

**TOWN OF ARLINGTON  
MASSACHUSETTS**

**REPORT OF THE  
BOARD OF SELECTMEN**



**TO THE  
TOWN MEETING  
MONDAY, APRIL 24, 2017  
SPECIAL TOWN MEETING  
WEDNESDAY, APRIL 26, 2017**

**8:00 P.M.**

## INTRODUCTION

The Board of Selectmen is pleased to present its report to Town Meeting of its main motions under the following articles. These votes are the result of hearings conducted by the Board at which proponents and opponents of the various articles were heard.

The objective of Board Warrant Article Hearings is to develop recommendations of the Board on each article before it by majority vote, to be set forth with the comments in the Report of the Board of Selectmen in advance of Town Meeting. As such, absent good cause shown, the Board will not recommend positive action on any article which fails to be presented at its appointed Board Warrant Article Hearing regardless of the substance of such articles.

Where the Board supports taking some action contemplated by an article, regardless of how it appears before the Board, the Selectmen, with assistance of Town Counsel, shall develop a motion for Town Meeting to take a specific action. Where the Board opposes an article, it will recommend a vote of “no action” to Town Meeting in its report. While respecting Town Meeting’s prerogative, the Board especially urges the Moderator and Town Meeting Members to procedurally and substantively support “no action” recommendations in such instances where article proponents fail to present at the appropriate Board Warrant Article Hearing and thus leave the details of their proposal to be presented for the first time on Town Meeting floor.

The Board would like to welcome back Diane M. Mahon and Daniel J. Dunn to serve as Arlington’s newly re-elected Selectmen.

The Board knows that Town Meeting will give fair and serious consideration to all of the important issues raised by the various articles. The Board wishes Town Meeting well in its deliberations and stands ready to respond to any questions or comments concerning these articles.

Please note that where necessary for clarity, new or additional language in an amended Town Bylaw has been underlined, while removed language is denoted by strikethrough.

ARTICLE 11 BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NEIGHBOR NOTIFICATIONS AND MEETINGS

VOTED: That Title VI, Article 7, be and is hereby amended as follows to add new categories of construction required for notice, and additional substantive notice requirements:

ARTICLE 7 NOTICE OF DEMOLITION, OPEN FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS

A. The owner of any building or parcel who intends to have such building demolished, engage in open foundation excavation, engage in new residential construction, or build a large addition must, at the least at least seven (7) calendar days prior to the commencement of any site work (including demolition or open foundation excavation), or within seven (7) calendar days of the filing of an application for a Building Permit, whichever date is earlier prior thereto, give notice by first-class mail to all abutters and current occupants (to the extent practicable) within 200 feet of such building or construction site before such demolition, construction, or open foundation excavation can commence.

B. The notice required herein shall, at a minimum, contain a site plan for any applicable residential demolition, open foundation excavation, alteration or construction project, as well as information detailing the hours of operation for the project, anticipated completion date, work schedule, and health, safety, and abutting property protections, and as appropriate, noise abatement measures applied by the developer or contractor of the project.

C. “Demolition” shall be defined as the act of pulling down, destroying, removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.

“Open foundation excavation” shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.

“Large additions” shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

D. ~~When applying for~~ Prior to issuance of a demolition or building permit, or commencing an open foundation excavation the applicant shall demonstrate to the

satisfaction of the Inspector of Buildings that he or she has given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed.

**E. Violators of this bylaw will be subject to a fine of \$200 per day upon notification of the Building Inspector.**

**(4-0) Mr. Greeley was absent.**

**COMMENT:** This bylaw amendment is the first of a suite of recommendations from the Residential Study Group established at the 2016 Annual Town Meeting to examine and address some broadly shared concerns about the impacts of residential construction on neighbors and neighborhoods throughout Arlington. Specifically, the proposed motion expands: a) the categories of residential construction activities that trigger the requirement of owners, contractors, and/or developers to send a notice to abutters (neighboring owners and/or occupants) within 200 feet of the project site; and b) the required content of such notices to include site plans, project timelines and working hours, as well as other valuable information specific to a given project.

The Residential Study Group's believes that these expanded notices will help improve awareness of residential construction before it commences, foster shared expectations between contractors/builders and residents, encourage communication and dialogue to address concerns, and enable residents to plan accordingly. For example, it is particularly important for residents who work from home, or in households with young children or children with special needs to be apprised of potentially disruptive construction activities so they may plan accordingly; and similarly advise contractors of important circumstances to consider.

Finally, the Town Meeting action recommendations by the Group will be accompanied by both increased staffing in Inspectional Services and the development of a residential construction "good neighbor agreement" – a set of rules that codifies all the relevant Town and State bylaws and regulations (including those before Town Meeting if approved) in one place so that contractors/builders and residents to further add clarity and mutual understanding to the rules and expectations of the Town. Thus, the Board, grateful for the time, energy, and teamwork of the Residential Study Group, highly recommends Town Meeting's approval of this amendment.

**ARTICLE 12                    BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: BUILDING SITE MAINTENANCE**

**AND**

**ARTICLE 13                    BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: ABUTTER AND PUBLIC PROPERTY PROTECTIONS**

**VOTED:** That Title VI be and hereby is amended to add a new article, “Article 9: Residential Construction Site Control and Maintenance,” to read as follows:

**ARTICLE 9: RESIDENTIAL CONSTRUCTION SITE CONTROL AND MAINTENANCE**

**A. Purpose and Applicability**

The purpose of this article is to establish construction site maintenance requirements for residential demolition, open foundation excavation, new construction, and large addition projects in the interests of minimizing adverse impacts on the neighboring community and promoting public health and safety.

