8860 Fax: 781-596-8828

Gino A. Cresta Jr., Director
gcresta@swampscottma.gov

Kelly Stevens, Assistant Engineer
kstevens@swampscottma.gov

October 20, 2020

Town of Arlington
Engineering Department
51 Grove Street
Arlington, MA 02476

To Whom This May Concern,

This letter is forwarded to you for the purpose of acknowledging that Gerry Raffaele, of Raffaele Construction Company, has performed both water main and water service repair work in the Town of Swampscott for several years. All of his work has been performed in a satisfactory and very professional manner, and he himself has been a pleasure to deal with.

If there are any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Gino A. Cresta Jr.
Director of Public Works
Town of Swampscott

**WATER & SEWER
COMMISSION****Letter of Recommendation**

Date: October 26, 2020

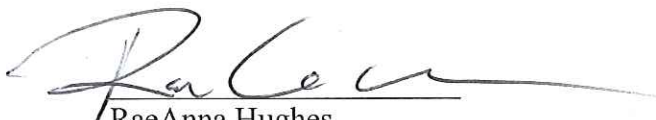
For: Raffaele Construction
Swampscott, MA 01907

To: Town of Arlington, MA

Raffaele Construction is currently a licensed drain layer with the Lynn Water & Sewer Commission (LWSC). To date **Raffaele Construction** has complied with all LWSC rules and regulations and has demonstrated an ability to provide competent and timely completion of various water, sewer, and drain projects, including emergency repair work.

A verbal recommendation can be provided if required, by calling 781-596-2400 ext. 206.

Sincerely,



RaeAnna Hughes
Engineer

OFFICE OF THE SELECT BOARD

JOHN V. HURD, CHAIR
DIANE M. MAHON
STEPHEN W. DECOURCEY
LENARD T. DIGGINS
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE
TELEPHONE

781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

March 2, 2021

Gerardo A. Raffaele
Raffaele Construction Corp
223 Burrill Street
Swampscott, MA 01907

Dear Mr. Raffaele:

The Select Board will be discussing your request for a License to do Drainlaying in the Town of Arlington by remote participation on Monday, March 8, 2021 at 7:15 p.m. Although it is not a requirement that you join this virtual meeting, you are invited to do so.

Information which includes the link to the meeting will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Thursday, March 4, 2021 by 7:00 p.m.

Please contact this office by email, lcosta@town.arlington.ma.us, if you have any questions.

Very truly yours,
SELECT BOARD

A handwritten signature in cursive script, reading "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:lc



Town of Arlington, Massachusetts

For Approval: ACAC Utility Box Painting Project

Summary:

Adria Arch, Commission for Arts and Culture

Laurie Bogdan, Commission for Arts and Culture

ATTACHMENTS:

	Type	File Name	Description
▯	Reference Material	Utility_Box_Location_Requests.pdf	Reference from ACAC

2021 utility box location requests:

1.



Lake Street / bike path

5.



Alton

2.



Bates and Broadway

6.



Foster and Mass Ave.

3.



Pleasant and Irving

7.



Appleton/ Florence

4.



Park and Park Circle



Town of Arlington, Massachusetts

For Approval: Food Vendor License

Summary:

Fattoush, 142 Massachusetts Avenue, Karam T. Touna

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Fattoush_Inspection_Reports.pdf	Inspection Reports
▢	Reference Material	Fattoush_FV_Application.pdf	Food Vendor Application

LICENSE APPLICATION REPORT

Type of License: Food Vendor License

Name of Applicant: Karam T. Touma d/b/a Fattoush

Address: 142 Massachusetts Avenue

The following Departments have **no objections** to the issuance of said license:

- Police _____
- Fire _____
- Health _____
- Building _____
- Planning _____

The following Departments have **no objections** but have made comments or conditions regarding the issuance of said license: (see attached)

- Police _____x_____
- Fire _____x_____
- Health _____x_____
- Building _____x_____
- Planning _____x_____

The following Departments have **objections** to the issuance of said license:
(see attached)

- Police _____
- Fire _____
- Health _____
- Building _____
- Planning _____

ARLINGTON POLICE DEPARTMENT

Juliann Flaherty
Acting Chief of Police



POLICE HEADQUARTERS
112 Mystic Street
Telephone 781-316-3900

Town of Arlington
MASSACHUSETTS 02474

February 19, 2021

On Friday, February 19, 2021 at 9:55 PM, I called and spoke with Karam Touma regarding this application for a Food Vendor License for the Fattoush Restaurant, located at 142 Mass Ave. Karam stated this will be his first restaurant opening and hopes to start after all his approvals. Karam stated that he will be renovating the space for approx. a month and opening after that. Karam stated that he will be owning and running the day to day operations at the restaurant.

I advised Karam Touma that the Board of Selectmen may be conducting C.O.R.I and S.O.R.I checks during the application process.

Pending the checks conducted by the Board of Selectmen's Office, Arlington Police Dept. is not aware of any law enforcement or public safety reasons to object to the Food Vendor License for the Fattoush Restaurant.

Respectfully Submitted,

Detective Edward DeFrancisco

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Select Board; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: _____

Date: _____

3.3.2021

"Proactive and Proud"



Arlington Fire Department Town of Arlington

Administrative Office

411 Massachusetts Ave, Arlington, MA 02474

Phone: (781) 316-3803 Fax: (781) 316-3808

Email: rmelly@town.arlington.ma.us

Ryan Melly
Deputy Fire Chief

Checklist for food sales ownership conversion.

- All exit signs and emergency lights must be tested and in good working order
- FACP **must** have annual test paperwork on hand and be free of trouble and alarm signals
- Sprinkler system (if present) shall have current inspection tag
- All extinguishers must be hung with signs and a current inspection tag
- "K" extinguisher mounted and tagged in the kitchen area if using fat to cook
- All exits and exit paths must be in proper working order and free from storage
- No storage of excess combustibles allowed inside building or near exit ways
- Hoods must have current inspection/cleaning sticker attached
- Kitchen extinguishing systems must have current inspection tags
- If Ansul or Sprinklers present FACP must report to monitoring company
- Address must be clearly visible from the street
- Electrical panels must be accessible from floor to ceiling for the entire width
- Call for inspection after all has been completed 781-316-3803

APPLICANT SIGNATURE SECTION:

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Applicant's Signature: _____

Date: _____

3.3.2021



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
Fax: (781) 316-3175

MEMO

To: Select Board
From: Padraig Martin, Lead Health Compliance Officer
Date: March 2, 2020
RE: Board of Health Comments for Select Board Meeting on March 8, 2021

Please accept the following as comments from the Office of the Board of Health:

**Fattoush: 142 Massachusetts Avenue
Common Victualler License**

- The Health Department contacted this establishment to initiate the plan review application process. The Department will not issue a Food Operator Permit until a completed plan review application is reviewed and a successful pre-operational inspection is conducted to ensure compliance with the Food Code.

APPLICANT SIGNATURE SECTION:

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Applicant's Signature: _____

Date: 3.3.2021

**OFFICE OF THE SELECT BOARD
TOWN OF ARLINGTON - INSPECTION REPORT**

Report is due at the Office of the Select Board by, March 3, 2021
ONE REPORT IS REQUIRED FROM EACH DEPARTMENT.

Location: 142 Massachusetts Avenue
Applicant's Name: Karam T. Touma
D/B/A: Fattoush Restaurant, Inc.
Telephone: 978-335-5836
Department: Sent Via E-mail Date: 2/11/2021

MEETING DATE: March 8, 2021

Inspected By:

RE: FOOD VENDOR LICENSE

Police
Fire
Board of Health
Building
Planning

INSPECTION REPORT SECTION:

Building

All building changes need permits.

All sign changes need approval and sign permit.

Window signs cannot exceed 25% of window or fine lines will be levied.

Certificate of Occupancy is needed - \$100 fee.

The Director of Inspectional Services has no objection to the issuance of this license as the applicant has been made aware of seating capacity and necessity for showing proof of ownership of sidewalk.

Plumbing

The Inspector of Plumbing and Gasfitting has no objection to the issuance of this license.

All Plumbing and Gasfitting work requires that the permits be obtained from this office for their respective trades by a licensed contractors.

Electrical

The Inspector of Wires has no objection to the issuance of this license

The applicant acknowledges that this is a conditional approval of the premises only and is not to be constructed as approval of the Inspector of Wires of concealed electrical wiring. Any new wiring must conform to the Mass. Electrical Code. Notify the Inspector of Wires in accordance with Chapter 143, Section 31.

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Select Board; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: _____

Date: _____

3.3.2021

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Applicant's Name: Karam T. Touma
D/B/A: Fattoush Restaurant, Inc.
Telephone: 978-335-5836
Department: Sent Via E-mail

Date: 3/3/2021

MEETING DATE: March 3, 2021

Inspected By:

RE: FOOD VENDOR LICENSE

Police
Fire
Board of Health
Building
Planning---Ali Carter, Economic Development Coordinator

INSPECTION REPORT SECTION:

The application is for a food vendor license for Fattoush Restaurant at 142 Massachusetts Avenue. This address was formerly home to a driving school. This location is in a B2 Neighborhood Business zoning district and is an appropriate use for the neighborhood.

The Department has no objection to the issuance of a food vendor license to this business.

Any changes in signage, including signs in the window, and changes to the façade of the building may be subject to review by this Department. The Applicant is reminded that all signs, including re-lettering of the existing signs require a permit issued by the Building Department. Other provisions of the Zoning Bylaw may apply as determined by the Building Inspector.

APPLICANT SIGNATURE SECTION:

I have received the above report and acknowledge said inspection. I fully understand that no work is to commence at the premises of the proposed location of which is the subject matter of this inspection report until the license is approved by the Select Board; furthermore, any work done is done at the applicant's risk.

Applicant's Signature: 

Date: 3.3.2021

OFFICE OF THE SELECT BOARD

730 Massachusetts Avenue
Town of Arlington
Massachusetts 02476-4908

(781) 316-3020
(781) 316-3029 fax

\$60.00 Filing Fee

Inspections Dept. at 51 Grove St. must review completed application before returning to this office.

APPLICATION

To the Licensing Authorities of the Town of Arlington

The Undersigned hereby makes application for a

☐ COMMON VICTUALLER LICENSE (Eat In)
☒ FOOD VENDOR LICENSE (Take Out Only)

Location 142 Mass. Avenue,

Name of Applicant Karam T. Touma

Corporate Name (if applicable) Fattoush Restaurant, Inc.

