

TMMA Warrant Information Report



March 2015

This report has been prepared by the Town Meeting Members Association to provide information to Town Meeting members concerning the articles of the warrant for the Annual Town Meeting and Special Town Meeting beginning March 23, 2015. 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.

Special thanks to:

Christopher Bing for the cover artwork and Peets Coffee

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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 and Special Town Meeting starting on March 23.

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

Also note that where the text of the Annual Town Meeting Warrant is included in this report, the Warrant text appears at the beginning of the write-up for each article and appears in 10-point italicized font. TMMA information appears in 12-point normal font.

STM 1 ARTICLE 2 APPROPRIATE FOR SCHOOL FACILITIES CAPITAL PROJECTS

To see if the Town will vote to appropriate a sum of money for: continuing the school facility master planning study for specific capital projects; design, engineering and architectural services for these projects; and for the related remodeling, reconstruction or making extraordinary repairs to school facilities; for the construction of the buildings, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, or by any combination of these methods; determine if the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of state aid for such capital improvements; or act in any other manner in relation thereto.

FUNDS REQUESTED: \$4,080,000

DESCRIPTION: This article is to request funding for the studies, design and construction of school facilities to address current and anticipated school enrollment.

TMMA Summary: 5 out of 6 elementary schools and both middle schools are at or over-capacity. In addition, the state-mandated pre-K program is over-capacity.

The Enrollment Working Group (EWG) predicted enrollment would continue to rise. They forecast increases of 260 students in the elementary schools by school year 2019-20 and 171 in the middle schools over the enrollment in the 2013-14 academic year.

This chart was included in the EWG's final report:

Grade Group	Method*	Enrollment in FY2020	Growth over FY2014
Elementary (K-5)	HDM	3188 ± 267	260 ± 267
Middle School (6-8)	CSM	1830 ± 70	171 ± 70
High School (9-12)	CSM	2290 ± 120	269 ± 120
Total System	HDM	7279 ± 410	671 ± 410

*HDM: housing demographic method, CSM: cohort survival method

The School Committee engaged architects Symmes Maini & McKee Associates (SMMA) with funds appropriated at a June 2014 Special Town Meeting and formed the Ad Hoc School Master Planning Committee ("Ad Hoc Committee") to analyze school capacity in relation to the EWG projections and form a new master building plan. In January 2015, the Ad Hoc Committee voted to recommend to the School Committee a number of potential capacity-building concepts developed by SMMA that aimed to relieve current overcrowding at the pre-K, elementary and middle schools and accommodate estimates of future growth.

Those concepts have since been modified and refined somewhat through the Budget Collaboration/Summit process. A *School Building Project Consensus Plan* ("the Consensus Plan") was created and confirmed at the February 25, 2015 Lexington Budget Collaboration/Summit. (<http://www.lexingtonma.gov/townmeeting/2015specialtm.cfm>)

Current Appropriation Request

The Consensus Plan contemplates a two-step process that would occur in the time between this Special Town Meeting and another potential Special Town Meeting in fall 2015. First, approximately \$1,414,000 of the appropriation will be used to study certain building concepts in depth through the summer.

Issues to be addressed in these studies will include, among other things, whether proposed building sites are suitable for construction, the exact amount of additional capacity each project would create, more precise cost estimates, how building projects would be managed, whether the timing of construction would meet capacity needs, and the educational impact of various designs.

Then, the School Committee and the Board of Selectmen, with input from the finance committees, will examine the results of those studies in order to refine the school building plan. At that point, the Board of Selectmen will determine whether to release some or all of the remainder of this appropriation (\$2,666,000) to pursue the further development of selected building concepts.

Building Concept	Design Work Covered by Initial Portion of Appropriation	Design Work Covered by 2nd Portion of Appropriation, if Requested by the School Committee and Approved by the Board of Selectmen
Add pre-fabricated classrooms with a lifespan of 20 years at Bowman, Bridge, and Fiske by fall 2016 to alleviate current overcrowding. If the populations of Bridge and Bowman are reduced through redistricting the pre-fabricated classrooms would be used for other non-general education purposes including but not limited to, special education.	Concept Confirmation Schematics	Design development Construction documents Bidding
Construct a new Hastings School with increased capacity (30 classrooms, which is 9 more classrooms than the current Hastings). This would remedy the significant structural and systemic deficiencies of the existing building and create additional space to help alleviate overcrowding town-wide through possible redistricting.	Concept Confirmation	Pre-schematics Programming
Construct a new Pre-K building or relocate the program to an existing building. This would provide the Pre-K program needed space and open up four classrooms at Harrington where the Pre-K is currently located.	Concept Confirmation Pre-schematics Programming	Design development Construction documents
Reconfigure Harrington where Pre-K is currently located to create 4 general education classrooms.	Concept Confirmation	Design development Construction documents Bidding
Construct addition(s) to Harrington and/or Fiske if larger-capacity Hastings project is infeasible.		Concept Confirmation
Add pre-fabricated classrooms at Diamond and	Concept	Design development

Building Concept	Design Work Covered by Initial Portion of Appropriation	Design Work Covered by 2nd Portion of Appropriation, if Requested by the School Committee and Approved by the Board of Selectmen
possibly at Clarke to alleviate immediate overcrowding.	Confirmation Schematics	Construction documents Bidding
Construct a permanent brick and mortar addition to Diamond .	Concept Confirmation Schematics	Design development

Funding for any construction will be sought at a future Special Town Meeting, likely in fall 2015, and will probably require a debt exclusion vote.

Concurrent with the design work on Hastings, the town will submit another Statement of Interest (SOI) to the Massachusetts State Building Authority, seeking partial funding for the Hastings project. The town's 2014 SOI was not accepted. If the MSBA were to choose to participate in the Hastings project, the design and pace of construction would be subject to MSBA constraints. The town would have to weigh the costs and construction delays to determine if the financial benefits of waiting for MSBA support are justified.

The School Committee will conduct a redistricting study to determine whether current overcrowding could be relieved in part by redistricting, as the building projects in the Consensus Plan, if constructed, will not begin to offer relief to already-overcrowded schools until fall 2016. Specifically, the redistricting study will examine whether there is a practical way to shift school population towards Estabrook, which is the only school with excess capacity. The Consensus Plan also noted that "buffer zones," areas between districts where new students could be placed into one of two or three schools, and other redistricting methods that have not traditionally been used in Lexington should be explored. There is no suggestion in the Consensus Plan that the town-wide school capacity problem can be solved by redistricting alone.

STM 2 ARTICLE 2 PUMP STATION REPAIRS

To see if the Town will vote to raise and appropriate a sum of money for the purpose of making extraordinary repairs to the main wastewater pump station on Bedford Street and related sewerage systems; determine whether the money shall be provided by the tax levy, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

FUNDS REQUESTED: \$750,000

DESCRIPTION: This article is provide for an expedited upgrade of the pumps at the main sewer pump station on Bedford Street. The intent is to replace a single speed pump with variable speed pumps such that the start and stop of pumping operations occur without significant noise and to also alleviate potential damage to the wastewater system. Also see Article 11 of the Annual Town Meeting.

TMMA Questions:

Q1.) Is this ðrepairö due to the existing pumps having reached end of useful life, lack of repair part availability, or is it to upgrade the pumps to accommodate increased sewer flows?

Q2.) What is the life expectancy of the new pumps?

Q3.) Will the existing building also need significant modifications to accommodate the new pumps?

STM 2 ARTICLE 3 APPROPRIATE FOR PURCHASE OF FIRE ENGINE

To see if the Town will vote to raise and appropriate a sum of money to purchase a new fire engine; determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing or by any combination of these methods; or act in any other manner in relation thereto.

FUNDS REQUESTED: \$500,000(General Fund Debt with Debt Service to be Funded with FY16 Free Cash/ Settlement with Manufacturer):

DESCRIPTION: This article is to replace Fire Engine 2. Funding is requested in the Special Town Meeting to take advantage of current prices for this equipment as a price increase is likely in July. Purchase of a new fire pumper to return the department's fleet back to four (4) Pumpers. After a lengthy litigation process, Town Counsel was able to negotiate the return of a defective pumper (Engine 2, purchased in 2010). The cost of this new pumper will come from settlement with the fire pumper manufacture. Until this pumper is replaced, the Fire Department will continue to borrow back-up equipment from neighboring communities when the Town's front line engines are out of service.

TMMA Questions:

Q. What does it cost to borrow back-up equipment from neighboring communities?

Q. Are there any anticipated improvements in specified performance that would accompany the increase of price in June due to model year changes, or is the increased price for essentially the same product as is currently available?

Q. Is there any anticipated change in the stress on the Fire Station floor due to possible increased weight of the new engine?

STM 2 ARTICLE 4 APPROPRIATE FOR CARY MEMORIAL BUILDING SIDEWALK ENHANCEMENT

To see if the Town will vote to raise and appropriate a sum of money to reconstruct the Cary Memorial Building sidewalk; determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Community Preservation Fund, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

FUNDS REQUESTED: Cary Memorial Building Sidewalk - \$162,000 (Community Preservation Act Fund):

This article is to replace the brick sidewalk in front of the Cary Memorial Building, the Town Office Building and the Police Station, with a combination concrete and brick material supported by the Commission on Disability.

TMMA Summary:

The 2014 March Special Town Meeting appropriated funds to renovate the Cary Memorial Building. At the time of the funding request, the design of the sidewalk accessibility had not been decided. The Board of Selectmen has decided that the material for this sidewalk will be a concrete surface with a wire cut brick band running parallel with the direction of travel. In addition, two additional post lamps are being added before the new concrete sidewalks are poured in place.

TMMA Questions:

Q. How will this be affected if Article 42, proposed by the Commission on Disability, passes?

STM 2 ARTICLE 5 AMEND FY2015 OPERATING, ENTERPRISE AND CPA BUDGETS

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 4 and 5 of the warrant for the 2014 Annual Town Meeting, to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by the tax levy, transfer from available funds, including Community Preservation Funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen) Funds Requested: unknown at press time

DESCRIPTION: This is an article to permit adjustments to current fiscal year (FY2015) appropriations.

TMMA Summary (as of 3/10/15)

Under Article 5, two adjustments to the current year budget are requested. These include:

- 1) A two part adjustment is proposed. First, that the salary adjustment account approved by the 2014 Annual Town Meeting under Article 4 be reduced by \$31,900. The Recreation Department budget will then be increased by \$31,900. This will therefore transfer the expense from the tax levy to the Recreation Enterprise Fund. Approval will enable the hiring of a Community Center Director and a Community Center Office Manager needed to engineer the opening of the center this spring.
- 2) An increased appropriation to the Police Department of \$3,850 is requested to cover the cost of leasing parking spaces at St. Brigid's Church. The increase will be funded from the Parking Meter Fund.

STM 2 ARTICLE 6 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 purchase of equipment that have heretofore been authorized; determine whether the money shall be provided by the tax levy, by transfer from the balances in other articles, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

Funds Requested: unknown at press time

DESCRIPTION: This is an article to permit adjustments to past appropriations.

TMMA Summary (as of 03/10/15)

This article is an annual place-holder should a project approved by a prior year's Town Meeting need supplemental funding.

Town Meeting initially approved \$7.6m for the Lexington High School modular classrooms at the 2014 Annual Town Meeting and increased the funding to \$8.6m at the 2014 Special Town Meeting. In order for the modular classrooms to be ready in September of 2015, a \$350,000 supplemental appropriation is requested. This is needed because the responses to a recent bid for Phase II of the project were \$500,000 over available funds. A reserve fund transfer of \$150,000 was approved by the Appropriation Committee in order to keep the project moving forward. Additionally, \$350,000 which was allocated for furniture, fixtures and equipment (FFE) was moved to the project so that the contract could be signed. The requested \$350,000 is now needed for FFE so the September completion date can be met.

TMMA Questions

Question #1: What is the funding source for the \$350,000 needed for the LHS modular classroom project and what does Phase II involve?

ARTICLE 4 Appropriate FY2016 Operating Budget

TMMA Overview (as of 03/6/15)

The information provided for this report is from the Town Manager's Fiscal Year 2016 Recommended Budget & Financing Plan, February 27, 2015 (the "Brown Book"). The operating budget is comprised of Education, Shared Expenses and Municipal expenses, cash capital and other revenue set-asides. The "Brown Book" Section I: Budget Overview Program Summary is:

	<u>FY2015</u> <u>Appropriation</u>	<u>FY2016</u> <u>Recommended</u>	<u>Dollar</u> <u>Change</u>	<u>%</u> <u>Change</u>
Education				
Lex. Public Schools	86,623,929	92,060,316	5,436,387	6.28%
Regional Schools	<u>1,244,384</u>	<u>1,202,814</u>	<u>(41,570)</u>	<u>-3.34%</u>
Total Education	87,868,313	93,263,130	5,394,817	6.14%
(The Education Operating Budget is further discussed in the next section)				
Total Shared Expenses	47,352,943	49,978,942	2,625,999	5.55%
Total Municipal	31,957,312	33,578,271	1,620,959	5.07%
Total Capital	5,958,117	4,871,905	(1,086,212)	-18.23%
<u>Total Other Articles</u>	<u>7,049,726</u>	<u>11,856,862</u>	<u>4,807,136</u>	<u>68.19%</u>
General Fund Total	180,186,411	193,549,110	13,362,699	7.42%

Shared Expense Major Changes, FY2015 to FY2016 (Brown Book, Program Summary I-3):

<u>Program</u>	<u>Reason</u>	<u>Increase</u> <u>Amount</u>
• 2110 ó Contributory Retirement	To meet actual valuation-base funding schedule mandated by State regulation.	\$250,000
• 2130 ó Empl. Benefits	Based on 7.5% increase across all health insurance plans and the addition or change of 58 subscribers.	2,209,016
• 2150 ó Workers'Comp.	Reflects a 5.05% increase in cost based on FY2015 actual experience	30,889
• 2160 ó Property & Liab. Insurance	A 10.90% increase due to projected market conditions.	83,854
• 2170 ó Uninsured Losses	A 14.29% increase in the continuing balance account. The account balance on Jan. 7, 2014 was \$484,344.	25,000
• 2230 ó Temp. Borrowing	This will fund Bond Anticipation Notes (BANs). Of the total for FY 2016, \$206,900 will fund projects previously authorized by Town Meeting, \$285,580 for projects in the FY 2016 Capital Plan and \$153,690 for projected bond issue costs in February of 2016.	386,620

Municipal Operating Budget Major Changes, FY2015 to FY2016 (Program Summary I-3/4):

Except where otherwise noted below, the FY2016 budget is level funded from FY2015. Those departments having significant program improvements above \$20,000 are (salaries do not include benefits reflected in Shared Expenses):

<u>Program</u>	<u>Reason</u>	<u>Increase Amount</u>
• 3000 ó Public Works	A 1.15% increase for salary step increases	\$ 42,886
• 4100 ó Law Enforc.(sal)	Funds step increases, 2 cadet and 1 patrol positons	108,900
• 4100 ó Law Enforc.(exp)	\$46,000 for new parking meter system, \$10,400 for high visibility shirts, \$3,818 for license scanners	60,569
• 4200 ó Fire Dept.	To fund step and COLA increases and \$339,173 for 4 new firefighters funded by incr. ambulance fees	629,766
• 5100 ó Library	Funds program improvement requests of \$94,145	114,144
• 7100 ó LU/IS/ED(sal)	For step increases, \$102,499 for an Asst. Town Mgr. & \$58,641 for Econ.Dev./Visitor Center Coord.	189,477
• 7100 ó LU/IS/ED(exp)	Recommended program improvements	67,518
• 8230 ó Salary Transfer	Covers the potential cost of contract negotiations finalized during the year.	122,852
• 8400 ó Finance (sal)	Funds step increases and add. p/t Assessor staff	48,968
• 8600 ó Info. Srvs.(sal)	For step increases, OT and 3 new IS staff positions	278,913
• 8600 ó Info. Srvs.(eso)	Funds application and web development contracts and a transfer of utilities costs from Public Facilities	199,500

Total Capital includes cash capital, the Building Envelope Set-Aside and the Streets Set-Aside (see Section I: Program Summary on page, I-4 and Section XI: Capital Investment). The decrease of \$1,086,212 from FY 2015 results from a decrease of \$1,105,891 in Capital Requests, an increase of \$4,458 for the Building Envelope/Systems Set-Aside and an increase of \$15, 221 for the Streets Set-Aside.

Total Other Articles has an increase from FY 2015 of \$4,807,136 from FY 2015 appropriations. The increase is mainly due to an increase of \$3,537,106 in funds allocated to the *Debt Service/Capital Projects/Building Renewal Stabilization Fund*. With the commitment to funding schedule for *Other Post Employment Benefits* (OPEB), an increase appropriation of \$743,194 from FY 2015 is recommended. For FY 2016, three new set-aside accounts have been created. These are, *Set-Aside for Potential Local Aid/Federal Aid Reductions*, *Set-Aside for Unanticipated Current Fiscal Year Needs* and *Set-Aside for Tax Levy Support of Community Center Program*. The recommended appropriation for each fund is \$110,000, \$200,000 and \$216,836 respectively.

Under Shared Expenses, Employee Benefits and Debt Service figures include the expenses related to School Department employees and capital projects. The program expenses provided here do not reflect any salary and benefit adjustments that will result from ongoing collective bargaining negotiations. Because all associated costs must be incorporated into the Enterprise Funds budgets, projected salary and benefit increases are reflected in Article 5 numbers. The expenses related to the Water, Wastewater and Recreation Enterprise Funds have been

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

TMMA Questions:

Question #1: By state law, a snow/ice removal liability is the only account allowed to carry over to the next fiscal year. For FY2015, \$1,127,716 was appropriated. How does our actual cost to date compare with budgeted and how might we fund the difference?

