



**Town of Arlington
Legal Department**

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To: Board of Selectmen
Cc: Adam Chapdelaine, Town Manager
From: Douglas W. Heim, Town Counsel
Date: January 20, 2017
Re: Potential 2017 Annual Town Meeting Warrant Articles

I write to provide the Board of Selectmen potential warrant article language for inclusion on the 2017 Annual Town Meeting Warrant from the Board. As an initial matter, please note that some of these matters may be duplicative with resident efforts to place similar articles on the warrant.

ARTICLE _____ VOTE/APPOINTMENT OF TOWN TREASURER

To see if the Town will vote to convert the office of Town Treasurer from an elected to an appointed position through ballot question or referendum pursuant G.L. c. 41 §1B, home rule legislation, or other suitable method; or take any action related thereto.

As the Board knows, our long-serving Town Treasurer, Mr. Stephen Gilligan has announced his intention to retire from public office. Given an impending transition, it is my

understanding that there is interest in converting the Treasurer position from an elected office to an appointed one. If the Board of Selectmen is so inclined to forward such an initiative, there are a number of theoretical ways to achieve conversion, but all of them likely depend on putting the issue to Arlington voters.

Under c. 41 sec. 1B, “[a]ny office or board, except the board of selectmen and the school committee... may become an appointed position... by a majority vote of the annual or special town meeting and acceptance by the voters of the town at the annual town elections; provided, however, that any vote by a special town meeting taken under the provisions of this section shall take place at least 60 days prior to the acceptance of the voters at the annual town election. For purposes of this section, the positions of town treasurer and collector of taxes, elected pursuant to section 1, may be combined into 1 position and become an appointed position in the manner provided in this section. Such acceptance by the voters shall be in the form of the following question, to be placed on the official ballot:

Shall the town vote to have its elected Town Treasurer and Collector of Taxes become an appointed Town Treasurer and Collector of Taxes of the town? Yes _____ No _____”

Should both Town Meeting and the voters approve conversion of the office, some modest parallel or subsequent action will be required to update the Town Manager Act to reflect the change in relationship between the Treasurer and the Manager. A similar effect could be achieved through home rule legislation amending the Town Manager Act. However, practically speaking, some kind of ballot question or referendum would likely be prudent before requesting the Legislature convert an elected position to an appointed one anyway. There are a number of

considerations which would depend on which vehicle, if any, the Board chooses to pursue and I look forward to the opportunity to discuss them with you and answer any further questions you may have.

ARTICLE _____ BYLAW AMENDMENT/PRIDE COMMISSION

To see if the Town will vote to amend the Town Bylaws to establish a Pride or GLBTQ Commission to advocate for a culture of respect, promote GLBTQ positive policies and to monitor progress toward equality of all persons with regard to sexual orientation and gender identity within the Town; setting forth the membership, duties and responsibilities, administration, and requirements of such Commission; or take any action related thereto.

The greater Arlington community has expressed an interest in creating a specific Town commission to cultivate GLBTQ positive policies and practices within and throughout the Town. If the Board is so inclined to promote a warrant article for Town Meeting's consideration, the above is derived from common mission and purpose statements of similar bodies in neighboring communities.

ARTICLE _____ RESOLUTION/SANCTUARY/TRUST ACT COMMUNITY

To see if the Town will resolve to become a Sanctuary Town, joining hundreds of municipalities nationwide, providing a safe haven and sanctuary for undocumented residents of our Town, and protecting all residents from hate and prejudice, provided, however that this resolution shall not prevent law enforcement from investigating, arresting or charging someone for a crime or other legal infraction, or take any other action related thereto.

AND/OR

To see if the Town will vote to adopt a resolution that Arlington serve as a "Trust Act" Community (also known as a "sanctuary community") to ensure that all immigrants can fully and safely participate in the civic and economic life of the Town by resolving to refrain from among other things: using Town resources for the purpose of gathering information regarding the citizenship, immigration status, ethnicity, national origin, religious affiliation for discriminatory purposes; engaging in or assisting in Immigration and Customs Enforcement in reporting, arresting, detaining deporting, or taking any other law enforcement action unsupported by separate and distinct warrants or probable cause from criminal conduct unrelated to immigration status; or take any action related thereto.

A number of simultaneous efforts by Town residents and bodies, including the Arlington Human Rights Commission have expressed great desire to establishing Arlington as a “Sanctuary Town” or “Trust Act” community. I am aware that this matter is separately on your agenda as the Arlington Human Rights Commission plans to present their version of a warrant article (the former above) as part of a wider discussion for your endorsement. If the Board is so inclined, there may be some distinctions between the ultimate Town Meeting motion pursued by like-minded efforts, but overall it is my recommendation that if either or both are pursued, they are presented as resolutions. I also look forward to the opportunity to discuss some of the distinctions between Trust Act ordinances adopted by neighbors such as Boston and the Town’s legislative options.

**ARTICLE _____ ACCEPTANCE OF LEGISLATION/SENIOR PROPERTY TAX
WORK OFF PROGRAM**

To see if the town will vote to accept Massachusetts General Law Chapter 59 Section 5K, in order to authorize Arlington to establish a program to allow residents age 60 and over to volunteer to provide services in exchange for a reduction in the real property tax obligations on the resident's tax bills, which reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled; or take any action related thereto.

**ARTICLE _____ ACCEPTANCE OF LEGISLATION/VETERAN PROPERTY TAX
WORK-OFF PROGRAM**

To see if the town will vote to accept Massachusetts General Law Chapter 59, Section 5N, in order to authorize Arlington to establish a program to allow veterans, to volunteer to provide services in exchange for a reduction in the real property tax obligations of that veteran on the veteran's tax bills, which reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled; or take any action related thereto.

**ARTICLE _____ ACCEPTANCE OF LEGISLATION/ELDERLY AND DISABLED
TAXATION FUND**

To see if the town will vote to accept Massachusetts General Law Chapter 60 Section 3D, in order to authorize an Elderly and Disabled Taxation Aid Fund in Arlington. Such fund will be created to allow taxpayers of Arlington to voluntarily check off an amount not less than \$1 which shall increase the amount otherwise due, and to establish a town aid to the elderly and disabled taxation fund for the purpose of defraying the real estate taxes of elderly and disabled persons of low income. A taxation aid committee to be appointed by the Board of Selectmen shall consist of the Chair of the Board of Assessors, the Town Treasurer and

three residents to carry out the provisions of this article and to identify recipients of such aid; or take any action related thereto.

ARTICLE _____ ACCEPTANCE OF LEGISLATION/CPI ADJUSTMENT FOR ELDERLY RESIDENTS

To see if the town will vote to accept Massachusetts General Law Chapter 59 Section 5 clause 41D, in order to authorize the Town to adjust annually, the gross receipts and whole estate, real and personal, as set forth in clause 41C to increase by the amount set in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for each year; or take any action related thereto.

The above potential warrant articles represent a mixture of options available to the Town for assisting eligible senior and veteran residents with various tax reductions, exemptions, and adjustments not presently afforded without Town Meeting action. Health Director Christine Bongiorno and her department thoroughly investigated and developed the aforementioned options in conjunction the Council on Aging and other Town Departments and staff, which recommend their inclusion on the warrant.