

March 2009

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 23, 2009. 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:

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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

Conflict of Interest Guideline for Town Meeting Members..... inside front cover

Financial Articles1

Article 4	Appropriate FY2010 Operating Budget	1
	Municipal Budget.....	1
	School Budget	5
Article 5	Appropriate FY2010 Enterprise Funds Budgets	7
Article 6	Appropriate for Senior Service Program	10
Article 7	Appropriate for Street Trees.....	11
Article 8	Appropriate for Tourism Promotion	12
Article 9	Appropriate for Planning Board Consulting Services	14
Article 10	Continue and Approve Departmental Revolving Funds	16
Article 11	Appropriate the FY2010 Community Preservation Committee Operating Budget and CPA Projects.....	18
Article 12	Land Purchase – Off Vine Street.....	24
Article 13	Land Purchase – Off Lowell Street.....	25
Article 14	Appropriate for Recreation Capital Projects	26
Article 15	Appropriate for Municipal Capital Projects and Equipment	27
Article 16	Appropriate for Water Distribution Improvements.....	34
Article 17	Appropriate for Sewer Improvements	35
Article 18	Appropriate for School Capital Projects and Equipment.....	36
Article 19	Appropriate for Public Facilities Capital Projects	38
Article 20	Street Acceptance – Pitcairn Place.....	46
Article 21	Street Acceptance – Wisteria Lane	47
Article 22	Appropriate for Design/Engineering for Senior/ Community Center at White House Site (Barnes Property).....	48
Article 23	Appropriate for Post-Employment Benefits.....	51
Article 24	Rescind Prior Borrowing Authorizations	52
Article 25	Establish and Appropriate to Specified Stabilization Funds	52
Article 26	Establish and Appropriate to Debt Service Stabilization Fund	54
Article 27	Establish Stabilization Fund for Minuteman Regional Vocational School District.....	55
Article 28	Appropriate to Stabilization Fund	56
Article 29	Appropriate for Prior Years' Unpaid Bills	57
Article 30	Amend FY2009 Operating Budget.....	57
Article 31	Appropriate for Authorized Capital Improvements.....	58

General Articles.....59

Article 32	Amend General Bylaw – Noise	59
Article 33	Amend General Bylaw –Capital Expenditures Committee	60
Article 34	Establish Qualifications for Tax Deferrals.....	60
Article 35	Establish Demand Charges for Delinquent Taxes	62
Article 36	Amend Historic Districts Act	63
Article 37	Reconfigure and Abandon Easement	64

Article 38	Petition General Court for Municipal Utility Act.....	65
Article 39	Petition General Court for Mid-Year Tax Relief Property Loss From Fire.....	65
Article 40	Resolution – Use of Reusable Bags	66
Article 41	Form Committee – Climate Change	67
Article 42	Double Utility Poles	68
Article 43	Health Benefits	70
Zoning/Land Use Articles.....		72
Article 44	Amend Zoning Bylaw,	72
	CM and NFI District Changes	72
Article 45	Amend Zoning Bylaw – Traffic	75
Article 46	Amend Zoning Bylaw – Zoning Map Revision.....	77
Article 47	Amend Zoning Bylaw – Technical Corrections	78
Article 48	Amend Zoning Bylaw – Financial Support for Transportation.....	78
Article 49	Amend Zoning Bylaw – CRO and RO to CD.....	81
Town Meeting Members Association Bylaws.....		86
Summary of Parliamentary Procedures		88

Financial Articles

Article 4 Appropriate FY2010 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 FY2010 (July 1, 2009 – June 30, 2010) 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 FY2008 expenditures, FY2009 appropriations and FY2010 proposed appropriations. Please note that figures for FY2008 and FY2009 have been restated to reflect the revised FY2010 presentation.

Municipal Budget Overview

The information provided for this report is from the Town Manager's recommended budget dated February 25, 2009. Changes made later in the budget process have not been reflected in the data. The Municipal operating budget and shared expenses of \$68,301,426 for FY2010 proposed by the Town Manager's budget document represent a 3.66% increase over the amount appropriated for FY2009. Of this amount, the Municipal Operating Budget is \$26,641,286 which represents a 3.71% increase over FY2009. Budgeted Shared Expenses are \$41,775,140, a 3.93% 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. The program expenses provided here do not reflect any salary and benefit adjustments that will result from ongoing collective bargaining negotiations. Due to the "fully loaded" nature in which Enterprise Funds have to be approved by Town Meeting, projected salary and benefit increases are reflected in Article 5 numbers. As in prior years, the expenses related to the Water, Wastewater and Recreation Enterprise Funds have been separated from the municipal operating budget and shared expenses and will be 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 affects program elements #2400, #3300, #3400, #3500, #6100, #6200, #7100, #7300 and #8140 and is reflected under Article 10.

Questions

- 1. Are we adequately reserved for the increases resulting from the on-going collective bargaining negotiations?**

Program #8230 is for salary adjustments and is for municipal employees only. Under this line item, \$1,083,000 has been reserved for any potential salary and benefit increases.

- 2. Where do we stand with funding our pension liability and has the downturn in the market impacted the funds we've invested to meet this expense?**

The annual pension liability expense is reflected in Program #2110, Contributory Retirement. In January of 2008, the value of our funds was approximately \$121 million while in December of 2008, the value had decreased to \$81 million. While Massachusetts regulations require the pension liabilities to be fully funded by 2028, Lexington is on track to have this done by 2015.

- 3. Under Program #2130 – Health Insurance, it was discovered that a class of subscribers was double counted when the FY2009 budget was developed. As a result, the approved appropriation was greater than needed. What was the dollar amount of the excess and where will the additional money go?**

At the end of FY2010, the money will be transferred to the General Fund (Free Cash) and can be used to reduce the amount to be raised from the tax levy in FY2011.

SHARED EXPENSE & MUNICIPAL BUDGET CHANGES - - FY2009 - FY2010					
(per Town Managers' Budget 1-12-09)		FY 2009	FY 2010	\$ UP/ (DOWN)	NOTES & HIGHLIGHTS
Program #	NAME	Appopr.(000)	Recomm'd(000)		
2100	Employee Benefits	\$ 26,782.3	\$ 27,890.3	\$ 1,108.0	4.14% overall increase
2110	Contributory Retirement	3,446.2	3,643.4	197.2	5.72% incr. based on FY10 assessment by Retirement Brd.
2120	Non-Contrib.Retirement	42.0	42.0	0.0	For retired employees who began employment prior to 1939
2130	Medicare	855.6	991.9	136.3	15.93% incr. Based on FY08 actual & FY10 COLA & step
2130	Health Insurance	20,473.1	20,999.9	526.8	Incr. assumes 12% projection & add. 55 subscribers
2130	Dental Insurance	772.0	861.9	89.9	11.65% incr. assumes 8% prem. incr. & 55 more subscribers
2130	Life Insurance	40.0	20.8	(19.2)	48.11% decrease based on FY08 actual experience
2140	Unemployment Benefits	100.0	267.3	167.3	Increase based on FY08 actual experience
2150	Workers' Compensation	306.6	351.6	45.0	Based on FY08 actual experience & building in reserve
2160	Property & Liability Insur.	608.2	611.5	3.3	Reduction in premiums in FY09 & assumed 10% FY10 incr.
2170	Uninsured Losses	138.4	100.0	(38.4)	Reduction base on Ad Hoc Fiscal Policy Committee
2200	Debt Service	4,017.5	4,471.4	453.9	11.30% overall increase
2210	Within-Levy Debt - Prin.	3,110.0	3,483.0	373.0	Combination of declining expempt debt approved in prior yr.s
2220	Within -Levy Interest	663.7	816.7	152.9	and estimated new debt to finance the DPW facility
2230	Within-Levy Temp. Borr.	243.8	171.8	(72.0)	Short-term borrowing helps reduce debt costs
2300	Reserve Fund (2310)	532.5	550.0	17.5	Appopr.Comm.approves transfers from this fund
2400	Public Facilities	8,869.4	8,863.4	(6.0)	0.07% overall increase
2410	Education Facilities	7,119.3	6,861.9	(257.5)	Reduction 2.5 FTEs, -3 custodians, +5 Admin. Asst-rentals
2420	Municipal Facilities	1,330.2	1,470.8	140.5	Includes \$110k for DPW utilities & \$12k for DPW cleaning
2430	Shared Facilities	610.8	680.8	70.0	Increase due to funding DPF Manager on this line item
	Rental Revolving Fund	(191)	(150)	41.0	Revolving Fund revenue netted out of dept. total
TOT.2000	TOT. SHARED EXPENSES	\$ 40,201.7	\$ 41,775.1	\$ 1,579.4	3.93% increase over the prior year
3100	D.P.W.Oversight	\$ 1,397.2	\$ 1,407.8	\$ 10.6	0.76% overall increase
3110	DPW Administration	498.9	508.6	9.7	Level staffed from prior year
3120	Engineering	526.6	533.6	7.0	Level staffed from prior year
3130	Street Lighting	371.7	365.6	(6.1)	Performed by Forestry Div. staff and outside contractor
3200	Highway Administr.	2,297.3	2,463.7	166.5	7.25% overall increase
3210	Highway Maintenance	923.5	1,076.9	153.4	\$100k incr. brook restoration, \$44.7k incr. catch basins
3220	Road Machinery	726.9	649.4	(77.4)	Level staffed from prior year
3230	Snow Removal	646.9	737.4	90.5	\$60k incr. for salt and sand, \$25 incr. for sidewalks
3300	Public Grounds	1,359.7	1,393.9	34.3	2.52% overall increase
3310	Parks	862.7	872.3	9.6	Parks, playgrounds, conservation, athletic fields, recr. etc
3320	Forestry	241.0	256.6	15.7	Other departmental expenses reflected in Article 10
3330	Cemetery	256.0	265.0	9.1	Other departmental expenses reflected in Article 10
3400	Environmental Services	2,164.6	2,092.8	(71.9)	3.32% overall decrease
3410	Refuse Collection	725.0	725.0	0.0	Curbside collection of non-recyclable solid waste
3420	Recycling	774.7	779.0	4.3	Other departmental expenses reflected in Article 8
3430	Refuse Disposal	665.0	588.8	(76.2)	Due to decrease in tipping fees & proj. tonnage decrease
3500	Transportation	555.9	575.1	19.2	3.45% overall decrease
3510	LEXPRESS	421.7	436.7	15.0	\$13.5k increase due Lexpress contractual services
3520	Parking Operations	134.2	138.4	4.2	Maintains the mix of long-term and short-term parking
3600	Water Enterprise	7,308.0	8,055.1	747.1	Expense is recognized under Article 5
3710	Water Operations	1,921.1	2,022.1	101.0	
3720	MWRA	4,565.9	5,250.8	684.9	
	Indirect Costs	821.0	782.2	(38.8)	Article 5 does not incl. Indirect expenses
3700	Sewer Enterprise	7,777.1	8,629.0	851.8	Expense is recognized under Article 5
3810	Sewer Operating	1,207.4	1,203.7	(3.7)	
3820	MWRA	5,855.2	6,733.5	878.3	
	Indirect Costs	714.5	691.8	(22.8)	Article 5 does not incl. Indirect expenses
TOT.3000	COMMUNITY SERV.	\$ 7,774.7	\$ 7,933.4	\$ 158.7	2.04% incr., Does not include Articles 5 and 10 expenses
4100	Law Enforcement	\$ 5,289.5	\$ 5,268.4	\$ (21.1)	0.40% overall decrease
4110	Police Administration	1,139.4	1,144.3	4.9	Level staffed from prior year
4120	Patrol & Enforcement	2,745.1	2,752.0	6.9	\$20k increase from OT to backfill Lex. Center officers
4130	Parking Meter Maint.	70.8	70.8	0.0	Funding is through parking receipts, not tax levy
4140	Investigation/Prevention	615.6	620.2	4.6	Includes 3 detectives assigned as school resource officers
4150	Combined Dispatch	555.2	520.5	(34.7)	Net of \$37,000 grant for dispatch wages
4160	Animal Control	28.7	28.8	0.1	Level staffed from prior year
4170	Crossing Guards	134.7	131.8	(2.9)	16 part time civilian staff covering 14 school crossings
4200	Fire Services	4,748.1	4,870.5	122.4	2.58% overall increase
4210	Fire Administration	278.8	248.7	(30.0)	Directs fire suppression personnell, manages budgets
4220	Fire Prevention	185.0	184.0	(1.0)	Includes 2 paramedics (net of projected revenue)
4230	Fire Suppression	4,138.0	4,293.9	155.9	3.77% increase
4240	Emergency Medical Serv.	136.3	131.8	(4.5)	Level service budget
new 4250	Emergency Management	10.0	12.0	2.0	Responsible for town-wide emergencies, FEMA, MEMA
	PUBLIC SAFETY	\$ 10,037.6	\$ 10,138.9	\$ 101.3	1.01% overall increase

Program #	NAME	FY 2009 Appopr.(000)	FY 2010 Recomm'd(000)	\$ UP/ (DOWN)	NOTES & HIGHLIGHTS
5100	Cary Memorial Libr.	\$ 1,858.7	\$ 1,952.3	\$ 93.6	5.04% overall increase
5110	General Services	412.1	421.5	9.4	Library administration staff
5120	Adult Library	1,101.3	1,170.9	69.6	Includes \$120k for Sunday hours approved 2007 override
5130	Children's Library	345.3	359.9	14.6	Level staffed from prior year
5200	Recreation	1,851.5	1,915.9	64.5	Expense is recognized under Article 5
5210	Recreation Activities	1,159.9	1,189.4	29.6	Includes \$12.8k for on-line recreation system
5220	Pine Meadows Golf Course	516.2	537.9	21.7	
	Indirect Costs	175.4	188.6	13.2	Article 5 does not incl. Indirect expenses
TOT.5000	CULTURE & RECR.	\$ 1,858.7	\$ 1,952.3	\$ 93.6	5.04% incr., Does not include Articles 5 expenses
6100	Council on Aging	\$ 490.8	\$ 361.8	\$ (129.0)	26.29% overall decrease due to Soc. Serv. Reorganization
6110	Administration & Outreach	171.7	161.0	(10.7)	Facility limitations still major issue
6120	Community Programs	44.0	16.5	(27.4)	Reorganization of Soc. Serv.s to Human Srv.s Dept.
6130	Adult Day Care	275.1	184.3	(90.9)	Includes \$60k decrease for transportation
6200	Human Services & Vets Adm	164.9	219.0	54.1	32.84% overall increase due to Soc. Serv. Reorganization
6210	Human & Veterans Services	55.4	70.9	15.4	Provides living,medical and dental costs on long-term basis
6220	Services for Youth	56.9	73.7	16.8	Intervention, case mngmt. & coord. of services
6230	COA Support Services	37.7	59.6	21.9	In-home assessment, crisis intervention, health monitor prg
6240	Developmentally Disabled	14.8	14.8	0.0	Level funded
TOT.6000	SOCIAL SERVICES	\$ 655.7	\$ 580.9	\$ (74.9)	11.42% overall decrease
7100	Office of Community Devl.	\$ 969.1	\$ 1,000.2	\$ 31.1	3.21% overall increase
7110	Building & Zoning	426.0	458.3	32.3	Includes full year funding for Bldg. Inspector (added 1/09)
7120	Regulatory Support	176.8	181.3	4.6	Support for Board of Appeals, HDC & other boards & comm
7130	Conservation	149.0	157.8	8.8	Level staffed from prior year
7140	Public Health	217.3	202.7	(14.6)	Total department expense reduced \$10k from Revolving Fr
7200	Planning Dept. (7210)	264.8	237.1	(27.7)	Includes \$100k from Article 9 less \$40k from 2008 STM
7300	Economic Development	106.4	92.7	(13.7)	12.89% overall decrease
7310	Econ. Dev. Office	80.6	83.9	3.3	Level staffed from prior year
7320	Liberty Ride	17.5	0.0	(17.5)	Liberty Ride expenses now reflected in Article 10
7330	Battle Green Guides	8.3	8.8	0.5	Level service budget
TOT.7000	COM./ECON DEV., PLANNING	\$ 1,340.2	\$ 1,330.0	\$ (10.3)	0.77% overall decrease
8100	Board of Selectmen	\$ 508.9	\$ 539.4	\$ 30.5	6.0% overall increase
8110	Board of Selectmen	151.9	157.4	5.5	Due to salary, step and audit expense increases
8120	Legal	350.0	375.0	25.0	To reserve against possible increased activity
8130	Town Report	7.0	7.0	0.0	Level funded budget
8140	LCTV	400.0	400.0	0.0	Expense is recognized under Article 10
8200	Town Manager	1,206.4	1,740.7	534.4	44.29% increase due to Salary Adjustment reserve
8210	Administration	535.5	556.7	21.2	Level staffed from prior year
8220	Human Resources	175.3	181.0	5.7	Human resource director funded by FY2007 override
8230	Salary Adjustment	495.5	1,003.0	507.5	For anticipated collective bargaining settlements
8300	Town Committees	35.7	36.2	0.5	1.4% overall increase
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.	29.5	30.0	0.5	Due to increased costs for Patriot's Day events
8400	Finance	1,338.3	1,365.1	26.7	2.0% overall increase
8410	Comptroller	552.6	550.1	(2.5)	Level staffed from prior year
8420	Revenue	283.9	295.9	12.0	Salary step increases and contractual adjustments
8430	Assessor	435.2	452.4	17.2	\$5,350 incr. due to mandatory survey of exempt property
8440	Utility Billing	66.6	66.6	0.0	Level funded budget
8500	Town Clerk	396.1	353.5	(42.6)	10.76% overall decrease
8510	Town Clerk Admin.	241.1	246.1	5.1	Level staffed from prior year
8520	Board of Registrars	17.5	17.5	0.0	Level service budget
8530	Elections	102.2	52.2	(50.0)	Due to the reduction in the number of elections
8540	Records Mngmnt	35.4	37.6	2.3	Level staffed from prior year
8600	MIS(8610)&Web Dev.(8620)	536.0	555.9	19.9	\$12,953 increase due to hiring new Director of MIS
TOT.8000	GENERAL GOV'T.	\$ 4,021.5	\$ 4,590.9	\$ 569.4	14.16% overall increase
GRAND TOTAL: Programs 2000-8000		\$ 65,890.1	\$ 68,301.4	\$ 2,411.3	SHARED EXPENSES & MUNICIPAL BUDGET- 3.66 % incr.
TOTAL: Programs 3000-8000		\$ 25,688.4	\$ 26,526.3	\$ 837.9	MUNICIPAL OPERATING BUDGET - 3.26% increase
Adjustment to Municipal Expenses			\$ 115.0		\$15K -Tourism Art. 8, \$100K -Plan. Bd. Art. 9
GRAND TOTAL: Programs 3000-8000		\$ 25,688.4	\$ 26,641.3	\$ 952.9	MUNICIPAL OPERATING BUDGET - 3.71% increase

School Budget

Funds Requested: \$69,815,286

Article Sponsor: Board of Selectmen

Overview

The proposed Education operating budget for FY10 totals (as of this draft \$69,815,286), of which \$68,015,286 (as of this draft) is for the Lexington Public Schools (LPS), the remainder is for Minuteman Regional School. The School Committee found that this proposed level service budget for FY10 would increase expenditures by 5.6% over FY09.

