

TMMA Warrant Information Report



November 2012

This report has been prepared by the Town Meeting Members Association to provide information to Town Meeting members concerning the articles of the warrant for the Special Town Meeting beginning November 19, 2012. TMMA thanks town officials, town staff, and members of boards and committees for their assistance in providing information for this report.

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For new and updated information, please refer to the
TMMA website at

www.LexingtonTMMA.org

Conflict of Interest Guideline for Town Meeting Members

In 1976, Town Meeting adopted the following non-binding Conflict of Interest Resolution:

Resolved, that Town Meeting Members abstain from voting in any particular matter in which to his knowledge, he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has any economic interest in the particular matter under consideration.

Please note that Town Meeting Members are specifically excluded from the responsibilities posed by the State conflict of interest statute, Chapter 268A.

Revisions:

Printed version, revision 1.0, 9 November 2012

Special thanks to:

Christopher Bing for the cover artwork

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Notes

Please note that all dollar amounts listed in this report are NOT final. The final dollar amounts will be provided in motions presented at the Special Town Meeting starting on November 19.

Also note that the information provided in this report was current as of the publication date (see page ii); some circumstances may have changed since then. See the TMMA web site for new and updated information.

Also note that the entire text of the Special Town Meeting Warrant is included in this report. The Warrant text appears at the beginning of the write-up for each article and appears in 10-point italicized font. TMMA information appears in 12-point normal font.

Article 2 Amend FY2013 Operating, EF and CP Budgets

To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 4, 5 and 8 of the warrant for the 2012 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 the tax levy, by transfer from available funds, from Community Preservation funds or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

Funds Requested: *Unknown at press time.*

Description: *This is an article to permit adjustments to current fiscal year (FY2013) appropriations of the general fund, enterprise funds and Community Preservation budgets.*

TMMA REVIEW

AMEND CURRENT FISCAL YEAR BUDGETS

TMMA Summary (as of 11/07/12)

This has become a customary article for Special Town Meetings so that current year budgets can be adjusted based on the Town having more accurate information.

TMMA Overview (as of 11/07/12)

With the savings from transferring employee health benefits to the State Group Insurance Commission health plans being higher than originally projected, and because State aid that was anticipated to be cut was not cut, the Town now has “Unallocated Revenue” of \$3,093,000. The unallocated revenue estimate does not include “new growth” projections that are currently \$800,000 higher than that used in developing the FY2013 Budget approved at the Annual Town Meeting (ATM).

Using the unallocated revenue, two budget adjustments are expected to be proposed under Article 2. These are:

1. \$1,000,000 To supplement the \$4.2M approved at the ATM to fund the Town employee pension liability.
2. \$200,000 To cover the costs associated with having to clean up after Hurricane Sandy.

Based on actuarial analyses used by the Retirement Board, the cost drivers impacting the unfunded pension liability include investment losses from the 2008 recession and mortality tables showing that people are living longer. Rather than using an aggressive schedule to fully fund the pension liability by 2020, it is recommended that we have a supplemental appropriation of \$1,000,000 and plan on fully funding the pension liability in 2029 (with the State requiring full funding in 2040). Funding schedules used by the Retirement Board have assumed an 8% return on investments while the recent actual experience has been closer to 7.75% which is further justification for appropriating the additional \$1,000,000 now. By planning on fully funding this obligation by 2029, the Town would have an eleven-year “cushion” should there be

a downturn in the market. If the market performs better than projected, the Town would retire the pension liability earlier.

TMMA Questions

Question #1: With the Retirement Board having to adopt a funding schedule, what would happen if Town Meeting did not approve the supplemental \$1M appropriation?

Answer #1: The schedule adopted by the Retirement Board would have higher annual payments.

Article 3 Establish and Appropriate to Specified Stabilization Funds

To see if the Town will vote to appropriate sums of money to Stabilization Funds in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws for the purposes of: (a) Section 131 Zoning By-Law, (b) Traffic Mitigation, (c) Transportation Demand Management, (d) School Bus Transportation, (e) Special Education, (f) Center Improvement District; (g) Debt Service, (h) Transportation Management Overlay District (TMO-1) and (i) Avalon Bay School Enrollment Mitigation Fund; create and appropriate sums of money to one or more new Stabilization Funds in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws for the purposes of capital projects and/or debt service related thereto; determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

Funds Requested: *Unknown at press time.*

Description: *This article proposes to establish and/or fund Stabilization Funds for specific purposes. Money in those funds may be invested and the interest may then become a part of the particular fund. The use of these funds may be appropriated for the specific designated purpose by a two-thirds vote of Town Meeting.*

TMMA REVIEW STABILIZATION FUNDS

Note that the motion under this article will require a two-thirds majority in order to pass.

