

TMMA Warrant Information Report



Fall 2015

Special Town Meeting

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 2, 2015. 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.

Special thanks to:

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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 2.

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 where the text of the Annual Town Meeting Warrant is included in this report, the Warrant text appears at the beginning of the write-up for each article. The TMMA information is below appears in 12-point normal font.

Please refer to the financial committees' reports for further information.

ARTICLE 2 - AMEND MINUTEMAN REGIONAL AGREEMENT

To see if the Town will accept and approve the "Amendment to Minuteman Regional Agreement regarding the Withdrawal of the Town of Wayland from the Minuteman Regional School District", which was approved by the Minuteman Regional School Committee on July 7, 2015 and which has been submitted to the Board of Selectmen consistent with the current Minuteman Regional Agreement, or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: The Town of Wayland voted to seek withdrawal from the Minuteman Regional School District. As required, the District School Committee drafted an amendment to the Regional Agreement setting forth the terms by which Wayland may withdraw from the District. The Amendment permitting the Town of Wayland to withdraw from the District will become effective only if all sixteen member towns of the District, as well as the Commission of Education, vote to approve this Amendment.

TMMA OVERVIEW

Section IX (Withdrawal) of the Minuteman Regional Agreement outlines the process by which a member town can seek withdrawal as a member of the Minuteman Regional School District through an amendment to the Agreement. Such amendment shall take effect upon its acceptance by all of the member towns, acceptance by each town to be by a majority vote at a town meeting. Further, any amendment to a regional agreement needs to be approved by the Commissioner of Education, and this includes an amendment allowing a community to withdraw from a District.

It is conceivable that some towns may act on the amendment at special town meetings in the fall of 2015, e.g., Lexington, but it is likely that some may not act on it until their annual town meetings in the spring of 2016. If such were the case, and even if we were to assume that all sixteen town meetings were to approve the amendment by the spring of 2016, and even if we further assume that the Commissioner will then similarly approve it, the December 31 deadline that appears in 603 CMR 41.03 (2) means that the earliest the withdrawal of the community could take effect would be July 1, 2017. Additionally, this entire process would be stymied if even one town were to decline to approve the amendment setting forth the terms of the withdrawal.

It is important to note, too, that during the process, the town in question, in this case, the town of Wayland, would remain a member of the District, and consistent with the language in Section IX, subsection (A) of the Minuteman Regional Agreement, "shall remain liable to the District for its share of the indebtedness of the District outstanding at the time of such withdrawal and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District."

In practical terms, if the Minuteman Regional School District were able to gain the approval for the incurring of debt for a new school from its member towns, which it will seek to do by June 30, 2016, Wayland would be liable for its share of the indebtedness of the 30-year duration of the

debt service, because it will have been a member of the District at the time of the incurrence of the debt.

Further, if Wayland gains approval to leave the District, it would not be liable for future debt incurred by the District after the withdrawal date (likely July 1, 2017). The debt would be borne by the remaining members.

If Wayland gains approval to leave the District, Section IX, subsection (C) of the Regional Agreement states that, "Upon the effective date of withdrawal the terms of office of the member serving on the regional district school committee from the withdrawing town shall terminate and the total membership of the Committee shall be decreased accordingly." In other words, Wayland would no longer have a vote or a seat on the Minuteman school committee.

In addition, if Wayland were to gain permission to leave the District, its students at Minuteman at that time would continue to have full access to all Minuteman has to offer until they graduate. Wayland would continue to pay an assessment that would most likely be framed by the formula in place in the current Regional Agreement. Any other transition details would be spelled out in an intermunicipal agreement. Future students from Wayland would be considered "out-of-district."

Although Minuteman will be able to assess a Capital Fee for out-of-district students that will reduce the debt service paid by member towns for the new school, if it is approved, for Wayland it is moot, because the town will remain liable for its share of the indebtedness related to the proposed new school. (NB: Capital Fees apply only to MSBA-approved building projects.)

