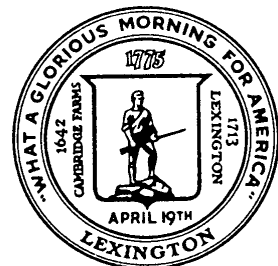


March 7, 2005: Annual Town Election

TOWN OF LEXINGTON WARRANT

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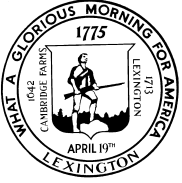
2005 ANNUAL TOWN MEETING



ANNUAL TOWN WARRANT
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Town of Lexington, Massachusetts

OFFICE OF SELECTMEN

DAWN E. MCKENNA, CHAIRMAN
JEANNE K. KRIEGER
WILLIAM P. KENNEDY
PETER C.J. KELLEY
RICHARD PAGETT

TEL: (781) 862-0500 x208
FAX: (781) 863-9468

To the Residents of Lexington:

This year, the Annual Town Election will be held on MONDAY, March 7th. Town Meeting will begin at 7:30 p.m. on Monday, March 28th in Cary Memorial Hall and will be continued on Mondays and Wednesdays until the warrant has been completed. (Town Meeting does not meet during the April School vacation.)

The Warrant is the official notice to the residents of the various issues being considered at the Annual Town Meeting. It also provides notice as to the offices that are up for election on March 7th, and the candidates running to fill those seats. Only articles listed in the Warrant may be discussed at Town Meeting.

Articles are grouped in three categories: Zoning, General and Financial. Below the articles are descriptions that provide an explanation of what the article seeks to accomplish. A map is included at the back of the warrant linking those articles that are site specific to the particular location they impact.

Town Meeting is the appropriating authority. While the Board of Selectmen and School Committee recommend a budget, ultimately it is Town Meeting who approves the budget. Between now and Town Meeting there will be multiple public meetings about the budget. We urge citizens to read the budget, understand it, and help us find a way to balance the need for services with limited resources while still fostering excellent services throughout the community. The Town Manager's Office has created a website for the citizens to follow the budget deliberations (<http://ci.Lexington.ma.us/townmanager/budget>). It will be updated throughout the budget development process. The warrant contains a draft budget. The final proposal will be delivered to all Town Meeting members prior to the consideration of any financial articles by Town Meeting and will be available on the website.

If you have any questions, please contact our office.

BOARD OF SELECTMEN

Dawn E. McKenna, Chairman
Jeanne K. Krieger
William P. Kennedy
Peter C.J. Kelley
Richard Pagett

Summary of Expenditures, Appropriations, & Revenues

The summary provided below shows expenditures, appropriations & revenues for the Town of Lexington FY 2002-2006. This summary reflects projections up to the release of the warrant. Prior to Town Meeting the Board of Selectmen, in consultation with the School Committee, will approve a Recommended Budget which will balance remaining capital and operating requests.

Expenditures	FY 2002 Expended	FY 2003 Expended	FY 2004 Expended	FY 2005 Appropriated	FY 2006 Requested
Municipal Operating ¹	\$ 29,664,512	\$ 31,636,536	\$ 28,079,993	\$ 31,341,169	\$ 32,893,436
Articles and Capital ²	\$ 1,178,723	\$ 1,074,500	\$ 887,570	\$ 500,000	\$ 753,000
Municipal Exempt Debt			\$ 490,200	\$ 786,575	\$ 771,013
Stabilization Fund				\$ 807,322	\$ 500,000
Total Municipal General Fund	\$ 30,843,235	\$ 32,711,036	\$ 29,457,763	\$ 33,435,066	\$ 34,917,449
Public Schools	\$ 58,147,242	\$ 61,490,887	\$ 62,900,663	\$ 66,357,468	\$ 70,120,351
School Capital ²		\$ 185,000	\$ 125,000	\$ -	\$ 400,000
School Exempt Debt	\$ 1,708,200	\$ 1,567,988	\$ 3,699,138	\$ 4,538,510	\$ 4,172,300
Regional Vocational School ³	\$ 787,116	\$ 843,566	\$ 901,431	\$ 928,474	\$ 856,328
Total Education	\$ 60,642,558	\$ 64,087,441	\$ 67,626,232	\$ 71,824,452	\$ 75,548,979
Water Enterprise Fund ⁴	\$ 5,297,552	\$ 5,899,376	\$ 6,077,177	\$ 6,554,170	\$ 7,207,101
Sewer Enterprise Fund ⁴	\$ 7,769,308	\$ 8,414,765	\$ 7,970,634	\$ 8,132,322	\$ 8,141,681
Recreation Enterprise Fund ⁴	\$ 1,253,313	\$ 1,342,288	\$ 1,443,673	\$ 1,614,355	\$ 1,678,257
Enterprise Articles ²	\$ 635,000	\$ 853,000	\$ 710,000	\$ 1,280,000	\$ 405,000
Total Enterprise	\$ 14,955,173	\$ 16,509,429	\$ 16,201,484	\$ 17,580,847	\$ 17,432,039
Total Appropriations/Expenditures	\$ 106,440,966	\$ 113,307,906	\$ 113,285,479	\$ 122,840,365	\$ 127,898,467
Prior Year Supplemental Appropriations	\$ 542,148	\$ 50,000			\$ 248,000
Prior Year Deficits & Judgments	\$ 384,232	\$ 601,532	\$ 719,147		
Intergovt Charges, Offsets & Assessors Overlay	\$ 3,088,401	\$ 2,466,679	\$ 2,328,681	\$ 2,900,000	\$ 2,498,750
Total Expenditures	\$110,455,747	\$116,426,117	\$116,333,307	\$125,740,365	\$130,645,217

Revenue	FY 2002 Actual	FY 2003 Actual	FY 2004 Actual	FY 2005 Appropriated	FY 2006 Appropriated
State Aid	\$ 10,466,658	\$ 9,626,097	\$ 7,894,598	\$ 7,950,556	\$ 8,059,161
Local Receipts	\$ 10,118,108	\$ 9,722,316	\$ 8,978,316	\$ 9,333,423	\$ 9,454,400
Available Funds	\$ 2,379,737	\$ 3,557,418	\$ 943,551	\$ 375,000	\$ 666,000
Enterprise Revenue	\$ 13,244,521	\$ 16,509,429	\$ 17,335,546	\$ 17,580,847	\$ 17,432,039
Non-Tax Levy Revenue	\$ 36,209,024	\$ 39,415,260	\$ 35,152,011	\$ 35,239,826	\$ 35,611,600
Previous Year Levy	\$ 67,831,893	\$ 71,101,282	\$ 74,230,931	\$ 78,000,157	\$ 85,575,454
Allowable 2 1/2% Inc.	\$ 1,695,797	\$ 1,777,532	\$ 1,855,773	\$ 1,950,957	\$ 2,139,386
Allowable New Construction	\$ 1,573,592	\$ 1,350,048	\$ 1,915,573	\$ 1,000,000	\$ 1,000,000
Override				\$ 4,224,340	\$ -
Tax Levy Limit	\$ 71,101,282	\$ 74,228,862	\$ 78,002,277	\$ 85,175,454	\$ 88,714,840
Actual Tax Levy (w/out Debt Excl.) ⁵	\$ 71,063,565	\$ 74,227,931	\$ 78,000,157		
PAYT Tax Levy Reduction	\$ (747,000)				
Debt Exclusion	\$ 1,708,200	\$ 1,567,988	\$ 4,189,338	\$ 5,325,085	\$ 4,943,313
Total Revenues	\$108,233,789	\$115,211,179	\$117,341,506	\$125,740,365	\$129,269,753
Budget Deficit/Surplus	-2,221,958	-1,214,938	1,008,199	0	-1,375,464

Notes

¹ Town Operating consists of gross appropriated/expended less direct and indirect enterprise funding. All In-levy debt service also is included.

