

TMMA Warrant Information Report



September 2016 Special Town Meeting 2016-5

This report has been prepared by the Town Meeting Members Association to provide information to Town Meeting Members concerning the articles of the warrants for Special Town Meeting 2016-5. TMMA thanks town officials, town staff, and members of boards and committees for their assistance in providing information for this report. Please note that all dollar amounts listed in this report are NOT final. The final dollar amounts will be provided in motions presented at the Special Town Meeting.

A special thanks goes to Elaine Ashton, Eph Weiss and Andy Friedlich for help with this report.

For updated information, please refer to the TMMA website at www.LexingtonTMMA.org

Please refer to the financial committees' reports for further information.

Conflict of Interest Guideline for Town Meeting Members

In 1976, Town Meeting adopted the following non-binding Conflict of Interest Resolution:

Resolved, that Town Meeting Members abstain from voting in any particular matter in which to his knowledge, he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has any economic interest in the particular matter under consideration.

Please note that Town Meeting Members are specifically excluded from the responsibilities posed by the State conflict of interest statute, Chapter 268A.

Notes

Please note that all dollar amounts listed in this report are NOT final. The final dollar amounts will be provided in motions presented at the Special Town Meeting.

Also note that the information provided in this report was current as of the publication date; some circumstances may have changed since then. See the TMMA web site for new and updated information.

Also note that the entire text of the Annual Town Meeting Warrant is included in this report. The Warrant text appears at the beginning of the write-up for each article and appears in 11-point italicized font. TMMA information appears in 12-point font.

Special thanks to:

Christopher Bing for the cover artwork

ARTICLE 2

LAND PURCHASE – 171-173 BEDFORD STREET

To see if the Town will vote to authorize the Selectmen to purchase or otherwise acquire, or take by eminent domain for municipal or school purposes, any fee, easement, or other interest in all or any part of land known as 171-173 Bedford Street and shown as Lot 76 on Assessor's Property Map 64, owned by the Liberty Mutual Insurance Company and to lease a portion of said land to Liberty Mutual Insurance Company or an affiliated entity thereof, subject to terms acceptable to the Selectmen; and for design, engineering and architectural services for plans and specifications and related costs; and to appropriate a sum of money therefor and determine whether the money shall be provided by the tax levy, by transfer from available funds, or 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 article requests funding to purchase the property at 171-173 Bedford Street for municipal or school purposes and for engineering services related to the potential uses of the property by the Town. The article also provides for Liberty Mutual to lease a portion of the building back from the Town if it needs to do so on a short-term basis while its new space is being completed.

TMMA OVERVIEW

The purchase of the Liberty Mutual building and property will provide the flexibility to use the site as "swing space" while the main fire station is replaced or renovated. The property could then be used to address the need for a new police station (see Article 5). The options are either to use it for "swing space" while the current police station is renovated, or to use it as the site of a new police station. Once the fire and police station needs are met, the property would then be available for future school or municipal needs.

An letter of intent between the Town and Liberty Mutual dated August 25, 2016 has an agreed upon purchase price of \$4,300,000 for the 2.77 acre property. A mutually satisfactory purchase and sale agreement to be executed five (5) days after the date of a Special Town Meeting vote authorizing the purchase on September 21, 2016.

The total requested appropriation includes:

Purchase Price	\$4,300,000
Legal Expense	35,000
Engineering/Traffic Study	85,000
Survey	15,000
Environmental	<u>40,000</u>
Total Requested	\$4,475,000

The timeline for the police and fire station projects is:

Dec. 2016	Close on purchase
Dec.-Mar. 2017	Engineering/Temporary Fire Headquarters
March 2017	Construction Funding of Temporary Fire HQ
March 2017	Design Funding of Fire HQ
March 2018	Design Funding of Police HQ
March 2018	Construction Funding of Temporary Police HQ
March 2019	Construction Funding of Police HQ

TMMA questions:

Question #1: Does using this site as swing space for the fire station mean 2 fire stations would have to be built/renovated?

ARTICLE 3

**SUPPLEMENTAL APPROPRIATION FOR MIDDLE SCHOOLS
– ADDITIONS AND REMODELING**

To see if the Town will vote to appropriate a sum of money, in addition to the amount voted under Article 2 of the Special Town Meeting 2016-3, for constructing, originally equipping and furnishing additions to the Clarke and Diamond Middle Schools and for remodeling, reconstructing and making extraordinary repairs to the existing Middle Schools, including original equipment and furnishings, and for the payment of all other costs incidental and related thereto; determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, as approved by the voters by referendum on May 3, 2016 pursuant to MGL Chapter 59, Section 21C; or by any combination of these methods; determine if the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of state aid; or act in any other manner in relation thereto.

