

TMMA Warrant Information Report



“Getting the Word Out” – done for TMMA by Christopher Bing

2020 Annual Town Meeting

This report has been prepared by the Town Meeting Members Association to provide information to Town Meeting members concerning the articles of the warrants for **Annual Town Meeting 2020**. TMMA thanks town officials, town staff, and members of boards and committees for their assistance in providing information for this report.

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

Conflict of Interest Guideline for Town Meeting Members

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

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

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

Notes

Please note that all dollar amounts listed in this report are NOT final. The final dollar amounts will be provided in motions presented at the Annual Town Meeting starting on March 21.

Also note that the information provided in this report was current as of the publication date; some circumstances may have changed since then. See the TMMA web site for new and updated information.

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

Special thanks to:

Peet Coffee and Tea, Lexington for supplying coffee for the edit session.

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Article 4 Appropriate FY2021 Operating Budget

To see if the Town will vote to make appropriations for expenditures by departments, officers, boards and committees of the Town for the ensuing fiscal year and determine whether the money shall be provided by the tax levy, by transfer from available funds, by transfer from enterprise funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: See the most recent version of the FY2021 budget proposals posted at <http://lexingtonma.gov/budget>.

DESCRIPTION: This article requests funds for the FY2021 (July 1, 2020 - June 30, 2021) operating budget. The operating budget includes the school and municipal budgets. The operating budget includes requests for funds to

provide prospective salary increases for employees, including salaries to be negotiated through collective bargaining negotiations. The budget also includes certain shared expenses.

TMMA Summary

TMMA Review (as of 03/5/20)

The information provided for this report is from the Town Manager’s “Fiscal Year 2021 Recommended Budget & Financing Plan, February 21, 2020” (the “Brown Book”). The operating budget is comprised of Education, Shared Expenses, Municipal expenses, cash capital and other revenue set-asides. The “Brown Book” Section I (I-3): Budget Overview Program Summary is:

FY2020 Program	FY2021 Appropriation	Dollar Recommended	% Change	Change	Change
Education					
Lex. Public Schools	113,553,075	118,357,656		4,803,899	4.23%
Regional Schools	<u>2,470,131</u>	<u>2,863,147</u>		<u>393,016</u>	<u>15.91%</u>
Total Education	116,023,888	116,023,888		5,196,915	4.48%
Total Shared Expenses	60,541,457	62,727,317		2,185,860	3.61%
Total Municipal	40,276,016	41,582,630		1,306,344	3.24%
Total Capital	8,137,274	7,743,515		(393,759)	(4.84)%
Total Other Articles	<u>4,358,036</u>	<u>4,346,699</u>		<u>(11,337)</u>	<u>(0.26)%</u>
General Fund Total	229,336,671	237,620,694		8,284,023	3.61%

Program 1000 – Education

Lexington Public Schools - Major Changes, FY2020 to FY2021 (FY 2021 Superintendent’s Recommended Budget): The components of the increase from FY 2020 include:

Below is the breakdown of the School Department's budget increase, by category, for FY 2021 totaling \$4,853,638, an increase of 4.27%. Please note that this includes the funds that the school department will transfer to Municipal accounts for the Benefits cost of new staff (\$49,739).

Contractual Increases - \$2,741,290 or 2.41% of the 4.27% increase

The major driver in this category is funding current staffing levels for FY 2021 including step increases, anticipated collective bargaining and non-union wage settlements. It includes the overall reduction of 8.62 FTE staff from the FY 2020 baseline-staffing cohort.

Legal/Mandates - \$1,685,346 or 1.48% of the 4.27% increase

The major drivers for this increase are special education related. This funds an additional 8.10 FTE for positions needed due to Individual Education Plan (IEP) requirements, such as staffing for expanded special education programming at Diamond and Lexington High School. It also funds increases in Special Education Out-of-District placements, Special Education Transportation increases and Special Education Extended Year (Summer) programs. Additionally, this category includes contractual increases for the District's regular education transportation program.

Enrollment Increases - \$359,740 or 0.32% of the 4.27% increase

The major drivers of this increase are general education enrollment increases. This funds an additional 3.71 FTE for positions needed to maintain class sizes and current staff/student ratios and caseloads. Also included are funds for per-pupil adjustments for expense budgets to account for enrollment shifts.

Program Improvements - \$67,263 or 0.06% of the 4.27% increase

The major drivers of this increase are limited/targeted program improvements. This category funds certain expense and upgrades in system and technology software packages (NovaTime and AESOP), in addition to funding for the Emergency Response Safety Team activities.

Minuteman Vocational Technical High School - Major Changes, FY2020 to FY2021
(FY 2021 Superintendent's Budget)

- The new Minuteman Regional Vocational Technical High School building opened on time and on budget in September 2019!
- The total proposed FY21 budget is \$25,502,946, including the increase in debt service for the new building. The proposed FY21 Minuteman budget is an increase of \$2,734,116 (12%) over FY20. Assessments to member towns total \$17,337,416, a difference of \$1,480,512 from FY20. Lexington's total FY21 assessment is \$2,863,147, an increase of \$393,016 over FY20 of which \$619,465 is Lexington's share of the debt service for the new school building. The total FY21 Debt/Capital assessment for Lexington is \$709,909.
- The total assessments to member towns for FY21 will be an increase of 9.34% over last year's assessments. This is due in part to increases in enrollment and debt in the budget, and the withdrawal of Belmont as a member of the district. The greatest percentage of change to the FY21 budget is the debt service increase at 47.08% over the previous year's debt service expense. New programs to the school (Advanced Manufacturing, Multimedia Engineering, and Animal Science) require an increase in staffing and funding for FY21.

- The district will be increasing the nonresident student special education increment for FY21 from \$6,200 to \$7,400 per student, with the revenue collected being applied as prior year tuition revenue in the FY22 budget.

-The district is also authorized to charge a capital fee to nonresident students to support the building project. For students who reside in communities that do not provide access to at least five Chapter 74 approved vocational-technical programs ("Type A" communities), the capital fee will be \$7,775 per student, while it will be \$5,831 per student for those from communities that offer five or more approved vocational-technical programs ("Type B" communities). Fees collected in FY21 will be applied to the building project costs in the FY22 budget.

- Seven of the current nine member-towns supporting the building project (Acton, Arlington, Bolton, Concord, Dover, Lancaster, and Stow) voted a Proposition 2 1/2 debt exclusion override to fund their assessment share of the project. Lexington and Needham voted to fund their portions through their general funds (operating budgets). Belmont voted not to support the project, is not assessed for it, and will become a non-member town at the end of FY20, seceding from the district.

- Lexington's Building Construction Debt Service Assessment for FY21 is \$619,465.

- Lexington's assessment for all other debt service is \$90,444. Total Debt Service: \$709,909.

- Lexington's Total Assessment for FY21 is \$2,863,147. For FY20, it was \$2,470,131.

Shared Expense Major Changes, FY2020 to FY2021 (Brown Book, Program Summary I-2):

<u>Change Program</u>	<u>Reason</u>	<u>Amount</u>
• 2110 – Contributory Retirement	To meet actuarial valuation-base funding schedule mandated by State regulation	\$ 280,000
• 2120 – Non-Contrib. Retirement	For employees with pensions before Contributory Retirement System was established	631
• 2130 – Medicare, Health, Dental, Life Ins.	Based on 5.0% increase across all health insurance plans and the addition or change of 80 subscribers	1,183,375
• 2140 – Unemployment	The Town self-insures for this expense	0
• 2150 – Workers’ Comp.	Basically level funded from FY20	(12,346)
• 2210 – Property & Liab. Insurance	Estimated 5% increase in premiums but costs of insur. for new buildings less than expected for FY20	(37,304)
• 2220 – Uninsured Losses	No increase in the continuing balance account.	0
• 2310 – Solar Producer Payments	Obligated payments for installation and operation of the solar array on Hartwell Ave.	0
• 2400 –Debt Service	Levy supported (non-exempt) debt	663,461
• 2500– Reserve Fund	For unforeseen expenses	(150,000)
• 2600 –Facilities	Compensation contract increases + 2 cust. FTEs	258,044

Municipal Operating Budget Major Changes, FY2020 to FY2021 (Program Summary I-2):

Except where otherwise noted below, the FY2021 budget is level funded from FY2020. Those departments having significant increases above \$50,000 are (salaries do not include benefits reflected in Shared Expenses):

Increase

<u>Program</u>	<u>Reason</u>	<u>Amount</u>
• 3000 – Public Works	Expenses – includes program improvements	\$322,847
• 4100 – Law Enforcement	Personal Services – contract incr.s + 1 cross.guard	421,087
• 4200 – Fire & Rescue	Expenses – incl. replacement of protective clothing	399,137
• 5100 – Library	Expenses – incr. cost of supplies and contracts	75,612
• 7100 – Land Use, Health	Personal Services – contract incr.s + health agent	103,077
• 8210 – Town Manager	Personal Services – step incr.s, 6 mo.s Sustain Dir	106,931
• 8400 – Finance	Personal Services – cost of living and step incr.s	64,882
• 8500 – Town Clerk	Personal Services – due to elections in FY2021	57,732
• 8600 – IT	Expenses – incr. cost of maintenance, new contracts	95,450

Total Capital includes “cash capital”, the Building Envelope Set-Aside and the Streets Set-Aside (see Section I: Program Summary on page, I-5 and Section XI: Capital Investment). The decrease of (\$393,759 from FY 2020 results from a decrease of (\$416,077) in Capital Requests, an increase of \$5,097 for the Building Envelope/Systems Set-Aside and an increase of \$17,221 for the Streets Set-Aside. *Please see the Capital Expenditures Committee report.*

Total Other Articles has a decrease from FY 2020 of (\$11,337). This includes an Unallocated increase of \$225,000. The *Set-Aside for Unanticipated Current FY Needs* is \$200,000. The *Set-Aside for Tax Levy Support of Community Center Program* reflects an increase of \$10,057. The allocation for the *Capital Stabilization Fund* decreases by (\$496,394). The fund will be used in future periods to reduce demand on the tax levy as capital project payments come online. The *Senior Service Program* and *Getting to Net Zero* have no appropriations for FY 2021. There is no allocation to the *Comprehensive Plan Development*. The funding of the *OPEB Trust Fund* has a decrease of (\$50,000) and the *Warrant Articles* account has no appropriation for FY 2021.

Under Shared Expenses, Employee Benefits and Debt Service figures include the expenses related to School Department employees and capital projects. The program expenses provided here do not reflect any salary and benefit adjustments that will result from ongoing collective bargaining negotiations. Because all associated costs must be incorporated into the Enterprise Funds budgets, projected salary and benefit increases are reflected in Article 5 numbers. The expenses related to the Water, Wastewater and Recreation Enterprise Funds have been separated from the municipal operating budget and will be approved by Town Meeting under Article 5. As has been done in prior years, Revolving Fund projected revenues have been offset against operating expenses from certain programs. This impacts line items 2400, 3300, 3400, 3500, 6100, 6200, 7100, 7300 and 8140 and is reflected under Article 9.

TMMA Questions:

- 1. At the end of FY 2019, was money returned to the General Fund from the School Dept. account?**
- 2. For the Lexington Public Schools, how has the number of students on IEPs changed and what is the change in number and cost of out-of-district placements?**
- 3. Under the Municipal Budget, program 2140 – Unemployment and program 2220 – Uninsured Losses have been level funded from FY20. Have there been expenditures from these accounts and what has our history been?**
- 4. A portion of the DPW increase is due to converting a Staff Engineer to a Senior Engineer. Is the Staff Engineer position going to have to be filled in the future?**
- 5. What is the timing of moving the Fire Department from their temporary location to the new building and when is it anticipated that the Police Department will have to move? In what fiscal year will the associated costs be expended?**

For further information:

The FY2021 Recommended Budget and Financing Plan has been posted to the Town's website at:
<http://www.lexingtonma.gov/budget>

Article 5 Appropriate FY2021 Enterprise Funds Budgets

To see if the Town will vote to appropriate a sum of money to fund the operations of the DPW Water and Wastewater Divisions and the Department of Recreation and Community Programs; determine whether the money shall be provided by the estimated income to be derived in FY2021 from the operations of the related enterprise, by the tax levy, by transfer from available funds, including the retained earnings of the relevant enterprise fund, or by any combination of these methods ; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED:

<u>Enterprise Fund</u>	<u>FY2019 Appropriated</u>	<u>FY2020 Requested</u>	<u>FY2021 Requested</u>
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a) Water			
<u>Personal Services</u>	\$684,682	\$785,010	\$804,234
<u>Expenses</u>	\$395,107	\$508,875	\$502,925
<u>Debt Service</u>	\$1,436,995	\$1,277,412	\$1,283,916
<u>MWRA Assessment</u>	\$7,128,006	\$7,413,364	\$8,154,700
<u>Total Water Enterprise Fund</u>	\$9,644,790	\$9,984,661	\$10,745,775
b) Wastewater			
<u>Personal Services</u>	\$208,773	\$355,614	\$366,568
<u>Expenses</u>	\$342,920	\$432,950	\$444,150
<u>Debt Service</u>	\$1,134,396	\$1,278,322	\$1,398,374
<u>MWRA Assessment</u>	\$7,572,486	\$7,851,947	\$8,637,142
<u>Total Water Enterprise Fund</u>	\$9,258,575	\$9,918,833	\$10,846,234
c) Recreation and Community Programs			
<u>Personal Services</u>	\$1,275,859	\$1,471,683	\$1,535,363
<u>Expenses</u>	\$1,233,393	\$1,481,895	\$1,480,045
<u>Total Recreation and Community Programs Enterprise Fund</u>	\$2,509,252	\$2,953,578	\$3,015,408

DESCRIPTION: Under Massachusetts General Laws Chapter 44, Section 53F^{1/2}, towns may establish Enterprise Funds for a utility, health care, recreation or transportation operation, with the operation to receive related revenue and receipts and pay expenses of such operation. This article provides for the appropriation to and expenditure from three enterprise funds previously established by the Town. The Recreation and Community Programs Fund includes the operations and programs for the Community Center.

TMMA Summary

Passage of this article appropriates money for the Water, Wastewater and Recreation and Community Programs Enterprise Funds. Lexington has established individual Enterprise Funds for our water, wastewater (sewer), recreation and community programs operations. These funds receive revenue from water and sewer bills and from recreation fees and pay the expenses for those departments. FY2021 represents the fifteenth year in which the enterprise fund budgets have been separated from the general expenses of the municipal operating budget. This change was made to allow for greater transparency and to improve accounting functions.

The major variations to the Water and Wastewater Enterprise funds budgets from FY2020 reflect estimated changes for the Mass. Water Resources Authority (MWRA) assessments and debt service. Debt service includes actual debt service on bonds issued to date, estimated debt service on projects authorized by Town Meeting for which debt has yet to be issued and estimated debt service on projects proposed for consideration at the 2020 Annual Town Meeting.

The FY2021 MWRA assessments reflected in the recommended budgets are based on preliminary assessments issued by the MWRA. Final assessments will be voted by the MWRA Board of Directors later in the spring. Generally, there is little variance between the preliminary and final assessments. The budget adopted at the Annual Town Meeting plus indirect costs (those costs borne by the general fund operating budget that support the operations of the water and wastewater divisions) will serve as the basis for rate recommendations to be made to the Select Board.

The Recreation Enterprise Fund debt service is related to the improvements made at Lincoln Field as approved under the debt exclusion in June of 2002. At that time, it was agreed that the Recreation Enterprise Fund would contribute \$100,000 towards the annual debt service payment for this project. The \$100,000 payment was previously an off-budget expense of the Recreation Enterprise Fund. Beginning in FY2009, this payment has been shown in the Recreation Enterprise Fund budget to clearly present to Town Meeting the total Recreation budget.

Based on updated information, adjustments have been made to Water and Wastewater requested amounts printed in the Warrant. The revised requested amounts now shown in the Brown Book are:

<u>Water</u>	<u>FY 2021</u>
Debt Service	\$1,283,916
MWRA Assessment	\$8,154,700

<u>Wastewater</u>	
Debt Service	\$1,398,374
MWRA Assessment	\$8,637,142

TMMA Questions:

1. What is an Enterprise Fund?

Answer: An enterprise fund is a self-supporting account for a specific service or program that the Town operates as a separate “business”. Enterprise funds do not depend on taxes for operating revenue. For example, water operations are funded through the Water Enterprise Fund, which receives funds from a consumption-based fee system. Ideally, enterprise resources and expenditures should balance over time. Funds in enterprise accounts do not revert to the general fund at the end of the fiscal year.

2. What are the retained earnings balances of each of the enterprise funds?

ARTICLE 6 ESTABLISH QUALIFICATIONS FOR TAX DEFERRALS

To see if the Town will vote to increase the current eligibility limits for property tax deferrals under Massachusetts General Laws Chapter 59, Section 5, Clause 4IA as

authorized by Chapter 190 of the Acts of 2008; or act in any other manner in relation thereto.

(Inserted by the Select Board)

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

TMMA Summary

Lexington residents aged 65 and over, with incomes of \$75,000 or less may currently enter into an agreement with the Town to defer payment of any part or all of their property tax bill until their property is conveyed or they or their qualifying surviving spouse dies.

This article seeks to raise the income limit to \$90,000 to match the current top tier income level used by the State to confer their Senior Circuit Breaker Tax Credit.

The Towns of Arlington and Brookline have recently taken similar measures.

ARTICLE 7 PETITION GENERAL COURT TO AMEND LEGISLATION REGARDING TAX DEFERRALS

To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court to enact legislation regarding real property tax deferrals in the Town of Lexington in substantially the form below, and further to authorize the Select Board to approve amendments to said act before its enactment by the General Court that are within the scope of the general objectives of the petition; or act in any other manner in relation thereto.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 2 of Chapter 190 of the Acts of 2008 is hereby renumbered to be Section 3.

SECTION 2. A new Section 2 of Chapter 190 of the Acts of 2008, is hereby added as follows:

"Section 2. The imposition of interest required pursuant to section 62 of chapter 60 shall be delayed by one year in the case of a person whose taxes have been deferred pursuant to clause 41A of section 5 of chapter 59."

SECTION 3. This act shall take effect upon its passage.

(Inserted by the Select Board)

DESCRIPTION: The senior property tax deferral program, known as Clause 41A, allows people 65 or over to defer their property taxes until their home is sold or conveyed, or until the death of the applicant. During the time property taxes are deferred, the interest rate charged on the deferral is a low rate tied to a government index that generally runs three percent below the Prime Rate, however upon the death of the applicant the rate increases to 16 percent per annum. This article would delay the interest rate increase on an estate with tax deferral, for a year after the death of the applicant.

TMMA Summary

Lexington homeowners who defer their property taxes pay a low simple interest rate on deferred amounts that is set by vote of Town Meeting. Immediately upon the death of the homeowner, however, the State requires that the interest rate be increased to 16%. This Article seeks to provide a one-year delay before the interest rate increases. This will allow the heirs a reasonable amount of time to settle the estate without the added financial pressure of a high interest rate.

This change in the applicable deferral law requires legislative approval by the State. This article seeks authorization for the Select Board to request the needed special legislation.

ARTICLE 8 SHORT TERM RENTAL IMPACT FEE

To see if the Town will vote to accept Massachusetts General Laws Chapter 64G, Sections 3A & 3D, Local Option Community Impact Fee of 3% on short term rental properties, or act in any other manner in relation thereto.

(Inserted by the Select Board)

DESCRIPTION: The article authorizes the Town to adopt a "community impact fee" of up to 3% on "professionally manage short-term rental in the same municipality with at least one of those units not located in a single-, two-, or three- family dwelling that includes the operator's primary residence.

TMMA Summary

This article proposes that the Town adopt State legislation to allow Lexington to collect a fee of up to 3% on certain short term rental units. The fee could be collected on rental units that are

operated by an entity that manages more than one unit in Lexington, unless the rental unit is in a dwelling that is the primary residence of the owner, and is a one, two, or three-family dwelling.

Adoption of this legislation does not put a fee into place. It enables the Select Board to institute a fee of up to 3%, should they ever vote to do so.

TMMA Questions:

1. What is the actual fee levied upon? The rent collected? The property taxes? The assessment?
2. How would collection of the fee be enforced?