What is the financial impact to Lexington should Wayland withdraw? The major impact would be on any future debt incurred by the District. Wayland would not be liable to pay any part of it, since it is unlikely that it would be one approved by MSBA. The debt shares to the remaining towns in the District would increase. If the District does not receive permission to incur debt for a new school, the cost of any future repair work and upgrade work done on the present school would be borne by the remaining towns in the District. (See the document titled "Minuteman High School Building Project: The 'Go It Alone' Option" that describes a series of anticipated self-funded (non-MSBA financial support) capital projects at the school.)

TMMA Questions

Question #1: If Wayland is allowed to leave the Minuteman Agreement what other towns might want to leave?

Answer #1: Some towns with small enrollment at Minuteman may also want to leave.

Question #2: Given that the Minuteman Agreement requires unanimous voting, would a smaller number of members make governance easier or changing from unanimous to majority voting?

ARTICLE 3 - TRANSFER OF PROPERTY TO LEXHAB

To see if the Town will vote to authorize the Board of Selectmen to transfer the land known as 34 Lowell Street and further shown as Lot 2A on a plan of land entitled "Lowell Street, Lexington, Massachusetts, Assessor's Map 20/Parcel 38, Subdivision Plan of Land Approval Not Required", recorded at the Middlesex South Registry of Deeds in Plan Book 02015, Page 108, to the Lexington Housing Assistance Board, Inc. ("LexHAB") for nominal consideration, or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen at the request of the Lexington Housing Assistance Board (LexHAB))

DESCRIPTION: The property in this article is owned by the Town of Lexington. This article will authorize the transfer of ownership of the land to LexHAB.

TMMA OVERVIEW

This land was acquired by Lexington, under article 13 of the 2009 Annual Town Meeting as part of the öBusa Farmö for conservation, open space, recreation, housing, or some combination of those uses, using CPA funds, and most of the property was used to set up the LexFarm community farm.

At the 2014 Annual Town Meeting \$750,000 was set aside under the CPA article 8 g to fund the development of community housing at the Busa Property by LexHAB . With access to additional funds set aside for LexHAB in FY12 and FY13 LexHAB intends to build two buildings with three affordable housing units in each building. The two buildings on Lowell Street will each contain an accessible unit. Advertising and selection of renters for the units will be in compliance with current State requirements, and all units will be included on the Town's SHI (Subsidized Housing Inventory).]

LexHAB, whose board is appointed by the Selectmen, was established by vote of Town meeting and Special Legislation in 1983 to provide rental units to low and moderate income individuals and families, considering financial need, diversity, and possible Lexington connection, and following a lottery system and procedures required by the Commonwealth's Department of Housing and Community Development. Since it is established as a separate non-profit corporation and this development is to be a öLocal Initiative Projectö (LIP) the land needs to be transferred from the Town of Lexington to LexHAB rather than LexHAB simply building on the Town owned land.

References

<http://www.mass.gov/hed/docs/dhcd/legal/comprehensivepermitguidelines.pdf>

M.G.L. c. 40B §§ 20 through 23

TMMA Questions

Question #1: Does the önominal considerationö include anything other than the legal costs of drafting the land transfer paperwork and registry fees?

ARTICLE 4 - APPROPRIATE FOR WATER SYSTEM IMPROVEMENTS

To see if the Town will vote to make water distribution system improvements, including the installation of new water mains and replace or clean and line existing water mains and standpipes, conduct engineering studies and purchase and install equipment in connection therewith, in such accepted or unaccepted streets or other land as the Selectmen may determine, subject to the assessment of betterments or otherwise; and to take by eminent domain, purchase or otherwise acquire any fee, easement or other interest in land necessary therefor; appropriate money for such improvements and land acquisition and determine whether the money shall be provided by the tax levy, by transfer from available funds, including any special water funds, by borrowing, or by any combination of these methods; to determine whether the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of or from federal and state aid for such projects; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: Funds requested in this article will be used to repair and replace large water mains in east Massachusetts Avenue. Some of these water mains date from 1896 and have deteriorated and have pin-hole size leaks.

TMMA OVERVIEW

This is an annual request for funding of an ongoing program to replace unlined or inadequate water mains and deteriorated service connections, and to eliminate dead ends in water mains and includes funding for design/engineering and construction. Planned replacement includes water mains along Massachusetts Avenue from Pleasant Street to Marrett Road and at the intersection of Mass Ave and Woburn Street. Some of these water mains date from 1896 and have deteriorated and have pin-hole size leaks. A program of systematic repair, replacement and upgrade has been underway for the past 4 decades. It would be efficient to replace water mains before repaving occurs.

