

TMMA Warrant Information Report



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

November 2019

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 **Special Town Meeting 2019**. TMMA thanks town officials, town staff, and members of boards and committees for their assistance in providing information for this report.

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

www.LexingtonTMMA.org

Conflict of Interest Guideline for Town Meeting Members

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

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

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

Notes

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

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

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

Special thanks to:

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

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ARTICLE 2 APPROPRIATE FOR PRIOR YEARS' UNPAID BILLS

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

*(Inserted by the Board
of Selectmen)*

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

It is customary to put this article on the Warrant as a placeholder in the event that a bill from a prior year is received. It is anticipated this article will be indefinitely postponed since nothing is known at the time of printing.

ARTICLE 3 APPROPRIATE TO AND FROM SPECIFIED STABILIZATION FUNDS

To see if the Town will vote to appropriate sums of money to and from Stabilization Funds in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws 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 Board
of Selectmen)*

*FUNDS REQUESTED:
Unknown at press time*

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

TMMA Summary

At the 2007 Annual Town Meeting, various stabilization funds were created as repositories for money to be reserved for later use for specific purposes as appropriated at subsequent Town Meetings. Additional stabilization funds were approved in 2008 and 2012, including the Capital Stabilization Fund. 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.

This article reflects transfers from other sources into specific stabilization funds and payments made since the per negotiated Memorandum of Understanding (MOU) zoning agreements. The amounts are those that have been received by the Town since the Annual Town Meeting. The appropriations to be voted on are:

- | | |
|--|-----------|
| 1) <u>Traffic Mitigation Stabilization Fund</u> | \$280,000 |
| Payment from King St. properties under a Hayden Ave. MOU | |
| 2) <u>Capital Stabilization Fund</u> | \$707,197 |
| This is a transfer of surplus revenue with additional \$30,000 available if not needed under Article 4 for cyber security. | |
| 3) <u>Transportation Demand Management/
Public Transportation Stabilization Fund</u> | \$332,249 |

With the transfer including the \$280,000 above, the remaining \$52,249 reflects payments made from Shire, Avalon, Watertown Savings Bank and LexPlace Condominiums.

Please refer to the Appropriation Committee and Capital Expenditure Committee reports for complete information.

ARTICLE 4 AMEND FY2020 OPERATING, ENTERPRISE, REVOLVING AND CPA BUDGETS

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 11, 12, 13, and 14 of the warrant for the 2019 Annual Town Meeting, 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 Board
of Selectmen)*

FUNDS REQUESTED: Unknown at press time

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

TMMA Summary

Adjusting current year budgets has become a customary practice at fall Special Town Meetings. The article allows revenue sources used to support budgets appropriated at the Annual Town Meeting to be revised and specific line items to be amended. The source of funding for this article is unallocated General Fund revenue and unallocated tax levy revenue.

Revenue sources approved at the Annual Town Meeting (ATM) were based on best estimates at the time. The proposed revenue adjustments based on the latest information are:

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- 1) Under the Property Tax Levy, “New Growth” has been revised from \$2,500,000 to \$3,500,000. The \$1,000,000 increase results from revised projections and reflects the anticipated value to be approved by the Department of Revenue.
- 2) The anticipated Chapter 70 – State Aid reflected in the budget presented at the ATM was \$14,364,684. With the actual amount not being determined until the ATM was over, the actual Chapter 70 – State Aid was \$14,438,034, an increase of \$73,350.
- 3) The Revenue Offset for a potential Snow/Ice Deficit reflected in the budget approved at the ATM was (\$400,000). With the Fiscal Year (FY) 2019 actual expense for snow and ice removal being within budget, the offset has been decreased to zero.
- 4) An Unallocated Revenue Set-Aside of \$182,705 is being made to reflect tax levy capacity not reflected in the FY 2020 budget presented at the ATM.

Expense increases/decreases for individual line items include:

- 1) For line item 2210 – Property & Liability Insurance, \$882,304 was approved at the ATM. It is being increased by \$30,000 to \$912,304 to reflect a requested appropriation for cyber security. Being discussed in Board of Selectmen executive session, this request is a placeholder. Should the \$30,000 not be needed for this now, the intent is to appropriate it to the Capital Stabilization Fund.
- 2) Under line item 8200 – Town Manager Personal Services, \$691,484 was approved at the ATM. It is being increased by \$47,500 to \$738,984. The requested appropriation is to hire a new Sustainability Director staff position in January.

