

# TMMA Warrant Information Report



*March 2010*

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 Special Town Meeting beginning March 22, 2010. 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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For new and updated information, please refer to the  
TMMA website at

[www.LexingtonTMMA.org](http://www.LexingtonTMMA.org)

## 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.*

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

Revisions:

6 March 2010: Inserted Article 36

4 March 2010: Initial Release

*Special thanks to:*

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**Table of Contents**

Conflict of Interest Guideline for Town Meeting Members .....	inside front cover
Article 4 Appropriate FY2011 Operating Budget.....	1
Article 5 Appropriate FY2011 Enterprise Funds Budgets.....	6
Article 6 Appropriate for Senior Service Program .....	9
Article 7 Continue and Approve Departmental Revolving Funds.....	11
Article 8 Appropriate the FY2011 Community Preservation Committee Operating Budget and CPA Projects.....	13
Article 9 Land Purchase – off Marrett Road.....	22
Article 10 Land Purchase – off Farm Road .....	24
Article 11 Appropriate for Recreation Capital Projects.....	26
Article 12 Appropriate for Municipal Capital Projects and Equipment .....	28
Article 13: Appropriate for Water System Improvements .....	35
Article 14 Appropriate for Sewer System Improvements.....	37
Article 15 Appropriate for School Capital Projects and Equipment.....	38
Article 16 Appropriate for Public Facilities Capital Projects .....	41
Article 17 Approve Minuteman Regional Vocational Technical School District .....	45
Article 18 Appropriate to Post Employment Insurance Liability Fund .....	47
Article 19 Rescind Prior Borrowing Authorizations.....	49
Article 20 Establish and Appropriate to Specified Stabilization Funds.....	50
Article 21 Appropriate to Stabilization Fund.....	52
Article 22 Appropriate from Debt Service Stabilization Fund .....	53
Article 23 Appropriate for Prior Years' Unpaid Bills .....	54
Article 24 Amend Fy2010 Operating and Enterprise Budgets .....	55
Article 25 Appropriate for Authorized Capital Improvements .....	56
Article 26: Amend Bylaw – Length of Contracts .....	57
Article 27 Amend Bylaw – Trees .....	58

Article 28 Amend Bylaw – Town Meeting Procedure (Citizen Article) .....	59
Article 29 Adoption of Stretch Energy Code.....	61
Article 30 Establish Qualifications for Tax Deferrals .....	65
Article 31 Support and Petition for Municipal Utility Act .....	66
Article 32 Climate Change Committee (Citizen Article).....	67
Article 33 Petition General Court for Dunback Meadow Easement (Citizen Article) .....	68
Article 34 Resolution on TMO-1 District Plan.....	69
Article 35 Resolution on Farming (Citizen Article) .....	70
Article 36 Resolution on Munroe School (Citizen Article) .....	71
Article 37 Amend Zoning By-Law – Food Related Uses.....	72
Article 38 Amend Zoning By-Law – Impervious Surface.....	74
Article 39 Amend Zoning By-Law – Flood Plain.....	76
Article 40 Amend Zoning By-Law – Technical Corrections.....	78
Article 41 Amend Zoning By-Law – Center Zoning.....	79
Article 42 Amend Zoning By-Law – Green Energy.....	81
Article 43 Amend Zoning By-Law – 425 Woburn Street Land Rezoning (Owner Article) ..	82
Town Meeting Members Association Bylaws .....	83
Summary of Parliamentary Procedures .....	85

**Article 4****Appropriate FY2011 Operating Budget**

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.

(Inserted by the Board of Selectmen)

**Funds Requested:** See Appendix A – Town of Lexington Warrant

**Description:** This article requests funds for the FY2011 (July 1, 2010 – June 30, 2011) 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 FY2009 expenditures, FY2010 appropriations and FY2011 proposed appropriations. Please note that figures for FY2009 and FY2010 have been restated to reflect the revised FY2011 presentation.

**Overview****Program 1000, Education**

The Education budget consists of two components, line item 1100 for the Lexington Public Schools and line item 1200 for the Minuteman Regional School. The total FY2011 Education budget to be funded through the tax levy is \$70,497,426 (an increase of 2.66% over FY2010). Of this, \$68,747,426 is for the Lexington Public Schools and \$1,750,000 is for the Minuteman Regional School.

**Line item 1100:** The Lexington Public School data is drawn from the revised budget approved by the School Committee on February 22<sup>nd</sup>. While the total recommended FY2011 Lexington Public School budget is \$69,565,516 (Superintendent's Budget, pg. 137)<sup>1</sup>, there is an \$818,090 offset by an American Recovery and Reinvestment Act (ARRA) grant award the School Department received in 2009 (Superintendent's Budget, pg. 20). Thus, the \$68,747,426 to be funded by the tax levy represents a 2.67% increase over FY2010.

FY2011 is a level service budget from FY2010. The School Committee budget was based on no new programs, current class size guidelines are maintained, SPED legal requirements are funded, contractual obligations are met, instructional expenses are only adjusted for inflation unless legally required and school & department budgets are equalized based on per-pupil spending. Development of the Superintendent's budget incorporated continuing the current level of service, meeting all legal mandates and professional staffing guidelines, maintaining capital assets and identifying alternatives that will be more cost-effective (e.g., multi-town program implemented last year saved \$186,166 in SPED transportation costs, pg. 118).

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<sup>1</sup> Unless otherwise noted, all page references in this section are to the Superintendent's Budget found at: <http://lps.lexingtonma.org/Current/TOC.htm>

Significant FY2011 Budget Points:

1. Provide professional development using ARRA funds (pg. 2)
2. Enhance technology capacity
3. Staffing changes: add a K-5 Math Coach - \$68,987, restore the K-5 Social Studies Coordinator and eliminate a speech therapist
4. New fees (Not yet voted and no operating budget impact): middle school sports fee increase due to it being non-supporting and draining money from high school fee revenue (pg. 19), and an administrative policy cap to allow for up to \$0.25 increase in school lunches (pg. 20) if deemed necessary.
5. Revenue: Although the town has benefited from ARRA funding, there has been a comparative decrease in State Circuit Breaker reimbursement for out-of-district tuition. Reimbursement decreased by \$600,000 in FY2010 (pg. 17).

**Questions**

***1. When might contract negotiations be concluded and are there adequate reserves for possible increases?***

***2. With the ARRA money being applied to certain line items in FYs 2010 and 2011, how will those costs be funded in FY2012?***

***3. What is the projected savings in SPED transportation costs for FY2011 and are there other cost-effective programs being implemented?***

**Line item 1200:** Sixteen towns make up the Minuteman Career and Technical High School district. Each town's portion of the total school budget has been calculated based on enrollment per the District Agreement. Lexington's enrollment of full time, part time and postgraduate students has been stable for the last three years. For 2007, 2008 and 2009, the number of Lexington students attending the school has been 74, 75.5 and 73.5 respectively. The FY2011 budget of \$1,750,000 reflects a 2.25% increase over FY2010. The recommended FY2011 amount is based on an initial projection and may be adjusted prior to Town Meeting.

**Question**

***1. With the economic downturn, might we see an increase in the number of Lexington students attending Minuteman and what ramifications would this have on Lexington's assessment?***

**Programs 2000-8000, Municipal Budget and Shared Expenses**

The information provided for this report is from the Town Manager's recommended budget dated January 11, 2010 and updated for any changes through February 25<sup>th</sup>. The proposed Municipal operating budget and shared expenses of \$72,012,972 for FY2011 represents a 5.45% increase over the amount appropriated for FY2010. Of this amount, the Municipal Operating Budget is \$27,237,785 which represents a 3.17% increase over FY2010. Budgeted Shared Expenses are \$44,775,186, a 6.88% 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 three years, Revolving Fund projected revenues have been offset against operating expenses from certain programs. This impacts accounts 2400, 3300, 3400, 3500, 6100, 6200, 7100, 7300 and 8140 and is reflected under Article 7.

**Questions*****1. Are we adequately reserved for potential cost increases resulting from the ongoing collective bargaining negotiations?***

Program number 8230 is for salary adjustments and is for municipal employees only. Under this line item, \$541,025 has been reserved for any potential salary increases.

***2. With respect to Program 2130, Health Insurance, when might coalition bargaining be concluded, what legislative changes might mitigate the cost increase and what might the financial ramifications be?******3. Under program 3230 – Snow Removal, the FY2011 recommended amount of \$987,445 is \$250,000 higher than that appropriated for FY2010. What was FY2009 budgeted versus actual for this line item?***

In 2009, the budgeted amount was \$646,925 while the actual expense was \$2,274,908. Snow removal is the only municipal expense where by state law any shortfall may be carried over to the next year. This made budgeting for the next year difficult since the prior year's shortfall reduced the amount available for departmental operating expenses. The recommendation was made that the town adequately reserve against the snow removal cost being higher than budgeted, the FY2009 shortfall was covered by the Reserve Fund. The FY2011 recommended amount is higher so that budgeted expense is closer to our actual "average year" experience.

***4. The recommended amount for snow removal (account 3250, \$987,445) still seems low – what is the basis of that figure? What years went into calculating "average year"?***

SHARED EXPENSE & MUNICIPAL BUDGET CHANGES - - FY2010 - FY2011					
(per Town Managers' Budget 1-11-10)		FY 2010	FY 2011	\$ UP/	NOTES & HIGHLIGHTS
Program #	NAME	Appopr.(000)	Recomm'd(000)	(DOWN)	
2100	Employee Benefits	\$ 27,940.3	\$ 30,857.3	\$ 2,917.0	10.00% overall increase
2110	Contributory Retirement	3,643.4	3,718.5	75.2	2.06% incr. based on FY11 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	991.9	1,097.9	106.0	10.69% incr. Based on FY09 actual & FY11 projected
2130	Health Insurance	20,999.9	23,801.6	2,801.7	13.34% incr. assumes 9.5% projection & add. 65 subscribers
2130	Dental Insurance	861.9	794.4	(67.5)	-7.83% decr. based on favorable claims & rate lock for FY11
2130	Life Insurance	20.8	20.3	(0.5)	-2.19% decrease based on FY09 actual experience
2140	Unemployment Benefits	267.3	198.6	(68.7)	-25.70 decr. due to FY10 being high for planned p/t layoffs
2150	Workers' Compensation	401.6	480.3	78.7	19.59% incr. - FY09 actual experience, building reserve and public safety medical costs
2160	Property & Liability Insur.	611.5	585.8	(25.7)	-4.20% decr. Based on projected market conditions
2170	Uninsured Losses	100.0	117.8	17.8	17.80% incr., acct. is funded from claim reimbursements
2200	Debt Service	4,471.4	4,669.2	197.7	4.42% overall increase
2210	Within-Levy Debt - Prin.	3,622.4	3,797.7	175.4	
2220	Within -Levy Interest	660.7	726.6	66.0	
2230	Within-Levy Temp. Borr.	188.4	144.8	(43.6)	Interim financing until long-term debt can be issued
2300	Reserve Fund (2310)	550.0	550.0	0.0	Appopr.Comm.approves transfers from this fund
2400	Public Facilities	8,930.5	8,698.7	(231.8)	-2.82% overall decrease
2410	Education Facilities	6,723.0	6,331.8	(391.2)	For all of progrm. 2400, \$318,896 decr. in utility costs,
2420	Municipal Facilities	1,487.1	1,535.0	47.8	\$28,464 in compensation contractual increasees and an
2430	Shared Facilities	720.4	831.9	111.5	incr. of \$50,000 related to the purchasing of vehicles
<b>TOT.2000</b>	<b>TOT. SHARED EXPENSES</b>	<b>\$ 41,892.2</b>	<b>\$ 44,775.2</b>	<b>\$ 3,114.8</b>	<b>7.09% increase over the prior year</b>
3100	D.P.W.Oversight	\$ 1,424.7	\$ 1,469.9	\$ 45.2	3.17% overall increase
3110	DPW Administration	509.4	520.5	11.1	Level staffed from prior year
3120	Engineering	549.7	548.4	(1.3)	Level staffed from prior year
3130	Street Lighting	365.6	401.0	35.4	Due to additional electrical charges
3200	Highway Administr.	2,466.5	2,738.0	271.5	11.01% overall increase
3210	Highway Maintenance	1,078.9	1,078.6	(0.4)	Level staffed from prior year
3220	Road Machinery	650.1	672.0	21.9	Incr. cost of gasoline and diesel fuel
3230	Snow Removal	737.4	987.4	250.0	To more accurately reflected projected costs
3300	Public Grounds	1,400.7	1,425.9	25.2	1.73% overall increase
3310	Parks	877.6	903.0	25.4	\$20,000 incr. for bikeway maintenance
3320	Forestry	257.3	258.2	0.9	Other deparmantal expenses reflected in Article 7
3330	Cemetery	265.8	264.6	(1.2)	Other deparmantal expenses reflected in Article 7
3400	Environmental Services	2,092.8	2,143.5	50.7	1.98% overall increase
3410	Refuse Collection	725.0	744.5	19.5	Due to increase in contract
3420	Recycling	779.0	805.0	26.0	Due to increase in contract
3430	Refuse Disposal	588.8	594.0	5.2	Based on tipping fees & proj. tonnage
3500	Transportation	575.4	590.5	15.0	2.29% overall increase
3510	LEXPRESS	436.7	452.1	15.4	\$13,874 increase due Lexpress contractual services
3520	Parking Operations	138.7	138.4	(0.3)	Maintains the mix of long-term and short-term parking
3600	Water Enterprise	7,376.3	7,887.5	511.2	<b>Expense is recognized under Article 5</b>
3610	Water Operations	2,111.6	2,213.3	101.7	
3620	MWRA	4,482.6	4,930.8	448.3	
	Indirect Costs	782.2	743.4	(38.8)	Article 5 does not incl. Indirect expenses
3700	Sewer Enterprise	8,166.9	9,102.7	935.8	<b>Expense is recognized under Article 5</b>
3810	Sewer Operating	1,229.2	1,251.1	22.0	
3820	MWRA	6,245.9	7,182.8	936.9	
	Indirect Costs	691.8	668.7	(23.1)	Article 5 does not incl. Indirect expenses
<b>TOT.3000</b>	<b>PUBLIC WORKS</b>	<b>\$ 7,960.1</b>	<b>\$ 8,367.7</b>	<b>\$ 407.6</b>	<b>4.81% incr. does not include Articles 5 and 7 expenses</b>
4100	Law Enforcement	\$ 5,447.4	\$ 5,489.3	\$ 41.9	0.66% overall increase
4110	Police Administration	1,152.8	1,152.7	(0.1)	Level staffed from prior year
4120	Patrol & Enforcement	2,889.7	2,863.3	(26.4)	Down one position at Minuteman Tech
4130	Parking Meter Maint.	71.0	77.0	6.0	Funding is through parking receipts, not tax levy
4140	Investigation/Prevention	651.3	697.3	46.1	Includes 2 detectives assigned as school resource officers
4150	Combined Dispatch	522.0	537.1	15.1	Level staffed from prior year
4160	Animal Control	28.9	30.0	1.2	Level staffed from prior year
4170	Crossing Guards	131.8	131.8	0.0	16 part time civilian staff covering 14 school crossings
4200	Fire Services	4,957.2	5,111.7	154.5	3.12% overall increase
4210	Fire Administration	247.1	254.1	7.0	Directs fire suppression personnell, manages budgets
4220	Fire Prevention	182.3	184.4	2.1	Level service budget
4230	Fire Suppression	4,384.0	4,519.3	135.3	Incl. funding 2 additional fire fighters for entire FY
4240	Emergency Medical Serv.	131.8	131.9	0.1	Level service budget
4250	Emergency Management	12.0	22.0	10.0	Responsible for town-wide emergencies, FEMA, MEMA
	<b>PUBLIC SAFETY</b>	<b>\$ 10,404.6</b>	<b>\$ 10,601.0</b>	<b>\$ 196.3</b>	<b>1.25% overall increase</b>