**B. Definitions**

1. “Demolition shall be defined as the act of pulling down, destroying, removing, or razing a removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.
2. “Open foundation excavation” shall be defined as an open and exposed excavation for the purpose of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.
3. “Large additions” shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

**C. Site Maintenance Requirements**

Throughout the course of any demolition, open foundation excavation, new construction, or large addition project as defined herein, the primary contractor, builder, or developer shall be required to keep the residential construction site in neat and orderly condition. Specifically, the construction site shall be required to be maintained as follows:

1. All waste shall be managed and secured daily so as not to impact site abutters or the surrounding area; and at a minimum, dumpsters shall be cleaned or removed every thirty (30) calendar days;
2. Portable restrooms shall be secured, maintained, free from the public way, and placed at least ten (10) feet from adjacent residential properties unless otherwise permitted by the Town through the Building Inspector or his or her designee;

3. Construction equipment and materials shall be stored in safe, secure and non-obstructive locations on the site, or as otherwise permitted by the Town through the Building Inspector or his or her designee;
4. Construction equipment and materials no longer to be used on the site shall be removed from the site within 14 calendar days, unless otherwise permitted by the Town through the Building Inspector or his or her designee;
5. A drive entrance pad, or its equivalent, shall be placed, utilized, and maintained on site to provide an area where construction vehicles entering and exiting the building site can remove mud and sediment from tires prior to driving on public or private ways, unless determined technically infeasible by the Building Inspector or his or her designee;
6. In interests of public safety and protecting abutting property owners, lateral supports shall not be removed from any footing or foundation without first protecting such footings or foundations against settlement or lateral translation.

**D. Violations and Fines**

Violations of the foregoing requirements shall be determined by the Inspectional Services Department. A fine of \$50 per category of violation per day for the first seven (7) calendar days of such violations or violations shall be imposed upon notification of the Building Inspector. A fine of \$100 per category of violation or violations per day shall be imposed thereafter until conditions are corrected and the construction site is in compliance with each of the foregoing requirements.

(4-0) Mr. Greeley was absent.

**COMMENT:** The Board of Selectmen also recommends favorable, consolidated action on Articles 12 and 13, through the creation of a new Article 9 under Title VI to mandate rules of residential project site maintenance and care, which will mitigate adverse impacts on direct abutters and the Town generally. The proposal sets forth a series of straightforward rules covering a wide range of issues on which the Town and the Residential Study Group have received feedback as problematic during the course of construction.

**ARTICLE 14                    BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NOISE ABATEMENT**

**VOTED:**        That Title V, Article 12, Section 3.A. be and is hereby amended as follows:  
Section 3.Daytime-Only Activities.

The following acts are specifically prohibited:

A. Prohibited Times. Operating, or permitting the operation of any of the following devices or vehicles:

1. before ~~8:00~~9:00 A.M. or after 5:00 p.m. on Saturday, Sunday or legal holiday
2. before ~~7:00~~ 8:00 A.M. or after 6:00 P.M on all other days, ~~or:~~
- ~~3. after 8:00 P.M. on any day, in any zone in the Town:~~

- a. Heavy equipment (as defined in Section 1), and
- b. All electric motors or internal combustion engines, or other construction devices, tools or equipment, used in construction, drilling, demolition, maintenance, or earth moving, including but not limited to bulldozers, backhoes, concrete mixers, dump trucks, pneumatic tools, rollers, scrapers, air compressors, generators, jackhammers, cranes, pavement breakers, pile drivers, rock drills, and chainsaws.

(4-0) Mr. Greeley was absent.

**COMMENT:** As the final piece of the Residential Study Group’s recommended Town Bylaw actions, this amendment proposes a simple adjustment to the existing noise abatement regulations on the permissible hours of certain construction activities. While disruptive noise is impossible to entirely extract from residential construction, and the bylaw as presently constructed or amended only applies to heavy equipment operation and other specific activities as listed in Section 2(b), this proposal would better reflect and protect the needs of residents during early morning and evening hours. Accordingly, with gratitude for the excellent and extensive work of the Study Group, the Board of Selectmen strongly urges favorable action on this matter.

## ARTICLE 15

## BYLAW AMENDMENT/PRIDE COMMISSION

**VOTED:** That Title II of the Town Bylaws (“Committees and Commissions”) be and hereby is amended by inserting a new article to provide for the creation of an Arlington Pride/LGBTQIA+ Rainbow Commission as follows:

### Article 13: LGBTQIA+ Rainbow Commission

#### Section 1. LGBTQIA+ Rainbow Commission Established

There is hereby established an LGBTQIA+ Rainbow Commission to promote equality-affirming policies regarding the full spectrum of sexual orientations and gender identities, and to bring greater visibility and empowerment to the

**LGBTQIA+ population through education, advocacy, and collaboration with other Town agencies, schools, and community groups.**

**Section 2. Membership**

**The Commission shall consist of seven (7) members, six (6) of which are to be appointed by the Town Manager subject to the approval of the Board of Selectmen, and one (1) of which shall be appointed by the School Committee. Members shall be appointed to the following initial terms: Two (2) members to a one-year term, two (2) members for two-year terms , and three (3) members for three-year terms, as determined appropriate by the Town Manager and School Committee. All subsequent terms shall be for three years.**

**Should an appointing authority fail to appoint a successor to a Commission member whose term is expiring, such member may continue to serve until the relevant authority names a successor. A vacancy of the Committee shall be filled by the relevant appointing authority.**

**Section 3. Administration and Operation**

**The LGBTQIA+ Rainbow Commission shall not meet or conduct business without the presence of a quorum. A majority of the members of the LGBTQIA+ Rainbow Commission at any given time shall constitute a quorum and the Commission shall approve its actions by majority vote of the quorum.**

**Section 4. Effective Date**

**Following Town Meeting approval of this bylaw, this Title shall take effect immediately upon the approval by the Attorney General of the Commonwealth.**

**(5-0)**

**COMMENT:** The Board of Selectmen unanimously support the establishment of a local Pride Commission to be known as the Arlington LGBTQIA+ Rainbow Commission. The Commission shall serve as an entity to specifically support the Arlington LGBTQIA+ community, promote equality-affirming policies, as well as create and maintain a connection point between our Town and School government and LGBTQIA+ persons. The Board believes that the work of this Commission will build upon the efforts to the Town and School Department to date, especially the Arlington Human Rights Commission, and appreciates the substantial contributions of a variety of stakeholders in bringing this bylaw proposal before Town Meeting.

**ARTICLE 17**

**BYLAW AMENDMENT/REGULATION OF PLASTIC BAGS**

**VOTED: That Title VIII (Public Health and Safety) be and hereby is amended by adding a new “Article 9: Plastic Bag Reduction” to read as follows:**

## ARTICLE 9: PLASTIC BAG REDUCTION

### Section 1. Purpose and Intent

The reduction in the use of disposable single-use plastic shopping bags by retail establishments in the Town of Arlington (“Town”) is a public purpose that has positive impacts on the environment, including, but not limited to: protecting the marine environment, reducing solid waste and unnecessary strains on recycling resources, minimizing litter, reducing the Town’s carbon footprint, and protecting local water ways.

