

# TMMA Warrant Information Report



*March 2012*

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 Annual Town Meeting beginning March 26, 2012. TMMA thanks town officials, town staff, and members of boards and committees for their assistance in providing information for this report.

The following people participated in research, composition, editing and proofreading:

Suzanne Abair	Gloria Bloom	Brian Heffernan	Jim Osten	Melinda Walker
Robert Avallone	Jeanne Canale	Margaret Heitz	John Patrick	Tom Wanderer
Larry Belvin	Jeff Crampton	David Kaufman	Edith Sandy	
Sam Berman	Andy Friedlich	Noah Kaufman	Frank Sandy	
Vicki Blier	Michelle Goddard	Barry Orenstein	Ruth Thomas	
Nancy Corcoran-Ronchetti				

For new and updated information, please refer to the  
TMMA website at

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

## Conflict of Interest Guideline for Town Meeting Members

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

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

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

Revisions:

(pre-release version 0.6 - March 8, 2012)

*Special thanks to:*

*Christopher Bing for the cover artwork*

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## Table of Contents

Conflict of Interest Guideline for Town Meeting Members .....	ii
Note about Dollar Amounts in this Report.....	v
Article 4   Appropriate FY2013 Operating Budget.....	6
Article 5    Appropriate FY2013 Enterprise Fund Budgets .....	13
Article 6   Appropriate for Senior Service Program .....	15
Article 7   Establish and Continue Departmental Revolving Funds .....	16
Article 8   Appropriate the FY2013 Community Preservation Committee Operating Budget and CPA Projects.....	18
Article 9   Land Purchase - Off Grove Street.....	25
Article 10 Land Purchase - Off Grove Street.....	27
Article 11   Appropriate for Recreation Capital Projects.....	29
Article 12   Appropriate for Municipal Capital Projects and Equipment <b>Error! Bookmark not             defined.</b>	
Article 13   Appropriate for Water System Improvements.....	40
Article 14   Appropriate for Wastewater System Improvements.....	42
Article 15   Appropriate for School Capital Projects and Equipment.....	44
Article 16   Appropriate for Public Facilities Capital Projects .....	45
Article 17   School Bus Transportation Subsidy (Citizen Article) .....	50
Article 18   Appropriate to Post Employment Insurance Liability Fund .....	52
Article 19   Rescind Prior Borrowing Authorizations..... <b>Error! Bookmark not defined.</b>	
Article 20   Authorize the Establishment of a Minuteman Stabilization Fund.....	55
Article 21   Establish and Appropriate to Specified Stabilization Funds.....	56
Article 22   Appropriate to Stabilization Fund.....	58
Article 23   Appropriate from Debt Service Stabilization Fund .....	59
Article 24   Appropriate for Prior Years' Unpaid Bills.....	60
Article 25   Amend FY2012 Operating and Enterprise Budgets .....	61
Article 26   Appropriate for Authorized Capital Improvements.....	62

Article 27 Establish Qualifications for Tax Deferrals and Exemptions.....	63
Article 28 Accept MGL Chapter 200A Section 9A.....	64
Article 29 Accept MGL Chapter 40U (Municipal Fines).....	65
Article 30 Amend Non-Criminal Disposition Bylaw .....	66
Article 31 Amend General Bylaws - Town Meeting Warrant .....	67
Article 32 Amend General Bylaws - Dog License Late Fee.....	68
Article 33 Approve Town Seal .....	69
Article 34 Amend Zoning By-Law - Dana Home Property Land Rezoning .....	70
Article 35 Amend Zoning By-Law - Residential Use in the CB Zone .....	77
Article 36 Amend Zoning By-Law - Home Occupations in CB Zone .....	79
Article 37 Amend Zoning By-Law - Height in the CB Zone .....	80
Article 38 Accept Gift of Land - Between Munroe Cemetery and Bike Trail.....	82

## Notes

**Please note that all dollar amounts listed in this report are NOT final. The final dollar amounts will be provided in motions presented at the Annual Town Meeting starting on March 26.**

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.

Also note that the entire text of the Annual Town Meeting Warrant is included in this report. The Warrant text appears at the beginning of the write-up for each article and appears in 10-point italicized font. TMMA information appears in 12-point normal font.

**Article 4****Appropriate FY2013 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 FY2013 (July 1, 2012 – June 30, 2013) 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 and FY2011 actual expenditures, FY2012 current appropriations and the preliminary FY2013 recommended appropriations. Please note that figures for FY2012 have been restated to reflect the funding of negotiated salary agreements.

**TMMA REVIEW****OPERATING BUDGET****TMMA Overview (as of 03/02/12)**

The information provided for this report is from the Town Manager's recommended budget dated January 19, 2012 and updated for any changes through March 2nd. Given the recent health benefits negotiations and the change to the State GIC (Group Insurance Commission) plans, the final FY 2013 cost for program 2130 (Employee Benefits) won't be known until Town Meeting. The proposed Municipal operating budget and shared expenses of \$77,932,618 for FY 2013 represents a 5.31% increase over the amount appropriated for FY 2012. Of this amount, the Municipal Operating Budget is \$29,438,591 which represents a 2.913% increase over FY 2012. Budgeted Shared Expenses are \$48,494,027, a 6.86% 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. Because all associated costs must be incorporated into the Enterprise Funds budgets, 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 accounting impacts line items 2400, 3300, 3400, 3500, 6100, 6200, 7100, 7300 and 8140 and is reflected under Article 7.

**TMMA Questions**

**Question #1:** When will the final health insurance costs be known?

**Answer #1:** The cost will be presented at Town Meeting. It will be dependent on final GIC plan rates and the plan choices our employees make.

**Question #2:** Given the mild winter we've experienced and having budgeted \$1,291,534 for FY2012 snow removal, what is the projected savings this year?

**Question #3:** With gasoline, diesel and fuel oil costs again increasing and projections that these costs will continue to increase through the summer, have budgeted departmental costs taken this factor into account?

**For further information:**

The "Brown Book" budget information is available at

<http://lexingtonma.gov/budget.cfm>

**Program 1000, Education**

The Education budget is comprised of two components: line item 1100 for the Lexington Public Schools (LPS) and line item 1200 for the Minuteman Regional School.

The FY2013 LPS budget is \$76,628,356. This is an increase of \$3,483,471 (4.8%) over the FY 2012 authorization of \$73,144,885.

The FY2013 budget for Minuteman Tech is currently estimated at \$1,407,979. This represents a decline of \$249,951 (17.3%) from the restated 2012 budget figure \$1,702,930.

The LPS and Minuteman budgets add up to \$78,036,335. This represents an increase of \$3,188,520 (4.2%). \$77,557,311 of this request comes from the tax levy. \$250,000 will come from the Avalon Bay mitigation fund and \$229,024 from "one-time-only" funds.

**Line item 1100 – Lexington Public Schools**

No new or enhanced instructional programs are included in this budget. However, with additional revenues available, LPS is looking to add staff to enhance existing programs and to reduce fees. The School Committee believes that fees should be minimal and should not be imposed for basic services – typically, core educational services that are provided during the regular school day. Most fees that are currently in place were imposed in order to preserve those programs.

The "one time only" funds of \$229,024 (described below) are being used to help fund the reduction of the Estabrook bus fee and the elimination of the fee for full day kindergarten.

The primary driver of the budget increase is staffing costs, which rose by 6.3% (\$60.6M to \$64.5M). Most of the increase in staffing costs comes from the salary and step increases that have been negotiated with collective bargaining units.

The budget proposes an increase in staffing of about 5 full-time equivalents (FTEs)\* from the FY2012 actual figure. (Note that the FY2012 actual staffing figure is higher than the FY2012 budget figure by about 8 FTEs\*.) Therefore, the FY2013 budget increase from the staffing figure in the FY2012 budget is 13FTEs\*. The 2013 budgeted FTE headcount of 898\* represents a 1.4% increase over the FY2012 budget headcount of 885\*.

*\* Note: all FTE / headcount numbers are preliminary based on available information at the time of writing.*

The non-compensation expense budget declined. This is not because costs themselves declined – they actually remained approximately stable. The main driver behind the change in expenses is a projected 60% special education “circuit breaker” reimbursement rate, which will allow LPS to reduce the appropriation for out of district placements by \$760,000, despite an increase in out-of-district tuition from \$7.9M to \$8.2M. The \$250,000 LABBB credit will also help this part of the budget.

State and federal title grants and jobs funding are projected to decline by approximately \$250,000. Avalon (\$250,000) funds will be used to offset this. Avalon funds are expected to provide another \$250,000 in 2014 but will be nearly exhausted at that point.

Most of the increase in staffing costs comes from the salary and step increases that have been negotiated with collective bargaining units.

## **I. Additions / Improvements to Existing Programs**

### **a. Supplemental Staff Appropriation - \$541,137**

This appropriation comes from asking school departments to provide proposals for additional funding needed to maintain or enhance programs/services. These requests have been prioritized by the Superintendent. Some of these items are listed below. Note, these items do not add up to \$541,137. They are merely the larger items in the appropriation. For brevity's sake, numerous smaller items have been left off:

- i.** Additional funding for department heads at Clarke and Diamond \$75,000
- ii.** World Language Teacher (Mandarin) \$12,000
- iii.** Instructional Technology Specialists \$42,000
- iv.** LHS School Nurse \$31,000
- v.** Elementary Support Personnel (lunch / recess / transition) \$88,000
- vi.** Assistant Director of Guidance (LHS) \$50,000
- vii.** Technology Field Technician \$38,000
- viii.** Staff Wellness Program (Seminars and Incentives) \$30,000

### **b. Diamond Intensive Learning Program – \$105,516**

Beginning in FY13, LPS will start an Intensive Learning Program (ILP) at Diamond to meet the needs of the four fifth grade students in the Fiske ILP Program that will be moving up to Diamond next year. The total new positions that will need to be added to the FY13 budget would be a .4 increase in Board Certified Behavior Analysts and a .36 increase in Student Support Instructors. The cost for the new program at Diamond will be \$105,516, which includes staffing, furniture, supplies, and materials. If LPS did not create an in-district program, the students would require an out-of-district placement at a cost of approximately \$460,640, including transportation. This program is an incremental cost, but it is \$355,124 cheaper than the alternative.



## II. Fee Reductions

### a. **50% Reduction of Estabrook Bus Fee - \$150,000**

During Estabrook construction, bus fees will be reduced by 50%. The School Committee hopes that this reduction in bus fees will encourage greater usage of the bus and therefore mitigate traffic problems during construction. It may also provide some insight into the impact of reduced fees on bus ridership. Construction will last two years, so this fee reduction should continue for another year.

### b. **Elimination of Elementary Music Fees - \$63,260**

Consistent with the goal of reducing or eliminating fees for core instructional activities during the day without eliminating those activities, the School Committee has decided to eliminate elementary music fees. The music fee, introduced after the failed 2004 override and increased to \$300 after the failed 2006 override, was reduced to \$150 in the 2012 budget. The 2013 budget eliminates this fee. Note that enrollment in elementary music increased 16% - from 432 in FY2011 to 501 in FY2012 - after the fee was reduced to \$150. Since music is viewed as a core component of education, and is provided during the day, the School Committee has been seeking for several years to reduce this fee and voted unanimously to eliminate this fee for FY2013.

### c. **Elimination of Fee for Full Day Kindergarten - \$378,400**

Similarly the School Committee has decided to eliminate the fee for full day Kindergarten. This fee was \$1,075 per child in the 2012 budget. The Full Day Kindergarten grant would have declined by 7% for 2013. The Grant calls for the eventual elimination of this fee. Almost all kindergarten children in the district were enrolled for the full day. The School Committee views full day kindergarten as a core offering and unanimously supported elimination of this fee.

### **One Time Only Funds.**

The schools have requested \$229,024 in so-called “one time only” funds in order to reduce the Estabrook bus fee and help eliminate the Full Day Kindergarten fee. These funds are only needed for a limited time – 2 years for the Estabrook bus fee, and 1 year for the Full Day Kindergarten fee. An oversimplified version of this funding is that:

1. The schools have projected a surplus in the FY2012 budget. In prior years, this entire surplus would have been returned to the Town.
2. The schools identified one-time-only capital projects scheduled for FY2013 that could be done this spring with surplus FY2012 funds. This reduces FY2013 capital needs.
3. The “one-time-only” FY2013 funds used for fee reduction do not affect future capital budgets, since the capital projects will be completed within the FY2012 budget.

### **Line item 1200 – Minuteman Regional School**

The 2013 budget for Minuteman Tech is currently estimated at \$1,407,979. This is a reduction of \$249,951 or 17.3% from the restated 2012 budget figure of \$1,702,930. The key driver of this decline is a drop in the number of Lexington children attending Minuteman from 83 in 2012 to 77 in 2013.

Minuteman's total budget for 2013 is \$17,251,713, an increase of \$816,240 (5%) over the 2012 budget of \$16,435,473. Minuteman's enrollment will increase from 754 to 785 (4.1%). Per pupil expenditures peaked in FY2010 at \$25,212 and are now at \$21,565.

The Minuteman budget is a preliminary assessment. It may be further refined in advance of Town Meeting.

## TMMA Questions

### Question #1: Has this budget added any instructional programs?

**Answer #1:** No. While there has been discussion of adding to science labs, restoring elementary school foreign language instruction, and more, no instructional programs have been added in this budget. The School Committee believes its priority should be first to keep the budget within the current tax levy and second to reduce fees.

### Question #2: What are the total fees a family could pay the schools?

**Answer #2:** In 2012, a family with children ranging from K – 12 could have theoretically paid the following fees:

Fee	FY2012	FY2013 Proposed
Elementary Music (per child)	\$150	\$0
Bus fee maximum*	\$1,600	\$1,600
HS / MS Athletic fee maximum	\$825	\$825
Elementary Before School Sports	\$200	\$200
Full Day Kindergarten	\$1,075	\$0
Total	\$3,850	\$2,625

\* Note: FY 2013 amount does not account for impact of article 17

To pay the total amount shown, a family would have had to have kids in kindergarten, elementary school, middle school AND high school, have at least three of them take the bus AND probably have two play high school sports. It is unlikely that any family paid this much, but this does illustrate the range and scope of fees. Note that this does not include field trip, athletic uniforms, or student activity fees (debate families face up to \$1,000 per year of "optional" debate-related costs), LHS parking (\$108/year), lunch (up to \$4.50 / day), or transcript requests (\$6 per request).

The elimination of the elementary music and full day kindergarten fees would reduce this potential bill by \$1,225 to \$2,625. Note again that this is a hypothetical figure, and it is unlikely that any LPS family pays this much.

### Question #3: What is the impact of adopting the GIC on the school budget?

**Answer #3:** While the reduction in health care costs is a significant item, the adoption of the GIC does not affect the school budget. Health care is a shared expense.

### Question #4: What happened to the reallocation of Certified Occupational Therapy Assistants (COTAs)?

**Answer #4:** The Superintendent's initial budget proposal contained a recommendation to reduce the number of COTAs by 3 and add 1.2 FTE occupational therapists. This proposal would also have reduced the number of occupational therapists in the Diamond ILP program by 0.3 FTE. Total savings would have been approximately \$70,000. This change would have increased the access to skilled resources while decreasing the total availability of occupational therapy staff. The School Committee decided that the benefits of this change were unclear and the savings were therefore not significant enough to pursue.

**Question #5: What would the impact of Article 17 (School Bus Transportation Subsidy) be on the school budget?**

**Answer #5:** Proponents of Article 17 expect there would be no impact. The Article's requested school bus subsidy, which is still to be determined at the time of this writing, would come from the Municipal (not School) budget and would directly reduce the Parent Bus Fee. School Bus Operations are the sum of the LPS Budget plus Parent Fees. If passed, the new equation for Bus Operations would be LPS Budget plus (Parent Fees and Town Bus Subsidy). The Parent Fees and Town Bus Subsidy would work on a sliding scale to equal the current Parent Fees of \$550 per student, with a \$1,600 family cap.

**Question #6: Are school buses the responsibility of the schools or the town?**

**Answer #6:** An argument has been made that school buses serve the Town as much as they do the schools since they reduce traffic, infrastructure wear, and pollution, as well as increasing pedestrian safety. This argument implies that school bus funding would come in part (or whole) from the municipal budget, as is done with Lexpress. Counterarguments have been made that the primary purpose of school buses is to bring students safely to and from school and are therefore a school function. No conclusions have been drawn by any Town board or committee on this question.

