

TMMA Warrant Information Report



October 2017 Special Town Meetings 2017-2 & 2017-3

This report has been prepared by the Town Meeting Members Association to provide information to Town Meeting Members concerning the articles of the warrants for Special Town Meetings 2017-2 and 2017-3. TMMA thanks town officials, town staff, and members of boards and committees for their assistance in providing information for this report. 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.

A special thanks goes to the following for help with this report:

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For 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.

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.

Also note that the information provided in this report was current as of the publication date; 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 Annual 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 11-point italicized font. TMMA information appears in 12-point font.

Please refer to committee, board and commission reports for further information.

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Special thanks to:

Christopher Bing for the cover artwork

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STM 2017-2

STM 2017-2, Article 2

ARTICLE 2

APPROPRIATE FOR HASTINGS SCHOOL CONSTRUCTION

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money, to be expended under the direction of the Permanent Building Committee, for the costs to demolish the existing Maria Hastings Elementary School and construct, originally equip and furnish a new Maria Hastings Elementary School to be located at 7 Crosby Road, in Lexington, 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). The MSBA grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the Construction phase 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) 35.79 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or act in any other manner in relation thereto.

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

FUNDS REQUESTED: \$63,059,418

DESCRIPTION: This funding will authorize additional funds to demolish the existing Hastings School and construct the new Hastings School, which will be partially reimbursed from the Massachusetts School Building Authority (MSBA).

TMMA Review

Town Meeting voted to appropriate \$720,000 for the costs of the Design Development phase of the new Maria Hastings Elementary school in Spring 2017. Since then, the MSBA unanimously voted to approve a grant for the project design to partially reimburse construction costs for this new school building. Town Meeting approval is needed for the allocation of funding to begin construction on the new school and demolition of the old building.

TMMA Questions:

Question #1: What is the projected MSBA reimbursement?

Answer: The MSBA reimbursement is expected to be approximately 30%. If the building costs approximately \$65 million, a reimbursement could reduce the impact on Lexington taxpayers by as much as \$19+ million dollars.

Question #2: What happens to the MSBA grant if Town Meeting does not vote to appropriate funds to this new Hasting School building?

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Answer: The MSBA award is contingent on the Town appropriating funds within 120 days. From the MSBA: "the MSBA's regulations specifically include this 120-day deadline for a local appropriation to ensure that the MSBA's capital program funds are targeted toward projects and school districts that are ready and able to make the financial commitment and move forward in a timely manner. Given the overwhelming capital needs of school districts across the Commonwealth and the MSBA's limited capital program funds, the MSBA cannot indefinitely tie up funds allocated for a project that lacks local support."

Question #3: What is the capacity of the new Hastings School building?

Answer: 645 students, 110,000 SF and 120 parking spaces.

There will be 5 section classrooms per grade with special education throughout to support the Intensive Learning Program that operates at Hastings. The design includes spaces for small group instruction which supports differentiated instruction for all students, for special education plans and our English Language Learners program. To meet MSBA requirements, the new school will have music, art, physical education, library, and nursing spaces that are aligned with current educational recommendations (larger than the current school's spaces).

Question #4: Is there an opportunity for residents to use the space?

Answer: Yes. The school building is designed to make it accessible for community use when not in school use. Classrooms are concentrated in the rear of the building. Spaces that would be more desirable for shared community use have been designed to be closer to the main entrance and parking lot, including a large "Cafetorium" (combining cafeteria and auditorium uses) and library. The school anticipates being able to close off the classroom areas so that the community wing area can be open during evenings and summers for community events.

Question #5: When was the current Hastings School built? Were there additions?

Answer: Hastings opened in 1955, as a one story building and a 4 classroom addition was added in 1959. To mitigate overcrowding, eight portable classrooms were added (4 new units in 1995, and 4 used units in 2000). Hastings was closed from 1986-1996 when it reopened and accessibility improvements were made.

Question #6: How long has the town known that at the current Hastings school building as needed to be addressed?

Answer: 16 years. This building is at its end of its usable life. Examples of significant repairs that have been required include: in 2011 a failed laminated wood beam in the gymnasium was repaired with steel plates; in 2015, two additional beams failed and were repaired, with the gym being closed for approximately three weeks. The current Hastings Elementary school is under the MSBA's guidelines for appropriate educational square footage in every area: Classrooms, Special Rooms for Art, PE, Library and Music, as well as Special Education Classrooms, the Main Office, the Cafeteria, the Health Room, and spaces for Teachers to work. The 2 sets of "portable" classrooms that were added between

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1995-2000 have also well-exceeded their useable lives. Further, the school has no air cooling system nor sprinkler system.

Question #7: What will this new building do to help mitigate overcrowding in the district?