The purpose of this bylaw is to reduce the number of single-use plastic bags provided by all retail establishments in the Town by banning, after a reasonable phase-in period, the distribution of single-use plastic bags provided at checkout.

### Section 2. Definitions

A. *Checkout Bag*: A carry-out bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include:

- (1) Bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the retail establishment;
- (2) Laundry or dry cleaner bags;
- (3) Newspaper bags; or
- (4) Bags used to contain or wrap frozen goods, meat or fish, whether prepackaged or not, to prevent leakage or contain moisture.

B. *Department*: The Arlington Department of Health and Human Services

C. *Director*: The Director of Health and Human services

D. *Disposable, Single-Use Plastic Shopping Bag*: Any checkout bag made predominately of plastic derived from either petroleum, natural gas, or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale. The term, “disposable single-use plastic shopping bag” includes:

- (1) Degradable plastic bags; and
- (2) Biodegradable plastic bags that are not commercially compostable as well as commercially compostable plastic bags.

The term “disposable single-use plastic shopping bag” shall not include:

- (1) Reusable bags;
- (2) Produce bags; or
- (3) Product bags.

As used in this definition, the terms “produce bag” or “product bag” mean any bag without handles used exclusively to carry produce, meats or other food items to the point of sale inside a store or to prevent such food items from coming into direct contact with other purchased items.

- E. ***Reusable Bag:*** A sewn bag with stitched handles that is: specifically designed and manufactured for multiple reuse; manufactured from polyester, polypropylene, cotton or other durable material excluding polyethylene or polyvinyl chloride; and which also meets the following requirements:
- (1) Can carry at least 25 pounds over a distance of 300 feet;
  - (2) Is machine washable or is made of a material that can be cleaned or disinfected at least 125 times; and
  - (3) Is at least 4 millimeters thick.
- F. ***Recyclable Paper Bag:*** A paper bag that is 100 percent recyclable and contains at least 40 percent post-consumer recycled content, and displays the words “Recyclable” and “made from [at least] 40% post-consumer recyclable content” in a visible manner on the outside of the bag.
- G. ***Retail Establishment:*** Any commercial enterprise, whether for or not-for-profit, including, but not limited to the following: restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, household goods stores and any other business that offers the sale and display of merchandise.

### **Section 3. Restrictions on Use of Disposable Plastic Shopping Bags**

- A. No retail establishment, as defined in section 2, shall provide a disposable plastic shopping bag to any customer for the purpose of enabling the customer to carry away goods from the point of sale.
1. This section shall not preclude any retail establishment from making reusable bags available for sale to customers or utilizing recyclable paper bags at the point of sale or other checkout point.
  2. The Director may promulgate additional rules and regulations to implement this section consistent with the foregoing.

### **Section 4. Penalties and Enforcement**

- A. Each retail establishment, as defined in section 2, located in the Town shall comply with this by-law.

1. If it is determined that a violation has occurred, the Director, or his or her designee in the Department, shall first issue a “warning notice” to the retail establishment for a first time violation.
  2. If after 14 days from receipt of the warning notice, the retail establishment continues to violate this by-law or commits a second violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.
  3. The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:
    - (i) \$50 for the first offense;
    - (ii) \$100 for the second offense;
    - (iii) \$150 for the third and all subsequent offenses.
  4. No more than one penalty shall be imposed upon a retail establishment within a seven calendar day period.
  5. Retail establishments shall have 15 calendar days after the date that a notice of violation is issued to pay the penalty or request a hearing in writing to the Director.
- B. The Director may promulgate additional guidelines and regulations necessary for the effective enforcement of this bylaw, consistent with the foregoing.

#### **Section 5. Effective Date**

All of the requirements set forth in this by-law shall take effect on or before March 1, 2018, for retail establishments with a floor area equal to or exceeding 10,000 square feet, and on or before July 1, 2018, for retail establishments with a floor area of less than 10,000 square feet.

#### **Section 6. Waivers**

In the event that compliance with the effective date of this by-law is not feasible for a retail establishment because of either unavailability of alternative checkout bags or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or owner’s representative. The Director may provide one additional six-month waiver upon showing of continued infeasibility or hardship, as set forth above.

#### **Section 7. Severability**

The provisions of this bylaw are severable; and if any of the provisions of this bylaw shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(4-0) Mr. Greeley was absent.

**COMMENT:** The Board of Selectmen recommends favorable action on this detailed, well researched proposal by Town residents to reduce the number of plastic bags used for checkouts at grocery stores, pharmacies, retailers, and restaurants in Arlington. As presented to this Board, not only are plastic bags often an eyesore throughout our community and a waste of finite natural resources, but they also jam recycling machinery, do not biodegrade in landfills, release toxic emissions when incinerated, and present dangers to marine wildlife. They also have extremely low recycling rates where recycling rather than prohibition is pursued.

The proposed bylaw is endorsed by the Arlington Recycling Committee, the Arlington Board of Health, the Friends of Spy Pond Park, and a number of other civic organizations, and builds upon the successes of other, similar measures in neighboring communities ranging from Concord to Somerville. Moreover, thorough research of such communities' experiences strongly suggests that there will be no added costs to consumers. Finally, several Arlington retailers and restaurants which have voluntarily ceased use of plastic bags for checkout/carry-out purposes note that their costs have generally declined or remained level as paper alternatives and reusable bags have proved more cost-effective for both them and their customers.

