

TMMA Warrant Information Report



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

2021 Annual Town Meeting

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

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For new and updated information, please refer to the TMMA website at

www.LexingtonTMMA.org

Conflict of Interest Guideline for Town Meeting Members

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

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

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

Notes

Please note that all dollar amounts listed in this report are NOT final. The final dollar amounts will be provided in motions presented at the Annual Town Meeting starting on March 22.

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

Also note that the entire text of the Annual Town Meeting Warrant is included in this report. The Warrant text appears at the beginning of the write-up for each article and appears in 11-point italicized font. TMMA information appears in 12-point font.

The TMMA Summaries for the articles are synopses. Please refer to the “Brown Book”, the School Superintendent’s Budget, the Appropriation Committee and Capital Expenditures Committees Reports, the Planning Board Report and the Community Preservation Committee Report for full descriptions.

A Glossary of terms may be found in the “Brown Book”, Appendix D.

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ARTICLE 4

APPROPRIATE FY2022 OPERATING BUDGET

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

(Inserted by the Select Board)

FUNDS REQUESTED: See the most recent version of the FY2022 budget proposals posted at <http://lexingtonma.gov/budget>.

DESCRIPTION: This article requests funds for the FY2022 (July 1, 2021 - June 30, 2022) operating budget. The operating budget includes the school and municipal budgets. The operating budget includes requests for funds to provide prospective salary increases for employees, including salaries to be negotiated through collective bargaining negotiations. The budget also includes certain shared expenses.

TMMA Summary

TMMA Review (as of 03/10/21)

The information provided for this report is from the Town Manager’s “Fiscal Year 2022 Recommended Budget & Financing Plan, February 22, 2021” (the “Brown Book”). The operating budget is comprised of Education, Shared Expenses, Municipal expenses, cash capital and other revenue set-asides. The “Brown Book” Section I (I-2): Budget Overview Program Summary is:

<u>Program</u>	<u>FY2021 Appropriation</u>	<u>FY2022 Recommended</u>	<u>Dollar Change</u>	<u>% Change</u>
Education				
Lex. Public Schools	118,357,656	123,376,981	5,019,325	4.24%
Regional Schools	<u>2,863,147</u>	<u>3,130,038</u>	<u>266,891</u>	<u>9.32%</u>
Total Education	121,220,803	126,507,019	5,286,216	4.36%
Total Shared Expenses	62,581,456	64,640,036	2,058,581	3.29%
Total Municipal	41,598,660	43,000,887	1,402,227	3.37%
Total Capital	7,812,019	8,496,491	684,472	8.76%
Total Other Articles	<u>1,368,916</u>	<u>8,471,610</u>	<u>7,102,694</u>	<u>518.86%</u>
General Fund Total	234,581,853	251,116,043	16,534,190	7.05%

Program 1000 – Education

Lexington Public Schools - Major Changes, FY2021 to FY2022 (FY 2022 Superintendent's Recommended Budget): The components of the increase from FY 2021 include:

Below is the breakdown of the School Department's budget increase, by category, for FY 2022 totaling \$5,019,325, an increase of 4.24%. Please note that this includes the funds that the school department will transfer to Municipal accounts for the Benefits cost of new staff and this includes the funds that the school department will access through the Special Education Stabilization Fund.

Contractual Increases - \$2,783,523 or 2.35% of the 4.24% increase

The major driver in this category is funding current staffing levels for FY 2022 including step increases, anticipated collective bargaining and non-union wage settlements. It includes the overall reduction of 20.6 FTE staff from the FY 2021 baseline-staffing cohort. Additionally, this category includes contractual increases for the District's regular education transportation program.

Legal/Mandates - \$2,362,861 or 2.00% of the 4.24% increase

The major drivers for this increase are special education related. This funds an additional 17.0 FTE positions needed due to Individual Education Plan (IEP) requirements, such as staffing for expanded special education programming at Diamond Middle School and Lexington High School. It also funds increases in Special Education Out-of-District placements, Special Education Transportation increases and Special Education Extended Year (Summer) programs, and the Federally Mandated McKinney Vento Transportation for displaced students.

Enrollment Increases – (\$-231,509) or -0.20% of the 4.24% increase

The major drivers of this change are general education enrollment changes in the district. In FY 2022 this category will represent a net decrease in staffing of 3.7 FTE, based on anticipated enrollment and class size needs across the district. Also included are an overall reduction in funds for per-pupil adjustments in expense budgets to account for enrollment shifts, and refinement of other expense line items based on historic spending requirements.

Program Improvements - \$104,450 or 0.08% of the 4.27% increase

The major drivers of this increase are limited/targeted program improvements. This category funds certain staffing and upgrades in district programs such as K-5 Health & Wellness and supports for the Pre-K program at Lexington Children's Place.

Minuteman Vocational Technical High School - Major Changes, FY2021 to FY2022

(Per the FY 2022 Superintendent's Budget as reported by Judy Crocker, the Lexington representative to the Minuteman School Committee)

FY21 Public education as well as state and federal educational guidance have experienced a continuum of uncharted waters as the understanding and management of the COVID-19 global

pandemic evolves. The successful advancement of Minuteman Regional Vocation Technical High School's (MRVTHS) academics, social-emotional support, strategic planning, and property oversight have continued, albeit often in adapted forms. Supporting an over-enrolled student population with a growing waitlist from both member and non-member towns speaks to the accomplishments of how the MRVTHS community has both been sustained and grown during current events.

FY21 Highlights include:

- Hybrid Learning – From September 2020-March 2021 and rotating on a weekly basis, 25% of the students (one class) attend technical in-person learning while the balance of students engage in academic remote learning. In April 2021, it is expected that in-person technical learning will increase to 50% (two classes). About 5% of Minuteman students chose to solely study remotely.
- Added additional Facilitated Support Time to student schedules to provide academic and social-emotional support during hybrid learning
- All athletics have been suspended to-date
- Expanded community partners with select programs, such as between Food Link and the Culinary program
- Awarded several grants to expand its equipment resources. This has directly benefited programs such as Advanced Manufacturing and the school warehouse with state-of-the-art logistics and engineering equipment.
- Launch of its robotics team
- Developed a Facilitated Learning Program that supports MRVTHS staff whose children's schools have experienced remote learning only that doubles as a student learning experience
- The Superintendent, several faculty members and students earned state recognition for their leadership and academic accomplishments
- Moved forward to install a solar roof canopy that will double as a student learning experience. This will add two LEED points worth about \$2M towards MSBA reimbursement. Installation is expected for Fall 2021.
- Year Two occupying the new building has reset utility expense expectations (being the first full school year open) and the new building's punch list will be completed
- Community Education was not offered this year
- No rental income from facilities or athletic fields were collected
- With gratitude, member towns approved financing the addition of an outdoor lighting package for the new athletic fields. The athletic fields expected completion date is October 2021.
- The School Committee launched a Strategic Planning Subcommittee to explore expanding school enrollment from its current building capacity of 628 to 800 students
- No school-related positive COVID cases among students and staff have been reported to-date

FY22 Budget represents:

- The FY22 budget theme is "Preparing for Reality." It reflects new challenges post pandemic and continues to focus on the health, safety, and educational needs of students and staff

- The launch of the school’s 19th program discipline Animal Science/Vet Assisting
- Technology upgrades for remote learning that augment Coronavirus Relief Fund grant funding applications
- As the number of member district applications continue to trend higher, the district will explore cost effective ways to increase student capacity to end wait lists and provide all eligible students access to high quality career and technical education
- Lexington’s total projected FY22 MRVTHS assessment is \$3,130,038. This represents a 9.3 % increase over FY21. This is less than the growth of incurred costs for FY21 (15.9%) and FY20 (16.2%). The FY22 increase in total assessments is due to Lexington’s growing member enrollment from 62 to 71 students and increased debt service attributed to the new school building and athletic fields, opened in September 2019 and October 2021 respectively. This construction-related debt service was predicted when the MSBA project approval process for the new school building moved forward in 2016.
- Lexington has chosen to finance our portion of MRVTHS debt service through general funds. The MRVTHS FY22 budget includes final construction (~\$3.8M) and athletic field (~\$1.9M) borrowing estimated at a conservative interest rate of 1.75% (specific rate not known at press time). This borrowing will increase the total operating and capital budget by 8.4%.
- The district has worked with the state to establish per-student capital fees applicable to non-member towns. This revenue will be used to offset member town debt assessments as long as there is non-member enrollment. FY22 “current year” collected fees as well as FY21 “prior year” collected fees but not expended will be used to offset member town capital costs.
- Even though the school building is new, it has not experienced a full year of use due to current events. FY21 Electric and heat expenses significantly increased compared to the former building’s needs. The projected FY22 increases are therefore being estimated conservatively.
- The increase in operating assessments is 2.4% above FY21 (total ~\$20.7M)
- Total assessments to member towns will increase 12.3% above FY21 (total ~\$19.5M)

Shared Expense Changes, FY2021 to FY2022 (Brown Book, Program Summary I-2):

<u>Program</u>	<u>Reason</u>	<u>Change Amount</u>
• 2110 – Contributory Retirement	To meet actuarial valuation-base funding schedule mandated by State regulation	\$ 731,963
• 2120 – Non-Contrib. Retirement	For employees with pensions before Contributory Retirement System was established	420
• 2130 – Medicare, Health, Dental, Life Ins.	Based on 5.0% increase across all health insurance plans and the addition or change of 80 subscribers	1,182,694
• 2140 – Unemployment	The Town self-insures for this expense	100,000
• 2150 – Workers’ Comp.	Basically level funded from FY21	(125,000)
• 2210 – Property &	Level funded, FY21 premium incr. less than expected	0

	Liab. Insurance		
•	2220 – Uninsured Losses	No increase in the continuing balance account.	0
•	2310 – Solar Producer Payments	Obligated payments for installation and operation of the solar array on Hartwell Ave.	(20,000)
•	2400 –Debt Service	Levy supported (non-exempt) debt	25,529
•	2500– Reserve Fund	For unforeseen expenses	0
•	2600 –Facilities	Due to contract step & cost of living increases	162,975

Municipal Operating Budget Major Changes, FY2021 to FY2022 (Program Summary I-2):

Except where otherwise noted below, the FY2022 budget is level funded from FY2021. Those departments having increases above \$50,000 are (salaries do not include benefits reflected in Shared Expenses):

<u>Program</u>	<u>Reason</u>	<u>Increase Amount</u>
• 3000 – Public Works	Step & cost of living incr., program improvements	\$722,506
• 4100 – Law Enforcement	Step & cost of living incr., program improvements	196,499
• 4200 – Fire & Rescue	Step & cost of living incr., Expense incr. \$24,427	271,076
• 5100 – Library	Step & cost of living incr., Expense incr. \$43,832	146,717
• 7100 – Land Use, Health	Step & cost of living increases	57,178
• 8210 – Town Manager	Step & cost of living increases	76,724
• 8400 – Finance	Step & cost of living incr., hire a payroll manager	106,108

Total Capital includes “cash capital”, the Building Envelope Set-Aside and the Streets Set-Aside (see Section I: Program Summary on page, I-5 and Section XI: Capital Investment). The increase of \$684,472 results from an increase of \$661,596 in Capital Requests, an increase of \$5,224 for the Building Envelope/Systems Set-Aside and an increase of \$17,652 for the Streets Set-Aside. *Please see the Capital Expenditures Committee report.*

Total Other Articles has an increase from FY 2021 of \$7,102,694. This includes an Unallocated increase of \$500,000. The *Set-Aside for Unanticipated Current FY Needs* is \$200,000. The *Set-Aside for State Aid Reductions* is \$2,00,000. The allocation for the *Capital Stabilization Fund* increases by \$3,217,674. The fund will be used in future periods to reduce demand on the tax levy as capital project payments come on line. The *Senior Service Program* is increased to \$15,000, the *Getting to Net Zero* has no appropriation for FY 2021. The *Vision for Lexington Townwide Survey* has an appropriation of \$50,000. The funding of the *OPEB Trust Fund* has an increase of \$1,129,721 to return to prior funding levels and the *Warrant Articles* account has an appropriation of \$100,000 for FY 2021.

