

**TOWN OF LINCOLN, MASSACHUSETTS
ANNUAL TOWN MEETING MOTIONS
Saturday, March 23, 2019**

Note: Motions under articles 3, 4, 6, 7, 13, 14, 15, 19, 20, 22, 23, and 25 are to be found on the green Consent Calendar.

Motion under ARTICLE 2 Selectmen

Moved: That Tim Christenfeld, Al Schmertzler and Jeff Birchby be elected Fence Viewers, and Jena Salon, Patrick Lawler, Jen James and John Snell be elected Measurers of Wood and Bark, for the ensuing year.

Motion under ARTICLE 5 Selectmen

Moved: That the Town hear a report on Property Tax Relief.

Motion under ARTICLE 8 Finance Committee

Moved: That the Town adopt as the FY20 budget appropriation the recommendations listed in the report of the Finance Committee, printed on pages 52-57 inclusive, of the Financial Section and Warrant for the 2019 Annual Town Meeting, with the following exceptions:

And that all items be raised by taxation except to the following extent:

- | | |
|-----------------|--|
| Dept. 1491 | Cemetery Department-Expenses- \$5,000 to be transferred from Cemetery Perpetual Care Trust Fund Income-Expendable Trust. |
| Dept. 1171 | Conservation Commission- Personnel Services- \$15,000 to be transferred from the Wetlands Protection Fees-Receipts Reserved for Appropriation. |
| Dept. 1290 | Town Offices- Personnel Services- \$71,000 to be transferred from the Hanscom Fund. |
| Dept. 1290 | Town Offices- Personnel Services- \$60,000 to be transferred from the Water Enterprise Fund. |
| Dept. 1331 | Lincoln Sudbury Regional High School- Assessment- \$9,000 to be transferred from the PEG Access Cable Fund, contingent upon the approval of Article 22. |
| Dept. 176-17754 | Debt Service- Principal & Interest- \$16,549 to be transferred from various Premium on the Sale of Bonds accounts. |
| Dept. 61451 | Water Department <ul style="list-style-type: none">•Personnel Services- \$478,304 to be transferred from the Water Enterprise Fund•Expenses- \$587,900 to be transferred from Water Enterprise Fund•Debt Service- \$233,168 to be transferred from Water Enterprise Fund, and \$33,832 to be transferred from Water Enterprise Retained Earnings (Water Surplus) |
| Dept. 614513 | Water Department- Emergency Reserve- \$40,000 to be transferred from Water Enterprise Retained Earnings (Water Surplus). |

Motion under ARTICLE 9 Capital Planning Committee

Moved: That the Town accept the report of the Capital Planning Committee and that the following amounts (items A - I) be appropriated as stated in the table below for the following purposes, including, in each instance, all costs incidental and related thereto:

FY20 CAPITAL PROJECTS				
	ITEM	\$ AMT	SPONSOR	FUNDING SOURCE
A	To fund the purchase of a new pickup truck for the Department of Public Works, and any related equipment.	\$42,000	Selectmen	Raise and appropriate by taxation
B	To fund the replacement of outdated mobile radios for the Fire Department.	\$14,000	Selectmen	Raise and appropriate by taxation
C	To fund the updating of the Council on Aging phone system, and any related equipment.	\$6,500	Selectmen	Raise and appropriate by taxation
D	To fund a Facilities Condition Assessment at the Library.	\$30,000	Library Trustees	Raise and appropriate by taxation
E	To fund the purchase of a new Kubota Tractor for Lincoln Sudbury Regional High School, and any related equipment.	\$6,897	Lincoln-Sudbury School Committee	Raise and appropriate by taxation
F	To fund the purchase and equipping of one replacement marked cruiser for the Police Department, and any related equipment, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$37,063	Selectmen	Raise and appropriate by taxation
G	To fund the purchase and equipping of one replacement marked cruiser for the Police Department, and any related equipment, and to authorize the disposal of, by sale or otherwise, any related excess vehicles or equipment.	\$41,938	Selectmen	Raise and appropriate by taxation
H	To fund Phase 1 of the public safety radio communications project, and any related equipment.	\$37,500	Selectmen	Raise and appropriate by taxation
I	To fund the design and replacement of the Hartwell Building's Roof, and any related equipment.	\$660,000	School Committee	Raise and appropriate by taxation

Motion under ARTICLE 10 Community Preservation Committee

Moved: That the Town receive and act upon a report from the Community Preservation Committee and that the following amounts (items A-L) be appropriated or reserved from Fiscal Year 2020 Community Preservation Fund Revenues, or transferred from prior year's revenues for Community Preservation purposes as specified:

CPA Article	Project	Total Appropriation	Source of Appropriation
	Appropriations:		
A	To fund, for historic preservation purposes, the FY20 debt service payment for the town offices renovation project.	\$386,275	\$386,275 from FY20 CPA projected revenues
B	To fund, for historic preservation purposes, the replacement of the Codman Farm Barn B, C and office roofs.	\$110,000	\$110,000 from general CPA fund balance
C	To fund, for community housing purposes, a rental assistance program for residents at risk.	\$30,000	\$30,000 from CPA community housing reserve
D	To fund, for historic preservation purposes, the preservation of First Book of Records 1754-1806.	\$20,825	\$20,825 from FY20 CPA projected revenues
E	To fund, for historic preservation purposes, the repair of the headwall over the culvert on the Pierce House property.	\$6,000	\$6,000 from FY20 CPA projected revenues
F	To fund, for recreation purposes, the purchase and installation of a new water chemistry controller system for the Codman Pool.	\$42,500	\$42,500 from general CPA fund balance
G	To fund FY20 debt service payments due on permanent borrowing for previously voted CPA projects.	\$127,550	\$127,550 from FY20 CPA projected revenues
H	To fund CPC administrative expenses	\$3,000	\$3,000 from FY20 CPA projected revenues
	Project Appropriation Subtotal	\$726,150	
	Reserves:		
I	Housing Reserve	\$100,158	from additional FY19 state revenue and FY20 CPA projected revenues
J	Open Space/Land Acquisition Reserve	\$0	from additional FY19 state revenue and FY20 CPA projected revenues
K	Historic Preservation Reserve	\$0	from additional FY19 state revenue and FY20 CPA projected revenues
L	Recreation Reserve	\$0	from additional FY19 state revenue and FY20 CPA projected revenues
	Reserves Subtotal	\$100,158	
	Additional Appropriation:		
	Grand Total of all CPA funded Appropriations:	\$826,308	

