

2007
ANNUAL TOWN WARRANT
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**TOWN WARRANT
TOWN OF LEXINGTON
ANNUAL TOWN MEETING**

Commonwealth of Massachusetts

Middlesex, ss.

To either of the Constables of the Town of Lexington, or the Town Clerk, in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Lexington qualified to vote in elections and in Town affairs to meet in their respective voting places in said Town.

PRECINCT ONE, CARY MEMORIAL BUILDING; PRECINCT TWO, BOWMAN SCHOOL; PRECINCT THREE, JONAS CLARKE MIDDLE SCHOOL; PRECINCT FOUR, BRIDGE SCHOOL; PRECINCT FIVE, CARY MEMORIAL BUILDING; PRECINCT SIX, WILLIAM DIAMOND MIDDLE SCHOOL; PRECINCT SEVEN, ESTABROOK SCHOOL; PRECINCT EIGHT, FIRE HEADQUARTERS BUILDING; PRECINCT NINE, MARIA HASTINGS SCHOOL, on Monday, the fifth day of March 2007, at 7:00 a.m., then and there to act on the following articles:

ARTICLE 1

ELECTIONS

To choose by ballot the following Officers:

Two Selectmen for a term of three years;

One Moderator for a term of one year;

Two members of the School Committee for a term of three years;

One member of the Planning Board for a term of three years;

One member of the Lexington Housing Authority for a term of five years;

Seven Town Meeting Members in Precinct One, the seven receiving the highest number of votes to serve for terms of three years;

Eight Town Meeting Members in Precinct Two, the seven receiving the highest number of votes to serve for terms of three years; the one receiving the next highest number of votes to fill an unexpired term ending March 2008;

Eight Town Meeting Members in Precinct Three, the seven receiving the highest number of votes to serve for terms of three years; the one receiving the next highest number of votes to fill an unexpired term ending March 2008;

Seven Town Meeting Members in Precinct Four, the seven receiving the highest number of votes to serve for terms of three years;

Seven Town Meeting Members in Precinct Five, the seven receiving the highest number of votes to serve for terms of three years;

Eight Town Meeting Members in Precinct Six, the seven receiving the highest number of votes to serve for terms of three years; the one receiving the next highest number of votes to fill an unexpired term ending March 2008;

Seven Town Meeting Members in Precinct Seven, the seven receiving the highest number of votes to serve for terms of three years;

DESCRIPTION: The objective of this By-Law amendment (available for inspection in the offices of the Town Clerk and Planning Board along with a report and recommendations by the Planning Board to be filed with the town meeting) is to insure that residential developments authorized by special permit will contribute to the affordable housing supply in the Town. The provisions are designed to require a percentage of the units in such developments be affordable to people with a range of incomes, and to provide some housing at prices that are lower than what is available on the open market. Units will be subject to price/rent level limitations that will make them affordable. Deed and special permit restrictions would require that the purchaser's income and assets meet prescribed limits and that affordability will continue upon the resale of the dwelling unit. Rental units will be subject to annual monitoring. For both owner- and renter-occupied units, marketing plans must meet local preference and fair housing requirements, consistent with state and federal law.

ARTICLE 5 **AMEND ZONING BY-LAW, TREE MANAGEMENT**

To see if the Town will vote to amend the Zoning By-Law of the Town of Lexington by including the protection of trees as a part of the findings and determinations required in the granting of a special permit, and to require a tree maintenance plan as part of a landscaping plan; or act in any other manner in relation thereto.

(Inserted by the Planning Board)

DESCRIPTION: The objective of this By-Law amendment is to more explicitly include the protection of trees as a part of the findings and determinations required when the Planning Board or the Zoning Board of Appeals grants a special permit or a special permit with site plan review. It will become part of the standard submission for those projects under the jurisdiction of the Planning Board and the Zoning Board of Appeals. The individual jurisdictions are retained, but it will enhance the consistency between the requirements of the various permitting bodies in town by including as part of a landscaping plan a tree plan that more closely parallels the standards found in the Tree Bylaw.

ARTICLE 6 **AMEND ZONING BY-LAW, PENALTIES**

To see if the Town will vote to amend the Zoning By-Law of the Code of the Town of Lexington by deleting §135-9(B) "Penalty", and re-lettering the subsequent paragraphs 9(C) through 9(F) so that they will be sections 9(B) through 9(E); or act in any other manner in relation thereto.

(Inserted by the Planning Board)

DESCRIPTION: This paragraph on penalties is not needed anymore because there is a non-criminal disposition provision in the Code of the Town of Lexington §1-6. "Noncriminal disposition" which covers violations of the Zoning By-Law.

