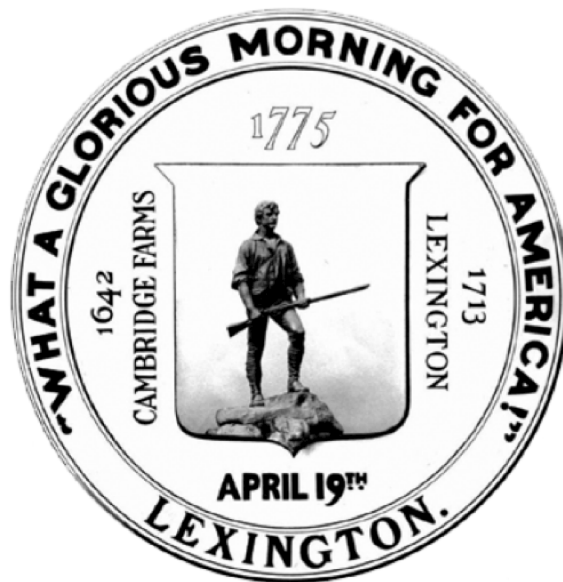


Town Meeting

in

Lexington



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Town Meeting in Lexington

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Table of Contents

INTRODUCTION	1
HISTORY	1
PARTICIPANTS	2
THE WARRANT.....	4
WHEN AND WHERE.....	5
PROCEDURES.....	6
OPENING.....	7
SPEAKING AT TOWN MEETING AND RULES OF DEBATE	7
MAIN MOTIONS	8
SUBSIDIARY MOTIONS.....	10
PARLIAMENTARY MOTION GUIDE.....	10
VOTING	12
RECONSIDERATION.....	13
ADJOURNMENT.....	14
DISSOLUTION.....	14
AFTER TOWN MEETING IS DISSOLVED.....	15
REFERENDA	15
PROPOSITION 2½ AND OVERRIDES	15
<i>Operating Budget Overrides.....</i>	<i>15</i>
<i>Debt Exclusions</i>	<i>16</i>
<i>Finances.....</i>	<i>16</i>
THE BUDGET PROCESS.....	17
REVENUES	18
BORROWING	18
RESERVE FUND.....	19
TAX RATE.....	19
FISCAL ADMINISTRATION.....	20
HOW TO... ..	20
HOW TO RUN FOR ELECTION	20
<i>How to Run a Campaign.....</i>	<i>20</i>
HOW TO PREPARE AN ARTICLE FOR THE WARRANT.....	21
HOW TO PREPARE A MOTION FOR TOWN MEETING	21
HOW TO BECOME INFORMED.....	21
HOW TO RESIGN FROM TOWN MEETING	23
TOWN MEETING MEMBERS ASSOCIATION.....	24
ETHICS	25
INDEX	26

Introduction

This handbook is designed to familiarize new Town Meeting Members with the workings of Town Meeting. The book can also serve as a reference for all participants in Lexington government including Town officials, committee members, and other citizens.

Besides describing procedures and practices, the book gives a short history of Town Meeting in Lexington and contains practical advice on being elected to Town Meeting and on how to become an informed and effective Town Meeting Member.

Additional useful information is contained in a companion volume called *TOWN OF LEXINGTON BOARD AND COMMITTEE HANDBOOK*, available from the Town Clerk's office.

History

Lexington was incorporated as a town on March 31, 1713. Six days later its first Town Meeting was held. Records of public meetings dating back to 1692 are kept by the Town Clerk in the Town Office Building. Town Meeting is a New England phenomenon and is found only in those six states. The first Massachusetts towns were governed by informal gatherings of freemen. Attendance at Town Meetings was compulsory and absentees were fined. As town business became more complex, the townspeople "selected" certain citizens (Selectmen) to carry on the town's business between Town Meetings.

When attendance was no longer compulsory at Town Meetings, it became important to define what matters might be acted on at these sessions, so residents would know in advance of anything that might interest them. This notice became the Warrant, containing the articles of business to be taken up at each Town Meeting. The Board of Selectmen and other Boards set policy for the town; in contrast, the Town Meeting is the legislative body of local government.

As population increased, many towns found it difficult to conduct business through a Town Meeting open to the participation of all citizens. The first change in the form of town government came in 1821 when the Massachusetts legislature voted to allow municipal or city governments to be set up in towns of 12,000 or more inhabitants. Lexington has preferred to retain the Town Meeting form of government. More than 100 years later, in 1926, the state constitution was again modified to allow towns of more than 6,000 inhabitants to have Representative Town Meetings. Lexington was one of the first towns to adopt the Representative Town Meeting, voting to accept this form of government in 1929.

