

TMMA Warrant Information Report



March 2011

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 21, 2011. 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

Conflict of Interest Guideline for Town Meeting Members

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

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

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

Revisions:

8 March 2011: revision 1.1 - has summary boxes for most articles

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Note About Dollar Amounts in this Report

Please note that all dollar amounts listed in this report are NOT final. The final dollar amounts will be provided in motions presented at the Annual Town Meeting starting on March 21.

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

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Article 4**Appropriate FY2012 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, by transfer from available funds, by transfer from 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 FY2012 (July 1, 2011 – June 30, 2012) 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, FY2010 expenditures, FY2011 appropriations and FY2012 proposed appropriations. Please note that figures for FY2010 and FY2011 have been restated to reflect the revised FY2012 presentation.

OPERATING BUDGET

SUMMARY: This is the town's operating budget which includes both the municipal and school budgets and certain shared costs.

Overview (as of 03/03/11)**Program 1000, Education**

The Education budget is comprised of two components: line item 1100 for the Lexington Public Schools and line item 1200 for the Minuteman Regional School. The total FY 2012 Education budget to be funded through the tax levy is \$74,847,815 (an increase of 5.74% over FY 2011). Of this, \$73,144,885 is for the Lexington Public Schools and \$1,702,930 is for the Minuteman Regional School.

Line item 1100

The Lexington School Committee approved the school budget on February 15th, 2011. The total recommended FY 2012 budget is \$73,144,885, which is a 5.63% increase from FY 2011. The total budget includes a transfer from the Avalon Bay Education Mitigation Fund (\$250,000), a transfer of Estabrook PCB funds from the Department of Public Facilities which is not expected to be needed (\$100,000), new federal funds from the State Fiscal Stabilization Fund (SFSF) (\$37,654), and new federal funds from the Education Jobs Fund Program (\$548,918). The amount to be funded by the tax levy is \$72,216,969.

FY 2012 is essentially a level-service budget from FY 2011 with a small number of program improvements. The School Committee budget objectives included: maintaining current class size guidelines, funding special education legal requirements, and meeting all contractual obligations. Also, instructional expenses were adjusted for inflation only if legally required. Department budgets were equalized based on per pupil spending. The School Committee voted to request that the Superintendent develop the budget based on continuing the current level of service, meeting all legal mandates, ensuring professional staffing guidelines are met, maintaining capital assets, and identifying cost-effective alternatives.

Significant FY 2012 Budget Points:

1. Out-of-district special education increase of \$802,686
2. FY 2012 reductions in State and Federal Title Grants
3. Elimination of Federal ARRA (stimulus) funding
4. A decrease in general education transportation revenue
5. Staffing changes due to enrollment increases or legally required special education needs

Questions

Question #1: Have the \$548,918 and the \$37,654 from the federal jobs grant and SFSF federal grant been received? If not, when will we know if Lexington will be getting the funding?

Answer #1: The grant award was received in November 2010. Funding will be requested as required in FY12 according to the grant terms.

Question #2: If the legislature approves the Governor's proposed 60% special education circuit breaker reimbursement, what is the amount of the increased State aid we will receive?

Answer #2: Lexington will not receive any increase in State aid. If the proposed legislation is enacted, the anticipated State special education circuit breaker reimbursements rate will be increased from 40% to 60%, which would be an increase of approximately \$700,000. Some of these funds would not be used in FY12, in order to replace the Education Jobs Fund Program and SFSF funds for FY13.

Question #3: Does Lexington receive any direct Federal funding? If so, what are the amounts?

Answer #3: In FY11, Lexington received Federal grants for special education, Title I, Title II, and Title III in the following amounts:

- Special education: \$1,488,699
- Early childhood: \$40,136
- Title I: \$160,105
- Title II: \$107,178
- Title III: \$87,702

FY11 total Federal grants: \$1,883,820

Question #4: With respect to enrollment and the unexpected 200 student increase during FY11, is the methodology used to project enrollment being modified?

Answer #4: The primary factors used to forecast enrollments are based on birth numbers, preschool census numbers, current enrollment numbers, and historical migration patterns. A significant change in enrollment in any one year cannot be predicted using the current methodology. More research will be needed to determine the reasons for the additional students in FY11. The school department is currently working with the Town Clerk to compare census information with actual names of students who are enrolled. Once the study is completed, the Superintendent will report his findings to the School Committee.

Question #5: Since Lexington has been able to develop several in-house special education programs, why is the out-of-district cost increasing by \$664,686 over FY11 levels?

Answer #5: The in-house programs assist Lexington in keeping some students within the district instead of having to send them to expensive outside placements. The increase in out-of-district costs relate to changing placements, increases in State regulated tuition rates, and the number of students placed on the high risk list for going out of district for the upcoming school year.

Question #6: Under the Governor's proposed budget, what is the level of FY12 METCO funding compared with FY11 and what is the anticipated impact on Lexington?

Answer #6: At this time, FY12 METCO funding is expected to be level with FY11.

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. The FY 2012 budget of \$1,702,930 reflects a 10.7% increase over FY 2011. The recommended FY 2011 amount is based on an initial projection and may be adjusted prior to Town Meeting.

Question #7: What is the reason for the 10.7% increase?

Answer #7: Lexington's enrollment for FY12 is projected to increase by 10 students (from 73.5 to 83.5 students) - a 14% increase. Even though Lexington shows an increase, the per-pupil cost for Lexington has actually decreased by a small percentage. The enrollments from some other towns have decreased; therefore, the percentage of the operating budget that each town is assessed is "readjusted." Each year, the percentage is changed based on enrollment.

Programs 2000-8000, Municipal Budget and Shared Expenses

The information provided for this report is from the Town Manager's recommended budget dated January 10, 2011 and updated for any changes through February 25th. The proposed Municipal operating budget and shared expenses of \$74,020,709 for FY 2012 represents a 2.00% increase over the amount appropriated for FY 2011. Of this amount, the Municipal Operating Budget is \$28,296,207 which represents a 3.13% increase over FY 2011. Budgeted Shared Expenses are \$45,724,502, a 1.32% 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 in prior 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

Question #1: Are there adequate reserves for potential cost increases resulting from the ongoing collective bargaining negotiations in programs 3100, 4100, and 4200?

Answer #1: Program number 8230 is for salary adjustments and is for municipal employees only. Under this line item, \$469,070 has been reserved for any potential salary and benefit increases.

Question #2: Is the proposed addition of the half-time Administration Assistant – Benefits Management a clerical or analytical position and how will this change Lexington's benefits practices?

Answer #2: This is a hybrid Assistant Benefits Coordinator position where the person will handle both day-to-day operational functions and will be auditing to further focus on the Town's health insurance costs. Currently, Human Resources is staffed substantially below those of surrounding towns given the volume of work. The addition of the position will allow considerably more analysis and research.

Question #3: Line item 3600 (Water Enterprise) - Does Lexington spend money to pump water that Lexington sells to Bedford? What does the administrative fee that Lexington charges Bedford cover?

Answer #3: Lexington receives its water from the MWRA and there are no pumps within Lexington's water system. All pumping for Lexington's water system and the water that Lexington sells to Bedford is the responsibility of the MWRA. The monthly administrative fee that Lexington charges Bedford covers wear and tear on Lexington's distribution system as it relates to providing water to the Town of Bedford.

SHARED EXPENSE & MUNICIPAL BUDGET CHANGES - - FY2011 - FY2012					
(per Town Managers' Budget 2-28-11)		FY 2011	FY 2012	\$ UP/ (DOWN)	NOTES & HIGHLIGHTS
Program #	NAME	Appopr.(000)	Recomm'd(000)		
2100	Employee Benefits	\$ 30,172.9	\$ 30,934.4	\$ 761.5	2.52% overall increase
2110	Contributory Retirement	3,718.5	4,083.3	364.7	9.81% incr. based on FY12 assessment by Retirement Brd.
2120	Non-Contrib. Retirement	42.0	12.4	(29.6)	For retired employees who began employment prior to 1939
2130	Medicare	1,097.9	1,217.6	119.6	10.90% incr. based on FY10 actual & FY11 projected
2130	Health Insurance	23,117.2	23,247.9	130.7	0.57% incr., and includes add. 55 projected new subscribers
2130	Dental Insurance	794.4	781.6	(12.8)	1.61% decr. based on favorable claims & negot. FY12 rates
2130	Life Insurance	20.3	20.0	(0.3)	1.48% decrease based on projected enrollments
2140	Unemployment Benefits	198.6	310.0	111.4	56.09% incr. based on experience & Fed. Benefit extension
2150	Workers' Compensation	480.3	542.7	62.4	12.98% incr. - FY10 actual experience & building reserve
2160	Property & Liability Insur.	585.8	619.0	33.2	5.67% incr. based on projected market conditions
2170	Uninsured Losses	117.8	100.0	(17.8)	15.11% decr., 6/30/10 continuing balance of \$156,160
2200	Debt Service	4,669.2	5,002.1	332.9	7.13% overall increase
2210	Within-Levy Debt - Prin.	3,797.7	4,072.2	274.5	Incl. debt costs for designs for Estabrook, Bridge, Bowman
2220	Within -Levy Interest	726.6	710.3	(16.3)	Proposed projects funded by temp. borrowing at first
2230	Within-Levy Temp. Borr.	144.8	219.6	74.8	Short-term borrowing helps reduce debt costs
2300	Reserve Fund (2310)	950.0	550.0	(400.0)	Appopr.Comm. approves transfers from this fund
2400	Public Facilities	9,347.2	9,238.0	(109.3)	1.17 % overall decrease
2410	Education Facilities	6,963.9	6,790.0	(173.8)	Incl. \$241,600 decrease from PCB mitigation at Estabrook
2420	Municipal Facilities	1,541.2	1,573.5	32.3	Incl. incr. Of \$93,425 for distrib. cost of electricity and gas,
2430	Shared Facilities	842.2	874.4	32.3	fuel oil & sewer charges, contract cleaning incr. of \$81,520
TOT.2000	TOT. SHARED EXPENSES	\$ 45,139.3	\$ 45,724.5	\$ 694.5	1.54% increase over the prior year
3100	D.P.W.Oversight	\$ 1,489.6	\$ 1,373.1	\$ (116.6)	7.82% overall decrease
3110	DPW Administration	530.6	531.8	1.3	3100 overall: 0.6% comp. incr.(no collective bargaining
3120	Engineering	558.1	575.9	17.8	at date of printing), 23.89% incr. in expenses
3130	Street Lighting	401.0	265.4	(135.6)	Savings from street light conversion program
3200	Highway Administr.	2,771.2	2,945.9	174.7	6.30% overall increase
3210	Highway Maintenance	1,094.8	1,153.5	58.7	3200 overall: includes a 7.31% compensation increase and
3220	Road Machinery	689.0	700.9	12.0	a 5.7% increase in expenses
3230	Snow Removal	987.4	1,091.5	104.1	To more accurately reflected projected costs
3300	Public Grounds	1,455.0	1,491.0	36.0	2.48% overall increase
3310	Parks	922.1	947.3	25.2	\$15,000 for bikeway maintenance, \$16,000 turf maintenance
3320	Forestry	263.2	268.8	5.6	Other departmental expenses reflected in Article 7
3330	Cemetery	269.7	274.9	5.2	Other departmental expenses reflected in Article 7
3400	Environmental Services	2,143.5	2,189.8	46.4	2.16% overall decrease
3410	Refuse Collection	744.5	754.3	9.8	Due to increase in contract
3420	Recycling	805.0	816.7	11.8	Decr. due to FY2011 one-time security system at compost
3430	Refuse Disposal	594.0	618.8	24.8	Due to increase in contract
3500	Transportation	597.5	622.8	25.3	4.23% overall increase
3510	LEXPRESS	458.2	478.8	20.6	\$18,572 increase due Lexpress contractual services
3520	Parking Operations	139.3	144.0	4.7	Maintains the mix of long-term and short-term parking
3600	Water Enterprise	7,712.9	7,705.9	(7.0)	Expense is recognized under Article 5
3610	Water Operations	2,224.4	2,256.2	31.8	
3620	MWRA	4,745.1	4,745.1	0.0	
	Indirect Costs	743.4	704.6	(38.8)	Article 5 does not incl. Indirect expenses
3700	Sewer Enterprise	8,331.3	8,373.6	42.3	Expense is recognized under Article 5
3810	Sewer Operating	1,258.2	1,323.0	64.8	
3820	MWRA	6,404.4	6,404.4	0.0	
	Indirect Costs	668.7	646.2	(22.5)	Article 5 does not incl. Indirect expenses
TOT.3000	PUBLIC WORKS	\$ 8,456.8	\$ 8,622.6	\$ 165.8	1.96% incr. does not include Articles 5 and 7 expenses
4100	Law Enforcement	\$ 5,591.7	\$ 5,793.7	\$ 202.0	3.61% overall increase
4110	Police Administration	1,162.3	1,198.5	36.2	No collective bargain. Agreement as of 1/10/11
4120	Patrol & Enforcement	2,927.4	3,123.1	195.7	Incl.s \$69K incr. for a f/t day officer, \$38K for desk officer
4130	Parking Operations	78.3	78.3	0.0	Funding is through parking receipts, not tax levy
4140	Investigations	710.1	652.3	(57.8)	Level staffed from prior year
4150	Dispatch	551.1	574.2	23.1	Level staffed from prior year
4160	Animal Control	30.8	31.8	1.0	Level staffed from prior year
4170	Crossing Guards	131.8	135.6	3.8	No collective bargain. Agreement as of 1/10/11
4200	Fire Services	5,168.3	5,295.7	127.4	2.47% overall increase
4210	Fire Administration	260.2	403.8	143.6	Incl. \$107,757 for new Asst. Chief - Director of EMS
4220	Fire Prevention	185.5	189.2	3.7	Level service budget
4230	Fire Suppression	4,568.7	4,542.4	(26.3)	No collective bargain. Agreement as of 1/10/11
4240	Emergency Medical Serv.	131.9	131.5	(0.4)	Level service budget
4250	Emergency Management	22.0	28.8	6.8	Responsible for town-wide emergencies, FEMA, MEMA
	PUBLIC SAFETY	\$ 10,760.0	\$ 11,089.4	\$ 329.4	3.06% overall increase