Question #2: What is the new *Set-Aside for Tax Levy Support of Community Center Program* and why is it needed?

For further information:

The FY2015 Recommended Budget and Financing Plan has been posted to the Town's website at:

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

Summary of FY 2016 Recommended School Operating Budget

Total request for FY 2016: \$92,684,100

FY15 Budget: \$86,623,929

Additional funds requested over FY15: \$6,060,171*

*(includes \$623,784 to be transferred to the Town's Unclassified Account for the purpose of benefits, Medicare, and workers' comp insurance associated with new positions being requested)

Total request FY16: \$92,684,100

Percent Increase over FY15 7.00%

Total funds available under the Summit 3 budget allocation model: \$93,998,756

FY16 Budget Request: \$92,684,100

Remaining available funds: \$1,314,656

According to a presentation by Dr. Ash to the School Committee on January 6, 2015, 83.3% of the budget increase can be attributed to providing level service (including legal requirements, enrollment increases, and contractual increases). The remaining 16.7% of the increase is associated with program improvements.

There are 4 principal drivers of the increase over FY15:**1. Negotiated Salary Increases.**

The budget includes projected amounts for all bargaining and non-union positions. All collective bargaining contracts expire before September 1, 2015. The collective bargaining process began in January, 2015 for all successor contracts. The budgeted amount constitutes a 2.66% increase over FY15, and 42.4% of the total school budget increase over FY15.

2. New Positions Due to Enrollment Increases.

For the past five years, enrollment has been growing at 2% per year. This trend is forecast to continue in FY 2016, with an enrollment increase of 122 students. Based on this projection, an additional 13.2 educators are needed in kindergarten through grade 12 in order to maintain appropriate class sizes. The FY16 budget adds 18.89 positions, which includes staff positions such as school nurse, lunch assistants, guidance counselor, etc. that are associated with increased enrollment. These constitute to a 1.4% budget increase over FY15, and 22.3% of the total school budget increase over FY15.

Elementary Enrollment Increases

K-5 enrollment is projected to increase by approximately 50 students in FY16. Two additional teachers are needed to accommodate this increase, along with one unallocated teacher in case enrollment exceeds the projections. In addition, .45 teachers are added for additional art, music, and physical education instruction.

Middle School Enrollment Increases

Middle School enrollment is expected to increase by 28 students at Clarke and 13 students at Diamond for a total of 41. The budget includes various part-time teachers that add up to 2.7 total teaching positions to accommodate the expected increased number of students.

High School Enrollment Increases

High school enrollment is expected to increase by 74 students in FY16. Therefore, the budget includes the equivalent of 4.8 teaching positions, comprised of .80 English, .80 Social Studies, .80 Math, .65 World Language, .75 Science, and 1.0 other. The budget also adds a .40 Social Worker and 1.0 Guidance Counselor.

3. Rising Special Education Costs.

With increased enrollment comes increased numbers of children with special needs. Lexington is also seeing an increase in the number of special needs students with significant needs. The district is legally required to educate students with special needs from age 3-22. The FY 16 budget includes funds to add 24.57 legally-mandated positions to service special needs students. It also includes increased transportation costs for special education students.

The FY16 budget request for special education grew by 1.17% over FY15, and comprises 29.15% of the total school budget. Increases in the special education budget make up 18.6% of the total school budget increase over FY15.

Staffing Changes

Since FY10, LPS has been developing and building an Intensive Learning Program (ILP) intended to educate Lexington students in Lexington from age 3-22. The number of students in the ILP program transitioning from Clarke to LHS has increased over the past few years, and the first group of students from the more-intensive Diamond ILP program will move up to LHS in FY16. The growth of the ILP program at LHS requires budgeting for the equivalent of 9 positions, comprised of educators and support staff, to support 12 additional students. On average, sending those students out of district would have cost \$93,000 per student, including transportation costs.

Due to the growth of the ILP program, a second Evaluation Team Supervisor will be added to support ILP students in grades 6-12+.

An additional Language Learner Program (LLP) teacher at LHS is included in the FY16 budget to accommodate the expected increase in students (30+) in FY16 and FY17.

A full-time Transition Coordinator to provide mandated services to middle and high school students will be added, starting in April 2015 (using FY15 funds) and continuing into FY16.

Out-of-District Tuition Costs

For students who cannot be educated appropriately in the Lexington schools, the town must pay tuition costs for their education elsewhere. The base tuition costs will go up 14.03% in FY16, as the number of students being sent out of district is expected to rise from 99 to 126, but due to a change in budgeting for 25 of those students, who are in-district but are considered "high-risk" and could potentially be sent out of district during the course of FY16, the overall budgeted amount for out-of-district tuition has decreased .32% from FY15 to \$4,782,238.

The change implemented in FY16 is to assume that only 50% of potential out-of-district tuition costs for those 25 in-district high-risk students will actually be incurred. In FY14, the budget included 100% of potential out-of-district costs for high-risk students, but only 44% of those funds were used, which resulted in a significant surplus.

Included in the total tuition budget is a LABBB credit of \$250,000 and an offset of \$3,029,205 from the state "Circuit Breaker" law, which reimburses school districts for special education placements that exceed four times the foundation budget per student. The reimbursement rate is projected to be 72%, but the Governor's newly-released proposed FY16 budget includes only 66% reimbursement. This would result in a loss of \$251,525 in special education reimbursements if approved by the legislature. The School

Committee decided on March 10, 2015, to consult with other town officials/staff on ways to make up the potential variance if it occurs.

Transportation Costs

Special education-related transportation costs will increase by \$132,574 in FY16 (from \$1,255,000 to \$1,387,574) due to contract rate increases and increased ridership in-district and out-of-district.

4. Program Improvements.

The FY16 budget adds 9.37 positions that are required to improve existing programs. These include: 2 math specialists to expand coaching and intervention services; 3 social workers to provide needed social/emotional support in multiple schools; a .75 transition coordinator at LHS for the ILP program; an evaluation team supervisor to support special education students; additional nursing support; and some additional administrative positions. The total cost of these improvements is \$733,143, or 1.05% of the total budget increase over FY15. The cost of program improvements makes up 16.7% of the total school budget increase over FY15.

The LPS Budget Guidelines for FY 2016, as voted by the School Committee on 9/16/2014 and described by Dr. Ash in a presentation to the School Committee on 1/6/15:

1. Ensure all legal mandates will be met.
2. Include sufficient operating and capital funds to
 - a. Continue the current level of services;
 - b. Be responsive to projected enrollment growth and corresponding needs, including staffing, instructional supplies, and facility needs; and
 - c. Move the district forward in meeting the increasing demands for technology in our different educational settings.
3. Ensure professional staffing guidelines will be met.
4. Maintain capital assets in order to support the instructional program, protect the physical assets of the Town of Lexington, and ensure the health and safety of our students and staff.
5. Continue to identify and plan alternatives that will provide services in more cost-effective ways.
6. Identify ways to reduce costs, if there are not sufficient monies available to fund a level-service budget.
7. Identify a small number of high leverage new academic or prosocial programs, or supports, including mental health interventions.
8. Reduce reliance on parent fundraisers for core educational materials and equipment.
9. Review the adequacy of department and/or school per pupil expenditure levels and recommend changes if needed.

ARTICLE 5 Appropriate FY2015 Enterprise Fund Budgets

TMMA Summary - (as of 03/6/15)

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 now community programs operations. These funds receive revenue from water and sewer bills and from recreation fees and pay the expenses for those departments.

TMMA Overview

FY2016 represents the tenth 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.

Based on new information, the FY 2016 expenses for the Water and Wastewater Enterprise Funds have changed from the data published in the Warrant. The revised expenses are:

<u>Water</u>	<u>FY 2016</u>
Personal Services	\$ 695,679
Expenses	389,400
Debt Service	1,415,508
MWRA Assessment	<u>6,695,144</u>
Total	9,195,730

<u>Wastewater</u>	<u>FY 2016</u>
Personal Services	\$ 296,917
Expenses	345,650
Debt Service	940,679
MWRA Assessment	<u>7,041,716</u>
Total	8,624,962

The major variations to the Water and Wastewater Enterprise funds budgets from FY2015 reflect estimated changes for the 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 2015 Annual Town Meeting. For FY2016, retained earnings (the enterprise fund equivalent of free cash) in the amount of \$200,000 will be used to support the Water Enterprise Fund expenses. No retained earnings are planned to be used to support the Wastewater Enterprise Fund. While the level of the retained earnings have been drawn down from prior levels, proposed levels are adequate to serve as a cushion for cash flow reasons (to keep the enterprise funds independent from other Town funding sources) and to finance unanticipated revenue shortfalls and for emergency expenditures. The FY2016 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 of those costs borne by the general fund operating budget that support the operations of the water and wastewater

divisions 6 will serve as the basis for FY2016 rate recommendations to be made to the Board of Selectmen.

The FY2016 Recreation Enterprise Fund appropriation represents a 41.33% increase above that requested for FY2015. The Recreation Enterprise Fund debt service is related to the improvements made at Lincoln Field as approved under the debt exclusion in June of 2002. At that time, it was agreed that the Recreation Enterprise Fund would contribute \$100,000 towards the annual debt service payment for this project. The \$100,000 payment was previously an off-budget expense of the Recreation Enterprise Fund. Beginning in FY2009, this payment has been shown in the Recreation Enterprise Fund budget to clearly present to Town Meeting the total Recreation budget.

TMMA Questions:

Q1) What is an Enterprise Fund?

A1) 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.

Q2) What are the retained earnings balances of each of the enterprise funds?

Q3) Why are there indirect costs, paid from general fund, that are not included in enterprise fund budgets?

ARTICLE 6 Appropriate for Senior Service Program

To see if the Town will vote to raise and appropriate a sum of money for the purpose of conducting a Senior Service Program, to be spent under the direction of the Town Manager; to authorize the Board of Selectmen to establish and amend rules and regulations for the conduct of the program, determine whether the money shall be provided by the tax levy, by transfer from available funds or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

Funds Requested: \$20,000

Description: *In FY2007, the Town established its own Senior Tax Work-Off Program that provides more flexibility than the State program in assisting low-income seniors and disabled residents in reducing their property tax bills. This article requests funds to continue the program.*

TMMA Questions:

Q1) Is this program ever oversubscribed?

Q2) Why are the seniors paid with a real estate tax writeoff rather than a salary? What are the tax implications of the difference?

Q3) How about seniors who have been resident of the town for more than 40 years?

ARTICLE 7 Establish and Continue Departmental Revolving Funds

To see if the Town will vote, pursuant to Chapter 44, Section 53E½, of the Massachusetts General Laws; to re-authorize the use of existing revolving fund accounts in FY2016; and to establish new revolving fund accounts, for the following programs and purposes; to determine whether such revolving fund accounts shall be credited with the following departmental receipts; to determine whether the following boards, departments or officers shall be authorized to expend amounts from such revolving fund accounts; and to determine whether the maximum amounts that may be expended from such revolving fund accounts in FY2016 shall be the following amounts or any other amounts; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED:

<i>Program or Purpose</i>	<i>Authorized Representative or Board to Spend</i>	<i>Departmental Receipts</i>	<i>FY2016 Authorization</i>
<i>Building Rental Revolving Fund</i>	<i>Public Facilities Director</i>	<i>Building Rental Fees</i>	<i>\$425,000</i>
<i>DPW Burial Containers</i>	<i>Public Works Director</i>	<i>Sale of Grave Boxes and Burial Vaults</i>	<i>\$40,000</i>
<i>DPW Compost Operations</i>	<i>Public Works Director</i>	<i>Sale of Compost and Loam, Yard Waste Permits</i>	<i>\$520,000</i>
<i>PEG Access</i>	<i>Board of Selectmen and Town Manager</i>	<i>License Fees from Cable TV Providers</i>	<i>\$565,000</i>
<i>Tree</i>	<i>Board of Selectmen</i>	<i>Gifts and Fees</i>	<i>\$45,000</i>
<i>Minuteman Household Hazardous Waste Program</i>	<i>Public Works Director</i>	<i>Fees Paid by Consortium Towns</i>	<i>\$180,000</i>
<i>Health Programs</i>	<i>Health Director</i>	<i>Medicare Reimbursements</i>	<i>\$14,000</i>
<i>Council on Aging Programs</i>	<i>Human Services Director</i>	<i>Program Fees and Gifts</i>	<i>\$100,000</i>
<i>Tourism/Liberty Ride</i>	<i>Town Manager and Tourism Committee</i>	<i>Liberty Ride Receipts, including ticket sales, advertising revenue and charter sales</i>	<i>\$280,000</i>
<i>School Bus Transportation</i>	<i>School Committee</i>	<i>School Bus Fees</i>	<i>\$850,000</i>
<i>Regional Cache – Hartwell Avenue</i>	<i>Public Works Director</i>	<i>User Fees for Participating Municipalities</i>	<i>\$20,000</i>
<i>Visitor Center</i>	<i>Economic Development Director</i>	<i>Sale of Goods, Program Fees and Donations</i>	<i>\$117,000</i>

DESCRIPTION: A revolving fund established under the provisions of Massachusetts General Laws Chapter 44, Section 53E½ must be authorized annually by vote of the Town Meeting. The fund is credited with only the departmental receipts received in connection with the programs supported by such revolving fund, and expenditures may be made from the revolving fund without further appropriation.

TMMA Overview (as of 03/6/15)

The amounts above represent the projected revenue for each program. Since the expenses associated with the Revolving Funds are not reflected in the Article 4 Operating Budget, the FY2016 Authorizations are spending limits which cannot be exceeded. A continuing balance in a revolving fund may be carried over to the next fiscal year. Expenditure ceilings are based on revenue projections; in no case can spending exceed revenues on hand. The Board of Selectmen, with approval by the Appropriation Committee, has the authority to increase a program's spending ceiling within expected receipts.

Based on experience to date and anticipated FY 2016 usage, some authorizations have changed from FY2015. These include:

	<u>FY 2015</u>	<u>FY 2016</u>
Building Rental Revolving Fund	\$410,000	\$425,000
DPW Compost Operations	\$490,000	\$520,000
PEG Access	\$671,000	\$565,000
Tree	\$25,000	\$45,000
Tourism/Liberty Ride	\$275,000	\$280,000
School Bus Transportation	\$830,000	\$850,000
Visitor Center *	0	\$117,000

*Please note that a new revolving fund has been added for the Visitor Center since the town has taken over the responsibility of the center from the Chamber of Commerce.

TMMA Questions:

Q1) Were any balances carried over from FY 2014 to FY 2015 and might any balances be carried forward to FY 2016?

Q2) What is PEG?

Q3) Explain how the tree fund works?

ARTICLE 8 Appropriate the FY2016 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 FY2016 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations, for the administrative expenses of the Community Preservation Committee for FY2016; 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 Community Preservation Act funds, including, for all purposes, capital improvements or extraordinary repairs to make assets functional for their intended use; to appropriate funds for such projects and determine whether the money shall be provided by the tax levy, from estimated CPA surcharges and 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 Board of Selectmen at the Request of the Community Preservation Committee)

FUNDS REQUESTED:

- a) Conservation Meadow Preservation Program - \$26,400
- b) Parker's Revenge Site Restoration - \$36,790
- c) First Parish Church Restoration Historic Structure Report- \$40,000
- d) Cary Memorial Building Records Center Shelving - \$75,398
- e) Battle Green Streetscape Improvements - \$140,000 (plus \$60,000 from free cash)
- f) Community Center Sidewalk Design - \$50,000
- g) Cary Memorial Building Sidewalk Enhancement - unknown at press time
- h) Community Center Preservation Restriction Endowment – \$25,000
- i) Park and Playground Improvements - \$68,000
- j) Park Improvements - Athletic Fields - \$85,000
- k) Park and Playgrounds ADA Accessibility Study - \$78,000
- l) Park Improvements - Hard Court Resurfacing - \$55,000
- m) Lincoln Park Field Improvements - Phase 3 - \$220,000 (plus \$236,500 general fund debt and \$193,500 Recreation and Community Programs Fund retained earnings)
- n) Minuteman Bikeway Culvert Rehabilitation - \$290,000
- o) Grain Mill Alley Design Funds - \$18,000
- p) Minuteman Bikeway Wayfinding Signs -- Design Funds - \$39,000
- q) Lower Vine Brook Paved Recreation Path Reconstruction - \$369,813
- r) Community Preservation Fund Debt Service - \$2,420,000
- s) 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.

- a) Conservation Meadow Preservation Program - \$26,400

TMMA Summary

The Conservation Commission owns and manages about 1,400 acres of land including approximately 75 acres of upland meadows. Meadows pose a land management challenge. If left untended they quickly revert to shrub-land and forest, causing a loss of the wildlife habitat and species diversity, scenic vistas, and recreational opportunities that the meadows have provided since early in Lexington's history as a farming community.

Many of Lexington's conservation meadows have had minimal management since they were acquired, due to the low budget allocated to mowing and other conservation land management activities after failed overrides. Many meadows that were previously mowed several times per year are now mowed only once in the fall. Field edges, particularly along stone walls are difficult to maintain with standard mowing equipment and less frequent mowing. Some meadows have been mowed recently only by using contributions to the Lexington Nature Trust Fund, or funds contributed for specific areas to pay for the DPW staff to work overtime on weekends, but those contributions are insufficient to do all areas that need annual work.

The result of this has been the advance of invasive plants, such as Asiatic bittersweet, glossy buckthorn, Japanese stiltgrass, and multiflora rose, into the meadows. Historic stone walls and vistas are being overgrown by vegetation. Many shrubs and trees are invading the meadows and gradually reducing the meadow areas that can be mowed.