Program #	NAME	FY 2010 Appopr.(000)	FY 2011 Recomm'd(000)	\$ UP/ (DOWN)	NOTES & HIGHLIGHTS
5100	Cary Memorial Libr.	\$ 1,958.0	\$ 1,969.7	\$ 11.7	0.60% overall increase
5110	General Services	421.9	410.0	(11.9)	Library administration staff
5120	Adult Library	1,175.0	1,201.2	26.2	Includes \$120k for Sunday hours approved 2007 override
5130	Children's Library	361.1	358.5	(2.6)	Level staffed from prior year
5200	Recreation	1,914.6	1,923.7	9.1	<b>Expense is recognized under Article 5</b>
5210	Recreation Activities	1,188.8	1,191.0	2.2	Removal of \$11.2k for one time registration cost of software
5220	Pine Meadows Golf Course	537.1	529.0	(8.1)	
	Indirect Costs	188.6	203.6	15.0	Article 5 does not incl. Indirect expenses
<b>TOT.5000</b>	<b>CULTURE &amp; RECR.</b>	<b>\$ 1,958.0</b>	<b>\$ 1,969.7</b>	<b>\$ 11.7</b>	5.04% incr., Does not include Articles 5 expenses
6100	Human Services	\$ 177.8	\$ 183.9	\$ 6.1	2.11% overall increase
6110	Administration & Outreach	161.2	166.1	4.9	Level staffed
6120	Community Programs	16.6	17.8	1.2	Less grants and revolving funds
6130	Adult Day Care	0.0	0.0	0.0	Program ended in FY2009
6200	Human Services & Vets Adm	239.3	247.7	8.3	2.94% overall increase
6210	Human & Veterans Services	90.9	77.7	(13.2)	Provides living, medical and dental costs on long-term basis
6220	Services for Youth	73.8	74.3	0.5	Intervention, case mngmt. & coord. of services
6230	COA Support Services	59.8	80.6	20.8	In-home assessment, crisis intervention, health monitor prgm
6240	Developmentally Disabled	14.8	15.0	0.2	Level funded
<b>TOT.6000</b>	<b>HUMAN SERVICES</b>	<b>\$ 417.1</b>	<b>\$ 431.6</b>	<b>\$ 14.4</b>	2.51% overall increase
7100	Office of Community Devl.	\$ 1,002.4	\$ 1,042.6	\$ 40.3	3.98% overall increase
7110	Building & Zoning	459.5	471.3	11.8	Includes full year funding for Bldg. Inspector (added 1/09)
7120	Regulatory Support	181.8	189.9	8.1	Support for Board of Appeals, HDC & other boards & comms
7130	Conservation	158.0	169.9	11.9	Incl. \$1,350 for 120 intern hrs., \$10,600 for idylwilde garden
7140	Public Health	203.1	211.6	8.5	Total department expense reduced the \$10k in Revolving Fnd
7200	Planning Dept. (7210)	237.4	315.2	77.8	Incr. of \$70,000 for consultant services
7300	Economic Development	92.7	110.8	18.2	19.61% overall decrease (not inc. Liberty Ride)
7310	Econ. Dev. Office	83.9	84.4	0.5	Level staffed from prior year
7320	Liberty Ride	166.0	174.4	8.4	<b>Liberty Ride expenses now reflected in Article 7</b>
7330	Battle Green Guides	8.8	26.4	17.6	Additional hours added to the program
<b>TOT.7000</b>	<b>COM./ECON DEV., PLANNING</b>	<b>\$ 1,332.4</b>	<b>\$ 1,468.7</b>	<b>\$ 136.2</b>	6.42% overall increase
8100	Board of Selectmen	\$ 539.7	\$ 576.3	\$ 36.7	4.94% overall increase
8110	Board of Selectmen	157.7	169.3	11.7	Due to audit cost increases & additional seminars/conferences; additional funds for membership in regional housing group to develop affordable housing
8120	Legal	375.0	400.0	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	<b>Expense is recognized under Article 7</b>
8200	Town Manager	1,384.6	1,303.3	(81.4)	3.32% overall increase
8210	Administration	557.7	564.4	6.7	Level staffed from prior year
8220	Human Resources	180.0	197.8	17.8	Includes \$16,500 for employee compensation study
8230	Salary Adjustment	646.9	541.0	(105.9)	For anticipated collective bargaining settlements
8300	Town Committees	36.2	44.0	7.8	22.10% overall increase
8310	Finance Committees	1.5	7.5	6.0	\$6,000 to provide recording secr. to the financial committees
8320	Misc. Boards & Comms	4.7	4.5	(0.2)	Provides funding for committee reports & youth awards
8330	Public Celebrations Comm.	30.0	32.0	2.0	\$2,000 increase to plan for 2013 Tricentennial
8400	Finance	1,408.0	1,478.4	70.3	4.99% overall increase
8410	Comptroller	550.8	559.2	8.4	Level staffed from prior year
8420	Revenue	337.3	365.9	28.6	Add. \$14,000 to restructure the way bank fees are paid
8430	Assessor	453.3	486.7	33.4	Add. \$10,000 for fees and \$24K for appraisal services
8440	Utility Billing	66.6	66.6	0.0	Level funded budget
8500	Town Clerk	404.1	409.8	5.7	1.41% overall decrease
8510	Town Clerk Admin.	246.7	248.3	1.6	Level staffed from prior year
8520	Board of Registrars	17.5	17.5	0.0	Level service budget
8530	Elections	102.2	105.5	3.2	Level service budget
8540	Records Mngmnt	37.7	38.6	0.9	Level staffed from prior year
8600	MIS(8610)&Web Dev.(8620)	555.9	587.4	31.5	Add. \$24,948 for software maintenance
<b>TOT.8000</b>	<b>GENERAL GOV'T.</b>	<b>\$ 4,328.7</b>	<b>\$ 4,399.2</b>	<b>\$ 70.5</b>	1.63% overall increase
<b>GRAND TOTAL: Programs 2000-8000</b>		<b>\$ 68,293.2</b>	<b>\$ 72,013.0</b>	<b>\$ 3,719.8</b>	<b>SHARED EXPENSES &amp; MUNICIPAL BUDGET- 5.45 % incr.</b>
<b>GRAND TOTAL: Programs 3000-8000</b>		<b>\$ 26,401.0</b>	<b>\$ 27,237.8</b>	<b>\$ 836.8</b>	<b>MUNICIPAL OPERATING BUDGET - 3.17% increase</b>

**Article 5****Appropriate FY2011 Enterprise Funds Budgets**

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 FY2011 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:**

<b>Enterprise Fund</b>	<b>FY2009 Actual</b>	<b>FY2010 Appropriated</b>	<b>FY2011 Requested</b>
<b>1. Water</b>			
Personal Services	\$609,985	\$640,290	\$645,488
Expenses	\$448,842	\$363,186	\$385,620
Debt Service	\$751,641	\$1,108,100	\$1,182,159
MWRA Assessment	\$4,565,881	\$4,482,551	\$4,930,806
<b>Total Water Enterprise Fund</b>	<b>\$6,376,348</b>	<b>\$6,594,127</b>	<b>\$7,144,073</b>
<b>2. Wastewater</b>			
Personal Services	\$236,450	\$270,073	\$276,152
Expenses	\$340,817	\$325,600	\$330,600
Debt Service	\$488,135	\$633,497	\$651,005
MWRA Assessment	\$5,855,209	\$6,245,946	\$7,182,838
<b>Total Wastewater Enterprise Fund</b>	<b>\$6,920,611</b>	<b>\$7,475,116</b>	<b>\$8,440,595</b>
<b>3. Recreation</b>			
Personal Services	\$572,781	\$636,560	\$631,992
Expenses	\$871,952	\$956,815	\$950,896
Debt Service	\$101,227	\$132,600	\$137,200
<b>Total Recreation Enterprise Fund</b>	<b>\$1,545,959</b>	<b>\$1,725,974</b>	<b>\$1,720,088</b>

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

**Overview**

Article 5 approves the appropriations and expenditures for the Water, Wastewater, and Recreation Enterprise Funds. FY2011 represents the fifth 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 marked

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 and Wastewater Enterprise funds budgets from FY2010 reflect estimated increases for the MWRA assessments. Debt service includes projects previously approved by Town Meeting and the projects proposed at this Town Meeting. These include a portion of the debt related to the Hadley Public Services building as well as water and sewer improvements approved under Articles 16 and 17 at last year's Town Meeting.

The Recreation Enterprise fund has been slightly reduced from the FY2010 level. The majority of the debt service is related to the improvements made at Lincoln Field as approved under the debt exclusion in June of 2002. 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.

## 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. 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. Historically, the preliminary assessments are projected to be higher than the final assessments. From the standpoint of conservative budgeting, the higher numbers are used for the budget so there will be no need to come back for a supplemental appropriation.

### **3. In addition to the MWRA assessments, indirect costs and related town expenses are included in setting the water and sewer rates. If only the MWRA assessments were used in setting the rates and the other costs were transferred to the operating budget, rates would be reduced while operating budget pressures on the tax base would be increased. While this would enable residents to increase their Federal income tax deductions, is such an expense transfer feasible under the constraints of Proposition 2 ½?**

### **4. The MWRA assessment has various components, capital expenditures, debt, operating expenses and the town's water and sewer usage. What are the cost of**

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***components of Lexington's assessment and does the Town have input into MWRA decisions and is there any oversight on their decisions?***

Data on this is available on the MWRA web site.

***5. For some years the Town has undertaken a program to measure leakage from old pipes and to replace them. How has the program worked and what savings have we realized from the efforts?***

***6. Is it possible to reduce our water consumption by, for example, adding water conservation language to the building code (similar to what we're doing with the stretch code for energy this year)?***

Use of water conserving toilets and low-flow shower heads is already mandated in the building code and other conservation measures are part of Energy Star. The building code cannot control how residents use water, for example in taking long showers or watering the lawn.

**Article 6****Appropriate for Senior Service Program**

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.

(Submitted by Board of Selectmen)

**Funds Requested:** \$45,000

**Description:** in FY 2007, 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 replacing it 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 bills. As a result of these actions, the hourly rate under the program was increased from \$6.75 to \$8.50.

To be eligible for the Town's program, a participant must be disabled or 60 years of age or over, own property in Lexington which serves as their principal residence and have gross income (including Social Security income) not exceeding \$46,300 for a single tax payer 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 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 FY2011 program participating will match FY 2010?***

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

***2. Since its inception, what is the average number of yearly program participants?***

The average number of yearly participants is 33, with a range from 28 - 38.

***3. Are the people who work under the program considered to be Town employees?***

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

***4. What is the difference between this program and just hiring the participants as part-time employees?***

***5. Do participants lose the federal tax deduction on the reduced part of their real estate tax?***

**Article 7****Continue and Approve Departmental Revolving Funds**

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 FY2011 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 FY2011 shall be the following amounts or any other amounts; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

**Funds Requested:**

<b>Program or Purpose</b>	<b>Authorized Representative or Board to Spend</b>	<b>Departmental Receipts</b>	<b>FY2011 Authorization</b>
Building Rental	Public Facilities Director	Building Rental Fees	\$275,000
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	\$397,000
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	\$10,000
Council on Aging Programs	Social 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	\$174,375
School Bus Transportation	School Committee	School bus fees	\$830,000

**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 expenditure ceilings for FY 2011. Departmental expenses shown in the operating budget under Article 4 have been reduced by the

amount of the projected receipts for each program. If a revolving fund is reauthorized, any balance in the fund may be carried over to the next fiscal year.

### Questions

***1. Since the expenditure ceilings are based on projections, what happens if a program's expenses exceed the spending ceiling stated in this article?***

With approval of the Appropriation Committee, the Board of Selectmen has the authority to increase a program's spending ceiling, but cannot exceed the balance of the revolving fund.

***2. The authorization for the DPW Compost Operations Fund has increased by \$82,000 from FY2010 to FY2011. What is the reason for this increase?***

The increased authorization is related to a project to install a security gate and access control measures at the compost site.

***3. Why is the Tourism / Liberty Ride authorization growing by \$8,375?***

Increases in fees and additional hours of operation for the Liberty Ride have led to this change.



**Article 8****Appropriate the FY2011 Community Preservation Committee Operating Budget and CPA Projects**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY2011 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 FY2011; 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 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 hereto.

(Inserted by the Board of Selectmen at the request of the Community Preservation Committee)

**Funds Requested:**

a) Minuteman Bikeway Preservation	\$320,000.
b) Storm Water Mitigation – Old Res./Marrett Road	\$190,047.
c) Center Playfields Drainage – Implementation Phase	\$875,173.
d) Greeley Village Siding Replacement	\$386,129.
e) Vynebrooke Village Drainage Project – Design Study	\$10,000.
f) LexHAB Purchase of Two Affordable Housing Properties	\$695,000.
g) Archives & Records Conservation and Preservation	\$150,000.
h) Cary Library Preservation Project Archives	\$100,000.
i) Cary Memorial Building Venue Improvements Study	\$60,000.
j) Cary Memorial Building Signage	\$25,000.
k) Building Envelope	\$73,000.
l) Town Office Building Renovation	\$1,933,947.
m) Cary Memorial Building/Town Office Building (TOB) HVAC Controls Upgrade	\$35,000.
n) Police Station Ventilation System	\$31,700.
o) Muzzey Senior Center Improvements Study	\$45,100.
p) White House Historic Structures Report	\$18,000.
q) Stone Building Exterior Stabilization	\$202,933.
r) Munroe Tavern Capital Improvements	\$400,000.
s) Comprehensive Cultural Resources Survey – Supplemental Appropriation	\$5,300.
t) Battle Green Master Plan Study	\$25,000.
u) Busa Farm Debt Service	\$2,562,100.
v) 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.

## Overview

The Community Preservation Act (CPA) is funded by a property tax surcharge and by money from a dedicated state trust fund. The first \$100,000 of taxable residential property value is exempt from the surcharge. In addition, a full CPA exemption is available to qualifying moderate-income seniors and low-income residents.

CPA provisions state that at least 10% of the funds must be allocated to affordable housing, 10% for open space, and 10% for historic preservation. The remaining 70% is allocated among these three areas and recreation. Funds not spent in the year received will be retained for use in future years.

The Community Preservation Act was adopted by Lexington voters at the town elections on March 6, 2006, after initial adoption by the 2005 Town Meeting.

For further information about Lexington's Community Preservation Committee, visit the town's website at <http://ci.lexington.ma.us>. Slide to "Town Government" followed by "Boards and Committees." Then click on "Community Preservation Committee." You can also reach the website directly at <http://ci.lexington.ma.us/committees/cpc.cfm>.

At the state level, log on to the Massachusetts Community Preservation Act website at <http://www.communitypreservation.org>.

## Questions

- 1. Does the CPC have priorities for these items?**
- 2. [For each project] Is this project of such importance (critical need) that we would authorize it within the regular budget (funded-by-tax-levy, non CPA funds)?**
- 3. [For each project] What are the consequences if this project is postponed or not done?**
- 4. There are six projects that are labeled Plan, Study, Report, or Survey (Projects e, i, o, p, s, t) totaling \$163,400. Do you have any idea (best guess) how much it will cost to undertake the work that these requests anticipate?**
- 5. What is the current balance for the CP Fund? How much money will remain in the CP Fund if all of these items are approved?**
- 6. Does the CPC have a projection of how much money will be collected in this fund over the next five to ten years, from the surcharge and the state; i.e., what are your assumptions about how much money will be available for projects?**

***7. Does the CPC have a long-range plan that identifies very large projects (larger than one million dollars in value) coming up in the next five-to-ten years?***

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

***8. Have they been legally vetted?***

**Per-Project Information (a) – (v)**

**a) Minuteman Bikeway Preservation - \$320,000:** The Minuteman Bikeway is an important feature in Lexington, widely used for walking, cycling, and rollerblading. Over the 16 years since it opened in 1993, the bikeway has deteriorated in numerous locations as a result of improper drainage, root penetration, and erosion. This project will address this deterioration and extend the useful life of the bikeway through the installation of root barriers and additional drainage.

**Q. How was the 20% contingency for this project arrived at? How was the 15% police detail arrived at?**

**b) Storm Water Mitigation - Old Reservoir/Marrett Road - \$190,047:** In 2007, the Town hired a consultant to undertake a water quality study at the Old Reservoir on Marrett Road. The Old Reservoir is located in the watershed of the Vine Brook, which is part of the watershed for the Shawsheen River. The study identified storm water as the main source of bacteria entering the reservoir. FY2010 CPA Funds were appropriated to improve the water quality of storm runoff from the drainage areas entering the Old Reservoir via four outflows along Marrett Road, thus helping to preserve the Old Reservoir and surrounding recreational and open space areas. The Phase II request in FY2011 is to create a second water quality structure to capture water in the southwest corner of the facility from one outflow along Marrett Road. Originally built as the water supply to the Town of Lexington, the Old Reservoir is now an important natural resource used for both active and passive recreational purposes.

**Q. What is the status of the application to the Massachusetts Department of Environmental Protection for funding part of this project?**

**c) Center Playfields Drainage – Implementation Phase - \$875,173:** The Center Playfields Complex is the most heavily used recreation complex in Town. It is used by the schools, adult and youth leagues and the general public. The entire area (approximately 23 acres) has been seriously impacted by poor drainage conditions for years. This request is the first of three phases to install long-term drainage solutions to alleviate the standing water and wet field conditions that presently exist on the complex in order to preserve this valuable Town Recreation area and protect the fields from degradation. FY2011 funding is requested to implement Phase I of the work recommended by the consulting firm Stantec in a drainage study funded with FY2010 CPA funds. The work will consist of implementing the drainage improvements on the baseball/softball/multi-purpose field areas. It will involve installing new drain systems and

grading in an effort to move water off of the fields and collect it so that flooding and standing water conditions do not occur. Future requests will address the football field area, the little league field, the practice field area and the parking area. This project falls under CPA guidelines: the preservation of a recreation resource and a continuation of an ongoing project.

**Q. How much are the future drainage projects expected to cost?**

**Q. What is the timetable for these phases?**

**Q. How much will the Recreation Enterprise Fund contribute to the cost of this project?**

**d) Greeley Village Siding Replacement – \$386,129:** The Lexington Housing Authority is requesting funds to replace the exterior siding at Greeley Village, a 100-unit elderly / handicapped low income public housing complex. The Village was built in 1968 and has the original exterior siding. Currently the siding has failed due to age and deterioration, resulting in water penetrating into the sheathing, which in turn has caused the sheathing and some sills to rot. Entrance-ways have also been affected since snow and rain penetrate the siding, leak down through the sheathing and in through the door frames. In winter, when this water freezes, some doors cannot be properly closed. In FY2010, \$320,828 in CPA funds was used to replace leaking roofs at Greeley Village with LEED Green Building rated shingles in hopes of preserving this housing resource.

**Q. Did you consider repairing defective areas rather than complete replacement?**

**e) Vynebrooke Village Drainage Project - Design Study – \$10,000:** The Housing Authority also requests \$10,000 in CPA funds for an engineering design study for drainage solutions to water infiltration problems at Vynebrook Village, a 48-unit low income housing complex. At present, rain runoff infiltrates the crawl spaces of the housing units, causing unsafe conditions. While most of the units are equipped with sump pumps, the basements take on water throughout the year. Ponding of water occurs around the exterior of the building year round. This design study would determine the most effective way to direct surface drainage away from the units, thereby eliminating infiltration into the crawl spaces. The Authority has already contacted the Conservation Commission on this project, since there may be permitting requirements associated with the work. It is anticipated that the Authority will return to the Community Preservation Committee in 2010 with a FY2012 request for funds for the drainage work.

**f) LexHAB Purchase of Two Affordable Housing Properties – \$695,000:** LexHAB is requesting \$695,000 to complete the purchase of two properties to be used as rental units for families that qualify under the State Housing Inventory (SHI) requirements. LexHAB will cover the payments on the loans until CPA funds are made available to complete the purchase. The first unit is located at 142 Emerson Gardens and is a two-bedroom, one-bath 830-square foot apartment on two floors. It is located within walking distance of the MBTA bus stop at

Massachusetts Avenue and Maple Street. The second unit is located at 454 Marrett Road and is a three-bedroom, one-bath, 1,186 square foot two-story single family home on a .56 acre lot. It is located across the street from the “Old Res” and on an MBTA bus route.

