

**TOWN OF LEXINGTON
MOTIONS**

**2017 Annual Town Meeting
(Articles 32, 39, 4, 5, 7, 8, 9)
(March 22, 2017)**

Article 32 **ESTABLISH A CANNABIS COMMITTEE**
MOTION: That the Board of Selectmen establish a Cannabis Committee with the following charge:

CANNABIS COMMITTEE
Lexington, Massachusetts
2017 Annual Town Meeting

Members: 13

Appointed by: Board of Selectmen

Length of term: 3 Years, Staggered

Meeting times: As necessary

Staff: Selectmen's Office

Liaisons: Town Manager, Selectmen

The Lexington Cannabis Committee (the `Committee') will monitor current and proposed legislation and regulation of medical and adult-use of cannabis.

The Committee shall make regular reports to the Board of Selectmen (the `Board') that include an evaluation of existing and proposed state and local rules and regulations; registered medical marijuana patient, registered caregiver, and adult-use access; educational and research programs; public health and safety considerations; and balancing the needs of all community stakeholders with respect to cannabis.

Description:

The Committee shall make recommendations to the Board of Selectmen about any changes to be made to any aspect of medical or adult-use of cannabis regulation that could further benefit the community.

Members of the Committee may also serve as members of the Evaluation Committee designated by the Town Manager to recommend, in response to a Request for Proposals, an organization to operate cannabis agricultural, processing, and/or distributing activities on Town –owned land.

Any and all recommendations of the Committee, including funding recommendations for facility upgrades or in support of the Committee's work,

shall be made only to the Board of Selectmen unless the Selectmen direct otherwise.

The Board of Selectmen may choose whether to further these recommendations, including presenting the request to Town Meeting, based on the Board's determination of what is in the best interests of the community. Criteria for membership:

The Committee shall consist of citizens with sufficient background to understand topics surrounding cannabis education, research, health and safety, economic development, tourism, and other pertinent areas, as well the capacity to understand and contribute to discussions regarding the communal benefits and challenges associated with medical and adult-use cannabis legalization in Lexington.

Prior to serving as a member of this Committee, appointees are required to:

1. Acknowledge receipt of the Summary of the Conflict of Interest Statute. Further, to continue to serve on the Committee the member must acknowledge annually receipt of the summary of the Conflict of Interest Statute. Said summary will be provided by and acknowledged by the Town Clerk.

2. Provide evidence to the Town Clerk that the appointee has completed the on – line training requirement required by the Conflict of Interest Statute. Further, to continue to serve on the Committee, the member must acknowledge every two years completion of the on-line training requirement.

The Board of Selectmen shall adopt the charge for the Cannabis Committee and designate members as Special Municipal Employees.

(3/22/2017)

Article 39 AMEND GENERAL BYLAWS –RIGHT TO FARM

MOTION: That the Town adopt a “Right To Farm” bylaw, as follows, making any necessary numbering and formatting edits:

Section 1: Legislative Purpose and Intent

This “Right to Farm” By-law establishes a process by which the Town of Lexington will provide information to all present and future residents regarding existing state law pertaining to agriculture. The mechanism for providing notice is to be determined by the town.

This By-law provides no new benefits or protections beyond those already contained in the Massachusetts State laws. The purpose and intent of this By-law is to embrace and explain the rights to farm accorded to all citizens of the Commonwealth under Article 97, of the Articles of Amendment of the Constitution, and all state statutes and regulations thereunder including but not

limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of Lexington restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment"). This By-law shall apply to all jurisdictional areas within the Town.

Section 2: Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- Farmers markets, CSA programs;
- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- Raising of livestock, including horses;
- Keeping of horses as a commercial enterprise;
- Keeping and raising of poultry, swine, cattle, sheep, rabbits, ratites, camelids and other domesticated animals for food and other agricultural purposes, including bees, fiber, fur-bearing animals, and any forestry and lumbering operations;
- Preparations for market, delivery to storage or to market or to carriers for transport to market. Farming in Lexington may encompass activities including, but not limited to, the following:
- Operation and transportation of slow-moving farm equipment over roads within the Town;
- Control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- Storage and application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm.
- Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager, used expressly for the purpose or propagation, processing, management or sale of the agricultural products;
- On-farm relocation of earth and the clearing of ground for farming and or agricultural operations.

Section 3: Applicability

The benefits and protections affirmed by this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices.

Section 4: Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Lexington. The above-described agricultural and farm-related activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. Impacts that may be caused to others through the normal practice of agriculture may be more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections affirmed by this By-law are intended to apply exclusively to those agricultural operations and activities conducted in accordance with generally accepted agricultural practices. No benefits and protections are conferred to agricultural activities whenever adverse impact results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility or any of its appurtenances. Nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 5: Disclosure Notification

Within 30 days after this By-law becomes effective, the Board of Selectmen shall post the following disclosure on the official bulletin board and website of the Town, at any other location at its discretion, and make such disclosure available for distribution upon request in the offices of the Board of Selectmen, Board of Assessors, and the Town Clerk.