D/B/A Fattoush

Date January 14, 2021

I/We hereby agree to conform in all respects to the conditions governing such License as printed in the By-Laws of the Town, and such other rules and regulations as the Selectmen may establish. With the signing of this application, the applicant acknowledges that:

- A. It is understood that the Board is not required to grant the license.
- B. no work is to commence at the premises of the proposed location which is the subject matter of this application until the license is approved by the Select Board, and, furthermore, any work done is done at the applicant's risk, and
- C. in the event of a proposed sale of a business requiring a Common Victualler License, an application for a transfer of said license will be deemed to be an application for a new license (subject to the rules and regulations herein contained), and the owner of such business shall be required to file with the Select Board a thirty day notice of his intention to sell same before such application will be acted upon by the Select Board.
- D. That the license is subject to revocation if the holder of the license does not comply with Town By-Laws or the Rules and Regulations of the Board.

Print Name Karam T. Touma

Signature Name 

Phone (Home) _____ (Business) _____

Email FattoushMass@gmail.com

INFORMATION RELATIVE TO APPLICATION

Breakfast The proposed restaurant will serve a Mediterranean
Yes ☒ No and veggian style of food in a take-out and

Lunch catering capacity.

Yes ☒ No ☐

Dinner

Yes X No _____

Do you own the property? Yes___No X Tenant at Will _____ Lease 5 (years)

Hours of Operation:

Day Sunday - Saturday Hours 9:00 a.m. to 9:00 p.m.

Day _____ Hours _____

Day _____ Hours _____

Floor Space 520 Sq. Ft. Seating Capacity (if any) 0

Parking Capacity (if any)_____spaces Number of Employees_____

List Cooking Facilities (and implements)

griddle/grill, fryolator, stove, panini press, microwave oven

Will a food scale be in use for sale of items to the public? Yes___No_x

Will catering services be provided by you? Yes X No

The following items must be submitted with the application:

- | | | |
|----|---|---------------------|
| 1. | Layout Plan of Facility & Fixtures | Date Received _____ |
| 2. | Site Plan (obtained at Bldg. Dept., 51 Grove St.) | Date Received _____ |
| 3. | Outside Facade and Sign Plan (dimensions, color) | Date Received _____ |
| 4. | Menu | Date Received _____ |
| 5. | Maintenance Program | Date Received _____ |

If the facilities are not yet completed, provide estimated cost of work to be done \$ 50,000.00

FOR OFFICE USE ONLY

Scheduled Hearing when Application will be presented to Select Board for approval:

Date _____ Time _____

Board Action: Approved Yes No

APPLICANT'S RESUME

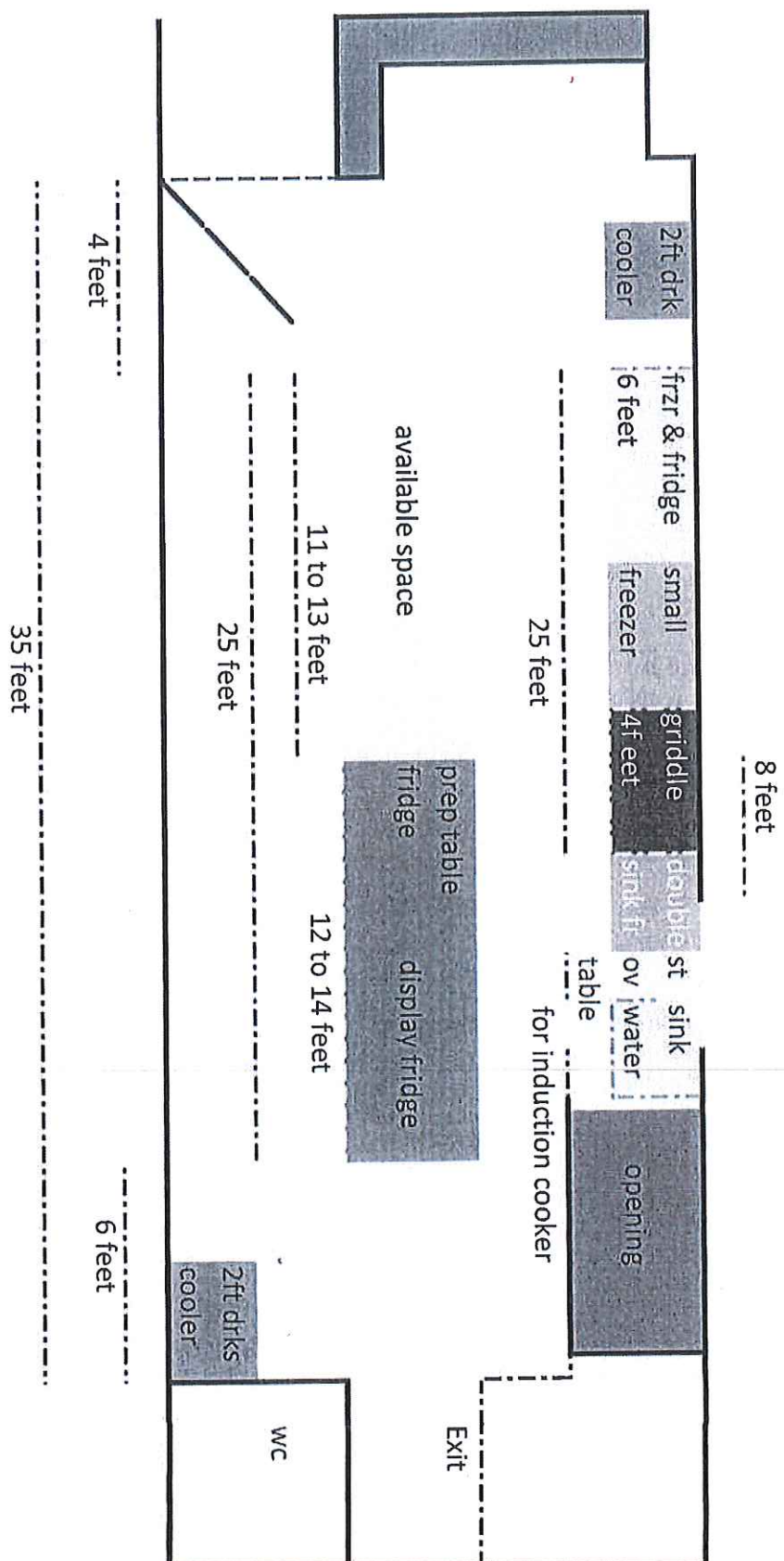
Food Business Experience of Applicant

From <u>2018</u>	to <u>Present</u>
Employee <u>Bô Cafe</u>	D/B/A <u></u>
Sole Owner <u></u>	Location <u>Norwell, Mass.</u>
Partnership <u></u>	Type Food <u>Mediterranean / American</u>
Corporation <u></u>	Number of Employees <u></u>

From <u></u>	to <u></u>
Employee <u></u>	D/B/A <u></u>
Sole Owner <u></u>	Location <u></u>
Partnership <u></u>	Type Food <u></u>
Corporation <u></u>	Number of Employees <u></u>

List any other information that you feel will assist in the review of this application.

This is a new business venture for Mr. Touma, however he has
operated his own business in the past. He has been in the restaurant
business as an Assistant Chef at Bô Cafe. He is ready to open
his own shop and is hiring the Chef and Assistant Chef from
Bô Cafe to work in this new venture.





Egerton Rd

R5

Trowbridge St

Melrose St

Massachusetts Ave



Windsor St

Milton St

Varnum St



Places by Category

- Police Station
- Fire Station
- School
- Public Works
- Poles (for Base Maps - 1)
- Traffic Signal Pole
- Pedestrian Signal Pole
- Street Light

Buildings

Zoning

- B1: Neighborhood
- B2: Medium Density
- B3: Major Business
- B4: Village Business
- B5: Vehicular Oriented
- C: Central Business
- I: Industrial
- MU: Multi-Use
- OS: Open Space
- PLD: Planned Unit
- R1: Large Lot Single
- R2: Single Family
- R3: Two Family
- R4: Town House
- R5: Medium Density
- R6: Medium Density
- R7: Medium Density
- T: Transportation

Recreation - Facilities

- Recreation - Fields
- Recreation - Fields Court

Open Space - Cemeteries

- Open Space - Cemeteries
- Open Space - Cemeteries

Open Space - Labels

- Open Space - Labels
- Open Space - Labels

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Open Space - Labels

0 100 200 ft

Printed on 02/10/2021 at 01:42 PM

Town of Arlington, MA

The data shown on this map are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

003.0 0003 0003.0
Map Block Lot

1 of 1 Commercial
CARD ARLINGTON

APPRaised: 898,700 / 898,700
USE VALUE: 898,700 / 898,700
ASSESSed: 898,700 / 898,700

PROPERTY LOCATION

No. 138-142 Direction/Street/City
MASS AVE, ARLINGTON

OWNERSHIP

Owner 1: SPC REALTY LLC

Owner 2: -

Owner 3: -

Street 1: 138 MASS AVE

Street 2: -

Town/City: ARLINGTON

Sub/Prov: MA

Postal: 02474

Owner 1: DEGIACOMO JAMES R.

Owner 2: -

Street 1: 112 MASS AVENUE

Town/City: ARLINGTON

Sub/Prov: MA

Postal: 02474

NARRATIVE DESCRIPTION

This parcel contains 2,750 Sq. Ft. of land mainly classified as Restaurant with a Restaurant Building built about 1945, having primarily Brick Exterior and 2240 Square Feet, with 2 Units, 0 Bath, 0 3/4 Bath, 3 HalfBaths, 0 Rooms, and 0 Bdrm.