## **ARTICLE 18**

## **BYLAW AMENDMENT/APPRAISALS OF TOWN PROPERTY INTERESTS**

**VOTED:** That Title I, Article 8 be and is hereby amended to add a new provision regarding the assessment and disposal of Town owned real property interests, so as to read in its entirety as follows:

### ***ARTICLE 8: DISPOSAL OF TOWN PROPERTY***

#### ***A. Disposal of Material and Personal Property***

*No official or employee of the Town shall dispose of any material or other personal property belonging to the Town without permission being granted by a vote of the Town, subject to the following exception.*

*Any department, board, or committee of the Town may sell or otherwise dispose of scrap material or other discarded personal property belonging to the Town which is within the jurisdiction or control of such department, board, or committee, provided such department, board, or committee in its sound discretion first determines that a just and reasonable value for such property does not exceed \$500.*

#### ***B. Disposal of Real Property and Related Interests***

***In addition to other applicable state law requirements, the Town must determine the value of any recorded real property interest, including leases, mortgages, preservation restrictions, easements, and/or profits à prendre before disposing of same whether by sale, abandonment, or other permanent disposal, by using procedures customarily accepted as valid by the appraising profession. The Town may hire an appraiser, but it is not required to do so.***

**The provisions of this subsection shall be construed apply even to those recorded property interests or instruments which do not require appraisal under state law.**

(5-0)

**COMMENT:** The Board of Selectmen recommends favorable action on this straight-forward measure proposed by Ms. Lisa Reynolds to codify an appraisal requirement for any and all recorded Town real property interests and instruments within the Town Bylaws. The measure mirrors State law requirements for most real property and related transactions. However, the proposed addition, featured in many other communities' bylaws, would also unambiguously apply to a broader set of real property matters, including paper roads. The Board also notes that as constructed and advocated by its proponents, neither adherence to the results of such appraisals, nor the hiring of an appraiser are required. As such, the modest procedural requirements should yield long-term consistency and clarity without abridging flexibility in a burdensome manner.

**ARTICLE 19**

**VOTE/APPOINTMENT OF TOWN TREASURER**

**VOTED:** That (1), Town Meeting hereby approves the conversion of the Town's elected Town Treasurer and Collector of Taxes from an elected position to an appointed position pursuant to G. L. c. 41 sec. 1B; and (2), that in accordance with G.L. c. 41 sec. 1B, the Board of Selectmen are hereby requested and authorized to place the following question on the 2018 Annual Town Election Ballot:

**"Shall the town vote to have its elected Town Treasurer and Collector of Taxes become an appointed Town Treasurer and Collector of Taxes of the town?**

**Yes \_\_\_\_\_ No \_\_\_\_\_"**

**(4-1) Mr. Byrne voted in the negative.**

**COMMENT:** The Board of Selectmen recommends favorable action on initiating the process to convert the Treasurer and Collector position from an elected to an appointed office in the interests of realizing long-term and structural gains in organizational efficiency and effectiveness relative to the Town's financial management. An appointed Treasurer and Collector reporting directly to the Town Manager will yield greater consistency, certainty, and clarity in setting and achieving the Town's financial goals, which often involve long-range decisions. Conversion requires approval of Town Meeting to place the measure before the voters, and subsequently, a majority of voters at the 2018 Annual Town Election.

The Board notes its enthusiasm for our newly elected Treasurer, Mr. Carman, and the ways in which he and the Town Manager have already begun working together effectively. Our new Treasurer should, and indeed will have the opportunity to administer his Office for one year before this ballot question would be put to voters. He would also serve the full three-year term of his Office if voters so opted to convert the position. Moreover, we also recognize and commend the long, excellent service of the now retired former Treasurer, Mr. Gilligan.

Nonetheless, this Board maintains its view that it would benefit Arlington's long-term stability and success by investing the Treasurer position in a more streamlined governmental operation. Accordingly, we urge favorable action on putting this question to the voters of the Town.

**ARTICLE 20**

**VOTE/EMAIL ACCOUNTS FOR MEMBERS OF PUBLIC BODIES**

**VOTED: That no action be taken under Article 20.**

**(5-0)**

**COMMENT:** This article, inserted by citizen petition of Mr. Christopher Loreti is the same article submitted for the 2016 Annual Town Meeting. As the substance of the 2016 article and vote of Town Meeting having been implemented, the proponent did not present or pursue the matter further before this Board this year. Accordingly, both because the Selectmen respectfully request Town Meeting to take no action on articles for which there was no proposal placed before us, and because Mr. Loreti himself is not pursuing this article further, a vote of no action is recommended.

**ARTICLE 21**

**VOTE/SURVEILLANCE STUDY GROUP**

**VOTED: That no action be taken under Article 21.**

**(4-0) Mr. Greeley was absent.**

**COMMENT:** This article, inserted by citizen petition of Mr. Steve Revilek, sought to create a study group through Town Meeting to examine concerns by a number of residents regarding the use of surveillance technology to monitor and record persons in public spaces, and related issues. The Board agrees that the establishment of a study group is prudent to inventory and examine the landscape of surveillance issues in Arlington. However, the Board also believes that such a group would be more flexible and effective as a study group of the Board of Selectmen rather than a committee or body of Town Meeting. The Board will work with Mr. Revilek and other stakeholders to develop the membership and parameters of a study group on the intricate and important issues at work, and for only such reasons, recommend no action before Town Meeting.

**ARTICLE 22**

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

**VOTED: That the Town does hereby adopt Section 5K of M.G.L. Ch. 59, establishing a senior tax work off program as defined therein, including any subsequent amendments or modifications thereto, and elects to allow “approved representatives” to perform the services for the Town where otherwise eligible seniors are physically unable to do so themselves; such adoption shall be effective upon acceptance.**

**(4-0) Mr. Greeley was absent.**

**COMMENT:** This article represents the first of a suite of measures this Board sought from the Health and Human Services Department, Town Manager, and other Town officials to ease the tax burdens of potentially vulnerable Arlington homeowners, particularly Arlington seniors and others on fixed incomes, especially as the Town employs debt exclusions to meet the pressing capital needs of our schools. By accepting this legislation, one new tool will be available to Arlington seniors (defined in the statute as persons over the age of 60) to meet their local real property tax obligations – a volunteer “work off” program, which can supplement other abatement or exemption programs with a maximum property tax reduction of up to \$1,500.00 for calendar year.

In order to ensure maximum access, the Board of Selectmen also strongly recommends Town Meeting adopt this legislation with the added option of allowing an “approved representative” to perform the volunteer work for an eligible senior unable to provide approved work services to the Town themselves. The Board strongly urges Town Meeting’s favorable action on each and all of these tax assistance articles as integral to balancing the diverse needs and resources of Arlington’s valued residents.