“It is the policy of the Town of Lexington to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers and occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust, and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for agricultural use under certain circumstances.”

Section 6: Resolution of Disputes

Any person having a complaint about a farm or farming activity or practice is encouraged to seek an amicable solution through resolution directly with the owner or operator of the farm at issue. Such person may also, notwithstanding the pursuit of other available remedies, file such a complaint with the Board of

Selectmen. The Board of Selectmen may, at its sole discretion and to the extent the Board believes resolution of the matter may be facilitated by involvement of the Town, forward the complaint to the Board of Health, or other appropriate board or officer, and request that recommendations for resolution be provided within an agreed upon timeframe. Notwithstanding any other provision of this section, however, the Board of Selectmen shall not be required to forward a complaint filed in accordance herewith or to take any other action.

Section 7: Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Lexington hereby declares the provisions of this By-law to be severable.

(3/22/2017)

Article 4 APPROPRIATE FY2018 OPERATING BUDGET

MOTION: That the following amounts be appropriated for the ensuing fiscal year and be raised in the tax levy or from general revenues of the Town, except where a transfer or other source is indicated they shall be provided by such transfer or other source.

Program 1000: Education

Personal Services	\$ 85,948,669
Expenses	<u>\$ 15,706,513</u>
Total Line Item 1100, Lexington Public Schools	\$ 101,655,182
1200 Regional Schools	\$ 1,670,351

Program 2000: Shared Expenses

2110 Contributory Retirement	\$ 5,755,537
2120 Non-Contributory Retirement	\$ 14,620
2130 Employee Benefits (Hlth/Dental/Life/Medicare)	\$ 27,773,351
2140 Unemployment	\$ 200,000
2150 Workers' Comp. (MGL Ch. 40, Sec. 13A&13C, Ch. 41, Sec. 111F)*	\$ 807,136
2160 Property & Liability Insurance	\$ 713,893
2170 Uninsured Losses (MGL Ch. 40, Sec. 13)*	\$ 250,000
 2200 Debt Service	
2210 Payment on Funded Debt	\$ 5,640,760
2220 Interest on Funded Debt	\$ 1,172,415
2230 Temporary Borrowing	\$ 392,453
 2310 Reserve Fund	 \$ 900,000

2400 Facilities	\$ 10,402,987
<u>Program 3000: Public Works</u>	
3100-3500 DPW Personal Services	\$ 4,050,807
3100-3500 DPW Expenses	\$ 5,342,880
<u>Program 4000: Public Safety</u>	
4100 Law Enforcement Personal Services	\$ 5,974,508
4100 Law Enforcement Expenses	\$ 872,527
4200 Fire Personal Services	\$ 5,863,961
4200 Fire Expenses	\$ 558,011
<u>Program 5000: Culture & Recreation</u>	
5100 Library Personal Services	\$ 2,098,338
5100 Library Expenses	\$ 435,806
<u>Program 6000: Human Services</u>	
6000 Human Services Personal Services	\$ 541,106
6000 Human Services Expenses	\$ 753,807
<u>Program 7000: Land Use, Health and Development</u>	
7100 Land Use, Health and Development Personal Services	\$ 1,868,974
7100 Land Use, Health and Development Expenses	\$ 443,238
<u>Program 8000: General Government</u>	
8110 Selectmen Personal Services	\$ 125,304
8110 Selectmen Expenses	\$ 99,588
8120 Legal	\$ 410,000
8130 Town Report	\$ 13,688
8210-8220 Town Manager Personal Services	\$ 583,458
8210-8220 Town Manager Expenses	\$ 206,585
8230 Salary Transfer Account (<i>MGL Ch.40, Sec 13D</i>)*	\$ 750,592
and further that Line 8230 is to be transferred by the Board of Selectmen for contractual settlements within departments upon recommendation of the Town Manager	
8310 Financial Committees	\$ 8,130
8320 Misc. Boards and Committees	\$ 4,500
8330 Town Celebrations Committee	\$ 45,250

8400 Finance Personal Services	\$	1,394,395
8400 Finance Expenses	\$	485,630
8500 Town Clerk Personal Services	\$	357,836
8500 Town Clerk Expenses	\$	120,250
8600 Information Services Personal Services	\$	807,817
8600 Information Services Expenses	\$	1,158,075

Note: Asterisk denotes a Continuing Balance Account.

and that the Town transfer the following sums to meet, in part, appropriations made at this Town Meeting:

- \$17.66 —from the School Bus Stabilization Fund for line item 1100;
- \$44.98 —from the Avalon Bay School Enrollment Fund for line item 1100;
- \$750,000 —from the Health Claims Trust Fund for line item 2130;
- \$324,500 —from the Capital Stabilization Fund for line items 2210 and 2220;
- \$7,200 —from the Cemetery Sale of Lots Fund for line items 2210, 2220 and 2230;
- \$385,000 —from the Parking Meter Fund for line items 3100-3500 and 4100;
- \$48,500 —from the Cemetery Trust Fund for line item 3100-3500;
- \$141,000 —from the Transportation Demand Management/Public Transportation Stabilization Fund for line items 6000 and 7100;
- \$27,000 —from the Center Improvement District Stabilization Fund for line item 7100;
- \$3,800,000 —from Unreserved Fund Balance/Free Cash;
- \$872,458 —from the Water Enterprise Fund;
- \$546,827 —from the Sewer Enterprise Fund; and
- \$254,826 —from the Recreation Enterprise fund.