Program #	NAME	FY 2011 Apppr.(000)	FY 2012 Recomm'd(000)	\$ UP/ (DOWN)	NOTES & HIGHLIGHTS
5100	Cary Memorial Libr.	\$ 2,011.7	\$ 2,012.2	\$ 0.6	0.03% overall increase
5110	General Services	416.6	418.4	1.8	Library administration staff
5120	Adult Library	1,228.9	1,232.0	3.1	Includes \$120k for Sunday hours approved 2007 override
5130	Children's Library	366.1	361.8	(4.3)	Level staffed from prior year
5200	Recreation	1,924.6	1,955.0	30.4	Expense is recognized under Article 5
5210	Recreation Activities	1,192.0	1,211.3	19.4	Incr. of \$13,569 for contractual services incl. vendors,
5220	Pine Meadows Golf Course	529.0	530.0	1.0	credit card fees and add. of vendor youth programs
	Indirect Costs	203.6	213.6	10.0	Article 5 does not incl. Indirect expenses
TOT.5000	CULTURE & RECR.	\$ 2,011.7	\$ 2,012.2	\$ 0.6	0.03% incr., Does not include Articles 5 expenses
6100	Human Services	\$ 185.1	\$ 189.3	\$ 4.2	2.25% overall increase
6110	Administration & Outreach	167.2	172.2	5.0	Level staffed
6120	Community Programs	17.9	17.1	(0.8)	Less grants and revolving funds
6130	Adult Day Care	0.0	0.0	0.0	Program ended in FY2009
6200	Human Services & Vets Adm	249.2	262.8	13.6	5.47% overall increase
6210	Human & Veterans Services	78.7	90.2	11.5	Provides living, medical and dental costs on long-term basis
6220	Services for Youth	74.8	70.6	(4.2)	Intervention, case mngmt. & coord. of services
6230	COA Support Services	80.6	87.0	6.4	In-home assessment, crisis intervention, health monitor prgm
6240	Developmentally Disabled	15.0	15.0	0.0	Level funded
TOT.6000	HUMAN SERVICES	\$ 434.3	\$ 452.1	\$ 17.8	4.10% overall increase
7100	Office of Community Devl.	\$ 1,063.5	\$ 1,113.4	\$ 49.9	4.69% overall increase
7110	Building & Zoning	480.5	493.1	12.6	Resp. for enforcing all State and local regulations
7120	Regulatory Support	194.5	220.0	25.5	Support for Board of Appeals, HDC & other boards & comms
7130	Conservation	172.9	174.1	1.2	Incl. decr. of \$10,300 - FY 2011 Idylwilde comm. garden
7140	Public Health	215.6	226.2	10.5	Total department expense reduced the \$10k in Revolving Fnd
7200	Planning Dept. (7210)	320.7	327.7	7.0	Decr. of \$48,000 for FY2011 Zoning Bylaw consultant
7300	Economic Development	112.5	155.6	43.1	38.30% overall decrease (not inc. Liberty Ride)
7310	Econ. Dev. Office	86.1	95.8	9.7	Incl. \$38K for parking study, \$15k for Center improvements
7320	Liberty Ride	174.4	198.8	24.5	Liberty Ride expenses now reflected in Article 7
7330	Battle Green Guides	26.4	59.8	33.4	Additional hours added to the program
TOT.7000	COM./ECON DEV., PLANNING	\$ 1,496.8	\$ 1,596.8	\$ 100.0	6.68% overall increase
8100	Board of Selectmen	\$ 579.2	\$ 624.1	\$ 44.9	7.75% overall increase
8110	Board of Selectmen	172.2	217.1	44.9	Incl. \$36k for Adams Art program, \$6k for 300th celebration
8120	Legal	400.0	400.0	0.0	To reserve against possible increased activity
8130	Town Report	7.0	7.0	0.0	Level funded budget
8140	LCTV	400.0	425.0	25.0	Expense is recognized under Article 7
8200	Town Manager	1,134.2	1,301.3	167.1	14.73% overall increase
8210	Administration	570.4	598.9	28.5	Incl. \$20k for office equipment incl. In renovation
8220	Human Resources	198.6	233.3	34.7	Incl. \$35,137 for p/t admin. support for benefit management
8230	Salary Adjustment	365.2	469.1	103.8	For anticipated collective bargaining settlements
8300	Town Committees	44.0	45.0	1.0	2.27% overall increase
8310	Finance Committees	7.5	7.5	0.0	Incl. time for recording secr. to the financial committees
8320	Misc. Boards & Comm.s	4.5	4.5	0.0	Provides funding for committee reports & youth awards
8330	Public Celebrations Comm.	32.0	33.0	1.0	Incl. \$1,000 to cover increased cost of Patriots' Day
8400	Finance	1,503.6	1,534.7	31.1	2.07% overall increase
8410	Comptroller	569.3	586.8	17.6	Level staffed from prior year
8420	Revenue	371.8	370.3	(1.4)	Level funded budget
8430	Assessor	494.4	509.3	14.9	Incl. \$7,300 to hire residential appraiser services
8440	Utility Billing	68.1	68.1	0.0	Level funded budget
8500	Town Clerk	417.4	402.1	(15.3)	3.66% overall decrease
8510	Town Clerk Admin.	255.2	260.5	5.2	Level staffed from prior year
8520	Board of Registrars	17.5	19.3	1.8	Level service budget
8530	Elections	105.5	82.3	(23.3)	Incl. decr. \$10,334 comp. & \$4,950 expense for elections
8540	Records Mngmnt	39.2	40.1	1.0	Level staffed from prior year
8600	MIS(8610)&Web Dev.(8620)	588.9	615.9	27.0	Incl. \$29,950 incr. for software maint., contracts and support
TOT.8000	GENERAL GOV'T.	\$ 4,267.3	\$ 4,523.1	\$ 255.8	5.99% overall increase
GRAND TOTAL: Programs 2000-8000		\$ 72,566.2	\$ 74,020.7	\$ 1,454.5	SHARED EXPENSES & MUNICIPAL BUDGET- 2.00 % incr.
GRAND TOTAL: Programs 3000-8000		\$ 27,426.9	\$ 28,296.2	\$ 869.3	MUNICIPAL OPERATING BUDGET - 3.17% increase

Article 5**Appropriate FY2012 Enterprise Fund 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 FY2012 from the operations of the related enterprise, by the tax levy, by transfer from available funds, including the relevant enterprise fund, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

Funds Requested:

Enterprise Fund	FY2010 Actual	FY2011 Appropriated	FY2012 Requested
a) Water			
Personal Services	\$626,926	\$651,680	\$641,423
Expenses	\$275,420	\$385,620	\$384,400
Debt Service	\$1,074,551	\$1,193,333	\$1,245,496
MWRA Assessment	\$4,482,551	\$4,745,093	\$4,745,093
Total Water Enterprise Fund	\$6,459,448	\$6,975,726	\$7,016,412
b) Wastewater			
Personal Services	\$253,315	\$278,868	\$275,369
Expenses	\$321,827	\$330,600	\$330,450
Debt Service	\$575,357	\$651,446	\$690,618
MWRA Assessment	\$6,245,946	\$6,405,531	\$6,405,531
Total Wastewater Enterprise Fund	\$7,396,445	\$7,666,445	\$7,701,968
c) Recreation			
Personal Services	\$587,623	\$634,492	\$643,143
Expenses	\$925,751	\$950,896	\$966,745
Debt Service	\$138,100	\$137,200	\$131,500
Total Recreation Enterprise Fund	\$1,651,474	\$1,722,588	\$1,741,388

Description: Under Massachusetts General Laws Chapter 44, Section 53F½, towns may establish Enterprise Funds for a utility, health care, recreation and transportation facility, with its operation to receive related revenue and receipts and pay expenses of such operation. This article provides for the appropriation to and expenditure from three enterprise funds previously established by the Town.

ENTERPRISE FUNDS

SUMMARY: Lexington has established individual Enterprise Funds for our water, sewer and recreation operations. These funds receive revenue from water and sewer bills and from recreation fees and pay expenses for those departments.

Overview (as of 02/26/11)

Under Article 5, Town Meeting approves the appropriations and expenditures for the Water, Wastewater, and Recreation Enterprise Funds. FY12 represents the sixth 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.

Changes to the Water and Wastewater Enterprise funds budgets from FY11 reflect estimated increases for the MWRA assessments. Debt service includes actual debt service on bonds issued to date, estimated debt service on projects authorized by Town Meeting for which debt has yet to be issued, and estimated debt service on projects proposed for consideration at the 2011 Annual Town Meeting. In FY11, retained earnings (the enterprise fund equivalent of free cash) were appropriated to support the water and wastewater operating budgets in the amount of \$450,000 and \$400,000 respectively. A determination has yet to be made regarding recommended use of retained earnings to support the FY2012 budgets. While the level of the retained earnings have been drawn down from prior levels, proposed levels are adequate to serve as a cushion for cash flow reasons (to keep the enterprise funds independent from other Town funding sources), to finance unanticipated revenue shortfalls and for emergency expenditures. The FY12 MWRA assessments reflected in the recommended budgets are based on preliminary assessments issued by the MWRA in February 2011. Final assessments will be voted by the MWRA Board of Directors in June, 2011. Generally, there is little variance between the preliminary and final assessments. The budget adopted at the annual town meeting plus indirect costs – those costs borne by the general fund operating budget that support the operations of the water and wastewater divisions – will serve as the basis for rate recommendations to be made to the Board of Selectmen in September, 2011 for FY12.

The FY12 Recreation Enterprise Fund appropriation represents a 1.1% increase over that requested for FY11.

The majority of the Recreation Enterprise Fund 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. The \$100,000 payment was previously an off-budget expense of the Recreation Enterprise Fund. 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

Question #1: What is an Enterprise Fund?

Answer #1: 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.

Question #2: How have the levels of the Water and Wastewater Enterprise Funds retained earnings been drawn down and what are the current numbers?

Answer #2: See the table below for the retained earnings balances for the past 5 fiscal years:

Enterprise Fund	Certified as of 06/30/06	Certified as of 06/30/07	Certified as of 06/30/08	Certified as of 06/30/09	Certified as of 06/30/10
Water	\$2,090,334	\$2,496,655	\$2,537,249	\$2,113,729	\$1,622,052
Wastewater	\$447,441	\$2,137,540	\$2,763,179	\$1,831,967	\$1,525,612

Question #3: For some years the Town has undertaken a program to measure leakage from older pipes and to replace them. What is our current leakage rate and where are we in the mitigation program?

Answer #3: The DPW is nearing the end of the 20 year unlined water main replacement program. The DPW plans to continue with a water main replacement program - replacing older mains in the system as well as water mains that have had a history of failure.

Question #4: Is it possible to reduce our water consumption by, for example, adding water conservation language to the building code (similar to the stretch energy code from 2010)?

Answer #4: It would probably be possible to add language to the building code that would require new developments to have water saving fixtures installed.

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.

(Inserted by the Board of Selectmen)

Funds Requested: \$45,000

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

SENIOR TAX WORK-OFF PROGRAM

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

FUNDS REQUESTED: \$45,000

Overview (as of 02/26/11)

A vote of the 2006 Town Meeting rescinded the Town's acceptance of a State local option property tax law that allows low-income seniors to work for the Town in exchange for a property tax credit. Town Meeting replaced the State program with a Town program. This program, the Senior Tax Work Program, enables both low income seniors and disabled residents to work for the municipality in exchange for a reduction in their real estate tax bills.

To be eligible to participate in the Town's program, the guidelines state that a participant must be 60 years of age or over, own property in Lexington which serves as their principal residence and whose gross income (including Social Security income) does not exceed \$46,300 for a single 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 per year to receive a maximum credit of \$935. A two-person household eligible to participate in the program may work no more than 140 hours per year and may receive a maximum credit amount of \$1,190.

This article requests funds to continue the program. At the time of this printing, Town staff are evaluating if more funding is needed.

Questions

Question #1: Is any consideration being given to either raising the hourly rate or raising the income thresholds required to participate in the program?

Answer #1: The Tax Deferral Committee is reviewing the income thresholds and is expected to make a recommendation to the Board of Selectmen.

Question #2: While in prior years the average number of people participating in the program has been 33, how many people are currently participating?

Answer #2: 29 people are currently participating.

Further Information:

Director of Social Services: Charlotte Rogers, 781-861-0194

Article 7 Establish and Continue Departmental Revolving Funds

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the Massachusetts General Laws, to re-authorize the use of existing revolving fund accounts in FY2012 and to establish new revolving fund accounts 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 FY2012 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:

<i>Program or Purpose</i>	<i>Authorized Representative or Board to Spend</i>	<i>Departmental Receipts</i>	<i>FY2012 Authorization</i>
<i>Building Rental Revolving Fund</i>	<i>Public Facilities Director</i>	<i>Building Rental Fees</i>	<i>\$325,000</i>
<i>DPW Burial Containers</i>	<i>Public Works Director</i>	<i>Sale of Grave Boxes and Burial Vaults</i>	<i>\$35,000</i>
<i>DPW Compost Operations</i>	<i>Public Works Director</i>	<i>Sale of Compost and Loam, Yard Waste Permits</i>	<i>\$499,000</i>
<i>PEG Access</i>	<i>Board of Selectmen and Town Manager</i>	<i>License Fees from Cable TV Providers</i>	<i>\$430,000</i>
<i>Trees</i>	<i>Board of Selectmen</i>	<i>Gifts and Fees</i>	<i>\$20,000</i>
<i>Minuteman Household Hazardous Waste Program</i>	<i>Public Works Director</i>	<i>Fees Paid by Consortium Towns</i>	<i>\$175,000</i>
<i>Health Programs</i>	<i>Health Director</i>	<i>Medicare Reimbursements</i>	<i>\$10,000</i>
<i>Council on Aging Programs</i>	<i>Human Services Director</i>	<i>Program Fees and Gifts</i>	<i>\$100,000</i>

<i>Tourism/Liberty Ride</i>	<i>Town Manager and Tourism Committee</i>	<i>Liberty Ride Receipts, including ticket sales, advertising revenue and charter sales</i>	<i>\$174,375</i>
<i>School Bus Transportation</i>	<i>School Committee</i>	<i>School Bus Fees</i>	<i>\$830,000</i>
<i>Regional Cache – Hartwell Avenue</i>	<i>Public Works Director</i>	<i>User Fees from Participating Municipalities</i>	<i>\$20,000</i>

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 (as of 02/26/11)

The authorizations for each program or purpose represent expenditure ceilings for FY 2012. Departmental expenses shown in the operating budget under Article 4 have been reduced by the amount of the projected receipts for each program. A continuing balance in a revolving fund may be carried over to the next fiscal year. With expenditure ceilings based on revenue projections, if actual expenses exceed actual revenue received, the Board of Selectmen, with approval by the Appropriation Committee, has the authority to increase a program's spending ceiling within expected receipts.

The DPW Compost Operations authorization for FY 2012 has increased from FY 2011 based on two non-recurring costs. \$65,000 is needed for the design and permitting of culvert replacement under the access road from Hartwell Avenue, and \$52,000 is needed to undertake a study to assess the feasibility of implementing a "green waste" anaerobic digestion system which would convert green waste (food stuffs and vegetative material) into energy and compost.

For FY 2012, a new program has been added to the Revolving Fund list, "Regional Cache – Hartwell Avenue". The Town has agreed to be the repository for equipment used by multiple area communities in the event of an emergency. The area communities will pay fees to Lexington for providing the storage space at the Compost Facility.

Questions

Question #1: The Building Rental Revolving Fund has increased from \$275,000 in FY11 to \$325,000 for FY12. What is the reason for the increase?

Answer #1: There are two reasons for the increased authorization. Rentals at the High School have increased, requiring additional custodial time, and an Event Manager has been hired to manage the rental of Cary Hall, both of which are paid from the Revolving Fund.

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 FY2012 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 FY2012; 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 thereto.

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

Funds Requested:

- a) Archives and Records Management/Conservation - \$150,000;
- b) East Lexington Fire Equipment Doors Replacement - \$60,000;
- c) Leary Property Planning Funds - \$30,000;
- d) LexHAB – Set Aside for Housing Acquisition - \$450,000;
- e) Battle Green Monument Restoration - \$50,000;
- f) Battle Green Master Plan Implementation - \$50,000;
- g) Center Playfields Drainage – Phase II – \$911,863;
- h) Muzzey High Condo Association – Window Replacement - \$273,915;
- i) Vynebrooke Village Drainage Improvements - \$364,800;
- j) Busa Farm Debt Service - \$974,600;
- k) Cotton Farm Debt Service - \$1,300,604; and
- l) 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.*

CPA

SUMMARY: This article presents projects to Town Meeting that have been qualified by the Community Preservation Committee to be paid for by Community Preservation Funds. Town Meeting may accept, reject or reduce the funding for each individual program. Town Meeting does not have the ability to change any part of a CPC proposal through amendments.

Overview (as of 02/23/11)

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.

Further Information:

Lexington's Community Preservation Committee:

<http://www.lexingtonma.gov/committees/cpc.cfm>.

State Legislature web site for the Community Preservation statute:

<http://www.malegislature.gov/Laws/GeneralLaws/Chapter44B>

Per-Project Information (a) – (l)

a) Archives and Records Management / Conservation (Historic Resources) - \$150,000.

SUMMARY: CPA funding is requested for Year 4 of a 5-year project for conservation and preservation of historic municipal documents and records.

OVERVIEW: This work will prevent important records from being damaged or lost while assuring accessibility for the present and the future. Work to be completed this year includes important items from the Assessor and Town Clerk's collections that will be treated, microfilmed and digitized. All contractual services, small equipment and archival materials are included.

Questions

Question #1: Are the historic municipal documents and records available to the public?

Answer #1: The information is available to the public, but the actual document may not be – depending upon its condition, frailty, etc. Depending upon the materials, accessibility may be by appointment, under the supervision of a staff person. One of the important results of the CPA Records Conservation / Preservation project is that in addition to the conservation / preservation of the original volumes / documents, the materials will be fully accessible both in microfilm and digital format.

Question #2: What is the status of the previous expenditures for archives / records management (for years 1-3 of this project)?

Answer #2: The digitization of the previously filmed and treated materials is nearing completion. Once digital images are completed and server capabilities are enhanced, these digital images will be made available via the Internet, making the information / materials fully accessible without having to visit the Town Offices. Much of the attention in 2010 and 2011

has been with records of the Assessors and digitization of all Town Reports (late 1800s to current). In addition, 2011 will include records of the Historic Districts Commission. Additional treatment of individual manuscript “old papers” currently held within the archives will be conducted through 2011-2012.

b) East Lexington Fire Equipment Doors Replacement (Historic Resources) - \$60,000.

SUMMARY: This project will enlarge the equipment bay doors at the East Lexington Fire station.

OVERVIEW: Currently there is a close tolerance between the fire engines and the door openings. There has already been slight damage. Redesign of the door openings would prevent further damage and assure there is no interference in response time.

The design process will assure that the door openings maintain the historic character of the building and assure approval by the HDC.

c) Leary Property Planning Funds (Community Housing) - \$30,000.

SUMMARY: The Ad Hoc Leary Property Community Housing Task Force is proposing to design and develop a definitive proposal for affordable community housing on the site.

OVERVIEW: In FY2010, CPA funds were provided for a feasibility study. The next steps are to complete a survey of the site, including topography, wetlands delineation, and soil analysis, which are necessary regardless who is chosen to be the final developer of housing on the site.

The Task Force will be submitting a future application for CPA funds for the overall development of the site.

d) LexHAB - Set Aside for Housing Acquisition (Community Housing) - \$450,000.

SUMMARY: This request would set aside funds for purchases of housing units by the Lexington Housing Assistance Board (LexHAB).

OVERVIEW: LexHAB currently owns 63 units of affordable housing in Lexington that house 170 residents. 80% of the residents had previous Lexington connections.

The current mechanism for LexHAB’s obtaining funding from CPA funds is flawed and unworkable. The current mechanism requires that LexHAB identify specific properties and then apply to CPC for funding. The difficulties that result from this unworkable sequence include:

- Added expenses due to mortgage fees and real estate closing costs as well as the loss of rental income during delays.
- The CPC is denied any real choice in whether a particular property should be acquired as the purchase is already completed at the time of application for funding.