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

FUNDS REQUESTED:

Enterprise Fund	FY2020 Appropriated	FY2021 Appropriated	FY2022 Requested
a) Water			
Personal Services	\$660,929	\$804,234	\$903,535
Expenses	\$420,436	\$502,925	\$514,300
Debt Service	\$1,192,000	\$1,278,770	\$1,318,329
MWRA Assessment	\$7,413,364	\$8,006,399	\$8,807,039
Total Water Enterprise Fund	\$9,686,729	\$10,592,328	\$11,543,203
b) Wastewater			
Personal Services	\$226,162	\$366,568	\$401,775
Expenses	\$284,781	\$444,150	\$454,650
Debt Service	\$1,200,863	\$1,388,579	\$1,569,588
MWRA Assessment	\$7,837,139	\$7,922,359	\$8,714,595
Total Water Enterprise Fund	\$9,548,945	\$10,121,656	\$11,140,608
c) Recreation and Community Programs			
Personal Services	\$1,246,075	\$962,170	\$1,342,201
Expenses	\$1,048,149	\$1,041,951	\$1,247,735
Total Recreation and Community Programs Enterprise Fund	\$2,294,224	\$2,004,121	\$2,589,936

DESCRIPTION: Under Massachusetts General Laws Chapter 44, Section 53F½, towns may establish Enterprise Funds for a utility, health care, recreation or transportation operation, with the operation to receive related revenue and receipts and pay expenses of such operation. This article provides for the appropriation to and expenditure from three enterprise funds previously established by the Town. The Recreation and Community Programs Fund includes the operations and programs for the Community Center.

TMMA Summary

TMMA Summary - (as of 03/6/21)

Passage of this article appropriates money for the Water, Wastewater, Recreation and Community Programs Enterprise Funds. Lexington has established individual Enterprise Funds for to receive revenue from water and sewer bills and from recreation fees. Program expenses are paid from their enterprise funds. FY2022 represents the sixteenth year in which the enterprise fund budgets have been separated from the general expenses of the municipal operating budget. This change was made to allow for greater transparency and to improve accounting functions.

The major variations to the Water and Wastewater Enterprise funds budgets from FY2021 reflect estimated changes for the Mass. Water Resources Authority (MWRA) assessments and debt service. Debt service includes actual debt service on bonds issued to date, estimated debt service on projects authorized by Town Meeting for which debt has yet to be issued and estimated debt service on projects proposed for consideration at the 2021 Annual Town Meeting.

The FY2022 MWRA assessments reflected in the recommended budgets are based on preliminary assessments issued by the MWRA. Final assessments will be voted by the MWRA Board of Directors later in the spring. Generally, there is little variance between the preliminary and final assessments. The budget adopted at the Annual Town Meeting plus indirect costs – those costs borne by the general fund operating budget that support the operations of the water and wastewater divisions – will serve as the basis for rate recommendations to be made to the Select Board.

Based on updated information, adjustments have been made to the amounts printed in the Warrant. The revised requested amounts for the Enterprise Funds Budgets are:

<u>Water</u>	<u>FY 2022</u>
Personal Services	\$ 903,535
Expenses	\$ 514,300
Debt Service	\$1,179,794
MWRA Assessment	<u>\$8,782,170</u>
Total	\$11,379,799

<u>Wastewater</u>	
Personal Services	\$ 401,775
Expenses	\$ 454,650
Debt Service	\$1,464,513
MWRA Assessment	<u>\$8,232,301</u>
Total	\$10,553, 239

Recreation and

<u>Community Programs</u>	
Personal Services	\$1,342,201
Expenses	<u>\$1,247,735</u>
Total	\$2,589,936

TMMA Question:

1. What is an Enterprise Fund?

Answer: An enterprise fund is a self-supporting account for a specific service or program that the Town operates as a separate “business”. Enterprise funds do not depend on taxes for operating revenue. They are funded by receipts for the service that are automatically deposited into the fund. Funds remain in the enterprise fund and roll over for the next year’s operation of that service. This eliminates the need for Town Meeting to annually appropriate funding for that service from general revenues. 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.

TMMA Summary

MOTION: That the Town appropriate \$100,000 for the purpose of conducting a municipal organizational assessment and for incidental costs related thereto, to be spent under the direction of the Town Manager; and that to meet this appropriation \$100,000 be appropriated from the General Fund unreserved fund balance.

The need for a municipal organizational assessment became apparent at Select Board discussions with the Town Manager regarding the town's organizational structure. Under the "Select Board – Town Manager Act", reorganization falls to the Town Manager to implement.

The issues that came up were:

- 1) Is the Health Department in the right place organizationally as part of the Land Use, Health and Development Department? It was placed here based on the permitting function and the need to work closely with building and other departments. Some communities have created a Health and Human Services Department. Currently we have Transportation included with Human Services and it's felt that it may be more appropriate to put Transportation under Planning.
- 2) The second question was about the future of police departments in a suburban community and should social workers be included in the department structure.

Regarding the two issues above, the Select Board indicated they didn't think any review should be limited to these two departments (Health and Police) and should include a review of all departments.

- 3) Lastly, there was discussion about the opportunities to combine more municipal/school departments, e.g., HR, Finance and IT similar to the Department of Public Facilities. This aspect would need to include leadership in the School Department.

Upon approval by Town Meeting, a RFP will be completed and put out to bid.

ARTICLE 8

APPROPRIATE FOR 20/20 VISION SURVEY

To see if the Town will vote to appropriate a sum of money for the purpose of conducting a Town-wide 20/20 vision survey and related expenses and determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto. *(Inserted by the Select Board)*

FUNDS REQUESTED: \$50,000

DESCRIPTION: This article will allow the 2020 Vision committee to conduct a survey is be part of a longitudinal study to assess community perspectives and progress toward meeting stated preferences of community members and to inform planning and decision-making by the three elected boards.

TMMA Summary

To see if the Town will vote to appropriate \$50,000 to conduct the third in a sequence of Town-Wide Surveys to identify, assess, and communicate Resident Priorities, town performance, and determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods.

TMMA Questions:

1) Who will be creating the survey?

Answer: The Town Manager, working with the 2020 subcommittee appointed for this purpose, will conduct the survey. The Survey questions will be derived from the questions used in the 2012 and 2017 surveys so that we can compare 2022 responses to those from prior years. The questions will be updated and expanded or pared down, as appropriate, to keep the survey current. The subcommittee has identified the areas of Diversity, Equity, and Inclusion (DEI), Climate Action, and Public Health as areas needing questions revised from those used in 2017.

2) Who will be doing the analysis of the results?

Answer: The actual programming of the online survey, translation to other languages (TBD), collection of results and statistical analysis will be performed by the Center for Social Research at Framingham State University, led by Dr. Marian Cohen. Paper versions of the survey will also be available for those who prefer to reply via hard copy. The results of the analysis could be interpreted under Town Manager direction by the subcommittee and Vision for Lexington Committee for performance, quality and improvement of the town wide activities.

ARTICLE 9 ESTABLISH AND CONTINUE DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote, pursuant to the Massachusetts General Laws Chapter 44, Section 53E½ and Chapter 110 of the Code of the Town of Lexington, to continue existing revolving funds; to amend said Chapter 110 to establish new revolving funds; to determine whether the maximum amounts that may be expended from such new and existing revolving fund accounts in FY2022 shall be the following amounts or any other amounts; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED:

Program or Purpose for Revolving Funds	FY2022 Authorization
School Bus Transportation	\$1,150,000
Building Rental Revolving Fund	\$570,000
Regional Cache - Hartwell Avenue	\$50,000
Lexington Tree Fund	\$70,000
DPW Burial Containers	\$50,000
DPW Compost Operations	\$790,000
Minuteman Household Hazardous Waste Program	\$260,000
Senior Services Program	\$75,000
Residential Engineering Review	\$57,600
Health Programs	\$45,000
Lab Animal Permits	\$40,000
Tourism/Liberty Ride	\$194,000
Visitors Center	\$247,000

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

TMMA Summary

The amounts 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 FY2022 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, and in no case can spending exceed revenues on hand. The Select Board with approval by the Appropriation Committee, has the authority to increase a program's spending ceiling within expected receipts.

ARTICLE 10 APPROPRIATE THE FY2022 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 FY2022 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations; for the debt service on previously authorized financing; for the administrative expenses of the Community Preservation Committee for FY2022; for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with moneys from the Community Preservation Fund; to appropriate funds for such projects and determine whether the money shall be provided by the tax levy, or from estimated Community Preservation Act surcharges and the state match for the upcoming fiscal year, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

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

FUNDS REQUESTED:

- a) Park and Playground Improvements- South Rindge Avenue - \$170,000
- b) Park Improvements- Athletic Fields- Muzzey Field - \$155,000
- c) Community Center Mansion Sidewalk & Patio - \$110,000
- d) Playground Enhancements - Pour-in-Place Surfaces - \$150,000
- e) CPA Debt Service - \$TBD
- f) Administrative Budget - \$150,000

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

TMMA Summary

For FY 2022, the recommended projects to be CPA funded are:

10 (a) - Community Center Mansion Sidewalk and Patio - \$110,000

The Recreation Committee requests \$110,000 to replace the existing sidewalk and patio along the mansion side of the Community Center. This area currently has a walkway made of bluestone material that is cracked, uneven, and not HP accessible. When the building was purchased and renovated for opening in July 2015, the walkway was identified as a future project

that would need to be addressed. The Community Center grounds provide an expanse of potential programming and group use space. The existing walkway, linking the sidewalk and parking lot to the Marrett Road/mansion side of the building, is not accessible in addition to presenting safety concerns such as trip hazards. Although a beautiful complement to the property, the bluestone walkway is aged, uneven, and cracked. The bluestone continues on to a courtyard, overlooking the expansive lawn. Replacing the bluestone with durable concrete would provide an aesthetic, stable, and long-term solution to providing access around the building. The courtyard and surrounding lawn, which is adjacent to the mansion sunroom, would expand opportunities for outdoor group gatherings, festivities, public speaking engagements and social meet ups. As was identified in the 2020 Community Needs Assessment, residents have expressed a strong desire for outdoor recreational activities and increased trail connections. This accessible pathway would accomplish a complete link from the parking lot, around the perimeter of the building, and connect to the rear parking lot where the newly established raised sensory garden beds were installed.

10 (b) - Park and Playground Improvements - South Rindge Avenue - \$170,000

The Recreation Committee requests \$170,000 in FY2022 to update and replace playground equipment and fiber safety surfacing, in addition to installing new fencing around the playground, signage, park benches, and a bike rack at the Rindge Neighborhood Park. Additionally, at the recommendation of the 2017 ADA Compliance Study, the walkway leading to the playground will also be renovated to meet the minimum width regulations and an accessible path leading to the Arlington Reservoir Trail. A connection to the basketball court will also be installed.

10 (c) - Park Improvements - Athletic Fields - Muzzey Field - \$155,000

The Recreation Committee requests \$155,000 in FY2022 to renovate the Muzzey Field. This is an ongoing multi-year capital program in cooperation with the Parks Division of Public Works, to identify and address safety and playability concerns and to provide safe field conditions for drop-in or pick-up play, organized leagues, and school programs. The field renovation at Muzzey will include irrigation upgrades, laser grading, and the installation of new natural grass, multi-purpose athletic field. Two accessible paths, one on each side of the field, will also be installed as part of this renovation to enhance access at this site.