In Lexington's first Representative Town Meeting, held in 1930, there were 51 members from each of four precincts, for a total of 204. In 1956 the Town was redistricted into six precincts, and the number of elected Town Meeting Members was set at 33 per precinct for a total of 198. In 1973, redistricting resulted in nine precincts with 21 elected Town Meeting Members per precinct, for a total of 189.

Of the 296 towns in Massachusetts with the selectmen-town meeting form of government, 36, including Lexington, currently have the Representative Town Meeting form of government in which the voters delegate legislative powers to elected representatives, yet reserve the right to speak at Town Meeting. (Source: Massachusetts Municipal Association, Spring 2013.) The right of referendum is also retained as a means of challenging an affirmative vote of Town Meeting.

Participants

Lexington is divided into nine precincts, each of which elects a total of 21 **Town Meeting Members** for terms of three years. One-third of the members are elected each year. In addition to these 189 elected members, there are Members-at-Large. These are: Moderator, all five Selectmen, the chair of the Appropriation Committee, and the chair of the School Committee. If they are residents of Lexington, the Town Clerk, the Revenue Officer, Town Counsel and members of the State Legislature also serve as Members-at-Large.

Customarily, the Town Clerk and Town Counsel have abstained from voting, limiting their roles to recording and providing information. The Moderator has ordinarily, but not always, abstained from debating and voting.

The **Town Moderator** is elected by the voters each March for a one-year term and presides over the business and conduct of Town Meeting. The Moderator calls the meeting to order, determines the presence of a quorum, and announces the results of all voting. The Moderator has complete authority to enforce all rules, procedures, and regulations, and to maintain decorum at the meeting. The Moderator appoints the members of the Appropriation Committee, the Capital Expenditures Committee, the Cary Lecture Series Committee, and Lexington's representative on the Minuteman Regional School Committee and may be authorized to appoint special committees. The Moderator may seek advice on the legality of articles, motions, and procedures from Town Counsel, although the final decision on procedures is the Moderator's.

At the start of each Annual Town Meeting, the Moderator nominates, and Town Meeting elects, a **Deputy Moderator** who officiates if the Moderator is absent, is disqualified, wishes to speak at the meeting, or has a personal interest in the outcome of the vote on a particular article.

The **Town Clerk** is appointed by the Town Manager. In addition to being the custodian of Town records, the Town Clerk records the proceedings of all Town Meetings and elections and notifies Town Meeting Members of Town Meetings.

The Selectmen retain a law firm to handle the Town's legal affairs. A member of the firm is designated as Lexington's **Town Counsel** and is officially appointed as such by the Selectmen. Town Counsel advises the Selectmen during preparation of the Warrant to ensure that articles are in proper legal form. The Counsel is available for consultation on the legality of citizens' articles. Anyone submitting an article by petition should consult this official. The Moderator usually consults Town Counsel on legal questions.

The **Board of Selectmen** consists of five elected members serving overlapping three-year terms. Historically, this Board serves as the Town's executive body, responsible for overall leadership and coordination of Town affairs. In Lexington today, the Board also acts as the Board of Public Works. The Selectmen make many appointments, e.g. the Board of Appeals, the Comptroller, the Town Counsel, Town Manager and the Trustees of Public Trusts. In addition, they must approve some appointments made by the Town Manager. The Selectmen set the time and place of Town Meeting, prepare and issue the Warrant, and decide the preliminary order in which articles are considered. Town Meeting, often at the suggestion of the Selectmen, can subsequently change the order of articles. For most Warrant Articles, the Selectmen vote to adopt a formal position of support or opposition and present these positions during Town Meeting. The Selectmen are Town Meeting Members-at-Large.

Town Meeting in Lexington

The Town Manager is a professional manager paid by the Town to serve as the chief administrator of the Town's staff, and is appointed by the Selectmen for a three-year term. This official attends all Town Meetings and speaks on articles when called upon. The Town Manager prepares the municipal capital and operating budgets based on a judgment of the needs of the Town after consultation with department heads and committee chairmen and presents it to the Selectmen for their recommendations. The Selectmen's budget is then submitted to Town Meeting. With the exception of the Comptroller, the Town Manager appoints all of the heads of administrative departments within the Town, such as the Police Chief and the Fire Chief, as well as some committees, such as the Recreation and Permanent Building Committees.

