



Town of Arlington Board of Selectmen

Meeting Agenda

March 26, 2018

7:15 PM

Selectmen's Chambers, 2nd Floor, Town Hall

1. Community Preservation Committee Presentation
Andrew Bengtson, Vice Chair, Community Preservation Committee
(tabled from 3/19/18 meeting)

FOR APPROVAL

2. Farmers' Market 2018
Patsy Kraemer, Market Manager
3. For Approval: Memorandum of Agreement - Dockless Bikeshare
Adam W. Chapdelaine, Town Manager
Nat Strosberg, Senior Planner
MAPC Staff
Limebike

CONSENT AGENDA

4. Minutes of Meetings: March 19, 2018
5. Approval: Town of Arlington Home Rehabilitation Program
Dean Carman, Town Treasurer
6. Request: AHS Ice Cream Fundraiser for Dana-Farber Cancer Institute (DFCI)
Jefferson Cutter House Lawn, May 19, 2018, 11:00 a.m.- 6:00 p.m.
Sagar Rastogi
The AHS Scoops Club
7. Request: Special (One Day) Beer & Wine License, 4/14/18 @ Robbins Memorial Town Hall for a Private Event
Jennifer Gehling and Philip Schaeffing

PUBLIC HEARINGS

8. To Set a Prospective Rate Removal of Trees Under the Tree Protection Bylaw
Adam W. Chapdelaine, Town Manager

APPOINTMENTS

9. Human Rights Commission
Kristen Bauer (term to expire 1/31/2021)
(tabled from 3/19/18 meeting)

WARRANT ARTICLE HEARINGS

Articles for Review:

- | | |
|---------------|--|
| Article 12 | Bylaw Amendment/Betterment Bylaw Revision |
| Article 24 | Revolving Funds |
| STM Article 3 | Vote/Study of Demolition of Historic Residential Buildings |
| STM Article 4 | Home Rule Legislation/Property Tax Deferrals |
| STM Article 5 | Home Rule Legislation/Mean - Tested Senior Tax Relief |
| STM Article 6 | Home Rule Legislation/Package Store Licenses |
| STM Article 7 | Home Rule Legislation/Bylaw Amendment: Gender Neutral Language |

FINAL VOTES & COMMENTS

Articles for Review:

- | | |
|------------|--|
| Article 7 | Bylaw Amendment/Town Meeting Warrant Delivery |
| Article 8 | Bylaw Amendment/Addition of Certain Delinquent Municipal Fees (tabled from 2/26/18 and 3/19/18 meetings) |
| Article 10 | Bylaw Amendment/Animal Control Regulation |
| Article 13 | Bylaw Amendment/Arlington Commission on Arts & Culture (tabled from 3/5/18 meeting) |
| Article 14 | Bylaw Amendment/Tree Preservation and Protection (tabled from 3/5/18 meeting) |
| Article 15 | Bylaw Amendment/Noise Abatement |
| Article 16 | Bylaw Amendment/Time of Town Meeting Sessions |
| Article 17 | Bylaw Amendment/Demolition of Historic Structures |
| Article 23 | Endorsement of CDBG Application |

NEW BUSINESS

EXECUTIVE SESSION

To Review the Executive Session Minutes of February 26, 2018.

Next Scheduled Meeting of BoS April 9, 2018.



Town of Arlington, Massachusetts

Community Preservation Committee Presentation

Summary:

Andrew Bengtson, Vice Chair, Community Preservation Committee
(tabled from 3/19/18 meeting)

ATTACHMENTS:

	Type	File Name	Description
▯	Reference Material	CPC_Presentation_E._Helmuth.pdf	CPC Presentation

CPA FY19 Budget Recommended to Town Meeting

FY19 AVAILABLE CPA FUNDS (Projected)				
Projected Revenue				<u>NOTES</u>
FY19 Local CPA Surcharge	\$	1,412,355		FY18 Projected Revenue with 2.5% increase
FY19 State Match	\$	165,349		12% match (preliminary estimate) on FY18 projected collections
Additional Funding Sources				
Unrestricted CPA Fund Balance	\$	770,563	\$	39,141 FY17 Budgeted Reserve
			\$	47,736 FY17 Admin Expenses
			\$	45,984 FY17 Surcharge Revenue Surplus
			\$	23,433 FY17 State Match Revenue Surplus
			\$	614,270 FY18 Budgeted Reserve
Total Projected Funds Available for Appropriation		\$	2,348,267	
FY19 BUDGET RECOMMENDED TO TOWN MEETING				
CPA Project Appropriations				<u>NOTES:</u>
Hardy Elementary Playground Study & Plans	\$	39,500		Playground construction would occur summer 2019
Restoration of the Jason Russell House	\$	72,348		Phase II of a long-range ~\$250K project
Downing Square Broadway Initiative	\$	500,000		\$600K total CPA funds dedicated to \$19.2M project
Mill Brook Linear Park Pilot Phase II	\$	172,523		Design and construction docs for a projected \$1M construction
Preservation of Exterior Envelope of Old Schwamb Mill	\$	82,000		
Arlington Reservoir Design and Engineering and Phase 1 Construction	\$	991,000		Phase 2 Construction projected at \$2.9M
Additional Appropriations				
CPAC Administrative Expenses Reserve Account	\$	78,885		5% of FY19 projected revenue; unspent balance closes to CPA Fund
Total Projected Appropriations			\$1,936,256	
Projected CPA fund balance after recommended appropriations		\$	412,011	



- Open Space
Town, State, or Private
Other Town Owned
- Wetlands
- Town Boundary
- Roads - Class 1-6 (for Town B)
- Major Road
Local Road
Driveway
- Water Line
- Water Body

COMMUNITY HOUSING -
DOWNING SQUARE

RECREATION SPACE -
RESERVOIR PHASE 1


HISTORIC PRESERVATION -
OLD SCHWAMB MILL

OPEN SPACE - MILL
BROOK LINEAR PARK

HISTORIC PRESERVATION -
JASON RUSSELL HOUSE

COMMUNITY HOUSING -
117 BROADWAY

RECREATION -
HARDY PLAYGROUND

 FY2019 PROJECTS

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

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Town of Arlington, MA

FY19 CPA Project Summaries

1. Hardy Elementary Playground Study

\$39,500 – School Department/Town of Arlington

- Comprehensive plan for playground needs at Hardy School in response to growing enrollment, limited space, and the six-classroom addition slated for completion in early 2019.
- Includes a robust parent and public input process.
- Produces design and construction documents for a new Chandler Street playground.
- Playground construction is in the FY20 Capital Plan.

2. Historic Preservation of the Jason Russell House

\$72,348 – Arlington Historical Society

- Restoration work scheduled for this year in the multi-year Condition Assessment and Preservation Plan funded by CPA in 2016.
- Includes framing examination and insect treatment of the west wall sills, historic window restoration, foundation repair under the west sills, ceiling restoration in the store room and caretaker's cottage bedroom, fire and sprinkler upgrades and electrical upgrades in the caretaker's cottage.
- AHS is applying for matching funds that, if awarded, would reduce the CPA budget by ~\$29,000.

3. Downing Square/ Broadway Initiative

\$500,000 – Housing Corporation of Arlington (HCA)

- Aid in the creation of 48 units and 1 acre of new affordable housing in two Arlington parcels, one at 19R Park Ave (Downing Square) and another at 117 Broadway.
- Follows a \$100,000 FY18 CPA appropriation for construction costs.
- This grant agreement will also reserve funds for construction costs.
- Construction start slated for January 2019; occupancy slated for January 2021

4. Mill Brook Linear Park Pilot- Wellington Park Phase II

\$172,523 – Mystic River Watershed Association

- Planning and design flowing from the pilot study funded with FY18 CPA award (\$56,783).
- Focuses on Wellington Park and the Mill Brook Corridor, from Brattle St to Grove Street.

- Components to produce a “shovel ready” project for pilot improvements on town-owned portions of the land:
 - Design and Environmental Assessment: Wellington Park Schematic Design – Create a park design and revitalization plan (including 100% design and construction documents) with new design features and planting schemes that enhance the viewshed towards and along the Brook, restore public access, improve entrances and circulation within the park, and enhance the ecological value of the riparian edge of the brook.
 - Feasibility of Mill Brook Path from Grove to Brattle Street: Identify feasibility of and propose alignment of an ADA-compliant walking path along Mill Brook from Grove to Brattle Street.
 - Phasing, cost estimates and public/private funding plan for implementation

5. Preservation of Exterior Envelope of Old Schwamb Mill

\$82,000 - Schwamb Mill Preservation Trust

- Historically correct preservation, re-puttying, and painting of window sashes in the main Mill building (appx 87 windows);
- Conservation and repainting of window sills; scraping and repainting of exterior clapboards, doors, and trim;
- Repointing and repair of brick foundation in damaged areas.

6. Arlington Reservoir Design and Engineering and Phase I Construction

\$991,000 - Park and Recreation Commission

- Design, engineering and construction of Phase I of the Arlington Reservoir Master Plan (funded last year by \$100,000 CPA award).
- Critical replacement of the pump house mechanical equipment and rehabilitation of the structure, to ensure continued operation of the bathing beach.
- Pilot area of perimeter trail improvements for erosion control, removal of invasive plant species, new trail surfacing.



Town of Arlington, Massachusetts

Farmers' Market 2018

Summary:

Patsy Kraemer, Market Manager

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Farmers__Market_.pdf	Reference



17 March 2018

MEMORANDUM TO THE BOARD OF SELECTMEN

8 FARMERS' MARKET

The Arlington Farmers' Market respectfully requests permission to hold the Arlington twentieth Farmers' Market at the Russell Common Parking Lot, Arlington Center, for the 2017 season. The market is held on Wednesday's 2:00 pm to 6:30 pm.. The Market will begin on Wednesday, June 13, 2018, and close on Wednesday, October 27, 2018.

The Arlington Farmers' Market is managed by Patsy Kraemer, assisted and advised by a steering committee, which includes:

**Patsy Kraemer, Market Manager
Oakes Plimpton, retired Market Manager
Mandy Williamson, prepared foods vendor
Alan Nicewisch, farmer
Betsy Block, consumer
Leon Cantor, Seconds Market
Vicki Rose, Seconds Market
Robin Cohen, Webmaster**

The Farmers Market will continue to work with representatives from Menotomy Manor to provide residents with the seconds market and also with Food for Free for delivery to safe houses, shelters, and elder residences. Historically the farmers have been very generous in donating surplus produce for this market.

The market will continue to have liability insurance that is provided from the Massachusetts Farmers' Market Association.

We will have 22 vendors at the market this year, including one wine vendor, one hard cider vendor, ten farms, one fishmonger, a smoked fish vendor, one bakery, four prepared food suppliers, and one knife sharpener.

We welcome two new vendors this year, Pony Shack Cider, Inc. and Wild Mushrooms Farm.

We continued to have a very good experience last summer with the parking meters. There was almost no glitches with customers using the pay machines and minimal grumbling about missing the parking pass system.

We hope you will approve the continuation of this program at the Russell Common Parking Lot.