This budget request is to start phase one of a multiyear project to preserve Lexington's historic meadows, starting with Hennessey Field and Joyce Miller's Meadow. Hennessey Field, about 10 acres total, is part of the Paint Mine Conservation area off Robinson Road, and is heavily used by the Estabrook School as a science study area for the Big Backyard program. Joyce Miller's Meadow, 10 acres total in size, is adjacent to the Jack Eddison Minuteman Bikeway and the Arlington Great Meadow. This funding will preserve and restore about 8 acres of the meadow in those two areas in FY2016.

The project entails extensive removal of woody vegetation, brush, shrubs, small trees, and vines, and control of various invasive species encroaching into the meadows. It will help to preserve historic views of stone walls of Lexington's agricultural past, and support the diverse species of birds and animals that require open meadowlands as habitat, while also enhancing the passive recreational uses of the areas.

Q. How about other conservation land like Willards Wood preservation program?

- b) Parker's Revenge Restoration (Historic) \$36,790 requested

The Friends of Minute Man National Park seek to restore the site on Marrett Rd. This appropriation would cover the cost of archaeological research focusing on artifact and feature analysis to determine the location of the skirmish and where each side was positioned during the second battle of Lexington. It is part of the total project to restore the site and provide an interpretative plan for the education and enjoyment of Lexington residents and tourists. The Lexington Historical Society, the Lexington Minutemen, and the Tourism Committee have submitted letters of support.

Private funding will cover the balance of the project's total cost of \$152,930.

c) First Parish Church Restoration (Historic) \$40,000

Funding is requested for a historic structure assessment and report documenting current conditions of the 1846 building facing Lexington Battle Green. Key elements of assessment include the exterior, the mechanical/electrical systems, and prioritization of future preservation needs and repair.

Total assessment and report cost is \$52,660 of which First Parish funds would cover \$12,660.

The Spencer and Vogt Group proposal may be read at [Exhibit A Revised with SVG~1.pdf \(642 KB\)](#)

d) Cary Memorial Building Shelving \$75,398

Town Clerk's Office requests funds to remove undersized shelving left behind when Cary Library returned to its own building and to replace it with stationary shelving to provide secure storage of long-term and some permanent boxed records of significant and historical value as well as to increase the amount of storage space.

e) Battle Green Streetscape Improvements ó \$200,000 (\$140,000 Community

Preservation Act Funds and \$60,000 Free Cash):

Funds for a study of the Battle Green area were approved in FY13. The study reviewed the pedestrian and vehicular safety and flow in and around the Battle Green, ways to enhance the access and visibility of the historical sites and how it relates to the overall Center Streetscape Project. A conceptual plan will be developed for review. The FY16 funding request of \$200,000 will allow the Town to hire an architect/engineering firm to take the conceptual ideas to a 100% design, which will provide a plan and cost estimates for any recommended improvements to the area.

f) Community Center Sidewalk Design (Historic) \$50,000 requested

Currently there is no access from Marrett Rd to the Center for pedestrians. This funding is to implement a Board of Selectman approved design which is yet to be decided. Design complications include the hilly terrain and Scottish Rites ownership of land that would permit the best accessibility route. The CPA money will cover that portion of the sidewalk running through the Center property.

g) see special town meeting 2, Article 4 Cary Memorial Building Sidewalk

h) Community Center Preservation Restriction Endowment \$25,000

The CPA Committee (?) requests funding to execute a preservation restriction agreement between the Town and the Lexington Historical Society as holder of the restriction and to compensate the Lexington Historical Society for administrative expenses in monitoring and enforcing the preservation restriction.

The Community Preservation Act requires property purchased using CPA historic resource funding be subject to a preservation restriction, deeded in perpetuity and approved by the Massachusetts Historical Commission.

i) Park and Playground Improvements (Rec) \$68,000

Recreation Committee requests funds for Marvin Park (Morris St.) playground improvements including new play structure construction, new swing set, safe surfacing, park benches, signage, and trash containers.

Current equipment and surfacing do not comply with Consumer Product Safety Commission (CPSC), American Society for Testing and Materials (ASTM), and Americans with Disabilities Act (ADA) standards.

j) Park Improvements: Athletic Fields (Rec) \$85,000

Recreation Committee requests funds to renovate the Lincoln Softball Field including new irrigation, laser grading for proper drainage, new backstop, benches, and trash barrels. The field is intensively used by recreation, school, youth, and adult groups. Deterioration of turf surfaces, drainage, etc. presents safety hazards that may lead to injuries and game cancellations.

k) ADA Accessibility Study - \$78,000 (Community Preservation Act Funds):

This request is to complete a study of the Town's recreation areas to determine accessibility improvements. The Lexington Recreation Facilities and ADA Compliance Study will include a facility compliance assessment, recommendations and options of probable costs (play equipment, facility access, signage, handicapped parking, accessible pathways, accessible and non-compliant seating, bleachers, picnic facilities and golf course buildings). As a result of the study, a Transition Plan will be completed and incorporated into future capital plans.

l) Park Improvements: Hard Court Resurfacing \$55,000

Recreation Committee requests funds to resurface, paint, and stripe surfaces at the Sutherland and Marvin Parks basketball courts and to install backboards/poles.

This project is part of a multiyear recreation infrastructure upgrading and rehabilitation program currently in its 18th year. Resurfacing is a large part of the program.

m) Lincoln Park Field Improvements - \$650,000 (\$236,500 General Fund Debt, \$220,000 Community Preservation Act Funds, \$193,500 Recreation Retained Earnings):

This is the third phase of a three-phase capital improvement program to address safety and playability at Lincoln Park. The Recreation Committee requests \$650,000 to replace the synthetic turf field at Lincoln Park field #3 and work in the vicinity of the field. The estimated cost is based on the actual amount for Lincoln Park field #1 in October of 2013 and cost estimate developed by a landscape architect in August 2014. Funding to replace the synthetic turf on Field #2 was approved in 2014 and that work should be completed in the Spring of 2015.

n) Town Wide Culvert Replacement - \$390,000 (\$100,000 General Fund Debt and \$290,000 Community Preservation Act Fund):

This is an annual program request. Ongoing culvert inspections indicate the need for a replacement program for many of the older culverts in town. Of the funding requested, \$250,000 is an estimate of construction costs necessary for culvert replacement with \$65,000 for design, permitting, and bidding. The remainder is for contingencies. Of the total project cost, \$290,000 is being requested through CPA funding for the design and replacement of a culvert along the Minuteman Bikeway just North of Camelia Place at the headwaters of the North Lexington Brook. This includes construction funding, oversight, and contingency. On-going culvert inspections are proving a need for a replacement program as many of the older culverts in town are near or at failure.

The Watershed Management Plans have identified a number of these failing culverts. This replacement program is a companion effort with the ongoing Watershed Management Plan. DPW recently completed the Concord Avenue culvert near the Belmont line and the Compost

facility culvert. The Revere Street at North Lexington Brook culvert and Concord Ave at Hardy's Brook culvert are in permitting and expected to be constructed in 2015. Please note that there is some overlap with the Comprehensive Stormwater Management project as some of these projects include culvert work as well as stream management work.

o) Grain Mill Alley Additional Design - \$18,000 (Community Preservation Act Fund):

This request is to fund additional design development of a pocket park in the alley between 1775 and 1778 Massachusetts Avenue in Lexington Center and includes \$2,000 of anticipated legal fees. The additional design development will allow for public outreach and a schematic design. The project is a public space project designed to enliven the Center by improving an underutilized area and creating a sense of place that will serve as people spot that draws in activity, improves pedestrian connectivity, and generates business for the Center. The size of the alley is approximately 6,300 SF in total, offering a pedestrian connection from the Minuteman Bikeway to the Center's retail corridor along Massachusetts Avenue (roughly 27 by 233 feet). In 2013 the CPC approved \$24,000 to fund the preliminary schematic design, which included site analysis, design development, and cost estimates. It also included legal services to develop a contract with the adjacent property owners.

p) Minuteman Bikeway Wayfinding Signs - \$39,000 (Community Preservation Act Funds):

This request is to fund the design of wayfinding and etiquette signage related to the Minuteman Bikeway in Lexington. This is the next necessary step recommended in the report entitled 'Navigating the Minutemen Bikeway' that was completed with the cooperation of the Bicycle Advisory Committee as well as representatives from the towns of Arlington and Bedford. The goal of this plan is to design and install signage along the bikeway and adjacent roads and connections points. This signage will provide information to users which includes direction on accessing the bikeway, nearby points of interest (e.g. businesses, shops, tourist attractions), and signs clearly describing the rules of etiquette for users. Upon completion of the design plans, full bidding documents will be developed that include detailed cost estimates, specifications, stamped plan sets, and bid documents.

q) Lower Vine Brook Paved Recreation Path Reconstruction - \$369,813

A paved recreational path (part of the Lexington bike path system) runs along the Vine Brook from Fairfield Drive to North Street, approximately 1.1 miles (5,905 linear feet) through the Lower Vine Brook Conservation area. This area was transferred from the Recreation Department to the Conservation Commission in 2005. It has had minimal maintenance even before the transfer, and is now degraded to the point of needing full reconstruction, if it is to serve as a safe and usable recreational resource. The estimated lifetime of similar paved surfaces is about 25 years. There are significant safety risks to users due to cracked, buckled and uneven pavement, and minor repairs are not apt to be adequate, lasting, or cost effective. Reconstruction involves

removal of the existing pavement and regrading or replacement of the subsurface base layer followed by repaving. The project also requires wetlands permitting by the Conservation Commission and tree pruning to allow access for the construction equipment.

The path is popular for walking, biking, running and cross-country skiing, and is used by residents with mobility limitations, and parents with young children in strollers. Complete reconstruction is likely to take place in two phases, with the section from Fairfield Drive to East Street and East Emerson Road scheduled for reconstruction in 2015 and the Emerson Road to North Street section scheduled for reconstruction in 2016.

r) Community Preservation Fund Debt Service - \$2,420,000

The debt service on CPA borrowings from previous years must be appropriated annually, but it must be paid, or the debt will be in default. This year there are 4 prior acquisitions using borrowed CPA funds that require debt service appropriations. They are the Wright Farm Land Acquisition (\$129,800 interest, \$295,000 principal), Marrett Road (Community Center) Land Acquisition (\$325,100 interest, \$740,000 principal), The Community Center renovations (\$7,893 interest estimated based on a Bond Anticipation Note (BAN) scheduled to be issued in June 2015) and Cary Memorial Building Construction (\$262,760 interest, \$656,900 projected debt service on a 10 year bond at 4% issued in February 2015). There are some estimated issuance costs of about \$2,158 for the BAN to be issued in June. The total of all these, rounded up slightly, results in a recommended appropriation of \$2,420,000 for Community Preservation Fund Debt Service. This total requested FY16 appropriation is down from the \$2,706,829, as shown on the FY16 CPA Project List (Dec. 16, 2014) posted on the CPC's web page, due to strategic financing decisions by the Town's staff and continued very low interest rates.

<http://www.lexingtonma.gov/committees/cpc/CPA-FY16-ProjectList-010215.pdf>

s) Administrative Budget - \$150,000

This budget item covers the cost of salary and benefits of the Community Preservation Committee's administrative assistant (a part time position), as well as appraisals, legal fees, surveying and other expenses involved in the purchase of land with CPA funding. Any funds not expended in a given year are returned to the Community Preservation Fund.

ARTICLE 9 PROPERTY PURCHASE – 241 GROVE STREET

To see if the Town will vote, upon recommendation of the Community Preservation Committee, to acquire by purchase, gift or eminent domain, on terms that the Board of Selectmen deems to be in the best interests of the Town, for open space, community housing and/or historic preservation purposes, fee simple interests; and convey permanent restrictions pursuant to Massachusetts General Laws Chapter 184, in all or a portion of a certain parcel of land, approximately +43,446 square feet in area, as shown on a plan of land entitled "Plan of Land Located in Lexington, Massachusetts: and dated October 22, 2012 that is on file at the Office of the Town Clerk and identified as 241 Grove Street and shown as Parcel 1C on Lexington Assessors' Property Map 91, appropriate a sum of money therefor and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Community Preservation Fund, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

FUNDS REQUESTED: \$755,000

DESCRIPTION: This article requests Community Preservation funds to purchase an approximately 1-acre property on Grove Street adjacent to Town-owned conservation land.

The Town acquired the surrounding land, most of the historic Wright Farm, for conservation in 2012, but the owners retained the lot (Parcel 91-1C) with the home, driveway and barn, while giving the Town the right of first refusal to acquire that lot. Now, with the death of the owner that lot has become available for purchase by the Town. A purchase using CPA funding will allow the town to reuse the house as possible affordable housing and other portions of the lot may be used to improve parking for and access to the Conservation area. The selectmen will establish a process to decide which uses are most appropriate for the various assets.



ARTICLE 10 APPROPRIATE FOR RECREATION CAPITAL PROJECTS

To see if the Town will vote to appropriate a sum of money for capital projects or the purchase of 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 Board of Selectmen at the Request of the Recreation Committee)

FUNDS REQUESTED: \$68,000

DESCRIPTION: *For a description of the proposed projects see Section XI: Capital Investment section of the FY2016 Town Manager's Preliminary Budget and Financing Plan dated January 12, 2015*

Items funded by Recreation retained earnings or free cash include:

Pine Meadows Equipment - \$58,000 (Recreation Retained Earnings): This request is to purchase a Toro Grounds Master 4500D mower to replace the existing 2007 Toro Grounds Master. The life expectancy of golf course mowers average 7 years. New emission regulations increased the cost of the mower by over \$10,000 from the FY2014 capital plan. The 4500D is approximately 9 feet wide and has five floating decks. It will be used almost daily in maintaining the rough at Pine Meadows that covers approximately fifteen acres of turf.

Bikeway Bridge Repairs, Engineering - \$10,000 (Free Cash): The Grant Street Bridge along the bikeway is showing signs of deterioration. The Engineering Division is working with a structural engineer to determine the extent of the work needed to restore the bridge. The Minuteman Bikeway is used by many residents and non-residents as a commuter and recreational path. This work is essential to keeping a safe pathway for all users. The estimated cost of the repairs is \$70,000.

ARTICLE 11 APPROPRIATE FOR MUNICIPAL CAPITAL PROJECTS AND EQUIPMENT

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

- a) Center Streetscape Improvements and Easements-Phase I;
- b) DPW Equipment;
- c) Storm Drainage Improvements and NPDES Compliance;
- d) Comprehensive Watershed Storm Water Management Study and Implementation;
- e) Sidewalk Improvements, Additions, Designs and Easements;;
- f) Town-wide Culvert Replacement;
- g) Town-wide Signalization Improvements;
- h) Hartwell Avenue Infrastructure Improvements and Easements;
- i) Street Improvements and Easements;
- j) Bikeway Bridge Repairs and Engineering;
- k) Hastings Park Undergrounding Wires;
- l) Hydrant Replacement Program;
- m) Westview Cemetery Building Assessment;
- n) Replace Town-wide Phone Systems – Phase IV;
- o) Municipal Technology Improvement Program – Phase III;
- p) Police/Fire Dispatching and Records Software;
- q) Parking Meter Replacement;
- r) Public Safety Radio Stabilization – Phase I; and
- s) Design/Engineering – Firing Range at Hartwell Avenue Compost Site.

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

FUNDS REQUESTED: \$14,578,044

DESCRIPTION: *For a description of the proposed projects see Section XI: Capital Investment section of the FY2016 Town Manager's Brown Book*

Center Streetscape Improvements-Phase 1 - \$2,500,000 (General Fund Debt):

This project is Phase 1 of a multi-phased request to address pedestrian, bicycle and traffic safety in the Center. As part of the design and analysis work for this project, in FY13 funding was approved for traffic counts and traffic modeling of multiple scenarios and for the design to progress to the 25% stage. The FY15 request of \$600,000 provided funding to complete the design and develop plans and specifications necessary for bidding the project. The construction funding is requested in multiple years. The construction phases will provide for certain pedestrian, bicycle, and vehicular safety improvements, the restoration, removal and replacement of the sidewalk along the northerly side of Massachusetts Avenue from Woburn Street to Harrington Road, streetscape improvement, improved lighting as well as other aspects developed in the Plan. In addition to the restoration of these areas, all of the existing pedestrian corridors and ramps will be brought into ADA compliance. This phase of the project will be for the portion of Massachusetts Avenue from Woburn Street to Cary Hall.

DPW Equipment Replacement - \$770,000 (\$399,000 General Fund Debt,

\$100,000 Free Cash, \$40,500 Water Fund Retained Earnings, \$40,500 Wastewater Fund Retained Earnings, \$190,000 Compost Revolving fund and \$30,000 Free Cash):

This is an annual request to replace equipment that is beyond its useful life and whose mechanical condition no longer meets work 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 25 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 Road Machinery Division, Division Superintendents and reviewed by the Manager of Operations and the Director of Public Works. The proposed Loader for the Compost Site has an energy efficient engine, which will reduce fuel use by approximately 50%. The proposed Loader purchase will be re-evaluated once the final plan for solar panels at the Compost site has been adopted, before placing an order.

Storm Drainage Improvements and NPDES Compliance - \$340,000 (\$114,425 General Fund Debt and \$225,575 Free Cash): This is an annual request. \$70,000 is estimated for the compliance with the construction related portions of the National Pollutant Discharge and Elimination System (NPDES) minimum control measures as mandated by EPA in the storm water general permit issued to the Town. This includes the development and submittal of the Notice of Intent and Stormwater Management Program (SWMP) as required by the EPA as well as illicit discharge, detection and elimination. The draft of the next permit phase was issued by DEP in September 2014. Requirements measures include illicit discharge detection and elimination, and BMP (best management practices) installation and retrofits. \$270,000 will be used to repair/replace drainage structures encountered during the road resurfacing program, repair other drainage areas of concern in town and improve stormwater issues discovered during the NPDES investigation work.