Article 9 Establish and Continue Department Revolving Funds

To see if the Town will vote, pursuant to the Massachusetts General Laws Chapter 44, Section 53E½ and Chapter 110 of the Code of the Town of Lexington, to continue existing revolving funds; to amend said Chapter 110 to establish new revolving funds; to determine whether the maximum amounts that may be expended from such new and existing revolving fund accounts in FY2021 shall be the following amounts or any other amounts; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED:

<u>Program or Purpose for Revolving Funds</u>	<u>FY2021 Authorization</u>
<u>School Bus Transportation</u>	<u>\$1,150,000</u>
<u>Building Rental Revolving Fund</u>	<u>\$56,000</u>
<u>DPW Burial Containers</u>	<u>\$50,000</u>
<u>Lexington Tree Fund</u>	<u>\$45,000</u>
<u>DPW Compost Operations</u>	<u>\$790,000</u>
<u>Minuteman Household Hazardous Waste Program</u>	<u>\$250,000</u>
<u>Regional Cache -Hartwell Avenue</u>	<u>\$20,000</u>
<u>Senior Services Program</u>	<u>\$75,000</u>
<u>Health Programs</u>	<u>\$45,000</u>
<u>Tourism/Liberty Ride</u>	<u>\$200,000</u>
<u>Visitors Center</u>	<u>\$205,000</u>
<u>Residential Engineering Review</u>	<u>\$57,600</u>
<u>Lab Animal Permits</u>	<u>TBD</u>

DESCRIPTION: The amount that may be spent from a revolving fund established under Massachusetts General Laws Chapter 44, Section 53E½ must be approved annually by Town Meeting. The Funds are credited with the receipts received in connection with the programs supported by such funds, and expenditures may be made from the revolving fund without further appropriation.

TMMA Summary

The amounts in this article represent the projected revenue for each program. Since the expenses associated with the Revolving Funds are not reflected in the Article 4 Operating Budget, the FY2021 Authorizations are spending limits which cannot be exceeded. A continuing balance in a revolving fund may be carried over to the next fiscal year. Expenditure ceilings are based on revenue projections, in no case can spending exceed revenues on hand. The Select Board with approval by the Appropriation Committee, has the authority to increase a program's spending ceiling within expected receipts.

This year a revolving fund is being added by amending the Code of Lexington, Section 110-1. The fund is "Lab Animal Permit Applications/Inspections". Given the increased biomedical activity on Hartwell Ave., the funds will be used for consulting services to perform inspections of animal research labs.

TMMA Question:

1. By fund, what are the balances of revolving funds?

As of 6/30/19, the fund balances are:

School Bus Transportation	\$489,666
Building Rental Revolving Fund	354,717
Regional Cache-Hartwell Ave	24,507
Lexington Tree Fund	89,874
DPW Burial Containers	244,518
DPW Compost Operations	741,922
Minuteman Household Haz. Waste	83,657
Senior Services Program	46,958
Residential Engineering Review	0
Health Programs	94,640
Tourism/Liberty Ride	10,365
Visitor Center	(6,660)
Lab Animal Permit Applications/Insp.s	0

ARTICLE 10 APPROPRIATE THE FY2021 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET AND CPA PROJECTS

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY2021 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations; for the debt service on previously authorized financing; for the administrative expenses of the Community Preservation Committee for FY2021; for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with moneys from the Community Preservation Fund; to appropriate funds for such projects and determine whether the money shall be provided by the tax levy, or from estimated Community Preservation Act surcharges and the state match for the upcoming fiscal year, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

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

FUNDS REQUESTED:

- a) Archives & Records Management /Records Conservation & Preservation- \$20,000

- b) Restoration of Margaret Lady of Lexington Painting- \$9,000
- c) Battle Green Master Plan- Phase 3- \$317,044
- d) Conservation Land Acquisition- TBD
- e) Daisy Wilson Meadow Preservation- \$22,425
- f) Wright Farm Site Access Planning and Design- \$69,000

- g) Athletic Facility Lighting- \$450,000
- h) Park Improvements- Hard Court Resurfacing- Valley Tennis Courts- \$100,000
- i) Park and Playground Improvements- Sutherland Park-\$95,000
- j) Park Improvements- Athletic Fields- Harrington, Bowman, and Franklin Field- \$370,000
- k) Parker Meadow Accessible Trail Construction- \$551,026
- l) Lexington Housing Authority- Greeley Village Community Center Preservation- \$130,000
- m) LexHAB- 116 Vine Street Design Funds- \$100,000
- n) CPA Debt Service- \$3,016,730
- o) Administrative Budget- \$150,000

DESCRIPTION: This article requests that Community Preservation funds and other funds, as necessary, be appropriated for the projects recommended by the Community Preservation Committee and for administrative costs.

TMMA Summary

A - Archives & Records Management/Records Conservation & Preservation Funds Requested: \$20,000 CPA Historic Preservation

Documents to be preserved under this FY 2021 request include but are not limited to selected Colonial Tax Warrants, an 1893 Tax Book, Police Department Journals from 1874 to 1909, and Valuation Books from 1916 to 1918. The records will be scanned and converted to make them available on the Town's web site as digital archives. This is a continuation of a multiyear effort to conserve the historic government records of Lexington for future historic researchers.

The funds provide for preservation/conservation contractual professional services and any software and hardware required.

B- Restoration of Margaret Lady of Lexington Painting- \$9,000

This warrant article seeks funding approval for the restoration of “Margaret, Lady of Lexington,” an 1867 oil painting by an unknown painter that has been on display at Cary Memorial Library since 1928. The painting has been determined to be an “Historical Resource” by the Historical Commission. The painting needs extensive restoration to secure flaking paint and remove grime in addition to a number of other preservation measures.

The painting was gifted to the trustees of the Cary Memorial Building by Mr. Elwyn G. Preston and has been on display inside the Cary Memorial Building since October 1928. The painting is in fair-poor condition, both aesthetically and structurally. If funded, restoration work is anticipated to commence in January 2021, with completion by June 2021. The funding would be used to hire an expert at restoration of paintings.

C - BATTLE GREEN MASTER PLAN PHASE 3 \$317,044 (CPA)

The FY2021 request is for the final portion of a three phase Battle Green Master Plan implementation. Phases 1, 2 and half of Phase 3 have been funded with work scheduled for fall 2019 and spring 2020. Originally, full funding for Phase 3 was requested in FY2020, but CPA funding constraints caused a portion of the project to be deferred until FY2021. This final installment will address lights and the remaining pathway, monument and landscaping work.

D - Conservation Land Acquisition Funds requested: TBD CPA Open Space and Affordable Housing

This is a placeholder since negotiations are still underway with the landowner.

The parcel is adjacent to an existing conservation area, and it may be a potential site for affordable housing as well as for conservation purposes, including wildlife habitat preservation, wetland protection and recreational trails, such as greenway corridor connections.

E - Daisy Wilson Meadow Preservation Funds requested: \$22,425 CPA Open Space

This project is to preserve and restore approximately 5 acres of meadow in the Daisy Wilson Meadow Conservation Area, which is accessed from Moreland Avenue and Pinewood Street. The area provides passive recreational opportunities like hiking, dog walking, and nature observation for the neighborhoods surrounding the property and users of the ACROSS Lexington trail system. The entire Daisy Wilson Meadow area is 8 acres and has 0.5 miles of trails. The meadow is home to bluebirds and butterfly species, which require open meadow habitat.

Meadows need maintenance to provide specific habitats required to support diversity of wildlife. Without maintenance meadows become infested with invasive plants and gradually become shrub-lands and eventually revert to forests.

This project's main objectives are:

1. Reclaiming meadowland that has become overgrown by shrubs, trees and vines.
2. Restoring views of stone walls, which are historic remains of Lexington's agricultural past
3. Managing invasive plant encroaching on the edges of the fields and into the meadows
4. Providing for improved mowing that promotes native vegetation, enhanced wildlife habitat and passive recreational opportunities, like walking and bird watching.

Once the restoration is completed the annual mowing budget to maintain the meadow is expected to be \$800.



The CPC vote to approve was 7/0.

F - Wright Farm Site Access Planning and Design Funds requested: \$69,000. CPA Open Space & Recreation

The 13 acre Wright Farm property was acquired by the Town in 2012 and in 2016 with part, including the house, dedicated to becoming LexHAB affordable housing, and the rest, including the fields and woods and an old barn, to become Conservation land. The property adjoins the Burlington Land Locked Forest and is part of the Lexington section of the Western Greenway corridor. The Conservation Commission is exploring plans to convert the barn into an

environmental education center, and other potential uses, such as a site for environmental events, and spaces for the offices of local environmental organizations. Previously funded architectural, structural assessments have been completed and an educational needs assessment by Mass. Audubon, begun in 2017, is ongoing.

The current parking and trail access are inadequate for anticipated uses, including environmental education and use of the fields for potential community gardens. This funding request is to develop a professional design for the site that preserves its scenic beauty, and prevents unregulated parking and trail access by, among others, mountain bikers coming to and from the Land Locked Forest. Once this FY2021 phase is completed an additional phase to create the environmental education center may be needed but completing this phase will help protect the property in the meantime.

G - Athletic Facility Lighting Funds Requested: \$450,000 (CPA Recreation)

This request is to complete the Athletic Facility Lighting project at the Gallagher Tennis Courts, Center basketball courts, and Town Pool Complex. Funding for this project was approved at the 2018 Annual Town Meeting and the scope called for the upgrades to be completed at these locations, as well as the Center #1 baseball field and Center #2

soft ball field. However, work was only completed at Center #1 baseball field and Center #2 soft ball field since the bid came in over-budget.

H- Park Improvements –Hard Court Resurfacing Valley Tennis Courts

Funds Requested: \$100,000 (CPA Recreation)

This ongoing program provides funding for resurfacing, painting and striping the hard court surfaces at Recreation facilities. These facilities include neighborhood Basketball Courts, Center Track and Tennis Courts at the Center Complex, Clark Middle School, Adams Park and Valley Park. The FY2021 funding request will resurface, paint and re-stripe the Valley tennis courts, install a new bike rack and pave the parking area and stone dust path. These repairs of hard court surfaces will increase their quality and safety.

The Recreation Committee requests funds to institute and carry out a hardcourt resurfacing program. The program includes resurfacing, painting and striping the hardcourt surfaces at Recreation facilities. These facilities include neighborhood Basketball Courts, Center Track and Tennis Courts at the Center Complex, Clarke Middle School, Adams, and Valley.

The FY2021 request of \$100,000 is to resurface, paint, and restripe the Valley Tennis Courts and to install bike rack. Additionally, at the recommendation of the ADA Compliance Study that was completed in 2017, the parking area will be formalized by paving. The existing overgrown stone dust path will also be paved to reduce the need for maintenance and the areas at and around the bench and trash receptacle will be maintained as well. The Valley Tennis Courts were last resurfaced in 2008. The increase in this budget request from last year is due to the current construction climate and based on a revised cost estimate provided by the landscape architect in August 2019.

I - Park and Playground Improvements- Southerland Park- \$95,000

The Recreation Committee requests \$95,000 in FY2021 to update and replace the playground equipment and install a bike rack at Sutherland Park. Additionally, at the recommendation of the ADA Compliance Study that was completed in 2017, the surfacing tiles at the entrance of the playground will be reset, an accessible route to the dugouts at the baseball field will be created, and an accessible path will be extended from the existing asphalt path to the water fountain near the entrance of the park.

This request will update and replace playground equipment and install a bike rack at Sutherland Park. The proposed improvements will renovate and rehabilitate existing safety surfacing and equipment so that the site will be in compliance with the Consumer Product Safety Commission (CPSC), the American Society for Testing and Materials

(ASTM), and the American with Disabilities Act (ADA). Additionally, at the recommendation of the ADA Compliance Study that was completed in 2017, the surfacing tiles at the entrance of the playground will be reset, an accessible route to the dugouts at the baseball field will be created, and an accessible path will be extended from the existing asphalt path to the water fountain near the entrance of the park.

J - Park Improvements- Athletic Fields- Harrington, Bowman, and Franklin Field- \$370,000

The Town of Lexington athletic fields see excessive use and timely renovations and updates are critical to provide safe and playable fields for all user groups. The athletic fields are used by the Residents, Non-Residents, Lexington Public Schools, Youth and Adult League programs, Recreation & Community Programs and by youth & adult organizations and neighborhood families for evenings and weekends. Proposed future renovations will include natural turf, drainage, new irrigation systems (where applicable), and site amenities (benches, backstops, etc.)

The FY2021 request of \$370,000 is to renovate the Harrington School Fields, which will include excavating the infield areas and laser grading, as well as to install new in-ground irrigation systems at the Harrington, Bowman, and Franklin. Additionally, based on the recommendations in the ADA Compliance Study, at Harrington, the gravel driveway from Lowell Street into the site will be paved to allow for the provision of additional accessible parking and a formal entrance. A route from the school drive to the softball and baseball team areas will also be created and the team areas will be renovated to provide more appropriate wheelchair space, which would make them accessible.

This ongoing multi-year capital program is to address safety and playability concerns as well as provide adequate and safe field conditions. This program funds improvements to athletic fields, including renovations to natural turf, drainage, new irrigation systems, and site amenities including benches and backstops. The FY2021 funds will be used for such improvements to the Harrington Elementary School Field. Based on recommendations from a 2017 ADA Compliance Study, the gravel driveway from Lowell Street will be paved to provide more ADA accessible parking and a formal entrance, an accessible route will be created from the school drive to the team areas, and the team areas will be renovated to provide more appropriate wheelchair space. In addition, new in-ground irrigation systems will be installed at the Bowman and Franklin School fields. If approved, renovations will begin in the fall of 2020.

QUESTIONS

1. Will the recent water problem that damaged the Town's network and servers require an additional appropriation, or is it covered by insurance?
2. Is the Town's essential public safety IT system redundant and capable of recovery without resorting to backup cloud services, which may be inaccessible in case of a widespread disaster?

L - Lexington Housing Authority – Greeley Village Community Center Preservation Funds Requested: \$130,000 CPA affordable Housing

The Greeley Village Community Building, which is a 2 story, wood and steel frame building, has extensive damage to the exterior ramp, the second level porch, windows, and exterior doors. The wood railings and planks of the balcony are worn, splintered and rotted. The ramp deck is worn and splintered, and the steel structure is rusting, damaged and in danger of failing. The windows and doors, which are original, are failing to open and close properly, allowing moisture to enter the building. The window and door wooden trim have moisture damage. The door trim is splintering and separating from the building.

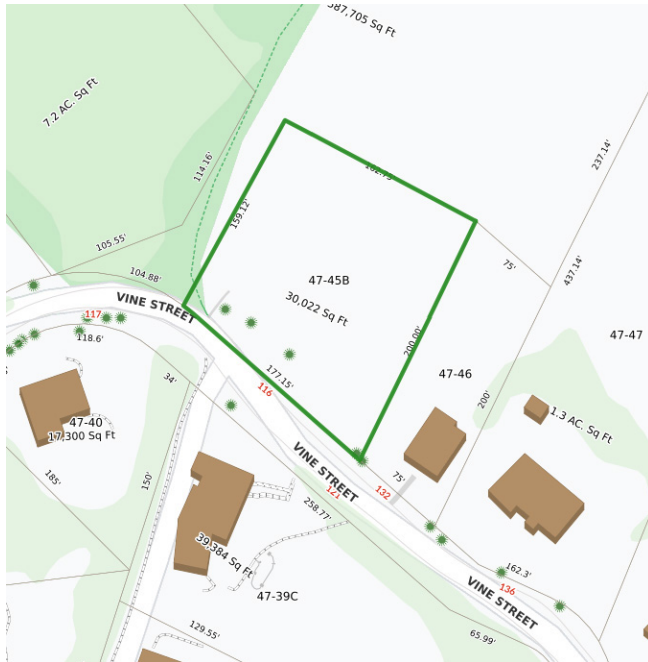
The Community Building serves as a meeting place for the low income, elderly residents of Greeley Village, and the second floor is wheelchair accessible to those with disabilities via the ramp. The Community Building approximately dates to the original construction of Greeley Village, which opened in 1968, but may have been added in the mid-1970s.

The CPA funds will be supplemented by \$75,000 formula funding from the Commonwealth of Massachusetts Department of Housing and Community Development.

M - LexHAB – 116 Vine Street Design Funds Requested: \$100,000 CPA Affordable Housing

This property was acquired with CPA funding in 2009 as part of the 14.2 acre Leary Farm, with 30,000 square feet reserved for affordable housing. The Leary Property Community Housing Task Force, in 2011, recommended that LexHAB construct 5 or 6 units of housing, in either one or two buildings there. This is a multiyear, 3 phase project. This funding is to select a design team, meet with neighbors and other stakeholders, and develop plans sufficient to meet the affordable housing needs, prepare a budget, and project schedule. It is estimated, based on a similar LexHAB project at 34 Lowell Street, that the full project budget for construction of six housing units will be \$3.5 M. Funding for final design, bid documents, and construction funding will be requested for FY2022 or FY 2023.

Design goals include near net-zero energy efficiency and at least 2 HP accessible units. Lexington and the greater Boston area in general have a major shortage of affordable housing.



Article 10 n) CPA Debt Service Funds requested \$3,016,730

FY21 debt service obligations consist of four components described below:

1) Wright Farm:

Under Article 9 of the 2012 Annual Town Meeting, voters approved the \$3,072,000 acquisition of a substantial portion of the Wright Farm property. Of this appropriation, the Town was authorized to borrow \$2,950,000. In February 2013, the Town sold a \$2.95 million bond anticipation note (BAN) that came due in February 2014. The interest payment on the BAN was \$36,875. The BAN was refinanced in February 2014 through the issuance of \$2.95 million bond for a ten-year term. The first debt service payments of principal and interest on the bond were made in FY15. Debt service on the bond for FY21 is **\$365,800**

2) Community Center Acquisition: **\$917,100**:

At the Special Town Meeting in March 2013, voters approved an appropriation of \$10,950,000 to fund the acquisition of a portion of the Scottish Rite Property at 39 Marrett Road, to become the Lexington Community Center. The CPA portion of this purchase was \$7,390,000. In November 2013, the Town sold a \$7.39 million bond anticipation note that came due in February 2014. The interest payment on the BAN was \$9,237. In February 2014, a \$7.39 million bond was issued for a ten-year term to retire the BAN. The first debt service payments of principal and interest on the bond were made in FY15. Debt service on the bond for FY21 is **\$917,100**.

3) Cary Memorial Building Upgrade: **\$812,200**

Under Article 2 of the Special Town Meeting in March 2014, Town Meeting approved an appropriation of \$8,677,400 to fund the cost of renovations to the Cary Memorial Building. Of this amount, \$8,241,350 was requested in CPA funding to be financed through the issuance of debt. A bond anticipation note in the amount of \$3,286,000 was issued in June 2014; the note came due in February 2015 at which time a bond of \$6,569,000 was issued, comprised of two components--the conversion of \$2,286,000 of the June 2014 note to long-term debt and new financing of the project in the amount of \$4,283,000. In February 2015, the residual portion of that June 2014 note, \$1,000,000, was refinanced as a note with a term of four months at which time it was proposed that it be retired with cash from the Community Preservation Fund (CPF). An appropriation of \$1,000,000 for this purpose, plus \$960 for the interest due on that note, was approved under Article 30 of the 2015 Annual Town Meeting. The first debt service payments of principal and interest on the \$6,569,000 bond were made in FY16. FY21 debt service is \$812,200.

4) Center Track Project: **\$921,630:**

At the Annual Town Meeting in March 2018, voters approved an appropriation of \$3,340,000 to fund the cost of the Center Track and Field Reconstruction. Under Article 10 the CPA portion of this purchase was \$2,289,000, to be financed through the issuance of CPA debt, with the remainder being financed from the General Fund. The CPA portion of this project was financed with short-term Bond Anticipation Notes (BANs) to be paid-down over a period of three years. The first BAN was issued in June of 2019 for \$943,000 and was fully paid down in February of 2020. Due to an unexpected extra CPC match from the state the Center Track Project BAN for the remaining amount of \$1,886,000 will be issued in June 2020 to become due in February 2021. In February 2021 the Town will pay down the entire remaining principal of \$1,886,000 and interest of \$65,444. The amounts differ from the amounts stated in the Warrant, but the debt amount, combined with the other project requests are “below the line” of the Article request so they can, and will be changed by the actual motion.

Article 10 o) Administrative Budget Funds requested \$150,000

This money will be used to fund the Committee’s part-time administrative assistant, member dues to the non-profit Community Preservation Coalition, administrative expenses, legal and miscellaneous expenses and land planning, appraisals and legal fees for open space proposed to be acquired using CPA funds.