**Patsy Kraemer
Market Manager
85 Columbia Road, Arlington, Ma. 02474
h: 781-646-4645 c: 781-858-8629
patsy@patsykraemer.com**



Town of Arlington, Massachusetts

For Approval: Memorandum of Agreement - Dockless Bikeshare

Summary:

Adam W. Chapdelaine, Town Manager

Nat Strosberg, Senior Planner

MAPC Staff

Limebike

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Bikeshare_Memo_to_TM_3.9.18.pdf	Memorandum
▢	Reference Material	Regional_Bike_Share_MOU_3-16-18_FINAL.pdf	Memorandum of Understanding



TOWN OF ARLINGTON

MASSACHUSETTS 02476

781 - 316 - 3090

DEPARTMENT OF PLANNING and COMMUNITY DEVELOPMENT

MEMORANDUM

To: Adam Chapdelaine, Town Manager

From: Jennifer Raitt, Director of Planning & Community Development
Nat Strosberg, Senior Planner

Date: March 9, 2018

Re: Next Steps for Dockless Bikeshare

Request

Arlington's Bikeshare Working Group, which includes representatives from the Arlington Bicycle Advisory Committee (ABAC), Transportation Advisory Committee (TAC), and East Arlington Livable Streets (EALS), as well as the Departments of Public Works and Planning and Community Development, is requesting that the Board of Selectmen vote to authorize the Town to sign the Metropolitan Area Planning Council's (MAPC) Memorandum of Understanding (MOU) for a regional dockless bikeshare system.

Summary

Arlington's Bikeshare Working Group has been carefully examining opportunities for bringing bikeshare to Arlington. Opportunities for expanding Hubway into Arlington have been studied. While the terms for extending Hubway into Arlington have recently become more flexible, such an extension would still be a considerable expense, and the Group is currently pursuing an alternative. Last year, the Town and many neighboring municipalities were approached by several dockless bikeshare companies interested in establishing operations here. (Dockless bikes include a wheel-based self-locking mechanism and thus do not require ground-based docks like Hubway bikes.)

In light of the impending technology shift (i.e., docked to dockless) and the numerous companies hectically vying for a share of the burgeoning market, MAPC recently established an initiative to create a regional dockless bikeshare system to ensure that dockless bikeshare grows in an organized, publically accountable manner consistent with the best interests of each community. In addition to Arlington, fifteen municipalities have been working with MAPC to build the system and are considering joining it: Bedford, Belmont, Chelsea, Everett, Lexington, Malden, Medford, Melrose, Milton, Needham, Newton, Revere, Waltham, Watertown, and Winthrop. Arlington has already played a vital role in this initiative: among other efforts, the Bikeshare Working Group helped to choose Limebike and Spin, the two vendors that will operate in the regional system for the system's first year. All capital and operations costs will be borne by the vendors.

Of course, each municipality must conduct due diligence to determine whether it should join the regional system, and there are key steps that remain before the system can begin operating. The first major step is for each municipality to sign MAPC's MOU, which outlines the municipalities' and MAPC's roles and responsibilities, and governs how the municipalities will work with each other and MAPC to prepare for and implement the regional system. (The final MOU will be forthcoming.)

Addressing the particular conditions, issues, and concerns in each community is obviously crucial, and the next step will involve developing and approving an official statement of work, which will be a contract between the municipality and vendor that incorporates local priorities and preferences.

Overall, the Bikeshare Working Group is committed to continuing its work with MAPC to develop the regional system in a manner that accommodates Arlington's unique conditions and interests. Moving forward, Nat Strosberg will continue to provide information about the latest developments and decision-making benchmarks. To ensure that you have complete information in your decision-making process, we would like to invite representatives from both MAPC and Limebike to the Board of Selectmen meeting when this will be discussed.

Thank you for your consideration and please do not hesitate to contact us with any questions or concerns.

**MEMORANDUM OF UNDERSTANDING
TO FACILITATE COLLABORATION IN MANAGEMENT OF
A REGIONAL DOCKLESS BIKE SHARE SYSTEM**

This Agreement is made by and between the Metropolitan Area Planning Council (hereinafter “MAPC”) and the Massachusetts cities and towns of [Arlington; Bedford; Belmont; Chelsea; Everett; Lexington; Malden; Medford; Melrose; Milton; Needham; Newton; Revere; Waltham; Watertown; and Winthrop] (hereinafter “Participating Communities”).

WHEREAS, MAPC and the Participating Communities support the creation of a regional bike share system to provide residents, visitors, students and workers with a sustainable transportation option;

WHEREAS, MAPC and the Participating Communities believe that collaboration in the management of such a system will lead to a better coordinated bike share system for the parties to this Agreement and users of the system;

WHEREAS, the establishment of a regional bike share system can increase bicycling in Greater Boston; provide greater access to public transportation; offer more efficient inter-and intra-municipal green travel in Greater Boston communities where public transit is less accessible; and make the Participating Communities more attractive places to live, work, visit and do business;

WHEREAS, MAPC has been established as a governmental district and regional planning agency by M.G.L. c. 40B and is considered a “political subdivision” of the Commonwealth of Massachusetts under M.G.L. c. 30B, § 1(b)(9), and has long supported greater inter-municipal collaboration in providing innovative and green transportation options to area residents and considers the establishment of expanded regional bike sharing options critical to achieving smarter growth patterns in Greater Boston;

WHEREAS, MAPC has significant experience administering collective purchasing arrangements for supplies and services conducted in compliance with M.G.L. c.7 § 22B and M.G.L. c.30B and is therefore empowered by state law to administer procurements and to enter into contracts on behalf of the Participating Communities;

WHEREAS, the Participating Communities were all listed communities in MAPC’s Request for Proposals (RFP) for No Cost Bike Sharing Systems, issued on November 20, 2017, and in agreeing to be so listed, agreed to have MAPC serve as the Master Contractor for the procurement of regional bike sharing services on their behalf;

WHEREAS, the RFP Evaluating Committee, comprising representatives from Participating Communities and MAPC recommended two vendors for contract award, which was subsequently so awarded by the Executive Director of MAPC; and

WHEREAS, Master Contracts based on the sample contracts included in the RFP will be negotiated and executed by MAPC and awarded vendors, but Contract documents will be made available to Participating Communities before they are finalized and will be available at all times to Participating Communities.

NOW, THEREFORE, BE IT RESOLVED, that MAPC and the Participating Communities agree to work together in overseeing the regional dockless bike share system so procured and make the following commitments to ensure it functions optimally:

1. The Participating Communities will allow vendors contracted pursuant to the MAPC procurement to operate in their limits, on public ways and public property, subject to their meeting and continuing to meet any specific local regulations and the terms and conditions set out in the MAPC contracts. The Participating Communities shall also refrain from officially sanctioning or permitting to operate in their limits, on public ways and public property, any other dockless bike share vendors so long as the MAPC contracts remain valid and the contracted vendors are meeting their obligations.
2. The Participating Communities can develop and enforce local rules or fees for regulating the operation of the bike share systems within their limits, such as through Statements of Work they agree to with vendors, but they must do so cognizant of the regional system's needs. Participating Communities shall inform and consult with MAPC in developing and adopting any such regulations, particularly when those regulations could impact system operations in other Participating Communities. If a Participating Community determines that a vendor is not meeting any local regulation they have established, they shall notify MAPC before taking any action to bar said vendor from operating in their community. MAPC will use regularly scheduled meetings with Participating Communities, or other mediums, to communicate any regulatory or enforcement actions taken by a Participating Community to the other parties to this agreement.
3. Participating Communities shall provide MAPC with a proposed maximum and minimum number of bikes they seek and will allow in their Communities at the time the system is launched. MAPC will use these numbers to agree with vendors on the initial number of bikes each vendor will operate across the system overall at launch. The number of bikes in the system is expected to be adjusted over time. MAPC will work with Participating Communities to determine revised numbers that could be allowed at future stages, based on roll out and adjustment schedules to be agreed with vendors and Participating Communities. Adjustments to both overall and community-by-community bike numbers shall be part of any discussion on extending the Master Contracts and shall be informed by demand and travel destination information.
4. The responsibility for day-to-day oversight of bike sharing operations shall fall to the Participating Communities. They will need to engage directly with contracted vendors to resolve any problems relating to bike share operations within their limits. MAPC will work to enforce the terms and conditions agreed to in the Master Contracts and will help to mediate issues with vendors if a Participating Community or Communities has not found satisfactory resolution through its own efforts.
5. After the Master Contracts are executed for the first year, MAPC will determine whether they shall be extended for further year(s) before expiration, with no more than four annual extensions allowed under the Request for Proposals. In advance of that determination, MAPC will discuss with the Participating Communities the overall performance of the vendors and obtain the Communities' views on whether the contracts should be extended. This discussion shall be held well in advance of the expiry of the Master Contracts to enable time for rebidding if necessary before such expiration, and

will inform MAPC's decision on whether to extend. Participating Communities can determine independently whether any Statement of Work they have agreed with vendors shall be extended for additional time periods, but similar to the provisions in paragraph 2 of this agreement, shall notify MAPC of any decision not to extend such a Statement.

6. The Participating Communities shall each designate a lead bike share point of contact ("POC"). The POC should be an employee or elected official of municipal government and shall be responsible for overseeing bike share operations within their community's limits. The POCs shall attend regular meetings convened by MAPC to discuss the regional bike share system and should be the primary contact for contracted vendors in their community and for MAPC. We anticipate these meetings will take place approximately on a quarterly basis.
7. From time to time, MAPC may convene a meeting of the mayors, managers, or administrators of the Participating Communities to discuss higher-level policy issues and to gain their input about the future of the bicycle share system. POCs will be invited to attend and participate in these meetings.
8. The Participating Communities shall coordinate any communication and marketing announcements surrounding the signing, extension or termination of contracts with MAPC and shall not make any individual announcement relating to the launch of the system in advance of a coordinated regional announcement with all communities and MAPC.
9. Additional municipalities may seek integration into the regional dockless bicycle share system, which is the subject of this agreement. Any such community will need to undertake a separate procurement and contracting process. MAPC and the Participating Communities will however consider further agreements, or amendments to this agreement, to enable integration with additional municipalities under similar terms and conditions. MAPC may also, in the future, consider conducting additional procurements for communities in the region.
10. This Agreement constitutes the entire and complete agreement between the parties and supersedes any and all prior agreements or understandings. This Agreement may not be amended except in writing agreed to and executed in the same manner as the Agreement itself.

IN WITNESS THEREOF, the parties, through the signature of their Chief Administrative Officers, hereby accept this Memorandum, which will go into effect when Master Contracts between the vendors and MAPC have been executed.

Town of Arlington:

Duly Authorized Officer

Date

Name:

Title:

Town of Bedford:

Duly Authorized Officer

Date

Name:

Title:

Town of Belmont:

Duly Authorized Officer

Date

Name:

Title:

City of Chelsea:

Duly Authorized Officer

Date

Name:

Title:

City of Everett:

Duly Authorized Officer

Date

Name:

Title:

City of Malden:

Duly Authorized Officer

Date

Name:

Title:

City of Medford:

Duly Authorized Officer

Date

Name:

Title:

City of Melrose:

Duly Authorized Officer

Date

Name:

Title:

Town of Milton:

Duly Authorized Officer

Date

Name:

Title:

Town of Needham:

Duly Authorized Officer

Date

Name:

Title:

City of Newton:

Duly Authorized Officer

Date

Name:

Title:

City of Revere:

Duly Authorized Officer

Date

Name:

Title:

City of Waltham:

Duly Authorized Officer

Date

Name:

Title:

Town of Watertown:

Duly Authorized Officer

Date

Name:

Title:

Town of Winthrop:

Duly Authorized Officer

Date

Name:

Title:

Metropolitan Area Planning Council:

Duly Authorized Officer

Date

Name: Marc Draisen

Title: Executive Director



Town of Arlington, Massachusetts

Minutes of Meetings: March 19, 2018

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	3.19.18_draft_minutes.docx	3.19.18 draft minutes

TOWN OF ARLINGTON
BOARD OF SELECTMEN

Meeting Minutes
Monday, March 19, 2018
7:15 PM

Present: Mr. Curro, Chair, Mr. Greeley, Vice Chair, Mrs. Mahon, Mr. Dunn and Ms. Rowe
Also Present: Mr. Chapdelaine, Mr. Heim, and Ms. Maher

1. Community Preservation Committee Presentation
Eric Helmuth, Chair, Community Preservation Committee
Mr. Curro moved to table due to illness of Mr. Helmuth until meeting of April 9th, 2018.