TMMA Overview (as of 11/04/12)

Article 3 proposes the establishment of a new stabilization fund to be called the “Capital Projects / Debt Service Reserve / Building Renewal Fund” and recommends an initial appropriation of \$1,568,000 from the unallocated revenue described under Article 2. Expenditures from the fund will be used to cover expenses related to exempt debt that would otherwise be borne by the tax base. Thus, the use of money from this fund should be considered a form of tax relief.

TMMA Questions

Question #1: What will control the use of this fund?

Answer #1: As with using money from any of the stabilization funds, a two-thirds vote of Town Meeting is required to release funds.

Question #2: If the intent is to reduce future tax burdens, why not just reduce the tax rate this year?

Answer #2: The intent is to reduce the spike in the increase of excluded debt service arising from starting the Estabrook School project earlier than originally planned.

Article 4 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 Employment 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 Board of Selectmen)

Funds Requested: *Unknown at press time.*

Description: *This article will allow the Town to continue to fund its unfunded liability for post employment benefits for Town of Lexington retirees. Beginning with the FY2007 audit, the Town was required to disclose this liability. In preparation for funding this liability, Town Meeting voted to request special legislation to establish a trust fund for this purpose. This special legislation was approved in 2002.*

TMMA REVIEW

OPEB / HEALTH INSURANCE FUND

TMMA Overview (as of 11/04/12)

At retirement, Lexington employees are eligible for health insurance and pension benefits. This article applies only to the health insurance component of benefits, referred to as Other Post Employment Benefits (OPEB or just PEB for short) to distinguish them from the pension benefits. These benefits impose a future liability on the Town. The Town routinely assesses the amount of these liabilities using an actuarial analysis. The dollar amounts are large because they represent the sum of many years of benefits to be paid to many current and future retirees. The Town's current liability for retiree health benefits, based on the actuarial analyses, is estimated to be approximately \$300,000,000 over the next 30 years. The primary issue posed by this article is how much money to dedicate to this fund in this, and in each future year, considering the available sources of funding and the Town's priorities for other uses of the money.

All Massachusetts municipalities are required, by state law, to fund unfunded pension liabilities by the year 2040 according to a schedule approved by the Public Employee Retirement Commission. There is now no similar mandate to pre-fund the liability for retiree health insurance benefits (PEB). Instead, the Town currently covers the full cost of current retiree health benefits within its regular operating budget. As of FY2008, the Government Accounting Standards Board (GASB) began requiring municipalities to report the size of their unfunded PEB liability as a long-term liability in the Town's annual financial statements.

The Town is considering a long-term plan to fund the Post Employment Insurance Liability Fund (PEIL), so that use of operating funds to pay current retiree benefits could end, and income earned from the invested trust fund balance would cover the costs of PEB payments when full funding is achieved. That would require regular, annual appropriations until full funding is achieved. The amount of the annual appropriation required depends on the target date adopted for achieving full funding and the actual return achieved on the invested fund balance. The appropriation proposed in this Article would be a step in that direction.

Appropriation to the Town's Post Employment Insurance Liability Fund (PEIL) started with Article 22 of the 2008 Annual Town Meeting. It has continued annually with the most recent appropriation

at the 2012 Annual Town Meeting under Article 18. The current balance in the PEIL Fund as of 10/16/12 was \$2,794,623.

The Town receives reimbursements from the Federal Government to cover costs of the prescription drug insurance that would otherwise be covered under Medicare Part D. The Town was reimbursed approximately \$465,544 in FY2012, and from July 1 to October 16 an additional \$76,646 was received. The Town has been appropriating funds to the PEIL Fund that roughly match these reimbursements, but there is no direct linkage of PEIL Fund appropriations to these Federal reimbursements, except by Town Meeting action.

Under State Law, MGL Chapter 32B, the Town is required to provide a comparable level of health insurance coverage to its retirees as it offers to its active employees. Medicare, by itself, is not comparable to the Town's active employee insurance plans. Consequently, for retirees who participate in Medicare, the Town also provides a Medicare Supplement plan that includes certain health insurance coverage not provided by Medicare.

Retirees who do not have Medicare, either because they are under the age of 65 years old or over 65 but are not Medicare-eligible, are permitted to continue on any one of the Town's health insurance plans that are offered to active employees. State and local government employees in Massachusetts hired prior to 1986 were not allowed to participate in Medicare, so they may not be eligible for Medicare unless they or their spouse had other private-sector employment that provides them with eligibility.

