

# TMMA Warrant Information Report



## *2019 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 the **Annual Town Meeting beginning March 25, 2019**. TMMA thanks town officials, town staff, and members of boards and committees for their assistance in providing information for this report.

The following Town Meeting Members participated in the preparation of this report:

Bob Avallone	Narain Bhatia	Vicki Blier	Jeanne Canale	Andy Friedlich
Brian Heffernan	David Kaufman	Jim Osten	Margaret Storch	

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

[www.LexingtonTMMA.org](http://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.*

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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.**

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 font. TMMA information appears in 12-point font.

**This report provides brief summaries of the articles. Please refer to the Town Manager and School Superintendent's budget books and the reports of the Appropriation Committee, the Capital Expenditures Committee, the Planning Board and the Community Preservation Committee for complete information. Check on the "new" table for updated information.**

*Special thanks to:*

*Peet's Coffee and Tea for supplying coffee  
for the edit session*

*Christopher Bing for the cover artwork*

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**ARTICLE 4                          REDUCE COMMUNITY PRESERVATION ACT (CPA) SURCHARGE  
RATE    FROM 3% to 1% PURSUANT TO G.L. c. 44B, § 16  
(Citizen Article)**

To see if the Town will vote to change the current CPA surtax rate from 3% down to 1 %, providing an immediate tax break to all Lexington residents.

*(Inserted by Bridger McGaw and 9 or more registered voters)*

FUNDS REQUESTED: None.

DESCRIPTION: This article seeks to reduce the CPA surcharge net to provide tax relief to **RY**. At the time of this report writing, the article is expected to be Indefinitely Postponed by the sponsor. The Community Preservation Act (CPA) program has played a substantial role in funding \$73M affordable housing, historic preservation, recreation resources, and open space conservation projects. Lexington residents elected over a decade ago to accept a 3% tax (surcharge) on top of their property taxes for this use. Since 2008, Lexington has received over \$15M in matching funds from the Commonwealth, but those matching funds have dropped each year as more and more communities elect to enter the CPA program. The CPA has accumulated \$16M in debt that still needs to be paid off. This debt makes the execution of the reduction of the CPA surcharge rate from 3% to 1% problematic, since the debt can only be paid off with funds raised from the tax (surcharge).

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**ARTICLE 5    ESTABLISH QUALIFICATIONS FOR TAX DEFERRALS**

To see if the Town will vote to adjust the current eligibility limits for property tax deferrals under Clause 41A of Section 5 of Chapter 59 of the Massachusetts General Laws as authorized by Chapter 190 of the Acts of 2008; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

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

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**TMMA Summary**

Under this article, Town Meeting is being asked to approve an increase in the income qualification to defer real estate taxes from \$70,000 to \$75,000 as recommended by the Board of Selectmen. In 2006, Lexington asked the Massachusetts legislature to approve a home rule petition for tax deferrals. At that time, the State allowed deferrals with the State income qualification set at \$40,000 and those deferrals assessed at an 8% interest rate. Under Lexington's home rule petition, the Town requested that it be able to set its own qualification amount and interest rate. Currently, the simple interest rate to be applied is 1.96% with the gross income qualification set at \$70,000 the limit that has been in place for the past few years. The Town received approximately 20 deferral requests a number of years ago, but this rose to 42 last year.

**TMMA Question:**

- 1. On what basis has the requested increase to \$75,000 been determined?**

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**ARTICLE 6 APPROPRIATE FOR CREMATION FACILITY AT WESTVIEW CEMETERY  
(Citizen Article)**

To see if the Town will vote to raise and appropriate a sum of money for design, engineering and architectural services including site work, value engineering, and cost estimating for plans and specifications to construct new Cremation Facility at the Westview Cemetery and for the payment of all other costs incidental or related thereto; determine whether the money will be provided by the tax levy, by transfer from other available funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

*(Inserted by Dinesh Patel and 9 or more registered voters)*

FUNDS REQUESTED: unknown a press time

DESCRIPTION: These funds will permit the design and construction work of a new crematorium At the Westview Cemetery.

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**TMMA Summary**

Cremations have increased dramatically nationally and in Massachusetts. According to NFDA-- National Funeral Directors Association-- they reached over 50% for the first time in 2016 and the trend is upwards; the rise in cremation is largely being driven by consumer demand for more affordable, flexible and simple funeral alternatives.

In anticipation of this growing demand and last rites needs of some Asian population in Lexington, this article is seeking funds to build a cremation facility in Lexington. Initially the article will seek funds for architectural services for Site Work, Schematic Design, Design Development, Construction Drawings and related work to be able to estimate the total costs of the crematory and come back to the town in fall meeting for full construction funds. A site for a crematorium is already included in the planning for Article 20g.

**TMMA Questions:**

- 1. Given the demand, can the Town expect revenues to cover capital and operating costs?**
- 2. What is the expected time to break even?**
- 3. Will the crematorium services be available to non-Lexington residents?**
- 4. The Town's Cemetery fee sheet lists cremation services. Where are these cremations performed?**

**5. What is the relationship, if any, between the proponents of this article and the Town's Ad Hoc Crematory Study Committee?**

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**ARTICLE 7**

**APPROPRIATE FUNDS FOR THE CREATION OF A LEXINGTON ECONOMIC DEVELOPMENT STRATEGY (Citizen Article)**

To see if the Town will vote to appropriate a sum of money to fund the cost of developing an Economic Development Strategy to be led by the Economic Development Office. The report will be submitted to the Town Manager and Selectmen and published on the Town Website within 6 months of passage of this article.

*(Inserted by Bridger McGaw and 9 or more registered voters)*

FUNDS REQUESTED: \$100,000

DESCRIPTION: The funds requested under this article will go to the development of a holistic Economic Development Strategy that will provide recommendations for changes to zoning, permitting, design guidelines, marketing, outreach, and development mitigation.

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**TMMA Summary**

At the time of printing this report, the article sponsor expects to Indefinitely Postponed the article. The sponsor submitted the article to address the increasing burden being placed on residential property owners while the commercial tax base remains stagnant at 17%. With limited commercial zones which can be developed to substantially lower residential taxes, the article sponsor feels there is more we can do to increase the commercial tax base to capitalize on opportunities or remove obstacles to smart business investment in town. Under the article, it is envisioned that the strategy will better help engage and retain businesses of all sizes across Lexington as well as attract new development to the Town. Under the article, it is intended that a strategic analysis will be performed in the near term to shape our goals and budget planning in FY2021 and beyond. Should funds be needed in the future, they would be requested at that time.

**TMMA Questions:**

- 1. Given the complexity of the issues to be considered for this ambitious project, is it realistic to think that the funded report will be completed within 6 months of the passage of this article?**
- 2. Are there prior reports that explored the development of an Economic Development Strategy that can be used to facilitate or expedite the completion of this new funded report?**

**ARTICLE 8  
Article)**

**FUNDING FOR SUSTAINABILITY ACTIONS (Citizen**

To see if the Town would endorse the establishment of a revolving fund or other similar mechanism, which would use revenue, grants, or savings generated by Sustainable Action Plan programs to fund additional programs proposed under the Sustainability Action Plan and approved by the Board of Selectmen; or any other mechanism in furtherance thereof.

*(Inserted by Ricki Pappo and 9 or more registered voters)*

DESCRIPTION: This article seeks to establish a revolving fund, or some other mechanism, from the earnings of projects promoted through the Sustainable Action Plan for the Town to invest in future actions proposed under the Sustainable Action Plan.

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**TMMA Summary**

At the time of this writing, the sponsors are still considering changes to the actual motion to be presented and may move for indefinite postponement.

Lexington has implemented a variety of projects to save energy and increase the sustainability of Lexington in the face of climate change and global warming. Examples are the solar energy arrays at Hartwell Avenue and on a number of municipal and school buildings. Some of these create revenue for the Town in addition to saving the expense of purchasing energy from other suppliers. This article seeks a mechanism to capture those excess revenues, and identify the money saved by not purchasing energy from an outside source and dedicate these revenue savings to the specific use for funding additional projects to improve sustainability rather than having them transferred into the General Fund, from which funds may be used for any approved Town purpose.

**TMMA Questions:**

- 1. How can the “savings” be quantified exactly, rather than approximately, since prices for energy vary from day to day and there are many vendors with different prices?**
- 2. This article establishes complete priority for sustainability projects over all other town needs. Some solar project revenue streams are under long-term contracts. What happens to the funds if there is no requirement for another sustainability project for several years?**

## ARTICLE 9

## SUSTAINABILITY DIRECTOR (Citizen Article)

To see if the Town will vote to raise an appropriate sum of money for the purpose of hiring a Sustainability Director whose explicit responsibility is, in collaboration with Sustainable Lexington, to oversee the implementation and effective management of the recommended actions in the Sustainable Action Plan, and the Net Zero Emissions Roadmap; or to act in any other manner in furtherance thereof.

*(Inserted by Ricki Pappo and 9 or more registered voters)*

DESCRIPTION: The funds requested under this article will go to the salary and benefits for a Sustainability Director, whose duties will include recommending, developing, monitoring, and securing grants for programs designed to enhance Lexington's long term sustainability and resilience.

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### TMMA Summary

Lexington has implemented a series of projects over quite a number of years to reduce costs, while reducing use of fossil fuels, reducing air and water pollution, and acting to reduce our impact on climate change and global warming. Some examples are solar arrays at Hartwell Avenue and on school buildings, geothermal heating systems at schools like Harrington, the composting facility, town recycling collections, and more efficient streetlights. Most previous efficiency projects have been implemented by the town's Public Facilities staff.

This article seeks an indefinite amount to fund a new position to direct all the varied sustainability activities, but does not specify the source of funding or the position's degree of actual control over the activities for which it would have oversight.

The actual motion is expected to be in the form of a resolution approximately as follows, to resolve many of those questions:

*Move to pass a resolution requesting that the Town Manager work with the Human Resources Director and Sustainable Lexington to develop a position description, pay range and organizational reporting requirements for a Sustainability Director, and to report back with recommendations to the Board of Selectmen by September 1 for consideration at the next Town Meeting.*

### **TMMA Questions**

- 1. To whom would this position report?**
- 2. Would this position replace any existing position?**
- 3. What is the proposed source of funding for this position?**
- 4. How would this position be able to provide additional effective oversight for projects in a number of different Town departments?**



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

*(Inserted by the Board of Selectmen)*

FUNDS REQUESTED: \$1,885,486

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

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### TMMA Summary

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

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

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

The amount of the future liability for OPEB is estimated using actuarial tables for average lifespans and projections for health care cost inflation. Assuming that no funds will be set aside for future OPEB costs, the estimated liability for the Town over the next thirty years adds up to more than \$100 million. The estimate of the unfunded liability is also affected by an assumption about long-term returns on investments, known as the "discount rate". Because of this, the unfunded liability estimate is greatly reduced by pre-funding future OPEB costs.

The Post-Employment Insurance Liability (PEIL) Fund is the vehicle that enables the Town to move away from pay-as-you-go into a pre-funded model for OPEB. By appropriations into the

PEIL Fund, the Town reduces its unfunded OPEB liability, but for now the liability is much larger than the PEIL Fund.

In an ideal OPEB system, the unfunded liability would be zero, and the current year's OPEB costs would be paid from the PEIL Fund. Each year the Town would appropriate funds into the PEIL Fund sufficient to cover the future costs of OPEB earned during that same year. The size of this appropriation is referred to as the "Service Cost" in the most recent actuarial analysis of the OPEB system.

