

March 2008

This report has been prepared by the Town Meeting Members Association to provide information to Town Meeting members concerning the articles of the warrant for the Town Meeting beginning March 19, 2008. The TMMA is grateful for the cooperation of the officials and employees of the town who have provided information used in preparing this report. The following people participated in research, composition, editing and proofreading:

Marsha Baker
Vicki Blier
Gloria Bloom
Norm Cohen
Jean Cole

Jon Cole
Jim Courtemanche
Andrew Friedlich
Margaret Heitz

Arthur Katz
David L. Kaufman
Alan Lazarus
James Osten

Edith Sandy
Frank Sandy
Francine Stieglitz
Loren Wood

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

Town Meeting Members Association, Lexington, Massachusetts

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.



Special thanks to:

Christopher Bing for the cover artwork.

*Deet's Coffee and Tea for their
generous donation of coffee and supplies
for the edit session*

Table of Contents

Financial Articles	1
Article 4	Appropriate FY2009 Operating Budget 1
Article 5	Appropriate FY2009 Enterprise Funds Budgets 6
Article 6	Appropriate for Senior Service Program 8
Article 7	Appropriate for Street Trees..... 9
Article 8	Continue and Approve Departmental Revolving Funds 10
Article 9	Appropriate the FY2009 Community Preservation Committee Operating Budget and CPA Projects.....11
Article 10	Land Purchase – Off Marrett Road 21
Article 11	Land Purchase – Off Hartwell Avenue 22
Article 12	Land Purchase – Off Lowell Street..... 23
Article 13	Land Purchase – Off Cedar Street and Hartwell Avenue 24
Article 14	Appropriate for Recreation Capital Projects25
Article 15	Appropriate for Municipal Capital Projects and Equipment 26
Article 16	Appropriate for Water Distribution Improvements..... 33
Article 17	Appropriate for Sewer Improvements 34
Article 18a-d	Appropriate for School Capital Projects and Equipment..... 35
Article 19	Appropriate for Public Facilities Capital Projects 38
Article 20	Appropriate for Affordable Housing Purposes 44
Article 21	Appropriate Money – Laconia Street 44
Article 22	Appropriate for Post-Employment Benefits..... 45
Article 23	Rescind Prior Borrowing Authorizations 46
Article 24	Appropriate to Specified Stabilization Funds 47
Article 25	Appropriate for Stabilization Fund 48
Article 26	Appropriate for Prior Years’ Unpaid Bills 49
Article 27	Amend FY2008 Operating Budget..... 49
Article 28	Appropriate for Authorized Capital Improvements..... 50
Article 29	Use of Funds to Reduce the Tax Rate 51
General Articles.....	52
Article 30	Amend General Bylaw – Stormwater 52
Article 31	Amend General Bylaw – Excavation and Trench Safety 53
Article 32	Amend General Bylaw – Abatement of Interest 54
Article 33	Amend General Bylaw – Terms of Certain Contracts..... 55
Article 34	Amend Non-Criminal Disposition Bylaw 56
Article 35	Amend General Bylaw – Deputy Moderator 58
Article 36	Amend General Bylaws – Snow/Ice Removal 59
Article 37	Amend Tree Bylaw 61
Article 38	Moderator Rulings Subject to Appeal 62
Article 39	Amend General Bylaw – Tourism Committee 63
Article 40	Double Utility Poles 63
Article 41	Municipal Electric Utilities 65
Article 42	Resolution – Climate Change 66
Article 43	Resolution – Petroleum Supply Impacts..... 67

Article 44	Reconfirm Votes Petitioning the General Court.....	68
Article 45	Sale of Land to Abutter.....	70
Article 46	Accept Gift of Land – Schumacher Family.....	71
Article 47	Accept Gift of Land – Wheaton Family.....	72
Article 48	Munroe School Disposition.....	73

Zoning/Land Use Articles.....74

Article 49	Zoning Bylaw, Special Permit Residential Development.....	74
Article 50	Zoning Bylaw, Height of Buildings and Structures.....	77
Article 51	Zoning Bylaw, Associate Planning Board Member.....	78
Article 52	Amend Zoning Bylaw – CRS Zone - 303, 311-325 Woburn Street, 400 Lowell Street	79
Article 53	Amend Zoning Bylaw – CM District Floor Area Ratio.....	81
Article 54	Amend Zoning Bylaw – Mixed Uses in CM District	84
Article 55	Amend Zoning Bylaw – CRO District Floor Area Ratio.....	86
Article 56	Amend Zoning Bylaw – Traffic Bylaw	87
Article 57	Amend Zoning Bylaw – Development Standards	88
Article 58	Amend Zoning Bylaw – Transition Areas And Setbacks	89
Article 59	Amend Zoning Bylaw – Parking and Bicycle Facility Standards for Office Use.....	90
Article 60	Amend Zoning Bylaw – Parking Standards for Retail Sales	92

Town Meeting Members Association Bylaws.....94

Summary of Parliamentary Procedures.....96

Financial Articles

Article 4 Appropriate FY2009 Operating Budget

Sponsor: Board of Selectmen

To see if the Town will vote to make appropriations for expenditures by departments, officers, boards and committees of the Town for the ensuing fiscal year and determine whether the money shall be provided by the tax levy or by transfer from available funds, including any revolving or special funds, including enterprise funds, or by any combination of these methods; or act in any other manner in relation thereto.

DESCRIPTION: This article requests funds for the FY2009 (July 1, 2008 – June 30, 2009) operating budget. The operating budget includes the school and municipal budgets. The operating budget also includes requests for funds to provide salary increases for employees, including salaries negotiated through collective bargaining negotiations. The budget also includes certain shared costs. Appendix A lists by account FY2007 expenditures, FY2008 appropriations and FY2009 proposed appropriations. Please note that figures for FY2007 and FY2008 have been restated to reflect the revised FY2009 presentation.

School Expenses

1. Changes from FY 2008.

Personnel Notes:

Facilities Department: Formed in July, 2007, this department merges all school and municipal custodians, maintenance personnel, and facility administration. Facility expenses have been removed from the school budget and also from the budget of last year so that year-to-year comparisons can be made. Effective July 1, 2008, it will become its own stand-alone department within the Town's budget structure. (Pg 9-12 of Superintendent's Proposed, Level-Service Budget, dated 12/14/2007.)

Technology: Restructured in FY 2008; FTE changes reflect that restructuring.

Substitutes: For reporting purposes now combined with Nurses Substitutes line for long-term teacher substitutes.

Crossing guards: Those positions are being moved to the Police Department effective July 1, 2008.

2. Special Education Mandates. (Pg 2-3 of Superintendent's Proposed, Level-Service Budget, dated 12/14/2007.)

A major change has been development of in-house programs so that more SPED students could be retained within our school system rather than sent to out of district schools. This change has resulted in a major savings from reduction of transportation and tuition costs within the FY08 school budget. The final FY08 surplus from special education and other items surplus is not known but will be between \$500,000 and \$1.7 million.

The School Committee intends to commit between \$350,000 and \$700,000 of the surplus to Special Education stabilization funds in the following manner:

- 1). The School Committee will ask the Town Meeting to reduce its FY08 budget by \$350,000 and then move to deposit the money in a new Special Education Stabilization Fund. As with other stabilization funds, deposits and withdrawals require a two-thirds vote of Town Meeting.
- 2). It was also resolved by the School Committee on February 11 that if there are additional surpluses, at least \$350,000 will be left unspent and will flow to free cash at the end of FY08. At a subsequent Town Meeting, the School Committee will advocate that that extra \$350,000 also be deposited to an appropriate stabilization fund: either the SPED stabilization fund or to a new stabilization fund meant to stabilize non-override years.
3. **References:** see the school website: <<http://lps.lexingtonma.org>> for information about the school programs and reports. This site has a wealth of information about the schools.

Questions

1. **Are we being too conservative in making the FY09 budget? Could some of the surplus be used to re-establish programs such as elementary school language or high school science?**
2. **What steps are we taking to close a reported achievement gap? Is there a comprehensive plan to do so? To what extent is the school system pursuing the recommendations (p37 et seq.) of the report?**
3. **How will all-day Kindergarten be funded?**
4. **What is the ultimate funding goal for the SPED stabilization fund?**

Municipal Expenses

Overview

The Municipal operating budget and shared expenses of \$66,243,587 for FY 2009 proposed by the Town Manager's budget document represents a 5.57% increase over the amount appropriated for FY 2008. Of this amount, the Municipal Operating Budget is \$26,441,041 which represents a 5.03% increase over FY 2008. Budgeted Shared Expenses are \$39,802,546, a 5.80% increase from the prior year. Under Shared Expenses, Employee Benefits and Debt Service figures include the expenses related to School Department employees and capital projects. **In FY 2008, the expenses related to the Water, Wastewater and Recreation Enterprise Funds were separated from the municipal operating budget and shared expenses and are now approved by Town Meeting under Article 5. As has been done for the last two years, Revolving Fund projected revenues have been offset from the appropriate elements. This impacts elements 3300, 3400, 3500, 4100, 4200, 6000, 7100 and 8140 and is reflected under Article 8.**

Questions

1. **What policy tradeoffs had to be made to maintain a level-serviced budget without needing additional operating override revenue?**
2. **Some communities have decreased their contribution to employee health insurance premiums and have increased salaries so that it is budget neutral in the first year. With health insurance expenses increasing at an annual rate faster than employee salaries, is the town studying this for the 2010 negotiations?**
3. **With the increase in the Uninsured Loss Account (2170) being funded by one-time proceeds from prior insurance claims, is this a continuing expense which will require funding from a future operating override?**

SHARED EXPENSE & MUNICIPAL BUDGET CHANGES - - FY2008 - FY2009					
per Town Managers' Budget 1-14-08		FY 2008	FY 2009	\$ UP/ \$ DOWN)	NOTES & HIGHLIGHTS
Program #	NAME	Appopr.(000)	Recomm'd(000)		
2100	Employee Benefits	\$ 24,669.0	\$ 26,562.5	\$ 1,893.5	
2110	Contributory Retirement	3,449.3	3,446.2	(3.0)	Funded by both the Town and its employees
2120	Non-Contrib. Retirement	41.0	42.0	1.0	For retired employees who began employment prior to 19
2130	Health Benefits	19,869.5	21,895.0	2,025.6	Projected 10.19% increase
2140	Unemployment Benefits	375.4	100.0	(275.4)	For eliminated positions & involuntary seperation from To
2150	Workers' Compensation	300.2	311.6	11.4	Equivalent of workers' comp. for uniformed fire & police
2160	Property & Liability Insur.	583.6	629.2	45.6	\$34.5K for an additional \$2m in additional coverage
2170	Uninsured Losses	50.0	138.4	88.4	Funded by one-time proceeds from prior insurance claims
2200	Debt Service	3,798.1	4,002.5	204.4	
2210	Within-Levy Debt - Prin.	2,834.0	3,110.0	276.0	Related to street improv., school projects & Lincoln Park
2220	Within -Levy Interest	703.8	663.7	(40.1)	Based on projects approved by TM
2230	Within-Levy Temp. Borr.	260.3	228.8	(31.5)	Short-term borrowing helps reduce debt costs
2300	Reserve Fund (2310)	469.9	550.0	80.1	Appopr.Comm.approves transfers from this fund
2400	Public Facilities	8,639.8	8,687.5	47.7	
2410	Education Facilities	7,224.5	6,800.5	(424.0)	The Department of Public Facilities is a new department
2420	Municipal Facilities	1,415.3	1,364.3	(51.0)	with 4 divisions - Custodial Services, Facilities Maintenanc
2430	Shared Facilities	0.0	522.7	522.7	Project Management and HVAC/Building Systems
TOT.2000	TOT. SHARED EXPENSES	\$ 37,576.8	\$ 39,802.5	\$ 2,178.0	5.80% increase over the prior year
3100	D.P.W.Oversight	\$ 1,363.6	\$ 1,422.7	\$ 59.1	
3110	DPW Administration	475.4	494.6	19.2	Level staffed from prior year
3120	Engineering	523.3	541.8	18.5	Level staffed from prior year
3130	Street Lighting	365.0	386.3	21.4	Performed by Forestry Div. staff and outside contractor
3200	Highway Administr.	2,096.5	2,187.2	90.6	\$88.5k incr. - electricity, paving materials, outsource repa
3210	Highway Operations	883.0	898.7	15.7	Level staffed from prior year
3220	Road Machinery	603.3	643.3	40.0	Level staffed from prior year
3230	Snow Removal	610.2	645.2	34.9	50% performed by private contractors
3300	Public Grounds	1,341.1	1,391.2	50.1	
3310	Parks	815.9	838.1	22.1	Parks, playgrounds, conservation, athletic fields, recr. etc
3320	Forestry	247.8	252.8	5.0	Other departmental expenses reflected in Article 8
3330	Cemetery	277.3	300.3	23.0	Other departmental expenses reflected in Article 8
3400	Environmental Services	2,526.6	2,564.1	37.5	
3410	Refuse Collection	725.0	725.0	0.0	Curbside collection of non-recyclable solid waste
3420	Recycling	1,162.2	1,174.2	11.9	Other departmental expenses reflected in Article 8
3430	Refuse Disposal	639.4	665.0	25.6	For disposal at the waste-to-energy facility in Andover
3500	Transportation	621.9	631.7	9.8	
3510	LEXPRESS	494.9	499.6	4.7	Additional \$80k from MBTA subsidy
3520	Parking Operations	127.0	132.1	5.1	Maintains the mix of long-term and short-term parking
3600	Water Enterprise	6,623.8	7,249.7	625.8	Expense is recognized under Article 5
3710	Water Operations	1,646.3	1,899.2	252.8	
3720	MWRA	4,117.8	4,529.6	411.8	
	Indirect Costs	859.7	821.0	(38.8)	Article 5 does not incl. Indirect expenses
3700	Sewer Enterprise	7,517.2	8,046.2	529.0	Expense is recognized under Article 5
3810	Sewer Operating	1,149.0	1,137.7	(11.4)	
3820	MWRA	5,630.9	6,194.0	563.1	
	Indirect Costs	737.3	714.5	(22.8)	Article 5 does not incl. Indirect expenses
TOT.3000	COMMUNITY SERV.	\$ 7,949.7	\$ 8,196.9	\$ 247.1	Does not include Articles 5 and 9 expenses
4100	Law Enforcement	\$ 4,737.6	\$ 5,020.8	\$ 283.2	
4110	Police Administration	1,065.4	1,102.2	36.8	Level staffed from prior year
4120	Patrol & Enforcement	2,523.0	2,602.6	79.6	Level staffed from prior year
4130	Parking Meter Maint.	68.7	68.4	(0.3)	Funding is through parking receipts, not tax levy
4140	Investigation/Prevention	548.0	560.1	12.1	Minuteman SRO paid via grant-off budget
4150	Combined Dispatch	510.4	528.2	17.8	Level staffed from prior year
4160	Animal Control	22.1	24.5	2.4	Level staffed from prior year
4170	Crossing Guards	0.0	134.7	134.7	New account
4200	Fire Services	4,705.8	4,750.4	44.7	
4210	Fire Administration	251.4	262.3	10.9	Directs fire suppression personnell, manages budgets
4220	Fire Prevention	169.0	167.3	(1.7)	Code enforcement, public education and permits
4230	Fire Suppression	4,153.3	4,155.7	2.3	Increase for overtime and salary step increases
4240	Emergency Medical Serv.	127.0	155.2	28.1	Increase for supplies and equipment, amb. billing mut. aic
new 4250	Emergency Management	5.0	10.0	5.0	For maint. of "reverse 911" emergency commun. system
	PUBLIC SAFETY	\$ 9,443.4	\$ 9,771.2	\$ 327.9	

Program #	NAME	FY 2008 Apppr.(000)	FY 2009 Recomm'd(000)	\$ UP/ (DOWN)	NOTES & HIGHLIGHTS
5100	Cary Memorial Libr.	\$ 1,873.1	\$ 1,864.0	\$ (9.1)	
5110	General Services	405.5	412.1	6.6	Library administration staff
5120	Adult Library	1,126.4	1,106.6	(19.8)	.3 FTE decrease
5130	Children's Library	341.2	345.3	4.1	Level staffed from prior year
5200	Recreation	1,792.0	1,851.2	59.2	Expense is recognized under Article 5
5210	Recreation Activities	1,030.3	1,059.6	29.3	
5220	Pine Meadows Golf Course	505.9	516.2	10.3	
	Indirect Costs	255.8	275.4	19.6	Article 5 does not incl. Indirect expenses
TOT.5000	CULTURE & RECR.	\$ 1,873.1	\$ 1,864.0	\$ (9.1)	Does not include Articles 5 expenses
6100	Council on Aging	\$ 566.8	\$ 605.1	\$ 38.3	
6110	Administration & Outreach	169.9	171.7	1.9	Facility limitations still major issue
6120	Program	121.6	151.3	29.7	Grants,users,donors fund congregate meals& meals on w
6130	Adult Day Care	275.4	282.1	6.7	Level staffed from prior year
6200	Social Services	195.3	200.6	5.4	
6210	Human & Veterans Services	72.0	73.3	1.3	Provides living,medical and dental costs on long-term bas
6220	Services for Youth	54.2	56.9	2.7	Intervention, case mngmt. & coord. of services
6230	COA Support Sevices	54.2	55.6	1.3	In-home assessment, crisis intervention, health monitor p
6240	Developmentally Disabled	14.8	14.8	0.0	Level funded
TOT.6000	SOCIAL SERVICES	\$ 762.1	\$ 805.8	\$ 43.7	
7100	Office of Community Devl.	\$ 879.9	\$ 985.3	\$ 105.4	
7110	Building & Zoning	375.9	433.5	57.6	\$38.9K for add. FT Building Inspector to start Jan. 1, 2009
7120	Regulatory Support	169.6	176.8	7.2	Support for Board of Appeals, HDC & other boards & corr
7130	Conservation	129.5	150.8	21.3	Level staffed from prior year
7140	Public Health	205.0	224.3	19.3	Level staffed from prior year
7200	Planning Dept. (7210)	214.7	224.8	10.1	Level service budget
7300	Economic Development	224.5	232.0	7.5	
7310	Econ. Dev. Office	80.6	80.6	0.0	Level staffed from prior year
7320	Liberty Ride	137.0	143.1	6.1	Incr. Mainly due to higher fuel costs
	Battle Green Guides	6.9	8.3	1.4	Due to incr. In the minimum wage
TOT.7000	INSP.SER.& COM.DEV	\$ 1,319.2	\$ 1,442.1	\$ 123.0	
8100	Board of Selectmen	\$ 501.5	\$ 508.9	\$ 7.5	
8110	Board of Selectmen	145.0	151.9	7.0	Due to salary step and audit expense increases
8120	Legal	350.0	350.0	0.0	Level service budget
8130	Town Report	6.5	7.0	0.5	Incr. cost of printing the Town Report
8140	LCTV	400.0	400.0	0.0	Expense is recognized under Article 8
8200	Town Manager	1,099.5	1,532.4	432.9	
8210	Administration	503.6	535.5	31.9	Level staffed from prior year
8220	Human Resources	138.5	126.8	(11.6)	Human resource director funded by FY2007 override
8230	Salary Adjustment	457.4	870.0	412.6	For anticipated collective bargaining settlements
8300	Town Committees	35.2	35.7	0.5	
8310	Finance Committees	1.5	1.5	0.0	To cover committee expenses
8320	Misc. Boards & Comm.s	4.7	4.7	(0.0)	Provides funding for committee reports & youth awards
8330	Public Celebrations Comm.	29.0	29.5	0.5	Due to increased costs for Patriot's Day events
8400	Finance	1,299.4	1,338.3	39.0	
8410	Comptroller	540.8	552.6	11.8	Level staffed from prior year
8420	Revenue	280.7	283.9	3.2	Salary step increases and contractual adjustments
8430	Assessor	413.1	435.2	22.1	Salary step increases and contractual adjustments
8440	Utility Billing	64.8	66.6	1.9	
8500	Town Clerk	404.5	396.1	(8.3)	
8510	Town Clerk Admin.	232.0	241.1	9.1	Level staffed from prior year
8520	Board of Registrars	17.1	17.5	0.4	Level service budget
8530	Elections	113.9	102.2	(11.7)	One less election in 2009 than 2008
8540	Records Mngmnt	41.5	35.4	(6.2)	Level staffed from prior year
8600	MIS(8610)&Web Dev.(8620)	485.8	549.6	63.8	For salary step increases and hardware replacement
TOT.8000	GENERAL GOV'T.	\$ 3,825.8	\$ 4,361.1	\$ 535.2	
GRAND TOTAL: Programs 2000		\$ 62,750.1	\$ 66,243.6	\$ 3,493.5	SHARED EXPENSES & MUNICIPAL BUDGET- 5.57 % i
GRAND TOTAL: Programs 3000		\$ 25,173.3	\$ 26,441.0	\$ 1,267.8	MUNICIPAL OPERATING BUDGET - 5.03% increase

Article 5

Appropriate FY2009 Enterprise Funds Budgets

Sponsor: Board of Selectmen

To see if the Town will vote to appropriate a sum of money to fund the operations of the DPW Water and Wastewater Divisions and the Recreation Department; determine whether the money shall be provided by the estimated income to be derived in FY2009 from the operations of the related enterprise, by the tax levy, by transfer from available funds, including the relevant enterprise fund, or by any combination of these methods; or act in any other manner in relation thereto.