OTHER ASSESSMENTS

Code Description Amount Com. Int

IN PROCESS APPRAISAL SUMMARY

Use Code 326 Land Size 2750.000 Building Value 304,000 Yard Items 594,700 Land Value 594,700 Total Value 898,700

Total Card 0.063 304,000 594,700 898,700

Total Parcel 0.063 304,000 594,700 898,700

Source: Market Adj Cost Total Value per Sq Unit /Card: 401.21 /Parcel: 401.2

Parcel ID 003.0-0003-0003.0

Entered Lot Size

Total Land:

Land Unit Type:

Legal Description

User Acct 2703

GIS Ref

GIS Ref

Insp Date 03/12/09

12691

PRINT

Date Time

12/10/20 16:06:20

LAST REV

Date Time

03/08/17 10:59:46

Prior Id #1: 2703

Prior Id #2:

Prior Id #3:

Prior Id #1:

Prior Id #2:

Prior Id #3:

Prior Id #1:

Prior Id #2:

Prior Id #3:

ASR Map:

Fact Dist:

Reval Dist:

Year:

LandReason:

BldReason:

CivilDistrict:

Ratlo:

269

BUILDING PERMITS

Date Number Descrp Amount C/O Last Visit Fed Code F. Descrp Comment

1/8/2013 21 Manual 16,550 C

11/21/2007 1075 Manual 10,000

6/30/2004 574 Awmings 1,500

8/29/2003 728 Manual 7,000 C

8/28/2002 742 Inter Fl 10,000 C

5/11/2002 309 Re-Roof 4,500 C

4/22/1999 211 Add Bath 3,000

4/7/1999 170 Alterat 2,000

7/5/1998 435 New Wind 3,500

10/14/1997 632 Manual 2,500

ACTIVITY INFORMATION

Date Result By Name

3/8/2017 I & E Return EMK Ellen K

5/16/2013 Info Frm Pmt EMK Ellen K

3/12/2009 Mass Inspct 201 PATRIOT

12/31/1999 Mass Inspct 201 PATRIOT

3/1/1990 Peter M

Sign: _____

Use	LU	No of Units	Depth /	Unit Type	Land Type	LT	Base	Unit	Adj	Neigh	Neigh	Int 1	%	Int 2	%	Int 3	%	Appraised	Alt	%	Spec	Fact	Use Value	Notes
326	Restaurant	2750					0	43.25	5.00	CG								594,088					594,700	

Total ACH/A: 0.06313	Total SFSM: 2750	Parcel LUC: 326	Restaurant	Prime NB Desc: COMM GD	Total: 594,688	Spl Credit	Total: 594,700
----------------------	------------------	-----------------	------------	------------------------	----------------	------------	----------------

Disclaimer: This information is believed to be correct but is subject to change and is not warranted. Database: AssessPro - FY2021 apro 2021



DRAWING TITLE:	CUSTOMER:	FATTOUSH MEDITERRANEAN FOOD	CONTACT PHONE:
PROJECT ADDRESS:	142 MASS. AVE., ARLINGTON, MA	DATE:	
JOB NUMBER:	E MAIL:		
JOB DESCRIPTION:			



- SALE
- DESIGN
- PERMITS
- FABRICATION
- INSTALLATION
- MAINTENANCE

Signs@CambridgeReproGraphics.com
CambridgeReproGraphics.com

FATTOUSH

Grab & Go items

(containers to be clear ,with labels of ingredients & expiry dates)

- 1 Hummus
- 2 Jalepeno hummus
- 3 Avocado hummus
- 4 Baba ghanoush
- 5 Mjadara (pureed)
- 6 Mdardara
- 7 Fried Eggplant
- 8 Baked Eggplant
- 9 Grape leaves
- 10 Quinoa salad
- 11 White bean salad
- 12 Green bean salad
- 13 Beet salad
- 14 Tabouli
- 15 Eech (Armenian tabouli) (with scalions and parsley in it , "tablee ")
- 16 Loubia (Green beans in red sauce)
- 17 Lentil salad

Salads to be prepared

- 1 Greek salad (feta cheese & olives)
- 2 Garden salad
- 3 Green salad (different greens)
- 4 Fattoush salad

Add ons for Salads

1	Chicken Tawouk	<u>Additional items</u>
2	Chicken Shawarma	Labne
3	Beef Shawarma	Tzaziki
4	Tuna	

Lunch Platters

- 1 Rice pilav /rice (gluten fr) +tawouk+ hummus + salad + bread
- 2 Rice pilav /rice (gluten fr) +chicken shawarma+ hummus + salad + bread
- 3 Rice pilav/ rice (gluten fr) + beef shawarma + hummus + salad + bread
- 4 Rice pilav/ rice (gluten fr) +loubia + hummus + salad + bread
- 5 Falafel platter + tahini + pickles + salad (vegetarian)

Combos

- 1 Two division platter (dip and salad/veggies + bread)
(2 keebe /2 pies + dip)
- 2 Four division platter (combination of 4 items + bread)
- 3 Six division platter (combination of 6 items)

Snacks

- 1 Meat kebbe balls
- 2 Pumpkin kebbe balls
- 3 Meat pies
- 4 Spinach pies

Dough Family

(gluten free choice)

- 1 Lahmajoun

- 2 Manqoushi
- 3 Cheese bread (zaatar)
add on soujok
- 4 House specialty (big rectangular pizza crust already baked)
choice of zaatar /cheese/mix/or cheese with soujok

Wraps

(gluten free / vegan)

(add ons chicken)

- 1 Labne
 - 2 Haloumi
 - 3 Feta
 - 4 Falafel
 - 5 Cauliflower
 - 6 Hummus
 - 7 Baba ghanoush
 - 8 Armanian tabouli wrap (Eech)
 - 9 Mjadara (pureed)
 - 10 Grape leaves
 - 11 Soujok
 - 12 Chicken Shawarma
 - 13 Chicken Tawouk
 - 14 Beef Shawarma
-

MAINTENANCE PLAN

Trash, refuse and garbage will be stored in a secured dumpster located at the rear of the premises which will be shielded and screened from public view. Refuse removal service will be provided by duly licensed contractors with pick-up as often as necessary, but not less than twice per week and between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday.

A duly licensed contractor will be used to ensure that no pest control issues arise.

The cooking and ventilation equipment will be regularly cleaned in accordance with manufacture instructions and industry recommendations.

The cooking ventilation equipment will be in accordance with the requirements of the Arlington Board of Health.

The kitchen will be kept in the highest state of cleanliness and will be fully cleaned and sanitized nightly.

The floors will be swept and mopped multiple times daily.

The bathrooms will be cleaned daily.

The area directly outside the entrance will be monitored to ensure that it is free of debris and/or clutter, cleaned daily, as well as kept free from snow and ice.



Town of Arlington, Massachusetts

For Discussion and Approval: Metrofire Mutual Aid Agreement

Summary:

Adam W. Chapdelaine, Town Manager

Douglas W. Heim, Town Counsel

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Metrofire_Mutual_Aid_Agreement_Final_Fillable.pdf	Reference

METROFIRE
MUTUAL AID AGREEMENT
FOR JOINT FIRE, RESCUE, and/or AMBULANCE SERVICE

THIS AGREEMENT made and entered into as of the first (1st) Day of November 2021 between and among the parties signatory hereto.

WITNESSETH;

WHEREAS, it has been determined that the provision of fire, rescue, ambulance and other emergency service assistance across jurisdictional lines in emergencies will increase the ability to preserve the safety and welfare of the entire area; and

WHEREAS, Massachusetts General Law Chapter 48, Section 59A allows communities to authorize their fire departments to go to the aid of others for extinguishing fires, rendering other emergency assistance or performing any detail as ordered by the head of the fire department; and

WHEREAS, the parties to the agreement wish to continue as they have for decades to provide mutual aid fire, rescue, ambulance and other emergency service assistance.

NOW THEREFORE, the parties hereto do mutually agree as follows:

1. Declaration of Need for Expanded Mutual Aid

When a need for assistance in extinguishing fires or rendering any other emergency aid or performing any detail exists, the head of the fire department or his/her designee shall notify the Metrofire Control Center established by the Operational Plan appended to this Agreement of the need for assistance under this agreement.

2. Operational Plan

An Operational Plan has been produced to outline the exact procedure to be followed in responding to a request for assistance under this Agreement. The head of the fire department or his/her designee shall meet at least annually to review and, if necessary, to propose revisions to the Operational Plan. Any such revisions shall become effective upon approval of a majority of the Fire Department Chiefs (by whatever title) of the parties to this Agreement.

3. Governmental Immunity

(A) The services performed and the expenditures made under this Agreement shall be deemed for public governmental purposes and privileges, and immunities from liability, enjoyed by the local government within its boundaries shall extend to its participation under this agreement in rendering fire, rescue, ambulance and other emergency service outside its boundaries shall extend to its participation under this agreement in rendering fire, rescue, ambulance and other emergency service outside its boundaries to the extent the law provides.

(B) During the course of rendering mutual aid assistance as provided for by this Agreement, the municipality rendering such aid shall be responsible for the operation of its equipment and for any damage thereto, and subject to the limitations of the municipal liability, for personal injury sustained or caused by a member of its fire department, and for any payments which is required to make to a member of a said department or to his widow or other dependents on account of injuries or death, notwithstanding Paragraph (b) of Subdivision (4) of Section Seven of Chapter Thirty-two.

(C) Each party shall waive any and all claims against all other parties hereto, which may arise out of their activities while rendering aid under this Agreement outside their respective jurisdictions, to the extent that each party may legally waive such claims.

4. Employment Benefits

All the privileges, immunities from liability and exemptions for laws, ordinances, by-laws and regulations which the parties, firefighters, rescue or ambulance attendants, agents and employees of the parties have in their own jurisdiction shall extend to and be effective in, and while traveling to and from the jurisdiction in which they are giving assistance.

5. Direction of Assistance

The parties, firefighters, rescue or ambulance attendants, agents, and employees rendering assistance under this Agreement shall do so under the direction and control of the appropriate official designated by the jurisdiction requesting their aid.

6. Duration

The Agreement supersedes any and all mutual aid agreements previously entered into among the parties hereto and shall remain in effect for a period of twenty years from the date of the execution; provided it is understood and agreed that a party is not bound by the terms hereof unless and until said party as obtained the required authority as set forth in Section 59A of Chapter 48, and any conditions of such authorization are disclosed to all parties.

Any of the signatories to this Agreement may terminate their involvement in this Agreement, provided, that notice of such termination is first given to each other party to the Agreement at least sixty days prior to the date of termination. Any party which has terminated its involvement in this agreement as provided above, may resume participation at any time upon written notice duly authorized as required reaccepting this agreement.

This agreement may be signed in counterpart without the need for all parties to sign the same document.

Amendments to this Agreement shall be in writing and require the same authorization as required for initial execution by a signatory

Community

Executive Official Signature

Executive Official Printed Name

Executive Official Position Title

Date

Head of Fire Department Signature

Head of Fire Department Printed Name

Date

Metrofire Mutual Aid Agreement Fire Departments

Arlington	Malden	Somerville
Belmont	Massport	Stoneham
Boston	Medford	Wakefield
Braintree	Melrose	Waltham
Brookline	Milton	Watertown
Burlington	Needham	Wellesley
Cambridge	Newton	Weston
Chelsea	Quincy	Weymouth
Dedham	Randolph	Winchester
Everett	Reading	Winthrop
Lexington	Revere	Woburn
Lynn	Saugus	



Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 8 Bylaw Amendment/Canine Control Fees & Fines

Article 9 Bylaw Amendment/Display of Notice Fines

Article 10 Bylaw Amendment/Street Performance Definitions

Article 17 Vote/Establishment of Youth and Young Adult Advisory Board, Commission, or Committee Study Committee

Article 19 Vote/Establishment of Town Committee on Residential Development

Article 23 Vote/Provision of Town Email Addresses for Town Meeting Members

Article 24 Vote/Town Clerk Study

Article 26 Home Rule Legislation/Ranked Choice Voting

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	W.A._Text.pdf	Warrant Article Text
<input type="checkbox"/> Reference Material	Memo_from_Town_Counsel_re_2021_ATM_Articles_8__9__10__17__19__23__24_and_26.pdf	Memo from Town Counsel
<input type="checkbox"/> Reference Material	10_Registered_Voter_Letter.pdf	10 Registered Voter Letter
<input type="checkbox"/> Reference Material	J._Brazile_Reference.pdf	W.A. #8 Reference J. Brazile
<input type="checkbox"/> Reference Material	P._Parise__Reference.pdf	W.A. #19 Reference P. Parise
<input type="checkbox"/> Reference Material	G._Dennis_Reference.pdf	W.A. #26 Reference EMC

To see if the Town will vote to amend the Town Bylaws, Title VIII, Article 2 (“Canine Control”) Section 4 to clarifying canine licensing registration deadlines, and adjust penalties; or take any action related thereto.