10 (d) - Playground Enhancements - Pour-in-Place Surfaces - \$150,000

This FY22 request will fund the safety surfacing replacement at the Harrington Elementary School playground with Pour in Place (PIP) safety surfacing. Currently the school has a playground that uses engineered wood fiber for safety surfacing. Engineered wood fiber is not stable and is regularly washed out or kicked out while using the playground equipment. When this occurs, the impact-absorbent surfacing requirement of 12 inches is no longer being met. PIP safety surfacing is a rubber/urethane product that drains extremely well and aids in melting snow. The PIP safety surface will remain at the minimum required safety depth of 12 inches since the product material does not get washed out or kicked out with use.

Project Goals and Objectives:

- Update and replace current safety surfacing with new, modern PIP safety surfacing;
- Increase safety and usability of the playground year round;
- Maintain the impact-absorbent surfacing safety requirement depth of 12 inches; and
- Prolong the duration of the playground's usability.

Project Benefit:

If existing safety surfacing materials are left in place, the playground will continue to require an annual supplement of wood fiber, raking over the holes and general clean up from the walk off by users. PIP safety surfacing requires little to no annual maintenance and has a use expectancy of 15 years.

Funding Request:

\$150,000 is requested in FY22. Subsequent requests are anticipated in FY23 - FY25 for similar upgrades to the safety surfacing at the Estabrook, Fiske and Bowman playgrounds.

e) CPA Debt Service- \$2,989,550

FY22 debt service obligations consist of four components described below:

1) Wright Farm: \$339,250:

Under Article 9 of the 2012 Annual Town Meeting, voters approved the \$3,072,000 acquisition of a substantial portion of the Wright Farm property. Of this appropriation, the Town was authorized to borrow \$2,950,000. In February 2013, the Town sold a \$2.95 million bond anticipation note (BAN) that came due in February 2014. The interest payment on the BAN was \$36,875. The BAN was refinanced in February 2014 through the issuance of a \$2.95 million bond for a ten-year term. The first debt service payments of principal and interest on the bond were made in FY15. Debt service on the bond for FY22 is \$2,989,550 including both principal and interest.

2) Community Center Acquisition: \$850,500:

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

interest on the bond were made in FY15. Debt service on the bond for FY22 is \$850,500, including both principal and interest.

3) Cary Memorial Building Upgrade: \$759,800

Under Article 2 of the Special Town Meeting in March 2014, Town Meeting approved an appropriation of \$8,677,400 to fund the cost of renovations to the Cary Memorial Building. Of this amount, \$8,241,350 was requested in CPA funding to be financed through the issuance of debt. A bond anticipation note in the amount of \$3,286,000 was issued in June 2014; the note came due in February 2015 at which time a \$6,569,000 bond was issued, comprised of two components--the conversion of \$2,286,000 of the June 2014 note to long-term debt and new financing of the project in the amount of \$4,283,000. In February 2015, the residual portion of that June 2014 note, \$1,000,000, was refinanced as a note with a term of four months at which time it was proposed that it be retired with cash from the Community Preservation Fund (CPF). An appropriation of \$1,000,000 for this purpose, plus \$960 for the interest due on that note, was approved under Article 30 of the 2015 Annual Town Meeting. The first debt service payments of principal and interest on the \$6,569,000 bond were made in FY16. FY22 debt service is \$759,800 including both principal and interest.

4) Highland Avenue land acquisition (Funding to be determined)

Under Article 7 of the fall 2020 STM appropriated 3 \$3,560,000 for the purchase of 4.48 acres of conservation land, with \$880,000 be appropriated from the Open Space Reserve of the Community Preservation Fund and \$1,680,000 be appropriated from the Undesignated Fund Balance of the Community Preservation Fund, and \$1,000,000 to be borrowed using a short term BAN. For FY2022 the CPC has more cash reserves on hand than originally expected in the Undesignated Fund Balance of the Community Preservation Fund. At this Annual Town Meeting, the CPC is recommending to modify the funding sources for the Highland Avenue land acquisition to be fully paid with cash, from that undesignated balance in the CPF, and to also rescind the borrowing authorization. If the motion under Article 25 passes, the \$1,040,000 in debt service will no longer be needed, and the debt service budget can be reduced by approximately \$20K in future interest on the unissued debt.

f) Administrative Budget- \$150,000

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

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

ARTICLE 12 APPROPRIATE FOR MUNICIPAL CAPITAL PROJECTS AND EQUIPMENT

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

- equipment: a) Transportation Mitigation;
- b) Self-Contained Breathing Apparatus Replacement;
- c) Townwide Culvert Replacement;
- d) Equipment Replacement;
- e) Sidewalk Improvements;
- f) Storm Drainage Improvements and NPDES compliance;
- g) Comprehensive Watershed Stormwater Management;
- h) Street Improvements;
- i) Hydrant Replacement Program;
- j) Public Parking Lot Improvement Program;
- k) New Sidewalk Installations;
- l) Staging for Special Events;
- m) Cary Library Network Upgrade;
- n) Electric Vehicle Charging Stations;
- o) Parking System;

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

(Inserted by the Select Board)

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2022 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy22capital>.

TMMA Summary

The FY 2022 municipal capital projects requesting funding are:

12(a) – Transportation Mitigation

This appropriation allows the Town to respond to emergent safety issues identified by the transportation safety group. This year’s request is \$20,990 which is Lexington’s share of a \$.20 surcharge that the state collects from such services as Uber and Lyft. The surcharge is split between the town of origination and the town of destination. Our allotment for this year is

\$20,990. There are limits on the spending as well as reporting requirements. Because spending requirements fit the needs of the Transportation Safety Group - it makes sense to use this funding source.

In the past, this funding has been used for crosswalk design and permits for a crosswalk on Maple St. This funding enabled us to receive a \$30,000 grant to build the crosswalk – TSG paid for the design and \$2000 of the construction. Other possible uses are for radar speed-indicating feedback signs and radar for vehicle speed enforcement and speed counts.

b) Self-Contained Breathing Apparatus Replacement – \$416,545 (Free Cash):

Firefighters use self-contained breathing apparatus (SCBA) when working in areas that have an atmosphere that is immediately dangerous to life and health (IDLH), including almost all fires, hazardous material spills, and confined spaces. This equipment is mandatory life-safety equipment for all firefighters through OSHA, NFPA and NIOSH, and was originally purchased through a FEMA grant in 2011. It is nearing the end of its useful life. Repairs have become more frequent and expensive, and the potential for equipment failure in an IDLH situation has grown. The Fire department will seek additional grant funding for this replacement, in which case excess funds will be returned.

c) Townwide Culvert Replacement - \$390,000 (Free Cash): This request is part of an ongoing program to proactively replace culverts prior to catastrophic failure, which will allow for proper design considerations and funding while also minimizing the impact to residents through unexpected road closures and flooding. Work is near completion on the Culvert Asset Management Plan after detailed inspections were performed on all of the known town-owned culverts. This program is a companion effort with the ongoing Watershed Management Plan. Final design, permitting and gathering easements are underway for culverts at Constitution Road and Valleyfield Street. Geotechnical investigations are underway along with culvert design for the Waltham Street culvert at Clematis Brook. Construction is anticipated to begin in Summer 2021.

d) Equipment Replacement - \$1,420,000 (\$899,026 Free Cash, \$145,000 Water Retained Earnings, \$110,000 Sewer Retained Earnings, \$155,974 Prior Bond Authorizations & \$110,000 BAN Premiums):

This is an annual request to replace equipment that is beyond its useful life and whose mechanical condition no longer meets the requirements of the Department of Public Works (DPW). The DPW has an inventory of 146 pieces of equipment including sedans, hybrid SUVs, construction vehicles and specialized equipment used to mow parks, plow snow, repair streets and complete a variety of other projects. Without regular equipment replacement, the efficiency and cost effectiveness of the DPW's operations would be handicapped due to equipment downtime and excessive repair costs. Each piece of equipment is inventoried with original and current replacement cost, state of condition and replacement time interval. Replacement intervals vary from 5 to 20 years and are based on manufacturer recommendations and use (type and duration). The selection of vehicles to be replaced begins with the proposed replacement date. Then each vehicle is assessed as to its mechanical condition and work requirements. The systematic replacement program defines what equipment is expected to need replacement during the next

five years with the intent of preventing any unexpected emergency purchases. Annual updates are conducted by the Equipment Maintenance Division, Division Superintendents and reviewed by the Manager of Operations and Director of Public Works.

The FY2022 request, by funding source, is shown in the table below.

Equipment	Other Funds	Free Cash	Sewer RE	Water RE	Total
6 Wheel Hook Loader with Wing Plow	\$ 265,974	\$ 54,026			\$ 320,000
Front End Loader with Plow	\$ —	\$ 225,000			\$ 225,000
Rubber Tired Mini Excavator			\$ 95,000	\$ 95,000	\$ 190,000
Trackless Sidewalk Machine with Snowblower		\$ 165,000			\$ 165,000
F450 Utility body with Plow		\$ 115,000			\$ 115,000
60 kW Generator with 4" Pump			\$ 15,000	\$ 50,000	\$ 65,000
Toro 4700 Mower		\$ 125,000			\$ 125,000
Small Dump Truck with Snow Plow		\$ 110,000			\$ 110,000
Small Dump Truck with Snow Plow		\$ 105,000			\$ 105,000
Total	\$ 265,974	\$899,026	\$110,000	\$145,000	\$ 1,420,000

e) Sidewalk Improvements - \$800,000 (\$765,475 GF Debt/ \$34,525 Free Cash);

This request seeks funds to rebuild and/or repair existing sidewalks that are in poor condition. The DPW (in conjunction with various committees and town departments) generates a list each year of sidewalks most in need of repair/replacement, based on four determining factors:

- 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?
- 4) Is the general condition of the sidewalk poor, fair or good which dictates treatments such as full reconstruction, overlay or patching?

DPW currently reviews the condition for 30% of town sidewalks annually, which is used to identify the work to be done. Sidewalks considered for FY2022 funding include:

- Lowell St. from Woburn St. to Fulton Rd. (East side)
- Heritage Dr.
- Partridge Rd.
- Gould Rd. from Dewey to Turning Mill Rd.
- South Rindge Ave.
- Bow St.

- Waltham St. from Park Dr. to Worthen Rd. (West side)
- Reconstruction of Ramps, Townwide
- Village Circle
- Sanderson Rd.
- Bryant Rd.
- Orchard Lane
- Demar Rd. from Turning Mill to #26
- Dewey Rd. from Grove St. to Gould Rd.
- Royal Circle

f) Storm Drainage Improvements and NPDES Compliance - \$385,000: This is an annual request to replace and supplement existing drainage structures, issues typically uncovered during roadway related construction activity. Funds will also be used for continued compliance with the Environmental Protection Agency (EPA) Phase II regulations which help improve the water quality of Lexington's streams and ponds. Approximately \$115,000 of this funding request is for compliance with the construction-related portions of the National Pollutant Discharge and Elimination System (NPDES) minimum control measures as mandated by the EPA in the stormwater general permit. The permit also requires the Town to comply with requirements for illicit discharge detection and elimination (IDDE), best management practices (BMP), installation, and retrofits. The remaining \$270,000 will be used to repair/replace drainage structures encountered during road construction, repair other drainage areas of concern in the Town and improve stormwater issues discovered during NPDES investigation work. Current drainage improvements are being performed throughout the Locust Avenue neighborhood as well as Munroe Road. The IDDE program has continued with two summer interns and work is underway on the design of numerous BMPs, as well as drainage improvements in other areas of town. The preemptive repair of existing drainage structures will reduce damage to structures themselves, existing pavement, and private and public property.

g) Comprehensive Watershed Stormwater Management - \$390,000 (Free Cash): DPW, Engineering, and Conservation collaborate on this annual capital request which addresses drainage/ brook management issues. The request funds the continuing design and implementation of watershed plans and the construction of priorities established in those plans. Staff has reviewed three watershed plans already completed (Charles River, Shawsheen River and Mystic River) and developed a prioritization schedule with built-in flexibility pending unforeseen changes. Requested funding will be used to move forward with those prioritized areas. Design work is in progress in the Valleyfield area, which will be a phased project. A thorough evaluation has been completed in the Oxbow Constitution area with design now in progress, with easement discussions and permitting commencing soon. Long-term benefits of the program include prevention of property.