Enterprise Fund adjustments are:

- 1) Decreasing the Massachusetts Water Resource Authority (MWRA) Wastewater Assessment from \$7,923,398 to \$7,851,947, a savings of \$71,451 based on final assessments approved by the MWRA Board after the Annual Town Meeting.
- 2) Decreasing the MWRA Water Assessment from \$7,414,724 to \$7,413,364, a savings of \$1,360 based on the final assessment.

Please refer to the Appropriation Committee and Capital Expenditure Committee reports for complete information.

TMMA Questions:

1. Have any Massachusetts cities or towns been subject to ransomware attacks?

ARTICLE 5 PETITION AMEND ZONING BYLAW FROM CD-1 DISTRICT TO CSX DISTRICT - 7 HARTWELL AVENUE (OWNER PETITION)

To see if the Town will vote to amend the Zoning Bylaw and Map to convert the current CD-1 Zoning District to the CSX Zoning District on the property located at 7 Hartwell Avenue and known as Town of Lexington Assessors' Map 84, Lot 81 and as shown on a GIS plan obtained from the Town of Lexington real property database, on file with the Town, or to act in any manner in relation thereto.

(Inserted by 7 Hartwell, LLC)

DESCRIPTION: The article requests an amendment to the Zoning Bylaw and Map in order to allow additional uses at the site. The location of the property is shown on a GIS plan obtained from the Town of Lexington real property database. This plan is on file with the Lexington Town Clerk and the Lexington Planning Board.

TMMA Summary

Most of Hartwell Avenue is in the CM Manufacturing district, and the lot across Hartwell is in the CRO Regional Office district, but this small lot is zoned CD-1 as planned commercial. A "school not exempt by statute" is permitted by right in the CM and CRO zones, but not in a CD-1 district. The Russian School of Mathematics ("RSM") is an after school math program for K-12 students. RSM currently leases property in Lexington and has many clients, many of whom are residents of Lexington. They have expressed a desire to have such a school in the community.

The RSM is currently operating in a leased building in the CM zone at 24 Hartwell Avenue a short distance away from 7 Hartwell Avenue. The 7 Hartwell lot is too small to just be rezoned as CM or CRO due to required dimensional standards for area, setbacks etc. A potential problem with changing the CD-1 zoning to CSX is that if the school were to vacate the property, it would then be open to any other permitted uses in a CSX district.

Some members of the Board of Selectmen are concerned about the traffic pattern at rush hour because of the location near the Hartwell Avenue/Bedford Street intersection, even though the same amount of total traffic exists on Hartwell. This is due to the current location of the school further from the intersection at 24 Hartwell. The 7 Hartwell building has previously housed legal offices and a bank.

The CSX District allows the following uses by right:

- Office uses (3 types)
- Outpatient medical clinic
- Real estate uses
- Travel, insurance, or ticket agencies
- General retail (2 classes)
- Grocery store
- Clothing store
- Home goods (home appliances, furnishings)
- Artisan work

This article would add one more by right use to the CSX District

- School not exempt by statute

The CSX District, allows the following uses by special permit:

- Sit down restaurants
- Fast food restaurants
- Package stores
- Office uses (when one entity occupies an entire building)

The CD-1 District allows the following uses by right:

- Real estate development, management
- Finance, credit, investment but not a bank
- Medical, dental, psychiatric office, but not a clinic (with related laboratory)

