



TOWN WARRANT  
Town of Lexington  
Special Town Meeting

Commonwealth of Massachusetts

Middlesex, ss.

To any of the Constables of the Town of Lexington

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of the Town of Lexington qualified to vote in elections and in Town affairs to meet in the Margery Milne Battin Auditorium in Cary Memorial Building, 1605 Massachusetts Avenue, in said Town on Monday, November 19, 2012 at 7:30 p.m., at which time and place the following articles are to be acted upon and determined exclusively by the Town Meeting Members in accordance with Chapter 215 of the Acts of 1929, as amended, and subject to the referendum provided for by Section eight of said Chapter, as amended.

**ARTICLE 1**

**REPORTS OF TOWN BOARDS, OFFICERS, COMMITTEES**

To receive the reports of any Board or Town Officer or of any Committee of the Town, or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

**ARTICLE 2**

**AMEND FY2013 OPERATING, ENTERPRISE FUND AND  
COMMUNITY PRESERVATION BUDGETS**

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 4, 5 and 8 of the warrant for the 2012 Annual Town Meeting, to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by the tax levy, by transfer from available funds, from Community Preservation funds or by any combination of these methods; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This is an article to permit adjustments to current fiscal year (FY2013) appropriations of the general fund, enterprise funds and Community Preservation budgets.

**ARTICLE 3**

**ESTABLISH AND APPROPRIATE  
TO SPECIFIED STABILIZATION FUNDS**

To see if the Town will vote to appropriate sums of money to Stabilization Funds in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws for the purposes of: (a) Section 131 Zoning By-Law, (b) Traffic Mitigation, (c) Transportation Demand Management, (d) School Bus Transportation, (e) Special Education, (f) Center Improvement District; (g) Debt Service, (h) Transportation Management Overlay District (TMO-1) and (i) Avalon Bay School Enrollment Mitigation Fund; create and appropriate sums of money to one or more new Stabilization Funds in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws for the purposes of capital projects and/or debt service related thereto; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article proposes to establish and/or fund Stabilization Funds for specific purposes. Money in those funds may be invested and the interest may then become a part of the particular fund. The use of these funds may be appropriated for the specific designated purpose by a two-thirds vote of Town Meeting.

**ARTICLE 4**

**APPROPRIATE TO POST EMPLOYMENT  
INSURANCE LIABILITY FUND**

To see if the Town will vote to appropriate a sum of money to the Town of Lexington Post Employment Insurance Liability Fund, as established by Chapter 317 of the Acts of 2002, determine whether the money shall be provided by the tax levy, by transfer from available funds, including enterprise funds, or by any combination of these methods; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article will allow the Town to continue to fund its unfunded liability for post employment benefits for Town of Lexington retirees. Beginning with the FY2007 audit, the Town was required to disclose this liability. In preparation for funding this liability, Town Meeting voted to request special legislation to establish a trust fund for this purpose. This special legislation was approved in 2002.

**ARTICLE 5**

**ESTABROOK SCHOOL ACCESS IMPROVEMENTS**

To see if the Town will vote to raise and appropriate a sum of money for street, drainage, intersection and sidewalk improvements to Grove Street and Robinson Road in connection with the construction of the new Estabrook School, determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

FUNDS REQUESTED: \$1,500,000

DESCRIPTION: This article requests funding for the construction of street, drainage, intersection and sidewalk improvements to Grove Street and Robinson Road improve safety.

**ARTICLE 6**

**APPROPRIATE FOR NEW ESTABROOK SCHOOL**

To see if the Town will vote to appropriate an additional sum of money to demolish the existing Estabrook School and construct, originally equip and furnish a new Estabrook School to be located at 117 Grove Street to be expended under the direction of the Permanent Building Committee, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”); and to determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the project shall not exceed the lesser of (1) thirty-three and ninety-six hundredths percent (33.96%), which may potentially increase if, at the discretion of the MSBA, the Town receives any incentive reimbursement points, of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

*(Inserted by the Board of Selectmen at the request of the School Committee)*

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article will authorize additional funds to construct the new Estabrook Elementary School.