The **Appropriation Committee**, appointed by the Moderator, consists of nine members who serve overlapping three-year terms. The committee serves as the fiscal advisory body to Town Meeting and the Town. No vote on any financial motion may be taken by Town Meeting without first hearing the committee's recommendation. The committee has authority to transfer money from the Reserve Fund to be used to meet extraordinary and unforeseen municipal and school expenditures between Town Meetings. The committee considers the overall financial needs, programs, and problems of the Town.

The **Capital Expenditures Committee**, appointed by the Moderator, consists of five members who serve overlapping three-year terms. The committee is responsible for updating five-year projections of capital expenses. Capital expenditures, such as street improvements, sewer and water upgrades and building construction and remodeling projects are reviewed by the committee. After consultation with other Town officials and boards, the committee recommends whether a project should be undertaken and when a project should be started.

Other committees and boards present motions and discuss specific Warrant articles that are within their purview. Of these, the most important may be the **School Committee**, since the school budget accounts for a large portion of the Town budget. The committee consists of five elected members serving overlapping three-year terms. The School Committee's duties cover establishment of policy and the appointment of the Superintendent of Schools. The committee, in close cooperation with the School Superintendent, prepares the school budget and holds a formal public hearing on the budget as required by state law. The total school budget figure is presented and voted on as a single item in the Town Budget since, by state statute, the School Committee has the authority to readjust any and all spending within the school budget as they deem necessary.

The **Community Preservation Committee (CPC)** consists of nine members. Six members are appointed from town departments that each focuses on a key component of the Community Preservation Act (CPA): Historic Preservation, Open Space, Outdoor Recreation, Affordable Housing. The three remaining members are appointed at the discretion of the Board of Selectmen. The CPC administers applications for funding via the CPA, and makes recommendations to Town Meeting on qualifying projects.

The **Conservation Commission** consists of seven members appointed by the Town Manager with the Selectmen's approval for overlapping three-year terms. It was established to protect and preserve the Town's natural resources and to administer the State Wetlands Protection Act, which gives the commission a quasi-judicial role. The commission has the power to acquire land for conservation as well as enforce state and local wetland by-laws. Thus, the commission adds

Town Meeting in Lexington

articles to the Warrant proposing the Town acquire, through direct purchase, easement, or gift, parcels of land for conservation and passive recreation.

The **Planning Board** consists of five elected members serving overlapping three-year terms, and an associate member appointed by the Planning Board. The associate member votes on special permits (which require a super-majority) if a regular Planning Board member is absent or has a conflict. By state law the Planning Board is responsible for planning, zoning, and subdivision control. Articles may be initiated by the Planning Board. Citizens' articles involving zoning changes are discussed by the Board, which must report on and make recommendations about them to Town Meeting. Public hearings are required for zoning articles. A two-thirds vote of the Town Meeting is required to change a zoning bylaw.

The **Recreation Committee** is composed of five members serving overlapping three-year terms appointed by the Town Manager with the Selectmen's approval. It plans the Town's year-round recreation program. It also oversees the Pine Meadows Golf Club, which, in addition to other user fees, generates funds for the Recreation Enterprise Fund for maintaining the golf course and for other recreation programs. The Recreation Committee usually submits a funding request for recreation capital, and participates on any other articles related to recreation in the Town.

The **Housing Authority** consists of four elected members and one member appointed by the Governor, who serve overlapping five-year terms. It is responsible for the planning, financing, construction, and administration of subsidized housing for people of low income, including the elderly.

LexHAB, the Lexington Housing Assistance Board, consists of seven members appointed by the Selectmen for overlapping three-year terms. It provides affordable housing for low- and moderate-income families, administers the Muzzey condominium resale restrictions, and consults with other Town boards on privately developed residential developments containing affordable units.

All **Registered Voters** of the Town may participate in Article 1 of the Warrant for the Annual Town Meeting, which is the annual election of Town officials. During Town Meeting those citizens who are not Town Meeting Members may, with the Moderator's permission, speak about an article. Voters should discuss their views and concerns with their Town Meeting Members and other elected and appointed officials before Town Meeting. The Town Meeting Members Association usually sponsors public information meetings to discuss the Warrant articles during the weeks preceding Town Meeting. This is an opportunity for citizens and Town Meeting Members to become informed about the articles.