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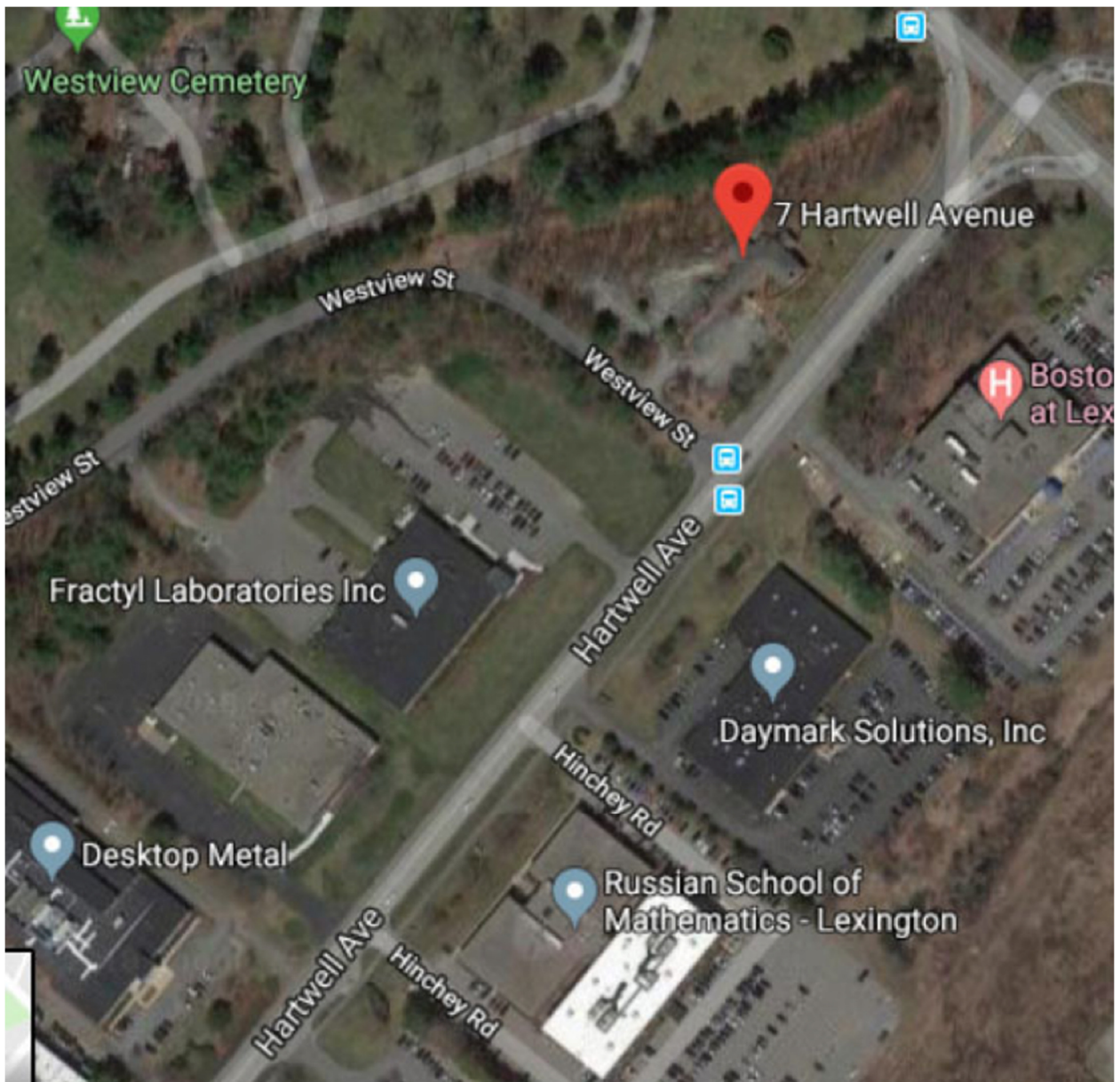
- Professional services such as law, engineering, architecture, consulting service
- Advertising, editing, composition, but not including printing or other reproduction service
- Employment agency, office of a business, professional, labor, civic or social association
- Office of manufacturer's representative or salesman with no sales or storage and distribution of products from the premises
- Other business or administrative office, not elsewhere classified
- Bank, credit union: (a) with automatic teller machine (principal use or accessory) and (b) drive-up window or auto-oriented branch bank

