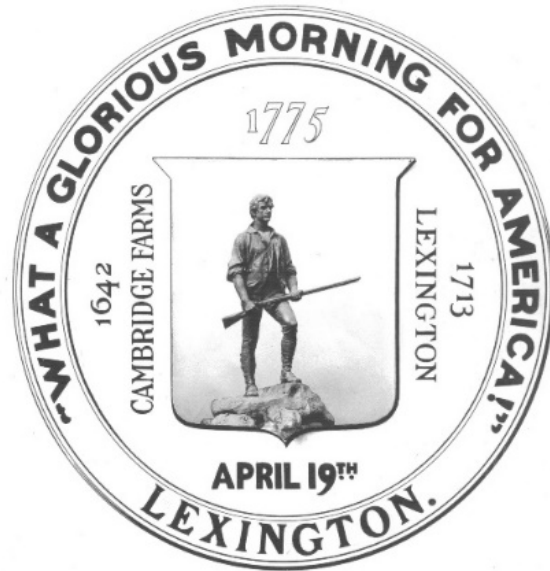


# TOWN OF LEXINGTON WARRANT



## SPECIAL TOWN MEETING 2023-1 November 7, 2023

*Detailed information on Town Meeting Warrant Articles can be found at*

[www.LexingtonMA.gov/Fall2023STM](http://www.LexingtonMA.gov/Fall2023STM)

**TOWN OF LEXINGTON WARRANT  
SPECIAL TOWN MEETING 2023-1**

Commonwealth of Massachusetts

Middlesex, ss.

To either of the Constables or Town Clerk of the Town of Lexington, in said County,

Greetings:

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Lexington qualified to vote in elections and in Town affairs to meet either at Margery Milne Battin Hall in the Cary Memorial Building, 1605 Massachusetts Avenue, Lexington, or by means of the audio/video conferencing platform described more particularly below on

**Tuesday, the seventh day of November, 2023 at 7:30pm**

at which time and place the following articles are to be acted upon and determined exclusively by the Town Meeting Members in accordance with Chapter 215 of the Acts of 1929, as amended, and subject to the referendum provided for by Section eight of said Chapter, as amended.

Pursuant to Chapter 92 of the Acts of 2020, as amended, including without limitation by Chapter 2 of the Acts of 2023, the Town Meeting shall be held through a hybrid of in person meeting and remote participation by the means requested by the Moderator as follows:

Town Meeting members will either attend the meeting in person at Margery Milne Battin Hall, or via remote participation. The meeting will be facilitated by use of: (1) the Zoom videoconferencing platform, (2) the online voting tool developed by Select Board member Joe Pato and (3) an online queuing function developed by Select Board member Joe Pato to facilitate debate. Other Town residents who wish to follow the proceedings may do so by attending the meeting in person in the areas reserved for non-Town Meeting Members, or via LexMedia at <https://www.youtube.com/user/LexMediaMATV>. Other residents who wish to participate in the Meeting may email the Town Clerk's Office at [clerk@lexingtonma.gov](mailto:clerk@lexingtonma.gov) and by completing the online form at [www.LexingtonMA.gov/Fall2023STM](http://www.LexingtonMA.gov/Fall2023STM).

For more information, please see the Moderator's letter dated September 11, 2023 to the Select Board attached to this warrant as Appendix A.

**ARTICLE 1**

**REPORTS OF TOWN BOARDS, OFFICERS AND COMMITTEES**

To receive the reports of any Board or Town Officer or of any Committee of the Town; or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

DESCRIPTION: This article remains open throughout Town Meeting and reports may be presented at any Town Meeting session by boards, officers, or committees.

**ARTICLE 2**

**APPROPRIATE FOR PRIOR YEARS' UNPAID BILLS**

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

*(Inserted by the Select Board)*

FUNDS REQUESTED: Unknown at press time

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

**ARTICLE 3**

**ESTABLISH, AMEND, DISSOLVE AND APPROPRIATE TO AND FROM SPECIFIED STABILIZATION FUNDS**

To see if the Town will vote to create, amend, dissolve, rename and/or appropriate sums of money to and from Stabilization Funds in accordance with Massachusetts General Laws, Section 5B of Chapter 40 for the purposes of: (a) Section 135 Zoning By-Law; (b) Traffic Mitigation; (c) Transportation Demand Management/Public Transportation; (d) Special Education; (e) Center Improvement District; (f) Transportation Management Overlay District; (g) Capital; (h) Payment in Lieu of Parking; (i) Visitors Center Capital Stabilization Fund; (j) Affordable Housing Capital Stabilization Fund; (k) Water System Capital Stabilization Fund; and (l) Ambulance Stabilization Fund; determine whether such sums shall be provided by the tax levy, by transfer from available funds, from fees, charges or gifts or by any combination of these methods; or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: This is an annual article to establish, dissolve, and/or fund Stabilization Funds for specific purposes and to appropriate funds therefrom. Money in those funds may be invested and the interest may then become a part of the particular fund. These funds may later be appropriated for the specific designated purpose by a two-thirds vote of an Annual or Special Town Meeting, for any lawful purpose.