Moving from the Town's current scenario to the ideal situation would require the Town to appropriate into the PEIL Fund every year while also paying for the current year's OPEB expenses. The larger the appropriations into the PEIL Fund, the sooner the Town would be able to make this transition. If the Town wishes to complete this in less than 50 years, these appropriations will need to be in the same ballpark as Service Cost. The Town's current policy is to appropriate from 35% to 100% of the Service Cost into the PEIL Fund each year.

FY2020's OPEB costs are budgeted at \$7.4 million to cover 1,369 retirees and this is covered in the Operating Budget. This article requests an appropriation of \$1,879,721 into the PEIL Fund to cover a portion of future OPEB costs.

The policy of the Board of Selectmen is to contribute from 35 to 100 percent of the future costs into the PEIL fund. As of 12/31/2018, the balance in the PEIL account was \$13,996,937. An actuarial analysis done at the end of FY2015 estimated the liability at \$129 million assuming a discount rate of 8%. This favorable discount rate was justified in part by the Town's policy of making regular contributions to the PEIL Fund. 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](http://www.actuary.org/files/IB_Measuring-Pension-Obligations_Nov-21-2013.pdf)

The funding for the request includes \$750,000 from the Health Insurance Claims Trust Fund, with the remaining \$1,129,721 coming from Free Cash. A small portion of the Free Cash contribution is the result of federal reimbursements for Medicare Part D that must be paid to the Town each year and which the Town routinely redirects to the PEIL Fund. Additional appropriations to the PEIL Fund include \$2,761 from the Water Enterprise Fund and \$3,004 from the Wastewater Enterprise Fund, reflecting the OPEB liability for employees covered within these enterprise funds.

The total appropriation requested for FY 2020 is \$1,842,895, which is an increase from FY 2019 of \$42,591 or +2.3%.

**TMMA Question:**

- 1. What is the portion of post employment health insurance accrued in FY2020 projected to be?**

**ARTICLE 11****APPROPRIATE FY2020 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 Board of Selectmen)*

FUNDS REQUESTED: See the most recent version of the FY2020 budget proposals posted at <http://lexingtonma.gov/budget>.

DESCRIPTION: This Article requests funds for the FY2020 (July 1, 2019 – June 30, 2020) 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.

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### **TMMA Summary**

**TMMA Review (as of 03/8/19)**

The information provided for this report is from the Town Manager’s “Fiscal Year 2020 Recommended Budget & Financing Plan, March 4, 2019” (the “Brown Book”). The operating budget is comprised of Education, Shared Expenses, Municipal expenses, cash capital and other revenue set-asides. The “Brown Book” Section I (I-3): Budget Overview Program Summary is:

<b><u>Program</u></b>	<b><u>FY2019 Appropriation</u></b>	<b><u>FY2020 Recommended</u></b>	<b><u>Dollar Change</u></b>	<b><u>% Change</u></b>
Education				
Lex. Public Schools	108,111,445	1,13,564,817	5,543,372	5.13%
Regional Schools	<u>2,126,517</u>	<u>2,470,131</u>	<u>343,914</u>	<u>16.17%</u>
Total Education	103,325,534	110,237,662	6,912,128	6.69%
Total Shared Expenses	59,508,858	60,541,457	1,033,599	1.74%
Total Municipal	38,282,035	40,228,516	1,946,481	5.08%
Total Capital	7,549,138	7,220,666	(328,472)	(4.35)%
<u>Total Other Articles</u>	<u>5,674,348</u>	<u>5,008,044</u>	<u>(666,304)</u>	<u>(11.7)%</u>
<b><u>General Fund Total</u></b>	<b><u>221,252,041</u></b>	<b><u>229,022,571</u></b>	<b><u>7,770,530</u></b>	<b><u>3.51%</u></b>

**Lexington Public Schools - Major Changes, FY2019 to FY2020 (FY 2020 Superintendent's Recommended Budget):** The components of the \$5,887,286 increase from FY 2019 include:

Based on the School Committee and Superintendent's goals reflected in the Superintendent's Recommended Budget presented January 8, the Fiscal Year (FY) 2020 requested amount is \$113,654,817. With the FY 2019 restated appropriation being \$108,111,445, this represents an increase of \$5,543,372 or 5.13% from the prior year. The components of the increase are:

**Contractual Increases - \$2,753,738 or 2.55% increase**

The major driver in this category is funding current staffing levels for FY 2020 including step increases, anticipated collective bargaining and non-union wage settlements.

**Legal/Mandates - \$1,226,899 or 1.13% of the increase**

The major drivers for this increase are special education related. This funds an additional 5.56 FTE for positions needed due to Individual Education Plan (IEP) requirements. It also funds increases in Special Education Out-of-District placements and Special Education Extended Year (Summer) programs. Additionally this category includes contractual increases for the District's regular education transportation program.

**Enrollment Increases - \$1,589,718 or 1.47% of the increase**

The major drivers of this increase are general education enrollment increases. This funds an additional 19.74 FTE for positions needed to maintain class sizes and current staff/student ratios and caseloads. The most significant growth for FY 2020 is at the High School where enrollment is projected to grow by approximately 85(+/-) students. Included in this category are the additional custodial positions required for the increased operating space and certain relocation costs for moving the Hastings staff mid-year (anticipated February, 2020). Also included are funds for per-pupil adjustments for expense budgets to account for enrollment shifts. Using forecasting models, enrollment at the middle and high school levels are projected to increase in the next few years while elementary enrollment is projected to decrease. Elementary school projections may be understated should Lexington's housing turnover rate change.

**Program Improvements - \$372,519 or 0.34% of the increase**

The major drivers of this increase are limited/targeted program improvements. This category funds 1.3 FTE, including the creation of a new Director of Equity and Student Services, certain expense upgrades in Performing Arts equipment and funding to implement major goals of the School Committee/Superintendent's Strategic Plan addressing the joint mental health initiative, elementary health service expansion and the Diversity, Equity and Inclusion (DEI) initiative.

**Minuteman Vocational Technical High School - Major Changes, FY2019 to FY2020**  
(FY 2019 Superintendent's Budget)

- The new Minuteman Regional Vocational Technical High School building will open on time and on budget in September 2019.

- The total proposed FY20 budget is \$22,768,830. Exclusive of the building project debt service, the proposed FY20 Minuteman budget is \$643,596 over FY19, an increase of 3.38%. Assessments to member towns total \$16,191,588.

- The increase in total assessments (excluding school project debt) is 9.2% due primarily to a decrease in the prior year tuition account, a reduction in regional transportation reimbursement and the proposed budget increase.

- The district will be recommending an increase in the nonresident student special education increment fee from \$5,300 to \$6,200 per student next school year, with the collected revenue being applied as prior year tuition revenue to the FY21 budget. For the first time, the district will be charging a capital fee to nonresident students next year. For students who reside in communities that do not provide access to at least five Chapter 74 approved vocational-technical programs ("Type A" communities), the capital fee will be \$6,201.50 per student, while for students from communities that offer five or more Chapter 74 programs ("Type B" communities), the fee will be \$4,651.12 per student. Revenue collected from this fee next year will be applied to reduce the debt service to member towns in the FY21 budget.

- The proposed FY20 budget includes funding for the debt service for the new school building project. FY20 debt service payment of \$3,108,500. is included in the budget. Six of the current nine member-towns supporting the project (Arlington, Bolton, Concord, Dover, Lancaster, and Stow) voted a Proposition 2 1/2 debt exclusion override to fund their assessment share of the project. The current tenth member, Belmont, voted not to support the project, is not assessed for the project, and will become a non-member town at the end of FY20, withdrawing from the district. Lexington voted to pay its assessment from its operating budget.

- Lexington's Minuteman Tech. Building Construction Debt Service Assessment is \$523,210.
- Lexington's assessment for all other Minuteman Tech. debt service is \$95,300. TOTAL LEXINGTON MINUTEMAN TECH. DEBT SERVICE: \$618,510.

- Lexington's Total Assessment for FY20 is \$2,470,131. For FY19, it was \$2,126,217.

**Shared Expense Major Changes, FY2018 to FY2019 (Brown Book, Program Summary I-3):**

<u>Program</u>	<u>Reason</u>	<u>Change Amount</u>
• 2110 – Contributory Retirement	To meet actuarial valuation-base funding schedule mandated by State regulation	\$4000,000
• 2120 – Non-Contrib. Retirement	For employees with pensions before Contributory Retirement System was established	206
• 2130 – Medicare, Health, Dental, Life Ins.	Based on 5.5% increase across all health insurance plans and the addition or change of 90 subscribers	558,792
• 2140 – Unemployment	The Town self-insures for this expense	0
• 2150 – Workers’ Comp.	Reflects incr. cost based on FY2017 experience	4,966
• 2210 – Property & Liab. Insurance	Due to estimated 5% increase in premiums	112,465
• 2220 – Uninsured Losses	No increase in the continuing balance account.	0
• 2310 – Solar Producer Payments	Obligated payments for installation and operation of the solar array on Hartwell Ave.	0
• 2400 –Debt Service	Levy supported (non-exempt) debt	(1,042,448)
• 2500– Reserve Fund	For unforeseen expenses	0
• 2600 –Facilities	Contract increases and 2 new custodians	998,618

**Municipal Operating Budget Major Changes, FY2019 to FY2020 (Program Summary I-3):**

Except where otherwise noted below, the FY2020 budget is level funded from FY2019. Those departments having significant 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	Expenses – includes program improvements	\$278,654
• 4100 – Law Enforcement	Personal Expenses – from newly signed contract	337,571
• 4200 – Fire & Rescue	Expenses – Incl. replacement, protective clothing	57,798
• 5100 – Library	Personal Expenses – from newly signed contract	214,343
• 7100 – Land Use, Health	Expenses – for comprehensive plan and oper. support for the Visitors Center	124,549
• 8230 – Salary Transfer	For anticipated collective bargaining settlements	453,951
• 8600 – Info. Technology	Incr. cost of software maint. & support contracts, incr. mobile serv. costs	293,450

**Total Capital** includes “cash capital”, the Building Envelope Set-Aside and the Streets Set-Aside (see Section I: Program Summary on page, I-6 and Section XI: Capital Investment). The decrease of (\$328,472) from FY 2019 results from a decrease of (\$350,245) in Capital Requests, an increase of \$4,972 for the Building Envelope/Systems Set-Aside and an increase of \$16,801 for the Streets Set-Aside.

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**Total Other Articles** has a decrease from FY 2019 of (\$666,304). This includes an Unallocated increase of \$1,182,705. The *Set-Aside for Unanticipated Current FY Needs* is \$200,000. The *Set-Aside for Tax Levy Support of Community Center Program* reflects a decrease of (\$5,433). The allocation for the *Capital Stabilization Fund* decreases by (\$2,023,576).

**11**

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* and *Getting to Net Zero* have no appropriations for FY 2020. There is no allocation to the *Comprehensive Plan Development*. The funding of the *OPEB Trust Fund* has an increase of \$50,000 and the *Warrant Articles* account has no appropriation for FY 2020.

Under Shared Expenses, Employee Benefits and Debt Service figures include the expenses related to School Department employees and capital projects. The program expenses provided here do not reflect any salary and benefit adjustments that will result from ongoing collective bargaining negotiations. Because all associated costs must be incorporated into the Enterprise Funds budgets, projected salary and benefit increases are reflected in Article 5 numbers. The expenses related to the Water, Wastewater and Recreation Enterprise Funds have been separated from the municipal operating budget and will be approved by Town Meeting under Article 5. As has been done in prior years, Revolving Fund projected revenues have been offset against operating expenses from certain programs. This impacts line items 2400, 3300, 3400, 3500, 6100, 6200, 7100, 7300 and 8140 and is reflected under Article 13.

