

**TOWN OF LEXINGTON WARRANT  
SPECIAL TOWN MEETING 2022-3**

Commonwealth of Massachusetts

Middlesex, ss.

To either of the Constables or Town Clerk 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 by means of the audio/video conferencing platform described more particularly below on November 1, 2022 at 7:30pm, at which time and place the following articles are to be acted upon and determined exclusively by the Town Meeting Members in accordance with Chapter 215 of the Acts of 1929, as amended, and subject to the referendum provided for by Section eight of said Chapter, as amended.

Pursuant to Chapter 92 of the Acts of 2020, as amended, the Town Meeting shall be held remotely by the means requested by the Moderator as follows:

Town Meeting members will attend and vote by logging into: (1) the Zoom videoconferencing platform, (2) the online VVoter module provided by our electronic voting vendor, Option Technologies OR comparable online voting tool developed by Select Board member Joe Pato, and (3) an online queuing function developed by Select Board member Joe Pato to facilitate the process of debate. Other Town residents who wish to follow the proceedings may do so via LexMedia at <https://www.youtube.com/user/LexMediaMATV>. Other residents who wish to participate in the Meeting may contact the Town Clerk's Office at [clerk@lexingtonma.gov](mailto:clerk@lexingtonma.gov) and by completing the online form at [www.LexingtonMA.gov/Fall2022STM](http://www.LexingtonMA.gov/Fall2022STM).

For more information, please see the Moderator's letter dated September 6, 2022 to the Select Board attached to this warrant as Appendix A.

## **ARTICLE 1                      REPORTS OF TOWN BOARDS, OFFICERS AND COMMITTEES**

To receive the reports of any Board or Town Officer or of any Committee of the Town; or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

DESCRIPTION: This article remains open throughout Town Meeting and reports may be presented at any Town Meeting session by boards, officers, or committees.

**ARTICLE 2** **APPROPRIATE FOR PRIOR YEARS' UNPAID BILLS**

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

*(Inserted by the Select Board)*

FUNDS REQUESTED: Unknown at press time

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

**ARTICLE 3                      ESTABLISH, AMEND, DISSOLVE AND APPROPRIATE TO AND FROM  
SPECIFIED STABILIZATION FUNDS**

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

*(Inserted by the Select Board)*

**FUNDS REQUESTED:** Unknown at press time

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

## ARTICLE 4                      AMEND FY2023 OPERATING, ENTERPRISE AND CPA BUDGETS

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 4, 5, 9 and 10 of the warrant for the 2022 Annual Town Meeting to be used during the current fiscal year, or make any other adjustments to the current fiscal year budgets and appropriations that may be necessary; to determine whether the money shall be provided by tax levy, by transfer from available funds including the Community Preservation Fund, or by combination of any of these methods; or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

**FUNDS REQUESTED:** Unknown at press time

DESCRIPTION: This is an annual article to permit adjustments to current fiscal year (FY2023) appropriations.

**ARTICLE 5** **APPROPRIATE FOR CENTER PLAYGROUND BATHROOMS**  
**AND MAINTENANCE BUILDING**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund a supplemental sum of money for renovation of the Center Playground bathrooms and maintenance building; and determine whether the money shall be provided by the tax levy,

from the Undesignated Fund Balance of the Community Preservation Fund, by transfer from other available funds, including enterprise funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

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

FUNDS REQUESTED: Center Playground Bathrooms and Maintenance Building Renovation - Supplemental- Unknown at press time

DESCRIPTION: This article requests that Community Preservation funds and other funds, as necessary, be appropriated for renovating the bathroom and maintenance building located near the playground at the center recreation complex. This appropriation request is supplemental to the \$680,000 authorized for the Center Playground Bathrooms and Maintenance Building under Article 10e of the 2022 Annual Town Meeting.

