

TMMA Warrant Information Report



March 2016, 3/30-End

This report has been prepared by the Town Meeting Members Association to provide information to Town Meeting members concerning the articles of the warrants for Special Town Meeting 2016-3 and the Annual Town Meeting beginning March 21, 2016. TMMA thanks town officials, town staff, and members of boards and committees for their assistance in providing information for this report.

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

www.LexingtonTMMA.org

Conflict of Interest Guideline for Town Meeting Members

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

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

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

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 21.

Also note that the information provided in this report was current as of the publication date; 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 font.

Special thanks to:

Christopher Bing for the cover artwork

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ARTICLE 10

APPROPRIATE FOR MUNICIPAL CAPITAL PROJECTS AND EQUIPMENT

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

- a) Center Streetscape Improvements and Easements;
- b) DPW Equipment;
- c) Street Improvements and Easements;
- d) Storm Drainage Improvements and NPDES Compliance;
- e) Hydrant Replacement Program;
- f) Comprehensive Watershed Storm Water Management Implementation;
- g) Massachusetts Avenue ó Three Intersections Improvements and Easements;
- h) Sidewalk Improvements, Additions, Designs and Easements;
- i) Town-wide Culvert Replacement;
- j) Town-wide Signalization Improvements;
- k) Cary Memorial Library Walkway Replacement;
- l) Pleasant Street Sidewalk and Easements;
- m) Replace Town-wide Phone Systems ó Phase V;
- n) Head End Equipment Replacement/Packet Shaper ó Phase V;
- o) Election System Upgrade;
- p) Parking Meter Replacement ó Phase 2;
- q) Transportation Mitigation;
- r) Ladder Truck Replacement; and
- s) Public Safety Radio Stabilization;

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 capital improvements; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: \$10,348,960

DESCRIPTION: For a description of the proposed projects see Section XI: Capital Investment section of the FY2017 Town Manager's Preliminary Budget and Financing Plan dated January 11, 2016 and found at <http://www.lexingtonma.gov/fy17capital>.

TMMA OVERVIEW

This article is an annual request to fund municipal projects and equipment. The Capital Expenditures Committee, appointed by the Moderator, is the advisory committee to Town Meeting for capital. Their report and recommendations should be your primary resource.

- a) **Center Streetscape Improvements and Easements;**
This project is being indefinitely postponed.

b) DPW Equipment Replacement - \$755,000

This is an annual program to replace equipment that has reached the end of its useful life. Vehicles scheduled for replacement are assessed as to current mechanical condition, maintenance history, changing departmental work requirements and expected useful life based on manufacturers' recommendations. The FY2017 request is to replace 4 dump trucks with equivalent equipment with plows and a tractor and a loader with similar equipment. All replace equipment is either traded in or sold for scrap value.

c) Street Improvements and Easements;

The amount requested is \$3,500,000, funding is through the tax levy and Chap 90 State funds. This request is an annual appropriation of funds to maintain our street infrastructure. The Town strives to crack seal and repave the streets before they need to be rebuilt, which is both cost efficient and serviceable. Typically the Town paves arteries every 12 to 15 years and residential streets every 25 to 30 years.

TMMA questions:

Question #1: How do we evaluate the condition of our streets?

Answer #1: We have a periodic audit. Our current Pavement Condition Index (PCI) is 75 and it has been slowly trending upward (which is the goal). In 2010 the PCI was 68.

Question #2: What streets are scheduled for paving in FY17?

Answer #2: We do not have a set list for what this money will be used for. This is an ever-evolving and dynamic plan that is constantly being adjusted. For the upcoming construction season, a few areas that are likely candidates include the Turning Mill neighborhood and Reed Street area. This could change pending work by outside utilities. We are also continuing to be aggressive on our preventative maintenance type work to extend the life of the roads. There will likely be some aggressive preventative maintenance on some of the roads we have maintained more recently to further extend the life of these roads.

d) Storm Drainage Improvements and NPDES Compliance - \$340,000

This is an annual request. \$40,000 is estimated for the compliance with the construction related portions of the National Pollutant Discharge and Elimination System (NPDES) as mandated by EPA in the storm water permit issued to the Town. A new EPA NPDES permit is expected to be issued to the Town in January 2016. Requirements measures include illicit discharge detection and elimination, and BMP (best management practices) installation and retrofits. \$300,000 will be used to repair/replace drainage structures encountered during the road resurfacing program, repair other drainage areas and improve stormwater issues discovered during the NPDES investigation work. Some trouble spots are in the watersheds of the Vine Brook, Mill Brook, Beaver Brook, and Kiln Brook. Illicit discharge detection and elimination has been ongoing in the Vine Brook and Mill Brook which are areas identified to have contamination.

e) Hydrant Replacement Program - \$150,000

This is an ongoing replacement program designed to maintain the integrity of the fire protection system throughout the town. The Town has 1,500 fire hydrants. 365 have been replaced thus far and this funding will replace approximately 60 more.

f) Comprehensive Watershed Storm Water Management Implementation - \$390,000

This is an annual request. DPW-Engineering and Conservation are collaborating on addressing drainage/brook management issues. The Charles River, Shawsheen River, and Mystic River watershed management plans have all been completed with funding from prior authorizations. This request is for the continuing design / implementation of the watershed plans and for the construction of priorities established in the watershed plans. The requested funding will be used to move forward with the determined prioritized areas, which include the Valleyfield area design (which is within the Clematis Brook area) and the Whipple Brook area construction.

g) Massachusetts Avenue – Three Intersections Improvements and Easements;

This ongoing project, known as the East Mass. Ave. Roadway Improvements Project, includes the redesign of three major intersections on Massachusetts Avenue at Pleasant Street, Maple Street and Marrett Road, to mitigate congestion and address safety concerns for vehicles, cyclists and pedestrians, and the installation, improvement, or relocation of crosswalks and bicycle lanes along that section of Massachusetts Avenue, which includes parts of state routes 4, 225, and 2A. The 2010 Annual Town Meeting appropriated \$125,000 to do 25% of the design. \$500,000 was appropriated by the 2014 Annual Town Meeting to complete the design plans and bid specifications. The 25% design plans were submitted to the Massachusetts Department of Transportation (MassDOT) and comments were received as of September 2014. Public hearings and meetings have also been held in Lexington since then to provide information on the proposed project and obtain public input as options were proposed and evaluated.

MassDOT Transportation Improvement Plan (T.I.P) construction funding is anticipated to cover the construction cost of the project. Construction estimates currently indicate the project cost will be approximately \$6.5 million. The project has scored high in project ratings, which help determine eligibility and scheduling of the state funding.

The FY17 request for \$350,000 free cash to Town Meeting seeks funds for temporary construction easements but the need for permanent acquisitions is not anticipated. Federal requirements for land acquisition require the Town to appraise and offer to purchase the temporary easement based on the appraised value. To construct this project, workers will occasionally need temporary access to some private property. The requested free cash funding will cover any costs associated with reimbursing owners of private properties for the temporary use of the easements. As the process moves forward, it will be determined if there are any potential non-participatory costs that the Town will be responsible for funding.