(3/22/17)

Article 5 APPROPRIATE FY2018 ENTERPRISE FUND BUDGETS

MOTION: a) That the Town appropriate the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2018 under the provisions of M.G.L. Chapter 44, Section 53F½:

Personal Services	\$	701,128
Expenses		427,025
Debt Service		1,466,428
MWRA Assessment		<u>7,275,204</u>
Total		\$9,869,785

Said sum to be funded from water receipts and \$73,000 from retained earnings.

- b) That the Town appropriate the following sums of money to operate the Wastewater (Sewer) Division of the Department of Public Works during fiscal year 2018 under the provisions of M.G.L. Chapter 44, Section 53F½:

Personal Services	\$ 308,749
Expenses	356,525
Debt Service	1,063,349
MWRA Assessment	<u>7,453,886</u>
Total	\$9,182,509

Said sum to be funded from wastewater receipts.

- c) That the Town appropriate the following sums of money to operate the Recreation and Community Programs Department during fiscal year 2018 under the provisions of M.G.L. Chapter 44, Section 53F½:

Personal Services/Expenses	\$2,625,114
Debt Service	<u>100,000</u>
Total	\$2,725,114

Said sum to be funded from recreation receipts, \$375,000 from retained earnings, and a transfer of \$220,152 from the tax levy.

(3/22/17)

Article 7 APPROPRIATE FOR UPDATING THE TOWN'S COMPREHENSIVE PLAN

MOTION: That the Town appropriate \$302,000 for the purpose of updating the Town's comprehensive plan, and that to meet this appropriation \$302,000 be raised in the tax levy.

(3/22/17)

Article 8 ACCEPT PEG ACCESS AND CABLE RELATED FUNDS

MOTION: That the Town accept M.G.L Chapter 44, Section 53F ¾ relating to the establishment of a PEG Access and Cable Related Fund. Further, that Town Meeting approve the transfer of the balance in the PEG Access Revolving Fund to this new Special Revenue Fund.

(3/22/17)

Article 9 ESTABLISH AND CONTINUE DEPARTMENTAL REVOLVING FUNDS AND SPECIAL REVENUE FUND

MOTION That the Town authorize the following revolving and special revenue funds for certain Town departments pursuant to the provisions of M.G.L. Chapter 44, Section 53E ½ and Section 53F ¾ for Fiscal Year 2018 beginning July 1, 2017 as follows:

Program or Purpose for Revolving Funds	Authorized Representative or Board to Spend	Departmental Receipts	Use of Fund	FY2018 Authorization
Building Rental Revolving Fund	Public Facilities Director	Building Rental Fees	Personnel and Expenses Related to the Rental of Facilities	\$475,000
DPW Burial Containers	Public Works Director	Sale of Grave Boxes and Burial Vaults	Program Expenses	\$40,000
DPW Compost Operations	Public Works Director	Sale of Compost and Loam, Yard Waste Permits	Personnel, Benefits, Program Expenses and Capital	\$755,000
Trees	Public Works Director	Gifts and Fees	Program Expenses	\$45,000
Minuteman Household Hazardous Waste Program	Public Works Director	Fees Paid by Consortium Towns	Program Expenses	\$180,000
Health Programs	Health Director	Medicare Reimbursements	Program Expenses	\$14,000
Senior Service Program (formerly Council on Aging)	Human Services Director	Program Fees and Gifts	Program Expenses	\$50,000
Tourism/Liberty Ride	Economic Development Director	Liberty Ride Receipts, including Ticket Sales, Advertising Revenue, Charter Sales, and Donations	Personnel, Benefits, Program Expenses and Capital	\$285,000
School Bus Transportation	School Committee	School Bus Fees	Bus Transportation Expenses	\$1,150,000
Regional Cache – Hartwell Avenue	Public Works Director	User Fees for Participating Municipalities	Program Expenses	\$10,000
Visitors Center	Economic Development Director	Sale of Goods, Program Fees and Donations	Personnel, Benefits, Program Expenses and Capital	\$202,000
Program and Purpose Special Revenue Fund	Authorized Representative or Board to Spend	Departmental Receipts	Use of Fund	FY2018 Appropriation
PEG Access	Board of Selectmen and Town Manager	License Fees from Cable TV Providers	CATV contract, equipment and related expenses, staff support and benefits	\$570,086

(3/22/2017)