Article 10 Explanations

This article proposes projects recommended by the Community Preservation Committee under Lincoln's Community Preservation Act (CPA) passed at the March, 2002 Annual Town Meeting and the November, 2002 Election. The descriptions of the proposed projects/actions are contained below:

- A. **Debt Service on Town Offices Renovation-** The 2011 Town Meeting approved project costs of \$6.8 million to renovate the Town Office Building. Of that total, \$1,000,000 was appropriated from CPA funds to reduce the Town borrowing. The annual debt service on the bond is \$386,275. It is recommended that CPA funds be used for this historic purpose in FY 2020.
- B. **Codman Farm Barn B, C and office roofs-** This project will remove and replace all existing roofing on Barns B, C and attached office roofs, and will be worked in coordination with the Codman Community Farm for the installation of photovoltaic solar panels. To date the Codman Community Farm has received two grants, both in the amount of \$25,000, as well as \$50,000 in private donations to support photovoltaic solar panels on the roofs. The grants will expire at the end of June 2019, and therefore the CPC is hopeful the town will support funding the roofs from CPA general fund balance in order to meet the grant deadline.
- C. **Housing Commission –Rental Assistance Program-** This project will support community housing by offering the opportunity for low-income residents who are homeless or who are at risk of homelessness to remain in our community through assistance in paying rent on affordable housing units or by providing emergency shelter until permanent affordable housing can be arranged.
- D. **First Book of Records 1754-1806-** The Town of Lincoln was incorporated in 1754 and its first Town Meeting was held on April 26, 1754. Before typewriters, minutes of official meetings were handwritten in blank books. The First Book of Records 1754-1806 begins when Lincoln was incorporated as a Town. This book is a primary source for people researching the beginnings of the Town of Lincoln.
- E. **Pierce House Headwall Culvert –** The headwall over the culvert on the Pierce House property needs to be excavated and reset. When the culvert pipe was placed, the stones above the culvert (which were removed and replaced) were not interlocked, thus causing them to move, slip and create sinkholes around the wall. The engineering study recommended the need to excavate behind the wall and reset the wall in its entirety.
- F. **Codman Pool Water Chemistry Controller System-** The current water chemistry controller system is 17 years old, inefficient and complicated to operate. Local vendors have little experience with the current system and find it difficult to provide hands on support. In recent summers, operation of the chemical feed has required manual adjustments to by-pass the system to maintain safe chemical levels. It is recommended that the current system be replaced with a system that is more efficient and user friendly.
- G. **FY20 Debt Service Payments-** Debt payment costs associated with the third year of permanent financing for previously voted CPA project pursuant to Article 11 of the March 25, 2017 Town Meeting for the purchase of land and development of an athletic field.
- H. **Administrative Expenses-**These funds will be used primarily to pay the annual membership dues in the Community Preservation Coalition, a statewide organization that represents the interests of CPA communities. Other administrative expenses include costs associated with public information, mailings and public hearings. Any funds not spent prior to the end of FY20 will be returned to the CPA Fund.

- I. **Housing Reserve-** The CPA requires that a minimum of 10% of annual revenues be spent or set aside for affordable housing.
- J. **Open Space/Land Acquisition Reserve-** The CPA requires that a minimum of 10% of annual revenues be spent or set aside for open space/land conservation.
- K. **Historic Preservation Reserve-** The CPA requires that a minimum of 10% of annual revenues be spent or set aside for historic preservation.
- L. **Recreation Reserve-** The CPA permits, but does not require, the Town to spend or set aside funds for recreational purposes. No funds are reserved for recreational purposes at this time.

MOTION under ARTICLE 11 Community Preservation Committee

Moved: That the Town vote to receive and act upon a report from the Community Preservation Committee for the purchase and installation of an irrigation system at the Codman Athletic Fields and infrastructure to support future Ballfield Road campus irrigation projects, and to fund, for recreation purposes, the sum of \$300,000 from general CPA fund balance, and \$100,000 from FY20 CPA estimated revenues to support this project.

MOTION under ARTICLE 12 Citizens Petition

Moved: That the Town vote to support the proposal of the Eighth Grade Warrant Article Group to ban the sale of electronic cigarettes (vapes) in the Town of Lincoln.

MOTION under ARTICLE 16 Finance Committee

Moved: That the Town raise and appropriate the sum of \$549,331 by taxation to add funds to the Debt Stabilization Fund, so called, previously established pursuant to the March 26, 2011 Town Meeting, Article 19, in accordance with Massachusetts General Laws, Chapter 40, Section 5B, for the purpose of funding future capital expenditures and debt service payments; and to transfer to the Debt Stabilization Fund the sum of money appropriated under Article 8 for the Lincoln-Sudbury Regional High School that exceeds the final Lincoln assessment for FY 2020 that is voted, no later than July 31st, by the Lincoln-Sudbury Regional High School Committee for FY 2020 in accordance with law.