**ARTICLE 7 ZONING BY-LAW, AMEND RO TO CRS AT 303 WOBURN STREET
(Owners' Petition)**

To see if the Town will vote to amend the Code of the Town of Lexington, Zoning By-Law and the Zoning Map of the Town of Lexington, by changing the zoning district designation of that property commonly known as 303 Woburn Street, Lexington, MA., 02420, and more specifically described in the metes and bounds legal description shown in Exhibit A, on file with the Board of Selectmen and Town Clerk and incorporated herein, from the current RO Zoning District (one family dwelling) to a CRS Zoning District (retail shopping) to allow construction of commercial retail space, and to take any other action or to act in any other manner relative thereto.

(Inserted by Vazken Melkistian et als Trustees, Property Owner)

DESCRIPTION: This proposal would rezone the property immediately abutting the Countryside Plaza local retail shopping complex (located at the corner of Woburn Street and Lowell Street, with an address of 311-325 Woburn Street). The property to be rezoned now is occupied by a single family home. The rezoning would allow additional retail shopping or additional parking for the Countryside Plaza retail stores or both.

GENERAL ARTICLES

ARTICLE 8 AMEND NOTICE PROVISIONS: CHAPTER 215 OF THE ACTS OF 1929

To see if the Town will vote to petition the General Court for an Act to amend Section 3 of Chapter 215 of the Acts of 1929 as amended by deleting the requirement that the Town Clerk mail notices of town meetings to town meeting members; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Town Clerk)

DESCRIPTION: This article seeks to eliminate the requirement that the Town Clerk mail separate notices of town meetings to town meeting members. All town meeting members, as well as all households in the Town, are mailed copies of the warrants for all town meetings as required by the Town's Bylaws.

ARTICLE 9 AMEND GENERAL BYLAWS - STATE ELECTION WARRANTS

To see if the Town will vote to amend §118-2 of the Code of the Town of Lexington (Posting and Mailing of Warrant) by adding at the end thereof the following: "The warrant for a state election need only be served by posting a printed copy thereof in the Town Office Building."; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Town Clerk)

DESCRIPTION: Passage of this article would eliminate the need to mail warrants for state elections to every household.

ARTICLE 10

**AMEND GENERAL BYLAWS -
COMMUNITY PRESERVATION SURCHARGE EXEMPTION**

To see if the Town will vote to amend the Code of the Town of Lexington by adding a new Chapter 115 thereto entitled “Taxes” and a new Article I thereunder as follows; or act in any other manner in relation thereto.

Chapter 115

TAXES

ARTICLE I

§115-1. Exemption From Community Preservation Act Surcharge

Taxpayers qualifying for the low-income exemption, as provided for in the Massachusetts Community Preservation Act and approved by the voters of the Town, shall submit an application for the exemption on a form provided by the Board of Assessors, within three months after the actual tax bill is mailed.

(Inserted by the Board of Selectmen)

DESCRIPTION: This article would clarify the time period in which taxpayers can apply for an exemption from the Community Preservation Act surcharge.

ARTICLE 11

AUTHORIZE TERMS FOR CERTAIN CONTRACTS

To see if the Town will vote to authorize the Town Manager, with the approval of the Board of Selectmen, to enter into contracts relating to rental of town buildings and for transportation services for periods in excess of five years; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: This article would provide flexibility to the Town Manager in negotiating contracts for rental of town buildings and for transportation services when it is deemed in the best interests of the Town to enter into a contract for more than five years.

ARTICLE 12 TRANSFER BARNES PROPERTY (WHITE HOUSE) TO SELECTMEN

To see if the Town will vote to transfer the care, custody, management and control of the Barnes Property (White House) on Massachusetts Avenue shown as a portion of Lot 170A on Assessor’s Property Map 48, no longer needed by the School Department, to the Board of Selectmen; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: This article proposes to transfer the property currently used for school administration purposes from the control of the School Committee to the jurisdiction of the Board of Selectmen.

ARTICLE 13

AMEND TREE BYLAW

To see if the Town will vote to amend Chapter 120 of the Code of the Town of Lexington (“Trees”) as follows:

- (a) By deleting the word “eight” in the definition of PROTECTED TREE in §120-3 and substituting therefor the word “six”.
- (b) By deleting the definition of SETBACK AREA in §120-3 and substituting therefor the following:
“SETBACK AREA – The minimum setback area around a lot shall be measured 30 feet from the front and 15 feet from the two sides and from the rear of the lot. For the purposes of establishing the setback area in which the provisions of this bylaw shall apply, the measurement shall be from any point on any property line of the lot, to points along an imaginary line drawn representing the setback area as specified. Final judgments regarding required tree protections during construction shall be made by the Tree Warden where deviations from the setback are required.
- (c) By adding the following at the end of §120-8C(1): “Evergreens planted as replacement trees may include pine, hemlock, spruce and fir and must be a minimum of six feet in height to be accepted. Arborvitae, cedar and other evergreens will not be accepted as replacement trees.”
- (d) By adding the following at the end of §120-8:
 - “D. Trees not removed. Trees that are to be left on the site must be protected as specified in the Tree Manual (Pages 19-20 and Figure 9-11).
 - E. Failure to protect trees not removed. Trees left on site must be protected; and if not done so as required by this Bylaw, the Tree Warden may impose the following:
 - (1) The town may undertake tree protection measures and bill for any labor and material charges incurred.
 - (2) The town may require replacement plantings larger than three inches in diameter to replace trees damaged during construction.
 - (3) The town may hire an arborist whose charges will be billed to the owner/builder to ensure that trees left on the site will survive and remain healthy.
 - (4) The town may impose fines as per the fine schedule in §120-10 of this Bylaw.”
- (e) By adding a new §120-15 as follows:
“§120-15. Tree Management Manual
The Lexington Tree Manual will be used as the standard for tree planting, maintenance and protection in the Town.”;

or act in any other manner in relation thereto.