The proposed set aside of funding is already done by several other Massachusetts towns.

Questions

Question #1: Will Town Meeting vote on specific properties before the funds are committed?

Answer #1: No. Town Meeting will not vote on sites that LexHAB may select, but the Board of Selectmen will vote. Note that representatives from both the CPC and the Capital Expenditures Committee will be in attendance at the Selectmen's meetings on this subject.

Question #2: How would LexHAB decide what properties to buy and how much to pay for them if this section of the article passes?

Answer #2: LexHAB would make the initial determination (as it has done under past practice) of what property to offer to buy and at what price; LexHAB would make an offer conditional upon Board of Selectmen approval within 30 days. If the Selectmen approve, LexHAB would enter into a standard Purchase and Sale Agreement for purchase of the property at the end of 60 days conditional only upon DHCD approval of the basic restrictions and lease.

e) Battle Green Monument Restoration (Historic Resources) - \$50,000.

SUMMARY: This project would restore and repair monuments on the Battle Green (a.k.a. Lexington Common).

OVERVIEW: Work will include the Revolutionary War Monument (Obelisk), Captain Parker Statue (Minute Man Statue), Minute Men Memorial, and the Flagpole, as well as other monuments in Lexington. A conservator will be hired to oversee and assist with the necessary work to insure structural integrity and proper finishes. These monuments are of great importance to U.S. and Lexington history. The work will be done in preparation for Lexington's 300th year celebration in 2013.

f) Battle Green Master Plan Implementation (Historic Resources) - \$50,000.

SUMMARY: This would provide funds for coordinated stewardship of an important Lexington resource. The Battle Green (a.k.a. Lexington Common) is an important public space for Lexington residents and its historical significance makes it a premiere tourist attraction for the thousands of visitors who come to Lexington every year.

OVERVIEW: Funding the Master Plan Implementation would fund the identification of specific initial improvements to be made to the Battle Green including lighting, interpretation, path surfaces, and plantings as a part of a Master Plan.

A Master Plan draft has been prepared by a consultant and awaits approval of the Selectmen. If a Plan is approved this would be the first phase of a multi-phase project. An effort will be made to secure funding for future phases from a variety of sources that might possibly include a future request for CPA funds.

Questions

Question #1: How much are the future phases of the Battle Green Master Plan Implementation projected to cost?

Answer #1: The detailed budget can be found on page 80 of the draft plan at this link: <http://www.lexingtonma.gov/committees/BattleGreendraftmasterplanrev2-7-11.pdf>

The approximate numbers are: year 1 - \$100K; year 2 - \$370K; year 3 - \$1.1M.

These numbers are subject to revision as details are finalized. Also, it is anticipated that some portion of this project will be funded through non-taxpayer dollars.

Question #2: Is Lexington applying for Federal funds for the Battle Green Master Plan Implementation project?

Answer #2: Yes. Once the plan is approved, the proponents anticipate seeking outside funding from Federal, State, and private grants. As a National Historic Landmark, there are many funding sources that will fund only projects of that stature. There are approximately 2,000 National Historic Landmarks in the country.

g) Center Playfield Draining Phase II (Recreation) - \$911,863.

SUMMARY: This request is the second of three phases to install long-term drainage solutions to alleviate the standing water and wet field conditions at the Center Playfield complex that presently exist on the complex in order to preserve this valuable Town Recreation area and to protect the fields from degradation.

OVERVIEW: The Center Playfields Complex is the most heavily used recreation complex in Town. The schools, adult and youth leagues and the general public use the complex. The entire area (approximately 23 acres) has been seriously impacted by poor drainage conditions for years.

FY2012 funding is requested to implement Phase II of the work. This year's work will include drainage improvements to the football field and JV baseball field. New drain systems and grading will move the water off the fields and into a collection system. This will stop flooding and standing water. The fields will dry quickly and playability will improve.

Questions

Question #1: What is the status of Phase I of the Center Playfield complex project?

Answer #1: Phase 1 of the Center Playfield Drainage Project is currently out to bid and closes March 10th. If all goes well, construction is anticipated to begin in August of 2011.

h) Muzzey High Condo Assoc. - Window Replacement (Historic Resources) - \$273,915.

SUMMARY: This article seeks funds to fill the gap between the cost of replacement windows mandated by the Historic Districts Commission (HDC) and the average cost of other possible window replacements.

OVERVIEW: The Historic Muzzey High Building is in the Lexington Munroe Tavern Historic District. The Muzzey High Condominium Association consists of 71 condominium units and the Lexington Senior Center. The association is managed by the unit owners, which include the Lexington Housing Assistance Board (LexHAB), which owns 12 units, and the Town of Lexington (Lexington Senior Center).

In 2007, the Condominium Association received CPA funds for building envelope and systems analysis. The study determined that deterioration of the windows cause a considerable risk to the long-term stability of the structure. Research was done to determine what replacement windows would meet all of the necessary safety, energy conservation, and long term stability requirements. The HDC approved one available choice as historically appropriate.

This article asks for funding to pay the difference between the HDC's window choice (67% more expensive) and the average cost of the other possible solutions.

i) Vynebrooke Village Drainage Improvements (Community Housing) - \$364,800.

SUMMARY: This project would stop water infiltration at Vynebrooke Village.

OVERVIEW: Vynebrooke Village is a 48-unit State funded public housing complex. The Lexington Housing Authority (LHA) administers this low-income complex for residents whose income is substantially below the area median.

Last year, Town Meeting approved a study to determine the most effective way to direct surface drainage away from the units. There is frequently standing water around the perimeter and infiltration into the building's crawl spaces. These unsafe conditions have been getting progressively worse. The design study has been completed.

This year's project will implement the remediation suggested by the study. The project components include:

- Construction of a drainage system
- Blocking vents that allow water infiltration
- Installation of dehumidification systems in each building

If approved, the LHA will enlist the assistance of the Lexington Conservation Department to insure that all work follows the guidelines of the Massachusetts Wetland Protection Act and Lexington's Wetland By-Law.

Questions

Question #1: Have State funds been applied for since Vynebrooke Village is a State-funded public housing complex?

Answer #1: Yes. Steve Keene of the Lexington Housing Authority (LHA) has advised the CPC that LHA has applied repeatedly for state funds to make the necessary capital expenditures at Vynebrooke Village and Greeley Village. The LHA has been told that there is no money available in the foreseeable future. Even though the State is supposed to be the source of funds for these properties, the CPC is recommending this expenditure and has recommended similar ones in previous years, because the CPC is afraid that without this support, the Town will lose some of its existing affordable housing inventory.

j) Busa Farm Debt Service (Open Space) - \$974,600.

SUMMARY: This amount represents FY2012 principal and interest payments on a \$4,197,000 bond issued in February 2010 for a three-year term at an interest rate of 1.49%. Debt service will decline to \$930,300 in FY2013.

k) Cotton Farm Debt Service (Open Space) - \$1,300,604.

SUMMARY: This amount represents the second of three payments for the acquisition of Cotton Farm.

OVERVIEW: In the fall of 2010, an initial payment of \$1.5 million was made on the total acquisition cost of \$3.8 million. The next payment, anticipated at \$1.3 million, was discounted by the seller to \$1,297,400 to offset financing costs to be borne by the Town that were not originally contemplated. On February 16, 2011, the Town took competitive bids for a note in the amount of \$1,297,400. The interest on the note is 0.70%. That note, plus the amount of interest that will accrue on it, will sum to \$1,300,604. The note will come due on July 1, 2011.

The amount of \$1,300,604 in CPA funds is being requested to retire the note in full when it comes due. Notwithstanding the request that Town Meeting appropriate this amount for debt service, it is anticipated that a \$500,000 grant from the State to underwrite the purchase of the property will be applied to retire the note. If the State grant is received before July 1, 2011, \$500,000 of the requested appropriation of CPA funds would not be needed, in which case the unused balance of the appropriation would be returned to the CPA fund.

The final payment of \$1 million for acquisition of the property will be made in August 2012. The 2012 Annual Town Meeting will be asked to appropriate these funds for this purpose.

l) Administrative Budget (Administration) - \$150,000.

SUMMARY: This budget covers the cost of 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 in a given year are returned to the Community Preservation Fund.

Article 9**Appropriate for Recreation Capital Project**

To see if the Town will vote to appropriate a sum of money for the following Recreation Department capital improvement: 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 the Board of Selectmen at the request of the Recreation Committee)

Funds Requested: \$165,000

Description: For a description of the proposed project see section XI: Capital Investment section of the FY2012 Town Manager's Recommended Budget and Financing Plan dated January 10, 2011 and found at <http://www.lexingtonma.gov/Capital.pdf>.

TOWN POOL

SUMMARY: This request is for phase II of a three phase renovation program for the Town Pool.

FUNDS REQUESTED: \$165,000

Overview (as of 02/19/11)

This request is for phase II of a three phase renovation program for the Town Pool. Phase I, approved at the 2010 Annual Town Meeting, included the replacement of the hot water system and the ventilation and exhaust system at the Town Pool. Phase II will cover interior repairs to the complex, sealing of interior walls, replacement of toilets, showers and sinks in the men's and women's locker rooms with water conserving systems. Phase III, projected for FY16 and estimated at \$1,100,000, will replace the pool's filtration system, which is reaching its life expectancy.

Article 10 Appropriate for Municipal Capital Projects and Equipment

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

- a) Dam Repair;
- b) DPW Equipment;
- c) Storm Drainage Improvements;
- d) Sidewalk Improvements and Easements;
- e) Replacement of Ambulance;
- f) MIS Technology Improvement Program;
- g) Townwide Electronic Document Management System;
- h) Hydrant Replacement Project;
- i) South Lexington Transportation Master Plan;
- j) Street Improvements and Easements;
- k) Westview Cemetery Irrigation – Phase III;
- l) Comprehensive Watershed Stormwater Management;
- m) Townwide Signalization Improvements;
- n) Waltham Street Pedestrian Safety Improvements;
- o) Park Improvements – Athletic Fields; and
- p) Firefighter Protection Turnout Gear.

and authorize the Selectmen to take by eminent domain, purchase or otherwise acquire any fee, easement or other interests in land necessary therefor; 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: \$3,551,468

Description: For a description of the proposed projects see section XI: Capital Investment section of the FY2012 Town Manager's Recommended Budget and Financing Plan dated January 10, 2011 and found at <http://www.lexingtonma.gov/Capital.pdf>.

MUNICIPAL CAPITAL PROJECTS

SUMMARY: This article is the Town's yearly request for municipal capital projects.

FUNDS REQUESTED: \$3,551,468

Per-Project Information (a) – (p)

a) Dam Repair - \$270,000. The Butterfield Dam is located off Lowell Street near the intersection with Adams Street. Last year's floods exacerbated and brought to light some deficiencies of the inlet and outlet control structures. Rather than use last year's \$10,000 appropriation to inspect the dam and develop a plan for repairs, this request is for design and construction funding so that these deficiencies can be addressed in this year's construction season. The dam will be inspected when repairs are completed. The Town has a responsibility to maintain the structural integrity of this dam.

b) DPW Equipment Replacement - \$485,100, of which \$365,000 is to be financed from general fund debt and \$120,100 from water fund debt. This is an annual request to replace equipment that is beyond its useful life. This year's requests are for:

- i. A 6-wheel dump truck with plow, to be funded from water fund debt and used for water department operations;
- ii. A tractor with snow blower and mower;
- iii. A slice seeder, used to overseed large turf areas such as playing fields and park areas.
- iv. An aerator;
- v. A mower with collection system;
- vi. A utility cart with attachments; and
- vii. A street sweeper.

c) Storm Drainage Improvements - \$500,000. Pre-emptive repair of drainage structures will reduce damage to the structures, to existing pavement, and to public and private property. The requests are for:

- i. \$290,000 for drain work as part of the reconstruction of Shade Street.
- ii. \$160,000 for other drain work throughout Town. This will be on Walnut Street and on other streets in this year's paving program.
- iii. \$50,000 for detecting and eliminating illicit discharge sources and monitoring outfalls to comply with the new Massachusetts DEP Phase II Stormwater regulations.

d) Sidewalk Improvements and Easements - \$200,000. This is an annual request to rebuild and / or repave existing asphalt sidewalks that are deteriorated and to construct new sidewalks with bituminous and granite or asphalt curbing. Sidewalk improvements support and enhance pedestrian safety and the Safe Routes to School program. Sidewalks will be chosen based on data collected from the roadway condition survey, proximity to schools, and proximity to newly-constructed roadways.

e) Replacement of Ambulance - \$240,000. This proposal will replace the third and oldest of the Fire Department's ambulances. This vehicle, which serves as backup for the two primary ambulances, is a 2002 model and will have over 120,000 miles by the time it is replaced. One of the current primaries will then become the backup vehicle.

f) MIS Technology Improvement Program - \$165,000. This request is for the first of two phases to implement Town Hall Server Room Improvements identified by the Town's Management Information Systems (MIS) department last year. Purchase of Storage Area Network (SAN) and blade server technology will allow for technical consolidation, improved space efficiency, and energy savings. (A SAN is a network of storage devices that can be accessed by multiple computers; a blade server is a physical server that is designed to utilize the storage of a SAN.) The next phase is expected to continue with additional virtualization for additional energy and support savings. Virtualization refers to creating a computer or server that exists on another computer. Within one large server and memory, multiple virtual computers can be created.

Questions

Question #1: What is a blade server (in some detail)?

Answer #1: A blade server is a thin box containing a complete server computer. Blade servers save space in computer rooms and are easier to replace than a standard server computer because of fewer cables to unplug and plug back in. A blade server is a physical server that is designed to utilize the storage of a SAN.

Question #2: What is a Storage Area Network (SAN) (in some detail)?

Answer #2: A Storage Area Network is a dedicated storage network which provides access to consolidated, block level storage. SANs primarily are used to make storage devices (such as [disk arrays](#), [tape libraries](#), and [optical jukeboxes](#)) accessible to [servers](#) so that the devices appear as [locally attached](#) to the [operating system](#). A SAN typically has its own network of storage devices that are generally not accessible through the regular network by regular devices.

g) Townwide Electronic Document Management System - \$410,000. This request is for both municipal and school departments. The Laserfiche Document Management System was purchased about 3 years ago and implemented as a municipal records repository. Municipal departments, jointly with the School Department, wish to expand the capability and capacity of the system to include additional documents and expand archival storage. The request includes upgrading to the Enterprise version of Laserfiche, purchase of additional modules for increased functionality, replacement of the server, and scanning of documents to populate the school database. Replacement of the server is required to support the Laserfiche Enterprise version, and for increased memory, processing power and storage capacity.

h) Hydrant Replacement Project - \$50,000, \$25,000 from water retained earnings and \$25,000 from free cash. There are 1500 hydrants in Lexington's fire protection system. This is the fifth request in a phased project to replace older hydrants with new and more efficient ones that meet National Fire Protection Association (NFPA) requirements. The new hydrants will increase fire-fighting capacity and will also be cheaper to replace if damaged. \$50,000 will fund approximately 25 new hydrants.

i) South Lexington Transportation Master Plan - \$135,000. The two parts of this request are to develop both a town-wide Transportation Plan and a Transportation Plan for South Lexington. Having a policy will assist with capital planning and future budgeting. The process to develop a Town Wide Transportation Policy will include Town safety personnel, land use departments and other boards and committees. The policy discussions will focus on methods to improve the transportation network in a clear, consistent and cost effective manner. The issues discussed will include roadway and sidewalk standards, bike lanes, pedestrians, cyclists, vehicles and transit. The completed study will be a helpful guide to develop improved safety and alternative transportation for South Lexington.

j) Street Improvements and Easements - \$200,000. A petition has been received from the abutters on Frances Road to bring their street up to Town Standards as an accepted street. The roadway will be repaired and drainage will be installed. This work will directly benefit the

abutters and betterment charges will be assessed to cover the costs incurred. Frances Road will be brought to Town standards and will be part of the Town network for future maintenance.

k) Westview Cemetery Irrigation - Phase III - \$35,000. Work funded will complete the in-ground irrigation system for Westview Cemetery. There are two remaining sections that need in-ground irrigation. The in-ground irrigation will improve and maintain the turf, which will insure the vigor and recovery of deteriorating turf. In turn, the properly maintained turf will require lower maintenance costs.

l) Comprehensive Watershed Stormwater Management - \$50,000. This request will provide funding to begin design work on some of the priorities found in the Charles River Watershed study. DPW, Engineering and Conservation have been collaborating to address drainage and management issues related to the 18 brooks in Lexington. Sediment buildup in brooks and wetlands has reduced the volume of water that can be handled by the drainage system in Lexington. In some cases the drain system outlets to the brooks have been completely filled with sediment. This situation needs to be addressed because the risk of flooding due to poor drainage is increasing. Flooding has the potential for damage to both private property and town infrastructure. At the end of Phase III, all 18 brooks in Lexington in the three watersheds (Charles River, Mystic River and Shawsheen River) will have been studied. Future funding will be requested to implement design and construction of needed improvements and for the Mystic River Watershed study which has not yet been funded.

m) Town-wide Signalization Improvements - \$42,000. This project is part of an annual program to upgrade signalization throughout the Town. A Traffic Intersection Signal Study (funded with Traffic Mitigation Funds) is being completed under the direction of Town Engineering Staff. Signalized intersections were studied to determine Americans with Disabilities Act (ADA) compliance, condition assessment, signal timing, delays, priority of need, and energy efficiency. The FY2012 request will update pedestrian signals at the intersection of Bedford / Hill / Revere Streets.

n) Waltham Street Pedestrian Safety Improvements - \$66,000. This request would fund the installation of a high visibility pedestrian crossing on Waltham Street in the vicinity of Brookhaven. This portion of Waltham Street experiences heavy traffic. Pedestrians from nearby housing developments including the Brookhaven Life Care community frequently cross Waltham Street to access a variety of stores, restaurants and banks on both sides of the street. After a study of pedestrian issues, the Traffic Safety Advisory Committee has recommended installation of a high visibility pedestrian crossing to make the street safer for pedestrians.

o) Park Improvements - Athletic Fields - \$50,000. The annual program for athletic field improvement will target the Franklin ball field area. Lexington's athletic fields are used by a broad cross-section of the population for a variety of recreational uses. The Franklin ball field has not been renovated for over 20 years. Work will include infield and outfield grading and turf replacement. Drainage will be improved and irrigation will be installed where appropriate. The backstop and player benches will be replaced to correct safety issues.

p) Firefighter Protection Turnout Gear - \$88,000. This request would replace turnout gear that has been deemed deficient and insure maintenance of the gear going forward. Turnout gear is the system of outer protective clothing worn by firefighters. Turnout gear protects our

firefighters against burns, exhaustion, and exposure to toxic fumes. The gear was last upgraded in 1997 and has since been replaced when necessary. When several sets were returned as not certifiable this year, an audit of all gear was made. Forty sets of gear were found to be deficient. Deficiencies included bad vapor barriers, damaged internal thermal barriers, and ultraviolet-damaged outer shells.