CONSENT AGENDA

2. Minutes of Meetings: February 26, 2018; March 5, 2018
Mrs. Mahon moved approval of 2.26.18 minutes. SO VOTED (4-1)
Mr. Greeley was absent from 2.26.18 meeting
Mrs. Mahon moved approval of 3.5.18 minutes. SO VOTED (5-0)
3. Request: Special (One Day) All Alcohol License, 3/20/18 @ Robbins Memorial Town Hall for the Chamber of Commerce Annual Dinner
Beth Locke, Arlington Chamber of Commerce
4. Request: Special (One Day) Beer and Wine License, 4/11/18 @ Robbins Memorial Town Hall for Communities for Restorative Justice
Frederick Ryan, Police Chief
Diana Clymer, Event Coordinator
5. Request: Special (One Day) Beer and Wine License 4/27/18 @ Robbins Memorial Town Hall for Dallin School Fundraiser Auction
Jessica Truslow, Dallin School PTO
6. Request: Special (One Day) All Alcohol License, 4/28/18 @ Fidelity House, 25 Medford Street for Annual Fundraiser
Frank Tessitore, President, Friends of Fidelity House
Mrs. Mahon moved approval. SO VOTED (5-0)

APPOINTMENTS

7. Disability Commission
Paul Czech
Mr. Greeley moved approval. SO VOTED (5-0)
Darcy Devney
Mr. Dunn moved approval. SO VOTED (5-0)
Paul Raia
(terms to expire 1/31/2021)
Mrs. Mahon moved approval. SO VOTED (5-0)

8. Human Rights Commission
Kristen Bauer
(term to expire 1/31/2021)

Mrs. Mahon moved to table until meeting of April 9th.

SO VOTED (5-0)

TRAFFIC RULES & ORDERS / OTHER BUSINESS

9. Discussion: Parking Hardship @ Arlington Chiropractic Office, 42 Pleasant Street
Dr. Gregory Bauer and Ellen Bauer

Dr. Bauer and his wife, Ellen, described the hardship their local business has endured due to the change to four hour parking signs in front of 42 Pleasant Street. They are requesting that the parking signs be replaced with one hour parking; their business treats many patients that are in chronic pain, disabled, and elderly, and it makes it difficult for them to make their appointments on time. Mrs. Mahon moved to make one spot handicap and the other spots one hour parking barring objection from the Arlington Police Department Traffic Division.

SO VOTED (3-1-1)

Mr. Dunn voted in the negative and Mr. Greeley abstained.

10. For Review: 2018 Spring Special Town Meeting Warrant
Douglas W. Heim, Town Counsel

The Board discussed the Warrant set forth by Town Counsel Heim. There was some discussion about the first article about demolition of historic residential buildings.

Mrs. Rowe moved to approve the second option of the Warrant Article, Vote/Study of Demolition of Historic Buildings, as well as the Special Town Meeting Warrant as a whole.

SO VOTED (5-0)

WARRANT ARTICLE HEARINGS

Articles for Review:

Article 7 Bylaw Amendment/Town Meeting Warrant Delivery (tabled from 2/26/18 meeting)

Mr. Dunn moved no action on this article and referred it to the soon to be Envision Arlington Governance Committee.

SO VOTED (5-0)

Article 10 Bylaw Amendment/Animal Control Regulation

Ms. Kozikowski, the Animal Control Officer for the Town stated that they are looking to bring Arlington's Town Bylaws up to date with the State Laws.

Mr. Dunn moved favorable approval.

SO VOTED (5-0)

Article 15 Bylaw Amendment/Noise Abatement (tabled from 2/26/18 meeting)

Mr. Heim briefed the Board on Ms. DiMola's warrant article in her absence. The Board thanked Assistant Town Manager Jim Feeny for the comprehensiveness and clarity of his memo on this matter. The data collected showed that most of the calls made in the calendar year were made during the time that was already prohibited. The Board feels that changing the Bylaw may be infringing on citizens' rights.

Mr. Dunn moved no action.

SO VOTED (5-0)

Article 16 Bylaw Amendment/Time of Town Meeting Sessions (tabled from 2/26/18 meeting)

Mr. Greeley moved no action.

SO VOTED (5-0)

Article 17 Bylaw Amendment/Demolition of Historic Structures (tabled from 3/5/18 meeting)
The Board stated that they had voted no action at the meeting of 3.5.18.

Article 23 Endorsement of CDBG Application

The Board thanked Julie Wayman and the Director of Planning, Jenny Raitt for their hard work on the new organized set of criteria and spreadsheets. Mr. Dunn stated that some of the amounts are actually higher than in years past because the Town received one time money. The Town also gave more than was asked for in the Council on Aging and Transportation Fund. The Board took two votes.

Mr. Dunn moved approval of these Community Development Block Grants as recommended.

SO VOTED (6-0)

Vote included Town Manager, Adam Chapdelaine

Mr. Dunn moved approval that the Board of Selectmen incorporates these into the Selectmen's Report for Article 23.

SO VOTED (5-0)

FINAL VOTES & COMMENTS

Articles for Review:

Article 8 Bylaw Amendment/Addition of Certain Delinquent Municipal Fees (tabled from 2/26/18 meeting)

Mr. Curro moved to table this article to the hearing of March 26, 2018.

Article 14 Bylaw Amendment/Tree Preservation and Protection (tabled from 3/5/18 meeting)

Susan Stamps, a member of the Tree Committee described to the Board the requirements that make a protected tree protected. She stated that currently the Bylaw reads that if a contractor wanted to take down a healthy tree it would be figured at the rate of \$50 per inch of diameter. The Tree Committee is finding that this fee is not covering the cost to replace the trees. Town Manager, Adam Chapdelaine stated that he spoke to Michael Rademacher, Director of Public Works and he is ready to administratively change the Town's fee for removal of a street tree to match the protected fee for removal after the Board sets a rate.

Mr. Dunn moved approval of the recommended vote and comments with the proviso that the board will hold a public hearing to set a new fee per inch of DBH.

SO VOTED (5-0)

Article 18 Home Rule Legislation/Appointment of Town Comptroller

Mr. Greeley moved approval.

SO VOTED (5-0)

Article 19 Home Rule Legislation/Municipal Finance Department

Mr. Greeley moved approval.

SO VOTED (5-0)

CORRESPONDENCE RECEIVED

Anticipated Ownership Changes Property Adjacent to Arlington's Great Meadows

Ann LeRoyer, Chair, Arlington Open Space Committee

The Board voted for Mr. Chapdelaine and the Planning Director Ms. Raitt to write a letter to the Town Manager of Lexington. A letter to the Town Manager of Lexington is also being sent from Chairman Curro.

Request: Acknowledgement of Former Resident, James D. Hobbs' Contributions to Arlington
William J. Scaglione, Uncle Sam Statue Committee Member
Correspondence was referred to Mr. Greeley to work with Ms. Maher to write a proclamation.

Mrs. Mahon moved receipt of Correspondence Received.

SO VOTED (5-0)

NEW BUSINESS

Town Manager Chapdelaine thanked the Fire Department, Public Works Department, Police Department and all Town Employees who have spent countless hours to remove fallen trees, downed wires, and snow over the past three nor'easters. He also wanted to remind residents in East Arlington that with the snow banks on either side of the road the streets are narrow, and to please follow the Town Bylaws and to not park in such a manner that fire, trash, and oil trucks cannot get down the road.

Mrs. Mahon asked residents to be mindful when parking where there is snow on both sides of the street, especially in East Arlington.

Mr. Dunn wanted to thank the Town Manager and Town Employees for their responsiveness in handling challenges with residents that he has forwarded. He is really happy with the service the Town is providing. He discussed a note about a police officer who had helped shovel out an elderly resident that had been plowed in during the street cleaning.

Mr. Curro reminded members of the Board that he is collecting the Town Manager's evaluations and will be working with Mrs. Malloy, Human Resource Director on them. He wanted to recognize all the hard work the staff has done to complete the first round interviews for the Comptroller position, and he feels confident that they will have someone to bring forward to second round interviews. Mr. Curro attended the Arlington High School Students Walk Out on Thursday, March 15; he was incredibly impressed with the young students and the eloquence, wisdom, and respect that they showed, as well as the staff and police to ensure the students' safety.

Mr. Greeley acknowledged that Mrs. Krepelka was at home watching the meeting and was greatly missed.

Mrs. Mahon moved to adjourn at 8:48 P.M.

SO VOTED (5-0)

Next Scheduled Meeting of BoS March 26, 2018.

A true and record attest:

Ashley Maher
Selectmen's Office

Next Scheduled Meeting of BoS March 26, 2018

3/19/18

Agenda Item	Documents Used
1	CPC Presentation
2	Draft minutes 2.26.18 and 3.5.18
3	Special One Day All Alcohol Application 3.20.18 for the Chamber of Commerce Annual Dinner
4	Special One Day Beer and Wine Application 4.11.18 for Communities for Restorative Justice
5	Special One Day Beer and Wine Application 4.27.18 for Dallin School Fundraiser Auction
6	Special One Day All Alcohol Application 4.28.18 for Annual Fundraiser
7	Town Manager Recommendation; P.Czech Resume and Meeting Notice Town Manager Recommendation; D. Devney Resume and Meeting Notice Town Manager Recommendation; P.Raia Resume and Meeting Notice
8	Town Manager Recommendation; K. Bauer Resume and Meeting Notice
9	Dr. Bauer Parking Reference
10	Final 2018 Spring STM Articles for Review
Warrant Article Hearings	Warrant Article Text #7,10,15,16,17,23 Town Counsel Comments W.A. #7,15,16,17 Town Counsel Comments W.A. #10,23 W.A. #15 Comments: Assistant Town Manager W.A. #15 Comments: Board of Health W.A. #15 Comments: M. DiMola W.A. #17 L. Kardon W.A. #23 2018-2019 CDBG Subcommittee Grant Evaluation Criteria Scoresheet W.A. #23 CDBG Year 44 Summary W.A. #23 Grant Evaluation Criteria
Final Votes & Comments	Town Counsel Draft Final Votes and Comments W.A. # 14, 18 and 19
Corr Received:	Correspondence from A. LeRoyer Letter from W. Scaglione



Town of Arlington, Massachusetts

Approval: Town of Arlington Home Rehabilitation Program

Summary:

Dean Carman, Town Treasurer

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Ad_and_Enclosure_Home_Rehab_Program.docx	Reference

TOWN OF ARLINGTON

A Federal 1.75% Loan is Available for Home Improvements to Eligible Homeowners and Non-Owner Occupied 1-4 Family Properties

Arlington Homeowners Must Meet Income Guidelines and 50% of Tenants of Non-Occupied Homeowners Must Meet Income Guidelines

This is a HUD Funded Program

For More Information

CALL TOWN OF ARLINGTON HOME REHABILITATION PROGRAM

781-316-3436



Town of Arlington, Massachusetts

Request: AHS Ice Cream Fundraiser for Dana-Farber Cancer Institute (DFCI)

Summary:

Jefferson Cutter House Lawn, May 19, 2018, 11:00 a.m.- 6:00 p.m.