The Summit process exposed a deficit in the proposed Town budget. The School Committee worked with Town Manager and the Selectmen to identify the amount of the School Department's share of reductions to target, namely: \$1.8 million.

The School Committee has reviewed 12 proposals which, if adopted, would reach a little over \$1.3 million in reductions. In addition, the School Committee has reviewed 4 items which could reduce the budget by an additional \$500,000. As of this writing, the School Committee still hoped to protect the 4 items to the greatest extent possible.

1. Changes from FY2009

Personnel Notes: The School Committee has asked the Superintendent to find savings in restructuring personnel in a manner that provides similar services with fewer 20-hour or more part-time positions to minimize health benefit expenses.

The reductions that the School Committee recommends include: eliminating benefits for 28 Instructional Assistants by restructuring so that individuals work under 20 hrs/wk; eliminating benefits for 14 part-time teaching positions by creating 7 full-time positions; eliminating 5 FTEs in Instructional Assistants; and level funding budgets for supplies and materials.

The budget reductions the School Committee would most like to avoid are prioritized in this order: reducing the number of benefits-eligible School Support Personnel, eliminating 4.1 teaching positions, hiring teachers at a lower average salary, and reducing the number of Instructional Assistants by more than 5 FTE.

2. Special Education Mandates

In an attempt to meet special education mandates in an efficient manner, the School Committee has continued to instruct the Superintendent to seek ways to provide appropriate education to meet the needs of Lexington students within town schools, rather than send students to out-of-district schools. This year a program has been piloted at Bowman Elementary school to address early intervention in literacy. The program aims to provide instruction for students with early comprehension challenges, including dyslexia. While next year's Special Education costs are expected to rise, the Superintendent projects we will still spend less money than we might have by providing these services in-house (versus paying tuition expenses for the same students).

3. References

See the school website <<http://lps.lexington.org>> for more information about the school programs and reports. The site contains detailed reports about the school, including population/enrollment projects and numerous updates.

Questions

1. Under what conditions should we withdraw funds from the reserve fund? Should funds be used to preserve programs on the \$1.8 million dollar cut list?
 2. What measurable progress has been made this year in the attempts to close the reported achievement gap?
 3. What is the status of the state grant that now supports full-day kindergarten? Is there a plan in place to handle loss of funds from this grant source?
 4. Given the pressure to reduce SPED costs, how are we certain that all children receive the services they need?
 5. During FY2009, was money used from the SPED Stabilization Fund?
 6. Are we currently in collective bargaining negotiations with the School Department unions, and if so, how are we reserved against any potential increases that may result?
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Article 5

Appropriate FY2010 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 FY2010 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.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED:

Enterprise Fund	FY2008 Actual	FY2009 Appropriated	FY2010 Requested
1. Water			
Personal Services	\$574,104	\$606,952	\$637,312
Expenses	\$499,291	\$463,845	\$338,180
Debt Service	\$358,301	\$850,350	\$1,108,100
MWRA Assessment	\$4,117,775	\$4,565,881	\$5,250,763
Total Water Enterprise Fund	\$5,549,471	\$6,487,028	\$7,334,355
2. Wastewater			
Personal Services	\$224,349	\$251,864	\$277,344
Expenses	\$330,076	\$385,565	\$300,600
Debt Service	\$473,256	\$569,971	\$633,497
MWRA Assessment	\$5,630,863	\$5,855,209	\$6,733,490
Total Wastewater Enterprise Fund	\$6,658,544	\$7,062,609	\$7,944,931
3. Recreation			
Personal Services	\$550,252	\$611,794	\$636,190
Expenses	\$880,280	\$958,089	\$956,815
Debt Service	\$168	\$ 106,200	\$ 132,600
Total Recreation Enterprise Fund	\$1,430,700	\$1,676,083	\$1,725,605

DESCRIPTION: Under Massachusetts General Laws Chapter 44, Section 53F½, 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.



Overview

Article 5 approves appropriation and expenditure from the Water, Wastewater, and Recreation Enterprise Funds. FY2010 represents the fourth 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. FY2010 also marks the completion of the phase-out of PILOT (payment in lieu of taxes) charges being assessed to the enterprise funds. The Board of Selectmen began phasing out these charges in FY2007 at the rate of 25% per year.

Changes to the Water Enterprise fund budget from FY2009 reflect a \$125,000 reduction in the PILOT payment to the General Fund and an estimated increase for the MWRA (Massachusetts Water Resources Administration) 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 FY2009 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 FY2009 reflect contractual salary increases, utility increases and supplies and materials for recreation programs.

Questions

1. What is an enterprise fund?

An enterprise fund is a self-supporting account for a specific service or program that the town operates as a separate “business.” Enterprise funds do not depend on taxes for operating revenue. For example, water operations are funded through the water enterprise fund, which receives funds from a consumption-based fee system. Ideally, enterprise resources and expenditures should balance over time. Funds in enterprise accounts do not revert to the general fund at the end of the fiscal year.

2. In an effort to improve billing accuracy, the town initiated an effort to replace older water meters with those that have outside indicators. Where does this effort stand?

The work by an outside contractor to replace water meters and add outside indicators is complete. There are still 504 meters which have not been replaced due to difficulties gaining access to certain properties. This final group will be addressed by DPW staff as access to properties can be arranged.

3. MWRA assessments in the budget are projections. When will more accurate numbers be received from MWRA?

In prior years, the MWRA Board has finalized assessments in June. Preliminary assessments released in February indicate a 1.8% decrease in Water and an 8.2% increase for Wastewater.

4. What accounts for the proportionally large changes in Recreation debt service?

In June 2002, a Proposition 2 ½ debt exclusion question was approved by the voters for the construction of new ball fields at Lincoln Park. At that time, it was agreed that the Recreation Enterprise Fund would contribute \$100,000 towards the annual debt service payment for this project. This \$100,000 payment was previously an off-budget expense of the Recreation Enterprise Fund, not voted on by Town Meeting. Beginning in FY2009, this payment has been shown in the Recreation Enterprise Fund budget to clearly present to Town Meeting the total Recreation budget.

5. Are any of the 201 Bedford Street costs included in the FY2010 Water and Wastewater Enterprise Fund budgets?

Yes. 17% of the cost of the new facility at 201 Bedford Street is included in the water rates (approximately \$455,000 in FY2010). 7% is included in the sewer rates (approximately \$187,000 in FY2010). The balance is financed by the Debt Exclusion previously approved by voters.

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 work for the municipality in exchange for a reduction in their real estate tax bills. As a result of these actions, the hourly rate under the program was increased from \$6.75 to \$8.50.

To be eligible to participate in the Town's program, the guidelines state that a participant must be 60 years of age or over, own property in Lexington which serves as their principal residence and whose gross income (including Social Security income) does not exceed \$46,300 for a single taxpayer or \$52,950 for a couple.

The State-allowed maximum credit that can be earned is \$750. Under the Town's program, an eligible individual may work no more than 110 hours to receive the maximum credit amount of \$935. A two-person household eligible to participate in the program may work no more than 140 hours to receive the maximum credit amount of \$1,190.

This article requests funds to continue the program.

Questions

1. Is it anticipated that FY2010 program participation will match FY2009?

Yes. Participants must apply annually to participate in the program and provide all required documentation.

2. Are the people who work under this program considered to be Town employees?

No. Participants provide services to the Town in exchange for a reduction in their real estate tax bill.

3. Is the current economic downturn apt to increase participation in this program by increasing the number of eligible residents?

Article 7

Appropriate for Street Trees

(Citizens' Petition)

Funds Requested: \$24,000

Sponsor: John Frey and nine or more registered voters

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.

Overview

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 tree nursery, but it does not have mature trees yet. We hope the first trees from the nursery will become available for planting in 2011.

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

Not significantly so far. Commemorative trees are usually planted in other locations and the number of them so far has averaged less than 2.5 per year.

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

The FY2010 proposed budget includes \$14,000 for street trees (3300 Public Grounds). The proposed budget does not cover the full cost of compensating for the annual loss of 70 trees. This article repeats the process used in FY2009 to fully fund street tree replacement.

4. Do the requested funds cover planting costs?

Yes.

5. How has the planting program for FY2009 progressed?

Thirty-five of the 70 trees were planted in December 2008 by Waverly Landscape Associates on Massachusetts Avenue, Worthen Road and Waltham Street. They were Honeylocust, Silver Linden, Green Ash, London Plane and Lacebark Elm trees. The remaining 35 trees under the prior year's appropriation are to be planted in the spring of 2009, because their species have a better survival rate if transplanted in the spring.

Article 8 Appropriate for Tourism Promotion

Funds Requested: \$50,000

Sponsor:

Board of Selectmen at the request of the Tourism Committee

To see if the Town will vote to raise and appropriate a sum of money for tourism initiatives in the Town to be spent under the direction of the Town Manager; 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: The Tourism Committee is seeking funding for initiatives such as joint advertising, creating maps and brochures that combine the historic walking maps and the center dining and shopping guide, website optimization; and to add a second Liberty Ride trolley during peak operations. Because the Town is benefiting from new tax revenue as a result of the two new hotels in Town, the Tourism Committee believes it is appropriate to make this request.

Overview

This article is intended to support economic development, more specifically, to generate tourism and tourist spending at local stores and restaurants. The money will be spent on marketing, advertising, and promotional materials describing tourist attractions in Lexington.

Questions

1. The sponsors of this article view this expenditure as an investment.

As such, does it generate a return on the dollars expended?

According to the Massachusetts Department of Tourism, for every dollar invested in promotion, \$3.35 is generated in state and local taxes and \$47.92 is returned to the local economy through tourist spending.

2. How much can local (Lexington) tax receipts be expected to increase as a result of the potential increase in tourism?

3. How much money does the Town receive from hotel sales tax?

The budget projects hotel tax revenue of \$338,000 in the next fiscal year, a substantial increase over last year due to the addition of two hotels that opened last year at the Sheraton site. The sponsors of this bill are asking for 25% of this new growth.

4. Will residential taxpayers benefit from an increase in tourism?

It is in all our interests to have a profitable group of hotels, merchants, and restaurants that thrive and are able to increase the amount of property and sales taxes they pay. The Tourism Committee has documentation of over

100,000 visitors a year coming to Lexington and over one million coming to Minuteman National Historical Park. Each tourist represents a potential customer for our local businesses. If we could convince 10% of them to spend the day in Lexington, it could generate almost \$500,000 into the local economy

5. Is this expenditure currently included in the operating budget?

The recommended budget contains an appropriation of \$15,000 for this request. The Tourism Committee will be meeting to decide whether to support this recommendation. They are also working with town staff to determine whether to request funding through this article or Article 4.

Article 9

Appropriate for Planning Board Consulting Services Funds Requested: \$100,000

Sponsor: Board of Selectmen

To see if the Town will vote to raise and appropriate a sum of money for consulting services for the Planning Board; 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: The funds would be used to further economic development in the town by implementing newly passed by-law amendments as well as supporting continuing work on zoning changes for the CRO district that will mirror the work done for the Hartwell Avenue area. Consultant services will be used to aid in the following work:

- A Traffic Mitigation Plan laying out mitigation measures necessary to support commercial build out within the Traffic Management Overlay district. The costs of implementing the plan will be used as the basis for establishing an appropriate level of contribution to the traffic mitigation fund.
- Site plan review regulations that will clearly set forth the objectives and standards to be used during site plan review.
- CRO studies to aid in developing zoning changes for the CRO district, including background traffic studies, projection of future traffic/transportation needs and concept sketches and data for presentation to Town Meeting.

Overview

The purpose of this article is to fund consultant services to assist the Planning Board and planning staff in developing the Traffic Plan referenced in Article 45 and the Site Plan Review standards referenced in Article 44. The primary effort will be to estimate the additional traffic that will be generated as a result of build-out to a new, greater Floor Area Ratio (FAR); to devise appropriate traffic mitigation measures to help manage this traffic; and to estimate the cost of implementing such measures. Secondly, consultant services will be used to examine current practices and make recommendations for detailed site plan review standards.

If this article is passed as written, developers will be required to pay a share of traffic mitigation costs into a Traffic Mitigation fund. There is some question as to whether State law permits such funds to be used for operating expenses (such as public transportation subsidies). At this time, the required payment will cover only capital costs—sidewalks, pavement striping, traffic lights, intersection improvements, etc. Subsidies for public transportation are handled separately. It is expected that developers will be given a choice of possible Traffic Demand Management (TDM) measures to implement which may include contributions for public transportation. How the TDM measures are to be evaluated is still an open question.

The Planning Board expects to publish, before Town Meeting, its “guiding principles” for traffic mitigation. These will follow the broad outline of the 2007 Massachusetts Highway Design Standards. In contrast to earlier standards, which dealt primarily with vehicle mobility and safety, these new standards emphasize:

1. Multi-modal considerations. The safety and mobility of all users (pedestrians, bicycles and drivers) are to be considered equally through all phases of the project.
2. Context-sensitive design. A collaborative, interdisciplinary approach that involves all constituents is to be used to develop a transportation facility that fits the physical setting and preserves scenic, aesthetic, historic and environmental resources while maintaining safety and mobility for all users.
3. Clear project development process. Early identification of issues and alternatives, and open and continuous involvement with project constituents will ensure that community values, natural, historic, and cultural resources, and transportation needs are considered throughout the planning, design and construction phases of the project.

Under current zoning regulations, almost every development requires a special permit, which gives the Planning Board control over many of the specifics of the project. Many developments are proposed as CD rezonings, which gives Town Meeting control over many of the specifics of the project. The goal of Articles 44 and 45 is to establish a set of rules under which development can proceed more expeditiously, without the uncertainties and expense inherent in these procedures. Town Meeting will cede some control under the proposed bylaw amendments, as utilizing the amended CM zone may be a more attractive option to developers than a CD rezoning. However, if the plan developed with the aid of the consultants funded by this article is successful, it will greatly simplify the development process for developers, while still preserving the best interests of the Town and its residents.

Question

1. **If \$100,000 is insufficient to fund the entire scope of this project, will the remainder of the work be done in-house or will there be a subsequent request for additional funds?**
-

Article 10

Continue and Approve Departmental Revolving Funds

Sponsor: Board of Selectmen

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the Massachusetts General Laws, to authorize the use of revolving fund accounts in FY2010 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 FY2010 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	FY2010 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	\$315,000
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	Human Services Director	Program fees and gifts	\$100,000
Tourism/Liberty Ride	Town Manager and Tourism Committee	Liberty Ride receipts, including ticket sales, advertising revenue and charter sales	\$166,000
School Bus Transportation	School Committee	School bus fees	\$830,000
Public Facilities Revolving Fund	Director of Public Facilities	Building rental fees	\$150,000

DESCRIPTION: A revolving fund established under the provisions of Massachusetts General Laws Chapter 44, Section 53E½ 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.

Overview

The authorizations for each program or purpose represent revenue projections for FY2010.

Questions

1. Since the expenditure ceilings are based on revenue projections, how have actual to budgeted revenues measured in prior years and this year?
 2. Due to the downturn in the economy, what would happen if each program's revenue projection falls below the amount projected? Would a subsequent appropriation be needed or could the specific departmental expense be covered by the reserve fund?
-

Article 11 Appropriate the FY2010 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 FY2010 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 FY2010; 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 REQUESTED:

- a) Drainage Improvements to Preserve Various Athletic Fields - \$200,000 (\$100,000 from CPA Funds and \$100,000 from General Fund Debt).
- b) Storm Water Mitigation to Preserve the Old Reservoir - \$569,000.
- c) Pond and Drainage Improvements to Preserve Pine Meadows Golf Course - \$200,000.
- d) Archives and Records Management Needs/ Records Conservation and Preservation - \$150,000.
- e) Cary Vault Supplemental Appropriation - \$45,000.
- f) Town Office Building Preservation and Renovation - \$30,000.
- g) Police Station Space Preservation and Needs Study - \$45,000.
- h) Stone Building Renovation - \$180,000.
- i) Fire Headquarters Preservation and Renovation – \$100,000 (\$29,700 from CPA Funds and \$70,300 from General Fund Debt).
- j) Greeley Village Roof Replacement - \$320,828.
- k) Munroe Tavern Historic Structures Report and Capital Needs - \$50,000
- l) Purchase of Three Affordable Housing Units - \$797,500.
- m) Land Acquisition – unknown at press time.
- n) Administrative Budget - \$150,000.

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.



**A) Drainage and Turf Improvements to Various Athletic Fields – \$200,000
(\$100,000 from CPA Funds and \$100,000 from General Fund Debt)**

The work proposed is for the area between the Center Playground 90-foot varsity baseball field and the main varsity softball field, as part of a five-year program to upgrade all Lexington athletic fields, improving safety and playability for players.

