

TMMA Warrant Information Report

March 2007

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 Town Meeting beginning March 26, 2007. The TMMA is grateful for the cooperation of the officials and employees of the town who have provided information used in preparing this report. The following people participated in research, composition, editing and proofreading:

Vicki Blier
Gloria Bloom
Jean Cole
James Courtemanche

Andrew Friedlich
David Horton
David Kaufman
Alan Lazarus

Sheryl Mahoney
James Osten
Edith Sandy
Eph Weiss

**For new and updated information, please refer to the TMMA website at
www.LexingtonTMMA.org.**

Conflict of Interest State Statute. Chapter 268A

The definition of a municipal employee in the conflict of interest state law specifically excludes "elected members of a town meeting."

Town of Lexington, Massachusetts Resolution

Adopted under Article 81 at the Adjourned Town Meeting held April 7, 1976

Article 81 Motion

That the Town adopt the following resolution under this article: 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. I further move that the Town Clerk provide each new Town Meeting Member with material embodying the substance of this resolution.

Town Meeting Members Association, Lexington, Massachusetts

Table of Contents

TOWN MEETING	Page
---------------------------	-------------

Zoning Land Use Articles

Article 4	Amend Zoning Bylaw, Inclusionary Zoning.....	1
Article 5	Amend Zoning Bylaw, Tree Management	5
Article 6	Amend Zoning Bylaw, Penalties	6
Article 7	Zoning Bylaw, Amend RO to CRS at 303 Woburn St	6

General Articles

Article 8	Amend Notice Provisions: Chapter 215 of the Acts of 1929.....	7
Article 9	Amend General Bylaws: State Election Warrants.....	8
Article 10	Amend General Bylaws: Community Preservation Surcharge Exemption.....	9
Article 11	Authorize Terms for Certain Contracts.....	10
Article 12	Transfer Barnes Property (White House) to Selectmen	11
Article 13	Amend Tree Bylaw	12
Article 14	Amend General Bylaws: Tourism Committee	13
Article 15	Amend Demolition Delay Bylaws	14
Article 16	Amend General Bylaws: Engine Operation of Stopped Vehicles.....	15
Article 17	Accept MGL Chapter 32, Section 7(2)(a)(iii) and MGL, Chapter 32, Section 9 (2)(d)(ii)	16
Article 18	Accept MGL Chapter 32B, Section 18, Medicare Extension Plans .	17
Article 19	Accept MGL Chapter 71, Section 37M (Joint Facilities Dept.) .	18
Article 20	Resolution Requesting School Committee Policy on Safe Transport of Special Education Children.....	19

Financial Articles

Article 21	Appropriate FY2008 Operating Budget	20
	Operating Budget: Schools.....	23
Article 22	Appropriate FY2008 Enterprise Funds Budgets	24
Article 23	Petition General Court to Increase Income Limits for Property Tax Deferrals.....	26

Article 24	Appropriate for Senior Service Program	27
Article 25	Continue and Approve Departmental Revolving Funds	28
Article 26	Appropriate the FY2008 Community Preservation Committee Operating Budget and CPA Projects.....	29
Article 27	Land Purchase - Off Lowell Street	35
Article 28	Land Purchase - Off Adams Street.....	35
Article 29	Appropriate for Recreation Capital Projects	36
Article 30	Appropriate for Battle Green Flagpole Maintenance.....	38
Article 31	Appropriate for Municipal Capital Projects and Equipment ..	39
Article 32	Appropriate for Water Distribution Improvements.....	43
Article 33	Appropriate for Sewer Improvements.....	44
Article 34	Appropriate for School Capital Projects and Equipment.....	45
Article 35	Appropriate for Senior Center Design/ Conceptual Study	52
Article 36	Appropriate for Public Works Facility	53
Article 37	Appropriate for Post Employment Benefits	54
Article 38	Rescind Prior Borrowing Authorizations	55
Article 39	Establish and Appropriate to Specified Stabilization Funds ...	55
Article 40	Appropriate for Stabilization Fund	56
Article 41	Appropriate Prior Year's Unpaid Bills	57
Article 42	Amend FY2007 Operating Budget.....	57
Article 43	Appropriate for Authorized Capital Improvements.....	57
Article 44	Use of Funds to Reduce the Tax	57
TMMA BYLAWS		58
SUMMARY OF PARLIAMENTARY PROCEDURES.....		60

Zoning Land Use Articles

Article 4

Amend Zoning Bylaw, Inclusionary Zoning

Sponsor: Planning Board

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lexington by adding a new section or subsection under Article IX, Residential Developments, requiring provision of affordable housing in certain new residential subdivisions; or act in any other manner in relation thereto.

DESCRIPTION: The objective of this By-Law amendment (available for inspection in the offices of the Town Clerk and Planning Board along with a report and recommendations by the Planning Board to be filed with the town meeting) is to insure that residential developments authorized by special permit will contribute to the affordable housing supply in the Town. The provisions are designed to require a percentage of the units in such developments be affordable to people with a range of incomes, and to provide some housing at prices that are lower than what is available on the open market. Units will be subject to price / rent level limitations that will make them affordable. Deed and special permit restrictions would require that the purchaser's income and assets meet prescribed limits and that affordability will continue upon the resale of the dwelling unit. Rental units will be subject to annual monitoring. For both owner- and renter-occupied units, marketing plans must meet local preference and fair housing requirements, consistent with state and federal law.

Background

Lexington is over the 10% threshold mandated by Chapter 40B for low income housing requirements. There is no Massachusetts requirement for inclusionary housing as defined in this bylaw. Several nearby towns have a provision for inclusionary housing that starts at 4, 5 or 6 units.

This bylaw would codify what are now informal guidelines for subdivision development under special permits. Most special permits (cluster housing, street endings, condominiums) are filed by developers who have purchased one or more lots to obtain the necessary landholdings.

In terms of low priced housing, Lexington experienced 46 housing sales in 2006 with sales prices under \$400,000. Also there have been as many as 100 demolition permits per year. Most demolition permits result in "Mansionization." Many of the low-priced home sales (small capes and ranches dating from the 1950s) result in demolition. Lack of low-priced housing means fewer young families moving to town. The proportion of Lexington population in the 30 to 40 age range has fallen by half in the past three decades and the average age of Lexington residents has been steadily increasing.

Recent Special Permits

The Lexington Planning Board negotiates one or more zoning changes or special permits per year for the development of subdivisions under the categories of cluster housing, street extensions or conventional subdivisions.

Since 1998 a total of 160 units have been approved within subdivisions. This includes 18 projects consisting of 9 cluster developments, 5 conventional projects, 2 street extensions, one CD (Battle Green Inn) and 1 special permit. Almost all of the units are in developments of 6 or more. At the time of this printing, the bylaw would apply to developments of 5 or more units.

Hypothetical Impact of Bylaw on Recent Subdivision Approvals

Subdivision	Type	Date Approved	# of Dwelling Units Created	# of Affordable Units Created	
				w/Current Guidelines	w/Proposed Bylaw
Coppersmyth Way	Cluster	1998	8		1
Old Smith Farm	Cluster	1999	16	1	2
Lexington Park	Cluster	2000	18		3
Roosevelt Road	Cluster	2001	6		1
Bird Hill Road	Street Extension	2001	3		0
Johnson's Farm	Cluster	2002	17	2	3
Scottish Glen	Cluster	2003	4		0
Luongo Farm	Conventional	2004	7		1
Hazel Road	Cluster	2004	8		1
Clelland Road	Street Extension	2004	3		
Glen Road south	Conventional	2004	3		
Wisteria Lane	Conventional	2005	3		
Cary Avenue	Cluster	2005	4		
Battle Green Inn	CD	2005	30	3	5
Jefferson Union	Special Permit	2005	13	1	2
Cedar Street	Conventional	2006	14		2
Lexington Hills	Conventional	No	19		3
Grove Street	Cluster	2007	3		
Total			179	7	24

Of towns in the area, several have similar programs. They tend to have similar limits for the number of units and a higher percentage of inclusionary housing. The inclusionary percent relates to the number of units to be provided.

Status of Affordable Housing Regulation in Other Communities

Community	Applicability	% Inclusion	Zoning Reference
-----------	---------------	-------------	------------------

BROADLY MANDATED INCLUSION

Belmont	All development > 6 units	25% ±	§ 6.10 Inclusionary Housing
Lincoln	All development > 5 units	15%	§ 14.5 Inclusionary Housing
Wellesley	All development > 4 units	20%	§ XVI.B Projects of Significant Impact

NARROW INCLUSION APPLICABILITY

Bedford	Planned Res Devel Industrial MXD		§ 9 Planned Resid Development § 15.3.3 Multi-family Development
Burlington	R2 two-family OSRD PD & RD	30% 10% 30%	
Concord	PRD Assisted Living Cluster	20%	§ 10.4 §4.3.6 §9.1

Cost of compliance

The cost of compliance would likely be the difference between the cost of purchasing and upgrading an offsite unit (e.g., Emerson Gardens) and the restricted sales price. One estimate was \$100,000 for a two-bedroom unit affordable at 100% of Area Median Income (AMI).

AMI is \$84,100 at present for a family of four. With housing payments restricted to 30% of AMI, this results in a permissible sales price of about \$267,000 for a family of four at 100% AMI. Note that the bylaw has varying weights for inclusionary housing up to 120% of AMI and for two- and three-bedroom units with weights increasing for lower income and more bedrooms.

Part of this cost could be offset by Planning Board actions on:

- Expedited Permit
- Design Flexibility

Questions

1. What is the status quo with respect to inclusionary housing?

Lexington is in compliance with the State's 40B low income housing requirement that 10% of housing be included on the Subsidized Housing Inventory. Lexington is currently over compliance with 11.3% of housing units qualifying for inclusion.

There is no State inclusionary requirement for families with income above 80% of the AMI

2. What is the status quo requirement for affordable housing for developments?

There is currently no explicit requirement for affordable housing in new developments. The Lexington Planning Board attempts to negotiate such housing in new developments based upon guidelines. Town Meeting has normally approved zoning changes only when at least 10% of the units qualified under 40B or, as in Brookhaven and Potter Pond, a sum of 3% of the retail value of the properties was given to the Town in lieu of affordable housing. The Board has also had some success in negotiating affordable units in larger cluster subdivisions

3. If this measure passes, what will be the consequences to current land owners and developers in Lexington?

Developers of residential developments of 5 or more units will be required to create at least one affordable dwelling unit, requiring an up-front or on-going subsidy. Developers may attempt to pass on part of all of this cost to either the former landowner or the eventual purchaser. .

4. What would be the consequence to a buyer of an affordable unit under the proposed bylaw change?

The buyer of an affordable home would forego normal market appreciation since the resale price would remain affordable. Housing resale price would be based upon a maximum annual housing cost of 30% relative to the AMI category. Area Median Income has appreciated far more slowly than housing prices in the past.

5. Who would monitor and enforce the rules with respect to income, purchase price and resale price?

The Lexington Planning Department staff would initially handle monitoring and enforcement. Over time, it may be necessary to outsource this work or hire additional staff.

6. Do other communities have as complicated a crediting mechanism as that proposed by this article, and how does this relate to the inclusion percent?

Article 5

Amend Zoning Bylaw, Tree Management

Sponsor: Planning Board

DESCRIPTION: The objective of this Bylaw amendment is to more explicitly include the protection of trees as a part of the findings and determinations required when the Planning Board or the Zoning Board of Appeals grants a special permit or a special permit with site plan review. It will become part of the standard submission for those projects under the jurisdiction of the Planning Board and the Zoning Board of Appeals. The individual jurisdictions are retained, but it will enhance the consistency between the requirements of the various permitting bodies in town by including as part of a landscaping plan a tree plan that more closely parallels the standards found in the Tree Bylaw.

This proposed amendment seeks to strengthen the tree bylaw by clarifying and extending protections for projects that require special permits.

This bylaw applies to any special permit whereas the tree bylaw applies to all construction activities whether by right or by special permit.

Questions

1. Have there been any violations of the tree bylaw since enacted?

A landscaping plan will be required to show all trees

2. How detailed are the required tree maintenance plans and are they ever inspected or enforced?

A maintenance plan for trees is required

Article 6

Amend Zoning Bylaw, Penalties

Sponsor: Planning Board

To see if the Town will vote to amend the Zoning By-Law of the Code of the Town of Lexington by deleting §135-9(B) "Penalty," and re-lettering the subsequent paragraphs 9(C) through 9(F) so that they will be sections 9(B) through 9(E); or act in any other manner in relation thereto.

DESCRIPTION: This paragraph on penalties is not needed anymore because there is a non-criminal disposition provision in the Code of the Town of Lexington §1-6. "Non-criminal disposition" which covers violations of the Zoning By-Law.

The current penalties are superseded by the non-criminal disposition of the zoning bylaws.

Question

1. **Would the incidence of "Non-criminal disposition" be any different from any past "Penalties" imposed?**

No

Each day of noncompliance with the Zoning bylaws is treated as a separate violation. The standard for zoning violations is to start with a warning on the first day and proceed to fines in subsequent days.