² Amount for capital includes only money for cash capital and roads. This does not reflect total capital requests - all capital requests total over \$5 million.

³ By M.G.L. Ch. 71 Sec. 34 requires most recent request of the regional school be placed within the budget. It is likely that this number will change.

⁴ Enterprise Funds consist of Operating Appropriation/Expenditures, MWRA, Pine Meadows golf course operations and indirect costs.

⁵ In FY 2002, the Actual Tax Levy (w/out Debt Exclusion) is \$70,316,565 after factoring in the PAYT Reduction of \$747,000.

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

Commonwealth of Massachusetts

Middlesex, ss.

To either of the Constables of the Town of Lexington, 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, HARRINGTON SCHOOL; PRECINCT TWO, BOWMAN SCHOOL; PRECINCT THREE, JONAS CLARKE MIDDLE SCHOOL; PRECINCT FOUR, BRIDGE SCHOOL; PRECINCT FIVE, FISKE SCHOOL; PRECINCT SIX, WILLIAM DIAMOND MIDDLE SCHOOL; PRECINCT SEVEN, ESTABROOK SCHOOL; PRECINCT EIGHT, FIRE HEADQUARTERS BUILDING; PRECINCT NINE, MARIA HASTINGS SCHOOL, on Monday, the seventh day of March 2005, 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;

One member of the School Committee for a term of three years;

Two members 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;

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

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 2006;

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 2007;

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

Eight Town Meeting Members in Precinct Eight, the seven receiving the highest number of

DESCRIPTION: The Preliminary Site Development and Use Plan (PSDUP) for the CD-Planned Commercial District shall be a plan dated December/January 2005 to be filed with the Planning Board and the Town Clerk as required by and in accordance with the requirements of the Zoning By-Law. This proposal would rezone the property now occupied by the Battle Green Inn to allow both commercial and residential use. This parcel has frontage on Massachusetts Avenue and Waltham Street. As part of the plan, there would be 35 residential units and some commercial. The plan would also include an undetermined amount of affordable housing, and/or affordable commercial space. The underground parking would be improved and the parking entrance would be relocated to Waltham Street. The current parking entrance would be filled in with store fronts.

ARTICLE 5

ZONING BY-LAW, CENTER PARKING

To see if the Town will vote to amend the Lexington Zoning By-Law as follows:

In Article XI, § 135-64 “Number of parking spaces and loading bays”, by replacing the existing parking factor only for eating establishments in the CB Central Business District which now reads as follows:

<i>Type of Use</i>	<i>Parking Factor (minimum number of parking spaces to be provided)</i>
...	...
<i>Eating establishments</i> <i>Restaurant, fast-food, and other eating establishments not otherwise classified</i>	<i>1 per 3 seats, or 1/150 s.f., whichever is greater; in CB 1 per 5 seats, or 1/200 s.f., whichever is greater</i>
<i>Takeout food service</i>	<i>1 per employee plus 1 per 5 linear feet of counter space; in CB 1 per 2 employees plus 1 per 7 linear feet of counter space</i>

so that it will read as follows:

Type of Use	Parking Factor (minimum number of parking spaces to be provided)
...	...
Eating establishments Restaurant, fast-food, and other eating establishments not otherwise classified	1 per 3 seats, or 1/150 s.f., Whichever is greater; in CB s.f., 1 per 250 s.f.
Takeout food service	1 per employee plus 1 per 5 linear feet of counter space; in CB 1 per 250 s.f.

or act in any other manner in relation thereto.

(Inserted by the Planning Board)

DESCRIPTION: This article seeks to amend the parking requirements for eating establishments in the CB Central Business District. In the Central Business District, it would reduce the number of spaces required based on the square footage of the establishment and eliminate parking space requirements based on number of employees or length of counter space.

ARTICLE 6

RESTRICT PARKING ON RESIDENTIAL STREETS IN CB CENTRAL BUSINESS DISTRICT

To see if the Town will vote to request the Selectmen to restrict parking on residential streets around the central business district to the residents of the houses on those streets and their guests, and to post appropriate signs and issue appropriate permits in connection thereof.

(Inserted by Julian Bussgang and nine or more registered voters)

DESCRIPTION: This article has been submitted by residents living in the vicinity of the Central Business (CB) District in response to the proposed easing of the current parking space requirements applicable to new restaurants in the CB District. The wording is patterned after parking regulations enforced on the residential streets of the City of Cambridge. The objective is to avoid spillover of parking from the CB district onto residential streets by limiting parking on them to those who are neighborhood residents and their visitors. If the current parking space requirements in the CB District are not relaxed, this article will be indefinitely postponed.

ARTICLE 7

ADOPTION OF COMMUNITY PRESERVATION ACT

To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property; to determine the fiscal year in which such surcharge will first be imposed; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

(Inserted by Robert Bicknell and nine or more registered voters)

DESCRIPTION: The Community Preservation Act (CPA) is statewide enabling legislation designed to encourage cities and towns to allocate funds for open space, recreation, historic preservation and affordable housing. It authorizes municipalities to adopt a property tax surcharge of up to 3 percent for Community Preservation purposes and exempts the surcharge amount from the restrictions of Proposition 2 1/2. It also provides for state matching funds financed by a new fee imposed on all real estate transactions at the Registry of Deeds. Communities can expend the funds derived from these sources on any of the CPA purposes (open space, historic preservation, recreation or affordable housing), provided that at least 10 percent of each year's proceeds are allocated to each of the primary areas (open space, historic preservation and affordable housing). The adoption of the CPA is a two step process. The first is approval by the legislative body, which is the purpose of this article. The second is to place the question before the voters of Lexington at the next regular municipal or state election.

The issues to be decided by this article include: the amount of the property tax surcharge, which can be up to 3%; the fiscal year to begin the surcharge; and the acceptance of any permitted exemptions from the surcharge.

The Community Preservation Act allows communities to choose any combination of three exemptions to the surcharge amount, including: a) Exemption of \$100,000 of the value of each taxable residential parcel; b) Exemption of commercial, or industrial properties in communities with classified tax rates; and c) Exemption of property owned and occupied by persons who qualify for low income housing, or low or moderate income senior housing, in the city or town.

ARTICLE 8

ESTABLISHMENT OF COMMUNITY PRESERVATION COMMITTEE

To see if the Town will adopt a By-Law to establish a Community Preservation Committee and provide for the composition and the duties thereof, all in accordance with the provisions of Section 5 of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act; or to take any other action relative thereto.