To see if the Town will vote to amend the Town Bylaws, Title V, Article 1 Section 2 to reduce fines for violations greater than twenty days from \$500 to \$300 in accordance with state law; or take any action related thereto.

To see if the Town will vote to amend the Town Bylaws, Title III, Article 1, Section 18 (“Street Performances”) to expand the definition of “Perform” to allow the creation of items for sale; and further to remove or amend the prohibition of street performances in Town parks and recreation areas; or take any action related thereto.

To see if the Town will vote to form a Committee to study the creation of a Youth and Young Adult Advisory Board, Commission, or Committee with the ability to make recommendations to the Select Board and reports to Town Meeting regarding youth and young adult involvement in governance and youth and young adult input on all issues facing the town; or take any action related thereto.

To see if the Town will vote to establish a Committee of the Town Meeting to examine the current issues related to residential development in the R0, R1, R2, R3, and R4 zoning districts. These issues shall include, but not be limited to, effects on the neighborhood during teardown and construction activities; new construction impacts on neighborhood character/environment; permanent negative impacts on abutters; loss of healthy tree canopy; and exacerbation of particular negative impacts on abutters with existing non-conforming lots.

The Committee's objectives will include development of recommendations for proposing new zoning and general bylaws and/or amendments, as applicable, to provide long-term mitigation of the significant issues identified; or take any action related thereto.

(Inserted by the Select Board at the request of Paul Parise and ten registered voters)

ARTICLE 23

**VOTE/PROVISION OF TOWN EMAIL ADDRESSES FOR
TOWN MEETING MEMBERS**

To see if the Town will vote to provide email accounts for the use of primary contact by constituents and Town business to all members of the Town Meeting; or take any action related thereto.

(Inserted at the request of Anna Henkin and ten registered voters)

ARTICLE 24

VOTE/TOWN CLERK STUDY

To see if the Town will vote request and or appropriate a sum of money to study the options for conversion of the Town Clerk position from an elected to an appointed office; or take any action related thereto.

(Inserted at the request of the Town Clerk)

ARTICLE 26

HOME RULE LEGISLATION/RANKED CHOICE VOTING

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to elect Town offices by Ranked Choice Voting; or take any action related thereto.

(Inserted by the Select Board at the request of the Election Modernization Committee)



**Town of Arlington
Legal Department**

Douglas W. Heim
Town Counsel

50 Pleasant Street
Arlington, MA 02476
Phone: 781.316.3150
Fax: 781.316.3159
E-mail: dheim@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Select Board

Cc: Adam Chapdelaine, Town Manager
John Leone, Town Moderator
Resident and Committee Petitioners

From: Douglas W. Heim, Town Counsel

Date: March 4, 2021

Re: Warrant Articles 8, 9, 10, 17, 19, 23, 24, and 26

The Legal Department writes to provide the Select Board a summary of the above-referenced 2021 Annual Town Meeting warrant articles to assist in the Board's consideration of these articles at its upcoming hearings on March 8, 2021. As the Board will recall, where draft motions appear, new or additional language is underscored, while removed language is provided in "strikethrough."

ARTICLE 8

BYLAW AMENDMENT/CANINE CONTROL FEES & FINES

To see if the Town will vote to amend the Town Bylaws, Title VIII, Article 2 ("Canine Control") Section 4 to clarifying canine licensing and registration deadlines, and adjust penalties; or take any action related thereto.

(Inserted at the request of the Town Clerk)

This Article, inserted at the request of the Town Clerk, seeks to update the Town's "Canine Control" Bylaw with respect to annual licensing and registration deadlines, as well as fees and fines relate thereto based on the practical experience of the Clerk's Office with administering same and achieving compliance. The Article represents a more comprehensive overhaul of the provisions in question than a similar article shelved during the COVID-shortened meeting last year. The Town Clerk is expected to provide a detailed memo on the rationale for these changes, but in brief, these updates should make the licensing section of the bylaw easier to understand and enforce. If the Board is inclined to move positive action, the Clerk has worked with this Office to proposed the following vote:

VOTED: That Title VIII, Article 2 ("Canine Control") Section 4 ("Licensing") be and hereby is amended throughout to establish clearer and more efficient deadlines and penalties for annual dog licensing, enhance clarity for residents, and provide for minor grammar and syntax adjustments as follows:

ARTICLE 2 CANINE CONTROL

Section 4. Licensing

(ART. 25, ATM – 04/27/88)

(ART. 23, ATM – 05/04/2009)

(ART. 13 -04/29/13)

A. Licensing Requirement.

1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Arlington shall obtain a license for the dog from the Town Clerk.

2. Annual renewal. Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk. Licenses are issued for the calendar year and must be renewed every January, although there is a grace period established in sub-section F before fines are assessed.

3. Transfer. Within 30 days of moving into the Town ~~within a licensing period~~, the owner or keeper of a dog must apply to the Town Clerk ~~to transfer the dog's for a~~ license. ~~The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.~~

B. Conditions.

1. Rabies vaccination. The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated

against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Arlington Board of Health or the Town Clerk in accordance with Section 145B of Chapter 140 of the General Laws.

2. Control. Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.

3. Previous conviction of animal cruelty. Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in Section 137D of Chapter 140 of the General Laws within the preceding five years.

C. License Forms.

1. Symptoms of rabies. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state Department of Public Health.

2. Description of dog. The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

D. Tags.

1. Issuance. ~~Along with the~~ As proof of license licensure, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Arlington, and the year of issue.

2. Affixed to dog. The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed around the dog's neck or body to which the tag shall be securely attached.

3. Lost tags. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

E. Exemptions. The requirements of this section shall not apply:

(1) to a person to whom the applicable kennel license has been issued under this Bylaw and remains in force; or (2) to a dog housed in a research institution.

F. Fees. (ART. 10, ATM – 04/23/18)

1. Annual license fees. The annual license fees are as follows:

a. female: \$20

b. spayed female: \$15

c. male: \$20

d. neutered male: \$15

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

2. Failure to comply; penalties.

a. Penalty for failure to comply with licensing requirements.

Failure to comply with this section shall be punishable by a fine of ~~\$50~~ \$25.

Grace period. Failure to ~~comply with this section within~~ satisfy licensing requirements before the first Thursday following 45 business days of the date that the licensing or re-licensing obligation arises will constitute failure to comply with licensing requirements.

b. Additional late fees.

Missed year. An additional ~~\$50~~ \$25 fine shall be applied where owners fail to register a dog for an entire calendar year, due upon registration the following calendar year, and the license fee for the missed year must be paid in full. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

Multiple penalties. If the owners fail to register a dog for an entire calendar year and apply for registration outside of the grace period, the fine will consist of the \$25 late fee and the \$25 skipped year fee, due upon registration in the current year.

3. Waiver of fees.

a. Service animal.

No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. Late fees apply.

b. Owner aged 70 and over.

If the Town so votes in accordance with Section 139(c) of Chapter 140 of the General Laws, no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older. Late fees apply.

4. No refund of fees. No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog.”; ~~and~~

ARTICLE 9

BYLAW AMENDMENT/DISPLAY OF NOTICE FINES

To see if the Town will vote to amend the Town Bylaws, Title V, Article 1 Section 2 to reduce fines for violations greater than twenty days from \$500 to \$300 in accordance with state law; or take any action related thereto.

(Inserted at the request of the Town Manager)

As the Board may recall, this Article addresses the need to update the bylaw fine set forth in Title V, Article I (“Display of Notices”), Section 2 of the Town Bylaws following 2019 Town Meeting’s successful updates to Arlington signage regulation at Town Meeting; the overwhelming majority of which is now set forth in the Zoning Bylaw rather than in multiple ordinances. A side effect of the successful vote on a comprehensive signage Zoning Bylaw was that the Town Bylaws’ regulation temporary of “Notices,” such as lost-pet, yard sale, and Town committee temporary flyers and signs often placed in or around public ways or on Town property, was no longer tethered to state laws governing outdoor advertising (as had been the case in years past when certain types of accessory signage were not regulated by the Zoning Bylaw). Accordingly, the Town’s fine for violations of the Bylaw cannot now exceed \$300, and it is respectfully requested that the Board support the following motion:

VOTED: That Title V, Article I (“Display of Notices”), Section 2. Fines for Violations be and hereby is amended by striking the word and number “five” and “500” respectively and replacing them with the words “three,” and “300” respectively so as to read as follows as follows:

ARTICLE 1 DISPLAY OF NOTICES

Section 2. 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 notice for twenty (20) days thereafter shall be punished by a fine of not more than five three hundred dollars (~~\$500~~300).

ARTICLE 10

BYLAW AMENDMENT/STREET PERFORMANCE DEFINITIONS

To see if the Town will vote to amend the Town Bylaws, Title III, Article 1, Section 18 (“Street Performances”) to expand the definition of “Perform” to allow the creation of items for sale; and further to remove or amend the prohibition of street performances in Town parks and recreation areas; or take any action related thereto.

(Inserted at the request of the Town Manager)

This article was originally developed by the Arlington Commission on Arts and Culture (“ACAC”) in consultation with the Department of Planning and Community Development for the purpose of fostering a wider variety of artists and creative vendors by enabling them to sell their works and goods on public ways and in park and recreation areas. It is my understanding that further examination of the issues is necessary, and as such, it is respectfully requested that no action be taken in this Town Meeting cycle.

**ARTICLE 17 VOTE/ ESTABLISHMENT OF YOUTH AND YOUNG ADULT
ADVISORY BOARD, COMMISSION, OR COMMITTEE STUDY
COMMITTEE**

To see if the Town will vote to form a Committee to study the creation of a Youth and Young Adult Advisory Board, Commission, or Committee with the ability to make recommendations to the Select Board and reports to Town Meeting regarding youth and young adult involvement in governance and youth and young adult input on all issues facing the town; or take any action related thereto.