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

DESCRIPTION: The Tree Committee has proposed amendments to strengthen the Tree Bylaw governing the management of mature trees in the Town.

ARTICLE 14

AMEND GENERAL BYLAWS - TOURISM COMMITTEE

To see if the Town will vote to amend Chapter 29 of the Code of the Town of Lexington by adding thereto a new Article VII – Tourism Committee, as follows:

ARTICLE VII

Tourism Committee

§29-23. Membership; terms of office.

The Town shall have a Tourism Committee consisting of seven to twelve members. Membership shall include interested citizens and a representative from the Lexington Chamber of Commerce, a representative from the Historical Society, a representative from the National Heritage Museum, and a representative from the National Park Service. Members of the Committee shall be appointed annually by the Board of Selectmen to serve a one-year term.

§29-24. Powers and duties.

The Tourism Committee shall be charged with enhancing and promoting tourism within the Town. The Committee shall work with the Chamber of Commerce, the Historical Society, the National Heritage Museum, and the National Park Service to insure a cohesive tourism experience;
or act in any other manner in relation thereto.

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

DESCRIPTION: This article proposes to make the Tourism Committee, which is currently an advisory committee to the Board of Selectmen, a Bylaw Committee.

ARTICLE 15

AMEND DEMOLITION DELAY BYLAW

To see if the Town will vote to amend Chapter 19 of the Code of the Town of Lexington (“Buildings, Demolition Of”) by adding a new section to regulate demolition by neglect, including from failure to maintain an unoccupied building, and by extending from six to eighteen months the delay in permitting the demolition of a preferably-preserved significant historic building while efforts are made to locate a purchaser to preserve such building; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Historical Commission)

DESCRIPTION: This article would amend Chapter 19 of the General Bylaws, commonly known as the Demolition Delay Bylaw, in two ways. Currently, only active demolition of buildings is regulated. The first proposed amendment would allow the Historical Commission to negotiate for voluntary repairs or seek a court order mandating repairs to unoccupied buildings that it and the Building Commissioner determine is undergoing, as a result of a general lack of maintenance, damage to its fabric, viability or function, leading to its eventual decay, structural failure or severe degradation. The second proposed amendment extends the period of time in which issuance of a demolition permit may be delayed while an owner seeks a purchaser to preserve, rehabilitate or restore a historically significant building, and clarifies when the Building Commissioner may proceed to issue a demolition permit.

ARTICLE 16

**AMEND GENERAL BYLAWS -
ENGINE OPERATION OF STOPPED VEHICLES**

To see if the Town will vote to amend the Code of the Town of Lexington to provide for the regulation of the idling of vehicle engines by adopting a new Chapter of the General Bylaws entitled "Engine Operation of Stopped Vehicles" and to provide for the enforcement of such provisions; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Article 40 Committee)

DESCRIPTION: This article provides for local enforcement of Section 16A of Chapter 90 of the Massachusetts General Laws, that prohibits the unnecessary engine operation (engine idling) when a motor vehicle is stopped for a foreseeable period of time in excess of five minutes, unless such operation is required for servicing the vehicle or is needed for engine assisted power for other than vehicle movement.

ARTICLE 17

**ACCEPT MGL CHAPTER 32, SECTION 7(2)(a)(iii)
(ACCIDENTAL DISABILITY – PAYMENTS TO DEPENDENT
CHILDREN) AND M.G.L. CHAPTER 32, SECTION 9(2)(d)(ii)
(ACCIDENTAL DEATH - PAYMENT TO DEPENDENT CHILDREN)**

To see if the Town will vote to accept Sections 7(2)(a)(iii) and 9(2)(d)(ii) of Chapter 32 of the Massachusetts General Laws relating to disability or accidental death benefit payments on account of dependent children; or act in any other manner in relation thereto.

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

DESCRIPTION: Currently the Town pays a small supplemental allowance for dependent children of accidental disability retirees. Acceptance of these statutes would provide a like benefit to dependent children of town employees who have died in service to the Town.

ARTICLE 18

**ACCEPT MGL CHAPTER 32B, SECTION 18
(MEDICARE EXTENSION PLANS)**

To see if the Town will vote to accept Section 18 of Chapter 32B of the Massachusetts General Laws relating to Medicare extension plans for retirees; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: Acceptance of this state statute would require retirees who are eligible for Medicare-Part A to transfer to a Medicare extension plan offered by the Town.