\$100,000 to correct drainage problems will come from CPA funds; \$100,000 for turf installation will come from General Fund Debt, as this is considered “routine maintenance” and cannot be funded from CPA funds.

It is 20 years since the area has been significantly addressed, and the surface is uneven, poorly drained, with insufficient turf cover.

It is expected that DPW and Recreation staff maintenance hours, equipment use and materials should decrease with improved field conditions.

The CPA regulations permit the use of funds for recreational purposes once at least 10% has been expended or reserved on each required use category—open space, historic preservation and housing. Such items as installing or rehabilitating drainage on existing athletic fields or recreational areas are permitted under the Act.

B) Storm Water Mitigation to Preserve the Old Reservoir – \$569,000

This project is an effort to reduce the contamination brought into the Old Reservoir by the bacteria present in stormwater. A study has revealed that stormwater is the only significant source of bacteria in the Reservoir.

The Recreation Department, in conjunction with the Department of Public Works, following recommendations from a study by a town-financed private consultant, will use the funds to bring additional stormwater into an enlarged detention basin, from which it can be released slowly giving the bacteria more time to die and solids more time to disperse.

Two outfall pipes currently enter the detention basin, but two others do not. One of these will be redirected to the detention basin, and the second will also be done in a follow-on project in 2011, with a price tag of \$190,047.

The Old Reservoir is an important year-round recreational resource for the community, with swimming in the summer months and year-round walking trails and fishing. The area is also used by Bridge School teachers in the science resource curriculum.

C) Pond and Drainage Improvements To Preserve Pine Meadows Golf Course – \$200,000

An engineering assessment in 2006 recommended significant remediation of poor drainage and stormwater flow conditions and associated holding ponds at or adjacent to Pine Meadows, the town-owned site of the Pine Meadows Golf Course.

This open space and recreational resource area is used year-round by residents to play golf, cross- country ski, sled and walk.

Work will include dredging two ponds to increase holding capacity, eliminating the

frequent damage to cart paths along the ponds during heavy storms.

Included are improvements to the piping system draining the ponds into Kiln Brook. Such repairs to drainage systems on recreational areas are permitted under the CPA.

D) Archives and Records Management Needs/ Records Conservation and Preservation – \$150,000

This is year two of a five-year project to preserve and protect Lexington's historical municipal documents and records. The main vault in Cary Hall, enhanced with movable shelving and pending climate control work funded by the CPA, has been established as the core facility for proper retention, retrieval and permanent archiving of valuable permanent and historical information.

The work includes microfilming, digitization and conservation measures to preserve the materials and to make them available for such events as the 300th anniversary of the town's founding, coming up in 2013.

It is expected that there will be a request for \$150,000 for each year through 2013.

E) Cary Vault Climate Control - Supplemental Appropriation – \$45,000

The Cary Vault HVAC project, originally authorized in 2008, has stalled due to the lack of a bid within the framework of the original appropriation of \$60,000. The only bid received in the spring of 2008 was for \$100,000.

Additional review of the current specifications is being done, but if the redesign options should not be viable, it is likely that the re-bid will approach \$100,000, hence the request for additional funds.

If missing, the HVAC component will hold up vault reorganization and the secure transfer of historical archives.

F) Town Office Building Expanded Study – \$30,000

The Town Office Building Use Study and Renovation Design was funded and completed in FY2009. The expected preliminary construction costs totaled \$1,600,000 rather than the \$1,000,000 expected.

As a result, an additional \$25,000 (plus a \$5,000 contingency fund) is required to pay for the development of the construction drawings and bid specifications for the increased scope of the work.

The renovation is designed to a) correct code and ADA deficiencies; b) improve energy efficiency; and c) realign staff quarters to improve work flows and customer service.

G) Police Station Space Preservation and Needs Study – \$45,000

Despite renovations made in the mid 1970s and in 1994, the Police Station on Massachusetts Avenue is poorly equipped to handle the tasks it is presently assigned.

It lacks an elevator to the second floor and a secure "sally port" for bringing prisoners into the building. Other issues are an inadequate indoor firing range, lab and evidence

rooms too small for the department's needs, undersized locker rooms for men and women, and bathrooms not ADA compliant.

The building does not have a fire sprinkler system, has not been modified to meet seismic standards, and has two incompatible electrical systems.

The study will focus on: space needs, building and site conditions, historical evaluation, Leed opportunities, schematic design options, design review projected construction costs and projected schedule.

H) Historic Stone Building Renovation – \$180,000

The 1833 Stone Building, a registered National Historic Landmark, which had been used for many years as a branch library, was severely damaged by flooding in August 2007. The Cary Library Trustees, who control the East Lexington facility, have decided that the best use of the building for the future, based on input from a number of citizens and town officials, is as a public space facility, which is being termed a "Lexington Heritage Center," a combination museum, public space, and exhibition hall, presumably making it available for both public and private functions.

This project is requesting \$180,000 in Community Preservation Act funds to preserve the historic Stone Building by stabilizing the structure. The first step of the stabilization process will entail an Historic Structures Report (HSR) augmented by further existing -conditions assessment; all of this will be the basis of the Stabilization bid documents. Strategic building stabilization repairs will be bid and completed within these funds.

Concurrent with this stabilization process, the Town needs to identify the users and then fully describe the building program. Should there be any residual money left from the stabilization effort, that money will be put towards a preliminary design of the space for an identified user.

A year or more out, with the building stabilized and the building program fully described and vetted, the Stone Building will again be before Town Meeting for funds to hire an Architect/Engineer team to complete design and bid documentation for the full renovation of the building. That Architect/Engineer team will utilize the Historic Structures Report (HSR) and the completed code analysis, structural, mechanical, electrical, and plumbing systems preliminary analysis that are a part of the recently completed Feasibility Study. Thereafter, once the bid documents are complete, the Project will again be before Town Meeting for a vote on appropriating construction dollars.

I) Fire Headquarters Renovation and Redesign – \$100,000

(\$29,700 from CPA Funds and \$70,300 from General Fund Debt)

Fire equipment currently in use is bigger and heavier than the trucks the town owned when the present fire headquarters was built in the 1950s. As a result, the floors of the equipment bays are overloaded, and have developed cracks in the concrete, creating a potential safety issue.

In addition, the Fire Prevention staff is housed in a trailer in the rear of the building because there is insufficient space inside the building.

A study conducted last year came up with three options for resolving the problems, in-

cluding adding to the current building, tearing the current building down and starting from scratch, and making the bay floors safe, but without extensive expansion.

The funds requested would be used to finalize one of the three options and go to 30% schematic drawings .

J) Greeley Village Roof Restoration – \$320,828

The 26- to 40-year-old shingles on the roofs of the 100 apartments in Greeley Village have deteriorated to the point where they need replacing, as well as the plywood sheathing underneath some areas.

It is expected that the new shingles will stop the leaks currently taking place, as well as reduce the heating cost by better insulating the buildings. LEED Green Building Shingles are proposed.

The average rent is \$281.00 per month, including heat and hot water, with the average resident's annual gross income of \$12,263 as of October 2008. The Lexington Housing Authority, which owns and administers the complex, reported total rental income from Greeley Village of \$337,200 as of April 2008, leaving no funds for repairs like the roofs.

K) Munroe Tavern Historic Structures and Capital Needs – \$50,000

The Lexington Historical Society wants to undertake a detailed study of Munroe Tavern, the home of the Munroe family for 150 years, and a prominent locus during the Battle of Lexington.

Incorporated in the study will be a plan to re-capture historic features of the building, provide upgraded fire protection and climate control, permit handicapped accessibility, and provide expanded space for visitors.

Currently, parts of the building are unheated, there is no air conditioning, and the sprinkler system, dating to the 1920s, does not cover all areas of the Tavern.

The designation of the Tavern as the "Museum of the British" has increased the number of visitors to the building, the only Revolutionary War site in New England that focuses on the British side of the conflict.

If funding becomes available, the project would begin by May 1, 2009 with the hiring of a preservation architect and architectural historian, and be completed by the end of 2009.

The study which resulted in the renovation and restoration of the Hancock-Clarke House was funded in part by CPA funding.

L) LexHAB Request for Funding for Three Properties – \$797,500

LexHAB is requesting the above sum to complete the purchase of three properties for rental units to low and moderate income individuals and families. The amount requested is approximately 80% of the total purchase price of \$1,005,000.

In conjunction with the Board of Selectmen, LexHAB has redesigned the method of advertising and selecting renters to ensure that the units will count towards the 10%

low and moderate housing available needed to require developers to meet the town's zoning requirements.

LexHAB's contribution from its own funds will total \$412,985.07, taking into account closing costs on the three properties, inspection costs, and asbestos removal at one home.

A new home will be erected at 300 Woburn Street when the severely compromised present home is demolished.

104 Emerson Gardens is a one-bedroom first floor unit, a type in short supply in LexHAB's inventory.

Both of these properties are under agreement or close to being so.

11 Ross Road is a single family three bedroom Cape-style home which needs rehabilitation before it can be rented. LexHAB is still in negotiation and a final outcome was not available as this information was written.

LexHAB provides rental units to low and moderate income individuals and families. Although the organization was established by Town Meeting and the seven-member board is appointed by the Board of Selectmen, the organization to date has received no tax dollars. It relies on rental payments for costs of building and maintaining housing units, as well as paying its own office rent, insurance and salary for a part-time office manager.

With certain exceptions, LexHAB does not provide permanent housing, but expects clients to move on after five years.

M) Land Acquisition

See information under Articles 12 and 13.

N) Administrative Budget – \$150,000

Approximately \$50,000 is needed to pay for appraisals, legal fees, surveying and other expenses involved in the purchase of land with CPA funding.

In addition, every CPA project must be legally vetted before it can be submitted to Town Meeting for approval.

Finally, this budget covers the cost of the salary and benefits of the Community Preservation Committee's administrative assistant, a part-time position which is budgeted at about \$35,000 including benefits.

Any funds not expended are returned to the CPC.

Article 12

Land Purchase – Off Vine Street Funds Requested: Unknown at Press Time

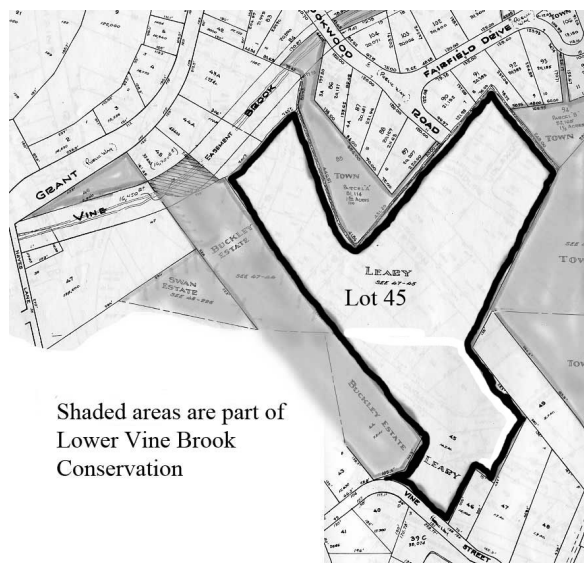
Sponsor: Board of Selectmen at the request of the Community Preservation Committee

To see if the Town will vote to authorize the Selectmen or the Conservation Commission to purchase or otherwise acquire, or 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, or authorize the Selectmen to purchase or otherwise acquire, or to take by eminent domain for municipal purposes, 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 45, on Assessors' Property Map 47, now or formerly of Leary; 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 Vine Street adjacent to currently owned Town land.

Overview

This request is to acquire some, or all, of a 14.3-acre lot along the Vine Brook and abutting portions of the Lower Vine Brook Conservation area, currently assessed at \$681,000 for the land. It has a house built in 1848 and 2 outbuildings located at 116 Vine Street with an assessed value of 106,000. (To see an aerial view of 116 Vine Street using Google Maps, go to <<http://tinyurl.com/cgdbam>>.) The land is mostly wooded and has significant conservation values, especially since it would connect otherwise non-contiguous portions of the lower Vine Brook Conservation area.



Article 13 Land Purchase – Off Lowell Street

Funds Requested: Unknown at Press Time

Sponsor: Board of Selectmen

at the request of the Community Preservation Committee

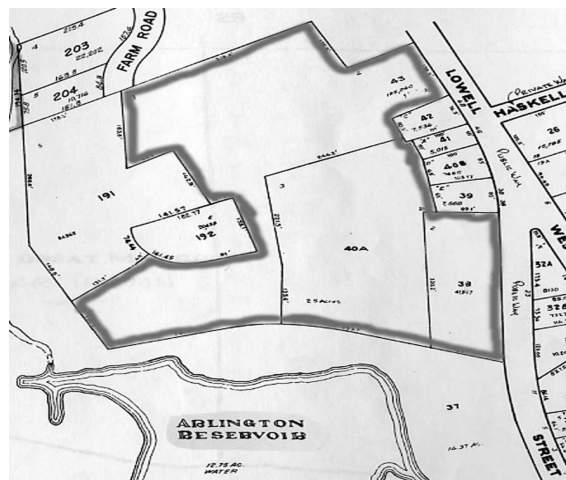
To see if the Town will vote to authorize the Selectmen or the Conservation Commission to purchase or otherwise acquire, or authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, or authorize the Selectmen to purchase or otherwise acquire, or to take by eminent domain for municipal purposes, 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 38, 40A and 43 on Assessors' Property Map 20, now or formerly of Busa; 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 property off Lowell Street currently used for farming purposes.

Overview

This request is for the same land that was requested in Article 12 of the 2008 Town Meeting, which was indefinitely postponed. This parcel, the Busa Farm, is a bit less than 8 acres in size. It is off Lowell Street and abuts the Arlington Reservoir. Obtaining this property is part of the Conservation Commission's long-range plan. The land may be acquired for conservation, recreation, housing, or some combination of these purposes. The property has been appraised, but negotiations with the landowner are still underway at this writing.

Lot 38, of 0.95 acres, is currently assessed for \$1,000. Lot 40A is assessed for \$17,000 and has 2.5 acres. The land of Lot 43, which is 4.48 acres, is assessed for \$4,000. It has out-buildings, including garages, sheds and greenhouses, assessed for \$41,000 for a total assessment of 445,000. The land assessments reflect the current agricultural use of the land, which would be worth a lot more as residential land. All three lots are in the RS zone.



Article 14

Appropriate for Recreation Capital Projects Funds Requested: \$969,000

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) Park Improvements – Athletic Fields;
- b) Marrett Road / Old Reservoir Stormwater Mitigation; and
- c) Pine Meadows Improvements;

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: The three projects described in this article will be considered under Article 11a, b and c, and, if approved, will result in this article being indefinitely postponed.

See information under Article 11a, b and c.

Article 15 **Appropriate for**
Municipal Capital Projects and Equipment
Funds Requested: \$2,611,048
plus additional amounts 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) Replacement of Fire Engine 3;
- b) Head End Equipment;
- c) Comprehensive Storm Management Watershed Study;
- d) DPW Equipment;
- e) CBD Sidewalks;
- f) Sidewalk Improvements and Easements;
- g) Storm Drainage Improvements;
- h) GIS Implementation Plan;
- i) Hydrant Replacement Project;
- j) Street Improvements and Easements; and
- k) Traffic Mitigation.

authorize the Selectmen to take by eminent domain, purchase or otherwise acquire any fee, easement or other interests in land necessary therefor; 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) Replacement of Engine 3 - \$500,000:

This request is to replace the current Engine 3, a 1997, E-One Pumper with over 100,000 miles on it. This engine was assigned for nine years as the front line engine out of Fire Headquarters, responding to more than 2,000 calls annually. Currently Engine 3 is crossed-staffed with the ladder crew and serves the community as the third engine, responding to over 500 calls annually.

Questions

1. Are there any problems with the current Engine 3?

Yes. Last year, Engine 3 required over \$17K in repairs. This year, there has been over \$8K in repairs to date; namely, problems with the engine, the pump and the transmission. In addition, there are inherent problems with the suspension, requiring constant attention. In short, it is no longer a reliable truck.

2. What are the risks of putting off the purchase for another year?

In addition to the expense of maintaining the truck and its reliability problems, the expense of replacing it will go up at least \$25-50K due to new emission standards coming in the following year.

3. If the replacement for Engine 3 is a diesel, will it comply with the new emission standards?

DESCRIPTION:**b) Head End Equipment - \$154,500:**

This request is Phase II of a project to relocate, replace, and upgrade central equipment for the wide area network. In 2000, the Town, with the help of RCN, embarked on a project to connect all Town and School buildings with a high-speed data network. Critical Town and School department operations are heavily dependent on access to information technology through the wide area network. This network collapses into a “head end” consisting of firewalls, routers and switching devices that are currently located offsite in the Liberty Mutual Building.

Questions**1. Why do we have to replace this equipment?**

It must be replaced primarily because some of the equipment and software is no longer supported by the vendors. It cannot be repaired when it malfunctions. We also need to add redundancy (so that operations can continue if there is a failure in some part of the system) and increase security by having the equipment on town property. We need more bandwidth to support things such as VOIP (Voice Over Internet Protocol) and the new GIS (Geographic Information System).

2. Where will the new system be located?

Current plans are to locate the new equipment in the new DPW building, where the emergency operations center will be located. The current system is a fiber system installed by RCN and it all goes to the Liberty Mutual building on Bedford Street. It will be necessary to run an underground conduit from there to the DPW.

3. Does this appropriation include funding for installation of that conduit?**4. What happened to last years \$60K appropriation?**

That money was not spent because the town didn't have an IT director to plan the project. The \$60K will be added to the amount requested this year. This should be enough money to buy new equipment and pay for the move to the DPW.

5. What is the last phase and estimated cost?

Increased redundancy (possible additional supplier alongside RCN), additional software and security. The next phase will probably be a bit more than \$100K.