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

FUNDS REQUESTED: unknown at press time

DESCRIPTION: Bids for the Middle School expansion project are due in early September. This Article is requested as a precaution in case bids exceed the amounts appropriated under Article 2 of Special Town Meeting 2016-3.

TMMA OVERVIEW

This article will be indefinitely postponed. With bids coming in less than what was approved at Special Town Meeting 2016-3, there is no need for an additional appropriation.

ARTICLE 4

**SUPPLEMENTAL APPROPRIATION FOR SCHOOL
FACILITIES CAPITAL PROJECTS**

To see if the Town will vote to appropriate a sum of money, in addition to the amount voted under Article 2 of Special Town Meeting-1 on November 2, 2015 for: the Fiske, Hastings and Harrington Elementary Schools and the Clarke and Diamond Middle Schools; for design, engineering and architectural services for these projects; and for the related remodeling, reconstruction or making extraordinary repairs to these or other school facilities; for the construction of the buildings, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair; determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, as approved by the voters by referendum on May 3, 2016 pursuant to MGL Chapter 59, Section 21C; or by any combination of these methods; determine if the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of state aid for such capital improvements; or act in any other manner in relation thereto.

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

FUNDS REQUESTED: unknown at press time

DESCRIPTION: Bids for the Elementary Schools modulars are due in August. This Article is requested as a precaution in case bids exceed the amounts appropriated under Article 2 of the November 2, 2015 Special Town Meeting.

TMMA OVERVIEW

Due to increasing demand for modular classrooms and escalating costs, six modular classrooms will cost an estimated \$4.429m, or \$1.430m more than the initial estimate of \$2.915m for design, site prep, and acquisition of the modular classrooms. For a detailed analysis of the supplemental appropriation, please read the extensive reports of the Appropriation Committee and the Capital Expenditures Committee.

These modular classrooms are the only current option for additional space at the elementary level before the anticipated completion of the new Hastings Elementary with nine additional classrooms.

What are the modular classrooms to be used for?

Bowman, Bridge and Fiske Elementary Schools are currently over capacity and are in great need of space. These classrooms will provide space for ELL, Special Education services, and small instructional space for a variety of programs. They will not be used for additional classroom sections, rather to relieve the current need for space at each of the three elementary schools.

Didn't redistricting last spring alleviate the need for space at Bridge, Bowman and Fiske?

Redistricting students did offer some relief to these three schools, but the need for space remains, particularly as enrollment will continue to grow over the course of the school year.

ARTICLE 5

APPROPRIATE FUNDS FOR POLICE STATION FEASIBILITY STUDY

To see if the Town will vote to appropriate a sum of money for studying the feasibility of siting, constructing and equipping a new police station; determine whether the money shall be provided by the tax levy, by transfer from available funds, or 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: \$65,000

DESCRIPTION: This article is to request funding for evaluating potential sites for a police station.

TMMA OVERVIEW

Approval of this article will fund a study of the options for a new or renovated police station. These include:

- 1) Updating, renovation and expanding the police station at the current address in which case the Liberty Mutual property would be used as swing space during construction, or,
- 2) Building a new station at the Liberty Mutual property.

The requested amount is based on the cost of similar work done in the past. For approximate cost estimates of the options, funding will bring the Town through the study phase but not to the design phase .

ARTICLE 6

AMEND FY2017 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 2016 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 article allows for adjustments to the current fiscal year (FY2017) appropriations, as approved at the 2016 Annual Town Meeting.

TMMA OVERVIEW

Making adjustments to current year budgets has become a customary practice at fall Special Town Meetings. The article allows revenue sources used to support budgets appropriated at the Annual Town Meeting to be revised and specific line items to be amended. The source of funding for this article is unallocated General Fund revenue and unallocated tax levy revenue.

Revenue sources approved at the Annual Town Meeting were based on best estimates at the time. The proposed revenue adjustments based on the latest information are:

- 1) Increasing the Property Tax Levy from \$161,138,273 to \$161,338,273. The \$200,000 increase results from revising the tax levy "New Growth" from \$2.5m to \$2.7m. New Growth may well exceed \$3m but revised Assessors Department projections will not be available until after the September Special Town Meeting.
- 2) Increasing State Aid from \$11,804,630 to \$13,317,118. The \$1,512,488 increase is from the final Cherry Sheet data from the FY 2017 State Budget approved by the Legislature. \$1.46m of the increase is attributable to increased Chapter 70 aid.
- 3) Decreasing Revenue Offsets from \$1,943,061 to \$1,653,068. Most of the \$289,993 change results from not needing a snow set-aside in case a FY2016 snow deficit materialized.