(Inserted by Robert Bicknell and nine or more registered voters)

DESCRIPTION: If the CPA article is adopted, the town must establish a Community Preservation Committee to implement the provisions of the CPA. The committee shall consist of not less than five nor more than nine members. The By-Law shall determine the composition of the committee, the length of its term and the method of selecting its members. The statute requires that at a minimum there be a representative from each of the following: Conservation Commission, Historical Commission, Planning Board, and Housing Authority. The committee's duties consist of studying the community needs, coordinating with appropriate town entities and citizen groups and making recommendations to town meeting for action.

ARTICLE 9

**ZONING BY-LAW, RO TO CD,
ASSESSORS MAP 5, PARCEL 11A**

To request the Town to amend the Code of the Town of Lexington, Zoning By-Law Sections and the Zoning Map of the Town of Lexington, by changing the zoning district designation of the land described in a certain written metes and bounds description and certain plans on file with the Planning Board from the current RO One Family Dwelling District to a CD Planned Commercial District with certain specific uses (pursuant to the provisions of Town of Lexington Code §134-42), said property being commonly known as Town of Lexington Assessors Map 5, Parcel 11A, Waltham Street, to allow construction of a new building for office and certain other specified uses and to act in any other manner relative thereto. The general location of the property is shown on the map that is attached to this warrant.

(Submitted by Rogers & Company, Inc., property owner)

DESCRIPTION: The proposed amendment would rezone the property at Waltham line on Waltham Street from the present RO One Family Dwelling to a CD Planned Commercial Development District. This would allow for construction of a new office building and parking on a vacant parcel containing 30,019 square feet of land.

ARTICLE 10

ZONING BY-LAW, ACCESSORY APARTMENTS

To see if the Town will vote to amend the Lexington Zoning By-Law, as follows:

1. Delete lines 1.13 and 1.22 of § 135-16 Table 1:

<i>Line</i>		<i>RO RS</i>	<i>RT</i>	<i>RM</i>	<i>RD*</i>	<i>CN</i>	<i>CRS</i>	<i>CS</i>	<i>CB CLO</i>	<i>CRO</i>	<i>CM</i>
<i>1.13</i>	<i>Conversion of one-family dwelling to two-family dwelling (see § 135-20 elsewhere in this By-Law).</i>	<i>SP</i>	<i>Y</i>	<i>Y</i>	<i>N</i>	<i>Y</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>

...

<i>1.22</i>	<i>Accessory apartment in one-family dwelling (see § 135-19 elsewhere in this By-Law).</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>SP</i>	<i>Y</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>N</i>
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...

<i>*Subject to a preliminary site development and use plan [see §§ 135-16A and 135-42C(3)].</i>

And insert in their place the following:

Line		RO RS	RT	RM	RD*	CN	CRS	CS	CB CLO	CRO	CM
1.13	(Reserved).										

...

1.22	Accessory apartment (see § 135-19 elsewhere in this By-Law).										
	A. By-right Accessory Apartment, in compliance with § 135-19.C	Y	N/A	Y	N/A	Y	N	N	N	N	N
	B. Special Permit Accessory Apartment, in compliance with § 135-19.D	SP	N/A	SP	N/A	SP	N	N	N	N	N
	C. Accessory Structure Apartment, in compliance with § 135-19.E	SP	SP	SP	N/A	SP	N	N	N	N	N

...

*Subject to a preliminary site development and use plan [see §§ 135-16A and 135-42C(3)].										
--	--	--	--	--	--	--	--	--	--	--

2. Delete the following definition found in § 135-8:

ACCESSORY APARTMENT – A second dwelling unit located within a structure constructed as a detached one-family dwelling, subordinate in size to the principle unit and separated from it in a manner that maintains the appearance of the structure as a single-family house.

And insert in its place the following:

ACCESSORY APARTMENT - A second dwelling unit subordinate in size to the principle dwelling unit on an owner-occupied lot, located in either the principle dwelling or an existing accessory structure. The apartment is constructed so as to maintain the appearance and essential character of a one-family dwelling and any existing accessory structures.

3. Replace existing § 135-19 and § 135-20 with the following:

§135-19. Accessory apartments.

An accessory apartment is a second dwelling subordinate in size to the principle dwelling unit on an owner-occupied lot, located in either the principle dwelling or an existing accessory structure. The apartment is constructed so as to maintain the appearance and essential character of a one-family dwelling and any existing accessory structures. Three categories of accessory apartments are permitted: By-right Accessory Apartments, which are permitted as of right, and Special Permit Accessory Apartments and Accessory Structure Apartments, which may be allowed by a special permit.

A. General objectives. The provision of accessory dwelling units in owner-occupied dwellings is intended to:

- (1) Increase the number of small dwelling units available for rent in the town;
- (2) Increase the range of choice of housing accommodations;
- (3) Encourage greater diversity of population with particular attention to young adults and senior citizens; and
- (4) Encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single-family neighborhoods.

B. Conditions and requirements applicable to all accessory apartments.

(1) General.

- (a) There shall be no more than two dwelling units in a structure, and no more than two dwelling units on a lot.
- (b) There shall be no boarders or lodgers within either dwelling unit,
- (c) No structure that is not connected to the public water and sanitary sewer systems shall have an accessory apartment.
- (d) The owner of the property on which the accessory apartment is to be created shall occupy one or the other of the dwelling units, except for temporary absences as provided in Subsection (e). For the purposes of this section, the "owner" shall be one or more individuals who constitute a family, who hold title directly or indirectly to the dwelling, and for whom the dwelling is the primary residence.

- (e) Temporary absence of owner. An owner of a property containing an accessory apartment who is to be absent for a period of less than two years may rent the owner's unit as well as the second unit during the temporary absence provided:
 - [1] Written notice thereof shall be made to the Building Commissioner or designee on a form prescribed by the Commissioner.
 - [2] The owner shall be resident on the property for at least two years prior to and between such temporary absences.
- (2) Exterior appearance of a dwelling with an accessory apartment. The accessory apartment shall be designed so that the appearance of the structure maintains that of a one-family dwelling, subject further to the following conditions and requirements:
 - (a) All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.
 - (b) Any new entrance shall be located on the side or in the rear of the dwelling.
 - (c) Where two or more entrances already exist on the front facade of a dwelling, modifications made to any of the entrances shall result in one entrance appearing to be the principle entrance and other entrances appearing to be secondary.
- (3) Off-street parking. There shall be provided at least two off-street parking spaces for the principle dwelling unit and at least one off-street parking space for the accessory apartment. In order to maintain the single-family appearance of the property, all parking spaces on the lot shall be subject further to the following conditions and requirements:
 - (a) Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicles shall be regularly parked on the premises other than in the parking spaces.
 - (b) No more than two outdoor parking spaces shall be located in the required front yard. All other parking spaces shall be either:
 - [1] Outdoor parking spaces located in a side or rear yard; or
 - [2] In a garage or carport.
 - (c) There shall be no more than four outdoor parking spaces on the lot.
 - (d) No parking space shall be located within the boundary of a street right-of-way.