**Q. What is the total cost? How much will LexHAB contribute to the cost of this project?**

**g) Archives and Records Conservation and Preservation - \$150,000:** CPA funding is requested for Year 3 of a projected 5-year project for conservation and preservation of historic municipal documents and records. The project will include conservation / preservation, equipment and supplies, microfilming and/or digitization, consulting services, computerization and data migration. It will continue to address the need to protect and secure the large backlog of permanent and vital records created by municipal departments for proper retention, archiving and perpetual access. Recent changes in the Commonwealth's public records law are expected to increase the volume of records required to be retained permanently; many existing records exist only in hard copy form. The main vault at Cary Hall, enhanced with movable shelving, fire protection, and climate control work funded by the CPA, has been established as a core facility. Work to be completed during the 5-year project will provide the basis for a virtual exhibit of some of Lexington's history, when Lexington celebrates the 300th anniversary of incorporation in 2013.

**h) Cary Library Preservation Project – Archives - \$ 100,000:** This project would convert part of an existing storage room into a fireproof, climate-controlled room for valuable, irreplaceable historic materials owned by the Library. A temperature-controlled vault would allow proper storage of items that are housed in the Library's three historic rooms. Initial plans for the 2004 renovation of the Library included the construction of a vault in or near the historic Oval Room, but it was eliminated from the renovation due to inadequate funding. The Library's central HVAC system controls temperature but does not control relative humidity. A recent preservation study indicates that temperature and humidity levels fluctuate significantly in the three historic rooms, and these conditions can damage the historic documents that are stored there.

**Q. What is the total cost of the preservation project? How much will Cary Library contribute to the cost of this project?**

**i) Cary Memorial Building Venue Improvements Study - \$60,000:** This project would begin the process of enhancing and restoring the Cary Memorial Building for continued use as a public venue. Spaces originally designed in support of performances in the Cary Hall auditorium, shown in detailed drawings from 1927, have been converted to other non-performing arts uses. Stage lighting is inadequate, the restrooms need updating and mechanical systems interfere with the taping and broadcast of performances. This project would result in a plan and cost-estimate that identifies enhancements and restoration opportunities to improve the functionality of the building for performers, increase enjoyment for the public, and improve accessibility.

**j) Cary Memorial Building Signage - \$25,000:** Funds are requested to install directional information signage inside the Cary Memorial Building Complex and the exterior complex. Exterior signage will include a "campus" sign and identification signs on all three buildings:

Police Station, Cary Memorial Building, and Town Office Building. Cary Hall interior signage will include directories on columns in front lobbies, ADA-compliant room signs, hallway and stairway signs where needed, and miscellaneous regulatory signs. Exterior signage for the three brick buildings sharing the semicircular driveway is long overdue because at present the only identification on the buildings is gold lettering on the frieze at the top of each building facade. Public use of the historic Cary Memorial Building has increased significantly since its recent renovation, consistent with its historic function as community activity space. Performing groups frequently use the Main Hall, recreation programs use the ground floor spaces, and boards and committees use the three accessible meeting rooms.

**k) (Municipal) Building Envelope (Article 16 (h)) - \$234,534 (\$161,534 tax levy/\$73,000 CPA funds):** This annual request provides funds for top priority construction repair / replacement projects for the maintenance and upgrading of municipal buildings and systems that are vital to prevent deterioration and proactive in preventing safety hazards. FY2011 projects include:

- Cary Hall - Replace 1,350 square feet of built-up roof (CPA funding);
- Town Office Building - Replace three copper valleys on slate roof (CPA funding);
- Cary Hall - Restore existing architectural detail above roofline and create replacement (CPA funding);
- Update Massachusetts Historical Commission Inventory Form "B" for Town Office Building and Cary Memorial Building (CPA funding); and
- Other projects to be identified (tax levy).

**Q. How were the costs for the elements comprising this work arrived at?**

**l) Town Office Building Renovation - \$1,933,947:** This proposal is for limited renovations to the Town Office Building following the change in building use when DPW administration moved to its new facility at 201 Bedford Street. This process began at the 2008 Annual Town Meeting when funds were appropriated for the Town Office Use Study and Renovation Design. The architectural firm of Bargmann Hendrie and Archetype was engaged to conduct the architectural and engineering portion of this work. To date, the programming of space needs and building use evaluation work has been completed and staff has recommended a preferred design concept for consideration. It is anticipated that BH & A will complete 75% design by late February/early March at which time a more rigorous cost estimate will be completed. The Town Office Building was built in 1927 and has undergone one significant renovation in the last 80 years when the rear wing was added in 1971 to increase the building footprint and available office space. The relocation of the Department of Public Works/Engineering Division to the new facility represents the most significant shift of offices in the Town Hall in nearly 20 years. This renovation will correct code and ADA deficiencies, complete the fire suppression system and provide for the realignment of staff to improve efficiency and effectiveness for serving customers and staff, thus ensuring that the building remains fully functional for its intended use.

**Q. Should a vote on this item await final design and final cost estimates?**

**m) Cary Memorial Building & Town Office Building HVAC Controls Upgrade - \$35,000:**

This project would upgrade the HVAC controls in Cary Hall and the Town Office Building. The two buildings share chilled water for cooling and steam boilers for heating. This project will add controls, valving, and integration to better coordinate the production of chilled water and steam to meet the needs of the spaces. The existing controls and valving cannot adequately zone the heat and air-conditioning in Cary Hall nor can it provide zone set-back in the Town Office Building. Installation of these controls will reduce energy use and meet occupants' needs.

**Q. Will this investment result in annual cost savings? If so, how much per year?**

**n) Police Station Ventilation System - \$31,700:** This project would replace the Police Station lower level ventilation unit with a higher rated fan and motor to achieve required ventilation. The existing unit is undersized and cannot deliver airflows to adequately ventilate the lower level, including holding cells, resulting in insufficient fresh air and odor problems. Outside air is heated when necessary, but not cooled, so extremely high temperature outside air is pumped into the cell area when ventilation is needed during summer months. The new fan and motor will use the installed ductwork and achieve designed airflow.

**o) Muzzey Senior Center Improvements Study - \$45,100:** This project is for critical renovations needed to address safety, accessibility and program space needs at the Lexington Senior Center, located at the Muzzey Condominium at 1475 Massachusetts Ave. The needs reflected in this capital request were identified in two studies in 2008 - an Envelope and Systems Analysis by TBA Architects, Inc. in April, 2008; and a Muzzey Senior Center and White House Conceptual and Feasibility Study by Bargmann Hendrie + Archetype. The FY2011 request is for design development funds. Funds for building improvements will be requested in FY2012. The needed improvements include:

- Replace/relocate communicating staircase connecting the first floor of the senior center with the lower level;
- Install wheelchair lift inside of the Senior Center space;
- Replace inefficient and obsolete HVAC system;
- Expand program space, add lighting, and signage;
- Address regulatory requirements of the Massachusetts Architectural Access Board.

**Q. What is the deliverable on this project?**

**p) White House Historic Structures Report - \$18,000:** This proposal requests Community Preservation Act funds to prepare a limited Historic Structures Report that details the history and significance of the "White House" at 1557 Massachusetts Avenue. The "White House" has not been maintained for many years and the building continues to deteriorate. At this time, funding for renovation is not being considered because new program requirements have not been determined. This information will be used to determine what maintenance and stabilization is warranted, for which CPA funding will likely be requested in FY2012.

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**Q. Should some sense of what should be done with the building precede a study of the history and significance of the “White House”?**

**q) Stone Building Stabilization - \$202,933:** Funding is requested for additional stabilization work to the Stone Building to be completed during the summer of 2010. Immediate stabilization work, which was recommended in a Historic Structures Report, was completed in the fall of 2009. The additional stabilization includes a new roof, gutters, removal of aluminum siding, repair and painting of wood siding, and reglazing of windows. This work could be deferred as part of a larger renovation project, but the schedule to renovate the Stone Building is unknown. Deferring the stabilization of the building increases the risk of damage from leaks in the building envelope and delays the opportunity to improve the aesthetics of the structure for the surrounding neighborhood.

**r) Munroe Tavern Capital Improvements - \$400,000:** The Lexington Historical Society requests \$400,000 for the restoration of the Munroe Tavern, home to generations of the Munroe family, and the temporary field headquarters and hospital of the British on the afternoon of April 19, 1775. In 2009, the Society undertook a Historic Structures Report with the assistance of Community Preservation Funds. The work proposed in this project reflects the needs identified in that study. The restoration work and corresponding percentage of the \$400,000 requested budget are as follows: Repair and restoration of historic fabric, including restoration of the historic Colonial fireplace (33%); Renovation of underutilized space to create a museum room and public bathrooms (11%); Handicapped accessibility to both the first and second floors and site work to replace deteriorated stairs, landings and railings (9%); Systems replacement including installation of heat in the museum, climate control to protect artifacts, complete re-wiring of the house and replacement of the 90-year-old sprinkler system (29%); and Curatorial storage improvements (18%) . The requested \$400,000 from CPA funds represents half of the project cost of \$800,000. Additional sources to bridge the gap in funding include private individuals and the Historical Society itself.

**Q. Are there other sources that can/will contribute to the cost of this project?**

**s) Comprehensive Cultural Resources Survey - Supplemental Appropriation – \$5,300:** The Lexington Historical Commission is requesting \$5,300 in supplemental funds to complete the final phase of its Comprehensive Cultural Resources Study of Lexington. The Study, approved at Town Meeting in 2007, completes, consolidates and organizes in a resident-friendly form, the architectural and historical information about Lexington’s important cultural resources. The final phase of this work will entail completion and submission of a nomination form requested by the Massachusetts Historical Commission (MHC) to list the Town’s Mid-Century Modern Neighborhoods and Houses on the National Register of Historic Places. The MHC has invited Lexington to apply for a \$15,000 grant to complete this survey. This CPA grant of \$5,300 along with \$4,875 in unspent funds from the original appropriation will provide the 40% match needed to apply for the grant. (The other \$175 included in this request is to cover advertising costs for Request for Proposals in accordance with public bidding requirements.)

**Q. Why wasn’t this amount included in the original request in 2007?**



**t) Battle Green Master Plan - \$25,000:** The Selectmen authorized the Tourism Committee to conduct a master planning process for the Battle Green, a place of national historic importance, and community and tourist interest. The Battle Green working group for the project, after conducting significant work, has identified the need for assistance from a landscape architect. This proposal would fund the master plan document as well as enough design work to enable the Town to get credible cost estimates to implement recommended changes. There is community consensus on the need for design consistency in the Battle Green area, and failure to resolve issues such as parking, traffic pathways and appropriate site interpretation will allow further deterioration of both the Battle Green and its surrounding historic treasures. This master plan, with the help of a professional consultant who works on similar historically important landscapes, will develop a design that represents the expectation and needs of all stakeholders. It will also provide a suitable stewardship framework to oversee the Green's future care.

**Q. Could you please explain the concept the master planning process is recommending? What changes/modifications to the existing Battle Green layout are you contemplating?**

**Q. Will there be federal or state money for the design plan? And for its implementation?**

**u) Busa Farm Debt Service - \$2,562,100:** This amount represents FY2011 principal and interest payments on a \$4.197 bond issued February, 2010 for a three year term at an interest rate of 1.49%. Debt service will decline to \$974,600 and \$930,300 in FY2012 and FY2013 respectively.

**v) Administrative Budget - \$150,000:** This budget covers the cost of the salary and benefits of the Community Preservation Committee's administrative assistant, (a part-time position) as well as appraisals, legal fees, surveying and other expenses involved in the purchase of land with CPA funding.

Any funds not expended are returned to the Community Preservation Fund.

**Article 9****Land Purchase – off Marrett Road**

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

(Inserted by the Board of Selectmen at the Request of the Community Preservation Committee)

**Funds Requested:** unknown at press time

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

**Overview**

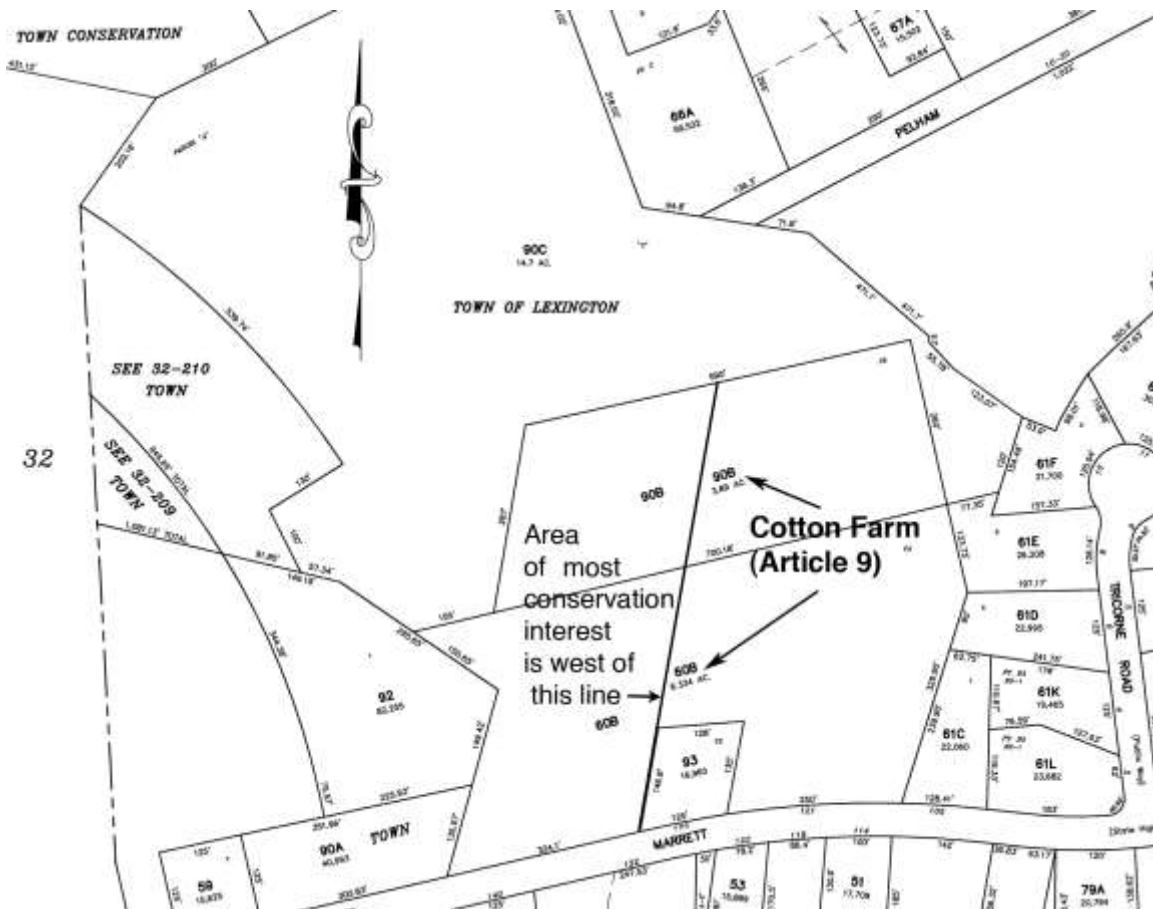
The Cotton Farm consists of about 10 1/4 acres west of Tricorne Road along Marrett Road. It abuts part of the Upper Vine Brook Conservation area. See the map below. The property was listed in the 2006 Lexington Reconnaissance Report for the Massachusetts Heritage Landscape Inventory Program as desirable for preservation to create a link to an important open space corridor in the eastern part of town. The Conservation Commission has decided that the western portion of the property, to the west of lot 93 from Marrett Road to the edge of lot 90C, offers conservation benefits. There are currently buildings on another part of the property, not under consideration for acquisition at this time, but much is open land. If the parcels were to be subdivided and developed, about nine single-family houses could be constructed there by right. This article, essentially, is a repeat of Article 10 to the 2008 Annual Town Meeting, which was indefinitely postponed then. Negotiations are currently continuing between the Town and the owners over what portions of the two lots are to be purchased by the Town, the possible relocation of driveways to access the existing buildings, and the price. If an agreement can be reached so that the land can be purchased, funding would be requested from the Community Preservation Fund.

The conservation values of the land are enhanced by the fact that it enlarges and connects directly to the Upper Vine Brook Conservation Area. It will improve access to those lands from Marrett Road opposite the access to the Dunback Meadows area near Bacon Street on the other side of Marrett Road.

**Questions**

**1. How will the purchase price be determined?**

**2. Will the Seller request or require any restrictions to be placed on the land's use?**



**Article 10****Land Purchase – off Farm Road**

To see if the Town will vote to authorize the Board of Selectmen to purchase, take by eminent domain, or otherwise acquire for open space, community housing and/or recreation 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 204, 191 and 192 on Assessors' Property Map 20, now or formerly of Silk Fields, LLC; 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.

