



**Town of Arlington  
Legal Department**

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To: Select Board

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

From: Douglas W. Heim, Town Counsel

A handwritten signature in dark ink, appearing to read "DWH", enclosed within a circular scribble.

Date: February 6, 2020

Re: Annual Town Meeting Warrant Articles: School Committee Member Stipends,  
Regulation of Outdoor Lighting, and Minuteman Bikeway Hours

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I write to provide the Board a summary of the above-referenced, yet-to-be-numbered 2020 Annual Town Meeting warrant articles to assist in the Board's consideration of these articles at its upcoming hearing on February 10, 2020. As the Board will recall, where draft motions appear, new or additional language is underscored, while removed language is provided in "strikethrough."

**ARTICLE**

**VOTE/APPROPRIATION/SCHOOL COMMITTEE MEMBER  
STIPENDS**

To see if the Town will vote pursuant to M.G.L. c. 71 section 52, to provide all Arlington School Committee Members compensation consisting of an annual stipend of \$3,000 per member commencing in Fiscal Year 2022; or take any action related thereto.

(Inserted at the request of Christa Kelleher and ten registered voters)

Section 52 of Chapter 71 of the General Laws (provided below) requires that Town Meeting vote to approve compensation for members of the School Committee, set such amount, and appropriate funds for same. I expect the proponent of this article to provide a full rationale for providing a stipend for School Committee members, but it is my understanding that the goal is to provide each such member the same stipend afforded members of the Select Board. As the Board may recall, Select Board stipends do not afford health insurance or retirement benefits to any current members. Hence, absent an explicit vote to do so, affording stipends to School Committee Members would not confer such rights either.

**M.G.L. c. 71 sec. 52**

*Section 52: Compensation of school committee members*

*The school committee shall serve without compensation, except that a member of a school committee of a city, town, regional school district or superintendency union may be compensated for his services by a majority vote of the city council in a city having a Plan D or Plan E charter; in a city not having a Plan D or Plan E charter by vote of the city council, subject to the provisions of the charter of such a city; in a town by a majority vote at a town meeting; and in a regional school district or school superintendency by a majority vote of the voting member towns authorized at their respective town meetings, the amount of such compensation, in each case, to be set by the respective cities, towns or groups of towns. No member of a school committee in any town shall be eligible to the position of teacher, or superintendent of public schools therein, or in any union school or superintendency union or district in which his town participates.*

**ARTICLE**

**BYLAW AMENDMENT/REGULATION OF OUTDOOR LIGHTING – UPLIGHTING**

**To see if the Town will vote to amend Title V Article 14 Section 3D of the Town Bylaws to include structures used for religious purposes, and structures used for commercial purposes, among the exemptions to the prohibition of uplighting; or take any action related thereto.**

(Inserted at the request of Paul Schlichtman and 10 Registered Voters)

By vote of the 2014 Annual Town Meeting, the Town's previous ordinance regulating outdoor lighting on private property was deleted and replaced by Mr. Schlichtman's then-proposed "dark skies" bylaw, now codified in the Town Bylaws within Title V Article 14. Mr. Schlichtman further revised the bylaw at last year's 2019 Annual Town Meeting to make it more

robust. To my understanding, the purpose of this year's article is to add structures used for religious and/or commercial purposes to the list of settings exempt from the bylaw's restrictions on up-lighting so as to read as follows:

*3(D). Up-lighting, the direct light illumination distributed above a 90 degree horizontal plane through the lowest direct light emitting part of the luminaire, is prohibited, except for signage governed by and permitted under the Arlington Zoning Bylaw, illumination of the United States Flag, the Flag of the Commonwealth of Massachusetts, or other flags on Town and/or school property, Town, School, public building façades, structures used for religious purposes, structures used for commercial purposes, or a public monument. For any up-lighting, the luminaire shall be equipped with shields so that the lamp is not visible from a street, or a lot that is in Residential or Conservation use.*

In effect, these changes would essentially further narrow the application of uplighting prohibitions to primarily residential and accessory settings.

#### **ARTICLE BYLAW AMENDMENT/MINUTEMAN BIKEWAY HOURS**

**To see if the Town will vote to amend Title III, Article 1, Section 10 of the Town Bylaws (Minuteman Bikeway Hours) to extend the operating hours of the Minuteman Bikeway; or take any action related thereto.**

(Inserted at the request of Adam MacNeill and ten registered voters)

This article proposes to amend Title III, Article 1, Section 10 of the Town Bylaws, which provides as follows:

##### *Section 10. Minuteman Bikeway Hours*

*The Minuteman Bikeway shall be open to the use of the public between the hours of 5:00 A.M. and 9:00 P.M. Anyone found on said premises between the hours of 9:00 P.M. and 5:00 A.M. shall be considered trespassers and subject to a fine of up to \$20.*

As the Board will recall, the Town's license agreement with the MBTA allowing for the creation and maintenance of the Bikeway does not set forth hours for use, and as such, an amendment to the Town Bylaws is sufficient to amend the hours of operation.