

**BOARD OF SELECTMEN'S SUPPLEMENTAL
REPORT TO THE 2007 ANNUAL TOWN MEETING**

The Board of Selectmen is pleased to provide this supplemental report to the 2007 Annual Town Meeting, which provides main motions on all those remaining articles that the Board did not provide a proposed vote in its main report.

A. **Article 14 Bylaw Amendment/Graffiti and Vandalism**

VOTED: That Title VIII Public Health and Safety be and hereby is Amended by adding a new Article 5 thereto entitled "Graffiti and Vandalism" to provide as follows

ARTICLE 5 Graffiti and Vandalism

Section 1 Purpose and Intent

Vandalism and the existence of graffiti within the Town are considered a public and private nuisance. The purpose of this bylaw is to protect public and private property from acts of vandalism and defacement, which is specifically intended to include the application of graffiti on such property. Vandalism and graffiti affects the quality of life of residents, the rights and values of property owners, and the entire Arlington community; therefore, this bylaw shall be strictly enforced. For the purposes of this bylaw, graffiti is intended to mean the intentional painting, marking, scratching, etching, coloring, tagging, or other defacement of any public or private property without the prior written consent of the owner of such property.

Section 2 Prohibited Conduct

Whoever intentionally, willfully, maliciously, or wantonly destroys, defaces, mars, injures or applies graffiti to the real or personal property of another including, but not limited to, any part of any public or private building, appurtenance to such building, or any monument, tablet, statue, or other object erected to mark a public place or to commemorate an historic event or figure, or any equipment, apparatus or fixture located on or comprising public property, or any fence, wall, post, traffic signaling device or pole, awning, or any other structure, shall, upon conviction, be punished by the maximum criminal fine allowed by state law, and in addition, shall forfeit to the property owner the reasonable cost of repairing, replacing, removing or obliterating such defacement, graffiti or act of

vandalism. In addition such person shall be subject to a civil fine of two hundred dollars (\$200.00) which may be disposed in the first instance by the non-criminal disposition procedure provided in Title IX of the by laws.

Section 3 Accessibility to Graffiti Implements

A. Display and Storage.

- 1. Every person who owns, conducts, operates, or manages a retail commercial establishment selling aerosol paint containers, paint sticks, or broad-tipped markers in excess of one-half inch in width in area shall store the containers, sticks or markers in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business.**
- 2. In the event that a commercial retail establishment is unable to store the aerosol paint containers, paint sticks, or broad-tipped markers in excess of one-half inch in width in an area as provided above, the establishment shall store the containers, sticks or markers in an area not accessible to the public in the regular course of business without employee assistance.**

B. Signage Required. Every person who operates a retail establishment selling graffiti implements shall:

- 1. Place an interior sign in clear public view stating: "Graffiti Is Against The Law. Any person who defaces real or personal property with paint or any other liquid device shall be punishable by a fine of two hundred dollars (200.00)." Such sign(s) shall be at least forty-eight (48) square inches and shall be posted in public view in the store at a height of not less than four (4) feet or greater than nine (9) feet from the floor.**
- 2. Place a sign in clear public view stating "Selling spray paint, paint sticks, or broad-tipped markers to persons under 18 years of age is against the law and punishable by a fine of two hundred dollars (\$200.00).**

Section 4 Enforcement

Upon determining that graffiti exists on any private or other non-Town owned property and that such graffiti can be viewed from a public place within the Town, the Chief of Police, or his designee,

shall mail or deliver a notice to the owner of the property on which the graffiti exists advising the owner that the graffiti must be removed within three days. In the case of graffiti on private residential property, the property owner shall, within three days of delivery of the notice, either remove the graffiti or submit a written request to the Director of Public Works along with a release requesting the Town to enter the property and assist in removing the graffiti. Upon receipt of the property owner's written request and release, the Director of Public Works, or his designee, shall determine whether the Town can effectively assist in removal of the graffiti and if so, what procedures it can employ to facilitate such removal. If the Town assists in the removal of such graffiti, the Town shall charge the property owner a fee in the amount of the actual cost of removal or one hundred dollars, whichever is greater, and any amount forfeited to the property owner under Section 2 of this bylaw in excess of such amount shall be turned over to the Town and deposited in the General Fund. Failure to remove the graffiti or make such request within three days shall subject such owner to the provisions of G. L. c. 40, s. 21D and Article 2 of Title IX Enforcement and Fees of these bylaws with a fine on fifty dollars (\$50.00) per day each and every day to be considered a separate offense. Failure of a store owner to comply with the provisions of Section 3 hereof shall be punished by a fine of two hundred dollars (\$200.00). Any fee charged by the Town for the cost of graffiti removal under this section remaining unpaid after sixty days of notice of such charge shall be subject to the provisions of G.L. c. 40, s. 58.

