

# TMMA Warrant Information Report



*March 2013*

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 18, 2013. 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](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:

(printed version 1.0 - March 4, 2013)

*Special thanks to:*

*Christopher Bing for the cover artwork*

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**Table of Contents**

Conflict of Interest Guideline for Town Meeting Members .....	2
Notes .....	5
Article 4 Appropriate FY2014 Operating Budget.....	6
Article 5 Appropriate FY2014 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 FY2014 Community Preservation Committee Operating Budget and CPA Projects.....	18
Article 9 Appropriate for Recreation Capital Projects.....	29
Article 10 Appropriate for Municipal Capital Projects and Equipment .....	31
Article 11 Appropriate for Water System Improvements .....	39
Article 12 Appropriate for Wastewater System Improvements.....	41
Article 13 Appropriate for School Capital Projects and Equipment.....	43
Article 14 Appropriate for Public Facilities Capital Projects .....	46
Article 15 Appropriate Bonds and Notes Premiums.....	53
Article 16 Accept MGL Chapter 32, Section 101, Supplemental Annual Allowance.....	54
Article 17 Accept MGL Chapter 32, Section 12(2)(d paragraph 11), Increasing Minimum Monthly Allowance .....	55
Article 18 Appropriate to Post Employment Insurance Liability Fund.....	56
Article 19 Rescind Prior Borrowing Authorizations.....	58
Article 20 Establish and Appropriate to and from Specified Stabilization Funds .....	59
Article 21 Appropriate to Stabilization Fund.....	61
Article 22 Appropriate from Debt Service Stabilization Fund .....	62
Article 23 Appropriate for Prior Years' Unpaid Bills.....	63
Article 24 Amend FY2013 Operating and Enterprise Budgets .....	64
Article 25 Appropriate for Authorized Capital Improvements.....	65
Article 26 Establish Qualifications for Tax Deferrals .....	66

Article 27 Approve Town Seal .....	67
Article 28 Amend General Bylaws - Town Meeting Warrant .....	68
Article 29 Amend General Bylaws - Contracts and Deeds (Solar Energy Purchasing) .....	69
Article 30 Amend General Bylaws - Trees.....	71
Article 31 Amend General Bylaws - Demolition Delay Bylaw.....	72
Article 32 Amend General Bylaws - Electronic Voting .....	74
Article 33 Climate Change Resolution .....	76
Article 34 Amend Zoning By-Law .....	78
Town Meeting Members Association Bylaws.....	83
Summary of Parliamentary Procedures .....	87

## 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 18.**

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 FY2014 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 FY2014 (July 1, 2013 – June 30, 2014) 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, FY2011 and FY2012 actual expenditures, FY2013 current appropriations and the preliminary FY2014 recommended appropriations. Please note that figures for FY2013 have been restated to reflect the funding of negotiated salary agreements.

## **TMMA REVIEW**

### **OPERATING BUDGET**

**TMMA Overview (as of 03/01/13)**

The information provided for this report is from the Town Manager's recommended budget dated January 14, 2013 and updated for any changes through March 1st. The operating budget is comprised of Education, Shared Expenses and Municipal expenses, cash capital and other revenue set-asides. The FY2014 Budget as reflected in the Town Manager's Recommended Budget and Financing Plan, March 1, 2013 (the "Brown Book"), Section I: Budget Overview Program Summary is:

	<b><u>FY2013</u></b> <b><u>Restated</u></b>	<b><u>FY2014</u></b> <b><u>Recommended</u></b>	<b><u>Dollar</u></b> <b><u>Change</u></b>	<b><u>%</u></b> <b><u>Change</u></b>
Education				
Lex. Public Schools	76,628,356	81,313,963	4,685,607	6.11%
Regional Schools	<u>1,407,979</u>	<u>1,474,266</u>	<u>66,287</u>	<u>4.71%</u>
Total Education	78,036,335	82,788,229	4,751,894	6.09%
(The Education Operating Budget is further discussed in the next section)				
Total Shared Expenses	46,053, 734	45,883,421	(170,313)	-0.37%
Total Municipal	29,904,653	30,542,472	637,819	2.13%
Total Capital	4,152,794	5,419,202	1,266,408	30.50%
<u>Total Other Articles</u>	<u>2,436,250</u>	<u>8,990,137</u>	<u>6,553,887</u>	<u>269.02%</u>
<b><u>General Fund Total</u></b>	<b><u>160,583,766</u></b>	<b><u>173,623,461</u></b>	<b><u>13,039,695</u></b>	<b><u>8.12%</u></b>

Shared Expense Major Changes, FY2013 to FY2014 (Brown Book, Program Summary I-2):

- A \$400,000 decrease in Contributory Retirement due to the FY2013 base including the additional \$1,000,000 approved at the November Special Town Meeting
- A \$90,000 decrease in Unemployment Insurance resulting from a reduction in the number of eligible former employees.
- A \$181,743 decrease in Payment on Funded Debt.
- A \$328,798 increase for Public Facilities primarily for the addition of three custodians to maintain the proposed Community Center on Marrett Road.

Municipal Operating Budget Major Changes, FY2013 to FY2014 (Program Summary I-2):

Except where otherwise noted below, the FY2014 budget is level funded from FY2013. Of the \$637,819 increase from FY2013, \$388,764 is due to an increase in the program 8230 – Salary Transfer Account used for anticipated municipal collective bargaining agreements. Those departments having significant program improvements above \$20,000 are (salaries do not include benefits reflected in Shared Expenses):

<u>Program</u>	<u>Reason</u>	<u>Amount</u>
• 3320 – Forestry:	Adding a full time Arborist/Tree Climber	\$38,043
• 4110 – Police Admin.	Adding a full time Administrative Sergeant	58,040
• 4140 – Pol. Investigations	Purchase an electronic fingerprint scanner	21,800
• 8100 – Board of Selectmen	Increase part time position to full time	21,364
• 8430 – Assessing	Prof. Services, Appellate Tax Board Cases	50,000
• 8530 – Town Clerk	Electr.Voting at Town Meeting, cap. & sal.	40,000

Total Capital includes “cash capital”, the Building Envelope Set-Aside and the Streets Set-Aside (see Section I: Program Summary on page, I-3 and Section XI: Capital Investment). Total Other Articles includes unallocated revenue, a set-aside for the purchase of 33 Marrett Road, a set-aside for potential State Local Aid reductions, allocations to the Debt Service/Capital Projects/Building Renewal Stabilization Fund, the OPEB Stabilization Fund and funding for the Senior Service Program (see Section I: Program Summary on page I-3).

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. The expenses related to the Water, Wastewater and Recreation Enterprise Funds have been separated from the municipal operating budget and will be approved by Town Meeting under Article 5. As has been done in prior years, Revolving Fund projected revenues have been offset against operating expenses from certain programs. This impacts line items 2400, 3300, 3400, 3500, 6100, 6200, 7100, 7300 and 8140 and is reflected under Article 7.

## **TMMA Questions**

**Question #1:** How does our FY2013 Snow Removal actual cost to date compare with budgeted and how might this impact FY2014?

**Question #2:** Might we need a supplemental appropriation to Program 8530 – Elections if Congressman Markey wins the Senate seat and we need additional elections for his House seat?

**Question #3:** What has the Town been investigating regarding possible regional shared services?

**For further information:**

The FY2014 Recommended Budget and Financing Plan is available at:

[http://www.lexingtonma.gov/FY14\\_Brown\\_Book.pdf](http://www.lexingtonma.gov/FY14_Brown_Book.pdf)

General budget information is available at:

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

**Program 1000, Education**

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

The FY2014 LPS budget is \$81,313,963. This is an increase of \$4,685,607 (6.1%) over the FY 2013 authorization of \$76,628,356.

The 2014 budget for Minuteman Tech is currently estimated at \$1,474,266. This is an increase of \$66,287 or 4.7% from the restated 2013 budget figure of \$1,407,979. Note that the FY2014 Minuteman budget is still below the FY2012 figure of \$1,702,930.

The FY2014 LPS and Minuteman budgets add up to \$82,788,229. This total budget represents an increase of \$4,751,894 (6.1%). \$82,538,229 of this request comes from the tax levy and \$250,000 will come from the Avalon Bay mitigation fund.

**Line item 1100 – Lexington Public Schools**

The FY2014 LPS budget includes level service plus program improvements. Note that “level service” means replicating current services plus meeting legal requirements, including collective bargaining requirements and special education laws.

The main source of the budget increase is staffing costs, which rose by 7.4% (\$64.8M to \$69.3M, a difference of \$4.5M). The addition of 47 FTE (full time equivalent) staff accounts for most of this increase, though salary and step increases that have been negotiated with collective bargaining units also contribute. Components of this increase include:

- Legal requirements (mostly special education): 16.8 FTE / \$979,115
- Enrollment increases: 10.6 FTE / \$603,172
- Program improvements: 12.7 FTE / \$1,603,761

The FY2014 budget calls for 964 FTE staff at LPS. The increase is 47 (5.1%) over the adjusted FY2013 figure of 917 FTE (the original FY2013 FTE was 911; it was later adjusted to 917). Note that these figures are preliminary, with FTE counts rounded to the nearest whole number.

The key staff additions include approximately 24 classroom teachers, 15 instructional assistants and 3 assistant principals. The teachers and assistants are primarily to serve increased

enrollment and special education needs; the assistant principal additions are primarily to comply with new state requirements for teacher evaluations.

Avalon funds provide \$250,000 in FY2014 but will be nearly exhausted for FY2015.

A summary of the key drivers for increased spending is below:

- I. **Legal Requirements (Special Education).** The FY2014 budget adds 16.8 positions at \$979,115. State law requires these additions to serve the special needs population.

Much of the additional staffing will be at Diamond to accommodate incoming students. A comprehensive program and space study is underway to plan for future needs at Hastings, Diamond, Clarke and the High School. Future funding requests should be expected, especially at the High School, where there is not sufficient space for Integrated Learning Program (ILP) students expected to graduate from Clarke and Diamond in the next three years.

Part of the increase in staffing is due to LPS's increased ability to provide services in house. While this increases staffing levels, it results in a net budget savings since out of district transportation and placement costs are higher than the cost of serving students in district.

The out of district budget will decrease 5.8% due to an increase in the state "circuit breaker" reimbursement rate from 60% to 70% as well as some students leaving the system as they reach the maximum age of 21.
- II. **Enrollment.** Enrollment for the 2013-2014 academic year is projected to grow by 73 students (1.1%) to 6,575, as detailed below (the change from 2011 to 2014 is 235 students, or 3.7%). For FY2014 there are 10.6 FTE additional classroom teachers plus additional support staff being added to handle the increased student population since 2012 at a cost of \$603,172.
- III. **New Massachusetts Teacher Evaluation System.** The State's new system for teacher evaluation requires collection and reporting of significant amounts of data. Additionally, many schools are implementing Response to Intervention, which adds to the need to collect and report data. New Assistant Principal positions are being added (2.9 FTE) to meet these needs at a cost of \$310,830. This plan will actually increase current half time Assistant Principals to full time and add 20 days in the summer.
- IV. **Additions / Improvements to Existing Programs.** Some of the more significant FY2014 budgeted program additions / improvements are below
  - a. **Bus Fee Subsidy - \$320,000**

This allows LPS to maintain the current bus fee of \$300. The drop in this fee is thought to be largely responsible for a 40% increase in bus ridership last year.
  - b. **High School Textbooks \$81,000**
  - c. **LPS Debate Funding \$65,000**

**d. Music and Fine Arts Instruction \$74,000.**

This will fund various music and fine arts instruction and support at the middle and high school levels.

**e. LHS Alpha Teacher \$38,000**

This role will help students who have been hospitalized to re-integrate into the school.

**f. K-5 SSP's \$135,000**

These staff provide support and supervision for students during lunch, recess and other transition periods.

**g. Clarke Math Specialist \$73,000**

Supports 6<sup>th</sup> grade students needing math intervention; also supports their general education math teachers by providing an additional resource to educate these students.

**h. Student supplies \$75,000**

Pays for curriculum materials and supplies.

**i. Technology Senior Technician \$70,000**

Next tier technology support for projects including VOIP conversion, POS terminals (cafeteria), scanning, e-forms, network expansion and upgrades, mobile device integration, etc. as well as servicing the existing population of over 4000 networked devices.

**Line item 1200 – Minuteman Regional School**

The 2014 budget for Minuteman Tech is currently estimated at \$1,474,266. This total budget is an increase of \$66,287 or 4.7% from the restated 2013 budget figure of \$1,407,979. The number of Lexington students at Minuteman is projected to drop from 63 to 60, but the number of those who are special education students will rise from 22 to 27.

Lexington only pays a portion of the Minuteman budget. This portion is an assessment based chiefly on the number and mix (general and special education) of students Lexington sends to Minuteman. Minuteman's total budget for 2014 is \$18,547,098, an increase of \$1,295,385 (7.5%) over the 2013 budget of \$17,251,713.

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. The program additions are essentially supplements or enhancements to existing programs. No new instructional programs have been added.

**Question #2: What are the plans for elementary foreign language?**

**Answer #2:** LPS is currently studying the addition of elementary foreign language but no official determination or budget request has yet been made.

**Question #3: Have the results of the SEPAC survey affected the school budget?**

**Answer #3:** No. The School Committee, Administration and SEPAC are studying the results of the SEPAC survey and have not yet come to any conclusions about changes to special education programs. It is quite possible that proposals to improve special education services will come out of this study and that those would be included in the FY 2015 budget.

**Question #4: What is the impact of adopting the GIC on the school budget?**

**Answer #4:** 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 #5: How much has the student body grown, and is this the reason why staffing levels have grown?**

**Answer #5:** Since 2011, enrollment grew by 235 students (3.7%) while FTE staff have increased by 93 (10.7%). Unit A FTE teachers (see below) grew 4.7%. Clearly, staffing levels are growing faster than enrollment. Some of this higher growth is due to state mandates related to special education. The increased reporting burden on administrators – also mostly the result of state and federal mandates - drives additional growth in staffing. This year's change to teacher assessments is an example of a reporting burden requiring increased staffing in the schools.

The table below summarizes changes in enrollment and staffing since 2011. The Unit A - LEA staffing is broken out separately. Unit A includes licensed teachers, department heads, and coordinators; essentially, the change in Unit A is a reasonable proxy for the change in classroom teachers.

	<b>2011 Actual</b>	<b>2012 Actual</b>	<b>2013 Actual</b>	<b>2014 Projected</b>	<b>Growth 2011 to 2014</b>
<b>K-5 Enrollment</b>	<b>2830</b>	<b>2818</b>	<b>2834</b>	<b>2910</b>	<b>2.8%</b>
<b>Middle School Enrollment</b>	<b>1515</b>	<b>1608</b>	<b>1644</b>	<b>1665</b>	<b>9.9%</b>
<b>High School Enrollment</b>	<b>1995</b>	<b>1953</b>	<b>2007</b>	<b>2000</b>	<b>0.3%</b>
<b>Total Enrollment</b>	<b>6340</b>	<b>6379</b>	<b>6502</b>	<b>6575</b>	<b>3.7%</b>
<b>Unit A (LEA) Staff</b>	<b>620</b>	<b>616</b>	<b>625</b>	<b>649</b>	<b>4.7%</b>
<b>All LPS FTE Staff</b>	<b>871</b>	<b>885</b>	<b>917</b>	<b>964</b>	<b>10.7%</b>

Source: LPS budget documents. Enrollment figures are reported as of October 1 of each year. We use the fiscal year instead of the calendar year, so the 2013 Actual figure is as of October 1, 2012. Growth is a simple percentage change, not compound annual growth. FTE staff numbers are rounded to the nearest whole number.

A close look at the above table will show that there is a bulge of students at the middle schools who will increase enrollments at the High School in future years.

