

**TOWN OF LEXINGTON  
MOTIONS  
Special Town Meeting 2017-3  
(Articles 1, 3, 4, 5, 6, 7, 8, 9, 11, 13)  
October 16, 2017**

**Article 1      REPORTS OF TOWN BOARDS, OFFICERS AND COMMITTEES**

a. Report of the Appropriation Committee  
MOTION: That the report of the Appropriation Committee be received and placed on file.

b. Report of the Capital Expenditures Committee  
MOTION: That the report of the Capital Expenditures Committee be received and placed on file.

c. Report of the Community Preservation Committee  
MOTION: That the report of the Community Preservation Committee be received and placed on file.

d. Report of the Planning Board  
MOTION: That the report of the Planning Board be received and placed on file.

(10/16/17)

**Article 3      AMEND GENERAL BYLAWS- RECREATIONAL MARIJUANA**

MOTION: That Chapter 97 of the Code of the Town of Lexington (Public Conduct) be amended by adding a new § 97-5 as follows:

**§ 97-5 Recreational Marijuana Facilities Prohibited**

The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the Town of Lexington shall be prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed or registered pursuant to Chapter 369 of the Acts of 2012.

(10/16/17)

**Article 4 AMEND ZONING BYLAW-RECREATIONAL MARIJUANA MORATORIUM**

**MOTION: To amend the Zoning Bylaw, Chapter 135 of the Code of Lexington by adding a new Section 135-3.1.7:**

1. Definition. “Marijuana establishment” shall mean “a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”
2. Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the “Act”), regulating the control and production and distribution of marijuana under a system of licenses and regulations. Currently under the Zoning Bylaw, a Marijuana Retailer or Establishment is not a permitted use in the Town. Regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Marijuana Retail or Distribution centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retail sales and distribution and other uses related to the regulation of marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retail and Distribution so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.
3. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for “Marijuana Establishments.” The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations regarding “Marijuana Establishments” and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Establishments and related uses.

(10/16/17)

**Article 5      AMEND FY2018 OPERATING AND ENTERPRISE FUNDS**

MOTION: (a) That the following adjustments be made to the following line items for the FY2018 budget as approved under Article 4 of the 2017 Annual Town Meeting:

<b>Line Item</b>	<b>Program</b>	<b>From</b>	<b>To</b>
2160	Property & Liability Insurance	\$ 713,893	\$ 738,893
2180	Solar Producer Payments	\$ -	\$ 410,000
2210	Payment on Funded Debt	\$ 5,640,760	\$ 7,992,247
2400	Facilities	\$10,402,987	\$10,592,987
4100	Law Enforcement Expenses	\$ 872,527	\$ 900,527
7100	Land Use Expenses	\$ 443,238	\$ 495,738
8210	Town Manager Expenses	\$ 206,585	\$ 224,585
8530	Town Clerk Personal Services	\$ 357,836	\$ 366,236
8530	Town Clerk Expenses	\$ 120,250	\$ 123,850

and that said adjustments be funded from the tax levy.

MOTION: (b) That the Town transfer the following sums to meet, in part, appropriations made at the Town Meeting:

- \$36,500 – from the Parking Meter Fund for line items 4100 and 7100; and
- \$25,000 – from the Transportation Management Overlay District (TMOD) Stabilization Fund for line item 7100.

MOTION: (c) That the following adjustment be made to the following line item for the FY2018 budget to operate the Water Division of the Department of Public Works as approved under Article 5(a) of the 2017 Annual Town Meeting:

<b>Program</b>	<b>From</b>	<b>To</b>
MWRA Water Assessment	\$ 7,275,204	\$ 7,246,531

MOTION: (d) That the following adjustment be made to the following line item for the FY2018 budget to operate the Water Division of the Department of Public Works as approved under Article 5(b) of the 2017 Annual Town Meeting:

<b>Program</b>	<b>From</b>	<b>To</b>
MWRA Wastewater Assessment	\$ 7,453,886	\$ 7,402,979

(10/16/17)

**Article 6 ESTABLISH AND APPROPRIATE TO AND FROM SPECIFIED STABILIZATION FUNDS**

MOTION:

- a) That \$200,000 be appropriated to the Traffic Mitigation Stabilization Fund;
- b) That \$126,765 be appropriated to the Transportation Demand Management/Public Transportation Stabilization Fund; and
- c) That \$258,355 be appropriated to the Transportation Management Overlay District (TMOD) Stabilization Fund.

(10/16/17)

**Article 7 AMEND REVOLVING FUND AUTHORIZATION**

MOTION: That the Town amend the authorization to the following revolving funds approved pursuant to Article 9 of the 2017 Annual Town Meeting pursuant to the provisions of M.G.L. Chapter 44, Section 53E ½ for Fiscal Year 2018 beginning July 1, 2017:

Program	From	To
DPW Compost Operations	\$755,000	\$897,000
Building Rental	\$475,000	\$525,000

(10/16/17)

**Article 8 APPROPRIATE DESIGN FUNDS FOR VISITORS CENTER**

MOTION: That the Town appropriate \$150,000 for design, engineering and architectural services including site work, exhibit design services, and cost estimating, and the preparation of plans and specifications to construct a new Visitors Center and for the payment of all other costs incidental or related thereto; and that to meet this appropriation \$150,000 be raised from the tax levy.

(10/16/17)

**Article 9 APPROPRIATE FOR SOLID WASTE EQUIPMENT**

MOTION: That this article be indefinitely postponed.

(10/16/17)

**Article 11     APPROPRIATE FOR LEXINGTON HIGH SCHOOL SECURITY  
SYSTEM DESIGN**

MOTION:     That \$31,000 be appropriated for the design, engineering and architectural services, including production of construction documents, for the Lexington High School Security System, and to meet this appropriation \$31,000 be raised from the tax levy.

(10/16/17)

**Article 13     APPROPRIATE FOR AUTHORIZED CAPITAL IMPROVEMENTS**

MOTION:     That this article be indefinitely postponed.

(10/16/17)