DESCRIPTION:

c) Comprehensive Storm Management Watershed Study - \$110,000:

DPW, Engineering and Conservation are collaborating to address drainage and management issues related to the 18 brooks in Lexington. Sediment buildup in brooks and wetlands has reduced the volume of water that can be handled by the drainage system in Lexington. In some cases the drain system outlets into the brooks have been completely filled with sediment. This request is to fund Phase 1 of a three-year comprehensive, detailed study on each of Lexington's three watersheds (Charles River, Mystic River and Shawsheen River) that can be used to develop and prioritize brook restoration and drainage improvement plans.

Questions

1. Couldn't we just use volunteers to locate sediment buildup and clogged drains?

We are training volunteers to walk the brooks and help assess their condition; however, they are not trained experts in hydrology. Sediment cannot be removed from wetlands without obtaining permits from the appropriate state, federal, and local authorities. To get a permit, you need information about historic stream flows, effects of removal on the wetlands and flooding. In addition, it is necessary to test the streams for illicit discharges of pesticides, fertilizers, etc. The study will identify opportunities to apply for MADEP (Massachusetts Department of Environmental Protection) watershed assistance grants. Lexington brooks drain into other town water supplies.

2. What is happening to the water that currently isn't being handled by our clogged, sediment filled drainage systems?

There are definitely neighborhoods of the town that suffer from periodic flooding. There are also many collapsed catch basins that need to be inventoried. Catch basins tend to get corroded by road runoff and eventually collapse leading to hazardous conditions.

3. Which watershed will be studied first and will they each cost \$110K?

We will use the information from the volunteers to select the first brooks for study and our experience with that will determine what the other two phases will cost. The brooks selected in each phase may be from more than one of the three watersheds.

DESCRIPTION:

d) DPW Equipment - \$928,423:

The Department of Public Works annually reviews its inventory of 146 vehicles and pieces of specialized equipment to determine replacement requirements and identify any new equipment needs for the next five years. Factors considered include mechanical condition and repair history, changing work requirements, replacement cost, and recommended replacement time interval. The operations of the Department rely heavily on regular and specialized vehicles to mow parks, plow snow, repair streets and complete a variety of other projects. The objective of the replacement program is to maintain an efficient and cost effective fleet of vehicles and equipment. FY2010 General Fund Debt authorization is requested to purchase the following equipment:

- Two 6-wheel dump trucks with plow / underscraper & stainless steel sander body (2 @ \$153,700 each = \$307,400),
- F450 Truck with Utility Body, Crane & Compressor (\$88,323),
- Rear Load Trash Compactor (\$100,200),
- One 6-wheel dump truck for Water Department (\$144,000), and
- Sewer Vacuum Truck for the Sewer Department (\$263,500).

This is a yearly request to replace equipment that is becoming unreliable. This request covers six vehicles. The vehicles will be available for viewing before the bus tour. It is hoped that the new DPW building with a wash bay will help maintain the vehicles for longer periods by reducing rust. Stainless steel sander bodies can be moved to new vehicles when the vehicle needs to be replaced, also reducing future costs.

DESCRIPTION:

e) CBD (Central Business District) Sidewalks – unknown at press time:

This request will fund the third of five phases of sidewalk reconstruction in the Central Business District.

At press time, no money was being requested for this project. The next phase will be the CVS side of Massachusetts Avenue.

DESCRIPTION:

f) Sidewalk Improvements and Easements – unknown at press time:

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.

This is for maintaining and improving sidewalks in other parts of town. No money is being requested as of press time.

DESCRIPTION:

g) Storm Drainage Improvements - \$160,000:

This request will provide funds to be used to repair/replace drainage structures that are part of road resurfacing projects and other structures for damaged or requiring repair.

Question

1. Why don't we wait to do this until we have the information from the comprehensive watershed study?

When repaving a street, we often find damaged drainage structures. It makes more economic sense to replace them before repaving so that the new pavement won't have to be dug up when they finally collapse. Over the years, we have found that the average cost of replacing, rebuilding, or repairing these drainage structures is about \$160K

DESCRIPTION:

h) Geographic Information System (GIS) - \$120,000:

This request is the third 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.

This is the final phase of the GIS project. Funds saved from last year's appropriation to map the town because the flyover cost less than projected have been used to reduce the cost of this phase. The GIS system is on line and you can look at it by going to the town website, clicking on E-Government and then Geographic Information.

Question

1. Is this the final cost for this system?

This will pay for all of the capital costs of acquiring the hardware, software and map data. The system will have ongoing operating costs to keep it up to date with current information. Periodic hardware and software updates may be required in the future.

DESCRIPTION:

i) Hydrant Replacement Program - \$50,000:

The Town has 1,500 Fire hydrants in its fire protection system. Maintaining this infrastructure requires periodic replacement of hydrants to ensure safety and provide adequate fire fighting capacity. This is the third request in the series. Last year's request purchased the same amount of hydrants via the same funding sources.

Questions

1. How many hydrants will this replace?

Each hydrant costs about \$2000 to replace, so, about 25 hydrants will be funded this year.

2. Is this sufficient?

It would take 60 years to replace all hydrants at this rate. Hydrants are tested each year. Ones that are malfunctioning are replaced as well as hydrants that have sunk partially into the ground and no longer provide adequate access for hoses.

DESCRIPTION:

j) Street Improvements and Easements - \$538,125:

This request is for the annual street resurfacing program. \$700,000 of State Chapter 90 funds will also be used for this purpose. Funds will be used for design, inspections, planning and construction of streets and maintenance and repair of existing sidewalks. A preliminary plan of the streets to be repaired in FY2010 includes sections of Burlington Street and North Street.

Streets are completely repaved on approximately a 40-year cycle. The override several years ago was intended to help us catch up on deferred street maintenance. This yearly appropriation is intended to keep us on track.

DESCRIPTION:

k) 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.

Questions

1. What is the traffic mitigation group?

A committee with members from the major boards, the DPW, Police Department, and citizen representatives.

2. What did they do with last year's appropriation?

They studied the Maple, Mass Ave, Marrett intersections as well as Spring Street and Marrett Road. Some small projects, using paint, were completed at Maple Street and Massachusetts Avenue and Hartwell Ave. A traffic signal can cost between \$500K and \$1 million. These studies help decide where to put signals and priorities.

Article 16

Appropriate for Water Distribution Improvements Funds Requested: \$925,000

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 a) \$900,000 to replace approximately 5,000 linear feet of unlined or inadequate water main and deteriorated service connections and eliminate dead ends in water mains on portions of Waltham Street, Audubon Road, Hastings Road, Vaille Avenue and sections of other streets; and b) \$25,000 (of a total of \$50,000) for consulting/engineering services for the selection of an Automatic Water Meter Reading system.

Overview

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

For FY2010, 5,000 linear feet of water main work is planned, including portions of Waltham Street, Audubon Road, Hastings Road, Vaille Avenue and sections of other streets. At the current rate of replacement, the Town should have all unlined water mains replaced by 2011. In the following two years, smaller sections of unlined pipes scattered throughout town will be replaced, and some overly complex crossover connections will be simplified.

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, NationalGrid, 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. 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: \$1,325,000

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 is part of the annual request for rehabilitation of sanitary sewer infrastructure at a projected pace of 4,900 linear feet per year. Engineering investigation and evaluation will be done on sewers in remote, inaccessible areas, such as along brook channels where poor soil conditions lead to storm water infiltration. Areas of focus in FY2010 include the Kiln Brook basin, Tophet Swamp and the area around the Town's recycling facility.
- b) Pump Station Upgrades - \$100,000: Lexington has 10 Sewer pumping stations valued at over \$6 million dollars. This request is the third of a five-year program for upgrading, OSHA compliance, and equipment replacement. The pump stations are evaluated every year to ensure they are operating within design perimeters. FY2010 work will be at the Concord Ave Station and North Street Station.
- c) Automatic Water Meter Reading System - \$25,000: Funds will be used for consulting/engineering services.

Overview

The Town has begun a town-wide sewer system evaluation and identified and started design and construction on some immediate problems (Kiln Brook basin, Tophet Swamp and the area around the Town's recycling facility). The evaluation will be ongoing for at least two years at which time a town-wide plan of action will be completed. The DPW assumes the town needs to repair, re-lay or re-line 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 Concord Avenue pumping station and North Street pumping station will also 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, NationalGrid, 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. There are occasional situations (such as water main breaks) that cause exceptions, but coordination is the rule.

Article 18

Appropriate for School Capital Projects and Equipment Funds Requested: \$725,000

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 requests 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) Classroom Furniture - \$50,000. This is the third year of a multi-year request to replace classroom furnishings throughout the system, particularly at Bowman, Bridge, Hastings, Estabrook, Clarke, Diamond and High School Labs.
- c) Replacement of Kitchen Equipment - \$75,000. This is the second annual request for upgrading food service equipment and software at all schools. FY2010 funds will be used at Clarke, Diamond, Hastings and Lexington High School.

Systemwide Lexington Public Schools Technology Plan - \$600,000

This request focuses on critical core computing services and building a stable and reliable network to support the School Department's mission and long range technology capital plan. FY2010 projects are intended to achieve the following:

- Replace some of the oldest computers and related equipment, moving the district closer to a four-year planned replacement cycle;
 - Maintain and update the schools' LAN (Local Area Network) network to provide a reliable and stable framework;
 - Provide improved management tools; and
 - Provide more classroom instructional projectors to support teaching.
1. **Desktop Computing - \$500,000:** There are currently more than 2,100 computers used daily by LPS students, staff and administrators. Some computers still in daily service are five to eight years old, and they are no longer capable of running current versions of instructional software or providing adequate access to required networked resources or online tools. Old computers are not cost effective to repair.

2. **Network Equipment - \$8,000:** Minor planned network upgrades will leverage our investment in the network equipment purchased with previous years' funds. Upgrades of the LAN network cabinet switches and service throughout all school buildings will be completed in 2009, including the expansion of our existing managed wireless network and some WAN (Wide Area Network) services upgrades specific to school requirements.
3. **LCD/DLP Projection Equipment - \$50,000:** Additional LCD computer display projectors will be installed in additional classrooms throughout the district.
4. **Information Delivery Systems - \$27,000:** Funds are requested to continue to maintain and support server infrastructure including additional storage capacity, archive systems, web services and security. The district is converting its core student management system to a unified flexible database information system with web-based access. FY2010 funds will upgrade the Firstclass communication server, provide a radius server for LAN management, and start to replace aging file servers currently in use.
5. **Printers/Peripherals - \$15,000:** To purchase additional and replacement printers throughout the district as needs arise. Printers have many moving parts that wear out and break and are often not cost effective to repair.

Question

1. **Where will the money come from?**

Classroom Furniture Replacement - \$50,000 (Free Cash):

School buildings that have not been renovated need to have classroom furnishings replaced, and there are additional limited needs at other schools. Replacement furniture is needed at Bowman, Bridge, Hastings, Estabrook, Clarke, Diamond and the High School labs. This is the second annual funding request. Last year the School Department used some of the funds to move donated furniture that had been stored into the schools, and to purchase a limited amount of new furniture

Replacement of Kitchen Equipment - \$75,000 (Free Cash):

This is the second annual request for upgrading food service equipment and software at all schools. The school system's food service is a contractor providing healthy and fresh lunch options for students and staff serving hundreds of meals a day. Currently, some of the school kitchens are functioning with inappropriate and unsafe household-grade equipment. In addition, much of the commercial grade equipment has survived well beyond its ten-year useful life and needs to be replaced. Replacement is needed to comply with Board of Health regulations and to avoid disruptive equipment failures like those that occurred in FY07.

Question

1. **What were the disruptive equipment failures?**
-

Article 19

Appropriate for Public Facilities Capital Projects

Funds Requested: \$1,779,094

Plus Additional Amounts 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 to public facilities:

- a) Hastings Oil Tank Removal and Boiler Replacement;
- b) LHS Gillespie Auditorium Renovation;
- c) LHS Heating Systems Upgrade;
- d) School Building Roofing Program;
- e) Fire Headquarters Preservation and Renovation Design;
- f) Relocate Old Harrington Playground Structures;
- g) Bowman Play Area Improvement;
- h) LHS Elevator Piston Replacement;
- i) School Building Envelope Program;
- j) Police Station Space Preservation and Needs Study;
- k) Stone Building Preservation and Renovation;
- l) East Lexington Fire Station Kitchen Upgrade;
- m) School Accessibility Improvements;
- n) Municipal Building Envelope; and
- o) Town Office Building Preservation and Renovation.

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) Hastings Oil Tank Removal and Boiler Replacement – unknown at press time:

This project would upgrade the heating system at the Hastings School.

This section will be indefinitely postponed.

DESCRIPTION:

b) LHS Gillespie Auditorium Renovation - \$305,000:

This is the final funding request for the renovation of the Gillespie Auditorium at Lexington High School. Previous Town Meetings have authorized funding totaling \$658,000. Remaining items include a new sound system, HVAC improvements to restore full

capacity and reduce noise, replacement of carpeting, and stage resurfacing. In addition, a forestage will be ordered to extend the stage over the orchestra pit. New padded seat backs will be ordered for the lower level seats.

This is the final request to complete renovations, for which previous Town Meetings have appropriated \$658,000 of which \$330,000 is still available. The remaining items include a new sound system (\$185,000), HVAC improvements, to reduce noise and improve capacity, which is currently inadequate for ventilation and cooling of the full theatre, and replacement of carpeting, and resurfacing of the stage. A forestage (\$75,000) to extend the stage over the orchestra pit will be ordered, which will be used except when musical productions require the orchestra space. With the forestage in place many balcony seats can no longer see the front of the stage so new seat backs will be ordered only for the lower level seats (\$109,000). The ceiling, which has failed paint, for which a repainting specification is being prepared, will be repainted.

DESCRIPTION:

c) LHS Heating System Upgrade - \$350,000:

Current conditions of the HVAC systems at Lexington High School and unreliable pneumatic controls are resulting in poor temperature control, noisy classrooms, and the potential for indoor air quality issues. Future improvements to the HVAC system will be included as part of the ongoing School Master Plan recommendations.

This project is to upgrade the LHS heating system in the first of three remaining phases:

Phase 1. Engineering Design of complete project, replacement of Math, Science, and World language building univents, and addition of digital controls to all univents, variable air volume boxes, and roof top units.

Phase 2. Replace steam mains with hot water mains for the main building.

Phase 3. Retrofit steam boilers to hot water operation, replace steam univents with hot water univents, and add digital controls to the univents, variable air volume boxes, and roof top units.

In 2007, Town Meeting authorized \$455,000 for LHS univent and pipe replacement and \$200,000 for digital controls in 2006, and \$425,00 and \$205,000 to repair mechanical systems and add digital controls to univents and variable air volume boxes totaling \$1,285,000. From those authorizations \$210,000 has been expended and a total of \$1,075,000 is still available to apply to the remaining portions of this project, since the full implementation of those authorized individual projects on a piecemeal basis would not have provided a system with long-term reliability. The existing system, which uses pneumatic controls and univents operating beyond their useful life, results in poor and difficult to manage temperature control, noisy classrooms, and potential air quality problems, as well as inefficient energy usage. In FY2006 the energy consumption at LHS was 16% above average and natural gas consumption was average for a school in the Northeast. Using current data for FY2008 LHS is now operating at 6% below the average for both gas and electricity. This project can potentially reduce utility costs by another \$50,000 to \$100,000 per year.

DESCRIPTION:

d) School Building Roofing Program System-Wide - \$201,500:

This project requests an investment in roof replacement of approximately \$4,000,000 over ten years. Because of an excessive number of roof leaks, a comprehensive roofing assessment of all ten school buildings was conducted in May of 2008. The resulting inventory of 806,000 square feet of school building roofs, valued at \$12,000,000, includes roof type and square footage of each roofing area. In the past year roof leaks have caused classrooms to be closed and students relocated into other spaces while repairs and clean up is conducted. Water infiltration causes damage to building components and furnishings, and the resulting moisture, if not dried within 24 - 48 hours, can create an environment for mold growth.

This project requests funding of the first year of a \$4,000,000 ten year program to replace roofing. Approximately \$50,000 is now budgeted for emergency leak repairs. Replacement of the roofing under this capital program could reduce the emergency needs and save custodian time required to clean up from water leaks, and also reduce structural damage to the schools and their furnishings, classroom closures and disruption to educational activities, and minimize mold growth which leads to air quality problems.

DESCRIPTION:

e) Fire Headquarters Preservation and Renovation Design – \$100,000 (\$70,300 General Fund Debt and \$29,700 CPA Funds):

This request is to continue the feasibility study funded at the 2008 Annual Town Meeting. These funds will provide the Permanent Building Committee with a conceptual design for two options related to the renovation/expansion of the main Fire Station. The existing building was designed in the middle of the last century. Though meeting the basic needs of emergency response, it does not accommodate the administrative and service demands of the Fire/EMS Department of the 21st Century.

The current Fire Station at 45 Bedford Street, constructed in the middle of the last century, does not meet the needs of the Fire Department, which now has some non-emergency office staff including an Administrative Assistant, Fire Inspector, and a Municipal Clerk, as well as the EMS services. The existing bays do not have room for the two ambulances while maintaining efficient use of the other equipment. In FY2009 \$40,000 was authorized to do a needs study, which has resulted in three options:

1. Minor renovations costing \$3.3M;
2. Renovation plus an addition costing \$8.1M; or
3. Construction of a new fire station costing \$10.2M.

This request is to fund further work on a schematic phase to facilitate more detailed evaluation of the options, the impact on Fire Department operational efficiency of each option, and allow more public discussion of the plans for the various options.

DESCRIPTION:

f) Relocate Old Harrington Playground Structures - \$40,000:

The play structure behind Old Harrington is no longer used. The equipment is in good condition and could be utilized at another location where maintenance and annual replacement of the woodfibre surface to maintain safe conditions are already being done. Both Bowman and Estabrook schools have requested additional playground structures be installed.

The play structure behind the old Harrington School is in good condition but under-utilized due to its location. DPF (Department of Public Facilities) will relocate the components of the structure between new Harrington, Estabrook, and Bowman schools after consultation with representatives of the schools on how best to utilize them, and reseed the current site. If not relocated the structure will still need regular maintenance and renewal of the safety surface under it, which costs approximately \$1,500 per year, funded by the operating budget.