(Inserted by the Select Board)

As the Board will recall, you inserted this article to explore the options and parameters for creation of an Arlington Youth and Young Adult Advisory Board via study committee of Town Meeting. While I expect Board Member Mr. Diggins will elaborate on this proposal for hearing, the overall goal is to study whether or not a youth-based advisory board can and should be created to obtain youth perspective on government decisions, what the scope and composition of such board should be, and report back to Town Meeting. A draft vote to such an effect could be as follows:

VOTED:

That Town Meeting hereby establishes a “Youth and Young Adult Advisory Board Study Committee” to be structured, organized, and charged as follows:

Youth and Young Adult Advisory Board Study Committee

I. Committee Membership and Organization

A. The Committee shall consist of the following members:

- *Four (4) Arlington students appointed by the Town Moderator, two (2) of whom shall be currently enrolled Arlington Public Schools student; and two (2) of who shall be Arlington residents presently enrolled in middle school or high school’*
- *One (1) member of the Select Board, or their designee;*
- *One (1) member of the School Committee, or their designee;*
- *One (1) member of the Library Board of Trustees as determined by such commission;*
- *One (1) member of the LGBTQIA+ Rainbow Commission as determined by such commission;*
- *One (1) member of the Board of Youth Services; as determined by such Board;*
- *One (1) member of the Park & Recreation Commission; as determined by such commission; and*
- *One (1) member of Envision Arlington Standing Committee or their designee; as determined by such committee.*

B. Quorum

A majority of voting members shall constitute a quorum, and decisions shall be based on the vote of a simple majority of those committee members present and voting.

C. Organization and First Meeting

The initial meeting of the Study Committee shall be convened by the designee of the Select Board, and the first order of business shall be the self-organization of the study committee through the election of one or more chairs, whose responsibility shall be to convene and preside over all future meetings, as well as a clerk, whose duties shall include the proper posting of meeting agendas and minutes. The Study Committee shall designate any other officers as it sees fit.

II. Committee Charge & Reporting

- A. The Study Committee shall study the need, value, and options for the creation and operation of a permanent board or committee aimed towards fostering youth and young adult involvement in governance and youth and young adult input on all issues facing the town.*
- B. The Study Committee shall be encouraged to examine and compare models for obtaining youth and young adult input and feedback as well as the overall structures and functions of a Youth and Young Adult Advisory Board or similar entity.*
- C. The Study Committee shall report its recommendations to the 2022 Annual Town Meeting.*

III. Dissolution

The study committee will be dissolved concurrent with the dissolution of the 2022 Annual Town Meeting, unless there is a vote of Town Meeting to effectuate an earlier dissolution or other amendment.

ARTICLE 19

VOTE/ESTABLISHMENT OF TOWN COMMITTEE ON RESIDENTIAL DEVELOPMENT

To see if the Town will vote to establish a Committee of the Town Meeting to examine the current issues related to residential development in the R0, R1, R2, R3, and R4 zoning districts. These issues shall include, but not be limited to, effects on the neighborhood during teardown and construction activities; new construction impacts on neighborhood character/environment; permanent negative impacts on abutters; loss of healthy tree canopy; and exacerbation of particular negative impacts on abutters with existing non-conforming lots.

Members of the Committee shall be appointed by the Town Moderator, and consist of not less than 5 nor more than 9 members. A quorum shall consist of a majority of the appointed members. Members of the Committee shall be residents of the Town, a majority of whom shall be persons who are not Town employees and/or have no financial interest (either directly or indirectly) in the development, building, or real estate communities.

The Committee's objectives will include development of recommendations for proposing new zoning and general bylaws and/or amendments, as applicable, to provide long-term mitigation of the significant issues identified; or take any action related thereto.

(Inserted at the request of Paul Parise and ten registered voters)

This article returns from the 2020 Annual Town Meeting Warrant after such Meeting was truncated due to the COVID-19 pandemic. I expect the proponent of this resident petition article will again present his rationale for creation a new committee of Town Meeting to study residential development in Arlington and make recommendations for new Zoning and Town bylaw amendments. As noted for last year's hearing, creation of such a study and report committee is within the authority of Town Meeting generally. However, it should be understood that only the Arlington Redevelopment Board, as the Planning Board of Arlington has the authority and obligation to hear proposals on zoning bylaw amendments and make recommendations for the purposes set forth in G.L. c. 40A sec. 5.

Additionally, the definition of financial interest in "development, building, or real estate communities" set forth in the Article remains quite broad. If the Board is inclined to move in the affirmative, some consideration should be given to sharpening the requirements or limitations of membership of such a committee for the Town Moderator's benefit.

ARTICLE 24

VOTE/TOWN CLERK STUDY

To see if the Town will vote request and or appropriate a sum of money to study the options for conversion of the Town Clerk position from an elected to an appointed office; or take any action related thereto.

(Inserted at the request of the Town Clerk)

This article was inserted at the request of the Town Clerk and proposes to study the conversion of such office from elected to appointed, similar to the conversion of the Office of the Town Treasurer several years ago. The Finance Committee voted to support funding for the study by a vote of 14-2. As an appropriation, the controlling motion belongs to the Finance Committee, but given the nature of the matter, the Select Board can of course take the opportunity to comment or decline to do so.

ARTICLE 23

VOTE/PROVISION OF TOWN EMAIL ADDRESSES FOR TOWN MEETING MEMBERS

To see if the Town will vote to provide email accounts for the use of primary contact by constituents and Town business to all members of the Town Meeting; or take any action related thereto.

(Inserted at the request of Anna Henkin and ten registered voters)

This resident-petition article, inserted at the request of Anna Henkin seeks to provide Town Meeting Members town e-mail accounts for official business. At present, the Town's Information Technology Department makes e-mail accounts available to elected and appointed officials as deemed appropriate and necessary subject to the Town's "Acceptable Use Policy." However, Town Meeting Members are not provided email addresses and it is not clear to this Office that they could be required to use them, even for official purposes.

As "representative voters," Town Meeting members are part-time representatives, but the State's Conflict of Interest Laws, and the Open Meeting Law have not been applied to Town Meeting members, Precinct Meetings, etc. because they are not considered regular or special municipal employees, but rather residents with a voting right at a "closed" Town Meeting. Similarly, the application of public records laws are likely highly fact dependent relative to Town Meeting Members. Provision of a Town email address *could* tip the scales towards making communications using such addresses matters of public record.

ARTICLE 26

HOME RULE LEGISLATION/RANKED CHOICE VOTING

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to elect Town offices by Ranked Choice Voting, or take any action related thereto.

(Inserted by the Select Board and at the request of the Election Modernization Committee)

This Article returns to the 2021 Annual Town Meeting warrant following a request from the Election Modernization Committee to postpone its consideration at the November 2020 Special Town Meeting, which the Board previously supported. The crux of the proposal remains the same – to amend the Town Manager Act to employ "ranked choice voting" for qualifying elected Town Offices. The EMC will re-present the Board with its full proposal and any

updates, but in summary, “ranked choice voting” (“RCV”) is an electoral method by which voters rank candidates by preference rather than voting for a single candidate in each individual seat (or even multiple candidates where more than one seat is available). In a standard race for a single seat with multiple candidates, if any one candidate achieves a majority of so-called “first-preference” votes, they are the winner and the election is over.

If however there is no candidate winning a majority, rather than award the seat to a person who achieved under 50% of first-preference votes, a second tally is performed of *the same ballots*. Under this second tally, the candidate or candidates who received the fewest first-place votes are eliminated and the ballots that ranked them first are re-tabulated, elevating the second-preference of such voters to their first. These new tallies are conducted until any candidate has won a majority of the rank-adjusted votes.

While an RCV ballot question did not pass 2020 Massachusetts Statewide Election on November 3, 2020, for state officials and congressional races, RCV is utilized at the local level in several Massachusetts jurisdictions, including the Cambridge City Council and School Committee. If the Board is inclined toward favorable action, a positive motion could be as follows (based on the Board’s previous vote and comment for the Special Town Meeting).

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
RANKED CHOICE VOTING”***

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by inserting a new Section 8B “Ranked Choice Voting” as follows:

Section 8B. Ranked Choice Voting

The offices of Select Board, School Committee, Town Clerk, Moderator, Housing Authority, and Board of Assessors shall be elected by ranked choice voting at the annual election.

“Ranked choice voting” shall mean a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. Ranked choice voting shall apply to a

single-seat office only when the number of candidates exceeds two and to a multi-seat office when the number of candidates exceeds the number of seats to be elected. Ranked choice voting elections shall be tabulated in rounds as follows.

(a) For the purposes of this section, the following terms have the following meanings:

- 1. "Batch elimination" means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.*
- 2. "Concluded ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking.*
- 3. "Continuing candidate" means a candidate who has not been defeated or elected.*
- 4. "Election threshold" means the number of votes above which a candidate is elected in a multi-seat election. It is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of one and the number of seats to be elected.*
- 5. "Highest-ranked continuing candidate" means the continuing candidate with the highest ranking on a voter's ballot.*
- 6. "Last-place candidate" means (i) the candidate with the lowest vote total in a round of the ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.*
- 7. "Overvote" means a circumstance in which a voter ranks more than one candidate at the same ranking.*
- 8. "Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking and so on.*
- 9. "Skipped ranking" means a circumstance in which a voter does not use a ranking and ranks a candidate with a subsequent ranking.*
- 10. "Surplus fraction" is a number equal to the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total.*
- 11. "Transfer value" means the proportion of a vote that a ballot will count to its highest-ranked continuing candidate. Each ballot begins with a transfer value of one. If a ballot counts to the election of a candidate under subsection (c)(1), it receives a lower transfer value.*

(b) In any single-seat election, each round begins by counting the number of votes for each continuing candidate. Each ballot counts as one vote for its highest-ranked continuing candidate. Concluded ballots are not counted for any continuing candidate. Each round then ends with one of the following two outcomes:

- 1. If there are more than two continuing candidates, the last-place candidate is defeated, or the last-place candidates are defeated in batch elimination, and a new round begins.*
- 2. Otherwise, the candidate with the fewest votes is defeated, the candidate with the most votes is elected, and tabulation is complete.*

(c) In any multi-seat election, each round begins by counting the number of votes for each continuing candidate. Each ballot counts, at its current transfer value, for its highest-ranked continuing candidate. Concluded ballots are not counted for any continuing candidate. In the

first round only, the election threshold is then calculated. Each round then ends with one of the following three outcomes:

- 1. If at least one candidate has more votes than the election threshold, then all such candidates are elected. Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the candidate. Each elected candidate is deemed to have a number of votes equal to the election threshold in all future rounds, and a new round begins.*
- 2. If no candidate has more votes than the election threshold and the sum of the number of elected candidates and continuing candidates is more than the sum of one and the number of seats to be elected, the last-place candidate is defeated, or the last-place candidates are defeated in batch elimination, and a new round begins.*
- 3. Otherwise, the continuing candidate with fewest votes is defeated, all other continuing candidates are elected, and tabulation is complete.*

(d) A candidate is defeated in "batch elimination" if the number of elected and continuing candidates with more votes than that candidate is greater than the number of seats to be elected, and if one of the following applies: (i) The candidate's current vote total plus all votes that could possibly be transferred to the candidate in future rounds is not enough to equal or surpass the candidate with the next-higher current vote total; or (ii) the candidate has fewer votes than a candidate described in (i).