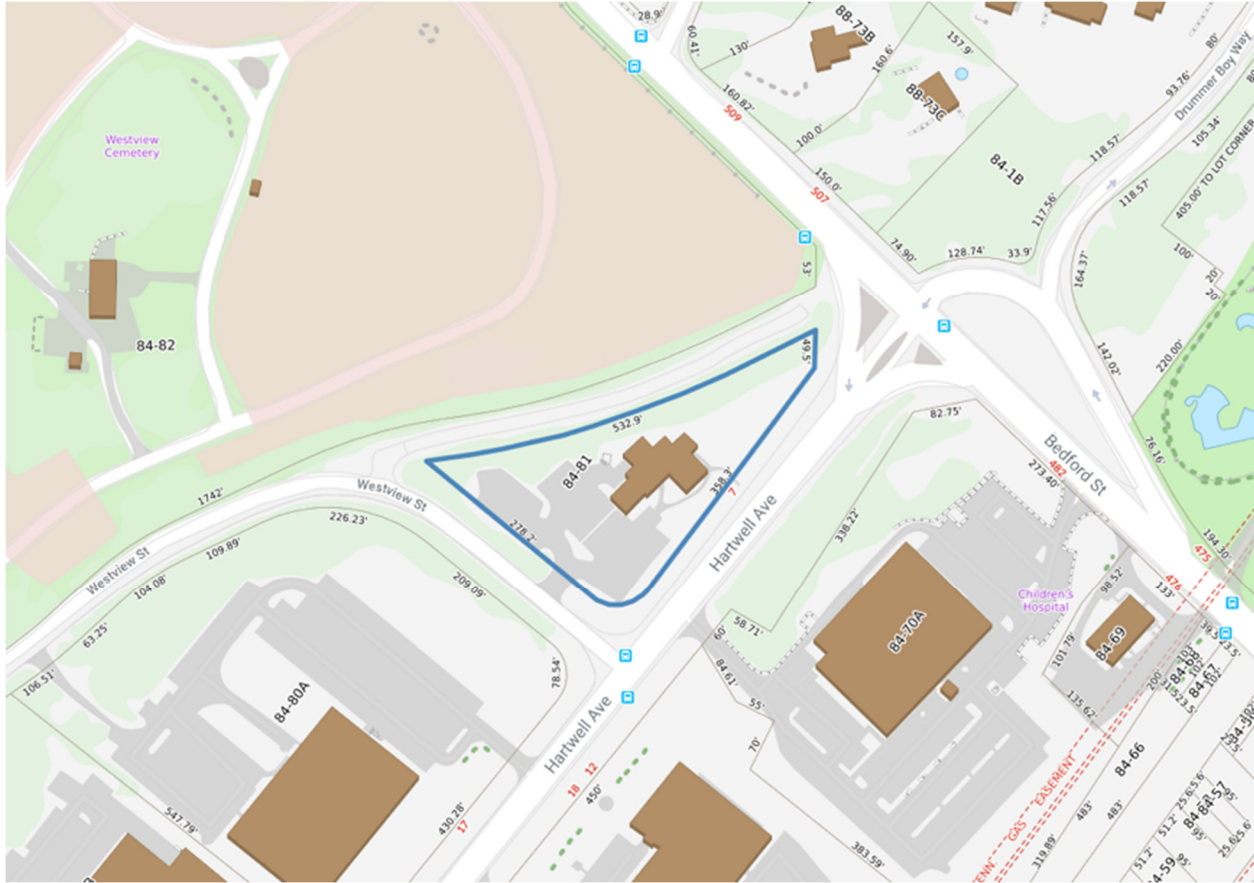
This proposal is unchanged from a 2018 STM version that was referred back to the Planning Board just prior to the start of Town Meeting. New information provided by the petitioner is a traffic study conducted in May and June 2019 at the current 24 Hartwell Ave. location of the RSM. Their study concluded the pre-existing traffic issues in that area are not discernibly augmented by traffic flow to the RSM. During further conversation with the Planning Board, the possibility of entering into a Declaration of Development Restrictions to restrict certain uses on the site, but the PB ultimately determined that was unnecessary because some of the undesirable potential uses (e.g. gas station) would still require a Special Permit review process.

TMMA Questions:

1. How many other parcels in Town have been rezoned due to a request by an article sponsor and what is to limit other businesses or homeowners from requesting similar rezoning?
2. What zoning is currently used by other tutoring organizations in Lexington?
3. What proposed uses in a CSX zone also require Planning Board site plan review (e.g., traffic analysis, building height and setbacks, landscaping)?
4. What proposed uses in a CSX zone do not require a site plan review?

5. How would changing this zone to CSX fit in with the larger Hartwell Ave. planning?





ARTICLE 6 AMEND ZONING BYLAW TO RESTRICT AUTOMATIC TELLER MACHINE AS PRINCIPAL USE IN THE CENTER BUSINESS DISTRICT

*MOTION: That Chapter 135 of the Code of the Town of Lexington, the Zoning Bylaw, be amended as follows (cross out are eliminations and **bold underline>** is new language):*

1. Amend Chapter 135 §3.4 Table 1 H.1.07 of the Table of Uses, Principal Use to read as follows:

H. PERSONAL, BUSINESS, OR GENERAL SERVICE USES

H.1.07 Automatic teller machine

<i>H.</i>	<i>GC</i>	<i>RO</i>	<i>RS</i>	<i>RT</i>	<i>CN</i>	<i>CRS</i>	<i>CS</i>	<i>CB</i>	<i>CLO</i>	<i>CRO</i>	<i>CM</i>	<i>CSX</i>
<i>H. PERSONAL, BUSINESS, OR GENERAL SERVICE USES</i>												
<i>H.1.07 Automatic teller machine</i>	N	N	N	N	SP	Y	Y	Y *N	Y	Y	Y	Y

TMMA REVIEW

The intent of the Article is to prohibit standalone Automatic Teller Machines (ATMs) from being a Primary Use in the CB District.

TMMA Questions:

1. What specifically does the article do?

Answer: It changes line H.1.07 in Chapter 135 which refers to principal use of Automatic Teller Machines, Table 1, “Permitted Uses and Development Standards”. For the CB District only, the symbol is changed from “Y” to “N, where “Y” means permitted and “N: means prohibited.

2. What impact would it have on the bank that attempted to put ATMs in where Good Feet at 1740 Massachusetts Ave. was located?