STM 2017-2, Article 3

Answer: It will add 9 classrooms. This is the only new permanent space being added at the elementary level and the elementary schools are already at & over capacity. Enrollments are projected to continue to rise, exacerbating the overcrowding. The School Committee and Superintendent have implemented one phase of redistricting to relieve overcrowding, and have initiated a Central Registration to carefully assign each new student. However, without additional classrooms, there is insufficient space to provide meaningful relief ó especially at Bridge and Bowman. 9 additional classrooms will make it possible to do a second phase of redistricting to relieve significant overcrowding at Bridge, Bowman, Fiske and Harrington. If the LCP project moves forward and the program can be relocated out of Harrington, there will be some room for relief directly at that school ó but the School Committee's plan relies on both the LCP relocation and 9 new classrooms at Hastings.

What steps are being taken to assess the need for additional capacity? Will this project build enough capacity to address overcrowding? Will more space be needed?

The School Committee and administration continue to support careful monitoring and reassessment of our current and future anticipated enrollment. The administration continues to work in partnership with a volunteer Enrollment Working Group to improve forecasting. We have learned it is important to consider multiple sources, and to take into account a consistent pattern of in-migration (where families move to Lexington after their children are born, and are therefore not captured in the òlive birth cohortö model that was relied upon for many years and proven ineffective).

All indicators predict that the volume of new students will remain beyond our building capacity and will continue.

While students continue to graduate and move away from Lexington, more students are entering the system, rather than leaving. Formal forecasting relies on Oct. 1 to Oct. 1 enrollment figures, but as of this writing, the change from September 1 2016 to September 1 2017 is +165, and it is expected to remain in surplus. Of this growth, 95 students were in the elementary grades.

ARTICLE 3 APPROPRIATE DESIGN FUNDS FOR LEXINGTON CHILDREN'S PLACE/20 PELHAM ROAD

To see if the Town will vote to raise and appropriate a sum of money for design, engineering and architectural services, including the production of construction documents, and for construction costs, including demolition of the existing building and site work for the Lexington Children's Place to be located at 20 Pelham Road; determine whether the money will 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.

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

FUNDS REQUESTED: unknown at press time

DESCRIPTION: Lexington Children's Place (LCP), the legally-mandated pre-kindergarten program for Lexington Public Schools, outgrew its location in the Harrington School two years ago, and has been occupying additional space in the Central Administration building. This split program is educationally suboptimal, presents safety concerns, and will not satisfy long term space needs. With the Town's purchase of the 20 Pelham Road property, the School Committee has recommended the use of a portion of this property as a permanent location for the LCP. Moving LCP to Pelham Road will meet the needs of the LCP program for the foreseeable future and will make space available at Harrington to help alleviate overcrowding at the elementary level. The funds requested by this Article will be for completion of design funds through construction documents and early construction package.

TMMA Review

The Lexington Children's Place (LCP) program has been in need of a new home for several years due to enrollment outgrowing the space it currently uses at Harrington Elementary, leading to the use of several classrooms in Old Harrington/LPS Central Administration. Construction of the new building on the Pelham property will allow the pre-school program to consolidate into appropriate facility and free up classrooms on the Harrington campus for use by the elementary school.

TMMA Questions:

Has the town already purchased the property?

Yes, Town Meeting voted to allocate funding to purchase the Armenian Sisters Academy in Spring 2017.

Why can't the program use more classrooms at Old Harrington?

Once the threshold of square footage is reached for educational activity, the entire Old Harrington building would need to be brought up to code, which would be very costly.

Does Lexington need to provide a public preschool?

Yes. Integrated special education for children 3 to 5 years old prior to entering kindergarten is required by law.

How many new children have enrolled in Lexington Public Schools?

750 since February 2017. [this is misleading, while 750 students have registered a significant number have left the system. The more relevant question is how has enrollment grown this year. The Sep 1 year

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over year change in enrollment is: 165 students, but note that we use the Oct 1 enrollment figure for annual reporting. Of this growth, 95 students were in the elementary grades.]

What will this new building do to help mitigate overcrowding in the district?

It will give 3 classrooms back to elementary level students at Harrington.

Enrollments are projected to continue to rise, exacerbating the overcrowding. The School Committee and Superintendent have implemented one phase of redistricting to relieve overcrowding, and have initiated a Central Registration to carefully assign each new student. However, without additional classrooms, there is insufficient space to provide meaningful relief ó especially at Bridge and Bowman. If the LCP project moves forward and the program can be relocated out of Harrington, there will be some room for relief directly at that school ó but the School Committee's plan relies on both the LCP relocation and 9 new classrooms at Hastings.

How many children are currently enrolled in LCP?

STM 2017-2, Article 4

Sep 1 registrations were 73 according to School Committee presentation of 9/5

What steps are being taken to assess the need for additional capacity in the schools overall? Will this project build enough capacity to address overcrowding? Will more space be needed?