MOTION under ARTICLE 17 Finance Committee

Moved: That the Town raise and appropriate the sum of \$650,000 by taxation, to add funds to the Group Insurance Liability Fund established by Chapter 474 of the Acts of 2008, which Fund will help offset the Town's so-called "other post-employment benefits" liability established by the Statements 74 and 75 of the Governmental Accounting Standards Board.

MOTION under ARTICLE 18 Finance Committee

Moved: That the Town raise and appropriate the sum of \$48,042 by taxation, to add funds representing Lincoln's proportionate share of the contribution recommended by the Lincoln Sudbury Regional High School Committee, to the Lincoln Sudbury Regional School District Retirees Health Insurance Trust Fund, established by the acceptance of Chapter 32B, Section 20 of the Massachusetts General Laws, as amended by Chapter 68, Section 57 of the Acts of 2011, for Lincoln Sudbury Regional High School, which Fund will help offset the High School's so-called "other post-employment benefits" liability established by Statements 74 and 75 of the Governmental Accounting Standards Board.

MOTION under ARTICLE 21 Selectmen

Moved: That the Town act on a recommendation from the Board of Selectmen and Finance Committee and present the annual Bright Light Award to Gary Davis for his outstanding volunteerism and effort improving the quality of town services/programs in the Planning Department, and to transfer from Free Cash the sum of \$500 to support this award.

MOTION under ARTICLE 24 Water Commissioners

Moved: That the Town appropriate the following amounts (items A - M) as stated in the table below for the following purposes, including, in each instance, all costs incidental and related thereto:

	Category	Description	Amount	Funding Source
A	Mass DEP 2018 Sanitary Survey regulatory compliance	Water Treatment Plant (WTP) SCADA add redundant controlling computer	\$32,000	Bonding
B	Mass DEP 2018 Sanitary Survey regulatory compliance	Safe chemical Handling storage and ventilation upgrades	\$355,000	Bonding
C	Mass DEP 2018 Sanitary Survey regulatory compliance	Chemical handling and ventilation compliance at Tower Road Well/Bedford Road Tank	\$400,000	Bonding
D	Overdue maintenance / failure of aging equipment	Distribution system repairs (42 broken curb boxes, 6 gate valves, and 9 hydrants)	\$128,000	Bonding
E	To provide uninterrupted water service and communications	Emergency standby generator Tower Road Well	\$60,000	Bonding
F	Required by Mass DEP for ACO compliance	Engineering Assistance for chloramination at the WTP to comply with Admin. Compliance Order	\$30,000	Bonding
G	To provide uninterrupted water service and communications	Bedford Rd. Tank Generator	\$5,000	Bonding
	Sub-Total from Borrowing:			\$1,010,000

	Category	Description	Amount	Funding Source
H	Mass DEP 2018 Sanitary Survey regulatory compliance	Investigate groundwater under the influence of surface water per Mass DEP 2018 Sanitary Survey	\$20,000	Water Retained Earnings
I	Overdue maintenance	Office furniture	\$12,000	Water Retained Earnings
J	Upgrade equipment for reliable communications	Telephone and radio upgrades since current system works intermittently	\$13,000	Water Retained Earnings
K	Vehicle past its useful life Repair cost are now more than half the cost of a new vehicle	Vehicle replacement Truck #23 F350 truck with lift gate	\$62,000	Water Retained Earnings
L	Overdue maintenance and code compliance	Pump station interior electrical work to upgrade to code; repairing the entrance to all exterior doors; exterior lighting; replacing garage door; painting exterior trim of pump house and small building	\$20,000	Water Retained Earnings
M	Repair necessitated by damage caused by main break	Paving Bedford Road to repair damage caused by main break of aging water mains	\$28,000	Water Retained Earnings
	Sub-Total from Water Retained Earnings:			\$155,000
	Grand Total Water Capital Projects:			\$1,165,000

and to meet this appropriation, \$155,000 shall be transferred from Water Retained Earnings , and, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$1,010,000 under the provisions of G.L. c.44 or any other enabling authority and to issue bonds or notes of the Town therefor; that such bonds or notes shall be general

obligations of the Town unless the Treasurer with the approval of the Board of Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as amended, it being the intent of the Town, however, in either such case that the entire principal of and interest on such bonds or notes shall be paid from water rates and/or surplus; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as amended and in connection therewith to enter into a financing agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen, Board of Water Commissioners or other appropriate local body or officials is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary or convenient to carry out the projects; and that any premium received upon the sale of any bonds or notes approved by this vote, and any prior vote authorizing debt, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

MOTION under ARTICLE 26 Finance Committee

Moved: That the Town transfer from free cash the sum of \$ _____ to reduce the total amount to be raised by taxation pursuant to the votes previously taken under Article 8 of this Warrant, or any other article of this Warrant authorizing the appropriation of funds.

MOTION under ARTICLE 27 Selectmen

Moved: That the Town vote to amend Articles II, III, IV, IX, X, XII, and XIII of the Bylaws of the deCordova and Dana Museum and Park to read in their entirety as follows, such amendments to take immediate effect upon delivery of written notice from The Trustees of Reservations formally accepting to be named as the sole Overseer of deCordova and Dana Museum and Park, with proposed deletions to the Bylaw language shown in ~~striketrough~~ text and additions shown in ***bolded italic*** text, provided further that the Board of Selectmen is hereby authorized to approve minor amendments to said bylaws, which amendments are within the scope of said bylaws, as may be made by the Attorney General or a court.