**TMMA Questions:**

- 1. At the end of FY 2018, how much was returned to the General Fund from the School Dept. account?**
- 2. Though it was partially funded, what were the ramifications of not getting the requested additional \$370,000 mentioned in the LPS Superintendent's Budget Message?**
- 3. For the Lexington Public Schools, what is the total projected enrollment for FY 2020 and what is that as a percentage of the FY 2019 enrollment?**
- 4. This is a general question about increase in FTE levels. How can FTE's be added for a fiscal year after the Brown Book is published? For example, in the FY19 Brown Book, Law Enforcement shows funding for 4 PT cadets. But in the FY20 Brown Book, 6 PT cadets are shown for FY19, a retroactive increase of 2 PT cadets for FY19. When were these funds appropriated? Likewise, the Human Services Dept added a FT position for Community Outreach Coordinator for FY19 after the FY19 Brown Book was published.**
- 5. A Heavy Equipment Operator FTE is being added to the DPW Parks Division (3310). Why is this additional FTE needed?**
- 6. For the Human Services Dept, "The weekly hours for the Municipal Clerk are being recommended to increase from 17.5 to 24 in FY2020". Why the increase in hours? The increase makes the position benefit-eligible; the benefits (\$15,464) will be paid from the General Fund.**
- 7. The IT budget (8600) includes \$24,000 for a new Part-Time IT Administrative Assistant. Why is this new position needed?**

**ARTICLE 12**

**APPROPRIATE FY2020 ENTERPRISE FUNDS BUDGETS**

To see if the Town will vote to appropriate a sum of money to fund the operations of the DPW Water and Wastewater Divisions and the Department of Recreation and Community Programs; determine whether the money shall be provided by the estimated income to be derived in FY2020 from the operations of the related enterprise, by the tax levy, by transfer from available funds, including the retained earnings of relevant enterprise fund, or by any combination of these methods; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

**FUNDS REQUESTED:**

<b>Enterprise Fund</b>	<b>FY2018 Actual Actual</b>	<b>FY2018 Appropriated</b>	<b>FY2019 Requested</b>
<b>a) Water</b>			
Personal Services	\$674,791	\$771,886	\$785,010
Expenses	\$383,853	\$494,025	\$508,875
Debt Service	\$1,470,390	\$1,463,902	\$1,277,412
MWRA Assessment	\$7,246,531	\$7,128,006	\$7,840,807
<b>Total Water Enterprise Fund</b>	<b>\$9,775,565</b>	<b>\$9,857,819</b>	<b>\$10,412,104</b>
<b>b) Wastewater</b>			
Personal Services	\$230,757	\$359,312	\$355,614
Expenses	\$325,482	\$408,150	\$432,950
Debt Service	\$1,033,672	\$1,203,004	\$1,253,756
MWRA Assessment	\$7,402,979	\$7,402,979	\$8,143,277
<b>Total Wastewater Enterprise Fund</b>	<b>\$8,992,890</b>	<b>\$9,373,445</b>	<b>\$10,185,597</b>
<b>c) Recreation and Community Programs</b>			
Personal Services	\$1,278,403	\$1,416,168	\$1,471,683
Expenses	\$1,246,737	\$1,434,325	\$1,481,895
<b>Subtotal-Pers.Servs./Expenses</b>	<b>\$2,525,140</b>	<b>\$2,850,493</b>	<b>\$2,953,578</b>
Debt Service			
<b>Total Recr.&amp; Community Programs Enterprise Fund</b>	<b>\$100,000 \$2,625,140</b>	<b>\$0 \$2,850,493</b>	<b>\$0 \$2,953,578</b>

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.

TMTA Summary below



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## **TMMA Summary**

### **Article 12 TMMA Summary - (as of 03/9/19)**

Passage of this article appropriates money for the Water, Wastewater and Recreation and Community Programs Enterprise Funds. Lexington has established individual Enterprise Funds for our water, wastewater (sewer), recreation and now community programs operations. These funds receive revenue from water and sewer bills and from recreation fees and pay the expenses for those departments. FY2020 represents the fourteenth 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 FY2019 reflect estimated changes for the MWRA assessments and debt service. Debt service includes actual debt service on bonds issued to date, estimated debt service on projects authorized by Town Meeting for which debt has yet to be issued and estimated debt service on projects proposed for consideration at the 2019 Annual Town Meeting.

The FY2020 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 FY2020 rate recommendations to be made to the Board of Selectmen.

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

### **TMMA Questions:**

#### **1. What is an Enterprise Fund?**

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

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

**ARTICLE 13 ESTABLISH AND CONTINUE DEPARTMENTAL REVOLVING FUNDS**

To see if the Town will vote, pursuant to Chapter 44, Sections 53E½ and of the Massachusetts General Laws 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 FY2020 shall be the following amounts or any other amounts; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

**FUNDS REQUESTED:**

<b>Program or Purpose for Revolving Funds</b>	<b>FY2020 Authorization</b>
School Bus Transportation	\$1,150,000
Building Rental Revolving Fund	\$545,000
DPW Burial Containers	\$50,000
Lexington Tree Fund	\$45,000
DPW Compost Operations	\$760,000
Minuteman Household Hazardous Waste Program	\$220,000
Regional Cache -Hartwell Avenue	\$10,000
Senior Services Program	\$75,000
Health Programs	\$45,000
Tourism/Liberty Ride	TBD
Visitors Center	TBD
Residential Engineering Review	TBD

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.

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**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 11 Operating Budget, the FY2020 Authorizations are spending limits which cannot be exceeded. A continuing balance in a revolving fund may be carried over to the next fiscal year. Expenditure ceilings are based on revenue projections, in no case can spending exceed revenues on hand. The Board of Selectmen, with approval by the Appropriation Committee, has the authority to increase a program's spending ceiling within expected receipts.

**ARTICLE 14     APPROPRIATE THE FY2020 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 FY2020 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 FY2020; 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 Board of Selectmen at the request of the Community Preservation Committee)*

**FUNDS REQUESTED:**

- a) Conservation Land Acquisition- TBD
- b) Willard's Woods Site Improvements- \$138,273
- c) Archives & Records Management/Records Conservation & Preservation- \$20,000
- d) Battle Green Master Plan- Phase 3- \$253,394
- e) 9 Oakland Street- Renovation and Adaptive Re-Use- \$70,000
- f) Athletic Field Complex at Minuteman Regional Vocational Technical School - TBD
- g) Old Reservoir Bathhouse Renovation - \$620,000
- h) Park Improvements- Hard Court Resurfacing- \$70,000
- i) Park Improvements- Athletic Fields- \$435,000 *(subject to reduction if (f) is fully funded)*
- j) Playground Replacement Program- Bridge- \$302,000
- k) LexHAB- Preservation, Rehabilitation, and Restoration of Affordable Housing- \$99,700
- l) CPA Debt Service- \$3,094,680
- m) 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, the debt service on previously authorized projects, and for administrative costs.

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**TMMA Summary**

All the CPC articles have been approved by the CPC with 9-0 votes. The projects approved by the Community Preservation Committee are:

**a) Conservation Land Acquisition- Funding \$275,000**

This FY20 request for CPA funds is for the acquisition and preservation of environmentally sensitive lands in Lexington located on Kendall Road (Map 32, Lot 114) and Sherburne Road South (Map 32, Lot 135). The Sherburne Road South parcel has been on the Conservation Commission's list of highly desirable parcels since 1996 and abuts the Upper Vine Brook conservation area. The Kendall lot is a stand-alone parcel, but the Conservation Commission was offered the opportunity to acquire these properties only as a package deal for both lots. The

acquisition of both parcels of land will add an additional 4+ acres to the Town's inventory of conservation land.

**TMMA Questions:**

**1. Is the Kendall Road parcel a possible site for a LexHab affordable house?**

**2. If the site is a possible LexHab site can the funding by CPA be split to be partially from the housing and partially from the open space funding?**

**b) Willard's Woods Site Improvements- \$138,273**

Willard's Woods is the largest and most popular conservation area in Lexington, with about 100 acres of open meadow, old-growth pine forest, wetlands, and a historic mill pond. An existing stone dust bike path connects Brent Road, Hathaway Road, and North Street. That path is part of the Across Lexington Trail System. It has not been significantly repaired since before the land was transferred from Recreation to Conservation, and is now in need of repair. There are several large meadows that have become overgrown with small trees and invasive plants. Funding to restore those meadows was previously voted by Town Meeting but has not yet been expended, partially due to lack of a formal Land Management Plan. This request is to fund the creation of a land management plan, which will explore the possibility of creation of an Americans with Dissabilities Act (ADA) accessible trail system, based on improving the existing bike path with some possible extensions, and adding ADA accessible parking, and universally designed navigation and interpretive signage, benches and picnic areas that are usable by all visitors, including those with mobility, vision, or other functional limitations. It will also establish the procedures for meadow restoration. This funding also includes design work that will be needed to establish the extent and feasibility of the ADA enhancements.

This FY20 funding will be used (1) to hire an established natural resources management firm to produce a comprehensive land management plan, which will identify areas of special significance in Willards Woods and develop a plan for long-term maintenance of the property; and (2) to enable design, surveying, engineering, construction planning and permitting for the proposed universally designed ADA enhancements, which will be located, to the extent possible, to take advantage of features identified in the land management plan. The second stage of the project, anticipated for FY2021, will be construction of the trail, parking improvements and other elements of the plans developed in stage one.

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

This FY20 request for CPA funds is for the conservation and preservation of historic municipal documents and records. It will fund the conservation and preservation of old documents including School Committee Minutes, Board of Registrars Minutes and Records of the Overseers of the Poor, all from the years 1850-1910. In addition, selected financial records of the Selectmen and Assessor's Department during this time period will be included as funding allows.

Significant progress has been made in preserving Lexington's historic documents, but there is still a continuing need to preserve records from the 1800s and early 1900s . This work includes scanning the documents to microfiche and preservation, as required, of the original paper documents

**d) Battle Green Master Plan- Phase 3- \$253,394**

The Battle Green Master Plan was first presented to the Board of Selectmen in March 2010. The Master Plan Implementation is broken out into three phases. Phase 1 was approved at the 2011 Annual Town Meeting to repair and upgrade the pathways surrounding the existing monuments on the Battle Green. Phase 2 was approved at the 2012 Annual Town Meeting for repairs and upgrades to the pathways surrounding the Battle Green itself and Belfry Hill, and for rehabilitation of the granite steps leading to the Obelisk, and the fence at the Ye Olde Burying Ground. Phases 1 and 2 have been funded, with work scheduled to complete in spring 2019. Funding for Phase 3 construction will be used to address site amenities and historical landscaping. This project request was originally in the amount of \$570,438, but due to CPA funding constraints in FY20, the funds requested have been reduced, with some of the site improvements deferred. A subsequent Phase 4 request to complete the project is expected in FY21 for \$317,044.

**e) 9 Oakland Street- Renovation and Adaptive Re-Use- \$70,000**

Supportive Living Inc. (SLI), a non-profit organization, provides appropriate, affordable and supportive housing for survivors of brain injury in 15 units at Douglas House at 7 Oakland Street, funded partially by CPA, and also owns 9 Oakland. In 2009, the Town was awarded the Robert Kuehn Community Preservation Award for the adaptive re-use of 7 Oakland Street, one of the earliest industrial facilities in Lexington. The entire property, 7-9 Oakland Street, is located within the Battle Green Historic District and is listed on the National Register of Historic Places.