Funds Requested

Enterprise Fund	FY2007 Actual	FY2008 Appropriated	FY2009 Requested
1. Water			
Personal Services	\$558,368	\$585,708	\$611,101
Expenses	\$679,714	\$569,900	\$463,845
Debt Service	\$358,301	\$490,833	\$850,688
MWRA Assessment	\$4,032,517	\$4,117,775	\$4,529,553
Total Water Enterprise Fund	\$5,628,900	\$5,764,216	\$6,455,187
2. Wastewater			
Personal Services	\$240,146	\$245,512	\$253,970
Expenses	\$473,405	\$430,272	\$385,565
Debt Service	\$333,899	\$473,256	\$508,237
MWRA Assessment	\$5,633,833	\$5,630,873	\$6,193,960
Total Wastewater Enterprise Fund	\$6,681,283	\$6,779,913	\$7,341,732
3. Recreation			
Personal Services	\$498,234	\$571,546	\$610,063
Expenses	\$832,833	\$960,668	\$959,525
Debt Service	\$172,013	\$ 3,917	\$ 6,200
Total Recreation Enterprise Fund	\$1,503,080	\$1,536,131	\$1,575,788

DESCRIPTION: Under Massachusetts General Laws Chapter 44, Section 53F1 / 2, towns may establish Enterprise Funds for a utility, health care, recreation and transportation facility, with its operation to receive related revenue and receipts and pay expenses of such operation. This article provides for the appropriation to and expenditure from three enterprise funds previously established by the Town.

Changes to the Water Enterprise fund budget from FY2008 reflect a \$125,000 reduction in the PILOT payment to the General Fund and an estimated increase for the MWRA assessment. Debt service includes projects previously approved by Town Meeting and the projects proposed at this Town Meeting (Article 16).

Changes to the Wastewater Enterprise fund budget from FY2008 reflect a \$62,500 reduction in the PILOT payment to the General Fund and an estimated increase for the MWRA assessment. Debt service includes projects previously approved by Town Meeting and the projects proposed at this Town Meeting (Article 17).

Changes to the Recreation Enterprise fund budget from FY2008 reflect contractual salary increases, utility increases and supplies and materials for recreation programs.

Overview

Article 5 approves appropriation and expenditure from the Water, Wastewater and Recreation Enterprise Funds. FY 2009 represents the third year in which the enterprise fund budgets have been separated from the general expenses of the municipal operating budget. This was done to allow for greater transparency and to improve accounting functions for the funds. FY 2009 is the third year in which PILOT charges being assessed to the enterprise funds are being phased out as directed by the Board of Selectmen.

Questions

- 1. Given the prior problems with Water and Wastewater charges, water meters with outside indicators began being installed last year to improve billing accuracy. Do all households now have the updated water meters?**
 - 2. Since the MWRA assessments in the budget are projections, when will the better preliminary numbers be received from MWRA? In prior years their Board has finalized the assessments in June.**
 - 3. When the Recreation Enterprise Fund debt service decreased from \$172,000 to \$4,000, expenses went up by approximately \$130,000. Does this represent moving the debt cost to the expense account.**
-

Article 6 Appropriate for Senior Service Program

Funds Requested: \$45,000

Sponsor: Board of Selectmen

To see if the Town will vote to raise and appropriate a sum of money for the purpose of conducting a Senior Service Program, to be spent under the direction of the Town Manager, to authorize the Board of Selectmen to establish and amend rules and regulations for the conduct of the program, 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.

DESCRIPTION: In FY2007, the Town established its own Senior Tax Work Off Program which provided more flexibility than the state program in assisting low-income seniors and disabled residents in reducing their property tax bills. This article requests funds to continue the program.

Overview

A vote of the 2006 Town Meeting rescinded the Town's acceptance of a State local option property tax law that allows low-income seniors to work for the Town in exchange for a reduction in their property tax bills. It further voted to replace this State program with a program of our own called the Senior Tax Work Program that enables both low-income seniors and disabled residents to reduce their tax bills. As a result of these actions, last year the hourly rate earned under the program was increased from the \$6.75 allowed under the State program to \$8.50. The State-allowed maximum amount that could be earned was increased to \$850 from \$750. Given the success of the program, an additional \$5,000 is being requested over the FY 2008 amount.

This article requests funds to continue the program.

Questions

- 1. Is it anticipated that all of the \$40,000 approved for FY 2008 will be expended? If not, what will be rolled over to FY 2009?**
 - 2. How many people have participated in the program this year and what is the projected demand for FY 2009?**
 - 3. Are the people who work under this program considered to be Town employees?**
 - 4. What is the eligibility? Are there maximum hours of work?**
 - 5. Are they paid the same rate as if they were part-time Town employees?**
-

Article 7

Appropriate for Street Trees

Funds Requested: \$24,000

Sponsor: Board of Selectmen at the request of the Tree Committee

To see if the Town will vote to appropriate a sum of money to plant 70 street trees to replace those that are removed each year; 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.

DESCRIPTION: Each year the town loses on net about 70 public street trees. The funds requested would provide for the purchase and planting of 70 street trees to compensate for this loss of trees.



Questions

1. Do we buy all the trees?

Yes. We have started an experimental growing area, but it does not have mature trees yet.

2. Do gifts to the Tree Fund help with street trees?

Not significantly. Memorial trees are usually planted in other locations.

3. Should the town budget have a line for replacement trees, rather than a separate article?

Perhaps. The article makes the request more visible.

4. Do the requested funds cover planting costs?



Article 8

Continue and Approve Departmental Revolving Funds

Sponsor: Board of Selectmen

To see if the Town will vote, pursuant to Chapter 44, Section 53E1/2, of the Massachusetts General Laws, to authorize the use of revolving fund accounts in FY2009 for the following programs and purposes, to determine whether such revolving fund accounts shall be credited with the following departmental receipts, to determine whether the following boards, departments or officers shall be authorized to expend amounts from such revolving fund accounts, and to determine whether the maximum amounts that may be expended from such revolving fund accounts in FY2009 shall be the following amounts or any other amounts; or act in any other manner in relation thereto:

Funds Requested

Program or Purpose	Authorized Representative or Board to Spend	Departmental Receipts	FY2009 Authorization
DPW Burial Containers	Public Works Director	Sale of Grave Boxes and Burial Vaults	\$35,000
DPW Compost Operations	Public Works Director	Sale of compost and loam, yard waste permits	\$252,000
LexMedia Operations	Board of Selectmen and Town Manager	License fees from cable TV providers	\$400,000
Trees	Board of Selectmen	Gifts and fees	\$20,000
Minuteman Household Hazardous Waste Program	Public Works Director	Fees paid by consortium towns	\$175,000
Health Programs	Health Director	Medicare reimbursements	\$7,000
Council on Aging Programs	Social Services Director	Program fees and gifts	\$100,000
School Bus Transportation	School Committee	School bus fees	\$830,000
Public Facilities Revolving Fund	Director of Public Facilities	Building rental fees	\$191,000

DESCRIPTION: A revolving fund established under the provisions of Massachusetts General Laws Chapter 44, Section 53E1/2 must be authorized annually by vote of the Town Meeting. The fund is credited with only the departmental receipts received in connection with the programs supported by such revolving fund, and expenditures may be made from the revolving fund without further appropriation.

Article 9 Appropriate the FY2009 Community Preservation Committee Operating Budget and CPA Projects

Sponsor: Board of Selectmen at the request of the Community Preservation Committee

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY2009 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations, for the administrative expenses of the Community Preservation Committee for FY2009; for the acquisition, creation and preservation of open space – including land for recreational use; for the acquisition, preservation, rehabilitation and restoration of historic resources; and for the creation, preservation and support of community housing; to appropriate additional funds for such approved projects and determine whether the money shall be provided by the tax levy, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

Funds Recommended:

- a) Survey and Define Affordable Housing Assistance Programs – \$25,000;
- b) Belfry Hill Tree Restoration – \$9,850;
- c) Hancock-Clarke House Restoration – \$600,000;
- d) Old Reservoir Management – \$60,000 (\$55,000 from CPA funds and \$5,000 from Recreation Fund retained earnings);
- e) Vynebrook Village Windows – \$158,686;
- f) Archive Record Management and Conservation – \$150,000;
- g) Parker Manor Condo Purchases – \$652,800;
- h) Senior Center Design, Renovation and Expansion – unknown at press time;
- i) Harrington Pre-School Playground – \$75,000;
- j) School Administration Building/Old Harrington – \$400,000 (\$330,000 from CPA funds and \$70,000 from free cash);
- k) Town Office Complex Building Envelope – \$95,000;
- l) East Lexington Fire Station – \$47,500;
- m) ADA Accessible Bathrooms and Signs for Town Office Building – \$70,000;
- n) Town Office Building Use Study and Renovation Design – \$100,000;
- o) Stone Building Renovation – unknown at press time;
- p) Land Acquisition – unknown at press time;
- q) Munroe Fire Prevention System Replacement – \$579,550 (CPC vote pending); and
- r) Administrative Expenses – \$50,000.

DESCRIPTION: This article requests that Community Preservation Funds and other funds, as necessary, be appropriated for the projects recommended by the Community Preservation Committee and for administrative costs.

General Questions, relevant to all articles

1. **How much funding is available for CPC projects in FY09?**

There will be approximately \$4.3 million available in FY09, assuming a conservative 60% CPA match from the state. There is also \$5.6 million in unappropriated CPA funds from prior years, for a total of \$9.9 million available for appropriation. At press time, the total funds requested from the projects in Article 9 is \$3 million (although costs for some projects were not available at the time the warrant was published.)

2. **What standard is used to determine if a building is “historical”? Is the standard different if the building under consideration is town owned vs. privately owned?**

Buildings are deemed historical by being listed in the state register of historical places or by vote of the Lexington Historical Commission. The criteria used are the same for public and privately-owned buildings. The CPC has no authority to independently determine whether properties are historic. For funding purposes, the CPC considers ownership. If a building is privately held, there must be a substantial public benefit associated with a project to warrant expenditure of taxpayer funds. All buildings under consideration for CPA historic preservation funds in FY09 are either listed in the state register or have been deemed historic by a vote of the Lexington Historic Commission.

3. **Have all FY09 CPA requests been fully reviewed and qualified by Town Counsel?**

All projects have been reviewed and approved by Town Counsel.

Article 9(a)

Survey and Define Affordable Housing Assistance Programs Funds Requested: \$25,000

CPC Category: Housing

This project application was submitted by the Lexington Housing Partnership and LexHAB.

This request is to fund a survey of towns that already have used CPA funds to develop and implement a homebuyer assistance program. The information obtained from this survey would be used to develop a Statement of Objectives and summary of how to develop such a program in Lexington. Lexington currently supports an affordable housing model based on rental rather than ownership such as the units owned by Lexhab and the Housing Authority. Another outcome of this study would

be to overcome perceived complexities of an ownership program, which were identified from a previous study (funded by the Housing Partnership and Lexington Housing Foundation).

This project would be co-managed by LexHAB and the Housing Partnership. Funds would be used if consultant or legal services are required. If funds are not needed, they will not be spent. This request amends an earlier request for \$470,000 to establish a Lexington Homebuyer Assistance Program.

Article 9(b)

Belfry Hill Tree Restoration Funds Requested: \$9,850

CPC Category: Open Space, Historic

This project application was submitted by the Lexington Tree Committee

The project will restore a high open shade forest on the north and northwestern section of Belfry Hill by removing densely invasive tree species (Norway maples) and replacing them with more widely-spaced native tree species (Northern Red oak, White oak, Sugar Maple, Hickory, etc.) This project will also restore the view between the Bell Tower and Town Green/Buckman Tavern and preserve Belfry Hill as an open park space. A professional tree company will remove the Norway maples in the late fall and replant with native trees early in the following spring. Volunteers have already created an in-depth tree inventory, identifying the trees that need to be removed or saved, thereby reducing the cost of the project. The Tree Committee will also provide professional landscape design services, further reducing the project cost. Two thousand dollars of the total request will be used in 2010 for a second year of residual Norway maple sapling removal and care of new planted trees.

Question

1. Does the town have funds to maintain the trees beyond the life of this CPA grant?

The DPW staff will maintain the trees beyond the years covered by the grant, with occasional help from Tree Committee volunteers.

Article 9(c)

Hancock-Clark House Restoration Funds Requested: \$600,000

CPC Category: Open Space, Historic

This project application was submitted by the Lexington Historical Society

The Lexington Historical Society has restored and maintained a number of historical sites, including the Hancock-Clark house, Munroe and Buckman Taverns, the Old Belfry and Lexington Depot. The Hancock-Clark house requires a complete restoration to address a number of structural, accessibility and systems problems. The restoration project includes strengthening the connection between the two main

sections of the house, stabilizing deficiencies in the framing, replacement of inappropriate roofing materials, refurbishing the basement, upgrade of flashing and waterproofing, incorporating “period-appropriate” full wheelchair accessibility compliant features, exterior painting, integrated climate control, updated fire detection system, and code-compliant electrical work. Bids have been solicited and an architect has been retained. Total estimated cost of the project is \$1.3 million. Renovation will begin in March 2008 and completed over the course of a year. The balance of the project will be funded through a grant-writing and/or a community capital campaign.

Questions

1. Will proceeds from the recent sale of historic weathervane (\$850,000) be used for the Hancock-Clarke renovation project?

The Society will use \$200,000 of these proceeds to fund the Hancock-Clark restoration. The balance of funds from this sale will be used for other Society projects, including the acquisition of Follen Church Communion silver and to create a fund for future projects related to physical assets under the society’s stewardship.

2. Could the CPA request be reduced by \$200,000?

The society learned that two anticipated funding sources would not available for the project. Given the ongoing financial obligations related to the maintenance of the properties under their stewardship, the Society hopes for full CPA funding of their request.

Article 9(d)

Old Reservoir Management Funds Requested: \$55,000

CPC Category: Recreation

This project application was submitted by the DPW and Recreation Department

This project funds a number of improvements to the old reservoir, primarily related to flood control. The deteriorating gatehouse, where the water level controls are located, will be repaired and relocated. The retention pond will be dredged to increase holding capacity. The fence will be replaced, improving safety and aesthetics. The improvements will help control periodic flooding, reduce the risk of downstream property damage and provide for a safer, more visually appealing facility to town residents. Pending Town Meeting approval, the project will begin in Summer 2008.

Article 9(e)**Vynebrook Village Windows
Funds Requested: \$158,686****CPC Category: Housing**

This project application was submitted by the Lexington Housing Authority

The project would replace windows at Vynebrook Village, a 48-unit elderly/handicapped low rent apartment complex owned by the LHA. The existing windows have outlived their lifespan, are increasingly difficult to repair, difficult for seniors to open and close, and highly energy inefficient. Replacing the windows will result in a warmer living environment and reduce utility costs. The full project cost is \$187,686 and the balance will be funded by the LHA.

Question**1. Have other sources of funding (federal/state) been explored?**

The project is not eligible for federal funding, as Vynebrook is not a federal development, while limited state funding is only available for situations of dire needs. Low rents and high utility costs at Vynebrook leave limited LHA funds for capital improvement projects.

Article 9(f)**Archive Records Management & Conservation
Funds Requested: \$150,000****CPC Category: Historic**

This project application was submitted by the Town Clerk

This is the first of what is likely to be a four-year request to fund a comprehensive plan for preservation and conservation of Town records, some dating back to the 18th century. A preliminary assessment by Northeast Document Conservation Center estimates total cost of preservation at approximately, \$600,000 including microfilming and digitization. Microfilming and digitizing the records would increase access to these records, and would allow for a virtual exhibit during 2013, the 300th anniversary of the Town's incorporation. Prior CPA requests have funded climate control and shelving improvements to the Town's main storage vault. The funds would be used for preservation/conservation services, hardware and software, creation of electronic records, and associated equipment and supplies.

Article 9(g)**Parker Manor Condo Purchases
Funds Requested: \$652,800****CPC Category: Housing**

This project application was submitted by Lexington Housing Assistance Board (LexHAB)

LexHAB provides rental housing to low and moderate income individuals and fam-

ilies. Rents are based on income and assets, and consideration is given to whether or not a prospective tenant has a Lexington connection. LexHAB recently purchased three two-bedroom condos in Parker Manor as rental units to add to their stock of rental units. The total purchase price of the three units was \$816,000, and LexHAB requests funds to pay off the balance of the mortgages (the remainder was paid by LexHAB as downpayment, purchase fees and monthly mortgage payments since the purchase). LexHAB owns 56 units, 46 of which count toward the Town's 40B 10% affordable housing requirements. These Parker Manor units will likely eventually qualify as well. Before the purchase of these condos, LexHAB had accumulated reserves of close to \$1 million. LexHAB hopes to use this reserve, along with potential future CPA requests, for future purchases, particularly the 26 low and moderate subsidized units at Katahdin Woods, for which the Town has the rights of first refusal when these units become available on the Market. Replenishing reserves allows for greater resources for these future purchases.

Question

1. Does LexHAB continue to build houses?

In the past, LexHAB built one or two family houses on Town-owned lots, with help from the Rotary Club and Minuteman Vocational/Technical School. At the present time, there are no available town-owned lots suitable for building. LexHAB has therefore supplemented their housing stock through purchases.

Article 9(h)

Senior Center Design, Renovation, Expansion Funds Requested: TBD

CPC Category: Historic

This proposal was submitted by Social Services Department

This is the first of a two-year proposal to request funds to study, design, renovate and construct two centers for Council on Aging programs. [A future capital override would be required to fund the majority of construction costs for the Center.] CPA funds could only be used for historic preservation portion of the request (the renovation of the existing historic spaces, not the construction of new space). Programmatic space requirements have already been developed by the Council on Aging. The 2009 CPA funds would be for the conceptual design study to renovate the existing Muzzey space for the Adult Day Care program and to renovate and build onto the White House, former location of the School Administration. Approximately 18,000 sq. ft, would be located at the present White House site and 9,400 sq. ft at the existing Muzzey site. A feasibility study to assess the viability of a two campus model, funded by last year's Town Meeting, will be completed by the end of March 2008.

The CPC will not vote on this project until the feasibility study is complete.

Questions

1. Are other options being actively investigate for the Senior Center?

2. Will town Boards have sufficient time to review the feasibility study in advance of Town Meeting?

There is concern that town financial boards will have insufficient time to thoroughly review this proposal in advance of Town Meeting.

Article 9(i)

**Harrington Pre-School Playground
Funds Requested: \$75,000**

CPC Category: Recreation

This proposal was submitted by School Department

This proposal would fund the construction of a developmentally appropriate playground at the Harrington Elementary School, which is the site of Lexington's pre-school programs for children with special needs. The preschool playground was not included in the plans when Harrington was built, and the existing Harrington elementary school playground is not appropriate for 3-5 year olds. To date, \$20,000 in private funding has been raised over two years, and the CPA grant would fund the balance. This project qualifies for funding as it creates a recreational space where none existed before.

Article 9(j)

**School Administration Building/Old Harrington
Funds Requested: \$330,000**

CPC Category: Historic

This proposal was submitted by School Department

This proposal would fund some improvements to the Old Harrington School, currently occupied by the School Administration, including central air conditioning, construction of reception and conference areas, carpeting, and electrical and file system upgrade. Minimal modifications were made to the space when the School Administration relocated last summer. The window air conditioning units do not adequately cool or ventilate the spaces. Construction of partitions would more efficiently utilize space while upgrade of electric systems would allow for more efficient placement of office equipment. The school administration is anticipated to use the space for the next three to five years. Approximately 40 staff will be located in the building.

Questions

- 1. Will any of the modifications make it difficult to use the building for swing space, if needed, during reconstruction of other schools?**
- 2. Has the School Administration decided to permanently relocate to old Harrington?**

**Article 9(k) Town Office Complex Building/Envelope
Funds Requested: \$95,000**

CPC Category: Historic

This proposal was submitted by the DPW

This request would fund repair/replacement of gutters, downspouts (\$75,000) and new storm windows (\$20,000) for the Town Office Building and Cary Hall.

**Article 9(l) East Lexington Fire Station
Funds Requested: \$47,500**

CPC Category: Historic

This proposal was submitted by the DPW

This request would fund a new air conditioning system (\$29,500) and new storm windows (\$18,000) for the East Lexington Fire Station.

**Article 9(m) ADA Accessible Bathrooms and
Signs for Town Office Building
Funds Requested: \$70,000**

CPC Category: Historic

This proposal was submitted by the DPW and Committee on Disabilities

This request would fund two fully ADA accessible bathrooms, with signage, next to the Recreation Department in the Town Office Building. This is the highest priority project for the Committee on Disabilities.

**Article 9(n) Town Office Building Use Study and Renovation Design
Funds Requested: \$100,000**

CPC Category: Historic

This proposal was submitted by the Town Manager

This request would fund a building use study, along with design documents and an estimate of costs to improve the Town Office Building. (The building was built in 1929, and the rear wing in 1971.) The move of the DPW to the new facility presents an opportunity to assess how the building could be used to maximize efficiency and effectiveness for both staff and town residents. The study will also determine what changes are needed for the building to comply with current building and safety codes. Requests to the Town and CPA for construction and renovation would be made in future years.

Article 9(o)**Stone Building Renovation
Funds Requested: TBD****CPC Category: Historic**

This proposal was submitted by the Library

The Stone Building, built in 1833 and sold to the Town in 1891, is currently used as the East Lexington Branch Library and is a registered National Historic Landmark. Use of the building, per the Deed, is restricted to a branch library, public reading room, public art museum, meeting place for classes, public lectures or another other purpose consistent with Library's mission. The building was closed in August 2007, due to extensive flood damage. The Library Trustees are currently awaiting the results of a comprehensive study evaluating possible uses for the building and a report on the damages to the building from the flooding. Once these studies are complete, the Library Trustees must decide how to proceed and the associated costs.

Some people, including former library trustees, report that the deed allows sale of the property with proceeds used for purposes consistent with the Library's mission.

Question**1. When will the studies be complete?**

The studies should be complete by the end of the first quarter of 2008. A public meeting will be held to discuss the recommendation

Article 9(p)**Land Acquisition
Funds Requested: TBD****CPC Category: Open Space**

This proposal was submitted by Community Development

This is a placeholder to acquire and preserve parcels of land in Lexington. No specific property is available at the current time.