Answer: Technically, there would be no impact on such a bank. Putting an ATM, when considered Banking, in a Center storefront already requires a special permit.

The current symbol of “Y” may lead any Bank to expect that they can install unattended, standalone ATMs in a Center Business District Store Front as a Primary Use. However, the Building Commissioner determined that standalone ATMs constitutes a Bank Use (Use H.1.05) which requires a Special Permit (use symbol “SP”), making the symbol “Y” for ATMs in the CB District inaccurate. On appeal, the Zoning Board of Appeals has agreed with the Building Commissioner and upheld the decision.

Therefore, it could be said that the symbol “Y” for ATMs in the CB District has no real effect. Nevertheless, the Planning Board supports the Lexington Center Committee in this clarifying change. This change could be important if a Bank decided to appeal the ZBA ruling in the future.

3. Was the article proposed in reaction to other events?

Answer: Yes, the Article was proposed as a defensive action considering this year’s attempt by a Bank to install unattended ATMs in the former Good Feet store front space at the corner of Mass Ave. and Waltham St.

4. What about our current ATMs?

Answer: All of the ATMs in the 12 Banks in the CB District are accessory to the 12 Banks in which they reside and are all, therefore, accessory uses. Table 1 governs Primary Uses only.

ARTICLE 7 AMEND ZONING BYLAW AND ZONING MAP, 186 BEDFORD STREET (Owner Petition)

To see if the Town will vote to amend the Zoning Map and Bylaw of the Town, based on the information provided in the applicant's Preliminary Site Development and Use Plan ("PSDUP") for the property commonly known as Town of Lexington Assessors' Map 64, Parcel 68 at 186 Bedford Street; or to act in any other manner relative thereto. (Inserted by 186 Bedford St, LLC)

DESCRIPTION: The proposed Article would rezone the property from the present RS One Family Dwelling District to a PD Planned Development District. This would allow for renovation and addition to the existing buildings on the above parcel which is identified on a Plan entitled: Proposed Mixed- Use Development - 186 Bedford Street, Lexington, Massachusetts Preliminary Site Development and Use Plan filed June 6, 2019 and revised August 22, 2019 prepared by Highpoint Engineering, Inc. and on file with the Lexington Town Clerk and Planning Board, with metes and bounds shown on the Legal Description.

TMMA Summary

The proposed zoning of 186 Bedford was introduced as Article 38 in the Spring 2019 Annual Town Meeting but was referred back to the Planning Board for further study and presentation at the Fall Town Meeting. A revised Preliminary Site Development and Use Plan (PSDUP) was filed on June 6, 2019 and after subsequent hearings and modifications, a revised filing was made on August 22, 2019. A Memorandum of Understanding (MOU) with the Board of Selectmen was executed on August 8, 2019. On August 14, 2019 the Planning Board voted 5-0 to recommend approval by the Special Town Meeting.

The PSDUP proposes two buildings on the site with 8,419 square feet of Commercial space and 13 Residential one-bedroom apartments, 4 of which will be affordable such that 100% of the units will count towards the Town's subsidized housing inventory. The PSDUP includes the preservation of the historic structure dating from 1870. Also, the existing historic barn will be maintained.

The PD or planned development district, is a method by which Town Meeting can approve a specific zoning district in which an applicant can work with the Planning Board, neighborhood residents, Boards, and other stakeholders to create adjustments to better balance modernizing changes with town needs.

The PDSUP includes contributions of \$50,000 for Town Transportation Demand Management programs, \$2,500 for Garfield Park, 6 bicycle parking spaces, basement storage space for 21 bicycles, relocation of dumpster away from residential neighbors, minor changes to grading and snow storage area, retain mature trees, create a landscape transition zone, allow 49 parking spaces, a full basement and a Floor Area Ratio (FAR) of 0.25. The site will also have 2 electric charging stations with capacity to add more. The buildings will use electric source heat pumps and be built to achieve LEED Silver standards.

After the MOU was executed, the Town Manager requested a change to Section V Noise Testing and Abatement of the Memorandum of Understanding: "That HVAC systems under full load will not exceed 5 dBA above established ambient noise levels between 10PM and 6 AM at the property lines."