Membership dues of \$7,900 (unchanged since FY15) are paid to the Community Preservation Coalition (www.communitypreservation.org). A non-profit statewide organization, the Coalition responds to legal and technical questions, provides CPA news and information to participating communities and engages in legislative advocacy and lobbying.

ARTICLE 11 APPROPRIATE FOR RECREATION CAPITAL PROJECTS

To see if the Town will vote to appropriate a sum of money for recreation-related capital projects and equipment; and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Recreation and Community Programs Enterprise Fund, by borrowing, 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 Recreation Committee)

FUNDS REQUESTED: \$180,000

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2021 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy21capital>.

TMMA Summary

The Recreation Department operates its fee generating facilities as an Enterprise Fund whereby program and facility fees are anticipated to cover the direct cost of operations. Program revenues from fees (Recreation programs, Pine Meadows Golf Club and the Lexington Community Center) are deposited into the fund and help fund Recreation Capital Improvement Projects, including playgrounds and other non-fee generating services.

Pine Meadows Clubhouse Renovation - \$100,000 (Recreation Retained Earnings): This request is for design and engineering costs associated with renovation of the clubhouse at Pine Meadows Golf Club. The clubhouse was constructed prior to the Town's acquisition of the course in 1988, and is in need of a complete renovation. Work is anticipated to include renovating the main concourse area and the bathrooms, including plumbing and fixtures, replacing the roof, and making the building ADA-compliant.

Pine Meadows Equipment - \$80,000 (Recreation Retained Earnings): This request will purchase a new fairway mower and a top dresser machine to replace existing equipment acquired in 2012 and 2001. The life expectancy of a fairway mower is 10 years and 15 years for a top dresser. The new equipment will ensure proper maintenance of the turf, improved pace of play, and superior playing conditions.

TMMA Questions:

1. **When will the request for full funding of the clubhouse renovation come to Town Meeting and when is it anticipated the construction will begin?**

2. **Is there any residual value to the fairway mower and top dresser as, e.g., trade-ins?**

ARTICLE 12 APPROPRIATE FOR MUNICIPAL CAPITAL PROJECTS AND EQUIPMENT

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

- a) Ambulance Replacement.
- b) Athletic Fields Feasibility Study;
- c) Hydrant Replacement Program;
- d) Storm Drainage Improvements and NPDES compliance;
- e) Sidewalk Improvements;
- f) Equipment Replacement;
- g) Town wide Signalization Improvements;
- h) Street Improvements;
- i) New Sidewalk Installations;
- j) Transportation Mitigation;
- k) Municipal Technology Improvement Program;
- l) Application Implementation; and
- m) Phone Systems & Unified Communications

and authorize the Select Board to take by eminent domain, purchase or otherwise acquire any fee, easement or other interests in land necessary therefor; determine whether the money shall be provided by the tax levy, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; determine if the Town will authorize the Select Board to apply for, accept, expend and borrow in anticipation of state aid for such capital improvements; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: \$6,842,022

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2021 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy21capital>.

TMMA Summary

A - Ambulance Replacement- \$325,000 (Free Cash)

The Fire Department's ambulance replacement program attempts to rotate ambulances every three years. The new vehicle runs as the primary ambulance, moves to the secondary position and finally to mechanical back-up status. At the end of the nine-year rotation, the mechanical back-up vehicle has roughly 150,000 miles on it and completes more than 9,000 medical transports. This FY2021 request will fund the purchase of a new ambulance with the mechanical back-up ambulance being traded in.

B - Athletic Fields Feasibility Study - \$100,000 (Free Cash):

Funds for a feasibility study for 14 town-owned properties are requested. The study is intended to consider improvements to the properties that may include converting natural grass to synthetic turf, installing lighting, or reorienting existing fields. It is anticipated that the results would prioritize proposed improvements, which would serve as the basis for future capital requests.

C - Hydrant Replacement Program - \$150,000 (\$75,000 Free Cash & \$75,000 Water Retained Earnings)

This is an ongoing replacement program designed to maintain the integrity of the fire protection system throughout town. Faulty hydrants need to be replaced to meet safety requirements. A list of hydrants needing replacement is generated each year during the annual inspection and flushing of hydrants by the Water and Fire Departments. Based on discussions between the two departments, the target goal is to replace approximately 60 hydrants per year at a cost of \$2,500 per hydrant. The Town of Lexington has 1,500 fire hydrants in its fire protection system; a total of 67 hydrants were replaced in FY2019.

D - Storm Drainage Improvements And Npdes Compliance

Storm Drainage Improvements and NPDES compliance - \$385,000 (Free Cash): This is an annual request to replace and supplement existing drainage structures which are issues typically uncovered during roadway related construction activity. Funds will also be used for continued compliance with the Environmental Protection Agency (EPA) Phase II regulations, which help improve the water quality of Lexington's streams and ponds.

Approximately \$115,000 of this funding request is for compliance with the construction related portions of the National Pollutant Discharge and Elimination System (NPDES)

minimum control measures, as mandated by the EPA. The increase is due to new EPA requirements regarding illicit discharge detection and elimination, best management practices (BMP), installation, and retrofits.

The remaining \$270,000 will be used to repair/replace drainage structures encountered during road construction, repair other drainage areas of concern in the Town and improve stormwater issues discovered during NPDES investigation work. Illicit discharge detection has been ongoing in the Vine Brook and Mill Brook areas where contamination has been identified. The pre-emptive repair of existing drainage structures will reduce damage to structures themselves, existing pavement, and private and public property.

E – Sidewalk Improvements

FY2021 Recommended Budget & Financing Plan February 21, 2020XI-7DPW currently reviews the condition for 30% of town sidewalks annually, which is used to identify the work to be done. Sidewalks considered for FY2021 funding include:

- East Street from Lowell Street to Grant Street•
- Mass Ave. from Antony Park to Percy Road (East Side)
- Worthen Road from Waltham Street to Kendall Road•
- Lowell Street from Woburn Street to Maple Street
- Cherry Street
- Ingleside Road
- Stetson Street
- Reconstruction of Ramps, Town wide
- Abernathy Road
- Carnegie Place
- Tidd Circle

F - Equipment Replacement - \$1,368,000 (\$1,038,000 General Fund Debt, \$275,000 Compost Revolving Fund Debt & \$55,000 Water Retained Earnings

This is an annual request to replace equipment that is beyond its useful life and whose mechanical condition no longer meets the requirements of the Department of Public Works (DPW). The DPW has an inventory of 146 pieces of equipment including sedans, hybrid SUVs, construction vehicles and specialized equipment used to mow parks, plow snow, repair streets and complete a variety of other projects. Without regular equipment replacement, the efficiency and cost effectiveness of the DPW's operations would be handicapped due to equipment down time and excessive repair costs.

Each piece of equipment is inventoried with original and current replacement cost, state of condition and replacement time interval. Replacement intervals vary from 5 to 20 years and are based on manufacturer recommendations and use (type and duration).

The selection of vehicles to be replaced begins with the proposed replacement date. Then each vehicle is assessed as to its mechanical

condition and work requirements. The systematic replacement program defines what equipment is expected to need replacement during the next five years with the intent of preventing any unexpected emergency purchases. Annual updates are conducted by the Equipment Maintenance Division, Division Superintendents and reviewed by the Manager of Operations and Director of Public Works.

The FY2021 request, by funding source, is shown in the table below.

Equipment	Total
F550 Flat Bed/Crane with Snowplow – Highway	\$115,000
F450 Utility body with Plow – Highway	\$110,000
CAT Loader – Compost	\$275,000
Winter Brine System – Highway	\$213,000
6 Wheel Dump Truck – Highway	\$330,000
6” Trash Pump – Water	\$55,000
Aerial Bucket Truck – Public Grounds	\$220,000
Electric Grass Mower – Public Grounds	\$50,000
Total	\$1,368,000

G - Town wide Signalization Improvements - \$125,000 (Free Cash):

This is an annual request for funds to update traffic and pedestrian signals in Lexington. A signal inventory and compliance study has been completed, which includes ADA compliance, condition assessment, signal timing, delays and prioritization recommendations. Bid documents for the intersection of Massachusetts Avenue at Worthen Road are being prepared, with construction starting in 2020. This funding request will be used for improvements at either the intersection of Lowell Street at East Street or Lowell Street at North Street. The improvements will prevent equipment failure, improve traffic flow, decrease energy consumption and allow for proper accessibility.

H - Street Improvements - \$3,706,703(\$2,634,022 Tax Levy, \$1,072,681 Chapter 90 funding

This is an annual request for the street resurfacing and maintenance program. In addition to the \$2,634,022 appropriated from the tax levy, \$1,072,681 of Chapter 90 funds will be utilized. (Chapter 90 funding is based on Lexington's most recent allocation and on the current state allocation of \$220 million statewide.) Funds will be used for design, inspections, planning, repair, patching, crack sealing and construction of roadways and roadway related infrastructure including repair and installation of sidewalks. A preliminary list of the streets to be repaired under this article is currently being developed. A pavement management system is utilized to assist in analyzing the road network and selecting roadways for repairs. This funding will allow for the proper improvements and repair of Lexington's streets and sidewalks, increasing their quality and safety.

Street Improvements - Financing Components

2001 Override Increased by 2.5% per year	\$706,067
Maintenance of unallocated revenue from FY2012 Revenue Allocation Model	\$281,234
Maintenance of unallocated revenue from FY2013 Revenue Allocation Model	\$164,850
FY2014 Health Insurance Savings	\$1,100,000
Additional Tax Levy Funding	\$381,871
Estimated Chapter 90 Aid	\$1,072,681
Total	\$3,706,703
Without Chapter 90	\$2,634,022

I New Sidewalk Installations - \$280,000 (Free Cash)

This request will fund construction of new sidewalks in two locations - 1) Westminster from Lowell Street to the Arlington Town Line, and 2) Massachusetts Avenue from Crosby Drive to approximately the Route 95 bridge, to accommodate access to Hastings School for direct abutters who no

longer have rear yard access. Additional locations have been requested for future years and may warrant having further discussions with policy makers on cost-sharing with property owners through betterment assessments.

**J - Transportation Mitigation - Transportation Safety Group - \$16,504
(Transportation Network Company (TNC) Special Revenue Fund**

This annual capital request is to support the ongoing work of the Transportation Safety Group (TSG). The TSG is staffed by the Planning, Engineering, School and Police Departments. Between FY2008 and FY2011, Town Meeting appropriated funds to collect data, perform analysis, review citizen requests and recommendations for various town wide transportation improvements in support of the Traffic Mitigation Group (dissolved in 2012 and later reconstituted as the TSG). The FY2021 funds are proposed for data collection; safety analysis to respond to resident requests; and alternative transportation education and bike safety.

K - Municipal Technology Improvement Program - \$100,000 (Free Cash):

This FY2021 capital request is part of a multi-phase program to enhance the Town's network storage capabilities. Previous appropriations have funded the initial installation and subsequent expansion of server area network (SAN) equipment in the server rooms at both the Town Office Building and 201 Bedford Street. These appropriations also funded the purchase of necessary software to assist with file storage, archiving and discovery. The FY2021 request will expand data storage and management capacity and will expand data backup capacity to match the file storage growth. In addition to SAN needs, equipment will be purchased to assist with data transfer to Cloud services for Cloud backup and Disaster Recovery needs. The need for the equipment is driven by rapidly growing data sets and unstructured files due to email archiving requirements under State Public Records Laws. This capital request will provide the ability to continue to support the Town's application and storage needs.

L - Application Implementation - \$325,000 (Free Cash):

This capital project will finance large application migrations and implementations. The FY2021 request covers a number of initiatives:

- 1) Purchase of site licensing for Microsoft Office 2019 to allow deferral of Microsoft Office 365 for a few years. Office 365 requires annual payments rather than a single purchase

- license that can be used until an upgrade is required.
- 2) Purchase of additional Laserfiche licensing to enable adoption of workflow to eliminate paper processes.
 - 3) Re-platform of the Town of Lexington website to improve website capabilities and functionality.
 - 4) Upgrade of the Assessor's database and application (called VISION) to the new version.

M - Phone Systems & Unified Communication - \$150,000 (Free Cash)

The purpose of this multiyear capital funded project is to replace aging equipment or add new equipment to the Town's core voice and data network. The FY2021 capital request is for replacement of some end-of-life core equipment installed at the beginning of the Town's conversion to Voice Over Internet Protocol (VOIP). In addition to the replacement of existing hardware, this request covers migration to the current license structure and current software licensing.

ARTICLE 13 APPROPRIATE FOR WATER SYSTEM IMPROVEMENTS

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

(Inserted by the Select Board)

FUNDS REQUESTED: \$2,200,000

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2021 budget. The most recent version of the capital section can be found at <https://www.lexingtonma.gov/fy21capital>.

TMMA Summary

This is a routine recurring capital request to maintain the town's water distribution system. Water Operations maintains and repairs the system that delivers water to Lexington homes and businesses through 154 miles of water mains, 1,500 fire hydrants and two water towers that store 3.24 million gallons of water. The adopted policy is to replace about 1% of our water mains every year.

Funding source -\$2,200,000

(\$2,000,000 Water Debt, \$200,000 Water User Charges):

This is an annual program that replaces unlined, inadequate, aged and vulnerable water mains, and deteriorated service connections, eliminates dead ends in the water mains, and addresses pressure, leakage, and other problems. Work is underway and nearing completion for a significant 16" water main installation on Hartwell Avenue. Design is in progress for several other roadways including Peacock Farm Road and Eldred Street.

The Town has also completed a hydraulic model for the entire distribution network and an asset management plan for replacing the Town's aging water infrastructure that will ensure a proactive approach for keeping Lexington's water both safe and reliable. The model identifies areas of vulnerability, water aging, and those areas with low volumes and pressures. The asset management plan recommends the replacement of 1% of our water mains on an annual basis. The FY2021 funding request for this annual program has been increased to meet these recommendations.

Beginning in FY2021, funding for this ongoing capital replacement program will be gradually shifted onto Water user charges, with an ultimate goal of transitioning the entire program to cash funding over 11 years. While rate-payers may pay slightly higher water rates in the short-term, significant debt service savings will be realized, resulting in lower overall costs in the long-term.

ARTICLE 14 APPROPRIATE FOR WASTEWATER SYSTEM IMPROVEMENTS

To see if the Town will vote to install and line sanitary sewer mains and sewerage systems and replacements and upgrades to pump stations thereof, including engineering studies and the purchase of equipment in connection therewith; in such accepted or unaccepted streets or other land as the Selectmen may determine, subject to the assessment of betterments or otherwise, in accordance with Chapter 504 of the Acts of 1897, and acts in addition thereto and in amendment thereof, or otherwise; and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor; appropriate money for such installation and land acquisition and determine whether the money shall be provided by the tax levy, wastewater enterprise fund, by transfer from available funds, including any special wastewater funds, by

borrowing, or by any combination of these methods; to determine whether the Town will authorize the Select Board to apply for, accept, expend and borrow in anticipation of federal and state aid for such wastewater projects; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: \$1,401,200

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2021 budget. The most recent version of the capital section can be found at <https://www.lexingtonma.gov/fy21capital>.

TMMA Summary

The Sewer Division serves 99 percent of Town residences and businesses through 34 miles of trunk lines, 119 miles of street lines, 9,524 service connections and ten sewage-pumping stations. This year's funding request has two components.

1. Sanitary Sewer System Investigation and Improvements - \$1,000,000

(\$900,000 Wastewater Debt, \$100,000 Wastewater User Charges):

This is an annual program that provides for rehabilitation of sanitary sewer infrastructure. Work will include replacement or repair of deteriorated sewers, force mains and manholes in order to improve flow and reduce inflow and infiltration into the system. Engineering investigation and evaluation will continue on sewers throughout town, including those in remote, hard to access areas. A significant lining project in the Dunback Meadow area and the Bow Street area along Mill Brook was completed last year. Near term rehabilitation is anticipated in sewer basins 1, 6, 7 and 8, followed by

investigations in subareas 3 and 9. These capital investments improve the operation of the sewer system, reduce backups and potential overflows, prevent system malfunctions and reduce the measured flows through the MWRA meter.

Beginning in FY2021, funding for this ongoing capital replacement program will be gradually shifted onto wastewater user charges, with the ultimate goal of transitioning the entire program to cash funding over 10 years. While rate-payers may pay slightly higher wastewater rates in the short-term, significant debt service savings will be realized, resulting in lower overall costs in the long-term.

2. Pump Station Upgrades –(\$401,200 Wastewater Debt):

This is an ongoing program to upgrade Lexington's ten sewer pumping stations. A 2013 evaluation and capital plan was developed for the Town with the assistance of consultants from Wright-Pierce which included a detailed engineering survey of the pump stations. The survey helped determine current and future needs and a timetable and probable costs for the proposed work. The Worthen Road pump station construction is complete. Both the Marshall Road and Constitution Road pump stations are under construction. Design for the Hayden Avenue pump station is underway and will be followed by construction. It is anticipated that the North Street and Bowman Street pump stations will be next in line for design, however stations are constantly monitored, and schedules adjusted to meet the most urgent needs. The goal of this program is to upgrade all pumps and support systems to enable better energy efficiency and avoid emergency expenditures.

ARTICLE 15 APPROPRIATE FOR SCHOOL CAPITAL PROJECTS AND EQUIPMENT

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

(Inserted by the Select Board at the request of the School Committee)

FUNDS REQUESTED: \$1,299,246

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2021 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy21capital>

TMMA Summary

This is an annual article to replace equipment that is no longer functional due to damage, wear, or obsolescence, and to provide updated curricular materials.

DEFINITIONS:

Chromebooks are inexpensive laptop computers that use the Google designed Chrome operating system and Chrome web browser as the principal user interface.

STEM stands for Science, Technology, Engineering and Math.

STEAM stands for Science, Technology, Engineering, Arts and Math.

WAP (Wireless Application Protocol), switches are devices that connect mobile devices such as cell phones to the Internet.

POE (Power over Ethernet) allows a single cable to provide both a data connection and electric power to devices such as wireless access points.

The following is extracted directly from the FY21 White Book section on capital

Funding requested \$1,299,246 (Free Cash): This request addresses the District's strategic goal for enhancing the capacity to utilize technology as an instructional and administrative tool. The request will increase student access to devices to allow for innovative learning methods that integrate supportive technologies, problem-based approaches and higher order thinking skills.

This capital improvement project for FY2021 would provide funding for the following:

Tech Workstations - \$185,350 is requested to replace staff workstations and peripheral devices (laptops, desktops, printers and monitors).

1:1 Middle School Program - \$221,000 is requested to fund Chromebooks for 6th graders entering Diamond and Clark Middle Schools, which will follow them through middle school.

1:1 at LHS - \$176,800 is requested to purchase Chromebooks for 9th graders, which will follow them through high school.

STEM/STEAM/Computer Science - \$49,200 is requested to update the Music Computer Lab at LHS and purchase STEM/STEAM based curricular materials.

Interactive Projectors/Whiteboard Units and Document Cameras - \$238,896 is requested to replace 48 interactive projectors districtwide. This equips buildings with either a touch-activated interactive system with a new ceramic whiteboard and speakers, or an interactive TV. The replacements will begin with the oldest model per school until all systems are within a 4-year window with all of the same functionality. The request will also replace 28 document cameras at

Bowman Elementary School, with remaining schools planned in future years.

District and Building Network Infrastructure - \$248,000 is requested to replace end of life WAPS (Wireless Application Protocol), switches and POEs (Power over Ethernet) districtwide.

Server/Storage Infrastructure - \$180,000 is requested to replace 6 cache servers to support online computer-based testing at the elementary schools, a second virtual server to allow for additional inhouse file storage capacity, as well as additional cache servers needed to support online computer-based testing at the middle and high schools.

ARTICLE 16 APPROPRIATE FOR PUBLIC FACILITIES CAPITAL PROJECTS

To see if the Town will vote to appropriate a sum of money for capital improvements and renovations, including new construction to public facilities for:

- a) Police Outdoor/Indoor Firing Range - Hartwell Avenue;
- b) Center Recreation Complex Bathrooms & Maintenance Building Renovation;
- c) Public Facilities Master Plan;
- d) LHS Science Classroom Space Mining;
- e) Town wide Roofing Program;
- t) School Building Envelopes and Systems;
- g) Municipal Building Envelopes and Systems;
- h) Facility and Site Improvements:
 - Building Flooring Program;
 - School Paving & Sidewalks Program;
- i) Public Facilities Bid Documents;
- j) Public Facilities Mechanical/Electrical System Replacements; and
- k) Westview Cemetery Building Construction

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

(Inserted by the Select Board)

FUNDS REQUESTED: \$7,245,399

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2021 budget. The most recent version of the capital section can be found at [http://www.lexingtonma.gov / fy21capital](http://www.lexingtonma.gov/fy21capital).