**For Further Information:**

Superintendent's Budget Information: <http://lps.lexingtonma.org/Page/1457>

Town Budget Information: <http://www.lexingtonma.gov/budget.cfm>

SHARED EXPENSE & MUNICIPAL BUDGET CHANGES -- FY2012 - FY2013					
(per Town Managers' Budget 1-8-11)		FY 2012	FY 2013	\$ UP/ (DOWN)	NOTES & HIGHLIGHTS
Program #	NAME	Appropriations	Recommendations		
2100	Employee Benefits	\$ 28,884.4	\$ 32,417.6	\$ 2,733.1	9.21% overall increase
2110	Contributory Retirement	4,083.3	4,205.5	122.3	2.99% incr. based on FY13 assessment by Retirement Bd.
2120	Non-Contrib. Retirement	12.4	12.4	0.0	For retired employees who began employment prior to 1939
2130	Medicare	1,217.6	1,295.3	77.7	6.38% incr. based on FY11 actual & FY13 projected
2130	Health Insurance	21,997.9	24,379.8	2,381.9	Does not reflect negotiations and going to the GIC
2130	Dental Insurance	781.6	851.2	69.6	8.90% decr. based on negotiated premium for FY13
2130	Life Insurance	20.0	20.0	0.0	Level funded
2140	Unemployment Benefits	310.0	290.0	(20.0)	6.45% decr. based on reduction in number of former empl.s
2150	Workers' Compensation	542.7	608.3	65.7	12.10% incr.- FY11 act. exper. & \$100k-former safety empl.
2160	Property & Liability Insur.	619.0	630.0	11.0	1.78% incr. based on projected market conditions
2170	Uninsured Losses	100.0	125.0	25.0	25% incr., 1/5/12 continuing balance of \$299,549
2200	Debt Service	6,992.1	6,388.4	\$ 603.7	7.34% overall increase
2210	Within-Levy Debt - Prin.	4,072.2	4,462.1	389.8	incl. debt costs for designs for Estabrook, Bridge, Bowman
2220	Within -Levy Interest	710.3	646.9	(63.4)	Proposed projects funded by temp. borrowing at first
2230	Within-Levy Temp. Borr.	219.6	260.5	40.9	Short-term borrowing helps reduce debt costs
2300	Reserve Fund (2310)	900.0	900.0	0.0	Appropriations approve transfers from this fund
2400	Public Facilities	8,608.4	8,607.1	1.3	2.06 % overall increase
2410	Education Facilities	7,084.4	7,167.3	82.8	For all facilities, compensation incr. of \$221,757
2420	Municipal Facilities	1,595.5	1,670.2	74.7	For all facilities, natural gas decr. of \$270,000
2430	Shared Facilities	929.4	969.6	40.1	For all facilities, proj. incr. for electricity and oil prices
TOT.2000	T. SHARED EXPENSES	\$ 46,186.9	\$ 48,484.0	\$ 2,297.1	4.98% increase over the prior year
3100	D.P.W.Oversight	\$ 1,373.1	\$ 1,442.7	\$ 69.6	5.07% overall increase
3110	DPW Administration	531.8	523.1	(8.7)	1.64% decrease
3120	Engineering	575.9	643.8	67.9	incl. \$60k for EPA NPDES Phase II requirements
3130	Street Lighting	265.4	275.8	10.4	3.92% increase due to change in utility rates
3200	Highway Administr.	3,146.8	3,008.4	(138.4)	4.34% overall decrease
3210	Highway Maintenance	1,153.5	1,197.0	43.5	3.77% increase, incl. \$38.9k for flt mechanic
3220	Road Machinery	700.9	720.9	20.0	2.85% increase
3230	Snow Removal	1,291.5	1,091.5	(200.0)	Does not incl. \$200k for Oct. 2011 snow storm
3300	Public Grounds	1,481.0	1,481.8	0.8	0.06% overall increase
3310	Parks	947.3	930.5	(16.8)	1.78% decrease
3320	Forestry	268.8	284.7	15.9	Other departmental expenses reflected in Article 7
3330	Cemetery	274.9	276.7	1.8	Other departmental expenses reflected in Article 7
3400	Environmental Services	2,188.8	2,206.2	17.4	0.70% overall increase
3410	Refuse Collection	754.3	754.3	0.0	Increase due to contractual obligation
3420	Recycling	816.7	813.9	(2.8)	incl. additional \$90k to increase yard waste pick-up
3430	Refuse Disposal	618.8	637.0	18.2	Increase due to contractual obligation
3500	Transportation	622.8	0.0	(622.8)	Cost centers have been moved
3510	LEXPRESS	478.8	0.0	(478.8)	Has been moved to Human Services
3520	Parking Operations	144.0	0.0	(144.0)	Has been moved to Police Dept.- 4130
3600	Water Enterprise	7,846.4	7,887.1	40.7	Expense is recognized under Article 6
3610	Water Operations	2,228.7	2,256.2	27.5	
3620	MWRA	5,012.1	4,745.1	(267.0)	
	Indirect Costs	704.6	665.8	(38.8)	Article 5 does not incl. indirect expenses
3700	Sewer Enterprise	8,802.1	8,084.8	(717.3)	Expense is recognized under Article 6
3810	Sewer Operating	1,289.0	604.3	(684.8)	
3820	MWRA	6,866.8	6,866.8	0.0	
	Indirect Costs	646.2	623.4	(22.8)	Article 5 does not incl. indirect expenses
TOT.3000	PUBLIC WORKS	\$ 8,822.8	\$ 8,148.2	\$ (674.6)	7.63% decr. does not include Articles 5 and 7 expenses
4100	Law Enforcement	\$ 6,830.6	\$ 8,005.1	\$ 1,174.5	2.99% overall increase
4110	Police Administration	1,229.7	1,154.7	(75.0)	No collective bargaining agreement yet reached for FY 2013
4120	Patrol & Enforcement	3,123.1	3,195.9	72.7	\$39.8k - radios, laptops & new rifles, traffic counters, LIDAR
4130	Traffic Bureau	80.0	268.2	188.2	incr. From taking on Parking Operations
4140	Investigations	661.2	632.0	(29.2)	Level staffed from prior year
4150	Dispatch	565.3	581.3	16.0	incr. due to \$17k for Code Red emerg. notification system
4160	Animal Control	31.8	31.6	(0.2)	Level staffed from prior year
4170	Crossing Guards	139.5	141.5	2.0	Level staffed from prior year
4200	Fire Services	6,366.7	6,463.4	96.7	1.82% overall increase
4210	Fire Administration	352.0	429.4	77.4	incr. due to full year salary for Asst. Chief for training
4220	Fire Prevention	189.2	192.1	2.9	Level service budget
4230	Fire Suppression	4,606.7	4,650.5	43.8	\$24k to promote 4 to Lieut. to supervise ladder truck
4240	Emergency Medical Serv.	178.9	178.3	(0.6)	Level service budget
4250	Emergency Management	28.8	3.0	(25.8)	Responsible for town-wide emergencies, FEMA, MEMA

**Article 5****Appropriate FY2013 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 FY2013 from the operations of the related enterprise, by the tax levy, by transfer from available funds, including the relevant enterprise fund, or by any combination of these methods; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Funds Requested:**

<b>Enterprise Fund</b>	<b>FY2011 Actual</b>	<b>FY2012 Appropriated</b>	<b>FY2013 Requested</b>
<b>a) Water</b>			
Personal Services	\$616,920	\$641,423	\$634,966
Expenses	\$398,693	\$384,400	\$389,590
Debt Service	\$1,137,075	\$1,258,968	\$1,243,439
MWRA Assessment	\$4,745,093	\$5,049,999	\$5,512,091
<b>Total Water Enterprise Fund</b>	<b>\$6,897,781</b>	<b>\$7,334,790</b>	<b>\$7,780,086</b>
<b>b) Wastewater</b>			
Personal Services	\$230,457	\$275,369	\$271,089
Expenses	\$230,854	\$330,450	\$333,200
Debt Service	\$791,777	\$879,713	\$899,046
MWRA Assessment	\$6,405,931	\$6,802,875	\$6,866,826
<b>Total Wastewater Enterprise Fund</b>	<b>\$7,659,019</b>	<b>\$8,288,407</b>	<b>\$8,370,161</b>
<b>c) Recreation</b>			
Personal Services	\$601,119	\$643,143	\$645,044
Expenses	\$891,615	\$966,745	\$1,018,584
Debt Service	\$137,200	\$131,500	\$130,600
<b>Total Recreation Enterprise Fund</b>	<b>\$1,629,934</b>	<b>\$1,741,388</b>	<b>\$1,794,228</b>

**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.

**TMMA REVIEW****ENTERPRISE FUNDS****TMMA Summary**

Passage of this article appropriates money for the Water, Wastewater, and Recreation Enterprise Funds. Lexington has established individual Enterprise Funds for our water, wastewater (sewer) and recreation operations. These funds receive revenue from water and sewer bills and from recreation fees and pay expenses for those departments.

**TMMA Overview (as of 03/02/12)**

FY2013 represents the seventh year in which the enterprise fund budgets have been separated from the general expenses of the municipal operating budget. This change was made to allow for greater transparency and to improve accounting functions.

Changes to the Water and Wastewater Enterprise funds budgets from FY2012 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 2012 Annual Town Meeting. In FY2012 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 \$300,000 respectively. For FY2013, retained earnings are not being used to offset water and wastewater expenses.

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 FY2013 MWRA assessments reflected in the recommended budgets are based on preliminary assessments issued by the MWRA in February. Final assessments will be voted by the MWRA Board of Directors later in the spring. 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 FY2013 rate recommendations to be made to the Board of Selectmen.

The FY2013 Recreation Enterprise Fund appropriation represents a 3.03% increase over that requested for FY2012.

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. For FY2013, the Fund is also contributing \$30,600 in debt payment for the Valley Street Tennis Courts.

## **TMMA 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:** Why are retained earnings not being used to offset expenses for FY2013?

**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 that provides 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.

**TMMA REVIEW****SENIOR TAX WORK-OFF****TMMA Overview (as of 03/02/12)**

Lexington's Senior Services Tax Relief Program enables certain town property owners over 60 years of age to provide needed services to the Town in exchange for a reduction in their property tax bill. The program is open to Seniors with gross incomes of \$50,000 or less (single) or \$52,950 (married) whose Lexington home is their primary residence.

Participants are paid \$8.50 per hour and may work as many as 110 hours per year to reach the maximum annual benefit of \$935. Two-person households may work a combined 140 hours per year for a maximum benefit of \$1,190.

Under this local program, the fiscal parameters are determined by the Selectmen. The program was enacted by a vote of Town Meeting in 2006 which rescinded our participation in the less flexible State-enabled Senior Tax Work-Off Program and put our own program into place.

The current income limits, hourly rate and maximum benefit were set after comparing our program with those offered by many comparable towns. Our program's benefits are similar to or more beneficial than those of the towns that the Selectmen reviewed.

Each year, the program costs the Town between \$30,000 and \$33,000. Last year there was a sufficient balance left from previous years to enable the Selectmen to forgo a funding request. There is a balance remaining again this year but it is not likely to be large enough to fund next year's program.

As of this writing, the actual amount to be requested has not been determined.

## 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 FY2013 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 FY2013 shall be the following amounts or any other amounts; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

### ***Funds Requested:***

<b><i>Program or Purpose</i></b>	<b><i>Authorized Representative or Board to Spend</i></b>	<b><i>Departmental Receipts</i></b>	<b><i>FY2013 Authorization</i></b>
<i>Building Rental Revolving Fund</i>	<i>Public Facilities Director</i>	<i>Building Rental Fees</i>	<i>\$375,000</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>\$450,000</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>\$285,000</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.

## TMMA REVIEW

### REVOLVING FUNDS

#### **TMMA Overview (as of 03/02/12)**

The amounts above represent the projected revenue for each program. Since the expenses associated with the Revolving Funds are not reflected in the Article 4 Operating Budget, the FY2013 Authorizations are spending limits which cannot be exceeded. 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.

#### **TMMA Questions**

**Question #1:** The Building Rental Revolving Fund has increased from \$325,000 in FY12 to \$375,000 for FY13. What is the reason for the increase?

**Question #2:** The Tourism / Liberty Ride Revolving Fund has increased from \$174,375 in FY12 to \$285,000 for FY13. What is the reason for the increase?

**Article 8****Appropriate the FY2013 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 FY2013 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 FY2013; 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) Paint Mine Barn Preservation - \$34,770;
- c) Muzzey Senior Center Upgrades - \$561,518;
- d) Cary Memorial Building Upgrades - \$550,000;
- e) Center Playfields Drainage - \$605,718;
- f) Battle Green Master Plan Implementation - \$143,845;
- g) LexHAB – Set Aside for Housing Acquisition - \$450,000;
- h) Buckman Tavern Historic Structures Report/Restoration Plans - \$65,000;
- i) Historical Society – Historic Records Preservation - \$77,268;
- j) Greeley Village Accessible Housing Project - \$810,673;
- k) Busa Farm Debt Service - \$930,300;
- l) Cotton Farm Debt Service - \$1,000,000; and
- m) 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.*

## **TMMA REVIEW**

## **CPA PROJECTS**

**TMMA 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.

**TMMA Overview (as of 03/02/12)**

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

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

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

**For further information:**

Lexington's Community Preservation Committee:

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

CPC Project Descriptions:

<http://www.lexingtonma.gov/committees/cpc/CPC13ProjectDescriptions010912.pdf>

State Legislature web site for the Community Preservation statute:

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

**Per-Project Information (a) – (m)****a) Archives and Records Management / Conservation (Historic Resources) - \$150,000.**

CPA funding is requested for Year 5 of a 5-year project for conservation and preservation of historic municipal documents and records. This year, the request is to preserve, microfilm, and digitize early 20<sup>th</sup> century municipal records. Recent municipal records have already been microfilmed and digitized, or are entered electronically as computer accessible documents when created. Previous phases were directed to records from the 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> century. The records to be preserved include voter registers, records of the Selectmen, Cemetery records, registers of vital records, and deed and agreement files. The process involves treatment of the original paper records so that they will not deteriorate in storage, and microfilming and scanning them so that the information they contain can be accessed remotely via computers using digital techniques. Digitization of these records eventually will permit access via the Internet. Archival storage in the main vault at Cary Hall, which has been enhanced by CPA funding for shelving, fire protection, and climate control, is continuing to be populated with the irreplaceable original documents containing the permanent and historic information, including materials from the Assessors, Town Clerk, Selectmen, Building, Police, Fire, and other departments. This article also provides for completion of the development of an Archives portal for a virtual exhibit in celebration of Lexington's 300<sup>th</sup> anniversary by funding the processing, digitization, and indexing of the materials for the exhibit. Future years will require continuing annual funding, at a lower level projected to be \$20,000, for "historic" records that are identified as needing preservation. This article is closely related to Municipal Capital Article 12 (q) for the Townwide Electronic Document Management System which uses tax levy funding because current Town documents are not eligible for CPA funding under the historic preservation rules. The electronic digitization, archiving process, and document management system for both articles are the same.

**b) Paint Mine Barn Preservation - \$34,770.** The Paint Mine Barn (PMB) is a structure located in Paint Mine Conservation Area, between the end of Mountain Road and Hennessey Field. It is located on Town of Lexington Conservation Land (Map 86 Lot 1) and was acquired by the Town in 1961 and transferred to Conservation in 2000. In the distant past, it served as a barn, used to stable horses that grazed in the meadow that is now Hennessey Field. It has been unused and unmaintained since 1961 or earlier. The building is 80 feet long by 20 feet wide. Seven old stalls, a space that apparently was used as an office, and a hallway space occupy the interior of the barn. On Thursday, September 15, 2011, at the Historical Commission Meeting, the Commission voted to designate it a significant building to be considered for inclusion in the cultural resources survey.