The School Committee and administration continue to support careful monitoring and reassessment of our current and future anticipated enrollment. The administration continues to work in partnership with a volunteer Enrollment Working Group to improve forecasting. We have learned it is important to consider multiple sources, and to take into account a consistent pattern of in-migration (where families move to Lexington after their children are born, and are therefore not captured in the òlive birth cohortö model that was relied upon for many years and proven ineffective).

Enrollment projections predict that even our projected school capacity will be overcrowded.

While students continue to graduate and move away from Lexington, more students are entering the system, rather than leaving. Formal forecasting relies on Oct. 1 to Oct. 1 enrollment figures, but as of this writing, the change from September 1 2016 to September 1 2017 is +165, and it is expected to remain at a high level. Of this growth, 95 students were in the elementary grades.

TMMA Question:

Question #1: What is the cost and anticipated completion date for the Pelham LCP constructon?

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To see if the Town will vote to raise and appropriate a sum of money for design, engineering and architectural services, including production of construction documents, for a new Fire Headquarters; determine whether the money will 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: \$676,300

DESCRIPTION: These funds will permit the design work for the new fire station at the original Fire Headquarters site to proceed through the construction document development stage. Subsequent funding for construction will likely be requested at a Town Meeting in the Spring of 2018.

TMMA Review

\$450,000 was approved and appropriated at the Spring STM-2017-1 to complete schematic design work. Now \$676,000 is requested to take the project through construction documents. Current total cost for the project is estimated at \$19,918,000. Funding for the balance construction costs will likely be requested at a Town meeting in the spring of 2018.

TMMA Questions:

Question #1: What contributed to the increase in funds requested for construction documents from \$550,000 (estimate during STM-2017-1) to \$676,000 (now).

Answer: The scope of the project had the addition of replacing the traffic signals at Bedford and Worthen Rd and changing the layout of Camellia Place.

Question #2: Have the estimates for funding the construction changed since last estimate of \$18,300,000 as reported in the Brown Book? What has contributed to the changes?

Answer: The original estimate was done by an architectural firm who made an "in-house" estimate, the current estimate was performed by a professional estimator and is more accurate. Estimates normally are refined as a project progresses. There is no material change in the scope of this project.

Question 3: What are the fire incidence rates in the last several years? Have they been trending down? What other types of incidences does the fire station respond to and what are the trends for those emergencies?

Answer: The fire incident rate has remained steady over the last several years with an average of 12 building fires per year over the last 5 years. Sixty percent of the emergency calls are for emergency medical services and have been increasing each year. With two highways in town the Fire Station is busy with vehicle crashes and hazardous material incidents. As the Town's utility infrastructure has

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TMMA Review

At the Spring STM 2017-1, \$50,000 was appropriated for design work for the swing space at 173 Bedford Street and TMMA was advised that the estimated costs of \$2,093,000 for construction would be requested under separate FY2018 Capital Needs. At the 2016 STM #5, \$85k was appropriated to evaluate requirements for facility renovations.

TMMA Questions:

Question #1: Were there any funds left over from the \$50,000 approved in spring and were the tasks completed?

Answer: The tasks were completed and the Total Project Cost is \$2,190,000, so if any funds are remaining they will be spent in completing the project, if the next appropriation is approved.

Question #2: What contributed to this increased request of \$2,140,000 to implement the plan from the last estimate of \$2,093,000

Answer: The current estimate is more accurate than the initial estimate. There is no material change in scope of this temporary location project although Project Management was not part of the original estimate.

Question #3: We understand that the Board of Selectmen will propose funding this project through a Proposition 2 ½ debt exclusion vote; that is a temporary increase in property taxes. Why is this necessary?

Answer: See answer to Article 4 above

Question #3: What is the projected length of the project before the new fire headquarters can be occupied?

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STM 2017-3

STM 2017-3, Article 2

ARTICLE 2 AMEND ZONING BYLAW 6 45, 55, 65 Hayden Avenue (Owner Petition)

To see if the Town will vote to amend the Zoning Map and Bylaw of the Town to create the Planned Development District PD-2, based on the information provided in the applicant's Preliminary Site Development and Use Plan (PSDUP) for Lots 20B and 21A of Assessor's Map 17, addressed as 45, 55, 65 Hayden Avenue (the Site), or to act in any other manner in relation thereto.

(Inserted by Thomas Ragno, authorized signatory of CRP/King Hayden Owner, LLC)

DESCRIPTION: The Article requests rezoning and approval of a Preliminary Site Development and Use Plan for the 45, 55 and 65 Hayden Avenue property identified in the Article. The General location of the property is identified on a plan entitled "Planned Development District PD-2 Plan" dated August 23, 2017, prepared by Highpoint Engineering, Inc., Project Number 17007, which plan is shown in Exhibit-1, with the metes and bounds description shown on Exhibit -2.