The project construction will include computer controlled traffic signals, rather than roundabouts, at Pleasant Street and Maple Street, as well as improved road alignments, pedestrian crosswalks and bicycle accommodations at all three intersections and along the road corridor between the three intersections. The potential use of roundabouts was the subject of several engineering studies and was found to require taking of adjacent private properties by eminent domain and greater construction costs, without appreciable gains in safety.

h) Sidewalk Improvements, Additions, Designs and Easements

This is an annual request to rebuild and/or repave existing asphalt sidewalks and to begin design work on new sidewalks. Funding was increased from prior years in order to address the Selectmen's goals of improving the overall condition of existing sidewalks and providing new

sidewalks. Recommended FY17 funding continues funding at the \$600,000 level of FY16. Funding had gradually increased from \$100,000 per year in FY08 to \$400,000 in FY14 and FY15.

The DPW, in conjunction with various committees and other town departments develops a list each year of the sidewalks most in need of repair/replacement. There are four determining factors that dictate the repair of a sidewalk 1) Is the sidewalk unsafe for travel due to trip hazards, defects, etc. 2) Is the sidewalk within the Safe Routes to School Program 3) Is the volume of pedestrian traffic heavy, light or average, and 4) Is the general condition of the sidewalk poor, fair or good which dictates treatments such as full reconstruction, overlay or patching? All work will be ADA compliant. DPW has worked with Fay, Spofford & Thorndike, a pavement consulting firm, to compile a sidewalk condition survey that will help prioritize sidewalk repair locations.

Candidate projects for funding in FY17 include Emerson Garden Road (north and south), Hathaway Road, Waltham Street ó from LHS Driveway to Forest Street and Brookside to Blossomcrest, Massachusetts Avenue ó Bow Street to Fottler Avenue (north and south), Turning Mill Road ó phase II from #18 to end, Charles Street, Daniels Street and Aerial Street.

i) Town-wide Culvert Replacement - \$390,000:

This is an annual program request. On-going culvert inspections and ongoing watershed management planning efforts have identified culverts in town that are near or at failure. Of the funding requested, \$250,000 is an estimate of construction costs necessary for culvert replacement with \$65,000 for design, permitting, and bidding and \$75,000 for contingencies. Future designs and replacements will include Valleyfield and Waltham Street at Clematis Brook which has been identified in the Watershed Management Plan. There is some overlap with the Comprehensive Stormwater Management project as some of these projects include culvert work as well as stream management work.

j) Town-wide Signalization Improvements;

Town-wide Signalization Improvements - \$125,000 (Free Cash): This is an annual request for funds to update traffic and pedestrian signals in Lexington. A signal inventory and compliance study has been completed. The study includes ADA compliance, condition assessment, signal timing, delays, and prioritized recommendations. FY17 funding is to implement items that have been identified in the study and other issues that are identified by the Transportation Safety Group (TSG) to improve the signals for all users. Potential locations for FY17 funded include improving the existing signals at intersections of Bedford Street at Worthen Road, Lowell Street at East Street, Lowell Street at North Street and improved pedestrian crossings along Massachusetts Avenue. Note that other articles in this year's warrant also include signals along Massachusetts Avenue. Data Collection analysis and design is assumed to be approximately 20% of the total cost.

Recent funding has been applied to the construction of the Concord Ave at Waltham Street signal upgrades and to develop conceptual roundabout and signal alternatives for the intersection of Massachusetts Avenue and Worthen Road. Additionally, traffic data collection and analysis was conducted at several locations as a precursor to design planning.

k) Cary Memorial Library Walkway Replacement;

Currently concrete sidewalks are in place on three sides of the Library. A brick sidewalk goes between the Library and the block of stores on Massachusetts Avenue. The concrete sidewalks, especially on Clarke Street, around the Cary Memorial Library are in disrepair and poses a hazard to library patrons and personnel, and other pedestrians. FY17 funds are requested for replacement of the walkway in its entirety. The walkway receives regular maintenance for areas with significant segregation of the stones from the concrete mixture but they are expected to continue to degrade over time and continuing with just repair work would be expensive. Replacement of the current walkway will significantly improve safety and accessibility to the building and also minimize maintenance work and related costs.

l) Pleasant Street Sidewalk and Easements;

This funding would be used to complete the sidewalks along Pleasant Street in those areas that currently have no sidewalks. The section of roadway near the proposed sidewalk installations was identified as an area of high priority in a recent report on sidewalk conditions. Nearby schools (Waldorf, Bowman, Montessori), a church, the Minuteman Bikeway, MBTA bus stops and Wilson Farms are all in proximity, and are sources of pedestrian traffic on Pleasant Street. Pleasant Street is a heavy vehicular traffic area at all times, and especially at rush hours, so the proposed project would significantly improve pedestrian safety.

m) Replace Town-wide Phone Systems – Phase V - \$21,000 from Free Cash;

Phase V will fund the replacement of the phone systems at the Cary Memorial Library with VoIP phones that communicate over the town's fiber optic digital network, using Voice over Internet Protocol, instead of using the traditional analog phones over copper wired trunk lines. The unified phone system replaces existing telephone systems that have become unreliable and expensive to maintain.

The FY17 request for this multi-phase project will fund Phase V of the Town Wide Telephone Replacement Project. At the 2008 Annual Town Meeting, \$30,000 was appropriated to fund a needs assessment for the replacement of phone systems in all town and school buildings. The recommendation of the consultant was for the Town to replace existing municipal and school phone systems with VoIP phone systems. Subsequent Town Meetings have appropriated additional funds for the various phases of the project. To-date, the new VoIP phone systems have been installed in the Town Office Building, Lexington High School, the School Administration Building and the Community Center. The bulk of the system cores were installed at Lexington High School and Public Services Building in FY14. Project completion is expected during FY16 at the two fire stations, Cary Memorial Building and Clarke and Diamond Middle. The VoIP phones provide enhanced technology and centralized administration by offering better call quality and delivering better customer service.

TMMA question:

Question #1: How many future phases are anticipated?

n) Head End Equipment Replacement/Packet Shaper – Phase V;

The requested funding is \$150,000 to be come from Free Cash. This project is a multi-phase project to replace aging equipment or add equipment that functions as the Town wide core or head end for the Town network. The head end is the central interface that provides security and connections between the Town local area network and the rest of the Internet. All connections from Town buildings go through the head end to get to the Internet and to other town buildings. The head end is made up of many components including, but not limited to, routers, switches, DNS servers, firewalls, access control devices, e-mail spam filters, and web access control devices. The overall purpose of the head end is to provide security and to manage network traffic. This capital request covers the cost to replace aged end-of-life (EOL) equipment and to cover the cost of purchasing additional equipment for core security as new security needs are defined. The FY2017 request is for the purchase of a bandwidth management and packet-shaping appliance for installation in the Town core to serve the needs of municipal and school users. Our bandwidth needs and utilization within the Town have grown significantly. As we add bandwidth to meet these needs, we wish to add intelligent management and control over the use of the bandwidth to help control the utilization. This will also help ensure that critical services that require bandwidth get the bandwidth needed through bandwidth prioritization.