ARTICLE 19

**ACCEPT MGL CHAPTER 71, SECTION 37M
(JOINT FACILITIES DEPARTMENT)**

To see if the Town will vote to accept Section 37M of Chapter 71 of the Massachusetts General Laws relating to the consolidation of maintenance functions of the School Committee with those of the Town; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: This statute permits the consolidation of maintenance functions of the School Committee and the Town if it is accepted by a vote of the Town Meeting and a vote of the School Committee.

ARTICLE 20

**RESOLUTION REQUESTING SCHOOL COMMITTEE POLICY
ON SAFE TRANSPORT OF SPECIAL EDUCATION CHILDREN
(CITIZENS' PETITION)**

To see if the Town will vote to adopt a resolution requesting that the School Committee adopt a policy, consistent with the requirements of law and applicable State and Federal regulations and guidelines, and that the Superintendent publish such policy, to provide for the safe transport by a non-family driver, of autistic, sick students in the Special Education program, from their local school to their home, or to another authorized destination.

(Inserted by Anne Frymer and nine or more registered voters)

DESCRIPTION: Passage of this resolution would request the Superintendent of Schools to create and publish a policy identifying the need for a monitor to ensure seat belt use when transporting certain ill children.

FINANCIAL ARTICLES

ARTICLE 21

APPROPRIATE FY2008 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 or by transfer from available funds, including any revolving or special 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)

DESCRIPTION: This article requests funds for the FY2008 (July 1, 2007 – June 30, 2008) operating budget. The operating budget includes the school and municipal budgets. The operating budget also includes requests for funds to provide salary increases for employees, including salaries negotiated through collective bargaining negotiations. The budget also includes certain shared costs. Appendix A lists by account FY2006 expenditures, FY2007 appropriations and FY2008 proposed appropriations. Please note that figures for FY2006 and FY2007 have been restated to reflect the revised FY2008 presentation.

ARTICLE 22

APPROPRIATE FY2008 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 Recreation Department; determine whether the money shall be provided by the estimated income to be derived in FY2008 from the operations of the related enterprise, by the tax levy, by transfer from available funds, including the 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:

Enterprise Fund	FY2006 Actual	FY2007 Appropriated	FY2008 Requested
1. Water			
Personal Services	\$570,997	\$580,799	\$581,656
Expenses	\$817,887	\$716,835	\$569,800
Debt Service	\$213,150	\$398,671	\$490,833
MWRA Assessment	\$3,806,069	\$4,032,517	\$4,435,769
Total Water Enterprise Fund	\$5,408,102	\$5,728,822	\$6,078,058
2. Wastewater			
Personal Services	\$227,985	\$241,161	\$245,291
Expenses	\$518,448	\$478,972	\$430,272
Debt Service	\$275,950	\$351,643	\$473,256
MWRA Assessment	\$5,257,126	\$5,633,833	\$6,197,216
Total Wastewater Enterprise Fund	\$6,279,508	\$6,705,609	\$7,346,035

FUNDS REQUESTED:

Program or Purpose	Authorized Representative or Board to Spend	Departmental Receipts	FY2008 Authorization
DPW Burial Containers	Public Works Director	Sale of Grave Boxes and Burial Vaults	\$35,000
DPW Compost Operations	Public Works Director	Sale of compost and loam, yard waste permits	not available at press time
LexMedia Operations	Board of Selectmen and Town Manager	License fees from cable TV providers	\$400,000
Trees	Board of Selectmen	Gifts and fees	\$20,000
Minuteman Household Hazardous Waste Program	Public Works Director	Fees paid by consortium towns	\$175,000
Health Programs	Health Director	Medicare reimbursements	\$7,000
Council on Aging Programs	Social Services Director	Program fees and gifts	\$100,000

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

ARTICLE 26

APPROPRIATE THE FY2008 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 FY2008 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, or to reserve amounts in the Community Preservation Fund for future appropriations, for the administrative expenses of the Community Preservation Committee for FY2008; for the acquisition, creation and preservation of open space – including land for recreational use; for the acquisition, preservation, rehabilitation and restoration of historic resources; and for the creation, preservation and support of community housing; 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) Center Playground drainage improvements \$40,000; (b) Munroe and Old Burial Grounds - \$367,000; (c) Historic homes fire monitoring systems - \$18,120; (d) Buckman Tavern boiler - \$10,685; (e) Comprehensive Cultural Resource Survey - \$90,000; (f) Greeley Village window replacement - \$228,404; (g) East Lexington Library study - \$43,000; (h) Cary Hall performance restoration - \$147,130; (i) Historic signage - \$21,560; (j) Douglas House specialized affordable housing - \$300,000; (k) West Lexington Greenway Corridor - \$125,000; (l) Muzzey Condominium study - \$53,500; (m) Administrative Expenses - \$25,000.