**ARTICLE 23                    ACCEPTANCE OF LEGISLATION/VETERAN PROPERTY TAX  
WORK-OFF PROGRAM**

**VOTED:**     **That the Town does hereby adopt Section 5N of M.G.L. Ch. 59, establishing a veteran tax work off program as defined therein, including any subsequent amendments or modifications thereto and electing to allow “approved representatives” to perform the services for the Town where otherwise eligible veterans are physically unable to do so themselves; such adoption shall be effective upon acceptance.**

**(4-0) Mr. Greeley was absent.**

**COMMENT:** This article represents the second measure this Board sought from Town personnel to ease the tax burdens on potentially vulnerable homeowners as a series of property tax increases are employed to meet the Town’s capital pressing improvement needs. Accepting this legislation provides the same type of new tool discussed in Article 22, but for Arlington veterans; allowing them to meet a portion of their local real property tax obligations through a volunteer “work off” program. As with the previous measure, this tool would supplement other abatement or exemption programs, but with a maximum property tax reduction of up to \$1,000.00 for calendar year.

As with the senior-oriented “work off” program, the Board also recommends this acceptance of legislation with the added option to allow an “approved representative” to perform the volunteer work for an eligible veteran if such person is physically unable to provide the approved work services.

**ARTICLE 24                    ACCEPTANCE OF LEGISLATION/ELDERLY AND DISABLED  
TAXATION FUND**

**VOTED:**        That the Town does hereby adopt Section 3D of M.G.L. Ch. 60, establishing an elderly and disabled tax relief fund as defined therein, including any subsequent amendments or modifications thereto and establishing a Taxation Aid Committee as provided by the statute; such adoption shall be effective upon acceptance.

**(4-0) Mr. Greeley was absent.**

**COMMENT:** This article represents the third of this year’s series of measures sought by the Board of Selectmen to lessen the tax burdens on potentially vulnerable homeowners. Accepting this legislation allows the Town to establish a fund and donation mechanism for defraying real estate taxes of seniors, as well as low income disabled persons. The legislation option allows the Town to designate a place on tax bills for donations for the fund for any amount greater than \$1.00, which essentially is due along with each homeowner’s real estate tax bill. Such donated monies are held in a special account, and may be invested to further grow the fund.

In order that the Town may best collect and disburse the property tax aide under this mechanism, acceptance of this provision will also establish a five (5) member Taxation Aid Committee, which consists of the Chair of the Board of Assessors, the Town Treasurer, and three (3) residents appointed by this Board of Selectmen. The Committee shall adopt rules for its operation and the discharge of its duties in identifying and determining how to best assist eligible seniors and disabled low-income persons. The Board views both the creation of a tax assistance fund and the Taxation Aid Committee as two additional and essential pieces in committing the Town to helping its most vulnerable property owners while also investing in some of the Town’s most important capital resources. Accordingly, we strongly urge Town Meeting’s favorable action.

**ARTICLE 25                    ACCEPTANCE OF LEGISLATION/CPI ADJUSTMENT FOR  
ELDERLY RESIDENTS**

**VOTED:**        That the Town does hereby adopt Clause 41D of Section of M.G.L. Ch. 59, allowing an annual adjustment of senior income and asset eligibility requirements for certain tax exemptions according to the Consumer Price Index to better reflect the cost of living as provided by the statute; such adoption shall be effective upon acceptance.

**(4-0) Mr. Greeley was absent.**

**COMMENT:** The final component of tax assistance measures solicited by this Board is for the Town to adopt clause 41D of Section of M.G.L. c. 59. The purpose and intended effect of exercising this option is to render more Arlington seniors eligible for already existing property tax exemptions by allowing the Town to annually adjust the gross income and asset limit requirements according to the Consumer Price Index. Given the rising costs of many goods and services, as well as the present real estate landscape in Arlington, such an annual adjustment will better reflect income and assets relative to their cost of living. As such, the Board strongly recommends this improvement to already existing tax abatement options to Town Meeting.



## **DEPARTMENTAL REVOLVING FUNDS**

### **Section 1. Purpose.**

*This by-law establishes and authorizes revolving funds for use by town/city departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges of other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.*

### **Section 2. Expenditure Limitations.**

*A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:*

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.*
- B. No liability shall be incurred in excess of the available balance of the fund.*
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Town Manager and Finance Committee.*

### **Section 3. Interest**

*Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.*

### **Section 4. Procedures and Reports.**

*Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law.*

*The Town Comptroller shall include a statement on the collections credited to each fund, the encumbrances and expenditures charge to the fund and the balance available for expenditure in the regular report the Town Comptroller provides the department, board, committee, agency or officer on appropriations made for its use.*

**5. Authorized Revolving Funds.**

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements and/or Reports	Fiscal Years
Maintenance of Public Ways	DPW/Town Manager	Receipts derived from street excavations as authorized by Section 18 of Article 9 of the Bylaws.	To defray the cost of repairs, rehabilitation, and reconstruction of public ways and sidewalks.		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Private Ways	DPW/Town Manager	Fees charged to the private way abutters as in Section 5 thereof.	To defray the costs of repairs to private ways undertaken pursuant to Section 20 of the Bylaws		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Fox Library Community Center Rentals	Library/Town Manager	Rental of the Fox Library and the Community Center located there.	To defray the cost of various expenses related to non-town government organizations who utilize the Fox Library and the Community Center located there.	Included, but not limited to maintenance and custodial services.	Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Robbins House Rentals	Health and Human Services/Town Manager	Rental of the Robbins House	To defer the cost of the upkeep of the Robbins House, its appurtenant grounds, and other charges related to the rental of the property.		All revenues received above annual spending authorization to be deposited into the Town's General Fund.	FY2019 and subsequent years

A	B	C	D	E	F	G
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements and/or Reports	Fiscal Years
Conservation Commission Fees	Conservation Commission	Fees charged to applicants who file "Notices of Intent or Request for Determination of Applicability". This fee is called the "consultant fee".	Reasonable costs and expenses borne by the Commission for specific expert engineering and other consulting services deemed necessary by the Commission to come to a final decision on the application.	Specific consultant may include, but are not limited to, performing or verifying the accuracy of a resource areas survey and delineation, analysis of resource area functions -- including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.	The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee or any act related thereto may appeal according to the provisions of Mass. General Laws.	FY2019 and subsequent years
Uncle Sam Fees	Town Manager	Grants and Fees received by the Uncle Sam Committee	Enhancement of the visibility of our Town as the birthplace of Sam Wilson, our national symbol.			FY2019 and subsequent years
Life Support Services	Fire	Receipts associated with providing emergency medical services.	Expenses associated with providing emergency medical services.			FY2019 and subsequent years
Board of Health Fees	Health and Human Services	Fees from permits, reinspections, seminars, and fines of the Board of Health.	Expenses associated with funding programs of the Board of Health.			FY2019 and subsequent years
Field User Fees	Town Manager	Fees from users of Town owned playing fields, including grants and gifts.	Maintenance and reconstruction of the playing fields.	Such funds to be expended by the Town Manager.		FY2019 and subsequent years
Robbins Library Rentals	Library	Rentals of certain meeting rooms in the Robbins Memorial Library.	Upkeep of said meeting rooms in the Robbins Memorial Library.			FY2019 and subsequent years