Article 9(q)**Munroe Fire Prevention System
Funds Requested: \$579,550****CPC Category: Historic**

This proposal was submitted by the Fire Department

See Article 19 (j)

Article 9(r)

**Administrative Expenses
Funds Requested: \$50,000**

CPC Category: Historic

This proposal was submitted by the CPC Committee

CPC Committees are allowed to fund administrative expenses related to the CPC program from the CPA fund. Expenses include legal, newspaper ads for public hearings, administrative support, office expenses, and membership in the Community Preservation Coalition. Unspent funds are returned to the CPA fund at the end of the year.

Question

- 1. Do other Town committees receive comparable funds for administrative support?**

Article 10 Land Purchase – Off Marrett Road

Funds Requested: Unknown at Press Time

Sponsor: the Board of Selectmen at the Request of the Community Preservation Committee

To see if the Town will vote to authorize the Conservation Commission to purchase or otherwise acquire, and authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, any fee, easement, or conservation restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws, or other interest in all or any part of land shown as lots 90B and 60B on Assessors' Property Map 31, now or formerly of Cataldo; and appropriate a sum of money therefor and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Community Preservation Fund, or by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

DESCRIPTION: This article requests Community Preservation funds to purchase open land off Marrett Road adjacent to currently owned Town land.



This land, known as the Cotton Farm, consists of about 10 ¼ acres west of Tricorne road for 500-600 feet along Marrett Road. There is currently a house on the property. It abuts the Upper Vinebrook Conservation Land and is across Marrett Road from Dunback Meadow. This property is part of the Conservation Commission's long-range plan. Acquisition of this land would improve access to the Upper Vinebrook land, and extend the greenbelt from Highland Avenue to Marrett Road. Conservation restrictions on part of the property would preserve the scenic vista along Marrett Road.

It is not known at this writing how much of the land is intended to be purchased outright, and how much will be placed under conservation easement. Negotiations are on-going, and an appraisal is expected around the third week of February.

Question

1. What sort of conservation restrictions are envisioned – development restrictions or public access easements or a combination?

It is premature to discuss the restrictions, but the commission would like to purchase a strip of land on the west side of the property. This land would improve access to the Upper Vine Brook conservation area, provide for parking, and broaden the green space connection to, and provide parking access for, Dunback Meadows across Marrett Road.



Article 11 Land Purchase – Off Hartwell Avenue

Funds Requested: Unknown at Press Time

Sponsor: Board of Selectmen at the Request of the Community Preservation Committee

To see if the Town will vote to authorize the Conservation Commission to purchase or otherwise acquire, and authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, any fee, easement, or conservation restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws, or other interest in all or any part of land shown as lot 2 on Assessors' Property Map 80, now or formerly of Pacific Partners Realty Trust; and appropriate a sum of money therefor and determine whether the money shall be provided by tax levy, by transfer from available funds, including the Community Preservation Fund, or by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

DESCRIPTION: This article requests Community Preservation funds to purchase open land off Hartwell Avenue.



This land consists of about 14 ½ acres that are landlocked by wetland. It is part of Tophet Swamp. The property is also part of the Conservation Commission's long-range plan. It is located between Hartwell Avenue and Rte. 128, between where Maguire Road and Hartwell Place intersect Hartwell Avenue with frontage on Hartwell Avenue nearer to Maguire Road, and is under the power lines. Acquisition of the property is intended to protect Tophet Swamp—being a wetland is no longer an iron-clad guarantee that a property will not be developed!

The property may lie along the route of the proposed West Lexington Greenway, but there are no other current plans to construct access to this area for passive recreation.

Question

- 1. Why is it necessary to purchase the land in order to protect the wetland from development? Isn't the fact that it is a wetland surrounded by wetland protection enough?**

Zoning and wetland access may change over time. Although the Conservation Commission has jurisdiction over wetlands that does not guarantee the land will be fully protected in the future. Acquisition of the land by the town Conservation Commission means that the land is protected in perpetuity and in view of its present encumbrances may be acquired at a reasonable cost.

- 2. If the land is necessary for the W. Lexington Greenway, would having it belong to the Conservation Commission prevent construction of a trail?**



Article 13 **Land Purchase** **– Off Cedar Street and Hartwell Avenue** **Funds Requested: Unknown at Press Time**

Sponsor: Board of Selectmen at the Request of the Community Preservation Committee

To see if the Town will vote to authorize the Conservation Commission to purchase or otherwise acquire, and authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, any fee, easement, or conservation restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws, or other interest in all or any part of land shown as lots 6A and 8 on Assessors' Property Map 73, now or formerly of Goodwin; and appropriate a sum of money therefor and determine whether the money shall be provided by tax levy, by transfer from available funds, including the Community Preservation Fund, or by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

DESCRIPTION: This article requests Community Preservation funds to purchase open land off Cedar Street and off Hartwell Avenue.



This article actually refers to two separate parcels, both owned by Goodwin. Both parcels are part of the Conservation Commission's long-range plan.

One parcel of about 10.7 acres is adjacent to the land described in Article 11, between that property and Route 128. It is dry, but landlocked by wetlands, and has no street frontage. It is being acquired to protect the wetland. Like the Article 11 parcel, it may also lie in the path of the proposed West Lexington Greenway.

The other parcel is 9 ½ acres in Meagherville, near Cedar Street. It is landlocked by wetlands, by Conservation land, and by the Pine Meadows Golf Course. It is being acquired to extend our conservation holdings in this area, to protect the wetland from potential development.

Questions

- 1. Why is it necessary to purchase the land in order to protect the wetland from development? Isn't the fact that it is a wetland surrounded by wetland protection enough?**

See response under Article 11.

- 2. In the case of the Meagherville parcel, isn't the fact that it is entirely surrounded by Town-owned land protection enough?**

This land is in one of the Town's large continuous tracts of open space. It is important that the land remain open, without barriers to wild life or passive recreation. Although this land is currently land locked zoning and other types of regulations could affect the property in the future.



Article 14 Appropriate for Recreation Capital Projects

Funds Requested: \$177,000

Sponsor: Board of Selectmen at the request of the Recreation Committee

To see if the Town will vote to appropriate a sum of money for the following Recreation Department capital improvements:

- a) Center Complex Restroom Renovation; and
- b) Park Improvements – Athletic Fields;

and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Recreation Enterprise Fund, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

DESCRIPTION:

- a) **Center Complex Restroom Renovation – \$77,000:** To renovate the restroom facility at the Center Recreation Complex on Park Drive. The renovation will include replacing the building roof, interior and exterior painting, and installing new restroom fixtures, plumbing, interior lighting and interior and exterior doors.
- b) **Park Improvements (Athletic Fields) – \$100,000:** To improve the condition of the Bridge School athletic fields, including grading, improvement of drainage and replacement of backstops.

Questions

a) Center Complex Restroom Renovation – \$ 77,000

- 1. When are the restrooms open?**
During daylight hours.
- 2. Who maintains and cleans the building?**
DPW staff.
- 3. Will there be heat in the restrooms during the winter?**
No, it will be a three-season facility.

b) Park Improvements (Bridge School Athletic Fields) – \$100,000

- 1. Will there be any significant change to the layout?**
No, the article seeks to restore existing uses.
 - 2. When will the work be done?**
Probably in the fall. There will be a bidding process first.
 - 3. Why is the cost is greater than last year's Bowman field improvements?**
More area is covered. There are two baseball fields and backstops, rather than one.
 - 4. What is the expected lifetime?**
10 to 15 years for the fields, and 20 years for the backstops.
-

Article 15 Appropriate for Municipal Capital Projects and Equipment

Funds Requested: \$3,410,350 + amount to be determined

Sponsor: Board of Selectmen

To see if the Town will vote to appropriate a sum of money for the following capital improvements:

- a) Woburn Street Reconstruction;
- b) DPW Equipment Replacement;
- c) Sidewalk Improvements;
- d) CBD Sidewalks;
- e) GIS Implementation Plan;
- f) Storm Drain Improvements;
- g) Hydrant Replacement Program;
- h) Street Improvements;
- i) Traffic Mitigation;
- j) Replacement of Rescue 2;
- k) Police/Fire Mobile Computerization;
- l) Permit Tracking Software;
- m) Town/School Phone Needs Assessment; and
- n) Head End Equipment Replacement;

and determine whether the money shall be provided by the tax levy, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; to 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.

DESCRIPTION:

- a) **Woburn Street Reconstruction – \$700,000:** This project is for complete reconstruction of Woburn Street and new granite curb and sidewalks, for approximately 7,000 linear feet from Mass. Ave. to Lowell Street. Design of this project is in process as a result of \$120,000 approved at the 2007 annual town meeting. Total construction costs are projected at \$1.4 million of which \$700,000 requires appropriations by town meeting. The remaining \$700,000 will be funded with Chapter 90 grant funds.
- b) **DPW Equipment Replacement – \$510,000:** The Department of Public Works annually assesses its equipment needs which includes the identification of existing pieces that need replacement and the identification of new equipment needed to respond to changing operational demands. Funds for the following pieces of equipment are requested for FY09:
 - 1. Cat Loader - \$217,000;
 - 2. Two Holder tractors - \$144,000;
 - 3. Stump grinder - \$30,000;
 - 4. F450 dump truck with stainless steel sander body - \$75,000
 - 5. Toro Mower with snow package - \$44,000.

- c) **Sidewalk Improvements – \$275,000:** This request is to rebuild and/or repave as necessary existing asphalt sidewalks throughout town that are in poor condition, and to construct new bituminous sidewalks and granite curbing. Sidewalk projects will be chosen from the Selectmen’s Sidewalk Committee’s Master Plan each year. All work will be ADA compliant.
- d) **CBD Sidewalks – \$370,000:** This request will fund the third of five phases of sidewalk reconstruction in the Central Business District. Phase 3 will reconstruct sidewalks on both sides of Muzzey Street from Massachusetts Avenue to the municipal lot.
- e) **Geographic Information System (GIS) – \$184,350:** This request is the second year of a three-year plan to develop a GIS system for the Town of Lexington. The recommendations for the size, scope and cost of Lexington’s system are the result of a Town-wide GIS needs assessment done in 2006 by Applied Geographic, a GIS consulting firm, that included a cost study for hardware, software, map and data inventories, and provided an implementation plan.
- f) **Storm Drain Improvements – \$160,000:** This request will provide funds to repair drainage systems associated with the annual street improvement program, and to repair/replace existing deteriorated drainage structures.
- g) **Hydrant Replacement Program – \$50,000:** Lexington has 1,500 fire hydrants in its fire protection system. Hydrants must be replaced periodically to ensure proper operation during fire suppression to protect buildings and infrastructure in Lexington. This is the second request in a replacement program to purchase and install 25 fire hydrants per year.
- h) **Street Improvements – \$525,000:** This request is for the annual street resurfacing program to maintain and repair Lexington’s streets, increasing their quality and safety. The request includes funding for 13,000 linear feet of roadway, and also the resurfacing of the parking lot behind the Town Office Building. The following streets are on the preliminary list for FY09: Byron Avenue, Lockwood Road, Rhodes Road, Marshall Road, Fessenden Way, Bowker Avenue, Fern Street, Hibbert Street, Moon Hill Road, Moreland Avenue, Audubon Road, and Shade Street.
- i) **Traffic Mitigation – \$50,000:** This is the second of four requests planned to support activities of the Traffic Mitigation Group. These funds will be used to collect data, perform analyses, review proposals and make recommendations for traffic improvements town wide. There are 14 Town owned traffic signal installations, and several locations where signals may be considered in the future. Projects will be developed and construction costs will be estimated for future capital requests.
- j) **Replacement of Rescue 2 – \$200,000:** Funds are requested to replace Rescue 2, currently the backup ambulance for the community. Rescue 2 has gone more than 100,000 miles, operating continuously since being obtained by the Lexington Fire Department in 2002 as the primary ambulance. If approved for funding, this vehicle will become the primary ambulance and the other ambulance (currently Rescue 1) will become the secondary ambulance and be expected to respond to 750 calls per year.
- k) **Police/Fire Mobile Computerization – \$156,000:** This is a joint proposal by the Police and Fire/EMS Departments. The project is designed to improve the technology available to first-responder units. Most fire vehicles currently do not have access to computers, and police cruisers contain lightweight Dell laptops that cannot withstand constant use in a mobile environment. New durable, accessible laptops will

allow all first-responders to have access to GIS and the Internet to aid the delivery of emergency services.

- l) **Permit Tracking Software – \$100,000:** This request is for a new software system that will provide the Town of Lexington with a cost-effective means of integrating, automating and managing the various permit, license, and development processes, and provide fast, easy access to all parcel and project information. Currently, there is no integrated system for managing and tracking of permit, license, and development processes, and each department maintains separate databases with no connectivity between departments. The Building, Planning, Zoning, Fire, DPW/Engineering, Conservation, and Health Department staff manage processes and functions independently, which makes tracking, information sharing, and internal/external communication difficult.
- m) **Town/School Phone Needs Assessment – \$30,000:** This project requests money to evaluate telephone system needs for the Town Office Building and the School Department. The existing TOB telephone system is over 10 years old, becoming increasingly unreliable and expensive to maintain. New phone technologies, specifically voice-over IP, could provide cost savings, be more reliable, and improve customer service.
- n) **Head End Equipment Replacement – \$60,000:** In the year 2000, the Town of Lexington, with the help of RCN, embarked on a project to connect all Town and School buildings with a high-speed data network. The network “head end” is located off-site at the Liberty Mutual Building on Massachusetts Ave. The head end equipment consists of firewalls, routers and switching devices that are currently approaching the end of their useful life, leaving the network subject to prolonged downtime. The proposed capital request is to replace some of the head end equipment in FY09.

a) **Woburn Street Reconstruction – \$700,000**

Questions

1. **What is the amount of Chapter 90 funds that we get each year?**
\$700,000.
2. **Where will the sidewalk be and is it designed to allow a sidewalk plow to run on it?**
There will be sidewalks on both sides of the street. We attempt to make it suitable for a sidewalk plow but sometimes utility poles or other immovable objects interfere.
3. **Will the bike path crossing be altered?**
There will be a shorter crosswalk at the bike crossing.
4. **Why are you using granite instead of asphalt curbing? Is it more expensive?**
Granite is about 12 times the cost of asphalt per linear foot, but it lasts much longer and provides more safety for pedestrians. Granite is the state standard for major streets.

b) DPW Equipment Replacement – \$510,000:

There is a five-year plan for equipment replacement. The DPW generally spends about \$500,000 per year. The above 6 pieces of equipment will replace existing equipment. The existing equipment will either be traded in or sold, except for the Cat Loader which will be used as a back-up piece of equipment at the compost facility. With the exception of the Mower, all of the equipment that is being replaced is between 11 and 22 years old. You can see the equipment at the White House before the TMMA Bus trip on March 9.

c) Sidewalk Improvements – \$275,000:

Question

1. How many feet of sidewalk does \$275K renew and how long will it take to repair or replace our existing sidewalks ?

At \$200K-\$300K/year it will take about 15 years to inspect, repair or replace the sidewalks. The price per foot varies depending on the condition of the existing sidewalk (regrading, enlarging, new curbing, add to the cost).

d) CBD Sidewalks – \$370,000:

The CBD sidewalks are being replaced with special bricks that are smoother and better for people with disabilities who use walkers and wheelchairs.

Question

1. What is the result of the pilot program that we approved last year?

The trial section (Waltham Street to the alley by Michaelson's Shoe store) will be evaluated at the end of August, after it has been in place for a year. If it is satisfactory, Phase 2 (Michaelson's to the library) will be done.

2. When will Mass. Ave. be repaved?

It will be done after the sidewalks have been completed.

3. What is the relative cost of bricks compared to other methods?**e) Geographic Information System (GIS) – \$184,350:**

Question

1. What does this piece of the system provide?

The bulk of the money (\$137K) is for a detailed aerial survey. There is also funding for some software and training of personnel. The first part of the aerial survey, done last year, should be online soon. When finished this system should make it much more efficient to find underground utilities, and to generally monitor the condition of our infrastructure. It also helps with delineation of wetlands and areas of concern to the Conservation Commission and assessors, and emergency response units. Money will have to be

appropriated for the maintenance of the system since it will have to be kept up to date.

2. **What is the estimated annual maintenance cost of the GIS?**
3. **Do aerial surveys have to be re-done every several years to remain current? If redone, how difficult is the process of reapplying the infrastructure and other data?**

f) Storm Drain Improvements – \$160,000:

Question

1. **How do you select drains to replace/improve?**

When repaving is done, the drainage system which may be corroded, is frequently damaged. These funds replace those structures when the street is resurfaced. Sometimes, damaged drains are reported by residents or discovered during the annual maintenance inspection of the streets.

2. **How many storm drains are there?**
3. **How many can be repaired/replaced for \$160,000?**

g) Hydrant Replacement Program – \$50,000:

Question

1. **How long do fire hydrants last?**

The hydrant can last indefinitely. Sometimes they sink partially into the ground and all of the connections are not available. They are flushed regularly and if a problem exists, they are put on the list to be replaced. Some do fail and can compromise fire protection of adjacent areas by slowing response while longer hose lines are laid.

h) Street Improvements – \$525,000:

Question

1. **What is the life expectancy of the surfaces of the proposed streets?**

i) Traffic Mitigation – \$50,000:

Question

1. **What is the traffic mitigation group?**

A committee that works with the DPW to investigate traffic problems and look for solutions. In particular, money may be needed for a traffic consultant to analyze the stretch of Mass Ave from Pleasant Street to Marrett Road.

2. **How many signals and locations can be studied, and how many projects developed and estimated, for this \$50,000?**
3. **Can the Traffic Mitigation Group use developer-supplied traffic, mitigation funds?**
4. **Who decides which traffic problems can be addressed with the mitigation funds from a particular development (for example, Avalon Bay).**

j) Replacement of Rescue 2 – \$200,000:

Questions

1. Is Rescue 2 beginning to fail?

Yes. It is needing more repairs. Rescue 1 is now doing about 1700 trips per year and there are many more transports to Boston and Cambridge than in the past. This increases demand on Rescue 2 and puts more mileage on both units.

2. What will be done with Rescue 2

It will be kept as a backup in case either of the other units is out of service.

3. How much revenue does the ambulance service earn and what happens to it?

About \$750,000/year and it goes into the general fund.

k) Police/Fire Mobile Computerization – \$156,000:

Questions

1. How many of these computers will this buy? How many do we need?

This will buy approximately 20 reinforced heavy duty computer designed for this purpose. There will be one in each police vehicle and piece of fire apparatus and two for each ambulance—one for incident management and one for medical records. Due to confidentiality laws, medical information cannot be put into a system which allows general access, such as the incident management computer.

2. How long do we expect them to last?

6 to 8 year usable life expectancy.

3. How will they help the respective departments?

When the GIS system is complete the emergency responders will be able to locate fire hydrants, underground utilities, and the location of hazardous materials. It is useful for new employees that are not completely familiar with town and will pinpoint the location to respond to. Police can use it for checking vehicle registrations and individuals records.

l) Permit Tracking Software – \$100,000:

Question

1. Is this a standard software package like MUNIS?

It is a standard package that has to be customized for each municipality. Currently, anyone seeking building permits must fill out almost identical information in forms for as many as 5 or more departments. This will make the process much more efficient for the applicant and simplify the record keeping for each department.

2. Who does the customization, the vendor or the town?**m) Town/School Phone Needs Assessment – \$30,000:**

Questions

1. What problems are you experiencing with the current system?

Customer service problems, such as lost or dropped calls, difficulty in changing the menu, and phones that can't be repaired because parts are no longer available. Some school systems are even older than the TOB's system.

2. What will you do for back up if you go to VOIP?

The Town Office Building has battery backup and a diesel generator for a longer term power failure.

3. What is voice-over IP?**n) Head End Equipment Replacement – \$60,000:**

Questions

1. What equipment is being replaced and is it currently failing?

The equipment is a "supervisor" (main server-there are two of them). It has reached the end of its warranty and will no longer be maintained by the manufacturer. Although it is not currently failing, we will not be able to have it serviced if it malfunctions, bringing down the town's network.

2. Why is it in the Liberty Mutual Building instead of on town property?

The answer to this question appears to have been lost in the mists of time. There has been some thought given to putting it in the new DPW building. It would require an underground cable run.

3. Would the results of the phone study have any affect on the choice of head-end equipment?

The new equipment will be able to handle a VOIP system.

Article 16

Appropriate for Water Distribution Improvements Funds Requested: \$1,800,000

Sponsor: Board of Selectmen

To see if the Town will vote to install new water mains and replace or clean and line existing water mains in such accepted or unaccepted streets or other land as the Selectmen may determine, subject to the assessment of betterments or otherwise, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor; appropriate money for such installation and land acquisition and determine whether the money shall be provided by the tax levy, by transfer from available funds, including any special water funds, or by borrowing, or by any combination of these methods; to determine whether the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of federal and State aid for such projects; or act in any other manner in relation thereto.

DESCRIPTION: This request is for the replacement of approximately 7,500 linear feet of unlined iron pipe and other pipe sections with high repair records. The preliminary goal for FY2009 is to replace 5,500 linear feet of pipe in Waltham Street from Forest Street to Marrett Road and other smaller sections of pipe town-wide.



This 20-year program replaces old, unlined pipes with 8-inch concrete-lined pipes, which are much more durable than the old ones.

At the current rate of replacement the town should have all unlined water mains replaced by 2011 (three years). Waltham Street is the last large single section of unlined pipe. In the following three years we will replace smaller sections of unlined pipe scattered throughout town, and also simplify what are presently some overly complex crossover connections.

Question

(Refers to both Article 16 and 17)

1. Does the town try to coordinate water and sewer work with paving and other street-opening activities by NSTAR, Keyspan, etc.?

Yes. Information about streets to be paved is shared with the utility companies as well as internally, and work is scheduled so that paving comes last. Obviously there are occasional emergency situations (such as water main breaks) that cause exceptions, but coordination is the rule.