DESCRIPTION:

g) Bowman Play Area Improvement - \$80,000:

This project requests funds to replace approximately 20,000 square feet of pavement in the play area behind the Bowman school. The pavement is beyond its useful life, with weeds growing in cracks and the uneven surface causing frequent trips and spills for students during recess. The new pavement will complement the Bowman Shade Structure (funded through donations and grants) that will be constructed during the summer of 2009 to significantly improve the recess environment for students.

This requests funds to replace approximately 20,000 square feet of old, cracked, and uneven pavement behind the Bowman School, which has resulted in tripping and spills for students during recess. This work will be implemented in conjunction with construction of the Bowman shade structure that is being installed during the summer of 2009 with donated and grant funding, and will improve safety of the recess environment.

DESCRIPTION:

h) LHS Elevator Piston Replacement - \$40,000:

Funding is requested for replacement of the hydraulic cylinder in one of the Lexington High School elevators. The Commonwealth of Massachusetts Department of Public Safety has notified the Lexington Department of Public Facilities (DPF) that if it cannot provide proof that the hydraulic jack is double bottomed, the Town will be required to replace the jack.

The Massachusetts Department of Public Safety has notified the Department of Public Facilities that if the town cannot prove that the current hydraulic jack in one elevator is double bottomed the town will be required to replace it, or state regulations will prevent use of that elevator. The DPF is currently researching that to determine if the replacement is really required.

DESCRIPTION:

i) School Building Envelope Program - \$125,000:

Funds are requested annually for system-wide repairs to the building envelope that keeps moisture out of school building structures. FY2010 funds will be used to repair the exterior soffit and wall panels at the Clarke Middle School.

This project requests funds this year to repair the deteriorated exterior soffit and wall panels at the Clarke Middle School. If the soffit is not repaired the horizontal panels could fall onto the lower roof. Vertical panels are separating from the wall structure and allowing moisture to migrate and propagate the separation during freeze thaw cycles. (Need for similar amounts for maintenance are expected in future years for exterior repairs and repainting at LHS, reconstructing spalled concrete below the roof cap at Diamond, and repair, painting and weatherproofing other schools.)

DESCRIPTION:

**j) Police Station Space Preservation and Needs Study - \$45,000
(CPA Funds, Article 11):**

Funding is requested for a space needs study of the police station that would include: a program of space needs, building and site conditions assessment and systems evaluations, historical evaluations and criteria, and recommended schematic design solutions.

The station was built in the 1950s, and renovated in the 1970s, and in 1994 and in 2007 the dispatch 911 center was renovated. The station does not have an elevator. The indoor firing range is inadequate. It does not have a sally port for prisoner access to the cellblock. It has inadequate space for evidence storage and fleet supplies. The male and female locker rooms are inadequate and other areas, such as office space are limited. Bathrooms at two levels are not ADA compliant. It has no sprinkler system, which is important to preserve continuity of 911 emergency services in case of a fire in the building. The garage space is too small for the needs of the current fleet size. Heating and air conditioning systems are outdated.

DESCRIPTION:

k) Stone Building Preservation and Renovation - \$180,000 (CPA Funds, Article 11):

This project is requesting funds for the design and specifications necessary to renovate the Stone Building. Built in 1833 by Eli Robbins, the building hosted lectures by such dignitaries as Ralph Waldo Emerson. It has been used as a public space for most of its history and has been owned by the Town of Lexington since 1892 when it was first used as a Branch Library. The Stone Building is registered as a National Historic Landmark.

This request is to fund the preparation of a Historic Structures Report and design development through schematics, for repair and renovation of the 1833 Stone Building, which is a registered National Historic Landmark, and a public space owned by the Town since 1892. Used last as a Branch Library, it was damaged by flooding in August 2007 and needs repair and renovation to be used for any public purpose. A comprehensive study funded by CPA and approved by Town Meeting was completed in FY2008. From this study, the Trustees favor the restoration of the historic “ell” on the back of the building rather than just developing access within the existing footprint of the building, and the cost estimate for that option totals \$2,648,063, based on the HKT report, for the entire project. If not used for a purpose mentioned in the deed, the house and property could revert to the Stone Family heirs

DESCRIPTION:

l) East Lexington Fire Station Kitchen Upgrade - \$75,000:

This project requests funds to upgrade the East Lexington Fire Station kitchen. The inadequacy of the existing kitchen to support the Department’s needs was identified in the 2004 Building Finance Advisory Committee report. The project includes replacement appliances, cabinets, and refinishing walls, floors, and ceilings.

The existing kitchen is inadequate as identified in a 2004 BFAC report, and the components are beyond their useful life.

DESCRIPTION:

m) School Accessibility Improvements - \$50,000:

This funding request will provide improved accessibility at primary entrances to school buildings. This project will install an automatic door opener at four of the ten school buildings plus the entrance to the Lexington Children’s Place, a Lexington Public School integrated preschool program.

Students with physical challenges have experienced difficulty entering even the new elementary schools, which are in compliance with accessibility codes. This 2 year proj-

ect will install an automatic door opener at each of the 10 school buildings plus the entrance to Lexington Children's Place, with 5 scheduled for this year and the other 6 for next year with an additional \$60,000 request then.

DESCRIPTION:

n) Municipal Building Envelope - \$157,594:

This annual request includes construction, repair and replacement projects for the maintenance and upgrade of municipal buildings and systems. Projects proposed for FY2010 include:

- Animal Shelter - Building envelope repairs and refurbish interior,
- Masonry waterproofing plan - Develop specifications and schedule for masonry repointing and waterproofing schedule town wide.
- The Department of Public Facilities is prioritizing additional projects.

This request funds various maintenance, construction and upgrades of municipal buildings, which collectively are currently valued at about \$36.4 million, to prevent deterioration, minimize future capital costs, and eliminate possible safety hazards. This year the request is for \$15,000 to repair the exterior and refurbish the interior of the Animal Shelter, \$10,000 to develop a masonry waterproofing plan and schedule town wide for all municipal buildings, and \$132,594 for repair projects not yet identified, but likely to require funding during the year.

DESCRIPTION:

**o) Town Office Building Preservation and Renovation - \$30,000
(CPA Funds, Article 11):**

This project is to complete the Town Office Building Use Study and Renovation Design funded at the 2008 Annual Town Meeting. The use study and renovation design conducted by Bargmann Hendrie and Archetype (BH+A) is expected to identify improvements in the following areas:

- Correct code and ADA deficiencies,
- Improve energy efficiency, and
- Support realignment of staff to improve workflows and customer service.

This requests additional funding for the Town Office Building Use Study and Renovation Design funded in FY2009 for \$80,000 based on an initial project cost estimate of \$1,000,000. The first phase, programming and layout options, has been completed by Bargmann, Hendrie & Archetype. As a result of the programming phase the construction cost estimate is now \$1,600,000 for the preferred layout option. An additional \$25,000 is required to fund the additional scope of the development of construction drawings and

bid specifications, and a contingency allocation of \$5,000 is also requested. The project is expected to improve code and ADA deficiencies, improve energy efficiency, improve staff workflow and improve customer services. Due to the move of the DPW and Engineering staff to the new DPW building at 201 Bedford Street, which will provide empty swing space, a unique opportunity to renovate the Town Office Building with minimal disruption will exist

Article 20 Street Acceptance – Pitcairn Place

(Citizens' Article)

Funds Requested: \$125,000

Sponsor: Richard Neumeier and nine or more registered voters

To see if the Town will vote to establish as a town way and accept the layout of as a town way the unaccepted portion of Pitcairn Place at a distance of 500 feet, more or less, as laid out by the Selectmen and shown upon a plan on file in the office of the Town Clerk, dated November 12, 1973, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefore; and raise and appropriate money for the construction of said street and for land acquisition; 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 has been submitted by residents of Pitcairn Place to have the unaccepted portion of Pitcairn Place brought up to town standard and accepted by the Town. The total cost of bringing the street up to town standard will be borne by the affected residents through the assessment of betterments.

Questions

- 1. Why is this a citizen's article rather than a Selectmen's article?**
The initiative came from the abutters, who are unanimous in wanting the street to be accepted.
 - 2. Do all abutters understand that there will be a lien on their property?**
Yes
 - 3. Why was the street not accepted when five new houses were constructed in the 1970s?**
The developer never installed granite curbing although granite curbing was indicated on plans submitted to the Planning Board.
 - 4. What will happen to the existing roadway?**
It will be completely rebuilt.
 - 5. Have the abutters requested a waiver for a sidewalk?**
As of press time, this is still an open question.
 - 6. Why was the developer's bond released prior to completion of this subdivision street?**
-

Article 21 Street Acceptance – Wisteria Lane

Funds Requested: None

Sponsor: Board of Selectmen

To see if the Town will vote to establish as a town way and accept the layout of as a town way the unaccepted portion of Wisteria Lane from Colony Road, a distance of 330 feet, more or less, as laid out by the Selectmen and shown upon a plan on file in the office of the Town Clerk, dated September 20, 2008, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor; and raise and appropriate money for the construction of said street and for land acquisition; 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 street was constructed to Town standards as part of an improved subdivision.



Questions

- 1. Has the developer, John Esserian, completed all the necessary work in the right of way?**

Yes

- 2. Has the Planning Board released the surety?**

Yes

- 3. What will happen if the Homeowners Association fails to provide the required annual inspection report regarding the stormwater system?**

The Planning Board will then look into the matter

- 4. Are there any other obligations owed by the Homeowners Association?**

No.



Article 22 Appropriate for Design/Engineering for Senior/Community Center at White House Site (Barnes Property) Funds Requested: \$50,000

Sponsor: Board of Selectmen at the Request of the Council on Aging

To see if the Town will vote to appropriate a sum of money for architectural and engineering services for planning a senior/community center on the White House (Barnes Property) site, shown as a portion of Lot 170A on Assessors' Property Map 48; 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: The Council on Aging Board has proposed locating a new Senior/Community Center at the White House (Barnes Property) site and requests funds for the design/engineering phase of the project.

Overview

This is a follow-on to the feasibility study completed by Bargmann Hendrie + Archetype (BH+A) in July 2008. The requested funds will go towards the design and site plan of a new senior center on the site of the White House.

Questions

1. Has the White House site been designated as the location for a new senior center?

No. The Board of Selectmen controls use of the site and has not yet voted to designate the site for any use.

2. What is the estimated cost of building a Senior Center on the White House site?

For the preferred scenario with a floor area of 22,500 square feet, BH+A and D. G. Jones International, a construction cost estimating firm, estimated a project cost of \$10,185,575 in 2008 dollars. Assuming that construction would start in the third quarter of 2010, D. G. Jones suggested an 18.97% construction cost escalation factor, resulting in a \$12.1 million escalated project cost

3. What is the estimated cost impact of preserving the historic elements of the property?

BH+A proposes preservation of approximately 2,100 SF of the main house and barn/carriage house. The study compared the estimated costs of all-

new construction for this space to the costs of specific preservation work items associated with the historic elements. The estimated premium for repair, restoration, and reuse of the historic elements was \$90,720. Portions of the barn/carriage house are proposed for renovation. When considered for the school administration building, this section would have been torn down.

4. Is a premium of only \$90,720 realistic? The total cost seems to be \$453/sq.ft. which is much higher than normal constructions costs.

5. Will there be adequate parking at this site?

BH+A used two methods to estimate parking needs. By estimating program participation in the new center, BH+A projected the highest level of need—102 parking spaces—during a weekday with multiple programs running. When BH+A performed a parking-space-per-square-foot calculation as defined in the Town's zoning bylaw, the theoretical parking requirement was 105 spaces. BH+A's conceptual site plan diagram accommodates 99 parking spaces.

6. How will the proposed Center affect the "Conscience Land" (where the Farmers' Market is held)?

The conceptual site plan diagram shows that the new center and added parking spaces would somewhat encroach on this land. However, one goal of the proposed design services is to retain a major portion of the open space and to enhance its use. Many events staged in the open space could also make use of adjacent interior spaces in the new Center.

7. Will the Senior Center at the White House location displace the Farmers' Market?

That is a possibility.

8. If the Farmers' Market is displaced, where will it go?

One possibility is Hastings Park.

9. Can the Center be used by citizens other than seniors?

Yes, but the primary purpose for the Center will be for senior activities and services. The intention is to make this a multi-generational, multi-use facility that will be available for use by other groups, when possible. The Cary Library is a model for the multi-functionality the sponsors have in mind.

10. Why build a new Senior Center when there already is one in Muzzey?

The current space at Muzzey is inadequate to provide services to the Town's growing senior population. The existing Muzzey facility was created in the early 1980s as a temporary location for the Senior Center. Lexington's senior population has increased in the past quarter century and forecasts indicate this segment of the population will continue to grow. The following is an

abbreviated list of shortcomings and deficiencies of the existing space:

- a. Under the Muzzey condominium master deed, the hours of operation are limited to Monday through Friday, 8:30 to 4:30.
- b. The number, size, and configuration of spaces do not support the array of senior programs currently offered (and those planned in the future).
- c. The Center does not comply with current accessibility codes. Users of the center share a single elevator with residents and cannot get to the elevator without assistance.

11. Will the Senior Daycare program be housed at this location, or will it remain where it is now?

It will not be housed at this location.

12. What would happen to the space in Muzzey that is now used for a Senior Center?

Article 23 Appropriate for Post-Employment Benefits

Funds Requested: \$440,690

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

Overview

Lexington employees receive two types of retirement benefits -- a pension and health insurance. The costs of current retirees' pensions and health benefits, and funding for future pension liabilities, are appropriated under "shared expenses." However, until last year, no provision was made for funding the future health benefit liability. As of FY2008, Lexington has been required to report its unfunded liability (of about \$100,000,000) in its annual audit. Although there is no requirement at this time to actually fund this liability, the Town Manager has deemed it prudent to begin to do so, and this is the second year of funding.

The amount of \$440,690 comes from the Federal Government as payment to the Town for the Town's prescription drug coverage for those current retirees who use the Town's insurance in lieu of Medicare Part D.

Questions

1. Why does the Town supply health insurance for its retirees rather than having them be covered under Medicare?

Under State Law, MGL c32(B), the Town is required to provide a comparable level of health insurance coverage to its retirees as it offers to its active employees. Medicare, by itself, is not comparable to the Town's active employee insurance plans. Consequently, for retirees who participate in Medicare, the Town also provides a Medicare Supplement plan that includes certain health insurance coverage not provided by Medicare. Retirees who do not have Medicare, because they are either under the age of 65 years old or over 65 but not Medicare eligible, are permitted to continue on any one of the Town's health insurance plans that are offered to active employees.

2. Why do some retirees over the age of 65 not have Medicare?

State and local government employees in Massachusetts hired prior to 1986 were not allowed to participate in Medicare, so they would not be eligible for Medicare unless they or a spouse had other private-sector employment which provides them with eligibility.

Article 24 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 25

**Establish and 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 By-Law, (b) Traffic Mitigation, (c) Transportation Demand Management, (d) School Bus Transportation, (e) Special Education and (f) Center Improvement District; 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

At the 2007 Annual Town Meeting, various stabilization funds were approved so that funds could be accrued and expended for specific purposes. Last year, Town Meeting approved a new fund for Special Education. As required by Massachusetts regulations, stabilization funds must be approved annually. Article 25 is asking Town Meeting to approve a new fund called Center Improvement District. Money must be approved this year that the town has received since Town Meeting approved specified amounts at last year's Annual Town Meeting. The specific stabilization funds and the status of each are:

- a) Section 135 Zoning Bylaw:
The fund has never been used and no appropriation is being requested this year. (Section 131 in the Warrant is a misprint, there is no Section 131 in the Code of Lexington)
- b) Traffic Mitigation:
No appropriation is being requested this year. Funding related to the Ledgemont proposal will impact Article 49 but will not be recognized as revenue to a stabilization fund until next year if the project is approved by Town Meeting.
- c) Transportation Demand Management (TDM):
This article is used to fund the operation of Lexpress. Money accruing to the account is the result of negotiations between the Town and developers. Finalized figures will be provided at Town Meeting
- d) School Bus Transportation:
No appropriation is being requested this year. Money from Avalon approved in the prior year was a one-time payment.
- e) Special Education:
Article 25 asks that \$350,000 be approved by Town Meeting. This fund is used as a reserve against unanticipated special education costs.
- f) Center Improvement District:
Article 25 asks that a new specialized stabilization fund be created to be the repository of an anticipated \$100,00 payment which is the result of the agreement with the developers of Lexington Place. The funds may be used for projects such as tree planting, sidewalk improvement or improvements to the abutting connector between the parking lot and the sidewalk. At press time, no final decisions as to uses of the funds has been made.

Questions

1. **What is the funding source of the \$350,000 being requested for Special Education?**
 2. **Were any expenditures made from the Special Education fund in the prior year?**
-

Article 26

Establish and Appropriate to Debt Service Stabilization Fund Funds Requested: Unknown at Press Time

Sponsor: Board of Selectmen

To see if the Town will vote to create a separate Stabilization Fund in accordance with Section 5B of chapter 40 of the Massachusetts General Laws for the purpose of paying a portion of the debt service on certain outstanding bonds of the Town issued for the purpose of the Diamond Middle School, Clarke Middle School and High School construction projects; to determine whether to appropriate to such Stabilization Fund certain grants received by the Town from the Massachusetts School Building Authority with respect to such school projects; or act in any other manner in relation thereto.

DESCRIPTION: This article would allow the Town to invest bond proceeds beyond the one-year limit that would otherwise apply and would provide more flexibility in dealing with existing tax laws.

Questions

1. Why do we need this stabilization fund?

There are restrictions on what the town can do with money from bonds. This is to prevent arbitrage (Municipal bonds are tax exempt and thus pay lower interest rates. Theoretically, towns could borrow low and invest at a profit). This stabilization fund would be established on the advice of bond counsel to comply with DOR (Department of Revenue) rules regarding excess school building fund reimbursements and would allow more investment flexibility.