**For Further Information:**

Superintendent's Budget Information: <http://lps.lexingtonma.org/Page/2682>

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

Minuteman Tech Budget Information:

[http://minuteman.org/images/About/Leadership/Superintendent/FY14BudgetBook\\_20130206.pdf](http://minuteman.org/images/About/Leadership/Superintendent/FY14BudgetBook_20130206.pdf)

**Article 5****Appropriate FY2014 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 FY2014 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>FY2012 Actual</b>	<b>FY2013 Appropriated</b>	<b>FY2014 Requested</b>
<b>a) Water</b>			
Personal Services	\$603,565	\$647,687	\$667,183
Expenses	\$386,158	\$389,590	\$395,200
Debt Service	\$1,233,364	\$1,299,091	\$1,260,655
MWRA Assessment	\$5,049,999	\$5,153,351	\$5,668,686
<b>Total Water Enterprise Fund</b>	<b>\$7,273,086</b>	<b>\$7,489,719</b>	<b>\$7,991,724</b>
<b>b) Wastewater</b>			
Personal Services	\$201,519	\$276,183	\$292,711
Expenses	\$335,323	\$333,200	\$337,100
Debt Service	\$918,213	\$956,855	\$1,131,673
MWRA Assessment	\$6,802,875	\$7,032,394	\$7,735,633
<b>Total Wastewater Enterprise Fund</b>	<b>\$8,191,551</b>	<b>\$8,598,632</b>	<b>\$9,497,117</b>
<b>c) Recreation</b>			
Personal Services	\$594,026	\$645,044	\$677,799
Expenses	\$944,807	\$1,018,584	\$1,008,041
Debt Service	\$131,500	\$130,600	\$100,000
<b>Total Recreation Enterprise Fund</b>	<b>\$1,670,333</b>	<b>\$1,794,228</b>	<b>\$1,785,840</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 - (as of 02/28/13)**

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**

FY2014 represents the eighth 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 FY2013 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 2013 Annual Town Meeting. In FY2013 retained earnings (the enterprise fund equivalent of free cash) were appropriated to support the water and wastewater operating budgets in the amount of \$350,000 and \$150,000 respectively. For FY2014, \$300,000 is being used to support the Water operating budget while \$100,000 is being used to support the Wastewater operating budget. 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 FY2014 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 FY2014 rate recommendations to be made to the Board of Selectmen.

The FY2014 Recreation Enterprise Fund appropriation represents a 0.2% decrease below that requested for FY2013.

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.

## **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:** What are the retained earnings balances of each of the enterprise funds?

**Answer #2:** The retained earnings of the enterprise funds were last certified on July 1, 2012. The retained earnings balances at that time were \$2,066,566 for the Water Enterprise Fund, \$1,310,760 for the Wastewater Enterprise Fund and \$1,389,828 for the Recreation Enterprise Fund.

**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 02/24/13)**

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

To be eligible to participate in the Town's program, the guidelines state that a participant must be 60 years of age or over, own property in Lexington which serves as his or her principal residence and whose gross income (including Social Security income) does not exceed \$50,000 for a single tax payer or \$52,950 for a couple. An eligible individual can earn a maximum credit of \$935. A two-person household eligible to participate in the program may receive a maximum credit amount of \$1,190.

This article requests funds of \$45,000 to continue the program.

**TMMA Questions**

**Question #1:** Are there plans to change the guidelines?

**Answer #1:** There are no plans to change the guidelines or amounts for FY 2014.

**Question #2:** Have there been changes in the participation rate for the program?

**Answer #2:** The Human Services Department estimates that about 33 residents take advantage of the program, and that number has remained fairly stable over the last couple of years.

## 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 FY2014, 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 FY2014 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>FY2014 Authorization</i></b>
<i>Building Rental Revolving Fund</i>	<i>Public Facilities Director</i>	<i>Building Rental Fees</i>	<i>\$405,000</i>
<i>DPW Burial Containers</i>	<i>Public Works Director</i>	<i>Sale of Grave Boxes and Burial Vaults</i>	<i>\$40,000</i>
<i>DPW Compost Operations</i>	<i>Public Works Director</i>	<i>Sale of Compost and Loam, Yard Waste Permits</i>	<i>\$465,000</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>\$25,000</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>\$290,000</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 02/28/13)

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 FY2014 Authorizations are spending limits which cannot be exceeded. A continuing balance in a revolving fund may be carried over to the next fiscal year. Expenditure ceilings are based on revenue projections; in no case can spending exceed revenues on hand. The Board of Selectmen, with approval by the Appropriation Committee, has the authority to increase a program's spending ceiling within expected receipts.

Based on experience to date and anticipated FY 2014 usage, some authorizations have changed from FY2013. These include:

	<u>FY 2013</u>	<u>FY 2014</u>
Building Rental Revolving Fund	\$375,000	\$405,000
DPW Burial Containers	\$35,000	\$40,000
DPW Compost Operations	\$400,000	\$465,000
Trees	\$20,000	\$25,000
Tourism/Liberty Ride	\$285,000	\$290,000

**Article 8****Appropriate the FY2014 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 FY2014 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 FY2014; for the acquisition, creation and preservation of open space; acquisition, creation, preservation, rehabilitation and restoration of recreational land including capital improvements of extraordinary repairs to make assets functional for intended use; for the acquisition, preservation, rehabilitation and restoration of historic resources; and for the creation, preservation and support of community housing; to appropriate 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 - \$20,000;
- b) CPA Conservation Restriction Enforcement Fund - \$25,000;
- c) Cary Memorial Building Upgrades - \$550,000;
- d) Muzzey Senior Center Upgrade - Phase 3 - \$526,818;
- e) Visitor Center - Design Phase - \$68,950;
- f) Park and Playground Improvements - \$147,500;
- g) Park Improvements - Athletic Fields - \$65,000;
- h) Lincoln Park Field Improvements - \$150,000 (plus \$186,750 from Recreation Fund Retained Earnings and \$228,250 from General Fund Debt);
- i) Lexington Center Pocket Park and Ancillary Costs - \$21,500;
- j) Merriam Hill Preservation Project - \$3,000;
- k) Moon Hill National Register Nomination Project - \$6,000;
- l) Greeley Village Front Doors - \$172,734;
- m) LexHAB Set-Aside Funds for Acquisition of Community Housing - \$450,000;
- n) ACROSS Lexington Pedestrian/Bicycle Route System - \$5,000 (plus \$875 from the Tax Levy);
- o) Buckman Tavern Restoration and Renovation - \$650,000;
- p) Wright Farm Debt Service - TBD; and
- q) 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 (as of 02/27/13)**

This article presents projects to Town Meeting that have been qualified by the Community Preservation Committee (CPC) 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**

Beginning in FY07, following voter approval at the Town elections on March 6, 2006, after initial adoption by the 2005 Town Meeting, the Town began to assess a Community Preservation Surcharge of 3% of the property tax levied against all taxable real property. For owners of residential property, the assessed value used to calculate the surcharge is net of a \$100,000 residential exemption. In addition, a full Community Preservation Act (CPA) exemption is available to qualifying moderate-income seniors and low-income residents.

Community Preservation funds can be used for those purposes defined by the Community Preservation Act, MGL Ch. 44B. Such purposes include the acquisition and preservation of open space, the creation and support of community (affordable) housing, the acquisition and preservation of historic resources, and the creation, preservation, support, and rehabilitation of recreational facilities. Beginning in FY08, the Town began to receive State matching funds to supplement the local surcharge. The preliminary estimate for receipts for FY14 from the surcharge and State matching funds is \$4,670,000.

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.

**For further information:**

Lexington's Community Preservation Committee (CPC):

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

CPC Project Descriptions:

<http://www.lexingtonma.gov/committees/cpc/2014projects.cfm>

State Legislature web site for the Community Preservation statute:

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

**Per-Project Information (a) – (q)****a) Archives and Records Management / Conservation (Historic Resources) - \$20,000.**

FY2014 is the 6<sup>th</sup> year of a program that, in its first 5 years, addressed the backlog of records to be archived and now is transitioning to archive records created in current operations of the Town. The treatment and imaging of the larger collections of many years is near completion for the bulk of Lexington's historic permanent records, the Town Clerk must preserve permanently the vital records created by municipal departments and provide for their future access by both the government and the public.

This year the CPA request is to preserve, microfilm, and digitize municipal records from smaller collections of mid-century items that have not yet been converted but require less conservation, newly designated "historic" records, as well as technology upgrades to meet the growth of web access to documents via the Lexington Heritage Portal. The records to be preserved using FY14 funding concentrate on the Board of Assessors Minutes, General Register of Voters, and vital records ledgers. Recent municipal records have already been

microfilmed and digitized, or are created as computer accessible documents in the first place using operating budget funds rather than CPA funds.

Previous phases were directed to records from the 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup> Centuries. The process involves treatment of the original paper records so that they will not deteriorate in storage, microfilming them, and scanning them so that the information they contain can be accessed remotely via computers using digital techniques. The records digitization, eventually, will permit access to all documents 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 all departments. Future years will require continuing annual funding, at a level projected to be \$20,000 per year for the next 3 years, for “historic” records that are newly identified as needing preservation.

The FY14 request of \$20,000 keeps conservation and preservation moving forward at a smaller scale to continue protecting and providing access to Lexington’s public records.

- b) CPA Conservation Restriction Enforcement Funds (Open Space) - \$25,000.** Under the CPA law (MGL Chapter 184, sections 31 and 33), any interest in real property acquired with Community Preservation Fund monies shall be bound by a permanent conservation restriction (CR) limiting its use to the purpose for which it was acquired. Lexington has acquired 5 parcels using Community Preservation Funds for conservation purposes. The Leary Land (on Vine Street abutting the Lower Vine Brook Conservation area, 2009 ATM Article 12) Wright Farm (on Grove Street, 2012 ATM Article 9 ), Cotton Farm (on Marrett Rd. 2008 ATM Article 10), and the two Goodwin parcels, (off Cedar Street and Hartwell Avenue, 2008 ATM Article 13), are the 5 areas with Conservation restrictions. Since the Town cannot hold a conservation restriction on land that it owns itself, the restrictions must be held by some other non-profit entity. In the case of these five properties, the Town has selected Citizens for Lexington Conservation (CLC) to hold the restrictions, and monitor and enforce them. Due to the financial burden that monitoring and enforcement places on it, CLC is requesting \$5,000 funding for each of the five parcels, as a one-time endowment, to be placed in an escrow account, to offset this continuing obligation. The selection of CLC to hold the restrictions is based on several factors: 1. CLC is a local organization dedicated to conservation; 2. CLC has many members who act as volunteer stewards for local conservation areas, in a Conservation Stewardship program of cooperation between CLC and the Conservation Commission, to maintain and monitor the condition of all the conservation lands in Lexington; 3. There is not currently a pre-existing land trust that is available and willing to hold these restrictions. Further, the State has provided an initial review of CLC’s organizational status and has accepted them as a qualified holder.

CLC has been in existence for 40 years and has about 200 dues paying members. See their web site at <http://www.clclex.org> for more information. About 150 active members participate in the Stewardship program. For more details see the Stewardship web site at <http://www.lexingtonma.gov/conservation/stewards.cfm>. Currently the Stewards already are discussing Land Management Plans for the conservation areas with the Conservation Commission staff, and this monitoring activity is a natural outgrowth of that process.

CLC is requesting a fee from the Town for each CR accepted property to be placed into an escrow account, which CLC could draw on in future years to monitor and enforce the CRs. These funds would allow CLC to fulfill its monitoring obligation by engaging professional services, if necessary, to visit the CR areas, prepare annual monitoring reports and for enforcing its obligation by taking legal action against the Town if the purposes of the CR were not being upheld.

#### **TMMA Questions:**

**Question #1:** What is involved in monitoring a conservation restriction?

- c) **Cary Memorial Building Upgrades (Historic Resources) - \$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 many 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. At the 2012 Annual Town Meeting, \$75,000 of CPA money was appropriated under Article 8 d) to continue schematic development and prioritize improvements relative to public benefit and costs in reaching a revised project request. The Selectmen appointed an Ad hoc Cary Memorial Building Program Committee (AhCMBPC) to evaluate the recommendations and make a recommendation to the Board of Selectmen on the appropriate scope of work. After several meetings, a revised scope of work was developed and Mills Whitaker Architects estimated a new basic project cost of \$8.5M, including the 5% contractor profit and inflation, compared with the 2011 estimate of \$7.7M. That total consists of life safety improvements (18.7%), building system improvements (48.2%) and facility usability improvements (33.1%).

That estimate also established the next phase funding request for architectural and engineering (A/E) design services as \$765,782 for services for the main project, \$16,000 for the A/E services for the alternate stage and green room access less \$50,000 deduction for services already performed for a total estimated remaining A/E Services of \$731,782. This article requests funding for A/E services of approximately 75% of that to cover design development and engineering up through the construction documents. That would leave approximately \$182,000 needed for construction administration, \$6,972,628 for actual construction, and \$832,372 for contingencies to be funded in the FY2015 budget. What part of that amount might be from CPA funds, and what from other sources of funding, is not yet determined. If the project is not funded the facility will continue to operate with basic functionality but some areas will not have handicap access, performances in Battin Hall will have less adequate staging, lighting, and acoustics, meeting rooms will continue to have poor acoustics and accessibility. Piecemeal improvements and repairs over time will probably cost more.

Notable deficiencies in the current facility include the following:

- There is no accessibility to several of the public rooms and areas including the Bird Room, Civil Room, Battin Hall stage, dressing rooms, and the Estabrook Hall stage.
- There are narrow doorways, ramps without railings, a lack of wheelchair seating in Battin Hall, and limited stair railings in its balcony areas.
- Acoustic conditions for speech intelligibility in meetings and lectures are poor in a number of areas, including Battin Hall, Estabrook Hall, and meeting rooms.
- Lighting for performances is inefficient, inadequate, and outdated.
- Meeting rooms lack technology support.
- Toilet rooms are antiquated so they waste water, and they are inadequate for peak usage.
- HVAC systems are noisy and inefficient.
- Accessible parking spaces are not conveniently located and the accessible entrance ramp is deteriorated, and non-compliant.
- The entrance driveway does not provide a suitable drop off area at the front entrance.

**For further information:****[Cary Memorial Building Committee Final Report](http://www.lexingtonma.gov/committees/CaryMemBldgPlngCom/CaryMemBldgCom-Final%20Report-011813.pdf)**

(<http://www.lexingtonma.gov/committees/CaryMemBldgPlngCom/CaryMemBldgCom-Final%20Report-011813.pdf>)

Patrick Goddard, Director of Public Facilities:

[pgoddard@lexingtonma.gov](mailto:pgoddard@lexingtonma.gov)

- d) **Muzzey Senior Center Upgrade Phase 3 (Historic Resources) - \$526,818.** A feasibility study of the safety, accessibility, and energy efficiency issues at the Senior Center, located in the Muzzey Condominium Building at 1475 Massachusetts Ave. (Phase I of this program, funded at the 2010 Annual Town Meeting, recommended \$1,040,444 in improvements.) The 2012 Annual Town Meeting funded Phase II to implement lighting improvements, install a two-stop limited access, limited use / limited application (LULA) elevator between the two floors of the Senior Center, and also to construct a new code compliant communicating stairway between the same two floors. These improvements have been put on holding pending the Town's evaluation of an alternate location for the Senior Center. This Phase III request is proposed for funding in FY2014, should the Town decide to continue to operate the Senior Center out of the Muzzey Condominium location. Phase III includes installing a new energy-efficient HVAC system, correcting code violations of the current Massachusetts Architectural Access Board (MAAB) standards that limit access by persons with disabilities or mobility impairments, and reconfiguring program space to better meet the needs of the public and clients of the Human Services Department.
- e) **Visitor Center - Design Phase (Historic Resources) - \$68,950.** This request is for funds to design an expansion and renovation of the Visitor Center to better accommodate programmatic needs, including:
- Education
  - Orientation space for tour groups

- Self-service kiosk
- Additional counter space for serving visitors
- Veterans display (USS Lexington memorabilia)
- Additional retail space
- Food vending area
- Renovated rest rooms
- Expanded office / meeting space

An updated version of the Lexington Visitor Center Programmatic Report will be available before Town Meeting.

The Tourism Committee believes that an expanded and modernized visitor center would potentially increase the revenues generated by tourism spending and local meals and hotel taxes.

The building, originally opened in 1970, would be made fully handicap-accessible (the restrooms were made handicap-accessible in 2002, but the second floor offices remain reachable only by stairway) and provide community meeting space. Also, now that the heavily-used Minuteman Bikeway has replaced the railroad tracks, it is desirable to make the entrance on that side both more obvious and more inviting.