Article 17 **Appropriate for Sewer Improvements** **Funds Requested: \$1,300,000**

Sponsor: Board of Selectmen

To see if the Town will vote to install sewer mains and sewerage systems and replacements thereof in such accepted or unaccepted streets or other land as the Selectmen may determine, subject to the assessment of betterments or otherwise, in accordance with Chapter 504 of the Acts of 1897, and acts in addition thereto and in amendment thereof, or otherwise, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor, appropriate money for such installation and land acquisition and determine whether the money shall be provided by the tax levy, by transfer from available funds, including any special sewer funds, by borrowing, or by any combination of these methods; to determine whether the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of federal and State aid for such sewer projects; or act in any other manner in relation thereto.

DESCRIPTION:

- a) **Wastewater System Improvements – \$1,200,000:** This request is for rehabilitation of sewer lines within the Upper Vine Brook Basin along School Street from Massachusetts Avenue to Marrett Road and Middle Street. Approximately 2,500 liner feet of 8 inch relay in School Street is proposed along with spot repairs and smaller section relays throughout the sub-basin.
- b) **Pump Station Upgrades – \$100,000:** The request is for the replacement of aging motors and valves, and to modify station entryways to enhance safety of station operations. This request is for year two of a five-year program to replace aging equipment and bring stations into compliance with U.S. Occupational Safety and Health Administration (OSHA) standards.



The town has begun a townwide sewer system evaluation and identified and started design and construction on some immediate problems (Grant Street, School Street, Tophets Swamp, Colony Road). The evaluation will be ongoing for at least two years at which time a townwide plan of action will be complete. The DPW assumes the town needs to repair, relay or reline 25% of all the sewer pipe in town or about 35 miles. Funding at this level would translate into a 20-year renewal plan.

Lexington's ten wastewater pumping stations have a typical lifetime of about ten years, and require periodic upgrading to reflect updated laws and improvements in technology. The work on the pumping stations also will make them more energy efficient, allowing the town to reduce energy costs.

Question

(Refers to both Article 16 and 17)

1. **Does the town try to coordinate water and sewer work with paving and other street-opening activities by NSTAR, Keyspan, etc.?**

Yes. Information about streets to be paved is shared with the utility companies as well as internally, and work is scheduled so that paving comes last. Obviously there are occasional emergency situations (such as gas main breaks) that cause exceptions, but coordination is the rule.

Article 18a-d Appropriate for School Capital Projects and Equipment Funds Requested: \$835,000

Sponsor: School Committee

To see if the Town will vote to appropriate a sum of money to purchase additional equipment for the schools and maintain and upgrade the schools' technology systems; 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.

DESCRIPTION: This article request funds for the following school projects:

- a) **School Technology Plan – \$600,000.** This request will fund equipment described in the department's long range technology capital plan, including network equipment, information delivery systems for administration and instruction programs, desktop and mobile computing, printers/peripherals and LCD projectors.
 - b) **PreK-12 Master Plan – \$155,000.** Funds are requested to produce a comprehensive Pre-K through 12 Facility Master Plan. This plan will be produced through a complete assessment of the high school educational space and the adequacy of the schools utility systems and support spaces in providing a suitable learning environment. This plan will be useful for prioritizing and planning future capital projects to renovate schools and building systems in support of changing enrollment forecasts and changing building conditions.
 - c) **Food Service Equipment – \$55,000.** Currently, some school kitchens function with unsafe and inappropriate household grade equipment. In addition, much of the commercial grade equipment has survived well beyond its useful life and needs to be replaced for safety reasons. This request is the first of a multi-year program to replace \$400,000 worth of food service equipment.
 - d) **Classroom Furniture – \$25,000.** This is the second year of a multi-year request to replace classroom furnishings throughout the system, particularly at Bowman, Bridge, Hastings, Estabrook and the central office. Items to be replaced include cafeteria tables, desks, age appropriate chairs and teacher desks and chairs.
-

a) School Technology Plan – \$600,000.**Desktop Computing (\$515,000):**

This 2009 request will replace computers that are 8 years old or older and some non-functional computers that are not cost effective to repair. The schools have approximately 2,000 desktop and laptop computers that are used daily by the students, teaching staff, and administration. Some computers in daily use are nearly 8 years old, no longer cost effective to repair, and no longer capable of running current versions of software or providing adequate network access. The original 8 year technology plan was to achieve a 6-year replacement cycle for desktop computers by FY14. This appropriation accelerates that plan somewhat by replacing currently non-functioning computers more quickly. The FY2008 budget funded the replacement of about 220 computers 9 or 10 years old. Based on a November 2007 projection this request would replace 500 computers, but since all existing computers will age during the year there will still be about 198 computers 8 years old in the system after the FY09 purchase.

Network Equipment (\$20,000):

This funding will complete upgrading the Town's Local Area Network (LAN) throughout the schools, upgrade security and network access services for the district. It also funds work on building out a wireless network in school buildings as needed.

LCD Projectors (\$40,000):

This request is to purchase, and install, about 20 to 30 LCD projectors in classrooms and some other instructional locations to be determined. Projectors are becoming an essential and effective tool in lesson presentation as computer and web based content are integrated into the daily classroom work.

Information Delivery Systems (\$15,000):

This will fund upgrading and integration of network services, including data warehousing, online storage, administrative web applications and improved access such as VPN (Virtual Private Networking). It will also upgrade the student record management system and improve network security.

Printers and Peripherals (\$10,000):

Printers and peripherals have many moving parts that wear out and frequently are often not cost effective to repair. This will fund replacements as required throughout the school system.

b) PreK-12 Master Plan – \$155,000.

The plan will produce construction and equipment estimates for building renovations and recommendations for building use and retention. It will update the existing Master Plans for the Elementary and Middle Schools but concentrate on the High School.

c) Food Service Equipment – \$55,000.

The current equipment causes some citations by the Board of Health and is at risk of equipment failure which may cause cancellation of lunch service without notice. Even commercial grade equipment should be replaced on a 10-year cycle. The school kitchens serve hundreds of meals each day.

d) Classroom Furniture – \$25,000.

Many classrooms have old and worn furniture. This article funds only half the replacements originally requested. School furniture should be replaced on about a 10-year cycle and the schools that have not been renovated in a major capital project have had replacements deferred for a long time.

Article 19

Appropriate for Public Facilities Capital Projects

Sponsor: Board of Selectmen

To see if the Town will vote to appropriate a sum of money for the following capital improvements to public facilities:

- a) Extraordinary Repairs and Remodeling - Bowman/Estabrook;
- b) Phase 2 Mechanical System Replacement – Clarke;
- c) School Buildings Roof Renovations;
- d) Auditorium Remodeling – Diamond;
- e) Extraordinary Repairs – Clarke/Diamond;
- f) MST Department Construction;
- g) Safe Parent Pick Up and Parking;
- h) Remove Estabrook Oil Tank;
- i) Building Envelope;
- j) Munroe Fire Prevention System;
- k) Fire Headquarters Redesign; and
- l) Senior Center Design, Renovation and Expansion;

and determine whether the money shall be provided by the tax levy, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; to 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.

DESCRIPTION:

- a) **Extraordinary Repairs and Remodeling (Bowman/Estabrook) – \$160,000:** This project will install student lockers in the corridors at the Bowman and Estabrook schools. This will complete the installation of lockers at all elementary schools before September 2008 as directed by the Lexington Fire Department to reduce flammables in the school corridors.
- b) **Phase 2 Mechanical System Replacement (Clarke) – \$1,290,000:** This project will continue the conversion of the Clarke Middle School from electric heat to natural gas. The 2007 annual town meeting funded the engineering and design of the new heating system and the installation of rooftop units.
- c) **School Building Roof Renovations – \$200,000:** This project will renovate approximately 20,000 square feet of roofing to extend the useful life of the system. A roofing assessment to be done in 2008 will benchmark all school building roofs, documents existing conditions, identify renovation efforts to extend the useful lives of the roofs, and determine when roofs will need replacement.
- d) **Auditorium Remodeling (Diamond) – \$125,000:** The stage lighting, curtains and pulley system are all beyond their useful life and require replacement. Both safety and aesthetics need to be addressed in the auditorium. The electrical system needs to be completely replaced. Classes held in the auditorium are dimly lit and parts are no longer available for the lighting system and fixtures. Lighting is minimal for productions and presentations on the stage. The drapery pulley system is chained in

- place due to age of the equipment and is no longer operable.
- e) **Extraordinary Repairs (Clarke/Diamond) – \$65,000:** The Clarke and Diamond Middle Schools are in need of extraordinary repairs.
 - f) **Multi-Disciplinary Support Team (MST) Construction (LHS) – \$80,000:** The MST department currently uses a classroom area that lacks private spaces that are required for confidentiality. MST Therapy rooms are required for three full-time therapists. This project will construct three rooms for private consultations with students and families, provide a private work area to be shared by the three therapists and co-locate the therapists with the department director.
 - g) **Safe Parent Pick Up and Parking (Bridge) – \$65,000:** This project would study the traffic patterns at the school and design improvements to improve the safety of the process. This project will also complete the implementation of the Estabrook Safe Parent Pick Up and Parking study and construction funded in FY2008 for \$50,000.
 - h) **Remove Estabrook Oil Tank – \$50,000:** Estabrook, Hastings, and the old Harrington buildings each have single wall underground oil storage tanks over 45 years old. The aging tanks are an increased risk of leaking fuel oil. Massachusetts offers 50 percent reimbursement to remove one tank per year. Funding is requested to remove the Estabrook tank in 2009 during the repaving project.
 - i) **Building Envelope – \$153,750:** The funds requested are for Westview Cemetery improvements - \$30,000; East Lexington Fire Station painting - \$10,000; Town Office Building, Cary Hall, Lexington Police Department exterior painting - \$30,000; Munroe Cemetery Building repairs - \$35,000; miscellaneous needs not yet identified - \$48,750.
 - j) **Munroe Fire Prevention System (if CPA funds are not approved, this project may be recommended for funding through General Fund Debt) – \$579,550:** This project is a follow-up to Article 31K of the 2007 Annual Town Meeting, Munroe Center Fire Alarms, under which \$35,000 was appropriated to evaluate the building's fire sprinkler system and prepare a design and drawings to be used to solicit bids for repair. A professional review, completed by RDK Engineers, estimates that \$579,550 is needed to replace the fire sprinkler and alarm system.
 - k) **Fire Headquarters Renovation and Redesign – \$40,000:** This request would fund a study of the building to make recommendations on how to better utilize the existing space and/or how to maximize benefits of an addition to the current structure. The current Fire Station HQ building at 45 Bedford Street, designed in the middle of the last century, meets the basic needs of emergency response but does not accommodate today's administrative and service demands. In addition, the existing bays are not sufficient to staff and maintain 2 ambulances at peak efficiency.
 - l) **Senior Center Design, Renovation and Expansion – Amount to be determined (if CPA funds are not approved for this project it may be proposed for funding in this article):** This request is to fund design documents for a Senior Center including site, floor, and parking plans and cost estimates. The Council on Aging (COA) Board has defined programmatic space requirements and site needs for the Adult Supportive Day Care program and for the services and activities now located at the Senior Center. The COA recommends a study of both the "White House" site (former school administration building) and of the present facility at Muzzey to serve as a "two-campus" Senior Center.
-

a) \$160,000 – Install Lockers – per LFD (Bowman/Estabrook)

This project is the result of a compliance order issued by the Lexington Fire Department to eliminate flammable materials from exit paths. The Fire Department considers the storage of clothing and other personal belongings outside of lockers to be a potential fire hazard. This appropriation is to bring all the elementary schools into compliance with the fire regulations by providing adequate lockers for the student population. The Bridge school lockers were funded under Article 32(h) of the 2006 year's warrant and Hastings lockers under the 2007 warrant Article 34(h).

b) \$1,290,000 – Phase 2 Mechanical System Replacement (Clarke)

This funding will complete the project by installing hot water boilers, distribution piping, univents and baseboard convectors along exterior walls. Air conditioning will be maintained only for year round administrative areas and where space use requires supplemental cooling.

The original Clarke HVAC design was all electrically driven. These conditions result in poor heating and cooling comfort, poor teaching conditions (high background sound levels in classrooms), high utility costs and high maintenance costs. The existing equipment has passed the end of its useful life and, due to evolving technology, replacement parts are no longer manufactured.

This funding request is the final phase to provide for a comprehensive replacement of required HVAC equipment with new systems using natural gas as a heating source. Schematic studies indicated that a 9.5 year return on investment may be achieved through energy savings, however the energy savings is not the primary reason to do it now, but rather the fact that the existing system is worn out.

c) \$200,000 – Roofing Renovation

Question

- 1. How much of this funding request is for the study and how much for actual repairs?**

All the \$200,000 is actually for the repairs and not for the assessment.

d) \$125,000 – Auditorium (Diamond)

Question

- 1. Was any of this included in the secondary school renovations project, for which the town got matching State funds, and is any uncommitted funding still left in that project for which this might be eligible?**

Funds are not available from that source. This was not included in the scope of the original Diamond renovation project.

(e) \$65,000 – Extraordinary Repairs (Clarke/Diamond)

At Diamond this is to complete cosmetic work in various rooms that were not completed in previous projects. In computer room 172 an exterior wall section was moved for wiring installation and it needs to be capped off. Doors need to be installed in the cafeteria to replace old ones that have to be propped open with difficulty, and safety nets which had been planned for but were never purchased need to be installed in the gym. At Clarke the science supply room doors were part of the 2004 renovations but were never completed, the exterior doors all need to be repaired and repainted, and the gymnasium lights need work.

Question

1. Is there any unexpended funding from the previous secondary capital projects?

No.

f) \$80,000 – Multi-Disciplinary Support Team (MST) Construction (LHS)

The MST department consists of Multi-Disciplinary Support Teams that function to assist special needs students, and to prevent some marginal students from becoming special needs students. The Therapy rooms are small, about 8 ft by 8 ft and the director and the 3 therapists will share an adjacent area about 8 or 10 ft by 14 ft as office space.

g) \$65,000 – Safe Parent Pick Up and Parking (Bridge/Estabrook)

This project is to design a way to change the traffic pattern at Bridge because the current pattern causes cars, buses and people to cross paths resulting in safety hazards to the students. At Estabrook the traffic pattern was revised at the beginning of this year, eliminating one narrow section of two way traffic, and keeping most of the drop off and pick up cars from crossing paths as they had to do before, but the construction phase to repave the parking area was not completed. So far there have been only minimal changes of some directional signs at Estabrook so most of the FY08 funding for that project is still unexpended.

Questions

1. How much of the \$65,000 in this article is for Estabrook to supplement the money appropriated in FY2008?

The design is not yet completed, so the Facilities Department does not yet have a final construction estimate.

2. If the Estabrook funding from FY08 is more than needed to complete that project can any excess be used to do some of the work at Bridge under the scope of this article?

h) \$50,000 – Remove Estabrook Oil Tank

The funding of the repaving project is part of the request under (g) of this article. It makes sense to do the tank removal at Estabrook before the repaving of the area, so that makes removal of the Estabrook tank the priority to do this year.

i) Building Envelope – \$153,750:

Questions

1. Why aren't funds for the Town Office complex, Munroe Cemetery, and East Lexington fire station supplied under the CPA?

The CPA statute specifically excludes exterior painting. Other work on the buildings will be requested under CPA.

2. What work will be done at Westview?

Replacing the roof and refurbishing the interior of the existing building.

3. Why are miscellaneous needs such a specific amount of money?

Under the last override, \$150K was specifically approved for town building maintenance. The total amount of the article is \$150K plus 2.5%

j) Munroe Fire Prevention System (if CPA funds are not approved, this project may be recommended for funding through General Fund Debt) – \$579,550:

Questions

1. If Munroe is used for another purpose and/or gutted, would this new system still be useful?

When a properly designed system is installed, it can be modified to meet the needs of any occupant. The current system cannot be adapted. The new system will be useful even if the space is reconfigured.

2. If we do not install the system, will the building have to be closed?

The Arts Center has been cooperating with the Fire Department to improve the safety of the building (making sure egresses are clear, etc.). The building can remain in use. However, the State requires that any wood-framed building used for educational purposes must be properly sprinklered and this building does not currently meet that requirement.

3. In the event of a fire, what is the town's liability and how will installing this system affect that?

Many factors affect liability so it is difficult to determine what our liability would be. The town has insurance that will cover the building after a deductible is paid. If the system is installed, the building will meet the State requirements.

k) Fire Headquarters Renovation and Redesign – \$40,000:

Questions

1. What was the result of the study done last year about the floors in the equipment bay? Why do we need another study?

The floors are stressed and need reinforcement. The estimated cost was about \$800K, but we believe it would be more efficient to do all needed renovations at one time. The building is no longer adequate for the current operational and administrative demands on the fire department. The fire prevention staff is currently in a trailer. Fire trucks are considerably larger than they were 50 years ago and do not all fit in the equipment bays. There is no exhaust system to keep the air clear while trucks are backing in to the bays.

2. What is a complete renovation likely to cost?

The study will determine that. A somewhat similar renovation in Concord recently cost about \$2.8 million. CPA funding may be available for part of the project.

l) Senior Center Design, Renovation and Expansion – See Article 9 h

Article 20

Appropriate for Affordable Housing Purposes Funds Requested: \$50,000

Sponsor: Board of Selectmen

To see if the Town will vote to appropriate a sum of money received from Brookhaven at Lexington as a contribution for affordable housing to LexHAB to support the provision of affordable housing within the Town; or act in any other manner in relation thereto.

DESCRIPTION: This article requests that funds received from Brookhaven at Lexington for affordable housing purposes be transferred to LexHAB in accordance with the Brookhaven Development Plan approved by Town Meeting.

Article 21

Appropriate Money – Laconia Street (Citizen Article) Funds Requested: \$3,650

Sponsor: James Lowry and nine or more registered voters)

To see if the Town will vote to appropriate a sum of money, in addition to the money appropriated under Article 24 of the Warrant for the 2004 Annual Town Meeting, for the construction of Laconia Street; 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.

DESCRIPTION: After Town Meeting approved the re-construction of Laconia Street in 2004, the Town needed a legal description of the land it was taking. The Town Engineer asked the sponsors of the original Laconia Street Town Meeting Article (James and Suzanne Lowry and Larry and Jacqueline Fiore) to arrange for a survey. Noonan & McDowell was hired to perform the survey, and it was provided to the Town. The cost for this survey (\$3,650) was not included in the betterment charged to the Laconia Street abutters in August. This article seeks reimbursement for that cost, through any means the Selectmen see fit.

Overview

In proposing that Laconia Street be made an “accepted” street, the proponents were told by Town staff that a survey must be done so that the Town could determine the amount of land to be taken. Given discussions with the Town Engineer, the two families that paid for the survey had the understanding the cost would be reimbursed and billed to the residents of the street under the betterment assessment.

Questions

1. **Have residents covered such costs in prior situations where streets have been upgraded to be accepted and if so, were those costs included in the betterment assessments?**
2. **Is it legal for the Town to reimburse residents?**
3. **If it is not legal for the Town to reimburse residents, would it be possible to amend the betterment assessments so that the 2 families could be indirectly reimbursed and the cost could be borne by the other residents of the street?**

Article 22

Appropriate for Post-Employment Benefits Funds Requested: \$400,000

Sponsor: Board of Selectmen

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.

DESCRIPTION: This article will allow the Town to fund its unfunded liability for post employment benefits for Town of Lexington retirees. Beginning with the FY2007 audit, the Town is 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.

Overview

FY 2009 represents the first year the Government Accounting Standard Board (GASB) has required that all municipalities disclose their liabilities for Other Post Employment Benefits (OPEB). GASB Standard 43 mandated that beginning in 2007, towns the size of Lexington that have gross revenues larger than \$100,000,000 conduct an actuarial study to determine the community's total liability for OPEB. From this point forward, the Town of Lexington is required to disclose the liability on the year-end audit. Currently, no funding is required under the Massachusetts General Laws (MGL). Because Lexington's liability is over \$100,000,000, the Town Manager recommends that the Town begin funding this liability as soon as possible. Of the \$400,000 appropriated, nearly \$300,000

was received from Medicare Part D, which the Town received from the Federal government since Lexington provides retiree healthcare plans in lieu of retirees going onto Medicare. Because Medicare Part D payment is a non-recurring revenue source, the Town Manager thought it appropriate to use to begin funding our OPEB liability. The Medicare Part D funds have been put under the control of the Retirement Board, which has greater freedom to invest these funds than the Town Treasurer. Lexington has been funding retiree pensions, but has not allocated funds for OPEB in prior years. While the State mandates that pensions be fully funded by 2028, Lexington's pensions will be fully funded by 2015. There is no final funding date for OPEB because the Massachusetts legislature has not established the date at this point.

Questions

- 1. Why is program 2180 (Post Employment Health) not shown under the budget's shared expenses?**
Once retired, health care benefits of school retirees are a Town obligation.
- 2. How do we anticipate funding OPEB in future years?**
- 3. Is it more cost effective for Lexington to offer its own health plan for retirees rather than their being covered under Medicare?**

Article 23 Rescind Prior Borrowing Authorizations

Sponsor: Board of Selectmen

To see if the Town will vote to rescind the unused borrowing authority voted under previous Town meeting articles; or act in any other manner in relation thereto.

DESCRIPTION: State law requires that Town Meeting vote to rescind authorized and unissued debt which is no longer required for its intended purpose.

Overview

This article is a place-holder asking Town Meeting to rescind unused debt authorized in prior years. There are no known authorizations to be rescinded at press time.

Article 24

Appropriate to Specified Stabilization Funds

Funds Requested: Unknown at Press Time

Sponsor: Board of Selectmen

To see if the Town will vote to create and / or 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 Bylaw, (b) Traffic Mitigation, (c) Transportation Demand Management, (d) School Bus Transportation, and (e) Special Education; 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.

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.

Overview

Last year, Lexington created three specific stabilization funds for traffic and transportation: Lexpress Traffic Demand Management (TDM), the Avalon Bay School Bus Transportation, and the Traffic Mitigation Stabilization Fund. Article 24 establishes a specific stabilization fund for Special Education (SPED). While no additional funds are being requested for the funds created last year, the SPED Stabilization Fund would receive \$350,000 from a transfer from line item 1100, Lexington Public Schools.