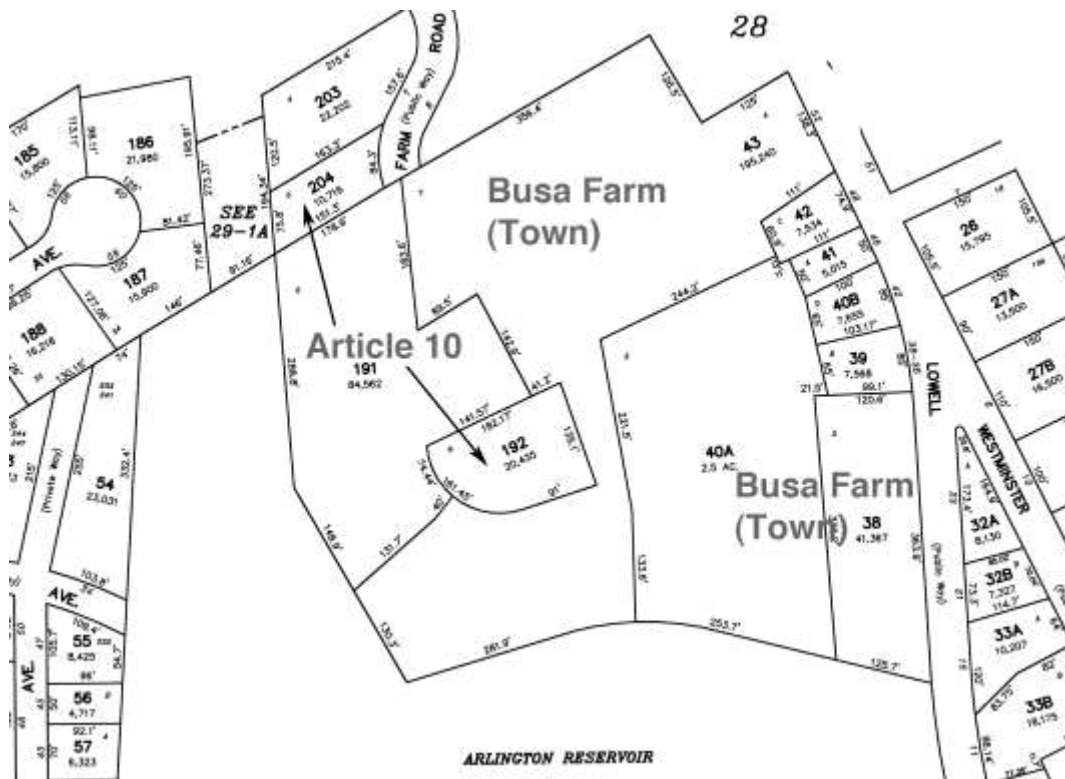
(Inserted by the Board of Selectmen at the Request of the Community Preservation Committee)

**Funds Requested:** unknown at press time

**Description:** This article requests Community Preservation funds to purchase open land off Farm Road adjacent to currently owned Town land.

**Overview**

This article is very likely to be indefinitely postponed. The land runs between a portion of the Arlington Reservoir located in Lexington, which contains a stream protected by Conservation rules, the Cataldo Conservation area (29-1A), and the Busa Farm which was recently acquired by the Town for purposes yet to be fully determined. It does not currently have enough frontage to be buildable.



**Questions**

- 1. If a developer purchased lot 203 on Farm Road could they then develop this area? If so, about how many homes could be built there?***
- 2. If the town acquired this land, since it already owns the Busa Farm, could it extend Farm Road and develop affordable housing there, eliminating the need to place it on Lowell Street on part of the Busa Farm?***
- 3. If the Town acquired this land, could a soccer field be developed there, and on the adjacent portions of the Busa farm, with parking off Farm Road, and still leave part of the Busa Farm for community farming?***
- 4. What will be the process to determine how the land will be used?***
- 5. Will the use of the land be part of the process to determine how Busa Farm is used?***

**Article 11****Appropriate for Recreation Capital Projects**

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; and
- b) Town Pool Renovation;

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.

(Inserted by: Board of Selectmen at the request of the Recreation Committee)

**Funds Requested:** \$75,000

**Description:**

- a) Park Improvements – Athletic Fields - \$50,000: This request is to address safety and playability concerns relating to the ball field area at the Hastings School; and
- b) Town Pool Renovation - \$25,000: This request is Phase 1 of a multi-phased program of renovations to the Town Pool Complex. The work will include replacing the hot water heater, replacing the ventilation and exhaust system and completing priority projects to address safety concerns.

**Overview****a) Park Improvements – Athletic Fields - \$50,000****Questions*****1. What work is being proposed?***

The backstop and player benches will be replaced. The infield will be stripped and laser graded to accommodate new gravel, infield mix and turf. The outfield (playground/athletic) field will be slice seeded and top dressed to provide a more uniform and safer playing surface. Irrigation is not proposed at this site.

***2. What is this field used for and by whom?***

The field is used by the school for physical education classes and recess. The community uses it for Little League, adult co-ed softball and youth soccer.

***3. When would the work be done?***

The project would go out to bid in July. The goal would be to complete the project by fall or early spring.

***4. Should we wait on these?***

The Great and General Court may change regulations so that CPA funds would be able to be used on recreation land not purchased with CPA money.

**b) Town Pool Renovation - \$25,000****Questions*****1. What is the multi-phased Town Pool Complex renovation program?***

The phased approach was identified in the Engineering Consultant's Study completed in FY2008 by Bargmann Hendrie and Archetype. FY2011 request is for Phase One of a multi-phased program of renovations to the Town Pool Complex. Phase I work will include replacing the hot water heater, replacing the ventilation & exhaust system and completing priority 1 issues that address compliance and safety concerns. Funding for Phase Two of the work will be requested in FY2012. Phase Two will include items identified in the report as priority 2 and 3. It will include interior repairs and renovations, and provide energy and environmental efficiencies to the complex, including replacement of toilets, showers, and sinks in the men's and women's locker rooms with more efficient water conservation systems, and sealing the masonry interior walls. Phase Three of the project will include replacing the water filtration systems which are beyond their life expectancy. The building will have to be enlarged in order to accommodate four filters. The estimated cost of Phase Three, anticipated in FY2016 is \$1,000,000. Phases One and Two will yield value even if Phase Three is not funded.

***2. What work is to be included in Phase I and how will it be bid?***

Phase I work includes replacement of the hot water heater (\$8,400), replacement of the ventilation & exhaust system (\$10,950), and priority 1 and code issues (\$5,650). The work will be bid in separate pieces, not as a single project.

***3. When would the work be done?***

The work is expected to be completed during fall 2010.

**Article 12****Appropriate for Municipal Capital Projects  
and Equipment**

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

- a) Replace Self Contained Breathing Apparatus
- b) Street Intersections Improvements and Easements;
- c) Comprehensive Storm Management Watershed Study;
- d) DPW Equipment;
- e) Head End Equipment;
- f) Reconstruct and Equip Town Office Building Server Room;
- g) Sidewalk Improvements and Easements;
- h) Storm Drainage Improvements;
- i) Marrett/Waltham Intersection Traffic Signal Poles;
- j) Dam Repair;
- k) Traffic Mitigation;
- l) Hayden Avenue/Spring Street Traffic Master Plan;
- m) Concord Avenue Sidewalk Preliminary Design;
- n) Central Business District Sidewalks Master Plan/Engineering;
- o) Hydrant Replacement Project;
- p) Pedestrian Signal Improvements;
- q) Cary Library Material Handling and Workflow Study;
- r) Fire Headquarters Alarm Receiver;
- s) Replace Town Buildings Phone Systems;
- t) MUNIS Upgrades; and
- u) Street Improvements and Easements.

**Funds Requested:** \$3,801,382

**Overview**

This article is the town's yearly request for capital projects. Information about these articles was contributed by Bill Hadley (and others at the DPW), Karen Mullins (Conservation Commission), Dorinda Goodman (IT department), Connie Rawson (Cary Library), William Middlemiss (LFD)

**Per-Project Information (a) – (u)**

**a) Replace Self Contained Breathing Apparatus - \$260,000.** Current units will be replaced with new apparatus compliant with National Fire Protection Association (NFPA) standards. Each unit will be fitted with a firefighter tracking system, remote air supply monitoring system and a PASS alarm system.

**Q. Does our current equipment meet NFPA standard?**

Current equipment is of different ages and meets the standards as of 1994 to as recent as 2002. It does not meet the current 2007 standard.



**Q. Do we have the computers and software to use the tracking and monitoring features?**

Yes, but our current breathing apparatus does not support those features.

**b) Street Intersections Improvements and Easements - \$125,000.** This project would redesign three major intersections with Massachusetts Avenue in East Lexington (Pleasant Street, Maple Street and Marrett Road) to control traffic flow and increase safety. The funds requested would cover the 25 percent design and permitting of the intersections.

**Q. What does 25% design mean and what will the project ultimately cost?**

25% design is a technical term of MassDOT and is required before we can ask them to consider funding construction of the intersections and traffic signals. Full design can cost as much as \$400K and the total project construction costs could be as much as \$4 million.

**c) Comprehensive Storm Management Watershed Study - \$110,000.** The watershed study will produce a stream management plan to improve stream flow and water quality in the Shawsheen River watershed. This is the second phase of a three phase study with the first phase covering the Charles River watershed. The plan will include a report that inventories and describes stream conditions in the watershed. The report will also be used to identify and implement priority restoration and drainage improvement projects for the purposes of preventing damage to private property and municipal infrastructure and improving stream health.

**Q. What was done with last year's appropriation?**

An RFP for a consultant to produce a permissible plan for the Charles River watershed was produced and the work will be done this spring and summer.

**Q. What is the cost of the work to be done and who will pay for it?****Q. Have volunteers been used to help with these surveys?**

Yes, the conservation intern put together a Watershed Stewards group and trained volunteers to walk the brooks and note information that will be useful for prioritizing projects. There will be training sessions for additional volunteers this spring.

**d) DPW Equipment - \$502,804.** The Department of Public Works annually reviews its inventory of more than 140 pieces of specialized equipment to determine replacement requirements and identify any new equipment needs for the next five years. Items recommended for replacement in FY2011 that are proposed to be financed with general fund debt include a 6-wheel HD dump with plow/underscraper and SS sander body, a 6-wheel heavy duty dump truck with a plow/underscraper; a 3-5 ton asphalt roller with a trailer for transporting it, and a sidewalk tractor with snowblower and mower attachments. Water/Sewer funding is requested for a Jet Vac on tracks and an emergency response box truck.

This is the standard request to replace equipment that is rusted out, experiencing frequent repairs, or is not maintainable.

**Q: What is an emergency response box truck and a Jet Vac on tracks?**

The box truck is one that is set up with all the equipment on board for water emergencies, which will reduce the response time. The Jet Vac is a smaller version of the sewer cleaning truck that can be pulled by a pickup and can get into places that the larger truck cannot.

**e) Head End Equipment - \$240,000.** This request is for Phase III of a project to relocate, replace, and upgrade central equipment for the Town's Wide Area Network. Maintaining a reliable network is critical because municipal and school operations are heavily dependent on access to information technology. Replacing equipment will improve network dependability and allow the Town to take advantage of technology advances made since the existing equipment was installed 8 years ago.

The Head End is the core of the town and school networks. For added reliability and security the equipment is being moved from its current location in the Liberty Mutual building to the new Public Services Building (PSB).

**Q: What is the current status of the project?**

Due to electrical requirements being incomplete the move to the PSB has been delayed until this summer. Due to reliability problems, some upgrades will be done before the move. This appropriation completes this project, solving known issues and adding new features (e.g., bandwidth aggregator w/o using RCN switch allowing the potential of using other providers, Network Access Control to protect against plug-in intrusions at hard wired access points, email archive)

**Q: Will the RCN line from Liberty Mutual to the PSB be underground?**

No. There will be an above ground line.

**f) Reconstruct and Equip Town Office Building (TOB) Server Room - \$170,000.** This is the first year of a multi-phase project to upgrade equipment and systems in the server room in the Town Office Building. Requested FY2011 funding would replace server room air conditioning, install uninterruptible power supplies (UPSs), add one server rack and reconfigure existing server racks for more efficient use of cooling and space. This room currently has 24 servers. It has windows which add to climate control issues. The current power supply (UPS) is old and has been very sensitive to brown outs and needs to be replaced. When the TOB is renovated, there will be an effort to move the server room to an interior location.

**g) Sidewalk Improvements and Easements - \$200,000.** This request is for continued funding to rebuild and/or repave existing asphalt sidewalks throughout town that are in poor condition, and to construct new bituminous sidewalks with granite or asphalt curbing. Improvements to existing sidewalks will support and enhance pedestrian safety and the Safe Routes to School Program, and also improve the Department of Public Works' ability to clear snow from sidewalks during the winter season. Sidewalk projects will be chosen from the Selectmen's Sidewalk Committee's Master Plan and all work will be compliant with the requirements of the Americans with Disabilities Act.

This is supposed to be a yearly program to repair and install sidewalks outside of the Center Business District (CBD). No money was appropriated last year. However, since the town participates in the Safe Routes to School program, the state has contributed over \$455,000 to survey, design and build sidewalks.

**Q: What are the current priorities for sidewalks?**

Burlington St, Baskin Rd.

**Q: Approximately how many feet of sidewalk do can be built or rebuilt with these funds?**

About 1000 feet depending on the condition of the base, the curb, etc.

**Q: Do residents want sidewalks outside the CBD on residential streets like Baskin Rd.?**

**h) Storm Drainage Improvements - \$260,000.** Requested funds will be used to replace and supplement existing drainage structures and to achieve compliance with United States Environmental Protection Agency (EPA) and Massachusetts Department of Environmental Protection Phase II Stormwater regulations.

**Q: This is \$100,000 more than last year. Why?**

The extra money is to provide the planning, testing of all outfalls to streams and ponds, monitoring, and public education necessary to comply with the EPA National Pollutant Discharge Elimination System (NPDES) requirements for the first year of the new five-year permit.

**i) Marrett/Waltham Intersection Traffic Signal Poles - \$100,000.** This request is for funding to purchase ornamental mast arms for traffic signal poles to be installed at the Marrett/Waltham intersection. The state will be funding the reconstruction of the intersection including the traffic signal poles.

**Q: Why do we need ornamental poles signal poles at that intersection?**

It is a policy of the selectmen to have ornamental poles at all commercial intersections.

**j) Dam Repair - \$10,000.** This is actually for a dam inspection at the Butterfield Dam on Lowell St., required every 5 years by the Department of Conservation and Recreation (DCR) because this dam is considered a High Hazard dam due to the potential damage its failure may cause.

**k) Traffic Mitigation - \$50,000.** This is the fourth of four annual requests planned in support 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. Projects will be developed and construction costs will be estimated for future capital requests.

**Q: What was done with last year's appropriation?**

The committee studied the Mass Ave, Marrett to Pleasant Street corridor resulting in the request for \$125K in section b) of this article.

**Q: What will be done this year?**

The S. Waltham St corridor, town-wide traffic calming, and possibly requests to study Spring, Shade and Walnut streets.

**l) Hayden Avenue/Spring Street Traffic Master Plan - \$125,000.** This request is to fund a Traffic Master Plan for the Hayden and Spring Street corridor, which will evaluate vehicular and pedestrian circulation and other modes of transport in the area. The plan will identify strategies to address existing deficiencies and potential issues created by future growth in traffic volumes and to implement traffic improvements as development proceeds. This covers Spring Street up to Concord Avenue, but not the Hayden/Waltham intersection. It will not affect the sidewalk currently being installed.

**Q: Wasn't this supposed to be paid for by funds given for this purpose by the companies that were granted increased development rights?**

Yes. The money comes from the Traffic Mitigation Stabilization fund.

**m) Concord Avenue Sidewalk Preliminary Design - \$90,000.** This is a request to fund the schematic design plan for the Concord Avenue sidewalk. The project would entail a concept plan that identifies the major impacts such as wetlands, permitting, trees, right of way, walls, bicycle accommodations, etc. The work will involve initial survey to determine right-of-way and an engineered concept plan. The plan will provide a solid foundation for a future capital request for full engineering/specifications and construction funding.

**Q: Where and why is this sidewalk planned?**

It will run from Spring St. to Waltham on Concord Ave. It was requested by the residents in the area.

**n) Central Business District Sidewalks Master Plan/Engineering - \$50,000.** This project is a three phase plan to develop a master plan for replacing the existing brick sidewalks along the north side of Massachusetts Avenue from Depot Square to the exit of Town Office Building. In addition to the planned restoration of these areas to improve the walking surface, all of the existing pedestrian corridors and ramps will be brought into compliance with the Americans with Disabilities Act (ADA) and the Bank of America alley may be closed. Requested funds will be used for survey, inspection, and design. The south side has been completed. The north side is already made of brick but has deteriorated and needs to be rebuilt.

**Q: What was the cost of the south sidewalk project?**

About \$400K.

**o) Hydrant Replacement Project - \$50,000.** This is for funding of the fourth year of a program to replace hydrants throughout town. The Town of Lexington has 1,500 Fire hydrants in its fire protection system. This tax levy request will be combined with \$25,000 to be funded from the water enterprise fund to purchase and install 25 hydrants per year. These 25 hydrants are primarily units that are too low to the ground for all the equipment to attach properly, have suffered damage from vehicles, or are old and do not drain properly causing frost damage.

**Q: What percentage of the total number of hydrants is replaced each year?**

The town has 1,500 fire hydrants. The 25 hydrants replaced in this program are about 1.67% of the total.

**p) Pedestrian Signal Improvements - \$42,000.** The Town's pedestrian signals at street crossings are outdated and have been malfunctioning. Funding for pedestrian signal improvement projects will be requested on an annual basis. FY2011 work will update the push

button pedestrian signals at two locations in Town. High priority locations are the bikeway crossing on Hartwell Avenue and on Massachusetts Avenue near the Stone Building.

**Q: Do we get many complaints about pedestrian crossings?**

Yes. The signals are requiring a lot of maintenance and should be replaced with modern signals compliant with current laws.

**q) Cary Library Material Handling and Workflow Study - \$25,000.** This request is for an engineering study of how to reorganize the Library's Circulation and Bibliographic Services workspace with the potential for automating bin sorting and processing. The current configuration is not designed to handle the volume of material that flows through the library daily.

**Q: What is the problem and why wasn't it planned for in the major renovation?**

Circulation has increased dramatically since the building was designed, going up 14% from 2008 to 2009 alone, and reaching a new high of over 760,000. In addition, network transfers (inter library loans) have increased, now being about 20 crates/day each of incoming and outgoing materials. The crates are currently delivered by a truck parked by the rear entrance, and then taken into the elevator to the second floor. The staff is called to unpack, scan, and place all the materials in the proper location. This disrupts their work and delays availability of the materials. The crates take up a lot of space and the delivery dock on the lower floor is not configured to be useful for this task. An experienced architect is needed to plan how to reconfigure the available space, and look into the possibility of using an automated sorting device for the incoming materials.