This request will provide funds to improve the function of town drainage systems. Much of the town has been developed and old systems are inadequate. There are many trouble spots in the watersheds of the Vine Brook, Mill Brook, Beaver Brook, and Kiln Brook as well as other areas throughout town. (Recent drainage installation and rehabilitation included Shade Street, Walnut Street, Adams Street, Ledge lawn Avenue and Hastings Park.) Anticipated drainage installation is planned for Paul Revere Road. Illicit discharge detection and elimination has been ongoing in the Vine Brook and Mill Brook which are areas identified to have contamination.

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

(General Fund Debt): This is an annual request. DPW-Engineering and Conservation are collaborating on addressing drainage/brook management issues. The Charles River, Shawsheen River, and Mystic River watershed management plans have all been completed with prior authorizations. Design work is underway for the daylighting of a stream section in a collapsing underground pipe from the old mill pond to North St. and drainage improvements at Willards Woods and the bank stabilization at Vine Brook in the Saddle Club Road area. This request is for the continuing design / implementation of the watershed plans and for the construction of priorities established in the watershed plans. Staff has reviewed the three watershed plans and developed a likely prioritization schedule with built-in flexibility pending unforeseen changes. The requested funding will be used to move forward with the determined prioritized areas. Please note that there is some overlap with the Town Wide Culvert Replacement project, as some of these projects include culvert work as well as stream management work. Possible other priority areas include the Valleyfield area and Whipple Brook area.

Sidewalk Improvements, Additions and Design- \$600,000 (General Fund Debt):

This is an annual request to rebuild and/or repave existing asphalt sidewalks and to begin design work on new sidewalks. Proposed funding has been increased from prior years in order to address the Selectmen's goal of improving the overall condition of existing sidewalks and providing new sidewalks. Specifically, it is recommended that the Selectmen consider using a portion of this capital request to fund the neighborhood petitions for: a) a feasibility study for a sidewalk on Pleasant Street (see Article 12, estimated at \$20,000); and b) a sidewalk and intersection improvements on Prospect Hill Road, subject to neighborhood consensus (see article 13, estimated at \$50,000 for the sidewalk and \$50,000 for the intersection improvements). Also see discussion of Article 45, Townwide Safety.

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

Town Wide Culvert Replacement - \$390,000 (\$100,000 General Fund Debt and \$290,000 Community Preservation Act Fund): This is an annual program request.

Ongoing culvert inspections indicate the need for a replacement program for many of the older culverts in town. Of the funding requested, \$250,000 is an estimate of construction costs necessary for culvert replacement with \$65,000 for design, permitting, and bidding. The remainder is for contingencies. Of the total project cost, \$290,000 is being requested through CPA funding for the design and replacement of a culvert along the Minuteman Bikeway just North of Camelia Place at the headwaters of the North Lexington Brook. This includes construction funding, oversight, and contingency. On-going culvert inspections are proving a

need for a replacement program as many of the older culverts in town are near or at failure. The Watershed Management Plans have identified a number of these failing culverts. This replacement program is a companion effort with the ongoing Watershed Management Plan. DPW recently completed the Concord Avenue culvert near the Belmont line and the Compost facility culvert. The Revere Street at North Lexington Brook culvert and Concord Ave at Hardy's Brook culvert are in permitting and expected to be constructed in 2015. Please note that there is some overlap with the Comprehensive Stormwater Management project as some of these projects include culvert work as well as stream management work.

Town-wide Signalization Improvements - \$125,000 (General Fund Debt): This is an annual request for funds to update traffic and pedestrian signals in Lexington. A signal inventory and compliance study has been completed. The study includes ADA compliance, condition assessment; signal timing, delays, and prioritized recommendations. Potential locations for this funding include the intersections of Bedford Street at Worthen Road, Lowell Street at East Street, Lowell Street at North Street and improved pedestrian crossings along Massachusetts Avenue. In most cases the design work is minimal and is therefore reflected as 10% of the total cost.

Hartwell Avenue Infrastructure Improvements - \$4,750,000 (General Fund Debt): This request is to design, permit, and construct vehicle, pedestrian and bicycle safety improvements to a portion of Hartwell Avenue and, specifically, to address vehicle capacity and safety at the Hartwell Avenue/McGuire Road intersection. The proposed FY16 funding will be used to replace or rehabilitate the Hartwell Avenue bridge crossing at Kiln Brook and to upgrade the McGuire Road intersection and potentially provide a protected pedestrian crossing at the Bedford Street intersection. This proposed work was developed as part of the Transportation Management Plan for the Hartwell Avenue area developed by the Planning Board. The proposed funding request will be to provide construction, construction oversight and fund potential land acquisition (easements, land takings, etc.). Since this construction work will be phased over two or more construction seasons, the debt service table (in the Brown Book) reflects this phasing of the work. Additional work may be proposed beyond FY16 but the detailed scope and costs have not yet been developed.

TMMA Questions:

Q1.) Will any of this be funded by the mitigation fund paid into by developers?

Q2.) How much money is in this fund?

Street Improvements - \$3,231,250 (\$2,270,145 Tax Levy, \$961,105 of Chapter 90 funds): This is an annual request for the street resurfacing and maintenance program. It is comprised of \$2,270,145 of Town funds and \$961,105 of Chapter 90 funds (Chapter 90 funding is based on Lexington's most recent allocation and on the current State allocation of \$200 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 under development. A pavement management system is utilized to assist in analyzing the road network and selecting roadways for repairs. This model is kept updated on a regular

basis. Approximately \$20,000 of this funding is for data collection, analyses, proposal review, recommendations, and to develop plans for traffic mitigation and improvements town-wide. Traffic calming requests, complete street evaluations and other issues that require Traffic Safety Group (TSG) evaluation will be funded through this request. Significant traffic calming projects may require additional funding to be requested.

Bikeway Bridge Repairs, Engineering - \$10,000 (Free Cash): The Grant Street Bridge along the bikeway is showing signs of deterioration. The Engineering Division is working with a structural engineer to determine the extent of the work needed to restore the bridge. The Minuteman Bikeway is used by many residents and non-residents as a commuter and recreational path. This work is essential to keeping a safe pathway for all users. The estimated cost of the repairs is \$70,000.

Hastings Park Underground Wires - \$300,000 (Free Cash): This request is for the undergrounding of utility wires at Hastings Park. NStar has provided preliminary design and installation estimates to place the current overhead wires underground. The use and overall aesthetic view of the park is obstructed by the power lines that run through the park from Worthen Road to Lincoln Street. This request will provide funds to put the power lines underground, which will open up useable space and make the park more aesthetically pleasing. The project will involve removal of the existing utility poles and wires and installation of underground conduit and wires. Hastings Park is one of the most used park areas in Town. It provides green space and a gazebo for events such as the carnival, weddings, company picnics, concerts, family functions, school events, recreation events and community events.

Q. Have we decided that the carnival will continue to be held each year at Hastings Park, with the continued potential for affecting the condition of the grass there?

Q. How much was NSTAR originally asking for this project?

Hydrant Replacement Program - \$150,000 (\$50,000 Free Cash, \$50,000 from Water Enterprise Retained Earnings): This is an ongoing replacement program designed to maintain the integrity of the fire protection system throughout town. The Town of Lexington has 1,500 fire hydrants in its fire protection system. Faulty hydrants need to be replaced annually to meet safety requirements. A list of hydrants needing replacement each year is generated during the annual inspection and flushing of hydrants by the Water Department and the Fire Department as well as hydrants being replaced for Based on discussions between the Water Department and the Fire Department the target goal is to replace approximately 60 hydrants per year. With a replacement cost of approximately \$2,500 per hydrant the capital request will ensure the continued operability of the fire protection system. A total of 266 hydrants (approximately 18% of the system) have been replaced reflecting a 50 year life.

Westview Cemetery Building Assessment - \$35,000 (Cemetery Trust Fund): Westview Cemetery is the Town's active cemetery with an average of 200 burials per year. The current building, which serves as the cemetery office, meeting area for grieving families and work space for the maintenance staff has deteriorated, needs to be reconfigured and needs to be brought up to code. Many times a grieving family will come into the office while there is

maintenance being performed in the adjacent garage area or other people or staff enter the office area with no other room for the grieving family. The maintenance area is small and not all of the equipment can be stored indoors which affects the durability and life of the equipment. The FY16 requested funds of \$35,000 will be used to hire an architect to assess the current building, determine if the existing building can be renovated and expanded and determine if a new building is needed. DPW and the architect will work closely with the Facilities Department to determine the best long-term solution for the building.

Replace Town Wide Phone Systems, Phase IV - \$52,000 (Free Cash): This request is being submitted on behalf of the Municipal Information Services Department, the School Department and the Public Facilities Department. This is Phase IV of a multi-phase VOIP system to address Town wide telephone needs. The request is to fund the replacement of the phone system at the Police Station. The bulk of the two system cores, located in the High School and the Public Services Building, were installed in FY2014. Buildings that have received new VoIP systems in the earlier phases are the Town Office Building and the High School.

Municipal Technology Improvement Program, Phase III - \$140,000 (Free Cash): This request is for additional disk-based storage to be added to the redundant SANs and additional backup via disk and tape libraries. The SANs installed in both the Town Office Building and 201 Bedford St. server rooms will be expanded by adding expansion drive arrays to the SANs. Backup expansion will be achieved by adding another backup disk array and backup tape library. This storage growth is expected to meet the needs of the expanded use of the Town's document management system and the addition of Public Safety storage needs. Additional software will also be purchased to assist with file storage, archiving and discovery. Future year funding will be to continue to expand the SAN capacity by adding expansion arrays to the existing SAN and expanding backup capacity to match the file storage growth.

Police/Fire Dispatching and Records Software – \$705,900 (\$398,400 General Fund Debt and \$307,500 from Free Cash): This project is a joint Police/Fire Capital/Information Services request. In October 1990, the Lexington Police Department purchased CrimeTRACK from MICROsystems of Melrose, MA, a police software package. It is a menu driven system that has been upgraded through the years including a graphic user interface (with Windows like features). The software allows for tracking police/fire/9-1-1 calls, computer assisted dispatching, central records, tracking of warrants - citations - restraining orders, a report writing system, business-residence records, arrest management, personnel management, scheduling, and more. It was designed to be a fully integrated system linking police and fire operations. The 2004 Public Safety Staffing Review panel reviewed the computer network and recommended replacing the software as it has not met the needs of the Lexington Fire Department almost since it came on-line in 1994. The company has served Lexington well but remains a small operation with the inherent risk of losing the ability to service the system if one or more key members are lost. During 2014, the Fire and Police departments identified a product with a fully integrated police / fire / dispatch software system that is designed in a Windows format and compatible with a robust variety of software/hardware accessories. The product is used by over 300 public safety agencies including Nantucket, MA Police Department. Lexington's current hardware will need to be

upgraded to accommodate the new software system to include new servers. This product requires 2-3 days training for basic users and 7-10 days for "power" users and "train the trainer" staff. There will also be costs for converting 24 years of current data from the existing system into the new software. This request include hardware, software, project management and staff training costs.

Parking Meter Replacement - \$500,000 (General Fund Debt with Debt Service to be Funded from Parking Meter Fund): In June 2014 the Board of Selectmen adopted the Lexington Center Parking Management and Implementation Plan (the Plan) and approved the implementation of the initial recommendations that included replacing the Center's 525 parking meters with new technology. The goal of the plan is to manage the existing parking supply more efficiently, increase parking availability, and simplify the parking system for users. New meter technology will allow users to pay with a credit card and possibly smart phone, in addition to coin payments. While meter rates are recommended to increase, the Plan also calls for providing users with the first 15 to 30 minutes free. The new meters will also have the ability for improved monitoring and reporting of parking utilization.

Public Safety Radio Stabilization, Phase 1 - \$90,000 (Free Cash): This two-phase project is based on the 2013 radio study to identify options to improve reliability and redundancy in the Public Safety Radio System. There is some overlap in both police and fire radios (common antennas, power source, and grounds) that should be separated to have two separate (redundant) systems. Currently the main transmitter is in a shared shelter belonging to Verizon, is not secure, and only provides battery backup in case of power failure. Phase 1 (FY 2016) will include moving the existing police radio system from copper to fiber optic lines, relocating some existing equipment, and adding backup generators to our main radio and repeater sites. Phase 2 (FY 2017) will expand the wireless connections between the main radio system and outlying devices, by adding antennae locations to Cary Hall and the Public Services building, and create a redundant repeater system at the DOT site. The results of the Information Technology Department engineering study of redundant pathways may alter the scope of Phase 2.

Design/Engineering-Police Training Firing Range, Hartwell Avenue Compost Site - \$50,000 (Free Cash): This request is the first phase to relocate, expand and modernize the current Lexington Police outdoor firing range onsite at the Hartwell Avenue Composting facility. The Lexington Police Department has been using a 150' x 75' area (dimensions do not include safety embankments) since the 1970's for outdoor firearms training and qualification. Working closely with the Department of Public Works, this engineering phase will provide for a feasibility study as to how and where a firing range can be relocated at the Hartwell Avenue site. The firing range should be a minimum of 300' by 100' to accommodate modern firearms training. The range should be surrounded by structure and/or clean fill mounding (no less than 20' high) for safety and to absorb/deflect sound. An indoor facility abutting the range would provide secure storage of range materials, a training room, restrooms, and space for an indoor firearms simulation system. The outdoor range should be equipped with lighting, a variety of target locations, moving targets and a public address system.

ARTICLE 12 PLEASANT STREET SIDEWALK (Citizen Article)

To see if the Town will vote to raise and appropriate a sum of money for a feasibility study relating to the installation of a new sidewalk on Pleasant Street which would connect the existing sidewalk segments and result in a complete sidewalk along the entire length of Pleasant Street; determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by Laurel Carpenter and nine or more registered voters)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article requests funds for a feasibility study in preparation for the installation of a sidewalk along the entire length of Pleasant Street.

Article 11 section on sidewalks recommends that the Selectmen consider using a portion of its capital request to act on the neighborhood petitions for: a) a feasibility study for a sidewalk on Pleasant Street (estimated at \$20,000); and b) a sidewalk and intersection improvements on Prospect Hill Road, subject to neighborhood consensus (estimated at \$50,000 for the sidewalk and \$50,000 for the intersection improvements).

ARTICLE 13 PROSPECT HILL ROAD SIDEWALK (Citizen Article)

To see if the Town will vote to raise and appropriate a sum of money to construct a sidewalk on Prospect Hill Road, and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor; determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by Sarah McSweeney and nine or more registered voters)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article requests funds to construct a sidewalk on Prospect Hill Road.

See Article 12 and the sidewalk section of Article 11 for proposed funding of \$100,000 for Prospect Hill Road sidewalk and intersection improvements.

ARTICLE 14 APPROPRIATE FOR WATER SYSTEM IMPROVEMENTS

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

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: \$900,000(Water Retained Earnings):

DESCRIPTION: This is an annual program for replacement of unlined, inadequate, aged and failing water mains and deteriorated service connections as well as the elimination of dead ends in water mains. For this fiscal year we are requesting \$820,000 for construction and it is estimated that \$80,000 will be used for engineering services which is approximately 10% of the construction cost. This is a lower design percentage as the Engineering Division designs and bids the water main work in-house, using engineering services only for construction oversight. Possible locations for water system improvement are Massachusetts Avenue from the Arlington town line to Oak Street or the Prospect Hill Road area.

ARTICLE 15 Appropriate for WasteWater System Improvements

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

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: \$1,800,000 for several items: \$1,200,000 for annual program of installing and replacing sewer mains and a \$600,000 portion of the Pump Station Upgrades - \$1,350,000 (Wastewater Retained Earnings) of which \$750,000 is included in article 2 of special Town Meeting 2.

This is an ongoing program for upgrade of the stations including bringing them in compliance with federal (OSHA) regulations, equipment replacement and generator installations. Lexington has 10 sewer pumping stations valued at over \$6 million. In July of 2013 a detailed evaluation and capital plan was developed for the town with the assistance of Wright-Pierce. This includes a detailed engineering survey of the pump stations to determine current and future needs as well as a timetable and probable costs for the proposed work. \$600,000 of the FY16 funding request is for full pump station replacement, which will likely be used for the Constitution Road Pump Station as shown in year 3 of the Capital Improvement Plan developed by Wright-Pierce. \$750,000 of this funding request is for anticipated improvements to the main pumping station off Route 95/128, which has serious operational issues effecting the quiet flow of effluent on the main pipe (see Special Town Meeting 2, article 2)

ARTICLE 16 APPROPRIATE FOR SCHOOL CAPITAL PROJECTS AND EQUIPMENT

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

(Inserted by the School Committee)

FUNDS REQUESTED: \$1,986,000

DESCRIPTION: For a description of the proposed projects see Section XI: Capital Investment section of the FY2016 Town Manager's Preliminary Budget and Financing Plan dated January 12, 2015 and found at <<http://www.lexingtonma.gov/budget/Section%20XI%202016%20Capital%20Investment.pdf>>.

TMMA Summary:

Proposed funding sources of the projects.

School Furniture, Equipment & Systems Program (\$317,500) GF Debt/Free Cash

LPS Technology (\$ 1,378,000) GF Debt

Additional Time Clock System Funds (\$208,000) GF Debt

Food Service LHS Dishwasher and Installation (\$ 82,500) Food Service Revolving Fund

Of this article's total it is proposed that \$1,703,500 will be financed with 5 year General Fund Debt at a 4.0% interest rate

1. System Wide School Furniture, Equipment and Systems - \$317,500 (\$117,500 General Fund Debt and \$200,000 Free Cash): The school department annually requests replacement of furniture that has reached the end of its useful life. New furniture inventory is required to address growing enrollment in our schools. Items include furniture used by students and staff such as desks, folding chairs/tables, bookshelves, storage units and cabinets, student work tables, library furniture, carts, bulletin boards, partitions, and other similar types of equipment to support educational needs.