A packet shaper is a network component which manages network congestion by prioritizing network traffic to allow for more efficient use of the available network band width during periods of high demand.

o) Election System Upgrade;

Election System Upgrade - \$81,000 (Free Cash): FY17 funds are requested for the replacement of the electronic voting system currently used for all elections. Replacement needs include new digital scan tabulators, ballot boxes and related expenses. The current optical scan voting system, purchased and implemented in 1999, is supported and serviced on an annual basis to ensure continued operation but has a limited remaining lifespan. Conducting accurate and efficient elections is a critical responsibility of the Town. Each precinct needs a system to be used for local, state and federal elections.

p) Parking Meter Replacement – Phase 2 - \$230,265 (Parking Meter Fund):

In 2015, Town Meeting approved funding for the replacement of 121 parking meters in the center of Lexington. Those meters are now in place and working at selected locations on Massachusetts Avenue and Merriam Street in the center. This FY17 request would replace all the remaining 402 coin operated meters with the new technology meters. Updating the parking meters is part of a comprehensive parking management plan designed to optimize Lexington Center's parking supply for both long and short-term users. The new technology provides users with various payment options, including the ability to pay with credit cards and smartphones. The new meters also offer flexibility to implement rate changes, (e.g. by time of day, free initial periods, etc.) and provide an enhanced ability to collect and report parking utilization data to make informed policy decisions. Money from the Parking Meter Fund comes from meter and parking receipts but needs to be appropriated by Town Meeting. The parking meter receipts will also pay for the maintenance of the meters, and the fees for processing cell phone and credit card payments.

q) Transportation Mitigation - \$30,000 (Traffic Mitigation Stabilization Fund):

FY17 funds will be used to evaluate and develop construction cost estimates for future capital requests for such things as intersection improvements. This request supports the efforts of the Transportation Safety Group. The TSG is staffed by the representatives of the Planning, Engineering, School, and Police Departments. Between FY 2008 and 2011, Town Meeting appropriated funds to collect data, perform analyses, review citizen requests, and make recommendations for various town-wide transportation improvements in support of the Traffic Mitigation Group. When TMG was dissolved in 2012, the Traffic Safety Advisory Committee became the group charged with overseeing these funds. In October of 2014, the Town further reorganized its operations, reconstituting TSAC as the Transportation Safety Group.

This request is in response to implementation of the 2015 Annual Town Meeting's Article 45, which prioritized town-wide pedestrian and cyclist safety improvements, as a component of transportation. Increased use of non-motorized transportation reduces vehicular traffic.

r) Ladder Truck Replacement - \$875,000 (General Fund Debt):

This FY17 request would fund the purchase of a new aerial ladder truck for the Fire Department. The current truck is almost 17 years old and is used on a daily basis. The required repairs for the aging truck have steadily increased. Over \$60,000 was spent for major repairs in FY12. Front line fire apparatus are generally utilized as first line vehicles for 10-12 years and then in a reserved capacity but the ladder truck has been used in a primary position for its entire life span. FY17 funding would be used to purchase a vehicle similar in size and equipped comparably to the existing truck. The primary design of the ladder truck allows the vehicle to conduct rescues, perform roof ventilation and provide firefighting capabilities through the waterway at the end of the ladder. As with all old town vehicles, any trade in, or scrap value, will be used to offset the cost. If the town's aerial ladder truck is being repaired, the town must depend on mutual aid from one of the surrounding communities if a fire requires an aerial ladder truck's capabilities. Repairs for the existing ladder truck have totaled \$135,000 in the last five years. The truck has 68,000 miles and 75,000 hours of operation.

s) Public Safety Radio Stabilization - - \$90,000 (Free Cash):

This FY17 request will fund Phase II of the Public Safety Radio Stabilization Project.

Phase II includes expansion of the wireless connection between the main system and outlying devices by adding antennae locations to the Cary Memorial Building and the Public Services Building and the creation of a redundant repeater system at the DOT site. This two-phase project addresses the recommendations of a 2013 radio study that identified options for improving reliability and redundancy to the Public Safety Radio System. The Public Safety Radio System is used by the Fire Department, the Police Department, dispatchers, and the DPW, for both routine and emergency communications. In emergencies it is important that all emergency responders be able to communicate with one another.

\$90,000 was appropriated in FY16 for Phase I, which is currently underway, and includes the relocation of some equipment, conversion from copper lines to fiber optic lines and providing emergency power to additional repeater sites. The Motorola radios in dispatch may require an upgrade due to software issues and may delay completion of Phase I.

ARTICLE 12 APPROPRIATE FOR WASTEWATER SYSTEM IMPROVEMENTS

To see if the Town will vote to install sanitary sewer mains and sewerage systems and replacements and upgrades to pump stations 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: \$1,800,000

DESCRIPTION: For a description of the proposed projects see Section XI: Capital Investment section of the FY2017 Town Manager's Preliminary Budget and Financing Plan dated January 11, 2016 found at <http://www.lexingtonma.gov/fy17capital>.

TMMA OVERVIEW

1. Wastewater System Investigation and Improvements - \$1,000,000 (\$968,000

Wastewater Debt, \$32,000 Wastewater Retained Earnings): This is an annual request for rehabilitation of sanitary sewer infrastructure. Engineering investigation and evaluation will be done on sewers in various watersheds. Work will include replacement or repair of deteriorated sewers and manholes identified throughout Town. 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 Mass. Water Resources Authority (MWRA) for sewage treatment is based, in part, 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. Further identification, prioritization, and repair of sanitary sewer in the town reducing inflow and infiltration into the system has been ongoing in several sewer basins in town. Recent completed work in town includes sewer basin Area 6 (Tophet swamp), Area 7 (Reed St area), Area 10 (Marrett, Lincoln, School Street areas), Area 3 (Adams Street, Grant Street, Saddle Club area), Area 9 (Parker Street area), and Area 14 (Bow Street area.) Possible future areas of removal are Area 4 and Area 5 which are along the easterly and westerly side of Lowell Street from Laconia Street to the Arlington Town line.

2. Pump Station Upgrades - \$800,000 (Wastewater Debt): This is an ongoing program for upgrade of the stations including bringing them in compliance with federal (OSHA) regulations, equipment replacement and generator installations. Lexington has 10 Sewer pumping stations valued at over \$6 million. In July 2013 a detailed evaluation and capital plan was developed for the town with the assistance of Wright-Pierce. This includes a detailed engineering survey of the pumps stations to determine current and future needs as well as a time table and probable costs for the proposed work. FY17 funding is requested

for full pump station replacement which will likely be used for the Marshall Road Pump Station as shown in year 4 of the Capital Improvement Plan developed by Wright-Pierce. Installation of back-up generators at Concord Avenue and Potter Pond pump stations as well as other upgrades at Potter Pond have recently been completed and significant improvements to the main pump station are underway that include HVAC upgrades, the installation of variable frequency drives on all the pumps to minimize wear and tear, save energy and eliminate hammering in the force main, and the installation of a surge tank for the Marshall Road pump station as shown in year 4 of the Capital Improvement Plan developed by Wright-Pierce. Installation of back-up generators at Concord Avenue and Potter Pond pump stations as well as other upgrades at Potter Pond have recently been completed.