Sagar Rastogi

The AHS Scoops Club

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Scooper_Bowl_2018.pdf	Request from AHS Scoops Club

To,
The Arlington Selectmen,
730 Massachusetts Ave,
Arlington, MA-02476

SUB: Request for permission to use 611 Mass. Ave.,
on May 19th, from 11:00-6:00, as a venue for a fundraiser

Dear Selectmen,

For the past few years, groups of proactive students at Arlington High School have committed to raising money with the Jimmy Fund for cancer research, put on a town-wide ice cream fundraiser. The event, inspired by Boston's own Scooper Bowl, has consisted of a day-long ice cream festival in the Jefferson Cutter House lawn, during which we scooped our hearts out to raise money for research and care at the Dana-Farber Cancer Institute (DFCI) in Boston. The majority of our donation to DFCI has come from the \$5 entry fee to the all-you-can-eat event. Our goal has been to inspire community support for the cause and to raise money for DFCI, especially since several members of our community are currently battling cancer. In the past three years, we have raised a sum of \$10,000 for the Jimmy Fund.

This year, we are hoping to put on the same fundraiser, so we can continue uniting Arlington in the fight against cancer. We request that you allow us a permit to use the Jefferson Cutter House lawn from 11:00AM - 6:00PM, on May 19th as the venue for our event, as the lawn is ideal due to its easy visibility through traffic. We thank you greatly for your support and consideration!

Most Sincerely,
Sagar Rastogi
The AHS Scoops Club

srastogi2021@spyponders.com



Town of Arlington, Massachusetts

Request: Special (One Day) Beer & Wine License, 4/14/18 @ Robbins Memorial Town Hall for a Private Event

Summary:

Jennifer Gehling and Philip Schaeffing

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Special_One_Day_Application_4.14.18.pdf	Special Beer and Wine Application

OFFICE OF THE BOARD OF SELECTMEN



TOWN OF ARLINGTON
MASSACHUSETTS 02476-4908

SPECIAL ALCOHOL LICENSE APPLICATION

Name of Applicant:

Jennifer Gehling/Philip Schaeffing

Address, phone & e-mail contact information:

72 Albion St #1 Somerville, Ma 02143 603-785-5619 phil4andjen@gmail.com

Name & address of Organization for which license is sought:

Jodi Auerbach Something Savory, 1337 Mass. Ave., Arlington

Does this Organization hold nonprofit status under the IRS Code? ☐ Yes ☒ No

Name of Responsible Manager of Organization (if different from above):

Address, phone & e-mail contact information:

Has the Applicant or Organization applied for and/or been granted a special liquor license this calendar year? ☐ NO ☒ X If so, please give date(s) of Special Licenses and/or applications and title of event(s).

Thompson PTO event Jan. 27, 2018 Beats for Eats March 10, 2018

Is this event an annual or regular event? If so, when was the last time this event was held and at what location?

one time event

24-Hour contact number for Responsible Manager on Event date:

617-549-2599

Title of Event:

wedding

Date/time of Event:

Saturday, April 14, 2018 3:00 pm - 11:00 pm

Location of Event: Arlington Town Hall

Location/Event Coordinator: Patsy Kraemer/Vicki Rose/Sheelah Ward

Method(s) of invitation/publicity for Event:

Invitation

Number of people expected to attend: 140

Expected admission/ticket prices: NA

Expected prices for food and beverages (alcoholic and non-alcoholic):

NA

Will persons under age 21 be on premises? yes

If "yes," please detail plan to prevent access of minors to alcoholic beverages.

Bartenders will check for ID's

Have you consulted with the Department of Police Services about your security plan for the Event?

YES

OFFICE USE ONLY

For Police Chief, Operations Commander, or designee:

Your signature below indicates that you have discussed this event with the applicant, you have reviewed the applicant's security plan, and any necessary police details have been arranged for the Event.

Off. Corey P. Rabeau
Off. Corey P. Rabeau
Printed name/title

Date 3-16-18

POLICE COMMENTS:

crowd manager (Fire) should be hired
Police Safety OFFICER should be requested if
count becomes ≥ 150

What types of alcoholic beverages do you plan to serve at the Event? (Note: By State Law, all-alcohol Special Licenses are available only to nonprofit organizations.)

beer/wine

What types of food and non-alcoholic beverages do you plan to serve at the Event?

full dinner menu waters/sodas

Who will be responsible for serving alcoholic beverages at the Event?

Something Savory bartenders

What training or certification in responsible alcohol service does this person have? Please attach certificate or other proof of training for at least one person who will have responsibility for serving alcoholic beverages at each point of service and who will be present for the entire Event.

TIPS CERTIFICATION

Please list the names and dates of birth for all people who will be responsible for serving alcoholic beverages at the Event. Anyone serving alcoholic beverages must be at least 21 years of age.

attached

Name of the Massachusetts wholesaler who will deliver to site? (Full supplier list available on the ABCC website: www.mass.gov/abcc;

Adonna Imports LLC, Waltham

Date of Delivery: Fri. April 13, 2018

Alcohol Serving Time (s) 5:00 pm - 9:30 pm

How, when, and by whom will excess alcoholic beverages obtained for the Event be disposed of?

Adonna will pick up.

Date of Pick-Up:

Tues. April 17, 2018

Please provide details (insurance company, type of policy, name of insured, and policy limits) of any relevant insurance coverage for the Event, included but not limited to General Liability and Liquor Liability insurance. (You may be asked to supply a certificate or other proof of adequate insurance coverage.)

ATTACHED

**Please submit this completed form and filing fee to the Board of Selectmen
at least 21 days before your Event. Failure to provide complete
information may delay the processing of your application.**

I HAVE READ AND UNDERSTAND ALL RULES AND REGULATIONS:

Signature: _____

Printed name: _____ Jennifer Gehling/ Philip Schaeffing _____

Printed title & Organization name: _____

Email: _phil4andjen@gmail.com_____

revised: 5/18/2015 reformatted: 02252018



ROBBINS MEMORIAL TOWN HALL AUDITORIUM
730 Massachusetts Avenue, Arlington, Ma. 02476

16 March 2018

SECURITY PLAN FOR GEHLING/SCHAEFFING WEDDING

A wedding for Jennifer Gehling and Philip Schaeffing will be held on Saturday, April 14, 2018, in the auditorium at Arlington Town Hall. The event is scheduled for 5:00 pm to 10:00 pm.

A One-Day Permit has been submitted to the Selectmen's Office.

This is the Security Plan.

We anticipate approximately 140 people to attend.

Patsy Kraemer will be the event coordinator for the event. The caterer Something Savory will provide bartender service. Greg Stathopoulos will be the custodian for the event. The Gehling and Schaeffing families will be responsible to ensure that the event runs smoothly.

A police detail will be hired for the event (if required) and a fire services detail will be hired for the event. These officers will be available to help with any emergency situations that may arise.

Parking for the event will be available in the Town Hall parking lot, the parking lot at the Central School office building directly behind Town Hall, and on the side streets, as well as Mass. Ave.

Please advise if there are other items that we need to consider.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/11/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER T. Edmund Garrity & Co., Inc. 545 Concord Avenue, Suite 16 Cambridge MA 02138		CONTACT NAME: Cristina Medeiros PHONE (A/C, No, Ext): (617)354-4640 E-MAIL ADDRESS: cristina@garrity-insurance.com FAX (A/C, No): (617)354-5828	
INSURED Jodi Auerbach, DBA: Something Savory 1337 Massachusetts Ave #237 Arlington MA 02476		INSURER(S) AFFORDING COVERAGE INSURER A: Travelers Indemnity Co CT INSURER B: AIM Mutual Ins Co INSURER C: Hospitality Mutual INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: Master COI 2018

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			6607B769370	04/20/2016	04/20/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WC/TBA	01/10/2018	01/10/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	Liquor Liability			00061130LL	12/16/2017	12/16/2018	Per Occurrence 1,000,000 Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Arlington Town Hall, is listed additional insured for general liability if so required by written contract as it relates to named insured's operations.

CERTIFICATE HOLDER

CANCELLATION

Arlington Town Hall Arlington MA	<p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p> <p>AUTHORIZED REPRESENTATIVE</p> <p><i>W. J. J. J.</i></p>
---	--

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<https://w3.certmgrty.com/cp3.nsf/RetrDocument?OpenAgent&DM=>

card is only valid for use online - and cannot be used as proof of
ification except from within Certification Manager



eTIPS On Premise 3.0

Issued: 01/21/2017

ID#: 4438835

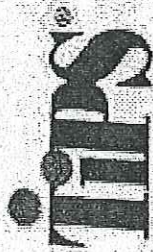
CERTIFIED

Expires: 01/21/2020

Sheila Reynolds

237 Grove St

Walham, MA 02453-6548 USA



eTIPS On Premise 2.0SSN:

XXX-XX-XXXX

Issued:

3/3/2016

Expires:

3/3/2019

ID#:

4196694

D.O.B.:

XXXXXX

Martin S Norman
Something Savory LLC
1337 Massachusetts Ave
Arlington, MA 02476-4101

For service visit us online at www.gettips.com



Town of Arlington, Massachusetts

To Set a Prospective Rate Removal of Trees Under the Tree Protection Bylaw

Summary:

Adam W. Chapdelaine, Town Manager

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	Tree_Fee_Memo_3.22.18.pdf	Reference



**Town of Arlington
Office of the Town Manager**

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Members of the Board of Selectmen

From: Adam Chapdelaine, Town Manager

RE: Tree Removal Fee Per Tree Protection Bylaw

Date: March 22, 2018

In preparation for the Board's hearing on setting a fee for removal of protected trees under the Tree Protection and Preservation Bylaw, I have worked with Mike Rademacher in order to make a recommendation. In this work, we have had a goal of making the fee the Board sets consistent with the fee that DPW sets for removal of public shade trees (Chapter 87 trees). Currently, the Chapter 87 fee is \$50/DBH. At last Monday's Board meeting, increasing that to \$100/DBH was discussed. However, several Board members and one member of the public argued that even \$100/DBH was too low and that we should look toward Concord's figure of \$375/DBH.

Based on this feedback, Mike Rademacher and I discussed this and agreed upon the following calculation for both protected trees under the bylaw and Chapter 87 trees. The calculation is as follows:

Cost to buy 2" tree - **\$300**

Full cost multiplier (as recommended by Board Member Clarissa Rowe) - **2.5**

Fully loaded cost of 2" tree planted = $\$300 \times 2.5 = \mathbf{\$750}$

A 10' tree removed requires five 2' trees to be planted to replace it, so the fully loaded cost of five 2' trees is $\$750 \times 5$, or \$3750. So, to pay for that, we would need to take $\$3750/10'$ which would be **\$375/DBH**.

Based on this, we propose that the Board set the removal fee at **\$375/DBH**. DPW will also set the Chapter 87 fee at **\$375/DBH** if the Board approves the fee for trees protected under the bylaw.



Town of Arlington, Massachusetts

Human Rights Commission

Summary:

Kristen Bauer (term to expire 1/31/2021)
(tabled from 3/19/18 meeting)

ATTACHMENTS:

	Type	File Name	Description
▢	Reference Material	K._Bauer_Reference.pdf	Town Manager Recommendation; K. Bauer Resume



Town of Arlington
Office of the Town Manager

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us

MEMORANDUM

DATE: March 7, 2018

TO: Board Members

SUBJECT: Appointment to the Human Rights Commission

This memo is to request the Board's approval of my appointment of Kristen Bauer, Arlington, MA, to the Human Rights Commission with a term expiration date of 1/31/2021.