The Furniture, Equipment and Systems Program includes \$88,230 for replacement of furniture, and \$129,270 for new furniture, \$25,000 for Emergency Response Communication System (62 District Two Way Radios), \$20,270 for Special Education Equipment, and \$100,000 for a district furniture assessment analysis.

2. LPS Technology - \$1,378,000 (General Fund Debt): This request is for the District's Strategic Goal to enhance the capacity to utilize technology as an instructional and administrative tool. This capital improvement project would provide the funding for:

Computers

- Technology Workstations (Desktops, Laptops, Mobile Devices) - \$575,000 is requested of which \$525,000 is to replace aging computers that will be 5-6 years old during FY15 with up-to-date workstations. Approximately 550 computers will need replacement during FY16. \$50,000 will be allocated as part of a three year plan to make sure all six of our elementary schools are equitable in their technology.

- \$275,000 is requested to provide every Grade 8 student (550 students) at Diamond and Clarke Middle schools an iPad for use at home and school.

- \$45,000 is requested to expand the current iPad initiative at the High School to additional 9th grade classrooms.

Peripherals

- \$30,000 is requested to purchase replacements for old peripherals including printers, document readers, and projection systems through the district and new peripherals as the building needs arise.

Network Improvements

-\$277,000 is requested to upgrade the density and capacity of the managed wireless networks at the high school and two middle schools.

-\$86,000 is requested to:(1) upgrade the LAN backbone speed to 10 Gb between the network head-end and the Estabrook, Clarke, and Diamond schools, (2) replace the current mail and media storage servers, and (3) purchase an expanded fireproof data storage repository for the data backup of key systems.

Interactive Whiteboards

- Interactive Projector/Whiteboards Units - \$90,000 is requested for the fourth stage of the program to equip every Grade 3-12 classroom in the district with an interactive projector/whiteboard unit.

3. Additional Time Clock System Funds - \$208,000 (General Fund Debt): Under the Fair Labor Standards Act, employers are required to record and have available for audit specified information for hourly employees, and to pay them accordingly.

The goal of implementing this phase of this system is meet the requirements of pay under the Fair Labor Standards Act for our employees, and to also have accurate recording and reporting of time worked, overtime, and absences for our hourly employees.

4. Food Service, LHS Dishwasher and Installation - \$82,500 (Food Service Revolving Fund): This request is for the purchase and installation of a dishwasher in the main kitchen of the High School. The need is driven largely by the increased average daily participation from SY2012 through SY2015 of 21% resulting in an increase in utensil usage by 35%.

Q. Where does furniture ðat the end of its useful lifeð go? Is it recycled, given away or sold?

**ARTICLE 17 TECHNICAL CORRECTION TO THE BORROWING
AUTHORIZATION UNDER ARTICLE 13b OF THE 2014
ANNUAL TOWN MEETING**

To see if the Town will vote to make a technical correction to the borrowing authorization approved under Article 13b of the warrant for the 2014 Annual Town Meeting (School Technology) by deleting the figure "ø\$1,100,000" and substituting therefore the figure "ø\$1,110,000", or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: This article seeks to correct a scrivener's error in the motion as originally passed. The borrowing authorization was \$10,000 below the authorized appropriation.

ARTICLE 18 APPROPRIATE FOR PUBLIC FACILITIES CAPITAL PROJECTS

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

- a) Middle School Space Mining;
- b) Clarke Middle School Circulation and Parking Improvements, Design;
- c) LHS Phase 2 Overcrowding/Completion;
- d) Major Mechanical/Electrical Systems' Replacement;
- e) Lexington Public School Educational Capacity Increase – Short and Long-Term;
- f) LHS Heating Systems Upgrade, Phases 2 & 3 – Design;
- g) School Building Envelope and Systems;
- h) Municipal Building Envelope and Systems;
- i) Repairs/Replacements/Upgrades:
 - School Building Flooring Program
 - School Interior Painting Program
 - Diamond Middle School Lighting to Rear Parking Lot
 - Diamond Middle School Motors for Backboards
 - LHS Bike Racks and Installation
- j) School Paving Program
- k) Public Facilities Bid Documents; and
- l) Security Cameras Upgrade.

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

FUNDS REQUESTED: \$3,450,283 plus Item (e) to be determined

DESCRIPTION: For a description of the proposed projects see Section XI: Capital Investment section of the FY2016 Town Manager's Preliminary Budget and Financing Plan dated January 12, 2015

Middle Schools Space Mining - \$1,024,000 (General Fund Debt): A study, funded by Article 14H of 2014 Annual Town Meeting for \$40,000, evaluated the two middle schools for opportunities to improve space utilization. As a result of the study, three projects are being recommended. The first project is to divide the underutilized Clarke teacher's lunchroom into two spaces, a conference room and smaller lunch room. The second Clarke project is to renovate the Resource Room 318 into a more functional space suite, better suited to the needs of the staff and students, but also provide for a full classroom in the remaining area, thereby increasing overall utilization for the space. At Diamond, the recommended project is to modify the Guidance Suite to increase capacity to six professional staff.

TMMA Questions:

Q1) Will the Middle School Space Mining study create enough class room space to meet the demand projected by the committee that analyzed school enrollment?

Q2) For money spent for Public Facilities Bid documents are these costs later included in project costs to be approved by town meeting and financed by issuing debt? If so, is the General Fund then reimbursed for the cost of the bid documents?

Clarke Middle School Circulation and Parking Improvements, Design - \$363,000

(General Fund or Excluded Debt): This project is requesting design funds to modify and expand paving around the Clarke Middle School for increased parking, improved circulation for vehicles and to improve the safety of pedestrian and bicycle routes. The construction funds will be requested after the design and phasing schedule is completed. The current construction estimate is \$2.2 million. During the school drop off and pick up period, the existing paved areas do not provide adequate circulation for the amount of passenger cars and busses that access the site. Additionally, students weave themselves through the often stopped vehicles. Implementing this project will improve safety and circulation of vehicles, pedestrians and bicyclists; provide adequate parking and provide needed capacity from increasing enrollments.

Lexington High School Phase 2 Overcrowding/Completion - \$90,200 (General

Fund Debt): This project is requesting funds to complete the renovation of Room 228. LHS Overcrowding Phase 2 repurposed Room 228 into programmable space. The room has been temporarily used as a small classroom, and for FY 2016 funding is requested to complete the renovation into offices for the English and Social Studies Department Heads. After this renovation is completed, the two department heads and administrators will be relocated and their current offices in suite 217 will be used to consolidate Special Education Department staff into one area.

Public Facilities-Major Mechanical/Electrical Systems' Replacement - \$463,000

(General Fund Debt): This project is an annual replacement of HVAC and electrical systems that have exceeded their useful life and require replacement before excessive failures begin occurring. The following systems have been identified for replacement in FY 2016: LHS ó Replace RTU A-1, serving the IT Department, due to failure history and replace with larger, RTU with energy recovery, sized for the additional IT room 164. Town Office Building: Replace both AHUs serving the Town Office Building due to failure history and inability to maintain conditions. Design for return air and energy recovery.

Lexington Public Schools Educational Capacity Increase - \$TBD (Candidates for Excluded Debt Funding): Projects are pending the report of the School Facilities Master Planning Committee and recommendation of the School Committee.

LHS Heating Systems Upgrade Phase 2 and 3 - \$150,000 (General Fund or

Candidate for Excluded Debt): 2014 Annual Town Meeting, Article 14B, funded \$75,000 to evaluate options to determine the most cost effective approach to extend the useful life of the LHS main building HVAC systems. Phase one of this project was completed under an authorization at 2009 Annual Town Meeting, Article 19C, which made improvements to the LHS outer buildings. The analysis completed by the consulting engineers presented four options: 1) replace all controls, including actuators and dampers pneumatic controls with DDC controls 2) replace all equipment, including new DDC controls, but replace with the same equipment, 3) similar as option 2, but upgrade with condensing hot water boilers, hot water unit ventilators, and energy recovery ventilation, and 4) new energy recovery ventilation, with partial air conditioning, for all spaces. Remove unit ventilators from the classrooms. The steam distribution system and unit ventilators for the classrooms are original to the buildings (1948 and 1953). During the 2000 renovation and 2003 renovations several roof top units were

added, some with steam heat and some with hot water. The project cost for option 4 is approximately \$10,000,000. This is just over \$50/sq. ft. for the 190,000 square feet that is part of this analysis. This project is recommending funding of the design of the option 4, so that funding for phased implementation, which aligns with the Lexington Public School Master Plan, can be presented at future Town Meetings.

School Building Envelope and Systems - \$210,000 (Free Cash): This project involves performing annual prioritized design, repairs and modifications to prevent deterioration of school building exteriors and building systems. Proper maintenance of school buildings requires continual investment in the building envelope and building systems. This includes but is not limited to repair of damaged panels and siding, re-caulking and weatherproofing windows and doors, repainting the wood exterior and extraordinary repairs to mechanical systems. Small, individual items such as failure of a specific door or window or small painting projects will continue to be funded through the operating budget. FY 2016 priorities may include Clarke Middle School drainage improvements and caulking replacement, network improvements to the DPF building automation system, and educational space modifications from enrollment changes.

Municipal Building Envelope and Systems - \$182,760 (Tax Levy): This ongoing capital request, originally approved for funding in the 2006 Proposition 2 ½ Override, includes repair/replacement projects for the maintenance and upgrade of municipal buildings and systems. Repairs to roofs, windows, mechanical and electrical systems, and interior finishes are required on a continual basis to maintain town facilities for their intended function. The public building infrastructure will always need to be maintained, repaired, and upgraded to prevent structural deterioration and avoid safety hazards. The projects within this program do not increase the size of the public building stock and therefore do not result in increased utility usage or maintenance costs. This year's request intends to implement extraordinary repairs and to install a drainage system for the Town Office Building basement.

School Building Flooring Program - \$125,000 (Free Cash): This is a multi-year project that will replace carpet, vinyl tile, and ceramic tile flooring systems are beyond their useful life. Flooring systems must be replaced periodically to insure the surfaces are safe and cleanable. Worn or broken flooring creates a tripping hazard, can provide harborage for bacteria and water, and is difficult to clean. Smaller repairs of flooring components are funded through the operating budget. This is the sixth year of this program and new flooring systems have been installed in Clarke stairwells, classrooms, and auditorium, Hastings main corridor, Diamond School, and Central Administration and LHS. This year the Department will also be evaluating replacing flooring in areas that house 12 month programs.

School Interior Painting Program - \$157,593 (Free Cash): This is a multi-year project for a school building interior painting program with the intent of systematically repainting interior surfaces on a 7 to 10 year schedule. Elementary school interiors are occasionally painted through PTA planning of community volunteers. The last two years has resulted in improvements at the middle schools and the high school. The third year will focus on the elementary schools and Town office buildings.

This project is for adding additional lighting at the Sedge Road side of Diamond Middle School. This project will install seven (7) new LED light fixtures on twenty five (25) foot aluminum poles.

Diamond Middle School Motors for Backboards - \$25,300 (Free Cash): This project is for adding motors and controls to the Diamond six (6) basketball backboards. This will improve functionality of the gymnasium and reduce potential for injury to staff while raising the manual winches. The manual winches have been in place for many years. They have become difficult to operate and a gym teacher nearly was injured operating the manual crank, due to backlash.

LHS Bicycle Racks/Installation – \$31,531 (Free Cash): The School Department previously purchased 11 bike racks for the high school. These bike racks need to be constructed and secured into the ground around the High School. Additional bike racks also need to be purchased in order to maintain enough racks for bikes to be secured while students are in school due to the increased enrollment. In the front of High School, drainage work will need to be constructed in order for bike racks to be installed in the front of the building. For FY16, the district is also requesting an additional (8)5 Loop "UX" (31 wide) for 10 bikes available for each rack.

School Paving Program - \$150,000 (Free Cash): This project requests funds for design and construction to maintain school parking and paved pedestrian surfaces in a condition suitable for public use. This program funds paving replacement on school grounds and has resulted in improvements at Bridge, Bowman, Fiske, Hastings, Diamond, and Central Administration buildings. In addition, improvements were made to various school buildings to remove access barriers identified in the ADA Survey completed in 2011. It is anticipated that a priority for next year will be to replace paving in the Bowman School parking lot and to study the requirements for the Sedge Road entrance to Diamond Middle School for replacement in FY 2017.

Public Facilities Bid Documents - \$75,000 (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 school projects in anticipation of requests for construction funding at town meeting that have a high probability of approval. This will insure that the projects can be completed in the then-current construction season, which is particularly important for the timely completion of such projects given the short window between the end of school in June and the beginning of school the following August.

Diamond Middle School Lighting to Rear Parking Lot - \$77,000 (Free Cash): **9. Security Camera Upgrade – \$38,500 (Free Cash):** This project is to upgrade the older PELCO analog security camera system to the newer evacqVision digital security camera system over a five year period.

ARTICLE 19 MARTINGALE ROAD STREET ACCEPTANCE

To see if the Town will vote to establish as a Town way and accept the layout as a Town way Martingale Road from Freemont Street a distance of 850 feet, more or less, to Cedar Street, as laid out by the Selectmen, all as shown upon a plan on file in the office of the Town Clerk, dated October 14, 2014; and to take by eminent domain, purchase or otherwise acquire any fee, easement, or other interest in land necessary therefor; and raise and appropriate money for the construction of said street and for land acquisition; determine whether the money shall be provided in the tax levy, by transfer from available funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: None

DESCRIPTION: The road listed above was constructed under the Subdivision Control Law and meets or exceeds the minimum Town standard for acceptance. No appropriation is required.

TMMA Summary:

Street acceptance is customarily granted after completion of the subdivision and if the street meets the town standard.

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ARTICLE 20 RICHMOND CIRCLE STREET ACCEPTANCE

To see if the Town will vote to establish as a Town way and accept the layout as a Town way Richmond Circle from Martingale Road a distance of 170 feet, more or less, to end, as laid out by the Selectmen, all as shown upon a plan on file in the office of the Town Clerk, dated October 14, 2014; and to take by eminent domain, purchase or otherwise acquire any fee, easement, or other interest in land necessary therefor; and raise and appropriate money for the construction of said street and for land acquisition; determine whether the money shall be provided in the tax levy, by transfer from available funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: None

DESCRIPTION: The road listed above was constructed under the Subdivision Control Law and meets or exceeds the minimum Town standard for acceptance. No appropriation is required.

TMMA Summary:

Street acceptance is customarily granted after completion of the subdivision and if the street meets the town standard.

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ARTICLE 21 APPROPRIATE TO POST EMPLOYMENT INSURANCE LIABILITY FUND

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

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: \$1,862,194

DESCRIPTION: This article will allow the Town to continue to fund its unfunded liability for postemployment benefits for Town of Lexington retirees. Beginning with the FY2007 audit, the Town was required to disclose this liability. In preparation for funding this liability, Town Meeting voted to request special legislation to establish a trust fund for this purpose. This special legislation was approved in 2002.

TMMA Overview

Appropriate to the Other Post-Employment Benefits (OPEB) ó

The question is whether to support the appropriation of \$1,862,194 to the Post Employment Insurance Liability (PEIL) Trust Fund. This amount is comprised of \$3,247 in Medicare D rebates from the federal government and \$1,858,947 made available in the General Fund as a result of applying the same amount from the Health Insurance Claims Trust Fund towards health insurance premiums under the State's Group Insurance Commission program.

At retirement, Lexington employees are eligible for health insurance and pension benefits. This article only applies to the health insurance component of benefits, referred to as Other Post Employment Benefits (OPEB) to distinguish them from pension benefits. The obligation to pay these benefits imposes a future liability on the Town. The Town routinely assesses the size of this liability using an actuarial analysis. The primary issue posed by this article is how much money to dedicate to this fund, considering the available sources of funding and the Town's priorities for other uses of the money.

Currently, the Town covers the full cost of current retiree health benefits within its annual operating budget under Shared Expenses Line 2100. The Town has a long-term goal of funding the PEIL Trust Fund, thus lowering or eliminating the use of the operating budget to pay OPEB costs once the PEIL Trust Fund achieves significant investment earnings. Achieving that goal will require annual appropriations to the PEIL Trust Fund that cover the "normal cost" (the amount of future liability generated during the current fiscal year), and ideally an additional amount above the "normal cost" to reduce the accumulated liability from past years when no appropriations were made. The amount of the recommended annual appropriation depends on the target date adopted for achieving full funding, the actuarial assumptions used to estimate the size of the future liability (including retiree longevity and the investment discount rate), the anticipated cost of health care in the future, and the number of Town employees eligible for OPEB.

Appropriation to the Town's Post Employment Insurance Liability Fund (PEIL) started with Article 22 of the 2008 Annual Town Meeting. As of FY2008, the Government Accounting Standards Board (GASB) began requiring municipalities to report the size of their unfunded OPEB liability as a long-term liability in the Town's annual financial statements. There is, as yet, no legal mandate to pre-fund the liability for retiree health insurance benefits. The 2012 Fall Special Town meeting did not vote to appropriate the additional funds requested then, but later requests during subsequent Town Meetings have all passed. It has continued annually with the most recent appropriation of \$1,119,000 at the 2014 Annual Town Meeting under Article 15.

The Town receives reimbursements from the Federal Government to cover costs of the prescription drug insurance that would otherwise be covered under Medicare Part D. The Town was reimbursed approximately \$3,247, which would be applied to the PEIL fund.