ARTICLE 13 **APPROPRIATE FOR SCHOOL CAPITAL PROJECTS AND EQUIPMENT**

To see if the Town will vote to appropriate a sum of money to purchase additional equipment, furniture and systems for the schools, and to maintain and upgrade the schools' technology systems; determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the School Committee)

FUNDS REQUESTED: \$1,384,087

DESCRIPTION: For a description of the proposed projects see Section XI: Capital Investment section of the FY2017 Town Manager's Preliminary Budget and Financing Plan dated January 11, 2016 found at <http://www.lexingtonma.gov/fy17capital>.

TMMA OVERVIEW

There are 3 sections to the FY 17 School Capital Budget: Food Service Equipment, School Furniture, Equipment & Systems Program, and LPS Technology Capital. The \$35,000 for the Food Service Equipment comes from a revolving account so funding for it is not included in this article for Town Meeting. The funds requested from the tax levy for the School Furniture, Equipment & Systems Program is \$186,087. The tax levy funds requested for LPS Technology Capital are \$1,198,000 under this article and an additional \$92,000 under the Town Capital Article for the "Packet Shaper" town/school joint project.

The School Furniture, Equipment & Systems Program is an annual request to replace furniture and equipment that has reached the end of its useful life, and includes new items to support additional enrollment as applicable. Items to be purchased under this article include desks, chairs, furniture for Lexington Children's Place, Principal office furniture at Harrington, cafeteria tables, bookshelves, activity tables, stools corkboards & marker-boards, supply cabinets, filing cabinets and computer tables, totaling \$112,421. Special Education equipment to be funded includes augmentative communication devices and upgrades for classroom FM sound systems totaling \$34,656. Health services hearing and vision testing equipment total \$29,010. Additional LPS district furniture purchases of \$10,000 are also included to accommodate increased enrollment.

ARTICLE 16

APPROPRIATE FOR ADVICE AND ANALYSIS – GETTING TO NET ZERO

To see if the Town will vote to raise and appropriate a sum of money necessary to hire consultants to provide advice and analysis to the Getting to Net Zero Task Force and Town staff, determine whether the money shall be provided by the tax levy, by transfer from available funds or by any combination of these methods, or to act in any other manner in relation thereto.

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

FUNDS REQUESTED: unknown at press time

DESCRIPTION: The Getting to Net Zero Task Force is exploring the possibility of reducing our buildings' emissions to net zero over the next 25 to 35 years. Lexington's buildings are currently responsible for 66% of Lexington's greenhouse gas emissions. The task force is composed of a broad range of stakeholders including local businesses, commercial and residential property owners, subject matter experts, Town staff, and appropriate Town committee members. The task force, with the assistance of consultants will develop strategies, plans and recommendations to achieve an annual balance of zero greenhouse gas emissions from building operations for approval by the Town.

TMMA OVERVIEW

"Net Zero" refers to buildings, and other infrastructure that are either not producing any greenhouse gas emissions, or that produce enough extra clean, emissions free energy for use elsewhere to compensate for all the greenhouse gasses that they do emit. There is considerable scientific consensus that manmade greenhouse gas emissions are a cause of global warming which, if unchecked, will cause many adverse environmental effects, including sea level rise and coastal flooding, extremely damaging weather, droughts, changes to agricultural crop productivity, extinction of various animal and plant species, as well as direct effects of heat on populations. Displacement of populations, resulting from adverse weather effects are likely to cause significant social and economic challenges, even for those in communities not directly affected. Coastal parts of Massachusetts, and other states, are already experiencing increased tidal flooding. Lexington has already endorsed actions to support environmental sustainability, including article 44 at the last ATM, and the creation of the Sustainable Lexington Committee, which requests this funding to continue local progress toward a sustainable environment.

References:

The Getting to Net Zero Framework Prepared for the Cambridge Getting to Net Zero Task Force --April 29, 2015

https://www.cambridgema.gov/cdd/projects/climate/~/_media/d74193af8dac4a57ac96e2a53946b96b.ashx

ARTICLE 25 AMEND FY2016 OPERATING, ENTERPRISE AND CPA BUDGETS

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 4, 5 and 8 of the warrant for the 2015 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 including Community Preservation Fund; 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 (FY2016) appropriations.

TMMA OVERVIEW

Nothing is known at press time. In early April, more analysis will be done.

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 and the Community Preservation 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)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This is an annual article to request funds to supplement existing appropriations for certain capital projects in light of revised cost estimates that exceed such appropriations.

TMMA OVERVIEW

Nothing is known at press time.

ARTICLE 32

AMEND GENERAL BYLAWS - TREES

To see if the Town will vote to amend Section 120-8C(1) of the Code of the Town of Lexington (Protected Trees) by deleting the first sentence thereof and replacing it with the following:

- 1) Replanting of trees: such replanting shall be on the basis of one inch of caliper of new tree(s) for each inch of DBH of tree(s) removed **except, to encourage the replanting of canopy species, for each replanted tree listed in the Lexington Tree Manual, replanting shall be on the basis of ½ inch caliper of new tree(s) for each inch of DBH of tree(s) removed.** Each replanted tree must have a minimum caliper of three inches; or act in any other manner in relation thereto.

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

DESCRIPTION: This article encourages the replanting of large canopy trees as opposed to small ornamental trees to replace trees removed under the bylaw, by requiring the replanting of only 1/2 the number of inches of diameter of trees removed if the replanted trees are canopy trees.

TMMA OVERVIEW

This article will be indefinitely postponed.

ARTICLE 33

AMEND GENERAL BYLAWS - TREES

To see if the Town will vote to amend Section 120 of the Code of the Town of Lexington (Trees) to prohibit the removal of or damage to non-invasive trees 30 inches in DBH (diameter at breast height) or greater in the setback area on sites undergoing major construction; or act in any other manner in relation thereto.

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

DESCRIPTION: The current bylaw defines protected trees and requires replanting or a mitigation payment to the Tree Fund if a protected tree is removed. This extends the bylaw to prohibit removal or major pruning of certain protected trees of DBH 30 inches or greater.

TMMA OVERVIEW

This article will be indefinitely postponed.

ARTICLE 34

AMEND GENERAL BYLAWS - GUNS (Citizen Article)

To see if the Town will vote to amend Chapter 97 of the Code of the Town of Lexington (Public Conduct) by adding a new Section regulating the manufacture, sale and possession of firearms within the Town, or act in any other manner in relation thereto.

(Inserted by Robert Rotberg and 9 or more registered voters)

DESCRIPTION: This article would prohibit the manufacture, sale, ownership, or possession of assault weapons and high capacity ammunition magazines in the Town of Lexington.