The non-criminal disposition is as follows:

- 1) warning
- 2) \$50 fine
- 3) \$100 fine per day thereafter

Article 7

Zoning Bylaw, Amend RO to CRS at 303 Woburn Street

Sponsor: Vazken Melkistian et als Trustees, Property Owner

It is anticipated that this article is going to be indefinitely postponed.

General Articles

Article 8

Amend Notice Provisions: Chapter 215 of the Acts of 1929

Sponsor: Board of Selectmen at the request of the Town Clerk

To see if the Town will vote to petition the General Court for an Act to amend Section 3 of Chapter 215 of the Acts of 1929 as amended by deleting the requirement that the Town Clerk mail notices of town meetings to town meeting members; or act in any other manner in relation thereto.

DESCRIPTION: This article seeks to eliminate the requirement that the Town Clerk mail separate notices of town meetings to town meeting members. All town meeting members, as well as all households in the Town, are mailed copies of the warrants for all town meetings as required by the Town's Bylaws.

This article proposes to eliminate the bylaw text that requires a separate notice of upcoming town meetings be sent to town meeting members. This elimination is proposed because a warrant is already sent to town meeting members, as they are also residents. The issuance of a separate notice is a duplication of effort. Bond counsel always requests proof of issuance of that notice since it is required by the bylaw. If, by chance, issuance of that notice was overlooked it is possible bond counsel might determine the votes invalid. The Town Clerk can now also send reminders to most Town Meeting Members via email.

Article 9

Amend General Bylaws: State Election Warrants

Sponsor: Board of Selectmen at the request of the Town Clerk

To see if the Town will vote to amend §118-2 of the Code of the Town of Lexington (Posting and Mailing of Warrant) by adding at the end thereof the following: “The warrant for a state election need only be served by posting a printed copy thereof in the Town Office Building.”; or act in any other manner in relation thereto.

DESCRIPTION: Passage of this article would eliminate the need to mail warrants for state elections to every household.

This article proposes a revision of the bylaw language to clarify that only mailing of the TOWN ELECTION warrants to each household is required by the bylaw (thus eliminating the need to mail state election warrants for both primaries and general elections). Lexington is one of a very few communities (probably less than 4 or 5) that actually mail state election warrants. The state law requires only that the warrants be posted so that is what most communities do. The Town Clerk will also, though not mandated by law, post the warrants on the Town’s web site. Each mailing costs approximately \$3,000 for printing and postage so this will save money for the town whenever there is a state election.

Article 10 Amend General Bylaws: Community Preservation Surcharge Exemption

Sponsor: Board of Selectmen

To see if the Town will vote to amend the Code of the Town of Lexington by adding a new Chapter 115 thereto entitled "Taxes" and a new Article I thereunder as follows; or act in any other manner in relation thereto.

Chapter 115

TAXES

ARTICLE I

§115-1. Exemption From Community Preservation Act Surcharge

Taxpayers qualifying for the low-income exemption, as provided for in the Massachusetts Community Preservation Act and approved by the voters of the Town, shall submit an application for the exemption on a form provided by the Board of Assessors, within three months after the actual tax bill is mailed.

DESCRIPTION: This article would clarify the time period in which taxpayers can apply for an exemption from the Community Preservation Act surcharge.

Without this change there is no limit on the time for a taxpayer to apply for the exemption so it is possible to apply for the exemption long after the tax bill is due. The CPA statute is not clear as to when to file. This bylaw will bring the filing deadline for the CPA exemption in line with the filing requirements for other tax exemptions.

1. You apply once a year. The deadline is three months after the actual bill is mailed.
 2. The actual bill is the one with the approved tax rate for the fiscal year. Since Lexington bills quarterly, the first two bills will never be the actual bill. Normally the actual bill will be the third quarter bill. That means you have until approximately March 30 (give or take a day or two) to apply in most years.
 3. The purpose of this bylaw is to set the deadline for applying for the exemption. All other mechanics are covered by state statutes. The proposed wording is very similar to the bylaw in Weston.
-

Article 11

Authorize Terms for Certain Contracts

Sponsor: Board of Selectmen

Article 11 proposes to allow the Town Manager to enter into certain vendor contracts for terms of longer than five years. It does not affect labor contracts.

Currently, State Law limits vendor contracts to three year terms unless Town Meeting authorizes longer contract periods. Lexington Town Meeting previously authorized an across-the-board contract term of up to five years for all town vendor contracts.

The Town Manager wants the authority to enter into contracts of longer than five years for two categories of contracts: building and land leases, and transportation.

Currently, the Town has or is anticipating long-term leases on two properties: the Munroe School and the land at the current Waldorf School. The Waldorf School owns its school building but leases the land from the Town. This bylaw would enable the town to remove a building buy-back provision in the Waldorf's current 20-year land lease (previously authorized by Town Meeting) without endangering the validity of the entire existing land lease. This building buy-back provision is preventing the Waldorf School from being able to raise money to make improvements to their building.

In addition, the Communications Advisory Committee is currently examining a number of proposals for the leasing of town land for cell phone towers. Cell phone tower leases generally require ten- to twenty-year terms.

The Liberty Ride is a self-sustaining program (via ridership income and private grants) that operates under vendor contracts signed by the Town Manager. The Liberty Ride is currently negotiating bids to change the type of vehicle that they lease from a bus to a tourist trolley. Because this change would require vendors to purchase a specific vehicle for the town, a longer lease may be required to amortize the vendor's investment.

According to the Town Manager, ten- to 20-year municipal building and land leases terms are very common in Massachusetts

Article 12

Transfer Barnes Property (White House) to Selectmen

Sponsor: Board of Selectmen

This article transfers the White House, currently housing the School Administration, from the control of the School Committee to the Board of Selectmen.

Questions

1. Why is the School Committee (SC) requesting the transfer of the White House to the BOS?

Both the size and the poor physical condition make the White House an unsuitable location for School Administration. For example, the building exterior will no longer take a coat of paint, resulting in a dilapidated exterior. The fire alarm system is significantly outdated. The building does not comply with ADA/handicapped access standards. The interior physical integrity was maintained for another year by adding a lally column in the middle of the conference room. The long-term physical stability of the building is in question.

2. Why was a 2005-2006 design study done on the White House by the Permanent Building Commission for the School Department?

The SC needed a better estimate of the renovation cost for the White House. The PBC had reason to believe that the renovation costs might be on the order of \$3.5 million, which the SC considered high but possible. The PBC's more complete design study estimate costs approaching \$5 million for only a limited amount of space, 10,000 sq. ft.

3. Where will the School Administration move to, and how much will the move cost?

The School Administration will move to the second floor of the old Harrington School, with the Facilities department occupying a small part of the first floor. Total cost of the move is \$50,000, including \$5,000 to decommission the White House, with the remainder for relocating equipment and furniture and making only the most minimal physical updates to the space.

4. What are the short and long-term plans for the White House?

For the short term, the white house will be decommissioned by the School Department. The BOS has not yet discussed long term use for the property.

5. Is the White House property a possible location for the Senior Center?

Yes, the White House is a possible location, but there are several limitations to the site, including parking.

6. Do changes to the White House require approval by the Historic Districts Commission?

Yes.

7. Is the move of the School Administration to the old Harrington building temporary or permanent?

Article 13

Amend Tree Bylaw

Sponsor: Board of Selectmen at the request of the Tree Committee

The Lexington Tree Bylaw has been in effect since 2001 and was amended in 2004 and 2005. This proposed amendment seeks to strengthen the Bylaw in five ways:

1. Extend protection to certain trees that are 6" in diameter, rather than the current 8" minimum.
2. Simplify interpretation and enforcement by creating a single general rule for defining the protected setback area that is uniform across all town zones.
3. Specify the types of replacement evergreens that are acceptable.
4. Provide measures and remedies to ensure that the trees that are covered by the Bylaw are also protected from construction damage or are replaced if damaged or lost.
5. Mandate that the Lexington Tree Manual is the standard for tree planting, maintenance and protection in the town.

The current tree Bylaw can be found on the Town website under the Code of Lexington, Chapter 120.

Article 14

Amend General Bylaws: Tourism Committee

Sponsor: Board of Selectmen at the request of the Tourism Committee

To see if the Town will vote to amend Chapter 29 of the Code of the Town of Lexington by adding thereto a new Article VII – Tourism Committee, as follows:

ARTICLE VII

Tourism Committee

§29-23. Membership; terms of office.

The Town shall have a Tourism Committee consisting of seven to twelve members. Membership shall include interested citizens and a representative from the Lexington Chamber of Commerce, a representative from the Historical Society, a representative from the National Heritage Museum, and a representative from the National Park Service. Members of the Committee shall be appointed annually by the Board of Selectmen to serve a one-year term.

§29-24. Powers and duties.

The Tourism Committee shall be charged with enhancing and promoting tourism within the Town. The Committee shall work with the Chamber of Commerce, the Historical Society, the National Heritage Museum, and the National Park Service to insure a cohesive tourism experience; or act in any other manner in relation thereto.

DESCRIPTION: This article proposes to make the Tourism Committee, which is currently an advisory committee to the Board of Selectmen, a Bylaw Committee.

No Town funds are involved. The Tourism Committee was set up as an interim operation, with the objective of making it a standing committee. As a standing committee it is expected to be more stable and nonpolitical, and to be more able to attract qualified and interested people.

The Tourism Committee developed the Liberty Ride, and has operated it successfully for the past several years. The Committee will continue to report to the Board of Selectmen, and to Town Meeting, as needed.

Article 15 Amend Demolition Delay Bylaws

Sponsor:

Board of Selectmen at the request of the Historical Commission

To see if the Town will vote to amend Chapter 19 of the Code of the Town of Lexington (“Buildings, Demolition Of”) by adding a new section to regulate demolition by neglect, including from failure to maintain an unoccupied building, and by extending from six to eighteen months the delay in permitting the demolition of a preferably-preserved significant historic building while efforts are made to locate a purchaser to preserve such building; or act in any other manner in relation thereto.

DESCRIPTION: This article would amend Chapter 19 of the General Bylaws, commonly known as the Demolition Delay Bylaw, in two ways. Currently, only active demolition of buildings is regulated. The first proposed amendment would allow the Historical Commission to negotiate for voluntary repairs or seek a court order mandating repairs to unoccupied buildings that it and the Building Commissioner determine is undergoing, as a result of a general lack of maintenance, damage to its fabric, viability or function, leading to its eventual decay, structural failure or severe degradation. The second proposed amendment extends the period of time in which issuance of a demolition permit may be delayed while an owner seeks a purchaser to preserve, rehabilitate or restore a historically significant building, and clarifies when the Building Commissioner may proceed to issue a demolition permit.

This article is a revision and expansion of the Town’s Demolition Delay by-law, which was first enacted in 1986. The by-law was designed to protect architecturally and historically significant buildings from demolition, and applies to those buildings listed on the National Register of Historic Places, the Town’s Cultural Resources Inventory or those otherwise determined by the Commission to be significant in terms of period, style, method of building construction, or association with a famous architect or builder.

The main effects of the proposal:

- Extends demolition delay from six to 18 months; still imposed at the discretion of the Commission.
- Imposes remedies for unoccupied buildings left to decay, structural failure or severe degradation over a period of time due to a general lack of maintenance.
- Enables the Building Commissioner to require that specific repairs be made to secure such unoccupied buildings, prevent further deterioration and structurally stabilize them, unless the deteriorating buildings pose a threat to public safety.

As of March 2, the motion is still being fine-tuned.

Article 16

Amend General Bylaws: Engine Operation of Stopped Vehicles

Sponsor:

Board of Selectmen at the request of the Article 40 Committee

To see if the Town will vote to amend the Code of the Town of Lexington to provide for the regulation of the idling of vehicle engines by adopting a new Chapter of the General Bylaws entitled “Engine Operation of Stopped Vehicles” and to provide for the enforcement of such provisions; or act in any other manner in relation thereto.

DESCRIPTION: This article provides for local enforcement of Section 16A of Chapter 90 of the Massachusetts General Laws, that prohibits the unnecessary engine operation (engine idling) when a motor vehicle is stopped for a foreseeable period of time in excess of five minutes, unless such operation is required for servicing the vehicle or is needed for engine assisted power for other than vehicle movement.

“Engine idling” is defined as the running of an engine while a vehicle is stationary. The main intent of the article is to reduce pollution caused by vehicles idling for more than five minutes.

Local enforcement would enable the Town to regulate idling as a civil, rather than a criminal, offense. The Town could then provide less severe penalties, such as a warning for a first offense, and less harsh penalties than the State for subsequent offenses.

Exceptions to the law are intended for certain cases, such as emergency vehicles while performing their emergency duties.