**ARTICLE 6** **APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS**

To see if the Town will vote to make supplementary appropriations to be used in conjunction with sums 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; determine whether the sums shall be provided by the tax levy, by transfer from the balances in other articles, by transfer from available funds, including enterprise funds and the Community Preservation Fund, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

**FUNDS REQUESTED:** Unknown at press time

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

**ARTICLE 7** **APPROPRIATE TO POST EMPLOYMENT INSURANCE**  
**LIABILITY FUND**

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

*(Inserted by the Select Board)*

FUNDS REQUESTED: Unknown at press time

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

**ARTICLE 8**

**APPROPRIATE FOR 250th ANNIVERSARY OF THE BATTLE OF  
LEXINGTON CELEBRATION**

To see if the Town will vote to raise and appropriate a sum of money for the celebration of the 250<sup>th</sup> Anniversary of the Battle Of Lexington, including the planning, promotion and advertising thereof, as

coordinated by the Semiquincentennial Commission-Lex250 with the approval of the Select Board; and determine whether the money will be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.

*(Inserted by the Select Board at the request of the Semiquincentennial Commission-Lex250)*

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: The amount requested is to fund initial startup costs of planning and coordinating the events for the yearlong celebration of the 250th Anniversary of the Battle of Lexington which will take place in 2025. Time frame for events is anticipated to be Fall of 2024 through Fall of 2025.

## **ARTICLE 9**

## **OPIOID SETTLEMENT**

To see if the Town will vote to appropriate amounts received from Statewide Opioid Settlements between the Massachusetts Attorney General and non-bankrupt opioid industry participants, for the funding of prevention, harm reduction, treatment and recovery programs as further detailed in the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements, or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: This article will allow the Town to spend abatement funds received from the Statewide Opioid Settlement for purposes and programs outlined in the settlement agreement, including supplementing and strengthening community resources available to residents and families for substance use disorder prevention, education, harm reduction, treatment, and recovery programs.

## **ARTICLE 10**

## **APPROPRIATE FOR PUBLIC FACILITIES CAPITAL PROJECTS (TOWN POOL DOMESTIC HOT WATER HEATER)**

To see if the Town will vote to raise and appropriate a sum of money for the purchase and installation of a domestic hot water heater at the Town Pool facility, including the payment of costs of demolition, architectural and engineering services, original equipment, construction, landscaping, paving and other site improvements, or other costs incidental or related to such installation, and to 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 Select Board)*

FUNDS REQUESTED: Unknown at press time

DESCRIPTION: At the 2022 Annual Town Meeting, the funding was appropriated for engineering and design work for a new domestic hot water heater to be installed in the bath house at the Town Pool facility. This article is a request to move forward for the purchase and installation as approved by the Select Board.

## **ARTICLE 11**

## **APPROPRIATE FOR CENTER STREETSCAPE SIDEWALK EXTENSION**

To see if the Town will vote to appropriate a sum of money to replace brick sidewalks in and around the Town center; 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 Select Board)*

FUNDS REQUESTED: \$700,000

DESCRIPTION: The Center Streetscape Project was approved at the Spring 2020 Annual Town Meeting. The project focused on storefront to storefront along Massachusetts Ave and did not include sidewalks extending from the center. DPW has identified 3 areas that are in need of new sidewalks for both safety and aesthetics. These areas include:

- a. The sidewalks on Meriam Street from Mass Ave to the Alley (from Abbotts to Pinots Palette and from Mass Ave to the Visitor's Center). Approximately 315 lineal feet.
- b. The sidewalks on both sides of the Emery Park driveway along the storefronts (from Eastern Bank to Sanyo and from Brookline Bank to Lexington Liquors). Approximately 316 lineal feet.
- c. The brick sidewalk on Edison Way from Mass Ave to the first driveway (from Beijing to the end of the building). Approximately 120 lineal feet.

## ARTICLE 12

## CREATION OF HOUSING TRUST

To see if the Town will vote to:

- a. establish a municipal affordable housing trust pursuant to Massachusetts General Laws Chapter 44, Section 55C; and
- b. add a new Chapter to the Town's Code of Bylaws to govern said municipal affordable housing trust; or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

DESCRIPTION: This article, Lexington would join 128 Massachusetts towns and cities that have adopted Massachusetts General Laws Chapter 44, Section 55C, to create a municipal Affordable Housing Trust. The Affordable Housing Trust would be a Town of Lexington municipal entity and fund, with fiscal oversight by the Finance Department. The Select Board would appoint the Trust's Board, and a member of the Select Board could be required to be a member of the Trust Board by bylaw. An Affordable Housing Trust is a municipal funding entity that can help fund the construction of new affordable homes, help fund the rehabilitation of affordable homes, increase the affordability of income-restricted homes in new developments, and preserve affordable homes whose affordability restrictions are expiring. The Affordable Housing Trust can also act quickly to acquire or hold land for affordable housing when opportunities arise.