TMMA Questions

Question #1: How are priorities established?

Answer #1: Relining is the top priority. Other lines are chosen by break history, age, and calcification where staff anticipates imminent problems.

Question 2: New water and sewer rates are established each Fiscal year. How are rates changing and what has been the impact of this and other improvements to the Lexington Water and Sewer system?

Answer #2: For fiscal year 2016, Tier 1 sewer rates decreased from \$7.05 to \$6.73 per hundred cubic feet and Tier 1 water rates increased from \$3.45 to \$3.58 per hundred cubic feet. Sewer rates have been reduced for the current fiscal year in part as a result of lower MWRA assessments that are based upon Lexington's share of total inflow to the MWRA as measured at the Arlington line reflecting reductions in infiltration from sewer improvement programs. Water rates have increased for this fiscal year at slightly above the rate of inflation and about the same as in prior years, reflecting ongoing MWRA improvements, higher MWRA assessments and the ongoing Lexington capital programs.

ARTICLE 5 - APPROPRIATE FOR PROPERTY IMPROVEMENTS . 241 GROVE STREET

To see if the Town will vote, upon recommendation of the Community Preservation Committee, to raise and appropriate a sum of money to remodel, reconstruct and make extraordinary repairs and related improvements to the existing farm house at 241 Grove Street for community housing purposes, and for other mitigation to the property, determine whether the money shall be provided by the tax levy, by transfer from available funds, including the Community Preservation Fund, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto. FUNDS REQUESTED: unknown at press time DESCRIPTION: This article is to request funding for necessary improvements to the farm house on the Wright Farm property owned by the Town in order to provide a unit of affordable housing.

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article is to request funding for necessary improvements to the farm house on the Wright Farm property owned by the Town in order to provide one unit of affordable housing.

TMMA OVERVIEW

The Wright farm, except for the portion of the lot occupied by the house, driveway, and barn was acquired for conservation purposes, under article 9 of the 2012 annual town meeting, using CPA funds. The remaining portions of the farm lot, parcel 1 C on Lexington Assessors' Property Map 91, including the house and barn were acquired by the Town, using CPA funds, appropriated by article 9 of the 2015 Annual Town Meeting to provide for use of the house as affordable housing, and other portions of the property to improve access to the Wright Farm Conservation Area. The Assessor's database indicates that the house was originally built in 1840 and has 2036 sq. ft. of living area in 7 rooms. It has not been renovated in a long time. In order to make it usable as a unit of rental property for affordable housing, by LexHAB, it requires significant repairs, and improvements that this article requests.

ARTICLE 6 - APPROPRIATE FUNDS FOR FIRE STATION SITE STUDY

To see if the Town will vote to appropriate a sum of money for studying potential sites for a fire station; 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.

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article is to request funding for evaluating potential sites for a fire station.

TMMA OVERVIEW

The current Fire Headquarters was built in 1945, being 70 years old, the building is undersized and inefficient for today's requirements. Unlike any other municipal or school building in town, the fire stations are open and fully staffed 24 hours a day, every day. The effect of this is heavier wear and tear not seen in the other buildings.

Over the last couple of decades there have been some necessary repairs and renovations, e.g., the electrical wiring was updated, the kitchen was replaced, and most recently there was the shoring up of the apparatus floor. Over the last couple of years there have had issues with the heating and air conditioning systems, but nothing about the building is green or energy efficient.

The space needs over the years has increased so much so that the fire department has had to move the fire prevention into an office trailer more than 8 years ago, every storage closet has been converted into other uses, e.g., women's bathroom, secure medication storage, and a copier room. Firefighting equipment is costly and should be stored indoors and secured. Currently the department is unable to keep either its forest fire vehicles, ATV, or generators indoors. Neither the Fire Prevention Trailer nor the main building provides handicap accessibility. The training needs for the department have changed over the years with live internet podcasts and other online training now standard. However, there is no area dedicated to provide this type of training.