**ARTICLE 4**

**AMEND FY2024 OPERATING, ENTERPRISE AND CPA BUDGETS**

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 4, 5, 9 and 10 of the warrant for the 2023 Annual Town Meeting to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by tax levy, by transfer from available funds including the Community Preservation Fund, or by combination of any of these methods; or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: This is an annual article to permit adjustments to current fiscal year (FY2024) appropriations.

**ARTICLE 5**

**APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS**

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

*(Inserted by the Select Board)*

FUNDS REQUESTED: Unknown at press time

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

**ARTICLE 6**

**APPROPRIATE OPIOID SETTLEMENT**

To see if the Town will vote to appropriate amounts received from Statewide Opioid Settlements between the Massachusetts Attorney General and non-bankrupt opioid industry participants, for the funding of prevention, harm reduction, treatment and recovery programs as further detailed in the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements, or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: This article will allow the Town to spend abatement funds received from the Statewide Opioid Settlement for purposes and programs outlined in the settlement agreement, including supplementing and strengthening community resources available to residents and families for substance use disorder prevention, education, harm reduction, treatment, and recovery programs.

**ARTICLE 7 APPROPRIATE HOUSING RESALE AND RENTAL MONITORING FEES**

To see if the Town will vote to direct future affordable housing resale fees and rental monitoring fees paid to the Town pursuant to affordable housing restrictions held by the Town or otherwise, directly to the Affordable Housing Trust without further appropriation; or act in any other manner in relation thereto.

*(Inserted by the Select Board at the request of the Affordable Housing Trust)*

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: The Housing Trust Study Committee informed Town Meeting in November 2022 that affordable housing resale fees would be a source of funding for the Affordable Housing Trust, a typical source of housing trust funds. The Affordable Housing Trust voted August 30, 2023 to request Town Meeting vote to direct that affordable housing resale fees from ownership units and rental monitoring fees, be appropriated into the Affordable Housing Trust. The Regional Housing Services Offices carries out the resales and rental monitoring for the Town as part of its annual contract with the Town. In the last decade there were two resales of the 26 affordable housing ownership units the Town manages. The resale fees are included in the deed rider; the affordable housing rental monitoring fees are negotiated by the Town with the developer.

**ARTICLE 8 APPROPRIATE FOR SPEED HUMP PILOT PROGRAM**

To see if the Town will vote to appropriate a sum of money for the installation of temporary speed humps on Walnut Street, and determine whether the money shall be provided by the tax levy or by transfer from available funds, or by any combination of these methods, or act in any other manner in relation thereto.

*(Inserted by the Select Board at the request of the Transportation Safety Group)*

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: The Traffic Safety Group proposes a speed hump pilot project on Walnut Street. The pilot project entails design and installation of temporary rubber speed humps from April to October of 2024. The neighborhood and Lexington staff will then be able to evaluate the effectiveness and appropriateness of the location before constructing a permanent speed hump.

**ARTICLE 9 AUTHORIZE HOME RULE PETITION FOR SPECIAL LEGISLATION — ESTABLISHING THE ELECTION OF TOWN OFFICES USING RANKED CHOICE VOTING (CITIZENS’ PETITION)**

To determine whether the Town will authorize and request the Select Board to petition the General Court for Home Rule Legislation to elect Town offices using Ranked Choice Voting or take any other action relative thereto.

*(Inserted by the Sreeni Chippada and at least 99 or more registered voters)*

FUNDS REQUESTED \$12,500 initial (\$12,500 ongoing)

DESCRIPTION: This article would authorize and compel the Select Board to petition the General Court for special legislation that will enable the Town of Lexington to conduct municipal elections through the system of Ranked-Choice Voting. The article would also provide for the costs associated with implementing Ranked-Choice Voting. Lexington voters currently participate in Single-Choice Voting, with elections that utilize a plurality threshold: voters choose one candidate, and the candidate with the most votes wins the election. Ranked-Choice Voting is also referred to as Instant-Runoff Voting, and utilizes a majority threshold to determine the winning candidate. If a candidate does not receive a majority of votes (i.e. 50+%), a runoff election—or additional election—would be held. Ranked-Choice Voting permits voters to select on their ballot, in order of preference, multiple candidates for the same office. If a candidate receives a majority of first-choice votes, that candidate would be the winner. If no candidate receives a majority of first-choice votes, then the candidate with the fewest first-choice votes is eliminated, and the ballots counted for the eliminated candidate would be tabulated again utilizing the voters’ next-choice candidate. This process is repeated until a candidate has reached a majority threshold.