COMMENT: After considerable deliberation and consultation with the Town Manager and Town Counsel, the Board provides this new simplified and more concise version of a graffiti bylaw than the one printed in the Warrant. The impetus for this articles came from the Graffiti and Vandalism Task Force led by Selectmen Jack Hurd and Kevin Greeley as well as the Town Manager and other officials of the Town. Graffiti is a visual blight on a neighborhood and negatively impacts the quality of life of residents to say nothing of their property values. The Town has spent tens of thousands of dollars cleaning up graffiti. Similar sums are spent on prevention and enforcement efforts. This diversion of funds and

resources takes away from other programs and services. Where graffiti is tolerated an assumption can be made by some that the community does not care and that more serious crimes, such as theft and assault may also go unchallenged, thus contributing to an unsafe feeling. The intent of this bylaw is to raise the profile of the detrimental effect that graffiti can have on our Town. This bylaw attempts to provide a shared responsibility to directly attack this problem. It may seem unfair to some that part of the onus for an anti-graffiti program is placed on property owners as well as commercial establishments that sell graffiti implements. The Board, however, with the support of the Graffiti and Vandalism Task Force, believes this is the only effective way to address this problem. Studies of this problem performed by various municipalities and police agencies throughout the nation support this approach. The Board urges an affirmative vote.

B. **Article 18 Bylaw Amendment/Data Processing Department**

VOTED: **That the Bylaws of the Town be and hereby are amended as follows:**

Article 5 Comptroller of Title I of the Bylaws be and hereby is amended by deleting Section G thereof, Custody of Equipment that provides as follows:

‘He shall be in charge of all accounting and business equipment owned by the Town other than equipment used for educational or classroom purposes.’

and further voted:

“That Article 12 Section 1 Data Processing Department be and hereby is deleted, which currently provides as follows:

“That the Town, pursuant to Section 23D of Chapter 41 of the General Laws, hereby establishes a consolidated town-wide Data Processing Department no later than December 31, 1982; and to give the Comptroller and Coordinator of Data Processing the management and Jurisdiction over such department; and that the School Committee and the Town Comptroller are authorized And agree to transfer all funds allocated to the operation of data processing in budgets under their jurisdiction to a consolidated data processing budget under the jurisdiction of the Comptroller and Coordinator of Data Processing; and that the Comptroller and Coordinator of Data Processing shall have the authority to organize said Data Processing Department by reallocating said data processing funds and establishing positions whenever applicable; and that the use of computer terminals by the School Department for instructional purposes will be guaranteed as a priority within the consolidated data processing department; and that the sum of \$36,000 be taken from available funds to educational usage; and that the Town Comptroller and Coordinator of Data Processing shall appoint a full-time Director of Data Processing who shall have day-to-day responsibilities for the department.”

and in place thereof the following is inserted:

Article 12

Section 1 Consolidated Information Technology Department

The Town, pursuant to Section 23D of Chapter 41 of the General Laws hereby establishes a consolidated town-wide Information Systems and Technology Department, which will be under the general supervision of the Town Manager. The Director of the Information Systems and Technology shall be appointed by the Town Manager. The Director of Information Systems and Technology shall see to the day-to-day responsibilities of the department.”

Section 2 Functions.

The functions of the Information Systems and Technology Department shall be considered as falling into three broad categories: (i) Town and School hardware, networking, telecommunications and software infrastructure support; (ii) Town and School Administrative Applications,

Implementation, Training and Support; and (iii) School Academic Applications Implementation, Training and Support. The first two categories shall be under the management of the Town Manager, and the third category shall be under the management of the Superintendent of Schools.