Questions

- 1. While the \$350,000 represents the first year of appropriation for the SPED Stabilization Fund, what total level of funding has been recommended by the School Department?**
 - 2. How will additional funding be appropriated in future years?**
-

Article 25 **Appropriate for Stabilization Fund** **Funds Requested: \$1,000,000**

Sponsor: Board of Selectmen

To see if the Town will vote to appropriate a sum of money to the previously created Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws; 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.

DESCRIPTION: Money may be appropriated into the existing Stabilization Fund that may be invested and the interest may then become part of the fund. The use of these funds may later be appropriated, by a two-thirds vote of an Annual or Special Town Meeting, for any lawful purpose.

Overview

This placeholder article allows the Town to appropriate money into a Stabilization Fund. Money in the Stabilization Fund may be used in a future year to help meet expenses and, thus, reduce the demand on the tax levy in that year. These funds may be invested with the interest becoming part of the fund.

Under the Town Manager's budget, Town Meeting is being asked to transfer \$1,000,000 into the Stabilization Fund from "Free Cash." As advised by the Selectmen's Financial Policy Committee, this continues our goal of building our reserves to be 5% of the General Fund. These reserves help guard against unforeseen expenses and losses of revenue due to decreases in local receipts or State Aid. During FY 2008, the Stabilization Fund had a beginning balance of \$4,461,674. \$1,000,000 was appropriated under the FY 2008 budget and the interest earned to date is \$109,483. This results in a FY 2008 ending balance of \$5,571,158. This year's appropriation brings the FY 2009 Stabilization Fund balance to \$6,571,158 (no interest has been projected at this date. The proposed appropriation of an additional \$1,000,000 will continue to build the Town's reserves and will increase its financial flexibility.

Question

- 1. When is it projected that the Stabilization Fund will reach the goal of being 5% of the General Fund?**
 - 2. Since the bond rating agencies base our bond rating (AAA) on the level of our reserves, how do they view the adequacy of Lexington's reserve balances?**
-

Article 26 Appropriate for Prior Years' Unpaid Bills Funds Requested: Unknown at Press Time.

Sponsor: Board of Selectmen

To see if the Town will vote to raise and appropriate money to pay any unpaid bills rendered to the Town for prior years; to 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.

DESCRIPTION: This is an annual article to request funds to pay bills after the close of the fiscal year in which the goods were received or the services performed, and for which no money was encumbered.

Overview

With no prior year's unpaid bills being known for the municipal departments or the School Department, no appropriation is anticipated at this time.

Article 27 Amend FY2008 Operating Budget Funds Requested: Unknown at Press Time

Sponsor: Board of Selectmen

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Article 21 of the warrant for the 2007 Annual Town Meeting, to be used during the current fiscal year, or make any other adjustments to the current fiscal year budget and appropriations that may be necessary; to determine whether the money shall be provided by transfer from available funds; or act in any other manner in relation thereto.

DESCRIPTION: This is an annual article to permit adjustments to current fiscal year (FY2008) appropriations.

Overview

This article is an annual place-holder should there be a need to fund unforeseen expenses in the current fiscal year. While the use of this article is generally thought of as being needed to meet unforeseen expenses, it will be used to address the projected School Department surplus. The \$350,000 Special Education Stabilization Fund appropriation under Article 24 will transferred through Article 27.

Question

1. **What is the projected FY 2008 School Department surplus and when will a final number be known?**
-

Article 28

Appropriate for Authorized Capital Improvements Funds Requested: \$60,000

Sponsor: Board of Selectmen

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 funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

DESCRIPTION: This is an annual article to request funds for capital improvement project expenditures that exceed the level of appropriation. Additional funds will be requested to complete the reconstruction of the Center Basketball Court.

Overview

Having been approved by prior years' Town Meetings, the additional \$60,000 is needed to fully fund the improvements to the Center basketball courts and tennis courts.

Question

1. **Why did the projects costs exceed the amount approved under Article 29 of the 2007 Town Meeting?**
-

General Articles

Article 30 Amend General Bylaw – Stormwater

Sponsor: Board of Selectmen

To see if the Town will vote to amend the Code of the Town of Lexington by adding a new Chapter 114 to the General Bylaws entitled “Stormwater Bylaw” as set forth in a document on file with the Board of Selectmen and Town Clerk and incorporated herein; or act in any other manner in relation thereto.

DESCRIPTION: The Stormwater Management Bylaw enables the Town to protect its pond and streams by monitoring and liming pollution flowing from development projects during rain events. It establishes minimum requirements and procedures for stormwater management. The implementation of this Bylaw will satisfy some of the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit, the federal permit by which the Town operates its storm drainage system.

This Bylaw will help the Town implement the Federal Clean Water Act. It will apply to the following activities, with some specific exceptions, by requiring approval of a permit application before the activity can start:

- (1) Any activity that results in a land disturbance greater than one acre of land, or any activity that disturbs less than one acre if that project is part of a larger common plan of development that eventually will disturb more than one acre of land; or
- (2) A new dwelling on a vacant lot, a new dwelling replacing an existing dwelling, or the reconstruction of an existing dwelling that is demolished to the extent of 50% or more of its replacement cost, as determined by the Building Commissioner or designee; or
- (3) Any development project that:
 - [1] Requires a Special Permit or a Special Permit with Site Plan Review; or
 - [2] Requires approval of a Definitive Plan under the Subdivision Control Law.

The Bylaw sets up a Stormwater Authority, consisting of the Board of Selectmen, that may establish rules and regulations, and a Stormwater Agency, which is the DPW Engineering Division, to do day-to-day administration and be the permitting authority. It also makes possible the formation of a Stormwater Utility, upon recommendation by the Stormwater Agency, which would be essentially another enterprise fund, funded by a “stormwater fee” on users to cover the costs of stormwater management, including the costs of maintaining, upgrading, and administering the existing municipal storm sewer system.

Questions

1. Who might be defined to be the “Users” of the Stormwater Utility if it is implemented as a separate enterprise fund?
2. How much of the DPW operating and capital budgets are currently devoted to the storm sewer system?

Article 31

Amend General Bylaw – Excavation and Trench Safety Funds Requested: \$0

Sponsor: Board of Selectmen

To see if the Town will vote to amend § 100-2.E of the Code of the Town of Lexington to authorize the Town Manager to designate a Board or Officer to issue permits to excavate a trench, pursuant to and as regulated by Chapter 82A of the Massachusetts General Laws and 520 CMR 14.00; or act in any other manner in relation thereto.

DESCRIPTION: Under Chapter 82A, § 2 of the Massachusetts General Laws and 520 CMR 14.00, the Town is required to have an officer or board designated as the local permitting authority to issue trench excavation permits. The officer or board will be responsible for issuing the required trench excavation permits for any trench that is greater than three feet in depth and is fifteen feet or less between soil walls as measured from the bottom. The local permitting authority may charge a reasonable fee to recover administrative costs. This article amends the General Bylaws to authorize the Town Manager to make such designation, as he determines appropriate.

This amendment is a response to a new state law which requires that a permit be obtained in advance before excavating a ditch or trench if the ditch is at least three feet deep and less than fifteen feet wide, if the excavation is to be left open for any period.

The idea is to make sure that the digger sets up safeguards to protect the public from possible harm that could result from a fall into an open ditch.

The permitting authority has not yet been determined. A reasonable charge may be made for the permit.

Question

1. **What Bylaw covers trenches wider than 15 feet or less than 3 feet deep?**
-

Article 32

Amend General Bylaw – Abatement of Interest Funds Requested: \$0

Sponsor: Board of Selectmen

To see if the Town will vote to amend Chapter 107 of the Code of the Town of Lexington by adding the following at the end of § 107-4:

“The Board of Selectmen shall have the authority to abate any such interest charges, in whole or in part.”

or act in any other manner in relation thereto.

DESCRIPTION: This article would give the Board of Selectmen the flexibility to waive interest charges which would otherwise be payable on overdue town charges if the circumstances should so warrant.



State law allows municipal governments to charge interest on money owed to the municipality. However, it also allows municipalities to waive the interest if there are mitigating circumstances. This Bylaw change would permit such waiving of interest, by approval of the Board of Selectmen. The mitigating circumstances might include, for example: a payment made on time but not recorded on the municipality books in a timely fashion; a situation where the honesty of the payer was not in question; or a dispute between the payer and municipality staff about payment.



Article 33

Amend General Bylaw – Terms of Certain Contracts Funds Requested \$0

Sponsor: Board of Selectmen

To see if the Town will vote to amend Chapter 32 of the Code of the Town of Lexington by adding a new § 32-4 as follows:

§ 32-4. Unless otherwise prohibited Bylaw, the Town and all of its departments, under the supervision of the Town Manager, are authorized to solicit, award and enter into certain types of contracts for periods shown below, including any renewal, extension or option provision, subject to annual appropriation and applicable state procurement laws:

	Years
Lease of public lands and buildings	20
Lease of any equipment.....	10
Lease purchase of any equipment.....	10
Maintenance agreements for equipment, buildings or grounds ..	5
Transportation services.....	10
Purchase of oil, fuel and electricity	5
Lighting maintenance	10
Waste Disposal and Recycling	20
Water Supply	20
All other contracts	5

or act in any other manner in relation thereto.

DESCRIPTION: This article would provide flexibility in negotiating the lengths of contracts and would make it unnecessary to obtain town meeting approval for each contract that exceeds a specified limit set by the State statute. Town Meeting has previously approved contract terms for goods and services for five years, transportation contracts for 10 years and lease of buildings for 20 years.



State law allows municipalities to “solicit, award and enter into contracts for up to three years.” But with Town Meeting approval, contracts may be entered into for longer periods. This Bylaw change will extend the period to a minimum of 5 years and a maximum of 20 years, depending on the type of contract under consideration.

Some years ago, the maximum was extended to 5 years by Town Meeting, and last year, other types of contracts, such as that for Lexpress, were extended to 10 years.

This Bylaw change extends the range of periods for a variety of situations.



Article 34 Amend Non-Criminal Disposition Bylaw (Burglar and Other Alarms)

Sponsor: Board of Selectmen at the request of the Police Department

To see if the Town will vote to amend § 1-6 of the General Bylaws (Non-Criminal Disposition) by adding thereto fines for violation of regulations §§ 187-87 (Automatic Voice Dialers), 187-88 (Alarm Registration), 187-89 (Duties of Alarm User – Proper Use) and 187-92 (Alarm Service Fee), or act in any other manner in relation thereto.

DESCRIPTION: This article would establish fines for non-criminal disposition (ticketing) for violations of regulations of the Board of Selectmen governing burglar and other alarms that (1) prohibit the installation and use of automatic voice dialing to the police department in connection with alarms, (2) require the registration of alarms with the police department, (3) limit the length and frequency of an alarm, and (4) enforce payment of fees for police response to false alarms.

In June 2007, the Board of Selectmen authorized revisions to the regulations governing the use of burglar and similar alarms requiring police service. The two important revisions were:

- 1) Increasing false alarm service fees, which had otherwise remained unchanged from 1991
- 2) Rewriting the Bylaw to more closely resemble the model burglar alarm ordinance drafted by the National Burglar & Fire Alarm Association and the False Alarm Reduction Association.

The false alarm service fee has proven effective and is applied only to alarm owners who have 3 or more false alarms in a calendar year. The annual number of false alarms has been reduced by one-third. In 2006, only 111 locations or 5% of the alarm owners were billed fees for false alarms. This Article will establish fines for specific violations of the Bylaw not otherwise covered by the service fees. The following would be subject to a fine:

- 1) Use of automatic voice dialers to report an alarm activation [these devices have been prohibited for 20+ years].
- 2) Failure to register an alarm. [Alarm registration, particularly by the alarm companies, has significantly contributed to the success of the alarm service fee program. It is fundamental to know where each alarm is located and who is responsible for the alarm.]
- 3) Improper use of an alarm limiting length and frequency of the alarm activation, and the intentional activation of a false alarm.
- 4) Failure to pay service fees. [Whereas the non payment of 5 or more parking tickets can result in court action, this section would allow additional fines and/or court action for non payment of false alarm service fees.]

The Police Department expects that the fines will promote voluntary compliance with the Bylaw and will only be used when all other options to obtain voluntary compliance have been exhausted.

Questions

- 1. How much are the proposed fines?**
- 2. How many Alarm Service Fees are collected in an average year, and what account(s) are they put into?**

Note that the referenced section of Regulations is not currently available online in the Code of Lexington on the Town website. For convenience, it is currently posted on the TMMA website <<http://www.lexingtonmma.org>> under 2008 Documents for Article 34.

Article 35

Amend General Bylaw – Deputy Moderator

Sponsor: Board of Selectmen at the Request of the Moderator

To see if the Town will vote to amend § 118-11 of the Code of the Town of Lexington (Moderator) to provide for the appointment of a Deputy Moderator by the Moderator, subject to ratification by the Town Meeting, to act in the event of the Moderator's absence, disability or recusal or a mid-term vacancy in the Moderator's office, or act in any other manner in relation thereto.

DESCRIPTION: This article provides for the appointment of a Deputy Moderator who can exercise the power and duties of the Moderator during the term of the Moderator, in the event that the Moderator is unable to exercise such powers and duties.

The position of moderator is defined in the Massachusetts General Laws (Including Chapter 39, Sections 14 and 15, and Chapter 43A, Section 8) in relation to their election, tenure, vacancies, assistants, powers, and duties. Also, the Lexington Bylaws discuss the moderator, as indicated in the Article wording above. Article 35 relates to a deputy moderator, which is different from an assistant moderator. An assistant moderator presides in separate meeting places, other than the main room of town meeting, when the separate places are to accommodate overflow and are served with public address systems and loud speaker facilities.

Lexington Bylaw § 118-11, B. states "The Moderator may appoint a member to perform the duties of the Moderator while he [sic] addresses the meeting, or in case he is called away from the meeting." Several years ago the Town Counsel moderated a meeting the Moderator could not attend. The proposed Bylaw under this Article expands and clarifies the circumstances and process by which a person, other than the Moderator elected by the voters at the annual town election, can serve as Moderator.

Questions

1. **What would the ratification requirements be? Majority vote of the Town Meeting Members in attendance?**
 2. **Would the appointment be open ended or limited to a defined duration?**
 3. **Would the appointment have to be re-ratified at each session?**
 4. **Would Town Counsel discuss at the meeting that considers this Article the statutory provisions for filling a vacancy in the position of Moderator, and relate those provisions to the Article?**
 5. **Who will preside (act as Moderator) during consideration of this Article, since it relates to the Moderator?**
-

Article 36

Amend General Bylaws – Snow/Ice Removal

Sponsor: Jean Williams and nine or more registered voters)

To see if the Town will vote to amend Article XXV, Section 11 of the Town of Lexington General Regulations to read “No owner or agent having charge of any building or lot of land abutting on a sidewalk within the Town of Lexington shall place or permit or suffer to remain for more than twelve hours between sunrise and sunset, or, in the case of any sidewalk within the commercial and industrial districts as defined in Section 4.2 of the Zoning Bylaws of the Town of Lexington, four hours between sunrise and sunset, any snow or ice upon such sidewalks which impedes the orderly flow or safety of pedestrian traffic upon such sidewalks, unless such ice is made even and covered with sand or some like material to prevent slipping.”

DESCRIPTION: The intent of this warrant article is to extend the scope of the current Lexington Bylaw to include all property owners, residential as well as business, in the directive to clear sidewalks abutting their property of snow and ice. The new Bylaw would give residential owners a longer period of time than business owners in which to comply (twelve hours as opposed to four), in recognition of the likelihood that homeowners may be away from home during daylight hours when storms may occur. The purpose of the warrant article is to improve public safety and to promote easier and more convenient walking on Lexington’s sidewalks in the winter months.

Note that the Bylaw reference in this Article is obsolete; the quoted section is now in Chapter 100 Section 3-A of the General Bylaws of the Code of Lexington.

The stated goal of this article is to improve the condition and walkability of sidewalks in Lexington after snowstorms. The current Bylaw provides for fines of \$25 per violation for business and commercial property owners; the fine would be the same for residential owners. At present, such violations, as well as violations of 100-3-B, which refers to putting snow on a street or sidewalk that was previously cleared (as for example, when people plow their driveway leaving mounds on a previously-cleared sidewalk.) are not fined. Rather, if police or DPW personnel notice a violation, they will talk to and try to educate the offender about the lack of compliance with the law.

The article attempts to address a real problem, in that Town sidewalks are often not cleared adequately, and in a timely manner for comfortable and safe walking. However, it gives rise to a number of questions.

Questions

1. Will clearing sidewalks by property owners be in addition to or instead of Town plowing?

The article sponsor expects that it will be an adjunct to, not a replacement for, Town plowing.

2. Will there be increased enforcement of this Bylaw with the new provision?

Police Chief Casey says that enforcement would not be a high priority.

3. **If enforcement WERE increased, what provision would be made for the following cases:**
 - a. **elderly or infirm residents who cannot do their own shoveling or cannot afford to hire someone**
 - b. **snow and ice that is displaced from the street onto previously cleared sidewalks by the street plow**
 - c. **sidewalk areas that are currently used by street plows for the storage of street snow**
 4. **If enforcement is NOT increased, what provision will be made for sidewalks whose abutters do not obey the new Bylaw? Will they be plowed by the Town or left unplowed?**
 5. **Given that one goal of the article's sponsor is to make it easier for children to walk to school and given that most people are unlikely to plow their sidewalks after a night-time storm early enough to enable passage to school, what provision will be made for nighttime storms?**
 6. **Is it fair to expect that people whose property abuts 150 feet of sidewalk must clear that sidewalk, while people across the street where there is no sidewalk, have no such obligation?**
 7. **Should there be a distinction between sidewalks that are plowed by the Town at present, either because they are on school routes or for other reasons, and sidewalks that are not plowed by the Town at all?**
-

Article 37

Amend Tree Bylaw (Citizens' Petition)

Sponsor: Patrick Mehr and nine or more registered voters

To see if the Town will vote to amend the Code of Lexington regarding the fee associated with an application to remove protected trees in conjunction with demolition or major construction; or to act in any other manner in relation thereto.

DESCRIPTION: The Tree Bylaw states "The Selectmen shall set an application fee" (Code of the Town of Lexington, § 120-8 B. (1)). This article would clarify the level of the application fee.



The Tree Bylaw, adopted at the 2001 annual Town Meeting, includes a tree removal permit application fee ("The Selectmen shall set an application fee." (Code of Lexington, §120-8 B. (1)). The application fee was intended to help cover the Town's cost to enforce the Bylaw, as building permit fees do for building inspections.

No such fee has been set since 2001: the Selectmen are reviewing minutes of their meetings to determine whether they ever discussed the fee or whether they set it at \$0.

Based on the 548 tree removal applications filed since October 2001, the Tree Warden and his staff process on average 87.7 applications each year. The average application requests the removal of 1.2 "protected" trees of 17.2 inches DBH (diameter at breast height).

Enforcement of the Tree Bylaw takes 10% of the working hours of the Tree Warden and of two of his Forestry employees', plus secretarial support time, costing the Town \$12,000 to \$21,000 annually depending on whose time is counted.

As of this writing, the sponsor of the article plans to offer the following motion:

MOTION: That after the sentence "The Selectmen shall set an application fee." (Code of Lexington, §120-8 B. (1)), the following sentence be added: "Such fee shall be at least five dollars (\$5) per DBH inch of protected tree to be removed."

At \$5 per DBH inch, the application fee would yield about \$7,500 annually, or half the Town's costs to enforce the Tree Bylaw. The Selectmen could set the fee higher to cover the full costs of the Town. At \$10 per DBH inch, the application fee would yield \$15,000 annually.



Article 38 Moderator Rulings Subject to Appeal (Citizens' Petition)

Sponsor: Loren Wood and nine or more registered voters

To see if the Town will vote to amend the Code of Lexington by amending section 118-11, Moderator, by adding the following section which shall be designated section 118-11; C as shown below.

Section 118-11. Moderator

C. Rulings by the Moderator are subject to appeal, and can be reversed by a majority of the members present.

DESCRIPTION: The Lexington Bylaws say that Robert's Rules of Order apply to Town-Meeting if the issue is not addressed directly in the Bylaws. Appeals of moderator rulings are not addressed specifically in the Bylaws, but Robert's Rules allow appeals. This Article would provide for a Bylaw to address the issue.

Status Quo:

The Moderator is elected by ballot at the annual town election thus being empowered by a town wide majority of voters with the specific purpose of maintaining order during town meeting and guiding the town meeting deliberation of the town's affairs.

The warrant is issued by the Selectmen and set the topics for debate. During debate, the Moderator frequently rules upon the relevance of a speaker's comments to the topic of the specific motion under consideration. In such an instance, the Moderator may rule the speaker's comments as out of order and not pertaining to the topic of the motion and request the speaker to address the topic of the motion.

A majority of Town Meeting has great powers including determining the order of debate of warrant articles, allocating additional time to debate, amending the motions and determining passage of all articles except those requiring a supra majority. Thus there are some decisions of the Town Moderator on passage of articles that can be challenged.

If Adopted:

This article would formalize the ability of a majority of Town Meeting to extend debate by adding a process for a majority of Town Meeting to expand the topics discussed under a warrant article. However topics must still be within the legal scope as determined by the Moderator with advice of Town Counsel.

Questions

1. What are all the powers of the Moderator?
2. What are the checks and balances upon a Moderator's decisions?
3. What Moderator rulings (specific examples) would be addressed under this provision that are not addressed now?

Article 39

Amend General Bylaw – Tourism Committee

Sponsor: Board of Selectmen

To see if the Town will vote to amend the vote passed under Article 14 of the warrant for the 2007 Annual Town Meeting (Tourism Committee) by changing the Article Number in Chapter 29 of the Code of the Town of Lexington from “VII” to “VIII” and the Section Numbers from “§ 29-23 and § 29-24” to “§ 29-28 and § 29-29;” or act in any other manner in relation thereto.