Visitors at Town Meeting usually fall into one of three categories: 1) interested residents, 2) technical or legal experts or consultants, and 3) non-residents who have a direct interest in one or more of the articles. Non-resident visitors who wish to speak on a particular article may do so with the Moderator's recognition and Town Meeting's permission.

The Warrant

The Warrant, the name given to the agenda for Town Meeting, is the "warning" or notification issued to the citizens, stating the time, place, and subject matter to be discussed at the meeting. Each item of business is called a Warrant Article.

Town Meeting in Lexington

Traditionally, the Warrant is addressed to one of the Town's constables, who are required to give notice of the meeting to the Town's residents. The Warrant must be served at least 7 days before the Annual Town Meeting and 14 days before a Special Town Meeting.

The Warrant is mailed to each household in Lexington, posted in the Town Office Building, on the Town web site, and copies are made available at Cary Memorial Library. Further notification of the Town Meeting is publicly posted in the Town Office Building before each session stating the date, time, place, and list of articles by number still to be acted upon.

Town Meeting may only deliberate and vote on the topics contained in the Warrant. Every action taken on a particular Warrant article must be within the "scope" of that article. Under Massachusetts law, the Moderator has the sole authority to decide whether a motion falls within the scope of the article.

Town meeting may also consider resolutions, which are expressions of the Town Meeting's feelings, and do become part of the official Town Meeting record but are not legally binding. Like other actions, their subject matter must be set forth in a Warrant article for them to be considered.

The order of articles on the Warrant is determined by the Board of Selectmen, who try to organize the business of Town Meeting according to subject matter and in an order that will assist discussion of major proposals. Town Meeting can vote to take up an article "out of order" or postpone consideration while other articles are considered.

Citizens of the Town may present an article on any subject to be included in the Warrant. For more information, see the section entitled "How to Prepare an Article for the Warrant". The Warrant for the Annual Town Meeting "closes" at a time set by the Board of Selectmen, usually the end of December, after which no new citizen's articles may be submitted.

When and Where

Article 1 on the Warrant for the Annual Town Meeting is always reserved for the election of Town officials. Thus, the first session of Town Meeting is the Town's annual election, and every registered voter in town is participating in Town Meeting when they vote for Town officials during the annual election.

Lexington's General By-laws call for the election to be held annually on the first Monday in March. By State law, in years when there is a Presidential primary, the election may be held on the same day as the National election. Polls open at 7:00 a.m. and close at 8:00 p.m. The date of the second session (that is, the first deliberative session) is determined by the Selectmen and is specified in the Warrant. It is customarily held on a Monday or Wednesday two or three weeks after the election. Subsequent sessions are usually held on the following Wednesdays and Mondays, except during school vacation week and on major religious holidays, until final action has been taken on each Article on the Warrant.

Special Town Meetings may be held at any time by order of the Selectmen or upon petition of 200 registered voters. With the required public notice, it is also possible to hold a Special Town Meeting during a formal recess of the Annual Town Meeting. This process is often used to expedite action on an appropriation requested during the Special Town Meeting.

Town Meeting in Lexington

For many years, the length of the Warrant has precluded the completion of Town Meeting business in a single evening. Depending on the length and complexity of the Warrant, the Annual Town Meeting may continue for four to seven weeks, two nights a week, until all articles have been disposed of.

Town Meeting deliberative sessions are normally held in Margery Milne Battin Hall at the Cary Memorial Building, but may be held any place in Lexington or simultaneously in more than one place as long as communication between the sites is available.

While Town Meeting is in session, the Moderator rules over activities within the Town Meeting hall as well as any activities within the building deemed to be obtrusive to the operation of Town Meeting. Sessions begin promptly at the time designated in the Warrant. Town Meeting Members are expected to arrive early enough to collect the devices issued to them for electronic voting and to obtain printed information pertinent to the session. This material is distributed via the Town Meeting Members Association tables in the lobby. It is also available to visitors. TMMA asks that each document be signed, dated, and indicate the Article to which it refers, and be placed on the table by 7:00 PM. When possible, different colored papers should be used to distinguish updated versions at subsequent sessions.

Since 1973, seating for Town Meeting Members has been organized by precinct. The floor of the hall is divided into nine blocks of seats. This arrangement makes it easy for observers to identify their precinct representatives. Precinct blocks may rotate from back to front at successive sessions, so members all have an opportunity to sit in the back, middle, and front of the hall. Citizens and other observers may sit in the rear of the hall or in the balcony.