In 2009, the Conservation Commission discovered that the barn was actually on Conservation property; prior to that, it was assumed to have been on the neighboring private property. The Conservation Commission decided that it would be desirable to preserve the barn for use by the conservation stewards, the conservation summer trail maintenance crew, and other Conservation Commission staff as storage for tools, lumber, supplies, and equipment used in land management and care by the Conservation Division. The Town Building Commission and Pat Goddard, Director of Public Facilities, have visited the barn. They believe its structure is sound except for the roof, doors, and windows. The project entails replacing the roof, doors, and windows, as well as other repairs to improve security and provide electric power. The Minuteman Career and Technical High School Carpentry Lab students will do the actual construction on this project, which means there will be no labor costs. Lead teacher, Kyle Romano, in the Carpentry Lab is expected to direct the project, which will offer a unique learning experience, working on an old structure, to his students. He has visited the barn and provided much of the materials cost estimate for the project. The project will improve the capabilities of the Conservation Division by providing a single location with sufficient storage for tools, lumber, equipment, and supplies. Currently several scattered locations, shared with other divisions, are used for those purposes, which is inconvenient for staff and the stewards. The current spaces are also less secure, and lumber is stored outside where it is susceptible to theft. The project will restore an old town building, located on Conservation land, to functionality that otherwise will fall into disrepair, and then probably need to be demolished, due to safety hazards. That latter option would cause the Town to incur significant demolition and clean up costs without any of the benefits that restoration will provide.

**c) Muzzey Senior Center Upgrades – \$561,518.** This funding request is to make critical improvements to the accessibility, safety, and energy efficiency of the Lexington Senior Center, located in the Muzzey Condominiums at 1475 Massachusetts Avenue. Schematic level drawings for these improvements are complete. Funds are now requested for design development and construction documents for the recommended scope of work and for construction of Phase I, which includes the following components:

- Communicating stairs (open stairs that go between floors in a multilevel open space).
- Limited use / limited access elevator (LU/LA).
- Lighting upgrade

A request for approximately \$480,000 to complete the remaining recommended work is anticipated for 2013 Town Meeting. That work would include the following components:

- Upgrade to the heating, ventilation, and air conditioning systems (HVAC)
  - Improvements to space use
- Work needed to comply with building accessibility requirements specified by the Massachusetts Architectural Access Board (MAAB).
- d) **Cary Memorial Building Upgrades - \$550,000.** The Cary Memorial Building is a significant and historical building in Lexington. Over the years, it has hosted a range of community events including Town Meeting, Town elections and the Cary Lecture series. A 2011 building evaluation concluded that the building requires several improvements including accessibility, interior structural repairs and modifications, fire protection improvements, plumbing improvements, HVAC improvements, acoustical improvements, stage improvements, and auditorium and support space improvements. The original request was to develop design and construction drawings, including schematic designs, development and construction cost estimates, for a single \$7.7M project, as recommended in the 2011 Cary Memorial Building Evaluation. The CPC voted \$550,000 for this project. In a subsequent discussion by the Board of Selectmen, the Board asked Pat Goddard, the Director of Public Facilities, to come back with a smaller amount so that the project could be studied more thoroughly. Mr. Goddard has determined that \$75,000 will cover costs associated with schematic designs and to study the project more thoroughly to develop a scope of work with significant public benefit. It is quite probable that an amendment to the \$550,000 will be made to reduce these costs to \$75,000.
- e) **Center Playfields Drainage - \$605,718.** This request is the third 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. 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. FY2013 funding is requested to implement Phase III of the work. This year's work will include drainage improvements to the practice field along Worthen Road, the Little League field, the track area and parking lot. New drain systems and grading will move the water off the fields and into a collection system, which will stop flooding and significantly reduce standing water. The fields will dry quickly and playability will improve. Phase I is 90% complete with an anticipated final completion date of May 2012. Phase II is currently out to bid.
- f) **Battle Green Master Plan Implementation - \$143,845.** The work on the Battle Green Master Plan by the Tourism committee has been ongoing for the past three years. The Master Plan has been approved by the Board of Selectmen. This article seeks approval by Town Meeting. 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. Town staff is beginning the implementation under the direction of the Board of Selectmen. The Phase I work was funded in Fiscal Year 2012 and is expected to be undertaken this spring. This request is to continue the implementation as defined as Phase II under the Battle Green Master Plan. The recommendations cover eight 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

Parking, Traffic Calming and Safe Pedestrian Access are not included here because they are not eligible for CPA funding.

**For further information:**

[www.lexingtonma.gov/battlegreenplan.cfm](http://www.lexingtonma.gov/battlegreenplan.cfm)

The Tourism committee, Dawn McKenna, Chair

[Dawn.McKenna@lexingtonmma.org](mailto:Dawn.McKenna@lexingtonmma.org) - 781.862-6690

**g) LexHAB - Set Aside for Housing Acquisition - \$450,000.** This Article requests the appropriation of \$450,000 for LexHAB to set aside for the future purchase of housing for affordable housing. The housing would be added to Lexington's Affordable Housing Inventory. LexHAB owns over sixty units of affordable housing in Lexington and they are seeking additional funding so that they can increase their inventory. This request is similar to a request to Town Meeting in 2011. The practice of setting aside funds for a future purchase eliminates some of the delays and need for interim financing that was previously the case with LexHAB purchased units. The set aside makes it easier for LexHAB to respond to the vagaries of the real estate market when properties become available. LexHAB will adhere to the guidelines set by the CPC that all properties purchased with CPA funds will be automatically added to the Affordable Housing Inventory. Any unit of housing purchased with these funds will be subject to a lottery to choose a tenant, with preference given to those with a Lexington connection. The CPA funds allocated in 2011 were used to purchase a single family dwelling on Wilson Road. Renovations are nearly complete and the house will be ready for occupancy by April. Some feel that it is not necessary to add to our affordable housing inventory since Lexington is above the 10% threshold. Others have noted that since the LexHAB board has expressed an interest in developing housing at sites recently purchased with CPA funds, the town should not approve any additional funds for LexHAB until the costs for those projects are known. In addition, the town of Lexington has just begun to embark upon the development of a Land Use Policy; and some felt the town should wait until the housing goals of the policy are determined before allocating additional funds for community housing.

**TMMA Questions:**

**Question #1:** What would be the cost to the town to maintain this additional unit of housing?

**Answer #1:** None. Once the unit is occupied, LexHAB collects rent which covers cost.

**Question #2:** Why should we spend money to add to the affordable housing inventory?

**Answer #2:** Due to changing market conditions and new construction, some housing units may be removed from the inventory. If developments (such as Katahdin Woods) are sold as market rate units, they will no longer count towards the inventory.

**h) Buckman Tavern Historical Structure Report / Restoration Plan - \$65,000.** The Lexington Historical Society would like to commission an historic structures report and building needs assessment for Buckman Tavern. Although the building has been studied on a number of occasions, a definitive study of its architectural and human history is needed before further work on the Tavern is undertaken. This project would involve selecting an architect with historic preservation experience and an architectural historian who would produce the following products:

- A report on the human and architectural/structural history of the Tavern, to better understand the historic fabric and features that are essential to the character of the building;
- Definitive dating of the building with dendrochronology (tree ring dating). This technique has established the construction dates of the Hancock-Clarke House and Munroe Tavern, aiding in the accurate interpretation of the building;
- Building needs assessment to determine what the restoration and renovation needs are to accommodate the thousands of visitors from around the world who tour the Tavern as well as to safeguard the historic fabric of the building and the artifacts it contains;
- Construction plans and specifications for the actual restoration project.

While the Tavern is structurally sound and has been well maintained, the Historical Society is aware of the following needs:

- Improved accessibility for those with physical limitations;
- Repair of historic fabric, and particularly window and door restoration;
- Replacing the outdated fire suppression system;
- Updated wiring;
- Visitor restroom;
- Climate control for preservation of period artifacts;
- Creation of additional exhibit space; and
- Improved landscaping of the grounds to make them more period-appropriate.

This project will result in construction plans that would permit construction to be undertaken in 2013 if funds are available.

**i) Historical Society - Historic Records Preservation - \$77,268.** This request provides funds for the conservation of historically valuable documents in the stewardship of the Historical Society, including First Parish Church records from 1696 through 1845, various early Lexington records including letters resolving boundary disputes with neighboring towns, and two Paul Revere engravings. The Society will use the same professional conservator that has been used previously by the Town. In addition to their physical preservation, the records will be microfilmed for backup, and digitized for display on a website of Lexington historic

records being developed by the Town Clerk's office. Out of a total cost of \$82,268, the Historical Society will provide \$5000 of staff and volunteer time and purchase of archivally appropriate storage materials.

- j) Greeley Village Accessible Housing Project - \$810,673.** The need for subsidized housing that is accessible to people who are wheelchair-bound far exceeds the availability, both in Lexington and state-wide. None of the Lexington Housing Authority's 100 apartments at Greeley Village, which were built in 1968, is accessible. The Village's community building is also inaccessible. At present, seniors currently living at Greeley Village who become wheelchair-bound are forced to leave their familiar surroundings and other Lexingtonians who need such housing have very limited options. There is a Lexington preference in the resident selection process for Greeley Village. A current (unfunded) state statute requires that 5% of the units in housing complexes like Greeley Village be accessible. The Lexington Housing Authority (LHA) has been seeking funding from the state for a number of years to fix this deficiency. This year, the LHA requested funding for \$1,110,673 from the CPC to construct four completely new accessible units at Greeley Village. A recent grant for \$300,000 has been awarded by the state Department of Housing and Community Development (DHCD) for this purpose, contingent on successful funding of the remainder by Town Meeting this year. The request to the CPC has been amended to reduce the amount of the request by this \$300,000 to \$810,673. The four new units will be built in the center of the village, and will not bring the village any closer to neighboring houses. The CPA funding is contingent on successful permitting by the Lexington Zoning Board of Appeals with either an amended Special Permit from the 1968 zoning process, or with a new Comprehensive Permit. No barriers to this process are seen at this time. Separately from the \$300,000 grant, the DHCD is providing 100% of the funding needed to make both the Greeley Village and Vynebrooke Village community rooms wheelchair accessible.
- k) Busa Farm Debt Service (Open Space) - \$939,000.** Town Meeting approval of the Busa Farm debt service is a formality since the Town has a contractual obligation to cover this cost.
- l) Cotton Farm Debt Service (Open Space) - \$1,000,000.** Town Meeting approval of the Cotton Farm debt service is a formality since the Town has a contractual obligation to cover this cost.
- m) Administrative Budget (Administration) - \$150,000.** 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****Land Purchase - Off Grove Street**

*To see if the Town will vote to authorize the Selectmen or the Conservation Commission to purchase or otherwise acquire, or authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, or authorize the Selectmen to purchase or otherwise acquire, or to take by eminent domain for municipal purposes, any fee, easement, or conservation restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws, or other interest in all or any part of land shown as lot 1 on Assessors' Property Map 91, now or formerly of Wright; and appropriate a sum of money therefor and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Community Preservation Fund, or by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.*

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

**Description:** *This article requests Community Preservation funds to purchase property off Grove Street currently used for farming purposes.*

**TMMA REVIEW****WRIGHT FARM - UNDETERMINED USE****TMMA Summary**

Passage of this article would authorize purchase of the Wright Farm for CPA-allowed uses using money from the Community Preservation Fund.

**TMMA Overview (as of 03/02/12)**

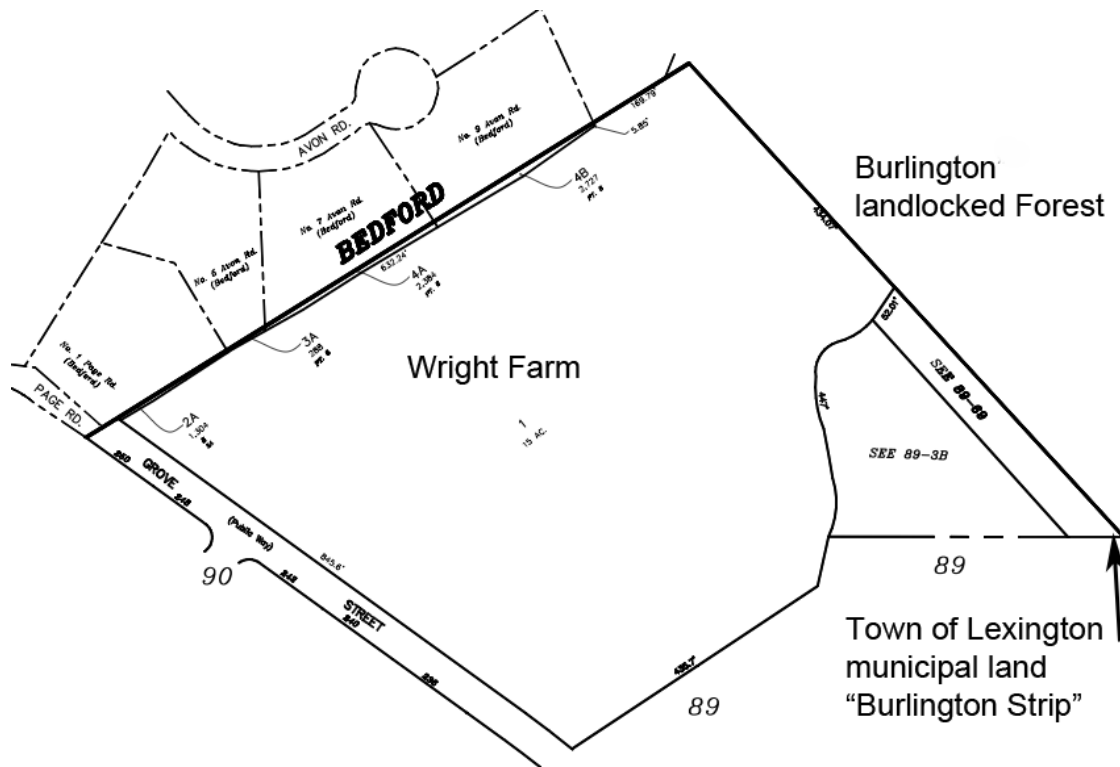
This article, along with Article 10 on this year's warrant, concerns the potential acquisition of all, or part of, the Wright Farm, located on Grove Street's northeast side adjacent to the Bedford town line. The approximately 15-acre lot currently contains a house and barn and smaller farm structures, occupying about 3.5 acres, but the rest contains open space including meadows, open pastures and wooded land, as well as some wetlands and conservation resource areas.

The adjacent lots next to the Burlington line and the Burlington "landlocked forest," shown on map 89 (see below) as lots 22 and 72, are open land owned by the Town of Lexington. Lot 22 extends along the Burlington border and connects to the Paint Mine conservation area, which will become part of the West Lexington Greenway corridor. The 11.5 acre open space has been on the Conservation Commission's wish list of important areas for acquisition and preservation as conservation land.

If the land is not acquired for conservation purposes, or made subject to a conservation restriction or easement, the land could be sold to a developer and subdivided into a number of house lots. The house and other structures (3.5 acres) may not be part of any agreement, but if acquired, may be used for a non-conservation municipal purpose, such as affordable housing.

There are two warrant articles because the Conservation Commission has submitted a separate request (see Article 10) to assert that they are acquiring the land only for conservation purposes, and not for other uses possible under the CPC such as affordable housing or recreation, as acquisition by the Selectmen permits in this article. The open land is subject to the Town having

a right of first refusal, since it has been taxed as agricultural land, rather than residential. This parcel has been the subject of negotiations between the Selectmen and the owners since at least the 2001 Annual Town Meeting, when it was Article 23 and was indefinitely postponed. As of press time, there is no agreement on conditions or a price. If there is no agreement by the time of Town Meeting consideration, the article will be indefinitely postponed.



**Article 10****Land Purchase - Off Grove Street**

*To see if the Town will vote to authorize the Conservation Commission to purchase or otherwise acquire, and authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, any fee, easement, or conservation restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws, or other interest in all or any part of land shown as lot 1 on Assessors' Property Map 91, now or formerly of Wright; and appropriate a sum of money therefor and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Community Preservation Fund, or by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.*

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

**Description:** *This article requests Community Preservation funds to purchase open land off Grove Street adjacent to currently owned Town conservation land.*

**TMMA REVIEW****WRIGHT FARM - CONSERVATION****TMMA Summary**

Passage of this article would authorize purchase of the Wright Farm for conservation use using money from the Community Preservation Fund.

**TMMA Overview (as of 03/02/12)**

This article is the second of two articles (see Article 9 above) on this year's warrant regarding the potential acquisition of all, or part of, the Wright Farm, located on Grove Street's northeast side adjacent to the Bedford town line. The approximately 15-acre lot currently contains a house and barn and smaller farm structures that occupy about 3.5 acres. The rest contains open space including meadows, open pastures and wooded land, as well as some wetlands and conservation resource areas adjacent to the wetlands.