ARTICLE I – Name and Seal

The name of the Corporation shall be "deCordova and Dana Museum and Park." It shall have a corporate seal bearing the name of the Corporation and such other device or inscription as the Board of Trustees may determine. The Board of Trustees may change the form of the seal and the inscription thereon at any time.

ARTICLE II — Overseers

The Overseers of the Corporation shall be ***The Trustees of Reservations, a Massachusetts charitable corporation established under Chapter 352 of the Acts of 1891, as a corporate entity*** ~~(1) the original incorporators, (2) the Trustees for such period as they shall respectively hold office as such, ex officio, (3) the Selectmen of the Town of Lincoln, the members of the School Committee of the Town of Lincoln and the members of the Board of Library Trustees of the Town of Lincoln, for such period as they shall hold their respective offices, ex officio, and (4) such other persons as the Overseers above provided for may add from time to time by majority vote in any meeting duly called, notified and held for this purpose. Each Overseer added under (4) after May 1, 1994 shall serve for three years.~~

ARTICLE III - Trustees and Officers

The Board of Trustees of the Corporation shall consist of ~~such numbers of persons not less than nine nor more than twenty five as shall be fixed by the Overseers~~ ***nine members***.

The officers of the Corporation shall consist of a President, one or more Vice Presidents, one of whom shall be designated as First Vice President, Treasurer and Clerk, and such other officers as may be elected by the Trustees.

Officers shall be elected by the Board of Trustees at their first meeting held after the Annual Meeting of the Corporation, to serve for one year. The President, all Vice Presidents, Treasurer and Clerk shall be members of the Board. In the event of any vacancy in the office of President, Vice President, Treasurer or Clerk, the Board shall at its next meeting elect a successor for the unexpired term. Officers shall hold office until their successors are elected or appointed and qualify. Two or more offices may be held by the same person.

ARTICLE IV - Election of Trustees

The Trustees shall consist of the following:

- ~~Four registered voters of the Town of Lincoln, who shall be elected by the registered voters of the Town of Lincoln at the time elections for Town offices are held to serve for a term of four years and until their respective successors are elected, the terms to be staggered so that the term of one such Trustee will expire each year. A vacancy in these Trustees shall be filled by the appointment by the Selectmen of the Town of Lincoln of an eligible person to serve the unexpired term.~~
- Three registered voters of the Town of Lincoln **will be elected by the Board of Trustees**, ~~one to be appointed by each of the Selectmen, School Committee, and Board of Library Trustees of the Town of Lincoln at the time elections for Town offices are held,~~ to serve for a term of three years and until their respective successors are elected, the terms to be staggered so that the term of one such Trustee will expire each year. A vacancy in these Trustees shall be filled by the ~~appointment by the board or committee which made the original~~ **Board of Trustees by the** appointment of an eligible person to serve for the unexpired term.
- Such additional persons as shall be elected by the Overseers at the annual or any special meeting of the Overseers, ~~provided that a majority of the Trustees shall always be residents of the Town of Lincoln, and persons so elected shall serve for a term not exceeding three years as fixed by the members and until their respective successors are elected. A vacancy in these Trustees shall be filled by the election by the Board of Trustees~~ **Overseers** of an eligible person to serve for an unexpired term. ~~There shall be a Nominating Committee of the Board of Trustees, consisting of three to five Trustees appointed by the President, which committee shall nominate candidates for Trusteeship positions under this subsection and shall report such nominations to the Overseers in writing. The Overseers may also accept nominations from other sources.~~

ARTICLE V - President and Vice Presidents

- The President shall be the Chief Executive Officer of the Corporation, shall preside at all meetings of the Board of Trustees and of the Overseers, and shall be an ex officio member of all committees of the Board. He or she shall have such other powers and duties as may be prescribed by the Bylaws, as are usually incident to this office, and may from time to time be designated by the Board of Trustees.
- In the absence of the President, his or her duties shall be performed by the First Vice President. Each Vice President shall have such other powers and duties as may be prescribed by these Bylaws and as may, from time to time, be assigned to them by the Board of Trustees.

ARTICLE VI — Director

The Director shall be the Chief Administrative Officer of the Corporation. He or she shall, subject to the control of the Board of Trustees, have general charge and overall management of the affairs of the Corporation and of all the operations thereof, and shall implement all policies established by the Board of Trustees. He or she shall have such other powers and duties as may from time to time be assigned to him or her by the Board of Trustees.

ARTICLE VII - Treasurer and Assistant Treasurers

The Treasurer shall, subject to the control of the Board of Trustees, have the custody of all funds, books or accounts, deeds, contracts, papers and securities of the Corporation, except his bond, if any shall be required. He shall make all

collections and disbursements and endorse on behalf of the Corporation, for collection, checks, drafts, notes and other obligations, and shall deposit the same to the credit of the Corporation in such bank or banks or other depositories as the Board of Trustees may designate. He shall have authority to sign all receipts and vouchers for payments made to the Corporation. He may, unless otherwise ordered by the Board of Trustees, sign all checks made by the Corporation, and shall pay out and disburse the funds of the Corporation under the direction of the Board of Trustees. He may, unless otherwise ordered by the Board of Trustees, execute all bills of exchange, notes, contracts and other obligations of the Corporation, and shall, subject to the control of the Board of Trustees, have general charge of the financial operations of the Corporation, including the borrowing and receipt and disbursement of moneys.