TMMA Summary

A - Police Outdoor/Indoor Firing Range - Hartwell Avenue - \$125,000 (Free Cash):

The Police Department is requesting funds to produce a schematic design for a firing range at the Hartwell Avenue Composting facility to replace the current outdoor range at the facility which is no longer adequate, and the indoor range which will not be rebuilt in the new Police Station. Given the importance of ‘use of force’ training for police officers, there may be an opportunity for construction to be funded by state and/or federal grants. Availability of those grants may not be known until a more detailed design is

available. Therefore, a request for construction funding will be delayed until FY2023 at the earliest to allow time for stakeholders to evaluate the grant potential and provide a comprehensive assessment to Town Meeting.

B - Center Recreation Complex Bathrooms & Maintenance Building Renovation - \$100,000

(Free Cash):

This request is for design and engineering costs associated with renovation of the bathrooms and maintenance building at the Center Recreation Complex. The project will renovate the bathrooms, repair the plumbing system, and install new fixtures. In addition, the storage area currently used by DPW staff to maintain the athletic fields in the area, will be renovated to better support those efforts.

C - Public Facilities Master Plan - \$100,000 (Free Cash):

This funding request is for the purpose of creating a Public Facilities Master Plan for municipal buildings and infrastructure to be combined with the School Facilities Master Plan to better inform policy makers on future projects, total costs and potential debt costs.

D - LHS Science Classroom Space Mining - \$150,000 (Free Cash):

While there is a long-term plan to renovate or replace the high school, there is an immediate need to provide sufficient space to educate students at current enrollment levels. It is projected that there will be insufficient Science lab space in FY2021 to support the science curriculum. This request will provide design and construction

dollars to modify existing interior spaces over the Summer of 2020 to meet that need. Furnishings and equipment will be provided from the school operating budget.

E - Townwide Roofing Program - \$2,010,152 (General Fund Debt)

Replacing portions of the roof at Bridge Elementary School has been identified as a priority in the Department of Public Facilities' 20-year Roof Master Plan. Water infiltration and ice dams have been ongoing issues for the building, which will be addressed via this work. There is a possibility for funding 27-30% of the

project cost under the Massachusetts School Building Authority (MSBA) Accelerated Repair Program. If the MSBA grant is approved, bonds will not be issued for that portion of the project, and the authorized funds will be rescinded.

F - School Building Envelopes and Associated Systems - \$239,285 (Free Cash):

The purpose of this ongoing capital request is to perform annual prioritized extraordinary repairs and modifications to school buildings and systems. Specifically, the FY2021 request will be used to address repairs of water and air infiltration issues of the gaskets, caulking, doors and windows at the Central Administration Building, and Bridge and Bowman Elementary Schools.

G - Municipal Building Envelopes and Associated Systems - \$208,962 (Tax Levy):

This ongoing capital request, originally approved for funding in the 2006 Proposition 2½ Override, includes repair and replacement projects for the maintenance and upgrade of municipal buildings and systems. The FY2021 request seeks funding for implementation of extraordinary

repairs on the Cary Memorial Building. The Town contracted with LDa Architecture to review the existing interior and exterior condition. This project will repair soffit and roofing issues as well as other building envelope issues.

H - Building Flooring Program - \$125,000 (Free Cash):

Initiated in FY2011, this is an annual request for funds to be used for the replacement of flooring systems in municipal and school buildings. The FY2021 request will be used for hallway floors at Harrington Elementary School, and various locations at the Public Services Building. In FY2020, the Clarke middle school gym floor was re-poured,

and a stairwell at the Diamond middle school was replaced. A project at the Town Office Building is planned for Spring 2020. The goal of this annual program is to ensure failing floor surfaces are replaced and are safe for all users.

H - School Paving and Sidewalk Program - \$125,000 (Free Cash):

This capital request provides ‘as needed’ replacement of sidewalks, bus loops and parking areas on school grounds. The FY2021 request will specifically fund sidewalk panel replacements and parking and roadway improvements at the Bridge and Bowman Elementary Schools which are currently in poor condition. Extraordinary repairs for school paving areas are necessary to maintain parking and pedestrian surfaces in a

condition suitable for public safety and highlights the Safe Routes to School.

I - Public Facilities Bid Documents - \$100,000 (Free Cash):

This is an annual request for funding of professional services to produce design development, construction documents and/or bid administration services for smaller projects in anticipation of requests for construction funding at town meeting that have a high probability of approval. This will ensure that both municipal and school projects can be completed in the then-current construction season, which is particularly important for

the timely completion of school building projects given the short window between the end of school in June and the end of summer.

J - Public Facilities Mechanical/Electrical System Replacements - \$672,000 (Free Cash):

This request is part of an annual replacement of HVAC and electrical systems that have exceeded their useful lives and require replacement before excessive failures occur. The FY2021 appropriation will be used to replace the Variable Air Volume (VAV) system at Cary Memorial Library, which is underperforming due to the units having exceeded their life-cycle. If not replaced, the Library risks unplanned interruptions in service and unreliable control of space temperatures for building occupants. If funded, the project would take place in fall of 2020, after the cooling season

K - Westview Cemetery Building Construction - \$3,290,000 (General Fund Debt with debt service partially funded from Sale of Cemetery Lots Special Revenue Fund):

In 2015 Town Meeting appropriated \$50,000 for an assessment of the current building at Westview Cemetery. The existing building contains the cemetery office, maintenance staff workspaces, and equipment storage. It also provides a meeting area for grieving families to consult with cemetery staff and gather for burial ceremonies. The building has deteriorated and no longer meets code. The only significant upgrade to the building in the last 15 years has been the installation of a new roof. It does not provide adequate private space for grieving families. The maintenance area lacks adequate space for all equipment to be stored indoors. At the 2017 Annual Town Meeting \$270,000 was appropriated in Article 12 o) for the design of a replacement building on the Westview Cemetery grounds. FY2021 funds are requested for the construction of the new replacement building, based on that design. The redevelopment of the building will enhance cemetery operations by providing a welcoming and private space for families and visitors while providing staff with adequate and more efficient office space, storage space and maintenance space. The request for construction funding was originally presented as article 11 at the 2018 Annual Town Meeting but was postponed while the community assessed the option of building a crematory as part of the same project for the site. The Board of Selectmen formed a special Ad Hoc Crematory Study Committee to undertake the assessment. In the Fall of 2019 the committee, after much research and deliberation, recommended against building a crematory at this time. The \$3,290,000 request for construction funds does not include a crematory, but will fund a building and site that is configured to allow the possibility of adding an adjacent crematory facility in the future.

ARTICLE 17 APPROPRIATE TO POST EMPLOYMENT INSURANCE LIABILITY FUND

To see if the Town will vote to appropriate a sum of money to the Town of Lexington Post Retirement Insurance Liability Fund, as established by Chapter 317 of the Acts of 2002; determine whether the money shall be provided by the tax levy, by transfer from available funds, including enterprise funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: \$1,935,486

DESCRIPTION: This Article will allow the Town to continue to fund its liability for post-employment benefits for Town of Lexington retirees. Beginning with the FY2007 audit, the Town was required to disclose this liability. Special legislation establishing a trust fund for this purpose was enacted in 2002.

TMMA Summary

The Town is obligated to provide health benefits for retirees that are equivalent to those for current employees. These retiree health benefits (usually referred to as Other Post-Employment Benefits, or OPEB) are part of the compensation that retirees earned during their years of employment with the Town. As with pensions, OPEB is a future financial liability for the Town, so the more retired Town employees, the more the Town will have to pay for OPEB in the future. The Town's OPEB liability is the total cost of providing health benefits to all future retirees.

Unlike pensions, the Town currently budgets for OPEB on a pay-as-you-go basis. That means the annual cost of OPEB for current retirees is appropriated entirely from the operating budget. Each year the Town's OPEB liability is reduced by its annual payment for OPEB expenses for current retirees. At the same time, the cost of future OPEB benefits earned by employees in the current year is added to the OPEB liability.

This might seem like a balanced situation, but future costs are paid in future dollars (after inflation), for employees who will likely live longer, under a health care system where costs may be higher than today. Setting aside, and investing, funds for future OPEB reduces the net cost to the Town while providing a stronger guarantee of future retirement benefits to current employees.

The amount of the future liability for OPEB is estimated using actuarial tables for average life spans and projections for health care cost inflation. If no funds were to be set aside for future OPEB costs, the estimated liability for the Town over the next thirty years adds up to hundreds of millions of dollars. The calculation is also affected by an estimate of long-term returns on investments, known as the "discount rate". Because of this the liability estimate is greatly reduced by funding future OPEB costs in the year in which they are earned.

The Post-Employment Insurance Liability (PEIL) Fund is the vehicle that enables the Town to move away from pay-as-you-go into a pre-funded model for OPEB. By appropriations into the PEIL Fund, the Town reduces its unfunded OPEB liability, but for now the liability is much larger than the PEIL Fund.

Eventually in an ideal OPEB system, the unfunded liability would be zero, and the current year's OPEB costs would be paid using investment returns from the PEIL Fund. Each year the Town would appropriate funds into the PEIL sufficient to cover the future costs of OPEB earned during that same year. The size of this appropriation is referred to as the "Normal Cost" in the actuarial analysis of the OPEB system. Moving from the Town's current scenario to the ideal situation would require the Town to appropriate the current year's Normal Cost into the PEIL every year while also paying for the current year's OPEB expenses. Appropriating less than the Normal Cost into the PEIL allows the unfunded liability to grow. Making an appropriation of the Normal Cost each year would eliminate the unfunded liability in about fifty years. Achieving this any sooner would require larger appropriations into the PEIL.

FY2020's OPEB costs were budgeted at \$7.4 million to cover 1,369 retirees and this was covered in the Operating Budget. The exact numbers for FY2021 were not available at the deadline for this booklet, but are probably somewhat larger in magnitude.

The policy of the Select Board is to contribute from 35 to 100 percent of the future costs into the PEIL fund. As of 12/31/2019, the balance in the PEIL account was \$18,163,574. The latest estimate of the liability through 2047 is \$150 million. An actuarial analysis done at the end of FY2015 estimated the liability at \$129 million assuming a discount rate of 8%. That favorable discount rate was justified in part by the Town's policy of making regular contributions to the PEIL Fund. The current discount rate in February 2020 for corporate pension plans is about 2.6%, which is significantly lower. For a more detailed discussion, including the current funding policy for the PEIL Trust Fund formally adopted by the Board of Selectmen, please see "Appendix F: Other Post-Employment Benefits" in the *Appropriation Committee Report to the March 2017 Annual Town Meeting* and an update in the Appropriation Committee March 2018 report.

For a discussion of the actuarial issues related to the liability calculation and the specific meaning of "Discount Rate" when applied to pensions and similar future benefits see, for example: http://www.actuary.org/files/IB_Measuring-Pension-Obligations_Nov-21-2013.pdf

Part of the funding for the request, \$750,000, is based on use of money from the Health Insurance Claims Trust Fund to pay for annual health insurance costs which approximately equals the amount the Town received in Medicare Part D reimbursements from the federal government. Similar reimbursements have been directed into the PEIL Fund for the past several years. This frees up a matching amount in the General Fund for this request, or other potential uses. The funding for this appropriation also includes \$1,179,721 Free Cash and \$5,765 from the Water Enterprise Fund and the Wastewater Enterprise Fund.

The amounts appropriated grew each year from \$775,000 in FY2014 until they stabilized in FY2018 and FY2019. The FY2021 year's request is \$1,885,486, which is an increase of \$50,000 or +2.7%.

Article 18 Rescind Prior Borrowing Authorizations

To see if the Town will vote to rescind the unused borrowing authority voted under previous Town Meeting articles; or act in any other manner in relation thereto.

(Inserted by the Select Board)

DESCRIPTION: State law requires that Town Meeting vote to rescind authorized and unissued debt that is no longer required for its intended purpose.

TMMA Summary

This article is an annual place-holder asking Town Meeting to rescind unused debt authorized in prior years. Any project amounts to be rescinded are not known at press time.

Article 19 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) Debt Service; (g) Transportation Management Overlay District; **(h) Capital**; (i) Payment in Lieu of Parking; (j) Visitor Center Capital Stabilization Fund; (k) Affordable Housing Capital Stabilization Fund; (l) Water System Capital Stabilization Fund; and (m) 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 article proposes 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.

TMMA Summary

At the 2007 Annual Town Meeting, various stabilization funds were created as repositories for money to be reserved for later use as appropriated at subsequent Town Meetings. Funds received by the Town since the last Town Meeting for purposes designated under any of the existing specified stabilization funds are recommended for appropriation into those funds under this article. The Debt Service Stabilization Fund is covered under Article 26 and is not listed below. In 2008 Town Meeting approved a new fund for Special Education.

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

The 2012 Fall Special Town Meeting approved creation of the Capital Projects / Debt Service Reserve / Building Renewal Stabilization Fund now known as the Capital Stabilization Fund. The Town is planning for a number of significant future capital projects over the next three to five years potentially including schools, a new fire station, police station, Center Streetscape improvements, Hartwell Avenue infrastructure improvements, expanded Visitor's Center and Community Center expansion.

It is proposed that the following to/from appropriations be made to the following stabilization funds:

- a) That \$1,773,062 be appropriated to the Capital Stabilization Fund, and to meet this appropriation \$164,987 be appropriated from the tax levy and \$1,608,075 be appropriated from the General Fund unreserved fund balance.
- b) That \$3,500,000 be appropriated from the Capital Stabilization Fund for projects excluded from the limits of Proposition 2½.
- c) That \$111,000 be appropriated from the Affordable Housing Capital Stabilization Fund to LexHAB to fund capital improvements at the Farmview affordable housing project.

TMMA Question:

1. What are the current balances of the individual stabilization funds?

A history of the funds' balances may be found in the "Brown Book" on Appendix C-3. The balance of the Capital Stabilization Fund on 6/30/2019 was \$27,727,713.

Article 20 Appropriate from Debt Service Stabilization Fund

To see if the Town will vote to appropriate a sum of money from the Debt Service Stabilization Fund to offset the FY2021 debt service of the bond dated February 1, 2003, issued for additions and renovations to the Lexington High School, Clarke Middle School, and Diamond Middle School, as refunded with bonds dated December 8, 2011; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: \$124,057

DESCRIPTION: This article would allow the Town to pay a portion of the debt service on the 2003 School Bonds from the Debt Service Stabilization Fund set up for that specific purpose.

TMMA Summary

As was requested last year, the article seeks to appropriate \$124, 057 from the Fund.

The Debt Service Stabilization Fund was established by the 2009 Town Meeting on the advice of bond counsel to comply with Department of Revenue (DOR) regulations related to excess school building reimbursements from the State to the Town. Municipal bonds are tax-exempt and thus pay lower interest rates. Theoretically, the town could borrow money via municipal bonds and then invest the money to obtain a higher return. This form of arbitrage is prohibited by DOR.

When the Massachusetts School Building Authority was established, it modified the way towns are paid for new or renovated school buildings, resulting in towns getting reimbursed more quickly. The Town thus received money in excess of that necessary to make payments on short-term debt incurred by the project. The excess money was put into the Stabilization Fund with the principal and interest thereon used to reimburse payments made on long-term debt. Article 24 appropriates the same sum of money this year from the Fund as was requested and appropriated last year to offset payments on the long-term debt accrued for building construction, renovations and other major capital expenditures. It is anticipated that the Debt Service Stabilization Fund will be exhausted by 2023.

Article 21 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.

TMMA Summary

This is a placeholder article should bills from prior years be received from any of the departments. At the time of printing, no prior year bills are known, and it is anticipated that this article will be indefinitely postponed (I/P).

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

(Inserted by the 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 22 AMEND FY2020 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 11, 12, 13, and 14 of the warrant for the 2019 Annual Town Meeting and Article 4 of the warrant for the 2019 Special Town Meeting, to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by transfer from available funds including Community Preservation Fund; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: This is an annual article to permit adjustments to current fiscal year (FY2020) appropriations.

TMMA Summary

TMMA Summary (as of 3/6/20)

This article is an annual place-holder should adjustments be needed to the current year's budgets. No amendments are proposed for the FY2020 Operating and Enterprise budgets approved at the 2019 Annual Town Meeting.

At the time of printing, the Community Preservation Committee recommends that four amendments be made to amounts approved under Article 14 of the 2019 Annual Town Meeting. These are:

	From	To
For the acquisition, creation and preservation of open space	\$568,000	\$634,495
For the acquisition, preservation, rehabilitation and restoration of historic resources	\$568,000	\$634,495
For the acquisition, creation, preservation and support of community housing	\$568,000	\$634,495
To the Unbudgeted Reserve	\$3,980,200	\$4,441,465

TMMA Question:

1. What is the basis for these amendments?

The Governor put an extra \$20m in funding in the amount available for FY2020 Community Preservation projects. Of this, Lexington received an additional \$500,000.

Article 23 Appropriate for Authorized Capital Improvements

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

(Inserted by the 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.

TMMA Summary

This article is an annual place-holder should a project approved by a prior year's Town Meeting need supplemental funding. At the time of printing it is anticipated that this article will be Indefinitely Postponed.

Article 24 Reduce Legal Expenses

(Citizen's Petition)

This citizen's proposal is to reduce the appropriation in the line item 8120 (legal expenses for the town) for fiscal year 2021 from the \$410,000 to \$110,000 and increase the amount appropriated for town in line item 8200 (town manager office and human resources) by \$100,000. During FY 14-18 the town (exclusive of the school department) has annually spent on average more than \$620,000 in legal expenses. More than 80% of this legal work is of a routine nature that could be done by in-house counsel.

(Inserted by Richard Neumeier and 9 or more registered voters)

DESCRIPTION: This article seeks Town Meeting approval to hire in-house counsel for legal services for the Town for fiscal year 2021. This proposal would reduce the appropriation in line

item 8120, legal expenses for the Town from \$410,000 to \$110,000 and increase the appropriation in line item 8200 of the Town Manager's budget by \$100,000.

TMMA Summary

This article would reduce the appropriation for Legal online item 8120 and add an allocation of \$100,000 for an in-house legal counsel position within the Lexington town government to handle routine legal affairs. Typical duties for municipal legal counsel include personal injury, employment, contracts, affirmative recovery, civil rights, police legal advisor, and general review, counsel and advice on legal affairs.

While Lexington appropriated \$410,000 under line item 8120 for Legal expenses in FY2020, this does not cover all legal costs as total legal costs including School, Capital Projects, Bond Counsel and Assessor have ranged from \$500,000 to over \$700,000 during recent years. A study prepared by Former Town Manager Carl Valente showed that Lexington was paying the highest billing rate for legal services of the municipalities that responded. A report of the Legal Services Review Committee in 2006 showed Lexington spending about \$100,000 per year more on Legal counsel than similarly situated towns and about \$300,000 per year more when capital projects were included. The 2006 report was never acted upon.

Finding In-house counsel should be easy and inexpensive. A survey by the American Bar Association showed that in 2018, 50% of Massachusetts lawyers were not employed in practicing law. A recent advertisement for a Municipal in-house counsel offered a pay range of up to \$88,000. On a large scale, the city of Boston has 9 in-house lawyers.

TMMA Questions:

Question #1: Do other towns similar to Lexington use in-house counsel?

Answer: Arlington, Woburn, Franklin, Melrose, Milford, New Bedford and Brookline utilize in-house counsel.

Question #2: Were other models of Legal services investigated by Lexington?

Answer: In 2006, the Legal Services Review Committee did site visits with Brookline for in-house counsel, Needham for sole practitioner, Burlington for Municipal Specialty firm, and Bedford for multi-purpose firm.

Question #3: What attributes or disadvantages of various legal models have other towns experienced?

Answer: Based on the 2006 committee report, the key to the communities' satisfaction lay less in the model for delivery of legal services than in the person who played the lead counsel role

and the nature of the Towns' leaders' relationship with that person. Several towns had migrated from a sole practitioner.

Question #4: How many court cases has Lexington actually litigated in the recent past?

Answer: Few or none. The Lexington Town Report section from Town Counsel reports on all actions pending, brought by or against town and those settled or disposed of. Almost all of the cases end up either dismissed or settled in manner other than litigation.

Question #5: What other recommendations does the article proponent have?