TMMA Review

King Street Properties is seeking Town Meeting Approval to change its Zoning to allow an additional 70-foot lab/office building and a 90-foot parking structure. Approval would enable a total of 1,210,00 sq./ft. of gross floor area to be on site - half for lab/offices and half for parking structures. Total parking spaces would be 1,675, resulting in an estimated 3,392 daily automobile trips, 45 % of which will travel through Lexington residential streets. The additional gross tax revenue is expected to be about \$ 2,000,000 per year. A mitigation payment of one million dollars will be reserved to partially pay for the ten million dollars of needed transportation infrastructure improvements in South Lexington.

TMMA Questions:

Question #1: Would King Street be allowed to use the new building as strictly an office building by right, rather than for lab/office use?

Answer: Yes, however, as the parking ratio differs between office and lab (office being higher), an all-office structure would hit the maximum number of parking spaces before it could occupy all the square footage of building.

Question #2: What is in the Memorandum of Agreement between the Town and King Street? Will it be signed before Town Meeting votes and when will Town Meeting members be able to see it?

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Answer: A draft MOU has been available for public review since the PSDUP application was submitted and is on the Planning Board's website. Since it was first filed, the MOU has evolved and is expected to be endorsed by King Street September 29, and by the BOS October 2.

STM 2017-3, Article 3

Question #3: Will an Easement to the Conservation area be put in formal terms with the Town to allow access to residents to access Hayden Woods and to use the facilities and parking spaces as offered by King Street?

Answer: Should this rezoning be approved by Town Meeting, public access to Hayden Woods will be formalized, including rights to parking on site.

Question #4: Other Companies have promised site provisions to Town Meeting that were found to be not enforceable. What is King Street willing to put in writing for commitments?

Answer: Any commitments made by King Street have either been made part of the proposed zoning amendment or in the MOU.

Question #5: What are the Town's plans to implement the required transportation improvements called for in the South Lexington Transportation Study. Will a timetable for improvements be announced before the Town Meeting vote?

Answer: Currently there is no timetable for the implementation of the recommended improvements outlined in the South Lexington report. Should this project be approved by Town Meeting, the Planning Office would, subject to the approval of the Town Manager and the Board of Selectmen, create a proposal for the use of transportation mitigation funds to begin the design work necessary to bring projects identified in the report forward.

ARTICLE 3 AMEND GENERAL BYLAWS - RECREATIONAL MARIJUANA

To see if the Town will amend the general bylaws to prohibit Recreational Marijuana Establishments in town; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the Town of Lexington shall be prohibited. This prohibition shall

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not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

TMMA Review

Under Massachusetts General Laws, the State has given communities the ability to opt out of having recreational marijuana activities. Thus, approval of this article will ban all recreational marijuana activities in the town.

TMMA Question:

Question #1: If this article is approved, can the decision be reversed at a future date?

STM 2017-3, Articles 4 and 5

ARTICLE 4 AMEND ZONING BYLAW 6 RECREATIONAL MARIJUANA MORATORIUM

To see if the Town will vote to amend the Zoning Bylaws by adding a new Section 135-3.1.7, "Marijuana Establishment Temporary Moratorium," or take any other action in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: Should Article 3 not be approved by Town Meeting, this Article would be presented in order to implement a moratorium on recreational marijuana facilities in Lexington while the Planning Board determines the most appropriate location for this type of facility. By adopting a moratorium, the Town will also have time to review the scope and application of the amended legislation and forthcoming regulations.

TMMA Review

If Article 3 is not approved, this article provides the time to react to State regulations once they are promulgated.

TMMA Question:

Question #1: Has a specific time for the moratorium been considered?

ARTICLE 5 AMEND FY2018 OPERATING AND ENTERPRISE FUNDS

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To see if the Town will vote to make supplementary appropriations, to be used in conjunction with money appropriated under Articles 4 and 5 of the warrant for the 2017 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, transfer from available funds, or 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 allows for adjustments to the current fiscal year (FY2018) appropriations, as approved at the 2017 Annual Town Meeting.

TMMA Review

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.

Revenue increases include:

- 1) Revenue sources approved at the Annual Town Meeting were based on best estimates at the time. The proposed revenue adjustments reflect an increase in State Aid of \$2,163,196 based on the final FY 2018 State Budget approved by the Legislature. Of the increase, \$2,135,199 is for Chapter 70 school funding while \$27,998 is unrestricted.
- 2) In the budget approved at the Annual Town Meeting, it was projected that \$600,000 would be generated by the Town's solar operations. At that time, this was reflected as a credit to the Town's electricity bill. Since that time, Eversource has changed its practices where they would bill for the Town's full electricity use and that the town would get a payment for the solar electricity generated. Thus, there is a projected revenue increase of \$600,000 with corresponding expenses increases below. With both billing and payments being on a monthly basis, there is no cash flow effect.
- 3) While "New Growth" was projected at \$2,500,00 at the Annual Town Meeting, this has been increased to \$3,000,000 based on the latest information.