DESCRIPTION: This article requests that Community Preservation Funds be appropriated for the projects recommended by the Community Preservation Committee and for administrative costs.

ARTICLE 27

LAND PURCHASE – OFF LOWELL STREET

To see if the Town will vote to authorize the Conservation Commission to purchase or otherwise acquire, and authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, any fee, easement, or conservation restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws, or other interest in all or any part of land shown as lots 38, 40A and 43 on Assessors' Property Map 20, now or formerly of Busa; and appropriate a sum of money therefor and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Community Preservation Fund, or 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: unknown at press time

DESCRIPTION: This article requests Community Preservation funds to purchase property off Lowell Street currently used for farming purposes.

ARTICLE 28

LAND PURCHASE - OFF ADAMS STREET

To see if the Town will vote to authorize the Conservation Commission to purchase or otherwise acquire, and authorize the Selectmen to take by eminent domain, upon the written request of the Conservation Commission, for conservation purposes including outdoor recreation as provided by Section 8C of Chapter 40 of the Massachusetts General Laws, as amended, any fee, easement, or conservation restriction as defined in Section 31 of Chapter 184 of the Massachusetts General Laws, or other interest in all or any part of land shown as lot 106 on Assessors' Property Map 63, now or formerly of Chase; and appropriate a sum of money therefor and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Community Preservation Fund, or 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: unknown at press time

DESCRIPTION: This article requests Community Preservation funds to purchase a portion of a lot off Adams Street currently used to grow blueberries.

ARTICLE 29

APPROPRIATE FOR RECREATION CAPITAL PROJECTS

To see if the Town will vote to appropriate a sum of money for the following Recreation Department capital improvements:

- a) Center Basketball Court Reconstruction;
- b) Valley Road Tennis Court improvements; and
- c) Park Improvements – Athletic Fields;

and determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Recreation Enterprise Fund, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

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

FUNDS REQUESTED: \$265,000

DESCRIPTION:

- (a) \$85,000 to engineer and reconstruct the double basketball court at the Center Recreation Complex. The project will include grinding down the existing basketball courts, address drainage, court reconstruction and install new standards, backboards, rims and site amenities.
- (b) \$130,000 to grind and rebuild the Valley Road tennis courts, replace the tennis court fence and to purchase site amenities.
- (c) \$50,000 for funds to rehabilitate the athletic fields at Bowman School. The site currently has one little league field and an open turf area for school recess and soccer. The baseball field needs to be rebuilt addressing drainage issues and the backstop will also be replaced. The open turf area will be renovated to provide for safe play and improved drainage.

**ARTICLE 30 APPROPRIATE FOR BATTLE GREEN FLAGPOLE MAINTENANCE
(CITIZENS’ PETITION)**

To see if the Town will vote to appropriate sums of money for the painting, repair, reconstruction, and/or maintenance of the flagpole on the Battle Green; and to determine whether such appropriations shall be met by the tax levy, or by transfer from available funds, including any revolving or special funds, or by borrowing, or by any combination of these methods; or act in any other manner in relation thereby.

(Inserted by Dawn McKenna and nine or more registered voters)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: By Public Law Number 89-335, a special act of the Congress of the United States enacted on November 8, 1965, the flag on the Battle Green flies twenty-four hours a day. The flagpole was a gift to the Town. The Town has historically depended on contributions to restore the flagpole when it deteriorated. This article seeks town funding to restore the flagpole.

ARTICLE 31

**APPROPRIATE FOR MUNICIPAL CAPITAL PROJECTS
AND EQUIPMENT**

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

- a) Lincoln Field Methane Mitigation;
- b) Wireless Fire Alarm Boxes;
- c) DPW Equipment;
- d) Woburn Street Reconstruction;
- e) Geographic Information Systems
- f) Storm Drain Improvements
- g) Sidewalk Improvements;
- h) Central Business District Sidewalks;
- i) Bikeway Repair/Repaving;
- j) Building Envelope;
- k) Munroe Center Fire Alarms;
- l) Dam Repairs;
- m) Traffic Mitigation;
- n) Street Improvements;
- o) NStar Parking Lot;
- p) Replacement of Fire Engine 5; and
- q) Hydrant Replacement.