- (e) Parking spaces shall be located so that both the principle dwelling unit and the accessory apartment shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.
 - (f) Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard and parallel to the street, in the area between the parking space and the front lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single-family appearance of the neighborhood.
- C. By-right Accessory Apartments shall be permitted so long as the requirements set forth in the Section 135-19.B are satisfied and the following criteria in this section are met:
- (1) The lot area shall be at least 10,000 square feet.
 - (2) The apartment shall be located in the principle structure.
 - (3) The maximum gross floor area of the by-right accessory apartment shall not exceed 1,000 square feet.
 - (4) There shall not be more than two bedrooms in a by-right accessory apartment.
 - (5) There shall be no enlargements or extensions of the dwelling in connection with any by-right accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.
 - (6) The entire structure containing the by-right accessory apartment must have been in legal existence for a minimum of five years at the time of application for a by-right accessory apartment.
- D. Special Permit Accessory Apartments. If a property owner cannot satisfy the criteria for By-right Accessory Apartments that are set forth in § 135-19.C above, the property owner may apply for a Special Permit from the Board of Appeals. The Board of Appeals may grant a special permit for a Special Permit Accessory Apartment as provided in § 135-16 Table 1 line 1.22B, subject to the following:
- (1) The lot area shall contain at least the minimum area required in the district in which it is located, as shown in Table 2 “Schedule of Dimensional Controls”.

- (2) The maximum gross floor area of the special permit accessory apartment shall not exceed 40% of the gross floor area of the dwelling, excluding areas of the structure used for parking.
- (3) The Special Permit Accessory Apartment shall be located in the principle structure.
- (4) A special permit accessory apartment may be created by enlargement or additions to the existing principle structure, or within a newly constructed dwelling, provided that the Board of Appeals determines that:
 - (a) The architectural character of a detached one-family dwelling is maintained; and
 - (b) The structure is consistent with the typical size of nearby one-family detached dwellings.

E. Accessory Structure Apartments. Notwithstanding any provisions of this Zoning By-Law that state an accessory apartment shall be located in a structure constructed as a detached one-family dwelling and the prohibition in § 135-35D against having more than one dwelling on a lot, the Board of Appeals may grant a special permit as provided in §135-16 Table 1 line 1.22C to allow the construction of an accessory apartment in an existing accessory structure which is on the same lot in the RS, RT or RO District as an existing one-family dwelling provided:

- (1) Lot area is at least 18,000 square feet if in the RS or RT District and at least 33,000 square feet if in the RO District;
- (2) The structure containing the accessory structure apartment was in legal existence for a minimum of five years and had a minimum of 500 square feet of gross floor area at the time of application;
- (3) The maximum gross floor area of the Accessory Structure Apartment does not exceed 1,000 square feet. No addition shall be allowed which increases the gross floor area of the structure to more than 1,000 square feet. The gross floor area for the accessory apartment shall not include floor area used for any other permitted accessory use, or floor area designed, intended or used for required off-street parking to serve the principle dwelling;
- (4) The creation of the accessory apartment shall not reduce the number of existing parking spaces in the accessory structure which are designed, intended or used for required off-street parking spaces to serve the principle dwelling;
- (5) All existing and proposed off-street parking spaces shall comply with the requirements for the location, layout, design and screening of off-street parking spaces set forth in §135-19.B (3) and in Article XI of this Zoning By-Law;
- (6) Not more than one accessory structure on the lot may have an accessory apartment.

There shall be not more than two dwelling units on the lot;

- (7) The accessory apartment shall comply with all building, health and safety codes for a dwelling;
- (8) The Board of Appeals determines that the exterior appearance of the accessory structure maintains the essential character of the purpose for which it was originally constructed and is compatible with the principle dwelling on the same lot and with other dwellings on adjoining lots.

F. Procedures.

- (1) No accessory apartment shall be constructed without issuance of a building permit by the Building Commissioner or designee.
- (2) The application for a building or special permit shall be accompanied by:
 - (a) Floor plans, drawn to scale, of the dwelling to be created and the structure where it is to be located;
 - (b) Where exterior changes are proposed, an elevation, or other visual representation, of the facade to be changed sufficient to show the architectural character of the dwelling;
 - (c) An off-street parking plan as described in § 135-63A; and
 - (d) A filing fee and such further plans and other documentation related to the conditions and requirements of Subsections B, C, D or E as the SPGA, Building Commissioner, or his designee may require.
- (3) The Building Commissioner or designee shall act on the application within 30 days of receipt.
- (4) No use as an accessory apartment shall be permitted prior to issuance of a certificate of occupancy by the Building Commissioner or designee. A certificate of occupancy shall be issued after the Building Commissioner or designee determines that the accessory apartment as constructed is in conformity with the approved plans and with the provisions of this Zoning By-Law.

(5) A certificate of occupancy for the accessory unit shall be issued for a period of not greater than three years. A certificate of occupancy for an accessory apartment is valid only as long as one of the units on the property is occupied by an owner of the property, except as provided for in §135-19B(1)(e). A certificate of occupancy for an accessory apartment is transferable to a new owner only upon the new owner submitting an affidavit to the Building Commissioner certifying owner occupancy of one of the dwelling units on the lot.

G. Expansion of pre-existing, nonconforming two-family dwelling. In accordance with § 135-11, and where consistent with the objectives set forth in Subsection A, the Board of Appeals may grant a special permit to allow the expansion of a pre-existing, nonconforming two-family dwelling in an RS or an RO District provided the proposed expansion complies with the conditions and requirements set forth in Subsection D of this § 135-19 to the maximum extent practicable.

§ 135-20 (Reserved).

or act in any other manner in relation thereto.

(Inserted by the Planning Board)

DESCRIPTION: This article seeks to amend the portion of the zoning By-Law regulating accessory apartments. It would remove sections no longer relevant, allow larger units in the by-right category, remove minimum house size requirements, allow accessory apartments by right in houses built as recently as five years ago instead of only those houses built prior to 1983, and allow accessory apartments by special permit in new construction.

GENERAL ARTICLES

ARTICLE 11

AMEND SELECTMEN-TOWN MANAGER ACT REGARDING TOWN MANAGER APPOINTMENT

To see if the Town will vote to petition the General Court for an Act to amend the Lexington Selectmen-Town Manager Act, Chapter 753 of the Acts of 1968 as amended by Chapter 284 of the Acts of 1976 and Chapter 120 of the Acts of 1985, to provide for (a) appointment of an Assistant Town Manager who will automatically become Acting Town Manager in the event that the position of Town Manager becomes vacant; and (b) to provide that the appointment or removal of the Town Manager be subject to the advice and consent of the Town Meeting; or act in any other manner in relation thereto.

(Inserted by Sam Silverman and nine or more registered voters)

DESCRIPTION: (a) At present if there is a vacancy in the Town Manager's position an interim or acting Town Manager must be appointed by the Board of Selectmen, a process that can take up to seven (7) days. During this period a number of important administrative details are in abeyance. The purpose of this proposal is to provide immediate and automatic continuity in those functions of town government in the hands of the Town Manager by the appointment of an Assistant Town Manager who will automatically and immediately become Acting Town Manager in the event of a vacancy in the Town Manager's position; (b) The Town Manager is the principal executive in town government, responsible for the efficient, professional management of the town's work force, as well as providing the information to town boards, town meeting, and the citizens of the town. The position is the only appointed one whose duties are spelled out in detail in the Act. The present Act puts appointment and removal of the Town Manager solely in the hands of the elected Board of Selectmen. This article proposes to leave appointment and removal to the Board of Selectmen, but to provide for a check on their action by the only fully representative body in our government, that is, the Town Meeting.