Current Status of 186 Bedford area – A neighborhood of small residential lots bordering government and small commercial establishments. The existing zoning for 186 Bedford Street is for RS one family dwelling units, though the buildings housed a Mental Health Clinic for over 60 years until it was vacated several years ago. The buildings at 186 Bedford street include an old house with a large addition and a barn, which was used for meeting space. The main building is an example of New England architecture and is intended to be preserved. The neighborhood consists of several strips of commercial zoned properties. The 186 Bedford lot is 59,270 square feet with a frontage of 230 feet on Bedford Street, 223.8 feet on Vaille (an unaccepted street) and 142.7 feet on Reed Street. The abutting neighbors include a lot of 13,060 square feet on the corner of Reed and Vaile streets that is bounded on two sides by 186 Bedford Street and three residences on Vaille of 26,000; 19,670; and 19,670 square feet, one of which was recently demolished and is being replaced.

The "Alexanders Pizza" plaza, zoned CN neighborhood businesses, is to the east. Adjacent to 186 Bedford Street, and behind the plaza, the RS district continues with three homes bordering Reed Street on lots of 12,930; 8,900; and 7,880 square feet. Across Bedford Street are the temporary Fire Station, the Knights of Columbus, and an office building. Also across Bedford Street, in a CN district, there are five small lots with a combined border of 363 feet which have the existing Ciampa Beauty Salon, a dry-cleaning establishment owned by the Ciampas, an office building and two housing units which until recently were used as residences in the CN zone but one has been demolished and the other is vacant.

By Right Developments under present zoning include residential, childcare, religious and nonprofit education. The gross floor area (GFA) would be about the same under the proposed or by right development. The proposed development has 23,205 GFA while by right 3 single family homes of approximately 7,500-7,900 GFA each for a total of more than 22,000 GFA could be constructed. The existing structures have a floor area ratio of 0.21 or 11,997 square feet. There is an entrance to the existing property on Bedford Street which would be maintained under the proposed development while the by right development could also have driveways on Reed and Vaille.

Parking requirements under the by right RS zoning require 1.5 spaces for each residential unit with 2 or fewer bedrooms and 2 spaces if more than 2 bedrooms. Retail zoning typical parking requirement is for 1 parking space per 250 square feet of net retail floor space (or net office space), with net retail floor space counted as 80% of the gross retail area. The proponent plan allows for one parking space per residential unit which is admissible under the zoning regulations for accessory apartments, rooming units or bed and breakfasts. Planned Development parking requirements are set separately as part of the zoning process. The proposed development provides historic preservation for the main building and the accessory barn, with estimated tax revenue of \$98,000 per year.

There is precedent for a Combined Residential and Commercial District There are several areas along Massachusetts Avenue where residential and small commercial establishments are adjacent. The CN district across from 186 Bedford has some Residential use even though it is zoned for neighborhood businesses. There are three homes behind the Plaza. The zoning bylaw and subsequent amendments occurred after the development of many parts of Lexington and thus contributed to many grandfathered nonconforming structures. The corner building on Massachusetts Avenue and Waltham Street is a large example of a mixed use of condominiums, first floor retail and underground parking approved under a Planned Development.

TMMA Questions:

1. How many mixed-use areas already exist via nonconformance with Lexington zoning regulations?
2. What are the comparable sites in Lexington that could be developed as a combined small apartment and commercial complexes?
3. If as proposed, future state zoning regulations would allow zoning changes or planned development districts with only a 50% vote rather than two thirds vote, what adjustments could be made to the existing Lexington zoning to promote development that assists with Lexington goals for senior and affordable housing?
4. The proposed and by right gross floor areas are equivalent, but how do the amount of impervious surface area compare?
5. What neighborhood traffic/parking impacts are anticipated, versus capacity of the proposed parking spaces at the site?

**ARTICLE 8 APPROPRIATE FUNDING FOR 25% DESIGN OF THE ROUTE 4/225
BEDFORD STREET-HARTWELL AVENUE-WOOD STREET TRANSPORTATION
IMPROVEMENT PROJECT**

To see if the Town will vote to appropriate a sum of money for the Route 4/225 Bedford Street, Hartwell Avenue, and Wood Street Transportation Improvement Project; and authorize the Selectmen to take by eminent domain, purchase or otherwise acquire any fee, easement or other interests in land necessary therefor; determine whether the money shall be provided by the tax levy, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; determine if the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of state aid for such capital improvements; or act in any other manner in relation thereto.

*(Inserted by the Board
of Selectmen)*

*FUNDS
REQUESTED:
\$1,500,000*

DESCRIPTION: This Article will appropriate funding to develop 25% design for a major transportation improvement project which includes minor improvements on Wood Street, four travel lanes in most of the project corridor with three travel lanes in southern portion of Hartwell Avenue, a sidewalk or multi-modal path and bike lanes on both sides of the roadways; raised center medians; safe pedestrian accommodations and crossings; and reconstruction of major intersections: Bedford Street and Hartwell Avenue intersection as well the intersection of the on and off ramps to I-95. A future request for the Town to fund through 100% design and Plans, Specifications, and Estimates would follow at a later Town Meeting. This critical funding of 25% design plans will enable the Town to stay on the state's Long Range Transportation Plan to eventually obtain external resources to fund construction costs to bring the project through completion.