While not included in sections f or g of the current article, staff continue to examine options for creating a **Stormwater Enterprise Fund** to be funded by a **Stormwater Management Fee**. The Town is now expending over \$2,000,000 annually as part of the capital and operating budgets to improve and maintain drainage townwide, to comply with its National Pollution Discharge Elimination system (NPDES) permit, and manage the stormwater regulations, in addition to over 2.0 FTE of Engineering staff time. Stormwater management is an important local, state and national concern. While Lexington’s NPDES permit was based on the original 2003 issuance, regulation levels have been strengthened and we are now under new EPA regulations which are much more prescriptive and stringent. These capital and operating budget impacts will increase as the NPDES permit continues and our infrastructure continues to age. In anticipation of this mandated program and the ever increasing needs of managing stormwater, a number of municipalities nationwide, including some in Massachusetts, have instituted a Stormwater Management Fee to offset the capital and operating costs of managing stormwater.

h) Street Improvements - \$2,651,674 (Tax Levy)- \$3,629,591 (\$2,651,674 Tax Levy, \$977,917 Chapter 90 funding): This is an annual request for the street resurfacing and maintenance program. In addition to the \$2,651,674 appropriated from the tax levy, \$977,917 of Chapter 90 funds will be utilized. (Chapter 90 funding is based on Lexington’s most recent allocation and on the current state allocation of \$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 being developed. A pavement management system is utilized to assist in analyzing the road network and selecting roadways for repairs. This funding will allow for the proper improvements and repair of Lexington’s streets and sidewalks, increasing their quality and safety.

<u>Street Improvements - Financing Components</u>	<u>FY2022</u>
2001 Override Increased by 2.5% per year	\$ 723,719
Maintenance of unallocated revenue from FY2012 Revenue Allocation Model	\$ 281,234
Maintenance of unallocated revenue from FY2013 Revenue Allocation Model	\$ 164,850
FY2014 Health Insurance Savings	\$ 1,100,000
Additional Tax Levy Funding	\$ 381,871
Estimated Chapter 90 Aid	\$ 977,917
Total	<u>\$ 3,629,591</u>
Without Chapter 90	\$ 2,651,674

i) Hydrant Replacement Program - \$150,000 (\$75,000 Free Cash & \$75,000 Water Retained Earnings): This is an ongoing replacement program designed to maintain the integrity of the fire protection system throughout town. Faulty hydrants need to be replaced to meet safety requirements. A list of hydrants needing replacement is generated each year during the annual

inspection and flushing of hydrants by the Water and Fire Departments. Based on discussions between the two departments, the target goal is to replace approximately 60 hydrants per year at a cost of \$2,500 per hydrant. The Town of Lexington has 1,747 fire hydrants in its fire protection system; a total of 42 hydrants were replaced in FY2020.

j) Public Parking Lot Improvement Program - \$100,000 (Parking Fund): This request is for the redesign of the public parking lots located in downtown Lexington, including the Depot lot, the lot between Edison Way and the Depot (CVS lot), and the lot between Waltham Street and Muzzey Street (Michelson lot). These lots are currently in fair to poor condition with inefficient circulation and parking layouts. This redesign work will include surveys and a conceptual plan development design, with the anticipated results of improved efficiency, circulation and aesthetics. More detail is needed in order to get solid estimates on the cost of construction.

k) New Sidewalk Installations - \$650,000 (General Fund Debt): This request will fund construction of new sidewalks on Lincoln Street from Marrett Road to Middle Street. Additional locations have been requested for future years, and may warrant having further discussions with policy makers on cost-sharing with property owners through betterment assessments.

l) Staging for Special Events - \$65,000 (Free Cash): This request is to purchase two staging units for use at Town special events, including Patriots' Day. The Town currently owns one staging unit, supplemented by wagon trailers borrowed from Waltham. The borrowed trailers are subject to availability, difficult to move, and unstable, requiring manual reinforcements to ensure safety. New staging would allow for access by persons with disabilities, provide a more stable seating/viewing area, and be more readily available for a wide range of town events and programs.

m) Cary Library Network - \$95,000 (Free Cash): The Library is requesting integration of its network infrastructure hardware into the Town's infrastructure, including migration to the Town's network support and service contracts. Library equipment, including WiFi access points, network switches and cabling, will be upgraded to Town network standards, and the Library network traffic will be managed by existing Town infrastructure, thus maximizing the Town IT infrastructure investments and providing increased network capability and management to the Library.

n) Electric Vehicle Charging Stations - \$69,000 (Free Cash): This request is for the purchase and installation of two or more electric vehicle charging stations primarily to be used for municipal vehicles. In order to meet the Select Board's goal for fleet electrification and net-zero emissions, it is essential to develop the necessary charging infrastructure to expand electric vehicles within the fleet and to ensure that the infrastructure will be in place once more vehicles within the town's fleet are replaced with electric vehicles. In addition, one of the police cruisers scheduled for replacement in FY2022 will be a hybrid vehicle.

o) Parking System Replacement - \$343,237 (Parking Fund): The Town's current parking meters run on a 3G network which is going obsolete, and needs to be upgraded to 4G. Given the cost, there has been some discussion about potentially changing parking systems, including transitioning from individual meters to a more modern kiosk or pay-by-phone system, and converting the Depot Lot from one overseen by an attendant to parking kiosks. The project is

Parker Road neighborhood, Vine Street, Hayden Avenue, and Marshall Road. A booster pump is planned for the low-pressure area along Fairfield Street.

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

2. Water Tower replacement design phase: The Town of Lexington owns two water tanks located on Morgan Road. The smaller tank is a bolted steel tank with a volume of 1 Million Gallons (MG) and was constructed in 1933. The larger tank is a bolted steel tank with a volume of 2.24 MG and was constructed in 1950. This funding request will be used to design the replacement of the water tank(s), which are nearing or have reached the end of their 75-year useful life. Tank replacement is likely within the next 5 years. During the replacement process a third tank, located in Lexington, off of Walnut Street, that belongs to the MWRA will be used to provide water when a town tank is out of service.

TMMA Questions:

- 1) **What is the expected total cost of the Water Tower replacement project?**
- 2) **Will reconstruction costs require a debt exclusion override?**

ARTICLE 14 APPROPRIATE FOR WASTEWATER SYSTEM IMPROVEMENTS

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

FUNDS REQUESTED: \$1,520,000

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2022 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy22capital>.

TMMA Summary

This Article has two components. The first is the routine program of rehabilitating the waste water system's sewer mains, and the second is funding the upgrade of 2 wastewater pumping stations.

Sanitary Sewer System Investigation and Improvements -\$1,000,000 (\$800,000 Wastewater Debt, \$200,000 Wastewater User Charges): This is an annual program that provides for rehabilitation of sanitary sewer infrastructure. Work will include replacement or repair of deteriorated sewers, force mains and manholes in order to improve flow and reduce inflow and infiltration into the system. Engineering investigation and evaluation will continue on sewers throughout town, including those in remote, hard to access areas. These capital investments improve the operation of the sewer system, reduce backups and potential overflows, prevent system malfunctions and reduce the measured flows through the MWRA meter. Leakage into the system increases the costs to users, and leakage out of the system causes pollution and the need for emergency repairs.

WasteWater Fund Debt Management -Ongoing Main Replacement Program

For FY2021, the Sewer Budget was presented using cash capital for replacing sewer mains. The Town's practice has been to renew, rehabilitate and replace sewer mains on an ongoing basis as determined by their condition, break history and anticipated remaining useful life. This work has been funded with debt (approximately \$1 million per year in the WasteWater Fund). The intention is to transition the funding mechanism from debt financed over a ten-year period to cash funded from user charges.

For FY2022 the recommendation to phase-out annual debt financing continues with \$200,000 in cash capital to be paid by fees in the Sewer Fund. Once complete, this transition will save a significant amount of annual interest expense for both funds.

Pump Station Upgrades -\$520,000 (Wastewater Debt): This is an ongoing program to upgrade Lexington's ten sewer pumping stations. A 2013 evaluation and capital plan was developed for the Town with the assistance of Wright-Pierce, including a detailed engineering survey of the pump stations. The survey helped determine current and future needs, timetable and probable costs for the proposed work. Construction has been completed on the pump stations at Worthen Road, Marshall Road and Constitution Road. Design is underway for construction at the Hayden Avenue and North Street pump stations. The goal of this program is to upgrade all of the pumps and support systems to enable better energy efficiency and avoid emergency expenditures.

ARTICLE 15 APPROPRIATE FOR SCHOOL CAPITAL PROJECTS AND EQUIPMENT

To see if the Town will vote to appropriate a sum of money to maintain and upgrade the schools' technology systems and equipment; 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 Select Board at the request of the School Committee)*

FUNDS REQUESTED: \$1,186,236

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2022 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy22capital>.

TMMA Summary

Being an annual article, this year's requests include:

LPS Technology Program -\$1,186,236 (\$1,089,007 Free Cash & \$97,229 Prior Bond Authorizations): This is an annual request to replace and upgrade older equipment that supports the District's strategic goal of enhancing the capacity to utilize technology as an instructional and administrative tool. The amount is similar to the request for \$1,299,246 last year and has grown gradually with inflation and enrollment. The request will continue to support student access to devices to allow for innovative learning methods that integrate supportive technologies, problem-based approaches and higher order thinking skills. It also maintains and improves, when needed, current infrastructure such as networks, access points and servers. The capital improvement request for FY2022 provide funding for the following:

Tech Workstations -\$172,150 to replace Unit A (all classroom teachers, counselors, librarians and staff working under the teacher contract; Unit A workstations and peripheral devices (laptops, desktops, printers and monitors). Staff workstations are being replaced from FY2020 funds, thus, no replacements are budgeted for this cycle as they will all be replaced. (150 laptops @ \$1100 each, 10 printers @ \$440 each, and 10 monitors @ \$275 each)

PreK-5 Mobile Devices -\$124,540 to replace 260 Kindergarten iPads across all district Kindergarten classes due to current devices having reached their end of life. (260 iPads @ \$479.00 each)

Middle School Program -\$226,250 to purchase 625 Chromebooks for 6th graders entering Diamond and Clark Middle Schools. All middle school students have 1:1 devices and the devices follow them through middle school (three-year life span). Generally, by the end of middle school, many devices have reached their end of life due to use. (625 Chromebooks @ \$362 each)

Lexington High School -\$189,720 to purchase 680 Chromebooks for 9th graders. All high school students, once provided a device in 9th grade or upon entering high school, have the device through their senior year (four-year life span). (680 Chromebooks @ \$279 each)

Science/Technology/Engineering/(Art)/Math (STEM/STEAM)/Computer Science -\$42,400 to update district computer labs at either the Middle School/High School level and purchase STEM/STEAM based curricular materials. (\$36,400 for one lab, \$6,000 for STEM/STEAM Materials)

Interactive Projectors/Whiteboard Units and Document Cameras -\$239,176 to replace 48 interactive projectors district-wide. This equips buildings with a touch-activated interactive system with a new ceramic whiteboard and soundbar. The replacements will begin with the oldest model per school until all systems are within a 5-year window with all of the same functionality. The request will also replace 28 document cameras at Bowman Elementary School, with remaining schools planned in future years. As part of new school construction, some schools have newer document cameras and other schools have had document cameras replaced prior to this year. (48 projectors @ \$4,620 each, 28 document cameras @ \$622 each)

District and Building Network Infrastructure -\$172,000 to replace end of life Wireless Access Points (WAPs), switches and Power over Ethernet (POE) district-wide. (70 WAPs @ \$1,300 each, 3 POE switches @\$7,000, HS Network equipment and fiber patch \$60,000).