Expense increases for individual line items include:

- 1) There is an anticipated expense increase for Public Facilities of \$600,000. Of this, approximately \$190,000 is to pay for the electricity bill increase while \$410,000 will be paid to Syncarpha Solar who built the solar facility.
- 2) There is an expense increase to the Town Manager's line item (8210) of \$18,000. To fill the vacant sergeant position, civil service protocol mandates having an independent entity run the assessment

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center. This entails running the process, doing the applicant scoring and providing the police department with the scores.

- 3) The Town Clerk's (8500) budget is being increased by \$12,000. This is to cover the cost of the running an additional election to fill Senator Donnelly's seat. This amount will be reimbursed by the State.
- 4) Other line item changes are being considered but are not known at this time.

Enterprise Fund adjustments are:

- 1) Decreasing the MWRA Wastewater Assessment from \$7,453,886 to \$7,402,979, a savings of \$50,907 based on final assessments approved by the MWRA Board after the Annual Town Meeting.
- 2) Decreasing the MWRA Water Assessment from \$7,275,204 to \$7,246,531, a savings of \$28,673.

These changes will be considered when water and wastewater rates are recommended to the Board of Selectmen.

Adjustments to the Community Preservation budget are addressed under Article 12.

STM 2017-3, Article 6

TMMA Question:

Question #1: Are there any changes to revenue offsets?

Question #2: When do we expect reimbursement from the State for the cost of the additional election?

Question #3: How will the additional State Aid be used?

ARTICLE 6 ESTABLISH AND APPROPRIATE TO AND FROM SPECIFIED STABILIZATION FUNDS

To see if the Town will vote to create, amend, rename and/or 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/Public Transportation, (d) Special Education, (e) Center Improvement District, (f) Debt Service, (g) Transportation Management Overlay District, (h) Capital, and (i) Payment in Lieu of Parking, 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.

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(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 and to appropriate funds therefrom. Money in those funds may be invested and the interest may then become a part of the particular fund. These funds may later be appropriated for the specific designated purpose, by a two-thirds vote of an Annual or Special Town Meeting, for any lawful purpose.

TMMA Review

At the 2007 Annual Town Meeting, various stabilization funds were created as repositories for money to be reserved for later use for specific purposes as appropriated at subsequent Town Meetings. Additional stabilization funds were approved in 2008 and 2012, including the Capital Stabilization Fund. 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.

Per negotiated zoning agreements between the Town and King Street Properties as-well-as Avalon Bay, the article requests an appropriation to:

Transportation Demand Management Stabilization Fund	\$326,767
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Of the \$326,767, \$283,794 was paid by King Street Properties and Avalon Bay contributed \$42,973.

STM 2017, Article 7

TMMA Question:

Question #1: What are the current balances of our stabilization funds?

Answer #1: As of 7/30/17, the balances of the various stabilization funds are:

Stabilization	\$9,447,866
TDM	\$214,307
Traffic Mitigation	\$146,701
School Bus	\$18
Spec Ed	\$1,088,001
Center Improvement	\$87,664
TMOD	\$98,263
Other Post Empl. Benefits (OPEB)	\$9,869,875

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Capital Stabilization

\$23,203,210

ARTICLE 7 AMEND REVOLVING FUND AUTHORIZATION

To see if the Town will vote to make supplementary authorizations of revolving funds, to be used in conjunction with money authorized under Article 9 of the warrant for the 2017 Annual Town Meeting, to be used during the current fiscal year, or make any other adjustments to the current fiscal year authorizations that may be necessary; or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article allows for adjustments to current fiscal year (FY2018) revolving fund authorizations, as approved at the 2017 Annual Town Meeting.

TMMA Review

The amounts above represent the projected revenue for each program. Since the expenses associated with the Revolving Funds are not reflected in the Article 4 Operating Budget, the FY2018 Authorizations are spending limits which cannot be exceeded. A continuing balance in a revolving fund may be carried over to the next fiscal year. Expenditure ceilings are based on revenue projections, in no case can spending exceed revenues on hand. The Board of Selectmen, with approval by the Appropriation Committee, has the authority to increase a program's spending ceiling within expected receipts.

STM 2017, Article 8

This article requests increases for two of the Revolving Funds. These are:

- 1) Due to year to date increased usage of our rental facilities (e.g., Spectacle Management use of the Cary Memorial Building), an increase of \$50,000 is requested to cover projected staff overtime.