Answer: The in-House counsel must be a member of the Massachusetts Municipal Lawyers Association which would provide substantial support on both standard and newly evolving legal issues. Second, the Town of Lexington should provide for a regular cycle of review of the Town's legal services (e.g. every 3 years).

Question #6: Would the person being in-house counsel have experience in all aspects of the laws need for difference situations?

ARTICLE 25 PURCHASE OF LAND/EMINENT DOMAIN

To see if the Town will vote to authorize the Select Board to acquire by purchase, donation, eminent domain or otherwise for municipal purposes all or a portion of a parcel of land identified as Map 48 and Lot 96 on the Assessors' Map and known as Eddison Way; and to appropriate a sum of money therefore and determine whether the money shall be provided by the tax levy, by transfer from available funds, or by borrowing , or , 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 article requests funds to purchase or take by eminent domain land currently owned by the Historical Society.

TMMA Summary

This article concerns a triangular lot bounded by the Minuteman Bikeway, the entrance to the municipal parking lot, and Eddison Way. The parcel is located across from the main entrance to the Depot building and currently supports a row of metered parking spaces. The lot is 3,791 square feet in size and is assessed for \$87,000. It was sold to the Historical Society in 1999 as part of the Depot transaction.





ARTICLE 26 AMEND HISTORIC DISTRICT COMMISSION ENABLING LEGISLATION

To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for an act to amend Chapter 447 of the Acts of 1956, "AN ACT ESTABLISHING AN HISTORIC DISTRICTS COMMISSION FOR THE TOWN OF LEXINGTON AND DEFINING ITS POWERS AND DUTIES, AND ESTABLISHING

HISTORIC DISTRICTS IN THE TOWN OF LEXINGTON", as previously amended, in substantially the below, and further to authorize the Select Board to approve amendments to the bill before enactment to the General Court that are within the scope of the general objectives of the petition, as follows:

Be it enacted by the Senate and House of Representative in General Court assembled, and by the authority of the same as follows:

Section 1. Chapter 447 of the Acts of 1956, as previously amended, is hereby amended by replacing the words "Arts and Crafts Society" with the words "Chamber of Commerce" wherever they appear, and by deleting the words "and a secretary" in section 4 of said Act.

(Inserted by the Select Board at the request of the Historic Districts Commission)

DESCRIPTION: Chapter 447, the governing legislation for Historic Districts regulation and review, has not been substantially revised or amended since its original passage in 1956 and has not been revised or amended at all in nearly two decades. The Historic Districts Commission is proposing this amendment to streamline and strengthen the process of appointing members to the Historic Districts Commission, thus broadening the availability of qualified, willing applicants to serve as Historic District Commission members, and delete the unnecessary requirement that a secretary be elected as that role is fulfilled by a staff member.

TMMA Summary

This Article seeks to replace the Lexington Arts and Crafts Society (LexArt) with the Lexington Chamber of Commerce as a nominating body for Historic District Commissioners. Nominations will continue to be subject to final approval by the Select Board.

This is a purely housekeeping amendment, necessitated by LexArt's request to be replaced.

TMMA Questions:

1, Why does LexArt wish to be replaced?

As noted in a recent letter to the Select Board, "Given the evolving interests of our members and expansion of our memberships beyond the Town boundaries, the reasons for affording LexArt a formal role in the HDC Nominating Process are no longer as compelling as they were when the provisions were adopted [in 1956]. We therefore have no objection to the proposed Warrant Article."

2. Why the Chamber of Commerce?

The HDC felt that the business community should have a larger role in regulating changes to the buildings in the Lexington Center Business District, a large component of the Battle Green Historic District. This amendment will give them the role.

3. Is anything else being changed?

Yes, the amendment also deletes the HDC appointment of Secretary. Since the HDC has dedicated staff from the Building Office, this position is unnecessary.

ARTICLE 27 AMEND GENERAL BYLAWS - NOISE CONSTRUCTION LIMITS

To see if the Town will vote to amend Chapter 80-4A of the Code of the Town of Lexington (Noise Control) to further restrict noise pollution from construction projects or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Noise Bylaw Committee)

DESCRIPTION: This article proposes revisions to the Noise Bylaw to better protect residents from noise pollution from construction projects.

TMMA Summary

Article 27 modifies the existing noise bylaw by reducing the daily hours of construction equipment operations that create noise across a real property boundary that would disturb a reasonably prudent person. The article came from the Noise Committee at the request of the Select Board in response to numerous resident complaints. Further, the approach the committee took was to first survey bylaws in 21 other Mass. towns. It turned out Lexington's bylaw is the least restrictive and existing provisions from other towns that appeared most practical and useful were selected and adapted in developing the proposed motion.

Generally, the noise complaints arising from blasting, breaking of rock or pavement, and drilling or demolition operations of construction equipment are caused by a) High noise source levels, b) Large number of equipment operation hours permitted daily, c) Unrestricted number of days permitted per project, d) Absence of source mitigation or transmission path mitigation, and e) Ground vibration at affected nearby residences.

Article 27 seeks to reduce the daily number of hours (item (b) above) of most construction equipment operations. Specifically, it prohibits all construction equipment operations by contractors on Sundays and Holidays; it prohibits contractor operations of the most egregious construction equipment on Saturdays; and, it prohibits contractor operation of such equipment after 5:00 pm on weekdays, as compared to 8:00 pm of the current by-law.

The provisions of the current by-law and proposed Article 27 amendments are summarized in the following table:

Permitted Hours of Operation			
Operators	Day	Current bylaw	Proposed bylaw
Contractors using Construction Equipment as noted in Art 27-(i)	Weekdays	7:00 am- 8:00 pm	7:00 am- 5:00 pm
	Saturdays	7:00 am- 8:00 pm	9:00 am- 5:00 pm
	Sundays/Holidays	7:00 am- 8:00 pm	None
Residents on their own property using Construction Equipment of Art 27-(i)	Weekdays	7:00 am- 8:00 pm	7:00 am- 9:00 pm
	Saturdays	7:00 am- 8:00 pm	9:00 am- 5:00 pm
	Sundays/Holidays	7:00 am- 8:00 pm	9:00 am- 5:00 pm
Contractors using Construction Equipment as noted in Art 27-(iii)	Weekdays	7:00 am- 8:00 pm	9:00 am- 5:00 pm
	Saturdays	7:00 am- 8:00 pm	None
	Sundays/Holidays	7:00 am- 8:00 pm	None

The proposed motion (3/5/20):

MOTION: To amend Chapter 80-4(A) of the Code of the Town of Lexington (Noise Control) by deleting it and replacing it with the following:

A. Construction/private service/maintenance power equipment.

(i). Contractors are permitted to operate tools or equipment used in construction, including drilling or demolition work, in a manner such that this operation creates noise across a real property boundary that would disturb a reasonably prudent person only on weekdays between the hours of 7:00 a.m. and 5:00 p.m. and on Saturdays between the hours of 9:00 a.m. and 5:00 p.m. Such operation is not permitted on Sundays and legal holidays.

(ii) Residents are permitted to operate tools or equipment used in construction, including drilling or demolition work on their own property, in a manner such this operation creates noise across a real property boundary that would disturb a reasonably prudent person only on weekdays between the hours of 7:00 a.m. and 9:00 p.m. and on Saturdays, Sundays and legal holidays only between the hours of 9:00 a.m. and 5:00 p.m.

(iii) In addition to the above restrictions, blasting and the use of powered equipment used in the breaking of rock and pavement, including but not limited to

hydraulic or pneumatic hammers, by contractors and residents is permitted on weekdays only between the hours of 9:00 a.m. and 5:00 p.m. and is not permitted on Saturdays, Sundays, and legal holidays.

TMMA Questions:

- 1. Why were the permitted weekday hours of construction equipment operations by residents extended from 8 pm to 9 pm?**

- 2. Do the article proponents plan to address in the future any of the remaining (a), (c), (d) and (e) causes of construction equipment noise complaints?**

ARTICLE 28 NOISE MITIGATION PLAN FOR CONSTRUCTION

To see if the Town will vote to amend Chapter 80 of the Code of the Town of Lexington, Noise Control, to reduce the impact of construction noise, by requiring a noise mitigation plan for construction impacting residentially zoned areas as a condition for obtaining a building permit.

This article would require and enforce a noise mitigation plan as follows:

1. A noise mitigation plan will be required for construction projects which entail rock removal via heavy machinery and/or blasting, including ledge removal, rock pounding, rock crushing, rock drilling or rock cutting;
2. Such a plan will only be required for large projects where these activities are expected to be of extended duration;
3. Noise mitigation plans must include effective sound barriers surrounding the perimeter of the construction site;

or act in any other manner in relation thereto.

(Inserted by Varda Haimo and 9 or more registered voters)

DESCRIPTION: This article proposes revisions to the Noise Bylaw to better protect residents from noise pollution due to residential and other construction projects.

TMMA Summary

Article 28 proposes that a noise mitigation plan be required for construction projects entailing rock removal with “heavy machinery”, including ledge removal, rock pounding, rock crushing, rock drilling or rock cutting. Such construction equipment is simply referred to as “heavy machinery” below. Furthermore, the article requires that the mitigation plan reduce noise by 10 dB(A) or more.

Generally, the noise complaints arising from the use of heavy machinery for blasting, breaking of rock or pavement, and drilling or demolition operations are caused by a) High noise source levels, b) Large number of machinery operation hours permitted daily, c) Unrestricted number of days permitted for heavy machinery operations, d) Absence of noise source mitigation or transmission path mitigation, and e) Ground vibration at affected nearby residences.

Part (i) of Article 28 proposes modifications to items (c) and (d) above in order to reduce exposure to noise generated by heavy machinery. Specifically, it proposes that operations of heavy machinery without noise mitigation be permitted for up to 15 days, and that their operation beyond such 15-day period be permitted only after implementation of noise mitigation measures, as described in an approved noise mitigation plan.

Portable (temporary) noise barriers are identified as the minimum noise mitigation measure. Such barriers shall be installed as close as practicable to the heavy machinery. The article calls for a minimum 10 dB(A) barrier noise reduction based on use of rated barriers, with a goal of 85 dB(A) or lower noise level at the property line.

The article stipulates that when the noise mitigation plan is poorly implemented (and presumably nullifies the plan’s noise reduction benefits), then heavy machinery work will stop until the problem is corrected. Furthermore, it defines the process for cases where ledge is discovered unexpectedly after a permit is issued with no noise mitigation plan. In such cases, the ledge work may be undertaken only after a noise mitigation plan is submitted and approved.

Finally, the article identifies the Building Department and the Public Health Department as the enforcers of the by-law.

The proposed motion (on 3/6/20):

That Chapter 80 of the Code of the Town of Lexington, *Noise Control* be amended by inserting the following as a new § 80-8 and renumbering the existing §§ 80-8 to 80-11 as §§ 80-9 to 80-12.

§ 80-8 Noise mitigation plan for construction

(i) A noise mitigation plan shall be required prior to the issuance of a building permit for construction projects in residentially zoned areas where

1. the project entails rock removal with heavy machinery, including ledge removal, rock pounding, rock crushing, rock drilling or rock cutting; and

2. such activities are forecast to take place on more than fifteen days over the course of the project.

(ii) A noise mitigation plan required under this § 80-8 shall, at a minimum, require portable sound barriers, designed to reduce sound levels outside the barriers by at least 10 dB(A), surrounding and installed as close as practicable to the source of the noise. These barriers must reduce construction noise to prevent noise injury to town residents. The objective of this amendment is to keep maximum noise levels under 85 dB(A) at the property line.

(iii) In the event that the builder does not follow the specified noise plan, whether by using inadequate barriers, poor barrier installation, poor maintenance, failure to move them to a new work area on site, or any other problem, then work must cease until the problem is corrected.

(iv) In the event that a building permit is issued under the assumption that none of the § 80-8 (i) provisions apply, and it is discovered that such provisions do apply after the project begins, then no ledge work shall begin until a noise mitigation plan is submitted and accepted in accordance with § 80-8 (ii).

(v) The Building Department in conjunction with the Public Health Department has the power to enforce this section.

TMMA Questions:

1. What happens if a barrier rated for a greater than 10-dB(A) noise reduction yields less than 10 dB(A) noise reduction at the property line?

2. If Article 27 passes, will the Article 28 proponent consider an indefinite postponement?

ARTICLE 29 DECLARE CLIMATE EMERGENCY (Citizen Petition)

To see if the Town will adopt a resolution endorsing the declaration of a climate emergency and requesting regional collaboration for an immediate transition from fossil fuels to clean, renewable energy and further to demonstrate our commitment to making Lexington a more sustainable and resilient town.

(Inserted by Lily Manhua Yan and 9 or more registered voters)

DESCRIPTION: This article seeks Town Meeting approval to adopt a resolution endorsing the declaration of a climate emergency and calls for regional collaboration to reverse global warming and to move towards a more sustainable economy.

TMMA Summary

As a resolution, the adoption of this article would not bind the Town government to any specific actions. The Select Board and other governmental officials have generally attempted to use the solutions approved by Town Meeting as guidance in their public policy decisions. Lexington's Select Board has already formed the Sustainable Lexington Committee, adopted Lexington's Sustainable Action Plan, and a Getting to Net Zero Plan. The Town currently is drafting a High Performance Buildings Operations Policy and a municipal electric vehicles electrification plan.

Reference Materials

Lexington's Sustainable Action Plan

https://www.lexingtonma.gov/sites/lexingtonma/files/uploads/lex_sustainable_plan_final_adopted_2018-08-27.pdf

Getting to Net Zero Plan

https://www.lexingtonma.gov/sites/lexingtonma/files/uploads/lexington_getting_to_net_zero_emissions_plan_approved_8-27-2018.pdf

ARTICLE 30 LAND EXCHANGE

(Citizen Petition)

To see if the Town will vote to approve the exchange of a portion of the lot located at 344 Lowell Street with a portion of the Town's adjoining land, see plan on file with the Town Clerk, for the purpose of allowing the use of an existing structure that currently encroaches in part on Town property, or act in any other manner in relation thereto.

(Inserted by Mohammed Abdul Jaleel and 9 or more registered voters)

Description: This article requests the Town to swap a parcel of Town owned land for a private parcel of land of equal size and value.

The purpose of this land swap is to change the property lines to address a building on private property where half the building was built on the town property, before it was town property.

TMMA Summary

This lot is adjacent to the Harrington School and its playing fields.

ARTICLE 31 AMEND GENERAL BYLAWS-DEMOLITION DELAY

(Citizen Petition)

To protect the David A. Tuttle historic home at 53 Hancock Street Lexington, MA 02420 from demolition and other historically significant homes and edifices. No destruction of living history in Lexington, MA. No immediate resale of a historical home within a 2 year period. Nullification of the sale if a buyer misrepresents their intentions resulting in demolition of historic property.

(Inserted by Helen Wright and 9 or more registered voters)

DESCRIPTION: This article seeks Town Meeting approval to adopt a demolition delay ordinance that ensures potentially historically significant homes and structures are not demolished without adequate notice to the public.

TMMA Summary

It is expected that this will be indefinitely postponed.

ARTICLE32 EXTEND HANCOCK-CLARK HISTORIC DISTRICT

(Citizen Petition)

Extend the Hancock-Clark Historic District to Adams St-down Adams to Porter Lane.

(Inserted by Helen Wright and 9 or more registered voters)

DESCRIPTION: This article seeks Town Meeting approval to extend the Hancock-Clark Historic District to Adams Street, and Adams Street down to Porter Lane, in order to further preserve the historic character and buildings in Lexington.

TMMA Summary

It is expected that this item will be indefinitely postponed.

ARTICLE 33 AMEND GENERAL BYLAWS-RUNNING BAMBOO CONTROL

(Citizen Petition)

To see if the Town will vote to amend the General Bylaw of the Town of Lexington by adding a chapter to control the planting and presence of Running Bamboo plants-any monopodial (running) tropical or semi-tropical bamboo grasses or bamboo species, or act in any other manner in relation thereto.

(Inserted by Michael Reamer and 9 or more registered voters)

DESCRIPTION: This purpose and intent of this bylaw is to preserve and protect private and Town owned property and Town owned rights of way from the spread of Running Bamboo and to protect indigenous biodiversity threatened by Running Bamboo. All Running Bamboo owners shall be required to confine Running Bamboo in a manner that will prevent the Running Bamboo from encroachment onto any other private or Town owned right of way. The proposed bylaw specifies requirements, enforcement and penalties.

TMMA Summary

Running bamboo is a potentially invasive plant, sometimes sold for decorative use. It can quickly spread, taking over a large area. Not all bamboos behave this way. There are clump forming bamboos, which are not likely to spread and can be planted for decorative purposes. Running bamboos must be regularly controlled to keep them in the desired areas. Bamboos are a perennial grass, identified by a large woody stem that is often round and segmented. Golden bamboo, or *Phyllostachys Aurea*, is the most common culprit in control issue situations. These spreading bamboos move by thick underground stems called rhizomes, which can grow over 100 feet from the original planting. Running bamboo is not currently listed as one of the 69 species that are *Invasive, Likely Invasive, or Potentially Invasive* in the Massachusetts *Invasive Plant List* prepared by the Massachusetts Invasive Plant Advisory Group

<https://www.mass.gov/doc/invasive-plant-list/download>. For the 69 plant species that have been recognized by "MIPAG", the Massachusetts Department of Agricultural Resources has issued a Rulemaking, adding them to a list of noxious weeds regulated with prohibitions on importation, propagation, purchase and sale in the Commonwealth. Running Bamboo is restricted or prohibited in the states of New York, Connecticut, New Jersey, and Rhode Island, and in Cambridge, MA.

Questions:

1. Where in Lexington has running bamboo been located?

Answer: Adjacent to 34 Parker Street, 534 Lowell Street, 165 Lowell Street

2. Are any of those locations on public lands?

Answer: At 165 Lowell Street it is approaching the street.

3. What is the specific text of the proposed bylaw?

Answer: The legal wording is still under review at the deadline for this booklet.

Article 34 Authorize Special Legislation –Developing Surcharge for Community Housing

To see if the Town will vote to establish a surcharge on specific residential development activities for the purpose of funding affordable and community housing construction, renovation, associated land acquisition or easements; and further to authorize the Select Board to petition the Massachusetts General Court to enact legislation to enable this surcharge in the Town of Lexington, and further to authorize the Select Board to approve amendments to said act before its enactment by the General Court that are within the scope of the general objectives of the petition, or act in any other manner in relation thereto.

(Inserted by Matt Daggett and 9 or more registered voters)

DESCRIPTION: The purpose of this article is to address the loss of moderate-income housing by developing a targeted and measured surcharge on specific residential development activities, that will fund the creation of community housing that will address identified housing gaps, such as housing attainable by Lexington municipal employees.

TMMA Summary

The intent of this article is create a new mechanism to fund the creation of community housing, in order to offset the spectrum of the housing stock being lost to redevelopment and to address

the widening affordability gap for moderate income housing. The article seeks to have the Select Board petition the Massachusetts General Court to enact legislation authorizing a surcharge that would be added to the permit fee when new development involves demolition of an existing house. The amount of the surcharge would be set by the Select Board and the surcharge payments would be made to the Affordable Housing Capital Stabilization Fund.

The Proposed Motion (on 3/7/20)

That the Select Board be authorized to petition the Massachusetts General Court to enact legislation to establish a surcharge on specific residential development activities for the purpose of funding the creation of community housing that offsets the impact of said development activities in substantially the form below and further to authorize the Select Board to approve amendments to said act before its enactment by the General Court that are within the scope of the general objectives of this motion.

Be it enacted by the Senate and House of Representative in General Court assembled, and by the authority of the same as follows:

SECTION 1: In order to mitigate the loss of moderate-income housing by the demand for buildable parcels of land, a residential linkage fee, hereafter referred to as "the community housing surcharge" or "the surcharge," shall be added by the Town of Lexington to all new single- and two-family residential construction building permits issued by said town on parcels where an existing single- or two-family dwelling has been demolished to create a single buildable lot or multiple buildable lots.

SECTION 2: The Select Board of the Town of Lexington shall determine the amount of the community housing surcharge, which shall be applied on a dollars-per-square-foot basis on the certified total gross floor area of the structure or structures permitted by an applicable building permit. The Select Board shall adjust the rate of the community housing surcharge for inflation annually.

SECTION 3: The Town Manager of the Town of Lexington or their designee shall prepare a study every five years to determine the suitability, effect, and amount of the surcharge, and recommend to the Select Board any possible changes necessary to address changing demand for community housing. The Town Manager or their designee shall also prepare and issue an annual report that identifies surcharge receipts; quantifies the attributes of community housing projects funded by the community housing surcharge and evaluates the impact of said housing projects.