The replacement of this building was number one on the Facilities Master Plan Committee's report. (** *The above overview was provided by Fire Chief Wilson. ***)

TMMA Questions

Question #1: How will the money be used?

Answer #1: The money will be used for architectural and engineering services and for property appraisal services. Of the requested funds, approximately \$5800 will be used on the existing Bedford Street site.

Question #2: What sites are being considered?

Answer #2: The town is considering using the current Bedford Street site as well as other sites not currently owned by the town. In order to avoid impacting future negotiations with the existing property owners, the town cannot disclose any of the other potential sites at this time.

(** *Answers to these 2 questions were provided by Town Manager Carl Valente. ***)

ARTICLE 7 - AMEND FY2016 OPERATING, ENTERPRISE FUND AND COMMUNITY PRESERVATION 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 2015 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 (FY2016) appropriations.

TMMA OVERVIEW

Making adjustments to current year budgets has become a customary practice at fall Special Town Meetings. The article allows revenue sources used to support budgets appropriated at the Annual Town Meeting to be revised and specific line items to be amended. The source of funding for this article is unallocated General Fund revenue and unallocated tax levy revenue. This year there are 9 proposed adjustments. These are:

- 1) A supplemental appropriation of \$6,000 for the Public Celebration Committee is requested. This will supplement \$25,300 carried over from last year to fund new staging for events on the Battle Green.
- 2) The sidewalk around the library is in poor shape; DPW Engineering is requesting a supplemental appropriation of \$10,000 to design a new sidewalk. The design work will be done over the Winter and a construction estimate will be presented at the Spring Annual Town Meeting with construction to begin soon thereafter.
- 3) The Public Facilities Department is asking for \$179,000 to supplement the FY 2016 electricity budget. The Town's negotiated electric supply is composed of 3 components, the base rate, a capacity charge and a solar carve out. The estimated charges approved at the Annual Town Meeting were inadequate and this supplemental appropriation will cover the increases in the capacity charge and solar carve out.
- 4) A supplemental appropriation of \$479,608 is requested for the debt service budget. This will finance the retirement of a Borrowing Anticipation Note (BAN) issued in 2015 for the purchase of a new fire engine. Funding will come from Free Cash. A settlement with the supplier was made last year for a fire engine purchased in 2010 that did not meet specifications.

- 5) A supplemental appropriation for the FY 2016 Sewer Debt Service budget of \$119,777. This will cover the final debt service costs resulting from last February's bond sale.
- 6) A \$71,394 reduction in the Water Debt Service budget is proposed given the resulting costs of the February bond sale.
- 7) A \$71,540 reduction in the Sewer budget is recommended since the final MWRA assessment approved by the MWRA board in June was lower than the estimate approved at the Annual Town Meeting
- 8) An additional \$75,000 from retained earnings is proposed to finance the FY 2016 Water budget. This will supplement \$200,000 approved at the Annual Town Meeting. The \$275,000 will offset the increased MWRA assessment attributable to the Bedford excess last year (Bedford buys its water from Lexington). With having sold more to Bedford than anticipated, Lexington's MWRA assessment increased.
- 9) In late October, the State determines the Community Preservation Act "State match" amounts going to communities. Should the State match be higher than that estimated at the Annual Town Meeting, Town Meeting will be asked to allocate the increase to the CPA reserves.

ARTICLE 8 - APPROPRIATE TO AND FROM SPECIFIED STABILIZATION FUNDS

To see if the Town will vote to appropriate sums of money to and from Stabilization Funds in accordance with Section 5B of Chapter 40 of the Massachusetts General Laws for the purposes of: (a) Section 135 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), (i) Avalon Bay School Enrollment Mitigation Fund, and (j) Capital Projects; and 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 fund Stabilization Funds for specific purposes and to appropriate funds therefrom. Money in those funds may be invested and the interest may then become a part of the particular fund. The use of these funds may be appropriated for the specific designated purpose by a two-thirds vote of an Annual or Special Town Meeting.

TMMA OVERVIEW

At the 2007 Annual Town Meeting, various stabilization funds were created as repositories for money to be reserved for later use and to be appropriated at subsequent Town Meetings. Any funds received by the Town since the last Town Meeting for purposes designated under any of the existing specified stabilization funds are recommended for appropriation into those funds under this article.