Town Manager

Kristen F. Bauer

Executive Leader – Change-Maker – Diplomat

Email: bauerkf16@gmail.com www.linkedin.com/in/kristenfbauer

Executive Summary

As a senior diplomat abroad, crafted policies and programs to promote democracy and human rights, counter violent extremism and foster inclusive economic growth. Led thousands of staff members and millions of dollars in grants and budgets in cross-cultural settings. Skilled in creating policy and programs, developing communications campaigns and managing resources and teams to achieve results. Left the Foreign Service in response to the current political environment to promote progressive change at home through political campaigns or community organizing.

Professional Experience

Areas of Expertise and Focus

Human Rights, Women's Rights, LGBTI Rights: Developed and implemented innovative programming to promote democracy and protect human rights, especially for women and minorities. Persuaded governments and media to focus on these issues and respond to communities. Supported training for women and minority politicians to run campaigns.

Strategic Communications: Created and executed communications to influence foreign audiences to support U.S. government policies across a wide range of issues. Promoted U.S. policy in press conferences, radio and television shows, and on social media. Oversaw data mapping of media impact.

Strategic Planning and Funding: Led large teams to develop multi-year strategic plans with accompanying budgets. Briefed congressional members and staff on budget implications. Raised funds from private companies for special events.

Interfaith Communication, Religious Freedom, and Countering Violent Extremism: Developed new approaches to build understanding and trust among communities, with a special focus on young Muslim and Buddhist men. Brought faith leaders together to overcome prejudices and support moderate voices.

Economic Development: Promoted entrepreneurship among urban and rural women and youth, encouraging the use of technology to help develop an inclusive economy.

Employment History

U.S. Embassy Rangoon, Burma - Deputy Chief of Mission, 2015-2017

Kristen F. Bauer

Executive Leader – Change-Maker – Diplomat

Executive Summary

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Employment History

U.S. Embassy Rangoon, Burma - Deputy Chief of Mission, 2015-2017

Guided U.S. government policy during the country's historic democratic transformation.

Oversaw a rapidly growing Embassy of nearly 500 and an over \$100 million assistance program.

Guided U.S. government policy during the country's historic democratic transformation.
Oversaw a rapidly growing Embassy of nearly 500 and an over \$100 million assistance program.

U.S. Embassy Jakarta, Indonesia - Deputy Chief of Mission/Charge d'Affaires, 2012-2015

Shaped U.S. government policy in the world's fourth largest country and largest Muslim-majority country. Managed a staff of nearly 2,000 with a \$200 million assistance program.

U.S. Consulate Surabaya, Indonesia - Consul General, 2010-2012

Led policy and programming development for the U.S. government in eastern Indonesia. Particularly focused on media engagement, outreach to Muslim communities, and entrepreneurship.

U.S. Embassies in Southeast Asia, Africa, and Europe – Deputy Chief of Mission, Chief of Section and other positions, 1990-2012

Focused on trade and investment, entrepreneurship, human rights, environmental, HIV/AIDs and consular issues in Norway, Laos, Vietnam, South Africa, United Kingdom and Washington, D.C.

Centro Presente, Boston, Massachusetts – Attorney, 1989-1990

Represented political asylum seekers for a local non-profit focused on Central America.

Department of Public Health, Boston, Massachusetts – Attorney, 1987-1989

Represented the Commonwealth of Massachusetts in cases against the federal government over Medicaid, Food Stamps and Refugee programs.

Education

Yale Law School, Connecticut, 1987, Juris Doctorate, focus on Human and Civil Rights
Randolph Macon Woman's College, Virginia, 1984, Bachelor of Arts in History and International Relations

Other Accomplishments and Skills

- Planned and participated in events overseas for the President of the United States, Secretary of State, Congressional Delegations and other VIPs.
- Hosted numerous representational functions at my official residence for senior American and local officials, business executives, and civil society members.
- Network: Global network of United States officials, private sector, foreign government and civil society contacts
- Served on the board of and supported international schools in Africa and Asia.
- As a lay faith leader, reorganized mass celebrations to be more inclusive and coordinated charitable outreach and fundraising programs during the Year of Mercy.
- Languages: Indonesian, Lao, Vietnamese, Thai, Spanish
- Top Secret/SCI Clearance



Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 12 Bylaw Amendment/Betterment Bylaw Revision
Article 24 Revolving Funds
STM Article 3 Vote/Study of Demolition of Historic Residential Buildings
STM Article 4 Home Rule Legislation/Property Tax Deferrals
STM Article 5 Home Rule Legislation/Means - Tested Senior Tax Relief
STM Article 6 Home Rule Legislation/Package Store Licenses
STM Article 7 Home Rule Legislation/Bylaw Amendment: Gender Neutral Language

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Warrant_Article_Text.docx	Warrant Article Text
▢ Reference Material	Town_Counsel_Memo_W.A__12__24__and_STM_3__4__5__6__and_7.docx	Town Counsel Comments ATM # 12, 24 and STM #3, 4, 5, 6 and 7
▢ Reference Material	FY17_Revolving_Funds_Expenditure_Detail.pdf	W.A. #24 FY2017 Revolving Funds: Expenditure Detail
▢ Reference Material	Revolving_Funds_for_Warrant_Article.pdf	W.A. #24 Revolving Funds for Warrant Article

ANNUAL TOWN MEETING WARRANT ARTICLES

ARTICLE 12

BYLAW AMENDMENT/BETTERMENT BYLAW REVISION

To see if the Town will vote to Amend Title III Article 3 of the Town Bylaws: Repairs to Private Ways to revise the criteria, process, and other material terms for the approval and administration of temporary repairs to private ways, including revising the definition of abutters and the number or percentage of abutters required for a betterment petition, providing for limited Town repairs at the Town's sole discretion for the sole purpose of ensuring safe passage of emergency vehicles without incurring liability for same; or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 24

REVOLVING FUNDS

To see if the Town will vote to hear or receive a report concerning the receipts and expenditures of approved revolving funds, amend the Town Bylaws to adopt new revolving funds, and/or to appropriate sums of money to such revolving funds and determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

SPECIAL TOWN MEETING WARRANT ARTICLES

ARTICLE 3

VOTE/STUDY OF DEMOLITION OF HISTORIC RESIDENTIAL BUILDINGS

To see if Town Meeting will vote to establish a committee to study whether or not Title VI, Article 6 (“Historically or Architecturally Significant Buildings”) should be amended in scope or procedure relative to the demolition of residential buildings, including, but not limited to, determining if the definition of “significant buildings” and/or the inventory of historic buildings is sufficient, and whether substantive or procedural alterations to the bylaw should be made in the interests of preserving historically and architecturally significant residences in Arlington; and to report back to the 2019 Annual Town Meeting, or earlier, with recommendations, including requesting any warrant articles necessary to further such recommendations in advance of same; or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 4

HOME RULE LEGISLATION/PROPERTY TAX DEFERRALS

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation to raise the income limits, from the statutory maximum relating to the eligibility for property tax deferrals in Arlington, as provided in Chapter 59, Section 5, Clause 41A of the Massachusetts General Laws, as amended; or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 5

HOME RULE LEGISLATION/MEANS-TESTED SENIOR TAX RELIEF

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would establish a locally controlled, means-tested senior citizen property tax exemption, known as a local option “circuit breaker” program; or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 6

HOME RULE /PACKAGE STORE LICENSES

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would permit the placing on the 2019 Annual Town Election ballot a question to authorize the Board of Selectmen to increase the current number of all-alcohol “package store” licenses (all-alcohol beverages for consumption off the premises) from the current number of 5; or take any action related thereto.

(Inserted by the Board of Selectmen)

ARTICLE 7

HOME RULE LEGISLATION/BYLAWS AMENDMENT: GENDER NEUTRAL LANGUAGE

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation to amend the Town Manager Act, and further to amend the Town Bylaws to change all gender specific pronouns in the Manager Act and throughout the Bylaws to gender neutral pronouns in a manner consistent with the Annual Town Meeting article to change the name “Board of Selectmen” to “the Select Board”; or take any action related thereto.

(Inserted by the Board of Selectmen)



**Town of Arlington
Legal Department**

Douglas W. Heim
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To: Board of Selectmen

Cc: Adam Chapdelaine, Town Manager
Michael Rademacher, Director of Public Works
Board of Assessors
Paul Tierney, Director of Assessments
John Leone, Town Moderator

From: Douglas W. Heim, Town Counsel

Date: March 23, 2018

Re: Annual Town Meeting Warrant Articles ## 12, 24, and STM 3, 4, 5, 6, and 7

I write to provide the Board a summary of the above-referenced warrant articles to assist in the Board's consideration of these articles at its upcoming hearing on March 26, 2018. In the interests of clarity, articles are presented in the order in which they appear on the Warrant.

ARTICLE 12

BYLAW AMENDMENT/BETTERMENT BYLAW REVISION

To see if the Town will vote to Amend Title III Article 3 of the Town Bylaws: Repairs to Private Ways to revise the criteria, process, and other material terms for the approval and administration of temporary repairs to private ways, including revising the definition of abutters and the number or percentage of abutters required for a betterment petition, providing for limited Town repairs at the Town's sole discretion for the sole purpose of ensuring safe passage of emergency vehicles without incurring liability for same; or take any action related thereto.

(Inserted at the request of the Town Manager)

This article was included at the request of the Town Manager based upon the experience of the Department of Public Works, several groups of Arlington private way residents, the Office of the Board of Selectmen, and the Board itself in administering Title III, Article 3: “Repairs to Private Ways, otherwise known as the Town’s betterment bylaw. The majority of private ways in Arlington are “statutory private ways,” roads which were approved, but not accepted by the Town. As such, these roads must be maintained by their abutters who share a mutual ownership interest in the way, not the Town and its Department of Public Works. The betterment bylaw helps abutters address the cost of private way maintenance and repair by allowing them to deposit at least one-third of the cost of the project with the Town and having the remainder placed upon property tax bills over a fixed period pursuant to G.L. c. 80.

In working with the betterment bylaw, it has become clear that the bylaw as presently written is confusing for some residents, suggests the Town performs more work than it does or should, and presents a series of practical and legal challenges for some private way residents and the Town. Some of these issues are ripe to be addressed, including:

- Clarifying the general purposes and mechanisms of the bylaw;
- Setting forth the circumstance under which the Town may be an abutter for the purposes of a petition and assessment of costs;
- Distinguishing between temporary repairs and more extensive re-paving projects; and
- Allowing the Town to make some temporary repairs of its own volition without incurring liability, or rendering a private way public via prescription.

Issues that proved too complex or controversial to address without further study and consensus included:

- Whether or not the percentage of abutters required to submit a petition to the Board should be reduced;
- Whether the definition of abutters should be more broadly amended given that some abutters do not require access to, and therefore have less invested in, the private ways they abut;
- The Town's ability to make temporary repairs to private for broader purposes than emergency vehicle access, and/or whether or not the Town should assess costs to private way abutters who fail to maintain their roadways.

Accordingly, some action to render Title III Article 3 more effective and efficient could be pursued at Town Meeting while other issues could be referred for formal study by the Board of Selectmen, the body charged with governance over public and private way issues. If the Board is inclined to recommend some changes to the bylaw at this year's Town Meeting, the following is respectfully submitted as improvements ripe for consideration.

VOTED: That Title III of the Town Bylaws ("Public and Private Ways") Article 3: Repairs to Private Ways be and hereby is amended to add, strike, and reformat the bylaw in the interests of clarifying the purpose and process of repairs, including betterments as follows:

ARTICLE 3: REPAIRS TO PRIVATE WAYS

Section 1. Classification

The Town Engineer and the Director of Public Works upon request of the Board of Selectmen acting in its capacity as the Board of Public Works shall recommend the classification of private ways in the Town according to the state of their construction and repair. The Board may then adopt such classifications with any modifications it may deem appropriate.