**r) Fire Headquarters Alarm Receiver - \$30,000.** Funds are requested to install an alarm receiver at Fire Headquarters capable of receiving radio box and telegraph signals. The unit will allow for monitoring, from fire headquarters, Fire Alarm Radio Boxes for all municipal buildings and the 100 fee-based subscribers, providing flexibility and redundancy to the current installation that includes monitoring at the Public Safety Dispatch area. The receiver will allow the fire department command staff as well as fire prevention personnel the opportunity to readily decipher problem units and assist in reducing the human error factor during dispatch. The unit also will assist in maintaining Insurance Services Organizations standards, as well as the National Fire Prevention Association (NFPA) Standards in the event of a unit failure at our dispatch center.

The radio box and telegraph signal alarms send out a signal every night to indicate that they are functioning. The FD would like to monitor these signals every day in order to help maintain the system. This will also provide redundancy in the event that there is a breakdown at the main dispatch center.

**s) Replace Town Buildings Phone Systems - \$55,000.** This request is part of a multi-year project to replace the existing phone systems in all municipal and school buildings and complete an integrated phone system for all Town of Lexington operations. New phone technologies are expected to provide cost savings to the Town with regard to maintenance and service issues, and significantly reduce monthly line lease costs from Verizon.

The new phone technology to be used is Voice over IP (VOIP). A town-wide study to replace the current system should be completed soon.

**Q: What will this pay for?**

Phones, licensing, and gateway at the Town Office Building (TOB). They will connect to the Public Services Building.

**Q: Why replace the TOB system now?**

The existing telephone system is at least 10 years old, and is becoming increasingly unreliable and expensive to maintain. A new system with current technologies such as Voice over IP would be more reliable, less expensive to maintain and improve customer service. The proposed system will integrate with the newly installed system at 201 Bedford St.

**t) MUNIS Upgrade - \$55,000.** Tyler Technologies' MUNIS system is the financial management program for all Town finances. The complete system includes the server, the server operating system, the MUNIS software and the database software. Funding is requested to migrate the system to a new, stable hardware platform and updated software. The existing system will not support the next release of software, and the current software version will be retired and become unsupported as of April 2011. This project includes the purchase of two new servers with the operating system and database software, and licensing for the new MUNIS version.

**u) Street Improvements and Easements - \$1,251,578.** This request is for the annual street resurfacing program. It is comprised of \$551,578 of Town funds from the 2001 override and an estimated \$700,000 of Chapter 90 funds. Funds will be used for design, inspections, planning and construction of street improvements and repair of existing sidewalks.

This is the usual street maintenance budget.

**Q: What streets will be done this year?**

Possible streets to be done in calendar year 2011 with this funding are Lincoln, Shade, Worthen, and Mass Ave between Bedford & Waltham.

**Q: Why aren't sidewalk repairs covered under g)?**

It's frequently less expensive to repair a sidewalk during road reconstruction since all of the equipment and asphalt is already on site.

**Article 13: Appropriate for Water System Improvements**

To see if the Town will vote to install an automated meter reading system and to install new water mains and replace or clean and line existing water mains and standpipes, including engineering studies and the purchase and installation of equipment in connection therewith, 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.

(Inserted by Board of Selectmen)

**Funds Requested:** \$1,767,250

**Description:** This request is for:

- a) \$900,000 to replace approximately 5,800 linear feet of unlined or inadequate water main and deteriorated service connections and eliminate dead ends in water mains on portions of Lincoln Street, Downing Road, Vine Street, Forest Court, Manning Street and Marrett Road;
- b) \$160,000 to rehabilitate standpipes to meet new rules of the United States Environmental Protection Agency (EPA); and
- c) \$707,250 for Phase 1 of installation of an automated water meter reading system.

**Overview**

**a) Water Distribution System Improvements - \$900,000:** This is an annual request for funding of an on-going program to replace unlined or inadequate water mains and deteriorated service connections, and to eliminate dead ends in water mains. Unlined water mains are subject to corrosion which results in restricted flow and degradation of drinking water quality. Dead end water mains limit the flow of water available at hydrants in the event of a fire. Approximately 5,800 linear feet of water main work is planned for FY2011. Possible locations of water main repair and replacement are portions of Lincoln Street, Downing Road, Vine Street, Forest Court, Manning Street, and Marrett Road. Part of these project costs is eligible for financing through an MWRA/Grant loan program.

**b) Standpipe Rehab Program - \$160,000:** The US Environmental Protection Agency is issuing a new Disinfection By-Product rule that will cover the quality of water stored in water storage tanks. Because of the switch from chlorine to chloramines (chlorine + ammonia) for water disinfection we will have to monitor more closely for nitrites caused by ammonia-oxidizing bacteria. The goal is to eliminate the possibility of a boil order in the drinking water supply. The project will consist of:

- Draining the tanks and cleaning out sediment that has settled on the bottom;
- Power washing and sanitizing the inside of the tanks;

- Installing the mixer and associated wiring to keep the water in circulation throughout the tanks;
- Re-filling the tanks and bringing them back on line;
- Power washing the lower 50 feet of the outside of the tanks to remove the mildew deposited from the trees.

**NOTE: Water Enterprise Funds provide one half the cost of Automatic Meter Reading System, but all the cost is appropriated under the Water Article 13.**

**c) Automatic Meter Reading System - \$353,625** (total cost is \$707,250 allocated on a 50/50 basis to the Water and Sewer Funds): This funding request is for phase I of installation of automated water meter reading system throughout the Town. This phase will include the installation of meter transmitters in approximately one third of the Town's meters (Section 1) and to install base stations required for the automated readings. Funding will be requested to install transmitters in Section 2 in FY2012, and in Section 3 in FY2013. Completion of this project will provide the Town with regular meter readings and immediate status alerts. It will enable the reassignment of some of the meter reading staff to income generating projects such as backflow testing, increase billing frequency, and reduce or eliminate estimated readings.

## Questions

**1. Are there any plans to go to quarterly billing?**

**2. Does the new EPA rule on disinfection changes pose a risk to consumers who use toothpaste and/or rinses?**

No, toothpastes and some mouthwash contain fluoride, not chlorine or ammonia.

**3. Does the funding cover repaving of affected streets and how quickly will they be repaved?**

The Town schedules non-emergency water & sewer projects to minimize the impact on any roads. After excavation, repaving must wait for any settling caused by the work to stabilize.



**Article 14****Appropriate for Sewer System Improvements**

To see if the Town will vote to install sewer mains and sewerage systems and replacements thereof, including engineering studies and the purchase of equipment in connection therewith, 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.

(Inserted by the Board of Selectmen)

**Funds Requested:** \$100,000

**Description:** Pump Station Upgrades - \$100,000: Lexington has 10 Sewer pumping stations valued at over \$6 million dollars. This request is the fourth of a five-year program for upgrading, OSHA compliance, and equipment replacement. FY2011 work will be at the Potter Pond Station.

**Overview**

**Pump Station Upgrades - \$100,000:** Lexington has ten sewer pumping stations valued at over \$6 million. This request is the fourth of a five-year program for upgrades of the stations including bringing them in compliance with federal (OSHA) regulations, and equipment replacement. The pump stations are evaluated every year to ensure they are operating within design parameters. As the system ages, motors and valves need to be replaced and entryways need to be brought up to current OSHA Standards. Pump failure results in sewer surcharging and overflows which create a public health risk and environmental damage. FY2011 work will be at the Potter Pond Station.

**NOTE: Sewer Funds provide one half of the cost of the Automatic Meter Reading System, but all the cost is appropriated under Water Article 13.**

**Automatic Meter Reading System - \$353,625** (total cost is \$707,250 allocated on a 50/50 basis to the Water and Sewer funds): (See detailed Overview under Article 13.)

**Questions**

**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.

**2. Will the town require utilities to patch and re-patch newly paved streets that the Utilities decide to dig up until the patch work is deemed excellent?**

**Article 15****Appropriate for School Capital Projects  
and Equipment**

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.

(Inserted by the School Committee)

**Funds Requested:** \$951,071

**Description:** This article requests funds for the following school projects:

- a) School Technology - \$696,000:** This is an annual request to support the School District's Strategic Goal for enhancing technology use as an instructional and administrative tool. FY2011 funds would augment or replace desktop and laptop computers, printers/peripherals, projection systems, network equipment, and wireless network delivery systems.
- b) Food Service Equipment and Software - \$99,500:** Some school kitchens currently use household grade equipment, which is unsafe and inappropriate for kitchens that are serving hundreds of meals a day. In addition, some of the commercial grade equipment has survived well beyond its useful life and needs to be replaced. This project will replace the walk-in refrigerator and freezer at the Bowman School and purchase a walk-in freezer for the High School.
- c) Time Clock/Time Reporting System - \$97,000:** The School District will partner with municipal departments to implement the KRONOS Time Keeper System. KRONOS is a business partner with the Town's accounting software vendor MUNIS, and provides an integrated technology system that would more precisely record and report time worked, overtime and absences for the approximately 500 hourly school employees.
- d) Classroom Furniture - \$58,571:** This is the third annual request for funds to replace classroom furnishings in areas in school buildings that have not been renovated.

**Overview**

**a. School Technology - \$450,000** of the request is to replace 460 computers that are or will be over 6 years old during FY11. About \$50,000 will be used to increase the number of student workstations in the High School and the Elementary schools where the student computer ratio is significantly below the state average. This will not fund enough computers to bring Lexington up to the state average ratio. \$15,000 will replace old shared printers district wide, which are broken and are not cost effective to repair. \$60,000 will replace seven aging network servers and the communications server, which supports the LPS LAN network. \$91,000 is funding for the first stage of installation of a managed wireless network for LHS. (The second and third stages will fund similar installations at the middle and elementary schools.) \$30,000 will purchase about 30 additional mobile computer projection systems for use district wide.

**b. Food Service Equipment and Software** - This request is for \$41,500 to replace a walk-in refrigerator and freezer at Bowman, and \$58,000 to replace a walk-in freezer at LHS. Food Service provides healthy and fresh lunch options for students and staff. The equipment must be equivalent to that in a commercial grade kitchen. Much of the commercial grade equipment has survived well beyond its useful life and is now becoming unsafe to use. Replacement is necessary about every 10 years. During FY07, two kitchens failed. Satellite operations needed to be put in place. The LPS Food Service has been cited in the past for violations by the Board of Health.

**c. Time Clock/Time Reporting System** - This \$97,000 request is for funds to install time clocks in all the schools. Currently the School District does not collect time sheets from all of our hourly employees. This results in periodic delayed pay due to the lack of “notice” to payroll for time worked. Under the Fair Labor Standards Act, employers are required to record and have available for audit and payment to employees the following information for hourly employees.

- Time and day of week when employee's workweek begins.
- Hours worked each day and total hours worked each workweek.
- Basis on which employee's wages are paid;
- Regular hourly pay rate;
- Total daily or weekly straight-time earnings;
- Total overtime earnings for the workweek;
- All additions to or deductions from the employee's wages;
- Total wages paid each pay period;
- Date of payment and the pay period covered by the payment.

The Lexington Public Schools has approximately 500 employees who fall into this category. A side benefit of this system is an automated attendance and request for time system for approximately 1000 school department professional staff. This will eliminate a currently cumbersome manual process using multi-part forms for requests. Specifically the program goals are the following:

- Improved accuracy: Eliminate paper timesheets and other error-prone manual processes, decrease payroll error rates and inflation.
- Better control over labor costs: Improve overtime management and apply pay and work policies consistently and accurately.
- Increased productivity: Engage employees with self-service functionality and free managers to focus on higher value strategic activities.

An initial estimate of cost avoidance is approximately \$50,000 per year in payment to employees for unaccounted leave pay, overpayment for actual time worked, underpayment for actual time worked, and labor savings in monitoring the current manual process of time and attendance recording.

**d. Classroom Furniture** - This request is for \$58,571 to replace aging and unsafe classroom and cafeteria furniture and is the third year part of a multi-year program. The components are:

- \$4,650 - Bowman Classroom Furniture Replacement - all Classrooms
- \$7,883 - Clarke Classroom Furniture Replacement - all Classrooms
- \$35,968 - Diamond Classroom & Guidance Furniture Replacement, Cafeteria Tables
- \$7,300 - Estabrook Classroom Furniture Replacement & Cafeteria Tables
- \$2,770 - Hastings Classroom Furniture Replacement - 5th Grade Only

The Bowman, Clarke, and Diamond renovations are at least partly for safety and statutory requirements, while the others are general modernization.

### **Questions**

***1. What are the current and projected FY11 LPS student computer ratios and how does that compare with the state average and the Board of Education standards?***

***2. What are the goals for the "managed wireless network?"***

The managed wireless network will allow the instructional use of laptop computers that are deployed to a classroom on a mobile cart. Moving the cart from classroom to classroom yields higher utilization for each machine while providing a smaller effective student to computer ratio.

***3. What percentage of high school students bring their own laptops for use at school and could these be used for instructional purposes?***

***4. What makes household grade kitchen appliances "unsafe" or "inappropriate"? Why did we buy them in the first place?***

**Article 16****Appropriate for Public Facilities  
Capital Projects**

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

- a) School Building Roofing Program;
- b) Clarke Middle School Auditorium Safety and Technology Upgrade;
- c) Bridge and Bowman Schools Renovation Design, Development and Engineering;
- d) School Improvement Projects:
  - i. School Accessibility Improvements;
  - ii. Removal or Relocation of Modular Classrooms from School Administration Building;
  - iii. Hastings School Modular Classroom Upgrade;
  - iv. Hastings School Cabinetry Replacement;
  - v. School Building Flooring Program
  - vi. Diamond Middle School Boiler Controls;
  - vii. High School Independent Learning Space Program;
- e) School Building Envelope Program;
- f) Cary Library Energy Management Systems;
- g) School Grounds Improvement Projects:
  - i. Hastings School Parking Area Improvements;
  - ii. Estabrook School Playground Replacement;
- h) Municipal Building Envelope Program;

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.

(Inserted by the Board of Selectmen)

**Funds Requested:** \$2,029,934

**Overview**

The Department of Public Facilities (DPF) is attempting to institute practices of regular maintenance in the hope of avoiding emergency repairs and costly incidental damage. This budget reflects that concept. Current plans for future years call for major renovations at Bridge and Bowman (approx \$11 million in the next few years to extend their useful lives for 20 years) and an approx. \$37 million renovation and expansion at LHS. Estabrook will be torn down and rebuilt at a current estimated cost of \$30 million in 4-5 years, possibly followed by Hastings about 3 years later. Unfortunately, state money for rebuilding schools is no longer guaranteed and may not be available to Lexington since it is distributed based on urgency of need, and the amount of reimbursement is dependent on the town's own resources. There is a chance of getting 35%- 40% reimbursement for the high school, since it is currently overcrowded, an important factor in state calculations. We will need to do a \$1.1 million feasibility study for LHS in order to apply for any reimbursement.

**a) School Building Roofing Program - \$147,400:** This is the second phase of a multi-year system-wide roof replacement program.

**Q: What will this be used for?**

The LHS auditorium. Ceiling paint is peeling and the roof must be repaired before repainting and finishing the auditorium project.

**Q: What happened to the \$4 million in roofing projects as of last year?**

Projects at LHS (roof and boiler), Bridge, and Bowman are being deferred pending the outcome of the major expansion and renovation plans.

**b) Clarke Middle School Auditorium Safety and Technology Upgrade - \$174,000:** This multi-year project will increase the size of the stage at the Clarke Middle School auditorium and add the appropriate technology and lighting to fully utilize the space as designed.

**Q: What is the length and cost of the complete project expected to be?**

This project may take about 5 years and cost about \$500K. The first priority is to get the electrical system and stage lighting functioning well.

**c) Bridge and Bowman Schools Renovation Design, Development and Engineering - \$750,000:** Funds are requested for the costs of design, engineering and generation of construction documents for the renovation of the Bridge and the Bowman Elementary Schools to extend their useful lives. Both schools (constructed in the mid 1960's) still retain most of their original systems and suffer from significant deferred maintenance. The 2009 Lexington Public Schools pre-K to 12 Master Plan identified specific work to be done at each school, valued in 2009 dollars as \$6,490,573 (Bowman) and \$5,135,152 (Bridge). A Master Planning Committee of volunteers appointed by the Board of Selectmen, the School Committee, and the Permanent Building Committee reviewed the plan and recommended renovations proceed as soon as funding can be made available. The renovations will include fire alarm replacement, heating and ventilation system replacement, building envelope upgrades and architectural and accessibility improvements.

**Q: How will this be paid for?**

Since state assistance is unlikely to be available, a debt exclusion override may be needed.

**d) School Improvement Projects:**

**i. School Accessibility Improvements - \$30,000:** This project will complete accessibility improvements at primary entrances to school buildings.

**Q: Last year's estimate was \$60K. Will this complete the project?**

Yes. Costs were less than expected.

**ii. Removal or Relocation of Modular Classrooms from School Administration Building - \$30,000:** This request is for funds to remove or to relocate the modular classrooms behind the School Administration Building. The modulares are a nuisance and should be removed for safety and security reasons. Removing the modulares will also improve access to the ground level entrances for LABBB and print shop deliveries.

**Q: How many are there and can we use them at Hastings instead of repairing those (see iii below)?**

There are 4 classrooms - 2 1/2 trailers worth. Unfortunately, due to foundation and plumbing expenses, it would be more expensive to use them at Hastings. However, we may be able to reuse them internally, possibly at the landfill as office space.

**iii. Hastings School Modular Classroom Upgrade - \$75,000:** The modular classrooms at Hastings are in need of repair. The roofing system drainage needs to be improved to prevent ponding and selective demolition and repair will be required to extend the useful life of these classrooms.