This article asks Town Meeting to appropriate funds into the three stabilization funds as follows:

- 1) An appropriation of \$1, 481.44 is proposed for the Transportation Demand Management stabilization fund. Of this, \$481.44 is from Cubist Pharmaceuticals and \$1,000 is from the Inn at Hastings Park as part of their zoning agreements.
- 2) A \$481.45 appropriation to the Traffic Mitigation stabilization fund is recommended. This is also from Cubist Pharmaceuticals per their zoning agreement.
- 3) An appropriation of \$87,345 into the Transportation Management Overlay District is proposed. This was received from the owners of 115 Hartwell Ave. per their zoning agreement.

ARTICLE 9 - 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 funds and the Community Preservation Fund, by borrowing, or by any combination of these methods; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: unknown at press time

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

TMMA OVERVIEW

This article will be indefinitely postponed.

ARTICLE 10 - APPROPRIATE FOR PRIOR YEARSqUNPAID BILLS

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

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: unknown at press time

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

TMMA OVERVIEW

This article seeks authorization to pay \$15,076.60 to pay for signal maintenance services provided in the prior year. The request is needed since the vendor submitted invoices to the Town after the fiscal year was closed. Funding will come from the FY 2016 DPW budget. This will require a 9/10 vote at Special Town Meeting.

TMMA Questions

Question #1: Why isn't DPW staff able to do the maintenance rather than having to contract it out?

Town Meeting Members Association Bylaws

Approved March 8, 1978 and amended March 20, 1985; March 20, 1986; March 11, 1998;
March 17, 2005 and March 5, 2008

Article I - Purpose

The Town Meeting Members of Lexington, Massachusetts, in order better to fulfill the obligations of the representative form of government, have established this Association to acquaint themselves more fully with the facts necessary for intelligent decisions and to assist in any other constructive way in the government of Lexington.

Article II - General Organization

Section 1 - Name

This organization shall be known as the Lexington Town Meeting Members Association or TMMA.

Section 2- TMMA Membership

Membership shall be limited to elected Town Meeting Members and Town Meeting Members-at-Large.

Section 3 - Executive Committee

- A. **Membership.** There shall be an Executive Committee consisting of the TMMA Officers elected in accordance with the provisions of Article II, Sections 4 and 5, and the Precinct Officers elected in accordance with the provisions of Article III, Sections 1 and 2. In addition, any former TMMA Officer who remains a Town Meeting Member may elect to serve as an emeritus member of the Executive Committee for up to two years after leaving office.
- B. **Meetings.** The Executive Committee shall hold regular meetings during the year for the purpose of keeping abreast of Town affairs, particularly matters that may become the subject of future Town Meeting action, or for any other purpose relating to Town Meeting. The Executive Committee shall meet upon the call of the Chair, or at the request of five (5) Executive Committee members, with reasonable notice. The presence of nine (9) members, with at least five (5) precincts represented, shall constitute a quorum. Decisions shall be made by a majority of those members present and voting.
- C. **Attendance.** Executive Committee meetings shall be open to all TMMA members. Any TMMA member who is not a member of the Executive Committee may enter into Committee deliberations upon recognition by the Chair, but shall not vote.
- D. **Activities.** The Executive Committee shall undertake such activities as it deems appropriate to educate and inform Town Meeting Members and the public at large about pending and upcoming Town Meeting issues, including but not limited to the preparation

of a warrant information booklet, the conduct of warrant information meetings, the conduct of bus tours or on-site visits, and the maintenance of a TMMA web site and email list. To this end, the Executive Committee may appoint subcommittees, working groups or task forces from among the TMMA membership from time to time when considered appropriate to the purposes of the TMMA.

- E. **Political Activity.** When supporting or opposing candidates or ballot questions, or when engaged in any other political activity, Executive Committee Members shall not use their Executive Committee title, or otherwise hold themselves out as representing the TMMA, unless specifically authorized by vote of the Executive Committee.