2. What will the Debt Service Stabilization Fund be used for?

Money will be appropriated from it annually to offset payments on the long term debt accrued for building construction, renovations and other major capital expenditures.

3. Why is there excess money?

When the Massachusetts School Building Authority was established, it changed the way that towns were reimbursed for school buildings, with towns getting their reimbursements more quickly. The Town received money in excess of that necessary to retire the short term debt incurred by the project. The excess money will be put into this stabilization fund, and it and any interest earned will be used to pay off the long-term debt.

**Article 27 Establish Stabilization Fund
for Minuteman Regional Vocational School District
Funds Requested: None**

**Sponsor: Board of Selectmen at the request of the
Minuteman Regional Vocational School District**

To see if the Town will approve the establishment of a Stabilization Fund by the Minuteman Regional Vocational Technical School District, beginning July 1, 2009, pursuant to Section 16G ½ of Chapter 71 of the Massachusetts General Laws; or act in any other manner in relation thereto.

DESCRIPTION: The Minuteman Regional Vocational Technical School District is seeking permission from the member towns to establish a Stabilization Fund as a mechanism for funding future capital expenditures. The District is not requesting any funding for this at this time.

Overview

Approval of this article casts the Town's vote in favor of the establishment of a stabilization fund requested by the Minuteman Regional Vocational Technical School District. This stabilization fund is established by majority vote of the Minuteman school committee and majority vote of the member towns' Town Meetings. The stabilization fund "belongs" to Minuteman, not the individual towns.

No funding is requested at this time. The stabilization fund will be funded from the Minuteman budget, not the towns' budgets. However, town budgets are indirectly affected because the Minuteman budget comes largely from assessments on the member towns.

The stabilization fund may be appropriated by vote of $\frac{2}{3}$ of the members of the Minuteman school committee, for any purpose for which regional school districts can borrow money, or for emergency purposes.

Minuteman wishes to establish this stabilization fund in order to provide a way to accumulate funds to be used for necessary repairs and renovations. Given the age of the Minuteman physical plant, some repairs, such as a new roof, are likely to be necessary in the foreseeable future. A funded stabilization fund would allow Minuteman to appropriate funds for emergency repairs without having to go to the member towns for additional money.

Despite the clear language in Ch. 71.S.16G½ (the section of the General Laws that deals with regional school district stabilization funds) permitting appropriation of the stabilization fund by school committee vote, at this writing, there is a question about the meaning of the sentence immediately following this declaration. The sentence reads:

“No expenditure may be made from such appropriation unless the procedures set forth in clause (d) or clause (n) of section sixteen, or in any other provision requiring approval of a debt issue by the member municipalities of the regional school district, have been complied with.”

The referenced clauses require a very high level of agreement among the member towns

in order to issue bonds. However, it appears that in practice, and based upon the opinion of various town counsels, several other regional school districts that have stabilization funds have appropriated and spent money from them simply by vote of $\frac{2}{3}$ of the regional school committee. The Department of Elementary and Secondary Education has been contacted regarding this practice, and they stated that they will not take issue with it. It is expected that the apparent dichotomies in this statute will be resolved legislatively.

Article 28

Appropriate to Stabilization Fund
Funds Requested: Unknown at Press Time

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.

Questions

1. What Stabilization Fund is this article referring to?

This is the general stabilization fund that was established on the recommendation of the Ad Hoc Financial Policy Committee. It currently has about \$6.5 million in it. The purpose of this fund is to help the town deal with significant, unexpected losses of revenue, such as cuts in state aid or a decline in local receipts. The committee recommended funding to a level of about 7% of the town's operating budget.

2. Why not just use Free Cash or the funds controlled by the Appropriation Committee for these purposes?

Free cash is not available until the fall when it is certified by the state. This stabilization fund is subject to appropriation by a 2/3 vote of the Town Meeting, and is thus available in a timely manner, and its use is clear and publicly apparent. The Appropriation Committee controls about \$400K+ of funds for smaller unanticipated expenses.

3. Where would this money come from?

The current FY2010 budget was constructed in anticipation of \$900K in state aid cuts. There is a possibility that the cuts will be smaller than that. Any excess might be transferred into the general stabilization fund.

Article 29 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 30 Amend FY2009 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 4 of the warrant for the 2008 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 (FY2009) appropriations.

This article is an annual place-holder should there be a need to fund unforeseen expenses in the current fiscal year. No appropriation is anticipated at the time this time.

Article 31

Appropriate for Authorized Capital Improvements Funds Requested: \$85,000

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: These funds are requested to supplement the \$50,000 appropriated by the 2008 Annual Town Meeting for removing the underground oil storage tank at Estabrook School. Upon further analysis, the Department of Public Facilities concluded that the old oil boiler should be removed at the same time and a more efficient natural gas boiler installed.

Questions

1. Is the boiler to be replaced at or near the end of its useful life, or is the replacement primarily an effort to be more energy-efficient?

Both. The boiler's efficiency is estimated to be 65-70%. Replacing the oil burner with a gas burner and retaining the old boiler would cost \$30,000 with an efficiency increase of about 5%. Replacing the boiler and including a gas burner would have an incremental cost of \$50,000 with an efficiency increase of about 20%.

Changing boilers also requires asbestos abatement at a cost of \$25,000, and there is an additional contingency fee of \$10,000.

2. What are the anticipated savings resulting from the new natural gas boiler? What is the anticipated payback time?

The fuel savings for changing boilers was estimated at \$13,000 over the life of the current fuel contract. It was also anticipated that the record oil prices of 2008 (2x 2007) would affect the natural gas contract we would receive for the Fall of 2009 heating season. Depending on future gas prices, payback was expected to be three to six years. With the actual gas prices contracted through 2012, the payback is six years.

It should be noted that final budget decisions may result in this article being indefinitely postponed.

General Articles

Article 32 Amend General Bylaw – Noise

**Sponsor: Board of Selectmen
at the request of the Noise Advisory Committee**

To see if the Town will vote to amend § 80-4.B (Commercial Trash Collection), C (Commercial Deliveries or Pickups) and H (Domestic Mechanical Equipment) of the Code of the Town of Lexington to change the permitted hours of noise generating activities stated therein, as set forth in a document on file with the Board of Selectmen and the Town Clerk; or act in any other manner in relation thereto.

DESCRIPTION: The proposed amendments to the Noise Bylaw would bring the permitted hours for the operation of certain activities and equipment in line with the hours used by other nearby municipalities having similar noise policies.⁸

Overview

The proposed amendment changes three paragraphs in the bylaw:

B. Commercial trash collection and C. Commercial deliveries or pickups, each of which currently prohibit noise between “11:00 p.m. and 6:00 a.m.” to read between “10:00 p.m. and 7:00 a.m.” and paragraph H. Domestic Mechanical Equipment which currently prohibits outdoor use of mechanical equipment such as lawn mowers and power saws between “9:00 p.m. and 7:00 a.m.” to read between “9:00 p.m. and 8:00a.m.”

The Noise Advisory Committee currently plans to ask for indefinite postponement due to requests by the Town Director of Public Health to remove the proposed change to paragraph B and complaints by various representatives of various commercial businesses about the other items.

Questions

- 1. Isn't it town Meeting's prerogative to decide whether to amend the bylaw, with input from the affected commercial businesses?**
 - 2. Since the article was initiated by the Noise Advisory Committee, shouldn't they have simply withdrawn the article?**
-

Article 33

Amend General Bylaw – Capital Expenditures Committee

Sponsor: Board of Selectmen

To see if the Town will vote to amend § 29-13.B of the Code of the Town of Lexington by adding the words “or otherwise distributing” after the words “and by mailing;” or act in any other manner in relation thereto.

DESCRIPTION: The proposed amendment would give the Capital Expenditures Committee the option of distributing the annual committee reports to town meeting members in various ways other than by mailing.

Questions

1. Why is the new language being added to the bylaw?

It is being added so that the bylaw is consistent with language that already applies to the Appropriation Committee and to reflect past practice of how reports written by the Capital Expenditures Committee are distributed. It is essentially a “housekeeping” action.

2. How will town meeting members typically receive reports written by this committee?

Hard copies of reports will be available to Town Meeting Members at the Police Station prior to Town Meeting sessions and also on tables in the lobby of Cary Hall when Town Meeting is in session. Electronic versions will be available on the TMMA website.

Article 34 Establish Qualifications for Tax Deferrals

Sponsor: Board of Selectmen

To see if the Town will vote to adjust the current age and income eligibility limits for property tax deferrals under Clause 41A of Section 5 of Chapter 59 of the Massachusetts General Laws as authorized by Chapter 190 of the Acts of 2008; or act in any other manner in relation thereto.

DESCRIPTION: Chapter 190 of the Acts of 2008 allows the Town Meeting, with the approval of the Board of Selectmen, to make adjustments to the current deferral qualifications of age 65 with gross income not exceeding \$40,000.

Overview

The General Court (State Legislature) has granted the Town of Lexington more latitude in setting qualifications for real property tax deferrals. The act allows Town Meeting, with the approval of the Board of Selectmen, to:

- (1) adopt a lower minimum age of eligibility than 65;
- (2) adopt a higher maximum qualifying gross income amount than \$40,000; and
- (3) establish objective criteria of disability or other hardship for persons who would not otherwise qualify based on their age.

Article 34 begins the process of changing the criteria for deferrals using our newly granted power.

Questions

1. What are the current deferral qualifications that apply to Lexington residents?

Current deferral qualifications are of age 65 with gross income not exceeding \$40,000.

2. Are deferrals subsidized by additional payments from other taxpayers?

No. Taxes deferred under this program become an uncollected debt to the town; there is no transfer onto other taxpayers. The deferred taxes become due upon transfer of the property or death of the property owner. Note that Massachusetts General Law Chapter 59 Section 5 Clause 41A allows an eligible surviving spouse who inherits the property to also defer payment of the taxes, which can extend the time before the town receives the tax payments.

3. How do these deferrals affect the budget?

The taxes deferred under this program are a reduction in current income to the town. Currently these deferrals are a small percentage of the budget, but care must be taken to avoid a sudden large increase in uncollected taxes which could have a substantial impact on current income or affect the bond rating of the town.

4. How many property owners are deferring their taxes?

Currently about 20 property owners are deferring their taxes. Many more are eligible under the current income guidelines but have chosen to keep their property tax payments current.

5. How will changes to the guidelines affect the participation rate?

It is hard to accurately predict. However, a number of factors may lead to an increase in the participation rate:

- 1) The current interest rate applied to deferred taxes is 1.66% simple interest. Until last year, the state-mandated interest rate was 8%, which may have discouraged higher utilization of the program.

- 2) The general economic downturn may force a higher utilization rate.
 - 3) As a new generation ages into eligibility for this program, fewer will have directly experienced the Great Depression and may have fewer inhibitions about placing a lien on their property.
-

Article 35

Establish Demand Charges for Delinquent Taxes

Sponsor: Board of Selectmen

To see if the Town will vote to set the fee for a demand notice for payment of delinquent taxes pursuant to Section 15 of Chapter 60 of the Massachusetts General Laws; or act in any other manner in relation thereto.

DESCRIPTION: An outside section of the State budget passed in 2008 provided for cities and towns to adjust their demand fees from the current five dollars to a fee not to exceed thirty dollars.

Overview

An amendment to Section 15 of Chapter 60 of the Massachusetts General Laws allows cities and towns to adjust their demand fees from the current five dollars to a fee not to exceed thirty dollars.

Questions

1. What are demand fees?

Demand fees are assessed when payment on a tax bill is delinquent. Demand notices are sent out for unpaid Real Estate, Personal Property and Motor Vehicle Excise taxes.

2. How many demand notices were issued in 2008?

In 2008 the following numbers of demand notices were issued:

- Real Estate Tax bill demands: 481 out of 12,245 original bills
- Personal Property Tax bill demands: 145 out of 987 original bills
- Motor Vehicle Excise Commitment 1 demands: 2397 out of 23,097 original bills

3. Do demand fees have any effect on tax collections?

They are intended to encourage payment of taxes promptly and to offset costs of collection of delinquent accounts.

Article 36

Amend Historic Districts Act (Citizens' Petition)

Sponsor: Karen Hruby and nine or more registered voters

To see if the Town will vote to authorize the Selectmen to petition the General Court for an Act to amend Chapter 447 of the Acts of 1956 as amended entitled "an Act Establishing An Historic Districts Commission for the Town of Lexington and Defining Its Powers and Duties, and Establishing Historic Districts in the Town of Lexington" to expand the Battle Green District to include Parker Street and Jackson Court, or act in any other manner in relation thereto.

DESCRIPTION: Passage of this article would allow the Board of Selectmen to petition the General Court for an act to expand the Battle Green Historic District to include Parker Street and Jackson Court.

Overview

Currently, only a part of Parker Street (at the Massachusetts Avenue end) is included in Lexington's Battlegreen Historic District.

Citizen proponents of this article seek to add the rest of Parker Street as well as the adjoining Jackson Court to the District.

Most of the houses along the entire length of Parker Street and Jackson Court date from at least the early 1900's. Some are on the federal Historic Register.

By adding the rest of Parker Street and Jackson Court to the Historic District, proponents of this article hope to preserve the visual integrity of the neighborhood.

The neighborhood is currently facing the potential tear-down of an early 1900's house.

Approval of this article will allow the Selectmen to petition the State Legislature for this change to the state legislation that defines and governs our existing historic district.

Questions

- 1. How many houses would be added to the historic district by the change?**
- 2. Would houses added to the Historic District be allowed to renovate or add additions, paint them other than white, replace the windows, add solar panels?**

According to Joe Welch of the Historic District Commission (HDC), a look at homes in the current Historic District shows that a wide variety of thoughtfully designed exterior changes, many paint colors, and appropriate replacement windows have been approved by the HDC. The HDC can impose fines and stop-work orders for unapproved exterior changes. Interior changes are not subject to HDC approval. A policy on solar panels is now under consideration.

3. How does being part of the Historic District affect house value?

According to Marilyn Fenillosa, a local expert on historic properties, homes in protected historic districts tend to benefit from an increase in value.

4. Have the present owners of properties in the proposed extension been consulted on this proposal? How many support the proposal?

Article 37 Reconfigure and Abandon Easement

Sponsor: Board of Selectmen

To see if the Town will vote to authorize the Selectmen to reconfigure and abandon a portion of an easement given for public travel over lot 68 on Assessors' Property Map 29, known as 7 Page Road, now or formerly of Vales; or act in any other manner in relation thereto.

DESCRIPTION: The subject easement was granted to the Town as part of an approved subdivision in 1959. Subsequent development makes this easement no longer necessary.

Questions

1. What is the nature of the present easement on the Page Road property?

The easement consists of two parts: a public travel easement and a utilities easement, i.e., a drainage easement. It extends along the west side of the property from the road to the property line south of the street. The easement in question was granted to the Town as part of an approved subdivision that includes Page Road.

2. Why is there a request to reconfigure and abandon the easement?

At 50 ft. in width, it had the potential to become a road, but subsequent development of the area obviated the need for its use as a road. The easement is not connected to Town property. The owner of the parcel, of which the easement is a part, has asked for a modification of the easement as it is currently configured. This article will clarify the current use and need for the easement at this site.

3. Will the utilities easement remain in effect?

Yes, the utilities easement will remain in effect, as will the width of the easement. The town will continue to have access to the 12" drainage pipe that is under the land of the easement. The drainage pipe carries water from the Munroe Brook watershed and the Arlington-owned Great Meadows area that are south of the property.

4. Could the land at the end of the easement be acquired by the Town for access to the Arlington Great Meadows?

Article 38

Petition General Court for Municipal Utility Act

Sponsor: Board of Selectmen

To see if the Town will vote to endorse 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: 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 the previously petitioned act relating to a Lexington municipal lighting plant to remain viable.

Overview

Because of a crowded legislative calendar, Home Rule Petitions are often left undressed at the end of the legislative year. The Legislature has a requirement that Town Meetings must re-affirm their Home Rule Petitions before they can be considered in the following legislative session.

Town Meeting previously approved a petition seeking to make it easier for Lexington to form its own Municipal Electric Utility.

This housekeeping motion asks us to reaffirm the petition so that it can be considered in the Legislature's current session.

Also going through the legislative process is a twin bill (called H3319 in last year's session) that would make it easier for any municipality to form its own Municipal Electric Utility. Article 38 seeks to indicate Lexington's support for this bill as well.

The State has a study currently underway to examine the economics of new Municipal Electric Utilities.

Article 39 Petition General Court for Mid-Year Tax Relief Property Loss From Fire

Sponsor: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for an Act to authorize the Town to abate or refund taxes received, as the case may be, whenever in any fiscal year, the assessed value of real estate is decreased by over 50 percent as the result of fire or natural disaster, in an amount to be calculated based on a reassessed value of the improvement; or act in any other manner in relation thereto.

DESCRIPTION: This article authorizes the Board of Selectmen to petition the General

Court for authority to provide mid-year tax relief to taxpayers whose real estate is destroyed by fire or natural disaster.

Overview

State law requires that property tax bills be calculated based on the property's assessed value on January 1 of each year. On January 1, 2008, the Hancock School Condominiums were still standing; on October 31, 2008, the building burned. This article would provide relief for the residents of those condos for a portion of this year's taxes, and to future taxpayers in similar circumstances.

At this time, as there is a time limit on filing for abatements, only those residents who have filed for an abatement will be eligible to receive one if the General Court acts favorably. This means in effect that the law will not be retroactive for other properties that have been destroyed in recent years (such as the Hancock Avenue house that was destroyed by a gas explosion.)

Article 40 Resolution – Use of Reusable Bags (Citizens' Petition)

Sponsor: Andrew Friedlich and nine or more registered voters

To see if the Town will vote to adopt a resolution that encourages Lexington citizens and merchants to increase their use of reusable and/or biodegradable bags for their purchase and to lessen their reliance on plastic and paper bags; or act in any other manner in relation thereto.