SECTION 4: The Select Board of the Town of Lexington may adopt additional requirements, exemptions, and regulations to implement or enforce said community housing surcharge, consistent with this act.

SECTION 5. The building commissioner of the Town of Lexington shall not issue a certificate of occupancy for a building subject to this act before the community housing surcharge required by this act is paid; provided that an applicant for a building permit for a building in which said applicant intends to reside may opt to have the amount of said surcharge added to the property taxes due on said property in lieu of paying the surcharge in advance. If the applicant opts to have the surcharge added to the property taxes, the applicant shall not be required to pay said surcharge until the property is sold to another person; provided further that no interest shall accrue on the amount of the surcharge, and the amount of the surcharge charge shall be abated by 20% per year from the date of the certificate of occupancy such that the amount of the surcharge will be \$0 as of the date that is five years from the date the certificate of occupancy is issued.

SECTION 6: All surcharges received pursuant to this act shall be deposited into the Town of Lexington Affordable Housing Capital Stabilization Fund.

SECTION 7: For the purposes of this act, "community housing" shall mean as defined under section 2 of chapter 44B of the General Laws.

SECTION 8: This act shall take effect upon its passage.

TMMA Questions:

- 1. Do any of our peer communities have a similar surcharge?**
- 2. Has an estimate been done of how much housing could be created over time given a specific surcharge amount set by the Select Board?**
- 3. What entity would be involved in purchasing properties using the Affordable Housing Capital Stabilization Fund, e.g., LexHAB?**

ARTICLE 35 AMEND ZONING BYLAW-DISTANCE FROM BASEMENT, SLAB OR CRAWL SPACE AND GROUNDWATER

To see if the Town will vote to amend the Zoning Bylaw to regulate the distance between groundwater elevations and building basements, crawl space floors, or slab elevations; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This zoning amendment is in response to residents' requests to address the impacts on their property of displaced groundwater from abutting new construction being built in the water table. This will also help prevent new illegal connections to the Town system from new construction in the water table.

TMMA Summary

This article would regulate the minimum distance between the groundwater and the bottom of basements in new construction. The purpose of this bylaw is to avoid basements flooding and to minimize the impact on neighbors of the displacement of groundwater.

Groundwater elevation is defined as the Estimated Seasonal High Groundwater Table (ESHGWT). This elevation is determined by a qualified soil scientist or licensed soil evaluator by taking a soil boring and analyzing the coloration and texture of the soil to see the presence of water in recent years. The elevation is not determined by digging a hole to see at what level it fills with water.

The proposed minimum distance to the ESHGWT is 2 feet. If the distance is greater than or equal to 2 feet, then this bylaw introduces no new regulations. Construction can still take place if the distance is less than 2 feet but only if water management systems are installed. Plans for such systems must be approved by various Town departments, and the applicant must pay for third party review.

There was a similar bylaw in Lexington from 1976 to 1998, which established a minimum distance of 4 feet. It's not clear why Town Meeting voted to remove the bylaw. The Building Department is in favor of reestablishing a minimum distance.

There is a well at the Mass DOT Maintenance Depot, near the intersection of Route 2A and Interstate 95, that has been measured for groundwater level every month since 1964. The monthly readings show variations of a foot or more from the mean. A linear regression of the data shows that the average groundwater level has risen from about 3 feet from the surface in 1964 to about 1 foot 9 inches in 2020

(https://nwis.waterdata.usgs.gov/nwis/gwlevels/?site_no=422627071154002). The author of this report does not know why the level has been rising or how representative this is of Lexington.

Prince Georges County in Maryland has a similar regulation but adds an additional requirement that basements cannot be built less than zero feet above the ESHGWT, even with mitigation measures (that is, the basement cannot be built into the groundwater under any circumstances). <https://www.princegeorgescountymd.gov/DocumentCenter/View/11822/Techno-gram-005-2016-Setting-Basement-Elevation-above-the-Groundwater-Table>. However, it's unlikely that the state Attorney General would approve such a provision in Lexington because the bylaw cannot be more restrictive than the state building code.

TMMA Questions:

Question #1: The proposed bylaw originally set a minimum distance of 30 inches in December 2019. It was later changed to 2 feet. Why?

Answer: From the Building Commissioner: *“After considerable review and investigations, including research on other community’s bylaws, meetings with professional engineers, architects, land surveyors and builders, the distance*

of two feet was determined to be consistent with all best engineering practices.”

Question #2: How far back in the geologic record can a soil scientist detect the previous presence of water at a certain height?

Answer: The Building Commissioner received this response from a soils scientist: *“I don't know of any scientific consensus on how long the evidence would remain in a soil after a water table is lowered, or even if there is any direct research on that question. I have heard different soil scientists speculate it could be anywhere from decades to centuries. But soils that have an existing seasonal water table usually look a little different than soils which once had a water table which has long since disappeared. The evidence may still be there, you might even be able to determine the depth where the seasonal high-water table used to be, but usually there are signs that it is not a current water table.”*

ARTICLE 36 AMEND ZONING BYLAW-SHORT TERM RENTALS

To see if the Town will vote to amend the Zoning Bylaw to regulate short term rentals; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would amend the Zoning Bylaw to regulate short term rentals.

TMMA Summary

The purpose of this article is to regulate short terms rentals (STR), such as would be found on Airbnb or VRBO rentals. It is in response to citizen complaints about disturbances and concerns over commercial competition for real estate and concerns expressed by local hotel owners.

This bylaw defines a rental of fewer than 30 consecutive days as a STR. A rental of 30 or more days is a long-term rental (LTR). The bylaw defines two types of STRs: owner-occupied and

owner-adjacent. In both cases, the dwelling must be the primary residence of the operator. In both cases, the number of rental days per year when the operator is absent from the property cannot exceed 90.

If owner-occupied, either the entire dwelling can be rented (that is, the whole house), or up to 3 bedrooms can be individually rented. During any period of 7 or more consecutive days when the operator is away, the dwelling can be rented as only a whole unit and not as individual bedrooms. As an example, if the operator is away on a 6-week vacation, then the operator can rent the entire unit to several consecutive short-term renters (each for less than 30 days) or to a long-term renter of 30 or more days. If the operator is away for 6 months, then the operator can rent the whole unit to a combination of short-term and long-term renters, but the total of STR days cannot exceed 90.

The typical case of an operator-adjacent unit is a two-family dwelling owned by the operator where the operator lives in one family unit and rents the other unit.

Accessory apartments, which are defined in Section 6.7 (<https://ecode360.com/27630229>), may not be used as STRs. The intention is to prevent the removal of units from the affordable house inventory.

Other requirements:

- A given STR unit (for example, a bedroom) is limited to one car per 2 occupants.
- Rentals for less than 10 consecutive hours is not allowed.
- The operator must maintain a log of all the occupants' names and ages (even minors).
- On an annual basis, operators of STR units must secure a certificate of registration, pay a registration fee, and have the dwelling unit inspected.

TMMA Questions:

Question #1: If an operator rents a unit via Airbnb to a single renter for more than 30 consecutive days, is this rental subject to the proposed bylaw?

Answer: From the Zoning Administrator: *“No, if it was rented out for more than 30 consecutive days, it would be considered a long-term rental and would not be subject to the same provisions. However, we would deal with each “case” as it came along. If someone came to me and requested enforcement, I would look at how the unit is being advertised, etc. I also would like to make sure that the public understands that we have been advised by Town Counsel that we cannot prohibit short-term rentals, so this regulation is our solution to ensure the safety of the renters and neighborhood.”*

ARTICLE 37 AMEND ZONING BYLAW SITE PLAN REVIEW

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lexington to adjust applicability of, exceptions to, and notice requirements for site plan review, or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would adjust the existing exceptions to site plan review to require review when parking areas are significantly expanded, limit it for small changes to large buildings, and modernize notice requirements.

TMMA Summary

PROPOSED MOTION: That the Zoning Bylaw of the Town of Lexington be amended as follows, where struck-through text is to be removed and underlined text is to be added:

A. Replace §135-9.5.2 with the following:

~~9.5.2 Applicability. The following types of activities and uses require site plan review by the Planning Board or its designee:~~

~~1. Where required elsewhere in this bylaw, exterior construction or expansion of a structure resulting in an increase of 500 SF or greater of total building gross floor area or an increase in 500 SF or greater of site coverage.~~

~~2. Any changes to an approved site plan.~~

9.5.2 Applicability.

1. This section applies to activities and uses for which site plan review is required elsewhere in this bylaw.

2. Changes to activities and uses otherwise requiring site plan review may proceed without it if all the following conditions are met over a three-year period:

- a. Any new or expanded buildings result in an increase in total gross floor area of less than 500SF or 10% of the existing total gross floor area, whichever is greater.
- b. Any new or expanded structures result in an increase in total site coverage of less than 500SF or 10% of the existing total site coverage, whichever is greater.
- c. Any new or expanded parking areas result in less than 10 additional parking spaces.
- d. Any new or expanded Large-scale Solar Energy System or Solar Energy System Canopies result in an increase in total area of less than 500 SF or 10% of the existing coverage, whichever is greater.

3. The use of land or structures for educational purposes by the Lexington Public Schools on land owned or leased by the Town of Lexington or Lexington Public Schools shall not be subject to site plan review.

B. Amend §135-9.5.4.3 as follows:

3. A public meeting shall be required for all major site plans. ~~The meeting will be advertised in the local newspaper once in each of two successive weeks prior to the meeting and~~ The Applicant will send a notice ~~A notice will be sent to landowners within 300 feet of the affected lot and give any further notice required by the Planning Board.~~

C. Delete §135-9.5.6.6.

~~6. Notwithstanding any other provision of this chapter, the use of land or structures for educational purposes by the Lexington Public Schools on land owned or leased by the Town of Lexington or Lexington Public Schools shall not be subject to site plan review pursuant to § 9.5.~~

Article 38: Amend Zoning By-Law Financial Services

To see if the Town will vote to amend the Zoning Bylaw of the Town of Lexington regarding the regulation of financial, drive-up, and auto-oriented services; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: The article would adapt a variety of financial services regulations to be consistent with current industry practice and regulate drive-up and auto-oriented service uses consistently.

TMMA Summary

The intent of this Article is to adopt the use of the term “banking services” to include banks, drive-ups and ATMs. Banking services is a broader term to use for banks and ATMs combined. Therefore, there will be no further distinction between banks and ATMs in the Bylaws.

The Planning Board unanimously voted that Town Meeting APPROVE the motion under Article 38.

BACKGROUND (Extracted from Planning Board Report)

A zoning amendment in 2016 limited bank use in the Central Business (CB) District, allowing it by special permit where it had previously been allowed by right. At that time Automatic Teller Machines (ATMs) were thought of as an accessory use attached to a larger bank. They were not generally regarded as competition for active storefronts.

In 2019, the Building Department received an application for a storefront containing several ATMs. At that time Banks or Credit Unions were allowed by special permit in the CB District and ATMs were allowed by right. The Building Commissioner determined, and the Board of Appeals agreed (after an appeal), that a special permit is required for a standalone ATM facility in the CB District because it constitutes a banking use. The applicant did not apply for a special permit.

Because ATMs are an accessory use to a bank or another business, the Building Commissioner considers a stand-alone ATM as a bank. This is an interpretation of the by-law and as-such may not be defensible should another applicant appeal the determination to the Court.

At the request of the Center Committee the Planning Board sponsored a zoning amendment at the 2019 Special Town Meeting to change the ATM use in the CB District from a Y to N in the use table.

In the Planning Board 2019 Special Town Meeting Article 6 Recommendation the Board stated that this was stop-gap measure to a rapidly changing industry.

This zoning amendment more broadly defines banks as ‘banking services’ to encapsulate the evolving industry and removes ATMs from Table-1, Permitted Uses and Development Standards, as a traditional ATM as we consider it today is accessory to another use.

An accessory use as defined under Lexington Zoning Bylaws Section 3.2.1: “*Any use or structure not listed as an accessory use in Table 1 is permitted as an accessory use provided it is a use or structure that is customary and incidental to a principal use or structure permitted by Table 1, conforms to all other provisions of this bylaw, and complies with all other Town bylaws or General Laws.*”

PROPOSED MOTION:

- A. That Chapter 135 of the Code of the Town of Lexington, the Zoning Bylaw, be amended as follows (~~cross-outs~~ are eliminations and **bold underline** is new language):
- B. Amend § 135-3.1.6 so that it reads:

3.1.6 ~~Banks and Credit Unions and Real Estate Sales or Rentals~~ **Services** in ~~CB District~~ **Center** Storefronts.

- 1. Purpose. Lexington Center is a place in which shops, workplaces, schools, historic attractions, housing, open space, and civic facilities intimately co-exist to create an active retail and cultural destination with an identifiable sense of place. It is in the public interest that the Town protect and enhance the vibrancy of the Central Business District by creating a supportive environment for a diverse group of uses throughout the Center, and regulating the use of the limited first floor storefront area and frontage of the Central Business District is necessary to achieve this goal.
- 2. Special Permit Review Criteria. In addition to the criteria detailed in § 135-9.4.2, as a precondition to allowing the establishment, relocation, or expansion of a ~~banking or credit union~~ **banking** or real estate service use (Line H.1.05 and Line H.1.04 respectively in the Table of Uses) in ~~a center storefront the Central Business District~~, the SPGA must also find that the applicant has satisfied the specific criteria listed below:
 - a. The granting of the special permit will advance the goals expressed in § 3.1.6.1 above;
 - b. The proposed use in the proposed location is in the public interest;
 - c. The proposed use will not create an undue concentration of these uses in the immediate area;
 - d. The proposed use will maintain hours and days of operation and an active storefront consistent with other retail uses in the Central Business District;
 - e. The proposed length of the storefront will not exceed the average length of other **center** storefronts ~~in the Central Business District~~;
 - f. The proposed first floor square footage will not exceed the average size of other **center** storefronts ~~in the Central Business District~~; and
 - g. As part of providing a visually engaging storefront, the interior area of the property adjacent to the storefront must be a space dedicated for patrons and shall not be used for office, cubicle, conference, or storage areas.

3. The SPGA may waive strict compliance with criteria 2e and 2f above, where such action is in the public interest and consistent with the intent and purpose of this bylaw.

C. Amend row H.1.05 of Table 1, Permitted Uses and Development Standards, so that it reads:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
H.1.05	Bank or credit union Banking services *SP in center storefront (see § 3.1.6).	N	N	N	N	N <u>Y</u>	Y	N <u>SP</u>	SP <u>Y*</u>	Y	Y	Y	N <u>SP</u>

D. Delete rows H.1.06 and H.1.07 of Table 1, Permitted Uses and Development Standards.

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
H.1.06	Bank or credit union with drive-up window or auto-oriented branch bank	N	N	N	N	N	SP	N	N	N	Y	Y	N
H.1.07	Automatic teller machine	N	N	N	N	SP	Y	Y	N	Y	Y	Y	Y

E. Add a new row H.2.03 to Table 1, Permitted Uses and Development Standards, as follows:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
H.2.03	Banking services delivered on site to persons in a car	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>SP</u>

F. In § 135-10.1, add a definition of BANKING SERVICES:

BANKING SERVICES

A bank, credit union, or any branch thereof, including electronic branches such as automatic teller machines and cash dispensers.

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington.

What specifically does this Article do?

It amends row H.1.05 of Table 1, Permitted Uses and Development Standards, to consolidate the current 3 rows into 2 rows. The change would preserve the current limit on drive-up tellers both in the Center and elsewhere.

Article 39: Amend Zoning By-Law Solar Energy Systems

To see if the Town will vote to amend the Zoning Bylaw to reduce restrictions on solar energy systems, or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: The article would encourage construction of solar energy systems by exempting these systems from certain setback, height, site coverage, and roof coverage standard and permitting them in all districts.

TMMA Summary

This amendment includes relaxing a variety of rules that currently limit deployment of solar energy systems for both commercial and residential properties.

There are 5 primary intents to this Article:

1. Amend the Bylaws to comply with Massachusetts State Law MGL c. 40A. Per State Law, the Town must permit solar energy systems and cannot unreasonably prohibit such systems.
2. Provide reasonable regulation to the deployment of commercial and residential solar energy systems.
3. Provide landowners with the ability to meet Zero Net Energy goals.
4. Meet Historical District Commission's requirement for ground mounted solar energy systems to be out of sight of public view.
5. Support Article 29, Declare Climate Emergency resolution.

The State is encouraging construction of solar energy systems and the amendment to the Town Bylaws which would relax or remove barriers to deployment of such systems in order to comply with the State Law.

Highlights of amendments to the Bylaws include:

1. The Bylaw amendment removes the existing 25% limit (for accessory systems).
2. Adding that a solar energy system is permitted over any paved parking lot, except for parking for one-family and two-family homes.
3. Adding the term solar energy systems to various lines of the Bylaws as detailed in the full Amendment.
4. Revising the Permitted Uses and Development Standards table to include the 4 types of solar energy systems listed below.
5. Add new sections to the Bylaws to further describe details about solar energy systems.
6. A site plan review will be required for all ground-mount systems.

7. Ground-mount systems will be prohibited in yards, with the exception of canopies over commercial parking lots.

There are 4 types of solar energy systems to be defined in this Amendment:

1. Building-Mounted – A Solar Energy System that is designed to be securely mounted on a building.
2. Canopy – A Solar Energy System structure that is built to cover a parking lot or other open-air use that is not a Building-mounted Solar Energy System or Residential Solar Energy System, (such as at the recycling center on Hartwell Avenue).
3. Large Scale - A Solar Energy System that is not a Building-mounted Solar Energy System, Canopy Solar Energy System, or Residential Solar Energy System.
4. Residential - A Solar Energy System that is not a Building-Mounted Solar Energy System on a residential lot where the total capacity of all solar energy systems on the lot is less than or equal to 25 kilowatts (25 kW) of electricity, or equivalent, per dwelling unit.

The intent of this Article is to comply with the Massachusetts State Law MGL c. 40A to support the State law encouraging construction of solar energy systems. Amending the Town Bylaws would relax or remove barriers to deployment of solar energy systems.

PROPOSED MOTION: That the Zoning Bylaw of the Town of Lexington be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added:

- A. Amend § 135-3.2.2 so that it reads:

3.2.2 Limit on Size of Accessory Uses. An accessory use may not occupy more than 25% of the area of a lot or more than 25% of the gross floor area on a lot. This limitation does not apply to off-street parking, solar energy systems, or to accessory apartments, ~~which are governed by other provisions of this bylaw.~~

- B. Add a new § 135-4.3.1.3 as follows:

3. A solar energy system may be located over any paved parking lot.

- C. Amend § 135-4.3.2 so that it reads:

4.3.2 Structures on a Building. Structures erected on a building and not used for human occupancy may exceed the maximum height of a building in feet provided no part of the structure is more than 20 feet higher than the upper elevation of the building and the total horizontal coverage of such structures other than Solar Energy Systems on the building does not exceed 25%.

- D. In § 135-10.1, amend the definition of SITE COVERAGE so that it reads:

The sum of all parts of a lot that are covered by a principal or accessory building or other

structure, other than a Solar Energy System, such parts of the lot to be delineated by the intersection of the ground with the vertical plane of the outermost walls or projections of a building or structure whether in contact with the ground or projecting over it.

- E. In § 135-10.1, amend the definition of STRUCTURE so that it reads:

Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something located on the ground, including buildings, mobile homes, billboards, tanks, Solar ~~Panels~~ Energy Systems, or the like, or the parts thereof, and swimming pools, but not including paved surfaces such as a driveway, a walk or a patio.

- F. In § 135-10.1, amend the definition of YARD so that it reads:

An open space on a lot unoccupied by a building or structure or such parts thereof as covered or uncovered porches, steps, cornices, eaves and other projections; provided however that fences, gates or security stations, yard accessories, ornaments and furniture, Canopy Solar Energy Systems, and customary summer awnings are permitted in any yard but shall be subject to height limitations. Yard depth shall be measured from the street or lot line, and not from the middle of any public or private way whether owned pursuant to the derelict fee statute or otherwise, to the nearest point on a building in a line perpendicular or normal to such lot or street line. The minimum required yard shall be a strip of land of uniform depth required by this bylaw measured from the lot or street line and adjacent thereto.

- G. In § 135-10.1, add definitions as follows:

SOLAR ENERGY SYSTEM A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling,

electrical generation, or water heating.

SOLAR ENERGY SYSTEM, BUILDING-MOUNTED A Solar Energy System that is designed to be securely mounted on a building.