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

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: \$3,236,200 (see estimates below)

DESCRIPTION:

a) Lincoln Field Methane Mitigation - \$400,000: This project is for the construction of a subsurface slurry wall along the southern side of Lincoln Street. The request is made pursuant to engineering design funded at the 2006 annual town meeting in the amount of \$60,000. Approval of the design by the Massachusetts Department of Environmental Protection (DEP) is still pending. The \$400,000 is an estimate and subject to revision based on the response of the DEP to the proposed design.

b) Installation of Wireless Fire Alarm Boxes in municipal buildings - \$142,000:

This project will update and replace the municipal fire alarm master boxes on all municipal and school buildings including the following: Lexington High School, Clarke, Diamond, Bowman, 128 Sewer Pump Station, Bridge, Estabrook, Old Harrington, Harrington, Hastings, Town Office Building, Cary Memorial Building, White House, Public Works Garage, Cemetery office and garage, Cary Library, East Lexington Library, East Lexington Fire Station, Pool Complex, Reservoir Guard House, Lincoln Field Facility, Munroe Center, and Hartwell Avenue Recycling Center. The existing fire alarm system in municipal buildings was installed between 50 and 100 years ago, depending on the location. The system is an old telegraph system that requires significant maintenance of the wiring supporting the system and the alarm boxes themselves. The Fire Department and the Town have slowly been converting to a wireless system, which provides a more reliable and less expensive system to operate and maintain. The receivers for the wireless system have already been secured via a grant from the state and are in place and operating at this time.

c) DPW Equipment Purchase - \$523,300: This is an annual request to replace equipment used by the Department of Public Works. Pieces of equipment are recommended for replacement based on current condition, maintenance history, changing departmental requirements and expected useful life. These assessments are performed by the Road Machinery Division and reviewed by the Manager of Operations and the Director of Public Works. Funds for the following pieces of equipment are requested for FY2008:

Elgin Street Sweeper (1) to replace an existing 1997 sweeper, Toro Ground Master mower (1) to replace a 1997 model, New Small Vacuum Truck (1) to facilitate inspection and maintenance of drainage structures in compliance with the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Management Plan requirements, Toro Mower with Snow Package (1) to replace a 1998 model and a Toro Mower (1) to replace a 1980 model.

d) Woburn Street Reconstruction - \$120,000: This request is for funding to engage the services of an engineering firm to design a complete reconstruction of the street, including new granite curb and new sidewalks, from Massachusetts Avenue to Lowell Street, approximately 7,000 yards. A request for construction funding will be made at the 2008 annual town meeting. A pre-design estimate of construction cost is \$1.08 million. New water main installation will be completed in 2007 in anticipation of this recommended reconstruction.

e) Geographic Information Systems - \$195,900: This request is for the first year of a three year funding schedule to implement a geographic information system. A Geographic Information System (GIS) is a computerized mapping system which would enable the Town to record, manage and update all infrastructure and parcel maps, and descriptive data for water/sewer lines, drains, roadways, etc. The implementation is recommended by a consultant specializing in GIS who recently completed a GIS needs assessment for the town. The estimated cost for the three-year implementation is \$574,325. In that the GIS system will support general fund, water fund and wastewater fund activities, the year one cost will be apportioned among these funds as follows: \$62,400 to the general fund; \$31,200 to the water fund; and \$102,300 to the sewer fund.

f) Storm Drain Improvements - \$460,000: This request is comprised of two components: \$160,000 to repair drainage systems associated with the Town's Annual Street Improvement Program, and \$300,000 for research, topographic and property line survey, alternative analysis, design and construction of approximately 400 linear feet of drainage infrastructure in the area of Lake Street.

g) Sidewalk Improvements - \$100,000: This request is to rebuild and/or repave existing asphalt sidewalks throughout the town that are in poor condition, and to construct new sidewalks. The Sidewalk Committee has recommended a Master Plan for sidewalk improvements and additions that will be used as a foundation for the work. Sidewalk projects will be chosen from the Committee's plan each year. All work will be ADA compliant.

h) Central Business District (CBD) Sidewalks - \$175,000: This project will continue the sidewalk program in the town center and will replace defective areas. This request will fund the first of four phases of sidewalk reconstruction in the Central Business District. Phase 1 is Massachusetts Avenue from the Cary Library to Waltham Street. Future phases will include both sides of Waltham Street from Massachusetts Avenue to Vine Brook Road, and both sides of Muzzey Street from Massachusetts Avenue to the municipal lot.

i) Bikeway Repair/Re-paving - \$175,000: This request is to repair approximately one-half the distance of the Lexington portion of the Minuteman Bikeway. In addition to re-paving, work will include drainage improvements, selective root pruning and installation of root barriers at key points along the bikeway. It is anticipated that an additional \$175,000 will be requested at the 2008 annual town meeting to complete the repaving.

j) Building Envelope - \$150,000: This is an annual General Fund request to support the upgrading and repair of municipal buildings' systems. Projects scheduled for FY2008 include the installation of a women's shower at fire headquarters - \$35,000; facility upgrades to comply with the Americans with Disabilities Act (ADA) requirements - \$75,000; and an additional \$40,000 for miscellaneous projects yet to be identified. The \$40,000 reflects the Selectmen's intent to either expend or reserve an amount each year for building renewal and replacement projects. In those years when the full amount is not expended, it will be carried forward to fund future projects. This practice is consistent with the recommendations of the Financial Policy Committee.

k) Munroe Center Fire Sprinkler System Evaluation - \$35,000: The \$35,000 being requested is to engage professional services to evaluate the existing system and prepare designs and drawings that can be used to solicit bids for the repair and/or replacement of the system. The Fire Chief has determined that the fire sprinkler system at the Center is not functioning dependably and needs repair or replacement. This is a Town-owned building.