ARTICLE 12 **AMEND SELECTMEN-TOWN MANAGER ACT TO ALLOW
RECALL OF TOWN-WIDE ELECTED OFFICIALS**

To see if the Town will vote to petition the General Court for an Act to amend the Lexington Selectmen-Town Manager Act to provide for the recall of town-wide elected officials; or act in any other manner in relation thereto.

(Inserted by Richard Neumeier and nine or more registered voters)

DESCRIPTION: This article proposes that town meeting petition the general court for an Act to amend the Lexington Selectmen-Town Manager Act to provide for recall of town-wide elected officials in limited circumstances. This article is intended to permit recall of town-wide elected officials when new information becomes available of a serious nature that was not reasonably available prior to the election of the town-wide elected official. The moderator is exempted. The purpose of this article is not to permit a recount of a close election. Thus, no recall is permitted within five months of a town-wide election. This article is also not intended to recall an official who is up for reelection in the not-to-distant future. Thus, there can be no recall of an official in the last ten months of the official's term. The decision to have a recall election may be done by majority vote of a special town meeting or if 20 percent of registered voters sign a petition. If the official is recalled the vacancy is filled under existing law. If the official is not recalled there can be no further recall petition for an additional three months.

ARTICLE 13 **REMOVAL AND INSTALLATION
OF DOUBLE UTILITY POLES**

To see if the Town will take action to encourage the removal of double poles in the Town by amending the General By-Laws, petitioning the General Court for a special act, or adopting a resolution, or 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 Electric Utility Ad Hoc Committee)

DESCRIPTION: This article deals with the proliferation of double utility poles in the Town. At present, in many instances, current state law requiring the removal of a double pole within 90 days is not being followed by the utility companies and numerous double poles have been left along Lexington streets for years.

ARTICLE 14

MUNICIPAL LIGHTING PLANT

To see if the Town will vote to pass a resolution endorsing the passage by the General Court of legislation enabling municipalities to more easily establish municipal lighting plants; to authorize the Board of Selectmen to petition the General Court for an act to accomplish the same result for Lexington alone; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Electric Utility Ad Hoc Committee)

DESCRIPTION: This Article would allow Town Meeting to (a) endorse the pending state legislation to facilitate the formation of municipally-owned electric distribution utilities and (b) authorize the filing of a home-rule petition to allow Lexington to proceed with formation of a municipal utility, if the statewide legislation fails to pass. In either case, future Town Meeting votes would be required before any substantial funds were expended to advance the acquisition of NStar's distribution equipment in Lexington and create a municipal utility. The municipal utility would only distribute power within the town, and purchase energy for customers who do not select another supplier; it would not be involved in the generation of electricity.

ARTICLE 15

PROPERTY TAX EXEMPTIONS

To see if the Town will vote to adjust property tax exemptions and/or deferrals as authorized by the General Laws of the Commonwealth of Massachusetts; to authorize the Board of Selectmen to petition the General Court for an act that would permit the Town to adjust property tax exemptions and/or deferrals in ways not currently allowed by special and general laws of the Commonwealth of Massachusetts, so as to enhance, make more accessible, or make more equitable the property tax relief currently available to elderly, low income, disabled or otherwise deserving residents; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: This article seeks to take advantage of current state law and proposed changes to state law that would provide further real estate tax relief to residents with limited income.

ARTICLE 16

AMEND TREE BY-LAW

To see if the Town will vote to amend Chapter 120 Trees of the Code of the Town of Lexington, the Tree By-Law, as follows:

- A. Delete in subsection (2) under “C. Mitigation” of 120-8 Protected Trees the words “Contribution into the Selectmen’s Tree Gift Account” and substitute the words “Contribution into the Lexington Tree Fund, provided such account is annually reauthorized, or otherwise to the surplus general revenues of the Town”.
- B. Delete in section 120-14 Funds the words “Contribution into the Selectmen’s Tree Gift Account” and substitute the words “Contribution into the Lexington Tree Fund, provided such account is annually reauthorized, or otherwise to the Treasury”,

or act in any other manner in relation thereto.

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

DESCRIPTION: In 2001 the Attorney General’s Office approved the newly passed Tree By-Law, deleting from it the establishment of a Tree Replacement Fund. The AG’s Office marked up the original By-Law deleting most references to a Tree Replacement Fund. Subsection (2) above is one reference to a Tree Replacement Fund that the AG’s Office missed. Item A of this article will correct the missed deletion and reword subsection (2) to agree with the Tree Revolving Fund Article. Item B of this article is to clarify wording to agree with the Tree Revolving Fund Article.

FINANCIAL ARTICLES

ARTICLE 17

TREE PLANTING AND MAINTENANCE

To see if the Town will appropriate a sum of money for the planting and maintenance of trees on Town owned land; determine whether the money shall be provided by the tax levy, by transfer from available funds, or 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 Tree Committee)

FUNDS REQUESTED: \$15,000

DESCRIPTION: This article requests funds to purchase, plant, water and maintain for two years, new trees in Lexington in accordance with M.G.L., Chapter 87, Section 7. These tree plantings are for approximately 30 new trees to help compensate for trees removed and not replaced by the Town in the past two years. (In 2003 the Town removed 112 trees and planted only 77. In 2004 the Town removed 124 trees and planted only 54.)

ARTICLE 18

TREE REVOLVING FUND

To see if the Town will vote to establish a revolving fund, under section 53E1/2 of Chapter 44 of the Massachusetts General Laws, entitled the Lexington Tree Fund to receive certain revenues from contributions to fund the planting and care of trees, mitigation contributions under the Town Tree By-Law and provide for necessary expenditures as approved by the Board of Selectmen, pursuant to request from the Tree Warden with input from the Tree Committee, for tree planting, transplanting, maintenance and other tree-related needs, or act in any other manner in relation thereto.

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

FUNDS REQUESTED: \$75,000

DESCRIPTION: The intent of this article is to establish a fund to receive donations for the purchase of trees, their planting, replacement guarantee, and their maintenance costs in perpetuity. Such a fund is needed as a depository for donations received for trees and mitigation alternatives under the Lexington Tree By-Law.

ARTICLE 19

CONSERVATION LAND TRANSFER – NORTH STREET

To see if the Town will vote to transfer the care, custody, management and control of the following land to the Conservation Commission for conservation and recreation purposes as provided by Section 8C of Chapter 40 of the General Laws, as amended, or act in any other manner in relation thereto.

North Street land - Map 68 - Parcel 45 - 2.8 acres; and
North Street land - Map 69 - Parcel 99 - 21.5 acres.

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

DESCRIPTION: The Conservation Commission is asking that this land be transferred for the protection of valuable wetland resources and open space.