DESCRIPTION: This article is a housekeeping article to change the numbering of the Tourism Committee Bylaw to fit the numbering of the Code of the Town of Lexington.

Article 40

Double Utility Poles (Citizens’ Petition)

Sponsor: Patrick Mehr and nine or more registered voters

To hear reports from the Selectmen and from Verizon regarding whether the utilities are in compliance with MGL Chapter 164, section 34B (which requires that double poles be removed in 90 days) in Lexington; to see if the town will vote to approve a resolution regarding double utility poles; to see if the town will vote to authorize the Selectmen to petition the Department of Public Utilities to reopen docket 03-87 to recommend that the Great and General Court institute fines for non-compliance with MGL Chapter 164, section 34B; or to act in any other manner in relation thereto.

DESCRIPTION: In Lexington, each utility pole is owned 50%-50% by Verizon and NStar, but Verizon is responsible for the removal of all utility poles throughout the town, which by State law (MGL Chapter 164, section 34B) must occur within 90 days. This article allows Town Meeting to hear reports from the Selectmen and the utilities on whether Verizon fulfilled its commitment made to the Selectmen on October 30, 2006 to “in a six-month time period be largely through our backlog of [then about 243] double poles”, and to authorize the Selectmen to inform DPU (the Massachusetts Department of Public Utilities) of Lexington’s experience with double poles and to suggest to DPU steps to help communities get rid of double poles within the 90 days required by State law.

In Lexington, there are about 6,400 utility poles. Verizon and NStar each own 50% of each pole, but Verizon is responsible for installation of new and removal of old poles throughout town. State law (MGL Chapter 164, section 34B) requires double poles to be removed within 90 days. Double poles are created when a taller pole is needed (for example if NStar upgrades distribution from 4 kV to 13.8 kV), or when a pole is rotting, is damaged, has collapsed or is leaning too much. Double poles stay in place until all

utilities and their tenants (Comcast, RCN, sometimes other private parties) have transferred their wires and equipment from the old to the new pole, at which point Verizon removes the old pole. The Town may also have to transfer a street light. The utilities, as pole owners, coordinate the transfers of wires, supposedly in a timely manner to meet the statutory 90-day limit.

There is no penalty (fine) for failure to remove double poles in 90 days. After the Town of Bedford instituted fines via a Bylaw, the Massachusetts SJC sided with the utilities who appealed Bedford's action: only the State Legislature, not a Town, can set fines for violation of MGL Chapter 164, section 34B.

Legislation introduced by Senator Cynthia Creem of Newton required DTE (Department of Telecommunications and Energy, now replaced by DPU [Department of Public Utilities] and DTC [Department of Telecommunications and Cable]) to open docket 03-87 in 2003, under which Verizon announced that Lexington would be a double pole pilot to demonstrate how the utilities' PLM ("Pole Lifetime Management") database would help solve the problem. DTE decided not to recommend fines for violation of MGL Chapter 164, section 34B to the Legislature, but instead to give PLM time to help solve the double pole problem.

In October 2006, the Lexington Electric Utility Committee counted 243 double poles in Lexington (of the 243 double poles, 113 did not appear in the PLM database because it is inaccurate). A year after Verizon promised to solve the problem in 6 months, the Lexington Electric Utility Committee found 301 double poles in Lexington, more than when Verizon promised to solve the problem (between October 2006 and September 2007, 99 double poles were removed, but 157 new double poles were added; of 301 double poles in place in September 2007, 20 were at least 4 years old and 144 at least 1 year old).

The Selectmen have invited Verizon to report to Town Meeting about double poles under this article. Should Verizon and/or the Lexington Electric Utility's townwide survey show insufficient progress, Town Meeting will be asked to approve a resolution asking the Selectmen to request that DPU and DTC reopen docket 03-87 and propose that the Legislature institute a schedule of fines for violation of MGL Chapter 164, section 34B.

Question

- 1. When a double pole, located on a sidewalk, is removed, why isn't Verizon required to patch the sidewalk? For example, Burlington St. sidewalk has unpatched holes.**
-

Article 41

Municipal Electric Utilities (Citizens' Petition)

Sponsor: Patrick Mehr and nine or more registered voters

To hear reports regarding the status of Bill H3319, An Act relative to the Establishment of Municipal Lighting Authorities; to hear reports regarding the status of other legislation related to municipal electric utilities; to see if the town will authorize the Selectmen to petition the Great and General Court to adopt a home rule petition substantially similar to Bill H3319; to see if the town will vote to approve a resolution regarding Bill H3319; to see if the town will appropriate funds to study the feasibility of a municipal electric utility in Lexington; or act in any other manner in relation thereto.

DESCRIPTION: This Article would allow Town Meeting to endorse the legislation (Bill H3319, filed by 53 State legislators led by Representative Jay Kaufman) to facilitate the formation of municipal electric utilities. The 2005 Annual Town Meeting unanimously supported the predecessor to Bill H3319. If the legislation is enacted, future Town Meetings would have the opportunity to vote on whether to appropriate Town funds to advance the acquisition of NStar's distribution network in Lexington and create a new municipal electric utility. As with NStar, the municipal electric utility would purchase electricity wholesale and distribute electricity to customers. Customers may choose to purchase their wholesale electricity from other suppliers. The municipal electric utility would also maintain and improve the current network within the town.



The Fall 2007 Special Town Meeting adopted under Article 5 a resolution of support for Bill H3319, An Act relative to the Establishment of Municipal Lighting Authorities, co-sponsored by 53 legislators led by Representative Jay Kaufman. Bill H3319 gives municipalities the option to form a municipal electric utility (or "muni") to replace their distribution company (NStar or National Grid). The resolution asked the Selectmen and Lexington's legislators to report on the status of H3319 at the 2008 Annual Town Meeting. This article allows Town Meeting to hear these reports.

More recently, the Legislature has been working on the "Green Communities Act." The House and Senate versions of the Act both require the Administration to study the impact new munis (to be formed under H3319 or similar legislation) would have on distribution companies' customers. As of this writing, the language of both versions must be reconciled in Conference Committee. This article also allows Town Meeting to hear reports about the muni studies that the Green Communities Act will require.

Based on the reports it hears, Town Meeting will be able to take additional action regarding H3319 as necessary, perhaps in the form of a new resolution, or by appropriating funds to study the economic and technical feasibility of a Lexington muni (which the Green Communities Act studies will not address) if that appears appropriate at this time.

Under a twin article introduced by the Selectmen (Article 44 a.), Town Meeting will be asked to reauthorize the Selectmen to ask Lexington's legislative delegation to file a home rule petition version of H3319 for the 2009-2010 session. Bill H4204, a home rule petition giving Lexington the option to form a muni, was filed in the 2005-2006 session following a vote by the 2005 Annual Town Meeting (Article 14). Due to an oversight, no home rule petition like H4204 was filed for the present 2007-2008 session.



Article 42

Resolution – Climate Change (Citizens' Petition)

Sponsor: Eileen Entin and nine or more registered voters

To see if the Town will vote to adopt a resolution requesting that the President of the United States, the Congress of the United States, and the Commonwealth of Massachusetts take effective actions to address the issue of climate change which is increasingly harmful to the environment and the economy of Massachusetts and the future well being of the people of Lexington; or act in any other manner in relation thereto.

DESCRIPTION: This resolution asks that Town Meeting pass a resolution directing the President of the United States, Congress, and the Commonwealth of Massachusetts to take immediate and effective actions to address the threat of rapid Climate Change. The resolution requests the Board of Selectmen to send letters to the President, the Massachusetts Congressional delegation, the Governor of the Commonwealth, and the state legislative leadership conveying this resolution. Said resolution shall call for actions to include, but not be limited to, the creation of a comprehensive national initiative to achieve rapid development of sustainable energy technologies in order to reduce our dependence on fossil fuels, reduce greenhouse gases, stimulate new jobs and investment opportunities, and enhance our national security.

This is a non-binding resolution but it is highly likely that the Board of Selectmen will comply with the request of Town Meeting that they send the requested letters, including letters directed specifically to Lexington's representatives in each legislative body. Whether those letters will have a significant effect on the actions of the officials to whom they are addressed is unknown, but it can't hurt, and may help to send them if the Town Meeting supports the premise that climate change is harmful. Various international scientific organizations and many governments do agree that it is a major concern and many governments other than the US Government have signed international treaties (e.g., Kyoto) to set goals for measures to reduce the human impact on climate change.

This is a national election year and with major energy legislative initiatives before both Congress and the General Court, the voice of the town via petitions from the Board of Selectmen, which have been endorsed by Town Meeting, are one way for Lexington to amplify its voice in these matters.

Article 43 Resolution – Petroleum Supply Impacts (Citizens’ Petition)

Sponsor: Adams Sacks and nine or more registered voters

To see if the Town will vote to adopt a resolution that economic development and planning projects undertaken by Town officials, committees or task forces explicitly consider in their proceedings and reports the impacts of climate change and dwindling supplies of petroleum (“peak oil”); or act in any other manner in relation thereto.

DESCRIPTION: This article requests that the Town resolve to address global warming and energy supply and costs in conjunction with economic development proposals.

This is a non-binding resolution. Various international scientific organizations and many governments agree that climate change is a major environmental concern and many governments, other than the US Government, have signed international treaties (e.g., Kyoto) to set goals for measures to reduce the human impact on climate change. Dwindling supplies of petroleum is a separate issue, and is of importance to the Town to the extent that the costs of energy produced from petroleum are likely to increase if the supply diminishes and the Town does use a significant amount of energy derived from oil. Lexington currently has an Energy Conservation Committee and a Climate Action Plan Committee, but there is no mandate to consult those Committees in the planning process. The purpose of this warrant article is to ensure that climate and energy are actively considered and reported in the deliberations, planning, recommendations and actions of Town officials and committees

Article 44

Reconfirm Votes Petitioning the General Court

Sponsor: Board of Selectmen

To see if the Town will vote to reconfirm the following votes authorizing the Selectmen to petition the General Court for certain Acts:

- a. Vote under Article 14 of the warrant for the 2005 Annual Town Meeting (Municipal Lighting Plant);
- b. Vote under Article 11 of the warrant for the 2006 Annual Town Meeting (Amend Referendum Provisions of Chapter 215 of the Acts of 1929);
- c. Vote under Article 8 of the warrant for the 2007 Annual Town Meeting (Amend Notice Provisions of Chapter 215 of the Acts of 1929);
- d. Vote under Article 23 of the warrant for the 2007 Annual Town Meeting (Income Limits for Real Property Tax Deferrals); or act in any other manner in relation thereto.

DESCRIPTION: The General Court has adopted a rule that acts petitioned by municipalities, if not adopted within a specified time period, will no longer be considered. This article would allow previously authorized acts sent by the Board of Selectmen to the General Court to remain viable.



The text of the relevant warrant articles whose votes this article will reconfirm is as follows:

a. 2005 ATM Article 14 – Municipal Lighting Plant

To see if the Town will vote to pass a resolution endorsing the passage by the General Court of legislation enabling municipalities to more easily establish municipal lighting plants; to authorize the Board of Selectmen to petition the General Court for an act to accomplish the same result for Lexington alone; or act in any other manner in relation thereto.

DESCRIPTION: This Article would allow Town Meeting to (a) endorse the pending state legislation to facilitate the formation of municipally-owned electric distribution utilities and (b) authorize the filing of a home-rule petition to allow Lexington to proceed with formation of a municipal utility, if the statewide legislation fails to pass. In either case, future Town Meeting votes would be required before any substantial funds were expended to advance the acquisition of NStar's distribution equipment in Lexington and create a municipal utility. The municipal utility would only distribute power within the town, and purchase energy for customers who do not select another supplier; it would not be involved in the generation of electricity.

b. 2006 ATM Article 11 – Amend Referendum Provisions: Chapter 215 of the Acts of 1929

To see if the Town will vote to petition the General Court for an Act to amend Section 8 of Chapter 215 of the Acts of 1929, as amended, to change the time limit by which the Board of Selectmen must hold an election to vote on a referendum seeking review of a Town Meeting vote, or act in any other manner in relation thereto.

DESCRIPTION: Chapter 215 of the Acts of 1929, as amended, provides for limited (representative) Town Meeting in Lexington, including provisions in Section 8 to petition for, call and schedule a referendum on a ballot of the voters at large to approve or reverse a vote of the Town Meeting. Under that section, the Selectmen must schedule and hold a referendum within 35 days after reviewing a petition and issuing the call for the referendum. The Town Clerk, however, is prohibited by Chapter 54, Section 42C of the Massachusetts General Laws from including in the printed ballot any question for which she receives notice later than 35 days before the election. An amendment to Chapter 215 of the Acts of 1929 is needed to resolve the conflicting scheduling mandates.

c. 2007 ATM Article 8 – Amend Notice Provisions: Chapter 215 of the Acts of 1929

To see if the Town will vote to petition the General Court for an Act to amend Section 3 of Chapter 215 of the Acts of 1929 as amended by deleting the requirement that the Town Clerk mail notices of town meetings to town meeting members; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Town Clerk)

DESCRIPTION: This article seeks to eliminate the requirement that the Town Clerk mail separate notices of town meetings to town meeting members. All town meeting members, as well as all households in the Town, are mailed copies of the warrants for all town meetings as required by the Town's Bylaws.

d. 2007 ATM Article 23 – Petition General Court to Increase Income Limits for Property Tax Deferrals (Citizens' Petition)

To see if the Town will vote to authorize and direct the Board of Selectmen to petition the General Court for an Act to raise the income limits, currently set at a maximum of \$40,000 and lower the age limits, currently set at a minimum of 65 years of age, relating to the eligibility for property tax deferrals in Lexington, as provided in Chapter 59, Section 5, Clause 41A of the Massachusetts General Laws, as amended; or act in any other manner in relation thereto.

Article 45

Sale of Land to Abutter

Sponsor: Board of Selectmen

To see if the Town will authorize the Selectmen to convey a lot of land shown as Lot 63 on Assessors' Property Map 15 located on the corner of Moreland Avenue and Buckman Drive to the owner of the abutting property or another; or act in any other manner in relation thereto.

DESCRIPTION: This lot was acquired by the Town in 1961 by eminent domain to facilitate the extension of Buckman Drive to Moreland Avenue. The lot cannot be built upon, as it does not meet the dimensional requirements of the Zoning Bylaw.



In 1961 Buckman Drive was expanded to Moreland Avenue and this corner lot by taken by eminent domain.

The 10, 930 square foot lot has 23 feet of frontage on Moreland Avenue. The land is currently covered with small trees and brush.

All town boards that could possibly have an interest in this lot have already found it unsuitable for their purposes.

Passage of this article would give the Selectmen the authorization to negotiate with the abutter who has expressed interest in purchasing this lot. The lot would be appraised at that time.

If purchased the lot would again be taxable property.

Even if combined with the abutter's 60-foot frontage the lot could not be divided in two.



Article 46 Accept Gift of Land – Schumacher Family

Sponsor: Board of Selectmen

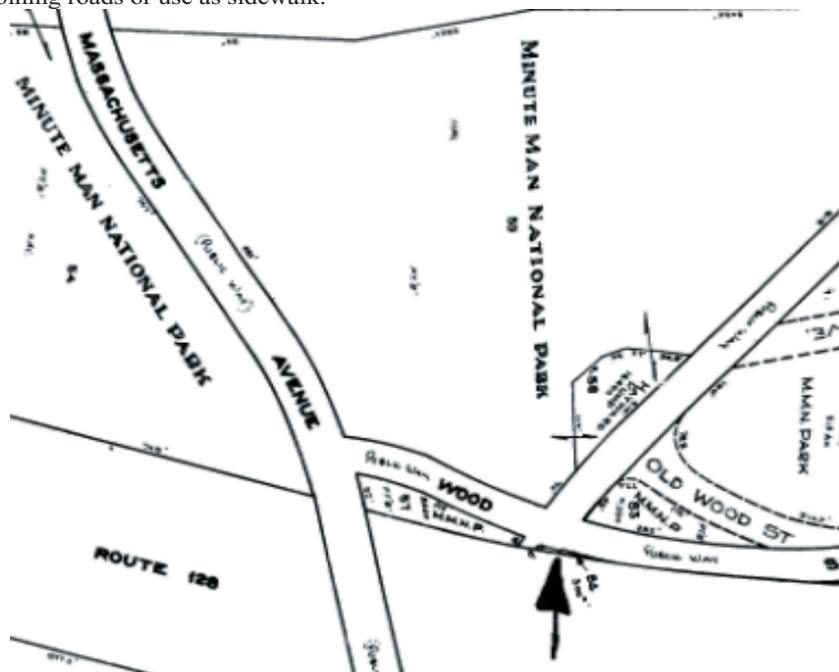
To see if the Town will vote to accept a gift of a lot shown as Lot 84 on Assessors' Property Map 51 containing 300 square feet and bordering Route 128 from Ellen Schumacher Schadegg and Mary Schumacher Megson; or act in any other manner in relation thereto.

DESCRIPTION: This article would authorize the Town to accept the gift of a sliver of land on Route 128. The land was formerly part of a larger parcel that was taken by the State for road purposes.



The land in question is an isolated tiny triangle about 10 feet wide at its widest point and about 60 feet long located between Route 128/I95 and Wood Street just north of the Old Massachusetts Avenue intersection with Wood Street. It isn't a true triangle due to the curvature of the adjoining street. The lots near it on Wood Street are parts of Minuteman National Park. The acceptance of the gift will relieve the donors of the real estate taxes on the lot which is currently assessed for \$3,000 according to the online database. Due to its isolation, it is of no practical value to the owners or anyone else except possibly Minuteman National Park, the Town, or State as open land or for further widening of the adjoining roads or use as sidewalk

of the adjoining roads or use as sidewalk.



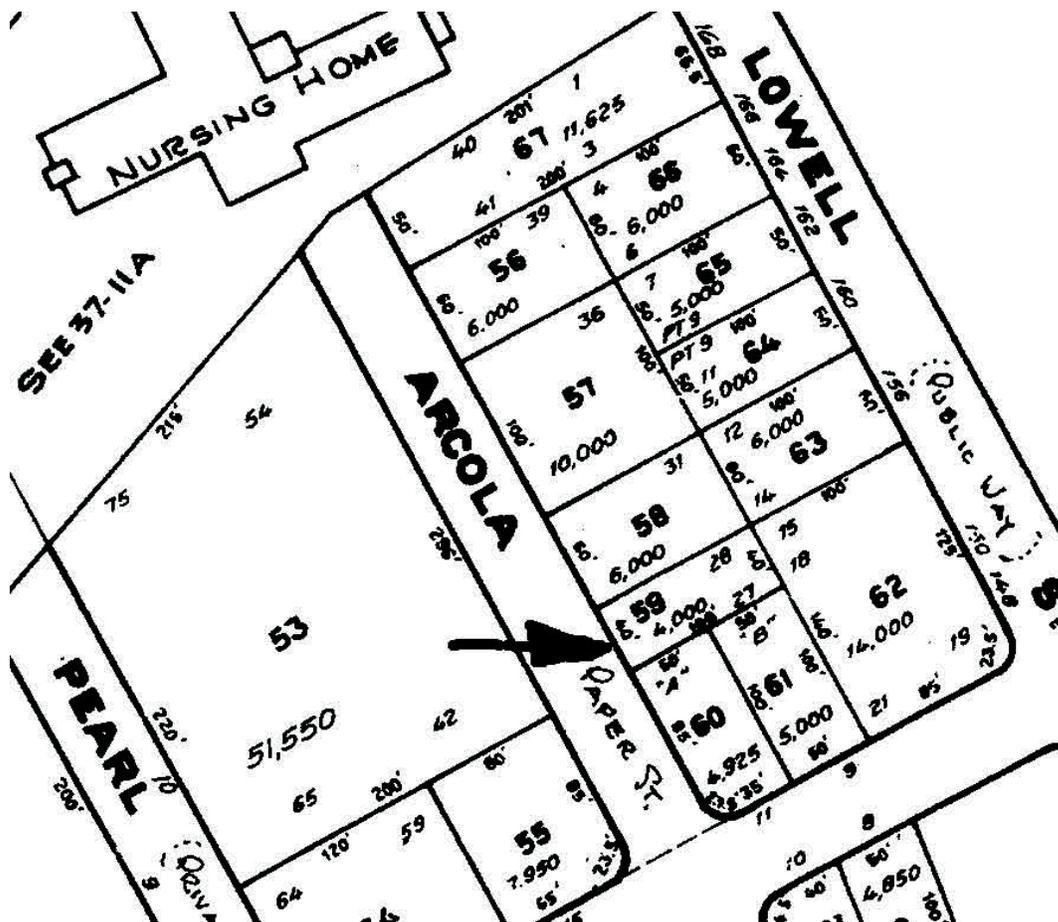
Article 47 Accept Gift of Land – Wheaton Family

Sponsor: Board of Selectmen

To see if the Town will vote to accept a gift of a lot shown as Lot 59 on Assessors' Property Map 29 containing 4,000 square feet and bordering the paper street portion of Arcola Street from Graydon and Iris Wheaton; or act in any other manner in relation thereto.

DESCRIPTION: This article would authorize the Town to accept the gift of a parcel of land on the paper street portion of Arcola Street.

The paper street portion of Arcola runs from Bartlett Avenue northward to the boundary of the Nursing Home property on Lowell Street. The lot is the second one in from the corner of Bartlett Ave. on the east side of Arcola. It is currently assessed for \$15,000 and is undeveloped.



Article 48

Munroe School Disposition

Sponsor:

To see if the Town will vote to authorize the Selectmen to sell or lease the Munroe School building to a buyer or lessee approved by the Selectmen; or act in any other manner in relation thereto.

DESCRIPTION: This article is a placeholder to deal with the Munroe School in the event that an agreement relating to the disposition of the school can be reached.



The Selectmen are currently drafting a Request for Proposal to sell the building for use as an art center or for some other public cultural/educational/artistic purpose. As of this writing that task is incomplete. The current occupants have not had a lease. The Munroe Center for the Arts and several other organizations using the space are now in negotiations with the Town and attempting to raise funds.