Section 2. Responsibility, Definition and Authorization

- A. The private property owners abutting private ways are responsible for the maintenance of such ways, which must be maintained so that there are no defects to impede the safe passage of emergency vehicles. This bylaw provides a means by which the Town may assist in the maintenance of such ways, primarily by providing a mechanism for private way abutters to fund repairs known as a "betterment."

B. The Board may vote to direct the Town Manager to make temporary repairs to private ways at the request of the Director of Public Works as provided below. Temporary repairs shall be limited to the filling of potholes and temporary patching.

C. The Board may authorize a temporary or extensive repairs to private ways by abutter petition for a betterment. Extensive repairs shall include, but not be limited to, skimcoating, armor coating, drainage work, and grading of dirt gravel roadways, providing, however, in the case of said For all extensive repairs grading, the petitioners agree to enter into a contract with a private contractor or the Town to repair and pave the roadway forthwith. Drainage shall not be included.

Section 3. Criteria

A. Abutter Criteria

The Board shall in making its determination as to the advisability of making temporary or extensive repairs by abutter petition, take into consideration the following factors:

1. The accessibility of the properties on the private ways to emergency vehicles such as police, fire and rescue.
2. The volume of traffic that utilizes the private way i.e. dead end as opposed to feeder or connecting streets.
3. The percentage of abutters on the particular private way petitioning the Board for the repairs.
4. The number of years that the way shall have been open to public use.
5. Such other considerations that the Board deems appropriate.

B. Town Criteria

The Board may authorize temporary repairs at the request of the Town whenever the Director of Public Works so advises the Board that repairs are required to abate an immediate hazard caused by a defect necessary for the safe passage of public safety vehicles.

Section 4. Petition

The Board of Selectmen shall consider any private way or portion thereof for temporary or extensive repairs after having been petitioned to do so by at least two-thirds of the total number of abutting property owners on the Private Way who directly abut the portion to be considered for temporary or extensive repairs. The Town shall only be considered a abutter for the purposes of this section, and assessment of costs in Section "6," to the extent a private way is substantially used by Town staff or the public for the specific purpose of utilizing the abutting Town parcel.

The Board may after careful consideration, elect to do the entire portion which was petitioned for, or a lesser portion, provided at least two-thirds of the abutting property owners on the lesser portion to be done are in favor of such action. The Board shall upon receipt of a petition with at least two-thirds of the abutters' signatures affixed thereto shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All abutters shall be given written notice of the hearing not less than seven (7) days prior thereto.

Section 5. Alternate Petition

Notwithstanding the provisions of Section 4 above, the Board may also consider a number of private ways for repair as a whole project when these private ways are ways where a majority of abutters are members of an association of abutters whose major purpose has been the maintenance and repair of those ways upon which these members' properties abut. The Board may only consider these private ways to be repaired as a whole project when having been petitioned by two-thirds of the total number of abutters who abut all of the ways represented by the association. The Board upon receipt of such a petition shall hold a public hearing on the advisability of ordering the repairs and the kind and extent thereof. All of the abutters on all of the ways represented shall be given written notice of the hearing not less than seven days prior thereto.

Section 6. Assessment of costs

The costs of all labor and materials and processing shall be assessed equally to all abutters on the private way, or portion thereof (except with respect to Town property as set forth in Section 4), or if the Board votes to order any repairs pursuant to a petition filed under Section 5 all the abutters on all the private ways to be repaired without regard to linear frontage.

A one-third deposit of the total estimated cost of the completion of the repair project shall be required before any work can be commenced. All remaining costs shall be apportioned, assessed and collected on a per-property basis pursuant to the procedures provided in Chapter 80 of the General Laws, the Betterment Act, including the placing of liens on the affected property and the collection of apportioned costs by means of property tax collection.

Any and all such deposits shall be deducted from the equalized share of the property owners actually paying.

Section 7. Liability

There shall be a limitation of liability on the Town of Five Hundred (\$500.00) Dollars for any damages arising from any negligent repair of the private way by abutter petition which shall include damage from surface water run-off. No repair shall be commenced until all the petitioners have signed an agreement with the Town holding the Town harmless from any additional damages arising from any negligent repair and providing evidence of insurance to the satisfaction of the Town. However, nothing in this paragraph shall excuse the Town from damages to property caused by the Town or agents thereof, during the repair process.

Temporary repairs made at the request of the Director of Public Works necessary to abate an immediate hazard caused by a defect shall not be considered as maintenance of the private way.

nor shall the way be considered a public way. The Town shall not be liable for any damage incurred by the defect, subsequent repair or failure to make repairs to private ways.

ARTICLE 24

REVOLVING FUNDS

To see if the Town will vote to hear or receive a report concerning the receipts and expenditures of approved revolving funds, amend the Town Bylaws to adopt new revolving funds, and/or to appropriate sums of money to such revolving funds and determine how the money shall be raised or expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

This is a standard annual Town Meeting warrant article to approve and authorize a variety of Town revolving funds, provide for additional expenditures, as well as receive information on the present balances of same. The Board should receive proposed votes from the Office of the Comptroller.

STM ARTICLE 3

VOTE/STUDY OF DEMOLITION OF HISTORIC RESIDENTIAL BUILDINGS

To see if Town Meeting will vote to establish a committee to study whether or not Title VI, Article 6 (“Historically or Architecturally Significant Buildings”) should be amended in scope or procedure relative to the demolition of residential buildings, including, but not limited to, determining if the definition of “significant buildings” and/or the inventory of historic buildings is sufficient, and whether substantive or procedural alterations to the bylaw should be made in the interests of preserving historically and architecturally significant residences in Arlington; and to report back to the 2019 Annual Town Meeting, or earlier, with recommendations, including requesting any warrant articles necessary to further such recommendations in advance of same; or take any action related thereto.

(Inserted by the Board of Selectmen)

This article, inserted at your request, follows the discourse stemming from the resident petition of Mr. Len Kardon, who sought to significantly expand the scope of properties subject to Title VI Article 6 of the Town Bylaws, aimed at the preservation of historically and architecturally significant buildings. The crux of Mr. Kardon’s proposal was to make every

building over 50 years old subject to demolition delay similar to Newton or Wellseely's similar bylaws with a particular concern about residential buildings. At present, an individualized determination is made to list buildings subject to the bylaw's provisions. Approximately 1,200 buildings, predominantly homes, are currently afforded some coverage and Arlington's Historic and Cultural Resources Working Group (HCRWG) has proposed an additional 130 buildings based upon the present criteria.

Examining the impact of a dramatic change in both the way the Town assesses historic and architectural significance, as well as the number of homes that would be added for review proved difficult, even if a distinction is made between total demolitions (teardowns) and renovations (often also considered a "demolition" under the bylaw). Accordingly, the Board opted to submit this article in the Special Town Meeting warrant to propose the creation of a committee of Town Meeting to study and make recommendations about revisions to our Building Regulations regarding Historically or Architecturally Significant Buildings and the demolition of historic residential buildings.

After receiving input from the Chair of the Historical Commission, the Planning Director, and the Building Inspector, it is recommended that the Historic Demolition Delay Study Committee be formed consisting of seven (7) members as follows:

- 2 Town of Arlington residents, appointed by the Town Moderator;
- 1 Town of Arlington resident, appointed by the Town Manager with the approval of the Board of Selectmen;
- 2 members of the Historical Commission;
- The Building Inspector, or his designee; and
- The Planning Director, or her designee;

The Committee should be charged determining if the definition of "significant buildings" and/or the inventory of historic buildings is sufficient (cooperating with the HCRWG), and whether substantive or procedural alterations to the Title VI, Article 6 should be made in the interests of preserving historically and architecturally significant residences in Arlington; and to report back

to the 2019 Annual Town Meeting, or if feasible, to an earlier Special Town Meeting with recommendations, including requesting any warrant articles it deems necessary.

STM ARTICLE 4

HOME RULE LEGISLATION/PROPERTY TAX DEFERRALS

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation to raise the income limits, from the statutory maximum relating to the eligibility for property tax deferrals in Arlington, as provided in Chapter 59, Section 5, Clause 41A of the Massachusetts General Laws, as amended; or take any action related thereto.

(Inserted by the Board of Selectmen)

Pursuant to the Board's ongoing commitment to identify and pursue means of providing tax relief for Arlington's senior homeowners, this article seeks authorization from Town Meeting to submit relatively straightforward special legislation aimed at empowering the Town to offer tax deferral benefits to a wider range of Arlington residents over the age of 65. Under G.L. c. 59 section 5, Clause 41A, eligible seniors may be permitted to delay payment of their property taxes (distinct from an exemption or abatement, which reduce property tax liability) for a total of up to half their home's assessed value. Payment can often be deferred until a home is sold or otherwise conveyed, until death, or a homeowner elects to pay, with the deferred payment subject to a fixed, low interest rate, all codified in a written deferral and recovery agreement with the Board of Assessors.

By State Law eligibility for tax deferral requires:

- Age 65 or older as of July 1st of the relevant Tax Year;
- Primary residency in the Commonwealth for the past 10 years;
- Ownership of a home and occupation of a home in the Commonwealth for the past 5 years;
- Received no more than \$20,000 in income over the past year;¹

However, by filing Home Rule legislation, the Town can gain permission from the Commonwealth to increase income limits otherwise by the statute. For example, in Lexington,

¹ The income limit can be increased by the Town Meeting up to \$57,000 (the current state "circuit-breaker" limit for single non-head of household filers)

the income limit was set at \$70,000 for Fiscal Year 2018. Should the Board be inclined to forward this proposal to Town Meeting, draft special legislation would likely be as follows:

*“AN ACT RELATIVE TO REAL PROPERTY TAX DEFERRALS
IN THE TOWN OF ARLINGTON.*

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

SECTION 1. Notwithstanding the provisions of the first paragraph of clause Forty-first A of section 5 of chapter 59 of the General Laws, the Town of Arlington may, by vote of its Town Meeting and with the approval of its Board of Selectmen: (1) adopt a higher maximum qualifying gross receipts amount than \$57,000.

SECTION 2. This act shall take effect upon its passage.”

Once approved, the Board and Town Meeting could annually, or on some other time table, vote to raise the income limit relative to tax deferrals in Arlington. Finally, it is integral to emphasize that under 41A Tax Deferral programs, a resident can never be forced to sell their home in order to satisfy a tax deferral payment agreement.

STM ARTICLE 5

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

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would establish a locally controlled, means-tested senior citizen property tax exemption, known as a local option “circuit breaker” program; or take any action related thereto.

(Inserted by the Board of Selectmen)

Similar to STM Article 4, this article initiates the consideration of a establishing a local means-tested “circuit breaker” tax relief program for Arlington Seniors, employed first as a pilot special legislation program in Sudbury, and then studied, and in some cases adopted by other similar communities like Concord in June of 2017. The Sudbury model is summarized as follows:

- Town residents over 65 years of age;
- Residing in Arlington for more than 10 years;
- Who own homes worth less than the median assessed value in Arlington; and
- Have incomes less than the State “circuit breaker” ceiling (\$57,000 for singles, and \$86,000 for couples);
- May apply to have their property tax not exceed 10 % of total income.