The adjacent lots next to the Burlington line and the Burlington "landlocked forest," shown on map 89 (see above) as lots 22 and 72, are open land owned by the Town of Lexington. Lot 22 extends along the Burlington border to contact the Paint Mine conservation area, which would become part of the West Lexington Greenway corridor. The 11.5 acre open space has been on the Conservation Commission's wish list of important areas for acquisition and preservation as conservation land.

If the land is not acquired for conservation purposes, or made subject to a conservation restriction or easement, the land could be sold to a developer and subdivided into a number of house lots. The house and other structures near it comprising 3.5 acres may not be part of any agreement, but if acquired, may be used for a non-conservation municipal purpose, such as affordable housing.

Wright Farm appears in two warrant articles because the Conservation Commission wants to request a separate article to assert that they wish to acquire the 11.5 acre parcel for conservation purposes, and not for other uses possible under the CPC, such as affordable housing or

recreation, as permitted in Article 9. The open land is subject to the Town having a right of first refusal, since it has been taxed as agricultural land, rather than residential. This parcel has been the subject of negotiations, between the Selectmen and the owners, since at least the 2001 Annual Town Meeting, when it was Article 23 and indefinitely postponed. As of press time, negotiations are continuing, and there is no agreement on conditions or a price. If there is no agreement by the time of Town Meeting consideration, the article will be indefinitely postponed.

See property diagram and picture at the end of the overview of Article 9.

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

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

- a) Pine Meadows Equipment;*
- b) Park Improvements – Hard Court Resurfacing;*
- c) Park and Playground Improvements; and*
- d) Park Improvements – Athletic Fields;*

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

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

**Funds Requested:** \$291,000

**Description:** For a description of the proposed projects see section XI: Capital Investment section of the FY2013 Town Manager's Preliminary Budget and Financing Plan dated January 9, 2012 and found at [http://www.lexingtonma.gov/Section\\_XI\\_Capital.pdf](http://www.lexingtonma.gov/Section_XI_Capital.pdf).

## **TMMA REVIEW**

### **RECREATION CAPITAL**

**TMMA Summary**

This is an annual request for funding for improvements to the Town's recreation facilities.

**TMMA Overview (as of 03/02/12)****Per-Project Information (a) – (d)**

- a) Pine Meadows Equipment - \$46,000 from the Recreation Enterprise Fund retained earnings.** This request is for funds to replace the fairway mower at Pine Meadows Golf Course. The existing mower, which is used three times per week to mow approximately 13 acres per session throughout the golf season, is now 8 years old, and beyond its effective useful life. It no longer operates efficiently, frequently needs repairs and it periodically is out of service. When not mowed on schedule the golf course is not being groomed properly, which affects play, as well as appearance. The overall aesthetic quality of a golf course is very important to its financial success, and Pine Meadows is an important source of funding for the Recreation Department, since its revenue subsidizes other recreational needs. The quality of the turf and grooming of the course is critical to the overall operation of the course.
- b) Park Improvements - Hard Court Resurfacing - \$120,000 General Fund debt bonded over 10 years.** This funding is for the first year of a multi-year program to repair hard courts. This year will resurface and stripe the Center Complex Track. That track is made of an all weather resilient surface material that was installed in 1982 and resurfaced in 2000. The track is now beginning to show signs of significant wear. This resurfacing should provide another 5 or 6 years of service life for the track before it needs to be totally

reconstructed. Later year requests will include the neighborhood basketball courts and the tennis courts at the Center Complex and at Clarke Middle School.

**c) Park and Playground Improvements - \$65,000 General Fund debt bonded over 10**

**years.** This request is for funds for the FY2013 component of an ongoing program to renovate aging, broken, ADA inaccessible, and potentially unsafe, playground equipment at various parks around town as needed. This year the funds will be used to renovate the playground equipment at the Adams Playground behind the Waldorf School on Massachusetts Avenue. The improvements will include construction of a new ADA compliant play structure for children ages 5 to 12, a new swing set, and installation of appropriate safety surfacing under and around the playground structure and swings. The Town will partner with the Waldorf School to provide resources for the renovations. Renovations ultimately reduce costs since they prevent the need of more frequent inspections, repairs, and removal of deteriorated or dangerous equipment as playground equipment ages and wears out.

**d) Park Improvements - Athletic Fields - \$60,000 General Fund debt bonded over 10**

**years.** The FY 2013 request is for installation of a new in-ground irrigation system at the Garfield Park's baseball field area, and for additional irrigation lines needed to provide complete coverage at the Clarke and Diamond Middle School baseball and softball fields. This work is part of a multiyear program to upgrade the fields. The Town of Lexington's athletic fields all see very heavy, and sometimes excessive, use and irrigation improvements are critical to maintaining the usability and quality of the turf grass surfaces. If fields are used excessively, they need expensive renovations and are taken out of service, which increases the stress on the remaining fields.

## Article 12 Appropriate for Municipal Capital Projects and Equipment

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

- a) *Public Safety Radio Connectivity;*
- b) *Hydrant Replacement Program;*
- c) *Street Improvements and Easements;*
- d) *Townwide Culvert Replacement;*
- e) *DPW Equipment Replacement;*
- f) *Comprehensive Watershed Stormwater Management System;*
- g) *Dam Repair;*
- h) *Storm Drainage Improvements and NPDES Compliance;*
- i) *Battle Green Area Master Plan – Parking, Traffic Calming and Safe Pedestrian Access Study – Phase 1: Conceptual Plan;*
- j) *Townwide Signalization Improvements;*
- k) *Sidewalk Improvements and Easements;*
- l) *Concord Avenue Sidewalk Engineering and Easements;*
- m) *Street Betterment Improvements and Easements;*
- n) *Estabrook School – Off-site Street Engineering, Improvements and Easements;*
- o) *Center Business District Streetscape Engineering;*
- p) *Telephone System Replacements Townwide; and*
- q) *Townwide Electronic Document Management System;*

*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; determine if the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of state aid for such improvements; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Funds Requested:** \$4,786,586 (Estabrook School - Off-site Street Engineering, Improvement and Easements - unknown at press time)

**Description:** For a description of the proposed projects see section XI: Capital Investment section of the FY2013 Town Manager's Preliminary Budget and Financing Plan dated January 9, 2012 and found at [http://www.lexingtonma.gov/Section\\_XI\\_Capital.pdf](http://www.lexingtonma.gov/Section_XI_Capital.pdf).

## TMMA REVIEW MUNICIPAL CAPITAL

### TMMA Summary

This article is an annual request for funding for improvements to the Town's public facilities.

### TMMA Overview (as of 03/02/12)

#### Per-Project Information (a) – (q)

- a) **Public Safety Radio Connectivity - \$50,000.** The purpose of this article is to hire a consultant to evaluate establishing a microwave communication system for use by DPW, Fire and Police especially in emergency power situations, when the Town fiber-optic network is out of service. Last year, Town Meeting voted to improve radio transceiver communication

for Fire Department vehicles. Currently, the radio communication is transmitted from a radio station to a fiber-optic tower at another radio station. The request approved by Town Meeting last year improved this communication by changing the Dispatch Center receiver site to a 3rd transmit site and adding receiver sites at Fiske School and in East Lexington. In addition, the Verizon copper lines were replaced by the more reliable fiber. Even the fiber cable network runs on above-ground telephone and power poles, so it is subject to interruptions by storms, falling branches, etc. This was an interim solution. The long-term solution that this article addresses is to establish a wireless network that will allow fire department vehicles to communicate station to station. This article is a request for a study as to how best to achieve a comprehensive solution for this problem.

**Question #1:** Why does this anticipated solution include Fire, Police, and DPW?

**Answer #1:** The comprehensive solution is more efficient, and many kinds of emergencies require a common, coordinated response from all three.

- b) **Hydrant Replacement Program - \$50,000 (\$25,000 from the Water Enterprise Fund and \$25,000 from free cash).** This is the sixth request of a multi-year program to replace all of the 1500 fire hydrants in Lexington over a scheduled period. Normally we replace 25 hydrants per year but many older hydrants fail for various reasons such as clogging, improper drainage, and inadequacy with current water systems. Therefore, a more aggressive program has begun. Last year 34 hydrants were replaced. Hydrants are expected to last approximately 60 years. The plan is to replace roughly 40 hydrants this coming year.
- c) **Street Improvements and Easements - \$1,963,224 (\$1,025,586 from the tax levy and \$937,638 from State Chapter 90 funding).** This annual article asks the town to supply part of the money to repair or reconstruct streets within the Town of Lexington. Chapter 90 supplies roadway repair money to Lexington as well as all other cities and towns within the Commonwealth. This work ranges from patching to complete reconstruction, depending on the condition of the road. This year we will repave downtown Mass. Ave. in order to be ready for the 300<sup>th</sup> anniversary. In addition parts of Lincoln Street, Shade Street, Audubon Road, Hastings Road and Adams Street will be repaired. In addition to the street repair, crossing signals will be upgraded where necessary and the pedestrian ramps will be brought up to current standards.
- d) **Townwide Culvert Replacement - \$390,000 (\$325,000 from the Compost revolving fund and \$65,000 from free cash).** This is a new program. Many culverts, which carry water from one side of a street to the other through an underground culvert, are made of corrugated pipe and have degraded over time. Many also build up material inside the culvert which reduces the flow of water. These culverts will be replaced with concrete culverts and will meet required standards that the current culverts do not meet. Current requirements are for larger diameter culverts and with two feet of soil replacement beneath them. Funds are being asked now to replace the culvert at the Hartwell complex which is now collapsing. A culvert on Concord Avenue east of the Avalon entrance is in serious condition and will be replaced with other funds as an emergency matter. Culverts on Concord Avenue between Waltham Street and Barberry Road, Revere Street and Valley Field will be considered in the future.



e) **DPW Equipment Replacement - \$595,000 (\$100,000 from Enterprise funds).** The DPW has proposed replacing the following pieces of equipment:

- i) #78 John Deere tractor with attachments (1994 unit) - \$60,000. This unit has heavy usage - it is used year-round.
- ii) #59 Utility Service Truck with tools in side boxes (2001 unit) - \$90,000. The new truck will have flashers for safety precautions.
- iii) #22 Truck with crane (1995 unit) - \$180,000. This unit is used for Forestry purposes. The current unit has 105,000 miles.
- iv) #80 Front-end loader (1994 unit) - \$190,000. This unit has excessive rust.
- v) #26 Dump truck (1998 unit) - \$80,000. This is a fairly heavy-duty truck that hauls materials.

The DPW has a 5 year replacement program but if some pieces need replacement before schedule, other pieces are replaced at a later date.

f) **Comprehensive Watershed Stormwater Management System - \$165,000 (\$100,000 from free cash and \$65,000 from General Fund debt over 5 years).** The primary purpose of this funding request is to complete a study of the Mystic River watershed, one of three watersheds (Charles River, Mystic River, and Shawsheen River), which collectively cover all of Lexington. The purpose of the Stormwater Management System is to identify the locations and nature of any impediments to drainage that can result in flooding, so the problems can be corrected, if possible, before flooding actually occurs. Such impediments include sediment buildup in brooks and wetlands, and culvert deterioration and blockages, which reduce the volumes of water that the drainage system can handle. To date the Charles River watershed management plan has been completed, and the Shawsheen River watershed plan is in progress. Approximately 60% of this request (funded from free cash) will be used to develop a plan for the Mystic River watershed, which is the 3<sup>rd</sup> watershed in Lexington. An additional \$65,000, to be funded by general fund debt over 5 years, will be used to begin the design of non-culvert projects and to correct problems that have already been identified in any of the three watersheds. Funding will be needed in future years to correct problems identified in these studies, and to maintain the associated infrastructure.

g) **Dam Repair - \$260,000.** This funding request is submitted to continue repairs that are needed for the Butterfield Dam, which is located on the Vine Brook at Lowell Street, opposite the Middlesex Mall at the Burlington town line. Lowell Street crosses the top. The structural integrity of the dam needs improvement. Currently the dam condition must be monitored by DPW staff prior to, and during, any storms. At the Annual 2011 Town Meeting, funding was authorized for Phase I to perform engineering and construction of the repairs to the inlet and outlet structure of the dam (which work will begin in late winter 2012), and also partial engineering of Phase II, which includes physical repairs to the upstream and downstream faces of the dam, including the removal of trees to improve the dam's structural integrity. This 2013 request is for continuation of the Phase II engineering and for construction services and the actual construction of Phase II repairs. . As the pictures below demonstrate, these repairs are badly needed. Roots of trees growing in an earthen dam can cause significant damage if the tree is uprooted by a storm and such resulting damage also provides a path of travel for water through the dam, which may carry away reinforcing material resulting in voids and instability within the dam.





Butterfield dam, showing inlet structure in center, and large trees growing in the dam.



Close-up of some of the inlet structure's damaged concrete to be repaired under Phase I funding. There is extensive cracking of all parts of the structure and exposed rebar.

- h) Storm Drainage Improvements and NPDES Compliance - \$340,000.** The EPA imposes mandates on the Town to maintain municipal storm drainage systems that are intended to detect sources of, and then eliminate, illicit discharges that pollute waterways during storms. The National Pollution Discharge Elimination System (NPDES) [See [http://cfpub.epa.gov/npdes/home.cfm?program\\_id=6](http://cfpub.epa.gov/npdes/home.cfm?program_id=6)] establishes best practices and regulations with which the Town must comply. All storm drains in Lexington flow into local streams and wetlands, rather than the sanitary sewer system, so pollutants such as oil drips on streets, or materials dumped into storm drains, inevitably find their way into the watersheds. During storm events, uncontrolled runoff may wash additional pollutants and sediments into the waterways via paths that are not part of the storm drain system. \$70,000 of this request is to fund design of projects and programs to meet the NPDES requirements for detection and elimination of illicit discharges and to implement best management practices for the storm drainage system. \$270,000 is to fund repair or replacement of drainage structures uncovered during the Town's annual road resurfacing program, and to repair drainage infrastructure in other areas of concern, including already identified trouble spots in the watersheds of Vine Brook, Cambridge Reservoir, Beaver Brook, and Kiln Brook, and any other areas that may be identified during the ongoing NPDES investigations.
- i) Battle Green Area Master Plan – Parking, Traffic Calming and Safe Pedestrian Access Study – Phase 1: Conceptual Plan - \$60,000.** This request concerns the parking, traffic and safe pedestrian crossing for the Battle Green area as recommended by the Battle Green Master Plan. It will be incorporated into the large plan for the Center area. The following are the Action Items to be implemented.
- Analyze past traffic and parking studies and their recommendations.
  - Commission a comprehensive traffic, parking and pedestrian study of the Battle Green Area and its relationship to downtown businesses.
  - Recommend improvements for parking (for all vehicles), traffic calming program, and pedestrian crossing locations that are sensitive to the Battle Green Area in consultation with Battle Green Area Master Plan consultant and working group.
  - Locate cross walks in the safest locations.
  - Develop design standards for cross walks and islands in consultation with Battle Green Area Master Plan consultant and working group and use these design standards consistently throughout the Battle Green Area based on traffic calming techniques developed through the traffic study. Where possible use drought-tolerant groundcovers or historic paving materials for these islands (as opposed to asphalt).
  - Develop plans to improve the aesthetics of the traffic island in front of the Minute Man Statue, (if it is to remain based on the traffic study) including alternative options for surface paving, use of landscape materials surrounding the Statue, etc., in consultation with Battle Green Area Master Plan consultant and working group.
  - Maintain all implemented changes; monitor their success and alter as needed.