TMMA OVERVIEW

At the Board of Selectmen meeting Article 34 was deliberated, there was significant public opposition to the bylaw change making it illegal to have assault weapons and large capacity magazines. As an alternative, a resolution rather than a bylaw change was discussed. To get the feeling of the Town Meeting Members, the proponent put out a survey on the TMMA email list. About 50 percent of TM members chose to respond to the survey. Replies included a variety of comments and questions about the exact legal and technical issues connected with the motion under Article 34 as originally written.

In response to the expressed feelings of the largest segment of our TM members, the article sponsor has submitted a simple resolution on April 6 under Article 34. It responds to the expressed desire for more town-wide dialogue and to the need to strengthen Mass. laws. The resolution to be offered reads:

RESOLVED: Town Meeting requests the Board of Selectmen to inform the Great and General Court of its concern that existing Mass. laws regarding assault weapons (MGL c. 140, § 131M) may not sufficiently protect citizens of the Commonwealth, and Lexington. Town Meeting asks the Selectmen to initiate a town wide discussion about assault weapons and gun violence that would lead to fully considered proposals (to be conveyed to the Great and General Court) for a strengthening of those laws.

TMMA questions:

Question #1: Has this resolution been reviewed by legal counsel?

Answer #1: Yes, there were no legal issues.

ARTICLE 39 AMEND ZONING BY-LAW – MAXIMUM HEIGHT OF STRUCTURES

To see if the Town will vote to amend the Zoning Bylaw to reduce the maximum height of one-family and two-family dwellings located near lot lines, or act in any other manner in relation thereto.

(Inserted at the request of the Planning Board)

DESCRIPTION: This article would limit the height of new houses or additions located close to lot lines.

TMMA OVERVIEW

The number one concern voiced by residents as part of the Planning Board's Residential Policy Committee's outreach has been that of large, tall houses, especially those replacing demolished houses, that overpower nearby smaller houses.

This article would limit how high a new house or an addition could be built only in the non-conforming case where a yard setback is less than the standard setback. A standard setback is 15 feet from the side and rear lot lines, and 30 feet from the front lot line.

The proposed height restriction would limit height on a sliding scale determined by the shortest distance between the proposed structure and the side property line.

The formula used would be 20 feet plus 4/3 times the smallest distance from the building to the nearest lot line (up to a maximum of 40 feet).

Or as in the table:

Setback (ft)	Max. Height (ft)
0	20.0
5	26.7
7.5	30.0
10	33.3
12	36.0
15	40.0

TMMA Questions:

Question #1: Wouldn't this zoning amendment affect the resale value of small houses?

Answer #1: A six-month study was undertaken during the Residential Policy Committee process that involved significant data gathering; statistical modeling and analysis; and an overall effects assessment. During the data gathering phase, data was collected from the Town's Assessor Database, the Multiple Listing Service (MLS), and other public records to construct a holistic picture of the nature of redevelopment in Lexington from 2013 to 2015 (see the Planning Board Report for Article 41 for the analysis).

For lots affected by this height bylaw, the results of that study indicate that there is no expected difference as to selling price of these properties whether this bylaw is adopted or not.

As yet, no quantifiable evidence has yet been provided to demonstrate the result would be different on a Town wide basis.

Question #2: If a forty foot house exists now on each side of a small house subject to this bylaw, shouldn't this bylaw be waived in that case? Why should the owner of the "last" house to be re-developed be penalized by not being permitted to build a structure as large as his/her neighbors?

Answer #2: See the answer to question 1. A new replacement house built to the maximum under this bylaw that meets the new height restriction would be a few feet lower, would fit into the streetscape, and should command the comparable selling price for both the initial teardown sale as well as the replacement sale, since the gross floor area could be the same. This article does not limit gross floor area.

Question #3: If my house is already non-conforming and already 40 feet high, am I precluded from building an addition?

TMMA OVERVIEW

This bylaw addresses impacts of recent residential redevelopment in which the Town is losing an increasing number of modest-size houses due to teardowns that are replaced with larger and more expensive houses. Impacts include blocked views, loss of sunlight, loss of privacy, and noise pollution as well as town-wide impacts like loss of neighborhood character, mature tree canopy and diversity of housing size and price. The bylaw establishes a maximum house size or Gross Floor Area (GFA) in square feet in relation to lot size. This dimensional control would complement existing maximum height and minimum setback controls. Residents could apply for special permit relief from the Gross Floor Area limits.

This initiative has generated the most debate of any of the Planning Board's initiatives this year.

TMMA Questions:

Question #1: During the Residential Policy Committee presentations, there was a “high line” that sought to eliminate only the largest houses and a “low line” which sought to allow house sizes that reflected the “Lexington we want” policy. Which is being proposed?

Answer #1: Residents responded to both proposals. Some wanted restrictions greater than the low line, some preferred the low line, some the high line, and some wished no new restrictions on house bulk. After carefully considering citizen input, the Planning Board is proposing a compromise proposal which is in between both lines. The intent was to find a balance among some residents whose perceptions are that individual house values will diminish if a gross floor area is instituted and some residents whose perceptions are that individual house values will diminish if a gross floor area is *not* instituted. There is a concern that future tax revenues will not increase at the same rate as now if a gross floor area is instituted, while others claim that the fabric of Lexington's current non-fiscal values will be sacrificed if a gross floor area is *not* instituted. The Planning Board has attempted to find a fair balance among these and other competing interests in the consensus proposed motion.

Question #2: Wouldn't this affect the resale value of small houses? Will this take away nest eggs of retirees?

Answer #2: A six-month study was undertaken during the Residential Policy Committee process that involved significant data gathering; statistical modeling and analysis; and an overall effects assessment. During the data gathering phase, data was collected from the Town's Assessor Database, the Multiple Listing Service (MLS), and other public records to construct a holistic picture of the nature of redevelopment in Lexington from 2013 to 2015 (see the Planning Board Report for this article for the analysis).

While there is no certainty about the future of resale values of houses in general, using a range of realistic assumptions can yield useful information about what is likely to occur if this bylaw were to be adopted. The study used conservative assumptions as to likely factors that govern past, present, and future market driven sales.

In looking at present, if the bylaw were in effect today, the owners of 5 properties (8% of properties analyzed) in the study might see a decrease in the price a developer might offer them, and that decrease might range from \$56K to \$109K.

In looking ahead to future conditions in the Planning Board report that developers will increase their purchase price offers to 45% of eventual sales price from the current 40% average, there are no properties in the study analysis with a projected decrease in developer price; all properties are projected to receive the same developer price or a higher developer price.

Question #3: The Town relies on new growth from new house construction to generate revenue above the 2.5 % limitation of real estate taxes. Won't this negatively impact all real estate tax bills for all residents?

Answer #3: The six-month study looked at this. Using extremely conservative assumptions to predict the highest decrease in tax revenue possible, a range of projected "lost revenue" was estimated. The estimate is the Town might not see between \$135K and \$424K of new revenue per year. For FY 2017, new growth is \$ 2.5 million. Thus the percent of new growth might be reduced by the order of 5 to 17 % per year resulting in about a 10 dollar increase to the yearly average real estate tax bill.