Article 11**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: \$1,300,000

Description: For a description of the proposed project see section XI: Capital Investment section of the FY2012 Town Manager's Recommended Budget and Financing Plan dated January 10, 2011 and found at <http://www.lexingtonma.gov/Capital.pdf>.

SEWER CAPITAL PROJECTS

SUMMARY: This is an annual request for rehabilitation of sanitary sewer infrastructure.

FUNDS REQUESTED: \$1,300,000

Overview (as of 02/19/11)

FY 2012 requests will fund improvements with a focus in the Saddle Club Road and Parker Street areas. Work in additional "sewer sheds" may also be performed. \$1.2 million is for sewer system improvements and \$100,000 is for pump station improvements.

Leaks and overflows from sewers can directly affect community health through transmission of waterborne diseases. Work will include replacement or repair of deteriorated sewers and manholes in easements focusing on the removal of inflow and infiltration (I & I).

Questions

Question #1: Does the town coordinate water and sewer repairs with paving and other street-opening activities by NSTAR, KeySpan / National Grid, etc.?

Answer #1: Yes. The Town shares information about streets to be paved with the utility companies as well as internally, and work is scheduled so that paving comes last. Obviously there are occasional emergency situations (such as gas main breaks) that cause exceptions, but coordination is the rule.

Article 12 **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: \$951,000

Description: For a description of the proposed project see section XI: Capital Investment section of the FY2012 Town Manager's Recommended Budget and Financing Plan dated January 10, 2011 and found at <http://www.lexingtonma.gov/Capital.pdf>.

SCHOOL CAPITAL PROJECTS

SUMMARY: This article requests funding for various capital investments in the schools, including technology (mostly desktop and laptop computer purchases), food service equipment and classroom furniture. Of the total request, \$235,000 will come from free cash and \$716,000 will be funded with general fund debt.

FUNDS REQUESTED: \$951,000

Overview (as of 02/28/11)

Each year, the schools request funds for basic capital expenditures deemed necessary for safety as well as academic and administrative purposes. This article requests FY 2012 funds for the following school projects:

- a) **School Technology \$737,000** (\$502,000 from general fund debt and \$235,000 from free cash). FY 2012 funds would replace aging computers and peripherals, add wireless networks and workstations, and maintain / update existing networking equipment.
- b) **LHS Food Service Equipment \$64,000.** This will replace ovens, a mixer and a steamer in the LHS kitchen. The ovens must be replaced for safety reasons. The mixer is past its useful life, and the steamer does not work and would be more expensive to fix than to replace.
- c) **Furniture Replacement \$150,000.** This is a routine annual request to replace tables, desks, chairs, cabinets, playground and fitness equipment, etc. that have either become unsafe or have reached the ends of their useful lives.

Description

- a) **School Technology \$737,000.** This article supports LPS' strategic goal of "enhancing the capacity to utilize technology as an instructional and administrative tool." The specific purchases envisioned are as follows:
 - i. \$410,000 to replace approximately 450 desktop and laptop computers over 6 years old
 - ii. \$70,000 to purchase approximately 77 student workstations at the High School and Middle Schools
 - iii. \$24,000 to replace printers and other peripheral equipment

- iv. \$51,000 to maintain and updated network equipment and servers in the elementary schools
- v. \$147,000 to install new wireless networks with up to 50 access points in Diamond and Clarke
- vi. \$35,000 for classroom computer projectors and document readers

The schools' technology program is designed to meet basic needs at a low cost. Teachers and students also make use of technology to enhance the learning experience and improve communication.

LPS aims to keep computer hardware on a 6 year replacement schedule. The computers and peripherals being replaced with these proceeds are mostly 6 years old. They are well beyond their normal useful lives, they cannot effectively run current versions of key software and they are not fully compatible with the networks on which they are running.

The cost of a new computer – desktop or laptop – is approximately \$900. The schools will be purchasing approximately 450 replacement computers and 77 new student workstations.

Technology is an integral part of the everyday classroom experience at LHS and can transform the learning experience. An excellent example of this is Karen Girondel in the LHS French department, who has used an LEF-provided smartboard along with taxpayer funded networking and computer technology to integrate video, audio and hand drawn creations to bring the language alive for students. However, even with this funding, 100% computer and network access will not be achieved.

The Clarke / Diamond (middle school) wireless networks are the second phase of a three phase project to bring wireless networking to all of the schools. The high school was completed as part of this appropriation in FY 2011, and it is expected that the elementary schools will be funded in FY 2013. Wireless networks are the standard for academic networking. They are cheaper and easier to install and maintain than are hardwired networks. They provide all the bandwidth that is needed for current applications and also allow for the eventual use of student laptops connected to the network, should the schools choose to go in that direction. Our schools are generally behind the curve in adoption of wireless networking. This article is merely helping our schools to catch up.

The classroom projector / document reader budget will provide for more of the Elmo technology, which is essentially an updated overhead projector that can show both transparent and non-transparent items. Elmos have proven quite popular and beneficial with teachers and students, especially at the elementary level.

Expected need for similar requests in the next 4 fiscal years is:

- FY 2013: \$725,000
- FY 2014 –16: \$600,000 per year

- b) **LHS Food Service Equipment \$64,000.** This article provides funds to purchase needed equipment in the LHS kitchen:
- i. \$30,000 for convection ovens

- ii. \$15,000 for a mixer
- iii. \$16,000 for a convection steamer
- iv. \$3,000 for installation

The demands on the high school kitchens have grown in recent years. In addition, the high school kitchen performs food preparation for other kitchens across the district.

The current ovens have open pilots that have on occasion lost their pilot lights, creating a dangerous situation. The gas company declared the 6-burner roasting oven unserviceable. All of the ovens have needed regular repair, costing approximately \$20,000 in the current fiscal year. The current mixer, which processes 75 pounds of cheese per day, has passed its useful life and does not have standard safety equipment. The current steamer has failed, resulting in undesired menu modifications. The Facilities Department agrees that these items need replacement. Safety issues aside, the purchase of new equipment is likely to be cheaper over time than fixing and / or maintaining the existing equipment.

Expected need for similar requests in the next 4 fiscal years is:

- FY 2013: \$164,000
- FY 2014 –16: \$100,000 per year

c) **Furniture Replacement \$150,000.** This request replaces aging furniture. There is a mixture of safety and utility-related drivers behind the replacements. The components of the request include:

- i. \$8,000 – LHS – file cabinets, podium, whiteboard, bookcase, stools
- ii. \$27,000 – Clarke – 90 student chairs & desks, fitness center equipment
- iii. \$16,000 – Diamond – classroom furniture
- iv. \$35,000 – Bowman – classroom furniture, cafeteria tables, stools, cabinets, swing
- v. \$29,000 – Bridge – bookshelves, cafeteria tables, classroom chairs, desks & tables
- vi. \$7,000 – Estabrook – classroom desks, chairs, cafeteria tables
- vii. \$9,000 – Harrington – file cabinets, bookshelves, library tables & chairs
- viii. \$4,000 – Hastings – whiteboards
- ix. \$14,000 – Curriculum office workstation, furniture disposal

Expected need for similar requests in the next 4 fiscal years is:

- FY 2013-16: \$100,000

Further Information:

<http://www.lexingtonma.gov/Capital.pdf> (pages XI7-XI8)

Article 13**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) *Bridge and Bowman Schools Renovation Design, Development and Engineering;*
- b) *Estabrook School Feasibility and Related Street Access Improvements;*
- c) *School Building Envelope and Systems;*
- d) *School Improvement Projects:*
 - i. *School Locker Program,*
 - ii. *Lexington High School Overcrowding - Phase I,*
 - iii. *School Building Flooring Program,*
 - iv. *Lexington High School Science Lecture Hall Replacement Seating,*
 - v. *Hastings School French Drain,*
 - vi. *Diamond School Gym and Locker Room Public Address System Improvements,*
 - vii. *Hastings School Window Screens,*
 - viii. *Systemwide School Window Treatments, and*
 - ix. *Reconfigure and Redesign K-5 Curriculum Rooms;*
- e) *Clarke Middle School Paving Improvements;*
- f) *Lexington High School Roof Repair;*
- g) *Hastings School Playground Expansion;*
- h) *School Paving Program;*
- i) *Diamond Middle School Extraordinary Repair;*
- j) *Municipal Building Envelope and Systems;*
- k) *Repair of Fire Station Floor and Modular Office Installation; and*
- l) *Library Material Handling System Design;*

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: \$4,763,572

Description: *For a description of the proposed project see section XI: Capital Investment section of the FY2012 Town Manager's Recommended Budget and Financing Plan dated January 10, 2011 and found at <http://www.lexingtonma.gov/Capital.pdf>.*

DPF CAPITAL PROJECTS

SUMMARY: This article requests funds for improvements to town facilities. The Department of Public Facilities (DPF) is instituting practices of regular maintenance in the hope of avoiding emergency repairs and costly incidental damage. This budget reflects that concept.

FUNDS REQUESTED: \$4,763,572

Per-Project Information (a) – (l)

a) Bridge and Bowman Schools Renovation Design, Development and Engineering - \$280,000. The schematic design for the renovation of these two schools has yielded options which can add to the useful life of both these schools. The design funds add four additional classrooms, small meeting spaces, and security enhancements. In addition, improved lighting, quieter ventilation, and humidity reduction are planned. These two schools have the largest student population in the district. The increased scope increases the estimated total project cost from \$13.7 million to \$19.4 million. Note that Bridge and Bowman are twin schools - both built to the same plans and specifications. The estimated total project cost is for both schools - roughly \$9.7 million for Bridge and \$9.7 million for Bowman.

b) Estabrook School Feasibility and Related Street Access Improvements - \$1,250,000. Due to the recent discovery of air pollution due to polychlorinated biphenyls (PCBs) at the Estabrook School, the replacement of the school has been prioritized. The Massachusetts School Building Authority (MSBA) has indicated that the replacement of Estabrook is eligible for MSBA assistance, so the School Department plans to apply for this assistance. Should the MSBA participate in the project, the money will fund the Feasibility Study phase of the MSBA process (\$1,050,000). The balance of \$200,000 would go towards right-of-way modifications and upgrading of Robinson Road to current code. A second access has been recommended if the school building is replaced.

c) School Building Envelope and Systems - \$300,000. This annual project is designed to repair and modify school building interiors and building systems to prevent deterioration and provide repairs as needed.

d) School Improvement Projects - \$645,000.

i) School Locker Program - \$150,000. This funding will replace lockers at Clarke Middle School which can no longer be repaired because parts are not available. Once replaced, the lockers will be maintained through the Public Facilities annual operating budget.

ii) Lexington High School Overcrowding - Phase I - \$175,000. To help address the issue of overcrowding at LHS, underutilized space on the second floor near the Arts programs classrooms will be modified to accommodate the offices of the Department Heads and administrator and improve access to the Deans' office suite.

iii) School Building Flooring Program - \$50,000. This project will replace carpet, vinyl tile, and ceramic floor tiling that has failed or is beyond its useful life. This funding is used for projects which cost \$25,000 or more. Smaller repairs are funded through the operating budget.

iv) Lexington High School Science Lecture Hall Replacement Seating - \$75,000. The present 250 wooden seats, many broken and others in poor condition, in the Science Lecture Hall, a heavily used space both for the school and for the public, will be replaced with plastic seats set on risers that will make cleaning more efficient. Also, plastic seats are more resistant to carving and gouging than wooden seats.

v) Hastings School French Drain - \$50,000. The project is to install a French drain on the east side of the building to contain and channel ground water to a location where it

can be pumped out of the building. During heavy rains, water is seeping in at the slab / wall seam on that side.

vi) Diamond School Gym and Locker Room Public Address System Improvements - \$25,000 (Free Cash). The speaker system that serves the Diamond School gym, exercise room and locker rooms will be upgraded. The system was installed around 1956 and does not project sound well. Students and staff often do not hear announcements. Emergency calls and essential communications are of critical importance. In addition, many athletic events and school gatherings are held in the gym and clear sound is desirable.

vii) Hastings School Window Screens - \$25,000. There are currently no screens on windows, allowing insects to come into the classrooms when windows are opened on warm days in the spring. Absence of screens increases the possibility of health and safety issues.

viii) Systemwide School Window Treatments - \$50,000. Low maintenance solar shades will be installed in most school windows to increase energy efficiency, control sun glare, and improve overall lighting control.

ix) Reconfigure and Redesign K-5 Curriculum Rooms - \$45,000. To promote efficiencies in Math, Literacy, Science, and Social Studies, these funds will be used to purchase and install shelving and office furniture, install air conditioners and telephones, and move materials so that resources are located and organized appropriately for the staff working in these areas.

e) Clarke Middle School Paving Improvements - \$125,000. A sidewalk will be installed from the Clarke pedestrian bridge over Clematis Brook to Brookside Avenue to provide a safe walkway for students as an alternative to cutting across the parking lot. In addition, the parking lot by the tennis courts will be relocated to increase the turning radius for buses. The plan has been reviewed by the Sidewalk Committee, the Conservation Committee, the Department of Public Facilities, the DPW, the bus company and the Clarke administration.

f) Lexington High School Roof Repair - \$998,000. This request will replace 66,000 square feet of roofing at LHS. Upon completion of the qualifying process, the MSBA is expected to fund 31-40% of the cost, leaving Lexington to fund at most \$668,620.

g) Hastings School Playground Expansion - \$75,000. Expanding the Hastings School playground will provide accommodation for students in grades 3-5 who do not now have facilities that match their size and skills.

h) School Paving Program - \$50,000. This will be the fifth year of a project that maintains school parking and paved pedestrian surfaces in good condition, suitable for public use. Already improved have been the parking areas at Estabrook, Bridge, Bowman, and Hastings Schools.

i) Diamond Middle School Extraordinary Repair - \$75,000. With every available classroom at Diamond currently scheduled, the portable buildings need to be maintained as viable classrooms. Funds will be used to repair doors, buckled flooring, delaminated and buckling sheathing, and loose molding and trimmings.

j) Municipal Building Envelope and Systems - \$165,572. The request includes both design and construction costs for ongoing maintenance of municipal buildings and systems and replacement structures as needed. Included are repairs to roofs, windows, mechanical and electrical systems and interior finishes. No increases in building size are included nor are additional structures contemplated.

k) Repair of Fire Station Floor and Module Office Installation - \$700,000. A survey by Donham and Sweeney Architects in November 2010 called for shoring up the floor slab of the main fire station at 45 Bedford Street to support heavier modern fire equipment and the need to create modular office space, if the building is to be continued in use. Both measures are needed to extend the useful life of the 11,700 square foot building. The shoring is estimated to cost \$450,000 and the offices \$250,000.

l) Library Material Handling System - \$100,000 (free cash). This article for design funds would address ways to better handle the volumes of material that flow through the library each day. Library circulation has increased 19% in two years. This increased circulation means an overflow as items are returned through the exterior book drops and up to 25 heavy Library Network Transfer Bins are delivered daily. \$25,000 was appropriated at the 2010 Annual Town Meeting for an engineering study to look at possible ways to reorganize library circulation and the bibliographic service workspace. The engineering study will be completed this spring.