TMMA Questions

Question #1: Contributions to the PEIL fund are not mandated by law while meeting our pension obligations is. Why not direct additional contributions to the pension fund instead of to the PEIL fund?

Answer #1: Contributions to either fund are invested in comparable high return funds and reduce the combined long-term liability for the Town, so there is no financial advantage to funding one over the other. Funding the PEIL fund changes our philosophical approach to this liability and makes a statement that we plan to move this obligation to a pre-funded model over time.

For further information:

An Analysis of Policy Issues concerning the Funding of Future Liabilities for Health Insurance for Retired Employees (OPEB) of the Town of Lexington, Alan M. Levine, April 17, 2012 (a TMMA Yahoo email list attachment):

http://xa.yimg.com/kq/groups/7717354/1642793333/name/OPEB_aml_v2.pdf

Article 5**Estabrook School Access Improvements**

To see if the Town will vote to raise and appropriate a sum of money for street, drainage, intersection and sidewalk improvements to Grove Street and Robinson Road in connection with the construction of the new Estabrook School, 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 Board of Selectmen)

Funds Requested: \$1,500,000

Description: *This article requests funding for the construction of street, drainage, intersection and sidewalk improvements to Grove Street and Robinson Road improve safety.*

TMMA REVIEW**ESTABROOK SCHOOL ACCESS****TMMA Overview (as of 11/07/12)**

If approved, this article would provide funds for road and sidewalk safety improvements. This appropriation will be used to improve sight distances and to install sidewalks to improve pedestrian safety and accessibility, especially at school drop off and pick-up times when traffic is heavy. Please see the drawings that follow this write-up for the current plans for the improvements to Grove Street and Robinson Road.

TMMA Questions

Question #1: If this article passes, when would construction begin?

Answer #1: There are two separate pieces of this project. The Grove Street construction would begin as soon as school ends in June, 2013 and is expected to take about one month. As of press time, the Robinson Road construction schedule is still in flux because not all permitting is yet in place - construction is likely to take place over several months between mid-April and mid-November of 2013.

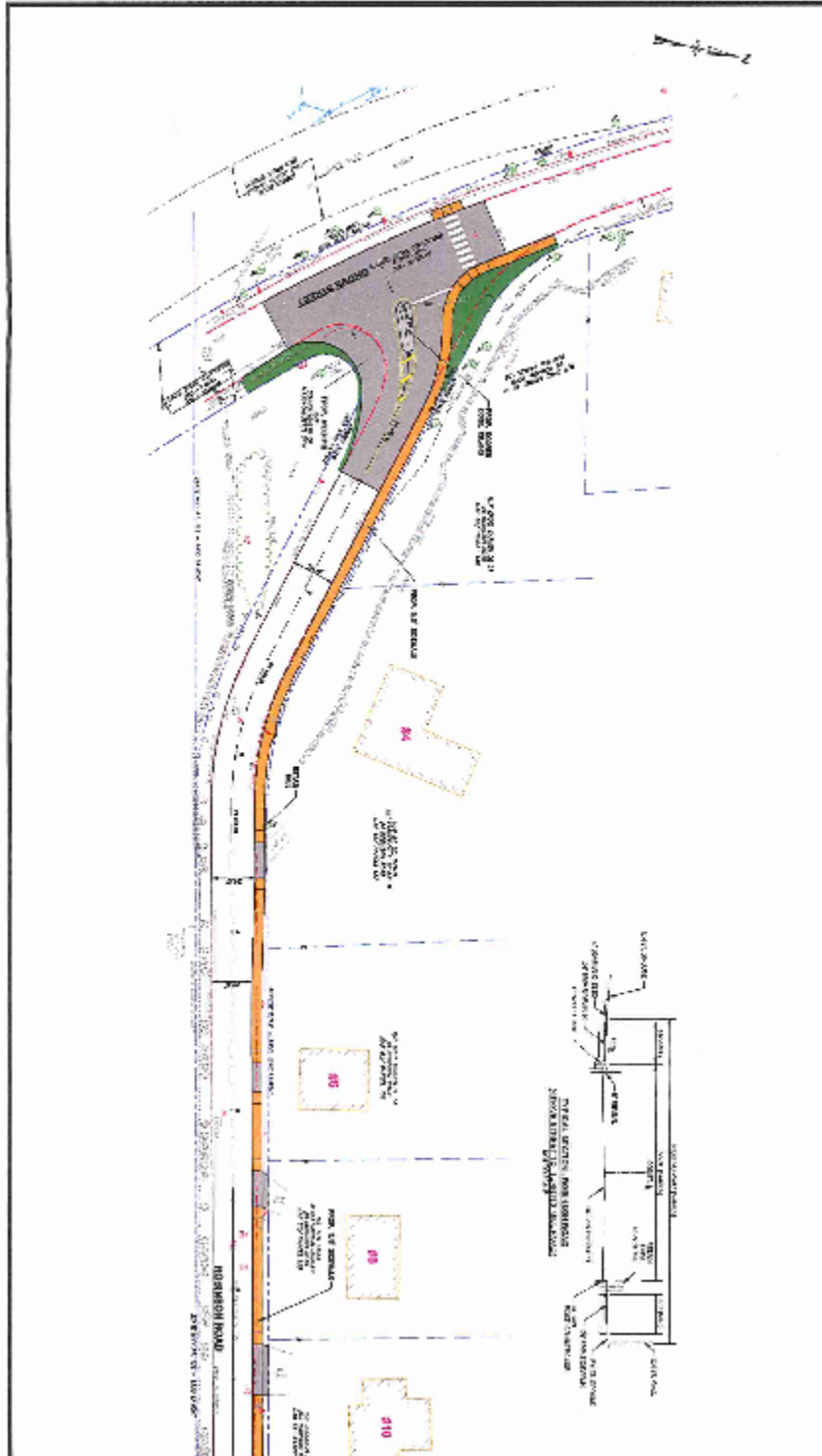
Question #2: How will school access be affected by this construction?