SOLAR ENERGY SYSTEM CANOPY A Solar Energy System structure that is built to cover a parking lot or other open-air use that is not a Building-mounted Solar Energy System or Residential Solar Energy System.

SOLAR ENERGY SYSTEM, LARGE SCALE A Solar Energy System that is not a -Building- mounted Solar Energy System, Canopy Solar Energy System, or Residential Solar Energy System.

SOLAR ENERGY SYSTEM, RESIDENTIAL A Solar Energy System that is not a Building- mounted Solar Energy System on a residential lot where the total capacity of all solar energy systems on the lot is less than or equal to twenty-five kilowatts (25 kW) of electricity, or equivalent, per dwelling unit.

H. In Table 1, Permitted Uses and Development Standards, replace row O.1.10 with four new rows, so that they read:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CS
O.1.10	Ground-mounted solar energy systems	Y	N	N	N	N	N	N	N	N	R	R	N
O.1.10	Solar Energy System, Building-mounted	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
O.1.11	Solar Energy System, Canopy	<u>Y</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>
O.1.12	Solar Energy System, Large-scale	<u>Y</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>
O.1.13	Solar Energy System, Residential	<u>Y</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>

I. Add a new § 135-6.10 as follows:
6.10 SOLAR ENERGY SYSTEMS.

1. Purpose and Intent.

As a Greener Community, Lexington promotes the installation and use of Solar Energy Systems within the community. The purpose of this section is to establish standards for permitting, placement, design, construction, operation, monitoring, modification and removal of such installations; while protecting public safety; protecting against undesirable impacts on residential property and neighborhoods; protecting scenic, natural and historic resources; and protecting or providing for

wildlife corridors.

Lexington intends to promote the creation of Solar Energy Systems in accordance with M.G.L. c.40A, §3 and the Green Communities Act, M.G.L. c.25A, §10, so that Solar Energy System installations do not diminish abutting property values, while meeting sustainability initiatives for a sustainable Lexington.

2. Applicability.
 1. The construction and operation of all proposed Solar Energy Systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, communications and aviation requirements.
 2. All buildings and structures forming part of a Solar Energy System shall be constructed in accordance with the State Building Code and approved by the Building Commissioner.
3. Design Standards.
 1. Large-scale and Residential Solar Energy Systems shall not be located in a required yard.
 2. The Planning Board may adopt regulations providing for design standards for Canopy Solar Energy Systems, Large-scale Solar Energy Systems, and Residential Solar Energy Systems.
 3. The Planning Board may adopt regulations providing for the maintenance and eventual removal of Large-scale Solar Energy Systems and securing the performance thereof.

J. Add a new § 135-7.3.4 as follows:

7.3.4 Protected uses. Notwithstanding other provisions of § 7.3 and any preliminary site development and use plan, the following uses and structures protected by M.G.L. c. 40A §3 shall be permitted in any PD, CD, or RD district:

1. Building-mounted Solar Energy Systems shall be permitted by right.
2. Canopy Solar Energy Systems, Large-Scale Solar Energy Systems, and Residential Solar Energy Systems shall be permitted with site plan review under § 135-9.5.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington.

TMMA Question:

1. Given the article description in the warrant, would setback standards in residential areas be impacted?

ARTICLE 40 AMEND ZONING BYLAW-WIRELESS COMMUNICATION FACILITIES

To see if the Town will vote to amend the Zoning Bylaw to conform to changes in Federal law and regulations regarding wireless communication facilities, including streamlining permitting processes and standards, adding design guidelines; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: This article would update the Zoning Bylaw to reflect changes in federal law and regulations regarding wireless communication facilities. These changes include streamlining the permitting process for wireless facilities on private property to meet federal 'shot clock' deadlines by not requiring special permits and expanding acceptable justifications for adding new facilities.

TMMA Summary

Article 40 Amend Zoning Bylaw Wireless Communication Facilities

This article will amend section 6.4 Wireless Communications Facilities of the Zoning Bylaw, Chapter 135 of the Code of Lexington. At present the Board of Appeals is asked to grant a special permit for a new or expanded wireless commercial communications facility though Federal Law supersedes local regulations while providing for rapid siting of commercial facilities.

Under “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment”, the Federal Communications Commission (FCC) establishes short time limits for action on small wireless facilities. There is a time limit of 60 days for colocation on preexisting structures and 90 days for new builds. Preexisting structures include wireless facilities attached to utility poles, municipal streetlights and existing wires located in public ways.

To meet rapidly increasing demand for wireless services and prepare our national infrastructure for 5G, providers must deploy infrastructure at significantly more locations using new, small cell facilities. The national strategy of the FCC is to promote the timely buildout of this new infrastructure across the country by eliminating regulatory impediments that unnecessarily add delays and costs to bringing advanced wireless services to the public. Thus, Lexington will continue to regulate noncommercial installations, but Federal regulations will govern commercial installations.

TMMA Questions:

Question #1 What is 5G technology?

Answer: 5G technology is the next step in mobile connectivity. 5G will rely upon high frequency wavelengths which cannot travel through walls, windows or rooftops and get

considerably weaker over distance. 5G will provide download speeds of over one gigabyte per second and allow a full movie to be downloaded in under 30 seconds.

Question #2 How safe is 5G technology?

Answer: Studies of existing cell towers seem to show that there is a higher risk from cell phone use than from living near a cell tower. According to the American Cancer Society, there is no direct correlation between cancer and the radiofrequency waves (RF) from cell towers at this time. The National Institute of Environmental Health Science linked extremely high whole body exposure to RF radiation to adverse effects in male rats, but female rats and mice appeared unaffected. Source: Celltowerleaseexperts.com

Question #3 How many 5G wireless antennas might be installed in Lexington?

Answer: Eventually hundreds of 5G wireless antennas would be installed in Lexington if not more. 5G technology will require antennas as close as every 500 feet. Thus, millions of 5G installations will be required to provide 5G service across the United States. Autonomous driving will require similar density of wireless antennas along roadways.

Question #4 What are the privacy and security concerns with 5G?

Answer: Experts wonder about the security threats and risks of cyberattacks and identity theft associated with a massive number of devices that are interconnected. Stingrays (fake cell towers) could track people and intercept phone calls, emails and messages. More complex authentication processes will be required to protect privacy and provide security

ARTICLE 41 AMEND ZONING BYLAW-TECHNICAL CORRECTIONS

To see if the Town will vote to amend the Zoning Bylaw to correct internal references, remove unreferenced definitions, and reformat sections of the Bylaw to help clarify the intent of the Bylaw; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Planning Board)

DESCRIPTION: These changes are clerical in nature and are not intended to change interpretation of the Zoning bylaw in any substantive way.

TMMA Summary

The proposed changes are as follows:

That Chapter 135 of the Code of the Town of Lexington, the Zoning Bylaw, be amended as follows (underline is new language):

1. Amend Chapter 135 §4.1.1 Table 2, Schedule of Dimensional Controls, line “Minimum side yard in feet “and add an additional note (i) to read as follows:

	Zoning Districts										
	GC	RO	RS & RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
Minimum side yard in feet	NR	15(d)(i)	15(d)(i)	20	20	15	NR	30	50(f)	25(f)	15

Notes:

- (i) For non-conforming one and two-family residential structures, the side yard setback may be reduced as allowed in Section 8.4.1 “No Increase in Nonconforming Nature.”

ARTICLE 42 AMEND ZONING BYLAW AND ZONING MAP, 1040-1050 WALTHAM STREET

(Owner Petition)

To see if the Town will vote to amend the Zoning Map and Bylaw of the Town for the property commonly known as 1050 Waltham Street, shown on Town of Lexington Assessors' Map 5 as Parcel 14 (the "Property") and detailed in the metes and bounds description for the proposed PD-5 District included in the applicant's Preliminary Site Development and Use Plan ("PSDUP") on file with the Lexington Town Clerk and Planning Board, by changing the zoning district designation of the Property from the current Commercial Local Office (CLO) District to a Planned Development (PD) District, or to act in any other manner relative thereto.

(Inserted by BH GRP 1050 Waltham Owner LLC)

DESCRIPTION: This article requests rezoning and approval of a Preliminary Site Development and Use Plan (PSDUP) for the 1050 Waltham Street property identified in the article, and would allow for the removal of the existing buildings and the construction of a new building and parking garage. The general location of the property is shown on a plan entitled: "PD-5 District, Waltham Street, Lexington, Massachusetts (Middlesex County prepared by BSC Group dated December 16, 2019 and on file with the Lexington Town Clerk and Lexington Planning Board.

TMMA Summary

The 2 office buildings currently on the site were built in 1973. One at 1040 has been vacant and the other is only partially occupied, including by a for profit school. There is an extensive outdoor parking area around and behind the buildings. Brookhaven at Lexington is the only abutting, residential property in Lexington, and the residential development Avalon at Lexington is on the opposite side of Waltham Street. The other abutter is an unoccupied building that was formerly a restaurant. Part of the property extends across the town line into Waltham. The purpose of the rezoning is partially to allow use as a laboratory in addition to the uses that are currently allowed in the CLO district. The PD district also allows different setbacks and relaxes some dimensional constraints compared to those allowed by right in the CLO district. The PSDUP shows a large Laboratory/Office building, with 3 stories plus a rooftop “penthouse” to conceal and help control noise from roof mounted HVAC and other laboratory ventilation equipment, and a separate 6 level parking garage building. A solar array might also be mounted on the roof of the Laboratory building. The full documentation related to the PSDUP is located on the Town of Lexington’s web site Planning Board page specific to this article, <https://www.lexingtonma.gov/planning/pages/1050-waltham-street-preliminary-site-development-and-use-plan>. The effect of a rezoning to a PD District is that the developer essentially is committed to a “**what you see is what you get**” development based on the PSDUP, any MOU, and associated documents as presented to Town Meeting. The Planning Board public hearing on this article was not closed at the most recent meeting of the Planning Board on this article and may not be closed before the deadline for this booklet’s publication.

The height of the Laboratory building “penthouse” and the additional traffic created by the building are the main concerns expressed by the residential abutters at Brookhaven. Only a few of the Brookhaven apartments actually are located so that they can view the proposed buildings from their windows or patio, since most are oriented with north or south views, or are obstructed by other Brookhaven buildings. The diagram below shows the current building and parking layout on lot 5-14 and adjacent buildings as extracted from the Town GIS system.

ARTICLE 43 AMEND ZONING BYLAW AND MAP HARTWELL AVENUE AREA

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map to alter and supplement dimensional and other standards for the CM district to permit additional development; rezone lots not used for residential purposes near Hartwell Avenue and southwest of Bedford Street into the CM or GC districts; or act in any other manner in relations thereto.

TMMA Summary

The changes proposed under this article would allow additional desirable commercial development along Hartwell Avenue and Bedford Street.

The proposed changes include:

- Consolidate the existing CSX (commercial service expanded), CD-3 (planned commercial development), and CRO (regional office) districts into the existing CM (manufacturing) district to provide consistent development standards across the area;
- Move various lots already dedicated to open space wetlands or utility right of way use into the GC (government-civic) district; and
- Replace many of the fixed dimensional standards for buildings and lots in the CM district with more carefully tailored design standards.

PROPOSED MOTION:

To amend the Zoning Bylaw and Zoning Map of the Town of Lexington as follows:

A. Amend § 135-4.0 Table 2, Schedule of Dimensional Controls, columns CRO and CM, as follows, where ~~struck through~~ text is to be removed and underlined text is to be added:

Table 2

	CRO	CM	<u>CM</u>
Minimum lot area	5 AC(f)	3 AC	<u>5,000 SF(f)</u>
Minimum lot frontage in feet	300(f)	200	<u>50(f)</u>
Minimum front yard in feet (a), (b), (h)	100(f)	25	<u>NR</u>

Minimum side yard in feet	50(f)	25 (f)	<u>15</u> (f)
Minimum rear yard in feet	50(f)	25 (f)	<u>15</u> (f)
Minimum side and rear yard adjacent to, or front yard across the street from a residential district in feet	100(f)	100 (f)	<u>50</u> (f)
Maximum nonresidential floor area ratio (FAR)	0.15(f)	0.35 (f)	<u>NR</u>
Maximum site coverage	NR	NR	NR
Public and institutional buildings, maximum height: In stories: In feet:	NR 45(f)	NR 65 (f)	NR <u>115</u> (f)
Other buildings, maximum height: In stories: In feet:	NR 45(f)	NR 65 (f)	NR <u>115</u> (f)

B. Add a new § 135-7.4 as follows:

7.4 CM District.

In addition to other standards set forth in this bylaw, the following standards shall apply to development in the CM district.

7.4.1 Height near streets.

The difference between the upper elevation of each segment of a building or structure and the centerline grade of any street or bikeway shall be no greater than the distance from that segment to the centerline of a street multiplied by 1.0 or to the centerline of a bikeway multiplied by 2.0.

7.4.2 Outdoor amenities.

1. At least 15% of the developable site area of each lot shall be devoted to outdoor amenities, including but not limited to courtyards, street-side or rooftop terraces, plazas, or passageways for pedestrians or bicycles.
2. Outdoor amenities may be directed at the general public; directed at residents, businesses and patrons, but open to the public; or private to a specific user.

3. For the purpose of this section, multiple lots may be considered as a single lot where a binding agreement provides for shared use and maintenance of the amenities.
4. The Planning Board may adopt design standards for outdoor amenities through regulations.

7.4.3 Bedford Street front yard.

Along the southwesterly side of Bedford Street there shall be a front yard of 70 feet measured from the base line of Bedford Street as shown on the Commonwealth of Massachusetts layout 4689, date June 3, 1958, and shown as auxiliary base line "F on the State Highway Alteration layout 5016, dated August 30, 1960.

7.4.4 Special Permit.

The SPGA may grant a special permit modifying the requirements of § 7.4.

C. Amend the Zoning Map to rezone lots 69, 70A, and 81 on assessor's map 84 into the CM District.

D. Amend the Zoning Map to rezone lot 11 on assessor's map 73 into the CM District, lots 10A and 12 on assessor's map 73 into the GC District, and remove any remaining references to the CD-3 District from the Zoning Bylaw and Map.

E. Amend the Zoning Map to rezone lot 7 on assessor's map 85 into the GC District.

F. Amend the Zoning Map to rezone the portions currently in the CRO District of lots 41F and 41G on assessor's map 84 into the CM District.

G. Amend the Zoning Map to rezone the portion currently in the CRO District of the entire property shown on a plan recorded with the Middlesex South District Registry of Deeds as Plan 400 of 1984, a portion of which is registered land, into the CM District.

H. Amend the Zoning Map to rezone lots 55A, 56, 57, 58, 59, 60A, 61, 62A, 63A, 65, 66, 67, and 68 on assessor's map 84 and the rights of way of Garwood Avenue and Maywood Street into the GC District.

This article is being proposed to encourage and facilitate commercial development on the Hartwell Avenue corridor and for the town to enjoy the resultant tax revenue. The proponent and others believe that the current buildings are obsolescent and less desirable than those in nearby towns. As a result, Lexington is missing out on commercial tax revenue because businesses are choosing not to rent property here.

Some members of the Planning Board feel that more time is needed to develop a more comprehensive plan including mixed residential uses.

TMMA Questions:

Question #1: What is the intent of the article?

Answer: The purpose is to permit significant additional development in the area. One major goal is to generate additional commercial tax revenue. That revenue could be more than \$1M/year per new building, not in total. The proponent's back-of-the-envelope calculation estimated about \$14M/year after 10 years (slide 14). That would help pay for the large upcoming capital projects.

Question #2: What specifically does the article do?

Answer: The article, if passed, will modify dimensional controls for buildings in the CM district, rezone specific lots as described above.

Question #3: What will be the impact to Hartwell Ave and Bedford St?

Answer: Traffic is legitimately everyone's #1 concern (and usually only concern) about this change. The proponent's story on traffic is:

- It is bad, and it will get worse, especially if we do nothing
- This change will have only incremental negative impact due to the fact that most traffic is 'through' traffic
- The Town is actively pursuing major roadway improvements to make these streets safer and more livable
- These changes will help fund that work, through impact fees and TDM measures, and by making state and federal funding more likely

Question #4: Who is opposing this article

Answer: The Planning Board voted 3-2 to oppose this article.

Question #5: What are some reasons for opposing the article?

Answer: Some members of the Planning Board oppose this article. They want to refer the matter back to the Planning Board. For the past 2 – 3 years, the Select Board, the Planning Board and the Economic Development Commission have been working with a paid consultant. The advice of the paid consultant is to pursue an integrated or mixed use approach similar to that of 3rd Avenue in Burlington.

At a meeting in October 2019, the Select Board agreed to defer a decision on the project until February 1, 2020. Currently the Planning board is waiting for direction from the Select Board and the Town Manager.

One member of the Planning was also concerned about the lack of public outreach for this project.

ARTICLE 44 AMEND ZONING MAP BEDFORD STREET NEAR HARTWELL AVENUE

To see if the Town will vote to amend the Zoning Map to rezone lots not used for residential purposes northeast of Bedford Street near Hartwell Avenue into the CM and TMO-1 districts, or act in any other manner in relation thereto.

DESCRIPTION:

This article would expand the CM (manufacturing) and TMO-1 (transportation management overlay) districts by moving the 475 Bedford Street (Boston Sports Club) property into the existing CM and TMO-1 districts to allow additional commercial development.

TMMA Summary

This article is a request for a zoning change to a specific lot to match other nearby lots on Hartwell Avenue.

PROPOSED MOTION:

To amend the Zoning Map by rezoning lot 85A on assessor's map 84 into the CM District and adding it to the TMO-1 District and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington.

TMMA Questions:

Question #1: What is the intent of the article?

Answer: The intent is to rezone the property for the Town's preferred use (commercial), not for its current use. It is currently zoned one-family residential and has a sports club (which is permitted in residential districts). If the club went away, it could be replaced by houses. The proponent does not want to see one-family houses built here.

Question #2: What specifically does the article do?

Answer: The article would rezone the property to match the rest of the Hartwell Avenue area.

Question #3: Has anyone expressed any concern about unintended consequences of the changes described in the article?

Answer: The proponent has heard two expressions of concern; one about how close development could be to Drummer Boy (which would be protected by the required setbacks) and one about additional traffic (for which the answer is the same as above).

Question #4: Who is opposing this article?

Answer: The Planning Board voted 3-1 to oppose this article. One member recused himself because he is an abutter.

Question #5: What are some reasons for opposing the article?

Answer: The current owner of the lot has expressed interest in pursuing mixed use for the property which supports the goals of a 2 – 3 year long Hartwell Avenue area initiative by the Select Board, the Planning Board the Economic Development Commission. Rezoning this lot would prevent the mixed use.

There is also concern that the town would lose control over the use of the lot if it were to be rezoned as proposed in this article.

ARTICLE 45 AMEND ZONING BYLAW-FRONT YARD, TRANSITION, AND SCREENING AREAS

(Citizen Petition)

To see if the Town will vote to amend the Zoning Bylaw to regulate front yard, transition, and screening areas along streets consistently within each district, or act in any other manner in relation thereto.

(Inserted by Charles Hornig and 9 or more registered voters)

DESCRIPTION: The changes proposed under this article would allow consistent streetscapes within a zoning district by requiring consistent front yard, transition, and screening areas along a street independent of the zoning district of lots across the street.

PROPOSED MOTION:

That the Zoning Bylaw be amended as follows, where struck-through text is to be removed and underlined text is to be added.

- A. Amend Table 2, Dimensional Standards, to read “Minimum side and rear yard adjacent to, or front yard across the street from a residential district in feet”.
- B. Amend §135-5.3.4 to read:5.3.4 Transition Areas. Where a lot abuts a different zoning district or is across a street from a different zoning district, a landscaped transition and screening area shall be provided and shall be located adjacent to the lot line as set forth in the table in §5.3.5, consistent with the following:
- C. Delete §135-5.3.4.3.
- D. Amend the table in §135-5.3.5 by removing the “Street Line” column.
- E. Delete §135-5.3.14.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington.

TMMA Summary

The sponsor of this article, Mr. Hornig of the Planning Board would like to remove certain requirements from these bylaws first established in 1987. He believes that three areas covered by this bylaw: front yardage, screening and landscaping; offer no value to the town and these rules are constantly being ignored. They are a possible barrier to new development

There was general agreement among the other Planning Board (PB) members, but some thought it should be referred back to the PB to develop a new set of rules to replace these rules and then brought back to Town Meeting in the Fall.