ARTICLE 20

ACQUISITION OF FORMER MIDDLESEX COUNTY HOSPITAL LAND

To see if the Town will authorize the Town or any of its boards or commissions to acquire by purchase or otherwise, for any municipal purpose, some or all of the remaining undeveloped Lexington portion of the former Middlesex County Hospital land, containing 47.5 acres, more or less, shown as Lot 1A on Assessor’s Property Map 2; and appropriate money therefor and determine whether the money shall be provided by the tax levy, or by transfer from available funds, or by the issuance of bonds or notes under the provisions of Chapter 44 of the Massachusetts General Laws and Acts, or by any combination of these, to be expended by the Board of Selectmen and/or the acquiring Town board or commission to effect this acquisition, or act in any other manner in relation thereto.

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

DESCRIPTION: In 2003, a fast-track auction law, Outside Section 548, was enacted in the Massachusetts legislature that greatly reduced the ability of municipalities to influence the disposition of surplus state lands within their borders. Specifically, Section 548 took away the community's right of first refusal and ability to purchase surplus state property at fair market value. The measure also terminated the preexisting requirement for specific transfer legislation – removing an opportunity for public scrutiny and the application of rational planning to the disposition. These changes put the large Middlesex County Hospital “Lot 1” in South Lexington - as well as properties in adjacent communities whose reuse impacts traffic congestion in Lexington – at risk for rushed auction to the highest bidder. Thus Section 548 runs counter to the town's interests in planned development, including the use of surplus state property in a manner that conforms with the town's needs and existing plans for open space preservation, creation of affordable housing, prevention of increased traffic, and the protection of environmental resources. Because the measure was enacted as an attachment, or “outside section”, of the state budget, public hearings and input by affected communities were precluded in 2003. Thus the proponents of the warrant article ask Town Meeting to offer timely public input by going on record early in the current state budget process to express their opposition to Outside Section 548, and to urge our State Legislators and Town officials to work diligently for the expeditious restoration of community rights lost under this legislation.

ARTICLE 23

ACQUISITION OF FRANKLIN SCHOOL APARTMENTS

To see if the Town will vote to authorize the Selectmen to modify the original Land Disposition Agreement, Mortgage and Security Agreement, and/or any other agreements with the Franklin School Housing Limited Partnership or Community Builders or to take any action to preserve the former Franklin School property (now the Franklin School apartments) located at 7 Stedman Road, consisting of a building and approximately 3.38 acres of land, as an affordable housing project; to purchase the former Franklin School property or take the property by eminent domain; to transfer the care and control of the property to the Lexington Housing Assistance Board, Inc. in the discretion of the Selectmen; and to appropriate money for any of the actions mentioned above and to determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, by grant, by private contribution, by federal or state funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by Board of Selectmen)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: In 1985, the Town of Lexington sold the former Franklin School on Stedman Road to the Franklin School Housing Limited Partnership (a Community Builders partnership) to develop low and moderate-income housing. The Town retained the right to purchase for \$39,000 the property 50 years after the Certificate of Completion was issued for the project. The Town also held a Mortgage and Security Agreement with respect to the property that has been subordinated to loans from the Massachusetts Housing Finance Agency (now MassHousing) and the Executive Office of Communities and Development. Because of the original financing of the project through the SHARP loan program, debt continues to accumulate. Community Builders has requested that the Town subordinate the Town's mortgage so that Community Builders may refinance to complete repairs and upgrades to the apartments. Doing so will force 8 units to become market rate. At the time the Franklin School was sold, the Town did not have the ability to manage this project. The Selectmen now believe that it is feasible for the Town to purchase the property and manage it through LexHAB at a reasonable cost that will better protect this property as an affordable housing development.

ARTICLE 24

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; 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: unknown at press time

DESCRIPTION: This article requests Water Enterprise funds for relaying/cleaning lines.

ARTICLE 25

SANITARY 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 therefore, appropriate money for such installation and land acquisition and determine whether the money shall be provided by the tax levy, by transfer from available funds, including any special sewer funds, by borrowing, or by any combination of these methods; 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: unknown at press time

DESCRIPTION: This article requests sewer enterprise funds to make improvements to the sanitary sewer system.

ARTICLE 26

PLAYGROUNDS AND RECREATION FACILITIES IMPROVEMENTS

To see if the Town will appropriate a sum of money to make playground and recreation facility improvements; 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: \$65,000

DESCRIPTION: This is an annual request to provide facility improvements to Town playgrounds, tennis courts and athletic fields. The project for FY2006 is to upgrade the playground at Rindge Park and replace the Tennis Practice Board at the Gallagher Tennis Courts. This project will comply with the Americans Disabilities Act, which requires accessibility to all new and renovated facilities.

ARTICLE 27

LINCOLN PARK FACILITY

To see if the Town will appropriate a sum of money to construct a restroom and related facilities at Lincoln Park; determine whether the money shall be provided by the tax levy, by transfer from available funds, gifts, 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: unknown at press time

DESCRIPTION: This request is to build a restroom and related facilities at Lincoln Park. The original project did not include funding for the restroom. The Recreation Committee made a commitment to Town Meeting members to build a restroom facility if contingency funds were left over. But, the contingency money was spent on environmental projects. As a cost savings measure, the utility conduit was part of the original project so the town would not have to tear up the parking lot when the restroom facility was constructed.

ARTICLE 28

PINE MEADOWS IMPROVEMENT

To see if the Town will appropriate a sum of money to pay engineering expenses for the planning of drainage improvements at Pine Meadows; 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: \$50,000

DESCRIPTION: \$50,000 is being requested to engage an Engineering Firm to study the hydrology of the Pine Meadows Upper and Lower Pond areas and make recommendations for renovation of the Upper Pond Dam, cart path by the 9th green, creation of an overflow system and reconstruction of the existing pipe near the spillway.

ARTICLE 29

SUPPLEMENTARY APPROPRIATIONS FOR AUTHORIZED CAPITAL IMPROVEMENT PROJECTS

To see if the Town will 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 that have heretofore been authorized; determine whether the money shall be provided by the tax levy, by transfer from available funds, including enterprise funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: \$165,000

DESCRIPTION: This is an annual article to request funds for capital improvement project expenditures that exceed the original level of appropriation. It is expected that \$35,000 will be requested to fund the Police Department generator and \$130,000 to pay for heating and cooling in the Town Office Building.

ARTICLE 30

SCHOOL CAPITAL PROJECTS AND EQUIPMENT

To see if the Town will appropriate a sum of money for:

- (a) Phone/Intercom Equipment;
- (b) Heating, Cooling and Energy Saving Equipment;
- (c) Building Envelope;
- (d) Exterior Lighting;
- (e) Security Equipment;
- (f) Electrical Equipment;
- (g) Custodial and Maintenance Equipment; and
- (h) School Administration Building.

and 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: Total of \$1,494,100 + cost of item (b) below

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

- (a) \$125,000 or any other amount for the replacement of intercom and phone systems at the Bridge and Bowman schools;
- (b) Amount needed is unknown at press time for installing centrally located heating and cooling controls and other energy saving devices at the Clarke and Diamond middle schools;
- (c) \$75,000 or any other amount for the replacement of multiple entrance ways to the Bridge, Bowman and High Schools;
- (d) \$100,000 or any other amount for lighting of exteriors of all school buildings;
- (e) \$250,000 or any other amount for a school security monitoring system for all school buildings;
- (f) \$140,000 or any other amount for the upgrade of the Diamond Middle School Generator, a portable generator and related electrical work in other school buildings;
- (g) \$404,100 or any other amount for replacement of custodial and maintenance equipment; and
- (h) \$400,000 or any other amount for the design phase and any extraordinary repairs for the School Administration building.