Question #1: Why not delay passage of this section of the article until the engineering study is completed?

Answer #1: Since the engineering study will be completed later this spring, postponement of this article until after completion of the study would mean there would be a one-year delay in moving forward to solve the circulation and safety problems. Once design funding is assured, estimates of construction and installation costs can be determined and requested at the 2012 Annual Town Meeting.

Article 14 Street Acceptance - Frances Road (Citizen Article)

To see if the Town will vote to establish as a town way Frances Road a distance of 660 feet, more or less, from Deering Avenue northerly to Eastern Avenue, as laid out by the Selectmen and shown on a plan on file in the office of the Town Clerk, dated June 6, 1903, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefore; and raise and appropriate money for the construction of said street and for land acquisition; determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by Daniel A. DiPietro and nine or more registered voters)

FRANCES ROAD

SUMMARY: This article has been submitted by residents of Frances Road to have the street brought up to Town standards and accepted by the Town. The cost of bringing the street up to Town standards will be borne by the residents through the assessment of betterments.

FUNDS REQUESTED: \$200,000

Overview (as of 02/28/11)

Frances Road is an ‘unaccepted street’, or private way, but it is a road that may be used by any member of the public. There is no storm sewer and the subsequent drainage problems have caused the road to deteriorate significantly.

There are 15 property owners on this road; all of them have signed a petition indicating “interest” in having the street accepted. There was no opposition to this project at the Selectmen’s hearing on February 28th. The Town currently has no codified standard for the percentage of abutters who must approve. Recent examples of the Town’s acceptance of private ways are Laconia Street and Pitcairn Place.

The Town may be said to be acting here in the capacity of a lending authority because, if this Article is approved, the Town will disburse the cost of the improvements, but will charge it back to the property owners through the assessment of betterments. These are added to property tax bills and may be paid back immediately, or over a period of up to 20 years at 5% interest. In the end there may be a slight profit to the Town through interest receipts.

Further Information:

Daniel DiPietro: 781-861-9391

Article 15 Appropriate for Community Center (Citizen Article)

To see if the Town will vote to raise and appropriate a sum of money for constructing a new Community Center to serve seniors and other members of the community on the White House lot, so called; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by Benjamin Cohen and nine or more registered voters)

Funds Requested: *Unknown at press time.*

Description: *This article would fund the construction of a new building next to the Police Station at the site of the former School Administration building along Massachusetts Avenue. The building would house a Senior Center and be available for other community uses.*

Overview (as of 02/19/11)

It is expected that this article will be Indefinitely Postponed.

Article 16**Accept MGL Chapter 32, Section 101,
Supplemental Annual Allowance**

To see if the Town will vote to accept Section 101 of Chapter 32 of the Massachusetts General Laws relating to a supplemental annual allowance for certain widows of employees who retired as a result of injuries sustained while in the performance of official duties; or act in any other manner in relation thereto.

(Inserted by the Retirement Board)

Description: Acceptance of this statute would increase the annual benefit of all individuals receiving an allowance pursuant to Massachusetts General Laws, Chapter 32, Section 101 from \$6,000 to \$9,000. At present, this would affect four widows.

WIDOWS' BENEFITS

SUMMARY: The purpose of this article is to accept amended language found in M.G.L. Ch. 32, § 101 that increases the supplemental annual benefit allowance for widows from \$6,000 to \$9,000. At present, this change would affect four widows.

Overview (as of 03/01/11)

M.G.L. Ch. 32, § 101 (Allowance to widows of disabled public employees – supplemental annual allowance) allows surviving spouses of disability retirees to receive a pension each year if the retiree dies from a cause not related to the reason for the disability retirement.

The last acceptance of M.G.L. Ch. 32, §101 was in 1995 when the annual benefit allowance was increased to \$6,000. In 2010, M.G.L. Ch. 32, § 101 was amended. The statutory change increased the supplemental annual benefit allowance from \$6,000 to \$9,000. If the Town accepts the 2010 change, the annual benefit allowance for four widows will increase from \$6,000 to \$9,000. The \$3,000 increase will be subject to future cost of living adjustments.

Article 17**Reduce Community Preservation Act (CPA)
Surcharge (Citizen Article)**

To see if the Town will vote to amend its acceptance of Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act (the "Act") to reduce the surcharge from 3% of the annual real estate tax levy against real property to 1% of the annual real estate tax levy against real property, such reduced surcharge to be applied to assessment of fiscal year 2012 taxes and thereafter, and said amendment to become effective only upon the affirmative vote of a majority of the voters of Lexington, or act in any other manner in relation thereto.

(Inserted by Alan Seferian and nine or more registered voters)

Description: *This article seeks to reduce the discretionary CPA surcharge from 3% to 1%. If approved by Town Meeting, such reduction would be submitted to the voters for their acceptance.*

CPA REDUCTION

SUMMARY: This article would start a process for the Town to reduce the discretionary CPA surcharge from 3% to 1%. If Town Meeting approves the article, the question would then be submitted to a referendum of the voters at the next general election in March 2012. If the referendum passes, the full reduction to 1% would take effect after all current CPA debt is retired (in FY2013).

Overview (as of 02/01/11)

The Community Preservation Act (CPA) allows communities to establish a fund, to be matched by the State, for open space, historic preservation, affordable housing, and recreation. The purpose of the Act is to encourage towns to provide money for these important purposes that might otherwise not be made available, and towns can choose a level of funding from a 1% to a 3% surtax on the property tax.

Lexington's portion is currently funded by a 3% surtax on the property tax (both residential and commercial), with a residential exemption for the first \$100,000 of assessed value, and some minor additional exemptions for low-income taxpayers. The State's portion, called the CPA Trust Fund, is funded by fees imposed on real estate transactions at the State Registry of Deeds. It originally provided a 100% match but has not met that goal in recent years.

The proponents of this article believe that because the town's pressing capital needs will soon require new sources of capital funding (i.e., overrides), reducing the CPA surcharge from 3% to 1%, will provide some relief to citizens who, in the fiscal years ahead, will be asked to approve future tax increases for capital spending. In future years, when conditions warrant, the surcharge could be returned to 3% by another vote of Town Meeting and ensuing referendum.

To fully evaluate this proposal, it will be helpful to know the history of the CPA in Lexington.

CPA History in Lexington

Town Meeting approved accepting the CPA, with a surcharge of 3%, at the 2005 Annual Town Meeting, by a vote of 94-75. At that time, the Selectmen were unanimously in favor, the Capital Expenditures Committee was unanimously opposed, and the Appropriation Committee was opposed. Both finance committees expressed concerns about competing demands for tax dollars and the prioritization of CPA projects relative to other Town projects. Since that time, however, both committees have recommended approval of almost all CPA projects brought to Town Meeting.

Voters accepted the CPA at the Annual Town Election in March 2006 by a vote of 4242 -2494.

In June 2006, voters defeated two out of four override questions totaling \$3.2 million. The following year, voters approved a \$4.0 million override as well as a \$25 million debt exclusion.

For 2007 (the first year of Lexington's participation), Lexington received 100% matching funds from the State. However, as more towns adopted the CPA, and as the economy declined, that amount has decreased substantially in the years since – to 69% for 2008 to 36 % for 2009 to 28% for 2010. Because Lexington has the maximum 3% surtax, Lexington is included in any additional distributions, which make some of these totals a bit over 1% more than they would otherwise be.

Since 2007, Lexington's CPA Fund has received just under \$14.5 million from the surcharge (including an estimated \$3.2 million for 2011), with an additional \$6.4 million in State matching funds.

The Community Preservation Committee (CPC) is charged with making recommendations to Town Meeting for the utilization of the funds raised under the CPA. There is no overall multi-year priority plan. Instead, each year the CPC reviews the projects presented to it for compliance with the conditions of the Act, and furtherance of community goals, as set out in the CPA Needs Assessment Plan. The CPC presents those projects that pass muster to Town Meeting for its approval. A very high percentage of the total number of projects is in fact recommended to Town Meeting. Most of the projects that do not make it to Town Meeting are rejected because of concerns about compliance with some conditions of the CPA. A notable exception was last year's Town Office Building renovation project. In that case, the entire cost (\$1,800,000) was deemed to be eligible for CPA funding, but the CPC approved only \$1,100,000 (the cost of handicap-accessibility improvements), leaving the remaining \$700,000 (for office renovations) to be paid for from the General Fund.

To date, Town Meeting has passed every CPA project presented to it.

CPA Surcharge Effect on Taxpayers

For FY11, the average assessed valuation of a house in Lexington is \$689,000, and the residential tax rate is \$14.40 per \$1000 of assessed valuation. Thus, the basic FY11 property tax on this house is \$9,921.60. To calculate the CPA surcharge, subtract \$100,000 from the valuation, multiply the difference by the tax rate, and then multiply that result by the percentage of the surcharge. At 3%, the surcharge is an additional \$254.45; at 1% it would be \$84.82. These numbers will be slightly different by FY13 when this change could go into effect (i.e., if Town Meeting approves, a referendum approves, and current CPA debt is retired) but the proportions will be very similar.

For FY12, the projected surcharge revenue from Lexington is about \$3,260,000. At an estimated 28% match, the additional revenue from the state would be about \$913,000. If the surcharge were reduced to 1%, those numbers would each be reduced by a factor of 3 (or a bit more if there are additional State matches after the first round, which Lexington is eligible for only with a 3% match). Thus, the reduction to a 1% surtax from a 3% surtax to Town revenues that can be used for CPA-eligible capital improvements would be approximately \$2.8 million per year.

For those CPA projects that fit into the Town's priority order of capital projects (that is, things that we must fund with or without the CPA), it saves the Town money to have some of the cost covered by the State matching funds.

The Future of the CPA

Senate Bill 90 (SB90), An Act to Sustain Community Preservation, which has been working its way through the State legislative process, may, if it passes, have a significant effect on the implementation of the CPA in Lexington. This bill was favorably reported out of the House Ways and Means Committee in July 2010, and has been re-filed, with 116 co-sponsors (a majority of the legislature, though notably not including the leadership) this year. Two of its provisions are potentially especially important for Lexington.

1. It attempts to guarantee, at a minimum, a 75% match by the State. It does this by specifying that the document recording fee collected at the State's Registries of Deeds be adjusted every two years to whatever is necessary to provide a 75% match to CPA communities, up to a cap of \$70 per instrument. Thus, Lexington would receive from the State an additional amount of money at least 75% of what it collects via the CPA surtax. It isn't clear that, given this single capped funding source, the goal of a 75% match can be met. But SB90 is still potentially better than the present situation, where the state match has shrunk to under 30%, both because of the bad economy and because many more communities have adopted the CPA and are therefore sharing already limited funds.
2. It would permit rehabilitation of existing recreational resources as well as acquisition of new ones.

Further Information:

Alan Seferian: 781-652-8405, a_seferian@yahoo.com

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: \$500,000

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.*

RETIREE HEALTH INSURANCE

SUMMARY: 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.

FUNDS REQUESTED: \$500,000

Overview (as of 02/17/11)

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." 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 fully fund its liability by 2015. Because of State law, or lack thereof, no provision was made to address the health insurance liability until three 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 fourth year of funding. As of December 31, 2010, the balance in the Insurance Liability Fund is \$1,484,646. Approximately \$250,000 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

Question #1: Why does the Town supply health insurance for its retirees rather than their being covered under Medicare?

Answer #1: Under State Law, MGL Chapter 32B, 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.

Question #2: Why do some retirees over the age of 65 not have Medicare?

Answer #2: 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. The Town has not accepted MGL Section 18 or MGL Section 18a which would require Medicare eligible retirees to enroll in a Medicare supplement plan. To make this change, it would need to be adopted through the Coalition Bargaining Process.

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.*

RESCIND AUTHORIZATIONS

Overview (as of 02/19/11)

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; (g) Debt Service, (h) Transportation Management Overlay District (TMO-1) and (i) Avalon Bay School Enrollment Mitigation Fund; 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.

SPECIFIED STABILIZATION

SUMMARY: This article establishes two new Stabilization Funds, one for Transportation Management Overlay District funds, and one for Avalon Bay School Enrollment Mitigation funds. The article also appropriates funds for certain other stabilization funds.

Overview (as of 02/26/11)

At the 2007 Annual Town Meeting, various stabilization funds were created as repositories for funds to be set aside whose use was subject to appropriation at subsequent Town Meetings. Any funds received by the Town since the last Town Meeting for purposes designated under any of the existing specified stabilization funds are recommended for appropriation into those funds under this article. The Debt Service Stabilization Fund is covered under Article 22 and is not listed below. In 2008 Town Meeting approved a new fund for Special Education.

Article 20 is also for the purpose of establishing new specified funds. This year two new Funds are being created.

a) A Transportation Management Overlay District Fund will collect fees specified under the new zoning regulations.

b) The Avalon Bay School Enrollment Mitigation Fund will collect money per the agreement with the developer. That agreement specifies that if actual school enrollment exceeds those projected at the time of the negotiation with the Town, payments are required to a maximum of \$700,000. The Town has received \$418,900 so far. Under Article 4, \$250,000 of this amount will be requested from the Avalon fund to support the School Department operating budget. Town Meeting will first approve creation of the fund and then will approve the amount to be appropriated to it.

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 the Town of Lexington.)
 - b) Traffic Mitigation: Appropriation data will be available at 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. Appropriation data will be available at Town Meeting.
 - d) School Bus Transportation: No appropriation is being requested this year. Money from Avalon approved two years ago was a one-time payment.
 - e) Special Education: This fund is used as a reserve against unanticipated special education costs. Appropriation data will be available at Town Meeting.
 - f) Center Improvement District: Under last year's Article 25, a new specialized stabilization fund was created to be the repository of a \$100,000 payment received from the developers of Lexington Place. The funds were specified to be used for projects such as tree planting, sidewalk improvement or improvements to the abutting connector between the parking lot and the sidewalk.
 - g) Transportation Management Overlay District Fund: See above.
 - h) Avalon Bay School Enrollment Mitigation Fund: See above.

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 a 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 purpose.*

Overview (as of 02/28/11)

No funds are being requested by this article. The November 2009 Special Town Meeting approved an appropriation of \$669,843 to the Stabilization Fund. The current balance of the Stabilization Fund is \$8,311,000.

THE STABILIZATION FUND

SUMMARY: This is the town's general stabilization fund.

Questions

Question #1: Is money for the FY2012 operating budget being taken from this fund?

Answer #1: No. The recommended FY2012 budget is balanced as of press time. If circumstances change after Town Meeting is dissolved (such as significant changes to our State aid) and there is a budget shortfall, the Stabilization Fund would be a potential source of funding to make up some of or the entire budget gap.

Question #2: What is the difference between the Stabilization Fund referred to by this article and the funds specified in article 20?

Answer #2: This article's fund is a general fund that can be used for any budgetary purpose. The money in the specific funds described in article 20 can be used only for the specific purpose for which the fund was created.

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 FY2012 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.*

DEBT SERVICE STABILIZATION FUND**Overview (as of 02/22/11)**

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 reimbursements from the State to the Town. Municipal bonds are tax exempt and thus pay lower interest rates. Theoretically, the town could borrow money via municipal bonds and then invest the money to obtain a higher return. This form of arbitrage is prohibited by DOR. When the Massachusetts School Building Authority was established, it modified the way towns are paid for new or renovated school buildings resulting in towns getting reimbursed more quickly. The Town thus received money in excess of that necessary to to make payments on short-term debt incurred by the project. The excess money was put into the Stabilization Fund with the principal and interest thereon used to reimburse payments made on long-term debt. Article 22 appropriates the same sum of money this year from the Fund as was requested and appropriated last year 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.

UNPAID BILLS**Overview (as of 02/19/11)**

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 FY2011 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 2010 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 (FY2011) appropriations.

FY11 BUDGET ADJUSTMENTS**Overview (as of 02/19/11)**

This article is an annual place-holder should there be a need to fund unforeseen expenses in the current fiscal year (FY11). No appropriation is anticipated to be requested as of press time.

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.*

CAPITAL FUNDING OVERRUNS

Overview (as of 02/19/11)

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 to be requested as of press time.

Article 26 Establish Qualifications for Tax Deferrals and Exemptions

To see if the Town will vote to: (a) 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, and (b) vote to maintain the tax exemption authorized by Clause 41C of Section 5 of Chapter 59 of the Massachusetts General Laws at one thousand dollars instead of five hundred dollars; 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. Town Meeting must vote annually to maintain the increase from five hundred dollars to one thousand dollars voted under Article 25 of the warrant for the 2007 Annual Town Meeting to increase the exemption under Clause 41C of Section 5 of Chapter 59 of the Massachusetts General Laws.

TAX DEFERRALS AND EXEMPTIONS

SUMMARY: The General Court (State Legislature) has granted the Town of Lexington latitude in setting qualifications for real property tax deferrals. This article asks for a change in the maximum qualifying gross income amount to \$60,000.

Overview (as of 02/19/11)

The General Court (State Legislature) has granted the Town of Lexington 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.

The current deferral qualifications that apply to Lexington residents are a minimum age of 65 and with a gross income not exceeding \$51,000. This article asks for a change in the maximum qualifying gross income amount to \$60,000.