The balance in the PEIL Fund as of 12/31/14 was \$5,778,635. As of the date of the last actuarial study, 6/30/13, the unfunded liability was \$128,336,796. The estimated unfunded liability, like the recommended annual appropriation, fluctuates from year to year, as expected rates of return on the invested balance in the PEIL vary, and the numbers of retirees, current employees and health care costs change with time. The actuarial study used a 4.5% "discount rate", but the Town's pension fund for example, assumes a 7.75% "discount rate" which would result in an estimate of about \$87 million for the PEIL liability at that same 6/30/13 point in time. The "correct" discount rate is an estimate and therefore can only be determined in retrospect 30 or 40 years from now.

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 2014 Annual Town Meeting*.

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

ARTICLE 22 Adjust Retirement COLA Base For Retirees

TMMA REVIEW

ADJUST RETIREMENT COLA BASE FOR RETIREES

TMMA Overview (as of 03/6/15)

The article requests an increase in the base used to calculate retirees' cost-of-living adjustment from \$12,000 to \$13,000. This is only for retirees who had been municipal employees since School Department retirees receive COLAs through the state. The last increase in the base for municipal retirees was in 1998 when it was increased from \$9,000 to \$12,000. If approved, the \$1,000 increase will take effect in June 1, 2015.

Currently 274 retirees would be affected by the change. With retirees now receiving 3% on \$12,000, the current annual COLA is \$360. Approval will increase the base to \$13,000 resulting in an annual COLA of \$390. Thus, the total annual cost increase will be \$8,220.

The Retirement Board recommends approval of the COLA increase.

TMMA Questions:

Q1) Have other communities approved this increase?

ARTICLE 23 ACCEPT CHAPTER 235 OF THE ACTS OF 1994
(Regulating Pension Rights of Certain Firefighters and Police Officers Terminated Due to a Reduction in Force)

To see if the Town will vote to accept Chapter 235 of the Acts of 1994, or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: Acceptance of this statute would allow certain police officers and firefighters who were previously terminated due to a reduction-in-force, and then reinstated, to be credited with active service for such period of unemployment. The employee would be required to pay into the retirement system an amount equal to what would have been paid had he or she remained an active member in service during said period of unemployment.

TMMA Questions:

Q1). How many police officers and firefighters are in this group and will this provision remain in force for any future employee so situated?

Q2) Given that the town is in a long term catch up of pension reserves, what is the anticipated additional contribution required by the Town to adequately fund these future retirement expenses?

Q3) Would this article be acceptable in the private sector?

Q4) How much funding is required?

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ARTICLE 24 Appropriate Bonds and Notes Premiums

TMMA REVIEW

BOND PREMIUM APPLIED TO PROJECT COST

TMMA Overview (as of 03/6/15)

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

When the Town issues a bond, the bond issuer pays the Town a premium payment when the bond is sold. Based on a Department of Revenue (DOR) regulatory change, a bond premium payment can be directly applied to project's costs. For excluded debt, this effectively reduces the amount that has to be borrowed and reduces excluded debt costs paid by the tax payers. The change does not increase the project cost but it reduces the debt service cost. The alternative to this regulation requires the premium payment to be amortized over the life of the bond.

In the last week of February, the Town sold a bond issue for which the low bidder gave us a premium of \$1,175,255. Of this, \$34,697 is attributable to the Bridge and Bowman schools renovations and \$122,734 is for the new Estabrook School. The balance of the bond issue was for a variety of other projects such as sewer and water improvements, Public Facilities capital and school technology. The Town has a good credit rating and a resulting low interest rate. The premium payment was set by the bidder's assessment of current and future market conditions.

ARTICLE 25 Rescind Prior Borrowing Authorizations**TMMA REVIEW**
RESCIND AUTHORIZATIONS**TMMA Summary (as of 03/6/15)**

This article is an annual place-holder. It allows Town Meeting to rescind unused debt authorized in prior years. Nothing has been identified at the time of printing.

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ARTICLE 26 Establish and Appropriate to and from Specified Stabilization Funds

TMMA REVIEW **SPECIFIED STABILIZATION FUNDS**

TMMA Overview (as of 03/6/15)

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 28 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. 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. For FY 2016 it is recommended that under Article 26 the Town appropriate \$9,447,832 to the Capital Projects/Debt Service Reserve/Building Renewal Stabilization Fund to be used to partially fund these future projects or to mitigate the debt service resulting from their debt financing. The funding sources are \$6,405,085 from Free Cash and \$3,042,799 from the tax levy.

Funding sources available to appropriate to the other specific stabilization funds have not yet been identified at the time of printing.

The specific stabilization funds are:

Section 135 Zoning Bylaw: The fund has never been used and no appropriation is being requested this year.

Traffic Mitigation: Appropriation data will be available at Town Meeting

Transportation Demand Management (TDM): Money accruing to the account is the result of negotiations between the Town and developers.

School Bus Transportation: This Fund was depleted in FY 2011.

Special Education: This fund is used as a reserve against unanticipated special education costs.

Center Improvement District: Under the 2010 Annual Town Meeting Article 25, the fund was created to be the repository of payments received from the developers of Lexington Place. The funds were specified to be used for projects such as tree planting, sidewalk improvement or improvements to the abutting connector between the parking lot and the sidewalk

Transportation Management Overlay District Fund: This fund collects fees specified under the zoning regulations.

Avalon Bay School Enrollment Mitigation Fund: Per agreement with the developer.

Capital Projects/Debt Service/Building Renewal Stabilization: See above.

TMMA Questions:

Q1) What are the current balances of the individual stabilization funds?

Q2) Has the Avalon Bay School Enrollment Mitigation Fund been fully depleted?

ARTICLE 27 Appropriate to Stabilization Fund**TMMA REVIEW**
STABILIZATION FUND**TMMA Summary (as of 03/6/15)**

This article is an annual place-holder. The article will be indefinitely postponed.

TMMA Question

Q1 What is the current balance of the Stabilization Fund?

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ARTICLE 28 Appropriate From Debt Service Stabilization Fund**TMMA REVIEW****DEBT SERVICE STABILIZATION FUND****TMMA Overview (as of 03/6/15)**

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

When the Massachusetts School Building Authority was established, it modified the way towns are paid for new or renovated school buildings resulting in towns getting reimbursed more quickly. The Town thus received money in excess of that required to make payments on short-term debt incurred by the project. The excess money was put into the Stabilization Fund with the principal and interest thereon used to reimburse payments made on long-term debt. The current balance is to be drawn down over the life of the bond related to the High School construction project, payable through 2023.

This article requests that \$124,057 be appropriated from the Debt Service Stabilization Fund to offset FY 2016 debt service of these bonds.

TMMA Question

Q1) What is the current balance of the fund?

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ARTICLE 29 Appropriate for Prior Years' Unpaid Bill**TMMA REVIEW
UNPAID BILLS****TMMA Summary (as of 03/6/15)**

This article is an annual place-holder should bills from a prior year need to be paid. Nothing is known at press time.

ARTICLE 30 Amend FY 2015 Operating, Enterprise and CPA Budgets**TMMA REVIEW**
FY2015 BUDGET ADJUSTMENTS**TMMA Summary (as of 3/6/15)**

At the time of printing, only on adjustments is known.

Under the Community Preservation Act (CPA), it is recommended that the debt service budget for FY 2015 be increased by \$1,960,00. This represents the principle and interest on the bond anticipation note (BAN) which was issued in February and comes due in June of 2015. At that time, the note will be retired from CPA funds on hand to pay off the note.

Other items to be amended are not known at the time of printing.

TMMA Questions:

Q1) What was the BAN for?

Q2) What is the total debt service for all CPA projects?

ARTICLE 31 Appropriate for Authorized Capital Improvements

TMMA REVIEW
CAPITAL FUNDING SUPPLEMENTS

TMMA Summary (as of 03/6/15)

This article is an annual place-holder should a project approved by a prior year's Town Meeting need supplemental funding. Nothing has been identified at the time of printing.

Article 34 Accept MGL Chapter 59, Section 5, Clause 54 And Set Personal Property Minimum Tax

TMMA REVIEW

SETS A MINIMUM TAX ON COMMERCIAL PERSONAL PROPERTY

TMMA Summary (as of 03/10/15)

This article is offered by the Board of Selectmen in order to streamline operations. The personal property tax of \$29.10/\$1,000 applies to furniture and equipment of commercial entities only. This article allows the town to set a minimum value of personal property below which the town will not do a site visit and will not assess a tax.

The tax is determined by inventory site visits to each company. Given the staffing in the Assessor's Office, it is necessary to subcontract 75% of the site visits to an outside vendor. The vendor contract is based on the number of inventories to be done. By approving a Personal Property Minimum Tax, it will reduce the number of site visits to be made and thus the cost of the vendor contract.

With data presented at the March 9th Selectmen's meeting, the Board voted to set \$2,000 as the minimum assessment under which inventory site visits will not be made (though the Board may revisit the threshold). The data showed that there are 124 companies with personal property assessments under \$1,000. The approximate vendor cost for the 124 site visits is \$4,340 while the tax to be foregone will be \$2,140. There are 241 companies with personal property values under \$2,000. The approximate cost of the vendor contract is \$9,640 for the site visits while the foregone tax will be \$7,219. By setting a minimum value for personal property at \$2,000, the savings to the town will be about \$2,421.

ARTICLE 35 ACCEPT MGL CHAPTER 90-I, SECTION 1 (Complete Streets Program)

To see if the Town will vote to accept Massachusetts General Laws Chapter 90-I, Section 1, as amended, the Complete Streets Program, to allow the Town to participate in, apply for, and receive funding from said section and Section 6121-1318 of the Session Laws, Chapter 79 of the Acts of 2014; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: Acceptance of this statute will allow the Town to apply for state grants under the new Complete Streets Program.

TMMA Discussion: In a LWV First Friday forum, the Town Engineer John Livsey and Michelle Ciccolo discussed the Complete Streets Program which is currently in development with expected state incentive funds available to those communities that adopt this program. There are 7 requirements for a successful application including showing demonstrable progress increasing the share of traffic modes provided by walking, bicycling and public transportation. See article 45 for discussion of related safety issues.

ARTICLE 36 AUTHORIZE COMMUNITY ELECTRICAL AGGREGATION PROGRAM

To see if the Town will vote to authorize the Board of Selectmen to enter into a Community Choice Electrical Aggregation Program and contract for electric supply for Lexington residents and businesses as per Massachusetts General Laws Chapter 164, Section 134, or act in any other manner in relation thereto.

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

DESCRIPTION: The Commonwealth of Massachusetts, by enacting Section 247 of Chapter 164 of the Acts of 1997, has established a competitive electricity marketplace. If a Community Choice Aggregation program is implemented in Lexington, individual residents and businesses would retain the right to opt-out with no penalty and choose any other competitive supplier or the default Basic Service energy supply provided by NSTAR.

TMMA Overview

Most electric power in Lexington is distributed to homes and businesses by a regulated utility company Eversource Energy (formerly NStar) which essentially has a monopoly on the transmission lines, substations, poles and wires that transmit power from various generators to the points where it is consumed. The electricity they distribute comes from a large number of competitive generators. The generators are not owned or operated by Eversource. Currently residential customers of Eversource can opt to purchase their electricity from a number of competitive suppliers, who own various types of generators. Many residents do not bother to select a supplier, so by default they let Eversource contract semi-annually for electricity with the various competitive suppliers on their behalf and that process sets the cost of basic service. Wholesale electric energy generation prices vary from day to day and hour to hour and are set by an auction process, for the entire New England region, by a non-profit organization called ISO New England. ISO-NE is responsible for keeping the entire regional power system balanced so

the amount of generated electricity equals the amount of electricity demanded. That fluctuates from moment to moment when any electric switch in the region is turned on or off.

Adopting this program would allow all the Lexington residential customers of Eversource Energy who currently purchase their power generation using the Basic Service option to use the Community Choice Program operated by and for Lexington to contract for the bulk contractual purchase of electricity from one or more competitive electrical energy suppliers, instead of buying it through Eversource. In either case, a residential customer has the same opt-out option to purchase their electric power directly from some competitive generator or from the Eversource Basic Service at any time. The adoption of this article and the aggregation program just means that the price and source of the energy is set by a different, and possibly better contractual process.

Most large commercial users of electric power contract directly for their generation. Lexington currently has a competitive supply agreement for municipal and school power with TransCanada Power marketing Ltd., signed on July 14, 2010 that covers the period from December 1, 2013 through December 1, 2015. That contractual generation supply rate is \$0.0854 / kWh. The current Eversource commercial Basic Service Rate is \$0.145 / kWh so at this time the town saves a lot of money. The Town of Lexington's most recent competitive supply agreement was signed on November 19, 2013. It covers the period from December 1, 2015 through December 1, 2018. That contractual generation supply rate is \$0.07075 / kWh. These prices show that a contractual purchaser of large amounts of power can get a better price than the Basic Service Price. The aggregation program offers that possibility to the individual resident, who is in no position to bargain for large amounts of power.

There is another possible advantage to the aggregation program, beyond the added bargaining power of bulk purchase contracts, which is the ability of the program to purchase energy from specific sources of generation, such as those powered by renewable solar, wind, biomass, or hydroelectricity. Renewable energy may or may not be less expensive than energy generated from coal, gas or oil, which make greenhouse gas emissions, and other forms of air pollution, like particulates. That depends on future costs and technologies, as well as the costs of pollution and climate change which are not reflected directly in current billing for electricity. Currently, under the town's contract with TransCanada, Lexington receives much of its energy from several large old gas fired plants in New York and Rhode Island, from old hydro plants on the Connecticut and Deerfield Rivers, and from a wind farm in Maine. Since the gas fired and hydroelectric plants are old, and have all been part of the NE system power grid for a long time, purchasing from them does not in any way improve the total NE regional emissions of greenhouse gasses. It just means that Lexington can claim to be using lower emissions sources, but the people who use the Eversource basic service have to buy their power from the remaining system generation sources such as nuclear, coal and gas fired plants that do not have bulk contracts. The desired effect of reducing pollution occurs only when energy is purchased from NEW clean renewable sources. Buying from suppliers who provide a larger percentage of renewable energy than Eversource probably does encourage the development of additional new renewable energy sources. The Energy label for TransCanada is shown below for reference, and residents on Basic Service get a similar energy label from their provider, NStar/Eversource, with their bills as an insert.

The Metropolitan Area Planning Council, MAPC, has a a useful guide to the process and discussion of the pros and cons, *Start a Community Choice Aggregation Program.pdf*, that is downloadable from the following web page: <http://www.mapc.org/clean-energy-toolkit-topic/start-community-choice-aggregation-program>

TMMA Questions:

Q. Who or what entity will manage the contracting process for the community choice program(if enacted)?

ARTICLE 37 AMEND GENERAL BYLAWS - STREET PERFORMERS

To see if the Town will vote to amend Section 76-3 of Chapter 76 of the Code of the Town of Lexington (Street Musicians) by deleting the word "Selectmen" and substituting therefor the words "Town Manager", or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: This article would provide for the Town Manager rather than the Board of Selectmen to issue permits to street performers. Street performers often go to the Town Manager's office for permits on short notice so this change facilitates granting of licenses.

TMMA Discussion. How many street performer licenses does Lexington issue per year?

ARTICLE 38 AMEND GENERAL BYLAWS - TOURISM COMMITTEE

To see if the Town will vote to amend Sections 29-28 and 29-29 of Chapter 29 (Committees) of the Code of the Town of Lexington by deleting said sections in their entirety and replacing them with the following:

"§29-28. Membership; terms of office.

The Town shall have a Tourism Committee consisting of nine members. Membership shall include interested representatives from the community. Members of the Committee shall be appointed annually by the Board of Selectmen to serve a one-year term.

§29-29. Powers and duties.

The Tourism Committee shall be charged with enhancing and promoting Lexington tourism. The Committee shall work with community groups to ensure a cohesive tourism experience."

or act in any other manner in relation thereto.

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

DESCRIPTION: *This article would establish the membership of the Tourism Committee at nine members and provide that the Committee shall work with all interested community groups.*

TMMA Discussion. The Tourism Committee, the Town Celebrations Committee, the Lexington Historical Society, the Center Committee, the Chamber of Commerce, the Liberty Ride, the Visitors Center and related Town Departments all have great interest in Lexington's historical legacy and as such, all groups work together to produce a unique Lexington experience for visitors.

TMMA Questions:

Q. How does this relate to the Visitor Center reconstruction?

ARTICLE 39 REPEAL GENERAL BYLAWS – SALE AND USE OF TOBACCO

To see if the Town will vote to repeal Sections 97-5 (Clean Indoor Air), 97-6 (Restrictions of Smoking in Public Places and Workplaces) and 97-7 (Access to Tobacco by Minors) of Chapter 97 (Public Conduct) in the Code of the Town of Lexington in their entirety, or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Board of Health)

DESCRIPTION: This article would repeal the Town's Clean Indoor Air (General Bylaw § 97-5), Restrictions of Smoking in Public Places and Workplaces (General Bylaw § 97-6) and Access to Tobacco by Minors (General Bylaw § 97-7) in their entirety to avoid potentially redundant or inconsistent regulation between the Bylaw and the Board of Health's regulations. It is the preference of the Board of Health that the existing Bylaw be repealed. State law gives the Board of Health independent authority to regulate such sales in the Town. Repeal of the existing Bylaw, therefore, will eliminate potential conflict between the Bylaw and Board of Health regulations.

TMMA Discussion: The Board of Health has considerable enforcement powers to effectively regulate tobacco, but this clarifies the legal basis of the regulations.