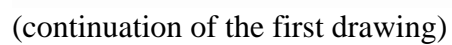
Answer #2: The Grove Street construction will not affect school access since it will occur over the summer. It is anticipated that there will be some impact to traffic and pedestrian flow from the Robinson Road construction.

Question #3: Given the construction delays at Bowman and Bridge, why are we confident that this construction will be completed on schedule?

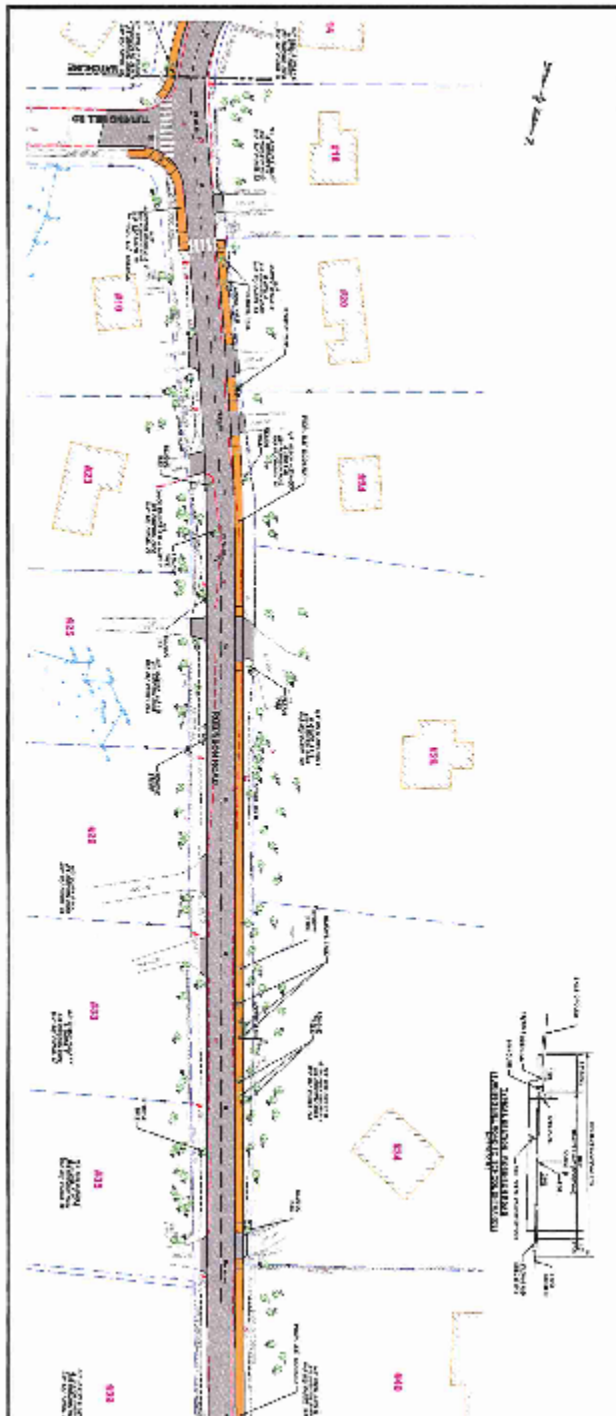
Answer #3: The Bridge and Bowman Construction project was bid under Chapter 149 rules which mandate that projects be awarded to the "lowest responsible and eligible" bidder. The low bidder, TLT Construction, was much lower than the next lowest bid. Their performance is related to this low bid. Estabrook School is being bid under Chapter 149A, where we select the general contractor based on qualifications and negotiate the final price. This process can be more expensive, as you are not "bidding" the entire project, but we expect the project to be much better managed (quality, conditions, schedule). We have selected Shawmut Construction and we are confident the construction will be completed on schedule, if not early.