TMMA Summary

Funding request for 25 % design of the Route 4/225 Bedford Street; Hartwell Avenue; Wood Street Transportation Improvement Project

Project Overview:

The Goal of the Route 4/225 Bedford Street, Hartwell Avenue, Wood Street Transportation Improvement Project is to create a street that is safe for all for all users, pedestrians, cyclists and

vehicles using while improving traffic flow. While the state is expected to pay for construction, the Town needs to fund the 25% design in order to begin the process.

The 25% design is a required step in qualifying for state/federal construction funding for transportation improvements. The 25% design process includes detailed traffic, safety, and operational analyses. These analyses, along with public input create design alternatives that are then narrowed down to a proposed design.

The 25% design includes such things as preliminary design plans including cross sections and horizontal and vertical alignments, proposed easements, traffic signs, traffic pedestrian signals, pavement markings and a preliminary construction estimate.

The Massachusetts Department of Transportation reviews and approves these plans which allows the project to move forward.

What will the project do?

The project aims to create a complete street for vehicles, pedestrians, and cyclists by making modifications to the Route 4/225 Hartwell Ave. intersection, the 4/225 I95 interchange bicycle and adding pedestrian and transit facilities along Hartwell, Bedford St and Wood St.

This project will:

- Improve traffic safety
- Fix choke points
- Providing safe pedestrian crossings and safe bus stops
- Expand our existing pedestrian and bicycle network and improve access to the Minute Man Bikeway from Hartwell Ave. Area businesses.

The exact extent of the area to be improved as well as the specific improvements will be determined as part of the 25% design. The proposed project is envisioned to encompass Bedford Street, Hartwell Avenue, and part of Wood Street and includes adjusting the intersection of Bedford Street and I-95.

This project may include, four travel lanes in most of the project corridor with three travel lanes in southern portion of Hartwell, a sidewalk or multi-modal path and bike lanes on both sides of the roadways; raised center medians; safe pedestrian accommodations and crossings; and reconstruction of major intersections: Bedford Street and Hartwell Avenue intersection as well the intersection of the on and off ramps to I-95 and minor improvements on Wood Street.

Why do we need it?

The project area

- Serves over 20,000 employees

- Serves the Towns of Lexington and Bedford; Hanscom Air Force Base; Lincoln Labs; Hartwell Businesses and Interstate-95
- Includes four HSIP (Highway Safety Improvement Program) Crash clusters: meaning that this crash area ranks within the top 5% in our area.

Traffic and transportation are vital concerns to the property owners in the Hartwell Ave, Bedford Street, and Wood Street area. Hartwell Avenue is a regional employment hub with the potential to be a vibrant place to work, live and thrive. Hartwell is recognized as a critical economic engine for the state, as well, considering the Air Force Base, Hanscom Field and Lincoln Labs. Bedford Street borders an established residential neighborhood.

What are the consequences of not funding 25% design?

This critical step of approving local funding for 25% design plans shows the state that the Town is intent on making progress, and importantly, positions the Town favorably in the competitive state transportation funding process to construct the project as envisioned in the 25% design phase and as completed in the 100% design phase. Lexington's place on the Long Range Transportation Plan (LRTP) is safe for now, but would be removed in 2024 if we did not fund 25% design. As of now, the project is targeted for construction in the 2030-34 time band and the Town is seeking to move the project forward to the 2025-29 time band, if possible. Regardless of whether the Town decides to self-fund the entire construction costs of a project or to pursue an alternative, the 25% design process is critical to moving any project forward since Bedford Street is a state road, any proposed improvements will be subject to Massachusetts Department of Transportation's (Mass DOT) standard design review process.

What about neighborhood input?

During the development of the 25% design plans, the commercial and residential neighbors to the project area will have multiple opportunities to offer input. This public engagement, along with input from the traffic consultants, and our boards, committees and commissions will determine the preferred alternative. In addition to the Town's anticipated public engagement, the Mass DOT 25% design process also requires at least one formal public hearing prior to Mass DOT's approval of a design.

What steps have we taken so far?

The Boston Region Metropolitan Planning Organization (MPO) determines the transportation planning process which uses federal and state dollars. Thanks to efforts of our elected officials, the project remains on the MPO's Long Range Transportation Plan; the pipeline to obtain state/federal funding. At an estimated \$48 Million dollars the Town needs to demonstrate a commitment to the project to strengthen our position to obtain funding through the State/Federal governments for project construction and the town has taken several steps to secure our position to be eligible for these funds. Through previous conceptual concepts and discussions, we have garnered the support of the Massachusetts Department of Transportation.