ARTICLE 31

MAINTAIN AND UPGRADE SCHOOL TECHNOLOGY

To see if the town will appropriate a sum of money for the maintenance and upgrade of 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: \$350,000

DESCRIPTION: This article requests money to be appropriated for the upkeep and upgrade of the schools' technology systems.

ARTICLE 32 MUNICIPAL CAPITAL PROJECTS AND EQUIPMENT

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

- (a) Building Envelope;
- (b) Street Related Improvements;
- (c) Traffic Improvements;
- (d) Sidewalk Improvements;
- (e) DPW Equipment;
- (f) DPW Facility;
- (g) Fire Rescue Vehicle; and
- (h) Public Safety Communications;

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; 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: Total of \$2,715,500

DESCRIPTION:

- (a) \$150,000 is requested for: upgrades for compliance with the American with Disabilities Act (ADA); structural analysis of Fire Headquarters apparatus room floor system; police station condensers and flat roof.
- (b) \$1,000,000 is requested for the annual street resurfacing program. It is comprised of \$500,000 of Town funds from the 2001 override and \$500,000 of Chapter 90 funds. This funding will allow for the proper maintenance and repair of Lexington's streets, increasing their quality and safety. In addition, it is planned to update the Pavement Management System Data Base to reflect the work done since the system was put in place. This funding request is in addition to the 2002 override \$7 million resurfacing program that will begin its third of four phases this summer.

- (c) \$97,000 is requested for traffic improvements of which \$25,000 is for a signal upgrade at Concord Avenue and Waltham Street and \$72,000 is requested to upgrade the existing signals at Lowell Street and Maple Street requested by the School Committee.
- (d) \$50,000 is requested to replace the brick sidewalk on Edison Way and to make improvements to other existing sidewalks that will improve pedestrian safety and will diminish liability for injuries to pedestrians.
- (e) \$483,500 is requested to replace the following equipment: 1990 Ford F350 1-ton dump body, 1985 International cab and chassis with S.S. sander body, 1988 International six-wheel dump body, 1992 Chevrolet 3500 dump body, two (2) 1994 Chevrolet 3500 dump body, 1994 Ford Explorer, 2000 Chevrolet Lumina, and 10 year old sander body.
- (f) \$720,000 is requested for funding to design a new DPW Facility.
- (g) \$165,000 is requested for funding for the replacement of the 1999 Ford ambulance that has been responding as the Town's second ambulance. The new unit will become the primary ambulance as part of an eight-year replacement and rotation cycle.
- (h) \$50,000 is requested for funding to evaluate the needs for updated and integrated Police, Fire, Dispatch, Public Works and other Town communications systems.

ARTICLE 33 TRAFFIC CONTROL SIGNALS UPGRADE AND INSTALLATION

To see if the Town will vote to appropriate a sum of money for (a) improving and upgrading traffic control signals at the intersection of Maple Street and Lowell Street, and provide for safe pedestrian crossing at this intersection; (b) the design and preparatory work for the installation of traffic control signals at the intersection of Maple Street and Massachusetts Avenue; and determine whether the money shall be provided by the tax levy, or by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by Sam Silverman and nine or more registered voters)

DESCRIPTION: (a) The present traffic signals at Maple and Lowell Streets may be inadequate for controlling traffic entering and leaving Harrington school, and may become even more so when construction on the new building is completed and the current building is used as temporary schooling for other construction projects. Also, there may be safety problems for students crossing this intersection that need to be addressed; (b) Massachusetts Avenue, from the Arlington line to Lexington center, is the only major artery in town without any traffic controls. Over the years traffic on this artery has increased considerably, and for the intersection with Maple Street has resulted in long delays for cars entering and leaving Maple Street and reduced traffic safety with consequent frustration and risk taking by drivers, providing an increasing safety hazard.

ARTICLE 34

PRIOR YEARS' UNPAID BILLS

To see if the Town will raise and appropriate money to pay any unpaid bills rendered to the Town for prior years; 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 received 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 35

**SUPPLEMENTARY APPROPRIATIONS
FOR CURRENT FISCAL YEAR (FY 2005)**

To see if the Town will make supplementary appropriations, to be used in conjunction with money appropriated under Article 14 of the warrant for the 2004 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; 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: \$83,000

DESCRIPTION: This is an annual article to permit adjustments to current fiscal year (FY 2005) expenditures. It is expected that funds will be requested for unexpected DPW maintenance costs.

ARTICLE 36

STABILIZATION FUND

To see if the Town will appropriate a sum of money to the Stabilization Fund in accordance with Section 5B of Chapter 40 of the 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 a 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 purpose for which the town would be authorized to borrow money under Sections 7 and 8 of Chapter 44 of the General Laws, or for any other lawful purpose.

ARTICLE 37

OPERATING BUDGET

To see if the Town will 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 Fiscal Year 2006 (July 1, 2005 - June 30, 2006) operating budget. The operating budget includes the school and municipal budgets, including water, sewer and recreation operations. The operating budget also includes requests for funds to provide salary increases for employees, including salaries negotiated through collective bargaining negotiations. The municipal budget also includes certain school costs. These are primarily the costs of debt service requirements, property and liability insurance on school buildings and contents, and pension costs for school employees other than professional staff. The following chart lists by account FY 2004 expenditures, FY 2005 appropriations and FY 2006 proposed appropriations.

3-page table

Program		FY 2004 Actual	FY 2005 Appropriated	FY 2006 Requested
1000	Education			
1100	Lexington Public Schools	\$ 62,900,663	\$ 66,357,468	\$ 70,120,351
1200	Regional Schools	\$ 901,431	\$ 928,474	\$ 856,328
Total Education		\$ 63,802,094	\$ 67,285,942	\$ 70,976,679
2000	Shared Expenses			
2100	Employee Benefits			
	Contributory Retirement	\$ 1,540,558	\$ 3,015,532	\$ 3,284,215
	Non-Contributory Retirement	\$ 85,901	\$ 85,000	\$ 68,000
	General Insurance	\$ 4,601,747	\$ 4,804,653	\$ 5,251,736
		\$ 6,228,206	\$ 7,905,185	\$ 8,603,951
2200	Debt Service			
	Payment on Funded Debt	\$ 3,253,000	\$ 3,441,000	\$ 2,760,000
	Interest on Funded Debt	\$ 547,954	\$ 553,670	\$ 450,750
	Temporary Borrowing	\$ 234,166	\$ 242,512	\$ 300,000
	Exempt Debt	\$ 4,280,558	\$ 5,425,085	\$ 5,043,313
		\$ 8,315,678	\$ 9,662,267	\$ 8,554,063
2300	Operating Articles			
	Reserve Fund	\$ -	\$ 150,000	\$ 150,000
	Municipal Salary Adjustment	\$ -	\$ 50,000	\$ 437,780
		\$ -	\$ 200,000	\$ 587,780
2400	Organizational Expenses			
	Municipal Services and Expenses			
	Personal Services	\$ 41,569	\$ 33,976	\$ 33,976
	Expenses	\$ 88,442	\$ 102,400	\$ 102,400
		\$ 130,011	\$ 136,376	\$ 136,376
Total Shared Expenses		\$ 14,673,895	\$ 17,903,828	\$ 17,882,170
3000	Community Services			
3100	DPW General Fund			
3500	Personal Services	\$ 3,041,139	\$ 2,801,758	\$ 2,881,428
	Expenses	\$ 4,006,403	\$ 4,020,096	\$ 4,324,201
3700	Water Enterprise	\$ 5,240,049	\$ 5,717,042	\$ 6,369,973
3800	Sewer Enterprise	\$ 7,221,566	\$ 7,383,253	\$ 7,335,897
		\$ 19,509,157	\$ 19,922,149	\$ 20,911,499
3600	Transportation			
	Personal Services		\$ 65,184	\$ 67,040
	Expenses		\$ 225,844	\$ 239,384
		\$ -	\$ 291,028	\$ 306,424
Total Community Services		\$ 19,509,157	\$ 20,213,177	\$ 21,217,923