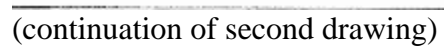
The following 3 drawings show the current plans for the improvements to Grove Street and Robinson Road. The first drawing shows the proposed improvements to the intersection of Grove Street and Robinson Road. The second drawing shows the proposed improvements for the stretch of Robinson Road between Turning Mill Road and the back / emergency entrance to the Estabrook School. The third drawing shows the proposed improvements for the entrance to the Estabrook School at Grove Street.



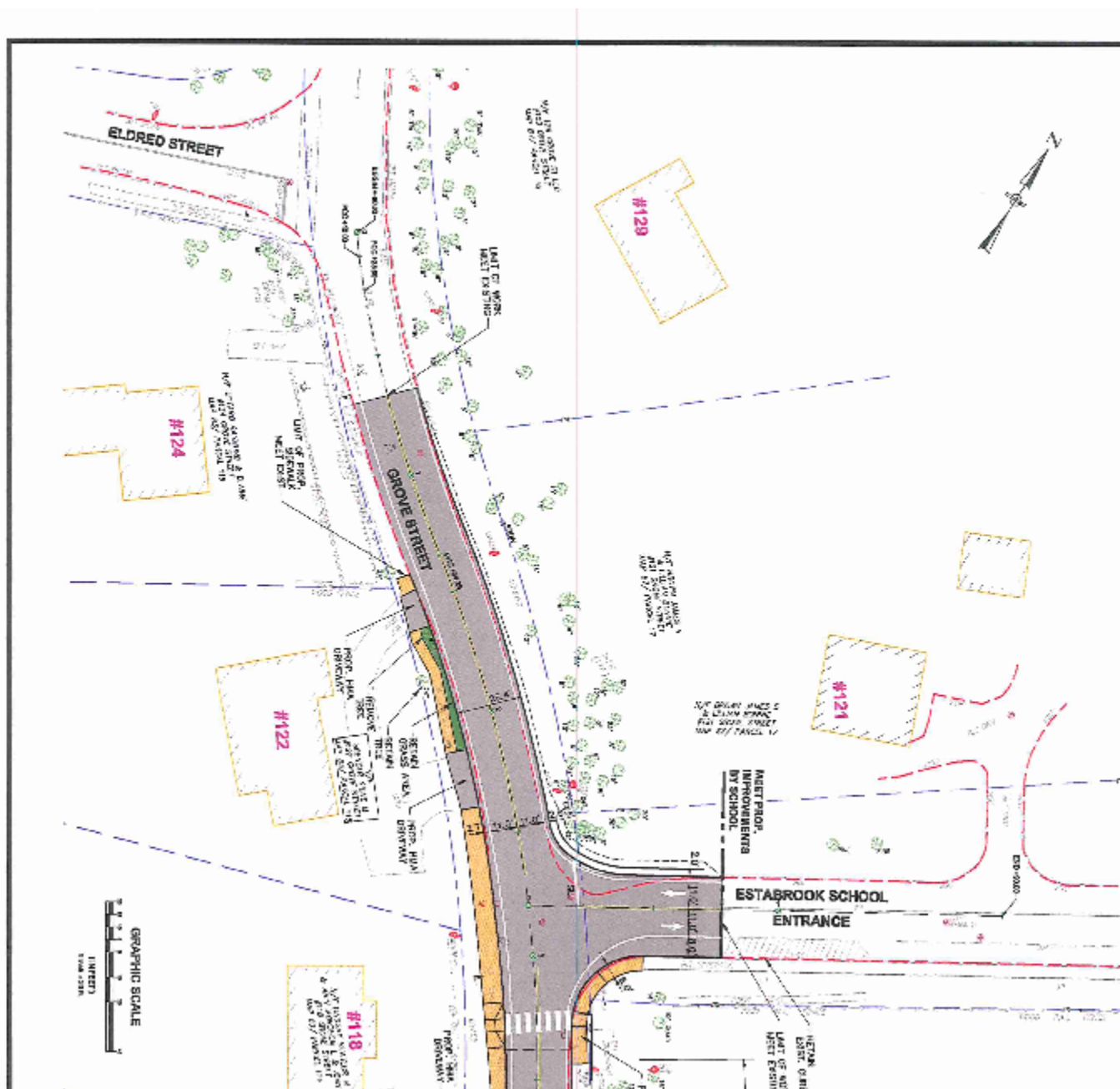


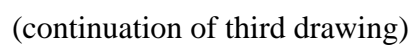
Second drawing:





Third drawing:





Article 6**Appropriate For New Estabrook School**

To see if the Town will vote to appropriate an additional sum of money to demolish the existing Estabrook School and construct, originally equip and furnish a new Estabrook School to be located at 117 Grove Street to be expended under the direction of the Permanent Building Committee, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"); and to 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. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the project shall not exceed the lesser of (1) thirty-three and ninety-six hundredths percent (33.96%), which may potentially increase if, at the discretion of the MSBA, the Town receives any incentive reimbursement points, of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA.

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

Funds Requested: Unknown at press time.

Description: This article will authorize additional funds to construct the new Estabrook Elementary School.

TMMA REVIEW**ESTABROOK SCHOOL ADDITIONAL FUNDS****TMMA Overview (as of 11/03/12)**

At the 2012 Spring Special Town Meeting, Town Meeting approved \$39,742,284 for the Estabrook School project, which included an estimated \$31,145,045 construction budget. Since then, construction cost estimates for the project have increased to \$1,252,674 above what was approved. The new construction budget is now estimated at \$32,397,719. School officials believe that there will be additional costs that will drive project costs \$2.5-\$2.8M above the original estimate. One component of the increase is upward changes in steel prices and another is the improved local construction business climate that has increased labor costs over the original estimate. The project scope has not changed from the scope previously voted on by Town Meeting and by the town's voters (the 01/24/12 debt exclusion).

TMMA Questions

Question #1: Will school officials provide details about these additional costs?

Answer #1: The School Committee / Public Facilities Department will provide this information prior to the November 19th Special Town Meeting.