Section 4- TMMA Officers

- A. **Officers.** The TMMA shall elect annually from among the members of the TMMA, in accordance with Article II, Section 5C, the following TMMA officers: a Chair, a Vice-Chair, a Treasurer, a Clerk, a Communications Officer, and an Email List Moderator. These officers shall perform the duties normally associated with such offices, or as further specified by vote of the Executive Committee.
- B. **Term.** The term of each office shall be for one year, commencing on the first day of the Annual Town Meeting. Outgoing Officers shall continue in office until this date, whether or not re-elected to Town Meeting. The Chair, Vice-Chair and Treasurer shall not serve in the same office for more than two consecutive terms.
- C. **Disqualifications.** The following individuals shall not serve as TMMA Officers: town wide elected officials; members of the Appropriation Committee and the Capital Expenditures Committee; salaried employees of the Town; and Town Meeting Members-at-Large.
- D. **Leaves and Vacancies.** A TMMA Officer shall take a leave of absence in order to run for townwide office, and may take a leave of absence for other exigent reasons with the consent of the Executive Committee. In the Chair's absence, the Vice-Chair shall perform the duties of Chair for such time as the absence shall continue. A permanent vacancy in any TMMA office, or an absence in any office other than Chair, shall be filled by vote of the Executive Committee.

Section 5- TMMA Meetings

- A. **Annual Meeting.** The Chair shall call an Annual Meeting of the TMMA to be held on a date after the annual town election, but before the commencement of the Annual Town Meeting.
- B. **Treasurer's Report.** At the Annual Meeting, the Treasurer shall present a Treasurer's report setting forth the TMMA's assets and liabilities as of December 31 of the previous calendar year, its income and expenditures during the previous calendar year, and a brief statement of major changes through the date of the Annual Meeting.
- C. **Election of Officers.** TMMA Officers shall be elected at the Annual Meeting as follows:
 - 1. Prior to the Annual Meeting, the Chair shall appoint a Nominating Committee consisting of three TMMA members who are not TMMA Officers, and at least one of whom shall be a member of the Executive Committee. The Nominating

Committee shall prepare a slate of proposed candidates for TMMA Officers for the ensuing year.

2. The Chair shall present to the Annual Meeting the slate prepared by the Nominating Committee. After entertaining any additional nominations from the floor, the Chair shall put the question of the election of TMMA Officers to a vote.
- D. **General Meetings.** Additional general meetings of the TMMA membership may be called by the Chair with reasonable notice when deemed appropriate. A general meeting shall be called upon the request in writing of twenty-five (25) TMMA members.
- E. **Quorum and Voting.** The presence of fifty (50) Members shall constitute a quorum at a general meeting. Except to amend these bylaws under Article IV, decisions of the TMMA membership, including the election of TMMA Officers at the Annual Meeting, shall be made by a majority of those present and voting, as determined in accordance with the voting procedures customarily used at Town Meeting.

Section 6 - Dues

The Executive Committee shall establish annually, prior to the TMMA Annual Meeting, dues in an amount sufficient to defray the reasonable expenses of the TMMA. Such dues shall be payable by voluntary contribution.

Article III - Precinct Organization

Section 1- Precinct Officers

- A. **Officers.** The TMMA Members of each precinct shall elect annually from among the precinct Town Meeting Members, in accordance with Article III, section 2(B), the following Precinct Officers: Precinct Chair, Precinct Vice-Chair and Precinct Clerk.
- B. **Duties.** The Precinct Officers shall represent their respective precincts at meetings of the TMMA Executive Committee, and shall participate to the best of their ability in the activities of the Executive Committee. In addition, the Precinct Officers shall have the following duties:
 1. **Precinct Chair:** The Precinct Chair shall be the presiding Officer at TMMA precinct meetings; oversee the nomination of candidates for TMMA precinct offices and the conduct of TMMA precinct elections; assist in the distribution of information to precinct Town Meeting Members during the Annual Town Meeting or any special town meeting; encourage the attendance of precinct Town Meeting Members at TMMA informational meetings or other TMMA activities; promote discussions and contacts among precinct Town Meeting Members concerning Town Meeting business; and help to maintain civility and decorum during Town Meeting sessions.
 2. **Precinct Vice-Chair:** The Precinct Vice-Chair shall assist the Precinct Chair in the performance of the Precinct Chair's duties; stand in for the Precinct Chair at precinct meetings and Town Meeting sessions during the Precinct Chair's absence; and stand in for the Precinct Clerk at Town Meeting during the Precinct Clerk's absence.