Some of the issues which require further consideration and clarification:

- (a) school buses warming up on cold days;
 - (b) tour buses keeping air conditioners running while patrons visit the Town center;
 - (c) diesel trucks, which are often kept idling even while stationary;
 - (d) delivery trucks, when delivery may not be brief.
 - (e) emergency vehicles, such as police, fire, and ambulances, when they are not involved in emergency operations.
-

Article 17 Accept MGL Chapter 32, Section 7(2)(a)(iii)
(Accidental Disability – Payments to Dependent Children)
and MGL, Chapter 32, Section 9(2)(d)(ii)
(Accidental Death – Payment to Dependent Children)

Sponsor: Board of Selectmen at the request of the Retirement Board

At the request of the Retirement Board, this article asks that Town Meeting vote to accept Sections 7(2)(a)(iii) and 9(2)(d)(ii) of Chapter 32 of the Massachusetts General Laws relating to disability or accidental death benefit payments on account of dependent children. While the Town has paid small supplemental allowances for dependent children of retirees who have been disabled, there has been no such benefit to dependent children of retirees who have died in service to the Town.

This article has two sections. While the Town has paid payments for Accidental Disability Retirees (ADR), the Selectmen could not find a record of Town Meeting having approved Section 7. Thus, acceptance of Section 7(2)(a)(iii) is for “housekeeping” purposes. Payments made under Section 7 currently go to the 10 children of 5 retirees. These payments continue until either the child reaches the age of 18 or age 22 if he or she is a student in an accredited school. The supplemental payment is currently \$648.48 per child per year. Cost of Living Adjustments (COLA) are made by the State rather than by the Retirement Board.

Under Section 9, there are currently no children who would receive a supplemental allowance for employees who have died in service to the Town. The State Accidental Death Benefit payment is currently \$312 per child per year and a COLA has never been granted since approval of this section. It is anticipated that the Accidental Death Benefit be increased to \$648.18 to bring it in line with payments under Section 7.

Article 18 Accept MGL Chapter 32B, Section 18 Medicare Extension Plans

Sponsor: Board of Selectmen

This article is acceptance of the State statute and does not require an appropriation. If Town Meeting approves the article, retirees of the Town who have Medicare eligibility will be enrolled in a Medicare supplemental health plan. Medicare supplemental plans are less expensive for the Town since Medicare pays 80% of the cost of hospital claims. Currently, it is optional for retirees with Medicare eligibility to enroll in a Medicare supplemental plan. Most retirees, however, have accepted this change. By accepting this section of the law, all retirees with Medicare eligibility will be required to enroll in a Medicare supplemental plan. This allows the Town to treat all retirees in a similar fashion for their health insurance benefits.

Question

- 1. How many retirees will this impact and what is the projected savings to the Town?**
- 2. How many town retirees over 65 are currently on Medicare and how many are solely on Town health plans?**
- 3. Medicare has Part A (hospital - no premium)
Part B (doctor visits - currently about \$93/month)
and supplemental plans such as Harvard Freedom with premiums varying for \$0 to 478 per month and various co-pays, etc.**

What exactly is the Town requiring and paying for? Part B premiums? A plan like Harvard Freedom? Just paying whatever Medicare doesn't pay such as a deductible and 20% co-pay?

- 4. Are employees going to pay for Part B?**
 - 5. What supplemental plans will employees be required to enroll in? What are the cost implications and what portion of the cost will the employee be paying?**
-

Article 19 Accept MGL Chapter 71, Section 37M (Joint Facilities Department)

Sponsor: Board of Selectmen

This statute permits the consolidation of maintenance functions of the School Committee and the Town, if it is accepted by a majority vote of Town Meeting and of the School Committee. The statute also stipulates that a decision to consolidate functions may be revoked by a majority vote of either Town Meeting or the School Committee.

At the November 2006 Special Town Meeting, it was voted to accept the statute. The purpose of this article is to determine if Town Meeting will vote to implement its provisions.

It is proposed that the joint facilities department be located at the new DPW facility at 201 Bedford Street, once it is built.

Questions

1. What administrative functions of the school department and town will be consolidated under this statute?

While the statute permits the consolidation of a variety of administrative functions, those under consideration at this time are the design, construction, maintenance, and custodial care of all school department and town buildings.

2. What are the benefits to the town as a whole if these functions are consolidated? Are there any specific savings known?

One major benefit will be unified coordination and oversight with the Permanent Building Committee of the design and construction of all school department and town buildings. It will also provide for more effective and efficient use of the expertise of staff members and employees responsible for these buildings. The same holds true regarding the equipment utilized to maintain them.

3. Will a new position be created to direct the joint facilities department?

While a new position will be created to direct the joint facilities department, the Town does not anticipate adding a new management position (FTE) to do so.

4. What new costs are anticipated as a result of the consolidation?

They have not been determined at present, if any.

5. Has the School Committee voted to approve the provisions of the statute?

As of March 2, the School Committee had not yet taken a vote, but did support acceptance of the statute at the November 2006 Special Town Meeting.

6. Is the proposed consolidation of these functions dependent upon construction of a new Department of Public Works (DPW) facility?

Consolidation is not dependent upon construction of a new DPW facility, but the new facility would facilitate the sharing of equipment and provide the site for a common repair shop.

Article 20

Resolution Requesting School Committee Policy on Safe Transport of Special Education Children

Sponsor: Anne Frymer and nine or more registered voters

This article pertains to policy matters set by the School Committee and the Superintendent of Schools such as the division of responsibility between parent and school for transportation. The particular policy matter in question, therefore, is not within the purview of Town Meeting, but resides with the School Committee.

The school department has a long standing policy that in the event of a child becoming ill at school a parent (legal guardian) or the parent's designated representative comes to the school and transports the student from the school at which point responsibility for the student has passed from the school to the parent.

Questions

- 1 What is (or has been) the Superintendent of School's response to a request for a policy identifying the need for a monitor to ensure seat belt use when transporting certain ill children?**
 - 2. On average, how many children return to their homes each day because of illness?**
 - 3. Does the school system currently provide transportation to their homes for any students with special needs who become ill during the school day? If so, what are the arrangements?**
 - 4. Is there a method such as the periodic program review for each special education student that would address the issue of secure transportation if there is an issue?**
-

Financial Articles

Article 21 Appropriate FY2008 Operating Budget **Funds Requested: \$54,196,314**

Sponsor: Board of Selectmen

SHARED EXPENSES & MUNICIPAL BUDGET (Programs 2000 – 8000)

Overview

The Municipal operating budget and shared expenses for FY2008 proposed by the Town Manager's budget document represents a 5.12% increase over the amount appropriated for FY 2007. Of this amount, the Municipal Operating Budget is \$25,642,294 which represents a 3.00% increase over FY 2007. Budgeted Shared Expenses are \$28,554,020, a 7.11% increase from the prior year. Under Shared Expenses, Employee Benefits and Debt Service figures include the expenses related to School Department employees and capital projects.

As with the FY 2007 budget, the format of the FY 2008 budget has changed substantially from that of prior years. This year, the expenses related to the Water, Wastewater and Recreation Enterprise Funds have been separated from the municipal operating budget and shared expenses and will be approved by Town Meeting under Article 22. While in prior years all insurance expenses were shown on one line, elements have been created for more discrete tracking of insurance expenses. Element 2160 has been added for Property and Liability Insurance. Element 2170 is a newly budgeted amount for Uninsured Losses. Element 2180 was added to comply with the FY 2007 audit requirement that health insurance costs and other post-employment benefits related to retirees be shown separately from that of current employees. Additionally, there have been other structural changes where some elements have been moved from one program to another. A new practice which began last year is to offset Revolving Fund projected revenue from the appropriate elements. This impacts elements 3320, 3330, 3420 and 8140 and is reflected under Article 25.

Questions

- 1. What is being done to address the escalating health benefits expense?**
- 2. For audit disclosure purposes, Element 2180 was added last year to reflect post-employment health costs. Why has nothing been budgeted for FY2008?**
- 3. Though shown under Article 22, what is the nature of the indirect costs under Programs 3700, 3800 and 5200 for the Enterprise Funds?**
- 4. If State Aid increases more than the amount reflected in the current budget, how will this be handled and will it reduce the pressure for an operating override for FY2008?**
- 5. Can additional details be provided to support the \$279,000 increase in Program 8200 (Town Manager)?**

	A	B	C	D	E	F
1	L BUDGET CHANGES - - FY2007 - FY2008					
2	per Town Managers' Budget 1-8-07		FY 2007	FY 2008	\$ UP/	NOTES & HIGHLIGHTS
3	Program #	NAME	Appropri.(000)	Recomm'd(000)	(DOWN)	
5	2100	Employee Benefits	\$22,538.0	\$24,361.9	\$1,823.9	
6	2110	Contributory Retirement	3,342.3	3,449.3	107.0	Funded by both the Town and its employees
7	2120	Non-Contrib.Retirement	62.0	41.0	(21.0)	For retired employees who began employment prior to 1993
8	2130	Health Benefits	18,160.5	19,862.0	1,701.5	Projected 9.37% increase
9	2140	Unemployment Benefits	122.8	76.5	(46.3)	For eliminated positions & involuntary separation from Town
10	2150	Workers' Compensation	190.0	300.2	110.2	Equivalent of workers' comp. for uniformed fire & police
11	2160	Property & Liability Insur.	625.3	582.9	(42.5)	Used to be in 2130 "Insurance" in prior years
12	2170	Uninsured Losses	35.0	50.0	15.0	For uninsured losses and insurance deductibles
13	2180	Post-Employment Health	0.0	0.0	0.0	Required for the year-end audit under GASB 43 and 45
14	2200	Debt Service	3,720.1	3,742.1	22.1	
15	2210	Within-Levy Debt - Prin.	2,837.0	2,834.0	(3.0)	Related to street improv., school projects & Lincoln Park
16	2220	Within -Levy Interest	634.1	703.8	69.7	Based on projects approved by TM
17	2230	Within-Levy Temp. Borr.	249.0	204.3	(44.6)	Short-term borrowing helps reduce debt costs
18	2300	Reserve Fund	400.0	450.0	50.0	
19	2310	Reserve Fund	400.0	450.0	50.0	Appropri.Comm.approves transfers from this fund
20	TOT.2000	TOT. SHARED EXPENSES	\$26,658.0	\$28,554.0	\$1,896.0	7.11% increase over the prior year
21						
22	3100	D.P.W.Oversight	\$1,206.6	\$1,332.8	\$126.2	
23	3110	DPW Administration	445.2	458.9	13.7	Related to step increases and contractual adjustments
24	3120	Engineering	429.9	509.0	79.0	\$65k for Engineering contractual services
25	3130	Street Lighting	331.5	365.0	33.5	Performed by Forestry Div. staff and outside contractor
26	3200	Highway Administr.	2,124.2	2,093.5	(30.7)	
27	3210	Highway Operations	854.7	880.0	25.2	Increase to Highway Maintenance salaries
28	3220	Road Machinery	659.3	603.3	(56.0)	Due to decreased vehicle replacement budget
29	3230	Snow Removal	610.2	610.2	0.1	50% performed by private contractors
30	3300	Public Grounds	1,264.6	1,282.5	18.0	
31	3310	Parks	805.2	813.8	8.6	Parks, playgrounds, conservation, athletic fields, recr. etc
32	3320	Forestry	223.2	227.8	4.7	Other departmental expenses reflected in Article 25
33	3330	Cemetery	236.2	241.0	4.8	Other departmental expenses reflected in Article 25
34	3400	Waste Management	2,291.4	2,138.8	(152.6)	
35	3410	Refuse Collection	804.5	723.9	(80.6)	Curbside collection of non-recyclable solid waste
36	3420	Recycling	876.9	775.5	(101.4)	Other departmental expenses reflected in Article 25
37	3430	Refuse Disposal	610.0	639.4	29.4	For disposal at the waste-to-energy facility in Andover
38	3500	Building Maintenance	1,060.9	1,054.9	(6.0)	
39	3510	Building Maintenance	1,060.9	1,054.9	(6.0)	Includes \$25k for preventive maint. Per FY2007 override
40	3600	Transportation	497.5	539.6	42.1	
41	3610	LEXPRESS	420.9	413.8	(7.1)	Additional \$80k from MBTA grant off budget
42	3620	Parking Operations	76.6	125.8	49.2	Maintains the mix of long-term and short-term parking
43	3700	Water Enterprise	6,612.8	6,923.2	310.5	Expense is recognized under Article 22
44	3710	Water Operations	1,696.3	1,642.3	(54.0)	
45	3720	MWRA	4,032.5	4,435.8	403.3	
46		Indirect Costs	884.0	845.2	(38.8)	Ind. Costs are appropri. Under Art. 21-various lines
47	3800	Wastewater Enterprise	7,459.6	8,077.2	617.7	Expense is recognized under Article 22
48	3810	Sewer Operating	1,071.8	1,148.8	77.0	
49	3820	MWRA	5,633.8	6,197.2	563.4	
50		Indirect Costs	754.0	731.2	(22.8)	Ind. Costs are appropri. Under Art. 21-various lines
51	TOT.3000	COMMUNITY SERV.	\$8,445.2	\$8,442.2	(\$3.0)	Does not include Articles 22 and 25 expenses
52						
53	4100	Law Enforcement	\$4,636.4	\$4,683.2	\$46.8	
54	4110	Police Administration	1,040.0	1,059.2	19.1	Level staffed from prior year
55	4120	Patrol & Enforcement	2,522.5	2,523.0	0.5	Level staffed from prior year
56	4130	Parking Meter Maint.	67.4	68.7	1.3	Funding is through parking receipts, not tax levy
57	4140	Investigation/Prevention	486.4	497.4	11.0	Minuteman SRO paid via grant-off budget
58	4150	Combined Dispatch	496.4	510.4	14.0	Level staffed from prior year
59	4160	Animal Control	23.7	24.6	0.9	Level staffed from prior year
60	4200	Fire Services	4,538.8	4,746.3	207.5	
61	4210	Fire Administration	276.3	298.1	21.7	Directs fire suppression personnell, manages budgets
62	4220	Fire Prevention	157.3	162.8	5.6	Code enforcement, public education and permits
63	4230	Fire Suppression	3,997.1	4,153.3	156.2	Increase for overtime and salary step increases
64	4240	Emergency Medical Serv.	108.0	127.0	19.0	Increase for supplies and equipment, amb. billing mut. aid
65	new 4250	Emergency Management	0.0	5.0	5.0	For maint. of "reverse 911" emergency commun. system
66		PUBLIC SAFETY	\$9,175.1	\$9,429.5	\$254.4	