ARTICLE 46 AMEND ZONING BYLAW-GROSS FLOOR AREA

(Citizen Petition)

To see if the Town will vote to jointly amend both Section 135-10.1 of the Zoning Bylaw, to revise the definition of Gross Floor Area to remove the inclusion of basements, and Section 135-4.4.2, to reduce the maximum allowable residential Gross Floor Area, or act in any other manner in relation thereto.

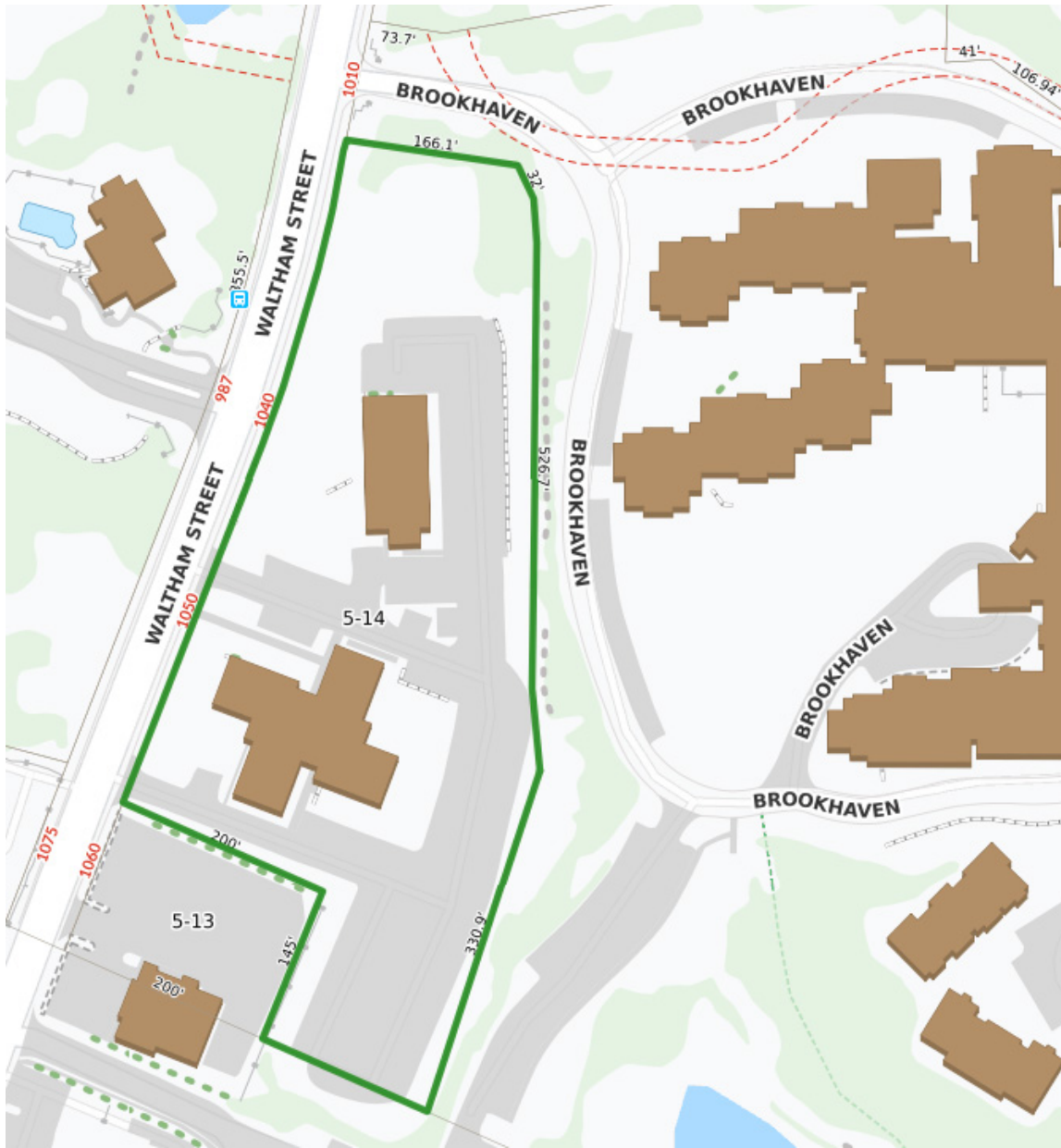
(Inserted by Matt Daggett and 9 or more registered voter s)

DESCRIPTION: The purpose of this article is to address issues identified during the

implementation of the Gross Floor Area (GFA) requirements adopted under Article 41 of the 2016 Annual Town Meeting and associated definition changes adopted under Article 41 of the 2017 Annual Town Meeting. Specifically, the definition of GFA must be revised to remove the inclusion of basement areas, and in conjunction, the maximum allowable residential GFA table must be reduced accordingly.

TMMA Summary

It is expected that this article will be withdrawn and indefinitely postponed.



TMMA Question:

1) Could planting be done along the lot line to mitigate the view from Brookhaven?
ARTICLE 43 AMEND ZONING BYLAW AND MAP HARTWELL AVENUE AREA

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map to alter and supplement dimensional and other standards for the CM district to permit additional

development; rezone lots not used for residential purposes near Hartwell Avenue and southwest of Bedford Street into the CM or GC districts; or act in any other manner in relations thereto.

TMMA Summary

The changes proposed under this article would allow additional desirable commercial development along Hartwell Avenue and Bedford Street.

The proposed changes include:

- Consolidate the existing CSX (commercial service expanded), CD-3 (planned commercial development), and CRO (regional office) districts into the existing CM (manufacturing) district to provide consistent development standards across the area;
- Move various lots already dedicated to open space wetlands or utility right of way use into the GC (government-civic) district; and
- Replace many of the fixed dimensional standards for buildings and lots in the CM district with more carefully tailored design standards.

PROPOSED MOTION:

To amend the Zoning Bylaw and Zoning Map of the Town of Lexington as follows:

A. Amend § 135-4.0 Table 2, Schedule of Dimensional Controls, columns CRO and CM, as follows, where ~~struck through~~ text is to be removed and underlined text is to be added:

Table 2

	CRO	CM	<u>CM</u>
Minimum lot area	5 AC(f)	3 AC	<u>5,000 SF(f)</u>
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Minimum front yard in feet (a), (b), (h)	100(f)	25	<u>NR</u>
Minimum side yard in feet	50(f)	25(f)	<u>15(f)</u>
Minimum rear yard in feet	50(f)	25(f)	<u>15(f)</u>
Minimum side and rear yard adjacent to, or front yard across the street from a residential district in	100(f)	100(f)	<u>50(f)</u>

feet			
Maximum nonresidential floor area ratio (FAR)	0.15(f)	0.35(f)	<u>NR</u>
Maximum site coverage	NR	NR	NR
Public and institutional buildings, maximum height: In stories: In feet:	NR 45(f)	NR 65(f)	NR <u>115(f)</u>
Other buildings, maximum height: In stories: In feet:	NR 45(f)	NR 65(f)	NR <u>115(f)</u>

B. Add a new § 135-7.4 as follows:

7.4 CM District.

In addition to other standards set forth in this bylaw, the following standards shall apply to development in the CM district.

7.4.1 Height near streets.

The difference between the upper elevation of each segment of a building or structure and the centerline grade of any street or bikeway shall be no greater than the distance from that segment to the centerline of a street multiplied by 1.0 or to the centerline of a bikeway multiplied by 2.0.

7.4.2 Outdoor amenities.

1. At least 15% of the developable site area of each lot shall be devoted to outdoor amenities, including but not limited to courtyards, street-side or rooftop terraces, plazas, or passageways for pedestrians or bicycles.
2. Outdoor amenities may be directed at the general public; directed at residents, businesses and patrons, but open to the public; or private to a specific user.
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7.4.3 Bedford Street front yard.

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The SPGA may grant a special permit modifying the requirements of § 7.4.

C. Amend the Zoning Map to rezone lots 69, 70A, and 81 on assessor's map 84 into the CM District.

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F. Amend the Zoning Map to rezone the portions currently in the CRO District of lots 41F and 41G on assessor's map 84 into the CM District.

G. Amend the Zoning Map to rezone the portion currently in the CRO District of the entire property shown on a plan recorded with the Middlesex South District Registry of Deeds as Plan 400 of 1984, a portion of which is registered land, into the CM District.

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TMMA REVIEW

This article is being proposed to encourage and facilitate commercial development on the Hartwell Avenue corridor and for the town to enjoy the resultant tax revenue. The proponent and others believe that the current buildings are obsolescent and less desirable than those in nearby towns. As a result, Lexington is missing out on commercial tax revenue because businesses are choosing not to rent property here.

Some members of the Planning Board feel that more time is needed to develop a more comprehensive plan including mixed residential uses.

TMMA Questions:

Question #1: What is the intent of the article?

Answer: The purpose is to permit significant additional development in the area. One major goal is to generate additional commercial tax revenue. That revenue could be more than \$1M/year per new building, not in total. The proponent's back-of-the-envelope calculation estimated about \$14M/year after 10 years (slide 14). That would help pay for the large upcoming capital projects.

Question #2: What specifically does the article do?

Answer: The article, if passed, will modify dimensional controls for buildings in the CM district, rezone specific lots as described above.

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Answer: Traffic is legitimately everyone's #1 concern (and usually only concern) about this change. The proponent's story on traffic is:

- It is bad, and it will get worse, especially if we do nothing
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Question #5: What are some reasons for opposing the article?

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At a meeting in October 2019, the Select Board agreed to defer a decision on the project until February 1, 2020. Currently the Planning board is waiting for direction from the Select Board and the Town Manager.

One member of the Planning was also concerned about the lack of public outreach for this project.

ARTICLE 44 AMEND ZONING MAP BEDFORD STREET NEAR HARTWELL AVENUE

To see if the Town will vote to amend the Zoning Map to rezone lots not used for residential purposes northeast of Bedford Street near Hartwell Avenue into the CM and TMO-1 districts, or act in any other manner in relation thereto.

DESCRIPTION:

This article would expand the CM (manufacturing) and TMO-1 (transportation management overlay) districts by moving the 475 Bedford Street (Boston Sports Club) property into the existing CM and TMO-1 districts to allow additional commercial development.

TMMA Summary

This article is a request for a zoning change to a specific lot to match other nearby lots on Hartwell Avenue.

PROPOSED MOTION:

To amend the Zoning Map by rezoning lot 85A on assessor's map 84 into the CM District and adding it to the TMO-1 District and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington.

TMMA Questions:

Question #1: What is the intent of the article?

Answer: The intent is to rezone the property for the Town's preferred use (commercial), not for its current use. It is currently zoned one-family residential and has a sports club (which is permitted in residential districts). If the club went away, it could be replaced by houses. The proponent does not want to see one-family houses built here.

Question #2: What specifically does the article do?

Answer: The article would rezone the property to match the rest of the Hartwell Avenue area.

Question #3: Has anyone expressed any concern about unintended consequences of the changes described in the article?

Answer: The proponent has heard two expressions of concern; one about how close development could be to Drummer Boy (which would be protected by the required setbacks) and one about additional traffic (for which the answer is the same as above).

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Answer: The current owner of the lot has expressed interest in pursuing mixed use for the property which supports the goals of a 2 – 3 year long Hartwell Avenue area initiative by the Select Board, the Planning Board the Economic Development Commission. Rezoning this lot would prevent the mixed use.

There is also concern that the town would lose control over the use of the lot if it were to be rezoned as proposed in this article.

ARTICLE 45 AMEND ZONING BYLAW-FRONT YARD, TRANSITION, AND SCREENING AREAS (Citizen Petition)

To see if the Town will vote to amend the Zoning Bylaw to regulate front yard, transition, and screening areas along streets consistently within each district, or act in any other manner in relation thereto.

(Inserted by Charles Hornig and 9 or more registered voters)

DESCRIPTION: The changes proposed under this article would allow consistent streetscapes within a zoning district by requiring consistent front yard, transition, and screening areas along a street independent of the zoning district of lots across the street.

PROPOSED MOTION:

That the Zoning Bylaw be amended as follows, where struck-through text is to be removed and underlined text is to be added.

- F. Amend Table 2, Dimensional Standards, to read “Minimum side and rear yard adjacent to, or front yard across the street from a residential district in feet”.
- G. Amend §135-5.3.4 to read:5.3.4 Transition Areas. Where a lot abuts a different zoning district or is across a street from a different zoning district, a landscaped transition and

screening area shall be provided and shall be located adjacent to the lot line as set forth in the table in §5.3.5, consistent with the following:

H. Delete §135-5.3.4.3.

I. Amend the table in §135-5.3.5 by removing the “Street Line” column.

J. Delete §135-5.3.14.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Lexington.

TMMA Summary

The sponsor of this article, Mr. Hornig of the Planning Board would like to remove certain requirements from these bylaws first established in 1987. He believes that three areas covered by this bylaw: front yardage, screening and landscaping; offer no value to the town and these rules are constantly being ignored. They are a possible barrier to new development

There was general agreement among the other Planning Board (PB) members, but some thought it should be referred back to the PB to develop a new set of rules to replace these rules and then brought back to Town Meeting in the Fall.

ARTICLE 46 FLOOR AREA (Citizen Petition)

AMEND ZONING BYLAW-GROSS

To see if the Town will vote to jointly amend both Section 135-10.1 of the Zoning Bylaw, to revise the definition of Gross Floor Area to remove the inclusion of basements, and Section 135-4.4.2, to reduce the maximum allowable residential Gross Floor Area, or act in any other manner in relation thereto.

(Inserted by Matt Daggett and 9 or more registered voters)

DESCRIPTION: The purpose of this article is to address issues identified during the implementation of the Gross Floor Area (GFA) requirements adopted under Article 41 of the 2016 Annual Town Meeting and associated definition changes adopted under Article 41 of the 2017 Annual Town Meeting. Specifically, the definition of GFA must be revised to remove the inclusion of basement areas, and in conjunction, the maximum allowable residential GFA table must be reduced accordingly.

TMMA Summary

It is expected that this article will be withdrawn and indefinitely postponed.

Town Meeting Members Association Bylaws

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

Article I - Purpose

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

Article II - General Organization

Section 1 - Name

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

Section 2- TMMA Membership

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

Section 3 - Executive Committee

- A. **Membership.** There shall be an Executive Committee consisting of the TMMA Officers elected in accordance with the provisions of Article II, Sections 4 and 5, and the Precinct Officers elected in accordance with the provisions of Article III, Sections 1 and 2. In addition, any former TMMA Officer who remains a Town Meeting Member may elect to serve as an emeritus member of the Executive Committee for up to two years after leaving office.
- B. **Meetings.** The Executive Committee shall hold regular meetings during the year for the purpose of keeping abreast of Town affairs, particularly matters that may become the subject of future Town Meeting action, or for any other purpose relating to Town Meeting. The Executive Committee shall meet upon the call of the Chair, or at the request of five (5) Executive Committee members, with reasonable notice. The presence of nine (9) members, with at least five (5) precincts represented, shall constitute a quorum. Decisions shall be made by a majority of those members present and voting.

- C. **Attendance.** Executive Committee meetings shall be open to all TMMA members. Any TMMA member who is not a member of the Executive Committee may enter into Committee deliberations upon recognition by the Chair, but shall not vote.
- D. **Activities.** The Executive Committee shall undertake such activities as it deems appropriate to educate and inform Town Meeting Members and the public at large about pending and upcoming Town Meeting issues, including but not limited to the preparation of a warrant information booklet, the conduct of warrant information meetings, the conduct of bus tours or on-site visits, and the maintenance of a TMMA web site and email list. To this end, the Executive Committee may appoint subcommittees, working groups or task forces from among the TMMA membership from time to time when considered appropriate to the purposes of the TMMA.
- E. **Political Activity.** When supporting or opposing candidates or ballot questions, or when engaged in any other political activity, Executive Committee Members shall not use their Executive Committee title, or otherwise hold themselves out as representing the TMMA, unless specifically authorized by vote of the Executive Committee.

Section 4- TMMA Officers

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

Section 5- TMMA Meetings

- A. **Annual Meeting.** The Chair shall call an Annual Meeting of the TMMA to be held on a date after the annual town election, but before the commencement of the Annual Town Meeting.
- B. **Treasurer's Report.** At the Annual Meeting, the Treasurer shall present a Treasurer's report setting forth the TMMA's assets and liabilities as of December 31 of the previous

calendar year, its income and expenditures during the previous calendar year, and a brief statement of major changes through the date of the Annual Meeting.

- C. **Election of Officers.** TMMA Officers shall be elected at the Annual Meeting as follows:
 - 1. Prior to the Annual Meeting, the Chair shall appoint a Nominating Committee consisting of three TMMA members who are not TMMA Officers, and at least one of whom shall be a member of the Executive Committee. The Nominating Committee shall prepare a slate of proposed candidates for TMMA Officers for the ensuing year.
 - 2. The Chair shall present to the Annual Meeting the slate prepared by the Nominating Committee. After entertaining any additional nominations from the floor, the Chair shall put the question of the election of TMMA Officers to a vote.
- D. **General Meetings.** Additional general meetings of the TMMA membership may be called by the Chair with reasonable notice when deemed appropriate. A general meeting shall be called upon the request in writing of twenty-five (25) TMMA members.
- E. **Quorum and Voting.** The presence of fifty (50) Members shall constitute a quorum at a general meeting. Except to amend these bylaws under Article IV, decisions of the TMMA membership, including the election of TMMA Officers at the Annual Meeting, shall be made by a majority of those present and voting, as determined in accordance with the voting procedures customarily used at Town Meeting.

Section 6 - Dues

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

Article III - Precinct Organization

Section 1- Precinct Officers

- A. **Officers.** The TMMA Members of each precinct shall elect annually from among the precinct Town Meeting Members, in accordance with Article III, section 2(B), the following Precinct Officers: Precinct Chair, Precinct Vice-Chair and Precinct Clerk.
- B. **Duties.** The Precinct Officers shall represent their respective precincts at meetings of the TMMA Executive Committee, and shall participate to the best of their ability in the activities of the Executive Committee. In addition, the Precinct Officers shall have the following duties:
 - 1. **Precinct Chair:** The Precinct Chair shall be the presiding Officer at TMMA precinct meetings; oversee the nomination of candidates for TMMA precinct offices and the conduct of TMMA precinct elections; assist in the distribution of information to precinct Town Meeting Members during the Annual Town Meeting or any special town meeting; encourage the attendance of precinct Town Meeting Members at TMMA informational meetings or other TMMA activities; promote discussions and contacts among precinct Town Meeting Members

concerning Town Meeting business; and help to maintain civility and decorum during Town Meeting sessions.

2. **Precinct Vice-Chair:** The Precinct Vice-Chair shall assist the Precinct Chair in the performance of the Precinct Chair's duties; stand in for the Precinct Chair at precinct meetings and Town Meeting sessions during the Precinct Chair's absence; and stand in for the Precinct Clerk at Town Meeting during the Precinct Clerk's absence.
 3. **Precinct Clerk:** The Precinct Clerk shall count and report precinct Town Meeting Members' votes when a standing vote is called at Town Meeting; collect TMMA dues from precinct Town Meeting Members; and stand in for or assist the Precinct Chair and Vice-Chair in the performance of their duties as may be necessary.
- C. **Term.** The term of each Precinct Officer shall be for one year. The Precinct Chair and Vice-Chair shall not serve in the same office for more than two consecutive terms.
- D. **Vacancies.** In the event of a vacancy in the office of Precinct Chair, the Precinct Vice-Chair shall assume the office of Precinct Chair. In the event of a vacancy in the office of Precinct Vice-Chair or Clerk, the remaining Precinct Officers shall appoint a replacement from among the precinct Town Meeting Members for the balance of the term.

Section 2- Precinct Meetings

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

Article IV - Amendments

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

Summary of Parliamentary Procedures

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

Rules of Debate

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

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

Interrupting Debate

A speaker may be interrupted for:

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

Closing Debate

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

The Main Motion

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

main motion is provided to each Town Meeting member and projected on a screen for those in the audience and viewing at home on Cable TV.

Amending the Motion

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

Subsidiary Motions

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

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

Votes

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

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

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

Usually a voice vote is called first. A standing vote is called if the Moderator is in doubt or if 20 members stand to question the Moderator’s interpretation of the voice vote for a question requiring a majority, or if seven members stand for a question requiring a two-thirds vote. The

tellers (currently the precinct clerks) report the count to the Town Clerk and the Moderator who announces the votes as they are reported from each precinct.

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

Reconsideration of Motions

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

Dissolution of the Meeting

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

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