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- 2) When Solar City installed the panels at the compost site, they said that they would rebuild the compost bins which had to be removed during construction. Solar City decided they would not rebuild the bins and are giving us the money to rebuild them.

The revised spending limits are:

	Approved	Requested	FY 2018
	<u>At ATM</u>	<u>Increase</u>	<u>Revised</u>
Building Rental Revolving Fund	\$475,000	\$50,000	\$525,000
DPW Compost Operations	\$755,000	\$142,000	\$897,000

ARTICLE 8

APPROPRIATE DESIGN FUNDS FOR VISITORS CENTER

To see if the Town will vote to raise and appropriate a sum of money for design, engineering and architectural services for the Visitors Center, including production of design development and construction documents; 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 Selectman)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: The Visitors Center was built over 50 years ago for the Battle of Lexington Bicentennial. It is the information gateway for tourists, residents, newcomers, and corporations considering locating in Lexington. Prior Town Meetings approved funds to develop a design for an updated Visitors Center. The additional funds will conclude the design work at the Visitorø Center and produce construction documents. Funds for construction are anticipated to be requested at Annual Town Meeting in Spring 2018.

TMMA Review

At the 2017 Annual Town Meeting, members approved Article 18, appropriating \$100,000 for schematic design services for plans and specifications to construct a new Visitors Center. With those funds, the Town authorized architect Donald Mills of Mills Whitaker Architects to draft schematic plans for a new Visitors Center.

The plans call for a new building of 6693 gross square feet (GSF) to replace the current Visitors Center, at 4229 GSF. Article 8 is asking for \$150,000 to cover the Design Development phase. At this time, the total cost for the 6693 GSF Visitors Center is estimated to be \$4,315,000, assuming a November 2018 construction start date.

TMMA Warrant Information Report

TMMA Questions:

Question #1: What issues would a new Visitors Center address? What are the problems with the current Visitors Center?

Answer #1: Size: The existing Visitors Center is too small to accommodate all of its functions, which include a customer service counter, retail sales, exhibits, and restrooms, all on the main level. Congestion on the main level degrades these services.

Restrooms: The restrooms in the existing Visitors Center are adjacent to the main retail and exhibit spaces. The new Visitors Center would move the restrooms to the basement. Presentation: The existing Visitors Center entrance from the Minuteman Bikeway is not welcoming. The new Visitors Center plans call for inviting entrances from both the Bikeway and the Green.

Question #2: Last year, the estimated cost for a new Visitors Center was estimated to be just above \$4,000,000. Why has the estimate increased?

Answer #2: The estimate has increased for two main reasons: the earlier \$4,080,000 needed to be escalated to a revised, later bid date; and the first estimate did not anticipate increased costs associated with achieving Town sustainability goals. Other increases have happened due to stakeholder input and refinements to the plan.

Question #3: Are there any deadlines or reasons why this project must be funded now?

Answer #3: The Tourism Committee expects an increase in visitors to Lexington due to the 400th anniversary of Plymouth (2020), and the 250th anniversary of the Battle of Lexington (2025). The Plymouth anniversary may result in an influx of travelers interested in history visiting Lexington. Construction must be started by late 2018 to be complete by 2020.

TMMA Warrant Information Report

STM 2017, Articles 9 and 10

ARTICLE 9 APPROPRIATE FOR SOLID WASTE COLLECTION EQUIPMENT

To see if the Town will vote to appropriate a sum of money for recycling and solid waste collection equipment; 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: unknown at press time

DESCRIPTION: The funds will allow the Town to explore equipment options for its Recycling and Solid Waste Collection program. The current contract expires on June 30, 2018, and the Town is reviewing proposals to replace it.

TMMA Review

This article will be Indefinitely Postponed (IPed). The article was placed on the Warrant should it be cost-effective for the Town to purchase carts if we go to an automated collection system. Based on an analysis of the Town purchasing the equipment versus having the carts supplied by a company providing collection services (based on bids received), there was no material difference.

ARTICLE 10 AMEND GENERAL BYLAWS - DISTRIBUTION OF TOWN ELECTION/TOWN MEETING WARRANT

To see if the Town will vote to amend Sections 118-1 and 118-2 of Chapter 118 (Town Meetings) of the Code of the Town of Lexington to provide for a change in the distribution of Warrants for Elections and Town Meetings and all required notices and materials, or act in any other manner in relation thereto.

(Inserted by the Board of Selectmen)

DESCRIPTION: This article proposes to amend the Town Bylaws to authorize the Board of Selectman and the Town Clerk to alter the means of distributing the warrant to all households.

TMMA Review

TMMA Warrant Information Report

In the current bylaws, §118.1 and §118.2 now read as follows:

§ 118-1 Meeting called by warrant.