Question #2: Will these additional funds be reimbursed by the MSBA?

Answer #2: No, the school construction grant from the MSBA stipulates that any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

Article 7 Appropriate for Authorized Capital Improvements

To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated in prior years for the installation or construction of water mains, sewers and sewerage systems, drains, streets, buildings, recreational facilities or other capital improvements and equipment that have heretofore been authorized; determine whether the money shall be provided by the tax levy, by transfer from the balances in other articles, by transfer from available funds, including enterprise and community preservation funds, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

Funds Requested: *Unknown at press time.*

Description: *This is an article to request funds for capital improvement project expenditures that exceed the level of appropriation.*

TMMA REVIEW

CAPITAL PROJECT OVERRUNS

TMMA Overview (as of 11/08/12)

This article is a place-holder asking Town Meeting for supplementary appropriations for previously approved capital projects. As of press time, there are no funds that are anticipated to be requested. Thus, it is anticipated that this article will be indefinitely postponed.

Article 8**Approve TIF Agreement(s)**

To see if the Town will vote to: (a) adopt a Tax Increment Financing ("TIF") Plan and Agreement pursuant to Massachusetts General Laws Chapter 40, Section 59 between Vistaprint USA, Incorporated ("Company"), 95 Hayden LLC ("Property Owner") and the Town of Lexington ("Town") for property located at 95 Hayden Avenue shown on Assessors' Map 17, Lot 22, within the proposed 95 Hayden Avenue Economic Opportunity Area ("EOA"), which TIF Plan and Agreement provide for real and/or personal property tax exemptions at the exemption rate schedule set forth therein, substantially in the form on file with the Board of Selectmen and the Town Clerk, subject to approval by the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts ("EACC"); (b) approve the project proposal, and find that the proposal meets the requirements of the Massachusetts General Laws Chapter 23A Section 3F and the applicable regulations at 402 C.M.R. 2.00, and authorize submission of same to the EACC for its approval, substantially in the form on file with the Board of Selectmen and the Town Clerk; (c) authorize the Board of Selectmen to execute the TIF Agreement, and approve the submission to the EACC of the TIF Plan and Agreement and Certified Project application and any necessary documents relating thereto, and to take such other actions as necessary or appropriate to implement the provisions of those documents; and (d) or act in any other manner in relations thereto.