It should be noted that these estimates include the FY2011 assessed values for some properties in the projections; these properties would have been reassessed in FY2015, raising tax revenue. Also the projections do not include improvements to properties by owners. So again, the assumptions are conservative.

Town Meeting will need to determine whether this potential loss of new revenue is small enough in comparison to the overall benefits to the fabric of the Town if the bylaw is adopted.

Question #4: How are other communities dealing with the effects of "teardowns"?

Answer #4: Arlington, Concord, and Winchester are nearby communities that are expected to vote on similar gross floor area limitations at their annual town meeting. Several communities have already addressed this in their zoning. Several of our "peer communities" require special permits or site plan review for teardowns and large house construction. These can be costly, time-consuming design reviews and their outcomes are uncertain.

Lexington's proposal is streamlined for applicants who build within the new limits, and has a lower administrative burden on Town staff. If Lexington property owners want to exceed the established GFA limits, they can seek a special permit from the Zoning Board of Appeals. Approvals for special permits are not automatic: there are special criteria that must be met, and it includes abutter notification and public hearings.

Question #5: Who did this study?

Answer #5: The working group of the Residential Policy Committee.

ARTICLE 42

AMEND ZONING BY-LAW – TWO-FAMILY HOMES

To see if the Town will vote to amend the Zoning Bylaw to permit two-family dwellings wherever one-family dwellings are permitted, or act in any other manner in relation thereto.

(Inserted at the request of the Planning Board)

DESCRIPTION: This article would permit construction of two-family dwellings by right in all districts where one-family dwellings are permitted.

TMMA OVERVIEW

This article would encourage the construction of two-family units to create a diversity of housing types and sizes by allowing two family dwellings wherever single-family homes are permitted. The concept is that by dividing a single-family home into two units, each will sell at a lower price than a single family home albeit still higher than a moderate price. The size of the joint structure will be subject to the same Gross Floor Area as approved in Article 41: 5,000 lot = 4,000 GFA or 2,000 per unit increasing to 30,000 lot = 9,350 GFA or 4,675 GFA per unit. The structure also honors the setbacks: on a 125 foot frontage there could be a 95 foot wide, two-family town house with two garages and two entry ways. This applies in every neighborhood; the distinction being it is by right in the RT zone and will be by Special Permit in the RS and RO zones. The parameters of the Special Permit have not yet been proposed, and that is an important part of the equation. Density, of course, is doubled.

TMMA Questions:

Question #1: To what degree will builders construct to the maximum allowed size rather than more moderate size single-family, resulting in maximum GFA and higher density?

Question #2: What is the going rate for units of this size in Lexington?

Question #3: What will the conditions be for a special permit?

Question #4: If this proposal generates a large number of new school children, where could a new school be built?

ARTICLE 43

AMEND ZONING BY-LAW – BANKING AND REAL ESTATE SERVICE USES IN THE CB DISTRICT

To see if the Town will vote to amend the Zoning Bylaw to require special permits for banking and real estate service uses in the CB District and repeal the moratorium set to expire on July 31, 2016 on banks in center storefronts, or act in any other manner in relation thereto.

(Inserted at the request of the Planning Board)

DESCRIPTION: This article would delete the sections of the bylaw related to the banking moratorium established by the 2015 Annual Town Meeting while proposing a special permit from the Zoning Board of Appeals to establish, move, or expand banking and real estate service business in center storefronts in the CB District.

TMMA OVERVIEW

This Article will repeal the moratorium on new banks in the center. The Article will require special permits for banks and real estate offices in the Center Business District.

After many meetings with residents, the Board of Selectmen, the Center Committee, and with assistance from planning professionals, the Planning Board decided to propose this Article.

This Article does not outright ban banks (currently 11) or real estate offices (currently 9) in the center, but made stricter requirements for a bank or any real estate sale/rental use in the center of town.

Section 3.1.6 in the local bylaws was amended to:

Purpose. Lexington Center is a place in which shops, work places, schools, historic attractions, housing, open space, and civic facilities intimately co-exist to create an active retail and cultural destination with an identifiable sense of place. It is in the public interest that the Town protect and enhance the vibrancy of the Central Business District by creating a supportive environment for a diverse group of uses throughout the Center, and regulating the use of the limited first floor storefront area and frontage of the Central Business District is necessary to achieve this goal.

The special permit granting authority must, in addition to current regulations, make sure the applicant meets the following criteria:

É Advance the goals expressed in Section 3.1.6.1

É Ensure use in the proposed location is in the public interest

É Maintain hours of operation consistent with other retail uses

É Length of the storefront requirements

É First floor square footage requirements

É Will not create any office, conference, or storage spaces

TMMA Questions:

Questions #1: Why did the Planning Board not do an outright ban of banks?

Questions #2: Have positive methods to attract desired businesses been considered?

ARTICLE 44 AMEND ZONING BY-LAW – PLANNED DEVELOPMENT DISTRICTS

To see if the Town will vote to amend the Zoning By-Law and Zoning Map to simplify the standards, processes, and terminology for planned development districts, or act in any other manner in relation thereto.
(Inserted at the request of the Planning Board)

DESCRIPTION: This article would make several changes to processes related to Planned Development, including:

1. Replacing the current RD and CD district types with a single district type with no predetermined standards (like the current CD);
2. Using normal Town Meeting processes for zoning changes involving planned development districts rather than special rules;
3. Using the site plan review process to review final plans rather than the special permit process; and
4. Rename existing Residential Districts and Commercial Districts that are Planned Development developments. The new name: PD, planned development.

TMMA OVERVIEW

This Article will do the following:

1. Replace the current RD (residential district), and CD (commercial district) with a single district PD, planned development.
2. Make planned development rules the same as current zoning rules.
3. Use site plan review (Planning Board), not special permit (Zone Board of Appeals), to review final plans.
4. Rename existing Residential Districts and Commercial Districts that are Planned Development developments. The new name: PD, planned development.

TMMA Questions:

Questions #1: What is a planned development?

Answer #1: A PD (planned development) is a development that allows greater flexibility for land usage, calls for unique site sensitive design, and provides the Planning Board with plans having greater detail than general standard plans.

Question #2: Why change the town meeting rules re: planned development?

Answer #2: This would give greater flexibility to the proponents of the planned development that is before town meeting. It will be easier to make amendments to an article on town meeting floor.

Questions #3: What does the Zoning Board of Appeals think about the change?

Answer #3: Not known. However, a current Judicial Supreme Court of Massachusetts ruling mandates that you cannot have zoning that requires special permits, if there are no uses allowed by right.

Question #4: So, this is yet another zone? Will this cause confusion?

Answer #4: No. It reduces the number of zones and makes their requirements consistent.