The Treasurer shall enter or cause to be entered regularly in books belonging to the Corporation a full and accurate account of all moneys received and paid and all business transacted by the Corporation.

The Treasurer shall perform such other acts as shall be incidental to the position of Treasurer as prescribed by the Bylaws, or as he shall be directed to perform by the Board of Trustees. In his absence, his duties shall be performed by such officer as may be designated by the Board of Trustees.

Any Assistant Treasurer shall have such powers and shall perform such duties as may be prescribed by law or by these Bylaws, or as may from time to time be assigned to him by the Board of Trustees.

ARTICLE VIII — Clerk

The Clerk shall record all votes of the Overseers and Trustees in a book or books to be kept therefore and shall perform his duties incident to his office and prescribed by law or by these Bylaws. In his absence or disability a Clerk Pro Tempore shall perform such other duties as may from time to time be prescribed by the Board of Trustees.

ARTICLE IX - Powers of Trustees

The Board of Trustees shall have the entire management and control of all the property and business affairs of the Corporation, and for that purpose they shall have and exercise all the powers of the Corporation which are not reserved to the Overseers by vote of the Overseers by the Agreement of Association, or Articles of Organization or amendments thereof, by these Bylaws or by the laws of the Commonwealth.

Without in any way restricting the foregoing general powers and authority, the Board of Trustees shall have full power with respect to the following matters:

- To purchase, lease, or otherwise acquire, and to sell, lease, mortgage, pledge, or otherwise deal in and with any and all personal property, and to enter into any and all contracts and agreements, which in their judgment, may be beneficial to the purposes of the Corporation.
- To adopt such rules and regulations for the conduct of their meetings and the management of the affairs of the Corporation as they may deem proper, and to appoint such standing or special committees as they may from time to time deem best and to fix their powers and duties.
- To require that checks, notes, bills of exchange, contracts and any or all documents be executed by such officer or officers, either with or without countersignature, as the Board from time to time may deem best.
- To accept resignations of Trustees and officers, ~~and in case of any vacancy in any office through death, resignation, disqualification, failure to elect or qualify, or any other cause whatsoever, to fill such vacancy for the unexpired portion of the term and until the election and qualification of a successor,~~ but, until a vacancy in the Board of Trustees is filled the remaining Trustees shall constitute the full Board.
- To prescribe the duties, fix the salaries, and limit the authority of all officers of the Corporation in any way they may deem advisable not contrary to law or these Bylaws.

- To accept, receive, manage and administer in the name of the Corporation any property given in trust or otherwise which, in the judgment of the Trustees, will further the purposes of the Corporation.
- To require a bond from the Treasurer for the faithful performance of his duties in such amount and with such sureties as they may deem advisable.

ARTICLE X - Meetings of Members

The regular Annual Meeting of the Overseers shall be held in ~~May~~**March** at such time and place within the Commonwealth as may be stated in the notice of the meeting. Special meetings of Overseers may be called by the President or by a majority of the Overseers shall be held in the Commonwealth of Massachusetts. A written notice stating the place, day and hour of the meeting shall be given by the Clerk at least ten (10) days before the meeting to each of the Overseers by leaving such notice with him or at his residence or usual place of business or by mailing it, postage prepaid and addressed to such Overseer at his address as it appears upon the books of the Corporation, but any meeting at which all Overseers then entitled to vote are present, either in person or by proxy, or of which all such Overseers not present in person or by proxy have waived notice in writing, shall be as valid as if called as herein provided.

At all meetings of Overseers, each Overseer shall be entitled to cast one vote either by himself or his duly appointed attorney or proxy.

All proxies shall be in writing and filed with the Clerk before being voted. No proxy shall be valid if dated more than six (6) months prior to the meeting at which it is used.

No business, except to organize and adjourn to a specified time or sine die, shall be transacted at any meeting of the Overseers, unless there are present in person or by attorney or by proxy persons representing at least a majority of the Members. A majority of the Overseers shall constitute a quorum.

ARTICLE XI - Trustees' Meetings

Regular meetings of the Board of Trustees shall be held at such time and place as the Board may by vote from time to time determine and no notice of any such regular meetings or adjournment thereof shall be required.

Special meetings of the Board of Trustees may be held at the call of the President, Treasurer, or any three Trustees pursuant to a written or printed notice thereof signed by them or by the Clerk, and sent by mail to each Trustee at his last known place of business or residence one (1) day previous to the meeting, or given to him personally in time for him to attend.

A majority of the whole number of Trustees then in office shall constitute a quorum, and a quorum being present, all matters acted upon shall be decided in accordance with a majority of the votes cast, except as otherwise provided by the Agreement of Association, by these Bylaws or by the laws of the Commonwealth. Any meeting of the Trustees, at which all the Trustees are present, shall be a legal meeting as though called as herein provided, and any Trustee may waive notice of any meeting in writing, either before or after the meeting.

Any meeting, the records of which are approved in writing by all of the Trustees, shall be a valid meeting, whether a quorum was present or not. Meetings of the Trustees and of the Committees appointed by them may be held outside as well as inside the Commonwealth of Massachusetts.

ARTICLE XII - Fiscal Year

The fiscal year of the Corporation shall begin on ~~July 1~~**April 1** and end on ~~June 30~~**March 31** in each year except as the same may be otherwise fixed by the Board of Trustees.