COMMENT: The Board in conjunction with the School Committee and the Superintendent of Schools has studied the most effective way of structuring the data processing functions of the Town, which functions are better characterized as its information systems and technology. The Board has heavily relied upon the recommendations to the Technology Advisory Board as established under Article 5 of Title II of the Bylaws. In our data driven society the importance of information systems and technology cannot be underestimated. The Board of Selectmen feels strongly that the profile of these functions should be raised to the level of a full department rather than continuing to be at a division level only of the Comptroller's office. Further, since the Town operates under a strong Town Manager form of government it makes more sense that this department report directly to the Town Manager. The Board agrees with the comment of the Finance Committee under Article 18, which statement strongly endorses this new approach. The Board urges support of its recommended vote.

C. **Article 31 Continued Transfer of Jurisdiction/Parmenter and Crosby Schools**

VOTED: **That the Town continues the transfer of jurisdiction of the Parmenter and Crosby Schools from the School Committee to the Redevelopment Board for the period of July 1, 2008 to June 30, 2011.**

COMMENT: The Parmenter and Crosby Schools have been rented under the auspices of the Redevelopment Board for several years with the permission of the School

Committee. Town officials are looking into the possibility of selling one or both of these schools with the proceeds to be put potentially towards the ongoing school renovation projects. This matter will be studied during the course of the next year and a proposal may be brought before the 2008 or a subsequent Annual Town Meeting. No sale can be consummated without Town Meeting approval. The continued transfer of jurisdiction will permit the continuation of the rental of these buildings. All Town officials will take into account in any consideration of a potential sale the impact that a sale would have on existing tenants, many of whom provide social or educational services.

D. **Article 73 Resolution/Welfare and Safety of Citizens**

VOTED: **“That the Town does hereby adopt the following resolution:**

WHEREAS, the Town of Arlington through its elected and appointed officials, has responsibility for the ongoing welfare and safety of its citizens; and

WHEREAS, these responsibilities include consideration of the impact of an adjacent community’s actions; and

WHEREAS, the Town of Belmont has a proposal to develop an area of adjacent land that will adversely impact Arlington resident; and

WHEREAS, the Arlington Town Planner has submitted to the Town of Belmont testimony that the adverse impact of such a development if it is approved affects Arlington’s citizens.

It is, therefore, resolved that the Town Meeting goes on record as registering its concerns in regard to the Belmont Uplands Project, if said project is approved without consideration by the Town of Belmont and the Project Developer of Arlington’s concerns as set forth in the testimony

of the Arlington Director of Planning and Community Development and a letter sent by the Board of Selectmen. Such concerns include the severe traffic impact on certain intersections and streets in the Town of Arlington especially in the vicinity of Lake Street, exacerbated by the lack of any traffic impact study, the dangers imposed to pedestrians and the potential for increased flooding due to inadequate storm water mitigation plans.

COMMENT: There is presently planned a 299 unit residential project in the Acorn Park area of Belmont. Although in Belmont it can only be accessed by way of Cambridge and Arlington streets. Both the Arlington Redevelopment Board and Selectmen believe that the project is simply too large for the location. The Traffic Consultant to Belmont's Zoning Board of Appeals only reviewed the affected intersections in Belmont despite the Town's repeated entreaties to consider the impact on Arlington streets. The roads used to access the project from Arlington cannot be improved. In addition, the proposed project has no interior green space, and the highly trafficked interior is likely to prove to be unsafe for pedestrians. The traffic mitigation plan established by the developer proposes a change to the time and sequence of traffic signals in Arlington. If implemented, they are likely to better serve the future residents of the development rather than present users of the intersections, many of whom are Arlington residents. Other concerns include inadequacies of the storm water damage mitigation plan. The Board led by Ms. Mahon and Mr. Hurd and former member, Mrs. Dias have attended various meetings in Belmont trying to get the attention of Belmont officials on these issues but to no avail. The Board asks Town Meeting to go on record as opposing the project if the developer and the Town of Belmont do not take into consideration the Town's concerns.