(e) If two or more last-place candidates are tied and batch elimination does not apply, the candidate with the fewest votes in the prior round is defeated. If two or more such tied candidates were tied in the prior round, the second tie shall be decided by referring similarly to the standing of candidates, in terms of votes, in the second-prior round. This principle shall be applied successively as many times as necessary, a tie shown in any prior round being decided by referring to the standing of the candidates in the round immediately preceding the tie.

(f) The Town Clerk shall have the authority to make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the smallest number of changes are made to achieve such purpose.

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

OFFICE OF THE SELECT BOARD

JOHN V. HURD, CHAIR
DIANE M. MAHON
STEPHEN W. DECOURCEY
LENARD T. DIGGINS
DANIEL J. DUNN



730 MASSACHUSETTS AVENUE
TELEPHONE
781-316-3020
781-316-3029 FAX

TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

March 2, 2021

Dear Registered Voter:

The Select Board will meet virtually on Monday, March 8, 2021 at 7:15 p.m. to discuss the Warrant Article petition that you signed. The meeting will take place virtually via Zoom.

Article 19 Vote/Establishment of Town Committee on Residential Development
Article 23 Vote/Provision of Town Email Addresses for Town Meeting Members

Information which includes the link to the Select Board meeting will be available at the bottom of the Select Board Agenda as well as on the Town Calendar when the meeting is posted Thursday, March 4, 2021 by 7:00 p.m.

Please feel free to contact my office at the above number to confirm or if you require any further information.

Thank you.

Very truly yours,
SELECT BOARD

A handwritten signature in cursive script, reading "Marie A. Krepelka".

Marie A. Krepelka
Board Administrator

MAK:lc

**Vote/Establishment of Town
Committee on Residential
Development**

Donna Hurley
119 Hemlock Street
Arlington, MA 02474

Paul Parise
106 Hemlock Street
Arlington, MA 02474

Michael Tsuk
44 Epping Street
Arlington, MA 02474

Maura Rooney
110 Hemlock Street
Arlington, MA 02474

Agnes Parise
106 Hemlock Street
Arlington, MA 02474

Joshua Roth
110 Hemlock Street
Arlington, MA 02474

Domenic Furia
111 Hemlock Street
Arlington, MA 02474

Patricia Furia
111 Hemlock Street
Arlington, MA 02474

Gomathy Mahenthiran
114 Hemlock Street
Arlington, MA 02474

Mahenthiran Venugopal
114 Hemlock Street
Arlington, MA 02474

Virginia Rossi
119 Hemlock Street
Arlington, MA 02474

**Vote/Provision of Town
Email Addresses for Town
Meeting Members**

Katrina Sarson
42 Woodside Lane
Arlington, MA 02474

Anna Henkin
11 Marion Road, Unit 1
Arlington, MA 02474

Michael Ambrosino
42 Woodside Lane
Arlington, MA 02474

Christopher Vittal
11 Marion Road, Unit 1
Arlington, MA 02474

Jonathan Kominsky
75 Randolph Street
Arlington, MA 02474

Tara Cass
75 Randolph Street
Arlington, MA 02474

Nicole Mlyneczek
11 Marion Road, #2
Arlington, MA 02474

Judith Garber
130 Massachusetts Avenue #4
Arlington, MA 02474

Sarah Huber
24 Amherst Street
Arlington, MA 02474

Keziah Wilde
24 Amherst Street
Arlington, MA 02474

Parke E. Wilde
24 Amherst Street
Arlington, MA 02474

Town of Arlington
Office of the Town Clerk
Massachusetts Avenue
Arlington, MA 02476



Tel: 781-316-3070
Fax: 781-316-3079

MEMO

TO: Select Board
FROM: Juli Brazile, Town Clerk
DATE: March 3, 2021
RE: Article 8 - 2021 Annual Town Meeting

The proposed changes to Section 4 – Licensing of the Canine Control bylaw seek to accomplish two goals. First, to make them easier to enforce by reducing the late fee from \$50 to \$25 so simple lapses are not so financially painful. Second, to more clearly spell out the procedures and deadlines for renewals, as well as new registrations.

In English:

All dogs should be registered each year.

- The deadline to renew is January.
- New adult dogs should register within 30 days of moving to town.
- Puppies should register when they are six months old.
- For all of these deadlines there is a 45-day grace period that ends the next Thursday at 7 pm, which is the day our office is open late.

The basic fine is lower, but multiple fines can be assessed.

- The fine for missing these deadlines is reduced from \$50 to \$25.
- The fine for missing an entire year is \$25 and the payment of the fee for the previous year.
- The late fees apply to owners who do not otherwise pay to license their dog.

I have also prepared a chart that shows how the fines play out over time.

- The dates are made up and show owners either on time/within the grace period or late.
- This chart reflects the fee of \$15/month for altered dogs.
- The total shown in the far right column is the check the owner would have to write in that year.
- The cost per year is reflected along with a note of how that compares to the base rate of \$15.

Note: We don't charge a registration fee to owners 70 and older or to register guide dogs – they would only pay the fines.

ARTICLE 2

CANINE CONTROL

Section 4. Licensing

(ART. 25, ATM – 04/27/88)

(ART. 23, ATM – 05/04/2009)

(ART. 13 -04/29/13)

A. Licensing Requirement.

1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Arlington shall obtain a license for the dog from the Town Clerk.

2. Annual renewal. Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk. Licenses are issued for the calendar year and must be renewed every January, although there is a grace period established in sub-section F before fines are assessed.

3. Transfer. Within 30 days of moving into the Town ~~within a licensing period~~, the owner or keeper of a dog must apply to the Town Clerk ~~to transfer the dog's for a~~ license. ~~The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.~~

B. Conditions.

1. Rabies vaccination. The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Arlington Board of Health or the Town Clerk in accordance with Section 145B of Chapter 140 of the General Laws.

2. Control. Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.

3. Previous conviction of animal cruelty. Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in Section 137D of Chapter 140 of the General Laws within the preceding five years.

C. License Forms.

1. Symptoms of rabies. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state

Department of Public Health.

2. Description of dog. The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

D. Tags.

1. Issuance. ~~Along with the~~ As proof of license licensure, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Arlington, and the year of issue.

2. Affixed to dog. The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed around the dog's neck or body to which the tag shall be securely attached.

3. Lost tags. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

E. Exemptions. The requirements of this section shall not apply:

(1) to a person to whom the applicable kennel license has been issued under this Bylaw and remains in force; or (2) to a dog housed in a research institution.

F. Fees. (ART. 10, ATM – 04/23/18)

1. Annual license fees. The annual license fees are as follows:

- a. female: \$20
- b. spayed female: \$15
- c. male: \$20
- d. neutered male: \$15

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

2. Failure to comply; penalties.

a. Penalty for failure to comply with licensing requirements.

Failure to comply with this section shall be punishable by a fine of ~~\$50~~ \$25.

Grace period. Failure to ~~comply with this section within~~ satisfy licensing requirements before the first Thursday following 45 business days of the date that the licensing or re-licensing obligation arises will constitute failure to comply with licensing requirements.

b. Additional late fees.

Missed year. An additional ~~\$50~~ \$25 fine shall be applied where owners fail to register a dog for an entire calendar year, due upon registration the following calendar year, and the license fee for the missed year must be paid in full. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

Multiple penalties. If the owners fail to register a dog for an entire calendar year and apply for registration outside of the grace period, the fine will consist of the \$25 late fee and the \$25 skipped year fee, due upon registration in the current year.

3. Waiver of fees.

a. Service animal.

No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. Late fees apply.

b. Owner aged 70 and over.

If the Town so votes in accordance with Section 139(c) of Chapter 140 of the General Laws, no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older. Late fees apply.

4. No refund of fees. No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog.”; ~~and~~

Dog Fine Analysis

1	base	late	skip	total
18-Dec	15			
19-Jan	15			
30-Nov	15			
30-Mar	15	25		\$40
8-Jan	15			
late once - cost per year \$20 (+5)				

3	base	late	skip	total
8-Jan	15			
10-Dec	15			
5-Apr	15	25	25	** \$65
1-Dec	15			
skip a year and late - cost per year \$22 (+7)				

5	base	late	skip	total
20-Dec	15			
8-May	15	25	25	\$65
5-Jan	15	15	25	\$55
skip twice and late - cost per year \$27 (+12)				

2	base	late	skip	total
4-Jan	15			
10-Dec	15			
15-Jan	15	15	25	* \$55
1-Dec	15			
skip a year - cost per year \$20 (+5)				

4	base	late	skip	total
17-Dec	15			
1-Dec	15	15	25	\$55
5-Jan	15	15	25	\$55
skip twice - cost per year \$25 (+10)				

* bylaw written that you must make up missed registration if you skip AND you pay a fine

** multiple errors you pay the late fee in lieu of making up the annual fee

Warrant Article 15

ESTABLISHMENT OF TOWN COMMITTEE ON RESIDENTIAL DEVELOPMENT

Select Board Meeting

February 24, 2020

I have spoken before the SB a few times over the past 3 to 4 years about issues arising from the on-going residential development activity.

Thank you again for the opportunity to address these issues tonight. I have some brief remarks and would then be happy to try to answer any questions you may have.

This article's primary concerns include creating the ability of residents to have input to the development changes occurring in their neighborhoods; to preserving their quality of life and character of the neighborhood; and to minimizing impacts, both temporary and permanent, during construction and redevelopment. The purpose is to allow Arlington to develop and change, as it naturally should, while balancing the interests of current residents and the development/real estate communities.

I believe current residents have an expectation that the negative impacts to their homes and neighborhood from significant construction and/or development activities should be minimized to the extent that it is reasonable.

Some Background:

Briefly, numerous zoning and administrative issues concerning teardowns, McMansion-type construction, and resident/neighborhood quality of life were presented at the 2016 Town Meeting. While specific warrant articles were discussed, none were adopted, however, the Town Meeting established an informal committee to look into these issues, called the **Residential Study Group**. The RSG, under the direction of the Planning Dept. proposed articles for the 2017 Town Meeting covering issues regarding parking, driveway slope, and pre-construction notification (Good Neighbor Agreement).