ARTICLE XIII — Reports

An annual report containing a full and comprehensive statement of the activities of the Corporation, and including a financial statement of receipts and disbursements, shall be prepared **and audited** as soon as practical after the close of each calendar year and shall be made available to the Selectmen of the Town of Lincoln for printing in the annual Town Report. ~~The books and accounts of the Corporation shall be submitted annually to the Director of Accounts of the Department of Corporations and Taxation, or to such other State department or office as may from time to time have jurisdiction or authority to audit the accounts of towns, for audit and report to the Selectmen of the Town of Lincoln. In the event that said Director or Department or Office shall have no jurisdiction or authority, or shall decline, to conduct such audit, the books and accounts of the Corporation shall be submitted annually to a certified public accountant, or firm of such accountants, selected and employed by the Selectmen of the Town of Lincoln, for audit and report to said Selectmen. The Corporation shall pay to such Director, Department, or Office, or to the Town of Lincoln, as the case may be, the cost of such annual audit and report.~~

ARTICLE XIV — Amendments

Adopted at a meeting of the incorporators December 2, 1948; amended at the 1982, 1984, 1987, 1990, and 1996 Lincoln Town Meetings.

These Bylaws may be amended by majority vote at any meeting of the Overseers duly called and held, provided, however:

1. That the nature of the proposed amendment shall be stated in the call for such meeting
2. That no amendment shall take effect unless and until authorized or approved by the Inhabitants of the Town by a majority vote at a Town Meeting duly called and held, the warrant for which contains an article setting forth the nature of the proposed amendment
3. That, unless and until authorized by a court of competent jurisdiction, no amendment shall be effective which would be inconsistent with the terms of said De Cordova deed, will or codicil as the same may have been or from time to time may be interpreted, or as derivations from the same may be permitted, by such a court.

MOTION under ARTICLE 28 Planning Board

Moved: That the Town vote to amend the Zoning By-Law, Section 13.6 as follows, with proposed deletions to the bylaw language shown in ~~striketrough~~ text and additions shown in ***bolded italic*** text.

13.6 Solar Energy Systems.

13.6.1 Purpose The purpose of this Solar Energy System By-Law is to encourage investment in Solar Energy Systems in the Town of Lincoln, while providing guidelines for the installation of those systems that are consistent with the character of the Town and are necessary to protect the public health, safety and general welfare.

13.6.2 Definitions

Solar Energy System – A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for electrical power generation, or for water heating.

Roof-Mounted Solar Energy System – A Solar Energy System that is comprised of Solar Collector Panels, including frames, supports and mounting hardware that is installed on the roof of a building.

Building-Integrated Solar Energy System - A Solar Energy System that is an integral part of a principal or accessory building replacing or substituting for an architectural or structural component of the building. Building-Integrated Solar Energy Systems include but are not

limited to Photovoltaic, hot air, or hot water solar systems that are contained within roofing materials, walls, windows, or skylights.

Photovoltaic (PV) - The technology that uses a semi-conductor material to convert light directly into electricity.

Solar Collector Panel -Any part of a Solar Energy System that absorbs solar energy for use in the system's energy transformation process. The Solar Collector Panel does not include frames, supports, or mounting hardware.

Solar Energy Storage System – A device that reserves energy for later consumption that is charged by a connected Solar Energy System. Any such storage system shall be considered part of the Solar Energy System.

Canopy/Carport Solar Photovoltaic System – A free standing Solar Energy System where the Solar Collector Panels are designed to be the roof, and span to structural supports and which maintains the function of a parking surface or pedestrian walkway beneath the canopy.

~~Solar Energy System— A device or structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electrical generation, or water heating.~~

13.6.3 General Standards

~~(a) A Solar Energy System shall provide power for the principal use and /or accessory use of the property on which the Solar Energy System is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not prohibit the sale of excess power generated to the local utility company.~~

(a) Solar Energy Systems may provide energy either (1) for consumption on site for the purpose of defraying the cost of electricity purchased for consumption on site; or (2) for the sale of electricity to the local utility company, with benefits provided either through payments directly from the utility, from a third-party owner/provider of the Solar Energy System, or through the purchase of electricity at reduced prices from the owner/provider of the Solar energy System, or some combination of the above..

~~(b) Whenever practical, all Solar Energy Systems shall be installed on an existing dwelling or building. All other systems shall require site plan review under Section 17.7.~~

(b) Solar Energy Systems other than compliant Building-Integrated Solar Energy Systems and compliant Roof-Mounted Solar Energy Systems on existing structures shall be subject to site plan review under Section 17.7. As a condition of site plan approval, the Board may require a bond or other surety to assure appropriate decommissioning of the installation or other measures to protect public safety.

(c) A Solar Energy System shall not be used to display advertising, including but not limited to signage.

(d) Solar Energy Systems shall be placed and arranged such that reflected solar glare shall not be directed onto adjacent buildings, properties or roadways.

(e) Appurtenant electric, piping, wiring or equipment for Solar Energy Systems shall be allowed to extend beyond the perimeter of the building on a side or rear yard exposure.

13.6.4 Design Standards in Residential Districts, ***excluding properties used for municipal purposes.***

(a) Building-Mounted Solar Energy Systems

Building-mounted Solar Energy Systems of ***any size*** are permitted in the following locations:

- i. On the roofs of principal and accessory structures, and/or
- ii. On side and rear building facades

~~The Planning Board may waive strict compliance and allow a building mounted Solar Energy System and/or appurtenant electric, piping, wiring or equipment for such Solar Energy System on the front façade of the building where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.~~

- iii. Building-Integrated Solar Energy Systems ***of any size*** are also permitted on front or corner building facades

All Solar Energy System appurtenances such as, but not limited to, plumbing, water tanks, mounting structures, and support equipment shall be screened to the maximum extent possible without compromising the effectiveness of the Solar Collector Panels.