DESCRIPTION: This article requests that Town Meeting pass a resolution that the Town of Lexington affirms its strong opposition to the reliance on paper and plastic bags that are so harmful to the environment and so wasteful of our limited natural resources and recognizes the importance of the wider use of reusable and biodegradable bags by both citizens and merchants.

Overview

This article is a non-binding resolution that asks local merchants and shoppers to commit to purchasing and using reusable bags when grocery shopping. An informal survey of local markets shows a significant upsurge in the sale of reusable bags within the last 6-9 months. One market reported going from selling 30-40 bags per week to now selling over 250 per week. While none of the markets surveyed have formally tracked the actual use of these bags, one market manager estimated that 12-14% of his shoppers regularly use reusable bags when shopping.

Questions

1. How do the sponsors intend to communicate this request to merchants and shoppers?

Members of the Alternative Bag Committee have been personally requesting merchants to promote the use of reusable bags by their customers.

2. Will this cost money?

No.

Article 41 Form Committee – Climate Change (Citizens' Petition)

Sponsor: Adam Sacks and 9 or more registered voters

To see if the Town will vote to form a Committee whose purpose is to: 1. Promote public and official discussion of the local implications of climate change, as well actions taken by other municipalities in the U.S. and around the world; 2. Consider how similar and other appropriate actions may be implemented in Lexington; 3. Recommend to Town Meeting actions for the Town to take to facilitate and implement measures for all sectors in Town to respond to climate change; and 4. Research, develop and promote resources for all sectors on sustainable practices commensurate with the challenges of climate change; or act in any other manner in relation thereto.

DESCRIPTION: This article requests that a committee be formed to investigate short- and long-term strategies for dealing with the constraints imposed by current and future changes in energy sources and global climate disruption.

Overview

This article requests that a committee be formed to investigate short- and long-term strategies for dealing with the constraints imposed by current and future changes in energy sources and global climate disruption. The proposed committee would be comprised of up to 15 members, appointed by the Board of Selectmen, who would explore ways for Lexington to meaningfully address climate change and the elimination of fossil fuels. The committee would hold public meetings to solicit input from all sectors, investigate what measures other towns have taken, collaborate with existing town committees and boards, and make periodic non-binding recommendations to Town Meeting and other private and public bodies for further action.

While there are several existing committees in Lexington dealing with environmental issues (such as GWAC and the Climate Action Plan Committee), they differ from the proposed committee as they are not official town committees and have a more narrow focus on elements of climate change.

Questions

1. **To what extent would this committee be redundant with the existing Selectmen's Electric Utility Committee?**
 2. **Why 15 members?**
 3. **What would be the qualifications of the people serving on this committee?**
 4. **Given the broad scope of this proposed committee's mission, would such a committee be better constituted under the auspices of the state?**
 5. **Are there currently State and Federal task groups studying this matter?**
-

Article 42

Double Utility Poles (Citizens' Petition)

Sponsor: Patrick Mehr and 9 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: This article seeks passage of a resolution to request the Selectmen to communicate with appropriate State agencies regarding compliance of Utility Companies with removal of double poles, and also to endorse legislation (Bill S1993 in the 2007-08 legislative session) allowing cities and towns to enact a local ordinance or bylaw prohibiting double poles beyond 90 days and providing for fines in violation thereof.

Overview

This Article is essentially a re-submission of Article 40 (TM 2008) which passed as a resolution that requested the Selectmen write to the DPU (Department of Public Utilities) and demand that Verizon comply with the State law requiring that double poles be removed within 90 days. The Selectmen's letter dated 8/11/08 was answered by the DPU 11/26/08; the DPU said it would review Lexington's complaints and be back in touch within 2-3 weeks. Selectman Cohen has not been contacted by Verizon as of this publication's printing.

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. The 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 another 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 utilities, as pole owners, coordinate the transfer of wires, supposedly in a timely manner to meet the statutory 90-day limit.

Legislation introduced by Senator Cynthia Creem required what is now the DPU 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 give PLM time to help solve the double pole problem.

In October 2006 (when Verizon promised to clear up the double pole problem in 6 months), 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 was inaccurate. In October 2008, there were 221 double poles in Lexington. While Verizon has reduced the number of double poles in Lexington for the first time since 2006 (by 36% in the past 6 months), almost all 221 double poles are in violation of the 90-day limit and the utilities’ PLM database remains incomplete, missing 1 of every 4 double poles.

There is currently no penalty (fine) for failure to remove double poles in 90 days. Only the State Legislature, not a town, can set fines for violation of MGL Chapter 164, section 34B. Senators Donnelly and Tucker have each filed a bill giving authority to cities and towns to institute such fines. Absent such a bill passing, there is currently no appreciable consequence to Verizon’s violation of State law, other than the Lexington Minuteman’s “Double Pole Vault” feature which highlights different double pole violations in each week’s issue.

Questions

- 1. Has the Board of Selectmen taken a position on this article?**
 - 2. Is the 2007-2008 Bill S1993 being brought back in this legislative session?**
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Article 43

Health Benefits (Citizens' Petition)

Sponsor: Patrick Mehr and nine or more registered voters

Following up on the resolution adopted at the 2008 Annual Town Meeting urging the exploration as soon as possible of measures to control the growth of Lexington's health benefits expense, to see if the Town will vote to: (a) adopt a resolution to encourage the Town Manager and Town employees to negotiate and reach agreement on changes in employee health benefits, to the extent that cost savings to the Town and its employees collectively would result if the Town (1) joined the Commonwealth's Group Insurance Commission (GIC) or another health benefits group, and / or (2) reduced the incentives for Town employees to use Lexington's health benefits instead of benefits available from a spouse's employer; (b) form a Health Benefits Cost Study Committee to conduct the research and analysis necessary to estimate the size of the potential cost savings from (a) (1) and (2), and advise the Town Manager and Town employees of the results of their study; or act in any other manner in relation thereto.

DESCRIPTION: This article seeks additional information and data relating to the costs of health care benefits for town employees and ways to reduce such costs in order to further labor negotiations.

Overview

Part (a) of this article seeks a resolution encouraging town management and town employees to reach agreement to reduce health benefits costs using one or both of the following mechanisms:

- (1) joining the Commonwealth's Group Insurance Commission (GIC) or another health benefits group;
- (2) reducing the appeal to town employees of choosing Lexington's health benefits over the benefits available from a spouse's employer.

Part (b) of this article would form a Health Benefits Cost Study Committee to gather data relevant to health care benefits for town employees and to provide analysis on cost reduction strategies that would be made available for labor negotiations.

Questions

1. Why are health care costs an issue of concern?

Lexington's employee health benefit expenses will consume \$22.1 million in FY2009, 16.5% of FY2009 general fund expenses of \$134.5 million. Like many municipalities in Massachusetts, Lexington has endured double-digit annual growth rates for health benefits for a number of years.

2. What is the Group Insurance Commission?

The Group Insurance Commission (GIC) was established by the Legislature in 1955 to provide and administer health insurance and other benefits to the Commonwealth's employees and retirees, and their dependents and survi-

vors. The GIC covers 169,000 enrollees and over 300,000 lives.

3. Why hasn't Lexington already joined the GIC?

The GIC is a relatively new option for Lexington. Local municipalities only became eligible to join the GIC with the passage of Chapter 67 of Acts of 2007. Towns may join the GIC contingent upon agreement by a weighted 70% representation of municipal unions and retirees through the coalition bargaining process. Such agreement must be reached and filed with the GIC before October 1 for coverage that begins the following July 1.

4. Why would joining the GIC reduce health benefit costs?

The GIC has historically maintained lower costs for health care and a lower rate of growth for those costs than Lexington has been able to secure. Factors contributing to this include: the larger pool of insured participants; more and, in some cases, higher co-pays; freedom to change plan design and plan offerings; wellness programs; and tight controls over eligibility.

5. How does reducing the appeal of Lexington's benefits reduce costs?

If more town employees elect to be covered or to have their dependents covered through a spouse's health benefits, fewer individuals will be covered by the Lexington plan.

6. What is the mechanism by which the appeal of Lexington's benefits will be reduced?

7. How much will Lexington save?

Savings will depend on the premium contribution ratios negotiated between the town and its unions as well as participation rates. Part (b) of this article would create a committee to gather data and quantify potential savings to the town.

8. Where can I find more information on the GIC and issues for municipalities to consider?

- The web site for the Group Insurance Commission <<http://www.mass.gov/gic>>
 - The Municipal Health Insurance Action Center web site of the Metropolitan Area Planning Center <http://www.mapc.org/regional_planning/health_care_action_center.html>
 - A presentation by Michael Kennealy to the TMMA Executive Board on January 21, 2009 <<http://www.lexingtontmma.org/Documents09/TMMA%20slides2.pdf>>
 - A memo on the possible adoption, by Lexington, of the state's Group Insurance Commission (GIC) health insurance program, by Michael Kennealy and Deborah Brown <http://www.lexingtontmma.org/Documents/GIC_memo_MK_DB.pdf>
-

Zoning / Land Use Articles

Article 44

Amend Zoning Bylaw, CM and NFI District Changes

Sponsor: Planning Board 2/3 vote required

To see if the Town will vote to amend the Zoning By-Law of the Town of Lexington to:

1. Create a process for site plan review outside of the special permit process;
2. Require site plan review for developments in the NFI (National Flood Insurance) and CM (Manufacturing) districts;
3. Permit development in the NFI district without a special permit;
4. Change the definition in § 135-16B of the Y symbol in Table 1, to not require a special permit with site plan review;
5. Permit two or more buildings, uses, or establishments on the same lot to share a common parking lot without a special permit;
6. Permit the following uses and development standards in the CM district without a special permit:
 - a) Standing signs,
 - b) B.22: Uses and structures with 10,000 or more square feet of gross floor area including the area of any existing structures but not including any floor area devoted to off-street parking
 - c) 7.11: Beauty salon, barber shop,
 - d) 7.12: Laundry or dry cleaning,
 - e) 7.13: Tailor, dressmaker, shoe repair,
 - f) 7.15b: Bank, credit union with drive-up window or auto-oriented branch bank,
 - g) 8.11: Convenience good often bought on a daily basis such as food, candy, newspapers, tobacco products,
 - h) 8.13: Food, but not that intended for consumption on the premises, includes delicatessen or bakery, but not a takeout or fast-food service,
 - i) 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,
 - j) 8.21: Sale or rental of equipment and supplies such as office furniture, to other businesses,
 - k) 8.31: Stores with less than 2,000 square feet of floor area per establishment,
 - l) 8.32: Stores with 2,000 or more square feet of floor area per establishment
 - m) 8.33: All sales or rental conducted entirely within a fully enclosed building; temporary display of products outdoors during operating hours permitted
 - n) 8.34: Sales or rental conducted in part outdoors with permanent display of products during non-operating hours; subject to screening requirements in Article X,

- o) 9.11: Restaurant,
- p) 9.12: Fast-food or takeout service serving enough food to comprise a meal,
- q) 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,
- r) 9.14: Caterer or other establishment preparing meals for groups of people,
- s) 9.16: Hotel, motel,
- t) 10.12: Indoor athletic and exercise facilities, weight reduction salon,
- 7. Adjust the dimensional controls for the CM district to:
 - a) Decrease or eliminate the minimum lot area, lot frontage, yard setback, transition area width, and parking space, driveway and maneuvering aisle setback,
 - b) Increase or eliminate the maximum floor area ratio, site coverage, building height in stories, and building height in feet, and
 - c) Establish a maximum for the ratio of the height of any part of a building to the distance between that part of the building and the centerline of the nearest roadway;

as set forth in a document on file with the Town Clerk; or act in any manner in relation thereto.

DESCRIPTION: This article contains a variety of changes to the zoning by-law that are designed to encourage economic development within the Hartwell Avenue area by allowing more intense development and providing alternative ways to deal with the impacts of development. It will create a process for site plan review outside of the special permit process, greatly decreasing the need for special permits in the National Flood Insurance and CM districts, it will also amend the dimensional controls in the Hartwell Avenue area, allowing larger and taller buildings closer to the street while instituting a ratio to control the relationship of building height to setback. The as of right Floor Area Ratio (FAR) will be increased.

Overview

CM is the manufacturing district along Hartwell Avenue

NFI is the National Flood Insurance overlay district

The Planning Board developed the proposed bylaw amendments in Articles 44, 45 and 46 in response to the declining value of commercial properties along Hartwell Avenue where most development was completed 20 to 35 years ago. Commercial development has been addressed in the past year by Lexington business organizations, by citizen articles brought to the 2008 Town Meeting, and by the Planning Board.

A Yes vote would expand development opportunities for Hartwell Avenue properties. The changes would include:

- 1) Increase in the FAR (floor area ratio) from .15 to .40 by right and higher with a special permit .
- 2) Increase maximum building height from 45 feet to 65 feet by right and higher with a special permit and eliminate maximum number of stories.

- 3) Eliminate maximum site coverage requirement to encourage garage parking rather than on-grade parking.
- 4) Reduce minimum front yard from 75 feet to 25 feet, in order to move parking from front yard to side or rear yards.
- 5) Adding a “Sky View Ratio” (defined as ratio of building height to distance to street center line) of 0.8 provision to prevent the tallest parts of structures from being too close to the street.

(All of the above numbers are subject to change prior to finalizing the motion for Town Meeting)

Also, Article 44 would create a process for a site plan review outside of the special permit. Traffic issues would be mitigated under a companion article in the 2009 warrant (Article 45.) The permitted uses of the CM district would be expanded to allow employees to obtain services close to their worksite rather than having to drive into the town centers of Bedford and Lexington.

Questions

1. Are there residential abutters to the CM zone?

The CM zone is across the street from residential land on Westview Street. However, while the Wood Street and Bedford Street areas are not direct abutters, they are heavily impacted by traffic on Hartwell Avenue, and as such have an interest in commercial expansion there.

2. Are the proposed changes acceptable to the neighbors?

3. Could other districts be rezoned as CM?

It has been suggested that the portion of the CRO district at the corner of Bedford Street and Hartwell Avenue be rezoned to CM. That could be done at some future Town Meeting.

4. What type of traffic mitigation measures could be considered for the CM zone?

5. What would happen if this article passed and the traffic mitigation article did not?

If this article passes and the traffic mitigation article fails, no new development could occur because of the existing prohibition of development where affected intersections are at or below level of service E.

Article 45

Amend Zoning Bylaw – Traffic

Sponsor: Planning Board

2/3 vote required

See Article 9 for related requested funds

To see if the Town will vote to amend the Zoning By-Law of the Town of Lexington as follows:

1. Create a Traffic Mitigation Overlay (TMO) district that allows properties within the district to elect a method of providing the Town with traffic mitigation other than that required currently by Article XII, Traffic. The Planning Board will adopt a traffic management plan for the TMO district addressing the mitigation of traffic generated by commercial development within the district. The plan may require contributions to a traffic mitigation fund as well as trip reduction measures. No development may occur utilizing the alternative method of traffic mitigation until such a plan has been adopted. The traffic management plan may modify the requirements of Article XI, Off-Street Parking and Loading; and
2. Notwithstanding section 135-71B, permits may be issued and no separate traffic study will be required for developments within a TMO district that elect to proceed under the traffic management plan and are consistent with it;

as set forth in a document on file with the Town Clerk; or act in any manner in relation thereto.

DESCRIPTION: This will create a Traffic Mitigation Overlay (TMO) district that allows properties within the district to elect an alternate method of providing the Town with traffic mitigation other than that required currently by Article XII, Traffic. The proposal will likely require contributions to a traffic mitigation fund as well as trip reduction measures and may modify the requirements of Article XI, Off-Street Parking and Loading.

Overview

Under the current zoning, enlarging a building in the Hartwell Ave. CM zone requires a Special Permit from the Board of Appeals. This permit can be granted only if the traffic at affected intersections will be at Level Of Service D or better (scale of A to F) after occupancy of the new structures. Most intersections in the Hartwell Avenue area are now at Level of Service E or F. Thus even if we pass Article 44, which eases the dimensional controls in the CM district, nothing new can be built unless the developer is willing to take on the expense of correcting the intersection problems, which is unlikely given the price tag that the project proponent would have to bear.

The Planning Board feels that it is not fair to burden the first developer who wishes to enlarge a building with the entire expense of correcting these traffic problems given the large deficit that exists in the area. It also feels that increasing the Level Of Service to D at major intersections is rarely, if ever, the best solution for abutting neighborhood traffic problems, since improving flow through an intersection will probably cause more traffic (which should remain on Route 128) to cut through residential neighborhoods.

Note that the proposals listed below represent the position of the Planning Board as of this writing and are subject to change pending the Planning Board public hearing and the final motion.

The Board is therefore proposing a Transportation Management Overlay District:

- 1) To provide better traffic solutions, including traffic calming on the abutting residential streets, sidewalks, bicycle lanes, and other traffic demand management solutions as well as traditional intersection upgrades; and
- 2) To distribute the costs fairly over all potential increased developments based on their size and/or parking demand.

Using the procedures of this district would be completely optional; a developer would still be allowed to use the existing procedures, which do not require paying a mitigation fee directly to the Town. However, it is not likely that a developer would opt to use the existing procedure.

In an overlay district, all other requirements and the privileges that are in the underlying district are also in effect.

In this proposed overlay district, the Planning Board would be required to develop a traffic Plan for the district. The development of this Plan would be funded under Article 9 of this Town Meeting. The Plan would include provisions for improving all modes of travel, not just automobiles, in the district and surrounding affected residential neighborhoods. Based on the expected costs of these improvements, the Plan would set a mitigation fee that developers would have to pay into a separate Town fund. It has been suggested that the fund could be used only for capital improvements, not routine maintenance or operating expenses such as Lexpress. The accumulated mitigation funds could be used for these improvements only if appropriated by Town Meeting. They could be used in conjunction with other Town funds or grants from the other government bodies. In this article the term “Plan” is what is often called “Regulations” and as such will need to be adopted by majority vote of the Planning Board after a public hearing.