A Revolving Fund	B Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements and/or Reports	G Fiscal Years
Town Hall Rentals	Health and Human Services	Rentals of the Robbins Memorial Town Hall Auditorium.	Upkeep of said Robbins Memorial Town Hall Auditorium			FY2019 and subsequent years
Recycling Fees	DPW	Fees for a pick up of so-called white goods, computers, and televisions.	To defray the cost of pick up and to establish a program to educate and facilitate the public's understanding of the Town's recycling Bylaw, including its enforcement provisions.			FY2019 and subsequent years
Library Vending Fees	Library	Fees for per-page use of printers and copy machines in the Robbins Library and the Fox Library by members of the public.	To obtain supplies for copy machines, such as paper, toner, and cartridges and, if sufficient revenues are received, to offset the costs of leasing those machines.			FY2019 and subsequent years
Cemetery Chapel Rentals	DPW	Rental fees associated with the rental of the Cemetery Chapel.	To pay for costs associated with the rental and care and maintenance of the Chapel.			FY2019 and subsequent years
Council on Aging Program Fees	Health and Human Services	Fees for programs of the Council on Aging.	To pay for costs of administering COA programs.			FY2019 and subsequent years

(5-0)

**COMMENT:** The Municipal Modernization Act provides for a simplified process for the establishment and use of revolving funds by inserting fund data into Town bylaws. While, the Comptroller and Town Manager will continue reporting on revolving funds and requesting total budgets be approved and authorized by Town Meeting each year, the funds themselves will not need to be re-authorized or established. Accordingly, utilizing the Department of Revenue's recommended bylaw language, the Board urges Town Meeting's approval of this measure.

**ARTICLE 31**

**REVOLVING FUNDS**

**VOTED:** *The Town does hereby reauthorize the following Revolving Funds for FY 2018:*

**Private Way Repairs (3410):** Originally established under Article 46, 1992 Annual Town Meeting

**FY2018 expenditures not to exceed \$200,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 87,714.84</b>
<b>Receipts</b>	<b>\$ 48,593.37</b>
<b>Expenditures</b>	<b>\$ 17,781.82</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 118,526.39</b>

**Public Way Repairs (3400):** Originally established under Article 45, 1992 Annual Town Meeting

**FY2018 expenditures not to exceed \$5,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 168.40</b>
<b>Receipts</b>	<b>\$ 0.00</b>
<b>Expenditures</b>	<b>\$ 0.00</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 168.40</b>

**Fox Library Community Center Rentals (3990):** Originally established under Article 49, 1996 Annual Town Meeting

**FY2018 expenditures not to exceed \$20,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 16,773.35</b>
<b>Receipts</b>	<b>\$ 1,637.00</b>
<b>Expenditures</b>	<b>\$ 14,629.91</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 3,780.44</b>

**Robbins House Rentals (4060):** Originally established under Article 77, 1997 Annual Town Meeting

**FY2018 expenditures not to exceed \$75,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 19,093.42</b>
<b>Receipts</b>	<b>\$ 34,733.19</b>
<b>Expenditures</b>	<b>\$ 40,799.50</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 13,027.11</b>

**Conservation Commission Fees (5290):** Originally established under Article 44, 1996 Annual Town Meeting

**FY2018 expenditures not to exceed \$10,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 2,742.54</b>
<b>Receipts</b>	<b>\$ 1.99</b>
<b>Expenditures</b>	<b>\$ 35.00</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 2,709.53</b>

**Uncle Sam Fees (2440): Originally established under Article 31, 2000 Annual Town Meeting**

**FY2018 expenditures not to exceed \$2,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 1,526.31</b>
<b>Receipts</b>	<b>\$ 0.00</b>
<b>Expenditures</b>	<b>\$ 0.00</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 1,526.31</b>

**Life Support Services (Ambulance) Fees (3210): Originally established under Article 37, 2001 Annual Town Meeting**

**FY2018 expenditures not to exceed \$800,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 547,148.46</b>
<b>Receipts</b>	<b>\$ 688,738.09</b>
<b>Expenditures</b>	<b>\$ 607,580.54</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 628,306.01</b>

**Board of Health Fees (4120): Originally established under Article 30, 2005 Annual Town Meeting**

**FY2018 expenditures not to exceed \$100,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 56,719.94</b>
<b>Receipts</b>	<b>\$ 117,045.90</b>
<b>Expenditures</b>	<b>\$ 69,299.86</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 104,465.98</b>

**Field User Fees (5275): Originally established under Article 78, 2004 Annual Town Meeting**

**FY2018 expenditures not to exceed \$80,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 23,389.57</b>
<b>Receipts</b>	<b>\$ 32,660.25</b>
<b>Expenditures</b>	<b>\$ 36,422.50</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 19,627.32</b>

**Robbins Library Rentals (4250): Originally established under Article 35, 2006 Annual Town Meeting**

**FY2018 expenditures not to exceed \$8,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 26,586.20</b>
<b>Receipts</b>	<b>\$ 5665.00</b>
<b>Expenditures</b>	<b>\$ 7,800.00</b>
<b>Ending Balance, 6/30/16</b>	<b>\$24,451.20</b>

**Town Hall Rentals (4150): Originally established under Article 35, 2006 Annual Town Meeting**

**FY2018 expenditures not to exceed \$120,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 70,154.01</b>
<b>Receipts</b>	<b>\$ 125,011.17</b>
<b>Expenditures</b>	<b>\$ 98,305.87</b>
<b>Ending Balance, 6/30/16</b>	<b>\$96,859.31</b>

**White Goods Recycling Fees (3510): Originally established under Article 35, 2006 Annual Town Meeting**

**FY2018 expenditures not to exceed \$80,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 57,405.92</b>
<b>Receipts</b>	<b>\$ 26,230.35</b>
<b>Expenditures</b>	<b>\$ 26,595.26</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 57,041.01</b>