l) Dam Repairs - \$30,000: This request is for repairs to the Butterfield Pond Dam and the Old Res Dam. These repairs were identified in a recently completed report prepared by a consulting engineer pursuant to requirements of state law. This report has been submitted to the Massachusetts Department of Environmental Protection for review and approval.

m) Traffic Mitigation - \$50,000: The funds requested would be used to collect data, perform analyses, review proposals and make recommendations for traffic improvements town wide. Projects will be developed and construction costs will be estimated for future capital requests. There are 14 Town owned traffic signal installations, and several locations where signals may be considered in the future. It is proposed that the Hartwell Avenue area be among the locations to be studied in FY2008.

n) Street Improvements - \$500,000: This request is for continued funding of the annual street resurfacing program. It is comprised of \$500,000 of Town funds from the 2001 override and will be supplemented with \$700,000 of Chapter 90 funds (state funding for local road improvements). The funds requested will be used to resurface 2600 linear feet of School Street from Massachusetts Avenue to Marrett Road, 4100 linear feet of Shade Street from Spring Street to Weston Street, and 3100 linear feet of Wood Street from Massachusetts Avenue to Hartwell Avenue.

o) NStar Parking Lot - \$50,000: This request will supplement the \$150,000 of Parking Meter Funds appropriated at the 2006 Annual Town Meeting for the design and construction of a new parking area behind the NStar building at Massachusetts Avenue and Edison Way. The supplemental funds will enable a design that will match existing lighting, granite curbing and landscaping in the CVS parking lot.

p) Replacement of Engine 5 Brush Truck - \$80,000: The request will replace Engine 5 (the existing brush truck) with a smaller more versatile and economical unit. Major components of the replacement vehicle are a 4x4 four-door flat bed truck (\$40,000); warning lights and safety equipment (\$6,000); and a pump and tank unit (\$30,000). A brush truck is used to fight off-road brush fires. The current vehicle, purchased in 1981, has far exceeded its useful life, and is at the point that it fails to meet current safety and emission requirements.

q) Hydrant Replacement - \$50,000: The request is for the first year of a multi-year program to replace aging hydrants. There are 1500 fire hydrants throughout the town. Since hydrants not only serve to deliver water for fire protection but also to facilitate the flushing of the water system to maintain water quality, it is further recommended that \$25,000 of the FY2008 request be funded from general fund cash and \$25,000 from the water enterprise fund (retained earnings).

ARTICLE 32 APPROPRIATE FOR WATER DISTRIBUTION IMPROVEMENTS

To see if the Town will vote to install new water mains and replace or clean and line existing water mains 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 installation and land acquisition and determine whether the money shall be provided by the tax levy, by transfer from available funds, including any special water funds, 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: \$1,800,000

DESCRIPTION: This request is for the replacement of approximately 8,500 linear feet of obsolete, unlined iron pipe and other pipe with high repair records. Some of the streets involved are Fern Street, Moreland Avenue, Hibbert Street, Bennington Road, Bowker Avenue, the Bird Hill Road area, the access to Bowman School and other smaller sections of pipe town wide. This request is part of a multi-year program to upgrade aging water infrastructure throughout town, some of which was installed prior to 1929.

ARTICLE 33

APPROPRIATE FOR SEWER IMPROVEMENTS

To see if the Town will vote to install sewer mains and sewerage systems and replacements thereof in such accepted or unaccepted streets or other land as the Selectman 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, by transfer from available funds, including any special sewer 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 sewer projects; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: \$1,300,000

DESCRIPTION:

a) Wastewater System Improvements - \$1,200,000: This request is for the rehabilitation of sewer in the Toffet Swamp Area, including the relining of the trunk sewer and rebuilding manholes built in the 1950's. This request is part of a multi-year plan to rehabilitate 7,000 linear feet of sanitary sewer infrastructure per year for the foreseeable future. This plan will address a variety of problems including system inflow and infiltration (I/I) and system maintenance attributable to an aging infrastructure

b) Pump Station Upgrades - \$100,000: The request is for the replacement of aging motors and valves, and to modify station entryways to enhance safety of station operations. Lexington has 10 Sewer pumping stations valued at over \$6,000,000. This request is for year one of a five-year program to replace aging equipment and bring stations into compliance with U.S. Occupational Safety and Health Administration (OSHA) standards.