3. **Precinct Clerk:** The Precinct Clerk shall count and report precinct Town Meeting Members' votes when a standing vote is called at Town Meeting; collect TMMA dues from precinct Town Meeting Members; and stand in for or assist the Precinct Chair and Vice-Chair in the performance of their duties as may be necessary.
- C. **Term.** The term of each Precinct Officer shall be for one year. The Precinct Chair and Vice-Chair shall not serve in the same office for more than two consecutive terms.
- D. **Vacancies.** In the event of a vacancy in the office of Precinct Chair, the Precinct Vice-Chair shall assume the office of Precinct Chair. In the event of a vacancy in the office of Precinct Vice-Chair or Clerk, the remaining Precinct Officers shall appoint a replacement from among the precinct Town Meeting Members for the balance of the term.

Section 2- Precinct Meetings

- A. **Annual Meeting.** An Annual Precinct Meeting shall be held prior to the Annual Meeting of the TMMA, at such time and place as directed or approved by the TMMA Chair.
- B. **Election of Precinct Officers.** Precinct Officers shall be elected at the Annual Precinct Meeting as follows:
 1. Prior to the Annual Precinct Meeting, any precinct Town Meeting Member may notify the Precinct Chair of his or her desire to be a candidate, or to nominate another precinct Town Meeting Member, for a precinct office.
 2. The Precinct Chair shall present at the Annual Precinct Meeting the names of all candidates who have volunteered, or who have been nominated by others and consented to run, for precinct office. After entertaining any additional nominations from the floor, the Precinct Chair shall put the question of the election of Precinct Officers to a vote.
 3. Precinct Officers shall be chosen by majority vote of those present and voting at the Annual Precinct Meeting. They shall assume office immediately upon completion of the election and announcement of the results.
- C. **General Meetings.** Additional precinct meetings may be called by the Precinct Chair with reasonable notice when deemed appropriate, and shall be called upon the request of the Executive Committee or upon the written request of five (5) members from the precinct.
- D. **Quorum.** The presence of five (5) precinct Town Meeting Members shall constitute a quorum at a precinct meeting.

Article IV - Amendments

These bylaws may be amended, on the initiative of the Executive Committee or of any twenty-five (25) TMMA members, by a two-thirds vote of those present and voting at a duly called general meeting of the TMMA membership.

Summary of Parliamentary Procedures

Rules of order for the conduct of Town Meeting business are Article V of the Town Bylaws. Where rules are not dictated by statute, Bylaw or tradition, Robertsø Rules of Parliamentary Practice govern. The Town Moderator serves as Parliamentarian.

Rules of Debate

No person may speak more than once on a question if others who have not previously spoken desire to speak. No person may speak more than ten minutes at any one time without being again recognized by the Moderator.

Without first obtaining permission of the meeting, no member may speak more than twice on any issue except to correct a mistake or to make an explanation. If, however, a motion contains distinct sections dealing with dissimilar subjects which get discussed and amended separately (as is the case in Article 4) this rule of speaking once applies only to each new section and not the entire motion. Also, speaking to an amendment does not count as time toward speaking to the main motion.

Interrupting Debate

A speaker may be interrupted for:

1. a POINT OF ORDER where a member has a question about the procedures or the proceedings. The Moderator then rules on the question raised.
2. a NOTICE OF RECONSIDERATION of an article which has been previously debated and voted upon.
3. a PRIVILEGED MOTION which may be to recess, adjourn or a question of privilege.

Closing Debate

Debate may be closed by MOVING THE PREVIOUS QUESTION. It is NOT DEBATABLE. The Moderator then asks "Shall the main question now be put?" or "Shall the question on the amendment now be put?" If a majority is in favor, debate ends. (See Practices and Procedures)

The Main Motion

A main motion is made under each article by a Town Meeting member. The Moderator states "The motion is the one before you dated . . . and on file with the town clerk." The Moderator summarizes the motion; the proposing member then states I so move. Usually the wording of the motion differs from the wording of the article printed in the warrant in that more information is given, specific action requested and the amount and source of funding specified. The motion cannot exceed the scope of the warrant article. By custom no second is required. A copy of each main motion is provided to each Town Meeting member and projected on a screen for those in the audience and viewing at home on Cable TV.