The model special legislation requires acceptance of the program via town-wide ballot question before implementation, includes a revocation mechanism, and includes an automatic sunset provision, absent an affirmative action to extend the program. Applied most recently to Concord, approximately 200 residents were eligible for the local circuit-breaker, and the non-eligible average tax-bill was estimated to increase by \$70 to cover the cost of the benefit to eligible seniors. Sudbury’s model legislation is included herein for reference:

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

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

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

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

(a) the qualifying real property is owned and occupied by a person whose prior year’s income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;

(b) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;

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

(d) the applicant or at least 1 of the joint applicants has been domiciled in the town of Sudbury for at least 10 consecutive years before filing an application for the exemption;

(e) the maximum assessed value of the domicile is no greater than the prior year's average assessed value of a Sudbury single family residence plus 10 per cent; and

(f) the board of assessors has approved the application.

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

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

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

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

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

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

Approved, July 27, 2012.

ARTICLE 6

HOME RULE /PACKAGE STORE LICENSES

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation which would permit the placing on the 2019 Annual Town Election ballot a question to authorize the Board of Selectmen to increase the current number of all-alcohol “package store” licenses (all-alcohol beverages for consumption off the premises) from the current number of 5; or take any action related thereto.

(Inserted by the Board of Selectmen)

As the Board will recall, there has been increased demand for package store licenses in Arlington. Moreover, recent sales of package stores and their inventory (including the transfer of licenses) have highlighted the potential benefits of increasing the number of licenses to incentivize competition and diversify the locations of package stores in Arlington. As with any alcohol license, the Board’s regulations and the Alcohol Beverage Control Commission’s extensive vetting process would be applied to any potential applicants should the number of licenses increase.

The process for increasing the number of licenses first requires Town Meeting approval to submit special legislation; and assuming favorable action by the Legislature, requires a majority vote of the Town’s residents to approve increasing the number of licenses by ballot at the Annual Town election. Accordingly, should the Board be inclined to pursue additional licenses, it may approve the following, with consideration of the total number of licenses the Board would like to be available:

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

“AN ACT TO AUTHORIZE THE BOARD OF SELECTMEN OF THE TOWN OF ARLINGTON TO PLACE UPON A TOWN BALLOT A QUESTION RELATING TO THE LICENSING OF PURVEYORS OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Section 1. The Board of Selectmen of the Town of Arlington is hereby authorized to place upon the ballot at a 2019 Town election the following question:

Shall the Board of Selectmen of the Town be authorized to issue up to _____ licenses for the sale of all alcoholic beverages not to be drunk on the premises in replacement of up to _____ existing licenses for the sale of wine and malt beverages not to be drunk on the premises?

YES	
NO	

Section 2. If a majority of voters voting at the 2019 Town election at which the above question appears on the ballot vote ‘yes’ on the question, then the Board of Selectmen of the Town of Arlington may issue up to three licenses for the sale of all alcoholic beverages to be drunk off the premises in place of up to three licenses that are currently authorized in the Town of Arlington for the sale of wine and malt beverages to be drunk off the premises.

Section 3. This act will take effect upon passage.”

ARTICLE 7

HOME RULE LEGISLATION/BYLAW AMENDMENT: GENDER NEUTRAL LANGUAGE

To see if the Town will vote to authorize and request the Board of Selectmen to file Home Rule Legislation to amend the Town Manager Act, and further to amend the Town Bylaws to change all gender specific pronouns in the Manager Act and throughout the Bylaws to gender neutral pronouns in a manner consistent with the Annual Town Meeting article to change the name “Board of Selectmen” to “the Select Board”; or take any action related thereto.

(Inserted by the Board of Selectmen)

This article builds upon the positive action recommended by the Board of Selectmen on Article 20 of the Annual Town Meeting Warrant, which seeks authorization to file Home Rule legislation to convert the “Board of Selectmen” to the “Select Board” under the Town Manager

Act. Simply summarized, positive action on this article proposes to replace all gendered pronouns found throughout the Town Bylaws and the Town Manager Act to gender-neutral pronouns, which, it should be noted, has been the practice of legislative drafting for the Commonwealth for nearly a decade.

FY2017 REVOLVING FUNDS: EXPENDITURE DETAIL

Revolving Fund	Amount
<u>Private Ways Repairs:</u>	
Contracted Services	\$ 66,203.00
Total Expenditures	\$ 66,203.00
<u>Public Way Repairs:</u>	
Other Expense	\$ 24.34
Total Expenditures	\$ 24.34
<u>Fox Library Community Center Rentals:</u>	
Maintenance	\$ 448.00
Total Expenditures	\$ 448.00
<u>Robbins House Rentals:</u>	
Personnel	\$ 18,068.24
Supplies	\$ 1,826.62
Maintenance	\$ 1,500.00
Utilities	\$ 16,383.41
Contracted Services	\$ 3,452.53
Total Expenditures	\$ 41,230.80
<u>Conservation Commission Fees:</u>	
Other Expense	\$ 86.46
Total Expenditures	\$ 86.46
<u>Uncle Sam Fees:</u>	
Total Expenditures	\$ -
<u>Life Support Services (Ambulance) Fees:</u>	
General Fund Offset (Personnel)	\$ 169,542.00
Contracted Services	\$ 343,409.83
Capital Offset	\$ 50,250.00
Total Expenditures	\$ 563,201.83
<u>Board of Health Fees:</u>	
Personnel	\$ 13,560.23
Supplies	\$ 1,667.02
Contracted Services	\$ 45,496.15
Other Expenses	\$ 1,256.73
Total Expenditures	\$ 61,980.13

Revolving Fund	Amount
<u>Field User Fees:</u>	
Contracted Services	\$ 5,000.00
Maintenance	\$ 12,440.64
Total Expenditures	\$ 17,440.64
<u>Robbins Library Rentals:</u>	
Personnel	\$ 1,837.50
Contracted Services	\$ 6,000.00
Total Expenditures	\$ 7,837.50
<u>Town Hall Rentals:</u>	
Supplies	\$ 11,655.82
Personnel	\$ 59,440.55
Utilities	\$ 1,193.96
Contracted Services	\$ 36,887.63
Total Expenditures	\$ 109,177.96
<u>White Good Recycling Fees:</u>	
Transfer to General Fund	\$ 15,000.00
Equipment and Materials	\$ 2,323.00
Total Expenditures	\$ 17,323.00
<u>Library Vending Fees:</u>	
Supplies	\$ 4,175.51
Equipment	\$ 3,832.99
Contracted Services	\$ 1,344.40
Total Expenditures	\$ 9,352.90
<u>Gibbs School Energy Fees:</u>	
Utilities	\$ 81,951.47
Total Expenditures	\$ 81,951.47
<u>Cemetery Chapel Rentals:</u>	
Total Expenditures	\$ -
<u>Council on Aging Program Fees:</u>	
Contracted Services	\$ 1,534.15
Total Expenditures	\$ 1,534.15

REVOLVING FUNDS FOR WARRANT ARTICLE

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

Beginning Balance	\$118,526.39
Receipts	33,443.40
Expenditures	66,203.00
Ending Balance 6/30/17	\$85,766.79

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

Beginning Balance	\$168.40
Receipts	15,111.00
Expenditures	24.34
Ending Balance 6/30/17	\$15,255.06

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

Beginning Balance	\$3,780.44
Receipts	525.00
Expenditures	448.00
Ending Balance 6/30/17	\$3,857.44

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

Beginning Balance	\$13,027.11
Receipts	45,845.00
Expenditures	41,230.80
Ending Balance 6/30/17	\$17,641.31

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

Beginning Balance	\$2,709.53
Receipts	0.00
Expenditures	86.46
Ending Balance 6/30/17	\$2,623.07

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

Beginning Balance	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance 6/30/17	\$1,526.31

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

Beginning Balance	\$628,306.01
Receipts	622,449.19
Expenditures	563,201.83
Ending Balance 6/30/17	\$687,553.37

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

Beginning Balance	\$104,465.98
Receipts	71,133.24
Expenditures	61,980.13
Ending Balance 6/30/17	\$113,619.09

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

Beginning Balance	\$36,125.82
Receipts	29,380.25
Expenditures	17,440.64
Ending Balance 6/30/17	\$48,065.43

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

Beginning Balance	\$24,451.20
Receipts	7,800.00
Expenditures	7,837.50
Ending Balance 6/30/17	\$24,413.70

Town Hall Rentals (4150) established under Article 35 2006 Annual Town Meeting
Expenditures not to exceed \$100,000

Beginning Balance	\$96,859.31
Receipts	99,317.71
Expenditures	109,177.96
Ending Balance 6/30/17	\$86,999.06

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

Beginning Balance	\$57,041.01
Receipts	19,497.87
Expenditures	17,323.00
Ending Balance 6/30/17	\$59,215.88

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

Beginning Balance	\$8,419.76
Receipts	10,594.50
Expenditures	9,352.93
Ending Balance 6/30/17	\$9,661.33

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

Beginning Balance	\$28,077.88
Receipts	80,341.50
Expenditures	81,951.47
Ending Balance 6/30/17	\$26,467.91

Cemetery Chapel Rentals (3435) established under Article 52 2011 Annual Town Meeting
Expenditures not to exceed \$15,000

Beginning Balance	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance 6/30/17	\$0.00

Council On Aging Program Fees (3840) established under Article 28 2013 Annual Town Meeting
Expenditures not to exceed \$25,000

Beginning Balance	\$9,973.75
Receipts	13,823.41
Expenditures	1,534.15
Ending Balance 6/30/17	\$22,263.01



Town of Arlington, Massachusetts

Articles for Review:

Summary:

Article 7 Bylaw Amendment/Town Meeting Warrant Delivery
Article 8 Bylaw Amendment/Addition of Certain Delinquent Municipal Fees (tabled from 2/26/18 and 3/19/18 meetings)
Article 10 Bylaw Amendment/Animal Control Regulation
Article 13 Bylaw Amendment/Arlington Commission on Arts & Culture (tabled from 3/5/18 meeting)
Article 14 Bylaw Amendment/Tree Preservation and Protection (tabled from 3/5/18 meeting)
Article 15 Bylaw Amendment/Noise Abatement
Article 16 Bylaw Amendment/Time of Town Meeting Sessions
Article 17 Bylaw Amendment/Demolition of Historic Structures
Article 23 Endorsement of CDBG Application

ATTACHMENTS:

Type	File Name	Description
Reference Material	Town_Counsel_FV+_C_for_W.A.#_7_8_10_14_15_16_17_and_23.docx	Town Counsel FV + C for W.A # 7, 8, 10, 14, 15, 16, 17, and 23



**Town of Arlington
Legal Department**

Douglas W. Heim
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MEMORANDUM

TO: Board of Selectmen

FROM: Douglas W. Heim

DATE: March 26, 2018

RE: **Votes and Comments for Articles 7, 8, 10, 14, 15, 16, 17, and 23**

I write to provide the Board the following as draft Votes and Comments and/or revised Votes and Comments for your consideration at Monday's Board of Selectmen meeting regarding the previously heard, above-referenced warrant articles. I note that where existing bylaw provisions are amended by a vote, underlined text signifies new or additional wording, while strikethrough text signifies words and clauses to be eliminated.

ARTICLE 7

**BYLAW AMENDMENT/TOWN MEETING
WARRANT DELIVERY**

VOTED: That no action be taken under Article 7.

COMMENT: The Board of Selectmen concurs with the opinion of the Town Meeting Procedures Committee, which is that the subject of this article requires further consideration. Arlington presently delivers its warrant by every means approved for advising the public of the subjects to be considered at Town Meeting. If the warrant may be alternatively delivered with equal effectiveness, but greater efficiency and lower cost, there may be sound reasons for

(5 - 0)

COMMENT: This article, submitted by the Town Treasurer and developed in concert with the Health Department, seeks to aid the Town's efforts to recoup costs associated with enforcing state and local health and safety codes. While there are fines associated with violations of the Town's Bylaws, the Sanitation Code, and the General Laws, collecting on those

finer is a lengthy, difficult process, which sometimes requires the expenditure of more resources than fines themselves are worth.