In addition to the mitigation fee, the Plan will require the use of transportation demand management techniques, intended to minimize single-occupancy vehicle commuting trips, as well as alternative parking restrictions.

There have been many other traffic mitigation studies for the Hartwell Avenue area in recent history. None of them have been implemented for various reasons, such as cost, opposition by abutters, and inaction by the State. Passage of this article would create a process by which the community would prioritize improvements to the area and look to implement those priorities through the use of the mitigation fees.

Questions

- 1. How could cut-through traffic, i.e., vehicles using Lexington streets as an alternative to Route 128, be mitigated?**

Much of Lexington’s traffic congestion is regional and needs to be addressed at the State level.

- 2. Is the traffic mitigation being done on Spring street a relevant example of what we could expect from this article?**

The sidewalks and Spring/Marrett intersection are attempts to balance resident and traffic flow goals.

3. Will bike parking and amenities such as showers be built into the mitigation plan?

These have been proposed in the past.

4. If mitigation funds collected under this Article are used only for capital improvements, what will replace the contributions to Lexpress that we have been getting for many years from CD rezonings?

5. How will the mitigation fee be calculated?

6. Is it intended that the costs of required traffic mitigation be borne entirely by developers or will some proportion be shared by the Town?

Article 46

Amend Zoning Bylaw – Zoning Map Revision

Sponsor: Planning Board

2/3 vote required

To see if the Town will vote to amend the Zoning Map of the Town of Lexington by creating a new Traffic Management Overlay District (TMO-1) within the area bounded by Grove Street, the Northern Circumferential Highway, Massachusetts Avenue, Marrett Road, and the Town boundary, as set forth in a document on file with the Town Clerk; or act in any manner in relation thereto.

DESCRIPTION: This will establish the limits of the Traffic Management Overlay District, encompassing those commercial uses that will generate traffic impacts. It is not designed to delineate the limit of those impacts, just the generation.

Overview

If Article 45 defining the Traffic Management Overlay District passes, this article will define the geographic boundaries of that district. At a minimum it will include the entire Hartwell Avenue CM district. It will probably also include the CRO district on Bedford Street, the CRO district at Lincoln Lab on Wood Street and the two CD districts on Hartwell Avenue. It will not be useful for developers in those additional areas at this time since those areas are already fully built up under present zoning. However, if in a subsequent Town Meeting, the dimensional controls are relaxed in those areas, the provisions of this Traffic Management Overlay District would become applicable. If those additional areas are not included at this time, they would have to be added if and when the dimensional controls are relaxed in those areas.

The area of the traffic study is separate from the area of the district and is much larger.

Article 47

Amend Zoning Bylaw – Technical Corrections

Sponsor: Planning Board

2/3 vote required

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lexington to maintain consistency with the above changes and update references, as set forth in a document on file with the Town Clerk; or act in any manner in relation thereto.

DESCRIPTION: This article will correct references within the Bylaw to the “Cable Television and Communications Advisory Committee” which is now known as the “Communications Advisory Committee” as well as other non-substantive changes such as internal references that may be required as a result of the changes outlined in Articles 44 and 45.

Overview

A Yes vote would approve changes recommended by the Planning Board to update Chapter 135, Code of Lexington, Zoning By Laws, to be consistent with any zoning by law changes approved by the 2009 Town Meeting. These changes will be specified in the motion for Article 47.

Questions

1. Who will approve the exact wording of the updated by laws?

The wording will be approved by vote of Town Meeting based upon the status of other Planning Articles and as recommended by the Planning Board.

2. Please provide an example of the most significant change this would entail.

The name for one advisory committee would be updated. Most changes are yet to be specified by the motion wording for Article 47.

Article 48

Amend Zoning Bylaw – Financial Support for Transportation (Citizen’s Petition)

Sponsor: Dawn McKenna and nine or more registered voters

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lexington to require that all buildings and rezoning proposals, except for as of right residential one and two family dwellings, include financial support of the town transportation system (currently Lexpress); or act in any other manner in relation thereto.

DESCRIPTION: One of the requirements under the current zoning by-law is to address traffic demand management (TDM) issues. This proposal would insure that one component of the relief for traffic is an on-going financial commitment for the town-wide transportation system, known as Lexpress.

Questions

1. What are the goals of the proposed bylaw amendment?

- to acknowledge the operational cost impact of increased development
- shift costs of public transportation off of the tax levy
- decrease automobile traffic, created by development, through Traffic Demand Management (TDM)
- improve traffic created by increased development through mitigation
- provide a town-wide transportation option for Lexington residents and employees

2. How does this proposed amendment respond to the needs of the Town?

- In 2004, the Community voted for the separate override question for Lexpress, an expression of community support for local bus service.
- The 8/22/08 Final Report of the Lexington 2020 Economic Development Task Force (EDTF) states (page 10, #4), "Develop traffic management strategies that encourage alternate modes of transportation to offset, in part, the increase in automobile traffic development may bring." Further, the report states on page 16, "If Lexington adopts a proactive approach to commercial development, the Cecil Report [the consultant group hired by the EDTF to evaluate the potential of three commercial areas in town] points to the Town's ability to potentially [recoup] costs of transportation infrastructure increases via that development."
- Since 2006, ridership on Lexpress has steadily increased. There is an 8% increase in ridership since last year. Senior citizens constitute the greatest increase in Lexpress patronage.
- Although revenue from ridership and TDM has increased, the Town budget still covers a substantial share of Lexpress expenses, e.g., FY08 Net Tax Levy Support: \$258,895.
- Lexpress will benefit from a long-term, stable funding stream outside the tax levy.
- The funds that are collected can apply to the operating expenses for an alternative town-wide transportation system in the future, should the Town determine such a need.
- The Town has established a separate stabilization account for Lexpress TDM funds.

- The Transportation Coordinator currently bills, monitors, and collects TDM funds in a systematic manner

3. To what districts in town is the proposed amendment directed?

- all commercial developments
- CD zones (Planned Commercial)
- Overlay Districts, if approved by Town Meeting

4. What zoning bylaw will be amended, if this article is approved?

- Article XII – Traffic
- The amendment will be written as Article XII, § 135-73.1. The sponsors of the amendment are working with the Planning Department to number the amendment so that it is not affected by any action Town Meeting takes on Warrant Article 45 that creates an overlay district by exempting Hartwell Avenue from portions of Article XII – Traffic.

5. What are the proposed details of the Financial Support plan?

- If a special permit is required for the building, the TDM payment would be in place for the life of the permit.
- If built with no special permit, the life of the agreement would be 50 years.
- The formula to determine the payment adds two numbers together: \$.08 per gross square footage of the building plus \$50. per parking space (garage or outdoors).
- Annual payment shall be a minimum of \$1,000.
- Payments begin from the date of the issue of the Certificate of Occupancy (CO).
- An alternative is a lump-sum payment with present-day value calculation based on 50-year life span of the building. Consumer Price Index (CPI) used to calculate the value is an average of the previous ten years. 50% of the lump sum is due at the issuance of the Building Permit; 50% due when the CO is issued.

6. What concerns are associated with this bylaw amendment?

- Will this be legal or considered a tax? A counter “argument” is what is the harm if we approve it and the Attorney General denies it? It simply would not take effect. The Planning Board’s own article, however, is looking at a flat fee for developers along Hartwell Avenue. The negotiations with Beal include a lump sum payment. Burlington has charged developers a fee for TDM. If those fees are legal, wouldn’t this one be legal?
 - Is it enforceable? The lump sum option helps to address this concern, since this option collects payment upfront. Under the bylaw, the Zoning Enforcement Officer would enforce it as a condition of the Special Permit.
-

Article 49

Amend Zoning Bylaw – CRO and RO to CD 5-99 Hayden Avenue, 124-128 Spring Street (Owners' Petition)

Sponsor: Land Owner (Beal New Mexico, LLC and Two Ledgeмонт LLC, the property owners)

2/3 Vote Required

To request the Town to amend the Code of the Town of Lexington, Zoning By-Law sections and the Zoning Map of the Town of Lexington, by changing the zoning district designation of the land described in a certain written metes and bounds description (Appendix 9) on file with the Planning Board, from the current CRO Regional Office District and RO One Family Dwelling District to a CD Planned Commercial District with certain specified uses (pursuant to the provisions of Town of Lexington Code § 135-42), said property being commonly known and numbered as 95-99 Hayden Avenue and 124-128 Spring Street to allow construction of a new building for office and laboratory uses and to act in any other manner relative thereto.

DESCRIPTION: The proposed amendment would rezone the above described property at the intersection of Hayden Avenue and Spring Street from the present CRO business and RO residential districts to a Planned Commercial Development District. This would allow construction of a new building of approximately 162,000 square feet on the 36.23 acre site together with additional parking.

Overview

A Yes vote would allow the development of Ledgeмонт III under a unique CD zone in conformity with the Preliminary Site Development and Use Plan (PSDUP) as presented to Town Meeting including the implementation of all mitigation measures.

Note: The following discussion of the Ledgeмонт III proposal was written prior to the February 25 hearing by the Planning Board. It is based on the PSDUP dated December 22, 2008 and a draft Memorandum of Understanding dated February 18, 2008, primarily on traffic mitigation payments. Both of these are still subject to change.

This article would rezone 36 acres at the corner of Spring Street and Hayden Avenue to CD. This land contains the Ledgeмонт center, an office/research complex, owned by the Beal Companies, which is currently zoned CRO (commercial) and a buffer strip between the commercial land and the abutting residential land which is currently zoned RO (residential). A total of ten acres is under conservation restrictions to provide a 100-foot buffer zone of trees and vegetation and includes a six-acre trail easement. The portion that is currently zoned RO would not be developed, but would be used for Floor Area Ratio (FAR) computations.

The land currently has two office buildings know as Ledgeмонт I and Ledgeмонт II and two multi-level parking structures. The existing buildings and land were assessed

in FY08 at \$51,046,000, yielding approximately \$1,200,000 annually in property taxes.

The new development, known as Ledgemont III, would provide significant additional tax revenue to the Town. Based on the assessed value per square foot of Ledgemont I & II and a 10% increase in value for new construction, the developer estimates that the new building would be assessed at about \$21,900,000. At the current commercial tax rate of \$24.62 this would yield annual tax revenue of \$539,000. Based on the developer's estimated construction cost of \$45,000,000, there would also be a one-time building permit fee of about \$300,000. The estimated annual personal property tax would be \$78,000.

The proposed new building would contain four levels of office space on top of three levels of parking structure. The building would be built into a steep hillside so that portions of the garage levels would not be visible from the abutting residential land. The main change from the proposal presented at the fall 2008 Town Meeting is that portions of the upper floors are set back more than previously. This gives the structure a stepped appearance, with the intention of making it less visible to the abutters. The lost space is made up for with an L-shaped addition extending away from the residential neighborhood. The developer has proposed to eliminate the penthouse and to house the mechanical structures inside the building, leaving only air shafts and elevator apertures on the roof. The PSDUP has not yet been updated to reflect this change, and still allows up to 20 feet of mechanical structures on up to 50% of the roof.

The Gross Floor Area of the new structure, excluding the garages, would be 162,000 square feet. The current Floor Area Ratio (FAR) limit in the CRO commercial district is 0.15. The existing development, which was built before the 0.15 FAR was adopted, is 0.22. With the proposed addition, the FAR would be 0.33. Garage areas, corridors, and utility areas, as well as wetland area are excluded from the FAR calculation.

The current development has 1,121 parking spaces, mostly in parking structures. The proposed development would have a total of 1,536 parking spaces, slightly more than the minimum required for a CRO district.

The current zoning landscaping requirements for a CD district are set individually and are indicated in the PSDUP. While it is not yet in the PSDUP, the developer has stated verbally that some 17 to 18 foot evergreens and some rhododendrons will be provided to screen the building from the abutters. The final PSDUP submitted to Town Meeting will state the requirements. Beal has met with the Design Advisory Committee and sought their input.

There is an existing conservation easement over part of the land adjacent to the residential neighbors. There is currently a walking trail from Munroe Road to the Hayden Woods conservation land. Beal proposes that part of their traffic demand management payment be used by the Town to extend that trail to Spring Street, through their land. The Town would then maintain the trail.

When this proposal was indefinitely postponed at the fall Town Meeting in 2008, details of the traffic mitigation and traffic demand management plans had not been finalized and agreed upon. As of this writing, there is a draft Memorandum of Understanding that provides for the following:

Beal will provide a total of \$800,000 of mitigation payments to the Town and will also undertake significant landscaping and operational measures designed to mitigate the

impacts of the Ledgemont III development.

Beal will pay to the Transportation Mitigation Fund of the Town of Lexington, \$500,000 to fund off-site traffic and transportation mitigation improvements and/or services, enhancing future traffic operations and benefiting the Town, the neighborhood, and the Project, which may include but are not limited to the following:

- Design/Construction of a traffic signal at Spring Street/Hayden Avenue intersection;
- Design/Construction of sidewalks or traffic calming along Spring Street;
- Design/Construction of sidewalks along Hayden Avenue;
- Design/Construction of improvements/signal at Waltham Street/Hayden Avenue intersection.

Beal will provide an additional \$300,000 to the Town's Transportation Mitigation Fund of which:

- \$200,000 shall be used for Town Transportation service including Lex-Press;
- \$20,000 shall be paid the "Lexington Nature Trust Fund" for the pedestrian trail extension to Spring Street;
- \$80,000 is not specified by the Beal MOU.

The Conservation Commission held a hearing on the fall 2008 proposal. It issued an order of conditions with stringent construction oversight, stormwater management plans, trail easements, mitigation measures including the removal of invasive species and enhancement plans within wetlands and buffers, tree protection within the 25' buffer, trail easements for a trail from the end of Monroe Road to Spring Street and extends the conservation restriction to protect the no disturb buffer. Minor amendments will be needed to accommodate this new proposal.

This report is being written prior to the Planning Board public hearing on this article. Some of the residents' concerns expressed below are based on comments at the public hearing in the fall of 2008. Concerns about the planned Spring Street traffic improvements are based on public comments at the Spring Street Project Meeting in January 2009.

- Many residents seemed to agree that increased tax revenue for the Town was very desirable.
- Abutters felt they had purchased their property near a commercial development that was fully built out under current zoning and could not be expanded and that the increased development would devalue their property.
- Residents were concerned that increasing the FAR to .33 would set a precedent for the entire Hayden Avenue/Spring Street area.
- Resident experience at peak hours indicates that traffic is very congested on Spring Street and residents have a difficult time getting out of their driveways. Partial blame is placed upon cut through traffic crossing over Route 2 into Waltham due to congestion on Route 128 though no formal study has been done to confirm this.
- Resident observations at off peak hours suggest that vehicles often travel

very fast on Spring Street Traffic calming measures, such as raised crosswalks or other types of speed bumps, have been requested by the residents. However the police and fire departments feel that they would interfere with emergency vehicles.

- Mitigation of traffic in the Spring Street area remains a significant concern for local residents, even with plans for sidewalk construction and improvements in the Marrett Road/Spring Street intersection underway. This concern “spills over” to the Beal proposal, which residents feel will make matters worse. While residents welcome the proposed sidewalk, they feel that a sidewalk is needed on both sides from Hudson Road to Marrett Road because of the perceived difficulty of establishing safe crosswalks on a busy street. Also, they are concerned that widening the intersection would attract more cut-through traffic, and would prefer a pedestrian-activated traffic light to a full set of lights. The original Spring Street Project plans specified 11-foot travel lanes on Spring Street with 1-foot bicycle lanes; the Bicycle Advisory Committee has requested 10-foot travel lanes with 2-foot bicycle lanes. This would provide both increased bicycle safety and a traffic-calming measure.
- Some residents suggest that rezoning of the Beal property should wait until at least the Spring Street upgrade project is completed and its effects are observed.
- Comments regarding noise and light pollution have been addressed by the developer.
- The new stepping-back of the upper stories may reduce the concern that the façade of Ledgemont III would be much more visible to the neighbors than Ledgemont I or II.
- The abutters cited several requirements in the Special Permit issued by the Board of Appeals for Ledgemont II that were not enforced by the Town. These included shielding of parking lot light fixtures, using an exterior material with a neutral color, and plantings to soften the view of the existing parking structure. For Ledgemont III, Beal has agreed to extensive landscaping, design and lighting measures to minimize visibility and to minimize visible light which measures must be approved by the Town Engineer prior to occupancy.

Questions

1. What is the cost of the current Spring Street improvement project?

It will be paid for by a \$1,100,000 grant from the State that resulted from the Shire development across Spring Street.

2. Would the traffic proposals in Article 45 apply to Ledgemont III?

No, they apply only to the Hartwell Avenue area.

3. Is there an allowance for bikes and bike amenities at Ledgemont III?

A total of 40 bike parking spaces with weather protection and shower facilities for bicyclists are included.

- 4. How does the Traffic Advisory Committee feel about the change in mitigation payment for Lexpress from the \$10,000 plus inflation for 50 years that was offered in 2008 to a lump sum payment of \$200,000?**

Town Meeting Members Association Bylaws

Approved March 8, 1978 and amended March 20, 1985; March 20, 1986; March 11, 1998;
March 17, 2005; [March 5, 2009]

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 [, and an Email List Moderator. Tentative till 3/5/09 vote]. 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 appoint 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 "Mme./Mr. Moderator, I serve notice or reconsideration of Article . . ." and the Clerk records the fact and time. The Moderator usually allows the server of the notice to make the actual motion for reconsideration if he/she chooses, but any other member may do so if the server does not. Debate on a motion to reconsider is limited to 30 minutes, and no one may speak for more than FIVE minutes at one time nor more than once without leave of the meeting. When a motion of reconsideration is decided that decision shall not be reconsidered and no question shall be twice reconsidered. Reconsideration is not permitted for motions to 'adjourn,' 'the previous question,' 'to lay' or 'take from the table,' and to 'close debate at a specified time.'

Dissolution of the Meeting

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



Please consult Town Meeting in Lexington handbook to review Lexington Town Meeting Practices and Procedures