**Question #1:** Why is this request not part of Article 8?

**Answer #1:** This item does not qualify for CPA funding.

**For further information:**

[www.lexingtonma.gov/battlegreenplan.cfm](http://www.lexingtonma.gov/battlegreenplan.cfm)

The Tourism committee, Dawn McKenna, Chair

[Dawn.McKenna@lexingtonmma.org](mailto:Dawn.McKenna@lexingtonmma.org) - 781.862-6690

- j) **Townwide Signalization Improvements.** This is a yearly appropriation to upgrade traffic signals throughout town. This year's appropriation will be used primarily at Waltham Street intersections with Worthen Road and Mass. Ave. Other work may be done if funding is available. At the Worthen Road intersection, countdown timers for pedestrians will be installed, as well as LED heads on the lights. Loop detectors (for changing the light when a car approaches the intersection) will be replaced with cameras, which are more reliable and cheaper. At the Mass. Ave. intersection, countdown timers will be installed and loop detectors will be replaced. Future work will be prioritized by the reliability of the signal and the level of pedestrian usage.
- k) **Sidewalk Improvements and Easements - \$300,000.** This is an annual request for sidewalk improvements from the Sidewalk Committee Master Plan. The major projects for this coming year are installing a sidewalk along Winthrop Road - from Waltham Street to Highland Avenue - and finishing work on the path between Middleby Road and Worthen Road. If other funds are available, ramps could be added to crosswalks where needed (55 ramps were added last year), or sidewalks along roads that are being rebuilt could be repaired.
- l) **Concord Avenue Sidewalk Engineering and Easements - \$250,000.** This request is to fund a survey and design for 1.1 miles of sidewalk along Concord Avenue from Waltham Street to Spring Street. The survey and design will identify the location of the sidewalk, needed retaining walls, tree removal, and pedestrian crossings. The actual construction will cost roughly \$2 million. Sidewalks are expensive because of the large amount of hand work (as opposed to large paving machines for a roadway).
- m) **Street Betterment Improvements and Easements.** It is anticipated that this article will be Indefinitely Postponed. Residents have requested to have Park Street and Grandview Avenue improved and accepted. When streets are improved and then accepted by the town, the town puts a lien on the abutting property to pay for the cost of improving the street to town standards. The abutters may then take up to 20 years to pay off the lien. This process requires the Selectmen and the abutters to come to an agreement, which has not yet happened for either Park Street or Grandview Avenue.
- n) **Estabrook School – Off-site Street Engineering, Improvements and Easements.** An appropriation, to be determined (possibly around \$1.5 million), to improve traffic flow during and after construction of the new Estabrook School. The Selectmen, School

Committee, Recreation Committee, Permanent Building Committee and the Estabrook Task Force are still discussing what needs to be done to improve traffic conditions around the school. Several options are being considered - widening at the right angle turn on Robinson Road, some widening of Robinson Road, a possible sidewalk on Robinson Road, something to reduce queuing on Grove Street, a traffic light, and others. When a decision is made, a more accurate cost can be determined.

- o) Center Business District Streetscape Engineering - \$240,000.** This request is for a survey and to begin design of the Center Business District (CBD) streetscape. This is a continuation of an ongoing effort to reach an agreement on the improvement of the center. It will primarily be used for traffic engineering – including traffic counts, lane configurations, turning lanes, closing the Bank of America alley to traffic, and possible changes to the Mass. Ave. – Woburn St. intersection. Potential benefits are improved traffic flow in the center and an improved experience for both visitors and residents using the center. There is not yet agreement among all of the interested parties on what should be done. The construction / implementation cost cannot yet be determined.
- p) Telephone System Replacements Townwide - \$591,000 (General Fund debt bonded over a 5-year period).** This is the first year request of a multi-year program to replace all the wired telephone systems in town and school buildings, as those systems reach the end of their useful life, with “voice over internet protocol” (VOIP) systems that will operate over the same town fiber optic, wide area network (WAN), that currently connects to each school and town building for data transfer purposes and Internet connectivity. This change was recommended by a \$30,000 assessment of the existing systems. That study was funded by the 2008 Annual Town Meeting and completed in the summer of 2011. The \$591,000 FY 2013 funding will deploy “core devices” at specific sites to support the new VOIP systems, that will replace the wired telephone systems in this, and future years. Systems to be replaced with this year’s funding include Lexington High School, the Cary Memorial Building, Westview Cemetery, the sewer pump station, and the recycling building at Hartwell Avenue. The Bridge, Bowman, and Estabrook VOIP systems will be funded separately, as part of the major capital programs to renovate Bridge and Bowman in 2013 and rebuild Estabrook by 2014. Those 3 projects will receive partial SBA funding to help pay for new VOIP telephone systems in those buildings. The “core devices” are mainly server computers and interface devices that will replace the current switchboards and connect the existing wired telephones in the buildings to the fiber optic WAN, while providing the same or enhanced capabilities for routing calls etc. as the switchboards did.
- q) Townwide Electronic Document Management System - \$145,000 (free cash).** This FY2013 request is for continuation of a joint municipal and school department effort, first funded at the 2011 Annual Town Meeting, to improve the existing town Laserfiche document management system, by expanding its capability and archive storage capacity, and to add digital access and file management capability, while also integrating school documentation with the municipal records system. The FY 2013 request is for scanning of additional hard copy documents to populate the baseline database of documents in the system. It also funds some custom programming and training to maximize the utilization of the system for School and Municipal needs. This article is closely related to the CPA Article 8 (a) request and uses

the same software and technology, but does not meet the historic preservation rules for CPA funding.



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

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

*(Inserted by the Board of Selectmen)*

**Funds Requested:** \$940,500

**Description:** For a description of the proposed project see Section XI: Capital Investment section of the FY2013 Town Manager's Preliminary Budget and Financing Plan dated January 9, 2012 found at [http://www.lexingtonma.gov/Section\\_XI\\_Capital.pdf](http://www.lexingtonma.gov/Section_XI_Capital.pdf).

## **TMMA REVIEW**

### **WATER IMPROVEMENTS**

**TMMA Summary**

This is an annual request for funding for improvements to the Town water infrastructure.

**TMMA Overview (as of 02/20/12)**

- a) **DPW Equipment Replacement - \$40,500:** This amount would go towards financing of a Ford F-450 vehicle for the DPW. For a detailed description, see the general fund debt section.
- b) **Water Distribution System Improvements - \$900,000:** This is an annual request for funding of an on-going program to replace unlined or inadequate water mains and deteriorated service connections, and to eliminate dead ends in water mains. Unlined water mains are subject to corrosion which results in restricted flow and degradation of drinking water quality. Possible locations of water main repair and replacement are Downing Road, Prospect Hill Road, Wachusett Drive and Forest Court. Part of these project costs may be eligible for financing through an MWRA grant/loan program.

**TMMA Questions**

**Question #1:** What portion of the water mains are lined versus unlined and do we have a multiyear replacement schedule?

**Answer #1:** Approximately 96% are lined. There are just over 6 miles of unlined mains left to be lined. We do have a multi-year program that includes replacing unlined mains, older mains, mains with significant break history, and looping water mains where possible to create a level of redundancy (important for breaks and fire protection) and to improve water quality (minimize stagnant water at the end of a main).



**Question #2:** What might be the amount of the MWRA grant / loan program and when will we know more about it?

**Answer #2:** Currently we have expended all available MWRA money and we are hoping that they will make more funding available.

## Article 14                      Appropriate for Wastewater System Improvements

*To see if the Town will vote to install sanitary 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 wastewater 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 wastewater projects; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Funds Requested:** \$1,340,500

**Description:** For a description of the proposed project see Section XI: Capital Investment section of the FY2013 Town Manager's Preliminary Budget and Financing Plan dated January 9, 2012 and found at [http://www.lexingtonma.gov/Section\\_XI\\_Capital.pdf](http://www.lexingtonma.gov/Section_XI_Capital.pdf).

### TMMA REVIEW

## WASTEWATER IMPROVEMENTS

### TMMA Summary

This is an annual request for funding for improvements to the Town sanitary wastewater infrastructure.

### TMMA Overview (as of 02/20/12)

- a) **Wastewater System Improvements - \$1,200,000:** This is an annual request for rehabilitation of sanitary sewer infrastructure. Engineering investigation and evaluation will be done on sewers in remote, inaccessible areas, such as along brook channels where poor soil conditions lead to storm water infiltration. Work will include replacement or repair of deteriorated sewers and manholes in easements. Sewage leaks and overflows present a direct danger to the health of the community through transmission of waterborne diseases. In addition, the Town's assessment by the MWRA for sewage treatment is based on total flow through the meter at the Arlington town line, so excessive flow of storm water in the sewer results in unnecessarily higher sewage bills. Projects may be eligible for MWRA grant/loan program funding if additional funding is made available. Further identification, prioritization, and repair of the sanitary sewer system, reducing inflow and infiltration into the system, has been ongoing in several sewer basins in town which include but are not limited to Kiln Brook Basin / Tophet Swamp area, Stimson Ave. / Grandview Ave. area, Parker Street / downtown area, and the Saddle Club Road area. Possible future areas of investigation and removal are the Waltham Street / Concord Ave. area and the Adams Street area.

- b) **Pump Station Upgrades - \$100,000:** Lexington has ten sewer pumping stations valued at over \$6 million. This request is to fund an ongoing program for upgrade of the stations, including bringing them into compliance with federal (OSHA) regulations, and equipment replacement. The pumping stations are evaluated every year to ensure they are operating within design parameters. As the system ages, motors and valves need to be replaced and entryways need to be brought up to current OSHA standards. Pump failure results in sewer surcharging and overflows, which create a public health risk and environmental damage. This year's funding is requested for Constitution Road Pump Station and Worthen Road Pump Station.
- c) **DPW Equipment Replacement - \$40,500:** This amount would go towards financing of a Ford F-450 vehicle for the DPW. For a detailed description, see the general fund debt section.

### TMMA Questions

**Question #1:** What is the current status regarding reduction of storm water infiltration?

**Answer #1:** We have made significant progress; however, there is still a lot of work left to do. We have removed several hundred thousand gallons per day (GPD) in the last few years. The effort to find and fix old and damaged lines and manholes continues. We have completed the lining work in three of the town's 14 sanitary sewer subareas ("sewersheds") and will be continuing with a few additional sewersheds this construction season.

**Question #2:** What might be the amount of the MWRA grant / loan program and when will we know?

**Answer #2:** Currently we have expended all available MWRA money and we are hoping that they will make more funding available.

**Question #3:** Why are the pump stations out of compliance with OSHA regulations?

**Answer #3:** They were built prior to the OSHA regulations and engineering standards have also significantly improved since installation of these stations.

**Question #4:** Is the Pump Station budget large enough? What are the expectations for how this line item will change in the near future?

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

*To see if the Town will vote to appropriate a sum of money to purchase additional equipment for the schools and maintain and upgrade the schools' technology systems, and to evaluate classrooms for modifications to meet programmatic needs; 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:** \$1,307,685

**Description:** For a description of the proposed project see section XI: Capital Investment section of the FY2013 Town Manager's Recommended Budget and Financing Plan dated January 9, 2012 and found at [http://www.lexingtonma.gov/Section\\_XI\\_Capital.pdf](http://www.lexingtonma.gov/Section_XI_Capital.pdf).

### **TMMA REVIEW**

### **SCHOOL CAPITAL**

#### **TMMA Overview (as of 02/27/12)**

- a) **System-wide Technology - \$1,002,000 (\$833,676 general fund debt and \$168,324 tax levy):** This request supports the Lexington Public Schools' strategic goal of enhancing the capacity to utilize technology as an instructional and administrative tool. Funding is requested for:
- Replacement of the oldest desktops and laptops (\$430,000);
  - Increasing the number of student workstations at the High School and the two middle schools to meet different instructional needs in our general education and special education classrooms (\$80,000);
  - Replacement of printers and peripherals (\$22,000);
  - Maintaining and updating the LPS local area networks (\$82,000);
  - Installing a managed wireless in two elementary schools (\$154,600); and
  - Providing interactive whiteboards with integrated projection systems in sixty-five of the Grade 3-12 classrooms (\$283,400).
- b) **Classroom and Administrative Furniture - \$83,000:** This is an annual request for replacement of furniture that has reached the end of its useful life. Many buildings have not been renovated and need to have classroom furnishings replaced. The schools need cafeteria tables, desks, age-appropriate chairs, and teacher desks and chairs, filing cabinets, whiteboards, swing and fitness center equipment as well as funds to dispose of the old furniture.

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

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

- a) *School Building Envelope and Systems;*
- b) *Middle Schools Science Labs and Performing Art Spaces – Evaluation;*
- c) *Diamond Middle School Energy Improvements;*
- d) *Municipal Building Envelope and Systems;*
- e) *White House Stabilization;*
- f) *Extraordinary School Repair Projects;*
- g) *Department of Public Facilities Bid Documents;*
- h) *Hastings School Natural Gas Conversion;*
- i) *Townwide Facility Master Plan;*
- j) *Grounds Vehicle Replacement;*
- k) *Lexington High School Overcrowding Phase II Renovations; and*
- l) *School Paving Program;*

*and determine whether the money shall be provided by the tax levy, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; to determine if the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of state aid for such capital improvements; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Funds Requested:** \$2,200,711

**Description:** *For a description of the proposed project see section XI: Capital Investment section of the FY2013 Town Manager's Preliminary Budget and Financing Plan dated January 9, 2012 and found at [http://www.lexingtonma.gov/Section\\_XI\\_Capital.pdf](http://www.lexingtonma.gov/Section_XI_Capital.pdf).*

## **TMMA REVIEW**

### **FACILITIES CAPITAL**

**TMMA Summary**

This is an annual request for funding for improvements to the Town's public facilities.

**TMMA Overview (as of 03/02/12)****Per-Project Information (a) – (l)**

- a) **School Building Envelope and Systems - \$215,000.** This request provides funds for performing annual prioritized design work, repairs and modifications to prevent deterioration of the school building exteriors and building systems. This typically includes repair of damaged panels and siding, re-caulking and weatherproofing windows and doors, repainting wood exteriors and extraordinary repairs to mechanical systems. FY2013 priorities include educational space modifications required as a result of enrollment changes, repairs to spalled concrete at the Diamond Middle School roofline and construction of a loading dock at the Central Office building. Funds for engineering design and preparation of bid documents are included in this funding request.

- b) **Middle School Science Labs and Performing Arts Spaces - Evaluation - \$35,000.** This request is for funding to evaluate the adequacy of existing science laboratories, performing art spaces and associated systems and equipment at the Diamond and Clark Middle Schools. Both schools were renovated approximately 10 years ago and there are concerns from school administrators that the science labs and performing arts spaces no longer adequately support these programs and that the systems, equipment and space plan should be evaluated for alignment with the educational needs. The evaluation will include recommendations for enhancements to meet these educational needs.
- c) **Diamond Middle School Energy Improvements - \$25,000.** This request is for funding to perform an in-depth audit of the mechanical systems, such as HVAC, at the Diamond Middle School that will result in a mechanical master plan anticipated to be implemented over a five year period. Diamond is second to the High School in terms of energy use per square foot. Low cost energy audits have already been conducted by the Massachusetts Department of Energy Resources and National Grid; however, neither audit resulted in identifiable projects to improve efficiencies.
- d) **Municipal Building Envelope and Systems - \$169,711.** This request provides funds for design and construction repair / replacement projects for the maintenance and upgrade of municipal buildings and systems. Repairs to roofs, windows, mechanical and electrical systems and interior finishes are required on a continual basis to maintain town facilities for their intended function. Projects identified for FY2013 include replacement of the Cary Library sidewalks and adding ventilation to the Cary Library air conditioning system for improved servicing and maintenance
- e) **White House Stabilization - \$381,000.** The original funding request for this project was \$381,000 (\$202,000 from CPA funds and \$179,000 general fund debt). However, a proposal to the CPC to partially fund the White House stabilization project was not approved. The Selectmen have decided that the project requires further deliberation before proceeding. Funding would be used to create bid documents for the stabilization of the White House (Hosmer House) and for the actual work to be performed. The building has been in significant disrepair for several years as the Town considers possible uses of the site. Two recent studies concluded that most of the building should be demolished as it is not suitable for Town needs. The Historic Structures Report, completed in November 2010, examined five strategies to stabilize the building. The least expensive strategy is under consideration for funding because it retains most of the highest preservation priorities, and it is compatible with a number of the proposed future uses of the structure. General tax levy funding would be used to stabilize the remaining main block. The work includes:
- Resetting of stones in the rubble foundation
  - Stripping paint from the siding and trim (and repairing or replacing as appropriate)
  - Replacing soffits and fascias
  - Priming and repainting the exterior
  - Replacing shutters, wooden storm windows, gutters and rain leaders
  - Repairing chimney brickwork

- f) **Extraordinary School Repair Projects - \$610,000 (\$322,316 from free cash and \$287,685 from general fund debt).** This request is to fund multiple school projects that are characterized as extraordinary repairs.
- i) School Building Flooring Program - \$125,000. This is a multi-year project that will replace carpet, vinyl tile, and ceramic tile flooring systems that have failed or are beyond their useful life and exceed \$25,000 in cost. Flooring systems must be replaced periodically to insure the surfaces are safe and cleanable. Worn or broken flooring creates a tripping hazard, can harbor bacteria and water, and is difficult to clean. Smaller repairs of flooring components are funded through the operating budget.
  - ii) School Window Treatments Extraordinary Repair - \$50,000. The majority of Lexington's school buildings have inoperable horizontal blinds that were installed when the buildings were constructed. This multi-year project will replace these window treatments with low maintenance solar shades to increase energy efficiency, control sun glare, and improve overall lighting control in the educational space.
  - iii) School Locker Replacement Program - \$150,000. Student and athletic lockers provide a safe and secure means for students to protect their personal belongings while in school. Due to constant use they are subject to wear and tear. This project will replace student lockers at Diamond Middle School that cannot be repaired because replacement parts are no longer available. These lockers are the original lockers from the last school construction project. Once replaced, they will be maintained through the Public Facilities annual operating budget. This is the last year of a multi-year project as the need for school lockers will now be addressed.
  - iv) Hastings Elementary School Improvements - \$87,000. This request is for design and construction funds for various improvements to the Hastings Elementary School. At present, the lower level of the school does not have adult restrooms, which is a problem for staff. In addition, the upper level corridor's suspended ceiling experiences significant solar gain from the roof mounted skylights that bring daylight into the corridor, which makes for uncomfortable conditions due to overheating. This project will construct two adult restrooms. This work will also have the ancillary benefit of creating improved circulation into the cafeteria space and freeing up space for the construction of two needed offices in the lower entrance area. To address the overheating in the upper level corridor, exhaust fans and controls will be installed in the ceiling plenum allowing the venting of excess heat to the outside.
  - v) Clarke Gymnasium Storage Area - \$28,000. This request is for funds to remove the gymnasium sliding wall system at Clarke and construct a storage area in the vacated space. The sliding wall system has not been used for several years and is not in an operable condition. In addition, bleachers and ductwork have been installed that prevent the wall from being fully utilized. The gymnasium has built-in storage that does not meet the needs for the program. Removing the wall system and constructing a storage area will make the space available for use.
  - vi) Convert Space for Pre-Kindergarten Occupational Therapy - \$60,000. This request is for funding for the renovation of existing space at Harrington School so that the Pre-Kindergarten Occupational Therapy program can return from temporary space at the Old Harrington School. The renovation includes removing the computer lab and relocating the literacy specialist and "leveled literacy" library.