**ARTICLE 10**

**HAYDEN EASEMENT**

To see if the Town will vote to accept an easement over all or a portion of certain land owned by the Josiah Willard Hayden Recreation Centre, Inc., known as and identified as 24 Lincoln Street, Lexington, Massachusetts (Lexington Assessor’s Map 50, Lot 1A, containing 28.04 acres, more or less) and land on Lincoln Street (Lexington Assessor’s Map 50, Lot 251A, containing .69 acres, more or less) (together, the “Property”) for the purposes of pedestrian passive recreation and access to nearby Town-owned land, on such terms and conditions as are acceptable to the Select Board; or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: An easement between the Hayden Recreation Centre and the Town of Lexington is proposed to formalize the agreement between the parties under which the Town has been maintaining and using certain sections of the Property for years to provide access between the Recreation Centre, the High School, and nearby athletic fields.

**ARTICLE 11**

**AMEND ZONING BYLAW – ASSOCIATE PLANNING BOARD MEMBER**

To see if the Town will vote to amend Section 9.3.3 of the Zoning Bylaw to allow the Planning Board Chair to call an associate member to sit on applications for special permits, site plan review, or other applications that may come before the Board in the case of an absence, inability to act, vacancy, or conflict of a Board Member; or act in any other manner in relation thereto.

*(Inserted by the Select Board at the Request of the Planning Board)*

DESCRIPTION: This amendment would expand the powers of the Chair to call the associate member to sit as a voting board member on various types of applications that come before the Planning Board in the event a board member has a conflict, is not able to act, or a vacancy.

**ARTICLE 12**

**AMEND ZONING BY-LAW – 2013-2027 Massachusetts Avenue (Owner Petition)**

To see if the Town will vote to amend the Zoning Bylaw of the Town by amending the Planned Development District CD-15 for 2013-2027 Massachusetts Avenue, land shown on Town Assessors’ Map 49 as Parcel 2A (also known as the Inn at Hastings Park) to increase the amount of seating permitted at restaurant and other establishments permitted in the district, as well as associated parking, or act in any other manner in relation thereto.

*(Inserted by AB Holdings LLC / Trisha Perez Kennealy)*

DESCRIPTION: This article requests to amend the CD-15 zoning approved in 2012 by amending the zoning schedule of dimensional controls and development standards limitation on the maximum allowable number of seating at the Inn at Hastings Park, 2013-2027 Massachusetts Avenue.

And you are directed to serve this warrant not less than fourteen days at least before the time of said meeting, as provided in the Bylaws of the Town.

Hereof fail not and make due return of this warrant, with your doings thereon, to the Town Clerk, on or before the time of said meeting.

Given under our hands this 2nd day of October, 2023.

Joseph N. Pato, Chair

Suzanne E. Barry

Douglas M. Lucente

Jill I. Hai

Mark D. Sandeen

Select Board  
of  
Lexington

A true copy, Attest:  
Constable of Lexington

APPENDIX A



*Town of Lexington*

**MODERATOR  
DEBORAH BROWN**

September 11, 2023

DELIVERED BY EMAIL

Dear Select Board Members,

Pursuant to Massachusetts Section 26 of Chapter 22 of the Acts of 2022, as amended by Section 47 of Chapter 2 of the Acts of 2023, I request approval to conduct the proposed 2023 Special Town Meeting as a hybrid meeting. I propose to use a combination of: (1) the Zoom videoconferencing platform, (2) the online voting tool developed by Select Board member Joe Pato, and (3) an online queuing function developed by Select Board member Joe Pato to facilitate the process of debate.

I certify that all components of the system described above have been fully tested and utilized successfully for prior Town Meetings, and I am satisfied that this system enables our meetings to be conducted in substantially the same manner whether a member is participating in person or remotely. I certify that the system for those opting for remote participation (i) allows the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remote meeting, as well as any other individuals who participate in the meeting; (ii) provides the ability to determine whether a quorum is present; (iii) allows participants to request recognition by the moderator and makes such requests visible to the meeting participants and the public; (iv) allows the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, or raise a point of order or personal privilege; (v) enables the moderator to recognize a town meeting member, town official or other individual and enable that person to speak; (vi) provides the ability to conduct a roll call or electronically recorded vote; (vii) allows any interested members of the public to access the meeting remotely through LexMedia for purposes of witnessing the deliberations and actions taken at the town meeting; (viii) allows members of the public to participate in debate in-person or through the submission of statements for or against a motion; and (ix) provides for the town meeting to be recorded and available for future viewing. I further confirm that I have consulted with Lexington's Commission on Disability regarding system accessibility.

Sincerely,

Deborah Brown  
Town  
Moderator  
617-512-7901

Town of Lexington, MA 02420

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LEXINGTON, MA

*Detailed information on Town Meeting Warrant Articles can be found at*  
**[www.LexingtonMA.gov/Fall2023STM](http://www.LexingtonMA.gov/Fall2023STM)**