The Visitor Center building currently comprises a first floor of 1578 square feet, which is largely devoted to visitor services, and a second floor of 1013 square feet, which is used as office space for the Chamber of Commerce. This request is to design an addition that would increase the first floor to 3414 square feet and the second floor to 3152 square feet. The addition and renovation is anticipated to cost approximately \$1,867,900, with a design/engineering cost of \$175,000. The design amount deemed eligible for CPA funding, \$68,950, is 39.4% of \$175,000. This percentage is calculated as the ratio of the original building size to the expanded building size.

While the CPC has voted to approve this expenditure, the remaining \$106,050 that would be the Town's share of the design money is not in the warrant or currently in the budget. The Selectmen will review the updated Programmatic Report before a Town Meeting vote, and will determine whether to allocate the Town funding or recommend indefinite postponement.

**TMMA Questions:**

**Question #1:** How does this expenditure qualify as CPA eligible? What is the rationale for calculating the amount that is CPA-eligible?

**Answer #1:** According to the Historical Commission, the building is within the Lexington Green Historic District listed in the National Register of Historic Places (NRHP), which meets the definition of a historical resource eligible for CPA funding. Such funding is permissible for renovation, but not for new construction; hence CPA funding is requested for the portion of the project that can be considered renovation.

**Question #2:** What are the financial arrangements between the Town and the Chamber of Commerce? (For example, the Chamber has its offices in the Visitor Center, which is a Town building, but does not pay rent to the Town.)

**Answer #2:** The Chamber of Commerce staffs the visitor services aspects of the Visitor Center and runs the gift shop, using the proceeds to pay the Visitor Center staff. The Town pays for utilities and maintenance of the building. This arrangement was initiated in the 1965 Town Meeting that voted the construction of the building.

**Question #3:** Are there other buildings in Town that might be adapted for some or all of these purposes, perhaps more cost-effectively?

**Answer #3:** Perhaps. For example, if Cary Hall were made more handicap-accessible, some of its rooms could potentially be used as meeting rooms or office space for the Chamber of Commerce, among others.

- f) **Park and Playground Improvements (Recreational Uses) - \$147,500.** This request is part of a multi-year capital improvement program for parks and playgrounds. This year's projects are

1) \$70,000 to rehabilitate the rubber playground safety surface at the Lincoln Park playground, and

2) \$77,500 to purchase and install a new half-pipe and launch box at the Center Playfields Skate Park.

The poured-in-place rubber safety surface at the playground is deteriorating due to sun exposure and heavy use; it was installed in 2003 and is nearing the end of its useful life.

The skate park's \$146,000 original total cost was funded in large part by private donations. Its 10-year-old-plus equipment is at its expected life span, and is wearing out due to heavy use. The new equipment will have a 15-year warranty.

#### **TMMA Questions:**

**Question #1:** Previous playground improvements have been funded from the general fund. Why are CPA funds being sought this time?

**Answer #1:** Last year, the Community Preservation Act was amended to permit expending CPA funds for improvements to existing recreation facilities as well as for the development of new ones.

- g) **Park Improvements – Athletic Fields (Recreational Uses) - \$65,000.** The Recreation Department and the Public Works Department oversee the maintenance of the school and Town athletic facilities. Because the Town of Lexington athletic fields are heavily used, continual renovations are critical to maintaining quality facilities. This is a request for funding of a multi-year project of rehabilitation of Town athletic fields. The FY2014 request of \$65,000 is to renovate the baseball field at Sutherland Park including the installation of a new backstop, player benches, and trash receptacles. The infield of the baseball field will be reconstructed, adding proper drainage and thereby providing a safer playing surface.
- h) **Lincoln Park Field Improvements (Recreational Uses) - \$150,000 (plus \$186,750 from Recreation Fund Retained Earnings and \$228,250 from General Fund Debt) [Total project cost - \$565,000].** This request is the first of three phases for the reconditioning of fields at Lincoln Park necessitated by heavy use by the Lexington Public School athletic teams and physical education programs, youth leagues, adult leagues, and residents. This

request for Phase I funding is to replace the synthetic turf field at Lincoln Park #1, which has reached the end of its useful life after having been installed in 2003, as part of the Lincoln Park reconstruction project. Phase II will include the replacement of the synthetic turf and in-fill materials at Lincoln Park Field #2 and is planned for FY2015. Phase III, the replacement of Field #3, is planned for FY2016. CPA funds will only be used for the preparation of the site prior to the installation of the synthetic turf. By statute, CPA funds cannot be used for the acquisition of synthetic turf. Therefore, the \$150,000 in CPA funding will be dedicated to laser grading the field and addressing any drainage issues prior to turf installation. CPA funds will also be used for the rehabilitation of the walkways and edging around the field. The CPA funds breakdown is: \$45,000 for design and engineering / construction documents; \$25,000 for laser grading and site preparation; \$25,000 to pave walkways; \$25,000 for camera inspection of drainage and repair if necessary and cleaning of retention basins; \$20,000 for replacing edging, and \$10,000 for plantings and flower bed improvements.

**TMMA Questions:**

**Question #1:** Why isn't this improvement being funded by the Recreation Enterprise Fund?

- i) **Lexington Center Pocket Park and Ancillary Costs [Alley Design] (Historic Resources) - \$21,500.** This is a multi-phase project to convert an underutilized pedestrian alley (between 1761 and 1775 Massachusetts Avenue, next to Bank of America, leading to the parking area behind retail businesses) into a small, linear public park. Phase I funding is requested to develop a cohesive design intended to transform the current space into an attractive tiny park that enhances the historic charm of Lexington Center and offers a new, welcoming place for people to socialize. Phase I funding also covers the necessary legal fees to formalize agreements with existing land owners. The alley is currently on private property; however, the associated property owners have been consulted about the proposal and are amenable to creating an easement or other contract agreement. A Phase II request will be for construction funding.

**TMMA Questions:**

**Question #1:** In other commercial districts, landowners provide landscaping. Why aren't the owners of this land paying for the landscaping?

- j) **Merriam Hill Preservation Project (Historic Resources) - \$3,000.** This request was prompted by the recent demolition of a house thought to have historical significance but not included in the Lexington Historical Commission's Comprehensive Cultural Resources Inventory (the Inventory). The area known as Merriam Hill includes many properties of historic, architectural, and cultural significance, and the neighborhood continues to benefit the entire Town via property values and attractiveness as a historic place to visit. Requested funding would be used for the following: (1) the identification of any qualifying homes of the 469 properties on Merriam Hill that are not currently included in the Inventory, (2) the research and documentation of their historical and/or architectural significance, and (3) recommendations to the Historical Commission that identified qualifying homes be included in the Inventory. Funds would be used for professional historical and / or architectural research of approximately 15 houses that could be subsequently listed on the Inventory.

**TMMA Questions:**

**Question #1:** What department or entity will be responsible for this research task?

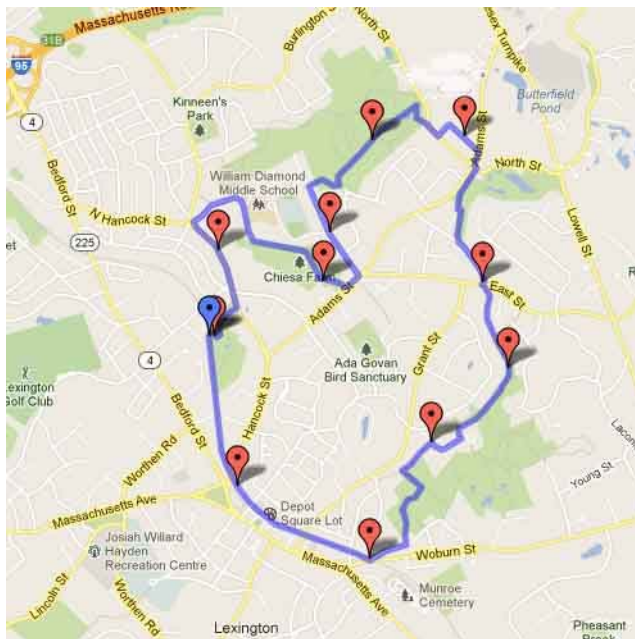
- k) Moon Hill National Register Nomination Project (Historic Resources) - \$6,000.** This project is to prepare a nomination form for the Six Moon Hill Historic District to be included in the Mid-Century Modern Houses of Lexington, MA, Multiple Property Submission to the National Register of Historic Places (NRHP). Lexington is exceptional among Boston suburbs for the number and variety of its modern residential subdivisions, including multiple examples of the pioneering model defined as “Post-World War II Progressive Modern Residential.” Six Moon Hill Historic District includes 29 architect-designed but modest houses built between 1947 and 1957 in a planned community that illustrates the idealistic social ethos of the time. Comprehensive recognition for these Modernist neighborhoods will promote a preservation ethic to counter the intense market pressure for real estate development and demolition. One of these neighborhoods, Peacock Farm, has been documented and the Six Moon Hill Neighborhood Association now intends to proceed as the next listing in the NRHP submission.
- l) Greeley Village Front Doors (Community Housing) - \$172,734.** This project, sponsored by the Lexington Housing Authority (LHA), seeks funds for the replacement of 25 forty-year-old front doors and their associated flooring and sidelights. The doors at Greeley Village are original heavy metal construction and many have become unusable and difficult to lock. Past water seepage into the foyers contributed to problems with the flooring and doorjamb making it difficult for elderly and disabled residents to open and close the doors. The Housing Authority has applied to the Massachusetts Department of Housing and Community development for a grant for this project. LHA has been informed that the State will provide \$18,000 in supplemental funding for this project.
- m) LexHAB - Set-Aside for Housing Acquisition of Community Housing (Community Housing) - \$450,000.** This Article requests the appropriation of \$450,000 for LexHAB to set aside for the future purchase of 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 and 2012. 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. \$365,000 of the \$450,000 appropriated in 2011 for FY12 purchased 1 Wilson Road. The CPA funds appropriated at the 2012 ATM for FY13 have not yet been used, so LexHAB currently has CPA funds of \$535,000 set aside to acquire affordable properties that come on the market. The \$450,000 requested in this article will become available only after July 1, 2013. Some feel that it is not necessary to add to our affordable housing inventory since Lexington is above the 10% threshold, but Town Meeting has continued to support that effort after reaching that level.

**TMMA Questions:**

**Question #1:** Is it proper to convert private, market-rate, affordable housing into only somewhat more affordable public housing?

**Question #2:** How much above the 10% threshold is Lexington in terms of housing units?

- n) **ACROSS Lexington Pedestrian / Bicycle Route System (Open Space) - \$5,000** (plus \$875 from the tax levy). This is a project by the Greenways Corridor Committee, which is appointed by the Board of Selectmen. Called ACROSS Lexington (for Accessing Conservation land, Recreation Areas, Open space, Schools and Streets in Lexington), it is a proposed network of about 35 miles of pedestrian and bicycle routes that will link many parts of Lexington, using existing public ways, conservation trails, and sidewalks. Creating such a network is intended to encourage greater utilization and enjoyment of open space resources, exercise, and an incentive to travel about town without a car. It will also connect Lexington users to open space resources in neighboring towns via connections such as the Western Greenway Trail, the Battle Road Trail in Minute Man National Historic Park, and the Bikeway. Currently there is a 5.5 mile pilot route around central Lexington which has been marked. See the map below. The project is expected to continue in FY 2015 and FY 2016 with requests for funding of \$6,615.38 in each of those years for a total request of \$18,230.77. Since the CPA will only fund the costs of the actual signs and posts to install them, this year's \$875 in tax levy funding will be used for the other project costs like mapping, services, and development of collateral materials in this FY.



The funds will be used for planning the route system, installation of the signs to mark the route, and the development of collateral materials such as maps and brochures. Use of CPA funds is appropriate since it provides recreational, conservation and open space benefits. Approximately \$5,000 of the projected cost is for materials for the signs to mark the routes, about \$2200 for printing, and the balance for Geographic Information Systems (GIS) consulting and graphic design services. Some of the labor, including installation of many signs, will be contributed (as was the case for the pilot route), and eventually some of the maps will be sold to defray the printing costs in future years.

**For further information:**

Greenways Corridor Committee web page:

<http://www.lexingtonma.gov/Selectmen/committee/Greenway.cfm>

- o) Buckman Tavern Restoration and Renovation (Historic Resources) - \$650,000.** This request is submitted by the Lexington Historical Society for the renovation and restoration of Buckman Tavern. The scope of work includes repairing the historic fabric of the building, making it handicap accessible on both floors, making it compliant with current building codes by installing new wiring, climate control features, and a fire suppression system. CPA funding will be supplemented with \$300,000 from private sources. The Town of Lexington owns Buckman Tavern, but it is operated by the Historical Society under a long-term lease with the Town. All improvements proposed as part of this project will be approved by the Town through the Facilities Department.
- p) Wright Farm Debt Service (Open Space) - \$36,875+.** The Wright Farm, off Grove Street, was purchased for conservation open space, using CPA debt funding, under Article 9 of the 2012 Annual Town Meeting. Approval of the Wright Farm Debt service by Town Meeting is a required formality to satisfy the contractual obligation of the town to pay interest on its debts. On February 6, 2013 the town sold a one year, \$2.95 million bond anticipation note (BAN) that will come due in February 2014. The interest expense on the note is \$36,875. When it comes due, the note will be converted to a long-term bond. The term for which the bond will be issued, and its interest rate have yet to be decided. The debt service amount for FY14 will be the \$36,875 interest due on the bond anticipation note in FY14 plus any anticipated payment of interest due in FY14, if any, on the still to be issued bond.

**TMMA Questions:**

**Question #1:** Why haven't long-term bonds already been issued for this obligation while interest rates are low?

- q) 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****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 Improvements; and*
- b) Lincoln Park Field Improvements;*

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

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

**Funds Requested:** \$640,000

**Description:** For a description of the proposed projects see section XI: Capital Investment section of the FY2014 Town Manager's Preliminary Budget and Financing Plan dated January 14, 2013 and found at [http://www.lexingtonma.gov/FY2014\\_White\\_Book\(1\).pdf](http://www.lexingtonma.gov/FY2014_White_Book(1).pdf).

## **TMMA REVIEW**

### **RECREATION CAPITAL**

**TMMA Overview (as of 02/28/13)**

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

**Per-Project Information (a) and (b)**

- a) Pine Meadows Improvements - \$75,000 from the Recreation Enterprise Fund retained earnings.** This request is for funds to dredge the lower irrigation pond at Pine Meadows. The pond has not been dredged in over 15 years and is losing holding capacity because of sediment buildup. The site is contaminating the irrigation system used to water the golf course turf. The Upper pond and Kiln Brook would also be restored as well as the access path between the upper pond and Kiln Brook; then work would be performed to create an overflow system and reconstruct the existing pipe near the spillway. The funding breakdown is \$60,000 for construction, \$10,000 for design engineering, and a \$5,000 contingency.
- b) Lincoln Park Field Improvements - \$565,000 (\$150,000 from Community Preservation Fund, \$186,750 from Recreational Fund Retained Earnings, and \$228,250 from General Fund Debt).** See write-up for this project under Article 8 h).

See the write-ups for Park and Playground Improvements (\$147,500) under Article 8 f) and Park Improvements - Athletic Fields (\$65,000) under Article 8 g).

Recreation capital projects planned for FY2014 using money appropriated at previous Town Meetings include Phase 1 and Phase 2 of the Marrett Road Stormwater Mitigation project; installation of an irrigation system at Garfield Park; completion of the irrigation system at Diamond and Clarke; and Phase 3 of the Center Playfield Drainage project.

**TMMA Questions:**

**Question #1:** The FAQ (Frequently Asked Questions) for the Lincoln Field artificial turf project at the 2002 Annual Town Meeting said: “We anticipate minor repair will be necessary in 10-12 years”. Why is full replacement of the fields necessary now?