Description: *This article will authorize the Board of Selectmen to enter into a Tax Increment Financing (TIF) Agreement with Vistaprint that will be locating at the (sic) 95 Hayden Avenue.*

TMMA REVIEW

VISTAPRINT TIF

TMMA Overview (as of 11/04/12)

As of press time, the TIF negotiations were still ongoing, so the details of the TIF were not yet available.

Tax Increment Financing (TIF) is authorized by Massachusetts General Laws (M.G.L.) chapter 40, section 59 and its implementing regulations 760 Commonwealth of Massachusetts Regulations (C.M.R.) 22.01. Under this legislation, landowners may be granted property tax exemptions of up to 100% of the tax increment. A municipality may enter into a TIF Agreement with a landowner for a maximum term of 20 years. A city or town must initiate a TIF by a vote of its governing body approving the TIF Plan, which must include:

- Designation of the area that will be the TIF zone;
- Description in detail, including plans and specifications where appropriate, of all construction and construction related activity;
- Projection of public and private costs and a betterment schedule for the defrayal of public costs;
- Authorization of a tax increment exemption from property taxes;
- Establishment of a maximum percentage of costs of public construction that can be recovered through betterments or special assessments against any parcel in the TIF zone eligible for exemptions;
- Identification of property owners in the TIF Zone;
- Executed Agreements between the city or town and each owner of property within the TIF zone;
- Delegation of authority to enter into development agreements to one municipal agency, board or officer;

- Data demonstrating that the TIF Zone is located so as to maximize the likelihood of a net economic benefit to the municipality, such as land use information, proximity of mass transit services and tenants within the zone.

A TIF Zone must be in an area approved by the EACC as an Economic Opportunity Area (EOA) or found to be an area "presenting exceptional opportunities for economic development" by the Director of Economic Development. Certification of the TIF Plan is issued by the Economic Assistance Coordinating Council (EACC) after the plan is accepted by municipal vote.

The major issue for Town Meeting to consider is whether the reduced real estate tax revenue to the town over the life of the TIF will be offset by benefits to the town, such as increased property values if a building that might not be built without the TIF is constructed, potential increased local employment, and other "net economic benefits to the municipality".

TMMA Questions

Question #1: What other TIFs have been approved by Town Meeting?

Answer #1: Town Meeting approved a TIF for Shire at the 2010 Special Town Meeting. The estimated net tax benefit to Shire was \$5M or \$2.8M in net present value terms in 2010.

Question #2: Who is the property owner of 95 Hayden Avenue?

Answer #2: Hobbs Brook Management LLC (Vistaprint is the lessee of the property).

Article 9 Amend Non-Criminal Disposition Bylaw (CC Fine Sched)

To see if the Town will vote to amend Section 1-6 of the Code of the Town of Lexington (Non-Criminal Disposition) by changing the fine schedule for Chapter 145, Conservation Commission Rules and Regulations, or act in any other manner in relation thereto.

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

Description: *This article would amend the fines for non-criminal disposition (ticketing) for violations of Conservation Commission rules and regulations.*

TMMA REVIEW

CONSERVATION COMMISSION FINES

TMMA Overview (as of 10/24/12)

Noncriminal Disposition bylaws are for enforcement of regulations by issuing tickets with specified fines rather than by using the courts to enforce the regulations. The fines are listed under the Code of Lexington in two locations, under Chapter 1-6 in General Provisions, which lists all of the noncriminal disposition fines for Lexington under subsections detailing the specific chapters, and again in the chapters that 1-6 references.

TMMA Summary

Since under MGL C. 40, s. 8c, the Conservation Commission Act, the Commission fining ability is capped at \$100, the Commission must amend their fine schedule so as not to exceed \$100 to be in compliance.

If Town Meeting does not approve the amendment, the Commission will be unable to collect a fine using a ticket issued by the Conservation Administrator for violations of their land use regulations, which are established in Chapter 145 § 145-2 - "Rules and regulations for conservation lands". This only applies to those land use regulations for Conservation areas. The fines for conservation wetlands violations are under separate sections of both state law and the Code of Lexington and are not affected by this change.