However, many of the primary issues that prompted the formation of the RSG remained uncompleted when the RSG was unilaterally dissolved by the Planning Dept. last Spring. These unresolved significant issues include:

- Proper notification to abutters prior to project commencement
 - from citizen information gathered from town records and presented to Redevelopment Board last year (ARB), the GNA, at best, has been only about 15 – 20% effective in providing the required notifications to abutters
 - in addition, follow-up with residents where the GNA was fully implemented should be done to assess its effectiveness and outcome.
- A 2nd issue is Environmental & Public health impacts during teardown/demolition, excavation, rock removal, and construction. It is my understanding that noise, debris, and safety issues concerning rock removal remain unaddressed.
- Storm water mitigation suitable for some new designs is required (I have been made aware that some neighbors report now having periodic water intrusion in basements after nearby construction, where none existed previously)

Very significant quality of life issues concerning size and scale of new development continue to be produced by new large-scale construction. These include:

- Loss of sunlight (increased shadowing)
- Loss/reduction of sight lines
- Loss of privacy
- Interference with existing or planned solar arrays

More importantly,

All these associated effects are exaggerated and made more onerous when an abutter is on a non-conforming lot. There has been no discussion/consideration of this issue in the Town, as far as I am aware.

In many cases, new home construction and renovation has been done in an exemplary fashion with significant benefit added to the neighborhood and its abutters.

However, in a significant number of cases, issues such as those discussed above have occurred, with both short- and long-term negative effects. It's time to try to mitigate these potential issues with active resident participation and feedback.

In summary,

There is no one body that comprehensively represents residents' opinions and concerns on residential development. This should be the one.

I urge the SB to recognize these important residential issues and provide an opportunity to have this warrant article discussed and debated at Town Meeting.

Thank you for your attention.

Paul Parise

106 Hemlock St.

Subject: Re: Warrant Article Hearing Select Board Meeting 3/8/2021

To: Ashley Maher <AMaher@town.arlington.ma.us>

From: Greg Dennis <gdennis@alum.mit.edu>

Date: 03/03/2021 10:47 PM

CC: "tmm19.joconor@gmail.com" <tmm19.joconor@gmail.com>, Lauren Costa <LCosta@town.arlington.ma.us>

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Hi Ashley,

Here are some comments for the Board:

Select Board,

As you may recall, at last year's Special Town Meeting, the Election Modernization Committee placed three articles on the warrant, and we were grateful to receive the Select Board's unanimous endorsement of all three. For a number of reasons, the complexity of the new online Town Meeting format being among them, we later changed our recommended vote on the third article--the adoption of Ranked Choice Voting (RCV) for town offices--to No Action, with the intention of postponing it until the April regular Town Meeting.

As promised, we have now brought that article back for consideration by the Select Board and Town Meeting this year. We used the additional months to study some of the nuances of the application of RCV to Arlington elections in further detail and to debate and discuss some proposed amendments to our main motion. Our discussions gave us a deeper understanding of how it would be implemented and resulted in one substantive change to the motion: that the question of whether to adopt RCV for town elections, in addition to the required approval by the State, must appear before Arlington voters on the ballot for their approval, too.

The reasons why we favor adoption of RCV are the same as those articulated in our report to Special Town Meeting: (a) ensuring majoritarian election outcomes, (b) enabling more candidates to run by eliminating the threat of vote-splitting, (c) boosting voter turnout, (d) promoting diverse representation, (e) removing strategic voting incentives, and (f) fostering civil campaigns.

Thank you,
Greg Dennis
Clerk, Election Modernization Committee



Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 12 Bylaw Amendment/Changing Columbus Day to Indigenous Peoples Day
Article 13 Bylaw Amendment/Adding Juneteenth Independence Day to Holidays
Article 78 Resolution/Tree Canopy As A Public Health Resource
Article 80 Resolution/Facilities Department Report/Clarify Responsibilities, Track Progress of the Department of Facilities and Maintenance
Article 82 Resolution/Advanced Registration and Organization of Town Meeting Speakers
Article 83 Resolution/Protocols for Deliberative Collaboration in Town Government Initiated Citizen
Article 84 Resolution/Formally Invite Arlington Housing Authority Representatives to Present to Town Meeting
Article 85 Resolution/Acknowledging Native Lands
Article 86 Resolution/Celebrating Indigenous Peoples Day
Article 87 Resolution/Overnight Parking Waiver for Residents of Multi-Family Dwellings in Precinct 4
Article 88 Resolution/Resident Parking Program for Precinct 4
Article 91 Resolution/Declare Climate Emergency in the Town of Arlington

ATTACHMENTS:

Type	File Name	Description
<input type="checkbox"/> Reference Material	Draft_Votes_and_Comments_No._1_Articles_Votes_and_Comments_for_Articles._12_13_78_80_02_84_85_86_87_and_88.pdf	Draft Final Votes & Comments



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MEMORANDUM

TO: Select Board

FROM: Douglas W. Heim

DATE: March 5, 2020

RE: **Votes and Comments for Articles: 12, 13, 78, 80, 82, 84, 85, 86, 87, and 88**

I write to provide the Board the following as draft Final Votes and Comments for your consideration at the March 9, 2020 Select Board meeting regarding the previously heard, above-referenced warrant articles.

**ARTICLE 12 BYLAW AMENDMENT/CHANGING COLUMBUS DAY TO
INDIGENOUS PEOPLES DAY**

VOTED: That Title I, Article 6, Section 16 ("Holidays") of the Town Bylaws be and is hereby amended to strike the words "Columbus Day" and insert the words "Indigenous Peoples Day (known as the state and federal holiday 'Columbus Day')" so as to read as follows:

Section 16. Holidays
(ART. 44, ATM –06/16/97) (ART. 17, ATM – 05/30/07)

In order to qualify for holiday credit, a regular employee shall have worked on the last regularly scheduled work day prior to, and the next regularly scheduled work day following such holiday, unless it is an absence for which compensation is payable as provided under this by-law.

The following days in each year shall be considered as holiday credits:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day <u>Indigenous Peoples Day (known as the state and federal holiday "Columbus Day")</u>
Washington's Birthday	Veterans' Day
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas
Independence Day	Christmas Eve Day if same Falls on a
Monday	Through Friday

Whenever a holiday falls on Saturday, another working day off with pay shall be arranged at the discretion of the department head. Good Friday shall be considered as half day holiday credit. The day following Thanksgiving shall be treated as a holiday unless an employee is scheduled to work same by the department head in which event the employee will be granted another day off at the discretion of the department head.

(5 – 0)

COMMENT: This Article, inserted at the request Arlington Human Rights Commission, seeks to amend the Town Bylaws to rename the federal and state holiday on the second Monday in October known as "Columbus Day" to "Indigenous Peoples Day". The holiday falls annually on the second Monday in October. The proposed amendment is a piece of a wider effort to celebrate and recognize the heritage of the peoples indigenous to Massachusetts and Arlington in lieu of the often mythologized 15th Century explorer Christopher Columbus and his expeditions and colonies established on behalf of the Spanish Crown.

The Select Board unanimously recommends positive action on this article, and notes that the Massachusetts Legislature is presently considering similar changes to the state law. We further note that the above motion includes the language "known as the state and federal holiday 'Columbus Day'" to make it clear that a new holiday is not being created for Town employees.

ARTICLE 13

BYLAW AMENDMENT/ADDING JUNETEENTH INDEPENDENCE DAY TO HOLIDAYS

VOTED: That Title I, Article 6, Section 16 (“Holidays”) of the Town Bylaws is hereby amended to add a new holiday “Juneteenth Independence Day” so as to read as follows:

Section 16. Holidays

(ART. 44, ATM –06/16/97) (ART. 17, ATM – 05/30/07)

In order to qualify for holiday credit, a regular employee shall have worked on the last regularly scheduled work day prior to, and the next regularly scheduled work day following such holiday, unless it is an absence for which compensation is payable as provided under this by-law.

The following days in each year shall be considered as holiday credits:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veterans' Day
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas
<u>Juneteenth Independence Day</u>	Christmas Eve Day if same falls on a Monday
Independence Day	Through Friday

Whenever a holiday falls on Saturday, another working day off with pay shall be arranged at the discretion of the department head. Good Friday shall be considered as half day holiday credit. The day following Thanksgiving shall be treated as a holiday unless an employee is scheduled to work same by the department head in which event the employee will be granted another day off at the discretion of the department head.

(5 – 0)

COMMENT: This Article has also been inserted at the request of the Arlington Human Rights Commission for the purpose of recognize a Massachusetts state holiday – Juneteenth Independence Day – a celebration of the anniversary of June 19, 1865, when African-Americans in Galveston, Texas first learned of the Emancipation Proclamation, passed more than two years earlier. The Commonwealth originally recognized Juneteenth in 2007 as set forth in G.L. c. 6 sec. 15BBBBB, but on a Sunday. In 2020, Massachusetts’ recognition of the holiday was amended so that it would be observed on the 19th of June and thus created a new observed holiday.

The Board thus recommends positive action on this article to join the State in commemorating the importance of Juneteenth. As a technical matter, it should be noted that the Town is still working on how the observance of Juneteenth will affect various Town employees and collective bargaining units.

ARTICLE 78

**RESOLUTION/TREE CANOPY AS A
PUBLIC HEALTH RESOURCE**

VOTED: That no action be taken on Article 78.

(4 – 1) Mr. Diggins voted in the negative.

COMMENT: As a general matter, the Select Board supports recognizing and sustaining the value of Arlington's tree canopy. It is not yet clear what the resolution proposes to add to the Town's commitment to or recognition of such a resource whether articulated in the Town's already existing "Tree Protection and Preservation Bylaw;" evidenced in the work of the Tree Committee established by the Select Board; or protected by the Town's Wetlands Bylaw, or the General Law's public shade tree laws. For example, the Town's Tree Preservation bylaw highlights the importance of trees relative to air quality, heat, noise pollution, and flood control, as well as their aesthetic value. While a minority of the Board sees no harm in forwarding the resolution to Town Meeting, the majority does not wish to recommend a resolution without understanding with some specificity what the resolution seeks to recognize where there is broad agreement between the Select Board, Town Departments, and Town Meeting.

ARTICLE 80

**RESOLUTION/FACILITIES DEPARTMENT
REPORT/CLARIFY RESPONSIBILITIES, TRACK
PROGRESS OF THE DEPARTMENT OF FACILITIES AND
MAINTENANCE**

VOTED: That no action be taken on Article 80.

(5 – 0)

COMMENT: The Select Board appreciates the proponent's proposal and discussion about establishing regular reporting on the state of Arlington's facilities in a public meeting of the Board. The Board makes this recommended vote of no action because a resolution of Town Meeting is not required for the Select Board to take this valuable idea under advisement. Indeed, rather than vote to recommend a Town Meeting discussion of a matter under its jurisdiction, the Select Board voted to establish a bi-annual facilities reporting schedule and set forth parameters for same after hearing.

ARTICLE 82

**RESOLUTION/ADVANCED REGISTRATION AND
ORGANIZATION OF TOWN MEETING SPEAKERS**

VOTED: That no action be taken on Article 82.

(4 – 1) Mr. Diggins voted in the negative.

