

SENATE No. 2304

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the town of Arlington to establish a separate account for proceeds from wireless communications antenna leases.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------------|-----------------------|
| <i>Kenneth J. Donnelly</i> | |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |

SENATE No. 2304

By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 2304) of Kenneth J. Donnelly and Sean Garballey (by vote of the town) for legislation to authorizing the town of Arlington to establish a separate account for proceeds from wireless communications antenna leases. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the town of Arlington to establish a separate account for proceeds from wireless communications antenna leases.

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

1 SECTION 1. (a) For purposes of this section, the term “Wireless antenna lease proceeds”
2 shall mean: (i) all proceeds for leases of real property by the town of Arlington for the erection of
3 wireless communication antennas or related structures under section 3 of chapter 40 of the
4 General Laws, chapter 44 of the acts of 1998 or any other general or special law; (ii) all proceeds
5 paid to the town of Arlington by the Massachusetts Water Resources Authority under section 112
6 of chapter 11 of the acts of 1997; and (iii) any other proceeds paid to the town of Arlington by
7 reason of leases of real property within the town for the erection of wireless communications
8 antennas and related structures.

9 (b) Notwithstanding section 53 of chapter 44 of the General Laws or any other general or
10 special law to the contrary, the town of Arlington may establish a special fund in the town
11 treasury into which shall be deposited all income derived from wireless antenna lease proceeds;
12 provided however that any wireless proceeds in excess of \$250,000 in a fiscal year shall be

13 deposited in the town's general fund and may be used for any purpose voted by the town. The
14 proceeds of the fund shall be used for the care, maintenance, upkeep, enhancement or
15 improvement of parks, playgrounds or other open space in the town of Arlington. The treasurer
16 of the town of Arlington may invest and reinvest such proceeds and place any interest in said
17 special fund. Any annual or special town meeting of the town of Arlington may appropriate
18 money from the fund only for such use as set forth in this section unless said town meeting votes
19 another use by a two-thirds margin. The town treasurer shall make an annual accounting of
20 funds from wireless antenna lease proceeds at each annual town meeting.

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