Every Town meeting shall be called by a warrant directed to a constable or other duly appointed person. Such warrant shall contain articles briefly setting forth the various subject matters which may be considered and acted upon at such meeting.

§ 118-2 Posting and mailing of warrant.

The warrant for a Town meeting shall be served by posting a printed copy thereof in the Town Office Building and also by sending by mail, postage prepaid, not less than seven days, or in the case of a special Town meeting not less than 14 days, before the time stated in the warrant for holding such meeting a printed copy of such warrant addressed to each dwelling house and to each dwelling unit in multiple dwelling houses, apartment buildings or other buildings in the Town. The warrant for a state election need only be served by posting a printed copy thereof in the Town Office Building.

This Town Bylaw has read essentially the same since 1982. Basically, with acceptance of this Article, with regard to the Warrant for a Town Meeting, ONLY Town Meeting Members will receive the Warrant in the mail. Each house will NOT receive the Warrant in the mail; it will be posted and/or available for distribution at selected sites. A Warrant for a Town Election will go to every household via the mail.

The motion being offered is:

MOTION: That Chapter 118 of the Code of the Town of Lexington (Town Meetings) be amended by deleting §118.1 and §118.2 in their entirety and substituting therefor the following:

§118-1 Town Meeting and Town Elections Called by Warrant

Every Town Meeting and every Town Election shall be called by a warrant directed to a constable or other duly appointed person. Warrants for Town Meetings shall contain articles briefly setting forth the various subject matters that may be considered and acted upon at each such Meeting. Warrants for Town Elections shall contain the matters to be voted upon at each Town Election.

§118-2 Posting of Warrants

The warrant for a Town Meeting shall be served by posting a printed copy thereof in the Town Office Building not less than seven days, and in the case of a Special Town Meeting no less than 14 days, before the time stated in the warrant for holding such Meeting, and also by sending by postal mail, postage prepaid, a printed copy of each such warrant addressed to each Town Meeting Member. Copies of all warrants shall be made available for public access electronically on the Town website and in print format at municipal buildings designated by the Town Clerk, provided, however that such notification shall not be considered part of the return of service as require by §118-3.

The warrant for a Town Election shall be served by posting a printed copy thereof in the Town Office Building and also by sending by postal mail, postage prepaid, a printed copy of such warrant addressed to each dwelling house and to each dwelling unit in multiple dwelling houses,

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apartment buildings or other buildings in the Town not less than seven days before the time stated in the warrant for holding such election.

The warrant for a State Election need only be served by posting a printed copy thereof in the Town Office Building.

FYI here is §118-3 (since it is referred to at the end of the proposed §118-2) :
§ 118-3 **Delivery to Clerk of original warrant.**

STM 2017, Article 11

The officer or person appointed to serve the warrant for a Town meeting shall, immediately after making the service thereof, deliver to the Town Clerk the original warrant, with his return endorsed thereon stating fully the manner in which he served the same.

TMMA Questions:

Question #1: How much does it cost to mail the Warrant to all Lexingtonians?

Question #2: How much does it cost to print the Warrant for all Lexingtonians?

Question #3: Could an email solution be viable? Or an internet solution?

Question #4: What about a town-wide phone call alerting that the warrant is out and where to find a copy?

Question #5: Would altering the Warrant schedule instead make it more likely for mail delivery to be successful to all Lexingtonians?

Question #6: Could residents “opt in” for a written copy to be sent to their residence or pick up a hard copy at the Town Clerk’s office?

ARTICLE 11

APPROPRIATE FOR LEXINGTON HIGH SCHOOL SECURITY SYSTEM DESIGN

To see if the Town will vote to appropriate a sum of money for design, engineering and architectural services, including production of construction documents for the Lexington High School security system, and 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)

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FUNDS REQUESTED: unknown at press time

DESCRIPTION: This article allows for enhancements to the current security system at the Lexington High School.

TMMA Review

History

2016 ATM

At the 2016 Annual Town Meeting \$25,000 was appropriated for a security evaluation of the Lexington High School. The evaluation assessed the current security systems, including the closed circuit television system (CCTV) and the feasibility to upgrade/install electronic door access controls.

FY2018 Capital Budget

From https://www.lexingtonma.gov/sites/lexingtonma/files/uploads/section_11_-_capital_3-22-17.pdf

Funding is described in the 2018 öBrown Bookö, page XI – 23, the 2018 Capital Budget

7.) Lexington High School (LHS) Security Evaluation & Upgrade ó \$150,000 (Free Cash):

Funding of this proposed project would improve the reliability and functionality of the security cameras system by upgrading from digital video recorders placed throughout the schools to a server based system in the server room and add 30 cameras for more complete coverage.