(b) Roof-Mounted Solar Energy Systems

All roof-mounted Solar Collector Panels on a sloped roof will be subject to the following height limitations:

- i. The top surface of any Solar Collector Panel mounted on a ~~south-facing~~ sloped roof shall not exceed 12 inches above the adjacent finished roof surface ***and shall not extend above the adjacent ridge line.***
- ~~ii. The top surface of any Solar Collector Panel mounted on a north-, east-, or west-facing sloped roof shall not exceed 24 inches above the adjacent finished roof surface~~
- ii. The top most point of any Solar Collector Panel mounted on a flat roof (1/2 inch or less per foot slope) shall not exceed 30 inches above the adjacent finished roof surface on flat roofs ~~with or without parapets~~ ***or extend above any adjacent parapets.***

~~The Planning Board may waive strict compliance of these height limitations and allow a roof-mounted solar energy system to exceed such height limitations where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.~~

~~The Planning Board may waive strict compliance and allow appurtenant electric, piping,~~

~~wiring or equipment for roof mounted Solar Energy Systems on the front façade of the building where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.~~

(i) Ground-Mounted Solar Energy Systems **and Canopy/Carport Solar Energy Systems**

Ground mounted Solar Energy Systems **and Canopy/Carport Solar Energy Systems** shall be treated as ~~an~~ accessory structures and **shall** require site plan review under Section 17.7.

Where a property includes a Ground Mounted and/or Canopy/Carport Solar Energy System, the onsite capacity of all Solar Systems on the property shall not exceed 125% of the annual energy consumption of the property.

Ground-mounted Solar Energy Systems shall comply with all minimum setback requirements. Ground-mounted Solar Energy Systems shall not be located within the front yard, defined as the area between the front façade of the dwelling extended to the side property lines and extending to the street line (corner lots have two (2) front facades).

Ground- or pole-mounted Solar Energy Systems shall not exceed the maximum height of twelve feet- **as measured from the ground to the top of the solar panels when at maximum vertical tilt.** ~~The Planning Board may waive strict compliance and allow a ground- or pole-mounted Solar Energy System to exceed such height limitation where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.~~

Canopy/Carport Solar Energy Systems shall not exceed the maximum height of seventeen feet, where justified, as measured from the ground to the top of the solar panels when at maximum vertical tilt.

~~The Planning Board may waive strict compliance and allow a ground mounted Solar Energy System to be located within the front yard where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.~~

13.6.5 Design Standards in Non-Residential Districts **and for Municipal Properties in All Zoning Districts.**

(a) Building-Mounted Solar Energy Systems

Building-mounted Solar Energy Systems **of any size** are permitted in the following locations:

- i. On the roofs of principal and accessory structures, and/or
- ii. On side and rear building facades

~~The Planning Board may waive strict compliance and allow a building mounted Solar Energy System and/or appurtenant electric, piping, wiring or equipment for such Solar Energy System on the front façade of the building where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.~~

- iii. In addition, Building-Integrated Solar Energy Systems **of any size** are permitted on front or corner building facades

All Solar Energy System appurtenances such as, but not limited to, plumbing, water tanks,

mounting structures, and support equipment shall be screened to the maximum extent possible without compromising the effectiveness of the Solar Collector Panels.

(b) Roof-Mounted Solar Energy Systems

All roof-mounted Solar Collector Panels on a sloped roof will be subject to the following height limitations:

- iii. The top surface of any Solar Collector Panel mounted on a ~~south-facing~~ sloped roof shall not exceed 12 inches above the adjacent finished roof surface **and shall not extend above the adjacent ridge line.**

~~iv. The top surface of any Solar Collector Panel mounted on a north-, east-, or west-facing sloped roof shall not exceed 24 inches above the adjacent finished roof surface~~

- iii. The top most point of any Solar Collector Panel mounted on a flat roof (1/2 inch or less per foot slope) shall not exceed 30 inches above the adjacent finished roof surface on flat roofs ~~with or without parapets~~ **or extend above any adjacent parapets.**

~~The Planning Board may waive strict compliance of these height limitations and allow roof-mounted Solar Energy Systems to exceed such height limitations where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.~~

~~The Planning Board may waive strict compliance and allow appurtenant electric, piping, wiring or equipment for roof mounted Solar Energy Systems on the front façade of the building where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.~~

(c) Ground-Mounted Solar Energy Systems **and Canopy/Carport Solar Energy Systems.**

Ground-mounted Solar Energy Systems **and Canopy/Carport Solar Energy Systems** shall be treated as ~~an~~ accessory structures and **shall** require site plan review under Sections 17.1-17.6.

Ground-mounted Solar Energy Systems shall comply with all minimum setback requirements. Ground-mounted Solar Energy Systems shall not be located within the front yard, defined as the area between the front façade of the main building (or structure) extended to the side property lines and extending to the street line (corner lots have two (2) front facades).

~~The Planning Board may waive strict compliance and allow a ground mounted Solar Energy System to be located within the front yard where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.~~

A ground- or pole-mounted Solar Energy System shall not exceed the maximum height of twelve feet **as measured from the ground to the top of the solar panel when at maximum vertical tilt.** ~~The Planning Board may waive strict compliance of this height limitation and exceed such height limitation where it determines such action to be consistent with the purpose and intent of the zoning bylaw and otherwise in the public interest.~~

A Canopy/Carport Solar Energy System shall not exceed the maximum height of seventeen feet, as measured from the ground to the top of the solar panel when at

maximum vertical tilt.