Questions

Question #1: Do increases in eligibility limits increase the number of residents seeking deferrals?

Answer #1: Records show that increases in eligibility limits have caused only minor increases in utilization.

Question #2: How does the utilization of Lexington's program compare with other local communities or nationwide?

Answer #2: Newton's current maximum income is \$60,000 and their utilization rate is lower than ours. Participation rates for deferral programs throughout the country have extremely low participation rates regardless of the generosity or restrictiveness of their rules.

Further Information:

Pat Costello: 781-862-6435, patcostello@rcn.com, **Vicki Blier:** 781-862-1804, vb@blier.net

Article 27**Amend General Bylaws - Private Ways**

To see if the Town will vote to amend Chapter 100, Public Ways and Places, of the Code of the Town of Lexington, by adding the following subsection; or act in any other manner in relation thereto.

§ 100-13. Temporary Repair of Private Ways.

- A. *Purpose. In accordance with Massachusetts General Laws Chapter 40, § 6N, the Board of Selectmen may authorize temporary repairs of private ways in the Town as provided in this Section. The making of any such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such ways as public ways, nor does it constitute a way being "maintained and used as a public way" under the Massachusetts Subdivision Law.*
- B. *Eligibility. Only a private way which meets the criteria of an unaccepted street shown on the Zoning Map under the Planning Board Development Regulations, Chapter 175 of the Code of the Town of Lexington, is eligible for repairs under and subject to the provisions of this subsection.*
- C. *Type and Extent of Repairs. Repairs shall be limited to grading, patching, and the layering of gravel to: establish a uniform grade, make drainage repairs, accommodate the Town's emergency vehicles or otherwise protect or repair the Town's infrastructure.*
- D. *Public Necessity. There shall be a finding of public necessity for said repairs by the Board of Selectmen in consultation with the Director of Public Works.*
- E. *Petition Process. The Selectmen may make a determination of the need for said repairs and may authorize the making of said repairs with or without a petition of the abutters to said private way. However, the Selectmen will not entertain a petition from the abutters unless: (a) it is signed by fifty-one (51%) percent of the abutters along the private way to be repaired, or (b) if a majority of abutters to the private way are members of an association of landowners specific to said way and a majority vote of that association's membership or board of directors submits the petition.*
- F. *Scope of work. The scope of the repair work shall be determined by the Director of Public Works, subject to approval by the Board of Selectmen.*
- G. *Betterments. Betterment charges may be assessed by the Selectmen on the abutter(s) of such way up to an amount equal to the cost of such repairs. If betterments are to be assessed, they shall be assessed upon each parcel of land benefiting from such repair by any method as may be approved by the Selectmen. Betterments shall be apportioned over such a period as the Selectmen deem appropriate, after considering such matters as the estimated useful life of the proposed repairs and the source of funds to be used for the same.*
- H. *Funding. Repairs funded under this Section through betterments shall be appropriated at any Special or Annual Town Meeting. The Selectmen are authorized to seek contributions for a portion of the cost of said repairs from abutters and the Selectmen may, in their discretion, require a cash deposit from the abutters.*
- I. *Town's Liability. The Town shall have no liability as a result of any such repairs under G.L. c. 40, § 6N(f). The Selectmen may also request arrangements to be made to further reduce or eliminate potential liability risks to the Town arising from the repairs. Such arrangements may include, but are not necessarily limited to, the provision of insurance by repair contractors and/or by abutters or associations of abutters insuring the Town's interests or the provision of suitable indemnity agreement by abutters or by associations of abutters. Moreover, this Section or any repairs thereunder, does not impose any duty or obligation on the Town to maintain or repair private ways.*
- J. *Public Use. There shall be a finding by the Selectmen that the private way to be repaired under this Section shall have been opened to public use for five (5) years or more prior to the expenditure of funds under this Section and shall thereafter remain open to the public for no less than the useful life of said repairs. The making of any such repairs to private ways, no matter how often or to what extent, does not constitute an*

acceptance by the Town of such ways as public ways, nor does it constitute a way being “maintained and used as a public way” under the Massachusetts Subdivision Control Law.

(Inserted by the Board of Selectmen)

Description: Chapter 40, Section 6N of the Massachusetts General Laws provides that towns may adopt a bylaw for making temporary repairs on private ways. The proposed bylaw would apply to all unaccepted streets shown on the Town’s Zoning Maps.

PRIVATE WAYS

SUMMARY: The Town currently has no legal authority for making temporary repairs on private ways. The proposed bylaw would give the Town that authority and would apply to all unaccepted streets on the Town’s Zoning Maps.

Overview (as of 02/17/11)

For many years the Town had accepted responsibility for maintaining and repairing all Town roads, and some repairs on about 20 miles of unaccepted streets. The Town used to make some temporary repairs (notably, grading and filling potholes) on these unaccepted streets as a public service to all who use the roads and for emergency vehicle access.

Three years ago, the Town realized that it had no legal authority to do this, which left it open to liability risks from accident victims who might claim that the Town failed to adequately maintain the roads. Consequently the Town ceased making any repairs to unaccepted streets.

This Bylaw would establish legal authority for the Town to make repairs to unaccepted streets, while disclaiming any Town acceptance of an obligation to do so, and disclaiming Town liability arising from such repairs.

In addition, under Paragraph H, the Town may legally require abutters to fund a portion of the cost of the repairs through betterments or cash deposits, which it is not currently legally able to do.

Article 28**Amend Town Celebrations Committee Bylaw**

To see if the Town will vote to amend Section 29-15 of the Code of the Town of Lexington (Town Celebrations Committee membership) by increasing the membership from nine to twelve; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Town Celebrations Committee)

Description: *The proposed amendment would increase the membership of the Town Celebrations Committee to twelve members.*

CELEBRATIONS COMMITTEE MEMBERSHIP

SUMMARY: The purpose of this article is to amend the Town Celebrations Committee Bylaw, Chapter 29 – Committees, of the Code of the Town of Lexington. The proposed amendment to Section 29-15 would increase the Committee's Membership from nine to twelve members.

Overview (as of 03/01/11)

The increase in the number of members from nine to twelve will allow the Committee to spread its events planning activities and logistics workload more evenly among Committee members.

Article 29**Amend Permanent Building Committee Bylaw**

To see if the Town will vote to amend Section 29-21 of the Code of the Town of Lexington (Permanent Building Committee membership) by adding additional members; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Permanent Building Committee)

Description: *The proposed amendment would increase the membership of the Permanent Building Committee from its present membership of five.*

BUILDING COMMITTEE MEMBERSHIP

SUMMARY: The purpose of this article is to amend the Permanent Building Committee Bylaw, Chapter 29 – Committees, of the Code of the Town of Lexington. If the proposed amendments to the Bylaw are adopted, the Committee's Membership would increase from five to seven full members and two associate members, and the existing practice whereby the Town Manager approves Committee contracts would be codified.

Overview (as of 03/01/11)

The proposed amendment to § 29-21 would increase the Permanent Building Committee's Membership from five to seven full members and two associate members to allow the Committee to spread its work load among the members. It would also permit the Chairman to designate an associate member to sit on the Committee for specific projects, in case of absence, inability to act, or conflict of interest on the part of any Committee member. The amendment would also allow associate members participating on specific projects to have a vote. Approval of the article would allow the addition of members with appropriate additional expertise.

The proposed amendment to § 29-22 codifies the existing practice whereby the Town Manager approves Committee contracts (e.g., preparation of plans and specifications, construction, remodeling, alterations or renovations, equipment and furnishings).

Article 30**Amend Bylaw - Town Meeting Procedure**

To see if the Town will vote to amend Sections 118-12 (Motions and Order of Business) and 118-14 (Reconsideration), both in Chapter 118 (Town Meetings), of the Code of the Town of Lexington with regard to the procedures for reopening and reconsideration after an Article shall have been deemed to have been closed by action of Town Meeting; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

Description: (1) To clarify the current language so as to affirm the current practice of Town Meeting; (2) to provide a means by which to eliminate the current need for the routine serving of Notices of Reconsideration on all budget-and-housekeeping-related Motions; (3) to retain the purpose of “reopening” an Article, but in the Section of the Code of the Town of Lexington which prescribes Reconsideration; and (4) to allow sufficient Reconsiderations to adjust for a balanced budget and/or making housekeeping or technical corrections.

RECONSIDERATION CHANGE

SUMMARY: The purpose of this article is to simplify the Reconsideration procedure at Town Meetings and to make it easier to make technical / housekeeping corrections.

Overview (as of 02/19/11)

Two of the four sections of this Article clarify, preserve, and simplify the procedure (Reconsideration) by which Town Meeting can revisit its previous decision - including incorporating what had been a Reopening as one means of Reconsideration. A third section allows for an unlimited number of Reconsiderations in order to achieve a balanced budget or to allow for making housekeeping or technical corrections.

The fourth section will eliminate the need for a member of a finance committee to serve routine Notices of Reconsideration. It will enable a Motion to Reconsider to prevail with just a simple Town Meeting majority voting quorum if: (1) the motion is moved by a simple majority of the Board of Selectmen or by either of the finance committees, and (2) the sole purpose is for re-balancing the budget and / or housekeeping or technical corrections.

Further Information:

David Kanter, 781-861-6147, david@kanters.com

Article 31**Amend Tree Bylaw**

To see if the Town will vote to amend Chapter 120 of the Code of the Town of Lexington by deleting Section 120-4.B, with sub items (1), (2), (3) and (4), in its entirety; or act in any other manner in relation thereto.

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

Description: Section 120-4.B currently says that the Tree Bylaw does not apply in any instance where the Planning Board, the Zoning Board of Appeals, or the Conservation Commission has jurisdiction. This change would remove the non-applicability and thus the Tree Bylaw would apply to all development sites.

TREE BYLAW

SUMMARY: The purpose of this article is to amend the Tree Bylaw, Chapter 120 – Trees, of the Code of the Town of Lexington. Currently, the Tree Bylaw does not apply in any instance where the Planning Board, the Zoning Board of Appeals or the Conservation Committee has jurisdiction. If the current non-applicability language is removed from the Bylaw, the Tree Bylaw would apply equally to all development sites.

Overview (as of 03/01/11)

The proposed change deletes in its entirety sub-section B of Section 120-4 Applicability. The current language excludes any property where the Planning Board, Zoning Board of Appeals and/or the Conservation Commission has jurisdiction. By deleting this sub-section all construction projects involving a 50% or greater addition or total new construction will now be subject to the Tree Bylaw. All properties that are regulated by the Tree Bylaw will have to replant and pay the fee as per the Bylaw requirements. This will allow for a greater number of trees to be planted as a result of removal due to construction. Also, large and small construction projects will now be treated equally under the Bylaw.

Questions

Question #1: How many properties would have been affected by this bylaw change in FY2011?

Answer #1: Information not available as of press time.

Question #2: Is there any estimate about the cost per property if this bylaw change is passed?

Answer #2: Information not available as of press time.

Further Information:

Tree Committee Chairman: John Frey, 781-862-2104, jwfre2@aol.com

Article 32 Accept MGL Chapter 138, Section 33B (Sale of Alcoholic Beverages by On-Premise Licensees on Sundays and Certain Legal Holidays)

To see if the Town will vote to accept Section 33B of Chapter 138 of the Massachusetts General Laws relating to the sale of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays between 10:00 a.m. and 12:00 noon; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

Description: *Acceptance of this statute would enable restaurants that are open for brunch on Sundays and that are licensed to serve alcoholic beverages to serve such beverages prior to noon.*

BLUE LAW CHANGE

SUMMARY: Approval of this article will allow duly licensed restaurants to serve alcohol between the hours of 10:00 am and 12:00 noon on Sundays and certain legal holidays.

Overview (as of 02/23/11)

According to the Lexington Chamber of Commerce, passage of this Article could strengthen the desirability of our cluster of restaurants as compared to our neighboring towns. Note that this article applies only to restaurants that already have liquor licenses.

Questions

Question #1: How many Lexington restaurants currently have liquor licenses and are open on Sundays and Memorial Day and Christmas Day? That is, how many restaurants are potentially affected by this change?

Answer #1: There are fifteen restaurants that hold liquor licenses and two inn holder licenses. Presently one restaurant serves brunch. Information was unavailable at press time regarding holiday hours.

Article 33 Accept State LAND Grant - Cotton Farm Purchase

To see if the Town will vote to confirm authorization for the Conservation Commission, on behalf of the Town, to apply for and receive funding under the Local Acquisitions for Natural Diversity (LAND) Grant Program of the Commonwealth of Massachusetts to reimburse the Town for a portion of the purchase price paid by the Town for the property containing approximately 4.21 acres and consisting of a portion of the land identified on Lexington Assessor's Map 31 as Lot 60B and a portion of the land identified on Map 31 as Lot 90B, which property is shown as "Lot 1" on the plan entitled "Plan of Land Located in Lexington, Massachusetts (Middlesex County)" prepared by Meridian Associates, dated October 22, 2010 and recorded with the Middlesex South Registry of Deeds in Plan Book 02010, Page 775; to enter into any contracts and agreements related to the application or the award of funds; and to grant a conservation restriction on the property, which restriction will run, on terms acceptable to the Conservation Commission, to a conservation organization selected by the Conservation Commission pursuant to the requirements of the Community Preservation Act, Massachusetts General Laws Chapter 44B; or act in any other manner in relation thereto.

(Inserted by the Conservation Commission)

Description: *This article will authorize the Conservation Commission to apply for and receive a grant under the LAND program Massachusetts General Laws, Chapter 132A, Section 22, for the acquisition of the portion of the Cotton Farm purchase authorized under Article 9 of the warrant for the 2010 Annual Town Meeting.*

COTTON FARM GRANT

SUMMARY: This article asks Town Meeting to approve the acceptance of a \$500,000 grant from the Commonwealth to be applied to the purchase of Cotton Farm.

Overview (as of 02/21/11)

The town agreed in 2010 to buy Cotton Farm from Todd Cataldo for \$3.8 million, using CPA funds. Payments began in the fall of 2010 with an initial \$1.5 million, continued in early January 2011 with \$1,297,400, and will conclude in August 2012 with \$1 million. During this time, the Town applied for \$500,000 under the Commonwealth's LAND Grant Program. The Town has already received notification from the State that the grant will be awarded upon approval by Town Meeting. It can be applied only to future payments toward the purchase price, not to those already made.

Article 34**Approve Battle Green Master Plan**

To see if the Town will vote to approve the Battle Green Master Plan on file with the Town Clerk; or act in any other manner in relation thereto.

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

Description: Over the last two years the community has been engaged in developing a Master Plan to guide design, traffic and uses in the Battle Green area for the foreseeable future. This article will provide an opportunity to comment on the Battle Green Master Plan. The Master Plan may be read online at www.lexingtonma.gov/battlegreenplan.cfm.

BATTLE GREEN DISCUSSION

SUMMARY: The work on the Battle Green Master by the Tourism Committee has been ongoing for the past two years. The Tourism Committee seeks approval of Town Meeting to continue this effort for another year.

FUNDS REQUESTED: There are no funds sought by this article, but there are \$100,000 in CPA funds sought in a related article, namely Article 8 (e) and (f).

Overview (as of 02/20/11)

In 2010, the firm Past Designs LLC was hired and overseen by the Tourism Committee to help develop a plan to determine the appropriate uses of the Town Green. This firm was hired because of their expertise in landscaping areas of historical significance.

The process included input from about 25 organizations. While the work is still ongoing, the results can be seen in the report referenced above.

The recommendations cover nine areas:

- Comprehensive Planning and Advisory Council
- Comprehensive Interpretation and Signage Program
- Linking the Battle Green
- Statue and Monument Preservation
- Accommodating Multiple Uses
- Rules and Regulations.
- Unified Design Standards
- Parking, Traffic Calming and Safe Pedestrian Access
- Budget and Funding

Of these recommendations, more work is needed in the area of Parking & Traffic - particularly as it relates to tourists and tour buses.

There is broad agreement among the parties regarding most of the recommendations covered in the Master Plan. One exception is what to do around the Minute Man statue. There are plans to install a fountain at the base of the statue because of its historical significance. Certain members of the Lexington Field and Garden Club are concerned that shrubbery and flowers be retained

around the Minute Man statue. These members do not want the fountain to interfere with having enough plants around the statue.

There is also currently lack of agreement about modification to the current rules and regulations regarding usage of the Battle Green.

Further Information:

Web site: <http://www.lexingtonma.gov/battlegreenplan.cfm>

Tourism Committee Chair: Dawn McKenna, 781-862-6690,
dawn.mckenna@lexingtontmma.org

Article 35**Support and Petition for Municipal Utility Act**

To see if the Town will vote to approve a resolution supporting a refiled version of Bill H4792, "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 of the 2009-2010 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: Following the 2010 Annual Town Meeting's resolution of support for legislation to allow new municipal electric utilities in Massachusetts, the Legislature's Joint Committee on Telecommunications, Utilities and Energy reported that legislation out as Bill H4792 with language changes, but so late that the legislation died in the 2009-10 legislative session (<http://malegislature.gov/Bills/186/House/H4792>). This Article allows Town Meeting to support the refiled version of H4792 with improved language for the 2011-12 session and to ask the Selectmen to request Lexington's Representatives in the General Court to refile a home rule petition in the 2011-12 legislative session.