ARTICLE 45

AMEND ZONING BYLAW - BROOKHAVEN

To see if the Town votes 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 RO One Family Dwelling District to an RD Planned Residential District, said property being commonly known as Town of Lexington AssessorsøMap 5 Parcels 19C, 20, 21A at 960-990 Waltham Street, in order to allow the construction of a new building on the property of approximately 119,000 square feet, together with parking and other improvements, to be known as Brookhaven at Lexington; and to add it to the adjoining RD Planned Residential District Brookhaven at Lexington at 990-1010 Waltham Street as one composite RD Planned Residential District and to approve the preliminary site development and

use plan entitled øPreliminary Site Development and Use Plan for the RD Planned Residential District at 960-1010 Waltham Street, Lexington,ö (øthe PSDUPö) on file with Lexington Town Clerk and Lexington Planning Board for said parcels, and to approve standards for development, uses permitted, dimensional standards and other provisions contained within the PSDUP, or to act in any other manner relative thereto.

*(Inserted by James M. Freehling, CEO/President Symmes Life Care, Inc.,
d/b/a Brookhaven at Lexington)*

DESCRIPTION: The article requests rezoning and approval of a Preliminary Site Development and Use Plan (PSDUP for the adjacent 990-1010 Waltham Street Parcel). The general location of the property is shown on a plan entitled: øProperty Rights & Dimensional Standards Plan, 960 & 990 Waltham St., prepared for Brookhaven at Lexington, in Lexington, Mass.ö Dated December 24, 2015, prepared by GPR Inc., job # 151067, Drawing A-2ö which is on file with the Lexington Town Clerk and Lexington Planning Board.

TMMA OVERVIEW

Brookhaven, a life care retirement community owned by Symmes Life Care, Inc. d/b/a Brookhaven at Lexington, wants to expand its facility, and requests that town meeting expand the RD 6 zone, in order to add 49 Independent Living Units, and to expand/improve its existing facility.

In 2012 Brookhaven bought adjoining parcels at 960 and 990 Waltham St. These 2 parcels (6.11 acres) are currently in the RO Residential District. A 2/3 vote by town meeting is needed to rezone from RO Residential District to Brookhaven RD. This has to happen in order to legally allow Brookhaven to expand. Also, the existing RD must be amended, in order to improve its existing facility.

The PSDUP, Preliminary Site Development and Use Plan, is a detailed plan brought to the Planning board by Brookhaven, to make improvements to the existing facility, to build the 49 Independent Living Units, and to include the adjoining parcels it as one complete RD.

TMMA Questions:

Question #1: Why is this being proposed?

Answer #1: There is a great demand for senior housing.

Question #2: Will this create additional traffic on Waltham St.?

Answer #2: "The minimal additional traffic is well within normal daily variation and is not expected to impact traffic conditions in the area." (OHI Engineering, Inc. Impact Analysis on Public Services)

Town Meeting Members Association Bylaws

Approved March 8, 1978 and amended March 20, 1985; March 20, 1986; March 11, 1998; March 17, 2005 and March 5, 2008

Article I - Purpose

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

Article II - General Organization

Section 1 - Name

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

Section 2- TMMA Membership

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

Section 3 - Executive Committee

- A. **Membership.** There shall be an Executive Committee consisting of the TMMA Officers elected in accordance with the provisions of Article II, Sections 4 and 5, and the Precinct Officers elected in accordance with the provisions of Article III, Sections 1 and 2. In addition, any former TMMA Officer who remains a Town Meeting Member may elect to serve as an emeritus member of the Executive Committee for up to two years after leaving office.
- B. **Meetings.** The Executive Committee shall hold regular meetings during the year for the purpose of keeping abreast of Town affairs, particularly matters that may become the subject of future Town Meeting action, or for any other purpose relating to Town Meeting. The Executive Committee shall meet upon the call of the Chair, or at the request of five (5) Executive Committee members, with reasonable notice. The presence of nine (9) members, with at least five (5) precincts represented, shall constitute a quorum. Decisions shall be made by a majority of those members present and voting.
- C. **Attendance.** Executive Committee meetings shall be open to all TMMA members. Any TMMA member who is not a member of the Executive Committee may enter into Committee deliberations upon recognition by the Chair, but shall not vote.
- D. **Activities.** The Executive Committee shall undertake such activities as it deems appropriate to educate and inform Town Meeting Members and the public at large about pending and upcoming Town Meeting issues, including but not limited to the preparation of a warrant information booklet, the conduct of warrant information meetings, the conduct of bus tours or on-site visits, and the maintenance of a TMMA web site and email list. To this end, the Executive Committee may appoint subcommittees, working groups or task forces from among the TMMA membership from time to time when considered appropriate to the purposes of the TMMA.

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

Section 4- TMMA Officers

- A. **Officers.** The TMMA shall elect annually from among the members of the TMMA, in accordance with Article II, Section 5C, the following TMMA officers: a Chair, a Vice-Chair, a Treasurer, a Clerk, a Communications Officer, and an Email List Moderator. These officers shall perform the duties normally associated with such offices, or as further specified by vote of the Executive Committee.
- B. **Term.** The term of each office shall be for one year, commencing on the first day of the Annual Town Meeting. Outgoing Officers shall continue in office until this date, whether or not re-elected to Town Meeting. The Chair, Vice-Chair and Treasurer shall not serve in the same office for more than two consecutive terms.
- C. **Disqualifications.** The following individuals shall not serve as TMMA Officers: townwide elected officials; members of the Appropriation Committee and the Capital Expenditures Committee; salaried employees of the Town; and Town Meeting Members-at-Large.
- D. **Leaves and Vacancies.** A TMMA Officer shall take a leave of absence in order to run for townwide office, and may take a leave of absence for other exigent reasons with the consent of the Executive Committee. In the Chair's absence, the Vice-Chair shall perform the duties of Chair for such time as the absence shall continue. A permanent vacancy in any TMMA office, or an absence in any office other than Chair, shall be filled by vote of the Executive Committee.

Section 5- TMMA Meetings

- A. **Annual Meeting.** The Chair shall call an Annual Meeting of the TMMA to be held on a date after the annual town election, but before the commencement of the Annual Town Meeting.
- B. **Treasurer's Report.** At the Annual Meeting, the Treasurer shall present a Treasurer's report setting forth the TMMA's assets and liabilities as of December 31 of the previous calendar year, its income and expenditures during the previous calendar year, and a brief statement of major changes through the date of the Annual Meeting.
- C. **Election of Officers.** TMMA Officers shall be elected at the Annual Meeting as follows:
 - 1. Prior to the Annual Meeting, the Chair shall appoint a Nominating Committee consisting of three TMMA members who are not TMMA Officers, and at least one of whom shall be a member of the Executive Committee. The Nominating Committee shall prepare a slate of proposed candidates for TMMA Officers for the ensuing year.
 - 2. The Chair shall present to the Annual Meeting the slate prepared by the Nominating Committee. After entertaining any additional nominations from the floor, the Chair shall put the question of the election of TMMA Officers to a vote.
- D. **General Meetings.** Additional general meetings of the TMMA membership may be called by the Chair with reasonable notice when deemed appropriate. A general meeting shall be called upon the request in writing of twenty-five (25) TMMA members.