The General Provisions Section 1-6: Noncriminal Disposition subsection referencing Chapter 145, Conservation Commission currently reads as follows:

Fine Schedule:

1st offense: \$100 per violation

2nd and 3rd offenses: \$150 per violation

4th and subsequent offenses: \$200 per violation

The proposed amendment reads as follows:

Fine Schedule:

1st and subsequent offenses: \$100 per violation.

The fine penalty description under Conservation Commission in Chapter 145-1 - “Authority; penalty” Paragraph B currently reads:

B. *A fine not exceeding \$200 or the replacement cost of damage, whichever is greater, shall be imposed on any person or persons violating said regulations.*

The proposed amendment is as follows:

B. *A fine not exceeding \$100 shall be imposed for any violation of said regulations, or of a permit issued under said regulations.*

The Conservation Commission voted to approve these proposed amendments to the Code of Lexington at a hearing on 10/16/12.

The following background information on the noncriminal disposition enforcement mechanism is quoted directly from the Code of Lexington:

“Any bylaw of the Town of Lexington or any rule or regulation of any Town officer, board or department, the violation of which is subject to a specific penalty, may, in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws. Enforcing person as used in this bylaw shall mean any regular police officer with respect to any offense; the Building Commissioner, Health Director, Conservation Administrator, and any such other official as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.”

Article 10**Town Meeting Electronic Voting Bylaw**

To see if the Town will vote to amend Chapter 118 Section 17 (Voting) of the Code of Lexington to permit, as an additional method, the electronic casting, recording, display, and reporting of votes taken at Town Meeting; and to make other updating changes to that Section; or to act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Town Meeting Members Association)

Description: *The proposed amendment adds electronic voting to the voting methods allowed at Town Meeting. Electronic voting allows individual Town Meeting Member's votes to be recorded and available for examination by constituents without the procedural overhead associated with manual roll-call votes. The amendment replaces the text of Chapter 118 Section 17 in its entirety to (1) permit electronic voting; (2) restructure the presentation of voting methods; (3) clarify language; and (4) modernize reporting methods.*

TMMA REVIEW**ELECTRONIC VOTING AT TOWN MEETING****TMMA Summary (as of 11/04/12)**

Note that there is a conflict of interest in that this Warrant Information Report is the work of the TMMA and that this article was inserted at the request of the TMMA. Nevertheless, the following write-up is an attempt at a neutral and factual overview of this article.

This article would allow bylaw changes to the Code of Lexington, Chapter 118, Section 17 governing voting at Town Meeting that would allow for electronic voting.

TMMA Overview (as of 11/04/12)

Electronic voting at Town Meeting aims to increase transparency in Lexington's local government. Electronic voting allows every Town Meeting Member's votes to be recorded and available for examination by constituents. The goal is to make every substantive vote the equivalent of a roll-call vote, but without the procedural overhead associated with manual roll-calls.

The bylaw amendment would enable the use of an electronic system, but the amendment does not spell out detailed rules for operating a system because operating rules will be specific to a system acquired by the town if funds are appropriated by a future Town Meeting. The draft bylaw also specifies how these rules will be created and approved by Town Meeting. The draft bylaw allows use of the electronic system only if the meeting has voted to authorize the use of the electronic system and allows this authorization to be rescinded if confidence is lost.

TMMA Questions

Question #1: If this article is adopted, when is the earliest date an electronic vote recording system could be implemented at Town Meeting?

Answer #1: If this amendment is adopted and a subsequent appropriation request is passed at the 2013 Annual Town Meeting, an electronic voting system could be deployed for the 2014 Annual Town Meeting.

Question #2: Will the Town buy or lease an electronic system?

Answer #2: Either option is possible and is not dictated by the proposed amendment. The choice will be made as part of the funding request at a future Town Meeting.

Question #3: Do other towns in the Commonwealth use electronic voting systems at their Town Meetings?

Answer #3: Yes. Electronic voting is already in use by the similarly-sized representative town meetings of Chelmsford (162 members) and Framingham (216 members). Billerica is in the process of adopting an electronic voting system, and Amherst, Arlington, Belmont and Brookline have completed or are in the midst of detailed studies of the use of these systems.

For further information:

For more information on the proposed bylaw changes as presented to the Board of Selectmen by Joe Pato, including the proposed motion and proposed text changes with associated comments describing the intent of the changes, go to:

Video:

<http://dropbox.zpato.net/tmma-voting/BOS-20121001-electronic-voting.wmv>

Slides: <http://dropbox.zpato.net/tmma-voting/Electronic%20Voting-octBOS.pdf>:

Bylaw test: <http://dropbox.zpato.net/tmma-voting/bylaw/latest>