The Douglas House site also includes the small building, formerly a foreman's house, located at 9 Oakland Street. In 2018, Town Meeting approved \$200,000 of a total project cost of \$425,000 to help fund the renovation of 9 Oakland Street to provide an additional common area for residents, for additional meeting and office space for staff from Douglas House, and for the SLI Wellness Center. This FY20 request seeks supplemental funds necessary to complete the renovation of the building. Due to unanticipated Town Building Department requirements that the facility be made structurally safer, the revised structure plan, updated architect plans, and revised construction plan and contract will require an additional \$84,905 to complete. SLI will fund the remaining \$14,905 balance required if this \$70,000 is approved, through foundation grants, private donations and contributions from SLI's Board of Directors.

**f) Athletic Field Complex at Minuteman Regional Vocational Technical School – Funding Requested- zero**

This request will be indefinitely postponed.

**g) Old Reservoir Bathhouse Renovation - \$620,000**

The Old Reservoir Bathhouse, built in 1975, is a heavily used recreation facility in need of a complete renovation. Attendance at the Old Reservoir averages between 8,000-10,000 people each summer. The bathhouse was last renovated in 2000. This is the second phase of a two-phase approach; the feasibility study, design and engineering costs associated with the renovation phase were appropriated at the 2018 Annual Town Meeting. Based on the findings of the feasibility study and cost, the decision has been made to renovate the existing building rather

than demolish and construct a brand new bathhouse. The project will include repairs to the plumbing system and installation of all new fixtures (showers, toilets, sinks, and drinking fountain), installation of new aerators, replacement of the existing roof, reconfiguration of the main entrance, addition of small program space, and the installation of a new shade structure. The bathhouse is not ADA-compliant in its current condition. This project will address the accessibility issues in the bathhouse, as well as the walkway and surrounding site, so that the Old Reservoir is a facility that is welcoming to people of all ages and abilities.

**h) Park Improvements- Hard Court Resurfacing- \$70,000**

This FY20 request will fund the resurfacing, painting and striping of the hard court surfaces located at Adams Park. The hard court surfaces include the Adams Tennis Courts and the Adams Basketball Courts; the project also includes the installation of a permanent bike rack at the park. The courts were last resurfaced in 2004 (tennis and basketball). This is the latest project in the Recreation Committee's ongoing hard court resurfacing program. Subsequent FY21-FY23 requests are anticipated for similar upgrades to the Valley Tennis Courts, Center Basketball Courts, and Gallagher Tennis Courts.

**i) Park Improvements- Athletic Fields- \$435,000 *(subject to reduction if (f) is fully funded, however (f) is now going to be indefinitely postponed with zero funding.)***

This FY20 request will fund the Diamond Middle School Field renovation, including drainage, laser grading, and new irrigation controls. An ADA Compliance Study, completed in 2017, identified that there is no accessible route between the ball fields and their respective team areas. An accessible route will be installed along the fence on the west side of the site that connects the ball fields to each other and the parking lot. An accessible walk will be installed leading from the parking lot and field area to the portable bathroom facility. This project is part of an ongoing multi-year capital program to address safety and playability concerns and to provide adequate and safe field conditions for neighborhood families, recreation, and school programs at playgrounds and parks throughout the Town. Renovations include the installation of natural turf, drainage and new irrigation systems, and site amenities such as benches and backstops. FY21-FY24 requests are anticipated for similar upgrades to the athletic fields at the Harrington School Field, Muzzey Field, Fiske School Field and Bridge School Field.

**j) Playground Replacement Program- Bridge- \$302,000**

This FY20 request will fund the update and replacement of playground equipment and surfacing behind the Bridge Elementary School and playfields. The proposed improvements will renovate and rehabilitate existing safety surfacing and equipment so that the site will be in compliance with the Consumer Product Safety Commission (CPSC), the American Society for Testing and Materials (ASTM) and the American with Disabilities Act (ADA). This project is the second part of a two-year, two-school program to update existing school playground facilities. Part 1, the similar updating of the playground at the Bowman Elementary School, was funded with FY19 CPA funds and is now completed.

**k) LexHAB- Preservation, Rehabilitation, and Restoration of Affordable Housing- \$99,700**

This FY20 request seeks funding for projects at 11 LexHAB units. All LexHab units are affordable rentals. The scope of the work and locations are in the following table. Work is anticipated to start on July 1, 2019.

Location	Scope	Funds	Type of work	Comments
300 Woburn Street	Kitchen Rehabilitation & floor	\$12,000.00	Rehabilitation	Capital work to restore kitchen cabinets and floor
454 Marret Road	Replace Side Exterior steps	\$2,500.00	Rehabilitation	restore deteriorated concrete
454 Marret Road	Front Masonry Steps	\$3,500.00	Rehabilitation	restore deteriorated concrete
142 Emerson	Kitchen & Bath Rehabilitation	\$13,000.00	Rehabilitation	restore kitchen and bath which are in poor condition
Parker Manor( 2 units)	Kitchen & Bath Rehabilitation	\$26,000.00	Rehabilitation	restore kitchen and bath which are in poor condition
1001-1003 Mass Ave	Kitchen Rehabilitation	\$10,400.00	Rehabilitation	Restore kitchen cabinets
1001-1003 Mass Ave	Rear Deck Replacement	\$8,500.00	Preservation	Restore deteriorated rear deck
15 Grandview	Replace Roof	\$9,000.00	Preservation	Roof has reached the end of its useful life
14 Woodland Road	Replace Roof	\$9,000.00	Preservation	Roof has reached the end of its useful life
8 Emerald Road	Replace Rear Dormer Roof and Fascia boards	\$3,800.00	Preservation	Roof and deteriorating fascia boards need replacement
Bruce Road	Replace Front & Rear door	\$2,000.00	Preservation/Rehabilitation	Front and rear doors are in poor condition

**l) CPA Debt Service- \$3,094,680**

FY20 debt service obligations consist of four components described below:

**1) Wright Farm: \$365,800:**

Under Article 9 of the 2012 Annual Town Meeting, voters approved the \$3,072,000 acquisition of a substantial portion of the Wright Farm property. Of this appropriation, the Town was authorized to borrow \$2,950,000. In February 2013, the Town sold a \$2.95 million bond anticipation note (BAN) that came due in February 2014. The interest payment on the BAN was \$36,875. The BAN was refinanced in February 2014 through the issuance of \$2.95 million bond for a ten-year term. The first debt service payments of principal and interest on the bond were made in FY15. Debt service on the bond for FY20 is \$365,800, representing \$295,000 of principal and \$70,800 of interest.

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

At the Special Town Meeting in March 2013, voters approved an appropriation of \$10,950,000 to fund the acquisition of a portion of the Scottish Rite Property at 39 Marrett Road, to become the Lexington Community Center. The CPA portion of this purchase was \$7,390,000. In November 2013, the Town sold a \$7.39 million bond anticipation note that came due in February 2014. The interest payment on the BAN was \$9,237. In February 2014, a \$7.39 million bond was issued for a ten-year term to retire the BAN. The first debt service payments of principal and interest on the bond were made in FY15. Debt service on the bond for FY20 is \$917,100, of which \$740,000 represents principal and \$177,100 represents interest.

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

Under Article 2 of the Special Town Meeting in March 2014, Town Meeting approved an appropriation of \$8,677,400 to fund the cost of renovations to the Cary Memorial Building. Of this amount, \$8,241,350 was requested in CPA funding to be financed through the issuance of debt. A bond anticipation note in the amount of \$3,286,000 was issued in June 2014; the note came due in February 2015 at which time a bond of \$6,569,000 was issued and comprised 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. FY20 debt service is \$812,200, of which \$655,000 represents principal and \$157,200 represents interest.

**4) Center Track Project: \$999,580:**

At the Annual Town Meeting in March 2018, voters approved an appropriation of \$3,340,000 to fund the cost of the Center Track and Field Reconstruction. Under Article 10 the CPA portion of this purchase was \$2,289,000, to be financed through the issuance of CPA debt, with the remainder being financed from the General Fund. We anticipate the CPA portion of this project will be financed with short-term Bond Anticipation Notes (BANs) that will be paid-down over a period of three years. The first BAN will be issued in June of 2019 for \$2,289,000 and will come due in February of 2020. The Town will owe interest of \$56,580 and will pay down \$943,000, for a total debt service payment of \$999,580 in FY2020. We anticipate the remaining principal amount of \$1,346,000 will be refinanced and paid-down in even increments over the next two fiscal years. (continued)





and from the parking lot to the 5th tee, relocating the car path at the 4<sup>th</sup> green, extending the cart path on the 6th and 7th holes, repairing and grading. An impeding curb will be removed and an accessible path from the accessible parking spaces to the practice area abutting the parking lot will be installed.

**TMMA Question:**

- 1. What types of community outreach activities are planned or expected to be used to conduct the recreational community needs assessment?**
  
  - 2. Will the needs assessment include an assessment of Town-owned athletic fields and parks?**
- 

**ARTICLE 16 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) Hydrant Replacement Program;
- b) Storm Drainage Improvements and NPDES compliance;
- c) Comprehensive Watershed Stormwater Management Study and Implementation;
- d) Townwide Culvert Replacement;
- e) Center Streetscape Improvements - Construction;
- f) Automatic Meter Reading System;
- g) Sidewalk Improvements;
- h) Hill Street New Sidewalk Project;
- i) Equipment Replacement;
- j) Townwide Signalization Improvements;
- k) Street Improvements;
- l) Transportation Mitigation;
- m) Municipal Technology Improvement Program;
- n) Application Implementation;
- o) Network Core Equipment Replacement; and
- p) EV Charging Stations.

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: \$12,521,005

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2020 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy20capital>.

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## TMMA Summary

### **a) Hydrant Replacement Program;**

Funds requested \$150,000 (\$75,000 Free Cash, \$75,000 Water Enterprise Retained Earnings)

This is an ongoing replacement program designed to maintain the integrity of the fire protection system throughout town. Faulty hydrants need to be replaced to meet safety requirements. A list of hydrants needing replacement is generated each year during the annual inspection and flushing of hydrants by the Water and Fire Departments. Based on discussions between the two departments, the target goal is to replace approximately 60 hydrants per year at a cost of \$2,500 per hydrant. The Town of Lexington has 1,500 fire hydrants in its fire protection system; a total of 481 hydrants have been replaced.

### **b) Storm Drainage Improvements and NPDES compliance;**

Funds requested \$385,000 (Free Cash): This is an annual request to replace and supplement existing drainage structures by addressing 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 funding increase is due to the new EPA general permit that requires the Town to comply with additional requirements, which include illicit discharge detection and elimination, best management practices (BMP), installation, and retrofits. The remaining \$270,000 will be used to repair/replace drainage structures encountered during road construction, repair other drainage areas of concern in the Town and improve storm water issues discovered during NPDES investigation work. Areas of drainage concern that have recently been improved are the Wildwood Road/ Wood Street area, Augustus Road area and Webster Road area. Illicit discharge detection work has been ongoing in the Vine Brook and Mill Brook areas where contamination has been identified. The pre-emptive repair of existing drainage structures will reduce damage to structures, existing pavement and private and public property.