Server/Storage Infrastructure -\$20,000 to maintain and upgrade any server-related hardware.

TMMA Question:

1) Why are the High School Chromebooks less expensive than the Middle School Chromebooks for similar quantities being purchased, but have a longer life span?

ARTICLE 16 APPROPRIATE FOR PUBLIC FACILITIES CAPITAL PROJECTS

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

- a) Public Facilities Bid Documents;
- b) Facility and Site Improvements:
 - Building Flooring Program;
 - School Paving & Sidewalks Program;
- c) Public Facilities Mechanical/Electrical System Replacements;
- d) Municipal Building Envelopes and Associated Systems;
- e) Townwide Roofing Program;
- f) School Building Envelopes and Associated Systems;
- g) Center Recreation Complex Bathrooms & Maintenance Building Renovation;
- h) Space Needs for School Year 2021-22;
- i) HVAC Improvements;

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

(Inserted by the Select Board)

FUNDS REQUESTED: \$4,480,385

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2022 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy22capital>.

TMMA Summary

Being responsible for all of our Town-owned buildings, the Department of Public Facilities capital requests for FY 2022 include:

a) Public Facilities Bid Documents - \$100,000 (Free Cash): This is an annual request for funding of professional services to produce design development, construction documents and/or bid administration services for smaller projects in anticipation of requests for construction funding at Town Meeting that have a high probability of approval. This will ensure that both municipal and school projects can be completed in the then-current construction season, which is

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

b) Facility and Site Improvements:

• **Building Flooring - \$125,000 (Free Cash):** Initiated in FY2011, this is an annual request for funds to be used for the replacement of flooring systems in municipal and school buildings. The FY2022 request will be used for projects informed by the new 20-year Master Plan, and may include areas at the Lexington high school, Clarke middle school, East Lexington fire station and the Town Office Building. In FY2021, hallway floors at Harrington Elementary School were replaced and a project to update flooring in a Public Services Building hallway and the cafeteria is planned. The goal of this annual program is to ensure failing floor surfaces are replaced and are safe for all users.

• **School Paving and Sidewalks - \$125,000 (Free Cash):** This capital request provides ‘as needed’ replacement of sidewalks, bus loops and parking areas on school grounds. The FY2022 request will specifically fund sidewalk panel replacements and parking and roadway improvements at the Bridge and Bowman Elementary Schools which are currently in poor condition. Extraordinary repairs for school paving areas are sometimes necessary to maintain parking and pedestrian surfaces in a condition suitable for public safety. This appropriation also supports Safe Routes to School.

c) Public Facilities Mechanical/Electrical Systems Replacements - \$728,000 (General Fund Debt): This request is part of an annual replacement of HVAC and electrical systems that have exceeded their useful lives and require replacement before excessive failures occur. This appropriation will address items identified in the 20-year Master Plan.

d) Municipal Building Envelopes and Associated Systems - \$214,186 (Tax Levy): This ongoing capital request, originally approved for funding in the 2006 Proposition 2½ Override, includes repair and replacement projects for the maintenance and upgrade of municipal buildings and systems. The FY2022 request seeks funding for repairs to fascia and soffits on the Cary

Memorial Building and Town Office Building, which will begin once roof repairs are complete.

e) Town Wide Roofing - \$528,000 (General Fund Debt): This FY2022 request is to repair/replace portions of the roof of Cary Memorial Hall and the Town Office Building to prevent water infiltration. Once the roof issues have been addressed, work will progress to the fascias and soffits, funded in the building envelope request.

f) School Building Envelopes and Associated Systems - \$245,199 (Free Cash): The purpose of this ongoing capital request is to perform annual prioritized extraordinary repairs and modifications to school buildings and systems. Specifically, the FY2022 request will be used to address repairs of water and air infiltration issues of the gaskets, caulking, doors and windows at the Lexington High School.

g) Center Recreation Complex Bathrooms & Maintenance Building Renovation -

current retirees. At the same time, the cost of future OPEB benefits earned by employees in the current year is added to the OPEB liability.

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

The amount of the future liability for OPEB is estimated using actuarial tables for average life spans and projections for health care cost inflation. If no funds were to be set aside for future OPEB costs, the estimated liability for the Town over the next thirty years adds up to hundreds of millions of dollars. The calculation is also affected by an estimate of long-term returns on investments, known as the “discount rate”. Because of this the liability estimate is greatly reduced by funding future OPEB costs in the year in which they are earned. The Town’s most recent OPEB Actuarial Valuation in 2018, was based on data from July 1, 2017. It is available here:

https://www.lexingtonma.gov/sites/g/files/vyhlf3351/f/uploads/lexington_fye2018_gasb7475.pdf

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

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

The budgeted OPEB expenses were for 458 municipal retirees and 563 school retirees as of December 31, 2019 and this was covered in FY2020’s Operating Budget. These numbers grow gradually with time so FY2022 will be more but also funded by the Operating Budget.

The policy of the Board of Selectmen is to contribute from 35 to 100 percent of the future costs into the PEIL fund. The Town’s most recent actuarial valuation calculated the net OPEB liability to be approximately \$121 million. The latest estimate of the liability through 2047 is \$150 million. An actuarial analysis done at the end of FY2015 assumed a discount rate of 8%. Corporate **pension plans** are required to use a **discount rate** equivalent to an AA-rated bond, which is substantially lower now due to the COVID effect on the Fed’s fiscal policy. The

discount rate in February 2020 for corporate pension plans was about 2.6% and is now a year later at around 1.5%. For a more detailed discussion, including the current funding policy for the PEIL Trust Fund formally adopted by the Board of Selectmen, please see “Appendix F: Other Post Employment Benefits” in the *Appropriation Committee Report to the March 2017 Annual Town Meeting* and an update in the Appropriation Committee March 2018 report.

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

OPEB Trust Fund -The purpose of this Trust fund is to continue to fund the Town’s Retiree Health Insurance Liability. The Town’s most recent actuarial valuation calculated the net OPEB liability to be approximately \$121 million.

Recent Appropriations into the Other Post Employment Benefits (OPEB) Trust Fund FY2016 Appropriated	FY2017 Appropriated	FY2018 Appropriated	FY2019 Appropriated	FY2020 Appropriated	FY2021 Appropriated	FY2022 Recommended
\$1,200,000	\$1,512,318	\$1,842,895	\$1,842,895	\$1,885,486	\$750,000	\$1,885,486

Part of the funding for the request, \$750,000, is based on use of money from the Health Insurance Claims Trust Fund to pay for annual health insurance costs which approximately equals the amount the Town received in Medicare Part D reimbursements from the federal government. Since that portion of the health insurance costs would have otherwise come from the General Fund, the Town’s practice has been to appropriate a matching amount from the General Fund into the OPEB Fund, which Town Meeting also approved. Similar reimbursements have been directed into the OPEB Fund for the past several years. This frees up a matching amount in the General Fund for this request, or other potential uses. The funding for this appropriation also includes \$1,129,721 Free Cash and \$2,761 from the Water Enterprise Fund and \$3,004 from the Wastewater Enterprise Fund.

The amounts appropriated grew each year from \$775,000 in FY2014 until they stabilized in FY2018 and FY2019. The FY2021 year’s original request was \$1,935,486 but due to the COVID emergency only the transfer from the Health Insurance claims Trust Fund was appropriated in FY2021. This Article restarts the regular funding of the fund.Special legislation establishing a trust fund for this purpose was enacted in 2002.

ARTICLE 18 **RESCIND PRIOR BORROWING AUTHORIZATIONS**

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

(Inserted by the Select Board)

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

TMMA Summary

This is an annual place-holder article should prior year borrowings not be fully expended, this year there are three. These are:

<u>Year</u>	<u>Article</u>	<u>Project</u>	<u>Appropriation</u>	<u>Rescind</u>
2016 STM5	2A	Land Acquisition	\$4,443,000	\$ 26,297
2018 ATM	16H	DPW Equipment	\$1,039,000	\$109,500
2018 ATM	19	School Techn. Systems	\$1,715,300	\$125,300

ARTICLE 19 **ESTABLISH, AMEND, DISSOLVE AND APPROPRIATE TO AND FROM SPECIFIED STABILIZATION FUNDS**

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

(Inserted by the Select Board)

FUNDS REQUESTED: Unknown at press time

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

TMMA Summary

TMMA Summary (as of 3/9/21)

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 23 and is not listed below. In 2008 Town Meeting approved a new fund for Special Education.

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

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

At the time of writing, it is proposed that the following to/from appropriations be made to the following stabilization funds:

- a) That \$2,800,000 be appropriated from the Capital Stabilization Fund for projects excluded from the limits of Proposition 2 ½.
- b) That \$3,217,674 be appropriated into the Capital Stabilization Fund, and to meet this appropriation, \$3,217,674 be appropriated from the General Fund unreserved fund balance.
- c) It is anticipated that there will be a third transfer into the Transportation Demand/Public Transportation Stabilization Fund but the amount is to be determined as of this writing.

TMMA Question:

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

A history of the funds' balances may be found in the "Brown Book" on Appendix C-3.

ARTICLE 20 **APPROPRIATE FOR PRIOR YEARS' UNPAID BILLS**

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

(Inserted by the Select Board)

FUNDS REQUESTED: Unknown at press time

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

TMMA Summary

No prior year unpaid bills being known, it is anticipated that this article will be Indefinitely Postponed (IPed).

ARTICLE 21 **AMEND FY2021 OPERATING, ENTERPRISE AND CPA BUDGETS**

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 4, 5 9, and 10 of the warrant for the 2020 Annual Town Meeting, and Article 5 of the warrant for Special Town Meeting 2020-3 to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by transfer from available funds including the Community Preservation Fund; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: This is an annual article to permit adjustments to current fiscal year (FY2021) appropriations.

TMMA Summary

TMMA Summary (as of 3/9/21)

This article is an annual place-holder should adjustments be needed to the current year's budgets. Two amendments are proposed for the FY2021 Operating budget approved at the 2020 Annual Town Meeting. From the Motion (3/4/2021):

<u>Line Item</u>	<u>Program</u>	<u>From</u>	<u>To</u>
2220	Uninsured Losses	\$250,000	\$741,851
8140	PEG	\$627,151	\$595,151

Uninsured Losses:

The need for this amendment directly relates to the flood in the Town Office Building last January. The computer equipment that was destroyed had to be replaced immediately so the uninsured account was used to replace the equipment. Insurance reimbursement was then applied for and the funds were just recently received. The insurance money will be put into the Uninsured Losses account.

PEG:

The reduction of \$32,000 is due to the contract with LexMedia being written less than budgeted.

ARTICLE 22 APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS

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

FUNDS REQUESTED: Unknown at press time

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

TMMA Summary

This article will be Indefinitely Postponed (IPed).

ARTICLE 23 APPROPRIATE FROM DEBT SERVICE STABILIZATION FUND

To see if the Town will vote to appropriate a sum of money from the Debt Service Stabilization Fund to offset the FY2022 debt service of the bond dated February 1, 2003, issued for additions and renovations to the Lexington High School, Clarke Middle School, and Diamond Middle School, as refunded with bonds dated December 8, 2011; or act in any other manner in relation thereto.