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

Section 6 - Dues

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

Article III - Precinct Organization

Section 1- Precinct Officers

- A. **Officers.** The TMMA Members of each precinct shall elect annually from among the precinct Town Meeting Members, in accordance with Article III, section 2(B), the following Precinct Officers: Precinct Chair, Precinct Vice-Chair and Precinct Clerk.
- B. **Duties.** The Precinct Officers shall represent their respective precincts at meetings of the TMMA Executive Committee, and shall participate to the best of their ability in the activities of the Executive Committee. In addition, the Precinct Officers shall have the following duties:
 - 1. **Precinct Chair:** The Precinct Chair shall be the presiding Officer at TMMA precinct meetings; oversee the nomination of candidates for TMMA precinct offices and the conduct of TMMA precinct elections; assist in the distribution of information to precinct Town Meeting Members during the Annual Town Meeting or any special town meeting; encourage the attendance of precinct Town Meeting Members at TMMA informational meetings or other TMMA activities; promote discussions and contacts among precinct Town Meeting Members concerning Town Meeting business; and help to maintain civility and decorum during Town Meeting sessions.
 - 2. **Precinct Vice-Chair:** The Precinct Vice-Chair shall assist the Precinct Chair in the performance of the Precinct Chair's duties; stand in for the Precinct Chair at precinct meetings and Town Meeting sessions during the Precinct Chair's absence; and stand in for the Precinct Clerk at Town Meeting during the Precinct Clerk's absence.
 - 3. **Precinct Clerk:** The Precinct Clerk shall count and report precinct Town Meeting Members' votes when a standing vote is called at Town Meeting; collect TMMA dues from precinct Town Meeting Members; and stand in for or assist the Precinct Chair and Vice-Chair in the performance of their duties as may be necessary.
- C. **Term.** The term of each Precinct Officer shall be for one year. The Precinct Chair and Vice-Chair shall not serve in the same office for more than two consecutive terms.
- D. **Vacancies.** In the event of a vacancy in the office of Precinct Chair, the Precinct Vice-Chair shall assume the office of Precinct Chair. In the event of a vacancy in the office of Precinct Vice-Chair or Clerk, the remaining Precinct Officers shall appoint a replacement from among the precinct Town Meeting Members for the balance of the term.

Section 2- Precinct Meetings

- A. **Annual Meeting.** An Annual Precinct Meeting shall be held prior to the Annual Meeting of the TMMA, at such time and place as directed or approved by the TMMA Chair.
- B. **Election of Precinct Officers.** Precinct Officers shall be elected at the Annual Precinct Meeting as follows:
 - 1. Prior to the Annual Precinct Meeting, any precinct Town Meeting Member may notify the Precinct Chair of his or her desire to be a candidate, or to nominate another precinct Town Meeting Member, for a precinct office.
 - 2. The Precinct Chair shall present at the Annual Precinct Meeting the names of all candidates who have volunteered, or who have been nominated by others and consented to run, for precinct office. After entertaining any additional nominations from the floor, the Precinct Chair shall put the question of the election of Precinct Officers to a vote.
 - 3. Precinct Officers shall be chosen by majority vote of those present and voting at the Annual Precinct Meeting. They shall assume office immediately upon completion of the election and announcement of the results.
- C. **General Meetings.** Additional precinct meetings may be called by the Precinct Chair with reasonable notice when deemed appropriate, and shall be called upon the request of the Executive Committee or upon the written request of five (5) members from the precinct.
- D. **Quorum.** The presence of five (5) precinct Town Meeting Members shall constitute a quorum at a precinct meeting.

Article IV - Amendments

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

Summary of Parliamentary Procedures

Rules of order for the conduct of Town Meeting business are Article V of the Town Bylaws. Where rules are not dictated by statute, Bylaw or tradition, Robertsø Rules of Parliamentary Practice govern. The Town Moderator serves as Parliamentarian.

Rules of Debate

No person may speak more than once on a question if others who have not previously spoken desire to speak. No person may speak more than ten minutes at any one time without being again recognized by the Moderator.

Without first obtaining permission of the meeting, no member may speak more than twice on any issue except to correct a mistake or to make an explanation. If, however, a motion contains distinct sections dealing with dissimilar subjects which get discussed and amended separately (as is the case in Article 4) this rule of speaking once applies only to each new section and not the entire motion. Also, speaking to an amendment does not count as time toward speaking to the main motion.

Interrupting Debate

A speaker may be interrupted for:

1. a POINT OF ORDER where a member has a question about the procedures or the proceedings. The Moderator then rules on the question raised.
2. a NOTICE OF RECONSIDERATION of an article which has been previously debated and voted upon.
3. a PRIVILEGED MOTION which may be to recess, adjourn or a question of privilege.

Closing Debate

Debate may be closed by MOVING THE PREVIOUS QUESTION. It is NOT DEBATABLE. The Moderator then asks "Shall the main question now be put?" or "Shall the question on the amendment now be put?" If a majority is in favor, debate ends. (See Practices and Procedures)

The Main Motion

A main motion is made under each article by a Town Meeting member. The Moderator states "The motion is the one before you dated . . . and on file with the town clerk." The Moderator summarizes the motion; the proposing member then states I so move." Usually the wording of the motion differs from the wording of the article printed in the warrant in that more information is given, specific action requested and the amount and source of funding specified. The motion cannot exceed the scope of the warrant article. By custom no second is required. A copy of each main motion is provided to each Town Meeting member and projected on a screen for those in the audience and viewing at home on Cable TV.

Amending the Motion

A main motion may be amended, but the amendment cannot exceed the scope of the article. An amendment may be amended only once before being put to a vote. A substitute motion is an amendment which replaces the entire original motion. A simple majority carries an amendment, and it then becomes part of the main motion. An amendment is a subsidiary motion and is governed by the limits on debate as set forth below.

Subsidiary Motions

A person may speak only once for no longer than three minutes on a subsidiary motion. Debate is limited to ten minutes except for an amendment which may be debated for 30 minutes unless changed by vote of Town Meeting. Subsidiary motions are listed below in order of precedence.

1. **TO LAY UPON THE TABLE** or **TO TAKE FROM THE TABLE**—the former means to end debate on the question to such time as a member moves to “take from the table” and resume debate. Both are **NOT DEBATABLE**.
2. **TO MOVE THE PREVIOUS QUESTION** is used to close debate and put the main motion and, or, an amendment to a vote. **NOT DEBATABLE**.
3. **TO CLOSE THE DEBATE AT A SPECIFIED TIME** sets a limit to the length of debate. (To date this has been rarely used in Lexington.)
4. **TO POSTPONE TO A TIME CERTAIN** is to postpone action until a specified time or a specific article has been acted upon.
5. **TO COMMIT, OR RECOMMIT, OR REFER** sends the article to a specified Town board, committee or commission for further consideration, usually with directions to report to a future session of the meeting or to a future Town Meeting.
6. **TO AMEND**.
7. **TO POSTPONE INDEFINITELY** means to dismiss the article from consideration by the current Town Meeting. It “kills” the article and is often used by the article sponsors when they have decided not to bring the matter up before the meeting.

Votes

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

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

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

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

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

Reconsideration of Motions

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

Dissolution of the Meeting

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

Please consult the [Town Meeting in Lexington](#) handbook to review Lexington Town Meeting Practices and Procedures.