### **c) Comprehensive Watershed Stormwater Management Study and Implementation;**

Funds requested \$390,000 (Free Cash): DPW, Engineering and Conservation collaborate on this annual capital request, which addresses drainage/brook management issues, such as flooding. The request funds the continuing design and implementation of watershed plans and the construction of priority remedial projects established in those plans. Staff has reviewed the three watershed plans for the Charles River, Shawsheen River and Mystic River already completed, which cover all the watersheds in Lexington, and developed a prioritization schedule with built-in flexibility pending unforeseen changes. Requested funding will be used to move forward with those prioritized areas. The Whipple Brook area is in currently under construction and design work is in progress in the Valleyfield area. A thorough evaluation has been completed in the Oxbow Constitution area with design now in progress. Long-term benefits of the program include prevention of property damage, reduction in liability and overall improvement to the health of Lexington's waterways.

#### **d) Townwide Culvert Replacement:**

Funds requested - \$390,000 (Free Cash): This request is part of an ongoing program to replace culverts that fail or are near failure. On-going culvert inspections reveal a need to replace many older culverts that are failing. This program is a companion effort with the ongoing Watershed Management Plan. Detailed design evaluation is complete for the Oxbow Constitution Road area and has shown the need of culvert replacement or daylighting. Daylighting is the replacement of an underground culvert with an open natural stream wherever it is not necessary to pass under roads or other infrastructure. The design work for Valleyfield Phase 1 is near completion. Of the funding requested, \$250,000 is estimated for construction costs for culvert replacement, \$65,000 is for design, permitting and bidding. The remainder is for contingency. Proactive replacement of old culverts prior to failure will allow for proper designs and construction funding while also minimizing the impact to residents due to unexpected road closures and flooding.

#### **e) Center Streetscape Improvements - Construction:**

Funds requested - \$9,273,880 (General Fund Debt)

This project will restore and improve the center sidewalk, streetscape and circulation with a focus on pedestrian safety and accessibility. Past funding has allowed the design to progress to 25%. An FY2015 request of \$600,000 provided funding to complete the design and develop plans and specifications necessary for bidding the project. The 25% plans were further revised based on recommendations from the Center Streetscape Ad-Hoc Committee and Board of Selectmen and included the assistance of additional professionals including historians, irrigation consultants, lighting consultants and tree consultants.

At the fall 2018 Special Town Meeting an additional \$550,000 was approved to bring the project to 100% design. The current funding request is for the construction of the streetscape project. The construction phase will include pedestrian, bicycle, and vehicular safety improvements, the restoration, removal and replacement of the sidewalk along the northerly and southerly side of Massachusetts Avenue from Woburn Street to Merriam Street, streetscape improvement, improved lighting as well as other aspects developed in the plans. In addition to the restoration of these areas, all of the existing pedestrian corridors and ramps will be brought into ADA compliance.

#### **TMMA Question**

##### **1. Has the color of ramps been resolved?**

#### **f) Automatic Meter Reading System:**

Funding requested - \$5,940,000 (\$2,470,000 Water Debt/ MWRA Loan; \$2,470,000 Wastewater Debt/ MWRA Loan; \$500,000 Water Fund Retained Earnings; \$500,000 Wastewater Fund Retained Earnings):

An FY2018 appropriation provided funding to contract with a firm to evaluate the existing meter equipment for compatibility with an Automatic Meter Reading system. As a result of that evaluation, FY2020 funds are requested to install a town-wide Advanced Metering Infrastructure (AMI) radio read system that will give the DPW water supply staff the ability to read meters more frequently from a remote location. Staff will be able to detect leaks more timely and reduce water loss, costly repairs, and abatements. The AMI system is comprised of computer software/hardware, new meters if the meter is 10 years old or older, meter transmitters, optional

repeaters, and the base station receiver. The implementation of a Town-wide AMI will provide the Town with more frequent meter readings and will allow for quarterly billing, a benefit for both staff and residents. Eventually water department customers will be able to view their water use via the Internet for budgeting and conservation rather than having to wait for a semi-annual paper bill.

**h) Hill Street New Sidewalk Project:**

Funding requested - \$1,500,000 (General Fund Debt): This request will fund construction of a new sidewalk along the 0.7 mile stretch of Hill Street from Bedford Street to Cedar Street. There are currently no sidewalks along the street, which is classified as a Rural Minor Collector. The street abuts approximately 45 residences as well as the Lexington Golf Club and Poor Farm Conservation Area. The roadway is winding which creates sight line issues affecting pedestrian safety. A survey of the roadway was conducted including preliminary evaluations of sidewalk locations along both sides of the street. Design is underway with the completion of preliminary plans that are under review by the Engineering Division. Construction of the sidewalk would support the Town's efforts towards creating Complete Streets, which permit safe alternative transportation modes, including ADA accessibility.

**i) Equipment Replacement:**

Funding requested - \$1,300,000 (\$900,000 General Fund Debt, \$200,000 Water Retained Earnings & \$200,000 Wastewater Retained Earnings): This is an annual request to replace equipment that is beyond its useful life and whose mechanical condition no longer meets the requirements of the Department of Public Works (DPW). The DPW has an inventory of 146 pieces of major capital 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.

Expected useful lifetimes vary from 5 to 20 years and are based on manufacturer recommendations, hours of use, mileage, and actual wear such as excessive rusting. Each vehicle is assessed as to its mechanical condition and work requirements on or before the recommended replacement date. The systematic replacement program defines what equipment is expected to need replacement during the next five years with the intent of preventing any unexpected emergency purchases. Annual updates are conducted by the Road Machinery Division, Division Superintendents and reviewed by the Manager of Operations and Director of Public Works.

The specific FY2020 requested replacement equipment is shown below.

Elgin Street Sweeper - Highway \$245,000 General Fund Debt  
Schmidt Spreaders - Highway \$260,000 General Fund Debt  
Various Equipment Trailers - Highway \$50,000 General Fund Debt  
Brush Bandit Chipper - Public Grounds \$90,000 General Fund Debt  
Ford F350 Pickup with Plow - Public Grounds \$95,000 General Fund Debt  
F450 Dump Truck with Plow - Public Grounds \$110,000 General Fund Debt  
Infield Machine 4020 - Public Grounds \$50,000 General Fund Debt  
Vactor Truck - Water & Wastewater \$200,000 Water Debt \$200,000 Wastewater Debt

**j) Townwide Signalization Improvements:**

Funds requested- \$125,000 (Free Cash): This is an annual request for funds to update traffic and pedestrian signals in Lexington. A signal inventory and compliance study has been completed. The study includes ADA compliance, condition assessment, signal timing, delays, and prioritization recommendations. The design at the intersection of Massachusetts Avenue at Worthen Road is going into environmental permitting shortly and design is near completion. The project is expected to go out to bid in the winter with construction starting in 2019. This funding request will be used for improvements at either the intersection of Lowell Street at East Street or Lowell Street at North Street. The improvements will prevent failure of the aging equipment, improve traffic flow, decrease energy consumption, and allow for proper accessibility.

**k) Street Improvements:**

Funding requested- \$3,590,597 (\$2,616,801 Tax Levy, \$973,796 Chapter 90 funding): This is an annual request for the street resurfacing and maintenance program. In addition to the \$2,616,801 appropriated from the tax levy, \$973,796 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>FY2020</u>
2001 Override Increased by 2.5% per year	\$ 688,846
Maintenance of unallocated revenue from FY2012 Revenue Allocation Model	\$ 300,000
Maintenance of unallocated revenue from FY2013 Revenue Allocation Model	\$ 182,955
FY2014 Health Insurance Savings	\$ 1,100,000
Additional Tax Levy Funding	\$ 345,000
Estimated Chapter 90 Aid	<u>\$ 973,796</u>
Total	\$ 3,590,597
Without Chapter 90	\$ 2,616,801

**l) Transportation Mitigation:**

Funds requested- \$100,000 (Free Cash): This annual capital request is to support the ongoing work of the Transportation Safety Group (TSG). The TSG is staffed by the Planning, Engineering, School and Police Departments. Between FY2008 and FY2011, Town Meeting appropriated funds to collect data, perform analysis, review citizen requests and recommendations for various townwide transportation improvements in support of the Traffic Mitigation Group (dissolved in 2012 and later reconstituted as the TSG). Due to an increase in the number of citizen requests received over the past few years, the TSG seeks to continue this funding for FY2020 and anticipates the need to be ongoing in order to ensure that transportation safety remains a critical part of Lexington’s quality of life. The FY2020 funds are proposed for evaluation, engineering and construction of crosswalks and the installation of pedestrian-activated beacons at crosswalks, including locations on Crosby Road near the Hastings Elementary School.

**m) Municipal Technology Improvement Program:**

Funds Requested- \$150,000 (Free Cash): This FY2020 capital request is part of a multi-phase program to enhance the Town's network storage capabilities. Previous appropriations have funded the initial installation and subsequent expansion of server area network (SAN) equipment in the server rooms at both the Town Office Building and 201 Bedford Street. These appropriations also funded the purchase of necessary software to assist with file storage, archiving and discovery. The FY2020 request will fund the replacement of an end-of-life (EOL) storage are network (SAN) to ensure compatibility with developing focus on cloud based services. In addition to SAN needs, equipment will be purchased to assist with data transfer to Cloud services and Cloud backup and DR needs. Future year funding will be to continue to expand the meet data storage capacity and data management and expanding Backup capacity to match the file storage growth. The need for the equipment is driven by rapidly growing data sets and unstructured files due to email archiving requirements under State Public Records Laws. This capital will provide the ability to continue to support the Town's application and storage needs.

**n) Application Implementation:**

Funds requested- \$150,000 (Free Cash): FY2020 funding will be used to investigate the future implementation of Town email communications, currently hosted locally. This funding will also support the migration of select virtual servers, currently hosted on town physical servers, to a cloud platform (e.g. Azure or Amazon Web Services) and the design of a DR (disaster recovery) solution including software and failover of the new cloud hosted virtual server environment. (Definition: Failover - a method of protecting computer systems from failure, in which standby equipment automatically takes over when the main system fails.) A consultant will be utilized to analyze the Towns needs, provide recommendations on the direction the Town should take, assist with the development of documentation and drafting a Statement of Work. This effort is to assist with the Town technology footprint consolidation initiatives and to improve application resiliency.

**o) Network Core Equipment Replacement:**

Funds requested- \$480,000 (Free Cash): The purpose of this multi-year capital funded project is to replace aging equipment or add new equipment to the Town's core voice and data network. During FY2017 and FY2018, the Town completed network and cybersecurity assessments. Those assessments provided targeted recommendations for changes in the network. The FY2019 capital request was for the replacement of the end of life (EOL) core equipment, the Town Firewalls. The FY2020 capital request is for replacement of the EOL core network hardware including EOL core switches and the addition of one redundant core switch. In addition to the replacement of existing hardware, this request covers the services for the network reprogramming, installation of the equipment and the addition of software to address network security monitoring and management needs.

(Definition A network switch is a computer networking device that connects devices on a computer network by using packet switching to receive, process, and forward data to the destination device.)

**p) EV Charging Stations.**

Funds requested -\$40,750 (Parking Meter Fund): This FY2020 funding is for the purchase and installation of eight electric vehicle charging stations that will be placed in municipal parking lots. The funding source for this request is the Parking Meter Fund. Future revenues generated from the use of these charging stations be deposited to the Parking Meter Fund for future parking related expenses or capital improvements.

**ARTICLE 17**

**APPROPRIATE FOR WATER SYSTEM IMPROVEMENTS**

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

*(Inserted by the Board of Selectmen)*

FUNDS REQUESTED: \$2,200,000

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2020 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy20capital>.