(Inserted by the Select Board)

FUNDS REQUESTED: \$124,057

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

TMMA Summary

As was requested last year, the article seeks to appropriate \$124, 057 from the Fund to offset debt service of the bond issued in February of 2003.

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

When the Massachusetts School Building Authority was established, it modified the way towns are paid for new or renovated school buildings, resulting in towns getting reimbursed more quickly. The Town thus received money in excess of that necessary to make payments on short-term debt incurred by the project. The excess money was put into the Stabilization Fund with the principal and interest thereon used to reimburse payments made on long-term debt. Article 23 appropriates the same sum of money this year from the Fund as was requested and appropriated last year to offset payments on the long-term debt accrued for building construction, renovations and other major capital expenditures. It is anticipated that the Debt Service Stabilization Fund will be exhausted by 2023.

ARTICLE 24 **APPROPRIATE FOR LEXINGTON HIGH SCHOOL**
FEASIBILITY STUDY

To see if the Town will vote to appropriate a sum of money to be expended under the direction of the Permanent Building Committee, for the costs of a feasibility study relating to the Lexington High School located at 251 Waltham St, Lexington, MA 02421, for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”). The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and to 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.or act in any other manner in relation thereto.

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

FUNDS REQUESTED: \$1,825,000

DESCRIPTION: In spring of 2021, the Massachusetts School Building Authority is expected to vote on Lexington’s application to accept the Lexington High School into the MSBA reimbursement program. If the Town’s application is approved at that time, this article would fund the first phase of the process, conducting a feasibility study.

TMMA Summary

This article continues the process started in 2019 when the Superintendent of Schools submitted a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA). In 2019 the MSBA Executive Committee conducted a site visit evaluation and later in the year the Superintendent was informed the SOI for Lexington High School would not be invited into the Eligibility Period. Having been told we were very close and that the SOI should be resubmitted, the Superintendent refiled a SOI in 2020. Based on delayed MSBA notifications, it is anticipated that Eligibility Period invitations should be made at a MSBA Board of Directors meeting in the spring or summer.

The timing of the notification and end of the Annual Town Meeting is currently being discussed. If the MSBA were to accept the project before Town Meeting ends, the article will move forward, however, if the project is accepted by the MSBA after Town Meeting, the Town has 270 days to have the local appropriation in place and this can be considered at the Fall Town Meeting. If the project is not accepted into the MSBA funding cycle, the Superintendent will resubmit the application for consideration next year.

ARTICLE 28 **REDUCING NOISE FROM LANDSCAPING EQUIPMENT**

To see if the Town will vote to amend Chapter 80 of the Code of the Town of Lexington, Noise Control, to regulate noise generated by the use of motorized landscaping equipment; or act in any other manner in relation thereto. *(Inserted by the Select Board at the request of the Noise Advisory Committee)*

DESCRIPTION: This article proposes revisions to the Noise Bylaw to better protect residents from noise pollution caused by motorized landscaping equipment.

TMMA Summary

The Noise Advisory Committee asked that the Select Board Indefinitely Postpone (IP) this article.

ARTICLE 29 **CLEAN HEAT-AUTHORIZE SPECIAL LEGISLATION
TO REGULATE FOSSIL FUEL INFRASTRUCTURE AND
ADOPT BYLAW AMENDMENT ENABLING LEGISLATION**

To see if the Town will

1. vote to authorize the Select Board to petition the Massachusetts General Court for special legislation to:
 - a. Allow the Town of Lexington to regulate fossil fuel infrastructure in new buildings and major renovations for the purposes of improving health and safety, reducing greenhouse gas emissions, and encouraging renewable energy production and use, notwithstanding the State Building Code, the Gas Code, M.G.L. c. 164 or any other law of the Commonwealth regulating natural gas as a residential utility;
 - b. Allow the Town to adopt and further amend general or zoning bylaws that regulate fossil fuel infrastructure; and
 - c. Allow the Town to administer such bylaws, including through the withholding of building permits by the Building Commissioner; and
2. vote to add a new Chapter to the Town's Code of Bylaws prohibiting or otherwise regulating or restricting the installation of fossil fuel infrastructure in new construction projects or major

renovation and rehabilitation projects in Lexington, and to set forth the terms and scope of such regulations or restrictions, including exemptions or waivers to same, provided that said Chapter will take effect only if permitted pursuant to General or Special Legislation enacted by the Massachusetts General Court; or take any action related thereto.

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

DESCRIPTION: This article would authorize the Town 1) to file a home-rule petition with the Massachusetts General Court for Special Legislation that would enable the Town to enact local bylaws that would regulate fossil fuel infrastructure in buildings and 2) to enact such a bylaw that would restrict fossil fuel infrastructure in new construction and major renovations. The bylaw would limit the installation of new fossil fuel (natural gas, propane, fuel oil) infrastructure so as to require new or significantly renovated buildings to use clean energy sources (electricity) with exemptions for certain appliances and building types and with a waiver process.

TMMA Summary

Clean Heat Article 29 would authorize the Town 1) to file a home rule petition with the Massachusetts General Court for Special Legislation that would enable the Town to enact local bylaws that would regulate fossil fuel infrastructure in buildings and 2) to enact such a bylaw that would restrict fossil fuel infrastructure in **new construction and major renovations**.

Unless home rule is approved by the General Court no new bylaw can be adopted or take effect.

If Town Meeting passes the article and the legislature then approves the home rule petition, the proposed Town bylaw would limit the installation of new fossil fuel (natural gas, propane, fuel oil) infrastructure so as to require new or significantly renovated buildings to use renewable clean energy sources (such as, but not limited to electric heat pumps). Because the majority of fossil fuel usage in buildings are from space and water heating, the proposed bylaw focuses on those uses, but provides some exemptions for:

- § Cooking appliances;
- § Backup generators;
- § Outdoor cooking and heating;
- § Fireplaces;
- § Hot water heater for buildings over 10,000 sq. ft.;
- § Life sciences laboratories and certain medical offices; and
- § Repairs to unsafe conditions in existing buildings.

Existing buildings currently connected to fossil fuel infrastructure would not be affected by the proposed bylaw.

The proposed bylaw additionally provides waivers for qualifying projects where non-fossil fuel infrastructure is currently not feasible. The effective date of the bylaw would be no sooner than December 2022.

As new LexHAB housing and new municipal buildings are already being built with all-electric systems, future municipal/housing projects would comply with this bylaw without changing current practices.

This bylaw is expected to affect approximately 100 new buildings/major renovations each year, about 1% of Lexington's buildings.

The provisions laid out in this proposed bylaw are similar to the sustainability provisions within Article 16 passed at 2020 Special Town Meeting.

Frequently Asked Questions are answered on the Clean Heat Lexington website:
<https://www.cleanheatlexington.org/HomeRuleCleanHeat>

ARTICLE 30

FULL INCLUSION RESOLUTION

To see if the Town will vote to adopt a non-binding resolution to consider the rights and needs of those with disabilities in all town decision and planning processes, in order to strive for full inclusivity and equity, while encouraging collective and coordinated action to address issues of exclusion and ableism; or act in any other manner in relation thereto.

(Inserted by the Select Board at the request of the Commission on Disability)

DESCRIPTION: To further the goal of full inclusion for the Town of Lexington.

TMMA Summary

The Commission on Disability requests Town Meeting approval to pass a non-binding resolution to consider the rights and needs of those with disabilities in all town decision and planning processes, in order to strive for full inclusivity and equity, while encouraging collective and coordinated action to address issues of exclusion and ableism.

The Commission believes that accessibility and inclusion are integral to the priorities and values of the community. To that end, the Commission on Disability wants to support the Select Board's objective to exceed regulatory access as described in the ADA, Section 504, and Section 508 and look to a more inclusive perspective by taking a pro-active stance to integrate accessibility and inclusion into all plans, policies and decision-making.

The Commission wants to reach beyond the laws to more intangible issues that impact citizens with disabilities. This means raising awareness about the need for full inclusivity and how this influences Town policies, procedures, programming, and community engagement.

The Commission will offer opportunities to engage in community conversations, plan public education campaigns, and do outreach to advance inclusivity for all residents. Focusing on creating environments, policies and attitudes that minimize limitations and fully support people, will minimize negative outcomes. Advancing universal design helps to create facilitating environments that reach well beyond the narrow concepts of barrier removal (from Institute of Human Centered Design, 2020).

MOTION:

That the Town resolves to:

- a. fully consider disability rights in all decisions and planning processes in order to work toward full inclusion;
- b. integrate concepts of inclusion, equity, accommodations and universal design into routine operations and policy-making;
- c. build capacity to collect, interpret and act on data related to social injustice issues involving persons with disabilities, particularly pertaining to issues related to health, housing, physical and programmatic accessibility, education, technology, policing, representation, and economic and environmental justice; and
- d. develop and implement a comprehensive inclusion plan with public input, to include staff training, hiring practices, and public education; all with the goal of making Lexington a truly equitable community for all.

(2/16/2021)

ARTICLE 31 **STREET ACCEPTANCE: PENNY LANE, WINDING ROAD**
AND LUONGO FARM LANE

To see if the Town will vote to accept as a Town way Penny Lane, Winding Road, and Luongo Farm Lane, all as shown on two plans dated December 15, 2020, both of which are on file with the Town Clerk and to take by eminent domain, donation or otherwise acquire any fee, easement, or other interest in land necessary therefore; or act in any other manner in relation thereto.

(Inserted by the Select Board)

DESCRIPTION: This article will accept the identified streets as public ways, and will authorize the Town to take title to Penny Lane, Winding Road and Luongo Farm Lane.

TMMA Summary

This Article merely asks that the Town accept 3 streets (Penny Lane, Winding Road and Luongo Farm Lane) all built to town standards by a private developer, to be accepted as town streets. This authorizes the Select Board to take by eminent domain, donation or to otherwise acquire any fee, easement, or other interest in land as necessary, on such terms as the Board may determine. Once accepted the maintenance of the street becomes a town expense.

ARTICLE 32 **AMEND GENERAL BYLAWS-RECEIVE**
APPRAISED VALUE FOR REMOVED TREES

To see if the town will vote to amend Chapter 120 of the Code of the Town of Lexington, Trees, to require that when an applicant applies for permission from the Town to remove a Town-owned tree or Public Shade Tree, the applicant be required to provide an appraisal of the tree's value and, if permission to remove the tree is granted, pay an amount up to the appraised value of the tree to the Lexington Tree Fund; or act in any other manner in relation thereto.

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

DESCRIPTION: This article will ensure that the Town receives a fair value for a removed Town tree.

TMMA Summary

This article amends section 120-7.B of the bylaws, “Public shade trees and Town trees” (<https://ecode360.com/10535378>). First, some definitions from the Tree Bylaw:

Public shade tree: Any tree within the public right-of-way except for state highways that, as determined by the Tree Warden, has any portion of the stem between six inches and 4 1/2 feet above grade actively growing into the public right-of-way.

Town tree: Any tree within a public park or open space under the jurisdiction of the Selectmen acting as park commissioners, on public school grounds, or on any other Town-owned land.

Tree removal: Any act that will cause a tree to die within a three-year period.

The current bylaw requires that any person seeking to remove a public shade tree or Town tree to submit an application to the Tree Warden. The proposed bylaw requires approved applicants to pay the appraised value of the tree into the Lexington Tree Fund. The value is determined by a mutually agreed upon member of the American Society of Consulting Arborists. The Select Board may grant relief in the case of extenuating circumstances that require the removal of the tree, such as a project intended to serve a public purpose.