The Town, as owner, currently is being asked to fund improvements to the fire protection system under Article 19.



Zoning / Land Use Articles

Article 49

Zoning Bylaw, Special Permit Residential Development Funds Requested: None

Sponsor: Planning Board

2/3 vote required for passage.

To see if the Town will vote to:

- 1) Amend Section 135, Article IX “Residential Development” of the Zoning Bylaw by deleting the entire Article IX and replacing it with a new Article IX “Special Permit Residential Developments” that will simplify and clarify regulations concerning residential developments and amend provisions regulating developments commonly known as Cluster and Special Residential Developments, including increasing required common open space, eliminating limits to the number of projected occupants and projected vehicle trips, modifying the calculation of allowable Gross Floor Area, adding a standard to promote inclusion of dwelling units of variable sizes and streamlining permitting authority over such developments.
- 2) Move all references to the special zoning district “RD Planned Residential Development” from Article IX into Article VIII, which is the section of the Bylaw dealing with Special Zoning Districts.
- 3) Make changes throughout the Zoning Bylaw as needed to maintain consistency with the amended articles.

or act in any manner in relation thereto.

DESCRIPTION: The article will simplify and clarify regulations concerning all residential developments, while still retaining the Planning Board’s oversight under the special permit with site plan review. It will amend the parts of the Zoning Bylaw regulating developments commonly known as Cluster and Special Residential Developments. These categories of developments will be replaced by a “Balanced Housing Development” which requires a certain number of houses of certain sizes. The existing reduced frontage subdivision will be folded into a category known as a “Site Sensitive Development” which permits the same number of dwellings as a conventional subdivision, but allows flexibility in siting and road standards. The existing “Development of Significant Public Benefit” will be renamed “Public Benefit Development” and will authorize a density bonus in return for providing affordable housing. The amount of required common open space will be increased while removing the requirement for useable open space. Currently there are five impact measures considered in approving Cluster and Special Residential Developments - the total gross floor area, the total living area, the total site coverage, the projected total number of occupants, and the projected total number of vehicle trips. These will be replaced by total gross floor area, site coverage and impervious surface. In addition, the amendment allows the Planning Board, as the Special Permit Granting Authority, to grant special permits that are required for the Special Permit Residential Development, notwithstanding provisions of the Zoning Bylaw designat-

ing a different special permit granting authority.

A document, which has the full text of the draft amendment and which is too lengthy to reproduce in this notice, is on file and may be inspected in the office of the Planning Board, Room G-1, and in the Town Clerk's office, in the Town Office Building, 1625 Massachusetts Avenue, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. The full text of the draft amendment may also be found on the Town's Web Page at <<http://ci.lexington.ma.us/Planning/PlanningDept.htm>>.

Under Lexington's original cluster zoning Bylaw the number of units in a cluster subdivision could not exceed the number that could be built in a conventional subdivision on that land. The minimum lot area and frontage of each lot was reduced and at least 25% of the land had to be left as common open land. It was usually deeded to the Town and resulted in a significant contribution to the Town's stock of conservation land.

Cluster zoning went through a couple of modifications with the latest being in 1996. A major difference from the original cluster zoning was that it allowed more units than would be allowed in a conventional subdivision. It attempted to create subdivisions with smaller units than were then being built in McMansion style conventional subdivisions. It also allowed more housing types, town houses, other multi-unit dwellings and condominiums. Instead of limiting the number of units to what could be built in a conventional subdivision, it tried to limit the impact of the development, as defined by several impact criteria to that of a conventional subdivision. These criteria included impervious surface area, gross floor area, living area, site coverage, number of occupants, vehicular trip generation. A requirement of common open space was retained but the amount was changed to 10% to 25% depending on the type of development.

The proposed changes this year retain the objective of regulating total impact rather than number of units, but greatly simplify the manner in which it is done. Several of the current impact criteria such as number of occupants and vehicular trips are considered too vague to effectively regulate. Living area is not a constant and is readily changed by a home owner after initial occupancy by improving unfinished spaces. The impact criteria that remain are gross floor area and impervious surface.

The maximum gross floor area of all units in a cluster subdivision will remain at 7,200 sq.ft. times the effective impact number of units in a conventional subdivision. However the manner in which the effective number of units in a conventional subdivision is calculated would be changed. Currently it is determined by dividing the area of the subdivision by the minimum lot area of the district in which it is located. Under the new proposal it would be determined by a proof plan showing how the lots could be laid out in a conventional subdivision. This will always be less than the current ratio-of-areas method due to area of streets and the difficulty of laying out lots in odd shaped parcels.

The manner of limiting impervious area is changed. In the current Bylaw the maximum impervious area in a cluster subdivision is .18 in the RO district and .25 in the RS district. In the proposed change the maximum impervious area is .12 times the area of lots in the proof plan for the RO district and .20 times the area of lots in the proof plan for the RS district plus the area of the roads in the proof plan. The Planning Director believes the results of these two methods will be comparable.

The proposed changes also include the requirement that 50% of the units be less than 3,500 sq.ft. and 25% of the units be less than 2,700 sq.ft.

The common open space requirement is changed from 10%-25% of the total area to 33% of the developable (non-wet) area. The existing Bylaw also requires private, usable open space in proximity to each dwelling unit. This private space could not have a grade over 10% and sometimes resulted in developers excessively bulldozing the lots to meet the requirement. Since it was felt that private open space, which meets the needs of each dwelling, as opposed to common open space which meets the needs of the community, could best be met by market forces, the requirement is removed from the proposed Bylaw.

The proposed Bylaw actually creates three types of cluster developments. The preceding description applies to what it called a Balanced Housing Development (BHD) and would probably be the most common.

The Bylaw also provides for a Site Sensitive Development (SSD) which could have only as many units as in the conventional subdivision proof plan, but the area and frontage of each lot could be changed. There could be common driveways instead of streets. There would be no requirement for common open space. This SSD would replace the current provisions for two-lot subdivisions where the Planning Board can waive the frontage requirements.

The Bylaw also provides for Public Benefit Development (PBD) subdivisions which are a form of BHD developments. In a PBD at least 10% of the units must be made available to households earning less than 80% of the area median income. These developments allow a 20% increase in gross floor area and impervious surface over a PBD.

A minority of the Planning Board is opposed to this article unless it is modified to provide for more small units suitable for empty nesters and young professionals without children. The minority also opposes counting lots in the proof plan that could not be built in a conventional subdivision due to wetland considerations.

Issues that Town Meeting should consider:

- 1. Is the impact of two 3,600 sq.ft. houses the same as one 7,200 sq.ft. house?**
 - 2. Can the 7,200 sq.ft. number and the 25% and 50% requirements, be reduced by amendment on the floor?**
 - 3. If they are not reduced, then defeating this article would eliminate the improved clarity of this amended Bylaw and leave the current Bylaw, which allows even greater total gross floor area, intact.**
 - 4. The “proof plan” is a new concept for Lexington zoning and needs to be thoroughly explained, since it is critical to this change.**
-

Article 50

Zoning Bylaw, Height of Buildings and Structures Funds Requested: None

Sponsor: Planning Board

2/3 vote required for passage.

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lexington by: 1) modifying Table 2, the Schedule of Dimensional Controls, to decrease the allowed height in feet from 40 feet to 35 feet for non-public and non-institutional buildings in residential zones; 2) removing the phrase “from the average natural grade” in the first paragraph of Section 135-39A; and 3) modifying Section 135-39, Height of buildings and structures, to require measuring the average natural grade at the corners of the building, removing the option of using the natural grades at the four extreme corners of the lot; or act in any other manner in relation thereto..

DESCRIPTION: This article seeks to address the concerns raised by abutting property owners to new residential development projects, including teardowns, conventional and cluster subdivisions regarding the height of these new structures. The Planning is proposing three amendments toward this goal.

The first is an effort to curtail, to a small extent, the size and character of structures by reducing the allowed overall height, in feet, from forty (40) feet to thirty-five (35) feet. The second is a housekeeping change to eliminate a repetitive clause that obfuscates interpretation of the Bylaw. The third change deletes language that allows a development to use the average height of the four corners of the lot as a means to determine the grade prior to disturbance for construction. All development would be required to calculate the average grade of the lot by using the grade at the proposed corners of the building. The deletion of the lot corners methodology would bring our Bylaw more in keeping with the State building code.



The current Bylaw limits residential building height to 2 ½ stories or 40 feet, whichever is less. The proposed amendment would change the 40 feet to 35 feet and leave the 2 ½ stories intact. A half story is a story under a sloping roof, often with dormers. A basement (defined as at least 50% above grade) is considered a story, a cellar (defined as at least 50% below grade) is not. Since a story is usually about 10 feet, only very large structures limited to 2 ½ stories would exceed 35 feet. However, at the public hearing a significant number of builders opposed this change.

The change would limit the impact of extremely large structures on abutters, the value of whose property and whose right to enjoy it might be diminished by an overshadowing large home. The developers claim the height reduction would reduce the value of land they wish to develop. Developers also said that they would meet the change by putting basements deeper into the ground. They claim that would adversely affect the water table.

The current Bylaw allows the lower elevation used for these height calculations to be the higher of the average natural grade surrounding the structure prior to construction

or the average elevation of the corners of the lot. This proposal removes the option of using the level of the lot corners since this option provides an unnaturally high lower level for a structure on the low part of a sloping lot.

The final change corrects the wording so that the lower elevation from which the building height and the story count are measured are the same.

It has been suggested that this change not take effect until September 1, 2008 so that it will not affect houses already in the planning process.

Article 51

Zoning Bylaw, Associate Planning Board Member Funds Requested: None

Sponsor: Planning Board

2/3 vote required for passage.

To see if the Town will vote to amend the Zoning Bylaw to establish an associate member of the Planning Board, as provided under M.G.L. 40A, Section 9; or act in any other manner in relation thereto.

DESCRIPTION:By state law the Planning Board may have one associate member to sit when the Planning Board is the Special Permit Granting Authority. This article will amend the Zoning Bylaw to allow the town to establish the position of associate member. The Town will then determine the procedure for filling the position. Once the provision for filling the position of associate member has been made, the chairman of the planning board may designate an associate member to sit on the board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board.

This article implements a change in state law that allows Towns the option of having an associate member on the Planning Board. The associate member would be appointed by the Planning Board for a one year term. The associate member would only serve, at the option of the Chairman, when the Planning Board is acting as the Special Permit Granting Authority and a full Planning Board member is unable to serve due to conflict of interest, illness, or some other reason. Special Permits require an affirmative vote of 4 out of the 5 sitting members for approval. If only 4 members are available, this supermajority rule can be problematic. The associate member could not vote on subdivision approvals, recommendations to Town Meeting or other matters requiring only a majority vote.

Article 52

**Amend Zoning Bylaw
– CRS Zone - 303, 311-325 Woburn
Street, 400 Lowell Street
(Owners' Petition)
Funds Requested: None**

Sponsor: Vazken Melkistian et als Trustees, Property Owner

To see if the Town will vote to amend the Code of the Town of Lexington, Zoning Bylaw and the Zoning Map of the Town of Lexington, by changing the zoning district designation of that property commonly known as 303 Woburn Street, Lexington, MA 02420, and more specifically described in the metes and bounds legal description shown in Exhibit A, on file with the Board of Selectmen and Town Clerk and incorporated herein, from the current RO Zoning District (one family dwelling) to a CRS Zoning District (retail shopping) to allow construction of commercial retail space, and also to amend the Code of the Town of Lexington and the Zoning Map of the Town of Lexington to change that portion of the property commonly known as 311-325 Woburn Street and 400 Lowell Street, currently partly within the RO Zoning District and partly within the CRS Zoning District and more specifically described in the legal description shown on said Exhibit A, to a CRS Zoning District such that all the property commonly known as 311-325 Woburn Street is located within the CRS Zoning District, and to take any other action or to act in any other manner relative thereto.

DESCRIPTION: This proposal would: 1) rezone a part of the property on which Countryside Plaza (located at the corner of Woburn Street and Lowell Street, with an address of 311-325 Woburn Street) is currently built. 311-325 Woburn Street and 400 Lowell Street are partially within the RO zone and partially within the CRS Zone, so that the Countryside Plaza property is two different zoning districts. This rezoning would include all the current Countryside Plaza site within the CRS Zoning District; and 2) rezone the property immediately abutting the Countryside Plaza retail shopping complex (the abutting property to be rezoned now is occupied by a single family house). Thus, the rezoning would include the entire property on which Countryside Plaza currently is built within the CRS Zoning District as well as the immediately abutting property on which a single family house now is located. This would allow additional retail shopping or additional parking for the Countryside Plaza retail stores or both



Countryside Plaza occupies land at 311, 325 Woburn Street and 400 Lowell Street. Currently most of the parcel is zoned CRS (retail shopping).

There are two parts to this proposal.

1. The triangular portion which has frontage on Woburn St and abuts 303 Woburn St as well as the Countryside Plaza (CRS) is zoned RO (residential) and currently used for employee parking. Passage of this article would rezone this parcel to CRS.
2. The parcel at 303 Woburn Street (13,590 square feet) is zoned RO (residential). Currently there is a one-story ranch house on the property. Passage of this article would

rezone this parcel to CRS and would allow the demolition of the house and subsequent construction of additional retail stores and/or parking.

Questions

1. Why was this article indefinitely postponed last year?

The preexisting non-conforming use of the triangular portion of the property was uncovered at that time. The article was Indefinitely Postponed so that it could also be included in the rezoning request.

2. When will the concerns of the abutters and the neighborhood be addressed?

If the total floor area exceeds 10,000 square feet, the Board of Appeals may address these concerns before any construction is begun on this property. Given the size of the development, it is problematic whether this special permit requirement will be triggered. Some of the issues discussed at this time could include the size of new construction, traffic patterns, parking, sidewalks, the safety of neighborhood residents, and landscape screening.

Article 53

Amend Zoning Bylaw – CM District Floor Area Ratio (Citizens' Petition) Funds Requested: None

Sponsor: Michael Martignetti and nine or more registered voters

In an effort to promote economic development in the Town of Lexington and specifically, to increase the commercial tax base in the outlying commercial CM district in the Town of Lexington, to see if the Town will vote to amend the Lexington Zoning Bylaw by undertaking the following action:

“In Table 2, Schedule of Dimensional Controls, on the line “Maximum Floor Area Ratio (FAR)”, under the column headed CM by striking out the number “0.15” and by inserting in place thereof the number “0.35” or take any other action relative thereto.

DESCRIPTION: This is a ratio of the size of the sum of the net floor area (building size) to the developable site area of the property (Total lot size less wetlands). The Hartwell Avenue area is zoned with a FAR of 0.15 but is currently built-out to a FAR of 0.22. This article attempts to increase the floor area ratio from 0.15 to 0.35. This article would; 1) prevent a reduction in office space as older buildings are reconstructed to the required 0.15 FAR, and 2) provide an incentive for owners of substandard buildings to invest in their updating and expansion, thereby increasing the commercial tax base in Lexington.

Background to the Zoning Bylaw for Articles 53-60

The Planning Board(PB), Zoning Board of Appeal (ZBA) under several sections of the Zoning Bylaw (ZBL) must exert detailed control over commercial development. The process for exerting control includes special permits and site plans reviews (SPS) required for almost all development.

An applicant for a Special Permit is not entitled to be granted a permit. Rather it is the decision of the Special Permit Granting Authority whether the applicant has met all of the criteria set forth in the Zoning Bylaw. Procedures for a Special Permit and Special Permit with Site Plan Review are discussed in the ZBL section 135-13.

A site plan review consists of a thorough examination of all facets of a project as discussed in the ZBL section 135-12. The cost of preparing a site plan is borne by the applicant.

Table 2 of the Zoning Bylaw lists the dimensional controls for each zoning district.

Status Quo: Article 53

Hartwell Avenue is built to an average FAR of 0.22, because much of it was built prior to the FAR requirement. The ZBL conforming FAR is 0.15 for CM districts. An SPS is triggered for almost all prospective commercial development on Hartwell Avenue.

Lexington has a large number of functionally obsolete commercial structures that if rebuilt could generate additional commercial tax revenue.

Yes Vote Means:

Hartwell Avenue development would be encouraged. Approximately 600,000 square feet of new commercial development would be allowed at a FAR of 0.35.

In conjunction with companion articles amending the ZBL this would:

- extend the types of uses to include retail establishments,
- remove the requirement for special permits and site plans,
- change parking requirements,
- change setbacks, and
- revise the traffic Bylaw.

Questions (including questions on related articles)**Incremental Revenue estimates:**

1. **What is the timing and dollar amount of reasonably expected incremental tax revenues from the proposed amendments to the ZBL?**
2. **Is there one of the proposed amendments to the ZBL that has more impact than others?**
3. **Are the revenue estimates dependent upon particular uses that are not allowed under the existing ZBL?**

Control over development process:

4. **What types of new commercial development would find Hartwell Avenue attractive?**
5. **What is the trend in terms of types of uses and types of buildings in commercial development in similarly situated areas in Lexington and nearby towns?**
6. **How would this measure impact Planning Board control over undesirable uses?**
7. **If the amendments to the ZBL were to be approved, it would take about 10 years to complete the build out and for the Town to obtain the indicated tax revenue. With respect to build out:**
 - **What types of development are anticipated?**
 - **What could happen in subsequent years?**
 - **Are minimal possible under these changes and if so, are they desirable?**
8. **How would the Planning Board and Town Meeting exert an oversight role on development now and in the future?**

9. **What measure of oversight and control is recommended by stakeholders?**

Traffic Impact:

10. **Is the level of traffic congestion on Hartwell Avenue acceptable at present levels?**
 11. **What do the existing traffic studies for Hartwell Avenue show?**
 12. **How much traffic would the proposed amendments to the ZBL create, either separately or combined?**
 13. **What are the recognized deficiencies in Hartwell Avenue and its intersections with Bedford Street, McGuire Road and Wood Street?**
 14. **Are there any plans or estimates of improvements to Hartwell Avenue and adjacent streets?**
 15. **What would the cost be of correcting deficiencies in the Hartwell Avenue and Bedford Street “Jughandle” intersection ?**
 16. **Could further development of bike paths be integrated into or adjacent to Hartwell Avenue to alleviate traffic?**
 17. **What are the plans of adjacent communities and of the State Transportation Department with respect to Route 128 that would impact the 128 – Bedford Street interchange in the next ten years?**
-

Article 54

Amend Zoning Bylaw – Mixed Uses in CM District (Citizens' Petition) Funds Requested: None

Sponsor: Michael Martignetti, Lawrence Smith

In an effort to create more of a mixed-use environment that could help reduce the amount of mid-day car trips generated from the CM district by allowing certain uses within the Table 1: Permitted Use categories of Personal & Business Services, Sales of Goods, Eating, Drinking and Transient Accommodations and Commercial Recreation to occur in the CM District, to see if the Town will vote to amend the Lexington Zoning Bylaw by undertaking the following action:

“In Table 1: Permitted Uses and Development Standards, Part B: Commercial Uses under the column entitled CM change the “N” to “Y” on the following Lines:

- 7.11 Beauty Salon, Barber Shop
- 7.12 Laundry or dry cleaning pickup station with processing done elsewhere; laundry or dry cleaning with processing on the premises subject to the development standards for the district; self service Laundromat or dry cleaning
- 7.13 Tailor, dressmaker, shoe repair
- 7.25 Office of veterinarian
- 7.26 Kennel, boarding of household pets
- 7.27 Pet grooming service provided that it shall be conducted entirely within the principal building and no pets shall be boarded overnight; where conducted as accessory to a kennel (line 7.26), those restrictions shall not apply
- 8.11 Convenience goods often bought on a daily basis such as food, candy, newspapers, tobacco products
- 8.13 Food, but not that intended for consumption on the premises, includes delicatessen or bakery, but not a takeout or fast food service
- 8.14 Package liquor store, with no consumption of beverages on the premises
- 8.17 Other retail goods such as books, stationery, drugs, sporting goods, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, and the like which are typically of a size that a customer can carry by hand
- 8.31 Stores with less than 2,000 square feet of floor area per establishment
- 8.32 Stores with more than 2,000 square feet of floor area per establishment
- 9.12 Fast-food or takeout service serving enough food to comprise a meal
- 9.13 Takeout or fast-food service serving food or beverages, such as coffee, snacks, ice cream, or donuts, but not enough to comprise a meal
- 9.14 Caterer or other establishment preparing meals for groups of people
- 10.12 Indoor athletic and exercise facilities, weight reduction salon

and by changing the numbering and inserting a new line to the Development Standards in Table 1:

Re-number existing line “8.33” to “8.34”

Re-number existing line “8.34” to “8.35”

Insert new a new line 8.33 with the following description:

“8.33 Stores with 7,500 square feet or more of floor area per establishment”

And insert in the column of each district with the following Permitted uses of Y=Yes and N=No:

CN-“N”, CRS-“Y”, CS-“Y”, CB-“Y”, CLO-“N”, CRO-“N”, CM-“N”

or take any other action relative thereto.”

DESCRIPTION: This article would allow for certain mixed-use convenience retail uses in the Hartwell Avenue area that would curtail the mid-day traffic generated from Hartwell Avenue and enhance the usability of that area for its business occupants.



Status Quo: The Commercial Manufacturing (CM) zone restrictions on types of retail uses and size restriction of 2000 sq feet on retail would remain.

Yes Vote Means: Retail establishments with up to 7500 square feet would be allowed, provided the use was within the ZBL. Retail uses would be expanded under a companion amendment to the ZBL.