## 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) *Fire Pumper Replacement;*
- b) *Cary Memorial Library RFID Conversion Project;*
- c) *Head End Equipment Replacement - Phase IV;*
- d) *MIS Technology Improvement Program - Phase II;*
- e) *Network Redundancy and Improvement Plan;*
- f) *Replace Townwide Telephone Systems - Phase II;*
- g) *Townwide Electronic Document Management System - Phase III;*
- h) *Hastings Park Gazebo Rehabilitation/Design and Engineering;*
- i) *Street Improvements and Easements;*
- j) *Townwide Culvert Replacement;*
- k) *Storm Drainage Improvements and NPDES Compliance;*
- l) *DPW Equipment Replacement;*
- m) *Hastings Park Irrigation;*
- n) *Hydrant Replacement Program;*
- o) *Comprehensive Watershed Stormwater Management Study and Implementation;*
- p) *Townwide Signalization Improvements;*
- q) *Hartwell Avenue Infrastructure - Engineering and Easements;*
- r) *Sidewalk Improvements and Easements; and*
- s) *Concord Avenue Sidewalk Construction and Easements;*

*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:** \$10,263,238

**Description:** For a description of the proposed projects see Section XI: Capital Investment section of the FY2014 Town Manager's Preliminary Budget and Financing Plan dated January 14, 2013 and found at [http://www.lexingtonma.gov/FY2014 White Book\(1\).pdf](http://www.lexingtonma.gov/FY2014%20White%20Book(1).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 02/28/13)

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

- a) **Fire Pumper Replacement - \$485,000.** The current Engine 2, a 2010 Ferrara, has been plagued with mechanical issues. Its frequent breakdowns have had significant impacts on the management of the Fire Department fleet. It has been out of service for 300 days in the past 2 years. Town Counsel has initiated actions against the dealer / manufacturer to turn back this Engine. Given the potential that this legal action may not be successful, and the need to have

a dependable fleet, this request is for funding to replace Engine 2 with a similarly designed rescue pumper. Success in getting a refund from the manufacturer of the current Engine 2 before the 2013 Annual Town Meeting will render this request unnecessary.

**TMMA Questions:**

**Question #1:** What will we do with Engine 2 if we don't get a refund?

**Answer #1:** The manufacturer will do a complete overhaul under warranty and it will then serve as a reserve pumper/rescue vehicle.

**Question #2:** How likely is a refund before the 2013 Annual Town Meeting? What is the status of the refund request?

- b) **Cary Memorial Library RFID Conversion Project - \$124,000.** This request (following a 2011 study that focused on the handling of library materials) is for the conversion of Cary Memorial Library's materials and equipment to a Radio Frequency ID (RFID) system. Over the past several years, RFID has become the industry standard for libraries and more than 10 libraries in the Minuteman Network (including Brookline, Wellesley, Sudbury, and Concord) either have RFID or have conversion projects proposed or underway. RFID library systems offer workflow enhancements that benefit the public as well as the staff. The technology speeds check-in by about 50% and check-out by about 25% affording more time for staff to better manage the consistently high volume of materials (over 824,000 physical items in FY12 – double the amount of items circulated in 2004 when the renovated building opened) and more speedily get items back onto shelves and available to the public. RFID will also allow staff to inventory collections and be sure that items are shelved in their appropriate locations by scanning shelves with a hand-held reader. RFID tags last longer than barcodes, and RFID equipment, once installed, is replaced or updated with the same frequency and cost associated with the current barcode system.

**TMMA Questions:**

**Question #1:** What are the ongoing maintenance costs of the RFID system?

**Answer #1:** There is an annual service contract that costs about \$6,000.

**Question #2:** How does RFID work?

**Answer #2:** RFID uses radio frequency chips that respond to a scanner with a specific, unique coded identifier (ID). Books can be checked in and out in a stack instead of individually. All existing checking stations will be replaced by RFID capable stations.

**Question #3:** Is there a problem with books being taken without being checked out?

- c) **Head End Equipment Replacement - Phase IV.** This request is phase IV and will provide for end of life equipment replacements and to further advance Town-wide core network infrastructure needs. The head end is the main distribution and management point of the Town-wide fiber network. All school and municipal shared bandwidth currently goes through this one point. It is made up of many management, networking and security components such as routers, switches, firewalls and servers.

**TMMA Questions:**

**Question #1:** What is the head end?

**Answer #1:** The head end is the main distribution and management point of the Town-wide fiber network. All school and municipal shared bandwidth currently goes through this one point. It is made up of many management, networking and security components such as routers, switches, firewalls and servers.

- d) **MIS Technology Improvement Program - Phase II.** This request is phase II of a plan to implement major infrastructure improvements identified by the Town's Management Information Systems (MIS) department. This phase is a continuation of phase I and will provide additional virtualization capability for additional energy and support savings. At the same time, virtualization significantly reduces the cost to deliver new applications and provides for increased redundancy. Virtualization generally refers to creating the equivalent of many servers on one physical server. This phase also includes additional drive storage to house the rapidly growing storage needs of the Town.

**TMMA Questions:**

**Question #1:** Will the Storage Area Network (SAN) / drive storage that is proposed be big enough?

**Answer #1:** Projected growth suggests that we will need to expand the storage approximately every 2 years. We are installing technology to de-duplicate files and reduce the storage of unnecessary files to control growth, but the combination of retention laws with an increase in digital adoption in government is resulting in exponential storage needs. We feel that an increase every 2 years is a good balance between meeting needs and not overbuying.

**Question #2:** Are all Town servers virtual or will they all be in the near future?

**Answer #2:** No, not all server applications are ideally suited for virtualization. We currently have approximately one-quarter of the total servers virtualized. We expect to create many more virtual servers this next year; many of them will be duplicates or fail-over instances of existing servers to create more resiliency. We anticipate about 50% of the servers will be able to become virtual over the next few years.

- e) **Network Redundancy and Improvement Plan.** This request is to provide additional redundancy pathways throughout Town Wide buildings and to provide for some wireless capacity in various Town municipal buildings.

**TMMA Questions:**

**Question #1:** Why do we need redundant paths?

**Answer #1:** The Town wide network is currently dependent on an RCN hub and spoke network topology. If a segment of our fiber network is damaged then at least one building will lose all network connectivity. Some resources are critical to the safety and daily function of the Town and the network should be augmented to ensure they can still function. This objective can be achieved via the installation of alternate pathways to select / critical buildings.

- f) **Replace Townwide Telephone Systems - Phase II - \$146,000 (Tax Levy).** A needs assessment study completed in July of 2011 for the replacement of municipal and school phone systems recommended a phased installation of voice over internet protocol (VoIP)

systems based on the age and condition of the existing telephone systems and their estimated end-of-life. Bids for all phases are currently being procured (Phase I installation was funded at the 2012 Annual Town Meeting). Installation is planned to continue over the next few years with the ultimate goal of creating a unified system across all buildings. This request for funding is for Phase II to replace telephone systems that support the School Administration Building, Fire Headquarters, the East Lexington Fire Station, and the Human Services Department. VoIP (Voice over Internet Protocol) technology is expected to provide cost savings with regard to phone line costs, maintenance, and service issues. VoIP will also offer benefits such as caller ID, system redundancy, paperless faxing, simplified personnel moves and call transfers between buildings, features that are currently not available. The proposed systems will integrate with the existing VoIP system at the Public Services Building and utilize the existing Town wide fiber network.

**TMMA Questions:**

**Question #1:** Is phase I underway and on budget?

**Answer #1:** Phase I is waiting for responses to the RFP (Request For Proposals) and will begin shortly thereafter.

**Question #2:** Is there a rough estimate of the total cost and number of years to complete?

**Answer #2:** The rough estimate is still for a 5 phase project with an approximate cost of \$1.2 M. There will be a reevaluation after phase I is completed.

- g) **Townwide Electronic Document Management System - Phase III.** This request is phase III and will further expand the capability and capacity of the Laserfiche Document Management system for School and Municipal Departments to include additional documents and expand archival storage.

**TMMA Questions:**

**Question #1:** Have the schools and the Town implemented the solution?

**Answer #1:** Yes, the schools and the Town are currently using the solution. The files are still being scanned and added to the system and some features are still being programmed and configured as we address needs.

- h) **Hastings Park Gazebo Rehabilitation / Design and Engineering - \$30,000 (Community Preservation Fund).** The Hastings Park gazebo has been deteriorating over the past few years, creating unsafe conditions for users. This project will design a handicap access method for the gazebo and all necessary replacements/repairs to wooden parts and electrical systems.
- i) **Street Improvements and Easements - \$2,814,238.** This request is for the annual street resurfacing program. Funds will be used for design, inspections, engineering, repair, reconstruction, and resurfacing. About one-third of the Town-controlled streets are surveyed each year and given a Pavement Condition Index (PCI) which determines which streets will be worked on. When the street is repaved, work may also be done on sidewalks and culverts as well as adding accessibility ramps. Upwards of 75 ramps are added each year.

**TMMA Questions:**

**Question #1:** This budget has increased about \$800K from last year. What is the extra money for?

**Answer #1:** The increase will help catch up on the planned replacement cycle.

- j) **Townwide Culvert Replacement - \$390,000 (Tax Levy).** Watershed management plans conducted by the Town and ongoing culvert inspections have revealed that many of the older culverts in town are near or at failure. Replacing these culverts will allow for proper storm water flow through the culverts and will minimize the impact to residents through unexpected road closures and possible flooding. FY14 funds are requested for the replacement of the Concord Avenue culvert near the Belmont Town line. Future designs and replacement locations include but are not limited to the following areas identified in the Charles and Shawsheen River watershed management plans: Revere Street at North Lexington Brook, Valleyfield and Waltham Street at the Clematis Brook, and Concord Ave at Hardy's Brook.
- k) **Storm Drainage Improvements and NPDES Compliance - \$184,845 (total project cost is \$340,000, of which \$155,155 is proposed to be financed from the tax levy).** This is an annual request to replace and supplement existing drainage infrastructure. \$70,000 of the request is to fund the design of projects and programs that will meet requirements imposed on the Town by the US Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) illicit discharge detection and elimination program, and implement best management practices (BMPs), including, for instance, installations and retrofits. [See [http://cfpub.epa.gov/npdes/home.cfm?program\\_id=6](http://cfpub.epa.gov/npdes/home.cfm?program_id=6) for more information.] The remaining \$270,000 of the request is for the repair / replacement of drainage structures encountered during the road resurfacing program. It also covers repair of other drainage areas of concern in town including but not limited to trouble spots in the watersheds of the Vine Brook, Mill Brook, Beaver Brook, and Kiln Brook; and, other work identified during the NPDES investigation work.

#### **TMMA Questions:**

**Question #1:** What is the difference between culvert work funded under part j) or part k) of this article?

**Answer #1:** Although there is some overlap, part j) is specifically for culverts. This appropriation is for drainage improvements within the roadway paving program and other smaller improvements which include repairs, pipe work, and manhole and catch basin installation. Additionally, there is NPDES compliance included in this budget which is mainly for Illicit Discharge detection and the elimination of discharges, usually through pipe work repairs.

**Question #2:** Is there a deadline for complying with NPDES?

**Answer #2:** There is no deadline, but funding for these drainage projects will continue for many years.

- l) **DPW Equipment Replacement - \$349,000 (total replacement cost is \$640,000, of which \$145,500 is proposed to be financed from each of the Enterprise Water Fund debt and Wastewater Fund debt).** This is an annual request to replace equipment that is beyond its useful life and whose mechanical condition no longer meets work requirements. The

Department of Public Works (DPW) has an inventory of 46 pieces of equipment including sedans, hybrid SUVs, construction vehicles and specialized equipment used to mow parks, plow snow, repair streets, and complete a variety of other projects. Regular equipment replacement reduces down-time and excessive repair costs. The FY2014 request, all of which is for replacement vehicles, is as follows:

- i) JCB backhoe - \$210,000.
- ii) F450 with utility body, lift gate, and plow - \$90,000.
- iii) Two Kubota tractors with attachments - \$90,000.
- iv) Toro infield machine with attachments - \$40,000.
- v) Heavy-duty 6-wheel dump with plow, underscraper, and sanding unit - \$210,000.

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

- m) Hastings Park Irrigation - \$73,000 (Free Cash).** This request is for the installation of an automated in-ground irrigation system at Hastings Park, at Mass Ave and Worthen Road. This site is heavily used for concerts, public events, resident activities and weddings. As of 2012, the Lions Club Carnival was moved to Hastings Park. The current lawn is difficult to maintain due to the lack of irrigation. The resulting weaker turf, with worn out areas and brown outs, is not able to stand up to the excessive use. Use of irrigation will ensure a healthier lawn before an event and will also help with recuperation of the turf after an event.

**TMMA Questions:**

**Question #1:** Is water readily available at this location? Can we protect the irrigation system from heavy equipment?

**Answer #1:** Yes. A water supply pipe runs under the park. Irrigation heads are easy to replace and can be marked to protect them from the installation of heavy equipment, such as that used at the Carnival.

**Question #2:** Do we irrigate other parks?

**Answer #2:** Yes. We irrigate the Common and Emery Park.

- n) Hydrant Replacement Program - \$100,000.** There are 1,500 hydrants in Lexington's fire protection system. This is an annual request in a phased project to replace older fire hydrants with new and more efficient hydrants that meet National Fire Protection Association requirements. The new hydrants will increase fire fighting capacity thus reducing property damage and increasing safety. The new hydrant will be of a break-away design which will cost less to replace when damaged. \$100,000 will fund approximately 40 replacements.

**TMMA Questions:**

**Question #1:** Last year we replaced 40 hydrants for \$50,000. Why is this request twice as high as last year's?

**Answer #1:** Last year we bought 25 hydrants. The price of hydrants is roughly the same as last year – about \$2,000 each – but costs of the additional hydrants were offset by hydrants in stock and by the operating budget.

- o) Comprehensive Watershed Stormwater Management Study and Implementation - \$390,000.** This is an annual request to fund watershed storm management projects. It is a

product of collaboration among the Department of Public Works through its Engineering Division and the Conservation Division within the Department of Community Development in an effort to prevent damage to private property and Town infrastructure. Watershed studies have been completed for two of the three watersheds in the Town: the Charles River and Shawsheen watersheds (the Shawsheen study is in draft form and will be finalized after public hearings). The third watershed study for the Mystic River watershed was funded at the 2012 Annual Town Meeting. This study began in the fall of 2012 and will be completed by the fall of 2013. This capital request is for design of priority projects identified in the Charles and Shawsheen River studies which may include Clematis Brook at Valleyfield Road and Waltham Street, and the Kendall Road / Dane Road area, and for construction of the Willard Woods Improvements identified in the Shawsheen study.

**TMMA Questions:**

**Question #1:** What is the difference in use between this funding and the funding under section k) of this article (storm drainage improvements)?

**Answer #1:** This section of the article is for design and implementation of water quality and quantity related issues that have been specifically identified in the stormwater management plans.

**Question #2:** Is there likely to be rework of storm drainage work that has been recently completed?

**Answer #2:** No.

**Question #3:** What is being done to improve water quality?

- p) **Townwide Signalization Improvements - \$125,000 (Free Cash).** This is a yearly appropriation to upgrade traffic signals throughout town. This year's request is for funds to update traffic and pedestrian signals identified through a signal inventory and compliance study that was funded at the 2011 Annual Town Meeting that included assessments of ADA compliance, condition, signal timing, delays, and a prioritization of the signals needing attention. It is anticipated that improvements at Hartwell Ave and the Bikeway and possibly the Concord Ave / Waltham Street intersection will be performed with these funds.

**TMMA Questions:**

**Question #1:** What are the most important priorities for deciding which signals need work?

**Answer #1:** The main focus is on the condition of control boxes, pedestrian safety, and traffic.

- q) **Hartwell Avenue Infrastructure - Engineering and Easements - \$600,000.** The Hartwell Avenue area has been rezoned to allow for increased growth. As a result it is anticipated that there will be increased traffic in the area. With the concurrent goals of promoting economic development and mitigating the potential impact of that development, the Planning Board engaged the services of a transportation consultant to develop a transportation management plan for the Hartwell Avenue area. The consultant recommended projects to increase vehicle capacity in the area, accommodate bicycles and pedestrians, improve roadways and intersections, replace a bridge, do landscaping, and improve bus turn-outs, curbing, and drainage. This request does not include work on the Bedford Street Corridor including the intersection of Bedford Street and Hartwell Avenue. This is a State highway and will need

approval and funding by the Massachusetts Department of Transportation. The latest plan is to design and build the improvements from Bedford Street (not including the intersection) to Maguire Road, including the bridge at Kiln Brook. There will be one or two additional phases to finish the project.