**TMMA Summary**

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

**Funding source -\$2,200,000 (Water Debt/MWRA Loan):**

This is an annual program that replaces unlined, inadequate, aged and vulnerable water mains, deteriorated service connections, eliminate dead ends in the water mains, and addresses pressure, leakage, and other problems. Water main replacement has been completed on Vaille Avenue, and a portion of the water mains on Page Road and Green Lane have been replaced, with work ongoing. Design is in progress for the Hartwell Avenue main replacement and the Town will begin design on several other roadways including Peacock Farm Road and Eldred Street. Using prior funding, the Town has also completed a hydraulic model for the entire distribution network and an asset management plan that will ensure a proactive approach for keeping Lexington’s water both safe and reliable. The FY2020 funding request has been increased to meet these recommendations.



## ARTICLE 18

## APPROPRIATE FOR WASTEWATER SYSTEM IMPROVEMENTS

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

*(Inserted by the Board of Selectmen)*

FUNDS REQUESTED: \$1,700,000

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2020 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy20capital>.

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### TMMA Summary

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

#### **Sanitary Sewer System Investigation and Improvements - \$1,000,000 (Wastewater Debt):**

This is an annual program that provides for rehabilitation of sanitary sewer infrastructure. Work will include replacement or repair of deteriorated sewers, force mains and manholes in order to improve flow and reduce inflow and infiltration into the system. Engineering investigation and evaluation will continue on sewers throughout town, including those in remote, hard-to-access areas. A significant lining project in the Dunback Meadow area and the Bow Street area along Mill Brook, has been completed. The next rehabilitation is anticipated in sewer basins 2 and 12 followed by rehabilitation in subareas 11 and 13. 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.

#### **Pump Station Upgrades - \$700,000 (Wastewater Debt):**

A 2013 evaluation and capital plan was developed including a detailed engineering survey of the pump stations. The goal of this program is to upgrade all the pumps and support systems to enable better energy efficiency and avoid emergency expenditures.

The Worthen Road pump station construction is near completion. Bids for construction for the Marshall Road and Constitution Road pump stations are expected to go out soon. Design for the Hayden Ave. pump station will begin soon. It is anticipated that the North Street and Bowman Street pump stations will be the next in line for design and upgrades.

**ARTICLE 19                    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 Board of Selectmen at the request of the School Committee)*

FUNDS REQUESTED: \$1,743,900

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment section of the FY2020 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy20capital>.

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**TMMA Summary**

This request is for \$1,743,900 total consisting of \$724,088 General Fund Debt and \$1,019,812 Free Cash. This annual request funds the need to utilize computer related technology and the Internet, as instructional and administrative tools. Obsolete and broken equipment needs to be replaced, and a growing student population needs additional equipment. The FY2020 request is to provide funding for the following specific items:

**Computers**

Tech Workstations - \$351,300 to replace mobile devices (iPads and Chromebooks) for teachers, students and staff. End of life laptops for existing teachers will be replaced and laptops for new staff will be purchased.

(1:1 is a project to provide each student with a personal networked computing device)

1:1 Middle School Program - \$204,600 to replace end of life iPads with Chromebooks for one grade level.

Elementary Mobile Devices - \$56,700 will purchase additional carts of Chromebooks and computer carts. Chromebook carts will be relocated from LHS to elementary schools.

1:1 at LHS - \$412,500 will begin implementation of a 1:1 device program at LHS for two grade levels.

**Software and supporting special hardware**

STEM/Computer Science - \$68,800 will purchase Google Expeditions Virtual Field Trip kits for grades K-8. PadCaster videography kits will also be purchased as well as an update to the LHS Computer Science Lab.

**Wired and wireless networking equipment**

(Definitions. WAPs -Wireless Access Points –devices that provide a local Wifi connection to the town wide network, and the Internet. POE –Power over Ethernet -A **POE switch** is a **network switch** that has Power over Ethernet injection built-in. Simply connect other **network** devices to the **switch** as normal, and the **switch** will detect whether they are **POE**-compatible and enable power automatically.)

Upgrade District and Building Network Infrastructure - \$183,000 will (1) replace 130 WAPs at the Harrington, Bridge, and Bowman to High Capacity WAPs to handle increased Wifi connected devices. (2) add 2960x48 Port POE switches to the Bridge and Bowman schools, (3) add 2960x48 Port POE switches to the Harrington School to handle power requirements for new WAPS, (4) add new network cabinet for Central Office-currently over capacity (5) add 10 WAPs for district-wide replacements as needed.

**Classroom teacher support devices**

Interactive Projector/Whiteboard Units - \$252,000 is requested to replace 63 projectors district wide. This equips buildings with either a pen-activated interactive system and speakers, or an interactive TV. The replacements will begin with the oldest model per school until all systems offer the same functionality.

**Servers provide central computing and file storage functions via the network**

Server/Storage Infrastructure - \$180,000 to upgrade the existing virtual server and purchase a second virtual server to allow for additional in-house file storage capacity as well as additional cache servers as needed to support online computer based testing at the middle and high schools. A second virtual server to allow for additional in-house file storage capacity as well as additional cache servers needed to support online computer based testing at the middle and high schools.

**Backup Power keeps the town's telephone (VoIP) system and network operational during utility power failures**

Backup Power Project - \$35,000 will add all HS data cabinets for VoIP and Network to emergency backup.

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**ARTICLE 20                      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) Municipal Building Envelopes and Systems;
- d) School Building Envelopes and Systems;
- e) LHS Field House Track Resurfacing;
- f) Public Facilities Mechanical/Electrical System Replacements;
- g) Westview Cemetery Facility Construction; and
- h) Cary Library Children's Room Renovation Design.

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

*(Inserted by the Board of Selectmen)*

FUNDS REQUESTED: \$4,744,053

DESCRIPTION: For a description of the proposed projects, see Section XI: Capital Investment

section of the FY2020 budget. The most recent version of the capital section can be found at <http://www.lexingtonma.gov/fy20capital>.

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## TMMA Summary

**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 the 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 beginning of school in August.

### **b) Facility and Site Improvements**

This has 2 funding components this year building flooring repairs and school paving.

- **Building Flooring Program - \$125,000 (Free Cash):** Initiated in FY2011, this is an annual request for funds to be used for the replacement of flooring systems in municipal and school buildings. The FY2020 request will be used for continuing replacements at the Diamond Middle School stairwells, Central Administration Building, and Town Office Building. In FY2019 flooring projects at the Diamond and Clarke middle school libraries and the Cary Library were completed. The goal of this annual program is to ensure floor surfaces remain clean and safe for all users.
- **School Paving & Sidewalks Program - \$326,740 (Free Cash):** This capital request provides ‘as needed’ replacement of sidewalks, bus loops and parking areas on school grounds. The FY2020 request will specifically fund sidewalk panel replacements and parking and roadway improvements at the Fiske Elementary School, which are currently in poor condition. Repairs for school paving areas are necessary to maintain parking and pedestrian surfaces in a condition suitable for public safety, ADA access, and Safe Routes to School.

**c) Municipal Building Envelope and Systems - \$203,865 (Tax Levy):** This ongoing capital request, originally approved for funding in the 2006 Proposition 21/2 Override, includes repair and replacement projects for the maintenance and upgrade of municipal buildings and systems. The FY2020 request seeks funding for continued implementation of extraordinary repairs to the foundation and original drainage system of the Lexington Community Center. The Town contracted with CBI to review the existing interior and exterior condition. By performing exploratory test pit excavations and water testing, it appears that the recurring water intrusion issues found in the fascia and soffits are mainly attributable to holes, voids and failed seals at penetrations throughout the existing building mill work. This project will repair ongoing foundation deterioration, which will secure the health of occupants who utilize the basement area.

**d) School Building Envelopes and Systems Program - \$233,448 (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 FY2020 request will be used to address repairs of water and air infiltration issues of the gaskets, caulking, doors and windows at the Fiske Elementary School.

**e) LHS Field House Track Resurfacing - \$250,000 (Free Cash):** The FY2020 requests funds to resurface the rubberized track surface in the field house of Lexington High School. Proposed improvements include resurfacing, painting and striping a new track system. The current track condition shows signs of severe delamination of the top rubber track surface and the current surface is uneven. Resurfacing is necessary to maintain the athletic program. Without repair the track will no longer be a safe practice facility for students, athletes, and coaches.

**f) Public Facilities Mechanical/Electrical System Replacements - \$605,000 (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. The FY2020 appropriation will be used to replace the air conditioner chiller for Lexington's Community Center. The existing chiller system is under-performing and has exceeded its life expectancy. If not replaced, the Community Center may experience unplanned interruptions of the air conditioning and incur increased maintenance costs. If funded, the project would take place in fall of 2020, after the cooling season.

**g) Westview Cemetery Building - Construction - \$2,800,000 (General Fund Debt with debt service partially funded from Sale of Cemetery Lots Special Revenue Fund):** FY2020 funds are requested to construct a new building on the Westview Cemetery grounds. The existing building serves as the cemetery office, meeting area for grieving families and workspace for maintenance staff. The facility has deteriorated and needs to be brought up to code. The only significant upgrade to the building in the last 15 years has been the installation of a new roof. Limited space does not permit private space for grieving families and the maintenance area lacks adequate space for all equipment to be stored indoors. The renovation or expansion of the building will enhance cemetery operations by providing a welcoming, private space for families and visitors and provide staff with adequate efficient office space, storage space and maintenance space. An FY2016 appropriation funded an assessment of the current building and operations. A FY2018 appropriation was used to hire an architect to design the proposed new building. It is expected that a full set of design specifications and construction documents will be completed in the near future using the 2018 funding. This funding request is based on the FY2018 design.

**h) Cary Library Children's Room Renovation Design - \$100,000 (Free Cash):** Children's spaces in public libraries have changed significantly since the Cary Library was designed in the late 1990s. Three factors drive these changes - advances in technology, the need for more flexible spaces, and concerns about children's safety. The current Children's Room has a fixed U-shaped layout with staff space at the center of the U. This layout makes the room difficult to supervise, and there are multiple spaces that cannot be seen from the staff desk. Beyond safety concerns, the space needs to be reconfigured to allow for larger attendance at library programs as children's programs account for more than 75% of all library programs offered.

This project is anticipated to have three phases. The FY2020 funding request will be used to complete a feasibility study for the renovations. The feasibility study will allow staff and community members to work with an architect on a design that improves safety for children and flexibility for the staff in configuring the space for programs. Additional requests for full design and construction funding are expected in fiscal years 2021 and 2022, respectively. Supplemental private funding by donations and grants will be solicited for the construction phase of this

project.

**TMMA Questions:**

- 1. For what Public Facilities projects are bid documents being developed?**
- 2. Will the 2018 design documents, and this funding amount need to be modified if a crematorium is to be constructed if Article 6 passes?**

**Answer:** The Westview Cemetery Building project will not need additional funds if the crematory project proceeds forward. Because the project team was informed that the town was considering a crematory, the team looked closely at the current design to incorporate as much as possible into the existing design. In a recent meeting of the Director of the DPW and the architect, we examined the cemetery building to make sure the addition of a crematory would be possible and not interfere with the design. Article 6 will not affect the request for article 20(g).

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**ARTICLE 21**

**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 Board of Selectmen)*

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

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**TMMA Summary**

**TMMA Summary (as of 3/9/19)**

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

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**ARTICLE 22**

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

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### **TMMA Summary**

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

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

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

At the time of this report printing, the amounts being appropriated to or from the accounts are still being finalized.