Questions

(See Article 53)

1. **How many retail establishments might come forth from this amendment?**
2. **What type of retail establishments desire 7500 square feet of space?**
3. **What is the impact on other retail establishments in Lexington of allowing retail development on Hartwell Avenue?**



Article 55

**Amend Zoning Bylaw
– CRO District Floor Area Ratio
(Citizen’s Petition)
Funds Requested: None**

Sponsor: Michael Martignetti, Lawrence Smith

To see if the Town will vote to amend the Lexington Zoning Bylaw by undertaking the following action:

“In Table 2, Schedule of Dimensional Controls, on the line “Maximum Floor Area Ratio (FAR)”, under the column headed CRO by striking out the number “0.15” and by inserting in place thereof the number “0.30”, and

In Table 1: Permitted Uses and Development Standards, Part B: Commercial Uses under the column entitled CRO change the “N” to “Y” on the following Lines:

13.11 Light Manufacturing

or take any other action relative thereto.”

DESCRIPTION: FAR stands for Floor Area Ratio. This is a ratio of the size of the sum of the net floor area (building size) to the developable site area of the property (Total lot size less wetlands). This article attempts to increase the Floor Area Ratio in the Regional Office (CRO) districts from 0.15 to 0.30. The existing maximum Floor Area Ratio in these districts is 0.15 but they are currently built-out to a FAR of 0.22. This article would; 1) prevent a reduction in office space as older buildings are reconstructed to the required 0.15 FAR, and 2) provide an incentive for owners of substandard buildings to invest in their updating and expansion, thereby increasing the commercial tax base in Lexington.

Status Quo:

The Commercial Regional Office (CRO) zone FAR restriction of 0.15 would remain.

The CRO district does not allow light manufacturing.

Since most of the Hayden Ave., Spring St., developments are CD with their own FAR requirements (above .15) or are preexisting legally non-conforming developments, this change would not have significant effect and Mr. Smith has indicated he may not pursue it.

Yes Vote Means:

The CRO FAR restriction would be 0.30 which is similar to the zoning for Headquarters buildings with low intensity uses in a park like or campus setting in other communities

Questions

(See Article 53)

1. **What type of light manufacturing is likely to be developed?**
2. **Would laboratories be included under light manufacturing?**

Article 56 Amend Zoning Bylaw – Traffic Bylaw (Citizen’s Petition) Funds Requested: None

Sponsor: Michael Martignetti, Lawrence Smith

To see if the Town will vote to amend the Lexington Zoning Bylaw in modifying the Traffic Section added on 5-6-1987 by undertaking the following action:

“By deleting Article XII in its entirety and by inserting in place thereof the following new Article XII:

ARTICLE XII Traffic

(See Town Warrant for text of proposed changes)

DESCRIPTION: This article modifies the existing Traffic section and removes the specific language that gives the discretion to allow or deny a special permit from the Special Permit Granting Authority and the Lexington Building Commissioner.

Status Quo:

A special permit with site plan review (SPS) with extensive traffic studies is now required at a threshold of

- 1) the existing structure is 10,000 square feet or more,
- 2) an addition of 10,000 square feet or more, or
- 3) an addition of 25 parking spaces or more.

Yes Vote Means:

The threshold for an SPS and traffic study would be modified to:

- 1) exclude consideration of the size of the existing structure,
- 2) an addition of 50,000 square feet or more, or
- 3) an addition of 125 parking spaces or more.

In conjunction with the increase in the FAR ratio and additional allowable uses, the CM and CRO zones could be significantly expanded and transformed from today’s configuration with only a building permit required.

Questions

(See Article 53)

1. **The Zoning Bylaw states that if a traffic study shows a traffic threshold of “E” the Zoning Board of Appeals must reject the proposed change. Which of Lexington’s major intersections are at or close to a level E or are at or close to a level F?**

Article 57

Amend Zoning Bylaw – Development Standards (Citizen’s Petition) Funds Requested: None

Sponsor: Michael Martignetti, Lawrence Smith

To see if the Town will vote to amend the Lexington Zoning Bylaw in amending the meaning of the symbol “Y” in the Use of Symbols in Table 1, Permitted Uses and Development Standards, by undertaking the following action:

“In Section 135-16 (B) in the first paragraph defining the symbol “Y” by deleting everything following the Y and inserting in its place the following “YES: Permitted as of right.”

In Table 1, Part B - Commercial Uses, in Line B.22 under the CRO and CM district columns change the “SPS” to a “Y” symbol or take any other action relative thereto.”

DESCRIPTION: The existing 1998 amendment to the Zoning Bylaw requires the granting of a special permit with Site Plan Review (SPS) for every non-residential project of over 10,000 square feet. This provision has not been enforced since its adoption in 1998. The adoption of this article would revert the Table of Use definitions to the standard definition where a “Y” in the table means: “Yes, permitted as a matter of right”.

Status Quo:

Even though a “Y” is in Table 1, it still carries an SPS requirement. Table 1, Part B of the Zoning Bylaw lists the permitted uses for commercial zoning districts.

Yes Vote Means:

“Y” would mean “yes by right” and no SPS would be required. This would allow by right development for structures greater than 10,000 square feet if also conforming to all other restrictions such as FAR, setbacks, uses and parking spaces.

Questions

(See article 53.)

Article 58

Amend Zoning Bylaw – Transition Areas And Setbacks (Citizens' Petition) Funds Requested: None

Sponsor: Michael Martignetti, Lawrence Smith

To see if the Town will vote to amend the Lexington Zoning Bylaw in amending (1) the required depth or width (in feet) of transition area in the CM and CRO district; (2) the parking space, driveway and maneuvering aisle setback from street line in the CRO, CLO and CM district; and (3) minimum front yard in the CRO and CM district, by undertaking the following action:

“In Section 135-54 (C) by changing the required depth or width (in feet) from “50” to “25” of transition area under the column entitled “Street Line” in both the CRO and the CM district;

In Section 135-67 B. (2) by changing the distance in feet parking space, driveway and maneuvering aisle must be setback from the Street Line from “50” to “25” in the CRO, CLO and the CM districts;

In Table 2, Schedule of Dimensional Controls, on the line “Minimum front yard in feet”, under the column headed CRO and CM by striking out the number “100” and “75” respectively, and by inserting in place thereof the number “50” or take any other action relative thereto.”

DESCRIPTION: This article reduces expansive front-yard setback in the commercial districts. It also reduces the parking, maneuvering and transition setback from the street line from 50 to 25 feet. The “street line” often extends to well onto what looks like private property. In the case of Hartwell Avenue it is almost 25 feet from the street curb line.

Status Quo:

Setbacks provide a lower intensity of use and also allow for vehicular traffic to be able to enter into a premise without backing up onto the main artery. Current setbacks are at:

- 50 feet for parking space, driveway and maneuvering aisle from street line,
- 75 feet for minimum front yard for CRO districts, and
- 100 feet for minimum front yard for CM districts.

The large setback requirement on Bedford Street is to allow for widening of Bedford Street between Route 128 and Hartwell Avenue without expensive land takings.

Yes Vote Means:

Reduced setbacks would allow for higher density development, storefronts to be closer to the major artery. Proposed setbacks are:

- 25 feet for parking space, driveway and maneuvering aisle from street line,
- 50 feet for minimum front yard for CRO districts, and
- 50 feet for minimum front yard for CM districts.

Questions

(See Article 53)

Article 59

Amend Zoning Bylaw – Parking and Bicycle Facility Standards for Office Use (Citizens' Petition) Funds Requested: None

Sponsor: Michael Martignetti, Lawrence Smith

In an effort to (1) lower the office use parking requirement toward current Institute of Transportation Engineers (ITE) recommended standards of practice, (2) decrease the amount of impervious surfaces constructed on an office property, and (3) to encourage carpool, vanpool and bicycle use in office uses, to see if the Town will vote to amend the Lexington Zoning Bylaw in amending Section 135-64 "Number of parking spaces and loading bays", by undertaking the following action:

"In Section 135-64 (A) in the Type of Use corresponding to "Office uses (except as otherwise classified)" by deleting "1 / 250 s.f." and inserting in its place the following "A minimum of 3 parking spaces for each 1,000 square feet of net floor area shall be provided. A maximum of 3.5 parking spaces for each 1,000 square feet of net floor area. Preferential carpool and vanpool parking spaces shall be provided to encourage the use of other than single-occupant vehicles. Bicycle parking facilities shall be provided accordance with 135-64(F)."

"In Section 135-64 add a new subsection (F):

" 135-64(F) Bicycle Parking Facilities

"(1) Required Spaces

In an Office, Manufacturing, Research or Laboratory Use (as defined in 135-64(A) one bicycle parking space is required for every 20 motor vehicle parking spaces, with a minimum of 2 and a maximum of 40. No bicycle parking is required where there are fewer than 20 motor vehicle parking spaces.

"(2) Conversion of Automobile Parking Spaces

For properties having 100 automobile parking spaces or more, one automobile parking space as required by the preceding sections of this Parking Regulation may be converted to bicycle parking for up to 15 bicycles. For every 200 automobile parking spaces or portion thereof, one automobile parking space may be converted to bicycle parking and yet shall still be counted as a parking space for the purpose of meeting the requirement of section 135-64(F)(1) Required Spaces.

"(3) Placement and Access of Bicycle Parking

Bicycle Parking shall be situated near the primary entrance(s) of the building. It is recommended that half of the bicycle parking spaces be provided as long-term parking, safe and secure from vandalism and theft, and protected from the elements. The other half shall be provided as short term (customer or visitor) parking, and it is recommended that these parking spaces be visible and convenient to the building entrance. Bicycle parking apparatus shall

not be installed in a manner which will cause obstruction of pedestrian or motor vehicle traffic. Bicycle Parking shall be situated in such a way that normal snow removal activities and snow storage do not impact the bicycle parking facility.

“(4) Security

Bicycle parking apparatus shall be of a high-security design to which the frame and wheel of a parked bicycle may be attached; installed in a visible location so as to deter vandalism and theft; and permanently mounted to the ground or to a building or other immovable structure.

“(5) Dimensional Regulation

Each bicycle parking space shall be sufficient to accommodate a bicycle 6 feet in length and 2 feet in width. Inverted U frame or other racks approved by the Planning Board that support the bicycle at 2 or more points above the center of gravity are required.

“or take any other action relative thereto.”

DESCRIPTION: This article reduces office parking space requirement from a mandated 4 spaces per 1,000 square feet to a ratio of between 3 and 3.5 spaces per 1,000 square feet. This ratio also reflects the current ratios recommended by the Institute of Transportation Engineers (ITE).



Status Quo:

The ZBL requires 4 parking spaces per 1000 square feet of floor space in office uses. Lexington has no provision for bicycle parking spaces.

Yes Vote Means:

Parking requirement for office development is reduced to between 3 and 3.5 spaces per 1000 square feet.

Substantial parking for bicycles would be required.

Questions

(See Article 53)

1. **How much are bikes used now?**
2. **How could the bikeway(s) be integrated with Hartwell Avenue and other CM and CRO districts to encourage bike use?**
3. **What is the typical usage in towns such as Bedford with this type zoning regulation for bicycles?**
4. **Why should there be a maximum parking requirement? Will a developer ever put in more parking than needed for the use?**
5. **What effect, if any, will this have on impervious surface regulations?**



Article 60

Amend Zoning Bylaw – Parking Standards for Retail Sales (Citizens’ Petition) Funds Requested: None

Sponsor: Michael Martignetti, Lawrence Smith

To see if the Town will vote to amend the Lexington Zoning Bylaw in amending Section 135-64 (A) Number of parking spaces and loading bays, by undertaking the following action:

“In Section 135-64 (A) in the Type of Use corresponding to “Retail business” by separating out “retail sales” into its own Retail business subcategory and inserting the following parking requirements “1/500 on street level floors; 1/750 in a cellar; 1/600 on all other floors.”

“or take any other action relative thereto.”

DESCRIPTION: This article lowers the ratio of parking spaces required of retail sales uses in the Central Business (CB) district.



Status Quo:

The Central Business District has zoning provisions that require retail businesses to provide parking spaces proportionate to the floor space location and type of business.

Most businesses in the center do not provide the currently required parking. They need to provide new parking only if they change to a use requiring more parking - this rarely happens. The main effect of the current requirement is to prevent the few businesses, such as the former Cohoes, which do provide parking, from expanding their buildings into the existing parking areas.

Retail sales are included in the Retail Business category and currently has the following parking requirement:

Current Retail Business Parking Requirement

Zone	Street level floors levels	Cellar	All other floors
Central Business(CB)	1/325 s.f.	1/600 s.f.	1/400 s.f.
Commercial zones other than CB	1/250 s.f.	1/500 s.f.	1/300 s.f.

Yes Vote Means:

A retail sales category would be created with less strict parking requirements. Since the CB district has a FAR of 0.9, the elimination of parking spaces could result in an expanded footprint for new or remodeled buildings.

Proposed Retail Sales Parking Requirement

Zone	Street level floors levels	Cellar	All other floors
Central Business (CB)	1/500 s.f.	1/750 s.f.	1/600 s.f.

Questions

1. **Does this article also apply to parking in the CM and CRO districts if retail uses are allowed?**
 2. **How much traffic in the CB is related to circling or waiting for parking spaces now?**
 3. **How would reducing the required spaces affect circling and waiting time?**
 4. **What is the Town employee-parking situation since most must park in or near the CB?**
-

Town Meeting Members Association Bylaws

Approved March 8, 1978 and amended March 20, 1985; March 20, 1986; March 11, 1998; and March 17, 2005

Article I - Purpose

The Town Meeting Members of Lexington, Massachusetts, in order better to fulfill the obligations of the representative form of government, have established this Association to acquaint themselves more fully with the facts necessary for intelligent decisions and to assist in any other constructive way in the government of Lexington.

Article II - General Organization

Section 1 - Name

This organization shall be known as the Lexington Town Meeting Members Association or TMMA.

Section 2 – TMMA Membership

Membership shall be limited to elected Town Meeting Members and Town Meeting Members-at-Large.

Section 3 - Executive Committee

A. **Membership.** There shall be an Executive Committee consisting of the TMMA Officers elected in accordance with the provisions of Article II, Sections 4 and 5, and the Precinct Officers elected in accordance with the provisions of Article III, Sections 1 and 2. In addition, any former TMMA Officer who remains a Town Meeting Member may elect to serve as an emeritus member of the Executive Committee for up to two years after leaving office.

B. **Meetings.** The Executive Committee shall hold regular meetings during the year for the purpose of keeping abreast of Town affairs, particularly matters that may become the subject of future Town Meeting action, or for any other purpose relating to Town Meeting. The Executive Committee shall meet upon the call of the Chair, or at the request of five (5) Executive Committee members, with reasonable notice. The presence of nine (9) members, with at least five (5) precincts represented, shall constitute a quorum. Decisions shall be made by a majority of those members present and voting.

C. **Attendance.** Executive Committee meetings shall be open to all TMMA members. Any TMMA member who is not a member of the Executive Committee may enter into Committee deliberations upon recognition by the Chair, but shall not vote.

D. **Activities.** The Executive Committee shall undertake such activities as it deems appropriate to educate and inform Town Meeting Members and the public at large about pending and upcoming Town Meeting issues, including but not limited to the preparation of a warrant information booklet, the conduct of warrant information meetings, the conduct of bus tours or on-site visits, and the maintenance of a TMMA web site and email list. To this end, the Executive Committee may appoint subcommittees, working groups or task forces from among the TMMA membership from time to time when considered appropriate to the

purposes of the TMMA.

E. **Political Activity.** When supporting or opposing candidates or ballot questions, or when engaged in any other political activity, Executive Committee Members shall not use their Executive Committee title, or otherwise hold themselves out as representing the TMMA, unless specifically authorized by vote of the Executive Committee.

Section 4 – TMMA Officers

A. **Officers.** The TMMA shall elect annually from among the members of the TMMA, in accordance with Article II, Section 5(C), the following TMMA Officers: a Chair, a Vice-Chair, a Treasurer, a Clerk, and a Communications Officer. These officers shall perform the duties normally associated with such offices, or as further specified by vote of the Executive Committee.

B. **Term.** The term of each office shall be for one year, commencing on the first day of the Annual Town Meeting. Outgoing officers shall continue in office until this date, whether or not re-elected to Town Meeting. The Chair, Vice-Chair and Treasurer shall not serve in the same office for more than two consecutive terms.

C. **Disqualifications.** The following individuals shall not serve as TMMA Officers: townwide elected officials; members of the Appropriation Committee and the Capital Expenditures Committee; salaried employees of the Town; and Town Meeting Members-at-Large.

D. **Leaves and Vacancies.** A TMMA Officer shall take a leave of absence in order to run for townwide office, and may take a leave of absence for other exigent reasons with the consent of the Executive Committee. In the Chair's absence, the Vice-Chair shall perform the duties of Chair for such time as the absence shall continue. A permanent vacancy in any TMMA office, or an absence in any office other than Chair, shall be filled by vote of the Executive Committee.

Section 5 – TMMA Meetings

A. **Annual Meeting.** The Chair shall call an Annual Meeting of the TMMA to be held on a date after the annual town election, but not less than one week before the commencement of the Annual Town Meeting.

B. **Treasurer's Report.** At the Annual Meeting, the Treasurer shall present a Treasurer's report setting forth the TMMA's assets and liabilities as of December 31 of the previous calendar year, its income and expenditures during the previous calendar year, and a brief statement of major changes through the date of the Annual Meeting.

C. **Election of Officers.** TMMA Officers shall be elected at the Annual Meeting as follows:

1. Prior to the Annual Meeting, the Chair shall ap-

point a Nominating Committee consisting of three TMMA members who are not TMMA Officers, and at least one of whom shall be a member of the Executive Committee. The Nominating Committee shall prepare a slate of proposed candidates for TMMA Officers for the ensuing year.

2. The Chair shall present to the Annual Meeting the slate prepared by the Nominating Committee. After entertaining any additional nominations from the floor, the Chair shall put the question of the election of TMMA Officers to a vote.

D. **General Meetings.** Additional general meetings of the TMMA membership may be called by the Chair with reasonable notice when deemed appropriate. A general meeting shall be called upon the request in writing of twenty-five (25) TMMA members.

E. **Quorum and Voting.** The presence of fifty (50) Members shall constitute a quorum at a general meeting. Except to amend these Bylaws under Article IV, decisions of the TMMA membership, including the election of TMMA Officers at the Annual Meeting, shall be made by a majority of those present and voting, as determined in accordance with the voting procedures customarily used at Town Meeting.

Section 6 - Dues

The Executive Committee shall establish annually, prior to the TMMA Annual Meeting, dues in an amount sufficient to defray the reasonable expenses of the TMMA. Such dues shall be payable by voluntary contribution.

Article III - Precinct Organization

Section 1 – Precinct Officers

A. **Officers.** The TMMA Members of each precinct shall elect annually from among the precinct Town Meeting Members, in accordance with Article III, section 2(B), the following Precinct Officers: Precinct Chair, Precinct Vice-Chair and Precinct Clerk.

B. **Duties.** The Precinct Officers shall represent their respective precincts at meetings of the TMMA Executive Committee, and shall participate to the best of their ability in the activities of the Executive Committee. In addition, the Precinct Officers shall have the following duties:

1. **Precinct Chair:** The Precinct Chair shall be the presiding officer at TMMA precinct meetings; oversee the nomination of candidates for TMMA precinct offices and the conduct of TMMA precinct elections; assist in the distribution of information to precinct Town Meeting Members during the Annual Town Meeting or any special town meeting; encourage the attendance of precinct Town Meeting Members at TMMA informational meetings or other TMMA activities; promote discussions and contacts among precinct Town Meeting Members concerning Town Meeting business; and help to maintain civility and decorum during Town Meeting sessions.
2. **Precinct Vice-Chair:** The Precinct Vice-Chair shall assist the Precinct Chair in the performance of the Precinct Chair's duties; stand in for the Precinct Chair at precinct meetings and Town

Meeting sessions during the Precinct Chair's absence; and stand in for the Precinct Clerk at Town Meeting during the Precinct Clerk's absence.

3. **Precinct Clerk:** The Precinct Clerk shall count and report precinct Town Meeting Members' votes when a standing vote is called at Town Meeting; collect TMMA dues from precinct Town Meeting Members; and stand in for or assist the Precinct Chair and Vice-Chair in the performance of their duties as may be necessary.

B. **Term.** The term of each Precinct Officer shall be for one year. The Precinct Chair and Vice-Chair shall not serve in the same office for more than two consecutive terms.

C. **Vacancies.** In the event of a vacancy in the office of Precinct Chair, the Precinct Vice-Chair shall assume the office of Precinct Chair. In the event of a vacancy in the office of Precinct Vice-Chair or Clerk, the remaining Precinct Officers shall appoint a replacement from among the precinct Town Meeting Members for the balance of the term.

Section 2 – Precinct Meetings

A. **Annual Meeting.** An Annual Precinct Meeting shall be held prior to the Annual Meeting of the TMMA, at such time and place as directed or approved by the TMMA Chair.

B. **Election of Precinct Officers.** Precinct Officers shall be elected at the Annual Precinct Meeting as follows:

1. Prior to the Annual Precinct Meeting, any precinct Town Meeting Member may notify the Precinct Chair of his or her desire to be a candidate, or to nominate another precinct Town Meeting Member, for a precinct office.
2. The Precinct Chair shall present at the Annual Precinct Meeting the names of all candidates who have volunteered, or who have been nominated by others and consented to run, for precinct office. After entertaining any additional nominations from the floor, the Precinct Chair shall put the question of the election of Precinct Officers to a vote.
3. Precinct Officers shall be chosen by majority vote of those present and voting at the Annual Precinct Meeting. They shall assume office immediately upon completion of the election and announcement of the results.

C. **General Meetings.** Additional precinct meetings may be called by the Precinct Chair with reasonable notice when deemed appropriate, and shall be called upon the request of the Executive Committee or upon the written request of five (5) members from the precinct.

D. **Quorum.** The presence of five (5) precinct Town Meeting Members shall constitute a quorum at a precinct meeting.

Article IV - Amendments

These Bylaws may be amended, on the initiative of the Executive Committee or of any twenty-five (25) TMMA members, by a two-thirds vote of those present and voting at a duly called general meeting of the TMMA membership.

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, Roberts' 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 direc-

tions 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 "Mdme/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 Town Meeting in Lexington handbook to review Lexington Town Meeting Practices and Procedures