**TMMA Questions:**

**Question #1:** How will the vehicle capacity of Hartwell Avenue be increased? By widening, by traffic lights, or by other measures?

**Question #2:** Will this section of the article be funded by the payments required of developers under the Hartwell Avenue rezoning?

- r) **Sidewalk Improvements and Easements - \$600,000.** This is an annual request to rebuild and / or repave existing asphalt sidewalks that are deteriorated and to construct new sidewalks with bituminous and granite or asphalt curbing. Sidewalk improvements will support and enhance pedestrian safety and the Safe Routes to School Program. All work will be compliant with the Americans with Disabilities Act (ADA). In addition to those sidewalks to be identified from the Sidewalk Committee's Master plan, this capital request includes \$200,000 for the construction of a sidewalk along Hartwell Avenue from the Minuteman Bikeway to Bedford Street. This project is a companion to work proposed under the capital request for part q) of this article described above.

**TMMA Questions:**

**Question #1:** How will pedestrian safety be addressed for crossing Hartwell Avenue and for crossing heavily trafficked entrances to parking lots?

- s) **Concord Avenue Sidewalk Construction and Easements - \$3,000,000.** With the increase in commercial development in South Lexington and the associated increase in traffic volume, pedestrian safety has been identified as a high priority by area residents. This request is to fund the construction of sidewalks along Concord Avenue from Spring Street to Waltham Street. Town Meeting previously approved a feasibility study and design and engineering for this project. The estimated length of the sidewalks to be constructed is 1.1 miles and would likely include, but not be limited to, retaining walls, drainage improvements, tree removal, and pedestrian crossings. New sidewalks proposed for this project will be linked to the recently installed sidewalks on Spring Street, thus providing a closed loop of sidewalks from Concord Ave to Spring Street to Marrett Road to Waltham Street and back to Concord Ave.

**TMMA Questions:**

**Question #1:** Why are these sidewalks so expensive?

**Answer #1:** There is more hand work than on street repaving, and the construction of retaining walls, tree removal, etc. is expensive.

**Question #2:** Is there any estimate of the number of people who would use these sidewalks?

**Answer #2:** No, but the developments along Concord Avenue such as Avalon at Lexington Hills have increased the need for safe routes to school.

**Article 11****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 and line 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:** \$900,000

**Description:** For a description of the proposed project see Section XI: Capital Investment section of the FY2014 Town Manager's Preliminary Budget and Financing Plan dated January 14, 2013 found at [http://www.lexingtonma.gov/FY2014\\_White\\_Book\(1\).pdf](http://www.lexingtonma.gov/FY2014_White_Book(1).pdf).

**TMMA REVIEW****WATER IMPROVEMENTS****TMMA Summary (as of 02/26/13)**

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 and includes funding for design/engineering and construction. Unlined water mains are subject to corrosion which results in restricted flow and degradation of drinking water quality.

**TMMA Overview**

Possible locations of water main repair and replacement include Massachusetts Avenue from the Arlington town line to Oak Street. Part of these project costs may be eligible for financing through an MWRA grant/loan program. Lexington has extensive water and sewer lines, installed over the past century, that serve over 11,000 residences and buildings along more than 140 miles of town streets and 30 miles of unaccepted streets. A program of systematic repair, replacement and upgrade has been underway for the past 4 decades.

**TMMA Questions**

**Question #1:** What is the status of the Lexington water lines relining?

**Answer #1:** Lexington has only 6 miles remaining to reline. Lexington ranks third of the MWRA towns in replacement rate.

**Question #2:** How are the priorities set for which line gets repaired – is it by leaks, age, water quality or other?

**Answer #2:** Relining is the top priority. Other lines are prioritized by break history, age and calcification where staff anticipates imminent problems.

**Question #3:** What is the MWRA grant/loan program and how does Lexington participate?

**Answer #3:** The MWRA funds town water and sewer projects thru allotments of a part grant, part loan program. Lexington has been very aggressive is using all of its allotment. MWRA will have a sewer grant/loan program for FY14 and is discussing a water program.

## Article 12                      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:** \$1,300,000

**Description:** For a description of the proposed project see Section XI: Capital Investment section of the FY2014 Town Manager's Preliminary Budget and Financing Plan dated January 14, 2013 and found at [http://www.lexingtonma.gov/FY2014\\_White\\_Book\(1\).pdf](http://www.lexingtonma.gov/FY2014_White_Book(1).pdf).

### TMMA REVIEW WASTEWATER IMPROVEMENTS

#### TMMA Summary (as of 02/26/13)

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

#### TMMA Overview

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 sanitary sewer lines in the town to reduce inflow and infiltration into the system has been ongoing in several sewer basins in town that include, but are not limited to, the Kiln Brook Basin/Tophet Swamp area, the Stimson Ave./Grandview Ave. area, the Parker Street/downtown area, and the Saddle Club area. Possible future areas of investigation and repair are the Bloomfield Street area, the Waltham Street / Concord Ave area, and the Adams Street area.

#### TMMA Questions

**Question #1:** What is the status of a related program to clean and repair junction boxes and to manage water flow in wetlands to minimize storm runoff into sewers? Has the recent problem

with overflow and backup into low lying areas (homes with basement egress) been adequately addressed?

**Answer #1:** There are several capacity constraints not under the town control such as the MWRA trunk line in Arlington and sewer inflow from adjoining communities. Lexington has a long term program to reduce infiltration within Lexington's town sewer system.

**Question #2:** How many homes in Lexington are not connected to the Town's sewer system?

**Answer #2:** There are about 100 homes not connected to Town sewer. Most such homes are connected to town sewer prior to transfer of ownership due to rigorous testing requirements.

**Question #3:** How does Lexington compare with other MWRA communities in terms of infiltration?

**Answer #3:** Lexington's share of MWRA expenses reflects an intense effort to reduce infiltration and thus reduce costs to ratepayers.

## 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 for the schools, to 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:** \$1,524,031

**Description:** For a description of the proposed project see section XI: Capital Investment section of the FY2014 Town Manager's Recommended Budget and Financing Plan dated January 14, 2013 and found at [http://www.lexingtonma.gov/FY2014\\_White\\_Book\(1\).pdf](http://www.lexingtonma.gov/FY2014_White_Book(1).pdf).

### **TMMA REVIEW**

### **SCHOOL CAPITAL**

#### **TMMA Summary (as of 02/04/13)**

This article has three components - system-wide technology, system-wide furniture, and a time-reporting system.

#### **TMMA Overview (as of 02/04/13)**

- a) **System-wide Technology - \$1,213,000:** 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:

Technology Workstations (desktops, laptops and mobile tablet devices) - \$540,000. Nearly all of this is to replace the oldest, approximately 550, school computers that will be 5 to 6 years old during FY14, with up-to-date workstations. Some of the old computers will be replaced with mobile tablets (iPads). About \$60,000 will be used to provide middle and high school teachers with laptops, as part of the District's four-phase plan to equip all teachers at the secondary level with a laptop for school use.

Funding the one-to-one Mobile Technology Initiative - \$120,000. During the current school year a group of 50+ Grade 10 students and their teachers are participating in a pilot program funded by an LEF grant using iPads, at both school and home, which have specific multimedia textbook apps from established textbook companies. This funding request is to continue the program for the present students and expand it for about 200-250 additional students at the secondary school level.

Printers and Peripherals - \$20,000. This is to replace old shared printers through the entire district, as needed, and to purchase some additional printers to support the mobile technology as it is introduced.

Maintain and upgrade the school LAN networks - \$160,000. These funds are to replace end-of-useful-life switches, upgrade storage capacity of the school servers, to provide additional

backup and recovery hardware for the district's network, and provide wireless access points for the high and middle schools to support the increased use of mobile table and laptop devices. It also supports the plan to upgrade the school system's network, over a 5 year period, to gigabit (1000 Mbps) service from the current speed of 10/100 Mbps.

Installation of a Managed Wireless Network for the Elementary Schools - \$149,100. In this fourth stage of a planned 4-year program, a wireless network will be installed at the Bridge (\$75,300) and Bowman (\$73,800) Elementary schools, coinciding with the renovations there. The other schools are completed except for Estabrook where the network is included in the scope of the new building construction.

Interactive Whiteboard Units - \$224,000. The FY14 request is the second stage of a program to equip every classroom for grades from 3 – 12 with an interactive projector/whiteboard using "SMART" technology. The technology allows Lexington to use regular whiteboards with the interactive projector units at substantial per unit savings, however in many cases new whiteboards are needed due to age and markings on the surfaces of the existing ones. This appropriation will allow installation in 70 classrooms. In FY13 the schools purchased 68 units: 25 for the High School, 12 for each middle school, and 18 for elementary schools (2 per school). Prior to FY13 purchases were funded by LEF grants.

**For further information:**

Thomas Plati, Director of Educational Technology and Assessment  
[tplati@lexingtonma.gov](mailto:tplati@lexingtonma.gov)

- b) System-wide Classroom and Administrative Furniture - \$201,387** (total project cost is \$281,031, of which \$37,065 is proposed to be financed with Free Cash and \$42,579 with balances from prior year articles): This is an annual request for replacement of furniture that has reached the end of its useful life.

Many schools have not been renovated recently and need to have classroom furniture replaced. This appropriation funds routine replacement of unsafe and broken furniture in classrooms, additional furniture for added staff positions and age appropriate furniture for new classrooms to accommodate enrollment, and the disposal costs of the equipment that needs to be replaced. Disposal costs are included in each of the items below:

At Bowman - office furniture, workstation tables, student chairs, folding chairs, waiting room chairs, teacher desks and chairs, filing cabinets and conference room furniture are needed (\$66,199).

At Bridge - bookshelves, storage units and cabinets, filing cabinets, kidney-shaped tables, library furniture, staff room mailboxes, office furniture, teacher desks and chairs are needed (\$76,515).

At Estabrook - student desks and chairs and bookcases are needed (\$6,665).

At Harrington - folding tables are needed (\$1,436).

At Hastings - student desks and chairs are needed (\$5,760).

At Clarke - bookshelves, file cabinets, folding chairs, carts, student desks and chairs are needed (\$26,274).

**For further information:**

Mary Ellen Dunn, Assistant Superintendent for Finance and Business Operations

[mdunn@lexingtonma.gov](mailto:mdunn@lexingtonma.gov)

- c) **Time Clock / Time Reporting System - \$30,000 (Free Cash).** This request is for additional funding for implementing a time-clock system for the School Department that was authorized in the FY2011 Capital Budget. During implementation planning, it was discovered that the original estimate provided was \$30,000 under what is required because it did not include one building and a management/supervisor interface for the first year. Approval of this supplemental increase will allow the School Department to continue the implementation planning process and to complete this project.

**For further information:**

Mary Ellen Dunn, Assistant Superintendent for Finance and Business Operations

[mdunn@lexingtonma.gov](mailto:mdunn@lexingtonma.gov)

## Article 14                      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) *Municipal Building Envelope and Systems;*
- b) *School Building Flooring Program;*
- c) *School Interior Painting Program;*
- d) *School Window Treatments Extraordinary Repair;*
- e) *School Paving Program;*
- f) *Lexington High School Overcrowding - Phase 3 Engineering and Improvements;*
- g) *School Security Standardization;*
- h) *Installed Wall Units - Air Conditioner;*
- i) *School Building Envelope and Systems Program;*
- j) *Clarke Middle School Bus Loop;*
- k) *Hastings School Kitchen Renovation;*
- l) *Print Shop Renovation;*
- m) *Public Facilities F350 Vehicle;*
- n) *Public Facilities Bid Documents; and*
- o) *Human Resources Office Renovation;*

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

*(Inserted by the Board of Selectmen)*

**Funds Requested:** \$2,293,454

**Description:** *For a description of the proposed project see section XI: Capital Investment section of the FY2014 Town Manager's Preliminary Budget and Financing Plan dated January 14, 2013 and found at [http://www.lexingtonma.gov/FY2014\\_White\\_Book\(1\).pdf](http://www.lexingtonma.gov/FY2014_White_Book(1).pdf).*

## TMMA REVIEW FACILITIES CAPITAL

### TMMA Overview (as of 02/26/13)

This is an annual request for funding for improvements to the Town's public facilities. This article requests approval of 15 public facilities capital projects described below.

#### **For further information:**

See Section XI (Capital Investment) in the FY2014 Recommended Budget and Financing Plan ("Brown Book") at: [http://www.lexingtonma.gov/FY14\\_Brown\\_Book.pdf](http://www.lexingtonma.gov/FY14_Brown_Book.pdf)

### Per-Project Information (a) – (o)

- a) **Municipal Building Envelope and Systems.** This annual capital request, originally approved for funding in the 2006 operating budget override, includes design and construction

repair/replacement projects for the maintenance and upgrade of municipal buildings and systems. Annual funding of repairs avoids deferred maintenance. The 2006 operating override provided \$150,000 funding per year (increasing by 2.5% per year) for funding Town Building Envelope and Systems projects (Town Meeting must appropriate the funds annually). 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. The public building infrastructure will always need to be maintained, repaired, and upgraded to prevent structural deterioration and avoid safety hazards. Projects already identified for FY2014 include extraordinary repairs in the Lexington Police Headquarters including ceiling system replacements, interior painting, minor construction for improved space utilization, and implementation of access controls for improved Lexington Police Department (LPD) internal controls.

**TMMA Questions:**

**Question #1:** How are the priorities set for these projects? Is there a standard time frame for particular maintenance such as roof replacement, painting, carpet replacement, and window caulking?

- b) School Building Flooring Program.** 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 easily cleaned. Worn or broken flooring creates a tripping hazard, can provide harborage for bacteria and water, and is difficult to clean. Smaller repairs of flooring components are funded through the operating budget.

**TMMA Questions:**

**Question #1:** Which schools are having flooring projects?

- c) School Interior Painting Program.** This is a multi-year project for a school building interior painting program with the intent of systematically repainting interior surfaces on a 7 to 10 year schedule. Elementary school interiors are occasionally painted through Parent Teacher Association (PTA) organization of community volunteers. The Middle Schools and High School have not had interior painting done for many years. This painting program will enable the Department of Public Facilities (DPF) to plan for and implement annual summer painting projects that will improve maintenance and cleanliness of building interiors. Projects will be identified annually with input from school administrators.

**TMMA Questions:**

**Question #1:** What is the justification for a 7 to 10 year painting cycle?

**Question #2:** Are there any opportunities for a large-scale paint purchase or standard colors for schools?

- d) School Window Treatments Extraordinary Repair.** The majority of Lexington's school buildings have horizontal blinds, installed when the buildings were constructed, that have become inoperable as a result of age. 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. Operable blinds are also

a safety feature for first floor rooms. Prior years' funding has been utilized at LHS and the middle schools.

**TMMA Questions:**

**Question #1:** Which schools are going to be addressed for FY2014?

- e) **School Paving Program.** This project requests funds (\$150,000) for design and construction to maintain school parking and paved pedestrian surfaces in a condition suitable for public use. In the last five years paving improvements have been implemented at Estabrook, Bridge, Bowman, Hastings, Diamond, and Central Administration buildings. The FY14 request is to add additional parking at Fiske Elementary School required for additional programs to be located at the school. In addition, improvements will be made to various school buildings to remove access barriers identified in the Americans with Disabilities Act (ADA) Survey completed in 2011. The Department of Public Facilities and the Department of Public Works Engineering partner on these projects to utilize the DPW paving bids. Additional paving replacements are required for deteriorated surfaces with severe cracking at school buildings. If this program is not funded, these conditions will continue.

**TMMA Questions:**

**Question #1:** What is the ADA standard for curbs, grades, entrance width, landing platforms and handicapped parking spaces?

**Answer #1:** Ramps must have a slope of less than 8.3%. Walkways with slopes greater than 5% require handrails. Landings will be adjusted to a 2% grade and lengthened. This parking plan is to provide accessible and compliant parking near entrances.

- f) **Lexington High School Overcrowding - Phase 3 Engineering and Improvements.** The Lexington High School (LHS) is currently overcrowded; enrollment is projected to increase, and a major facility expansion or replacement is not planned within the next ten years to comprehensively address these conditions. This project is the third phase of multi-year construction projects of interim measures to improve space utilization at LHS and reduce overcrowding. Phase I, completed in the summer of 2011, consolidated Performing and Visual Arts Administration with program spaces on the second floor of the Main Building. Phase II, completed over the summer of 2012, added four additional classrooms by relocating some functions to the school administration area and converting underutilized space to classrooms and improving the efficiency of the LHS Administrative Offices. Phase III will continue to improve utilization of space. Funding will be used to develop a plan for adding enough classrooms to accommodate projected enrollment increases over the next five years. The project is being funded by non-excluded debt approved in prior years.