MUNI UTILITY ACT

SUMMARY: This article is similar to articles Town Meeting has adopted for the past nine years.

Overview (as of 02/16/11)

Passage of this article by Town Meeting would support legislation that will allow Lexington and other communities to form municipal public utilities.

This year's bill will include changes made by the Legislature's Joint Committee on Telecommunications, Utilities and Energy that would prevent:

- The Department of Public Utilities (DPU) from failing to act on an application for a new Muni.
- An existing public utility from failing to transfer a deed to its assets after DPU has determined the fair value of the utility's assets.
- A community from paying more than fair value for the existing public utilities assets.

To date, the reasons why the "Muni" bill has not been passed by the legislature include: the bill being referred for further study, strong opposition and lobbying by the electric utilities, and not being released by committees prior to the end of the legislative session.

This year's bill is available here: <http://malegislature.gov/Bills/187/House/H00869>

Further Information:

Paul Chernick: 781-863-1326, paul.chernick@verizon.net

Article 36 Analyze Employee Health Benefits (Citizen Article)

To see if the Town will call upon the Appropriation Committee, pursuant to a resolution passed at the 2010 Town Meeting, to accelerate its work to analyze employee health benefits in order to determine trends and possible alternative ways of controlling costs without serious detrimental effects on total compensation and with full respect of individual privacy, and to report on said work on an ongoing basis; or to act in any other manner in relation thereto.

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

Description: *Town Meeting passed a resolution in 2010 requesting the Appropriation Committee to conduct a thorough analysis of the costs of employee health benefits. The Appropriation Committee has commented on the work of others but has not provided its own thorough independent analysis. This article provides Town Meeting the opportunity to express its concerns and urge the Appropriation Committee to make health benefits costs a higher priority in its deliberations, analysis and input to the Town, using, as appropriate, the professional expertise available among Lexington residents to assist with the necessary technical support.*

ANALYZE EMPLOYEE HEALTH BENEFITS

SUMMARY: Passage of this article would call upon the Appropriation Committee to provide an independent report on methods to control employee health benefit costs.

Overview (as of 02/19/11)

The 2010 Annual Town Meeting adopted an amendment to Article 4, line 2130 (Employee Health Benefits) calling upon the Appropriation Committee to analyze employee health benefits on an ongoing basis and to report its findings in a timely manner as part of its recommendations to Town Meeting about appropriations for line 2130 of the Town's operating budget.

In response, the Appropriation Committee has increased its focus on employee health benefits, working with Town staff to track utilization rates and enrollments on a monthly basis. It reported on the topic to the 2010 Fall Special Town Meeting as part of its written and oral comments on Article 2. The committee has not, however, undertaken a study of health benefit plan design which is the subject of coalition bargaining.

Passage of this article would reiterate Town Meeting's concerns over escalating Health Benefits costs and would call on the Appropriation Committee to broaden the scope of its analysis to include plan design. Should the Appropriation Committee deem that this study is beyond its expertise, this article suggests the committee draw on support available from Lexington residents with the necessary technical expertise.

Further Information:

Ephraim Weiss: 781-862-6096, eph@ieee.org

Appropriation Committee Report to the 2010 Special Town Meeting (Nov. 12, 2010):

http://lexingtontmma.org/uploads/Main/AC_Report_2010STM.pdf (pages 7-9)

Article 37**Commercial Assessments (Citizen Article)**

To see if the Town will request the Selectmen to call upon the Board of Assessors to update the process used to establish commercial (also known as CIP) assessments to ensure equity among taxpayers and to maximize Town revenues; or to act in any other manner in relation thereto.

(Inserted by Patrick Mehr and nine or more registered voters)

Description: *This article requests that the Selectmen ask the Board of Assessors to reevaluate the methods used to assess commercial properties.*

COMMERCIAL ASSESSMENTS

SUMMARY: This article requests that the Board of Assessors develop methodologies to capture in commercial assessments the increase in market value that an up-zoning requested by a property owner immediately creates for the property.

Overview (as of 02/19/11)

The purpose of this article is to address the following issue: Are we maximizing our tax revenues from commercial properties that are up-zoned at the request of the property owner? If not, the question is: What can be done to maximize those revenues?

The article proponent cites two properties recently rezoned where there was no subsequent increase in property tax assessments (Watertown Savings Bank on Waltham Street on the Waltham line and Ledgemont 2-3).

In 2005, Town Meeting rezoned a then empty lot at 1075 Waltham St from residential to commercial, but its FY2007 assessment remained \$397,000 as before the rezoning. In 2008, Watertown Savings Bank purchased the lot for \$1,378,470 and built a new facility. The Town failed to collect “new growth” taxes because the FY2007 assessment did not increase following the 2005 rezoning.

In 2009, Town Meeting rezoned 95 Hayden Ave (where Ledgemont 2, a 200,000 sq ft commercial building stands) to allow an additional 129,000 sq ft of commercial building (Ledgemont 3, which could not be built without rezoning). The FY11 assessment of the property does not reflect any increase in market value, which the proponent claims exists because the property owner can now build more on the same land than was possible before the up-zoning.

If the central principle is that all property must be assessed at full and fair market value, then:

- Why do we not increase the land assessment of commercial property as soon as possible after the property has been up-zoned?
- Are there alternative methods of valuing commercial properties that will yield more tax revenues?
- Are steps being taken to investigate these methods?

Further Information:

Patrick Mehr: 781-367-2229, patrick.mehr@gmail.com

Article 38**Residential Assessments (Citizen Article)**

To see if the Town will request the Selectmen to call upon the Board of Assessors to update the process used to establish residential assessments to ensure equity among taxpayers and to maximize Town revenues; or to act in any other manner in relation thereto.

(Inserted by Patrick Mehr and nine or more registered voters)

Description: *This article requests that the Selectmen ask the Board of Assessors to update their assessing process for residential properties.*

RESIDENTIAL ASSESSMENTS

SUMMARY: This article requests that the Board of Assessors update assessment methodologies so as to better capture the full, fair market value of houses that sell for \$1,500,000 and above.

Overview (as of 02/19/11)

Is there is room for improving the yield from residential properties and achieving greater equity between large and small homes? Are larger homes paying their fair share of taxes?

Per the FY2010 data from the Assessors' office, approximately one of every seven single family houses that sold during 2004 through 2008 for \$1,500,000 or more were assessed at 70-90% of their sale price. In contrast, assessments of smaller houses (those selling for less than \$1,500,000) are generally assessed at 90-95% of their sale price.

The article proponent believes that this discrepancy is due to the Department of Revenue's (DOR's) requirement that all sales of single-family houses in Lexington in a given calendar year (about 320 sales) be divided into 4 "buckets" each with an equal number of sales (about 80) from the lowest price sale up to the most expensive sale, and that the average ratio of assessment to sale price be consistent across all 4 buckets. The problem is that houses sold above \$1,500,000 represent a very small part of the 4th, highest, bucket - just 10-20 sales out of 80 - and are "lost in the noise".

The motion will request DOR to update the assessment methodology to better capture the full market value of very large houses, so that the town does not lose "new growth" revenues, and to provide for better equity among taxpayers.

Questions

Question #1: Would updating the assessment methodologies for residential assessments require a home rule petition to the State Legislature?

Answer #1: No. Instead, this would require the DOR to refine the methodology local assessors follow to establish residential assessments.

Question #2: Is there any similar effort being made in other towns?

Answer #2: Not that the proponent of this article is aware of, but he has not researched this topic.

Question #3: What is the estimated fiscal impact of this measure if it were to pass?

Answer #3: If a revision by DOR of its methodology allows the Assessors to better capture the full value of very large houses, the owners of the \$1,500,000+ houses would pay more in property taxes while the other taxpayers in Lexington would pay slightly less

Further Information:

Patrick Mehr: 781-367-2229, patrick.mehr@gmail.com

Article 39**Amend Zoning By-Law - Traffic**

To see if the Town will vote to amend the Code of the Town of Lexington, Section 135-71B of the Zoning By-Law, to remove the word “renovation” from Section 135-71B and reformat it, with additional technical corrections to facilitate comprehension, or act in any manner in relation thereto.

(Inserted by the Planning Board)

Description: *This article seeks to remove the renovation of existing properties as a trigger for requiring a traffic study and a determination by the SPGA of adequate traffic capacity.*

TRAFFIC BYLAW TRIGGER

SUMMARY: Currently the renovation of existing properties triggers a traffic study and a ruling by the Special Permit Granting Authority (SPGA) regarding adequate traffic capacity. By means of this article the Planning Board seeks to remove that stipulation from the Zoning By-Law.

Overview (as of 02/21/11)

The By-Law as currently worded serves as a disincentive for owners to maintain and update their property. This in turn, leads to erosion of our commercial property base.

Additionally, those tasked with interpreting the By-Law have had difficulty with defining what is meant by “renovation”.

Questions

Question #1: Didn't Town Meeting already pass a regulation that set up an alternative to a traffic study and the special permit process?

Answer #1: While there are regulations in place (Transportation Management Overlay [TMO]-1 district for the Hartwell Avenue area) that include an alternative to a traffic study and special permit, the changes proposed by this article will be applicable to the rest of the Town.

Eventually, there may be a series of TMO districts throughout the Town. Until that time the proposed changes to the By-Law will correct the difficulties.

Article 40**Amend Zoning By-Law - CRS Zone -
1095 Massachusetts Avenue (Owner Petition)**

To see if the Town will vote to amend Chapter 135, the Code of the Town of Lexington, Zoning By-Law and the Zoning Map of the Town of Lexington, by changing the zoning district designation of that property commonly known and numbered as 1095 Massachusetts Avenue, Lexington, MA 02420, further identified by Deed recorded with the Middlesex South District Registry of Deeds, Land Court Department in Book 1288, Page 171, Document No. 1344738, on Certificate of Title No. 231724, and more specifically described in the metes and bounds legal description shown in Exhibit A, on file with the Board of Selectmen and Town Clerk, from the current RS Zoning District (one family dwelling) to a CRS Zoning District (retail shopping) for the current use or other uses allowed in a CRS Zoning District, and to take any other action or to act in any other manner relative thereto.

(Inserted by Douglas M. Chapman, Owner)

Description: *The existing Auto Service Station located at 1095 Massachusetts Avenue is a grandfathered, non conforming business in a residential zone. This present use can continue as long as the current owner or any subsequent owner maintains the property in this exact same manner. This proposal would, therefore, rezone the site from an RS Zoning District (one family dwelling) to a CRS Zoning District (retail shopping), which would not only allow for its continued use, but allow for other uses allowed in CRS Zoning District.*

GAS STATION REZONING

SUMMARY: This article asks to change the zoning on the property at 1095 Massachusetts Avenue (Auto Service Station on corner of Massachusetts Avenue and Maple Street).

Overview (as of 02/21/11)

The property has been a grandfathered non-conforming business in an RS Zone (one family dwelling) since the 1920s. The current owner and proponent of this article has operated an Auto Service Station on the site since 1982.

The property can remain an auto service station as long as the owner maintains the property in the same manner. If the owner sells the property under its current zoning, the only accepted use would be as an auto service station. Any other use would negate the grandfathered non-conforming use and it would revert to an RS house lot.

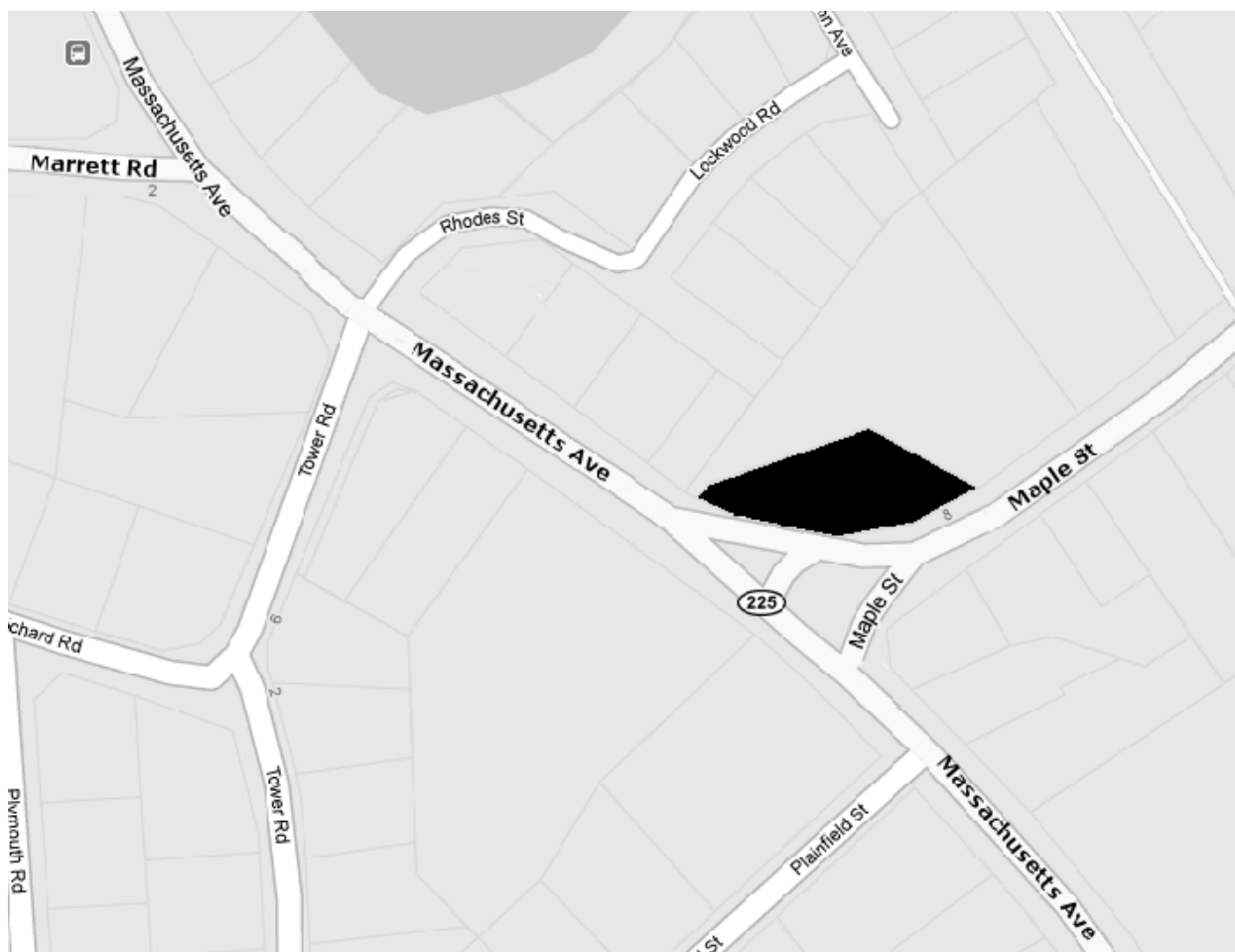
The article requests that the zoning be changed to CRS (Retail Shopping). This would allow its current use or the other uses allowed in a CRS zone and would allow the owner to increase the possible future commercial uses of the site (and would eliminate the possibility of residential use of the site).

Questions

Question #1: What uses are allowed in a CRS zone?

Answer #1: Beauty salon, tailor shop, retail sales, real estate office, postal service, for-profit school, bank, offices (but not on the first floor).

See map below for the location of this parcel of land.



Further Information:

Thomas Fenn: 781-861-9831, tjek123@aol.com

Article 41 Amend Zoning By-Law - Hartwell Avenue Land to CM Zone

To see if the Town will vote to amend Chapter 135 of the Code of the Town of Lexington, the Zoning By-Law and the Zoning Map, by changing the zoning district designation of that property shown as Lot 14 on Assessors' Property Map 73, now or formerly of Hartwell Hospitality, LLC, from RO to CM; or act in any manner in relation thereto.

(Inserted by the Planning Board)

Description: *This article requests the Town to rezone this residential parcel to a commercial parcel. The land is bordered on all sides by commercially zoned land and the rezoning will bring it into harmony with the district.*

HARTWELL PARCEL CHANGE

SUMMARY: Lot 14 on the Assessors Map 73 (the Lot), in the Hartwell Avenue commercial district, is a lot of about 5 acres surrounded by commercial properties and currently zoned as an RO (residential) parcel. The Planning Board requests that it be rezoned as a CM (commercial) parcel, in line with the rest of the district.

Overview (as of 02/24/11)

The Lot (see attached map below) is part of a parcel bought by the owner of the restaurant next door (Waxy O'Connor's). The lot is not buildable because it contains wetlands and is part of the 100-year floodplain in this area. There are no residences nearby. Because it is zoned as residential, it has an effect on commercial properties across from it on Hartwell Avenue. The properties across the street from the Lot must provide a landscaped transition and screening area of 50 feet, rather than the 20 feet allowed in commercial zoning. A rezoning of the Lot would allow them to move buildings forward and parking lots to the rear of their properties, making the area more attractive and environmentally sensitive. This change would also bring the area into conformity with plans for a future Hartwell Avenue area better served by public transportation under the Transportation Management Overlay District (TMOD).