COMMENT: The Select Board appreciates the goals of the proponent, but also respects the Town Moderator's objections, as well as Arlington's long-standing practices in a representative Town Meeting. Town Meeting may by resolution comment on the Moderator's administration of the Meeting of course. However, in sum, while well intentioned, the Moderator has serious concerns about developing speaker lists or limiting discourse outside of the proceedings of the Meeting in ordinary contexts. The majority of the Board is inclined to defer to the Moderator.

**ARTICLE 83 RESOLUTION/PROTOCOLS FOR DELIBERATIVE
COLLABORATION IN TOWN GOVERNMENT INITIATED CITIZEN**

VOTED: That no action be taken on Article 83.

(4 – 1) Mr. Diggins voted in the negative.

COMMENT: The Select Board recognizes the issues highlighted by the proponent and respects the desire to provide training and resources to boards and commissions where needed. However, Town Meeting has no authority to require any public body engage in such programs. Moreover, it would seem more appropriate to evaluate the need for such resources on a case-by-case basis and then work with relevant town or school departments and support staff to identify available training opportunities tailored to specific circumstances.

**ARTICLE 84 RESOLUTION/FORMALLY INVITE ARLINGTON
HOUSING AUTHORITY REPRESENTATIVES TO
PRESENT TO TOWN MEETING**

VOTED: That no action be taken on Article 84.

(5 - 0)

COMMENT: The Select Board supports an invitation being extended to the Arlington Housing Authority (“AHA”), but notes that neither it, nor Town Meeting have any authority to require AHA, which is governed by the State’s Department of Housing and Community Development, not the Town. The Board urges no action because the Town Moderator, present at hearing, advised the proponent and the Board that he will extend an invitation to AHA this year and every following year.

ARTICLE 85 **RESOLUTION/ACKNOWLEDGING NATIVE LANDS**

VOTED: That Town Meeting hereby Adopts the following resolution previously adopted by the Select Board on January 25, 2020:

RESOLVED that all Town entities are encouraged to celebrate and recognize the heritage of the peoples indigenous to Massachusetts and Arlington by including the following land acknowledgement at the beginning of all of the Town's public meetings in a substantially similar form to the following:

“We acknowledge that the Town of Arlington is located on the ancestral lands of the Massachusett Tribe, the tribe of Indigenous peoples from whom the Colony, Province, and Commonwealth have taken their names. We pay our respects to the ancestral bloodline of the Massachusett Tribe and their descendants who still inhabit historic Massachusett territories today.”

(5 – 0)

COMMENT: The Select Board respectfully recommends positive action on this non-binding resolution to encourage, but not require recitation of a land acknowledgment prior to commencing public meetings in a form substantially similar to the language recommended to the Board by the Arlington Human Rights Commission. The purpose of the acknowledgments in whatever form and on whatever schedule any given public body utilizes them, is to recognize and respect peoples indigenous to Massachusetts and Arlington as historical stewards of the land we live upon and the relationship that exists between indigenous peoples in modern American and their traditional territories.

Some members of the Board noted some concern with choosing which historic and present matters bear reflecting upon prior to commencing public meetings. Similarly, Board members also noted that committee and commission chairs have substantial discretion to determine how to structure and operate their meetings. However, on balance, the Select Board unanimously agreed that a non-binding recommendation that boards and bodies provide opportunity for land acknowledgments tailored to their work is important, and that Town Meetings endorsement of same is valuable.

(5 – 0)

ARTICLE 86

RESOLUTION/CELEBRATING INDIGENOUS PEOPLES DAY

VOTED: That Town Meeting hereby Adopts the following resolution previously adopted by the Select Board on January 25, 2020:

WHEREAS the Indigenous Peoples of the lands that would later become known as the Americas and specifically the Massachusett tribe in the lands which would later become

known as Menotomy (from an Algonquian word), have occupied these lands since time immemorial; and

WHEREAS the Town of Arlington, Massachusetts (the “Town”) wishes to honor our nation and town's Indigenous roots, history and contributions; and

WHEREAS the cultures of the Indigenous Peoples of the Americas are worthy of being promoted, their history is rich, diverse, and worthy of celebration; and

WHEREAS the actions and policies of European colonizers of the Americas actively destroyed and suppressed parts of those cultures, and racism has served to perpetuate high rates of poverty for Indigenous Peoples and led to inequities in health, education, and housing, as illustrated most recently with the severe impact of COVID-19 on Indigenous communities; and

WHEREAS the Town has a history of opposing racism, and prominent residents throughout history such as Cyrus Dallin were particularly active in advancing the rights of Indigenous peoples; and

WHEREAS Indigenous Peoples Day was first proposed in Geneva in 1977 by a delegation of Native Nations to the United Nations-sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

WHEREAS in 1990, representatives from 120 Indigenous nations at the First Continental Conference on 500 Years of Indian Resistance unanimously passed a resolution to transform Columbus Day into an occasion to strengthen the process of continental unity and struggle towards liberation, and thereby use the occasion to reveal a more accurate historical record; and

WHEREAS the District of Columbia, States of Alaska, Louisiana, Maine, Michigan, Minnesota, New Mexico, Oregon, South Dakota, Vermont, Wisconsin, and localities including Somerville MA, Cambridge MA, Brookline MA, Newton MA, Marblehead MA, Northampton MA, Amherst MA, Portland ME, Los Angeles CA, San Francisco CA, Denver CO, Portland OR, Seattle WA, Columbus OH and many more have adopted Indigenous Peoples Day as a countercelebration, in lieu of Columbus Day, to promote Indigenous cultures and commemorate the history of Indigenous Peoples; and

WHEREAS Columbus Day commemorates the landing of Christopher Columbus in the Americas specifically on the Caribbean islands of The Bahamas on October 12, 1492 and, later, on Hispaniola (present-day countries of the Dominican Republic and Haiti); and voyages of Columbus to the Americas initiated the transatlantic slave trade and the era of conquest, and his governorship of the Caribbean instituted systematic policies of slavery and extermination of Indigenous populations, especially the Taino/Arawak people whose population was reduced from approximately 8 million to 100,000, being further reduced by the continuation of his policies until near-extinction in 1542.

NOW, THEREFORE, BE IT RESOLVED that the Arlington Town Meeting joins the Select Board in proclaiming that the second Monday of October shall be commemorated as Indigenous Peoples Day in Arlington, superseding local references to Columbus Day and in recognition of the position of Indigenous Peoples as native to these lands, and the suffering they faced during and since the European conquest;

and be it further **RESOLVED** that the people of Arlington, as well as local businesses, organizations, and public institutions are encouraged to observe Indigenous Peoples Day by reflecting upon the dispossession of the homelands and villages of the Massachusett people of this region who lived here for millennia prior to the arrival of European settlers, and upon the history of the other Indigenous Peoples who have lived in Arlington, and by celebrating the survival of Indigenous Peoples and recognizing their struggle to perpetuate and celebrate their ancestral heritage and practices, as well as celebrating the thriving cultures and values that Indigenous Peoples have brought and continue to bring to our Town and the wider community;

and be it further **RESOLVED** that in any observances, Arlington shall endeavor to include Indigenous representation from amongst its residents and from the Massachusett tribe and will also seek representation from Indigenous organizations in the area such as the North American Indian Center of Boston, United American Indians of New England, Cultural Survival, and IndigenousPeoplesDayMA.org as well as other Arlington community representation from segments of the community;

and be it further **RESOLVED** that the Arlington Public Schools are encouraged to join in this observance with appropriate exercises and/or instruction in all schools around the time of Indigenous Peoples Day, to the end that the culture, history and diversity of Indigenous Peoples be celebrated and perpetuated; and

and be it further **RESOLVED** that local businesses, organizations, and public institutions are encouraged to evaluate their imagery and insignia, to ensure that representations of Indigenous Peoples are not misappropriated, with a preference for using the Town Seal in official capacities.

(5 – 0)

COMMENT: This Article from the Arlington Human Rights Commission builds upon a January 25, 2020 proclamation and is nearly identical in substance to what the Select Board has already endorsed within its capacity and jurisdiction. While there is some overlap with said previous action, the Board urges Town Meeting’s support for a non-binding Resolution further promote the celebration of the rich and diverse history and cultures of Indigenous Peoples.

The Board takes care to note that celebrating Indigenous Peoples Day is in no way a repudiation of celebration of Italian-Americans and their forebears, as the mythologized Columbus’ expeditions and cruel governance over Caribbean islands has little to do with Italian immigrants

and Italian-Americans' enormous contributions to United States history and culture. Indeed, there was discussion at hearing about whether or not both Indigenous Peoples Day and some form of "Columbus Day" could be celebrated. While it is not an easy matter to navigate ways of celebrating all of the diverse populations in the United States for their unique histories and contributions, the Board is convinced that in light of the injustices suffered by indigenous peoples and the present challenges indigenous persons and communities face, refocusing the holiday in question on the value of the indigenous communities of the past and present should be prioritized here in Arlington.

**ARTICLE 87 RESOLUTION/OVERNIGHT PARKING WAIVER FOR
RESIDENTS OF MULTI-FAMILY DWELLINGS IN
PRECINCT 4**

VOTED: That no action be taken on Article 87.

(5 – 0)

COMMENT: The Select Board recommends no action on this article because parking regulation of public streets is within the sole jurisdiction of the Select Board. However, the Board and the article's proponent have committed to further discussions of potential pilot programs in recognition of the substantive issues raised by the proponent.

**ARTICLE 88 RESOLUTION/RESIDENT PARKING PROGRAM FOR
PRECINCT 4**

VOTED: That no action be taken on Article 88.

(5 – 0)

COMMENT: Similar to Article 87, the Select Board recommends no action on this article because parking regulation of public streets is within the sole jurisdiction of the Select Board. However, as with the previous article, the Board and the article's proponent have committed to further discussions of potential pilot programs in recognition of the substantive issues raised by the proponent.



Town of Arlington, Massachusetts

NEW BUSINESS



Town of Arlington, Massachusetts

Next Scheduled Meeting of Select Board March 22, 2021

Summary:

You are invited to a Zoom webinar.

When: Mar 8, 2021 07:15 PM Eastern Time (US and Canada)

Topic: Select Board Meeting

Register in advance for this webinar:

https://town-arlington-ma-us.zoom.us/webinar/register/WN_ByGMak1ZSCq-wUSoevkuKQ

After registering, you will receive a confirmation email containing information about joining the webinar.

Notice to the Public on meeting privacy In the interests of preventing abuse of videoconferencing technology (i.e. Zoom Bombing) all participants, including members of the public, wishing to engage via the Zoom App must register for each meeting and will notice multi-step authentication protocols. Please allow additional time to join the meeting. Further, members of the public who wish to participate without providing their name may still do so by telephone dial-in information provided above.

Documents regarding agenda items will be made available via Novus Agenda and the Town's Website.

<https://www.mass.gov/doc/open-meeting-law-order-march-12-2020/download>