## ARTICLE 13

## TECHNICAL CORRECTION-GENERAL BYLAW (FOSSIL FUEL)

To see if the Town will vote to make technical corrections to the Town's Fossil Fuel Bylaw, adopted pursuant to Article 29 of the 2021 Spring Town Meeting, to be consistent with Chapter 179 of the Acts of 2022 authorizing a demonstration program for municipal regulation of fossil fuels in new construction; or act in any other manner in relation thereto.

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

DESCRIPTION: The state's Climate Bill passed this summer includes authorization to implement a pilot project that authorizes ten communities to regulate fossil fuels in buildings if they have passed a Home Rule Petition (which Town Meeting passed in 2021). Technical changes are needed to the bylaw adopted in 2021 to conform it to the state's requirements for participation in this program.

## ARTICLE 14

## LEXHAB REORGANIZATION

To see if the Town will vote to authorize the Select Board to petition the General Court for legislation reorganizing the Lexington Housing Assistance Board (LexHAB) as an independent nonprofit housing corporation; and further to authorize the Select Board to approve amendments to said act before its enactment by the General Court that are within the scope of the general objectives of the petition; or act in any other manner in relation thereto.

*(Inserted by the Select Board)*

DESCRIPTION: The purpose of this article is to allow the Select Board to petition the General Court for special legislation that will reorganize the Lexington Housing Assistance Board (LexHAB) as an independent, nonprofit housing corporation. This will allow LexHAB to more efficiently and effectively carry out its mission of developing, managing and preserving affordable housing in Lexington.

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 via Zoom videoconferencing platform, the online VVoter module provided by our electronic voting vendor, Option Technologies or comparable online voting tool and online queuing function beginning on Monday, November 1, 2022 at 7:30pm., at which time and place the following articles are to be acted upon and determined exclusively by the Town Meeting Members in accordance with Chapter 215 of the Acts of 1929, as amended, and subject to the referendum provided for by Section eight of said Chapter, as amended.

A true copy, Attest:  
Constable of Lexington

Jill Hai, Chair  
Joseph N. Pato  
Suzanne E. Barry  
Douglas M. Lucente  
Mark D. Sandeen

Select Board  
of  
Lexington



## *Town of Lexington*

**MODERATOR  
DEBORAH BROWN**

September 6, 2022

DELIVERED BY EMAIL

Dear Select Board Members,

In view of the ongoing COVID-19 pandemic, I request approval to conduct the 2022-3 Special Town Meeting through remote participation. I propose to use a combination of: (1) the Zoom videoconferencing platform, (2) the online VVoter module provided by our electronic voting vendor, Option Technologies OR comparable online voting tool developed by Select Board member Joe Pato, and (3) an online queuing function developed by Select Board member Joe Pato to facilitate the process of debate.

I certify that all components of the system described above have been fully tested and utilized successfully for prior Town Meetings, and I am satisfied that this system enables our meetings to be conducted in substantially the same manner as if they had occurred in person at a physical location. I certify that the system (i) allows the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remote meeting, as well as any other individuals who participate in the meeting; (ii) provides the ability to determine whether a quorum is present; (iii) allows participants to request recognition by the moderator and makes such requests visible to the meeting participants and the public; (iv) allows the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, or raise a point of order or personal privilege; (v) enables the moderator to recognize a town meeting member, town official or other individual and enable that person to speak; (vi) provides the ability to conduct a roll call or electronically recorded vote; (vii) allows any interested members of the public to access the meeting remotely through LexMedia for purposes of witnessing the deliberations and actions taken at the town meeting; (viii) allows members of the public to participate in debate through the submission of statements for or against a motion; and (ix) provides for the town meeting to be recorded and available for future viewing. I further confirm that I have consulted with Lexington's Commission on Disability regarding system accessibility.

Sincerely,

Deborah Brown  
Town Moderator  
617-512-7901