Questions

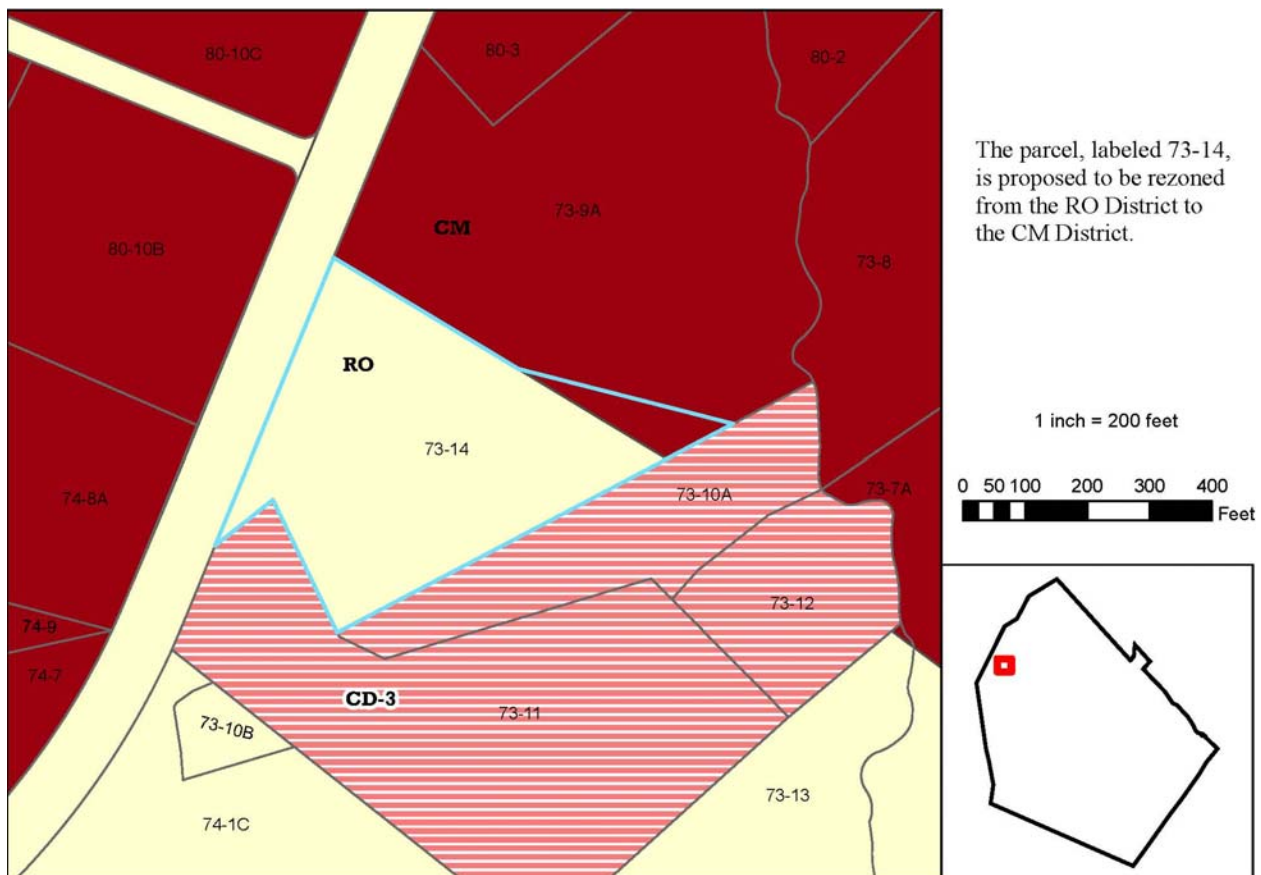
Question #1: Has the Conservation Commission determined that no part of the lot could be used for expansion of the restaurant's parking lots?

Answer #1: The Conservation Commission has not yet delineated the wetlands, but as one can see from the aerial map, this is a difficult site. It does not appear that this lot would easily provide auxiliary parking to the restaurant as there doesn't appear to be a way to provide a driveway from one parcel to the other.








Further Information:

Planning Director: Maryann McCall-Taylor, 781-862-0500 ext. 242




See map below for the location of this parcel of land. See aerial map on the page after next (electronic version only) for an outline of the various types of wetlands on this lot (the legend for the aerial map is on the next page - electronic version only).

Lot 14, Map 73 - Hartwell Avenue Rezoning

DEP Wetland Legend - for the aerial map on the following page

-  Bog
-  Deep Marsh
-  Open Water
-  Shallow Marsh Meadow or Fen
-  Shrub Swamp
-  Wooded Swamp Deciduous
-  Wooded Swamp Mixed Trees

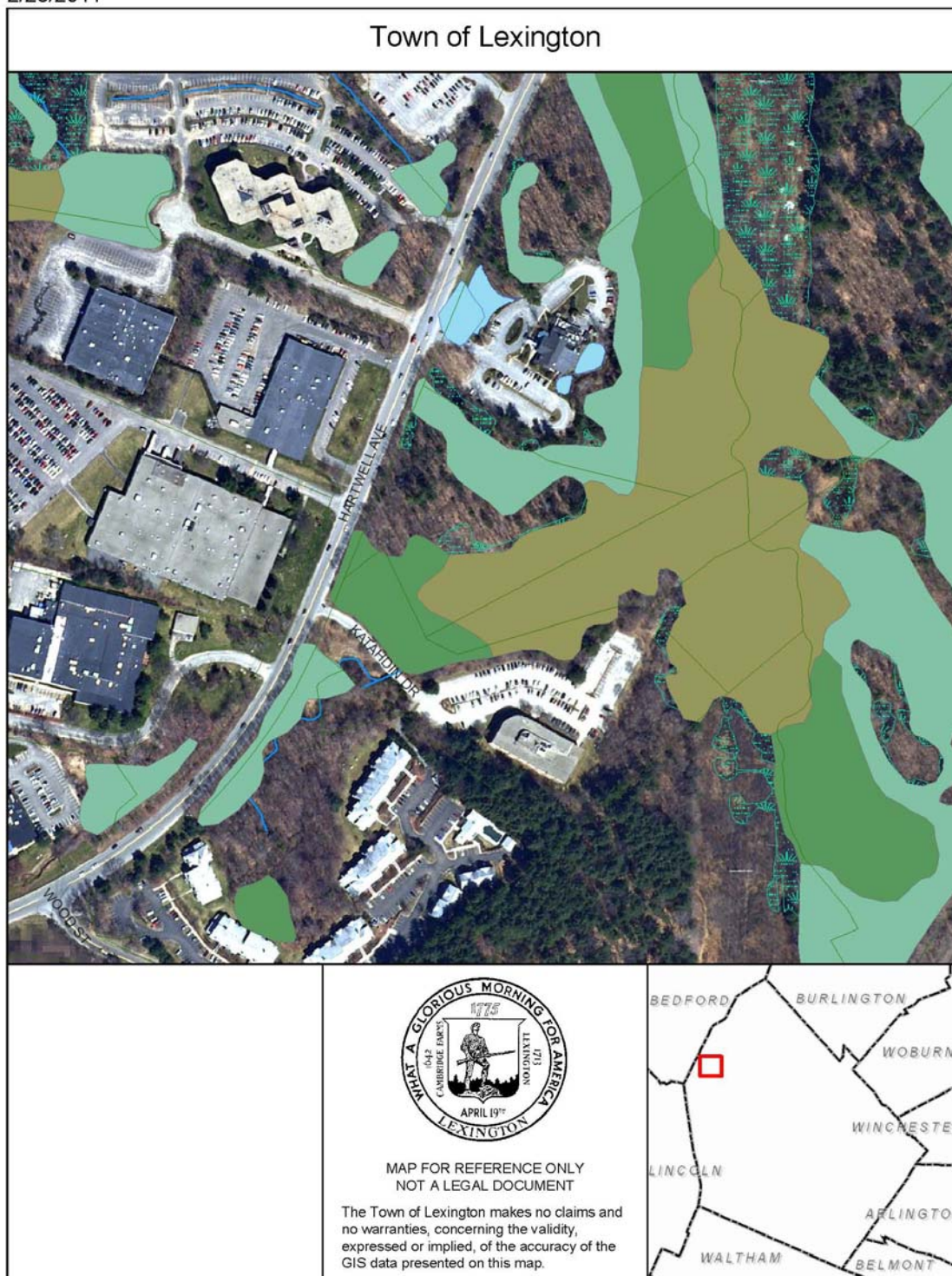
Water & Wetlands

-  Wet Areas
-  River/Pond
-  Retention Pond

Rivers & Streams



2/28/2011



Article 42 Acquire Sidewalk Walking Easement to Fiske School

To see if the Town will vote to acquire a sidewalk easement leading to the Fiske School over property now known as Fiske Common and as further set forth in a decision of the Board of Appeals dated July 14, 1977, and authorize the Selectmen to take such easement by eminent domain; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

Description: *This article would authorize a taking of a sidewalk walking easement as stipulated by a decision of the Board of Appeals dated July 14, 1977.*

FISKE SIDEWALK EASEMENT

SUMMARY: The purpose of this article is to vote to acquire a sidewalk walking easement leading to the Fiske School over the property of Fiske Common Condominiums.

Overview (as of 02/20/11)

In 1977, Moore Homes was issued a Special Permit to construct Fiske Common Condominiums. A requirement of the Special Permit was to file a plan and a description of a walking easement over the common area. This has not been filed. Since 2007, the Town has been developing improvements to the Fiske School and Fiske Common sidewalk connection to make it accessible. Fiske Common Condominiums trustees declined the Town's request for a construction easement, citing that the walking easement does not exist.

A vote of Town Meeting is required for eminent domain taking. An affirmative vote will enable the Town to resolve the issue with Fiske Common Condominiums at the lowest cost to the taxpayer. The legal expenses for the taking are estimated at \$12,000 to \$15,000.

Questions

Question #1: Will there be cost to the Town associated with creating the sidewalk?

Answer #1: It will cost approximately \$25,000 to create the new accessible sidewalk. This would include the demolition of some stairs and work to connect the sidewalk to its new location.

Article 43**Acquire Gift of Land - Myrna Road**

To see if the Town will vote to authorize the Conservation Commission to acquire by gift, and authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, the land shown as Lot 35 on Assessors' Property Map 76, now or formerly of Robert B. Chase; or act in any other manner in relation thereto.

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

Description: This article would authorize the acquisition of a gift of land for conservation purposes.

MYRNA ROAD LAND GIFT

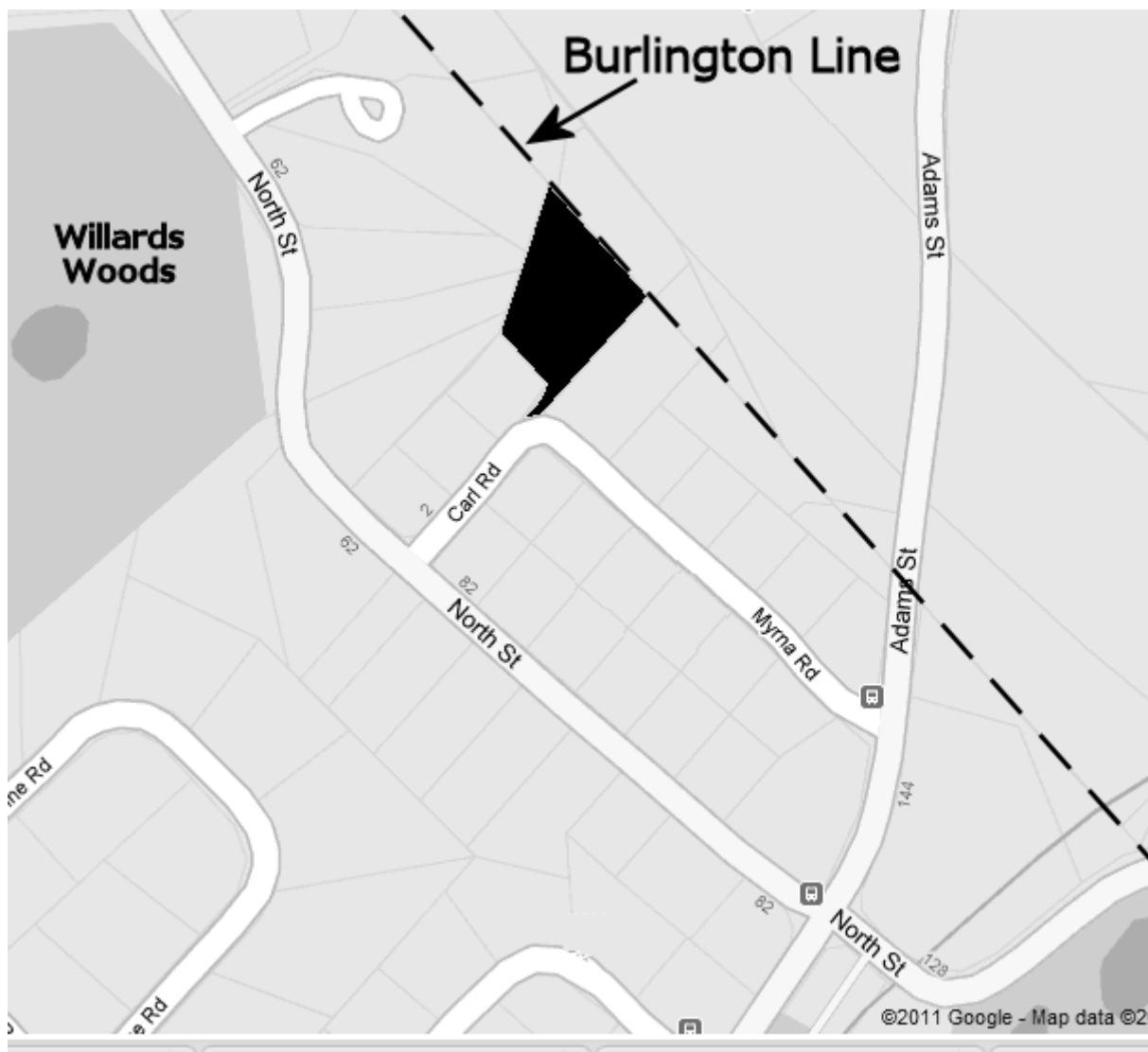
SUMMARY: The purpose of this article is to authorize the acquisition of a gift of land for conservation purposes.

Overview (as of 02/19/11)

The land is on Myrna Street near the town line border with Burlington. The land is approximately 33,480 square feet in area and contains environmentally sensitive wetlands and undeveloped forested buffer zones. Additional benefits of protecting this land from development include: flood control, reduction of storm damage, protection of drinking water supply, and pollution prevention.

The estate of the previous owner would like to give the land to the Town for conservation purposes. The Conservation Commission would like to acquire the land. In order to clear up some minor problems with the title the estate has agree to a "friendly taking" by the Town.

See the map on the next page for the location of this parcel of land.



Article 44**Accept Gift of Land - Off Hartwell Avenue**

To see if the Town will vote to accept a gift of land shown as Lot 2 on Assessors' Property Map 80, now or formerly of Pacific Partners Realty Trust; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

Description: *This article requests the Town to accept the gift of a parcel of land consisting of 14.5 acres, more or less, off Hartwell Avenue. The gift was made in conjunction with the purchase of a portion of the Cotton Farm authorized under Article 9 of the warrant for the 2010 Annual Town Meeting.*

HARTWELL LAND GIFT

SUMMARY: This article requests Town Meeting approval for the acceptance of open land that is being given to the town as a side condition to the Town's Purchase of the Cotton Farm under Article 9 of the 2010 Annual Town Meeting.

Overview (as of 02/11/11)

One of the inducements offered to the Town to purchase the Cotton Farm in 2010 at its asking price was an offer to also give Lot 2 on Assessors' Property Map 80 to the Town, which significantly increased the acreage of open space the Town would acquire for the price. The Cotton Farm purchase was funded under the CPA rules, so due to that and the scope of Article 9 in last year's warrant, this lot had to be conveyed as a separate transaction, so it was made a gift to the Town. The Town cannot accept that land as a gift unless the Town Meeting approves this article. If the Town Meeting does not accept the gift, the current owners will retain ownership of the land and can keep or sell it. The land will become Town land on acceptance of the gift and later may be transferred to Conservation, if that action is approved at a subsequent Town Meeting.

The land now is essentially all open space. The lot has frontage on Hartwell Avenue and is located just south of Lexington's composting facility. It is adjacent to the path of the West Lexington Greenway trail, which is currently in the planning stage. A trail through it to access Hartwell Avenue might become part of the Greenway if the gift is approved. The land has areas of wetlands. There are easements through it used for a Tennessee Gas Pipeline Co. pipeline and an NSTAR high voltage transmission line which will continue to exist whether the gift is accepted or not. The topography of the parcel is relatively flat and classified mostly as wetlands containing Freetown muck soils with two isolated upland areas containing Wareham loamy fine sand soils. The entire parcel is located within the 100-year floodplain, with two branches of the Kiln Brook forming the lot lines along the north and south.

See the map on the next page for the location of this parcel of land. See the page after the next page (electronic version only) for a protected resource area map of this parcel that was created with GIS (color map).