Expense increases for individual line items include:

- 1) An increase of \$6,250 for the Town Clerk's Office to cover costs related the increased number of elections.
- 2) With \$4,500 having been approved at the Annual Town Meeting to cover the costs of "Misc. Boards and Committees", a \$30,000 increase has been requested by the Vision 20/20 Committee for a Town Demographic Survey. It will measure changes in attitude on issues covered by prior surveys and investigate concerns with emerging issues in the community.
- 3) The Economic Development Office requests \$22,460 to cover the cost of the Alewife to Hartwell "Rev Shuttle" in the event that private funding commitments do not materialize.
- 4) An increase of \$65,000 for the Police Station Feasibility Study (see Article 5).

The revised revenue projections less the expense changes results in a net increase of \$1,878,771. This amount will be appropriated to the Capital Stabilization Fund under Article 7.

Enterprise Fund adjustments are:

- 1) Decreasing the MWRA Wastewater Assessment from \$7,311,103 to \$7,265,870, a savings of \$45,233 based on final assessments approved by the MWRA Board after the Annual Town Meeting.
- 2) Decreasing the MWRA Water Assessment from \$7,378,622 to \$7,349,661, a savings of \$28,961.

These changes will be considered when water and wastewater rates are recommended to the Board of Selectmen in later September.

The adjustment to the Community Preservation budget is:

- 1) Appropriating \$40,000 to the CPA Debt Service account. CPA funds have been identified which will allow the Bond Anticipation Note (BAN) issued to fund the final stages of the renovations to the Community Center to be retired. This is being done rather than converting the BAN to a bond issue in February.

ARTICLE 7

**ESTABLISH AND APPROPRIATE TO AND FROM
SPECIFIED STABILIZATION FUNDS**

To see if the Town will vote to create, amend, rename and/or appropriate sums of money to and from Stabilization Funds in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws for the purpose of: (a) Section 135 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), (i) Avalon Bay School Enrollment Mitigation Fund, and (j) Capital; and 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 and to appropriate funds therefrom. Money in those funds may be invested and the interest may then become a part of the particular fund. These funds may later be appropriated for the specific designated purpose, by a two-third vote of an Annual or Special Town Meeting, for any lawful purpose.

TMMA OVERVIEW

At the 2007 Annual Town Meeting, various stabilization funds were created as repositories for money to be reserved for later use for specific purposes as appropriated at subsequent Town Meetings. Additional stabilization funds were approved in 2008 and 2012, including the Capital Stabilization Fund. Funds received by the Town since the last Town Meeting for purposes designated under any of the existing specified stabilization funds are recommended for appropriation into those funds under this article.

Per negotiated zoning agreements between the Town and Watertown Savings Bank as-well-as the Inn at Hastings Park and Avalon Bay, the article requests an appropriation to:

Transportation Demand Management Stabilization Fund	\$46,420.38
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Of the \$46,420, \$1,000 was paid by the Inn at Hastings Park, \$3,99 was paid by the Watertown Savings Bank and Avalon Bay contributed \$42,421.38.

Given the anticipated revenue exceeding the expense adjustments covered in Article 6, the article requests and appropriation to:

Capital Stabilization Fund	\$1,878,771
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TMMA Questions:

Question #1: What are the current balances of our stabilization funds?

Answer #1: As of 7/30/16, the balances of the various stabilization funds are:

TDM	\$163,766
Traffic Mitigation	\$147,401
School Bus	\$18
Spec Ed	\$1,078,170
Center Improvement	\$86,872
Debt	\$771,446
TMOD	\$98,164
Avalon Bay School Enroll.	\$45
Capital	\$16,015,947

Summary of Parliamentary Procedures

Rules of order for the conduct of Town Meeting business are Article V of the Town Bylaws. Where rules are not dictated by statute, Bylaw or tradition, Robertsø Rules of Parliamentary Practice govern. The Town Moderator serves as Parliamentarian.

Rules of Debate

No person may speak more than once on a question if others who have not previously spoken desire to speak. No person may speak more than ten minutes at any one time without being again recognized by the Moderator.

Without first obtaining permission of the meeting, no member may speak more than twice on any issue except to correct a mistake or to make an explanation. If, however, a motion contains distinct sections dealing with dissimilar subjects which get discussed and amended separately (as is the case in Article 4) this rule of speaking once applies only to each new section and not the entire motion. Also, speaking to an amendment does not count as time toward speaking to the main motion.

Interrupting Debate

A speaker may be interrupted for:

1. a POINT OF ORDER where a member has a question about the procedures or the proceedings. The Moderator then rules on the question raised.
2. a NOTICE OF RECONSIDERATION of an article which has been previously debated and voted upon.
3. a PRIVILEGED MOTION which may be to recess, adjourn or a question of privilege.