13.6.6 Planning Board Waivers

The Planning Board may waive strict compliance with any requirement contained in Sections 13.6.3, 13.6.4, and 13.6.5 where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest.

MOTION under ARTICLE 29 Planning Board

Moved: That the Town vote to amend the Zoning By-Law, Section 4.1(c) as follows, with proposed deletions to the bylaw language shown in ~~striketrough~~ text and additions shown in ***bolded italic*** text.

(c) A non-conforming lot which is ~~hereafter~~ decreased in size loses its non-conforming protection under ***Section 4.5, except when such lot is or has been altered by a taking, acquisition by, or donation to the Town or other governmental entity for a public purpose.*** A non-conforming lot which is hereafter increased in size may retain its non-conforming nature, provided that the Board of Appeals issues a special permit in accordance with ***Section 20*** hereof, permitting the area, frontage, width, yard and depth requirements to be those to which the lot was entitled immediately prior to such increase in size, including its determination that permitting such requirements will not be detrimental to the public safety and welfare and will be in harmony with the general purpose and intent of the By-law.

MOTION under ARTICLE 30 Planning Board

Moved: That the Town vote to pass over this article.

MOTION under ARTICLE 31 Historic District Commission/FOMA

Moved: That the Town vote to add two properties to the existing Town of Lincoln Brown's Wood Historic District under Section 1.2 of Article XXV (Brown's Wood Historic District) of the Town of Lincoln General By-Laws, the locations and boundaries of which proposed additions are shown on plans on file with the Lincoln Town Clerk and to be filed with the Massachusetts Historical Commission and to be recorded with the Middlesex South Registry of Deeds. (Map/Parcel Nos. 181-13-0; 181-10-0).

MOTION under ARTICLE 32 Lincoln Historic Commission

Moved: That the Town vote to amend the language of Section 2.3 (Definition of Demolition) of Article XXI (Demolition of Significant Buildings or Structures) of the Town of Lincoln General By-Laws as follows, with proposed deletions to the bylaw language shown in ~~striketrough~~ text and additions shown in ***bolded italic*** text.

2.3 Demolition: any act of pulling down, destroying, removing, burning by arson, dismantling, or razing a building or structure, or any substantial portion thereof, ***or of encasing a substantial portion of a building or structure within another building or structure,*** or commencing the work of total or substantial destruction with the intent of completion of the same. Substantial portion is defined as twenty-five percent (25%) of the volume of the building or structure, or twenty-five percent (25%) of the roof structure. ***Nothing in this definition shall be construed to prevent the ordinary maintenance, repair, or replacement of any exterior materials of a building or structure notwithstanding the fact that the work would otherwise affect a substantial portion of the building or structure.***

MOTION under ARTICLE 33 Conservation Commission

Moved: That the Town vote to amend its General Bylaw, by adding a new Section (Article XI, Section 19) titled "Leaf Blowers," for the purpose of limiting the use of leaf blowers to certain seasons and certain hours of the day as follows:

A. Definition

“Leaf blower” means any motorized device whose primary function is to use blowing air to move leaves, dirt, dust, sand, grass clippings, or any other type of litter or debris.

B. Usage Based on Time of Year

1. Electric and battery-powered leaf blowers may be used all year, subject to the Time of Day limitations specified in section C.
2. Gas-powered leaf blowers may be used only from October 1 through December 20 and from March 20 through May 31, subject to the Time of Day limitations specified in section C.

C. Usage Based on Time of Day; Allowed Users

During the times of year when leaf blowers may be used, as specified in Section B, leaf blowers may be used only during these hours:

1. Mondays through Fridays from 7AM to 6PM; all users
2. Saturdays from 9AM to 5PM; all users
3. Sundays and legal holidays from 9AM to 5PM; only residents of the property on which the leaf blower is used.

D. Exclusions

1. Gas-powered leaf blowers may be used in any season for public safety and emergency situations.
2. The Building Inspector may grant one-day exemptions from this By-law for the use of gas-powered leaf blowers for special situations, but not for ongoing routine maintenance. Applications for these exemptions must be applied for in writing to the Building Inspector.

E. Enforcement and Fines

For any violation of this By-law after October 1, 2019, the Lincoln Police or the Lincoln Building Inspector shall have the authority, after a complaint from an identified person or upon the officer’s or inspector’s own observation, to issue a warning upon the first violation, and a fine of \$100 for each subsequent violation. Warnings and fines shall be issued to the property owner. Each day on which there is a violation will constitute a separate violation.

F. Effective Date

The provisions of this By-law shall be effective starting on the date it is approved by the Attorney General or on May 15, 2019, whichever is later.

MOTION under ARTICLE 34 Citizens Petition

Moved: That the Town vote to adopt a citizen sponsored Resolution in Support of Changing the State Flag and Seal of Massachusetts as follows:

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims

arrived on their shores;

Whereas the naked Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is modeled over Myles Standish's own broadsword, borrowed from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Euro-Colonial encroachment;

Whereas the proportions of the body of the Native man in the Flag and Seal were taken from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self-rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the Euro-Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro-Colonial immigrants and the Native Nations of the Commonwealth;

And whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the diminution and pollution of their ancestral lands and the encroachment of their cultural lifeways;

Now, therefore, **BE IT RESOLVED** that the Town Meeting of Lincoln hereby adopt this resolution in support of HD.2968 and SD.I 495, a Resolve Providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth," and request that Senator Michael Barrett, and Representative Thomas Stanley, both representing Lincoln, co-sponsor, support and vote for the aforementioned Resolve (HD.2968 and SD.149 5) in the General Court, and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.