	A	B	C	D	E	F
70			FY 2007	FY 2008	\$ UP/ \$ DOWN	
71	Program #	NAME	Appopr.(000)	Recomm'd(000)	(DOWN)	NOTES & HIGHLIGHTS
73	5100	Cary Memorial Libr.	\$2,030.3	\$2,088.9	\$58.6	
74	5110	General Services	671.1	621.3	(49.9)	Library administration staff
75	5120	Adult Library	1,021.1	1,126.4	105.3	Salary step increases
76	5130	Children's Library	338.1	341.2	3.1	Level staffed from prior year
77	5200	Recreation	1,860.9	1,775.7	(85.2)	Expense is recognized under Article 22
78	5210	Recreation Activities	1,137.9	1,021.9		
79	5220	Pine Meadows Golf Course	488.6	505.9		
80		Indirect Costs	234.4	248.0		
81	TOT.5000	CULTURE & RECR.	\$2,030.3	\$2,088.9	\$58.6	
83						
84	6100	Council on Aging	\$512.0	\$523.8	\$11.8	
85	6110	Administration & Outreach	200.0	206.2	6.2	Facility limitations still major issue
86	6120	Program	20.6	21.1	0.5	Grants,users,donors fund congregate meals& meals on wh.
87	6130	Adult Day Care	291.4	296.6	5.2	Level staffed from prior year
88	6200	Social Services	156.5	163.1	6.5	
89	6210	Human & Veterans Services	60.8	61.1	0.3	Provides living,medical and dental costs on long-term basis
90	6220	Services for Youth	49.7	52.7	3.0	Intervention, case mngmt. & coord. of services
91	6230	COA Support Sevices	31.2	34.4	3.2	In-home assessment, crisis intervention, health monitor prgm
92	6240	Developmentally Disabled	14.8	14.8	0.0	Level funded
93	TOT.6000	SOCIAL SERVICES	\$668.5	\$686.9	\$18.4	
95						
96	7100	Office of Community Devl.	\$798.7	\$843.4	\$44.6	
97	7110	Building Inspection	333.7	357.1	23.4	Enforces state bldg. codes, local zoning laws & local codes
98	7120	Regulatory Support	156.6	166.4	9.8	Support for Board of Appeals, HDC & other boards & comm
99	7130	Conservation	121.1	126.0	4.8	Level staffed from prior year
100	7140	Public Health	187.3	193.9	6.6	Level staffed from prior year
101	7200	Planning Dept.	212.5	207.3	(5.1)	Level service budget
102	7300	Economic Development	164.8	210.7	45.8	
103	7310	Econ. Dev. Office	64.5	87.5	23.0	Econ. Devl. Officer funded for 9 months in FY07, 12 in FY08
104	7320	Liberty Ride	100.3	123.2	22.8	Increase for guide wages and incr. trolley rates
105	TOT.7000	INSP.SER.& COM.DEV	\$1,176.1	\$1,261.4	\$85.3	
107						
108	8100	Board of Selectmen	\$488.3	\$498.9	\$10.6	
109	8110	Board of Selectmen	131.8	142.4	10.6	Three additional hours per week for exec. Clerk
110	8120	Legal	350.0	350.0	0.0	Level service budget
111	8130	Town Report	6.5	6.5	0.0	Level service budget
112	8140	LCTV	400.0	400.0	0.0	Expense is recognized under Article 25
113	8200	Town Manager	815.5	1,094.4	279.0	
114	8210	Org. Direction & Admin.	498.6	486.0	(12.6)	Transfer of training costs to individual departments
115	8220	Human Resources	128.0	136.9	8.9	Human resource director funded by FY2007 override
116	8230	Salary Adjustment	188.9	471.5	282.6	
117	8300	Town Committees	38.8	35.2	(3.6)	
118	8310	Finance Committees	1.5	1.5	0.0	To cover committee expenses
119	8320	Misc. Boards & Comm.s	8.8	4.7	(4.1)	Provides funding for committee reports & youth awards
120	8330	Public Celebrations Comm.	28.5	29.0	0.5	Most costs covered through donations
121	8400	Finance	1,232.6	1,288.5	55.9	
122	8410	Comptroller	538.6	540.8	2.2	Level staffed from prior year
123	8420	Revenue	252.2	276.2	23.9	Salary step increases and contractual adjustments
124	8430	Assessor	378.7	408.2	29.5	Salary step increases and contractual adjustments
125	8440	Utility Billing	63.0	63.3	0.3	
126	8500	Town Clerk	365.4	336.1	(29.4)	
127	8510	Town Clerk Admin.	209.2	214.3	5.2	Level staffed from prior year
128	8520	Board of Registrars	19.6	17.1	(2.5)	Level service budget
129	8530	Elections	103.4	63.9	(39.6)	Fewer elections in FY2008 than FY2007
130	8540	Records Mngmnt	33.2	40.7	7.5	Increase for microfilming of Town records
131	8600	MIS(8610)&Web Dev.(8620)	459.5	480.3	20.8	For salary step increases and hardware replacement
132	TOT.8000	GENERAL GOVT.	\$3,400.1	\$3,733.4	\$333.4	
134	GRAND TOTAL: Programs 2000-8		\$51,553.3	\$54,196.3	\$2,643.0	SHARED EXPENSES & MUNICIPAL BUDGET- 5.12 % inc
135	GRAND TOTAL: Programs 3000-8		\$24,895.3	\$25,642.3	\$747.0	MUNICIPAL OPERATING BUDGET - 3.00% increase

Article 21

Operating Budget: Schools

These summaries are derived from the Lexington Public Schools website and links from that site lps.lexingtonma.org.

The summaries are taken from the presentations made by the Superintendent on March 6, 2007 as listed on that site. Note that at the time of writing this summary, the budget had not yet been approved by the School Committee.

See the website and links for much more detail to which this section is intended to be a guide. School Committee meetings are also available on DVDs at Cary Library and current meetings can be viewed on LexMedia.

Guidelines given to the Superintendent by the School Committee for developing the FY '08 budget asked that the Superintendent provide a list of alternatives that would restore essential services lost due to the failed override vote and which would meet professional staffing guidelines.

That request was met by means of two, Superintendent-recommended, budgets summarized below: a "Same Service" budget, and an "At Risk" budget. Their costs are as follows:

FY '08 recommended "Same Service" Budget (Jan 16, 2007).....	\$70,027,605
Revised "Same Service" Budget (March 6)	\$68,893,014
Essential additions	<u>575,987</u>
Total "Same Service" Budget..... (a 9.54% increase)	\$69,469,001
Reductions.....	(1,134,591)
FY '08 recommended "At Risk" Budget (83.82 FTE)	<u>(4,058,396)</u>
Total reductions (including "At Risk")	(5,192,965)
<u>Net School Budget including "At Risk" reductions (a 3.14% increase)</u>	<u>\$65,410,606</u>

The reductions in the "At Risk" Budget are extensive and include teaching and administrative staff and increase in fees. See the website for much more detail.



Article 22

Appropriate FY2008 Enterprise Funds Budgets

Sponsor: Board of Selectmen

Article 22 approves appropriation to and expenditure from the Water, Wastewater and Recreation Enterprise Funds. This is the second year in which the enterprise fund budgets have been separated from the general expenses of the municipal operating budget. This separation was done to allow for greater transparency and improved accounting functions for the funds.

Questions

1. Why are the PILOT charges being reduced?

The Board of Selectmen determined that the PILOT charges being assessed to the Water and Wastewater Enterprise Funds should be phased out. This process began in FY07. FY08 represents the second year of a four year phase-out period.

2. Recently, the Water and Sewer Rate Study Committee recommended a review of the indirect charges being assessed to the enterprise funds. Has that review been completed and what were the recommendations?

The study has been completed by the Finance Department. Based on the Town Manager's recommendation, the Board of Selectmen determined that the indirect charges should be brought more in line with actual indirect costs. This adjustment is recommended to begin, starting in FY08.

3. During 2005, Melanson Heath & Co audited the Water and Wastewater Enterprise Funds and made recommendations with respect to accounting, billing, etc. Have the steps undertaken proven effective and the concerns been resolved?

The Finance Department has made substantial progress in implementing the recommendations made by Melanson Heath. A new billing model, based on improved consumption data, has been implemented resolving the faulty billing data used in prior years. Most accounts receivables (AR) from FY05-07 have been reconciled and outstanding AR are now being liened to property tax bills. Town Meeting has approved the final phase of a DPW plan to replace old water meters which lack outside indicators and, therefore, hampered accurate billing. This work has started and will be completed within the year.

4. The estimated MWRA assessments for the Water and Wastewater Funds represent a 10% increase (approx.) for FY08 vs. a 6-7% increase (approx.) for FY07. Is this simply a conservative estimate, or

do we anticipate a significantly higher increase in our MWRA assessments for FY08?

This figure is a just a placeholder at this time. More definitive estimates will be known in May and the final MWRA assessments are approved by the MWRA Board in June.

5. The warrant indicates that collective bargaining increases have not been reflected in any of the three funds as a settlement has not yet been reached with the DPW union. How will these likely increases be appropriated once contract terms are agreed upon?

Depending on the status of negotiations, either the personal services line will be amended when the motion is made for this article or this budget will need to be amended at a subsequent special town meeting once a contract settlement is reached.

Article 23

Petition General Court to Increase Income Limits for Property Tax Deferrals

Funds Requested: None

Sponsor:

Benjamin Cohen and nine or more registered voters

The Lexington Senior Property Tax Deferral Program allows certain senior citizens to postpone paying their property tax until their house is sold or conveyed. Under state law, they must have incomes of \$40,000 or less and must be age 65 or older to qualify.

This article directs the Board of Selectmen (BOS) to petition the General Court (the State Legislature) to allow Lexington to raise the deferral income limit and lower the age requirement. It leaves the BOS discretion to determine the limits and conditions requested.

The proponent of Article 23 has expressed the desire to model the requested limits on the surcharge exemption qualifications for seniors contained in the Community Preservation Act.

Questions

1. How many households have taken advantage of the property tax deferrals?

During FY07, there have been 14 applicants for deferrals: ten were granted, one was denied, and three are pending. FY07 is the first year that deferrals are offered under a new lower interest rate.

2. How many households are currently taking advantage of the CPA 3% surcharge exemption?

238 households are currently taking advantage of the surcharge exemption.

3. How many households would be eligible for property tax deferrals under the proposed guidelines?

The number is not known at this time, but if the age and income limits were the same as those for the CPA exemption, perhaps a similar number of households (238) would apply for property tax deferrals. Experience has shown that a number of people who are eligible for the deferral do not apply for it.

Article 24

Appropriate for Senior Service Program Funds Requested: \$40,000

Sponsor: Board of Selectmen

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 reduction in their property tax bills. It further voted to replace this State program with a program of our own called the Senior Tax Work Program that enables both low-income seniors and disabled residents to reduce their tax bills. As a result of these actions, the hourly rate earned under the program was increased from the \$6.75 allowed under the State program to \$8.50. The maximum amount that can be earned allowed by the State of \$750 was raised to \$850. Under our own program in FY07, the number of qualified, interested participants is 43 residents.

This article requests funds to continue the program.

Questions

1. What was the total appropriation for FY07?

The total was \$36,000. An initial appropriation of \$25,000 was made at the Annual Town Meeting in March 2006 and \$11,000 was added to it at the Special Town Meeting in November 2006. If any portion of the appropriation is not expended, it is rolled over to the next fiscal year.

2. What is the main reason for the increase in the request for FY08?

Past experience shows that more people take advantage of the program each year. Lexington's program also now includes disabled residents who are property owners.

3. How many people will be eligible for the program in FY08?

That number is not known at this time. Historically, however, the growth rate has been incremental, not dramatic.