TMMA Questions:

1) **Is every “public shade tree” also a “Town tree”, since the stem/trunk of the tree is at least partially growing in the public right-of-way, and the public right-of-way is Town land? Answer:** Yes

2) **Can a tree start off as not a public shade tree, but then become one as its trunk grows into the public right-of-way? Answer:** Yes

3) **Is a tree whose trunk is not in the public right-of-way, but whose branches grow over the public right-of-way, considered a public shade tree? Answer:** No

4) **What is an example where a resident’s request to remove a public shade tree would be granted? Not be granted? Answer:** If the request was for reasons of safety and the project had public benefits it might be granted. This was the case in Spring 2020 when the Town granted the removal of a 42" oak tree which impacted the line of sight along Concord Avenue. On the other hand, if it were not in the public interest to remove the tree, the request might not be granted; for example if a resident wanted a public shade tree removed because it dropped too many leaves, the request would probably not be granted.

5) **Is the Town itself subject to this bylaw when removing Town trees? Answer:** Yes. The Town currently follows all local and state laws when it wants to remove public shade trees, and would be subject to this change, including payments to the Tree Fund.”

ARTICLE 33

**AMEND GENERAL BYLAWS- TREE BYLAW: DATA
COLLECTION AND EDUCATION**

To see if the town will vote to amend Chapter 120 of the Code of the Town of Lexington, Trees, to:

- a. require the owner of a property at which major construction or demolition is planned to submit itemized detailed information
 - initially with submission of the building permit, for all trees 6 inches DBH or larger on the property; and
 - at the completion of work at the property, for all remaining trees 6 inches DBH or larger on the property and for trees planted as mitigation
- b. require prior notification to the Town before removal of any tree 6 inches DBH or larger on private property at which neither major construction nor demolition is planned; or act in any other manner in relation thereto.

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

DESCRIPTION: This article provides for the collection of additional information on sites where the tree bylaw applies and also for sites on which it does not. This additional information will be used to better understand the effectiveness of the bylaw and inform decisions about future changes to the bylaw. Additionally, the requirement for notification on sites where the bylaw does not currently apply, and provides an opportunity for education of the applicant on the benefits of trees and on options other than removal. For these sites where the bylaw does not currently apply, the Tree Committee is recommending that there be no fee associated with this notification, no requirement for an onsite inspection, and no penalty for failing to provide notice.

TMMA Summary

The heart of this article is to collect more data on the trees in Lexington, and in the process, to educate homeowners on the alternatives to tree removal. The article is split into two motions: the first for construction sites, and the second for non-construction sites.

The first motion of the article adds further requirements to section 120-8 of the bylaws for trees at “major construction or demolition” sites (<https://ecode360.com/10535382>). (Note that Article 34 also modifies 120-8.) The current 120-8.B.1 only requires property owners (typically builders) to indicate on building plans those trees that will be removed. The issues with this approach are that a) the information on trees is not in a machine-readable format, b) there is no detailed information on the trees removed, and c) there is no information at all on the trees retained or trees planted as mitigation. The proposed solution is to extend 120-8.B.1 with a new requirement that the property owner submit a detailed inventory of all 6” or greater DBH trees on the property, and for those trees proposed to be removed, reasons for removal and alternatives considered. This would be done using the Town’s existing online permit system, thus capturing the information in a machine-readable format.

There is another piece to the first motion of the article, with the addition of a new section, 120-8.F. At the completion of work at the property, the owner must provide detailed information on all trees removed, all remaining trees of 6” DBH or greater, and trees planted for mitigation. This serves as a comparison to what was proposed in the original work plan.

The second motion of the article deals with tree removal on private property at which neither major construction nor demotion is planned. Nothing in the current bylaws deals with these situations. A common case is a homeowner re-landscaping the property. The purpose of this part of the article is to gather more information on the removal of trees in Lexington, and to educate homeowners on the benefits of trees and alternatives to tree removal, in the desire to save large trees. This will be done by adding a new section to the tree by-laws, 120-8.G, that applies to the removal of a tree greater than 12” DBH, regardless of whether or not the tree is located in the setback area. Before removing the tree, the property owner must notify the Town of the tree species, location, DBH, reason for removal, and alternatives to removal considered. This will be done using the Town’s existing online permit system. There will be no fee and no onsite inspection, and approval will be automatic. There will be no penalty for failing to provide notice.

TMMA Question:

- 1) How is the location of a tree indicated? Is it exact enough to allow a different person to independently identify the exact tree at a later date? Answer:** Currently all trees greater than 6" DBH (not just protected trees) must be shown on the site plan (Section 120-8.B). The additional information will be cross referenced to the tree as shown on the site plan).

ARTICLE 34 **AMEND GENERAL BYLAWS-TREE**
BYLAW FEES AND MITIGATION PAYMENTS

To see if the town will vote to amend Chapter 120 of the Code of the Town of Lexington, Trees, to increase the fees and mitigation payments for removal of trees protected under the Bylaw, and to adjust these items to reflect inflation; or act in any other manner in relation thereto.

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

DESCRIPTION: This article will increase the fees and mitigation payments under the Tree Bylaw to better reflect the cost associated with administering the Bylaw and the cost of planting trees with mitigation funds, and will make it more attractive for applicants to replant versus making payments to the Lexington Tree Fund, and will better protect large trees.

TMMA Summary

This article makes changes to section 120-8 of the bylaws (<https://ecode360.com/10535382>) dealing with “protected trees”. A protected tree is defined as:

Any tree on private land, with a DBH of six inches or greater..., located in the setback..., provided that tree is not hazardous or undesirable as defined in the Tree Manual.

The scope of the article is further restricted to protected trees that are 6" DBH or greater ("diameter at breast height", i.e., measured at 4.5 feet above ground), AND located on "major construction and demolition" sites.

The motivation of the article is to better protect large trees, since it takes a long time for a tree to become large, and large trees play an important role in combating climate change. When a tree is removed from the setback area, the property owner (typically a builder) can choose to either pay a mitigation fee to the Lexington Tree Fund or to replant trees. The economics of the current bylaw favor simply paying the fee. This article is meant to tip the balance to encourage not to remove large trees in the first place, or to replant trees in the case where trees are removed.

There are four parts to the article. Part (a) raises the minimum application fee to remove a protected tree from \$5 per DBH inch to \$20 per DBH. The fee is currently set at \$10 per DBH inch. Thus, the fee for a 20" DBH tree increases from \$200 to \$400. This money goes to the Town's general fund.

Part (c) (we'll come back to part (b)) changes the definition of "replacement inch for DBH" when replanting. For trees less than 24" DBH, the total inches of replacement trees must be at least the same as the removed tree; this isn't changing. However, for trees 24" DBH or larger, the number of replacement inches is increasing from 2X to 4X the original tree. Thus, if the article passes, a 25" DBH tree will need to be replaced with 100" (cumulative) of replanted trees. The effect is to value existing large trees more than smaller trees.

Part (b) applies when the mitigation fee is paid, rather than replanting. The fee is raised from \$100 per replacement inch to \$200 per replacement inch. Thus, the fee for a 10" DBH tree will increase from \$1000 to \$2000. The fee for a 25" DBH tree will increase from \$5000 (25 x 100 x 2) to \$20,000 (25 x 200 x 4) (remember the change in part (c)).

Part (d) applies when trees are replanted, rather than paying the mitigation fee. The idea is to incentivize the planting of certain "large shade" tree species (LSTS). There is a list of such trees in the Tree Manual, including American Beech, White Spruce, Tupelo Nyssa, various oaks, and many others. An incentive already exists, but it's being increased by halving (from one-half to one-quarter) the number of replacement inches that need to be replanted.

Here are some examples for part (d). For a 12" DBH tree being removed, if non-LSTS are used for replanting, then 12" of replacement must be replanted; no change. But if LSTS are used, then currently 6" of replacement must be replanted, and this will be lowered to 3" (one-quarter of 12). It gets more complicated for 24" or greater DBH. If a 24" tree is being replaced by non-LSTS, then the replacement requirement increases from 48" to 96", because of the change in part (c). If LSTS are used, then the replacement requirement remains unchanged at 24" (24 x 0.5 x 2 vs. 24 x 0.25 x 4).

TMMA Question:

- 1) Over the last few years, what is the distribution of DBH for protected trees sought for removal? Answer:** Currently this is unknown. If Article 33 (a) is approved by Town Meeting, information will be collected that will allow this distribution to be calculated.

ARTICLE 35 **AMEND SCENIC ROADS BYLAW (CITIZEN PETITION)**

Establish a permanent Scenic Roads committee which will meet periodically to review and approve matters relating to preserving scenic roads and historic landscapes located throughout the town. Specifically, the Scenic Roads committee would be charged with the review and approval of roads, paths and landscapes within the jurisdiction of the committee, which would include all lands, public and private, which merit recognition and preservation for their scenic or historic value. The committee will include a Town Fence viewer or designee, a member of the Tree Committee or designee, one individual who meets the Secretary of Interior's Qualifications as an Historian or Archaeologist (36 CFR 61), and two other individuals from the community-at-large who have a demonstrated interest in historic landscapes. Included among Massachusetts legislation for which the committee will be charged with enforcing will include MGL Part IV, Title 1, Chapter 266, Section 105 — Stone walls or fences and MGL Part IV, Title 266, Chapter 266, Section 94 — Boundary Monuments and miscellaneous markers.

(Inserted by Jeff Howry and 9 or more registered voters)

DESCRIPTION: The purpose of the Scenic Roads committee will be to assure that the remaining features of Lexington's historic landscape are protected and maintained. To accomplish this, the Scenic Roads Committee will endeavor to expand the town's existing cultural resources survey to include features of the historic landscape including stone walls, boundary markers, roads and paths bounded by trees and landscaping, historic archaeological features including those involving water features, as well as historic landscape features associated with human occupation within the town. Making additions to the already designated Scenic Roads in Lexington would be part of the committee's charge.

TMMA Summary

The Motion under this article is a resolution asking that the Planning Board appoint a "Scenic Roads Committee" to study both scenic roads and heritage landscapes.

The motion dated 3/01/21 reads:

MOTION:

That Town Meeting urge the Planning Board and Select Board to act on the recommendations of the 2006 LEXINGTON RECONNAISSANCE REPORT, - FREEDOM'S WAY LANDSCAPE INVENTORY, MASSACHUSETTS HERITAGE LANDSCAPE INVENTORY PROGRAM, from the "Massachusetts Department of Conservation and Recreation & Freedom's Way Heritage Association", and accepted by the Board of Selectmen in 2006, as they pertain to Scenic Roads and related Heritage Landscapes by doing the following:

The Planning Board forms a Scenic Roads Committee, in consultation with the Select Board, Historical Commission, and the Conservation Commission with a charge to study and make recommendations on the concerns and recommendations in the Report as they pertain to Scenic Roads and related Heritage Landscapes. The Planning Board should establish membership requirements for said committee, after consultation with the Select Board, Historical Commission, and Conservation Commission, and include as members of the Committee, the Town Fence Viewer or designee, a member of the Tree Committee or designee, one individual who meets the United States Department of the Interior's Qualifications as an Historian or Archaeologist (36 CFR 61), and other individuals from the community-at-large with a demonstrated interest in historic landscapes. The Committee, or the Planning Board on its behalf, should be required to make a public report on the Committee's progress one year after its

formation, including any Committee recommendations of future actions regarding Scenic Roads and related Heritage Landscapes.

(03/01/2021)

Should the Motion change, please refer to the motion on the Town website at:

[2021 Annual Town Meeting Articles, Reports and Presentations | Town of Lexington MA](#)

ARTICLE 36 **AUTHORIZE SPECIAL LEGISLATION-DEVELOPMENT**
SURCHARGE FOR AFFORDABLE HOUSING (CITIZEN PETITION)

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

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

DESCRIPTION: The purpose of this article is to address the impacts of new commercial development projects on the demand for community housing by creating a targeted and measured surcharge on specific commercial development activities.