ARTICLE 34 APPROPRIATE FOR SCHOOL CAPITAL PROJECTS AND EQUIPMENT

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

(Inserted by the School Committee)

FUNDS REQUESTED: \$2,075,000 plus the cost of items g, h, I, k, l and m below

DESCRIPTION: This article request funds for the following school projects:

- (a) \$275,000 or any other amount for classroom furnishings, fixtures, and equipment (FF&E) replacement based on square foot expenditures at the new Harrington and Fiske schools.
- (b) \$275,000 or any other amount for interior finishes based on expenditures at the new Harrington and Fiske schools;
- (c) \$350,000 or any other amount for roof replacements of the math and foreign language buildings at Lexington High School;
- (d) \$140,000 or any other amount for ventilation and HVAC equipment for Lexington High School, primarily in the pottery room, foreign language lab, kitchen, and music composition room;
- (e) \$200,000 or any other amount for additional auditorium repairs at Lexington High School, including improved seating, additional lighting, acoustic upgrades and sound system components;
- (f) \$110,000 or any other amount for the installation of lockers at Bowman, Estabrook, and Hastings elementary schools;
- (g) An amount, unavailable at press time, sufficient to move the school department's central administration and a few other system departments from their current locations into the old Harrington School building;
- (h) An amount, unavailable at press time, sufficient to make necessary repairs to and replacements of HVAC equipment at Clarke and Lexington High School;
- (i) An amount, unavailable at press time, sufficient to convert the HVAC system at Clarke to a new energy source;
- (j) \$400,000 or any other amount for equipment described in the department's long-range technology capital plan, including network equipment, information delivery systems, desktop computers, printers/peripherals, and LCD projectors;
- (k) An amount, unavailable at press time, for heating and energy repairs at various schools;
- (l) An amount, unavailable at press time, for energy efficient lighting at the Lexington High School gym and field house;
- (m) An amount, unavailable at press time, for energy improvements at Bridge, Bowman and Hastings; and
- (n) An amount, unavailable at press time, for school vehicles and equipment.

ARTICLE 35

APPROPRIATE FOR SENIOR CENTER DESIGN/ CONCEPTUAL STUDY

To see if the Town will vote to appropriate a sum of money for architectural and engineering services for planning a community/senior center, including site evaluation necessary in connection therewith; 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)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article seeks the appropriation of additional funding for necessary conceptual design studies to provide additional and/or enhanced space for meeting the programmatic needs of the Council on Aging. The studies would include conceptual site, floor, and parking plan options; facilities audits; code compliance reviews; zoning requirements; and cost estimates.

ARTICLE 36 **APPROPRIATE FOR PUBLIC WORKS FACILITY**

To see if the Town will vote to appropriate a sum of money to construct, originally equip and furnish, a new DPW operations facility at 201 Bedford Street, including architectural and engineering services necessary in connection therewith; 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)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article requests funds for constructing a new Department of Public Works facility on the site of the existing facility on Bedford Street. If approved by Town Meeting, it is anticipated that a debt exclusion vote for the project will be placed on the ballot for a special election in June 2007.

ARTICLE 37 **APPROPRIATE FOR POST EMPLOYMENT BENEFITS**

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

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: unknown at press time

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

ARTICLE 38 **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 which is no longer required for its intended purpose.

ARTICLE 39

ESTABLISH AND APPROPRIATE TO SPECIFIED STABILIZATION FUNDS

To see if the Town will vote to create and appropriate sums of money to Stabilization Funds in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws for the purposes of: (a) Planning Mitigation, (b) Traffic Mitigation, (c) Transportation Demand Management and (d) Special Education; 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 article proposes to establish and fund Stabilization funds for specific purposes. Money in those funds may be invested and the interest may then become a part of the particular fund. The use of these funds may be appropriate for the specific designated purpose by a two-thirds vote of Town Meeting. The Planning Mitigation, Traffic Mitigation and Transportation Demand Management Stabilization Funds, if approved, will be funded from funds paid to the Town by developers.

ARTICLE 40

APPROPRIATE FOR STABILIZATION FUND

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

ARTICLE 41

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.

ARTICLE 42

AMEND FY2007 OPERATING BUDGET

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Article 17 of the warrant for the 2006 Annual Town Meeting, to be used during the current fiscal year, or make any other adjustments to the current fiscal year budget and appropriations that may be necessary; to determine whether the money shall be provided by transfer from available funds; 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 (FY2007) expenditures.

ARTICLE 43

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, 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 for capital improvement project expenditures that exceed the level of appropriation.

ARTICLE 44

USE OF FUNDS TO REDUCE THE TAX RATE

To see if the Town will vote to appropriate a sum of money from available funds toward the reduction of the tax rate for FY2008; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article requests the use of available funds ("free cash") to reduce the tax rate. Subject to certain adjustments, "free cash" is surplus revenue less uncollected overdue real estate and personal property taxes from prior years.

And you are directed to serve this warrant seven days at least before the time of said meeting as provided in the Bylaws of the Town.

Hereof fail not, and make due return on this warrant, with your doings thereon, to the Town Clerk, on or before the time of said meeting.

Given under our hands at Lexington this fifth day of February, A.D., 2007.

Jeanne K. Krieger, Chairman
Norman P. Cohen
Hank Manz

Board
of
Selectmen

A true copy, Attest:
Dana Ham
Constable of Lexington