**TMMA Questions:**

**Question #1:** How will Phase 3 improve space utilization?

**Question #2:** What is the enrollment projection for LHS?

**Answer #2:** Approximately 2,200 - a 10% increase by FY2017, based on middle school enrolment.

- g) School Security Standardization.** School safety is of highest priority. This request is for funds to standardize the elementary and middle schools equipment for access control and video security. The Harrington, Fiske, Clarke, LHS and new Estabrook schools have each received access control and video security systems through previous debt exclusions and grant funding. This project will add access control and video security to the remaining schools and the Central Administration building so that all school buildings have comparable access control and video security. This project will improve school safety and allow for consistent implementation of procedures.

School	Video Camera	Access Control
LHS	Yes	Yes (limited)
Diamond	\$64,000	\$36,000
Clarke	Yes	\$24,000
Harrington	Yes	Yes
Fiske	Yes	Yes
Bridge	\$30,000	\$24,000
Bowman	\$30,000	\$24,000
Hastings	\$28,000	\$27,000
Estabrook	Yes (2014)	Yes (2014)
Administration	\$40,000	Yes
Total	\$192,000	\$135,000

Contingency is \$33,000 resulting in a total program cost of \$360,000.

#### TMMA Questions:

**Question #1:** When were video cameras and access control first installed?

**Question #2:** Is there a recommended school safety standard?

**Answer #2:** School safety is reconsidered after analysis of events such as Newtown and Columbine, so it is evolving and not yet standardized.

- h) Installed Wall Units - Air Conditioner - \$56,000 (Free Cash).** This request is for installation of four air conditioning wall units in the Central Administration lower level professional development/conference rooms. Use of these rooms has increased and the current window units are inadequate for cooling the rooms in a comfortable, consistent, and noiseless fashion. The on-going issue of turning the window units on and off during professional development sessions and meetings in order to reduce the noise level does not provide the best learning environment for staff and the variations in air quality are distracting.

#### TMMA Questions:

**Question #1:** Is central air available for the administrative portion of the building and what is the savings of going to wall units versus expanding central air?

- i) School Building Envelope and Systems Program - \$236,000.** This project involves performing annual prioritized design, repairs and modifications to prevent deterioration of school building exteriors and building systems. Proper maintenance of school buildings

requires continual investment in the building envelope and building systems. This includes repair of damaged panels and siding, re-caulking and weatherproofing windows and doors, repainting the wood exterior, and repairs to mechanical systems. Small, individual items such as failure of a specific door or window or small painting projects will continue to be funded through the operating budget. FY 2014 priorities may include modifying educational spaces as required in school buildings to accommodate enrollment changes, repairs to the Diamond concrete loading dock area, and evaluation of the school clock, public address (PA), and time systems. Engineering design and preparation of bid documents are included in the request for funding.

**TMMA Questions:**

**Question #1:** What has been the experience of past expenditure requirements and are any of these expenditures catch-up?

- j) **Clarke Middle School Bus Loop.** This funding request is for a study of bus loop construction on the Stedman Road side and to identify solutions to address the long term need to separate car and bus traffic at the Clarke Middle School. There are heavy traffic tie ups in the Clarke Middle School parking lot during the morning and afternoon arrival and dismissal times, causing frustration for parents, students, staff and bus drivers. There is also a need to create a better entrance and exit at the Clarke Middle School during the school day. The design of recent school buildings has enhanced traffic flow and made the school accessible from two routes. Clarke needs to be updated to reduce congestion and provide safe access for students, staff, and parents. As more children come to school by auto or bus congestion worsens and pedestrians encounter difficulties. Lower cost busing fees options were approved last year and are requested in the budget this year.

**TMMA Questions:**

**Question #1:** What is the congestion threshold for each school? Are there other schools in need of traffic remediation measures?

**Answer #1:** There is no specific threshold, but long lines of idling cars waiting to pick up or drop off students are an environmental problem and may obstruct traffic on adjacent streets during rush hour.

- k) **Hastings School Kitchen Renovation.** This request is to fund necessary upgrades to the kitchen at the Hastings School, which is not well designed for the current food preparation and serving requirements of an elementary school. This project would utilize the existing space while reconfiguring the needed items to improve the flow and include removing the serving line from inside the kitchen area. In response to the growth of interest in composting and recycling, space reconfiguration will also promote set-up of an organized waste stream.

**TMMA Questions:**

**Question #1:** Are there other substandard school kitchens?

**Question #2:** What is the standard for design of new school kitchens?

- l) **Print Shop Renovation - \$312,000 (General Fund debt).** This request is for funding of improvements to the Lexington Public Schools' print shop. Several years ago, the print shop was relocated from the Lexington High School to the old Harrington School kitchen area in

the basement of what is now the Central Office Building. There is a need for significant renovations including improvements to ventilation, wiring, air conditioning, lighting and flooring. In addition, equipment replacement is necessary to keep up with the demand for print shop services that serve the school departments as well as municipal operations.

**TMMA Questions:**

**Question #1:** Could the air conditioning requirements for this space be coordinated with the wall units proposed in article 14 h)?

**Question #2:** Is there a standard for the noise level of air conditioning units?

**Question #3:** What equipment needs to be replaced?

- m) Public Facilities F350 Vehicle.** This request is to replace a truck used by the Department of Public Facilities for maintaining grounds that is past its useful life. The vehicle to be purchased is anticipated to be a Ford F350 with plow, enclosed utility body, trailer tow package, lift gate, and safety light package. It would provide snow plowing and hauling of large secondary equipment and materials, and could also be assigned to one of the skilled trades for facility repairs. A replacement for a similar vehicle was approved in 2012 and is on order. This vehicle will be outfitted for a plumber to be added to the Town-wide facilities staff in FY2014.

**TMMA Questions:**

**Question #1:** What is the standard for useful life of this category vehicle and what are the ages of the current vehicles?

**Answer #1:** Vehicles are replaced when the cost of routine repairs is excessive, parts are no longer available, or damage such as rust makes it not useful or safe to operate.

- n) Public Facilities Bid Documents - \$75,000.** This request is for funds for year 2 of a multi-year program for professional services for design development, construction documents, and / or bid administration services for smaller school projects in anticipation of requests for construction funding at Town Meeting that will probably be approved. This request will insure 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.

**TMMA Questions:**

**Question #1:** What is the experience in going out to bid immediately after Town Meeting (in terms of number of bids per year)?

**Question #2:** What is the anticipated length of time for a bid to be processed and awarded if this portion of article 14 is approved?

- o) Human Resources Office Renovation.** This project would redesign and renovate the existing Human Resources Office and the Office of the Assistant Superintendent for Human Resources. Work would include creating a confidential conference room and making changes to the layout to increase the efficient use and functionality of the office space.

**TMMA Questions:**

**Question #1:** Why were the several projects for the Old Harrington building separated in this article?

**Question #2:** What is the long-term plan for the Old Harrington building?

**Question #3:** Can work at the Old Harrington building be funded through the CPA?

**Article 15****Appropriate Bonds and Notes Premiums**

*To see if the Town will vote to apply premium received on account of the sale of bonds or notes of the Town that are the subject of a Proposition 2 ½ debt exclusion, to pay costs of the project being financed by such bonds or notes, provided that the amount authorized to be borrowed for such project, but not yet issued by the Town, is reduced by the same amount, or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Description:** *Passage of this article would permit premiums received upon the sale of bonds or notes issued to finance projects approved at a debt exclusion election to be appropriated to pay for project costs, subject to guidelines to be promulgated by the Massachusetts Department of Revenue. Such appropriations would be for the purpose of supplanting, not supplementing, bond financing of the project in question.*

**TMMA REVIEW****BOND PREMIUM APPLIED TO PROJECT COST****TMMA Summary (as of 02/28/13)**

Under the proposed Department of Revenue regulatory change, the premium payment the Town receives upon the sale of bonds will be able to be directly applied to project costs. For excluded debt, this will reduce the amount that is necessary to borrow and as a result, reduce the excluded debt costs to be borne by the taxpayers.

**TMMA Overview**

When the Town issues a bond, the bond underwriter may pay the Town a premium. This happens when the underwriter sells the bond above the price originally expected. Historically, these bond premiums were required to be amortized over the life of the bond. Upon approval of the proposed Department of Revenue (DOR) regulatory change, a bond premium payment will be able to be directly applied to projects' costs.

For excluded debt, this effectively reduces the amount that has to be borrowed and reduces excluded debt costs paid by the tax payers. The change in no way increases the authorized project cost; it merely reduces the debt service cost.

In February, the Town sold a \$48,700,000 bond issue of which \$41.0M was for the renovation and construction of the Bridge, Bowman and Estabrook schools. The balance of the bond issue was for a variety of projects including sewer and water improvements, Public Facilities capital and school technology. Upon sale of the bond issue, the Town received a premium payment of \$5,128,798. Of this, \$4,169,632 is attributable to exempt debt approved by the residents (the remainder is attributable to non-exempt debt).

The combination of the Town's excellent credit rating and low interest rates has made our interest costs low. The large premium payment was the function of the bidder's assessment of current and future market conditions. Should the recommended DOR change not be approved by the State, this article will be indefinitely postponed.

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

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

*(Inserted by the Retirement Board)*

**Description:** Acceptance of this statute would increase the annual benefit of all individuals receiving an allowance pursuant to Massachusetts General Laws, Chapter 32, Section 101, from \$9,000 to \$12,000. At present, this would affect five widows.

## **TMMA REVIEW**

### **WIDOWS' BENEFITS**

**TMMA Overview (as of 03/01/13)**

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

In 2010, M.G.L. Ch. 32, § 101 was amended. The statutory change increased the supplemental annual benefit allowance from \$6,000 to \$9,000. The increase was approved at the 2011 Annual Town Meeting and the increase from \$6,000 to \$9,000 was subject to future cost of living adjustments.

The increase from \$9,000 to \$12,000 is per the August 1, 2012 Memorandum #43, 2012 from the Commonwealth of Massachusetts / Public Employees Retirement Administration Commission. “The new \$12,000 local option must be adopted by the local board and approved by the legislative body. Acceptance shall be deemed to have occurred upon the filing of a certification of such votes with the Commission.” It is the recommendation of the Retirement Board that Town Meeting approve the increase.

**TMMA Questions**

**Question #1:** Does this benefit also apply to widowers?

**Article 17                      Accept MGL Chapter 32, Section 12(2)(d paragraph 11),  
Increasing Minimum Monthly Allowance**

*To see if the Town will vote to accept Section 12(2)(d paragraph 11) of the Massachusetts General Laws relating to the minimum monthly payment to a spouse of a deceased member of the retirement system; or act in any other manner in relation thereto.*

*(Inserted by the Retirement Board)*

**Description:** *Acceptance of this statute would increase the minimum monthly benefit of all individuals receiving a payment pursuant to Massachusetts General Laws Section 12(2)(d) from \$250 to \$500. At present, this would affect five widows.*

**TMMA REVIEW  
WIDOWS' ALLOWANCE****TMMA Overview (as of 02/28/13)**

If this article is approved, the statutory increase for spouses of deceased members of the retirement system will increase from \$250.00 to \$500.00. Per state law, Town Meeting must accept this statute providing for this increased benefit. Beginning April 2, 2012, the normal monthly member-survivor allowance provided under this option to a spouse of a deceased member shall not be less than \$500 for members of the state teachers' and state employees' retirement system. This increase shall take effect for the members of a retirement system of any other political subdivision by a majority vote of the board of such system and by a vote at Town Meeting.

**For further information:**

Lexington Retirement Board Administrator - Marguerite Oliva - 781-862-0500 ext. 220

## **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:** \$775,000

**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 02/03/13)**

At retirement, Lexington employees are eligible for health insurance and pension benefits. This article only applies to the health insurance component of benefits, referred to as Other Post Employment Benefits (OPEB) to distinguish them from the pension benefits. These benefits impose a future liability on the Town. The Town routinely assesses the amount of these liabilities using an actuarial analysis. The dollar amounts are large because they represent the sum of many years of benefits to be paid to many current and future retirees. The Town's current liability for retiree health benefits, based on the actuarial analyses, is estimated to be approximately \$300,000,000 over the next 30 years. The primary issue posed by this article is how much money to dedicate to this fund in this, and in each future year, considering the available sources of funding and the Town's priorities for other uses of the money.

By state law all Massachusetts municipalities are required to fund unfunded pension liabilities by the year 2040 according to a schedule approved by the Public Employee Retirement Commission. There is now no similar mandate to pre-fund the liability for retiree health insurance benefits (OPEB). Instead currently the Town covers the full cost of current retiree health benefits within its regular operating budget. As of FY2008, the Government Accounting Standards Board (GASB) began requiring municipalities to report the size of their unfunded OPEB liability as a long-term liability in the Town's annual financial statements.

The Town is considering a long-term plan to fund the Post Employment Insurance Liability Fund (PEIL), so that use of operating funds to pay current retiree benefits could end, and income earned from the invested trust fund balance would cover the costs of PEB payments when full funding is achieved. That would require regular, annual appropriations until full funding is achieved. The amount of the annual appropriation required depends on the target date adopted for achieving full funding and the actual return achieved on the invested fund balance. The appropriation proposed in this Article would be a step in that direction.

Appropriation to the Town's Post Employment Insurance Liability Fund (PEIL) started with Article 22 of the 2008 Annual Town Meeting. It has continued annually with the most recent appropriation at the 2012 Annual Town Meeting under Article 18. The balance in the PEIL Fund as of 10/16/12 was \$2,794,623. The 2012 Fall Special Town Meeting did NOT vote to appropriate the additional funds requested then.

The Town receives reimbursements from the Federal Government to cover costs of the prescription drug insurance that would otherwise be covered under Medicare Part D. The Town was reimbursed approximately \$465,544 in FY2012, and from July 1 to October 16 an additional \$76,646 was received. The Town has been appropriating funds to the PEIL Fund that roughly match these reimbursements, but there is no direct linkage of PEIL Fund appropriations to these Federal reimbursements, except by Town Meeting action.

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

**For further information:**

An Analysis of Policy Issues concerning the Funding of Future Liabilities for Health Insurance for Retired Employees (OPEB) of the Town of Lexington, Alan M. Levine, April 17, 2012 (a TMMA Yahoo email list attachment)

[http://xa.yimg.com/kq/groups/7717354/1642793333/name/OPEB\\_aml\\_v2.pdf](http://xa.yimg.com/kq/groups/7717354/1642793333/name/OPEB_aml_v2.pdf)

**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 02/26/13)**

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

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

*To see if the Town will vote to create and/or appropriate sums of money to and from 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-1), (i) Avalon Bay School Enrollment Mitigation Fund and (j) Capital Projects/Debt Service Reserve/Building Renewal Fund; and 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 and to appropriate funds therefrom. 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 02/26/13)**

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

At the 2012 Annual Town Meeting, two new Funds were created. The Transportation Management Overlay District Fund will collect fees specified under the new zoning regulations. The Avalon Bay School Enrollment Mitigation Fund will collect money per the agreement with the developer. That agreement specifies that if actual school enrollment exceeds those projected at the time of the negotiation with the Town, payments are required to a maximum of \$700,000.

The 2012 Fall Special Town Meeting approved creation of the Debt Service / Capital Projects / Building Renewal Stabilization Fund. It is recommended that the 2013 Annual Town Meeting appropriate \$2,184,000 to this fund. These funds will be used at a future date to mitigate the cost to residents for excluded debt (that is, debt excluded from Proposition 2 ½ taxation limits).

It is the recommendation of the Town Manager that balances available to appropriate to specific stabilization funds haven't yet been identified at the time of printing.

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 \$96,553.

Transportation Demand Management (TDM): Money accruing to the account is the result of negotiations between the Town and developers. Current balance is \$305,528.

School Bus Transportation: No appropriation is being requested this year. Money from Avalon approved three 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 \$1,068,625.

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 \$86,102.