Program		FY 2004 Actual	FY 2005 Appropriated	FY 2006 Appropriated
4000	Public Safety			
4100	Law Enforcement			
	Personal Services	\$ 3,359,273	\$ 3,855,631	\$ 3,974,171
	Expenses	\$ 414,934	\$ 415,140	\$ 428,547
		<u>\$ 3,774,207</u>	<u>\$ 4,270,771</u>	<u>\$ 4,402,718</u>
4200	Fire Services			
	Personal Services	\$ 3,142,526	\$ 3,571,007	\$ 3,708,450
	Expenses	\$ 381,134	\$ 432,289	\$ 446,393
		<u>\$ 3,523,660</u>	<u>\$ 4,003,296</u>	<u>\$ 4,154,843</u>
	Total Public Safety	\$ 7,297,867	\$ 8,274,067	\$ 8,557,561
5000	Culture and Recreation			
5100	Cary Memorial Library			
	Personal Services	\$ 1,289,479	\$ 1,400,313	\$ 1,487,209
	Expenses	\$ 247,523	\$ 276,859	\$ 304,753
		<u>\$ 1,537,002</u>	<u>\$ 1,677,172</u>	<u>\$ 1,791,962</u>
5200	Recreation Enterprise			
	Personal Services	\$ 461,607	\$ 517,795	\$ 534,828
	Expenses	\$ 785,066	\$ 899,560	\$ 946,429
		<u>\$ 1,246,673</u>	<u>\$ 1,417,355</u>	<u>\$ 1,481,257</u>
	Total Culture and Recreation	\$ 2,783,675	\$ 3,094,527	\$ 3,273,219
6000	Social Services			
6100	Council on Aging			
	Personal Services	\$ 139,806	\$ 132,372	\$ 147,440
	Expenses	\$ 176,838	\$ 151,999	\$ 156,061
		<u>\$ 316,644</u>	<u>\$ 284,371</u>	<u>\$ 303,501</u>
6200	Human Services			
	Veterans Admin & Benefits			
	Personal Services	\$ 28,903	\$ 30,091	\$ 35,864
	Expenses	\$ 16,511	\$ 23,381	\$ 23,381
	Services for Youth	\$ -	\$ 45,000	\$ 45,411
	Developmentally Disabled	\$ -	\$ 14,839	\$ 14,839
		<u>\$ 45,414</u>	<u>\$ 113,311</u>	<u>\$ 119,495</u>
	Total Social Services	\$ 362,058	\$ 397,682	\$ 422,996
7000	Community Development			
7100	Office of Comm. Development			
	Personal Services	\$ 513,442	\$ 576,477	\$ 657,913
	Expenses	\$ 35,734	\$ 58,360	\$ 58,812

		\$ 549,176	\$ 634,837	\$ 716,725
Program		FY 2004 Actual	FY 2005 Appropriated	FY 2006 Appropriated
7200	Planning			
	Personal Services	\$ 178,487	\$ 184,497	\$ 187,207
	Expenses	\$ 6,340	\$ 8,450	\$ 8,450
		\$ 184,827	\$ 192,947	\$ 195,657
7300	Economic Development			
	Personal Services	20,490	6,000	6,000
	Expenses	47,702	-	-
		68,192	6,000	6,000
Total Community Development		\$ 802,195	\$ 833,784	\$ 918,382
8000	General Government			
8100	Board of Selectmen			
	Board of Selectmen Admin.			
	Personal Services	\$ 47,339	\$ 61,983	\$ 62,681
	Expenses	\$ 67,523	\$ 69,150	\$ 69,150
	Legal	\$ 350,392	\$ 225,000	\$ 350,000
	Town Report	\$ 6,000	\$ 6,000	\$ 6,500
		\$ 471,254	\$ 362,133	\$ 488,331
8200	Town Manager			
	Personal Services	\$ 340,495	\$ 352,103	\$ 352,640
	Expenses	\$ 11,960	\$ 14,667	\$ 14,667
		\$ 352,455	\$ 366,770	\$ 367,307
8300	Town Committees			
	Financial Committees	\$ 1,000	\$ 1,000	\$ 1,500
	Misc. Boards and Committees	\$ 8,435	\$ 8,755	\$ 8,755
	Public Celebrations Committee	\$ 23,411	\$ 25,000	\$ 25,000
		\$ 32,846	\$ 34,755	\$ 35,255
8400	Finance			
	Personal Services	\$ 709,103	\$ 658,902	\$ 830,011
	Expenses	\$ 226,462	\$ 221,700	\$ 226,700
		\$ 935,565	\$ 880,602	\$ 1,056,711
8500	Town Clerk			
	Personal Services	\$ 135,160	\$ 126,446	\$ 184,042
	Expenses	\$ 27,277	\$ 30,425	\$ 30,900
	Elections Personal Services	\$ 55,995	\$ 64,240	\$ 25,975
	Elections Expenses	\$ 29,423	\$ 28,700	\$ 21,125
		\$ 247,855	\$ 249,811	\$ 262,042
8600	Management Information Systems			
	Personal Services	\$ 166,432	\$ 165,065	\$ 177,637
	Expenses	\$ 140,520	\$ 190,900	\$ 204,254
		\$ 306,952	\$ 355,965	\$ 381,891
Total General Government		\$ 2,346,927	\$ 2,250,036	\$ 2,591,537
Total Operating		\$ 111,577,868	\$ 120,253,043	\$ 125,840,467

ARTICLE 38

USE OF FUNDS TO REDUCE THE TAX RATE

To see if the Town will appropriate a sum of money from available funds toward the reduction of the tax rate for the fiscal year; 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 By-Laws 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 twenty-sixth day of January, A.D., 2005.

Dawn E. McKenna, Chairman
Jeanne K. Krieger
William P. Kennedy
Peter C.J. Kelley
Richard Pagett

Board
of
Selectmen

A true copy, Attest:
George Anderson
Constable of Lexington