Adding these limited, but common categories of charges as eligible for municipal liens serves primarily to develop a more effective method of recouping costs associated with these needed areas of public health service. However, it also may help encourage those property owners more frequently subject to the above-listed enforcement actions to obtain compliance and remain in compliance.

The Treasurer and Health Department has provided assurance that these municipal liens are not driven by revenue generation, and further that a review of municipal lien applications yielded no concerns of overzealous application. As such, we urge Town Meeting's favorable action to aid the collection of the important enforcement-related charges.

(5 - 0)

**ARTICLE 10 BYLAW AMENDMENT/ANIMAL CONTROL
REGULATIONS**

VOTED: That Title VIII of the Town Bylaws ("Public Health and Safety") Article 2: Canine Control be and hereby is amended in Sections 1.B and 4.F, as follows:

Chaining or Tethering Dogs and Humane Conditions

- 1. No person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than ~~24 consecutive hours~~ 5 hours in a 24-hour period or outside from 10:00 p.m. to 6:00 a.m. unless the tethering is not for more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper. A tethering so employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.**
- 2. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:**
 - a. inside a pen or secure enclosure, if the following conditions are met:**
 - i. the pen or secure enclosure shall have adequate space for exercise with a dimension of at least 100 square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;**

- ii. the pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all 4 sides enclosed; and
 - iii. the minimum height of the fence shall be adequate to successfully confine the dog;
 - b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
 - c. a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:
 - i. only 1 dog shall be tethered to each cable run;
 - ii. the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit; provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;
 - iii. there shall be a swivel on at least 1 end of the tether to minimize tangling of the tether;
 - iv. the tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level; and
 - v. the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described herein; provided, however, that a trolley system or tether shall be of appropriate configuration to confine the dog to the owner's, guardian's or keeper's property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other object or animals.
3. A person owning or keeping a dog confined outside in accordance with this section shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least 3 sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.

4. No person owning or keeping a dog shall leave a dog chained or tethered outside for longer than ~~24 consecutive hours~~ 5 hours in a 24-hour period or outside from 10:00 p.m. to 6:00 a.m. unless the tethering is not for more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper.
5. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
6. No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purposes of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:
 - a. filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
 - b. taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; ~~and~~
 - c. subjecting a dog to dangerous conditions, including attacks by other animals;
 - d. leaving a dog outside when a weather advisory, warning or watch is issued by a local, state or federal authority or when outside environmental conditions including, but not limited to, extreme heat cold, wind, rain, snow or hail pose and adverse risk to the health or safety of the dog, unless tether is for not more than 15 minutes; and
7. No person shall confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
 - a. After making reasonable efforts to locate a motor vehicles owner, an animal control officer, law enforcement officer or fire fighter may enter a motor vehicle by any reasonable means to protect the health and safety of an animal. Such personnel shall leave written notice in a secure and conspicuous location on or in the motor vehicle bearing the officer's or fire fighter's name and title and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment and impoundment of the animal.
 - b. An animal control officer, law enforcement officer or fire fighter who removes or otherwise retrieves an animal from a motor vehicle under subsection (a), and the

Town shall be immune from criminal or civil liability that might otherwise result from removal.

8. A person who violates this sections 1 through 6 above shall, for a first offense, be issued a written warning or punished by a fine \$50, for a second offense, be punished by a fine of ~~\$100~~200 and for a third or subsequent offense, be punished by a fine of ~~\$300~~500, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.

A person who violates section "7" above shall, for the first offense be punished by a fine of \$150, for a second offense, be punished by a fine of \$300, and for a third and each subsequent offense, by a fine of \$500, and may be subject to prosecution under G.L. c. 272 section 77.

and;

F. Fees

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.
- b. Additional late fees. Failure to comply with this section within the first Thursday following 45 business days of the date that the licensing or re-licensing obligation arises shall be punishable by a fine of \$50 ~~and failure to comply with this section within 90 days of the date that the licensing or re-licensing obligation arises shall be punishable by an additional fine of \$50.~~ An additional \$50 fine shall be applied where owners fail to register a dog for an entire calendar year, due upon registration the following year. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

(5 - 0)

COMMENT: The Animal Control Officer and Town Clerk submitted this set of updates and changes to the Town's Animal Control Bylaw, chiefly to reflect current General Laws provisions following the passage Chapter 248 of the Acts of 2016, which expanded and further detailed protections for dogs from exposure to dangerous weather conditions and excessive heat or cold. Specifically, the proposed changes limit the number of hours dogs may be tethered outside unsupervised, and employ both fines and other relief to ensure dogs are not exposed to dangerous weather outdoors or dangerous temperatures while confined inside cars. Lastly, the proposal also incorporates fee changes requested by the Town Clerk based upon her experiences administering dog licensing regulations. Accordingly, the Board unanimously supports the proposed revisions.

ARTICLE 14

BYLAW AMENDMENT/TREE PRESERVATION AND PROTECTION

VOTED: That Title V, Article 16 (Tree Protection and Preservation), Section 4, Procedures and Requirements for Preservation of Trees, be and hereby is amended by striking the amount “\$500” in paragraph “C;” and inserting the following after the words “Tree Fund,” and before the words “prior to commencement,” “in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public trees”; so as to read as follows:

Section 4. Procedures and Requirements for the Preservation of Trees

A. Removal of Protected Trees on applicable sites shall be prohibited unless such removal is authorized by a written approval of the Tree Plan and commencement of work, in accordance with this Bylaw.

B. In all instances of construction or demolition as defined and applicable herein, the owner of the property shall submit a Tree Plan accompanied by a fee of \$50, to the Tree Warden prior to or concurrent with an application for a building or demolition permit. Additionally, if any Protected Trees were removed during the 12 months preceding the application for a building or demolition permit, such trees shall be accounted for on the Tree Plan to the best of the owner's ability, and shall be mitigated pursuant to paragraph 4.C

C. For each Protected Tree removed, there shall be either (1) a replacement tree planted on the property no later than 180 days after the Certificate of Occupancy is issued, of a minimum caliper of two and a half (2.5) inches and of a species native to the area and expected to reach a height of 50 feet or more at maturity; or (2) a \$500 payment made to the Tree Fund prior to commencement,” “in the amount set by a mitigation schedule approved by the Select Board assigning a value per inch of DBH of Protected Tree(s) to reflect the cost of planting and caring for new public trees, prior to commencement of work on the property, which the Town shall use to plant replacement trees in the vicinity of the tree removal or in other locations in the discretion of the Tree Warden.

D. If the Tree Plan is consistent with the requirements of this Bylaw, the Tree Warden shall so certify in writing approving the Tree Plan and commencement of work. Said certification shall occur within 10 business days. If the Tree Plan as submitted does not satisfy the requirements of this By-law and associated rules and regulations, the Tree Warden shall so notify the applicant with recommendations to achieve compliance. The Tree Warden shall be permitted access to the site during normal business hours to verify and ensure compliance with the approved Tree Plan.

COMMENT: The Board also unanimously recommends positive action on this update to a successful bylaw adopted by Town Meeting in 2016, offered by the Tree Committee with the support of the Tree Warden. After a full year working with this bylaw, it has become clear that the current fee set for removing protected trees - \$500 into the Town's Tree Fund (for planting trees in public spaces, and where agreed upon, on private property), is often insufficient to cover the costs of planting replacement trees. Moreover, the fee does not sufficiently account for the difference between removing large, mature trees, and relatively young, smaller trees.

In order to bring the fee in harmony with the true cost of planting replacement trees, as well as in sync with the parallel fee associated with public shade tree removal, the Tree Committee and Warden recommend affording the Board of Selectmen the ability to annually set the mitigation fee to keep it consistent with actual costs and the same charge being applied to mitigate public shade tree removal, and to do so with a fee that is lower or higher depending on the width (and therefore age of the tree in most instances).

Currently, mitigation fees for public shade trees are set at \$50 per inch of DBH. The Tree Committee informs the Town Manager that the actual cost of replacement trees is likely at least \$100 per inch of DBH, or more. The Board also heard extensive testimony on both the actual cost of mature tree replacement and the ineffectiveness of the Tree Protection Bylaw in discouraging the removal of mature shade trees in several examples.

Should Town Meeting approve this change, any fee would only be approved after a public hearing and opportunity to hear stakeholder perspectives under this revised approach. In order to facilitate transparent and concrete discussion, if this bylaw is passed, the Board intends to set the fee at \$____ per inch of DBH per the preliminary rate-setting hearing voted upon by the Board. We note that this proposal does not eliminate applicants' ability to replace removed protected trees by planting their own trees rather than paying into a mitigation fund for the Town to plant trees, and as such support the proposal forwarded by the Tree Committee.

ARTICLE 15

BYLAW AMENDMENT/NOISE ABATEMENT

VOTED: That no action be taken under Article 15.

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COMMENT: The Board of Selectmen acknowledges the intent and concerns of this resident petition article, which proposed to establish new noise abatement regulations addressing parties of ten persons or more, including requiring neighbor notifications of parties, and more specifically managing use of noise amplification of daytime personal social events. In brief, while to proponent of this article proposed new provisions to rectify a Town-wide problem, Arlington Police Department data regarding noise complaints did not corroborate the need for a

Town-wide solution. Mindful of the difficulties noise regulations presented Town Meetings past, the Board recommends no action in the absence of sufficient evidence of a widespread problem.

ARTICLE 16 BYLAW AMENDMENT/TIME OF TOWN MEETING SESSIONS

VOTED: That no action be taken under Article 16.

(5 - 0)

COMMENT: Following the recommendation of the Town Meeting Procedures Committee, the Board of Selectmen recommends no action on this warrant article. As noted by the Committee, this proposal has been raised several times in a variety of forms without success at Town Meeting.

**ARTICLE 17 BYLAW AMENDMENT/DEMOLITION OF HISTORIC
STRUCTURES**

VOTED: That no action be taken under Article 17.

(5 - 0)

COMMENT: The Board of Selectmen shares much of the concern expressed by the proponent of this resident petition article regarding the demolition of residential homes in Arlington. However, the approach offered by this Article would dramatically and suddenly increase the number of homes subject to review by the Historical Commission not only for tear down demolitions, but for renovations as well. The Historical Commission performs an essential function for the Town, in helping to preserve approximately 1, 200 architecturally and historically significant buildings in Arlington. An additional 130 buildings are scheduled to be added to that list by the Town's Historic and Cultural Resources Working Group (HCRWG) based upon the present criteria.

The proposal under this article would add thousands of residences to the list by establishing that any home built more than 50 years ago is automatically subject to Historical Commission protections (essentially a demolition delay provision). Such a broad proposal, even applied only to total demolitions could have a series of unintended impacts. As such, the Board recommends no action on this article, but positive action on an article developed for the Special Town Meeting Warrant (STM 3) in response to the issues raised herein – a committee of Town Meeting to study demolitions and report back with recommendations, including potential warrant articles as soon as feasible.

ARTICLE 23

ENDORSEMENT OF CDBG APPLICATION

VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2019 prepared and approved by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

(5 - 0)

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



Town of Arlington, Massachusetts

NEW BUSINESS



Town of Arlington, Massachusetts

EXECUTIVE SESSION

Summary:

To Review the Executive Session Minutes of February 26, 2018.



Town of Arlington, Massachusetts

Next Scheduled Meeting of BoS April 9, 2018.