### **TMMA Question:**

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

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

**ARTICLE 23**

**APPROPRIATE TO GENERAL STABILIZATION FUND**

To see if the Town will vote to appropriate a sum of money to the previously created General Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws; 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: Money may be appropriated into the Stabilization Fund that may be invested and the interest may then become part of the fund. These funds may later be appropriated, by a two-thirds vote of an Annual or Special Town Meeting, for any lawful purpose.



**TMMA Summary**

**TMMA Summary (as of 03/9/19)**

This article is an annual place-holder. It is anticipated that this article will be indefinitely postponed (IPed).



**ARTICLE 24**

**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 FY2020 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 Board of Selectmen)*

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**

**TMMA Overview (as of 03/9/19)**

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



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

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

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**ARTICLE 25**

**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.

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**TMMA Summary**

**TMMA SUMMARY (as of 3/9/19)**

At the time of printing, there is the possibility of one prior year bill which is still being discussed.

**ARTICLE 26**

**AMEND FY2019 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 2018 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 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 (FY2019) appropriations.



**TMMA Summary**

**TMMA Summary (as of 3/9/19)**

This article is an annual place-holder should adjustments be needed to the current year’s budgets. Possible adjustments to the FY 2019 budgets are still being discussed at the time of printing this report

**ARTICLE 27**

**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 Board of Selectmen)*

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**

**TMMA Summary (as of 3/9/19)**

This article is an annual place-holder should a project approved by a prior year’s Town Meeting need supplemental funding. This article will be Indefinitely Postponed.

**ARTICLE 28**

**CONFIRM STREET ACCEPTANCE AND TITLE  
(PORTION OF PELHAM ROAD)**

To see if the Town will vote to confirm the establishment and acceptance of the layout as a Town way the portion of Pelham Road from Eliot Road a distance of 526 feet, more or less westerly, as laid out by the Selectmen, all as shown upon a plan on file in the office of the Town Clerk, dated May 1896 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 Board of Selectmen)*

DESCRIPTION: This segment of Pelham Road was accepted by the Town many years ago, but the record is unclear as to whether it was ever conveyed to the Town. This article will confirm that the street is an accepted street, and will authorize the Town to take title to this segment of Pelham Road.

This is a “housekeeping” article. Per the description above, it is unclear how or whether the paperwork was originally filed to convey the road’s ownership to the Town. Approval of the article will reconfirm the road’s status as an accepted street.



**TMMA Summary**

**TMMA Summary (as of 3/9/19)**

This is a “housekeeping” article. Per the description above, it is unclear how or whether the paperwork was originally filed to convey the road’s ownership to the Town. Approval of the article will reconfirm the road’s status as an accepted street.

**ARTICLE 29**

**CIVIL SERVICE WITHDRAWAL**

To see if the Town will vote to revoke the acceptance of Civil Service laws for the Town of Lexington police force at all ranks, including the Police Chief, thereby removing the police force from the provisions of the Civil Service Laws, and the rules and regulations relating to the same, provided that this revocation will not affect the Civil Service status of existing personnel in their current positions; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

DESCRIPTION: This Article requests approval to prospectively remove all uniformed members of the Lexington Police Department, including the position of Police Chief, from the provisions of Civil Service law. The Lexington Police Department has been in the state civil service system since Town Meeting votes in 1911 (police officers) and 1926 (police chief). At that time there was little state legislation or case law dealing with employee rights or responsibilities. Much has changed since then. The Town’s Police Chief and Town Manager believe that the hiring and promotion requirements under the Civil Service program restrict the Town’s ability to hire the best applicants for the positions. The proposed change would provide the Town of Lexington with more control over personnel choices by allowing the Town to set its own policies, requirements and procedures for hiring and, subject to bargaining, promoting officers. In the past, the Police Department has found it difficult to fill open positions because of a lack of qualified candidates identified through the Civil Service process, resulting in unfilled vacancies and higher

overtime costs. The change would increase the pool of potential candidates by opening the process to qualified individuals who have not taken the Civil Service exam.

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## TMMA Summary

Town Meeting adopted Civil Service in 1911 for officers and in 1926 for the Police Chief. Police officers are the only civil service government employees in Lexington. Civil Service restricts who can be on a hiring list based on a multiple choice test issued State wide. This significantly impedes the Town's ability to hire a diversified police and/or hire candidates in a timely manner. Civil Service imposes on the Town significant regulations that may require hearings if a hiring, promotion or disciplinary action is disputed.

The hierarchy for hiring, as provided by a Civil Service list is:

- 1) Those who had an immediate family member die in the line of duty as a police officer
- 2) Lexington Residents
- 3) Disabled Veterans
- 4) Veterans
- 5) Others

Very few Lexington residents take the test and many other candidates do not pass the background check that Lexington independently conducts. Civil Service does not prescreen candidates for disqualifying matters and requires Lexington to extensively document why a candidate is bypassed (subject to a time consuming appeal). Civil Service candidates tend to be white males. Civil Service refused to provide Lexington a 'female only' list or a list with language skills such as Mandarin, Hindi and Korean.

The Lexington Police Department believes that the current list (where the Town competes for candidates with all other Civil Service police departments in Massachusetts) is exhausted of quality candidates. The next test is given in March 2019 and will be certified in October 2019. Given this timeline, Lexington is unlikely to have new candidates hired until Jan-Feb 2020 with academy start dates in April or May of 2020. This extensive delay in hiring adversely impacts the Lexington Police Department's ability to provide quality services.

Leaving Civil Service will allow Lexington to hire a private vendor to test candidates. The pool of candidates will be significantly enhanced. Lexington can prescreen and identify quality candidates, in a timely manner, with diverse backgrounds, college or military experience, prior experience in police service, and with language and other skills that will serve Lexington well.

### **TMMA Questions:**

**1. Is there any step needed besides passing by Town Meetings?**

Answer: This is the final step needed.

**ARTICLE 30            AMEND TOWN BYLAWS-REDUCE/BAN POLYSTYRENE MATERIALS  
(Citizen Article)**

To see whether the Town will vote to amend the Town Bylaws to reduce or eliminate polystyrene food serviceware and packaging, or to act in any manner in relation thereto.

*(Submitted by Lin Jensen and 9 or more other registered voters)*

DESCRIPTION: The purpose of this article is to reduce or eliminate polystyrene food serviceware and packaging in Lexington.

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### **TMMA Summary**

The term serviceware is not clearly defined, but in the context of this article it means specifically the plastic foam used for plates, cups, bowls, trays, clamshell boxes and other food containers for meat, fish, produce trays, egg cartons and beverage coolers. When made of polystyrene such containers are not economic to recycle, and if disposed of improperly it often becomes litter which pollutes the environment and especially bodies of water and the oceans. Even in landfills the polystyrene plastic does not biodegrade. The plastic often becomes micro sized particles that will continue to be a pollution problem for centuries. Significant quantities of such particles have been detected in foods such as fish. Styrene may be a carcinogen.

There are cardboard and compostable serviceware products that can perform the same function as the polystyrene containers. They do biodegrade in landfills and eventually degrade even if disposed of improperly. The costs to the consumers maybe slightly different at the time of sale, but the invisible future costs of the pollution will be avoided.

The prohibition would apply to all food establishments (defined as those who have State food permits), retail establishments (defined as those who sell the affected products) and Town buildings in the Town of Lexington.

This article does not specify the exact wording of a proposed bylaw amendment, which would be drafted by the Town Counsel, under the direction of the Selectmen, if the article is adopted.

**TMMA Question:**

- 1. Would the wording of the bylaw amendment need to be in the motion for Town Meeting to vote on it?**

**ARTICLE 31**

**AMEND TOWN BYLAWS TO REDUCE/BAN SINGLE-USE PLASTIC BEVERAGE STRAWS AND STIRRERS (Citizen Article)**

To see whether the Town will vote to amend the Town Bylaws to reduce or eliminate single-use plastic beverage straws and plastic stirrers, or to act in any manner in relation thereto.

*(Inserted by Lin Jensen and 9 or more registered voters)*

DESCRIPTION: The purpose of this article is to reduce or eliminate single-use plastic straws and stirrers in Lexington.

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**TMMA Summary**

Plastic straws and stirrers are not economic to recycle, and if disposed of improperly, often become litter, which pollutes the environment, and especially bodies of water and the oceans. Even in landfills the plastic does not biodegrade. The plastic often becomes micro sized particles that will continue to be a pollution problem for centuries. Significant quantities of such particles have been detected in foods such as fish.

For many years the standard single use straw was made of paper, which is biodegradable. There are biodegradable compostable straws that can perform the same function as the plastic ones. Stirrers, made of bamboo for example, are also available. Those do biodegrade in landfills and eventually degrade even if disposed of improperly. The costs to the consumers maybe slightly different at the time of sale, but the invisible future costs of the pollution will be avoided.

Some individuals with disabilities may need straws that allow them to drink thick liquid diets, and there are re-useable straws made of thick plastic or metal, and even compostable materials to satisfy their needs.

This article does not specify the exact wording of a proposed bylaw amendment, which would be drafted by the Town Counsel, under the direction of the Selectmen, if the article is adopted.

**TMMA Question:**

- 1. Does the wording of the bylaw amendment have to be in the motion for Town Meeting to be able to vote on it?**

**ARTICLE 32**

**ADDITION OF CAPITAL EXPENDITURES COMMITTEE-RELATED PROVISIONS TO THE REPRESENTATIVE TOWN MEETING AND SELECTMEN-TOWN MANAGER ACTS**

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court to enact legislation regarding the Town’s Capital Expenditures Committee in substantially the form below, and further to authorize the Board of Selectmen to approve amendments to said act before its enactment by the General Court that are within the scope of the general objectives of the petition; or act in any other manner in relation thereto.

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

**SECTION 1.** Section 3 of Chapter 215 of the Acts of 1929, as previously amended, is hereby amended by striking the phrase “chairman of the appropriation committee” and inserting in its place the phrase “chairpersons of the appropriation and capital expenditures committees”.

**SECTION 2.** Section 2(c) of Chapter 753 of the Acts of 1968, as previously amended, is hereby amended by inserting after the phrase “appropriation committee” the phrase “, the capital expenditures committee”.

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

*(Inserted by the Board of Selectmen)*

DESCRIPTION: This Article proposes updates to the Representative Town Meeting and Selectmen- Town Manager Act to more accurately reflect the Capital Expenditures Committee's activities and responsibilities throughout the year, including at all Town Meetings.

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**TMMA Summary**

The article corrects verbiage in Lexington’s Selectmen-Town Manager Act so that the Capital Expenditure Committee as a Town Committee has the same status as the Appropriation Committee. Per the Capital Expenditures Committee:

The Section 1 amendment establishes that the Chair of the Capital Expenditures Committee is also an At-Large Town Meeting Member. That is the same designation that exists for the Chair of the Appropriation Committee. (The Act also prescribes “No elected member whose official position entitles him to be a member at large shall act as a member at large during such time as he remains an elected member.”)

The Section 2 amendment establishes that the Capital Expenditures Committee is also explicitly named as being appointed by the Town Moderator. That designation currently exists for the Appropriation Committee.