Transportation Management Overlay District Fund: The fund collects fees specified under the new zoning regulations. Current balance is \$10,724.

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 \$298,804

Debt Service / Capital Projects / Building Renewal Stabilization Fund: Current balance is \$1,600,591.

## **TMMA Questions**

**Question #1:** Are there any anticipated uses of any of the above funds during FY2014?

**Question #2:** When is it anticipated that money will be appropriated from the newly created Debt Service / Capital Projects / Building Renewal Stabilization Fund to reduce excluded debt costs to the taxpayers?

**Questions #3:** What is the FY2014 appropriation from the Avalon Bay Fund?

**Answer #3:** \$250,000 from the Avalon Bay Fund is indicated to fund part of the school capital article (13).

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

*To see if the Town will vote to appropriate a sum of money to the previously created Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

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

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

**TMMA REVIEW**  
**STABILIZATION FUND**

**TMMA Summary (as of 02/28/13)**

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 \$8,668,334.

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

*To see if the Town will vote to appropriate a sum of money from the Debt Service Stabilization Fund to offset the FY2014 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 02/28/13)**

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 required to make payments on short-term debt incurred by the project. The excess money was put into the Stabilization Fund with the principal and interest thereon used to reimburse payments made on long-term debt. Article 22 appropriates the same sum of money this year from the Fund as was requested and appropriated last year to offset payments on the long-term debt accrued for building construction, renovations and other major capital expenditures. It is anticipated that the Debt Service Stabilization Fund will be exhausted by 2023.

**TMMA Questions**

**Question #1:** Is the money in the Debt Service Stabilization Fund invested?

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

*To see if the Town will vote to raise and appropriate money to pay any unpaid bills rendered to the Town for prior years; to determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

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

***Description:*** *This is an annual article to request funds to pay bills after the close of the fiscal year in which the goods were received or the services performed and for which no money was encumbered.*

**TMMA REVIEW****UNPAID BILLS****TMMA Summary (as of 02/26/13)**

It is anticipated that this article will be indefinitely postponed since no unpaid bills have been identified as of press time.

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**Article 24                      Amend FY2013 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 2012 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 (FY2013) appropriations.*

**TMMA REVIEW**  
**FY13 BUDGET ADJUSTMENTS**

**TMMA Summary (as of 02/26/13)**

This article is an annual place-holder should there be a need to fund unforeseen expenses in the current fiscal year (FY13). No appropriation is anticipated to be requested as of press time. As of press time, it is anticipated that this article will be Indefinitely Postponed as there are no significant unforeseen expenses in FY13.

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## Article 25                      Appropriate for Authorized Capital Improvements

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

*(Inserted by the Board of Selectmen)*

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

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

### TMMA REVIEW

### CAPITAL FUNDING SUPPLEMENTS

#### **TMMA Summary (as of 02/26/13)**

This article is an annual place-holder should a project approved by a prior year's Town Meeting need supplemental funding. As of press time, it is anticipated that this article will be Indefinitely Postponed as no capital projects need supplemental funding.

**Article 26****Establish Qualifications for Tax Deferrals**

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

*(Inserted by the Board of Selectmen)*

**Description:** Chapter 190 of the Acts of 2008 allows the Town Meeting, with the approval of the Board of Selectmen, to make adjustments to the current deferral eligibility limits.

**TMMA REVIEW**  
**TAX DEFERRALS**

**TMMA Overview (as of 02/26/13)**

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

As of 2/24/13, the change to the maximum qualifying gross income had yet to be determined. The proponents are surveying surrounding towns as to their deferral practices prior to presenting a proposal to the Board of Selectmen for approval.

**TMMA Questions**

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

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

**For further information:**

Vicki Blier - [vb@vickiblier.com](mailto:vb@vickiblier.com), 781-862-1804

Pat Costello - [pecostello@verizon.net](mailto:pecostello@verizon.net), 781-862-6435

**Article 27****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 02/24/13)**

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 this year, it is timely to reaffirm a Town seal more like the seal adopted in 1934 so that 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 be allocated from Selectmen's budget.

**Question #2:** Does the \$5,000 figure above include the cost of installing the new seal on Town vehicles?

**For further information:**

Massachusetts General Laws Chapter 40, Section 47:

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

**Article 28****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 providing for an alternative method of making warrants for elections and town meetings available to residents and Town Meeting Members, 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 alternative method for notifying residents.*

**TMMA REVIEW****TOWN MEETING WARRANT DISTRIBUTION****TMMA Overview (as of 02/24/13)**

If this article is adopted, Chapter 118, section 118-2 of the Code of the Town of Lexington would be amended to provide alternate means for residents to receive a copy of the *Town of Lexington Warrant* (“Warrant”) and eliminate the need to mail a copy of the Warrant to every household in Lexington. The Town would 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 would also post the Warrant information to the Town website and would 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.

**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 29****Amend General Bylaws - Contracts and Deeds  
(Solar Energy Purchasing)**

*To see if the Town will vote to amend Section 32-4 of Chapter 32 of the Code of the Town of Lexington (Authorization to Solicit Award and Enter Certain Contracts) by adding after the words "Community television services 10" the words "Leases, licenses, purchase power agreements, agreements for payments in lieu of taxes (PILOTs), and/or other agreements for the purpose of installing solar energy facilities and purchasing solar electricity 20"; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen at the Request of the Sustainable Lexington Committee and Public Facilities Department)*

**Description:** *This article would provide flexibility in negotiating the installing of solar energy facilities and the purchasing of solar electricity.*

**TMMA REVIEW****SOLAR ENERGY PURCHASING****TMMA Overview (as of 02/23/13)**

Section 32-4 of the Code of the Town of Lexington currently prohibits the Town of Lexington from entering into a contract of longer than 5 years for the purchase of electricity. This article, if approved, would amend the by-law to allow the Town of Lexington to enter into certain agreements of up to 20 years in length for the purpose of installing solar energy facilities and purchasing solar electricity from those facilities.

The Town currently budgets approximately \$1,700,000 per year for the purchase of 9,200,000 kilowatt-hours (kWh) of electricity for its municipal and school buildings.

The Solar Energy Task Force has completed an initial assessment of the Town's solar energy potential and has determined that Lexington has excellent solar potential on several selected municipal properties, including rooftop and ground-based locations capable of generating up to 66% of the Town's municipal electricity requirements.

The Solar Energy Task Force has interviewed about 10 neighboring communities that have successfully implemented solar energy programs. Based on those discussions, the most likely plan for municipal solar energy installations would be to engage a third party solar developer to fund, construct and maintain the solar equipment, and then sell to Lexington the solar energy generated by the solar power facility through a Power Purchase Agreement (PPA). Lexington would receive a net metering credit from NSTAR at a rate in excess of the price paid to the solar developer for the solar electricity. There would typically be no upfront capital commitment required to enter into these agreements and the Town would benefit by generating positive cash flow from the first day of operation of the solar power facilities.

The initial assessment for the rooftop portion of the Town's solar energy potential alone indicates that the Town could generate about 33% of the Town's electricity requirement from municipal and school rooftops while generating a positive cash flow of approximately \$150,000 during the first year of operation. If electricity rates rise at an annual rate of 2% per year, the positive cash flow would increase to about \$300,000 during the last year of the agreement.

The Solar Energy Task Force includes members from the following Town committees: Appropriations, Capital Expenditures, Energy Conservation and Sustainable Lexington. The Solar Energy Task Force membership also includes leadership from the Department of Public Facilities representing school and municipal interests.

### **TMMA Questions**

**Question #1:** Will the agreements covered by this change in the by-law be limited to solar energy agreements?

**Answer #1:** Yes. The wording of the proposed by-law amendment is specific to solar energy alone.

**Question #2:** What is the expected lifespan of these solar panels?

**Answer #2:** Solar panels come with 25 year warranty. Their expected lifespan far exceeds the manufacturer's warranty. It is quite common to see 30 and 40 year old solar panels still producing electricity. The manufacturer's warranty guarantees that the panels will still be producing 80% or more of their rated power after 25 years. Our experience is that solar panels will still be producing about 90% of their rated power after 20 years.

The other major components of the solar panel installation are the inverters, which convert the DC electricity produced by the solar panels into AC electricity that is compatible with the grid. Inverters typically come with 10 year warranties and are usually replaced when they have been in use for 12 to 15 years. The solar developer is responsible for all the maintenance costs associated with the solar arrays during the life of the agreement and will have budgeted funds to replace the inverters at the appropriate time.

**Question #3:** Will the solar panels have to be upgraded or replaced in the future? If so, when and at what cost to the Town?

**Answer #3:** There is no need to upgrade solar panels during the course of the agreement. The solar panels will continue to operate effectively throughout the 20 year term of the agreement. They would only be replaced if there was a failure of an individual module. There would be no cost to the Town in this case, as the solar power facility is owned and operated by the solar developer and the developer has responsibility for covering the costs of maintaining the system.

**Question #4:** What action would the Town take if the developer goes out of business? Are there multiple companies that repair solar panels from which the Town could seek maintenance support if there were solar panel failures under such circumstances?

**Article 30****Amend General Bylaws - Trees**

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

*In Section 120-3, delete the first sentence of the definition of SETBACK AREA in its entirety and replace it with the following:*

*The minimum setback area around a lot shall be measured in accordance with the larger dimensions of:*

- (i) 30 feet from the front and 15 feet from the two sides and from the rear of the lot; and*
- (ii) the minimum front yard, side yard and rear yard dimensional requirements under the Zoning Bylaw of the Town of Lexington.*

*In Subsection 120-8.C(1), delete the words "1/2 inch of caliper" and replace with the words "one inch of caliper";*

*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 would make clarifying changes to the Tree Bylaw and would increase the total inches of caliper of new trees that are required to be planted.*

## **TMMA REVIEW**

### **TREE BYLAW CHANGE**

**TMMA Overview (as of 02/23/13)**

There are two parts to this article:

1. The first part relates to Section 120-3:

Currently, there is only one set of setback dimensions specified in the bylaw (30 feet for the front, 15 feet for the back and sides). These dimensions are consistent with the zoning setbacks for most single family residential properties but the zoning setbacks for multifamily and commercial lots can be substantially larger. This change will ensure that the larger setbacks are used for these lots.

2. The second part relates to Section 120-8:

Currently, a property owner must replace the total caliper of protected trees removed with half that total of caliper of new trees. The proposed bylaw change will require an inch-for-inch replacement. While the current bylaw is working well in most cases, there have been a number of instances in which lots are "clear-cut" with the removal of many large trees. The proposed change will provide a stronger disincentive to removal of protected trees.

**TMMA Questions**

**Question #1:** What are the setbacks in the zoning bylaws?

**Answer #1:** A table listing all of the zoning dimensional controls is here:

<http://ecode360.com/10529421#10529421>

See [135a Table 2 Sched of Dimensional Controls](#) in the list of attachments.

**Article 31****Amend General Bylaws - Demolition Delay Bylaw**

*To see if the Town will vote to amend Chapter 19 (Buildings, Demolition of) of the Code of the Town of Lexington by adding a new section to provide that before inclusion of a building in the Town's Cultural Resources Inventory, the owner shall be notified in writing; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen)*

**Description:** *This article would require the Historical Commission to give written notice to an owner of a building being considered for inclusion in the Cultural Resources Inventory.*

**TMMA REVIEW****DEMOLITION DELAY BYLAW CHANGE****TMMA Summary (as of 02/27/13)**

This warrant article refers to Chapter 19, "Demolition of Buildings" in the Code of Lexington. This warrant article adds a new section to the by-law requiring 30 days notice to a building owner before it is placed in the Town's Cultural Resources Inventory.

**TMMA Overview**

Chapter 19, "Demolition of Buildings" provides a legal means to preserve and protect significant Lexington buildings that are not in historic districts. Under this by-law, the Lexington Historical Commission has the authority to delay issuance of demolition permits for significant buildings. The bylaw includes a definition of a "significant building" as one that is "included in the Cultural Resources Inventory prepared by the Commission".

As of this writing, the proposed change to the by-law is the following addition of section 19-8:

"19-8 Notice of Proposed Inclusion of Building in Cultural Resources Inventory.

Prior to inclusion of a building or portion thereof in the Cultural Resources Inventory, the Commission shall provide advance written notice of no less than 30 (thirty) days, sent to the address of the owner of record of said property, as maintained in the Assessor's Office. Said notice shall include the date of the meeting at which the Commission will deliberate on inclusion of said building in the Cultural Resources Inventory."

This warrant article does not alter the definition of a significant building, but rather provides for 30 days notice to the owner of the building in advance of it being deemed "significant" and being placed in the Cultural Resources Inventory.

**TMMA Questions**

**Question #1:** The Board of Selectmen has inserted this article rather than the Historical Commission. Is the Historical Commission on board with the written notice requirement that is proposed?

**Answer #1:** No. The Historical Commission does not agree that the issue of property owner notification of inclusion in the Cultural Resources Inventory should be handled with this bylaw change. The Commission already has a practice of notifying property owners in advance and is

proposing that this practice be formalized and posted clearly on the town's website as a policy and procedure of the Commission.

**Question #2:** This warrant article raises procedures of a Town Committee/Commission to bylaw status. Why is this necessary?

**Article 32****Amend General Bylaws - Electronic Voting**

*To see if the Town will vote to amend Chapter 118 Section 17 (Voting) of the Code of the Town of Lexington to permit, as an additional method, the electronic casting, recording, display, and reporting of votes taken at Town Meeting; and to make other updating changes to that Section; or act in any other manner in relation thereto.*

*(Inserted by the Board of Selectmen at the request of the Town Meeting Members Association)*

**Description:** *The proposed amendment adds electronic voting to the voting methods allowed at Town Meeting. Electronic voting allows individual Town Meeting Member's votes to be recorded and available for examination by constituents without the procedural overhead associated with manual roll-call votes. The amendment replaces the text of Chapter 118 Section 17 in its entirety to (1) permit electronic voting; (2) restructure the presentation of voting methods; (3) clarify language; and (4) modernize reporting methods.*

**TMMA REVIEW****ELECTRONIC VOTING****TMMA Summary (as of 02/05/13)**

(Note that there is a potential conflict of interest in that this Warrant Information Report is the work of the TMMA and that this article was inserted at the request of the TMMA. Nevertheless, the following is intended to be a neutral and factual overview of this article.)

This article would allow bylaw changes to the Code of Lexington, Chapter 118, Section 17 governing voting at Town Meeting; these changes would allow for electronic voting.

**TMMA Overview**

Electronic voting at Town Meeting aims to increase transparency in Lexington's local government. Electronic voting would allow every Town Meeting Member's votes to be recorded and available for examination by the public as part of the Town archives. The goal is to make every Town Meeting vote the equivalent of a roll-call vote, but without the procedural overhead and time consumed by manual roll-call votes.

The bylaw amendment would enable the use of an electronic system, but does not require it. The amendment does not spell out detailed rules for operating a system because operating rules will be specific to the electronic system hardware and software acquired by the Town. The proposed bylaw also specifies how these rules will be created and approved by Town Meeting. The proposed bylaw wording allows use of the electronic system only if the Town Meeting has voted to authorize the use of the electronic system and allows this authorization to be rescinded if confidence is lost.

Electronic voting is already in use by the representative town meetings of Chelmsford (162 members) and Framingham (216 members). As of last November, Billerica was in the process of adopting an electronic voting system, and Amherst, Arlington, Belmont and Brookline had completed or were in the midst of detailed studies to evaluate the use of these systems.

The hardware, software, and staff time to actually fund the changes proposed are included in the current operating budget Warrant article 4, under line item Town Clerk 8530 Elections and described in the Budget book, as follows:

*A \$40,000 increase to 8530 Elections, which is comprised of a one-time FY2014 request of \$35,000 for the acquisition of an electronic vote-recording hardware and software system, and a \$5,000 on-going request for additional staff time involved in maintaining and operating the system.*

If this bylaw amendment is not adopted, then line item 8530 could also be amended to delete that funding. If this bylaw change is adopted, that funding could either be adopted which would allow electronic voting at the next Town Meeting, or rejected, which will delay implementation until funding is approved at a future Town Meeting.