Amending the Motion

A main motion may be amended, but the amendment cannot exceed the scope of the article. An amendment may be amended only once before being put to a vote. A substitute motion is an amendment which replaces the entire original motion. A simple majority carries an amendment, and it then becomes part of the main motion. An amendment is a subsidiary motion and is governed by the limits on debate as set forth below.

Subsidiary Motions

A person may speak only once for no longer than three minutes on a subsidiary motion. Debate is limited to ten minutes except for an amendment which may be debated for 30 minutes unless changed by vote of Town Meeting. Subsidiary motions are listed below in order of precedence.

1. TO LAY UPON THE TABLE or TO TAKE FROM THE TABLE—the former means to end debate on the question to such time as a member moves to take from the table and resume debate. Both are NOT DEBATABLE.
2. TO MOVE THE PREVIOUS QUESTION is used to close debate and put the main motion and, or, an amendment to a vote. NOT DEBATABLE.
3. TO CLOSE THE DEBATE AT A SPECIFIED TIME sets a limit to the length of debate. (To date this has been rarely used in Lexington.)
4. TO POSTPONE TO A TIME CERTAIN is to postpone action until a specified time or a specific article has been acted upon.
5. TO COMMIT, OR RECOMMIT, OR REFER sends the article to a specified Town board, committee or commission for further consideration, usually with directions to report to a future session of the meeting or to a future Town Meeting.
6. TO AMEND.
7. TO POSTPONE INDEFINITELY means to dismiss the article from consideration by the current Town Meeting. It kills the article and is often used by the article sponsors when they have decided not to bring the matter up before the meeting.

Votes

A QUORUM (100 members) is assumed and all votes valid, unless a member rises to doubt the quorum before the results of the vote on a motion have been declared, and a count shows that fewer than 100 members are present.

If a MOTION is readily susceptible of DIVISION it may be divided and a vote taken on each part separately if the Moderator deems best or 25 members present so request.

A SIMPLE MAJORITY VOTE is required for most articles. The Moderator will announce when more is required, e.g., the two-thirds required for eminent-domain land takings, zoning Bylaws and bond-issue authorizations.

Usually a voice vote is called first. A standing vote is called if the Moderator is in doubt or if 20 members stand to question the Moderator's interpretation of the voice vote for a question requiring a majority, or if seven members stand for a question requiring a two-thirds vote. The tellers (currently the precinct clerks) report the count to the Town Clerk and the Moderator who announces the votes as they are reported from each precinct.

A RECORDED VOTE is taken if requested by 50 or more members. The recorded vote may be by roll call or in writing. In the latter case a list of the members is circulated in each precinct. Members record their votes in the appropriate places and affix their signatures beside their names. The recorded votes are posted in the Town Office Building within 24 hours and remain there for two weeks.

Reconsideration of Motions

A member MUST SERVE NOTICE OF RECONSIDERATION OF AN ARTICLE AT THE SAME SESSION OF THE MEETING AND WITHIN 30 MINUTES OF THE VOTE. Any member may serve notice. The member stands at their seat and says "Mme./Mr. Moderator, I serve notice or reconsideration of Article . . ." and the Clerk records the fact and time. The Moderator usually allows the server of the notice to make the actual motion for reconsideration if he/she chooses, but any other member may do so if the server does not. Debate on a motion to reconsider is limited to 30 minutes, and no one may speak for more than FIVE minutes at one time nor more than once without leave of the meeting. When a motion of reconsideration is decided that decision shall not be reconsidered and no question shall be twice reconsidered. Reconsideration is not permitted for motions to "adjourn," "the previous question," "to lay" or "take from the table," and to "close debate at a specified time."

Dissolution of the Meeting

The motion to dissolve the meeting is made by the Selectmen after all the articles in the warrant have been acted upon.

Please consult the [Town Meeting in Lexington](#) handbook to review Lexington Town Meeting Practices and Procedures.