**ARTICLE 33**

**RENAME "BOARD OF SELECTMEN" TO "SELECT BOARD"**

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court to enact legislation to change the name of the Board of Selectmen to the Select Board and the title of "Selectman" to "Select Board Member" in substantially the form below, and further to authorize the Board of Selectmen to approve amendments to said act before its enactment by the General Court that are within the scope of the general objectives of the petition; or act in any other manner in relation thereto

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

**SECTION 1.** Notwithstanding any General or Special Law to the contrary, the Board of Selectmen of the Town of Lexington shall be referred to as the "Select Board of the Town of Lexington" and individual members of said Board shall be referred to as "a member of the Select Board."

**SECTION 2.** This act shall take effect upon its passage.

*(Inserted by the Board of Selectmen)*

DESCRIPTION: This Article seeks special legislation to use a gender neutral name for the Board of Selectmen. Several other Massachusetts cities and towns have taken this step.



**TMMA Summary**

The term "Board of Selectmen" is the only gendered term in Lexington's government structure. All analogous terms, such as Lexington's "Board of Education" with its matching member title of "School Board Member" are not gendered.

Lexington Selectmen, in concert with other efforts to create a welcoming and inclusive Town government, wish to change the name "Board of Selectmen" to "Select Board." Selectmen would be referred to as "Select Board Members." This change has been made by many other municipalities.

The term "Board of Selectmen" appears in three sets of legal documents. The term is established in the special State legislation enacted to create Lexington's current form of government, known as Chapter 753, Acts of 1968, An Act Establishing the Selectmen-Town Manager Form of Government in the Town of Lexington. The term is also incorporated into Lexington's general bylaws and Lexington's zoning bylaws. Town Meeting must vote to change the appropriate language in each of those sets of documents. Article 33 will change the language in the Selectmen-Town Manager law. Article 34 will change the term in the Town's general bylaws, and Article 37 will change it in the Town's zoning bylaws.



**ARTICLE 34**

**RENAME "BOARD OF SELECTMEN" TO "SELECT BOARD"  
- GENERAL BYLAW**

To see if the Town will vote to amend its General Bylaws to change all references to the “Board of Selectmen” to “Select Board,” and all references to individual Selectmen to “a member of the Select Board”; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

DESCRIPTION: This Article would change the name of the Board of Selectmen to make it gender neutral throughout the Town's General Bylaws.



**TMMA Summary**

See Article 33 summary



**ARTICLE 35**

**AMEND ARTICLE III OF CHAPTER 118 (Citizen Article)**

To see if the Town will vote to amend Article III of Chapter 118 of the Code of the Town of Lexington, to improve debate and subsidiary motion procedures; or to act in any other manner in relation thereto.

*(Inserted by Matthew Daggett and 9 or more registered voters)*

DESCRIPTION: This article proposes revisions to Town meeting's rules of debate, subsidiary motion, and/or amendment procedures to develop criteria for ensuring a minimum of debate has Occurred before subsidiary motions can be offered or debate closed.



**TMMA Summary**

Article 35 seeks to amend the Town's bylaws to modify Town Meeting's rules of debate, specifically the regulation of debate time associated with subsidiary motions. Of the municipalities in the Commonwealth that have representative town meetings, half of those municipalities have regulations of debate time codified in their bylaws, including Lexington. Currently, the Town's bylaw has both maximum time regulations, such as the total time a member may speak on an issue or the amount of debate allowed to consider an amendment, and minimum regulations, such as the amount of time that must be allowed for a motion to close debate at a specific time. This regulation provides guidance to both the Moderator and the Meeting Members regarding the expectations of the process of debate.

The intent of Article 35 is to extend these regulations to establish a minimum of debate time before subsidiary motions, specified in §118-13(G), would be entertained. The amendment is structured to provide specificity and guidance to both the Moderator and Meeting Members,



designed, they have a set of “programatic” outcomes debated and defined as part of the building scope. Less public focus is placed on the building “performance” outcomes that ultimately define the environment in which our town staff and children spend their time, the lifetime operating costs of the building, the environmental impact of the building and the usability of the building during or after a storm event or power outage. The goal of the article is to:

- Ensure that Lexington, when building new structures and maintaining existing structures, is using a clearly defined set of “Performance Outcomes / Targets”
- Ensure that town staff are measuring the building performance against these targets

Examples of Performance Outcomes are:

- Water quality within buildings
- Air Quality
- Level of toxics used in construction and operation
- Level of fossil fuel burned onsite
- Level of clean energy generated onsite
- Energy usage / cost per square foot
- Ability to manage energy demand to lower operating costs
- Ability for building to operate during a weather event as a shelter (resilience level)

By setting clear Performance Outcomes and measuring against them, we will:

- Provide clear, unambiguous targets to town staff and committees regarding acceptable building performance.
- Be able to identify gaps, shortfalls and have the data needed to justify and prioritize corrective works.
- Ensure that contractors are selected based on their ability to meet both programatic and building performance outcomes.
- Ensure that with new buildings and renovations, the town receives what it paid for.
- Maximize the health and productivity of our facilities while minimizing the operating costs now and into the future.

The currently proposed Integrated Design Policy will require the setting and tracking of building performance standards for new construction in the town. The policy does not however address the existing buildings across the town. The article sponsor feels we need to set outcomes for those, and measure against them. The sponsor is drafting language for the motion that would ask Town Meeting to resolve that for all buildings (new and existing), we require that performance targets addressing Health, Energy and Resilience be set and measured against.

### **TMMA Questions:**

- 1. What are the cost implications of this approach?**
- 2. How often would a building require a performance review?**
- 3. What additional staff would be required to implement this?**

**ARTICLE 37**

**RENAME "BOARD OF SELECTMEN" TO "SELECT BOARD" -  
ZONING BYLAW**

To see if the Town will vote to amend the Town's Zoning Bylaw to change all references to the “Board of Selectmen” to “Select Board” and all references to individual Selectmen to “a member of the Select Board”; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

DESCRIPTION: This Article would change the name of the Board of Selectmen to make it gender neutral throughout the Town's Zoning Bylaw. Because changes to the Zoning Bylaw require a different procedure than changes to a general bylaw, this Article is proposed separately from Article 34.



**TMMA Summary**

See Article 33 Summary



**ARTICLE 38**

**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 I Preliminary Site Development and Use Plan dated December 20, 2018, prepared by Highpoint Engineering, Inc. and on file with the Lexington Town Clerk and Planning Board, with metes and bounds shown on the attached Legal Description.



**TMMA Summary**

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.

Neighborhood considerations are critical in any new development or any departure from existing zoning. Town needs affordable housing and senior residences both of which have long and growing waiting lists. Appearance and Historical Preservation is very important to Lexington as we serve as a remembrance to the rest of the United States of the nation's history. Traffic management and mitigation require careful consideration as the Boston area suffers from the worst congestion in the nation.

### **Current Status of 186 Bedford Area – A neighborhood of small lots bordering government and small commercial establishments**

The existing zoning for 186 Bedford Street is for RS one family dwelling units though the buildings were housed a Mental Health Clinic for over 60 years until it was vacated several years ago. The buildings include a large old house with a lengthy addition and a barn which was used for meeting space. The main building is a stately example of New England architecture and is intended to be preserved.

The neighborhood consists of small residential lots and the Alexanders Pizza plaza. The 186 Bedford lot is 59,270 square feet with a frontage of 230 feet on Bedford Street, 223.8 feet on Vaile (an unaccepted street) and 142.7 feet on Reed Street. The 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 Vaile of 26,000; 19,670; and 19,670 square feet. The Alexanders Pizza plaza, zoned CN neighborhood businesses, is to the east. Adjacent to 186 Bedford Street and behind Alexanders the RS district continues with three homes bordering Reed Street and behind the Alexanders Plaza 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 which include an office condo, two properties owned by the Ciampa's with a beauty salon and a dry-cleaning establishment and two housing units which are currently used as residences in the CN zone.

Along the 3-mile length of Bedford Street from Bedford to Lexington Center are numerous businesses many of which have undergone changes. Liberty Mutual became the temporary Fire Station with traffic lights. Friendly's became a Starbucks and the corner Shell station was redeveloped and now houses a bank, a barber shop, a fast food restaurant and a wine store. The Mobil station added a Dunkin Donuts and left the auto repair business. Alexanders Plaza has undergone change of businesses over the years losing a hardware store, a drug store, a video store, a restaurant, a food service establishment and a convenience store, while adding a beauty salon and a dry cleaner with several store fronts remaining unoccupied at present. Recent zoning changes have discouraged new banks in Lexington Center and also restrict first floor office space.

By Right Developments under present zoning include residential, child care, religious and non-profit education. The gross floor area would be about the same under the proposed or by right development. The proposed development (as of Feb 26, 2019) is 22,767 GFA while by right 3 single family homes of approximately 7,000 GFA each or a total of 21,000 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 have driveways on Reed and Vaille.

### **Mitigation Measures**

The existing property has barrier fences and no outlets to either Reed Street or Vaille which is an unaccepted street. There are numerous trees that screen the property so that while it is visible from Bedford Street the adjacent residential properties are protected.

Town Meeting has approved many redevelopments after the planning process resulted in right sized projects featuring mitigation of visual, scale, noise, light, parking and traffic concerns along with a high portion of affordable units. Neighbors to the Inn at Hasting Park obtained light barriers, foliage barriers, restrictions on hours of operation, limits on service items and adjustments to parking area and restrictions on the location of driveways. Other developments have made generous contributions to traffic management and mitigation.

Environmental concerns include limiting shade of possible solar sites on adjoining lots. Also, a requirement for electric charging stations should be investigated as future residents who may have electric cars would not have space for their own charging facilities.

Parking requirements require 1.5 spaces for each residential unit with 2 or fewer bedrooms and 2 spaces if more than 2 bedrooms. Retail 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 recent proponent plan allows for 1 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 as of March 7, 2019 provides historic preservation for the main building and the accessory barn, with estimated tax revenue of \$88,000 per year compared to -0- for the prior 60 years and would also provide 4 affordable apartments (31 % of proposed units) for the Town of Lexington housing programs.

### **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 Alexanders. The zoning bylaw and subsequent amendments occurred after the development of many parts of Lexington and thus contributed to many 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?**

**ARTICLE 39**

**AMEND ZONING BYLAW-LIMITED SITE PLAN REVIEW  
(CITIZEN ARTICLE)**

To see if the Town will vote to amend the Zoning Bylaw to reasonably regulate land uses protected by MGL c. 40A §3 through site plan review, or act in any other manner in relation thereto.

*(Inserted by Jeanne Krieger and 9 or more registered voters)*

DESCRIPTION: The changes proposed under this article would provide for site plan review, to the extent possible, of exempt uses protected under MGL c. 40A § 3 ('Dover amendment uses').

**TMMA Summary**

Massachusetts law exempts certain religious, educational, and certain other uses from town zoning bylaws except for reasonable conditions. In Lexington, concern has arisen when such uses go beyond established zoning and create significant negative impacts to neighbors.

Currently, there are no procedures for public notification, or placing of reasonable conditions when those exempted uses go beyond the zoning in place. This proposed bylaw would allow establishment of a clear process to be followed by an applicant and the Town which could include public notifications and limited Site Plan Review by the Planning Board if certain thresholds are triggered.

**TMMA Questions:**

1. **What is the Dover amendment and “Dover amendment uses”?**

**Answer:** The “Dover Amendment” is actually Massachusetts General Law 40A Section 3. It became legislation in 1950 after a number of towns passed zoning laws that infringed upon religious and educational uses.

2. **What are the exempt uses protected under the Law?**

**Answer:** Bulk, height of structures, yard sizes, lot area, setbacks, open space, parking, building coverage including non-profit schools, religious institutions, child care and most agriculture uses.

# 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 town-wide 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.