2017 ATM Article 16g

Town meeting approved the following request for \$150,000

Source: <https://www.lexingtonma.gov/town-meeting/pages/2017-annual-town-meeting-articles-reports-and-presentations>

Appropriation request of \$150,000 to upgrade security camera system to öserver basedö, plus an additional 30 cameras for more complete coverage, summer of 2017

ÉSecurity evaluation will continue, with comprehensive assessment

- Access control
- Emergency response and lockdown
- Open campus

ÉPlan to bring appropriation request to fall STM to design systems recommended from comprehensive assessment for ATM 2018 construction appropriation for summer 2018 implementation

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TMMA Questions:

Question #1: What is the objective of the security system enhancement project?

Answer: This is a follow on project to the security camera upgrade funded under 2017 ATM Article 16g. The goal is to fund design, engineering and architectural services as written in the article above.

Question #2: How much have we appropriated for the project to date?

Answer: \$25,000 in 2016 + \$150,000 in 2017 = \$175,000

Question #3: How much more will we anticipate spending on this project?

Answer: The Brown Book lists an additional \$477,320 capital request deferred to FY2018

STM 2017-3, Article 12

ARTICLE 12

APPROPRIATE COMMUNITY PRESERVATION ACT PROJECTS

To see if the Town will vote to act on the report of the Community Preservation Committee on the FY2018 Community Preservation budget and, pursuant to the recommendations of the Community Preservation Committee, to appropriate from the Community Preservation Fund, including to supplement the appropriation for Busa Property affordable housing previously authorized by Article 8(g) in the 2014 Annual Town Meeting, or to reserve amounts in the Community Preservation Fund for future appropriations; for the debt service on previously authorized financing; for administrative expenses of the Community Preservation Committee for FY2018; for the acquisition, creation, and preservation and, if acquired with Community Preservation Act funds, the rehabilitation or restoration of open space; for the acquisition, creation, preservation, and rehabilitation and restoration of recreational land; for the acquisition, preservation, rehabilitation and restoration of historic resources; and for the acquisition, creation, preservation and support and, if acquired with Community Preservation Act funds, the restoration or rehabilitation of community housing; including, in all cases, rehabilitation or restoration that constitutes capital improvements or extraordinary repairs to make assets functional for their intended use; and to determine whether the money shall be provided by the tax levy, or from estimated Community Preservation Act surcharges and the estimated State match and supplement for the upcoming fiscal year, by available funds in the Community Preservation Fund, by transfer from other available funds, including enterprise 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:

- a) Affordable Housing: \$725,000
- b) Open Space: TBD

DESCRIPTION: This Article requests that Community Preservation funds and other funds, as necessary, be appropriated for the projects recommended by the Community Preservation Committee, the debt service on previously authorized

TMMA Warrant Information Report

projects, and for administrative costs. This article further would authorize supplementary funding for the Busa Property (Lowell St) affordable housing project and for the potential purchase of a parcel for open space.

TMMA Review

This article provides an opportunity to modify the Community Preservation budget from that approved at the spring Annual Town Meeting. The two amendments being offered are:

- a) The request for affordable housing represents a cost increase for constructing the 6 affordable units at the Busa Farm site. While what was published in the Warrant is \$725,000, this has subsequently been increased to \$750,000. The budget increase is due to unanticipated costs such as deciding to purchase the solar panels rather than lease them. Additionally, LexHAB was advised that they were subject to competitive bidding rules. In the past, LexHAB construction was done by Minuteman Tech students and other contractors at very reasonable rates. To comply with competitive bidding rules, significant cost increases will be incurred.
- b) The developer who bought the property at 44 Adams St. has offered it to the Town for open space since it abuts the Chiesa Farm conservation area. An appraisal has been done to determine fair market value which will delineate the maximum CPA funds which can be used. The asking price will inevitably be higher than the fair market value since the developer has incurred costs such as taking down the house that was on the site. It is anticipated that CPA funding will be augmented by private contributions. With negotiations still pending the time of this writing, the Community Preservation Committee has not yet reported on the request. The

STM 2017-3, Article 13

Conservation Commission voted unanimously to support this purchase since it is viewed as an important addition to the Chiesa Farm area and will present the project at the TMMA Information Session.

TMMA Questions:

Question #1: What are the components of the competitive bidding process result in the cost increase?

Question #2: Was 44 Adams St. on the Conservation Commission's "want list"?

ARTICLE 13

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.

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(Inserted by the Board of Selectmen)

FUNDS REQUESTED: unknown at press time

DESCRIPTION: This is an Article that requests funds to supplement existing appropriations for certain capital projects in light of revised cost estimates.

TMMA Review

This article is a place-holder should a project approved by a prior year's Town Meeting need supplemental funding. No appropriation is known at press time.

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, Roberts' 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.

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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

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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.