**Library Vending Fees (4220): Originally established under Article 34, 2009 Annual Town Meeting**

**FY2018 expenditures not to exceed \$25,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 4,744.88</b>
<b>Receipts</b>	<b>\$ 10,740.50</b>
<b>Expenditures</b>	<b>\$ 7065.62</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 8,419.76</b>

**Gibbs School Energy Fees (2790): Originally established under Article 45, 2010 Annual Town Meeting**

**FY2018 expenditures not to exceed \$120,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 34,170.86</b>
<b>Receipts</b>	<b>\$ 90,096.32</b>
<b>Expenditures</b>	<b>\$ 96,189.30</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 28,077.88</b>

**Cemetery Chapel Rentals: Originally established under Article 52, 2011 Annual Town Meeting**

**FY2018 expenditures not to exceed \$15,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 0.00</b>
<b>Receipts</b>	<b>\$ 0.00</b>
<b>Expenditures</b>	<b>\$ 0.00</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 0.00</b>

**Council On Aging Program Fees (3840): Originally established under Article 28, 2013 Annual Town Meeting**

**FY2018 expenditures not to exceed \$25,000**

<b>Beginning Balance, 7/1/15</b>	<b>\$ 4,571.35</b>
<b>Receipts</b>	<b>\$ 15,895.76</b>
<b>Expenditures</b>	<b>\$ 10,493.36</b>
<b>Ending Balance, 6/30/16</b>	<b>\$ 9,973.75</b>

**(5-0)**

**COMMENT:** The above represents the usual vote to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and reauthorize such funds in accordance with state law.

**ARTICLE 59**

**RESOLUTION/SANCTUARY TOWN**

**VOTED:** It is hereby resolved that:

**WHEREAS, the Town of Arlington desires to provide safety, opportunity, access, and equality for all immigrants and people of all ethnicities and religions; and**

**WHEREAS, the federal government’s Immigration and Customs Enforcement (“ICE”) Priority Enforcement Program, uses local law enforcement data to identify suspected “criminal aliens” in local custody; and**

**WHEREAS, ICE issues civil immigration detainer requests which allow for prolonged detention during which ICE investigates the immigration status of suspected “criminal aliens” in local custody; and**

**WHEREAS, fear of detainer requests and other immigration enforcement measures inhibits many community members from seeking protection from public safety officials and from providing aid to public safety officials during investigations of crimes; and**

**WHEREAS, the Arlington Police Department (“APD”) has demonstrated its commitment to both the inclusionary values of the Town of Arlington and the efficacy of engendering trust throughout all facets of the Arlington community in the service of all residents without any sacrifice in its ability to protect residents from violent criminals; and**

**WHEREAS, Town Meeting wishes to voice its support for APD’s continuation of its present practices, and make it known that all persons are safe from discriminatory law enforcement in Arlington.**

**NOW, THEREFORE, BE IT RESOLVED, that Town Meeting joins and supports APD’s sound policing and human rights policies of refusing to investigate, arrest, or detain persons based purely on their immigration status without any other suspicion or cause.**

**NOW, THEREFORE, BE IT RESOLVED, that Town Meeting joins and supports APD’s sound policing goal to keep all individuals, regardless of immigration status, who are violent or otherwise a threat to the public good off the streets.**

**BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD in fostering trust in a diverse community by specifically declining to arrest, detain, or extend the length of custody of an individual solely on the basis of a civil immigration detainer request, unsupported by a criminal warrant signed by a judge and/or probable cause.**

**BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD in specifically declining to respond to any ICE notification request seeking information about an individual’s incarceration status, length of detention, home address, work address, personal information, hearing information, or pending release.**

**BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD in specifically declining to join in any operation led by a federal agency for the sole purpose of identifying and/or detaining persons not accused of any crime for deportation purposes, which would erode parts of our community’s trust and could hamper effective law enforcement.**

**BE IT FURTHER RESOLVED, that Town Meeting supports and encourages APD, and other Town first responders and officials, in declining to inquire about the citizenship or immigration status of the victim of a crime, a person who is reporting a crime or a medical emergency, a person who requires aid, or witnesses, family members and/or bystanders unless required by valid federal or state law.**

**BE IT FURTHER RESOLVED, that Town Meeting supports and encourages each Town department and official to refuse to gather information regarding the citizenship or immigration status, or religious or ethnic identity of individuals, unless such information is required by law to be gathered, or is necessary to provide a public benefit to the individual.**

**BE IT FURTHER RESOLVED, that Town Meeting supports and encourages each Town department and official to refuse to gather information regarding the religious or ethnic identity of any person for the purposes of ICE detentions and deportation actions or the creation or maintenance of a registry of individuals based upon their religious affiliation, ethnicity, or national origin, unless required by valid federal or state law, or directly**

**relevant to business between that individual and the agency or department.**

**BE IT FURTHER RESOLVED, nothing in this resolution shall prohibit or restrain any Town official or department from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.**

**(5-0)**

**COMMENT:** The Board of Selectmen values and respects the thorough and civil debate that has already taken place to date on this article. There are relatively few instances where national politics on an issue as broad as immigration impacts a local government's functions and a community's values so distinctly as the issue of how our local police force should operate and expend its resources relative to the enforcement federal immigration laws. The resolution recommended by this Board and the Arlington Human Rights Commission endorses and encourages the Arlington Police Department's existing, operationally sound and humane practices with respect to gathering and disseminating information on the immigration status of the residents, workers, and visitors in Arlington.

These practices, considered consistent with a immigration "Trust Act" in other communities, will be bolstered by this resolution because one of the critical virtues of this resolution is making it clear to undocumented immigrants – as witnesses, victims of crimes, concerned residents or visitors, or others in need to assistance – that the Town of Arlington and its police force and first responders are here to protect and serve this community, not engage in deportation activities. Through advertising such a message, we believe Arlington is a safer and more welcoming community because no one will avoid providing information to APD or seeking appropriate assistance from the Town out of fear of immigration repercussions. Moreover, it maintains the tone of this community, as perhaps best reflected every year at Town Meeting, that we invite engagement and we invite dialogue with this Town's government.