**ARTICLE 7**

**APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS**

To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated in prior years for the installation or construction of water mains, sewers and sewerage systems, drains, streets, buildings, recreational facilities or other capital improvements and equipment that have heretofore been authorized; determine whether the money shall be provided by the tax levy, by transfer from the balances in other articles, by transfer from available funds, including enterprise and community preservation funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This is an article to request funds for capital improvement project expenditures that exceed the level of appropriation.

**ARTICLE 8**

**APPROVE TIF AGREEMENT(S)**

To see if the Town will vote to: (a) adopt a Tax Increment Financing (“TIF”) Plan and Agreement pursuant to Massachusetts General Laws Chapter 40, Section 59 between Vistaprint USA, Incorporated (“Company”), 95 Hayden LLC (“Property Owner”) and the Town of Lexington (“Town”) for property located at 95 Hayden Avenue shown on Assessors' Map 17, Lot 22, within the proposed 95 Hayden Avenue Economic Opportunity Area (“EOA”), which TIF Plan and Agreement provide for real and/or personal property tax exemptions at the exemption rate schedule set forth therein, substantially in the form on file with the Board of Selectmen and the Town Clerk, subject to approval by the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts (“EACC”); (b) approve the project proposal, and find that the proposal meets the requirements of the Massachusetts General Laws Chapter 23A Section 3F and the applicable regulations at 402 C.M.R. 2.00, and authorize submission of same to the EACC for its approval, substantially in the form on file with the Board of Selectmen and the Town Clerk; (c) authorize the Board of Selectmen to execute the TIF Agreement, and approve the submission to the EACC of the TIF Plan and Agreement and Certified Project application and any necessary documents relating thereto, and to take such other actions as necessary or appropriate to implement the provisions of those documents; and (d) or act in any other manner in relations thereto.

*(Inserted by the Board of Selectmen)*

DESCRIPTION: This article will authorize the Board of Selectmen to enter into a Tax Increment Financing (TIF) Agreement with Vistaprint that will be locating at the 95 Hayden Avenue.

**ARTICLE 9**

**AMEND NON-CRIMINAL DISPOSITION BYLAW  
(CONSERVATION COMMISSION FINE SCHEDULE)**

To see if the Town will vote to amend Section 1-6 of the Code of the Town of Lexington (Non-Criminal Disposition) by changing the fine schedule for Chapter 145, Conservation Commission Rules and Regulations, or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen at the request of the Conservation Commission)*

DESCRIPTION: This article would amend the fines for non-criminal disposition (ticketing) for violations of Conservation Commission rules and regulations.

**ARTICLE 10**

**TOWN MEETING ELECTRONIC VOTING BYLAW**

To see if the Town will vote to amend Chapter 118 Section 17 (Voting) of the Code of Lexington to permit, as an additional method, the electronic casting, recording, display, and reporting of votes taken at Town Meeting; and to make other updating changes to that Section; or to act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen at the Request of the Town Meeting Members Association)*

DESCRIPTION: The proposed amendment adds electronic voting to the voting methods allowed at Town Meeting. Electronic voting allows individual Town Meeting Member's votes to be recorded and available for examination by constituents without the procedural overhead associated with manual roll-call votes. The amendment replaces the text of Chapter 118 Section 17 in its entirety to (1) permit electronic voting; (2) restructure the presentation of voting methods; (3) clarify language; and (4) modernize reporting methods.

And you are directed to serve this warrant not less than fourteen days at least before the time of said meeting, as provided in the Bylaws of the Town.

Hereof fail not and make due return of this warrant, with your doings thereon, to the Town Clerk, on or before the time of said meeting.

Given under our hands this 15<sup>th</sup> day of October 2012.

Deborah N. Mauger	Selectmen
Peter C.J. Kelley	
Norman P. Cohen	of
Hank Manz	
George A. Burnell	Lexington

A true copy, Attest:

Richard W. Ham, Jr.  
Constable of Lexington

Town of Lexington  
Lexington, MA 02420



**Warrant - Special Town Meeting – November 19, 2012**

WS CAR SORT  
POSTAL PATRON

LEXINGTON, MA