4. Are the people who work under this program considered to be Town employees?

Yes they are, and they are subject to W2 reporting. Unemployment and Workman's Compensation laws apply, but since these compensations

5. Does the Town contribute to Social Security and Medicare taxes?

Article 25

Continue and Approve Departmental Revolving Funds Funds Requested: various amounts

Sponsor: Board of Selectmen

Question

- 1. There are currently seven revolving funds that are funded by sales, donations, or fees. What happens if a fund receives more money than authorized?**

The money remains in the fund and cannot be spent without the approval of Town Meeting.

being sought to defray these costs as well, and it may be possible to do some stone resetting in-house.

c. Historic Homes Fire Monitoring Systems – \$18,120 requested by the Lexington Historical Society (LHS)

This request will provide wireless fire alarm boxes at Buckman Tavern, Munroe Tavern and the Hancock-Clarke House, to comply with new Fire Department technology for direct monitoring of fire alarms.

The Town owns Buckman Tavern, the LHS owns the other two buildings, but all three buildings are invaluable assets of the Town and need to be protected as effectively as possible. Currently, only Munroe Tavern is monitored directly; the other buildings are monitored by private alarm systems that report alarms to the Fire Department. This request will bring all three buildings under direct monitoring.

d. Buckman Tavern Boiler – \$10,685 requested by the LHS

This request is to replace the existing underground oil tank with a new tank to be located in the basement, and to replace a 30-year-old boiler. This work was recommended last year by a pro-bono energy audit of the building. The cost breakdown is \$7200 for a new boiler, \$1435 for asbestos removal, and \$4100 for removal and replacement of the oil tank. The cost is to be partially offset by a \$2010 in-kind donation by Arlex Oil.

e. Comprehensive Cultural Resource Survey – \$90,000 requested by the Lexington Historical Commission

With this request, the LHC, the LHS and the Lexington Historic Districts Commission (LHDC) will collaborate to hire consultants to correct, update and expand the LHC's nine-volume Comprehensive Cultural Resources Survey (CCRS) and to summarize the findings and incorporate them into a published listing of Lexington's historic properties and neighborhoods.

The CCRS was created in the 1970s and currently documents 1400 structures and sites with basic architectural and historic information. Inclusion in the CCRS triggers the Demolition Delay bylaw; hence, the lack of such documentation may put a historic structure at risk of being torn down or insensitive modification. The existing documents antedate the MHC's current standards, and are not very uniform or comprehensive. Also, the LHC estimates that there are about 300 pre-1914 buildings that are not currently included in the existing Survey.

The task of researching, establishing and publishing a uniform and comprehensive record of approximately 2000 properties is estimated to take about 900 hours.

Phase I (200 hours) is the identification and prioritization of existing survey forms and identification of new properties to be researched, yielding a detailed plan for completing Phase II -- Phase IV.

Phase II (475 hours) is field research and documentation for each designated property using MHC forms.

Phase III (25 hours) is review, modification and approval of the Phase II work by the LHC and MHC.

Phase IV (200 hours) is compilation of a one-volume guide to Lexington historic properties.

The LHC intends to put this information on-line at some future date. No budget has been allocated for that task at this time, as the potential cost will not be known until the completion of Phase I.

Are there other possible sources of funding for all or part of this project? For example, the one-volume guide might be a very useful tool for Lexington's realtors – could they be persuaded to contribute?

f. Greeley Village Window Replacement -- \$228,404 requested by the Lexington Housing Authority (LHA)

This request is to replace 350 original windows in the 1968 buildings. Greeley Village, owned by the LHA, is a low-income apartment complex for seniors who were Lexington residents or had some previous Lexington association. It provides 100 units, out of a current total of 1264, that meet our low- and moderate-income housing obligation for Chapter 40B purposes.

The original windows are not energy-efficient and are responsible for considerable heat loss (thus increased heating cost), and additionally, wear has made them increasingly difficult to open and close, especially for the elderly resident. Average rent, including utilities, paid by Greeley Village residents is \$275 per month. The LHA will contribute \$20,000 toward the total cost of \$248,404. Previous requests to the State for grants for various maintenance projects have been unsuccessful, as the State has very little money for this purpose.

g. East Lexington Library Study – \$43,000 by Cary Library

This request is for \$43,000 to study and recommend repairs necessary to preserve the Stone Building, a historic building which houses the East Lexington Branch Library, and to define improvements necessary to bring the building into compliance with ADA regulations. The original Town Meeting funding was for \$15,000, and that has been expended, but an on-site review by the Permanent Building Committee determined that sum to be insufficient. The building was built in 1832 and was given to the Town and has been used as a library since 1892.

What is likely to be the ultimate use of this building? Is a branch library an integral part of the East Lexington community, to be preserved at all costs, or might the Stone Building eventually be re-purposed for some other use?

h. Cary Hall Performance Update –\$147.130

CPA Category: Historical, Recreational

This project will develop plans and begin to restore Cary Hall as a center for public presentation and performance. The project, which will be phased, would bring the Hall up to 21st-century standards for lectures, public meetings, concerts, and theatre, dance and film performances. The current appropriation request of \$147,130 will fund the planning phase (including architectural, theatrical, acoustical, and historical studies, with a schematic design), and the purchase of blackout curtains, and stage extensions (with lighting and dimming over the extensions). Future requests are anticipated to complete the work. In addition to providing direct community benefit,

the Town would benefit from additional rental income and, indirectly, for Center businesses from increased visitor foot traffic in Lexington Center. The Town has recently invested in some upgrades to Cary Hall, including improvements to seating, flooring, upper floor meeting rooms, repainting, and sound and video equipment. The Cary Lecture Series, Lexington Youth Theatre, and Lexington Symphony have expressed support for this project.

i. Historical Signage – \$21,560

CPA Category: Historic

This project will improve four types of signage for Lexington's historical areas, (1) directional (2) storytelling (3) site-specific and (4) welcome signs. Current signs, prepared for the Bicentennial celebration, are faded or outdated, while others were never complete. This is the first request of a two-phase project, and will fund the directional, site-specific; and one story-telling sign. Additional funds for this project were provided in a prior year TM and by the Lexington Historical Society. Lexington illustrator Christopher Bing has donated artwork at no charge to the town. This project will help direct and inform the over one million visitors to the Battle Green, Buckman and Monroe Taverns, Hancock Clarke House, Depot, National Heritage Museum, Visitor Center, and provide directions to parking and highways.

j. Douglas House Specialized Affordable Housing – \$300,000

CPA Categories: Housing, Historic, and Recreation

This project will help convert the Lexington Press Building, located at 7 Oakland Street, into 15 units of housing for medically stable survivors of brain injury. The majority of the funding for the \$7.5 million project will be from other public and private sources. The CPA grant would be used for historic preservation of this site (which is in the Historic District and eligible for listing in the National Register for Historic Places) and the construction of an ADA-compliant pathway from the site to Depot Square parking area, serving both residents and neighbors. Eleven of the 15 units will be affordable to persons of very low income and would count toward the 10% Chapter 40B housing target, while 15% of these units may be made preferentially available to Lexington residents or applicants with a meaningful tie to the Town. The applicant, Supportive Living, Inc., is a non-profit organization that assists survivors of brain injury to live as independently as possible in the community. This organization currently oversees two similar community based residences in Woburn and North Reading. If the funding is approved at 2007 Town meeting, the residence is anticipated to be complete and occupied by May 2008.

k. West Lexington Greenway Corridor, – \$125,000

CPA categories: Historic, Recreational and open space

The project would fund the development of a master plan (Phase I) to connect conservation lands west of Route 95, with the "Minuteman Connector," a new high-quality trail to link the Minuteman Bikeway to the Battle Road Trail. Professional planning, engineering and wetland science expertise will be needed for the development of the master plan. Phase 1 will develop, distribute the RFP, evaluate responses and choose the consultant, develop the draft and final master plan, including public presentation, and prepare the application for construction funding (Phase 2). This portion of the project is anticipated to be complete by spring 2008, assuming funding from

Town Meeting in April 2007. Phase 2, the actual Minuteman Connector trail construction, will require an additional application for CPA funds, supplementing anticipated Federal funding. Volunteer services will be provided throughout the project by various committees, the conservation stewards and individual volunteers.

I. Muzzey Condominium study – \$53,500

CPA Categories: Housing, Historic

This project funds a study by an architectural firm to evaluate the Muzzey High Condominium Building for improvements targeted to reduce operating costs through energy efficiency. The building houses 70 condominium units (12 of which are owned by LexHAB) and the Senior Center. The remaining units are privately owned, but with resale restrictions of 5% of purchase price (compounded annually). Repairs to the building made by residents cannot be added to the eventual selling price, creating a disincentive to make the repairs. While rental or purchase of Muzzey units is reasonable, the costs of living at Muzzey are high, due to high electric energy costs and financial demands of maintaining a century old building in the Munroe Historic District. Muzzey housing does not qualify as 40B mixed income housing since preference is given to Lexington residents. However, the availability of housing, like Muzzey, for low to moderate income household reduces demand for 40B housing.

The architects will evaluate external conditions and internal heating, electrical, AC and lighting, and handicap accessibility, and make recommendation for repair, replacement of installation, with preliminary cost estimates, including identification of funding opportunities.

A survey of Muzzey residents shows the following:

- 61% of households have one member, 23% two (half of which are parent/child, the other half couples). Only 9% are families with children. The majority of households are headed by females.
- There are 98 adults, 17 children, and 33% of adult residents are senior citizens.
- 11 residents have physical disabilities, 5 mental disabilities and 7 chronic illness.
- Median income of all households is \$32,500, \$47,500 in privately owned units and \$25,000 in rental units. Single women over age 65 median income is \$17,188.
- While annual electric energy costs vary by size of unit, the median cost was \$1,800, with 6 units paying between \$3,000 and \$3,999.

The funding for the study would help the owners, who have limited funds, to properly assess and prioritize repair and restoration projects. The Muzzey High Association will contribute \$6,000 to the project. This CPA request is accompanied by supporting letters from the Massachusetts Historical Commission, Lexington Chamber of Commerce, Lexington Historical Commission, Lexington Housing partnership and Human Services Committee.

m. Administrative Expenses

The Community Preservation Committee (CPC) is allowed to put aside 5% of total CPA revenue (\$2.3 million in the current year, or \$115,000) for administrative expenses. The Lexington CPC is requesting a significantly smaller amount put aside

to cover administrative expenses, primarily to pay for legal opinions, appraisals on land when open space becomes available, and administrative support at public hearings. Unused funds will be rolled over for use in the following year.

General Questions

- 1. Does the CPC have a “master plan” – a multi-year priority list of needed capital projects that are eligible for CPA funding**
 - 2. Are all of this year’s capital projects that are eligible for CPA funding (aside from conservation land purchases) actually part of the CPA article? If not, why not?**
-

Article 27 **Land Purchase – Off Lowell Street** **Funds Requested: Unknown at press time**

Sponsor: Board of Selectmen at the request of the Community Preservation Committee

To see if the Town will vote to authorize the Conservation Commission to purchase or otherwise acquire, and authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, any fee, easement, or conservation restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws, or other interest in all or any part of land shown as lots 38, 40A and 43 on Assessors' Property Map 20, now or formerly of Busa; and appropriate a sum of money therefor and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Community Preservation Fund, or by borrowing, or by any combination of these methods; or act in any other manner in relation thereto. (Inserted by the Board of Selectmen at the request of the Community Preservation Committee)

DESCRIPTION: This article requests Community Preservation funds to purchase property off Lowell Street currently used for farming purposes.

At press time negotiations with the owners have not resulted in a mutually acceptable price, so it is likely that this Article will be indefinitely postponed.

Article 28 **Land Purchase – Off Adams Street** **Funds Requested: Unknown at press time**

Sponsor: Board of Selectmen at the request of the Community Preservation Committee

To see if the Town will vote to authorize the Conservation Commission to purchase or otherwise acquire, and authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, any fee, easement, or conservation restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws, or other interest in all or any part of land shown as lot 106 on Assessors' Property Map 63, now or formerly of Chase; and appropriate a sum of money therefor and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Community Preservation Fund, or by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

DESCRIPTION: This article requests Community Preservation funds to purchase a portion of a lot off Adams Street currently used to grow blueberries. The lot is adjacent to the Chiesa Farm Conservation Area.

At press time negotiations with the owners have not resulted in a mutually acceptable price, so it is likely that this Article will be indefinitely postponed.

Article 29

Appropriate for Recreation Capital Projects Funds Requested: \$265,000

Sponsor: Board of Selectmen at the request of the Recreation Committee

The article seeks funds to reconstruct and rebuild three recreation facilities in the town. A sports architect will be hired to design the projects after which Requests for Proposals (RFPs) will be sought to undertake them.

Basketball Courts at the Center Playground Complex – \$85,000.

1. Will the size of the footprint change?

No, it will feature two courts, the same as it does now.

2. What are the site amenities proposed?

The amenities are benches and trash barrels.

3. What is the projected life span of the reconstruction?

It is anticipated that it will last twenty years.

4. At what time of year is it anticipated the work will be done?

It will be done in the fall, if possible, when use of the courts declines.

Valley Road Tennis Courts – \$130,000.

The town maintains tennis courts at four sites. Ten at Gallagher Courts at the Center Playground, three at Clarke Middle School, two at the former Adams School (presently the Waldorf School), and two at Valley Road. Three sites have already been reconstructed. This article is for the Valley Road courts which are the last courts in town scheduled to be reconstructed.