**Q: What is the long term plan for Hastings?**

That is not definitely decided yet and will depend on enrollment over the next few years. These modulares need roofing, siding, and flooring for 8 classrooms and any reconstruction is at least 7 years into the future.

**iv. Hastings School Cabinetry Replacement - \$38,000:** This project would replace countertops, wooden cabinetry, sinks and faucets in all classrooms at Hastings School. The existing equipment is original to the school and is beyond repair.

**Q: We are spending \$163K on Hastings this year. Last year oil tank & boiler replacement were postponed. What happened to that project?**

That project is deferred until a final determination is made on the renovation or rebuilding of Hastings. Projections are currently for a slower decline in elementary enrollment. Only projects needed for health and safety reasons are being done.

**v. School Building Flooring Program - \$100,000:** This project would replace flooring systems (carpet, vinyl tile, ceramic tile) that have failed, are broken and/or are beyond their useful life. Flooring systems must be replaced periodically to insure the surfaces are safe and cleanable.

**Q: Where will this money be spent?**

Replacing stairwell tiles at Clarke. Expect yearly appropriations for these types of repairs.

**vi. Diamond Middle School Boiler Controls - \$30,000:** This project would install sequencing controls for the boilers and pumps at Diamond Middle School. These sequencing controls will automatically monitor boiler and pump operation and shift operation to maintain even run hours on the equipment, which will prolong the useful life of the equipment.

**vii. High School Independent Learning Space Program - \$75,000:** This project would create a new ILP classroom at Lexington High School.

**Q: Why is this space needed?**

A group of middle school students in this program will be coming to the high school next year and will need the space. Existing space will be utilized and the exact cost is unknown.

**e) School Building Envelope Program - \$125,000:** This is an annual project request for prioritized school building envelope repairs. Ongoing investment in the building envelope will include repair of damaged panels and siding, recaulking and weatherproofing windows and doors and repainting the wood exterior. Without continual maintenance the exterior of the buildings

will deteriorate, allowing moisture to become entrapped and propagate cracks through the freeze thaw cycle.

**Q: What was done last year and what are current plans?**

Last year, we planned on re-caulking windows at Clarke. PCB contamination of the old caulk delayed that project until this summer. Projects possible for this year include other caulking issues or spalling of concrete at the Diamond roof line.

**f) Cary Library Energy Management Systems - \$50,000:** The existing environmental controls at the Cary Library for the chiller, boiler and air handlers are not integrated. This proposed project is for the integration of these controls under a common energy management system. The new controls will improve comfort, improve systems' reliability and reduce energy use.

**Q: What is the expected payback period for these improvements?**

About 5-7 years.

**g) School Grounds Improvement Projects:**

**i. Hastings School Parking Area Improvements - \$50,000:** The Hastings School is in need of grounds maintenance for the parking area that extends behind the school. The edges of the paved area are broken, leaving rutted areas with ponding water and ice hazards. This project will improve the parking area and create a safer environment.

**ii. Estabrook School Playground Replacement - \$125,000:** Funding is requested to install a new playground at the Estabrook School and to make modifications to the existing playground area. The existing playground is made from pressure treated wood, is splintering, and has reached the end of its useful life.

**Q: What happened to the playground equipment from Old Harrington?**

It went to Bowman and New Harrington. One item was placed at Estabrook.

**Q: What will happen to this playground when Estabrook is rebuilt?**

It will remain in place at Estabrook.

**h) Municipal Building Envelope Program - \$230,534:** This is an annual request to fund top priority construction repair/replacement projects for the maintenance and upgrade of municipal buildings and systems that are vital to prevent deterioration and which will mitigate safety hazards.

**Q: What are most likely projects for this year?**

A: Possibly re-caulking the Town Office Building (TOB), assessing what to do with the fire station (repair, expand, rebuild), and replacing leaking hot water lines between Cary Hall and TOB.



**Article 17****Approve Minuteman Regional Vocational Technical School District**

To see if the Town will vote to approve the sum of \$1,100,000, or any other sum of debt authorized by the Minuteman Regional Vocational Technical School District for the purpose of paying costs of a Feasibility Study to consider options for making improvements to the District's High School Building located at 758 Marrett Road, Lexington, Massachusetts, which options shall include but not be limited to renovating, reconstructing, expanding, remodeling and adding to the District High School, or any combination of the foregoing, said sum to be expended at the direction of the School Building Committee, for which Feasibility Study the Minuteman Regional Vocational Technical School District may be eligible for a grant from the Massachusetts School Building Authority (MSBA). The MSBA's grant program is a nonentitlement, discretionary program based on need, as determined by the MSBA, and any costs the Minuteman Regional Vocational Technical School District incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Minuteman Regional Vocational Technical School District; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the Request of  
the Minuteman Regional Vocational Technical School District)

**Description:** The Minuteman Regional Vocational Technical School District has notified the sixteen member towns of their intention to borrow for planning for needed capital improvements to the school building. Pursuant to G.L. c 71 §16(d), this article would allow the Town to express its disapproval of the amount of debt authorized by the District's School Committee.

**Overview**

The Minuteman Regional School Committee received approval from the Massachusetts School Building Authority (MSBA) to submit a feasibility study to the Authority. This article asks Town Meeting to approve the funding ceiling for the Feasibility Study. The study is the first (and mandatory) step in the application and approval process for MSBA funding (up to 40%) for school construction/renovation projects. Approval for the Feasibility Study does not guarantee project approval.

Minuteman was built in 1974 using an Open School model – large open areas, minimal windows. The school has not had a major upgrade and there has been only limited ongoing maintenance. Some of the issues addressed by the project include:

- Outdated, inefficient, poorly controlled mechanical, electrical, HVAC systems, long past their usable life, resulting in poor ventilation and temperature control
- Deteriorating building envelope (roof, windows, walls)
- Poor vehicular and pedestrian access, poor water drainage for outdoor athletic facilities

The first two phases of the project would address critical systems issues, funded through anticipated energy savings. For the facility upgrade, the 16 participating towns in the Minuteman district would share in the project costs, including the Feasibility Study, not funded by the MSBA. The cost of the Feasibility Study is \$725,000., before 40% reimbursement from

Massachusetts School Building Authority (MSBA) funds. Lexington's estimated share is \$76,021., after the 40% reimbursement, payable over a five-year period, beginning in FY2012.

### **Questions**

***1. What is current enrollment and how many students are from Lexington?***

The current enrollment is 698 students, 79 from Lexington.

***2. Do all 16 towns need to approve the expense?***

All 16 member towns must approve the expense. If all towns do not approve, Minuteman will need to re-apply to the MSBA and risk losing its current place in the funding cycle.

***3. Where can additional information be found about the Minuteman project?***

Additional documents, including the MSBA Statement of Interest, Existing Conditions report, may be found on the Minuteman Career and Technical High School web site.

<http://minuteman.org/index.php?/news-and-success-home/building-project.html>

***4. Why are we asked to approve the total Feasibility Study cost rather than Lexington's share of the cost as is done with the school's operating expenses?***

**Article 18****Appropriate to Post Employment Insurance Liability Fund**

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

(Inserted by the Board of Selectmen)

**Funds Requested:** \$479,399

**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 liabilities are appropriated under "shared expenses." While the State requires the pension liability to be fully funded by 2028. Prior to the downturn in the economy, the town was on track to full fund its liability by 2015. An actuarial valuation of the Retirement System will be performed this spring to determine if that target is still viable. Because of State law, or lack thereof, no provision was made to address the health insurance liability until two years ago. 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 third year of funding. As of December 31, 2009, the balance in the Insurance Liability Fund is \$844,298.

The amount of \$470,399 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 19****Rescind Prior Borrowing Authorizations**

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.

(Inserted by the Board of Selectmen)

**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 rescind at press time.

**Article 20****Establish and Appropriate  
to Specified Stabilization Funds**

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, (f) Center Improvement District and (g) Debt Service; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

**Funds Requested:** unknown at press time

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

**Overview**

At the 2007 Annual Town Meeting, various stabilization funds were approved so that funds could be accrued and expended for specific purposes. Two years ago, Town Meeting approved a new fund for Special Education. As required by Massachusetts regulations, stabilization funds must be approved annually. Money the town has received since Town Meeting approved specified amounts at last year's Annual Town Meeting must be approved this year. The Debt Service Stabilization Fund is covered under Article 22 and is not listed below. 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:** \$955 is being appropriated to the fund this year. This is the residual balance of a payment that should have been transferred at the Fall 2009 special 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. \$31,907 is being appropriated this year.

**d) School Bus Transportation:** No appropriation is being requested this year. Money from Avalon approved two years ago was a onetime payment.

**e) Special Education:** Article 20 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:** Under last year's Article 25, a new specialized stabilization fund was created to be the repository of an anticipated \$100,000 payment resulting from the agreement with the developers of Lexington Place. The funds were intended to be used for

projects such as tree planting, sidewalk improvement or improvements to the abutting connector between the parking lot and the sidewalk.

**Questions**

- 1. What are the sources of the funding being appropriated to the Traffic Mitigation Fund and TDM?***
- 2. What is the current balance in the Special Education Fund and what has been expended from the fund in the last year?***
- 3. Did the Town receive the \$100,000 payment from the developers of Lexington Place?***

**Article 21****Appropriate to Stabilization Fund**

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.

(Inserted by the Board of Selectmen)

**Funds Requested:** unknown at press time

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

**Overview**

With the November 2009 Special Town Meeting having approved an appropriation of \$669,843 to the Stabilization Fund, nothing is being requested at the Annual Town Meeting. The current balance of the Stabilization Fund is \$7,496,006.

**Questions*****1. Is money for the FY2011 operating budget being taken from this fund?***

No. The recommended FY2011 budget is balanced but that is based on the assumption that FY2011 state aid will remain at FY2010 levels. If, however, final state aid numbers for FY2011 fall below the amount currently projected for next fiscal year, the Stabilization Fund would be a source of funding to fill the gap.



**Article 22****Appropriate from Debt Service Stabilization Fund**

To see if the Town will vote to appropriate a sum of money from the Debt Service Stabilization Fund to offset the FY2011 debt service of the bond dated February 1, 2003 issued for additions and renovations to the Lexington High School, Clarke Middle School and Diamond Middle School.

(Inserted by the Board of Selectmen)

**Funds Requested:** \$124,057

**Description:** This article would allow the Town to pay the debt service on the 2003 School Bonds from the Capital Debt Service Stabilization Fund set up for that specific purpose.

**Overview**

The Debt Service Stabilization Fund was established by the 2009 Town Meeting on the advice of bond counsel to comply with Department of Revenue (DOR) regulations related to excess school building fund reimbursements. Municipal bonds are tax exempt and thus pay lower interest rates and theoretically the town could borrow at a low rate and invest with a higher return. This form of arbitrage is prohibited by the DOR.

When the Massachusetts School Building Authority was established, it modified the way towns are paid for new or renovated school buildings with the towns getting reimbursed more quickly. The Town received money in excess of that necessary to retire the short-term debt incurred by the project. The excess money was put into the stabilization fund, it and interest earned is used to pay off the long-term debt. As requested this year, money is appropriated from the fund to offset payments on the long term debt accrued for building construction, renovations and other major capital expenditures. It is anticipated that the Debt Service Stabilization Fund will be exhausted by 2023.

**Article 23****Appropriate for Prior Years' Unpaid Bills**

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.

(Inserted by the Board of Selectmen)

**Funds Requested:** unknown at press time.

**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 need for an appropriation is anticipated at this time.

**Article 24****Amend Fy2010 Operating and Enterprise Budgets**

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 4 and 5 of the warrant for the 2009 Annual Town Meeting, to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by transfer from available funds; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

**Funds Requested:** unknown at press time

**Description:** This is an annual article to permit adjustments to current fiscal year (FY2010) appropriations.

**Overview**

This article is an annual place-holder should there be a need to fund unforeseen expenses in the current fiscal year. No need for an appropriation has been identified at this time but town staff will continue to monitor the current year's budget over the next 60 days or so to see if a need for budget amendments develops.

**Article 25****Appropriate for Authorized Capital Improvements**

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

(Inserted by the Board of Selectmen)

**Funds Requested:** unknown at press time

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

**Overview**

This article is an annual place-holder should a project approved by a prior year's Town Meeting need supplemental funding. No appropriation is anticipated at this time.

**Article 26: Amend Bylaw – Length of Contracts**

To see if the Town will vote to amend § 32-4 of Chapter 32 of the Code of the Town of Lexington (Authorization to Solicit, Award and Enter Certain Contracts) by adding after the words “Water supply 20” the words “Community Television Services 10”, or act in any other manner in relation thereto.

(Inserted by BOS at the request of the Communications Advisory Committee)

**Description:** This article would provide flexibility in negotiating the Public, Education and Government (PEG) access contract for the Town.

**2/3 vote required****Overview**

This Article would amend Chapter 32, § 32-4, of the Code of the Town of Lexington regarding the expiration term of certain contracts.

The public, educational, government (PEG) access provider’s contract (“contract”) expires this year and the Communications Advisory Committee (“CAC”) is currently gathering information for the new Request for Proposal (“RFP”). The current five year contract has an initial term of three years with a two year renewable option which the Town exercised. Prior to making its recommendations to the Board of Selectmen, CAC requests approval to include contract renewable option language that would permit a maximum contract of ten years.

If the Bylaw amendment is approved, the contract would be renewable at the Town’s option for subsequent years but the total number of years under the contract (including renewals) can’t exceed ten years.

**Questions**

- 1. *Why is CAC making this recommendation?***
- 2. *How would this change impact the new RFP contract negotiations?***
- 3. *What benefits are gained by an extended contract?***

**Article 27****Amend Bylaw – Trees**

To see if the Town will vote to amend Chapter 120 of the Code of the Town of Lexington as follows:

- a) by deleting the entire paragraph under Paragraph (3) of Item C. Mitigation of §120- 8 Protected Trees and adding the word “Deleted” after (3); and
- b) by deleting the sentence under Item C. of § 120-9 Emergencies and Exemptions and adding the word “Deleted” after C;

or act in any other manner in relation thereto.

**Description:** This Article will: a) delete a paragraph that is not relevant to the title “Mitigation” and that is too vague, does not clearly convey the original intent and causes confusion in the administration of the Bylaw; and b) delete a sentence that confused the intent to require mitigation of all trees approved for removal.

**Overview**

This Article would amend Chapter 120 of the Code of the Town of Lexington regarding mitigation and the status of protected trees.

The Tree Committee (“Committee”) is requesting two changes. The first change is to Chapter 120-8. Protected Trees; specifically 120-8C(3). This particular section covers mitigation for approved removal of protected trees to enhance the landscaping of a lot. The Committee is requesting that paragraph (3) under ch.120-8C be deleted because it is not relevant to mitigation, is vague with regard to defining landscape enhancements and leads to confusion of what is required when a protected tree is removed. The second change is to Chapter 120-9. Emergencies and exemptions; specifically 120-9C. This particular section covers invasive tree species as identified in the Tree Manual. The Committee is requesting that the single sentence listed under 120-9C be deleted because it confused the intent to require mitigation of all trees approved for removal.

If approved, the Bylaw changes will clarify what is required when protected trees are removed and also allow for easier administration of the Tree Bylaw.

**Questions**

***1. Chapter 120-9C identifies invasive trees as being exempt from the provisions of the bylaw. Does this remain true after deletion of this section?***

The Tree Committee is revising the list of “undesirable” tree species in the Tree Manual so that it is clear that removal of an invasive tree needs to be mitigated.

***2. Chapter 120-8C(3) allowed an applicant to avoid replanting a tree or contributing to the Tree Fund by demonstrating that the removal of a protected tree is desirable to enhance the landscaping on the lot, and that such removal does not negatively impact in an excessive manner on the character of the neighborhood or on the privacy enjoyed by abutters. Does removal of this paragraph now require the removal of all protected trees to be mitigated by replanting or contribution to the Tree Fund?***

Yes.

**Article 28****Amend Bylaw – Town Meeting Procedure  
(Citizen Article)**

To amend §118-14 of the Code of Lexington as follows:

(X-1) by deleting part A, and replacing it with the following:

“A. An article or a portion or amendment thereof shall be reconsidered upon a vote to that effect, if approved (1) by a two-thirds vote, providing a notice of the motion was given at a session at least 40 hours earlier; or (2) by at least 80% of the members present; and any member may make a motion to reconsider or give notice thereof.”

(X-2) by deleting part C, and replacing it with the following:

“C. When a motion of reconsideration is decided that decision shall not be reconsidered and no question shall be twice reconsidered, except as provided in §118-14 A(2)”

(X-3) by adding the following after part C:

“D. No vote shall be reconsidered upon the following motions, namely:

- (1) To adjourn.
- (2) For the previous question, unless at least 30 minutes shall have passed after such a motion was defeated.
- (3) To lay upon the table.
- (4) To take from the table.
- (5) To close debate at a specified time.”

or act in any other manner in relation thereto.

(Inserted by Ephraim Weiss and nine or more registered voters)

**Description:** This article would simplify the procedure at Town Meeting regarding reconsideration. It would also offer a minor change regarding “moving the question” (stopping debate).

**Overview**

Reconsideration is a parliamentary procedure which allows a motion that has been decided by Town Meeting to be revisited. This process is typically used for financial articles to make sure that the budget is balanced at the conclusion of Town Meeting. A motion under this article will change the requirements for when notice of reconsideration or a motion to reconsider must be made, change the threshold necessary for a motion of reconsideration to pass, allow motions to be reconsidered more than once and change which motions can be reconsidered.

**Questions*****1. What are the changes arising from this amendment?***

The proposed amendment will have the following effects:

- a. The new part A would remove the requirement for a motion of reconsideration or notice of reconsideration to be made within 30 minutes after a motion result has been declared.

- b. Currently a motion of reconsideration needs a simple majority. The new part A would require a 2/3 majority to revisit a decided motion if notice of reconsideration has been made at a session of Town Meeting occurring at least 40 hours prior to the motion of reconsideration or 80% approval if the motion to reconsider is not preceded by such notice.
- c. Replacing part C will allow a motion to be reconsidered more than once provided that 80% of Town Meeting agrees to do so.
- d. Part D will now allow calling the previous question (closing debate) to be reconsidered if 30 minutes have passed since it was last defeated.