ARTICLE 40 AMEND GENERAL BYLAWS – SALE AND USE OF TOBACCO

To see if the Town will vote to amend Sections 97-5 (Clean Indoor Air), 97-6 (Restrictions of Smoking in Public Places and Workplaces) and 97-7 (Access to Tobacco by Minors) of Chapter 97 (Public Conduct) in the Code of the Town of Lexington to regulate the sale of e-cigarettes, increase the minimum age to purchase tobacco products to twenty one (21) years of age, prohibit the sale of blunt wraps, and make other updating changes to those Bylaws, or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Board of Health)

DESCRIPTION: As an alternative to the repeal of the Town's Clean Indoor Air (General Bylaw § 97-5), Restrictions of Smoking in Public Places and Workplaces (General Bylaw § 97-6) and Access to Tobacco by Minors (General Bylaw § 97-7) Bylaws, pursuant to Article 39, this article would authorize amendments to the text of these Bylaws to add the regulation of e-cigarettes, raise the minimum age to 21 years for the lawful purchase of tobacco products, prohibit the sale of blunt wraps, and make other updating changes, to avoid inconsistent regulation between the Bylaw and the Board of Health's regulations. It is the preference of the Board of Health that the existing Bylaw be repealed pursuant to Article.

TMMA Discussion: The Board of Health has considerable enforcement powers to effectively regulate tobacco, but e-cigarettes, a new product, were not included in the bylaw. This raises the age to buy tobacco products in Lexington from 18 to 21.

ARTICLE 41 AMEND GENERAL BYLAWS – CONTRACTS AND DEEDS

To see if the Town will vote to amend Section 32-4 of Chapter 34 (Contracts and Deeds) of the Code of the Town of Lexington by deleting the following:

“Type of Contract	Number of Years
Lease of public lands and buildings	20ö
And replacing it with the following:	
öType of Contract	Number of Years
Lease of public lands	20
Lease of public buildings	30ö

And further by adding the following to the end of said section:

öThis section shall not apply to:

Contracts excluded from the Uniform Procurement Act under M.G.L. c. 30B, Section 1, unless otherwise expressly included in the list above (*e.g.* contracts for waste disposal and recycling, electricity and solar energy).

Settlement agreements

Copyright and other agreements with respect to intellectual property

Agreements entered into by the Town or its boards and commissions in their capacity as permitting or regulatory authorities.ö

or act in any manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: This amendment to the General Bylaw on Contracts and Deeds tracks exemptions from the state Uniform Procurement Code, G. L. c. 30B, and will leave to the Board of Selectmen and Town Managerö discretion under the Town Manager Act, or other boards in their regulatory authority, certain types of contracts, such as intergovernmental agreements, settlement agreements, copyright agreements and subdivision covenants, some of which are intended to be perpetual or very long term, and other contracts not amenable to predetermined terms.

TMMA Discussion. Several specific capital projects being considered by the Town or involving Town property such as waste disposal, recycling, electricity and solar energy may require long term contracts which this revision would allow.

ARTICLE 42 COMMISSION ON DISABILITY REQUEST

TMMA Summary:

The Commission on Disability is proposing a resolution that asks the Town to suspend the use of brick or other small discrete pavers in the path of travel for Town sidewalks.

Details:

This request has been made in response to issues related to safety for all pedestrians, especially seniors and those with motor, sensory, or neurological disabilities. The use of brick for decorative edge treatment outside the path of travel is recommended as it provides a way-finding feature for individuals with sensory and neurological issues. Decorative edge brick also satisfies an aesthetic design feature.

The Commission is requesting this resolution due to long-standing concerns about the general lack of safety related to the use of materials in the path of travel that are uneven, inconsistent, and irregular in form. These uneven surfaces are known to cause potential trip hazard risks for all individuals, with higher risks for seniors and individuals with disabilities.

The Commission, with the support of the Town Engineer, John Livsey, asserts that the total cost of ownership for smooth surface alternatives such as concrete with brick treatment is lower over the life of the sidewalk.

The primary concerns voiced to the Commission regarding this request are that the aesthetics of all brick are preferable to concrete with brick edging, the issues related to vibration and trip hazard are overstated, and that the maintenance costs for concrete with brick edging are not lower than those for all brick.

ARTICLE 43 AMEND GENERAL BYLAWS - DEMOLITION DELAY (Citizen Article)

To see if the Town will vote to amend Chapter 19 of the General Bylaw of the Town of Lexington by changing the current demolition delay requirements for buildings listed as “historically significant”, from 12 months to 24 months.

(Inserted by Tina McBride and nine or more registered voters)

DESCRIPTION: This article would amend Chapter 19 of the Code of the Town of Lexington, commonly known as the Demolition Delay Bylaw for Historically Significant Buildings presumably by changing the 12 months to 24 months in section F.3 of the Code.

The intent of the demolition delay is to encourage owners to seek out persons willing to purchase, preserve, rehabilitate or restore rather than demolish preferably-preserved significant buildings which includes buildings on (or with pending applications for) the National Register of Historic Places or Cultural Resources Survey along with those added by vote of the Commission.

Code of Lexington, Chapter 19, section F, item 3 reads as follows:

F. The Building Commissioner may issue a demolition permit for a preferably-preserved significant building at any time after:

3. A period of **12 months** shall have elapsed since the date of the Commission's determination that the significant building which is the subject of the application for a demolition permit is a preferably-preserved building.

TMMA Questions:

Q1) What has been the effect of the current delay of 12 months on demolitions in Lexington.

Q2) What would builders/developers think about this article?

ARTICLE 44 RESOLUTION ON FOSSIL FUEL DIVESTMENT (Citizen Article)

To see if the Town will vote to pass a resolution relating to climate change by divesting Lexington Trust Funds, and the Massachusetts Pension Reserve Investment Trust Fund, from holdings in coal, oil and natural gas companies; or act in any other manner in relation thereto.

(Inserted by Fran Ludwig and nine or more registered voters)

DESCRIPTION: This article requests that the Town divest from any investment holdings in companies that profit from the exploration of fossil fuels and that the Town send a parallel request to the administrators of the Massachusetts Pension Reserve Investment Trust Fund.

Proposed Resolution Wording (As of 3/2/15)

Warrant Statement: To see if the Town will vote to pass a resolution relating to climate change by divesting Lexington Trust Funds, and the Massachusetts Pension Reserve Investment Trust Fund, from holdings in coal, oil and natural gas companies; or act in any other manner in relation thereto.

Summary: Because of the urgency of the climate crisis, which is caused primarily by human use of fossil fuels, this resolution asks the Town's Retirement Board and Trustees of Public Trusts to cease any new investments in the two hundred publicly-traded companies with the largest coal, oil and gas reserves and to eliminate direct holdings in these companies within five years. For any Town investments in commingled or mutual funds that are found to include fossil fuel companies, the Retirement Board and Trustees of Public Trusts are urged to contact their fund managers and request that the fossil fuel companies be removed from such funds within five years. In addition, the Selectmen are urged to ask the managers of the state Pension Reserve Investment Trust Fund to divest from holdings in fossil fuel companies. This is a non-binding resolution.

WHEREAS, Global warming, caused primarily by the burning of fossil fuels and the resulting increase in greenhouse gases in the atmosphere, is a serious threat to the health and well-being of current and future generations in Lexington and around the world; and

WHEREAS, The UN Intergovernmental Panel on Climate Change (IPCC) Fifth Assessment Report found that global warming is already causing costly disruption of human and natural systems throughout the world, including the acidification of the oceans, melting of Arctic and glacial ice, rising sea levels, increasing heat waves, floods, droughts, extreme weather, and corresponding food and water shortages, property damage, threats to national security, loss of biodiversity, increased health consequences such as mosquito and tick borne diseases, pollen related allergies and asthma and even death; and

WHEREAS, The effects of global warming will further intensify with increased temperatures such that almost all governments in the world, including the United States, have agreed (through the 2009 Copenhagen Accord) that any warming above a 2°C (3.6°F) rise would be unsafe for human habitation. Further, that the time is fast approaching when it will be impossible to limit the rise in temperature through human actions; and

WHEREAS: The Town of Lexington has a moral obligation to protect the health, welfare and property of its residents from the threat of global warming and has already made a conscientious effort in this regard by becoming a Massachusetts Green Community, establishing the Sustainable Lexington and the Energy Conservation Committees, by installing solar panels on schools and other municipal buildings, by installing bike lanes, and electric vehicle charging stations, replacing its streetlights with LED bulbs, and by committing to consider climate change in all appropriate town decisions; and

WHEREAS, Proven coal, oil and natural gas reserves, counted as assets of fossil fuel companies, equal roughly five times the maximum amount that can safely be burned to prevent more than 2°C of global warming; and

WHEREAS: Investments in fossil fuel companies could prove highly risky given that 80% of their proven reserves could become "stranded" and unusable assets with the occurrence of the following: governments acting to put a price on carbon that recognizes its harmful effects, cost-effective renewable energy resources continuing to be developed, increasing costs of fossil fuel extraction, changing social norms bringing increased energy efficiency, expanded environmental regulation, and suppressed growth of fossil fuel demand in key economies; and

WHEREAS, The Town of Lexington has a duty to its employees and taxpayers to maintain the value of funds invested on their behalf and to avoid risky investments; and

THEREFORE, BE IT RESOLVED THAT Lexington Town Meeting urges its Retirement Board and Trustees of Public Trusts to review their investment portfolios in order to identify any holdings that include direct or indirect investments in fossil fuel companies, defined for purposes of this Resolution as any of the two hundred publicly-traded companies with the largest coal, oil and gas reserves (as measured by the gigatons of carbon dioxide that would be emitted if those reserves were extracted and burned) such as those companies listed by the Fossil Free Indexes, LLC; and

Be it FURTHER RESOLVED, That Lexington Town Meeting urges its Retirement Board and Trustees of Public Trusts to adopt policies to divest from such existing public equities, corporate bonds, or other direct holdings in fossil fuel companies within five years and to preclude any new direct investments in fossil fuel companies in the future, and

Be it FURTHER RESOLVED, That, for any investments of the Town of Lexington in commingled or mutual funds that are found to include fossil fuel companies, Town Meeting urges the Retirement Board and the Trustees of Public Trusts to contact their fund managers and request that the fossil fuel companies be removed from such funds over a period of five years; and Be it FURTHER RESOLVED, That the Retirement Board and the Trustees of Public Trusts release annual updates, that are made available to the public, which detail progress made

towards full divestment from fossil fuel companies within five years; and Be it FURTHER RESOLVED, That Town Meeting urges the Board of Selectmen, and Retirement Board to ask the managers of the State of Massachusetts Pension Reserve Investment Trust Fund (PRIT) to foster a more sustainable future for our residents by divesting statewide retirement funds from fossil fuel companies, and

Be it FURTHER RESOLVED, That the Town Clerk is requested to send copies of this Resolution to Lexington's elected state and national officials including President Barack Obama, Senators Elizabeth Warren and Edward Markey, Representative Katherine Clark, Representatives Jay Kaufman and Sean Garballey, Governor Charlie Baker, State Senators Michael Barrett and Kenneth Donnelly, as well as to State Treasurer Deborah Goldberg, the Public Employee Retirement Administration Commission (PERAC) and managers of the Pension Reserve Investment Trust (PRIT).

Nothing herein shall be construed as requiring the Town Retirement Board or Trustees of Public Trusts to violate their fiduciary duty as determined by the town's counsel, or, in the case of the managers of PRIT, by the appropriate state appointed counsel.

TMMA Summary

This article is a non-binding resolution. As such it does not compel action but such resolutions are usually considered seriously for action by the Town's administration. There are a large number of specific purpose trust funds administered by the Trustees of Public Trusts, who are appointed by the Board of Selectmen. The Trustees of Public Trusts do not invest in any specific stocks but hold investments via a number of diversified mutual funds, some of which may hold stock in fossil fuel companies. Fossil fuel companies comprise about 10% of the value of large cap corporation common stock indices such as the S&P 500 Index. (If the total held by the Trustees of Public Trusts is about \$15 million then the total fossil fuel component to be divested is probably about \$1.5 million dollars. This estimate is based on the approximate \$11.3 million balance held on June 30 2013 per the Town Annual Report for 2013 and a factor for the approximate change in the S&P500 since then. See Questions 1 and 2) Actual divestment probably would involve selling any funds that contain such stocks and reinvesting in alternative funds that do not, since mutual fund managements are unlikely to respond to requests to change their investment policies, especially index type funds or sector funds, due to a request by the Lexington Trustees of Public Trusts. That would usually have transaction costs of selling and buying, and may change the expected return on the investment, since broadly held index funds may have lower fees than the environmentally conscious funds used for reinvestment. Excluding holdings of fossil fuel corporations, such as Exxon, Chevron, which both are among the top 10 companies by value in the S&P 500 index, may make the future investment return higher or lower depending on the stock market conditions at the time of the sale and reinvestment.

The proponents' intended purpose, quoting from a private email dated 2.28/15 is,

to call into question whether Lexington should support companies whose products imperil our future (and who actively obstruct solutions to the climate problem). Whether the divestment, of the relatively small dollar amounts held by Lexington's Trustees of Public Trusts (or even the larger amounts in the retirement holdings of the Massachusetts Pension Reserve Investment Trust Fund) achieves its proponents' eventual purpose, which is to reduce the production of greenhouse gases and other pollution associated with fossil fuels, is an open question, since many mutual funds trade very large dollar amounts every day, and the sellers are matched by buyers, who are looking for the dividends that the fossil fuel companies pay. If everyone were to divest then it would clearly drive the companies to change their business plans. Since various recent polls of the US public show significant numbers of people who doubt that climate change is real or caused by human activities, it is unlikely that everyone will divest all their fossil fuel investments in the near future. There is a preponderance of scientific opinion and evidence that climate change due to human use of fossil fuels is real and that use of such fuels needs to be replaced by renewable pollution free alternatives. Nevertheless there is also much scientific and empirical evidence that the process will take a number of years, during which fossil fuels will be needed, since renewable sources (wind, solar, hydroelectric, biogas etc.) constitute only a few percent of the national energy production at this time. Elimination of use of fossil fuels will require replacement of the heating systems in all the buildings that now use gas or oil heat, and the retirement of all the trucks, cars and trains that use gasoline or diesel fuel. It will also require the elimination of the many electric generation plants that are now fueled by gas, oil and coal. (See the related information on Article 36.) Those changes are very capital intensive and will take a long time to implement.

The following link is to a recent International Energy Agency report:

<http://www.iea.org/newsroomandevents/pressreleases/2014/november/signs-of-stress-must-not-be-ignored-iea-warns-in-its-new-world-energy-outlook.html>

TMMA Questions:

Q1) Which mutual funds are actually held by the Trustees of Public Trusts, and what portion of them is invested in fossil fuel companies? (This information has been requested from the Trustees of Public Trusts and the Town Clerk, with no answer yet by 3/5/15, and if available publicly is not easy to find.)

Q2) What is the approximate total amount of all the investments held by the Trustees of Public Trusts? (The Town of Lexington Town Report 2013 on page 133 states that the market value of all the 121 trusts, the two cemetery funds, and the two library funds as of June 30, 2013 was \$11289,256. Market conditions have probably improved since then, but the Trustees of Public Trusts have not responded with later totals as of 3/5/15.)

ARTICLE 45 TOWNWIDE PROCESS FOR SAFETY (Citizen Article)

To see if Town Meeting will vote to recommend that the Selectmen make it a priority to develop a townwide process to improve safety for pedestrians and cyclists in a unified, efficient and speedy way; or act in any other manner in relation thereto.

(Inserted by Rita Goldberg and nine or more registered voters)

DESCRIPTION: This article requests a resolution encouraging the Town to make the process for citizens raising safety issues simpler.

TMMA Discussion:

It is expected that Rita Goldberg will revise article 45 to ask for urgent action on safety and for a report to Town Meeting on actions within 1 year. This essentially asks the Board of Selectmen to make safety a priority – safety for walkers, bikers and motorists. There are many articles in this warrant that address sidewalks and safety issues.

ARTICLE 46 ACQUISITION OF LAND SHOWN ON ASSESSORS' PROPERTY MAP 22, LOT 51B

To see if the Town will vote to authorize the Board of Selectmen to take by eminent domain or otherwise acquire for municipal purposes the land shown as Lot 51B on Assessors' Property Map 22, now of owners unknown; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: This parcel, with owner unknown, is adjacent to the Town-owned land by the Stone Building/Waldorf School in East Lexington. By making it Town-owned land, the Town can accommodate the Waldorf School, which is planning for a small addition and may need to restructure its parking spaces.

TMMA Overview

This article is to authorize acquisition of the tiny triangular sliver of land shown in the map below. It is abutted by the Waldorf School's parking area, some open grassy space adjacent to the school driveway and the rear of 3 Ellen Dana Court (Map 22 Lot 54B) and 5 Ellen Dana Court (Map 22 Lot 54C). The Town currently owns all the land on which the Waldorf School is located including the driveways and parking areas.



ARTICLE 47 AMEND ZONING BYLAW – MEDICAL MARIJUANA (Citizen Article)

(See Warrant and Planning Board for detail of proposed changes to Zoning Bylaw)

TMMA Discussion:

By way of background, last year the Planning Board proposed to set up zones for Medical Marijuana in three areas: Growing, Production and Distribution. They proposed that the Growing and Production be done in the Manufacturing Zone which is Hartwell Ave. They further proposed that distributing be allowed as well in the Manufacturing zone in case someone wants to do all in one but the distributing will be allowed additionally in the large retail district such as where Stop and Shop is. The center would also have been included.

However an amendment proposed by Dan and Tom Fenn would limit all three areas to the Manufacturing area. The Planning Board reversed itself and by majority vote endorsed the Fenn amendment. This amendment was passed by Town Meeting so this is the current law.

Article 47 seeks to change the current law to be similar to what the Planning Board original proposed but would go further. It would change the definition of the three areas slightly. Both Growing and Production would be allowed without restriction in all Commercial districts except Commercial Business and Commercial Neighbor. Processing would be allowed in all Neighborhood districts and the Commercial Neighborhood district with Special Permit Restricted. Growing would be allowed in all Neighborhood districts with Special Permit Restricted and the Commercial Neighbor district without restriction. Distribution would be allowed in the following Commercial districts CN, CRS, CB and CM.