1. How many courts are on the site?

There are two courts on site.

2. Will the size of the footprint change?

The size will remain the same.

3. Will any trees be affected by the project?

Dead trees will be removed; no live trees will be removed.

4. How many people use the courts in a season?

Most of the players using the courts are “walk-ons” and do not schedule time to use the courts. During 2006, 23 people in June held reservations to use the two courts and 25 people did in July. In comparison, 221 people in June held reservations to use the ten Gallagher courts at the Center Playground and 336 people did in July. When the courts at Adams School were reconstructed, player use increased.

Bowman Athletic Fields – \$50,000.**1. Will there be an increase in the number of little league baseball fields at the school?**

There is one baseball field currently at Bowman and the number will remain the same.

2. When was the last time the baseball field and open turf area were rehabilitated?

It took place in 1986. The backstop was installed when the school was built in 1967. The current field is built on peat which creates an unstable surface.

3. What is the anticipated life span of the reconstruction?

The anticipated life span of the field is 10-15 years and for the backstop it is 20 years.

4. Will the baseball field remain where it is presently located?

There is a possibility the field will be relocated on the site, to be consistent with any future plans to either renovate or replace the school with new construction. Mitigating the effect of any underlying peat will be included in the reconstruction and rebuilding plan for the field.

Article 30

Appropriate for Battle Green Flagpole Maintenance Funds Requested: \$17,500

Sponsor: Dawn McKenna and nine or more registered voters

By Public Law 89-335, a special act of the Congress of the United States enacted on November 8, 1965, the flag on the Battle Green flies 24 hours a day. The flagpole was a gift to Lexington and is deeded not to the Town but to the citizens of Lexington. Currently, the words “What a Glorious Morning for America” are unrecognizable, the pole (metal) is rusty, and the paint is worn. This article seeks Town funding to restore the flagpole and to ensure that the Town takes responsibility for regular ongoing maintenance of it by appropriating funds within the operating budget of the Department of Public Works to keep it in proper condition worthy of its prominence in the town and for what it represents.

Questions

1. Is this article asking the Town to assume responsibility in perpetuity for the maintenance of the flagpole or is it a one-time request?

This article requests the Town to restore the flagpole immediately and to assume responsibility for its annual maintenance. Up until now, the Town has not regularly maintained the pole, but has relied on donated services to restore, repair, and paint it.

2. Who or what company has examined the pole to determine exactly what is needed to be done?

The DPW has obtained two estimates to date and is seeking a third. The first is from Eagle Flag of America in Weymouth that totals \$16,500. The second is from YSC Inc. from Concord for \$4,100. (The former is an estimate for two coats of paint; the latter is an estimate for one coat.)

3. What is the anticipated cost of the project?

There are two requests under this article: The first is for \$17,500 to restore the flagpole immediately. The second is to include \$3,500 in the annual DPW budget for the ongoing maintenance of the flagpole. Each time work is done on the flagpole, equipment is needed to reach the top of the pole. The work includes painting, ongoing replacement of the bulbs to keep the flag illuminated, periodic replacement of the lines that raise the pole, etc.

4. Who undertook the last restoration of the flagpole and how was it financed?

Lexingtonian John Carroll and his company did the work gratis. A local firm donated the paint. There was no cost to the Town.

5. When was the last time the flagpole was restored?

The work was done approximately 10 years ago.

6. Would this project be eligible for CPA funding?

Yes.

Article 31 Appropriate for Municipal Capital Projects and Equipment Funds Requested: \$3,236,200

Sponsor: Board of Selectmen

a. Lincoln Field Methane Mitigation – \$400,000.

The town is currently monitoring the presence of methane in some of the homes along Lincoln Street. Since the methane level has exceeded the allowable limit on some occasions, the Town is required by the DEP to remediate the problem. There is more than one solution to this problem and the cost will depend on the decision of the DEP. This estimate is about double last year's estimate due to the uncertainty about what will be approved by the state.

b. Wireless Fire Alarm Boxes in Municipal Buildings – \$142,000.

The current system is wired, not wireless. What are current maintenance problems?

Due to the age of the system we do not have complete information on where the wiring is. Rain has disrupted the system on occasion, and it can take several hours to find the problem. Replacement parts are no longer manufactured or available.

What are the benefits from going to the new system?

Installing wireless transmitter boxes will allow us to use receivers which are already in place. All private buildings using the old system are expected to convert to the wireless system by July 2008. In addition to providing fire alarm information, the new system will notify the fire department of power failures as well.

Can the equipment be reused if we renovate or replace a building?

Yes.

c. DPW Equipment – \$523,000.

This is the yearly request for replacing equipment that is suffering from corrosion and/or has high maintenance costs and significant down time. The equipment can be viewed at the DPW on Sunday, March 18th during the bus tour.

d. Woburn Street Reconstruction Design – \$120,000.

NB: The distance to be reconstructed is about 7000 *feet*, not yards as stated in the warrant.

Why do we need this design work instead of just resurfacing?

There are substantial drainage problems, the sidewalk is discontinuous (crossing from one side of the street to the other), the existing granite curbing is only a few inches high in some places, and the bicycle path crossing needs to be improved.

Can we reuse the old granite?

We will try to use as much of the old curbing as possible.

e. Geographic Information Systems (GIS) – \$195,900.

This request is for hardware, software and labor to enter data from current records and is the first part of a three-year funding schedule.

How do we keep track of infrastructure now?

We have a lot of paper maps, some over 100 years old which are not complete. Investigating a drainage problem or answering a resident's request for information on location of utilities is time consuming and may not be accurate.

How would the new system be an improvement?

We already have GIS for pavement management. We have videos of all streets. If there is a question of damage, we can see what the street looked like previously. The information for all of the infrastructure will be available to all departments in town. The schools have used this information to help plan bus routes. When all infrastructure is entered in the system, we will be able to locate underground utilities quickly and reliably. This will be helpful in emergencies (water main breakage, drainage failures, gas line explosions).

The GIS would simplify Conservation Commission permitting by allowing immediate access to maps of wetlands on a parcel.

f. Storm Drain Improvements – \$460,000.

\$160,000 for repairs associated with street improvements and \$300,000 to design and repair drainage problems in the Lake Street area.

What is the problem on Lake Street?

The street has been flooding for years. There is no current functional drainage and our infrastructure maps for that area are over 50 years old so we are unable to easily locate pipes and plugged drains.

g. Sidewalk Improvements. – \$100,000.

This is a yearly expense to upgrade sidewalks.

h. CBD Sidewalks – \$175,000.

This will add to the \$100,000 appropriated last year. This will pay for a pilot section of wire-cut brick on Mass. Ave from Waltham Street to the alley by Michelson's. If that is successful, it is hoped this will be enough money to repave up to the library.

i. Bikeway Repair/Repaving – \$175,000.

This will repave and improve about one-half of the bikeway. More money will be needed next year.

How old is the bikeway and is this a reasonable life span for the paving?

The bikeway was built in 1993. It probably will need renewal about every 15 years or so. The planned improvements may help extend its life by improving drainage and controlling roots.

What would be a good place to observe the condition of the paving?

The section between Bedford St. and Hartwell Ave., area near Revere St. , or the section near Woburn St.

j. Building Envelope – \$150,000.

Women's shower at fire station \$35,000; ADA improvements \$75,000; Reserve fund \$40,000

Aren't some of these projects CPA fundable?

Yes, but it would mean waiting another year (or until a fall TM if we had one) to get to the projects.

What are the ADA upgrades?

The Commission on Disability hasn't decided as yet.

Based on past experience, what would the reserve fund be used for?

It would be useful in emergencies such as the oil leak at Munroe to cover costs not covered by insurance, or repairing the sudden failure of sprinklers in Town Hall.

k. Munroe Fire Sprinkler Study – \$35,000.**What is the problem with the current system?**

The system was installed in the early 1900s. The sprinkler heads have long ago passed their expected life time of 25 years. In addition, alterations in the space by the addition of partitions to accommodate the current use have made some of the sprinklers non-functional and some areas without sprinkler coverage.

When would the new system be installed?

Money would have to be appropriated at the next Town Meeting.

Isn't this eligible for CPA?

Yes, but that would delay the replacement by another year (unless there is a fall TM).

l. Dam repairs – \$30,000.

Part of this money will be spent to make minor immediate repairs to reduce the risk of dam failure. The rest will be used to review and design remedial measures identified in the recent inspection report. Future repairs could cost as much as \$200,000.

m. Traffic Mitigation – \$50,000.

Are any funds for this item available from transportation mitigation funds provided by developers

n. Street Improvements – \$500,000.

Annual street resurfacing expenditure.

Do we coordinate resurfacing with entities that rip up streets?

Yes, we contact all utilities, road (highway) department, and water & sewer department.

o. NStar Parking Lot – \$50,000.

This will be added to the previous \$150,000 and will be used for esthetic improvement to the design.

Has a long term lease been negotiated with NStar?

We have a three-year lease which is renewable annually after that. Payment for the first year is approximately \$10,000 which will be close to income from the additional parking meters.

p. Replace Brush Truck Engine 5 – \$80,000

The current vehicle is no longer reliable.

How many brush fires do we have in a typical year?

About half a dozen. If you want to look at the existing brush truck, you can stop by the fire station.

q. Hydrant Replacement – \$50,000.**What is the problem with the existing hydrants?**

Some hydrants are very old and have a one piece design. If the hydrant is damaged it frequently breaks off underground requiring extensive digging to repair it. New hydrants are two piece designs that break off above ground and can be replaced quickly. Older hydrants frequently have corrosion buildup inside which reduces the effective water pressure that they can produce. Older hydrants have more valve failures due to corrosion and wear. Also, older hydrants can become lower to the ground due to subsidence or raising of the surrounding ground level. This blocks access to the front main port which provides the largest volume of water. Current equipment needs about 8 inches of ground clearance to attach to the port.

The side ports are smaller and provide less water volume per minute. How many hydrants will this replace?

About 50.

How do you decide which hydrants to replace first?

There is a list compiled when the hydrants are serviced each year as to which ones are the most problematic.

Where can we see hydrants that have access problems?

Hill Street.

Article 32**Appropriate for
Water Distribution Improvements
Funds Requested: \$1,800,000****Sponsor: Board of Selectmen**

To see if the Town will vote to install new water mains and replace or clean and line existing water mains 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.

DESCRIPTION: This request is for the replacement of approximately 8,500 linear feet of obsolete, unlined iron pipe and other pipe with high repair records. Some of the streets involved are Fern Street, Moreland Avenue, Hibbert Street, Bennington Road, Bowker Avenue, the Bird Hill Road area, the access to Bowman School and other smaller sections of pipe town wide. This request is part of a multi-year program to upgrade aging water infrastructure throughout town, some of which was installed prior to 1929.

Our water supply system supplies high-quality water, purchased from the MWRA. Old pipes tend to leak, at a cost to the Town. This 20-year-old program replaces old unlined water pipes with 8-inch (ID) concrete-lined pipes. The program is about 90% complete, and is expected to be completed in about two to three years. The newer pipes are much more durable than the old ones. When this replacement program is complete, funding requests will continue primarily for leak detection and repair, and repair of water-line breaks (primarily due to earth shifting).

Article 33

Appropriate for Sewer Improvements Funds Requested: \$1,300,000

Sponsor: Board of Selectmen

To see if the Town will vote to install sewer mains and sewerage systems and replacements thereof in such accepted or unaccepted streets or other land as the Selectman may determine, subject to the assessment of betterments or otherwise, in accordance with Chapter 504 of the Acts of 1897, and acts in addition thereto and in amendment thereof, or otherwise, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor, appropriate money for such installation and land acquisition and determine whether the money shall be provided by the tax levy, by transfer from available funds, including any special sewer funds, by borrowing, or by any combination of these methods; to determine whether the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of federal and state aid for such sewer projects; or act in any other manner in relation thereto.

DESCRIPTION:

a) Wastewater System Improvements - \$1,200,000: This request is for the rehabilitation of the sewer line in the Tophet Swamp Area, including the relining of the trunk sewer and rebuilding manholes built in the 1950s. This request is part of a multi-year plan to rehabilitate 7,000 linear feet of sanitary sewer infrastructure per year for the foreseeable future. This plan will address a variety of problems including system inflow and infiltration (I/I) and system maintenance attributable to an aging infrastructure.

b) Pump Station Upgrades - \$100,000: The request is for the replacement of aging motors and valves, and to modify station entry ways to enhance safety of station operations.

Lexington has ten sewer pumping stations valued at over \$6,000,000. This request is for year one of a five-year program to replace aging equipment and bring stations into compliance with U.S. Occupational Safety and Health Administration (OSHA) standards.

Lexington's sanitary sewer system is metered by the MWRA, and the sewage is treated by the MWRA before being released (to the ocean). Infiltration of groundwater through pipe leaks increases the cost to Lexington. A 20-year program to rehabilitate or replace lines is just getting started, with about 15% completed. This system is separate from the storm drainage system (principally from roadways) that is sent directly into the ocean (which is supposed to not contain sewage).

