



**Town of Arlington  
Legal Department**

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To: Arlington Select Board

Cc: Sandy Pooler, Town Manager

From: Douglas W. Heim, Town Counsel; Michael Cunningham, Deputy Town Counsel

Date: March 30, 2023

**Re: Annual Town Meeting Warrant Articles: 14, 21, 22, 23, and 33**

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I write to provide the Select Board a summary of the above-referenced warrant articles to assist in your consideration of these articles at your hearing April 4, 2023 hearing.

**ARTICLE 14**

**VOTE/STRATEGIC PLAN FOR NEW GROWTH**

To see if the Town will vote to create a study group, composed of staff and other appointed residents, for the purposes of developing a strategic plan to increase new growth; or take any action related thereto.

(Inserted at the request of Lenard Diggins and ten registered voters)

I expect the Article’s proponent, Mr. Diggins, will present further information on the goals of the instant warrant article, and note that a draft vote for your consideration has been submitted as reference. To my understanding, the proposal would create a committee charged with researching options for “new growth” (locally taxable value) to report back with findings and recommendations at the 20225 Annual Town Meeting.

## ARTICLE 21

## TRANSFER OF PROPERTY/23 MAPLE STREET

To see if the Town will vote to transfer property located at 23 Maple Street, Arlington MA 02476 from the jurisdiction of the Redevelopment Board to the jurisdiction of the Town Manager; or take any action related thereto.

(Inserted at the request of the Town Manager)

## ARTICLE 22

**TRANSFER OF PROPERTY/20 ACADEMY STREET  
"CENTRAL SCHOOL BUILDING"**

To see if the Town will vote to transfer property located at 20 Academy Street, Arlington MA 02476, also known as the “Central School Building” from the jurisdiction of the Redevelopment Board to the jurisdiction of the Town Manager; or take any action related thereto.

(Inserted at the request of the Town Manager)

## ARTICLE 23

**TRANSFER OF PROPERTY 611 MASSACHUSETTS  
AVENUE "JEFFERSON CUTTER HOUSE"**

To see if the Town will vote to transfer property located at 611 Massachusetts Avenue, Arlington MA 02476, also known as the “Jefferson Cutter House” from the jurisdiction of the Redevelopment Board to the jurisdiction of the Town Manager; or take any action related thereto.

(Inserted at the request of the Town Manager)

Members of the Board, the foregoing three (3) warrant articles each correspond to the process required to transfer property deeds and management responsibility from the Arlington Redevelopment Board (“ARB”) to the “Town” or more specifically, the custody and care of the Town Manager. The ARB may acquire, hold title to, and manage property pursuant to its redevelopment and urban renewal authorities set forth in G.L. c. 121B (“Housing and Urban Renewal”) and as codified in § 17 of the Town Manager Act. However, such acquisitions are rooted in the ARB’s role in *rehabilitating* substandard or blighted properties and otherwise

engaging in urban renewal activities, not indefinite management of same. Whereas each of the properties in question – 20 Academy Street/27Maple Street “the Central School Building”, 611 Massachusetts Avenue, “the Jefferson Cutter House”, and 23 Maple Street (the current home Inspectional Services) have all been successfully redeveloped and managed by the ARB for decades, they are essentially successful and complete projects from an urban renewal perspective and should be permanently homed within the Town’s real estate portfolio.

As an additional matter, some of the primary tenants of ARB leased space for a significant period of time have been Town departments and services. Hence, the Town has been in substance budgeting and leasing property to itself, creating layers of budgeting, lessor/lessee and capital asset management complexity not ideal for the long term.

A necessary prerequisite to any transfer of property to the Town from the ARB is a vote by such body to permit same. By a vote of 3-1 on March 27, 2023, the ARB voted to authorize such transfer each of subject to the request that the Town Manager enter into a Memorandum of Agreement or Understanding with the ARB about future uses of such properties.<sup>1</sup> In short, the ARB agrees that it is sensible for the Town Manager’s office to take over the maintenance and management of these buildings, but would like to remain a part of the conversation for future anticipated uses consistent with their role in planning and redevelopment. To be clear, the ARB is particularly pleased with the present uses of the Central School and Jefferson Cutter House properties as they are and the Town has no plans to change such uses. 23 Maple Street, which currently temporarily houses Inspectional Services continues to hold interest for the ARB in determining the best possible long-term use of a formerly residential property and has in recent years been the subject of collaborative discussions between the Department of Planning and Community Development as an extension of the ARB and the Town Manager’s Office.

If the Board is inclined towards positive action on each of these articles, an appropriate motion for each would be as follows:

*VOTED: That jurisdiction of the property known as [insert property description, lot designations and/or metes-and-bounds] be transferred from the Arlington Redevelopment Board to the Town Manager.*

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<sup>1</sup> The dissenting member agreed that transfer of the Central School and Cutter House were appropriate without seeking an MOA/MOU and preferred to retain the 23 Maple Street parcel under the ARB’s jurisdiction.

### **ARTICLE 33 ENDORSEMENT OF PARKING BENEFIT DISTRICT EXPENDITURES**

To see if the Town will vote to endorse the Parking Benefit District operating and capital expenditures for Fiscal Year 4 prepared by the Town Manager and the Select Board consistent with the Town Bylaws; or take any action related thereto.

(Inserted at the request of the Town Manager)

Pursuant to Title I, Article 11 of the Town Bylaws, "Parking Benefit District Expenditures," proposed Parking Benefit District Operating and Capital Expenditures are prepared by the Manager and the Parking Implementation Governance Committee before submission for endorsement by the Finance Committee and Capital Planning Committee respectively; and subsequently Town Meeting. Your review of proposed expenditures with the Manager constitutes the first step in this process. If the Select Board is inclined towards positive action, a motion (and comment) could be as follows:

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

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