The Town of Lexington has already invested over \$8 million in anticipation of this project:

- \$7M - Maguire/Hartwell Intersection and Bridge Replacement. The project is at 75% design stage with construction funding already approved by Town Meeting;
- \$1M - Hartwell Avenue water main replacement project is under construction.

Additional investments to achieve necessary pedestrian safety goals ahead of this project may include landscaping, bus stop installation, a mixed-use path and improved pedestrian crossings at the jug handle as well as equipment to allow pedestrians to control traffic and to be able to safely cross at Eldred Road.

TMMA Questions:

1. Would Lexington Town Meeting be asked for additional funds?

Answer: Yes. A future request to fund through 100% design - plans, specifications, and estimates to final construction documents may follow at a later meeting. Some additional design funds needed may be funded partially by Mass DOT. The future design funding responsibilities will be worked out during the 25% design process.

ARTICLE 9 LED STREETLIGHT CONVERSION

To see if the Town will vote to appropriate a sum of money for the purposes of acquiring and installing light emitting diode (LED) streetlights to replace existing streetlights in the Town, and for other costs incidental or related thereto; determine whether the money will be provided by the tax levy, by transfer from available funds, by borrowing, grants,

donations, gifts, or other available monies or by any combination of these methods; determine if the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of state aid for such capital improvements; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: \$821,183

DESCRIPTION: *This Article is to fund replacement of the 3000 plus streetlights in Town from induction lights to the more energy efficient LED lights. The Town is eligible for a state grant to pay a portion of this conversion cost (approximately 30%).*

TMMA Summary

The town uses several different styles of streetlights, depending on where they are located and how they are mounted, but most now use induction bulbs, which are filled with mercury vapor that gives a bluish white color. The color of the replacement LEDs will be a warmer, soft white, slightly yellowish color, similar to incandescent bulbs, but much less yellow than the sodium bulbs used in some street lighting. The induction bulbs do not plug in to a socket with contacts but are activated by a magnetic induction field created by an external electromagnet located in the fixture. Induction lamps are quite long lived, 65,000 hours or about 15 year typically, while LEDs may last 18 to 20 years or more. As the cost of LED bulbs has come down rapidly in recent years, and with LED bulbs using significantly less electricity to create the same amount of light, as measured in lumens, LED conversion is now both cost effective and is a way to save electrical energy, thereby reducing the town's impact on climate change. Mercury, used in the induction bulbs, is also an environmentally toxic hazardous material while LEDs are not.

The total Fiscal Year 2020 appropriated DPW funding for street lighting under Budget line 3130 was \$264,624 at the spring ATM, about half being for the power. If the future price for electric power to be paid by the town is about \$0.20 per kWh the project will save about \$60,000 per year in electricity. If the total project cost to the Town is reduced by a 30% state grant to \$574,829 the electricity savings alone have a payback period of about 9.5 years, or about half the projected useful life of the LED bulbs and with the newer fixtures reducing maintenance expenses the projected longer life of the bulbs should further improve the financial return on the project. The Public Facilities Department has already converted all the school parking lot and driveway lights to LED. Public Facilities estimate an electric cost of about \$0.22 to \$0.23 per kWh for their next year contract. The DPW pays Eversource directly for the streetlight electricity, so their price per kWh is not the same as being under the town/school public facilities contract, which has separate contracts for the renewable generation component and an Eversource contract for transmission and distribution.

A report by the Minnesota Department of Commerce Division of Energy Resources (PDF link below) provides a good cost benefit analysis of various streetlight technologies, but since it is dated 2012, the costs of LED streetlights have become significantly more affordable.

<http://www.emsenergy.com/uploads/pdfs/DER-Card-Report-Roadway-Lighting.pdf>

TMMA Questions

1. How many watts do all of the current streetlight fixtures use, and approximately how much will the LEDs use?

Answer: Total kWh for existing streetlights is 674,016. Total projected kWh for new lights is 373,031, saving about 300,985 kWh per year.

2. Of the 3000 (approximately) induction streetlights about what is the approximate current age of the fixtures?

Answer: The Induction lights were installed in 2010.

3. Will the LEDs be able to use the existing fixtures or is the funding to do a complete replacement, including the lenses, sockets, ballasts, photocell controls, etc.?

Answer: The project includes new fixtures and photocells.

4. How will the color temperature of the new lights compare with the existing lights?

Answer: The projected color temperature will be between 2500 - 3000 kelvin. The current lights are between 4100 - 5000 kelvin.

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.