Lexington's ten wastewater pumping stations have a typical lifetime of about ten years, and require periodic upgrading to reflect updated laws and improvements in technology.

Article 34

**Appropriate for
School Capital Projects and Equipment
Funds Requested: \$2,075,000
plus the cost of items g, h, i, k, l and m below**

Sponsor: School Committee

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

DESCRIPTION: This article request funds for the following school projects however, while they were not named items explicitly the School Committee may also ask for funding under the general wording of the article for several additional projects that are within the scope of the article as stated above, but do not fit into any one of a through n below (See the Additional Items described after the a through n descriptions):

Article 34 (a) \$275,000

or any other amount for classroom furnishings, fixtures, and equipment (FF&E) replacement based on square foot expenditures at the new Harrington and Fiske schools.

Systemwide furniture, fixtures and equipment have been neglected for many years. This request is to begin to fund a regular replacement schedule on a 25-year cycle.

The current total value of LPS FF & E system-wide is currently valued at \$8,160,000 computed using an estimated unit price of \$8.00 per gross sq. ft. based on Fiske and Harrington construction budgets and the system's 1,020,000 GSF. To replace all that on a 25-year cycle (4% year), which would be desirable, requires \$326,400 per year. The first year funding request is for \$275,000 which would fund approximately a 30 year replacement cycle.

Article 34 (b) \$275,000

or any other amount for interior finishes based on expenditures at the new Harrington and Fiske schools;

Systemwide interior finishes need to be replaced and maintained regularly on a scheduled basis at all the schools. A desirable renewal schedule would be a ten-year cycle (10% per year) which would require \$350,000 per year based on a price of \$3.50 per gross sq. ft. and 1,020,000 GSF of buildings. This estimated price per gross square foot is based on Fiske and Harrington construction budgets. (1,020,000 GSF building @ \$3.50/GSF = \$3,500,000 so a ten-year cycle requires \$350,000 per year) This first year funding request is only \$275,000 which would result in a repainting/refinishing cycle of approximately 13 years for all the buildings.

Article 34 (c) \$350,000

or any other amount for roof replacements of the math and foreign language buildings at Lexington High School.

The existing tar and gravel roofs, which have exceeded their life expectancy, of both the Foreign Language and Math Buildings at LHS must be replaced soon. They both have similar footprint. Final decision on which roof to replace this year will be made in the next 60 days with consultants. Neither roof was replaced during the LHS renovation project.

Article 34 (d) \$140,000

or any other amount for ventilation and HVAC equipment for Lexington High School, primarily in the pottery room, foreign language lab, kitchen, and music composition room.

- LHS pottery room – install kiln ventilation as well as ventilation and make-up air for the dusty environment of the pottery studio.
- LHS Foreign Language Lab – install HVAC designed to support the computer room environment.
- LHS Kitchen – replace roof top ventilation and make-up air unit (for fresh air replacement) which supports the cook line hood system.
- The kitchen make-up air system no longer functions and is in poor condition so it should be replaced. This unit provides fresh air to the kitchen to “make-up” the air which is exhausted out of the kitchen cooking hoods. Without this unit in operation, air is drawn from the surrounding building, inducing infiltration of unconditioned air into the building.
- LHS music composition lab – Currently this computer environment has no fresh air source for the people who use it or the computers.
- IT Center - HVAC system installation

At press time this request is expected to actually be for \$175,000 including the IT Center and the CEC is expected to recommend \$175,000.

Article 34 (e) \$200,000

or any other amount for additional auditorium repairs at Lexington High School, including improved seating, additional lighting, acoustic upgrades and sound system components.

This is the second year of a three-year program to repair the deteriorated auditorium which was not included in the previous LHS capital project to “reduce its costs.” The amount requested is less than the estimated cost of \$288,000 to complete this phase of the project.

Year 1 (2007) (\$293,000) - Complete

Repair HVAC and controls, deficient rigging system, paint, replace dimmer board.

Year 2 (2008) (\$288,000)

Replace sound system, lighting instruments, lighting supports, seat backs (for acoustics), acoustic study, install balcony light ladders.

Year 3 (2009) (\$370,000)

Resurface main stage, install piano lift, install forestage, redesign balcony.

**Article 34 (f) \$110,000
or any other amount for the installation of lockers at Bowman, Estabrook, and Hastings elementary schools;**

This project is the result of a compliance order issued by the Lexington Fire Department to eliminate flammable materials from egress paths. The Fire Department considers the storage of clothing and other personal belongings outside of lockers to be a potential fire hazard. This appropriation is to bring the schools into compliance with the fire regulations by providing adequate lockers for the student population. The Bridge school lockers were funded under Article 32(h) of last year's warrant. This appropriation amount will provide for Hastings lockers only. Bowman and Estabrook are being deferred until FY09.

Article 34 (g) An amount, unavailable at press time, sufficient to move the school department's central administration and a few other system departments from their current locations into the old Harrington School building;

Relocate Central Office from 1557 Mass Avenue to "old" Harrington Elementary School by 9/1/07 without renovations. Requested funding is to provide mandated code compliance repairs, telephone and IT connections, etc.

The funding request is expected to recommend \$50,000 from Tax levy cash for this item.

Article 34 (h) An amount, unavailable at press time, sufficient to make necessary repairs to and replacements of HVAC equipment at Clarke and Lexington High School;

The following information on the LHS Phase 1 project for FY 08 is based on the draft of the Engineered Solutions, Inc. Retro-Commissioning report for Lexington High School, dated January 31, 2007:

LHS Phase I:

Upgrade Energy Management System (EMS) and rewrite programs - \$120,000 estimated.

The EMS computerized controls were installed in 2000 and expanded in 2003. The EMS controls all of the "central" HVAC equipment (including Rooftop Units, Heating & Ventilation Units, Air Handling Units, Boilers, Pumps, etc.). The building was originally constructed with pneumatic controls, and hence many of the end devices (valves and dampers) receive their signal from the EMS, via an electric-to-pneumatic transducer. Almost all the HVAC equipment located with classrooms and offices (unit ventilators, fan coils, fin-tube heaters, etc.), is not controlled by the EMS but are still controlled by the original pneumatic controls.

The EMS computer workstation is an obsolete Windows PC and has failed, so it must be replaced, and a newer version of the EMS software is required, since the version in use is no longer supported by the EMS vendor. After a review of the software programming in the EMS, Engineered Solutions determined that the EMS is operating parts of the system 24/7 instead of when the building is occupied. In addition, user access is clumsy and slow and modifications to the operating parameters is difficult. They recommend that an experienced HVAC controls engineer provide new Sequences of Operation for the HVAC systems and design a more user-friendly operator interface.

The EMS upgrade is estimated to produce a savings of \$50,000 per year and has a pay-back period of three years

Repair/Replace 100 hot water unit ventilators - \$300,000

Add EMS controls to 100 unit ventilators - \$200,000

This is estimated to produce savings of about \$26,700 per year and has a 7.5 year payback period.

Add EMS controls to 70 Variable Air Volume (VAV) boxes - \$150,000

This is estimated to produce savings of about \$13,300 per year and a 15 year payback period.

Repair mechanical problems - \$55,000

(A long list of repairs, such as stuck dampers and broken switches, costing from \$100 to a few thousand dollars each to repair was noted)

Repair control problems - \$100,000

1. Inoperative Air Economizer Controls: These controls are intended to allow the use of outside air for free cooling when outdoor temperatures are below 70F. In many cases, these controls were defective, the dampers "frozen" shut, or the "setpoints" were incorrect. This has resulted in the use of mechanical cooling (compressors) which is a waste of electricity.
2. Equipment Running Constantly: Some equipment is operating 24/7, either due to programming or scheduling errors. This increased "run-time" wastes energy and prematurely ages the equipment.
3. Air Conditioning Compressors not Operating: The cooling compressors on some units did not operate when commanded. Either the controls or the compressors are defective.
4. Sensor Calibration Error: A variety of electronic sensors were either out of calibration or defective. This can result in inefficient system operation and/or occupant discomfort.

These are estimated to produce savings of about \$20,000 per year and a 5 year payback period.

Design services and soft costs - \$375,000

PHASE I TOTAL: \$1,300,000

Article 34 (i)

An amount, unavailable at press time, sufficient to convert the HVAC system at Clarke to a new energy source;

Mechanical systems at Clarke, to a large extent, are non-functional. 52 out of 70 classroom heat pumps do not work leaving those spaces with resistive electric heat. Seven major air handlers are in similar condition. The existing design was all electrically driven. These conditions result in poor heating and cooling comfort, poor teaching conditions (high background sound levels in classrooms), high utility costs and high maintenance costs. Existing equipment has passed the end of its useful life and, due to evolving technology, replacement parts are no longer manufactured.

This funding request is to provide for a comprehensive replacement of all HVAC equip-

ment with new systems using natural gas as a heating source. Schematic studies indicate a 9.5 year return on investment may be achieved through energy savings.

NOTE: This item is a priority of the CEC but at press time there was no money allocated to it or available to fund it in the Capital Budget for FY08. The CEC will probably recommend \$710,000 for Clarke to be split in some way between Article 34(h and i)

Article 34(j) \$400,000

or any other amount for equipment described in the department’s long-range technology capital plan, including network equipment, information delivery systems, desktop computers, printers/peripherals, and LCD projectors;

This article funds the replacement of some of the oldest computers and related equipment, as well as some upgrades to the network and more classroom instructional projectors. There are currently nearly 2,000 desktop, laptop and server computers used by students, instructional staff, and administration in the LPS. Some of these are now nearly ten years old and are no longer capable of running current versions of instructional software. Although amended to reflect changing priorities and district needs, the FY 08 Capital request is consistent with the previous five year capital plan presented to the town. They are no longer cost effective to repair or upgrade. This request is to fund the following:

Desktop Computing - \$220,000 is requested

The original plan was to bring the district to a six-year computer replacement cycle within an 8 year time frame (FY14).

Improving the Computer Replacement Cycle

AGE	10	9	8	7	6	5	4	3	2	1
Purchase										
FY 07	165		340	162	416	502	182	25	172	123
FY 08	220	120	162	416	502	182	25	172	123	165
FY 09	315		383	502	182	25	172	123	165	220
FY 10	315	68	502	182	25	172	123	165	220	315
FY 11	315	255	182	25	172	123	165	220	315	315
FY 12	315	122	25	172	123	165	220	315	315	315
FY 13	315		4	123	165	220	315	315	315	315
FY 14	315				197	315	315	315	315	315

The current request is to continue the desktop replacement plan as previously projected. Classroom instruction and Administration are significantly hampered by aging equipment. The request in FY 08 is to replace 220 of our oldest machines which are nine and ten years old. The new computers will provide improved appropriate tools in the hands of teachers, students and staff. (Note that part of the projected improvement in the age of computers is due to an actual cut from 1922 total in FY07 to 1867 in FY08 and to only 1722 in FY09 and later.)

Network Equipment-\$104,000 is requested

As the town has not yet finalized plans to renovate 4 elementary schools which were scheduled for FY 07, we have postponed until FY 08 major network upgrade plans to these buildings, Bowman, Bridge, Estabrook, Hastings and for the Central Office. Following the decisions of the PBC and the school facilities department on any major school renovation projects (for which the capital project may include network components), the remaining elementary schools networks will be upgraded.

If we do not require all the capital in this line item for elementary upgrades, we will then continue building our managed wireless infrastructure. Network maintenance and small upgrade projects would also continue in FY08.

LCD Projectors - \$40,000 is requested.

To purchase and install additional LCD projectors in classrooms throughout the district. This will provide for about 20 permanently installed projection units or the equivalent instructional technology; locations to be determined.

Information Delivery Systems - \$26,000 is requested.

The five-year Capital request in this category as originally presented last year, outlined a roadmap for upgrade and maintenance of existing servers to provide the district with an appropriate and reliable server infrastructure. This plan anticipated both the growth for storage needs and demand for more management tools and applications. New services are sorely needed to improve information flow and integration. This includes upgraded security, data warehousing, and integrated administrative applications and between systems data coordination, as well as new access tools. In FY 08, we will begin to address administrative computing as well as network security issues.

Printers/Peripherals-\$10,000 is requested.

To purchase new and replace old printers throughout the district as building needs arise. Printers have many moving parts that wear out or break and are not cost effective to repair in many cases, especially as the prices of new printers decline.

Article 34 (k)

An amount, unavailable at press time, for heating and energy repairs at various schools;

Replace all steam traps – Diamond, Estabrook, Bridge, Bowman and Hastings.

Low pressure steam traps should be changed on a three- or four-year cycle. This work has not been done in any of these buildings for many years resulting in inability to control heat and wasted energy. Return on investment is estimated at 1 to 1.5 years. Funding requested is currently expected to be \$90,000 per Superintendents recommendation for FY08.

Replace or repair doors and windows at LHS

This energy saving measure is expected at press time to require \$50,000.

Article 34 (l)**An amount, unavailable at press time, for energy-efficient lighting at the Lexington High School gym and field house;**

LHS energy efficient lighting for athletics:

Lighting replacement with the assistance of an NStar rebate of about 25% will improve cost efficiency as well as improve light levels within these spaces. Return on investment is estimated by NStar to be 3.3 years.