Closing Debate

Debate may be closed by MOVING THE PREVIOUS QUESTION. It is NOT DEBATABLE. The Moderator then asks "Shall the main question now be put?" or "Shall the question on the amendment now be put?" If a majority is in favor, debate ends. (See Practices and Procedures)

The Main Motion

A main motion is made under each article by a Town Meeting member. The Moderator states "The motion is the one before you dated . . . and on file with the town clerk." The Moderator summarizes the motion; the proposing member then states I so move. Usually the wording of the motion differs from the wording of the article printed in the warrant in that more information is given, specific action requested and the amount and source of funding specified. The motion cannot exceed the scope of the warrant article. By custom no second is required. A copy of each main motion is provided to each Town Meeting member and projected on a screen for those in the audience and viewing at home on Cable TV.

Amending the Motion

A main motion may be amended, but the amendment cannot exceed the scope of the article. An amendment may be amended only once before being put to a vote. A substitute motion is an amendment which replaces the entire original motion. A simple majority carries an amendment, and it then becomes part of the main motion. An amendment is a subsidiary motion and is governed by the limits on debate as set forth below.

Subsidiary Motions

A person may speak only once for no longer than three minutes on a subsidiary motion. Debate is limited to ten minutes except for an amendment which may be debated for 30 minutes unless changed by vote of Town Meeting. Subsidiary motions are listed below in order of precedence.

1. TO LAY UPON THE TABLE or TO TAKE FROM THE TABLE—the former means to end debate on the question to such time as a member moves to "take from the table" and resume debate. Both are NOT DEBATABLE.
2. TO MOVE THE PREVIOUS QUESTION is used to close debate and put the main motion and, or, an amendment to a vote. NOT DEBATABLE.
3. TO CLOSE THE DEBATE AT A SPECIFIED TIME sets a limit to the length of debate. To date this has been rarely used in Lexington.)
4. TO POSTPONE TO A TIME CERTAIN is to postpone action until a specified time or a specific article has been acted upon.
5. TO COMMIT, OR RECOMMIT, OR REFER sends the article to a specified Town board, committee or commission for further consideration, usually with directions to report to a future session of the meeting or to a future Town Meeting.
6. TO AMEND.

7. TO POSTPONE INDEFINITELY means to dismiss the article from consideration by the current Town Meeting. It kills the article and is often used by the article sponsors when they have decided not to bring the matter up before the meeting.

Votes

A QUORUM (100 members) is assumed and all votes valid, unless a member rises to doubt the quorum before the results of the vote on a motion have been declared, and a count shows that fewer than 100 members are present.

If a MOTION is readily susceptible of DIVISION it may be divided and a vote taken on each part separately if the Moderator deems best or 25 members present so request.

A SIMPLE MAJORITY VOTE is required for most articles. The Moderator will announce when more is required, e.g., the two-thirds required for eminent-domain land takings, zoning Bylaws and bond-issue authorizations.

Usually a voice vote is called first. A standing vote is called if the Moderator is in doubt or if 20 members stand to question the Moderator's interpretation of the voice vote for a question requiring a majority, or if seven members stand for a question requiring a two-thirds vote. The tellers (currently the precinct clerks) report the count to the Town Clerk and the Moderator who announces the votes as they are reported from each precinct.

A RECORDED VOTE is taken if requested by 50 or more members. The recorded vote may be by roll call or in writing. In the latter case a list of the members is circulated in each precinct. Members record their votes in the appropriate places and affix their signatures beside their names. The recorded votes are posted in the Town Office Building within 24 hours and remain there for two weeks.

Reconsideration of Motions

A member MUST SERVE NOTICE OF RECONSIDERATION OF AN ARTICLE AT THE SAME SESSION OF THE MEETING AND WITHIN 30 MINUTES OF THE VOTE. Any member may serve notice. The member stands at their seat and says "Mme./Mr. Moderator, I serve notice or reconsideration of Article . . ." and the Clerk records the fact and time. The Moderator usually allows the server of the notice to make the actual motion for reconsideration if he/she chooses, but any other member may do so if the server does not. Debate on a motion to reconsider is limited to 30 minutes, and no one may speak for more than FIVE minutes at one time nor more than once without leave of the meeting. When a motion of reconsideration is decided that decision shall not be reconsidered and no question shall be twice reconsidered. Reconsideration is not permitted for motions to adjourn, the previous question, to lay or take from the table, and to close debate at a specified time.

Dissolution of the Meeting

The motion to dissolve the meeting is made by the Selectmen after all the articles in the warrant have been acted upon.

Please consult the [Town Meeting in Lexington](#) handbook to review Lexington Town Meeting Practices and Procedures.