**For further information:**

Presentation to the Board of Selectmen on 10/01/12 by Joe Pato (video):

<http://dropbox.zpato.net/tmma-voting/BOS-20121001-electronic-voting.wmv>

Slides of the presentation: <http://dropbox.zpato.net/tmma-voting/Electronic%20Voting-octBOS.pdf>

Bylaw text: <http://dropbox.zpato.net/tmma-voting/bylaw/latest>

**Article 33****Climate Change Resolution**

*To see if the Town will act to include climate change in all its decisions and planning processes, take action to prepare for the impacts of a changing climate and to reduce greenhouse gas emissions, with the goal of making Lexington a truly sustainable community, or act in any other manner in relation thereto.*

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

**Description:** *Climate change is a crisis facing the world that is already affecting us and will have an increasing impact on us individually and as a community in coming years. This article requests that the Town take actions to prepare Lexington to be a resilient community in the face of the impacts of a changing climate and to reduce our greenhouse gas emissions.*

**TMMA REVIEW****CLIMATE CHANGE RESOLUTION****TMMA Summary (as of 02/14/13)**

This article is a resolution that has no specific funding requested and is not binding in requiring any specific action at this time. It requests that the Town government take actions in the future that may require consideration of the cost of implementation at the time that planning and decisions are made about many projects and policies.

**TMMA Overview**

“Climate Change” is a cumulative effect of both natural and human-made effects on the environment. Over the past century, and especially accelerating in recent years, there is evidence that the average temperature of the earth’s surface is increasing. While there are some, including a few scientists, who dispute the contribution of human activity to that increase, there is a preponderance of scientific agreement that specific activities, including the use of fossil fuels, deforestation of tropical forests, and emissions of various chemicals such as Freon, have caused a significant warming effect due to the accumulation of gas pollutants and excess carbon dioxide in the atmosphere, forming a “greenhouse gas” warming effect.

The cumulative effects of unchecked, human-made, greenhouse gas production have already been shown to result in extensive melting of glaciers and arctic ice, and a larger seasonal gap in the “ozone layer” which protects the earth’s surface from destructive UV radiation. These effects are already causing changes in our local weather (shorter winters, more hotter days, reduced snowfall, increased invasive plant growth, reductions in some native flora and fauna etc.), and may be the cause of increased incidence of extreme weather events, such as droughts and hurricanes. Further melting of the polar ice is likely to cause significant coastal flooding and erosion due to a rise in sea levels, which is further exacerbated by extreme storm events.

There are both costs and benefits in actions to reduce the human impacts on climate change. The added costs are in increasing capital investments in energy saving measures, such as insulation in buildings, and higher efficiency heating and cooling systems, and improving fuel efficiency of vehicles. The benefits must be considered over a longer time frame. Since the cost of energy, locally made mostly from fossil fuels is tending to increase, using less energy reduces the operating costs over the life of the capital asset. The future costs, including insurance, of

widespread environmental damage, due to flooding, storms, droughts that cause food prices to increase, and other environmental problems due to climate change, are harder to quantify initially; avoiding them may be of even greater significance than any immediate savings due to lower efficiency choices. The future costs, if nothing is done to curb global warming, are likely to be higher than the immediate cost of taking action now to minimize the effects. Further, there are quite a number of actions that Lexington's government could take that plan for future climate change or improve sustainability, and have low cost or might even reduce current costs.

The amount of extreme weather events, such as heavy rain and snow, has increased by 74% since 1958 in Lexington and the Northeast region in general, according to the National Climate Assessment. These extreme weather events are currently causing flooding, sewage overflows, electrical outages, and damage to buildings and infrastructure, with significant negative economic, health and safety effects for the residents of Lexington. During the past 18 months, Lexington has been affected by four extreme storms: Hurricane Irene, the October snowstorm, Hurricane Sandy and the Blizzard Nemo. Among other severe economic effects, each of these storms has caused extended power outages for between 400,000 and 700,000 Massachusetts customers.

By formally considering the impacts of climate change when the Town makes capital improvements and long-term planning decisions, the Town will be better prepared to respond to the effects of intense storms and better assure the health and safety of our citizens, while also reducing future costs.

### **TMMA Questions**

**Question #1:** Does passage of this article force the Town government to take any actions?

**Answer #1:** No. However, passage of resolutions by Town Meeting is generally taken seriously by the Selectmen, Town Manager, and staff.

**Question #2:** Would defeat of this article prevent the Town government from taking actions to improve sustainability?

**Answer #2:** No. The Town is already taking action to limit climate change and promote sustainability whenever it is considered feasible. Passage of this article would likely encourage more uniform consideration of climate change and sustainability.

#### **For further information:**

Sustainable Lexington Committee web site:

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

Sustainable Lexington Committee, Mark Sandeen (chair):

[sustainablelexington@lexingtonma.gov](mailto:sustainablelexington@lexingtonma.gov)

National Climate Assessment Development Advisory Committee - Northeast report:

<http://ncadac.globalchange.gov/download/NCAJan11-2013-publicreviewdraft-chap16-northeast.pdf>

**Article 34****Amend Zoning By-Law**

*To see if the Town will vote to amend and recodify Chapter 135 of the Code of the Town of Lexington, the Zoning Bylaw, by taking the following steps:*

1. *Delete the existing Zoning Bylaw and substitute in its place the document entitled "Zoning Bylaw, dated December 19, 2012" on file in the office of the Town Clerk and the Planning Board:*
2. *The 2012 Zoning Map (incorporating amendments through Town Meeting 2012) with its existing district boundaries will be retained with the following exceptions:*
  - a. *Remove the RM Districts and rezone them as follows:*
    - RM-1 Massachusetts Avenue and Woburn Street to RS*
    - RM-2 Waltham Street & Worthen Road to RS*
    - RM-3 Emerson Garden Road and Maple Street to RO*
    - RM-4 Worthen Road, near Bedford Street to RS*
    - RM-5 Shirley Street, at end to RS*
    - RM-6 Concord Avenue, near intersection of Waltham Street to RO*
    - RM-7 Waltham Street, Vynebrooke Village to RS*
    - RM-8 Woburn Street, near intersection of Lowell Street to RO*
  - b. *Remove the following Wetland Protection Overlay Districts (WPD):*
    - Maple Street, the Great Meadows*
    - Concord Avenue, Radio Towers*
    - Hobbs Brook Basin;*

*or act in any other manner in relation thereto*

*(Inserted by the Planning Board)*

**Description:** *The Zoning Bylaw has been completely reformatted, reorganized and edited to address internal inconsistencies and redundancies, and to further compliance with state and case law. When actions are governed by Massachusetts General Law 40A they are no longer repeated verbatim in the Zoning Code. Requirements for submissions and exact plan contents have been removed from the Zoning Bylaw to be placed in the Regulations of the appropriate SPGA.*

*Issues addressed include the removal of the special permit requirement for all subdivision developments of three or more units, simplification of the nonconformity section, merger of special permit and special permit with site plan review and elimination of the RM District on the zoning map to be consistent with a previous the vote of Town Meeting prohibiting any new multi-family development in the RM district. (Current uses will continue to be nonconforming.)*

## **TMMA REVIEW**

### **ZONING BYLAW REWRITE**

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

#### **TMMA Summary (as of 02/02/13)**

(As provided to TMMA by the Planning Board and edited by TMMA.)

The Planning Board's purpose in undertaking this review was to:

1. Address irregularities with State and Case Law
  - Uniformity
  - Nonconformities

- Special Permitting
- 2. Address inconsistencies within the Zoning Bylaw
  - Removal of the Residential Multi-Family District (RM) and the Wetland Protection District (WPD)
- 3. Recodify/streamline Zoning Bylaw to improve its readability
  - Removal of reiterations of procedures
  - Remove section on procedures for appeals and variances
  - Deletes purpose of districts
  - Definitions –in one place
  - Reformat

## **TMMA Overview**

(As provided to TMMA by the Planning Board and edited by TMMA.)

### Purpose of Phase One

It has been many years since a comprehensive review of the Zoning Bylaw has been undertaken. The purpose of the current initiative is to accomplish three objectives:

1. Resolve irregularities with State and Case Law;
2. Address internal inconsistencies within the Zoning Bylaw; and
3. Recodify/streamline Zoning Bylaw to improve its readability.

Specifically there have been several significant and binding case law decisions over the last few years that require corrective action. Numerous date-based standards run afoul of the Uniformity Clause of the Zoning Act, a requirement that the rules be the same for each parcel in a zoning district. There have been decisions by the courts regarding pre-existing nonconforming properties which are incompatible with our rules. The courts have also struck down zoning that require special permits for by-right subdivisions.

Turning to the internal inconsistencies within the Bylaw, several sections of the Bylaw (and Map) have been identified as no longer necessary. Due to the changes in non-conformities (mentioned briefly above) and Town Meeting's intent to "turn off" the Residential Multi-Family District (RM), both in 1982 and 1984, eliminating the district is the wisest course of action as it eliminates a possible point of contention over the actual status of RM. In the case of the Wetland Protection Districts (WPD), restrictions on development in wetlands are complemented by the powers of the Conservation Commission under state law and local bylaw. The Planning Board considers this duplication unnecessary.

Finally, the third part of our review hopes to improve the Bylaw's readability, by reformatting it. This alone should help users of the bylaw navigate the document, but when done in concert with some of the other changes, makes a big improvement. These changes include the removal of reiterations and repetitions of procedures (most of which are being moved to the various Boards' regulations), removal of sections that simply restate state law, the deletion of the "purpose of the districts" section (as the Table of Uses tells the reader the purpose), and moving all definitions to one section (rather than grouping them in specific sections within the text, making it necessary to jump around the book more than need be).

It's also important to explain what this initiative is NOT covering. As we have reviewed the Bylaw from tip to tail, we have identified sections of it that could be updated, modernized, or even completely rewritten. Because of the importance of those tasks outlined above, we determined to defer those changes to a later date, as those changes are not out of step with law or inconsistent with the rest of the Bylaw.

### The Specifics

Of the above-mentioned changes the most significant are:

- The removal of the special permit requirement for all developments of 3 or more units; (case law)

Due to the interrelated nature of Zoning and Subdivision Control, simply correcting the bylaw to eliminate the requirement would incentivize property owners and developers to choose by-right development over special permit developments. We feel strongly that this would result in more land disturbance, more tree loss, and more pavement. Several changes to the Zoning Bylaw under this topic are therefore proposed to keep, as much as we can manage, conventional subdivisions and special permit developments on par with one another.

- Removal of date-based criteria; (uniformity)

All references to dates will likely be rejected by the Attorney General as a violation of uniformity requirement as this type of clause splits the district into several sub-districts, i.e., lots in the district before the date, and lots in the district after the date. This is patently inconsistent with the concept of uniformity, as it clearly does not treat all lots within the district the same. Aside from how our existing Bylaw deals with "exempt" lots (explained in more detail below), the removal of dates does not appear to cause any dramatic changes. Because, however, the Bylaw uses a date-based system for determining side-yard setbacks for exempt lots (typically smaller lots that may have some grandfathering rights associated with them), there is a major change to how preexisting nonconforming lots will be treated. This will be explained in more depth below.

- Simplification of pre-existing nonconformity section (case law/uniformity)

This is a very difficult section to explain, as our existing Bylaw creates a third type of property, the exempt lot, whereas state law only recognizes two, conforming and nonconforming. Exempt lots seem to have been a well-intentioned way of locally allowing lots that may not have been considered buildable under State law, to be buildable under Lexington law (the theory having been once buildable always buildable, which is not necessarily the case under the Zoning Act). As time passes however, the evolution of state law (due to court cases) has continually undermined our local model; *Shea v Lexington* invalidated Zoning Administrator letters; a Gloucester case says no variances may be required of any non-conforming single-family house, that all relief must be granted through special permits. Combine these changes with the uniformity problem that differentiates an exempt lot from a nonconforming one and one concludes that this section has to be corrected. Fortunately, we think we have struck a careful balance that, while eliminating the exempt lot category, continues to afford meaningful development potential to smaller lots much the same as today. The status quo is no longer a viable reality given the shift in case law. This may be the most difficult change to explain, but it is also of critical importance as it puts our Bylaw's treatment of nonconforming property back in

line with the rest of the State – meaning interpretation and enforcement become simpler and more efficient.

- Merger of Special Permits and Special Permits with Site Plan Review (for clarity)

When the Town added a second and seemingly higher level of Special Permit (the SPS) in the late 1980-90s, it was unclear how Site Plan Review fit into the statutory framework of the state's Zoning Act, as it is not mentioned within the Act. Many communities of the Commonwealth simply did what Lexington did, and tacked it on to certain types of special permits. Since this time however, Site Plan review has been upheld as a legal exercise of a municipality's rights, under Home Rule, especially as it is seen as merely the review and/or approval of by-right activity. This last part is where our current Bylaw runs into trouble. There really is no such thing as a "special" special permit as the bylaw creates. Therefore, to maintain conformance with the law, we propose simplifying things a bit and return to having only one type of special permit. Furthermore, we are trimming the evaluation criteria from an unwieldy 20+ criteria down to a more appropriate seven. Despite the reduction of criteria, we feel quite comfortable that these seven cover the concerns someone might have about development.

- Elimination of the RM District (revert to RO [Residential, minimum lot size 30,000 sq. ft.] or RS [Residential, minimum lot size 15,500 sq. ft.]) (internal inconsistency)

Currently the Bylaw seems clear what it intends RM to be, its purpose was re-written in the early 1980s, stating that no new development should occur within it, steering similar new proposals to the RD process. A few years later Town Meeting again revisited the RM when it inserted in Table 2 (dimensional controls) a note that (again) stated that no new development was allowed in the district. The problem with this approach is that the Use Table STILL contains "yeses" under certain allowable uses. Similar to the Court's reasoning regarding special permits for conventional subdivisions, the inconsistency between the Table and the Purpose would generally fall to the Table – meaning if the Town wanted to turn off the RM zone, it should've turned it off by eliminating the district entirely. Properties within the zone are presently nonconforming, which under the proposed bylaw, is much clearer to navigate than the existing section (as explained above). The properties are too dissimilar to find a lowest common denominator that might leave all of them conforming, but without new development potential, and the fact that districts must allow something to happen (the SCIT doctrine [from a 1984 Braintree court case]), we feel that the fairest and cleanest thing to do is to simply eliminate the district.

## TMMA Questions

**Question #1:** What are the big changes?

**Answer #1:**

- Removal of special permit requirement for developments of 3 or more units
- Removal of date-based criteria
- Merger of Special Permits and Special Permits with Site Plan Review
- Simplification of Pre-existing nonconformity section
- Elimination of the RM District (revert to RO or RS, as appropriate) (this is not a big change, more of a technical correction)

**Question #2:** What changes have been made to conventional subdivision requirements to replace the special permit requirement?

**Question #3:** What isn't included in this review?

**Answer #3:** With tasks this ambitious, it's been tempting to take on more and more, but we've had to put limits on our scope. In this case, we have decided to not take on those changes outside of those listed above. That is, if the section isn't out of step with a law or a binding court decision we have left it alone, even if it could use an updating. We are not turning a blind eye to these modernizations however, as we plan on bringing many of these "Level 2" changes to Town Meeting next year. We felt it necessary to separate those changes from the core mission due to the importance of getting the Bylaw on as solid ground as possible – we don't want people voting against the whole thing because they object to an optional change. Hence a two-step process.

**Question #3:** How do these bylaw changes affect the Wetlands Protection District?

**Answer #3:** The Wetlands Protection Districts are eliminated. They were put in place in the 1970s. Since then both state and local wetland bylaws have been improved and stormwater regulations have been adopted that offer more control over development near and in wetlands. The Conservation Commission has endorsed the elimination of the Wetlands Protection Districts. In addition, the current Wetland Protection Districts do not allow any substantive by-right development and would therefore be unlikely to withstand a legal challenge based on the SCIT doctrine which says that a town may not place all uses in a district on special permit.

**For further information:**

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## 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, Roberts' Rules of Parliamentary Practice govern. The Town Moderator serves as Parliamentarian.

### **Rules of Debate**

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

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

### **Interrupting Debate**

A speaker may be interrupted for:

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

### **Closing Debate**

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

### **The Main Motion**

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

### **Amending the Motion**

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

### **Subsidiary Motions**

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

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

### **Votes**

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

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

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

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

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

### **Reconsideration of Motions**

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

**Dissolution of the Meeting**

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

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