On February 25, 2015, Article 47 was presented to the Planning Board for its consideration.

- Mr. Handwerker presented his proposed changes (which had a slight change from the early version in the warrant)
- The Board asked questions, mainly about the purpose of various of the proposed changes
- No one from the public had any questions or comments
- The Board discussed the matter and decided to recommend that Town Meeting refer the matter to the Planning Board (with the minority preferring instead that it be defeated).
- Planning Board will provide a written report expanding on its position.

Q: Why is this article being proposed at this time?

A: The proponent, Ethan Handwerker, believes that the Town should be more flexible about siting of Registered Marijuana Dispensaries(RMDs), both by permitting them in additional districts and having more tailored rules for each of the 3 components (cultivation, processing, and distribution). RMDs are currently permitted only in the CM District (along Hartwell Avenue).

Because there are currently no Medical Marijuana facilities in the Commonwealth, the only way patients can obtain Marijuana legally is to grow it themselves. They can do this by getting a doctor's approval and obtaining a special permit. Some of these patients have had their homes broken into and had their Marijuana stolen recently in Lexington.

Mr. Handwerker argues that if we had licensed legal Commercial producers, these areas could be made more secure. Break-ins would be less likely. Making medical marijuana more readily available is a social good because it can relieve the pain of people suffering from certain ailments.

TMMA Questions:

Q: What are the chances that we will have medical marijuana in Lexington?

A: It will be more likely if we pass this article. The State was only allowing 20 licenses state-wide. However that was for the first year 2014. More can be allow in subsequent years. Note however that none have opened yet. However, Town Meeting made it very clear last year that it was opposed, for a variety of reasons, to allowing medical marijuana in the Center, at least until the State and the medical community gain much more experience with the issue.

Q: What would happen if this article does not pass Town Meeting?

A: The current zoning restrictions will remain in effect.

ARTICLE 48 AMEND ZONING MAP - COMMERCIAL ZONING DISTRICT LINES

To see if the Town will vote to amend the Zoning Map by changing zoning district boundary lines in the following areas such that the district boundaries will coincide with lot or ownership boundaries:

- A. CN (229-235 Bedford St.)
- B. CS (242-246 Bedford St.)
- C. CLO (173-181 Bedford St)
- D. CN (Bedford St. & Reed St.)
- E. CS (North St. & Lowell St.)
- F. CRS (Lowell St. & Woburn St.)
- G. CLO (Marrett Rd. & Lincoln St.)
- H. CS (Marrett Rd. & Spring St.);
- I. CN & CRS (Waltham St. & Marrett Rd.)
- J. CLO (Waltham St. at the Waltham town line)

or act in any other manner in relation thereto.

(Inserted at the request of the Planning Board)

DESCRIPTION: This article would adjust the commercial zoning district boundary lines in each of these areas to follow lines of ownership or lot lines where they do not do so already. The commercial district lines will be coterminous with lot lines. This may result in portions of lots or entire lots being moved into or out of the commercial districts. Maps showing which areas may be added or removed are available in the Planning Office and on the Planning Department website (<http://lexingtonma.gov/planning.cfm>).

TMMA Discussion. The Planning department has a large scale zoning map that should and likely will be brought to the town meeting session that shows the boundaries so that abutters can ascertain what this change might entail for their property. Note that the motion under this article will require a two-thirds majority to pass. As of 2/25/15, the Planning Board intends to offer this ten-part motion as a single motion. It will be up to the Moderator to decide whether any parts of the motion will be split out and voted on separately.

The main purpose of the motion under this article is to clean up the zoning. That is, to adjust the commercial zoning district boundary lines to coincide with the lot (ownership) lines where it is appropriate.

The Planning Board has been trying to clean up various aspects of Lexington's Zoning Bylaws and Development Regulations over the past several years. This article addresses ten specific commercial zones in Lexington where the commercial district boundary lines do not coincide with the lot (ownership) lines. According to the Chair of the Planning Board, when an owner's property is partially in a residential district and partially in a commercial district, there are hardships for both the owner and for Lexington's building department regarding what can and cannot be done on the various portions of the property. Some of the uses in these ten areas are nonconforming, as they existed prior to the adoption of Lexington's current Zoning Bylaws. The

Planning Board's proposals aim to match the zoning boundaries with lot lines and to match the zoning with the current de facto uses. In some cases the commercial zones are becoming larger and in other cases they are becoming smaller. The Planning Board also hopes that by adjusting the zoning boundaries, some of the currently nonconforming uses will become conforming and will then be subject to the provisions of Lexington's Zoning Bylaws.

See the following web page for links to maps that show the existing zoning boundaries and the proposed changes for these ten areas:

<http://lexingtonma.gov/planning/2015TM.cfm>

Note that the Planning Board is intentionally not proposing any zoning changes in Lexington Center in this motion so such proposed changes may occur in future years.

Also note that three of the ten areas include CN (neighborhood commercial) zones where housing is a permitted use.

Further note that there will still be messy zones in some instances even if this article passes so some areas in Lexington have problems that are bigger than zoning and those areas will be addressed separately at a later time.

As of 02/25/15, the planned motion under this article has been pared down from the original proposal based on public feedback. The current motion contains adjustments to the commercial zoning district boundary lines for which there was little or no public comment.

Note that zoning does not affect the taxation of a property so it is the use that determines the tax classification.

ARTICLE 49 AMEND ZONING BY-LAW AND MAP – CIVIC USE DISTRICTS 2/3 Vote Required

This article would create a new zoning district called the Civic Use District. It would contain most of the land in Lexington that is owned by the Town of Lexington, the State of Massachusetts, the Federal government and other towns. The land owned by other towns includes the Cambridge Reservoir and the Arlington Great Meadow. A map showing the land to be included is on the Planning Board website.

This article is not intended to significantly change zoning rules governing land owned by governmental bodies. It is to provide information to the public on the locations of government owned land which in Lexington is fairly substantial. Land owned by the State or Federal government is not subject to a Town's zoning.

This article would change the way those parcels are regulated if the governmental body that now owns them determined they were surplus and sold them to a private party. The use table in the zoning by-law would have a new column for the Civic Use District. The allowed uses would be very similar, but not identical, to those of the RO/RS districts. Municipal uses, which includes such uses as the Town Office Building and the DPW building are allowed by right in the all districts and would continue to be allowed in the Civic Use District. However, single family residences that are allowed in the RO/RS districts would not be allowed in the Civic Use District. Institutional uses and buildings that are allowed in the RO/RS Districts would be allowed in the Civic Use District.

The table of dimensional controls that regulates lot size, set back, building height, etc. would also get a new column for the Civic Use District, but it is proposed that there be no dimensional regulations for it. This could become a problem if land in the Civic Use District were sold to a private developer.

The proposed changes to the use table, and dimensional control tables, as well as proposed additions to the tables for transition areas between different districts and minimum yards for parking are on the Planning Board's website. These are still being modified and should be reviewed on the Planning Board's web site before the article comes up.

<http://www.lexingtonma.gov/planning/2015TM.cfm>

Some Town owned land such as the main fire station, which may be sold if a new one is built elsewhere, tax title lots, and some of the center parking lots are currently not included in the proposed District.

TMMA Questions:

Q1) Why are town-owned parking lots in the center not included?

Q2) Will the map be in colors, ie. Zoning color coded?

Q3) If the government owned land is sold to a private individual, could that person build a school or a residence for people with special needs?

ARTICLE 50 Zoning – CM DISTRICT, WALTHAM LINE NEAR ROUTE 128/I95 to CM

2/3 vote required

TMMA Discussion:

This article deals with a 30 acre parcel of land bordered by Route 128, Route 2, the Waltham City line and the Cambridge Reservoir. The land is only accessible through Waltham via Tracer Lane or abutting residential streets.

In 1970, Lexington rezoned 11 acres abutting the Tracer Lane Industrial Park in Waltham to CRO. It was expected at that time that MAPC would acquire the remaining land which abuts the Cambridge Reservoir for open space use. It never did. In 1989, the owner, Harold Nahigian, objected that the remaining 19 acres stayed as residential, RO, and sued the Town. The Land Court ruled in his favor. The Planning Board appealed and the Massachusetts Appeals Court vacated the Land Court judgment and remanded the case for further proceeding consistent with the Appeals Court opinion:

<http://masscases.com/cases/app/32/32massappct517.html>

In 1993 the Land Court heard the case again and came up with essentially the same conclusions. The Planning Board wanted to appeal again but the Selectmen did not want to fund the cost of the appeal so the Land Court judgment is final.

The Land Court found that since access to the residentially zoned land from one of the abutting residential streets in Waltham would require removal of house to build a connecting road the zoning was "arbitrary and unreasonable" and the RO land became unzoned.

The Land Court also found that definition of Floor Area Ratio (FAR) in the zoning by-law, "if applied to locus", would be "arbitrary, unreasonable and unenforceable". The issue was that most of the CRO land was wet and since wetlands are excluded from land area in the calculation of FAR, the amount of building that would be allowed on the remaining dry land would be unreasonably small.

If the RO portion of the land, much of which is on a hillside and dry, were rezoned to CRO, both of these issues with the Land Court would have been resolved.

The FAR in the CM district is 0.35 but only 0.15 in the CRO so he would be able to build more densely in the CM. Building height, setbacks, and lot coverage are also more liberal in the CM zone.

The Planning Board believes that without a rezoning, the owner can now build anything he wants without any zoning control in the unzoned land. That is what would happen if land were unzoned because a Town chose not have a zoning by-law. Having land unzoned by a court is extremely rare and there are no court decisions (case law) on what can be done on land in such a case. There is a recent case in Burlington (the proposed Target on the abandoned portion of the Route 3 right of way) where the Building Commissioner ruled that unzoned land could only be used for residential purposes. The owner disagreed, but did not appeal to the courts. Instead he

tried twice to get a rezoning and Town Meeting rejected it. Since this case did not go to court it does not provide definitive case law.

For 22 years the owner has not tried to exercise his alleged right to develop the land in any way he wants.

The Planning Board is proposing to resolve these issues by rezoning the entire 30 acres to CM. Rezoning to CRO is not within the scope of this year warrant.

Since there are no residential abutters in Lexington, the only impacts of development on this land would be to abutting Waltham residents and the Cambridge Reservoir. Cambridge does not seem to object to this rezoning.

Waltham has not yet publicly commented on this rezoning. However, when Lexington originally zoned the land CRO in 1970, Waltham was so disturbed that the City Council voted to oppose allowing a sewer or water connection from Waltham to that land. Unless that position is changed or overruled by a court, nothing could be built on any of this land.

Separate from the Zoning issue, but in the same case the Land Court ruled that Planning Board should have waived the Subdivision requirement that dead end streets be no longer than 650 feet. The extension of Tracer Lane into the CRO land would have been 2,575 feet. The Appeals Court also rejected that ruling, but in the remanded case, which the Town did not appeal, the Land Court ruled the same way again. The Planning board complied with that ruling and approved the extension of Tracer Lane into Lexington. It has not yet been built.

Copies of the Land Court opinions and the history of the legal and environmental actions in this case are on the Planning Board's web site:

<http://www.lexingtonma.gov/planning/2015TM.cfm>

ARTICLE 51 AMEND ZONING BY-LAW . SITE PLAN REVIEW APPLICABILITY

To see if the Town will vote to amend Section 9.5.2 of the Zoning By-Law to make the site plan review process apply to any expansion of site coverage, or act in any other manner in relation thereto.

(Inserted at the request of the Planning Board)

DESCRIPTION: This article would make the site plan review process, currently used for developments in the CM District, apply to expansion of structures other than buildings in addition to expansions of buildings. Structures other than buildings include ground-mounted solar arrays, storage tanks, and the like.

TMMA Discussion: This article seeks to clarify which projects must undergo "Site Plan Review." Site Plan Review currently applies only in the CM district (Hartwell Ave.)

The Planning Board wants to add "structures" to the current requirements triggering Site Plan Review. It wants to add any construction that covers at least 500 square feet of ground, and has no roof, to the bylaw. (examples: solar panels, parking structures with no roof, large deck, cell towers, holding tanks, etc.

This was not clearly specified when the requirements for Site Plan Review were previously finalized.

TMMA Questions:

Q1) Why do this?

A1) To be explicit about requirements for Site Plan Review.

Q2) Will it apply to me if I want to add 600 sq. ft. to my single family house? I live in a residential zone.

A2) No, for now, this applies only where Site Plan Review is applied, in the CM district.(Hartwell Ave.)

ARTICLE 52 AMEND ZONING BY-LAW – TECHNICAL CORRECTIONS

To see if the Town will vote to amend Chapter 135 of the Code of the Town of Lexington by correcting improperly alphabetized definitions, making internal references consistent, supplying missing definitions, correcting typographical errors and making other non-substantive corrections that will clarify the by-law; or act in any other manner in relation thereto.

(Inserted at the request of the Planning Board)

DESCRIPTION: These are changes of a corrective nature such as inserting a definition dropped inadvertently during recodification and inserting a missing word, and do not change the By-Law in any substantive way. They clarify the interpretation of certain aspects of the By-Law.

TMMA discussion. Any actual wording changes will need to be part of the motion presented to town meeting for approval.

ARTICLE 53 Zoning. Moratorium on Banks and Credit Unions in CB District **2/3 vote required**

TMMA Discussion:

For many years residents have been complaining about the large number of banks in the center. Many people feel that banks can afford higher rents than most other types of retail businesses and therefore drive up the rents and limit the types of other businesses that can afford to locate in the center.

The Lexington Center Committee has been studying this for several years. This year they originally proposed an article that would have prohibited new banks in first floor store fronts in the center where office use is prohibited. Banks are currently classified as retail although their use tends to be office. Existing banks would not be affected by this zoning change, nor would new banks on upper stories. The Selectmen and the Planning Board did not support this proposal and prefer to study the matter for another year. The original Center Committee article is thus not in the warrant. In its place, this article would impose a moratorium, until July 31, 2016 on new banks and credit unions in center store fronts, while this matter is studied further.

There are currently 12 banks or credit unions in the CB Center Business District..

The Center Committee supports the moratorium and the opportunity to obtain more detailed data, although it is concerned about the increasing office-use aspect of banking center store frontage. According to the Center Committee Chair, Jerry Michelson, %the banking industry change over time can be seen in the renovations of the current banks with fewer teller windows (retail banking) and more office cubicles (office use). Much of the retail banking transactions occ online or at ATMs.+

This moratorium would not restrict new banks on upper floors in the center where office use is encouraged. The moratorium would not apply to the Lexington Place CD district. The Lexington Place CD district is the business, residential condominium in the center which replaced the Battle Green Inn. The original Center Committee proposal would have applied to it too.

At the close of the public hearing, the Planning Board voted 4 to1, with Mr. Hornig opposed, to proceed with this article.

Town Meeting Members Association Bylaws

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

Article I - Purpose

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

Article II - General Organization

Section 1 - Name

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

Section 2- TMMA Membership

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

Section 3 - Executive Committee

- A. **Membership.** There shall be an Executive Committee consisting of the TMMA Officers elected in accordance with the provisions of Article II, Sections 4 and 5, and the Precinct Officers elected in accordance with the provisions of Article III, Sections 1 and 2. In addition, any former TMMA Officer who remains a Town Meeting Member may elect to serve as an emeritus member of the Executive Committee for up to two years after leaving office.
- B. **Meetings.** The Executive Committee shall hold regular meetings during the year for the purpose of keeping abreast of Town affairs, particularly matters that may become the subject of future Town Meeting action, or for any other purpose relating to Town Meeting. The Executive Committee shall meet upon the call of the Chair, or at the request of five (5) Executive Committee members, with reasonable notice. The presence of nine (9) members, with at least five (5) precincts represented, shall constitute a quorum. Decisions shall be made by a majority of those members present and voting.
- C. **Attendance.** Executive Committee meetings shall be open to all TMMA members. Any TMMA member who is not a member of the Executive Committee may enter into Committee deliberations upon recognition by the Chair, but shall not vote.
- D. **Activities.** The Executive Committee shall undertake such activities as it deems appropriate to educate and inform Town Meeting Members and the public at large about

pending and upcoming Town Meeting issues, including but not limited to the preparation of a warrant information booklet, the conduct of warrant information meetings, the conduct of bus tours or on-site visits, and the maintenance of a TMMA web site and email list. To this end, the Executive Committee may appoint subcommittees, working groups or task forces from among the TMMA membership from time to time when considered appropriate to the purposes of the TMMA.

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

Section 4- TMMA Officers

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

Section 5- TMMA Meetings

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

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

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

- D. **General Meetings.** Additional general meetings of the TMMA membership may be called by the Chair with reasonable notice when deemed appropriate. A general meeting shall be called upon the request in writing of twenty-five (25) TMMA members.
- E. **Quorum and Voting.** The presence of fifty (50) Members shall constitute a quorum at a general meeting. Except to amend these bylaws under Article IV, decisions of the TMMA membership, including the election of TMMA Officers at the Annual Meeting, shall be made by a majority of those present and voting, as determined in accordance with the voting procedures customarily used at Town Meeting.

Section 6 - Dues

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

Article III - Precinct Organization

Section 1- Precinct Officers

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

absence; and stand in for the Precinct Clerk at Town Meeting during the Precinct Clerk's absence.

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

Section 2- Precinct Meetings

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

Article IV - Amendments

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

Summary of Parliamentary Procedures

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

Rules of Debate

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

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

Interrupting Debate

A speaker may be interrupted for:

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

Closing Debate

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

The Main Motion

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

Amending the Motion

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

Subsidiary Motions

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

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

Votes

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

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

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

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

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

Reconsideration of Motions

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

Dissolution of the Meeting

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

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