- vii) Convert Computer Lab to Classroom - Fiske School - \$60,000. This is to convert the computer lab at Fiske School into a general classroom. Projections for the coming year indicate the need for an additional classroom. The computer-related educational requirements at the school can be met with laptop computers in carts utilizing the wireless network.
  - viii) Sound-proofing of classroom spaces for hearing-impaired program - Diamond Middle School - \$50,000. The Diamond Middle School currently has one set of classrooms engineered to address the needs of hearing impaired students. With hearing impaired students at each grade level there is the need to soundproof a second set of classrooms to meet program demands. This request is for funding to install soundproofing systems within 4 classrooms including HVAC adjustments ceiling and wall treatments, and other related modifications. Screens are needed as a barrier to insects that could cause health and safety problems for students and staff.
- g) Department of Public Facilities Bid Documents - \$75,000.** This request is for funds for professional services to produce design development construction documents, and / or bid administration services for smaller school projects in anticipation of requests for construction funding at town meeting that have a high probability of approval. This will ensure that the projects can be completed in the then current construction season, which is particularly important for the timely completion of such projects given the short window between the end of school in June and the beginning of school the following August.
- h) Hastings School Natural Gas Conversion - \$45,000 (free cash).** This request is for funding to convert the boiler at the Hastings School from oil to natural gas and to remove the existing buried oil tank. It is projected that this conversion will save an estimated \$9,400 per year in fuel costs. The capital cost of \$45,000 is for a new natural gas line and a new natural gas burner for the boiler. The efficiency of the furnace will be similar. The Town's current natural gas contract results in a delivered price of \$1.22 per therm (the cost for 1.4 therms of natural gas price is the equivalent of \$1.70 per gallon of fuel oil), which is extremely favorable when compared to recent fuel oil prices closer to \$3 to \$4 per gallon. Thus the savings from the conversion to natural gas will be substantial. The cost of heating Hastings School in the current year using fuel oil will be between \$55,000 and \$60,000. The cost of heating Hastings School next year using natural gas and assuming the current contract price would be \$33,000. Thus the savings on fuel costs should pay back the capital cost of conversion within 3 years.
- Question #1:** How long is the expected service life of the converted natural gas furnace at Hastings compared with the expected service life of the oil burner?
- Question #2:** Was replacement with a high-efficiency gas furnace considered at Hastings?
- i) Town-wide Facilities Master Plan - \$65,000.** This request is for funds for consulting services to assist the Board of Selectmen in developing a town-wide Facility Master Plan. Over the last three years, facility studies have been completed for Fire Headquarters, Police Headquarters, Human Services, the Stone Building, the White House, Town Office Building and Cary Memorial Building. The various studies have provided recommendations for facility renovations and/or facility replacements to meet the needs of the various departments



and functions and/or to preserve Town assets. The selected consultant would assist the Town in developing an integrated Facilities Master Plan taking into consideration the recommendations from individual studies; the priorities of the Town; the need for efficient sequencing of projects to take advantage of available swing space; the relocation of services to improve adjacencies; and the financial capacity for the Town to implement the projects.

- j) **Ground Vehicle Replacement - \$80,000.** This request is for funding to replace one of two vehicles that maintain school grounds and transport items. A 2000 GMC Sierra will be replaced with a Ford F-350 4x4 with plow, spreader, lift gates and heavy duty platform body. The current vehicle is not useful year round (the new one will be) and is requiring substantial repairs to keep it functional.
- k) **Lexington High School Overcrowding Phase II Renovations - \$4,000,000 (10-year general fund debt).** The pre-kindergarten through grade 12 Master Plan identified overcrowding at Lexington High School (LHS) as an issue that affects student and faculty programs at LHS. This project is the continuation of the Phase I work funded by \$175,000 at the 2011 Annual Town Meeting, which covered designer services and some renovation costs, to improve space utilization and reduce overcrowding where feasible at LHS. Phase II will consolidate the Information Technology staff at the LPS Central Office, located in the old Harrington School, and return the LHS space to educational use. In addition, since the 2012 – 2013 school year enrollment projections will require additional classrooms, other opportunities to relocate those functions that do not need to be in their current space for educational reasons are being evaluated in order to free up additional space for renovation as classrooms. As of press time, final decisions about this project had not been made.
- l) **School Paving Program - \$100,000 (General Fund Debt).** This request is for design and construction funding to maintain public school parking lots and paved pedestrian walks at the schools, in safe and usable conditions. This type of work is a recurring maintenance requirement, but the need varies from year to year as the surfaces wear and age. In the past 4 years, paving repairs or improvements have been done at Estabrook, Bridge, Bowman, Hastings and Diamond. This year the plans include paving improvements at the Central Administration Building (Old Harrington). The Department of Public Facilities collaborates with the DPW on these projects to utilize the DPW's paving bids and expertise. This work will be financed via General Fund Debt bonding over 5 years (FY2013 - FY2017) at an expected interest rate of about 4%.

## Article 17 School Bus Transportation Subsidy (Citizen Article)

*To see if the Town will vote to raise and appropriate a sum of money for the purpose of the operation of the school bus transportation system in order to reduce or offset fees charged for students who elect to use the school bus transportation system for transportation to and from school; 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 thereof.*

*(Inserted by Judy Crocker and nine or more registered voters)*

**Funds Requested:** unknown at press time

**Description:** *The primary reason students do not use the school bus is the "prohibitive" cost (\$550/student; family cap of \$1,600), with the direct result being a public safety issue as more than 500,000 cars annually travel on Lexington's school grounds for the purpose of transporting students to and from school. One proposed solution by the ad hoc School Transportation and Safety Study Committee is based on practices in Natick where monies to annually finance school bus ridership are proposed to come from 3 sources (Lexington Public Schools Operating Budget, student fees, and the community), wherein this article proposes that the community help defray/subsidize the student fee portion.*

### TMMA REVIEW

### SCHOOL BUS SUBSIDY

#### TMMA Summary

This article requests the Town to appropriate a sum of money to subsidize student bus fees to increase bus ridership.

#### TMMA Overview (as of 03/02/12)

Currently 51% of the students in Lexington are driven to and from school in single-occupancy vehicles. This results in 500,000 car trips annually on Lexington's roads and school properties. The proponents of this article believe school bus fees are cost-prohibitive (\$550 per student with a family cap of \$1,600 per year). They believe that, if the Town subsidized fees, student bus ridership would increase, thus alleviating traffic congestion, improving pedestrian safety and reducing carbon emissions. The ad hoc School Transportation and Safety Committee studied funding practices in other communities and concluded that monies could be allocated from several sources to subsidize fees.

Although many agree that increasing bus ridership is a worthy goal, some have expressed concern about the difficulty of determining the associated costs to the town. For example, it would cost the town \$120,000 if bus fees were reduced by \$100. But if that fee reduction resulted in a 10% increase in ridership, the cost to the town would be decreased to \$66,000 because there would be \$54,000 in additional fees without the need to add additional buses. It has been suggested that the proponents of the article need to identify a price point that would yield a target increase in student ridership.

The superintendent separately has requested reduced bus fees for Estabrook students during construction, since the additional traffic on Grove Street due to construction vehicles will

exacerbate congestion at drop-off and pick-up times. There are already delays at Estabrook as cars line up on Grove Street, waiting to enter the school driveway.

### **TMMA Questions**

**Question #1:** How many 'for-fee' riders are there?

**Answer #1:** Approximately 1200.

**Question #2:** What would the subsidy be per student?

**Answer #2:** As of this writing, a specific amount has not been agreed upon. Article proponents may suggest a subsidy of \$250 per student.

**Question #3:** If this article were approved, could the new fee schedule be in place for the next academic year, 2012 – 2013?

**Answer #3:** That is unclear. The Lexington Public Schools will be finalizing the bus contract in early March.

## 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.*

### TMMA REVIEW

### RETIREE HEALTH INSURANCE

#### TMMA Overview (as of 03/02/12)

Lexington employees receive two types of retirement benefits, health insurance and a pension. 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. Until three years ago, State law required no provision to address the health insurance liability. As of FY2008, Lexington has been required to report its unfunded liability (of about \$100,000,000) in its annual audit. Although there is no requirement at this time to actually fund this liability, the Town Manager has deemed it prudent to begin to do so, and this is the fifth year of funding. As of December 31, 2011, the balance in the Insurance Liability Fund is \$2,033,975. 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.

#### TMMA 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 their 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. This change would require adoption through the Coalition Bargaining Process.

**Question #3:** During FY 2013, is the Federal Government paying for prescription drug coverage for those current retirees who use the Town's insurance in lieu of Medicare Part D?

**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.*

**TMMA REVIEW****RESCIND AUTHORIZATIONS****TMMA Summary (as of 03/02/12)**

This article is a place-holder asking Town Meeting to rescind unused debt authorized in prior years. As of press time, there are no known authorizations to rescind.

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**Article 20     Authorize the Establishment of a Minuteman Stabilization Fund**

*To see if the Town will approve the establishment of a Stabilization Fund by the Minuteman Regional Vocational School District to pay costs of capital repairs, renovations, and improvements to the regional district school and its associated facilities, in accordance with the provisions of Chapter 71 Section 16G½ of the Mass. General Laws; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Description:** *This article would allow the Minuteman Regional Vocational School District to establish a Stabilization Fund. A majority of the member towns must approve the establishment of the Fund before it can be implemented. Money in the Fund may be invested and the interest may then become a part of the Fund. The Fund may be appropriated by vote of two-thirds of all of the members of the Minuteman School Committee for any purpose for which the District may borrow money.*

**TMMA REVIEW****MINUTEMAN STABILIZATION FUND****TMMA Summary (as of 03/02/12)**

It is expected that this article will be Indefinitely Postponed.

## Article 21 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 135 Zoning By-Law, (b) Traffic Mitigation, (c) Transportation Demand Management, (d) School Bus Transportation, (e) Special Education, (f) Center Improvement District; (g) Debt Service, (h) Transportation Management Overlay District (TMO-I), (i) Avalon Bay School Enrollment Mitigation Fund and (j) Capital Projects 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 an Annual or Special Town Meeting.*

### TMMA REVIEW

### SPECIFIED STABILIZATION FUNDS

#### TMMA Overview (as of 03/02/12)

At the 2007 Annual Town Meeting, various stabilization funds were created as repositories for funds to be set aside whose use is 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 stabilization fund for Special Education.

Article 21 is also for the purpose of establishing new specified funds. The Selectmen will consider whether to recommend the creation of a Capital Projects Stabilization Fund, but as of press time, no decision had been made.

The specific stabilization funds and the status of each are:

Section 135 Zoning By-Law: The fund has never been used and no appropriation is being requested this year.

Traffic Mitigation: Appropriation data will be available at Town Meeting. Current balance is \$346,421.

Transportation Demand Management (TDM): Money accruing to the account is the result of negotiations between the Town and developers. Current balance is \$297,730.

School Bus Transportation: No appropriation is being requested this year. Money from Avalon approved two years ago was a one-time payment. Current balance is \$18.

Special Education: This fund is used as a reserve against unanticipated special education costs. Current balance is \$1,065,808.

Center Improvement District: Under the 2010 Annual Town Meeting Article 25, the fund was created to be the repository of payments 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. Current balance is \$85,875.

Transportation Management Overlay District Fund: The fund is used for fees specified under the new zoning regulations. Current balance is \$10,695.

Avalon Bay School Enrollment Mitigation Fund: The Avalon Bay School Enrollment Mitigation Fund is used to retain 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 totaling \$700,000 which Avalon has already paid. Current balance is \$547,693.

## **TMMA Questions**

**Question #1:** Are there anticipated uses of Traffic Mitigation and Transportation Demand Management (TDM) funds during FY2013?

**Question #2:** Could the School Bus Transportation Fund be eliminated if the existing balance is transferred to the Avalon Bay School Enrollment Mitigation Fund?

**Question #3:** What is being appropriated in FY2013 from the Special Education Fund to offset School Department expenses?

**Question #4:** Will Center Improvement District funds be used during FY2013?

**Questions #5:** What is the FY2013 appropriation from the Avalon Bay Fund?

**Article 22****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.*

**TMMA REVIEW****STABILIZATION FUND****TMMA Summary (as of 03/02/12)**

This article is an annual place-holder. No funds are anticipated to be appropriated as of press time. The current balance of the Stabilization Fund is \$8,479,454.

**Article 23****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 FY2013 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, as refunded with bonds dated December 8, 2011.*

*(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.*

**TMMA REVIEW****DEBT SERVICE STABILIZATION FUND****TMMA Overview (as of 03/02/12)**

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 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 23 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.

**TMMA Questions**

**Question #1:** Is the money in the Debt Service Stabilization Fund invested? If so, is that considered to be illegal arbitrage?

**Article 24****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.*

**TMMA REVIEW****UNPAID BILLS****TMMA Summary (as of 03/02/12)**

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 25                      Amend FY2012 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 2011 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 (FY2012) appropriations.*

### **TMMA REVIEW**

### **FY12 BUDGET ADJUSTMENTS**

#### **TMMA Summary (as of 03/02/12)**

This article is an annual place-holder should there be a need to fund unforeseen expenses in the current fiscal year (FY12). No appropriation is anticipated to be requested as of press time.

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## Article 26                      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.*

### TMMA REVIEW

### CAPITAL FUNDING SUPPLEMENTS

#### **TMMA Summary (as of 03/02/12)**

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.

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## Article 27    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.

### TMMA REVIEW

### TAX DEFERRALS AND EXEMPTIONS

#### TMMA Summary (as of 03/02/12)

It is expected that this article will be Indefinitely Postponed.

**Article 28****Accept MGL Chapter 200A Section 9A**

*To see if the Town will vote to accept Section 9A of Chapter 200A of the Massachusetts General Laws relating to an alternative procedure for disposing of abandoned funds held by the Town; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Description:** *Acceptance of this statute would provide an alternative procedure for the Town Treasurer to deal with funds abandoned as a result of Town checks not being cashed.*

**TMMA REVIEW****ABANDONED FUNDS****TMMA Overview (as of 03/02/12)**

Current law requires that municipal treasurers wait three years before an un-cashed check may be deemed abandoned and start the process (another year and a half) of reclaiming the funds.