## ***2. Will these changes make Town Meeting smoother?***

Removing the requirement to file a notice of reconsideration within 30 minutes of disposition of an article will make sure that all financial articles can be reconsidered if Town Meeting actions yield a budget that is not in balance. This change also provides that the routine issuance of a notice of reconsideration need not interrupt the flow of Town Meeting. However, changing the threshold to 2/3 for approving a motion to reconsider may make re-opening an item to balance the budget more difficult. Changing the threshold to 80% when a notice of reconsideration has not been made will likely motivate finance committees to continue to issue notices of reconsideration.

## ***3. Why make moving the previous question subject to reconsideration?***

The motions listed in part C of the current bylaw (part D of the amendment) are excluded from reconsideration because more expeditious means exist to accomplish the result. In the case of a failed motion to call the previous question, another such motion can be made without the need for debating reconsideration. Proponents of this amendment argue that repeated motions to close debate may be ruled out of order by the Moderator. The proposed amendment would set an upper limit of 30 minutes on the amount of time for debate before a motion to close debate can be reconsidered. The Moderator remains free to accept new properly worded motions to close debate at any time.



**Article 29****Adoption of Stretch Energy Code**

To see if the Town will vote to accept or to enact as a bylaw the “Stretch Energy Code,” 780 CMR Appendix 120AA; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

**Description:** Municipalities are authorized to adopt the Stretch Energy Code as an alternative to certain provisions of the base building code. The Stretch Energy Code requires approximately 20 percent greater building energy efficiency than base energy efficiency requirements. Most new residential construction, including additions and substantial renovations, would be covered, but historic buildings are exempt from stretch code requirements. Most new commercial construction would be covered, but new commercial buildings under 5,000 square feet and specialty buildings under 40,000 square feet with unique energy requirements, such as supermarkets, laboratories and warehouses, are exempt from stretch code requirements.

**Overview**

Adoption of the Stretch Energy Code is intended to achieve three main goals:

1. Achieve building energy performance approximately 20% better than prescribed by the base State Building Code as of January 2010, for both new residential and commercial construction as a way of reducing our energy costs, cutting our dependence on imported fuel and improving our environment.
2. Provide third party performance verification that all new home construction meets standards for construction quality, energy-efficiency and operating costs similar to the standards implemented in the Energy Star for Homes program throughout Massachusetts.
3. Fulfill the final requirement for Lexington to become eligible as a “Green Community” to receive state funding for energy efficiency projects.

While adoption places new requirements on builders and on property owners considering additions or major renovations to their homes, the expectation is that the somewhat higher incremental costs of building a higher efficiency building will be rapidly recaptured in lower energy costs, especially if energy costs escalate. Adoption will also improve our environment by reducing pollution and greenhouse gas emissions, and reduce our need for fossil fuels since buildings are our largest consumer of energy.

This optional 'Stretch Energy Code' was developed by the Massachusetts Board of Building Regulations and Standards (BBRS), the Massachusetts Department of Energy (DOER) and the Massachusetts Executive Office of Energy & Environmental Affairs (EOEEA) in response to a call for improved building energy efficiency in Massachusetts. Towns and cities in the Commonwealth may adopt Appendix 120.AA in place of the energy efficiency requirements of the 'base' building code. In addition, the 'base' building energy code in Massachusetts has been updated as of January 2010 to the recently published IECC (International Energy Conservation Code) 2009 energy code. The 'Stretch Energy Code' is similarly based on the IECC 2009 energy code, but with approximately 20% greater energy efficiency requirements, which will be verified by 3rd party testing and rating of a new residential home's energy performance. Town meeting

approval is required to accept or enact the Stretch Energy Code as a bylaw. In order to be adopted, the appendix must be first considered at an appropriate municipal public hearing, subject to the municipality's existing public notice provisions. The Stretch Energy Code municipal hearing has been scheduled for 7 PM on February 23, 2010 at Cary Memorial Hall.

### **Stretch Energy Code Provisions Summary**

**Residential -New Construction** - New residential buildings three stories or fewer will be required to meet an energy performance standard using the Home Energy Rating System (HERS). The HERS index scores a home on a scale where 0 is a zero-net-energy home, and 100 is the performance of an IECC 2006 code compliant new home, which is the current standard. The HERS index has been in use for many years by programs such as Energy Star for Homes and LEED for Homes, and is accepted by the Federal IRS for tax credits and the mortgage industry for energy efficient mortgages. HERS ratings are performed by an independent, certified HERS rater, working with the home builder, and are then submitted to the local building code official. The Stretch Energy Code requires a HERS index of 65 or better for new homes of 3,000 square feet or above, and a HERS index of 70 or better for new homes below 3,000 square feet (this includes multi-family units in buildings of three stories or fewer). A HERS index of 65 means that the home is estimated to use 65% as much energy as the same home built to the IECC 2006 energy code, an annual energy savings of 35%. Note that a lower numeric HERS rating indicates better efficiency.

**Residential – Additions** - Home additions have two options to meet the Stretch Energy Code:

1. Performance Option - HERS index of 65 or better for additions over 3,000 square feet, or 70 or better for additions below 3,000 square feet.
2. Prescriptive Option - No third-party performance testing is required if the builder completes construction to Energy Star for Homes prescriptive Builders Option Package Standards (except for heating and cooling equipment and appliances), demonstrates compliance with the Energy Star thermal bypass inspection checklist, and incorporates envelope insulation that meets or exceeds IECC 2009 standards.

**Residential – Renovations** - Major home renovations have two options to meet the Stretch Energy Code:

1. Performance Option - HERS index of 80 or better for significant changes to homes over 2,000 square feet, or 85 or better for homes below 2,000 square feet.
2. Prescriptive Option – No third party performance testing is required if the builder completes construction to Energy Star for Homes prescriptive Builders Option Package Standards (except for heating and cooling equipment and appliances), demonstrates compliance with the Energy Star thermal bypass inspection checklist, and incorporates envelope insulation that meets or exceeds IECC 2009 standards.

Renovations that do not affect the outside walls and do not require a building permit are generally not required to meet the Stretch Energy Code.

**Commercial -New Construction** - The Stretch Energy Code also applies a performance-based code to commercial buildings, with the option of a prescriptive code for small and medium-sized commercial buildings. Buildings smaller than 5,000 square feet, commercial additions, and commercial renovations are exempt. Specialty buildings - supermarkets, laboratories, and warehouses - below 40,000 square feet in size, are also exempt. These exempt buildings remain subject to the base Massachusetts energy code (IECC 2009 and ASHRAE 90.1-2007). (ASHRAE is the American Society of Heating, Refrigeration and Air Conditioning Engineers.)

Large buildings of any type over 100,000 square feet, and 'specialty' buildings over 40,000 square feet are required to meet a performance standard set at 20% better than the ASHRAE 90.1-2007 base code performance standard, demonstrated through modeling by methods and software approved by the BBRs.

Medium-sized commercial buildings, which include residential buildings of 4 stories or more, but that are less than 100,000 square feet, have the option of meeting the large building Stretch Energy Code performance standard, or using a simplified, prescriptive energy code.

The prescriptive code is based on Chapter 5 of the IECC 2009 energy code, and adds incremental efficiency improvements primarily through:

1. Use of efficient building envelope elements (walls, roofs, windows, insulation, etc.)
2. Commissioning requirements to ensure that the buildings' energy systems operate as designed.
3. More efficient lighting power densities and improved lighting controls.
4. A choice of one of three compliance paths: high efficiency HVAC equipment, further lighting energy reductions, or on-site renewable energy.

This prescriptive option for commercial buildings between 5,000 and 100,000 square feet was developed from the Core Performance program of the New Buildings Institute. This program has been developed and used for utility incentive programs in Massachusetts for the past several years. Certain areas of this prescriptive option were also updated to reflect recent energy code development for future iterations of ASHRAE and IECC codes and refined for specific application in Massachusetts where they are cost-effective.

For more detailed information on the text of the basic code itself see <http://tinyurl.com/bl64x8>,<sup>2</sup> which links to a Massachusetts government web site page with further links

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<sup>2</sup> Full URL is:

[http://www.mass.gov/?pageID=eopsmodulechunk&L=3&L0=Home&L1=Public+Safety+Agencies&L2=Massachusetts+Department+of+Public+Safety&sid=Eeops&b=terminalcontent&f=dps\\_bbrs\\_build\\_code\\_changes\\_public\\_hearing&csid=Eeops](http://www.mass.gov/?pageID=eopsmodulechunk&L=3&L0=Home&L1=Public+Safety+Agencies&L2=Massachusetts+Department+of+Public+Safety&sid=Eeops&b=terminalcontent&f=dps_bbrs_build_code_changes_public_hearing&csid=Eeops)

**Questions**

- 1. About how many buildings in Lexington would be affected annually?***
- 2. What is the expected break-even time, currently, to recoup the additional costs of construction for some sample projects?***
- 3. How often do Builders have a problem meeting these requirements?***
- 4. If adopted at town meeting, when would the Stretch Energy Code go into effect?***
- 5. What effect, if any, will the Stretch Energy Code have on small renovations like simple repairs or remodeling a bathroom or a kitchen?***

**Article 30****Establish Qualifications for Tax Deferrals**

To see if the Town will vote to adjust the current 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.

(Inserted by the Board of Selectmen)

**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 eligibility limits.

**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.

It is likely that the Selectmen will propose a small increase to keep up with the cost of living increases to ensure that anyone whose income is close to the limit will not lose their ability to defer. Article 30 continues the process of changing the criteria for deferrals.

**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 \$50,000.

***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 25 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.

**Article 31****Support and Petition for Municipal Utility Act**

To see if the Town will vote to approve a resolution supporting Bills H3087 and S1527, “An Act relative to the Establishment of Municipal Lighting Authorities”; and authorize the Selectmen to petition the General Court for an act substantially similar to Bill H4192 for the 2011-2012 legislative session; or to act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Electric Utility Ad Hoc Committee)

**Description:** The 2008 Annual Town Meeting adopted under article 41 a resolution supporting legislation to allow new municipal electric utilities in Massachusetts, and asking the Selectmen and Lexington's Representatives in the General Court to refile the legislation for the 2009-2010 session (Bills H3087 and S1527; home rule petition H4192). This Article allows Town Meeting to hear reports on the status of these bills, and if necessary to renew its support for the legislation and ask that it be refiled for the new 2011-2012 legislative session.

**Overview**

This article is similar to articles adopted in previous years to support legislation that will allow Lexington and other communities to form municipal electric utilities. However, this year the State legislation is in Committee and, as of the writing of this overview, there is a possibility that it could come to a vote by the State legislature before the end of Town Meeting.

The wording of the actual motion will depend upon the status of the bill at the time that this article comes before Town Meeting. The article could call for no action because the bill was adopted, the motion could call for support and encouragement for adoption of the bill if it is ready for a vote, or it could be a request to re-file the bill if it needs renewal for the next legislative session.

**Article 32****Climate Change Committee (Citizen Article)**

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.

(Inserted by Adam Sacks and nine or more registered voters)

**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 explore short- and long-term strategies for dealing with the environmental, social and economic effects of climate change by making Lexington a sustainable, self-sufficient community. The proposal is basically the same as last year's Article 41, which was indefinitely postponed at the proponents' request.

The proposed committee would consist of up to 15 members and would be appointed by the Moderator. It would hold public meetings to solicit input from all stake-holders, would research and report on what other communities around the world are doing in dealing with the effects of climate change, and make non-binding recommendations to Town Meeting and other private and public organizations for further action.

The scope of this committee would be extremely broad – it would address not only energy conservation, but food supplies, transportation, water, and many other aspects of life, as part of a systemic whole.

**Questions**

***1. Given that there are many interconnected phenomena associated with climate change, might it be more effective and manageable to have several committees, each dealing with a specific aspect, rather than a single committee with a very broad agenda?***

The sponsor of this article believes that, after an initial year of research, the committee may well find it advantageous to refine its focus, or perhaps spin off other committees to do so but that it would be most effective for the committee to perform an initial assessment and overview.

***2. Is this committee intended to replace the Climate Action Plan Committee, which was recently dissolved by the Selectmen?***

It was not intended as such, since Article 32 preceded the dissolution of the Climate Action Plan Committee, but it will assume some of the functions of that committee.

## **Article 33                      Petition General Court for Dunback Meadow Easement (Citizen Article)**

To see if the town will vote to authorize the Board of Selectmen, with the approval of the Conservation Commission, to grant a permanent easement over Dunback Meadow Conservation Land to the owner of property bordering Bacon Street and shown as lot 22A on Assessor's Property Map 23, in order to allow a connection to the town sewer system, and to authorize the Board of Selectmen to petition the General Court for an act to permit such an easement over conservation land, or act in any other manner in relation thereto.

(Inserted by John Moriarty and nine or more registered voters)

### **2/3 VOTE REQUIRED**

#### **Overview**

This article requests Town Meeting approval for the owner of the property at 142 Marrett Road to connect to the Town sewer running along the edge of the Dunback Meadow conservation area near Bacon Street. A sewer easement across conservation land must be approved by an act of the General Court.

#### **Questions**

##### ***1. How much conservation land would be involved?***

The sewer line lies between 20 and 30 feet off Bacon Street. Laying pipe would require digging an area about 10 feet wide. The total area would be between 200 and 300 square feet.

##### ***2. Are there any costs to the Town?***

No. The work would be done by a private contractor.

##### ***3. Who is responsible for maintenance of the sewer hookup through the conservation land?***

The homeowner is responsible, just as with any home sewer connection.

##### ***4. What is the Conservation Commission's position on this article?***

##### ***5. Is there a potential for future disruption of the conservation land if maintenance is required?***



**Article 34****Resolution on TMO-1 District Plan**

To see if the Town will adopt a resolution expressing its recommendations on the TMO-1 District Plan to the Planning Board; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

**Description:** The consolidated motion passed under Articles 44, 45 and 46 of the warrant for the 2009 Annual Town Meeting authorized the creation of a Traffic Management Overlay District for the Hartwell Avenue area. The motion requested the Board of Selectmen to make it possible for the town meeting to comment on the plan after it is adopted by the Planning Board. At press time the plan had not been adopted by the Planning Board.

**Overview:**

At the 2009 Annual town Meeting a non-binding resolution was passed requesting that the Board of Selectmen make it possible for the town meeting to comment on the traffic plan after it is adopted by the Planning Board. Article 45 created a Traffic Mitigation Overlay (TMO) district that allows properties within the district to elect an alternate method of providing the Town with traffic mitigation. However, no development may occur utilizing this alternative method of traffic mitigation until such a traffic plan has been adopted.

**Questions:*****1. Will Town Meeting have an opportunity to comment on the traffic Plan before it is adopted?***

No, the resolution only allows for comment by TM after such a plan has been formulated, adopted and documented by the Planning Board (PB). TM members and the general public do have opportunities for input at regular PB public hearings.

***2. Under the TMO by-law the Planning Board was to develop a transportation plan including infra-structure improvements, mitigations, and regulations. Preliminary hearings on the infra-structure have been held, as well as discussions of the regulations, but not on the developers' mitigation payments. What is the schedule for the completion of the transportation plan so developers can start to use the changes that were voted last year?******3. Does such a Plan now exist?***

As of the publication of this Warrant Information Report the published plan has not yet been made available by the Planning Board.

**Article 35****Resolution on Farming (Citizen Article)**

In response to residents' concerns about recent losses of agricultural businesses in Lexington, and the continuing and compelling growth in demand for locally grown food, to see if the Town will vote to adopt a resolution that affirms the importance of farms in Lexington by encouraging farming, farming-related businesses and farming-related community programs within the Town.

(Inserted by Janet Kern and nine or more registered voters)

**Description:** Working farms were a center of Lexington's landscape, history and economy from our town's 1642 founding as "Cambridge Farms" until the post World War II housing boom. The recent sales of Lexington Gardens and Doran's Greenhouses to developers have made Lexington residents aware that without active community support, the Town's remaining farms could be lost, and many residents are seeking sources for locally grown food from farms and farmers markets. This article asks Town Meeting to adopt a resolution that will encourage all activities and businesses related to farms and farming within Lexington, so that residents may continue to experience the many benefits of its local farms for generations to come.

**Overview**

Passage of this article would put Town Meeting on record as being generally supportive of farming and farming-related businesses and activities in Town.

The recent loss of a number of farming-related businesses (Lexington Gardens, Doran Greenhouses) to other uses, and the sale of the Busa Farm property to the Town, were the major factors that motivated the article's sponsors to bring it forward this year. While the article does not refer directly to the disposition of the Busa property, its sponsors would certainly like to encourage the Town to continue its use, in whole or in part, as a working farm. The sponsors would like to see farming be part of Lexington's future, as well as its past.

**Questions****1. What would the sponsors like to see accomplished by this article?**

- They would like to encourage continued Town support for activities such as the Farmers' Market (for which the Town currently provides operating space)
- They would like to see the Town engage in community education about farming-related topics
- They would like to see the Town establish an Agricultural Committee or Commission to support and encourage the remaining farms in Lexington.
- They would like to encourage a Community Farm in Lexington.

**2. Are there other Town-owned parcels of land, such as various open conservation lands or the Conservation Land off Waltham Street that would be acceptable locations for a Community Farm?**

The sponsors feel that the Busa land is most suitable for this purpose because it has a recent history as a highly productive farm.

**3. Will Town land be offered to for-profit farmers to provide income for the Town?**

**Article 36****Resolution on Munroe School (Citizen Article)**

To see if Town Meeting will vote to adopt a resolution urging the Selectmen to present terms of a specific, fully negotiated sale or lease of the Munroe School to a subsequent Town Meeting for its consideration, and possible approval, in advance of any date for closing such sale or executing such lease, the full details of such terms and the rationale for a proposed sale and/or lease of the building, with or without the land, to be publicized not less than 60 days before the first session of the Town Meeting at which such sale or lease is to be considered.