The expected request will be \$65,000.

Article 34 (m)**An amount, unavailable at press time, for energy improvements at Bridge, Bowman and Hastings;**

Bridge, Bowman, Hastings – Re-insulate above all ceilings:

Extensive drop ceilings in these three buildings with virtually no insulation provides an opportunity for considerable energy savings. Estimated return on investment is 1.5 years. Installation cost is \$1.25 sq. ft.

This request is expected to be for \$250,000.

Article 34 (n)**An amount, unavailable at press time, for school vehicles and equipment.**

At press time the School Committee did not expect to ask for any funding under 34(n).

Article 34 (Additional items)

1. Renovate men's and women's locker rooms at LHS and add lockers (\$65,000 request)
2. Modify the paved drop off / pick up area at the Estabrook School to improve the traffic flow and safety of students. (\$50,000 request) The current design forces outgoing traffic to cross the path of incoming traffic trying to park. This blocks the entire incoming and outgoing traffic streams causing congestion and safety issues when students then try to cross the traffic flow if they are dropped at locations other than directly at the entrance.
3. Pave the service roads to the Field House and Science Building at LHS (\$50,000 request)

These three items are considered to be within the general scope of the article although they are not explicitly in any of the sub articles in the warrant.

Article 35 **Appropriate for**
Senior Center Design/Conceptual Study
Funds Requested: \$35,000
(Remaining from Article 8(A)(ii) 2000 Annual Town Meeting)

Sponsor: Board of Selectmen

The Council on Aging (COA) has defined programmatic space requirements and site needs for the Adult Supportive Day Care program and for the services and activities now located at the Senior Center. Although a final decision or recommendation has not yet been made as this booklet goes to press, the COA will likely recommend a study of both the White House site (school administration building) and of the present facility at Muzzey to serve as a “two-campus” Senior Center. A few more steps need to be explored and worked out prior to a final recommendation to Town Meeting.

Questions

1. Will the design/conceptual study focus on a particular site?

As written above, a two-campus Senior Center comprised of the White House site and the present facility at Muzzey is strongly being considered.

2. What is the projected cost of the study?

Approximately \$35,000 remains from the \$50,000. appropriated under Article 8 (A) (ii) by the 2000 Annual Town Meeting and is available for this proposed study. The Request for Proposals for the design/conceptual study will stipulate that the proposed fee for the study will not exceed \$35,000.

3. What information is available to undertake the study?

The conceptual study will be developed using three sources of information:

1. The February 2006 study which was prepared for the School Committee when it intended to repair the White House for continued use as its Central Office.
 2. Architectural drawings documenting the renovations at Muzzey to accommodate the existing Senior Center: These “as-built” drawings will confirm existing conditions that will have a bearing on how the spaces might be reconfigured to meet anticipated future needs.
 3. The COA’s space and program requirements and site considerations for all activities and services supporting Lexington’s seniors will be included in the study.
-

Article 36

Appropriate for Public Works Facility Funds Requested: Unknown at press time

Sponsor: Board of Selectmen

To see if the Town will vote to appropriate a sum of money to construct, originally equip and furnish, a new DPW operations facility at 201 Bedford Street, including architectural and engineering services necessary in connection therewith; 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.

DESCRIPTION: This article requests funds for constructing a new Department of Public Works facility on the site of the existing facility on Bedford Street. If approved by Town Meeting, it is anticipated that a debt exclusion vote for the project will be placed on the ballot for a special election in June 2007.

The \$30.5 million design presented at the December 2006 Fall Special Town Meeting was extensively reviewed in all aspects, including an energy analysis to determine a more economic system. An operational cost benefit analysis was prepared for the question of indoor versus outdoor storage for vehicles. The operational analysis indicated that indoor vehicle storage would provide a potential saving of \$24,661,220 in employee time and costs over the 50 year life of the building with a net present value of \$10,940,408 in savings. An evaluation of the suitability of pre-engineered buildings for this project indicated that they would not provide any cost savings since extensive required changes to the relatively inflexible base designs would add to their costs significantly and they might have significant problems in meeting the requirements for quality and life expectancy. The currently proposed building is of pre-cast concrete and corrugated metal exterior cladding which are durable, cost effective, but plain rather industrial-type building materials.

As a result of all the proposed changes from the review process, the current proposal is a building with a smaller footprint reduced from 80,796 gsf to 70,121 gsf, a different heating and cooling system, and less indoor storage of vehicles. At press time the cost estimate of the revised project was not yet available but should be in time for Town meeting. William Hadley, Wayne Brooks, Carl Valente, Paul Ash and Bill Hartigan have signed off on the project as presented in the documents on the DPW website, and the BOS and PBChave approved it. The changes since the December Special Town meeting are identified in those reports on the web site. They include reducing the indoor vehicle storage from 66 to 59 vehicles and reconfiguring it, reducing the size of the vehicle maintenance bays, reconfiguring central storage, reducing the conference room size and eliminating space for a Town Network equipment room from the project, as well as increasing energy conservation measures.

Some of the energy conservation measures to be incorporated include extensive use of available daylight for lighting and adaptively dimmed fluorescent lighting when daylight is not enough by itself, use of energy recovery ventilators and sensor operated ventilation fans, use of a waste oil heater to recover the energy of waste oil currently disposed of by the DPW (which currently costs \$500 per year to recycle), and use of a

gas fired infrared heating system for the vehicle storage and maintenance areas which heats the objects but not the air. The latest energy model indicates annual energy under the new design will cost about 30 % less than the original design presented to Town Meeting in the fall. The lighting design is expected to qualify for an NSTAR energy rebate. The use of geothermal heat pumps has been dropped from the design, even though they would have provided a slight reduction in operational costs, because the probable payback period would be long.

Article 37

Appropriate for Post Employment Benefits Funds Requested: Unknown at press time

Sponsor: Board of Selectmen

As required for the FY2007 audit, this article allows the Town to begin funding the liability for post employment benefits for retirees. Lexington has been funding retiree pensions, but has not allocated funds for post employment benefits. While the State requires that pensions be fully funded by 2028, Lexington's pensions will be fully funded by 2015. Town Meeting requested special legislation to establish a Post Employment Benefits Fund which was approved in 2002.

The Federal government has been paying Lexington for Medicare Part D for retirees since they have been covered under the Town's health benefit plans. It is intended that the Medicare Part D payments be used to fund the post employment benefit liability. The Medicare Part D funds have been put under the auspice of the Retirement Board which has greater freedom to invest the funds than the Town Treasurer. As with pensions, there is no final funding date because there is no State statute requiring it at this time. The actuarial study to determine the liability is currently under way and will be completed in the spring.

Question

1. **Since disclosure of the post employment benefit liability is required for the FY2007 audit, why does element 2180 (Post Employment Health) not appear, in the budget material?**

Article 40 **Appropriate for Stabilization Fund** **Funds Requested: \$1,000,000**

Sponsor: Board of Selectmen

This placeholder article allows the Town to appropriate money into a stabilization fund. Money in the Stabilization Fund may be used in a future year to help meet expenses and, thus, reduces the demand on the tax levy in that year. These funds may be invested with the interest becoming part of the fund. A two-thirds vote of Town Meeting is required for the use of these funds.

Under the Town Manager's budget, Town Meeting is being asked to transfer \$1,000,000 into the Stabilization Fund. With \$2,650,000 being transferred to the Stabilization Fund for FY2007, the reduction reflects last year's contribution comprised of \$2,000,000 from non-recurring revenue sources. This year's \$1,000,000 is non-recurring revenue sources which flowed through the General Fund (Free Cash) such as the closeouts from NESWC and proceeds from interest earned from bond funding for school building projects.

As of press time, the Stabilization Fund has a balance of approximately \$4,290,000. The proposed appropriation of an additional \$1,000,000 will continue to build the Town's general reserves and will increase its financial flexibility.

Question

- 1. What will the total projected reserves be for FY2008?**
 - 2. What portion of the budget does this represent and how does this level conform to the Town's reserve policy?**
 - 3. Will projected reserves to adequate to cover level service expenses in FY2008?**
-

Article 41 Appropriate for Prior Years' Unpaid Bills **Funds Requested: TBD**

Sponsor: Board of Selectmen

This article is an annual place-holder should there be the need to fund unforeseen expenses from a prior fiscal year. There are no anticipated prior year's unpaid bills known at press time.

Article 42 Amend FY2007 Operating Budget **Funds Requested: TBD**

Sponsor: Board of Selectmen

This article is an annual place-holder should there be the need to fund unforeseen expenses (e.g., utility overages) in the current fiscal year. There are no unanticipated unfunded FY2007 expenses known at press time.

Article 43 Appropriate for Authorized **Capital Improvements** **Funds Requested: TBD**

Sponsor: Board of Selectmen

This article is an annual place-holder should there be the need to fund unforeseen expenses which exceed budgets for approved capital projects. There are no anticipated costs known at press time.

Article 44 Use of Funds to Reduce the Tax **Funds Requested: TBD**

Sponsor: Board of Selectmen

This article is an annual "place-holder" asking Town Meeting to approve the use of available funds (free cash) to reduce the tax rate. There are no anticipated costs known at press time.

Town Meeting Members Association Bylaws

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

Article I - Purpose

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

Article II - General Organization

Section 1 - Name

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

Section 2 – TMMA Membership

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

Section 3 - Executive Committee

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

purposes of the TMMA.

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

Section 4 – TMMA Officers

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

Section 5 – TMMA Meetings

- A. **Annual Meeting.** The Chair shall call an Annual Meeting of the TMMA to be held on a date after the annual town election, but not less than one week before the commencement of the Annual Town Meeting.
- B. **Treasurer's Report.** At the Annual Meeting, the Treasurer shall present a Treasurer's report setting forth the TMMA's assets and liabilities as of December 31 of the previous calendar year, its income and expenditures during the previous calendar year, and a brief statement of major changes through the date of the Annual Meeting.
- C. **Election of Officers.** TMMA Officers shall be elected at the Annual Meeting as follows:
1. Prior to the Annual Meeting, the Chair shall appoint a Nominating Committee consisting of three TMMA members who are not TMMA Officers,

and at least one of whom shall be a member of the Executive Committee. The Nominating Committee shall prepare a slate of proposed candidates for TMMA Officers for the ensuing year.

2. The Chair shall present to the Annual Meeting the slate prepared by the Nominating Committee. After entertaining any additional nominations from the floor, the Chair shall put the question of the election of TMMA Officers to a vote.

D. **General Meetings.** Additional general meetings of the TMMA membership may be called by the Chair with reasonable notice when deemed appropriate. A general meeting shall be called upon the request in writing of twenty-five (25) TMMA members.

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

Section 6 - Dues

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

Article III - Precinct Organization

Section 1 – Precinct Officers

A. **Officers.** The TMMA Members of each precinct shall elect annually from among the precinct Town Meeting Members, in accordance with Article III, section 2(B), the following Precinct Officers: Precinct Chair, Precinct Vice-Chair and Precinct Clerk.

B. **Duties.** The Precinct Officers shall represent their respective precincts at meetings of the TMMA Executive Committee, and shall participate to the best of their ability in the activities of the Executive Committee. In addition, the Precinct Officers shall have the following duties:

1. **Precinct Chair:** The Precinct Chair shall be the presiding officer at TMMA precinct meetings; oversee the nomination of candidates for TMMA precinct offices and the conduct of TMMA precinct elections; assist in the distribution of information to precinct Town Meeting Members during the Annual Town Meeting or any special town meeting; encourage the attendance of precinct Town Meeting Members at TMMA informational meetings or other TMMA activities; promote discussions and contacts among precinct Town Meeting Members concerning Town Meeting business; and help to maintain civility and decorum during Town Meeting sessions.
2. **Precinct Vice-Chair:** The Precinct Vice-Chair shall assist the Precinct Chair in the performance of the Precinct Chair's duties; stand in for the Precinct Chair at precinct meetings and Town Meeting sessions during the Precinct Chair's absence; and stand in for the Precinct Clerk at Town

Meeting during the Precinct Clerk's absence.

3. **Precinct Clerk:** The Precinct Clerk shall count and report precinct Town Meeting Members' votes when a standing vote is called at Town Meeting; collect TMMA dues from precinct Town Meeting Members; and stand in for or assist the Precinct Chair and Vice-Chair in the performance of their duties as may be necessary.

B. **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.

C. **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 By-Laws. Where rules are not dictated by statute, by-law 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 direc-

tions 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 by-laws 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 "Mdme/Mr. Moderator, I serve notice or reconsideration of Article . . ." and the Clerk records the fact and time. The Moderator usually allows the server of the notice to make the actual motion for reconsideration if he/she chooses, but any other member may do so if the server does not. Debate on a motion to reconsider is limited to 30 minutes, and no one may speak for more than FIVE minutes at one time nor more than once without leave of the meeting. When a motion of reconsideration is decided that decision shall not be reconsidered and no question shall be twice reconsidered. Reconsideration is not permitted for motions to 'adjourn,' 'the previous question,' 'to lay' or 'take from the table,' and to 'close debate at a specified time.'

Dissolution of the Meeting

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



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