TMMA Summary

The surcharge proposed in this Article will be a fee for new commercial construction or modifications of 30,000 square feet or more. Similar to Article 6 on the residential surcharge voted on during the Special Town Meeting 2-2020, this Article will establish a surcharge specifically for new and expanded commercial development.

Do other municipalities have such a surcharge?

Yes. The major municipalities that have passed this surcharge are Boston, Cambridge, Somerville, Barnstable and Everett. These are examples of other communities, like Lexington, that are also encouraging biotech and other companies to commercially develop buildings in their town.

What is meant by “specific commercial development activities”?

This surcharge applies to only new construction and the modification of commercial buildings that are over 30,000 square feet. The surcharge would only apply to existing structures if the modifications increase their square footage to over 30,000 square feet.

Who would pay the surcharge?

The commercial developer

Why should a surcharge on commercial construction fund affordable housing?

New commercial development increases the demand for housing by employees wanting to live within the town in which they work. This increase in demand is especially challenging for low and moderate income employees due to longstanding shortfalls in community housing. Since the 1980s, municipalities in Massachusetts have used surcharges and fees to fund the creation of community housing to address the linkage between new development and the increased demand for housing. These linkage fees are legal and have been upheld by the U.S. Supreme Court.

ARTICLE 37

AMEND GENERAL BYLAWS-

STORMWATER MANAGEMENT (CHAPTER 114)

To see if the Town will vote to amend Chapter 114 of the Code of the Town of Lexington (Stormwater Management) to allow for additional regulation of stormwater management installations and associated mitigation requirements; or act in any other manner in relation thereto.

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

DESCRIPTION: This article would amend the Stormwater Management Bylaw to allow the additional regulation of stormwater management to allow the additional regulation of stormwater management.

TMMA Summary

In order to allow the additional stormwater regulation, the current motion on 3/8/21 reads:

MOTION

That the General Bylaws of the Town of Lexington be amended as follows (struck-through text is to be removed), and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

1. Amend §114-4A(3)(a) to read “Requires a special permit or a ~~special permit with~~ site plan review”.

DESCRIPTION: Article 37 is proposing a technical correction to amend the Stormwater Management Bylaw to allow the additional regulation of stormwater management. This is requested to correct an obsolete reference to the zoning bylaw. Town Meeting replaced “special permit with site plan review” with “site plan review” in zoning more than 10 years ago, but missed this reference.

The section to be amended is §114-4A(3)(a): Regulation of stormwater management practices.

A. Applicability. This chapter shall be applicable to the following activities:

(1) Any activity that results in a land disturbance greater than one acre of land, or any activity that disturbs less than one acre if that project is part of a larger common plan of development that eventually will disturb more than one acre of land; or

(2) A new dwelling on a vacant lot, a new dwelling replacing an existing dwelling, or the reconstruction of an existing dwelling that is demolished to the extent of 50% or more of its replacement cost, as determined by the Building Commissioner or designee; or

(3) Any development project that:(a) Requires a special permit or a ~~special permit with~~ site plan review; or(b) Requires approval of a definitive plan under the Subdivision Control Law.

Correcting the wording on Article 37 will allow for additional regulation of stormwater management installations and associated mitigation requirements by requiring a special permit or a site plan review.

ARTICLE 38 **AMEND GENERAL BYLAWS-TREES (CHAPTER 120)**

To see if the Town will vote to amend Chapter 120 of the Code of the Town of Lexington (Trees) to include additional regulations regarding tree preservation and planting; or act in any other manner in relation thereto. *(Inserted by the Select Board at the request of the Planning Board)*

DESCRIPTION: This article would amend the Tree Bylaw relative to the Hartwell Innovation Park (C-HIP) landscaping and development requirements, if necessary.

TMMA Summary

This article will be Indefinitely Postponed (IPed).

ARTICLE 39 **AMEND ZONING BYLAW-HISTORIC PRESERVATION INCENTIVES**

To see if the Town will vote to amend the Zoning Bylaw to allow additional flexibility in permitting for historic preservation; or act in any other manner in relation thereto.

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

DESCRIPTION: This article would allow special permits for historical preservation under § 135-6.2, Historic Preservation Incentives, to permit additional uses where necessary to preserve historical elements.

TMMA Summary

This Article was developed by the Planning Board to give greater zoning flexibility to permit the preservation of historic buildings. It applies to all historic buildings in the Town.

For more details, see the report to be submitted by the Planning Board.

ARTICLE 40

AMEND ZONING BYLAW-RETAINING WALLS

To see if the Town will vote to amend the Zoning Bylaw to regulate the construction of retaining walls over four (4) feet in height; or act in any other manner in relation thereto.

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

DESCRIPTION: This article would update the Zoning Bylaw to regulate the installation of retaining walls over four (4) feet in height.

TMMA Summary

This article would update the Zoning Bylaw to regulate the installation of retaining walls over four (4) feet in height.

Discussion: The current zoning bylaw allows fences of six feet in height with slightly higher fence poles but does not separately address retaining walls. Under State Law, fences are barriers more than 4 feet in height so retaining walls are included under the definition of fences and thus under existing Laws, are regulated as fences. The existing regulations are unclear when there is a retaining wall and a fence on top or set back from the retaining wall. With construction of larger homes on lots with significant slope, a retaining wall can be used to provide a more level lawn area. However, neighbors could have their view seriously restricted by a retaining wall combined with a fence.

This bylaw change has undergone several revisions with the intent of limiting the height of a retaining wall with fence combination to 6 feet. A revised proposal as of February 25 treats a combination of a retaining wall and fence as one structure unless the two structures were separated by a distance greater than the height of the highest of the two structures. It also requires that retaining walls higher than 4 feet are set back by at least their height from the property line.

TMMA Questions:

1) What is the State Building Code with respect to fences and retaining walls?

Answer: The State Building Code limits Residential fence height to 4 feet in front yards and 6 feet in rear yards. Fences are defined as barriers at least 4 feet in height. A one-time variance to the 6 foot rule is allowed. The Building Code for retaining walls provides extensive design requirements including approved materials and stability requirements.

2) Since a highly sloped lot may require a retaining wall and fill to be buildable, are there any restrictions on the maximum slope of a buildable lot or the maximum fill allowed?

Answer: Fences are allowed by right. However, some areas are unbuildable due to setbacks such as those that apply to wetlands. Retaining walls customarily use fill to create a more level area. Building permits limit the amount of fill allowed.

ARTICLE 44 **AMEND ZONING BYLAW-USE AND GENERAL REGULATIONS**

To see if the Town will vote to amend the Zoning Bylaw (including Table 1, Permitted Uses and Development Standards; § 5.1 Off-street Parking and Loading; §9.5, Site Plan Review; and §10, Definitions) to allow for beneficial changes identified in the Hartwell Innovation Park drafting process and updates from the 2020 Special Town Meeting (such as Short-Term Rentals and requirements from the Attorney General review); or act any other manner in relation thereto.

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

DESCRIPTION: This article would amend any issues in the zoning bylaw or table of uses identified during other amendments of the Zoning Bylaw, which may include adding Short Term Rentals.

TMMA Summary

Since September, the Planning and Economic Development offices and the Planning Board have worked on Hartwell Ave. research and outreach. They learned that many things that would be good for Hartwell would also be good for the rest of the Town and decided to codify these ideas into town wide zoning. These changes include:

- Additional uses, such as makerspaces;
- Revised loading bay requirements;
- Additional bicycle and rideshare parking;
- Provision for off-site shared parking;
- Land-banking required parking that is not needed;
- Stricter standards for trees in parking lots;
- Requirements for EV charging stations;
- Additional review areas for site plan review; and
- Updated and new definitions.

For the exact details, read the Planning Board’s Report when published. At the time of printing the TMMA report, the hearing of this article is not yet closed, so changes are possible.

ARTICLE 45

**AMEND ZONING BYLAW & ZONING MAP -HARTWELL
INNOVATION PARK**

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map to create a new Hartwell Innovation Park (C-HIP) Zoning District comprising the CM - Manufacturing Zoning District and portions of the GC - Government Civic Zoning District, add new Special District Regulations, and amend related zoning sections of the Zoning Bylaw, including the Table of Uses; Dimensional Controls, and General Regulations; or act in any other manner in relation thereto.

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

DESCRIPTION: This article would amend the Zoning Bylaw and Zoning Map to create a new Hartwell Innovation Park (C-HIP) Zoning District, which will include a new Bylaw section and amendments to the existing zoning.

TMMA Summary

In 2020 we adopted zoning changes to modernize the commercial district along Hartwell Avenue in order to attract the current developers of Life Science properties. This is a multi-year process and Article 45 represents the first year of refinement through public hearing, Planning Board and staff review. It reflects a minor change in shape, a new district Hartwell Innovation Park rather than “Manufacturing” and a name “C-HIP” to match. Included are various tables of dimensional controls, uses, and other guidance that has and is, being vetted by the various stakeholders. Presumably the last of the issues will be resolved by the time we meet. Further evolution is planned for each of the next two years.

Article 45 is intended to encourage additional development in the Hartwell Avenue / Bedford Street commercial area, building on changes approved in 2020. It includes the following changes:

1. Create a new C-HIP (Hartwell Innovation Park) district specific to this area, with minor boundary adjustments;
2. Adjust the use table, restricting some less desirable uses and permitting some more desirable ones;
3. Make minor changes to dimensional standards;
4. Provide for design guidelines to guide future development;
5. Add additional development standards; and
6. Provide for unique new uses not provided for in current zoning.

The strategy and changes are described in more detail in the Planning Board’s report.

Town Meeting Members Association Bylaws

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

Article I - Purpose

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

Article II - General Organization

Section 1 - Name

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

Section 2- TMMA Membership

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

Section 3 - Executive Committee

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

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

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

Section 4- TMMA Officers

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

Section 5- TMMA Meetings

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

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

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

Section 6 - Dues

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

Article III - Precinct Organization

Section 1- Precinct Officers

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

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

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

Section 2- Precinct Meetings

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

Article IV - Amendments

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

Summary of Parliamentary Procedures

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

Rules of Debate

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

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

Interrupting Debate

A speaker may be interrupted for:

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

Closing Debate

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

The Main Motion

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

Amending the Motion

A main motion may be amended, but the amendment cannot exceed the scope of the article. An amendment may be amended only once before being put to a vote. A substitute motion is an amendment which replaces the entire original motion. A simple majority carries an amendment,

and it then becomes part of the main motion. An amendment is a subsidiary motion and is governed by the limits on debate as set forth below.

Subsidiary Motions

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

1. TO LAY UPON THE TABLE or TO TAKE FROM THE TABLE—the former means to end debate on the question to such time as a member moves to “take from the table” and resume debate. Both are NOT DEBATABLE.

2. TO MOVE THE PREVIOUS QUESTION is used to close debate and put the main motion and, or, an amendment to a vote. NOT DEBATABLE.

3. TO CLOSE THE DEBATE AT A SPECIFIED TIME sets a limit to the length of debate. (To date this has been rarely used in Lexington.)

4. TO POSTPONE TO A TIME CERTAIN is to postpone action until a specified time or a specific article has been acted upon.

5. TO COMMIT, OR RECOMMIT, OR REFER sends the article to a specified Town board, committee or commission for further consideration, usually with directions to report to a future session of the meeting or to a future Town Meeting.

6. TO AMEND.

7. TO POSTPONE INDEFINITELY means to dismiss the article from consideration by the current Town Meeting. It ‘kills’ the article and is often used by the article sponsors when they have decided not to bring the matter up before the meeting.

Votes

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

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

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

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

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

Reconsideration of Motions

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

Dissolution of the Meeting

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

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