Many real and important concerns have been articulated in opposition to this resolution and we do not dismiss them lightly, including the unlikely, but potential loss of federal funds (which under legal norms should be limited to homeland security-related activities). However, it must be stressed that this is not a matter of complying with one set of laws to ignore others we find merely inconvenient. Rather, it is an occasion where conflicting laws and foundational legal principles, including the rights and powers of state and local governments versus the federal government are brought into focus. The Selectmen believe that we have the right and duty to support our police force and other Town personnel in a just practice that benefits our community; that we should not have our arms twisted to our own detriment and the detriment of others. Therefore, we unanimously recommend this resolution to Town Meeting.

**ARTICLE 60**

**RESOLUTION SUPPORTING STATE AND  
FEDERAL LEGISLATION THAT PROVIDES  
GREATER TRANSPARENCY IN POLITICAL  
DONATIONS AND LIMITS THE INFLUENCE OF  
MONEY IN POLITICS**

**VOTED: That no action be taken under Article 60.**

**(5-0)**

**COMMENT:** The Board of Selectmen respectfully recommends no action be taken on the proposed resolution submitted by Ms. Elizabeth Kowalksi. The instant resolution speaks to important issues affecting Commonwealth and Federal policy making. However, the resolution is not sufficiently oriented toward matters within the Town's jurisdiction. The Board makes no comment on the overall merits of the Anti-Corruption Act as national or state legislation, but encouraged Ms. Kowalski to make use of other means of informing Town residents and our legislative delegations of the state and federal measures at issue.

## **Appendix A: Select Municipal Modernization Act Provision Summaries from the Commonwealth**

---

*The following are excerpts relevant to the recommendations of the Board of Selectmen of a section-by-section summary of and guide to the 2016 Massachusetts Municipal Modernization Act, as provided by the Governor's Office.*

### **An Act to Modernize Municipal Finance and Government Section by Section Summary of Final Bill to Be Signed on August 9, 2016**

**Parking Meter Revenue Use (26-27, 30)** – These sections expand the allowable use of parking meter funds and allow for rates to be set for the purpose of managing the parking supply. They also allow for the establishment of Parking Benefit Districts, a geographically defined area in which parking revenue collected therein may be designated in whole or in part for use in that district through a dedicated fund.

**Departmental Revolving Fund (86)** – This section amends the revolving funds statute to provide more flexibility by eliminating the departmental per fund and total fund caps, broadening the types of departmental receipts which funds can be established and allowing revolving funds to be established by bylaw or ordinance.

## **Appendix B: Relevant Property Tax Relief Provisions from the General Laws Relative to Articles Nos. 22 through 25**

---

### ***Property tax liability reduced in exchange for volunteer services; persons over age 60***

#### **M.G.L.A. 59 § 5K**

§ 5K. Property tax liability reduced in exchange for volunteer services; persons over age 60

*Effective: November 7, 2016*

In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1,500 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws, but such person while providing such services shall be considered a public employee for the purposes of chapter 258, but such services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town; or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,500.

***Reduction of property tax obligation of veterans  
in exchange for volunteer services***

**M.G.L.A. 59 § 5N**

§ 5N. Reduction of property tax obligation of veteran in exchange for volunteer services

*Effective: July 2, 2014*

In any city or town which accepts this section, the board of selectmen of a town, or in a municipality having a town council form of government, the town council or the mayor, with the approval of the city council in a city, may establish a program to allow veterans, as defined in clause Forty-third of section 7 of chapter 4 or a spouse of a veteran in the case where the veteran is deceased or has a service-connected disability, to volunteer to provide services to that city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of that veteran on the veteran's tax bills and that reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled; provided, however, that person shall not receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for the services provided pursuant to that reduction; and provided further, that the reduction of the real property tax bill shall not exceed \$1,000 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of that record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of that record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. The cities and towns shall have the power to create local rules and procedures for implementing this section in a way that is consistent with the intent of this section. Nothing in this section shall be construed to permit the reduction of workforce or otherwise replace existing staff.

The amount by which a person's property tax liability is reduced in exchange for the volunteer services shall not be considered income, wages or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws. While providing such volunteer services, that person shall be considered a public employee for the purposes of chapter 258 and those services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (i) allowing an approved representative for persons physically unable to provide such services to the city or town; or (ii) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,000.

***City or Town aid to elderly and disabled taxation fund; voluntary check off  
donations***

## **M.G.L. 60 § 3D**

§ 3D. City or town aid to elderly and disabled taxation fund; voluntary check off donations

A city or town which accepts the provisions of this section is hereby authorized, subject to the approval of the commissioner, to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby the taxpayers of said city or town may voluntarily check off, donate and pledge an amount not less than \$1 or such other designated amount which shall increase the amount otherwise due, and to establish a city or town aid to the elderly and disabled taxation fund for the purpose of defraying the real estate taxes of elderly and disabled persons of low income.

Any amounts donated to said fund shall be deposited into a special account in the general treasury and shall be in the custody of the treasurer. The treasurer shall invest said funds at the direction of the officer, board, commission, committee or other agency of the city or town who or which is otherwise authorized and required to invest trust funds of the city or town and subject to the same limitations applicable to trust fund investments, except as otherwise specified herein. The fund, together with the interest earned thereon shall be used for the purpose specified in this section without further appropriation.

In any city or town establishing an aid to the elderly and disabled taxation fund, there shall be a taxation aid committee to consist of the chairman of the board of assessors, the city or town treasurer and three residents of the city or town to be appointed by the mayor or board of selectmen as the case may be. Said board shall adopt rules and regulations to carry out the provisions of this section and to identify the recipients of such aid.

### ***Property Tax Exemption Eligibility CPI Adjustment***

#### **M.G.L.A. 59 § 5 Clause 41D**

§ 5. Property; exemptions

Effective: January 1, 2017

**Forty-first D,** The amounts of the gross receipts and whole estate, real and personal, as set forth in clauses Forty-first, Forty-first B and Forty-first C, shall be increased annually by an amount equal to the increase in the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics, for such year. The department of revenue shall annually inform each city or town that accepts this clause of the amount of this increase. This clause shall take effect in a city or town upon its acceptance by such city or town. Acceptance of this clause by a city or town shall not increase its reimbursement by the commonwealth under this section.



**JOSEPH A. CURRO, JR, CHAIR**  
**STEVEN M. BYRNE, VICE CHAIR**  
**KEVIN F. GREELEY**  
**DIANE M. MAHON**  
**DANIEL J. DUNN**