(Inserted by James Wood and nine or more registered voters)

**Description:** This article seeks to insure that all documentation, financial arrangements, buy back provisions and other terms between the Town of Lexington and a prospective buyer or leaser of the Munroe Property has been made available to citizens of Lexington in time to allow review, comment and understanding of the deal.

**Overview**

Note that this is a Resolution urging the Selectmen to present in full the terms of the fully negotiated sale or lease of Munroe School at least 60 days before the first session of Town Meeting at which the sale or lease would be considered. A resolution is a recommendation but has no binding effect on the Selectmen.

Rationale: In this manner, the entire “deal” would be made available to citizens of Lexington in time for review, comment, and understanding. When the Munroe School disposition was raised at the Fall 2009 Special Town Meeting, there was a feeling that the issue was more complex than had been realized, and there was a desire for more time to consider the action.

**Article 37****Amend Zoning By-Law – Food Related Uses**

To see if the Town will vote to amend the Zoning By-Law of the Town of Lexington in regards to food-related uses including adding definitions for certain food service uses, permitting food-related uses as-of-right in districts where a special permit is now required, not allowing certain food-related service in some districts, or otherwise regulate food-related uses in all zoning districts; or act in any other manner in relation thereto.

(Inserted by the Planning Board)

**Description:** This article will add definitions for some of the allowed food-related uses and, in keeping with changes made in the Center Business District, allow more uses by-right without a special permit so the uses are treated more consistently throughout town. It will prohibit “takeout food service” in the CS district where it is currently allowed by special permit and prohibit the retail sale of “food not intended for consumption on the premises” in the CM district where such a use is currently allowed.

**2/3 vote required****Overview**

At the 2009 Fall Town Meeting, some of the food service line items in the use table for the CB (Central Business) district were liberalized. The Planning Board was concerned that related changes should also have been made for the other commercial districts. That was outside the scope of last year’s article, which was inserted by the Center Committee. The current article incorporates those changes and modifies some of the definitions of the numerous different types of food services.

At the February 25 public hearing, the following specific changes were proposed by the Planning Board. However, as a result of the issues raised at that hearing, some of these may be changed prior to formalizing the motion to be made at Town Meeting.

In the CN (Neighborhood Business) district, fast food service would be changed from *prohibit* to *special permit*, and takeout food service from *special permit* to *allow*.

In the CRS (Retail Shopping) district, restaurant and takeout food service would be changed from *special permit* to *allow*.

In the CS (Service Business) district, takeout food service would be changed from *special permit* to *prohibit* and caterer would be changed from *special permit* to *allow*.

In the CRO (Regional Office) district, convenience stores would be changed from *prohibit* to *allow*, restaurants from *special permit* to *allow*, fast food from *prohibit* to *special permit*, and takeout food from *prohibit* to *allow*.

In the CM (Manufacturing) district, groceries would be changed from *allow* to *prohibit*, restaurants, fast food, and takeout would change from *special permit* to *allow*.

Although most of these changes would make food services more permissive, the changes in the CS district that are less permissive drew strong objections from the property owners. Although some claimed to have no immediate plans to change use, they did not want their options to

change. Similarly an owner of property in the Hartwell Ave. CM district objected to losing the right to put in a grocery store since he felt mixed uses would be a benefit to workers in the area.

The Board of Appeals objected to changes in the CN district that would remove the special permit from takeout food service. They felt their permits were necessary to protect neighbors from late night use and to prevent such establishments in locations where they would interfere with morning rush hour traffic

The above requirements deal only with primary uses. An establishment with a permitted food service primary use could also have an accessory food service use, by right, even if that use would have required a special permit as a primary use.

A new definition of Drive-Through Food Service, in addition to the existing definition of Drive-In Food Service, has been added. It would be prohibited in all districts as a primary or accessory use. Before Not Your Average Joes closed, it provided a pizza service where you call in your order and have it delivered to your car in the parking lot behind them. That would not be legal under this new definition of Drive-Through Food Service.

### **Questions**

- 1. Is it desirable to regulate food services with this much detail as to types of service and districts?***
- 2. How might this affect the restaurant in the Route 128 service area and drive-through food service there?***
- 3. What is the reasoning behind prohibiting grocery stores in the CM district?***

**Article 38****Amend Zoning By-Law – Impervious Surface**

To see if the Town will vote to amend the Zoning By-Law of the Town of Lexington to replace the existing definition of “Impervious Surface” with an updated definition; or act in any other manner in relation thereto.

(Inserted by the Planning Board)

**Description:** The definition of impervious surface will be changed to a science-based system that determines a surface’s permeability as a quantifiable metric using runoff coefficients. There are no proposed changes to the limits for impervious surface. This definition has been agreed to by an inter-departmental working group for use by the various Boards and Committees that include the term in their regulatory and/or review processes so there will be a consistent definition throughout the Town.

**2/3 vote required****Overview**

Some kinds of pavement are totally impervious to rainfall while others are partially porous. The current by-law does not distinguish between them. The proposed change would define impervious surfaces as non-vegetated or manufactured material having a runoff coefficient of more than 70. A completely impervious surface has a runoff coefficient of 100. For comparison, the runoff coefficient of grassy areas depends on the soil type, but most lawns in good condition have runoff coefficients less than 70.

The zoning by-law limits the amount of impervious area in a residential subdivision. No changes in amount of allowed impervious area would be made. Using porous pavement on driveways would allow a developer to put in more paved area and roof area than would otherwise be allowed.

The Planning Board is currently considering a subdivision on the site of the former Lexington Gardens which is proposing to use porous asphalt.

Porous asphalt on driveways requires the owner to perform regular cleaning maintenance to prevent the pores in the asphalt from becoming clogged, which would reduce its porosity. Applying a seal coat to improve its appearance would completely eliminate its porosity.

It is proposed that runoff coefficients would be calculated according to the Natural Resources Conservation Service’s Technical Release 55. That 164 page document describes how to calculate runoff but does not use the term runoff coefficient.

**Questions**

***1. How much does the porosity of porous pavement change after many years if it is properly maintained? How much does it change if it is not maintained?***

***2. How will the Town ensure that the paving material actually meets the porosity requirement? What happens if it is found that the porosity doesn't meet the requirements after a subdivision is built and occupied?***

***3. How will the Town ensure that porous asphalt is properly maintained?***

***4. How will the town enforce the provision that a seal coat not be added to a driveway deemed to be porous?***

***5. If a developer uses porous pavement that requires special maintenance, does the Town have to accept maintenance responsibility for accepted streets in a subdivision or can additional costs associated with this maintenance be assessed to the development?***

**Additional questions to consider when employing porous pavement:**

***6. How durable is this paving material? (Note no sealer can be used.)***

***7. What is the extra cost of this type of pavement give the needed sub-surface preparation, raw materials and labor?***

***8. Should this pavement best be used in a temperate climate and not one with our freeze/thaw cycle?***

***9. Can the pavement be plowed and/or sanded?***

***10. Can a heavy vehicle be parked on it on a hot day (e.g., 98°)?***

***11. Will the Town be using this technology on roads & parking lots or require it on all new resurfacing by homeowners and commercial entities?***

**Article 39****Amend Zoning By-Law – Flood Plain**

To see if the Town will vote to amend §135-43B, the Nation[al] Flood Insurance District, and adopt floodplain management regulations that meet the standards of National Flood Insurance Program (NFIP), including adopting the current effective Flood Insurance Study report and the Flood Insurance Rate Maps (FIRMs) issued by Federal Emergency Management Administration (FEMA). This article defines the boundaries of the various flood hazard areas and prohibits activities within those areas that would result in any increase in flood levels during a base flood discharge as is required by the NFIP.

(Inserted by Planning Board)

**Description:** Prior to June 4, 2010, Lexington is required as a condition of continued eligibility in the National Flood Insurance Program, to adopt floodplain management regulations that meet the standards of the NFIP regulations as well as adopting the revised Flood Insurance Rate Maps (FIRMs) issued by Federal Emergency Management Administration (FEMA). This article defines the boundaries of the various flood hazard areas and prohibits activities within those areas that would result in any increase in flood levels during a base flood discharge as is required by the NFIP.

**2/3 vote required****Overview**

Standard homeowner's insurance doesn't cover flooding. The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), which works with private insurance companies to offer flood insurance to property owners and renters. In order to qualify for this flood insurance, a community must join the NFIP and agree to enforce sound floodplain management standards.

Lexington has been in the NFIP for over 30 years. FEMA has recently issued new regulations and new flood maps that communities in the program must comply with. This zoning amendment makes changes that are required for Lexington to remain in the program.

NFIP flood insurance is purchased through property and casualty insurance agents. Rates do not differ from company to company or agent to agent. These rates depend on many factors, which include the date and type of construction along with the building's level of risk. Federally regulated or insured lenders must require flood insurance on properties that are located in areas at high risk of flooding. (Areas that have a 1% or greater chance of flooding in any given year)

The requirements of the NFIP program are designed to protect the property owner and the government from expensive flood losses, rather than to protect wetlands. Town and State Wetland protection regulations remain in force in the Flood Plain district to protect the wetlands.

The Flood Plain district is an overlay district. All use requirements of the underlying district remain in place. The current Flood Plain zoning regulations explicitly require the lowest floor of residential buildings to be above the 100 year flood level. Commercial buildings must be waterproofed if they are below that level. The proposed changes eliminate those explicit requirements and instead refer to state requirements which the planning staff believes are equivalent.



**Questions**

- 1. If an insured home is fully or substantially damaged in a flood, under what conditions could it be rebuilt if it is in the 100 year flood plain?***
  
- 2. How many residential and commercial buildings are currently in the 100 year flood plain?***

**Article 40****Amend Zoning By-Law – Technical Corrections**

To see if the Town will vote to amend the Zoning By-Law of the Town of Lexington to maintain consistency with the above changes and update references within the Town of Lexington Zoning By-Law; or act in any manner in relation thereto.

(Inserted by Planning Board)

**Description:** This article will correct references within the Bylaw that may be needed due to other changes in the Zoning Bylaw, including changing references to “Traffic Management Overlay” to “Transportation Management Overlay.” Nothing under this article would change the substance of the By-law.

**2/3 vote required****Overview**

Last year’s Town Meeting created the Transportation Management Overlay District for the commercial area around Hartwell Avenue. The wording inconsistently referred to “traffic” instead of “transportation” in two places. This article fixes the wording.

**Article 41****Amend Zoning By-Law – Center Zoning**

To see if the Town will vote to amend Chapter 135 of the Code of the Town of Lexington, the Zoning By-Law, by:

- 1) Amending and clarifying the definitions pertaining to commercial signage;
- 2) Permitting projecting signs and standing signs in the CB district without a special permit;
- 3) Permitting shared parking to be used to meet the standards for off-street parking in CB district;
- 4) Amending Table 1, Permitted Uses and Development Standards, to require a special permit for bank and credit union uses in the CB district, and will add criteria to be considered by the Zoning Board of Appeals when considering an application for such a special permit;
- 5) Making technical corrections to maintain consistency with the above changes and updating references;

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

(Inserted by the Board of Selectmen at the request of the Lexington Center Committee)

**Description:** This article will permit Projecting Signs and Standing Signs, by right, in the Central Business (CB) District, as well as provide clarification of existing sign definitions. The proposed changes will allow two or more uses within a building to reduce the number of required parking spaces where their hours are complementary or sequential. This article will replace the current by right designation for bank and credit union uses with a special permit designation in the CB. In addition, the proposed amendments include technical corrections required for consistency.

**Overview**

This article, put forth by the Lexington Center Committee, is part of their continuing effort to improve the business climate in the town's only pedestrian shopping district. There are three issues covered by these proposed zoning changes: building signage, parking requirements and the location of banking facilities.

**Signage:**

Currently, the only type of store sign allowed by right is a wall sign, the type that is mounted flush to the building. Projecting signs and standing signs, which are permanently installed free-standing signs, currently require a special permit. The zoning change would allow by right, all three types of signs, each with their own dimensional and other criteria. Projecting signs would be allowed up to 6 square feet; standing signs up to 25 square feet would be allowed. All new signs remain subject to the existing Historic District Commission process. Temporary signs such as wood sandwich boards are not addressed in this article.

**Parking:**

Currently, each center tenant is required to account for a specified number of parking spaces regardless of the time of day that their business attracts customers. This bylaw change will allow businesses with differing peak parking needs, such as a bank and a restaurant, to share some of

their parking rights. The town recently received a grant to finance a professional parking management study. The Center Committee hopes that this study, which will not be complete by Town Meeting, will include specifics of how to utilize shared parking rights.

**Banking Facilities:**

The proposed bylaw change does not limit the number of banks in the center, but seeks to lessen the possibly negative impact that banks may have on the center's shopping environment. New banks and credit unions will be required to obtain a special permit. The ZBA will be provided with special permit criteria intended to limit the concentration of banks in any one area and discourage broad areas of frontage that do not have a retail appearance.

**Questions**

- 1. What does research say about the effect of banks on a retail area?***
- 2. Why haven't projecting signs been allowed by right until now?***
- 3. Will shared parking carry an administrative burden?***
- 4. Why would standing signs be allowed to be over 4 times the area of projecting signs?***

**Article 42****Amend Zoning By-Law – Green Energy**

To see if the Town will vote to amend the Zoning By-Law of the Town of Lexington by adding a definition for Large-Scale Ground-Mounted Solar Photovoltaic Installation and any other definitions related thereto, amending the Table of Permitted Uses to include a category for such use and designating whether such use is permitted as-of-right or by special permit, or prohibited in each of the respective zoning districts; and further to authorize the Planning Board to adopt reasonable, detailed regulations applicable to such use; or act in any other manner in relation thereto.

(Submitted by Board of Selectmen)

**Description:** Under this article, the Town may authorize as-of-right zoning for Large Solar Photovoltaic Energy Generation with a minimum capacity of 250 kW, which could occupy approximately one acre of land or other surface. One way to qualify as a Green Community under the Green Communities Act is by adopting as-of-right siting in designated districts for large solar photovoltaic systems, with or without site plan review. Generally, solar photovoltaic systems are exempt from unreasonable regulation under the Zoning Enabling Statute, Massachusetts General Laws Chapter 40A, § 3. The law is unclear, however, whether the Town's authority to reasonably regulate solar energy systems could result in prohibition of large systems. Action under this article to amend the Zoning Bylaw clarifies any such ambiguity.

**2/3 vote required****Overview****Questions*****1. Is it necessary to amend the bylaw in order to qualify as a Green Community?***

No, but it will give us an advantage when applying for grants.

***2. Where could such an installation be placed?***

The only place it could go under current zoning districting is on Hartwell Avenue, where Research and Development and Manufacturing are already allowed.

***3. What is a disadvantage to amending the by-law?***

There may be objections from an aesthetic point of view. Beyond aesthetics, there is no real disadvantage although some may claim that the land could be used for better purposes.

***4. Could the installation be combined with another use?***

Yes, the solar installation must be ground mounted, but it could be combined with another use, such as surface parking.

***5. Shouldn't small scale solar installations, which the state mandates to be allowed by right, be mentioned explicitly in a separate line in the use table?******6. Would site plan review be required on Hartwell Ave.?***

**Article 43****Amend Zoning By-Law – 425 Woburn Street  
Land Rezoning (Owner Article)**

Zoning Map of the Town of Lexington, and the RD-5 District, commonly known as Countryside Manor, adding to the current RD-5 district on Woburn Street land shown on Assessors map 53 as parcels 1A, 1B, 1C, 1D, 2 and 3A more particularly described in certain metes and bounds descriptions on file with the Planning Board and the Town Clerk, all to be approved in accordance with a Preliminary Site Development and Use Plan to be filed with the Planning Board and the Town Clerk (pursuant to the provisions of Town of Lexington Code Section 135- 42). Said amendment will allow the construction of a new building for residential use; or act in any other manner relative thereto

(Inserted by Peter C.J. Kelley, Trustee of the 509 Woburn Street Realty Trust,  
Robert W. Murray, Trustee of the Three Hundred Thirty Lexington Street Trust  
and Peter C.J. Kelley, Trustee of the R.H. Realty Trust, the property owners)

**Description:** The proposed amendment would rezone the above property and allow the construction of a multi-family building containing small single-floor residential units in the newly created RD District.

**Overview**

Article 43 concerns a parcel of land that is located at 509 Woburn Street adjoining the Woburn border. The parcel, currently zoned RO, is described by the proponents as surrounded entirely by parcels already zoned to allow multi-family dwellings. The parcel's abutter on the Lexington side is a rental apartment complex known as Countryside Manor (not to be confused with Countryside Village, which is also off Woburn Street, but closer to Lexington Center.) On the Woburn side, the parcel adjoins a Woburn parcel that is also zoned to allow multi-family buildings. The Woburn parcel is currently undergoing development.

The proponents wish to add the 509 Woburn Street parcel, which is slightly under 2 acres, to the adjoining Countryside Manor RD zone so that they can develop a 51 unit condominium building similar in design to Locke Village on Lowell Street. The condominium units will be single-floor apartments with underground parking in a three-story building with elevators. Two units will have one bedroom, and 49 will have two bedrooms.

Concerns have been raised regarding the 40B status of the rental units in the existing RD parcel and whether incorporating 51 non-40B units in the parcel will remove the current market-rate units from 40B eligibility.

**Questions**

- 1. What is the number projection for school-aged children?***
- 2. What is the projected value to the town in increased real estate tax?***
- 3. What are the visual impacts on the neighborhood?***
- 4. What is the likelihood that the project, which is much denser than any other residential property in Lexington, will set a precedent for future residential development?***

# 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, a Communications Officer, and an Email List Moderator. 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.

C. **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.

D. **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

directions to report to a future session of the meeting or to a future Town Meeting.

6. TO AMEND.

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

## Votes

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

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

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

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

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

## Reconsideration of Motions

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

## Dissolution of the Meeting

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

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