Current law also requires publication in newspaper information about abandoned checks, and also allows for posting notice on an official municipal website.

**TMMA Questions**

**Question #1:** If MGL Chapter 200A section 9A is approved what will this enable the Town to do going forward?

**Answer #1:** Acceptance of MGL Chapter 200A section 9A would allow the Town Treasurer to adopt procedures to search for owners of un-cashed checks and simplify the process for moving the related encumbered funds into the general treasury which would then become available for appropriation to meet other municipal expenses. Acceptance would allow the Town, by ordinance or bylaw, to establish a procedure for deeming as abandoned a check which has not been cashed within one year if the check bears upon its face the statement “void if not cashed within one year from date of issue”. MGL Chapter 200A section 9A would allow the website posting to suffice in lieu of publishing in a newspaper for checks in the amount of less than \$100.00.



**Article 29****Accept MGL Chapter 40U (Municipal Fines)**

*To see if the Town will vote to accept Chapter 40U of the Massachusetts General Laws relating to municipal fines; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Description:** *This statute deals with the collection of municipal fines and would allow the Town to adopt rules and regulations relating thereto. The statute also provides for an appeal procedure for anyone cited for violating any rule, regulation, order or bylaw, regulatory housing, sanitary or snow and ice removal requirements.*

**TMMA REVIEW****MUNICIPAL FINE ENFORCEMENT****TMMA Overview (as of 03/02/12)**

This 18-section State local-option law is designed to strengthen a Town's ability to collect unpaid municipal fines, such as for parking or snow and ice or trash removal requirements. It would allow Lexington to create a procedure to place an unpaid fine on a property owner's tax bill as an additional assessment after first taking a series of lesser actions. As with all property tax assessments, failure to pay the fine after it has become an assessment could result in a lien being placed on the property.

The statute also requires that the Town provide an appeal process for the original fine.

At present, the Town does not have legal recourse to enforce the payment of fines.

**Article 30****Amend Non-Criminal Disposition Bylaw**

*To see if the Town will vote to amend §1-6 of the Code of the Town of Lexington (Non-criminal Disposition) by adding thereto regulation §187-96 of the Board of Selectmen relating to prohibited activities on Park and Recreation Facilities, or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Description:** *This article would establish fines for non-criminal disposition (ticketing) for prohibited activities on park and recreation facilities.*

**TMMA REVIEW****PARK AND RECREATION FINES****TMMA Summary (as of 03/02/12)**

It is expected that this article will be Indefinitely Postponed.

**Article 31****Amend General Bylaws - Town Meeting Warrant**

*To see if the Town will vote to amend Section 118-2 of the Code of the Town of Lexington ("Posting and Mailing of Warrant") by deleting the requirement that the warrant be mailed to each dwelling place in the town and substituting therefor requirements that the warrant be (a) mailed to all Town Meeting members and, upon request to other residents; (b) posted on the Town of Lexington website; and (c) publicly posted in designated municipal buildings in addition to the Town Office Building, including, but not limited to, the Cary Memorial Library, the Samuel Hadley Public Services Building, the Lexington Senior Center and the Lexington Police Station; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Description:** *With changes taking place in the operation of the United States Postal Service, and expectation of reduced services and delays in bulk mailings, this article would provide an alternate way for making warrants available to residents and Town Meeting Members.*

**TMMA REVIEW****TOWN MEETING WARRANT DISTRIBUTION****TMMA Overview (as of 03/02/12)**

If this article is adopted, the Town will continue to mail a copy of the Warrant to Town Meeting Members and make printed copies of the Warrant available at various public locations in Town including the Town Offices Building, Cary Library, the Public Services Building, the Lexington Senior Center, and the Police Station. The Town will also post the Warrant information on the Town web site and will provide residents with alternate options for receiving the Warrant other than paper mail. One alternative would be to provide residents with an e-mail subscription notification option.

**TMMA Questions**

**Question #1:** Will a resident have the option to continue to receive a paper version of the Warrant?

**Answer #1:** Yes - there will be an option to receive the Warrant by mail upon request.

**Question #2:** Will all residents still receive a Warrant for article #1, the annual Town election? If not, will this reduce voter turnout at Town elections?

**For further information:**

Code of the Town of Lexington, Chapter 118, §118-2. Posting and mailing of warrant.  
<http://www.ecode360.com/10535267#10535270>

**Article 32****Amend General Bylaws - Dog License Late Fee**

*To see if the Town will vote to amend Section 9-2 of the Code of the Town of Lexington ("Restrains of dogs required; Licenses") by deleting the flat fee of \$25 for late applications for dog license renewals and substituting therefor a sliding scale of late fees, not to exceed \$50, such scale to be correlated to the amount of time that renewal applications are late; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Description:** *This article proposes a sliding scale of late-fees for late applications for dog license renewals in place of one fee if a dog owner is late by one day or one hundred days.*

**TMMA REVIEW****DOG LICENSE LATE FEES****TMMA Overview (as of 02/27/12)**

This article proposes a sliding scale of late fees for late applications for dog license renewals in place of one fee whether a dog owner is late by one day or one hundred days.

**TMMA Questions**

**Question #1:** What was the impetus for this change?

**Answer #1:** Under the current system, there are, on average, approximately 400 dogs per year whose owners are late in renewing their registrations. The penalty for these owners is a flat fee of \$25 regardless of whether the owner is one day late, or 364 days late. The Town Clerk's office would like to provide a fair but effective incentive for dog owners to renew their licenses in a timely manner, as is required by state law to protect the dogs and members of the public.

**Question #2:** What will the exact fees be?

**Answer #2:** This has not yet been determined, but the total fee will not exceed \$50.

**Article 33****Approve Town Seal**

*To see if the Town will vote to establish a Town Seal as recommended by the Town Seal Committee; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Description:** *The current Town Seal differs from the Town Seal that was approved in 1934. The recommended Town Seal will reconcile the many differences that have emerged over the years.*

**TMMA REVIEW****TOWN SEAL****TMMA Overview (as of 03/02/12)**

The use and establishment of a Town seal is set by State statute; adopting a new Town seal must be voted on and approved by Town Meeting. The purpose of this article is to approve one official Town seal that most resembles the Town seal approved by the Selectmen in 1934.

Over the years, Lexington has had two (2) official Town seals. The first Town seal was approved in 1875. The second Town seal used a figure of the Capt. Parker statue and was approved in 1934. Over time, the 1934 seal was slightly modified because the seal was somewhat difficult to reproduce, particularly with black and white shading and color.

Currently there are 10 variations of the Town seal. With the 300<sup>th</sup> Anniversary of the Town occurring next year, it is timely to reaffirm a Town seal more like the seal adopted in 1934 so the Town has a uniform seal to use for all Town documents, Town vehicles, etc.

**TMMA Questions**

**Question #1:** Are there costs associated with a new Town seal redesign and production?

**Answer #1:** If approved, the total cost would be no more than \$5,000. That money is available and would come out of the Selectmen's budget.

**For further information:**

Massachusetts General Laws c. 40, §47:

<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section47>

**Article 34      Amend Zoning By-Law - Dana Home Property Land Rezoning**

*To request the Town to amend the Code of the Town of Lexington, Zoning By-Law Sections and the Zoning Map of the Town of Lexington, by changing the zoning district designation of the land described in a certain written metes and bounds description and certain plans on file with the Planning Board, from the current RS One Family Dwelling District to a CD Planned Commercial District with certain specified uses (pursuant to the provisions of Town of Lexington Code §134-42), said property being commonly known as Town of Lexington Assessors Map 49, Parcel 2 and Map 57 Parcel 12 at Massachusetts Avenue and to allow renovation and addition to the existing buildings for use as an inn and certain other specified uses, and to act in any other manner relative thereto. The general location of the property is shown on a map that is on file with the Town Clerk.*

*(Inserted by the Trisha Perez Kennealy, AB Holdings, LLC and David G. Williams, Dana Home of Lexington Inc., Owners)*

**Description:** *The proposed amendment would rezone the property from the present RS One Family Dwelling District to a CD Planned Commercial Development District. This would allow for renovation and addition to the existing buildings on the above parcels which together contain 96,843 SF or 2.223 acres of land.*

**TMMA REVIEW****DANA HOME**

**Note that the motion under this article will require a two-thirds majority in order to pass.**

**TMMA Summary**

Passage of this article would rezone the Dana Home property from residential to commercial for use as an inn / hotel and restaurant.

**TMMA Overview (as of 03/02/12)**

Article 34 requests rezoning from RS to CD of 2027 Massachusetts Avenue (approximately 55,800 square feet, comprising the former Dana Home) and the neighboring property at 2013 Massachusetts Avenue (approximately 41,00 square feet, comprising a house and a garage / barn). A CD rezoning replaces ordinary zoning requirements with a Preliminary Site Development and Use Plan (PSDUP). This gives the developer leeway to accommodate special conditions, but requires that every promise made by the developer to Town Meeting must be documented in the PSDUP in order to be enforceable.

Note that at the time of this report, the Conservation Commission hearing on this proposal has not yet been closed. It has been continued several times, at the request of the developer, most recently to March 20, 2012. The Planning Board hearing on this article was held on February 29, and has been continued until March 26 to give the developer time to amend the PSDUP in response to concerns raised by the Planning Board, Planning Staff and the Conservation Commission's peer review. A public hearing on the amended PSDUP will be held sometime mid-April. The PSDUP referenced in this report is the one dated December 29, 2011.

The site plan shown at the end of this overview comes from the PSDUP.

The property is at the intersection of Worthen Road and Massachusetts Avenue. Passage of this article would permit the developer to convert the two properties into a hotel, restaurant, lounge, and associated office space. The Dana Home was, until 2010, a nursing home housing 14 elderly patients and three live-in staff; 2013 Mass. Ave., a single-family house built in 1880, is owned by the Dana Home Board and is currently rented. The developer currently owns the Dana Home and has an option to buy the 2013 Mass. Ave. property.

The hotel, to be called “The Inn at Hastings Park”, is planned to have 22 rooms, 14 in the former Dana Home, and 8 at 2013 Mass. Ave., which would have an addition of about 2,320 square feet. The addition will increase the height of 2013 Mass. Ave. by 9 feet. The Dana Home will also have an addition of 800 square feet to accommodate the restaurant. The restaurant will seat 54 people, and an additional 32 people could be accommodated in the adjacent lounge / music room. The barn at 2013 Mass. Ave. will be used for office space for the restaurant and hotel, and will also have a conference room seating eight people that will be available to the public.

Because of its previous use as a nursing home, the Dana Home building already has an elevator and a commercial-grade kitchen, both of which are necessary elements for the hotel and restaurant.

The former Dana Home had 12 parking spaces off a driveway on Worthen Road. The Preliminary Site Development and Use Plan (PSDUP) for the property shows a total of 29 parking spaces in two separate lots. There will be 14 parking spaces off Worthen Road, including two handicapped spaces, and the driveway there will be improved. A new parking lot with 15 spaces will be constructed, with a new driveway onto Massachusetts Avenue near the intersection with Parker Street. Sixteen of the spaces are sized for compact cars.

Approximately 42,500 out of a total of 96,800 square feet of the property under consideration is wetland. This wetland was created as a result of the construction of Worthen Road in 1956, many years after the existing buildings were built. Thus, both of the existing buildings skirt the edge of the 50-foot buffer zone. The new addition to 2013 Mass. Ave., the new parking lots, and the Worthen Road driveway all extend into the 50-foot buffer zone. The PSDUP specifies a complex engineered drainage system intended to mitigate the effects of stormwater runoff from the new structures and impervious surface areas for 100-year storm conditions. It also specifies that the wetland boundary area will be regraded and planted with native shrubs, replacing the existing invasive species (mostly Japanese knotweed).

In the event that Article 34 passes but the developer chooses not to go forward with the redevelopment project, the PSDUP specifies as allowed uses, in addition to the planned ones, all uses allowed in an RS zone, including the nursing home (which was previously a non-conforming use.)

## **TMMA Questions**

**Question #1:** What benefits will accrue to the Town from this proposed hotel / restaurant complex?

**Answer #1:** Most New England towns have an inn that is identified with the town, especially those with historical prominence. The Colonial Inn in Concord, which is in Concord’s commercial district, has 51 guest rooms, and restaurant capacity of at least 100, including the

tavern and restaurant area on the ground and basement levels. It is thought that tourists staying close to the center will spend more time and money there than if they visited just for the day and stayed elsewhere. The developer estimates that the hotel and restaurant will generate close to \$160,000 in tax revenue, broken down as follows:

Commercial property tax	\$121,185
Local option meals tax	\$ 5,749
Lodging revenue	\$ 32,120
Total	\$159,054

These estimates are based on 14 tables in the restaurant at an average check of \$150 per table per day for 365 days, and net room rate of \$250 per day for 22 rooms at 80% occupancy. There is some concern that these estimates may be optimistic in view of the seasonal nature of tourist visits.

**Question #2:** What disadvantages are there to the Town from this proposal?

**Answer #2:** Some neighborhood residents feel that the intensity of development of the site, in particular the highly visible parking lots, mars the streetscape in this area of the historic Battle Road. They would like the parking lots to be entirely behind the façade of the buildings. They are also concerned about the impact on the Dana Home building and especially the neighboring Isaac Mulliken house at 2013 Mass Ave and its surroundings, including the rare barn. The Isaac Mulliken house is one of the few 19<sup>th</sup> century houses on the Battle Road Corridor which remains largely as it was when it was first built.

**Question #3:** What will be the effect on the wetland of this development?

**Answer #3:** Appendix 4 of the PSDUP states that the proposed underground infiltration systems will reduce the total area contributing to runoff, resulting in an improved overall rate, post-development, of stormwater runoff and volume for 2-, 10-, and 100-year storms. In addition, eradicating existing invasive species and replacing them with native shrubs will enhance the wetland area.

The wetland is a “Zone II water supply protection area” – it is part of the Shawsheen River watershed, which supplies drinking water to downstream towns. This means that the State imposes additional, more stringent requirements for the handling of groundwater, including protection from stormwater runoff, oil, lawn chemicals, etc. than those for ordinary wetlands. The Conservation Commission requested a peer review by consultant Comprehensive Environment Incorporated (CEI), of the PSDUP technical specifications for underground infiltration systems, to evaluate the design for compliance with Mass Department of Environmental Protection (DEP) Stormwater Management Standards and Lexington Wetland Protection Code rules. This review identifies a number of design flaws, unanswered questions, inconsistencies, and missing or incomplete required documentation in the design document. Further, the review finds that the drainage system design fails to comply with DEP requirements in that some of the recharge systems are located less than 50 feet from wetlands. There is also some question as to whether a one-time effort is sufficient to permanently eradicate the invasive species.

**Question #4:** Is there adequate on-site parking?



**Answer #4:** The developer's traffic consultants, Tetra Tech, estimate a need for 35 parking spaces (not counting employees, for whom they recommend finding dedicated off-site parking). They estimate that hotel guests will occupy one-fourth of the restaurant seats, thus reducing the parking demand calculated for a free-standing restaurant. They also define the lounge as an ancillary use, which does not require additional parking. They have stated, in a letter to the developer, that "the excess demand, six vehicles, could readily be accommodated by the available on-street parking supply." The proponents believe that Worthen Road is well-suited to on-street parking. Also, peak tourism season is from April through October, when overnight on-street parking is permitted.

Lexington's zoning bylaw (ZBL) normally requires one parking space for each room in a hotel, and one parking space for each three seats in a restaurant or lounge, as well as spaces for employees. Thus, without counting the conference room or spaces for 15 expected employees, the ZBL would require 51 on-site parking spaces. It was originally expected that employees could park off-site, at St. Brigid's parking lot, but that plan turned out to be infeasible, primarily because the ZBL requires that parking for a commercial enterprise must be in a commercial zone. It is not clear at this point how off-site parking for employees can be accomplished.

A traffic consultant hired by the Belfry Hill neighbors, MDM Traffic Consultants, Inc. points out that the current parking lot design would actually accommodate fewer than the stated 29 cars. Most of the spaces are sized for compact cars, and there is insufficient turning and backing room for all the designated spaces to be usable. Further, in small parking lots such as these, the ZBL requires that all spaces be full-sized. Moreover, there is insufficient room for trucks (such as garbage trucks) to turn around, and they would have to back out onto Worthen Road. There is also concern that ADA requirements may call for handicapped spaces on the Mass Avenue side as well as the Worthen Road side, in order to provide access to the conference room. As the Conservation Commission hearing has not yet been closed, it is not known at this time whether the 6 parking spaces that extend into the 50-foot wetland buffer will be allowed. MDM conducted its traffic study over several days, including Sunday, and concluded that there would be little or no available on-street parking at certain times, particularly on Sunday mornings, and during special events on the Battle Green or in Hastings Park.

**Question #5:** What are the traffic impacts of this development?

**Answer #5:** Tetra Tech (the developer's Traffic consultant) performed a traffic study on Thursday, September 15, 2011, over both morning and evening peak periods, and concluded that there would be no significant traffic impacts from the proposed project on area roadways. They made several recommendations for signage restricting parking on Mass. Ave. near the Inn property to ensure adequate site lines and approach lanes to Worthen Road.

MDM (the neighbors' traffic consultant) identified a number of problems, including the following:

a) The Worthen Road driveway is too close (30 feet instead of 200) to the Mass Avenue intersection. It can't be moved much further away because of wetlands considerations. This will become much more of a problem than it has been because the Inn will generate more traffic there than the Dana Home did. Of particular concern is that, as currently designed, trucks have to

back out of that driveway – “a practice prohibited by zoning standards and that would occur at a high-speed merge point where inadequate corner clearance is available”, according to MDM.

b) Proximity and offset alignment of the new Mass Avenue driveway with Parker Street will exacerbate an already bad situation with respect to sight lines and the existing crosswalk near Parker Street.

c) Traffic coming out of the Worthen Road driveway can't make a left turn there because of the median, and will have to make a U-turn on Worthen Road. Further, trucks coming out of that driveway cannot clear the median strip.

**Question #6:** How will this development fit into the neighborhood?

**Answer #6:** The proponents assert that the proposed inn is well-suited for its location within the Battle Green Historic District, linking other Lexington historic elements, including the Depot, Buckman Tavern, the Battle Green, the Old Burying Ground, and historic houses.

**Question #7:** What are neighborhood concerns about this project?

**Answer #7:**

a) Neighbors already must contend with overflow parking from Grace Chapel on Sundays, and from Hastings Park when there are concerts or other events, but they worry that the apparent lack of sufficient parking for the Inn and restaurant/lounge will exacerbate this situation, making the blockage of neighborhood streets a full-time occurrence instead of an occasional nuisance. The developer has stated publicly that guests of the inn will be told not to park on Parker or Forest Streets; however, this is not in the PSDUP and is not enforceable.

b) While the neighborhood of the proposed Inn is fairly vibrant during the day, it currently reverts to a fairly quiet place at night. Neighbors are worried that the Inn will bring increased truck noise in the early morning, noise and car lights from people leaving the lounge late at night, and spillover from parking lights that are on all night. The developer states the policy of the Inn will be for deliveries to the inn to be restricted to business hours. Early morning deliveries, noise and car light would be equally undesirable to inn guests as they would be to the neighbors. As part of the landscape plan, the development team is paying close attention to the types of lighting to be used and will strive to assure that its placement will be as respectful as possible to the surrounding neighbors. For these statements to be enforceable they would need to be added to the PSDUP.

c) Neighbors are very much concerned about the potential impact of the lounge, whose service will not be limited to hotel and restaurant guests. They are particularly worried about the possibility of drunk drivers in the neighborhood, as well as the noise of people coming and going, especially late at night. In response to neighbor concerns, the PSDUP proposes not to include any customer service bar as part of the restaurant in the application for the liquor license to the Board of Selectmen, which is the licensing authority. Any establishment serving liquor in Lexington must serve it with food. Alcohol will be sold only when the dining room is open and food service is available, and not before food service opens or after it closes, with all alcohol bought, served and consumed on the premises. Restaurant operators and their staff must be trained in alcohol safety as a requirement for licensing and face severe legal punishment if customers leave the premise intoxicated and operate a motor vehicle. For an establishment of

this size, the liability of allowing a patron to drive away from the premise while under the influence of alcohol could threaten the livelihood of the business.

d) The neighbors believe it is critically important that both the problems with stormwater management identified by the Conservation Commission's peer reviewer, and the problems with parking, circulation and traffic safety issues identified by their traffic consultant MUST be addressed in revised design documents in the PSDUP before this project can be approved.

e) Many neighborhood residents are concerned about the precedent of establishing a commercial island in the midst of residentially-zoned property. The broader neighborhood is all zoned RS; it includes St. Brigid's and Grace Chapel, the Hayden Recreation Center, Hastings Park, and the Town's Center Recreation complex, as well as several residential streets including Judges Road, Parker Street, Forest Street, and Stratham Road. The property to be rezoned has 20 immediately abutting residences surrounding it – three on Mass. Ave., one on Worthen Road, and 16 on Judges Road (between St. Brigid's and the Dana Home). In addition, the people who live on Parker and Forest Street and Stratham Road, while not technically abutters, consider themselves very much a part of the same residential neighborhood. The neighbors believe that if a CD zone is inserted into this area, it should be especially careful not to waive those aspects of the Zoning By-Law (ZBL) that would help to assure that the development is of a size and scope that is sensitive to its location and minimizes the impacts on its neighbors.

In response, the developer observes that while all of the above land is zoned RS, some of the uses are not residential, but institutional, recreational and municipal. The developer describes the neighborhood as mixed use with several uses available to Town residents as a whole.

f) The neighbors would like to see this development, if it is to be built at all, more appropriately sized to fit its available space, rather than overflowing both into the wetlands and into neighboring streets.

**For further information:**

PSDUP

<http://www.lexingtonma.gov/2012TownMeeting.cfm>

"The Inn at Hastings Park"

[http://www.egovlink.com/public\\_documents300/lexington/published\\_documents/large%20documents/The%20Inn%20at%20Hastings%20Park.pdf](http://www.egovlink.com/public_documents300/lexington/published_documents/large%20documents/The%20Inn%20at%20Hastings%20Park.pdf)

Stormwater Peer Review

<http://www.lexingtonma.gov/2012TownMeeting.cfm>

"Peer Review of Stormwater"

<http://www.lexingtonma.gov/planning/TM%202012/2012%2001-25%20Review%20of%20Inn%20at%20Hastings%20Park.pdf>

Conservation Commission

<http://www.lexmedia.org/ondemand.html>

Conservation Commission Hearing 12/13/2011 (starts at 1:54)

MDM Traffic Letter

<http://lexprotects.com/letters-of-support/>

"To Planning Board Traffic Safety and Parking for Dana Home"

dated February 8, 2012”

<http://protectlexingtonneighborhoods.files.wordpress.com/2011/10/to-planning-board-traffic-safety-and-parking-for-dana-home-dated-feb-8-2012.pdf>

Planning Board Public Hearing

<http://www.lexmedia.org/ondemand.html>

Planning Board Hearing 02/29/2012 (length 3:05)

Here is the site plan from the PSDUP:



## **Article 35      Amend Zoning By-Law - Residential Use in the CB Zone**

*To see if the Town will vote to amend Chapter 135 of the Code of the Town of Lexington to allow residential use above the street-level in the Center Business District and to allow, upon issuance of a special permit with a finding that the space is not viable for any commercial use, limited residential use in a non-storefront street level space.; or act in any other manner in relation thereto.*

*(Inserted at the request of the Planning Board)*

**Description:** *This article seeks to allow residential use in the Central Business District while maintaining the existing commercial space by limiting where the residential units can be. In very limited circumstances where it can be shown that commercial space is not viable, a special permit could be issued to allow residential use on the street level as long as it is not in a store-front space. This mimics the action taken by Town Meeting last year to allow limited street-level office space if it is not in a storefront.*

### **TMMA REVIEW**

### **CENTER RESIDENCES**

**Note that the motion under this article will require a two-thirds majority in order to pass.**

#### **TMMA Overview (as of 03/03/12)**

This article has been submitted by the Planning Board in response to suggestions from the Lexington Center Committee.

Lexington used to allow residences on the upper floors of the commercial buildings in the CB (Central Business) district. Many years ago the standards for what constituted a viable suburban town center changed and that type of mixed use became unpopular. The Town then amended the zoning by-law to prohibit such residential use. There are still some residences on the second floor of the building on the south side of Mass. Ave between Waltham Street and Muzzey Street. They are legally grandfathered uses.

A few years ago those standards changed again and Lexington rezoned the former Battle Green Inn to create Lexington Place, which has mixed residential and commercial uses. Those residences have been widely accepted.

This article would allow such residences on the upper floors throughout the CB district by right. If this article and article 37, which increases the allowed height in the CB district, both pass, residences would be allowed on the second and third floors. If just this article passes, residences would be allowed only on the second floor.

The zoning by-law currently requires that residences anywhere in town have available parking. If a building in the center is modified to allow residences, it would somehow have to make such parking available.

The article also allows, by special permit, for residences on the first floor in the CB district, in non-storefront portions of a building, if it is found that commercial use of the space is not viable. This provision is the only portion of the article that created considerable discussion at the public hearing. Such spaces, if used commercially would most likely have lower rents and thus become available to potential businesses that could not otherwise afford the prevailing center business

district rents. As of press time, the Planning Board had not yet voted on whether to support first floor residences.

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**Article 36      Amend Zoning By-Law - Home Occupations in CB Zone**

*To see if the Town will vote to amend Chapter 135 of the Code of the Town of Lexington to allow home occupations in residences in the Center Business District; or act in any other manner in relation thereto.*

*(Inserted by the Planning Board)*

**Description:** *This article seeks to allow residents who live in the Central Business District to conduct a home occupation, following the same rules that govern home occupations in other districts in town.*

**TMMA REVIEW****CENTER HOME BUSINESSES**

**Note that the motion under this article will require a two-thirds majority in order to pass.**

**TMMA Overview (as of 02/27/12)**

This article has been submitted by the Planning Board in response to suggestions from the Lexington Center Committee. Assuming article 35 allowing residences in the Central Business (CB) district passes, this article would allow those residents to make use of the home occupation provisions granted to residents of the residential districts. The requirements in the CB would be the same as in the residential districts except that a major home occupation, one having a non-resident employee, would not require a Special Permit as is required in a residential district. The Planning Board did not want to make the number of employees in a home occupation in the CB more restrictive than is allowed by right to a business in the CB.

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## Article 37                      Amend Zoning By-Law - Height in the CB Zone

*To see if the Town will vote to amend Chapter 135 of the Code of the Town of Lexington by increasing the permitted height to 45 feet and the Floor Area Ratio (FAR) to 3.0, and removing the story limitation in the Center Business District; or act in any other manner in relation thereto.*

*(Inserted by the Planning Board)*

**Description:** *This article would change the current dimensional standards in the Center Business District (CBD) to allow a greater height. Instead of regulating the number of stories, the massing of the buildings would be governed by a maximum height and the FAR. Removing the regulation of the number of stories would permit some stepping of the building faces.*

### TMMA REVIEW CENTER HEIGHT INCREASE

**Note that the motion under this article will require a two-thirds majority in order to pass.**

#### **TMMA Summary**

Passage of this article would increase the height limit and the floor area ratio (FAR) in the Center district.

#### **TMMA Overview (as of 03/03/12)**

This article has been submitted by the Planning Board in response to suggestions from the Lexington Center Committee. The proposal is to increase the height limit of buildings in the CB (central business) district from 25 feet to 45 feet, and increase the maximum net floor area to land area ratio from 2.0 to 3.0. Net floor area excludes some portions of a building including those used for maintenance, utilities and mechanical equipment. The maximum number of stories, currently 2, would be eliminated. The Planning Board recommends that a height limit alone is all that is necessary to specify what is needed for the public good.

Lexington used to allow taller buildings in the center. There are many historic photographs of Lexington center in the window of CVS showing what the center used to look like. Lexington's first height limit in the center was 55 feet in 1950. The limit was reduced to 45 feet in 1962 and to 30 feet in 1984. Part of the reason for the 1984 reduction was the construction of Lexington Square (the building now containing the Lexx restaurant), which some people considered excessively tall. The height limit was further reduced to 25 feet in 1987 as part of a major rewrite of the commercial zoning regulations.

The Planning Board report in 1984 on the height reduction gave several reasons. The report said in part: "The scale and development in Lexington center should reflect and be compatible with a primarily residential community". However it should be noted that the height limit in the residential districts is now 40 feet. The Board was also concerned that uses on a third floor would be primarily for offices which generate long-term parking needs. The Planning Board and the Selectmen wanted the existing Town parking lots to be primarily for short-term use by shoppers. It is now more likely that third and even second floor use would be for residential use (if article 35 passes), since residential use at the density that would be permitted is more profitable than commercial space.



More recently, Lexington Place was built as a CD development, replacing the Battle Green Inn, with a height of 38.5 feet. There does not appear to have been significant objection to its height or appearance after its completion, although it was first proposed to be 44 feet and rejected by Town Meeting in that form.

Lexington Place, which incorporated a greater height limit, underground parking, and combined commercial and residential use (as is now being addressed in Article 35) was approved as a CD district. A rezoning request is a very expensive procedure for a developer (and also for opposing neighborhood groups), so the Planning Board prefers clearly established regulations for future developments that exceed current standards rather than piecemeal CD proposals. That is why the Board proposed, and Town Meeting adopted, new size and traffic requirements for the Hartwell Avenue area as opposed to the numerous CD rezonings on Hayden Avenue and Spring Street.

One problem that was brought up at the Planning Board hearing is the loss of view for residents, such as those in Lexington Place, if a 45 foot high building were built immediately adjacent to them in the Panera / Cambridge Trust parking lot.

Due to existing parking conditions and parking regulations in the center, the Planning Board does not expect that any of these height limit changes would be made use of in the near future. The Lexington Center Committee and the Planning Board are still working on solutions to the center parking problem and hope to bring proposals to a future Town Meeting. One possible means to meet the parking needs of taller buildings is complete reconstruction of a building with an underground garage, like Lexington Place. Offsite parking has been suggested as another solution, but how and where this could occur is not clear. The parking needs of new residential and commercial uses of the increased proposed height would be different.

The Planning Board expects that the first parts of the center business district to take advantage of this change would be the buildings that are currently one story high. However, at the Planning Board hearing, the owner of the block containing CVS (with several leases of different remaining duration) indicated that it is unlikely that he would undertake a major reconstruction as long as his prime tenant, CVS, wished to renew its lease.

**Article 38      Accept Gift of Land - Between Munroe Cemetery and Bike Trail**

*To see if the Town will vote to accept a gift of land shown as Parcel 1 on the property rights plan for the 1377 Massachusetts Avenue Definitive Subdivision approved by the Planning Board July 13, 2011; or act in any other manner in relation thereto.*

*(Inserted by the Planning Board)*

**Description:** *This article would allow the Town to accept a gift of a 2,448±SF parcel of land. This is the northeast corner of a tract shown on Assessor's Map 39 as lots 64 & 65 that has been subdivided into 4 buildable lots and this parcel. The land lies between the Munroe Cemetery and the Minuteman Bikeway.*

## **TMMA REVIEW**

### **BIKE TRAIL LAND GIFT**

**TMMA Overview (as of 03/03/12)**

Passage of this article would accept a gift of a small parcel of land (2,448 square feet) located between the Munroe Cemetery and the Minuteman Bikeway. This past year, the Planning Board approved a subdivision at 1377 Massachusetts Avenue. During this subdivision process, it became evident that residents have been crossing this remote portion of the private parcel as a short cut between the Munroe Cemetery and the Bikeway. Rather than provide an easement or dealing with a potential trespassing issue, the developer wishes to transfer that part of the parcel to the Town.

**TMMA Questions**

**Question #1:** Will the Town build a more formal trail for residents?

**Answer #1:** The Greenways Corridor Committee, the Bicycle Advisory Committee and the Conservation Stewards have expressed an interest in cooperating on building a trail and will work with Cemetery and Town staff.

**Question #2:** Will there be any future cost to the Town?

**Answer #2:** The Conservation Stewards, and on occasion the Bicycle Advisory Committee, recruit volunteers to build and maintain such pathways, so the construction labor would be voluntary. Construction tools for such projects are available from the pool purchased and owned by Citizens for Lexington Conservation through a fund-raising effort undertaken last year in conjunction with the Conservation Stewards. Any needed materials for railings, ramps, or steps are usually funded outside of Town funds, either through a Recreational Trails Program grant (administered by the state Department of Conservation and Recreation), or by direct public fund-raising. On rare occasions some funds for trail maintenance and improvement projects have been obtained from one of the Lexington public trusts.