In recent years, a café in the side hall has offered snacks and desserts, and Members are asked to leave a donation for café items. Food is not permitted in the main hall, except that Town Meeting Members may have water with them. Refreshments may be served and consumed only in the hallway. When Town Meeting is in session, people in the halls are asked to converse quietly.

Procedures

This section provides a summary of Lexington Town Meeting procedures. It includes many customs that have been adopted over the years. This summary is not a legal document but is intended as a general guide to understanding the conduct of Town Meeting.

The purpose of Town Meeting is to consider and take action on all the articles in the Warrant. Many of the rules of order and procedure for the conduct of Town Meeting business are dictated by statute, town by-laws, or tradition. Additional guidance is found in *Town Meeting Time*, an adaptation of Robert's Rules of Order, published by the Massachusetts Moderators Association. All business is conducted through the Moderator, who presides at Town Meeting.

Relevant information for Town Meeting Members is available on the Town Meeting Members Association website at <http://www.lexingtontmma.org/> and on the TMMA tables in the lobby when town meeting is in session.

In a typical session, seating in the central floor of Battin Hall is reserved for Town Meeting Members. Citizens may sit in the balcony or in the back section of the hall. Citizens may address the Town Meeting, but they may not make motions and must not participate in any votes.

Town Meeting in Lexington

Town Meeting sessions are usually broadcast live on LexMedia and made available for on-demand viewing via the LexMedia website, <http://www.lexmedia.org/>, within a day or so after each session.

Opening

The Moderator calls the Annual Town Meeting to order. Members use their electronic voting devices to “check in” via the electronic voting system. This serves both to establish that a quorum is present and to identify any malfunctioning devices requiring replacement.

Once the initial formalities are completed, the Moderator announces, “The meeting is now open on Article 2.” (Remember that Article 1 is the annual Town election). Under Article 2, which remains open throughout the meeting, all reports of Town Officers, Boards, and Committees are received. Town Meeting Members are asked to receive each report individually and place it on file with the Town Clerk. This vote places the report on record with the Town but does not imply approval, adoption, or endorsement, of the report.

Article 2 also allows Members to elect a Deputy Moderator, nominated by the Moderator, who will serve during deliberation on articles where the Moderator has a conflict of interest or if the Moderator is otherwise unavailable.

Following Article 2, the meeting normally takes up the articles in the order listed in the Warrant unless otherwise voted by Town Meeting.

On certain special occasions, which do not fall within the scope of the articles on the Warrant, the Town Meeting may go into recess. An example is when citizens are honored or thanked for their public service or when a board or committee asks for time to caucus in order to arrive at a position on a motion under consideration.

A session of Town Meeting is frequently voted into recess for the purpose of calling to order a Special Town Meeting for which a separate Warrant has been issued. When the Warrant for the Special Town Meeting is completed, that meeting is dissolved and the main Town Meeting is resumed.

Speaking at Town Meeting and Rules of Debate

No one may speak without first being recognized by the Moderator. Each speaker always addresses the Moderator, and all questions are likewise addressed through this official. For example, "Madam/Mr. Moderator, through you may I ask the Selectmen ...?"

Although any citizen may seek to be recognized by the Moderator to speak at Town Meeting, only Town Meeting Members are permitted to make motions and amendments and to vote on articles. Each time a Town Meeting member rises to speak, he or she should first address the Moderator and then give his or her name and precinct. Board and committee members should give their names and their board or committee affiliation. Citizens should state their name and address before proceeding with their remarks.

All speakers are asked to use a microphone. There are three microphones on the floor for the Town Meeting Members’ remarks labeled “Yes”, “No”, and “?” (Question), and an additional microphone in the balcony for other citizens. Those making motions, presentations, or amendments should use the presenter’s microphone at the front of the hall.

Town Meeting in Lexington

According to the Town Bylaws, no person may speak more than ten minutes at any one time without being recognized again by the Moderator. However, the moderator has the discretion to reduce this time limit. In current practice, presenters and reporting boards/committees are limited to 10 or fewer minutes, although complicated zoning presentations or major budget presentations may be allowed a maximum of 20 minutes. During debate, responding speakers are limited to no more than three minutes, and questions to no more than two minutes. These restrictions were put in place in consultation with the Town Meeting Members Association.

No member may speak more than twice on any issue, except to correct a mistake or to answer a question, without first obtaining permission of the meeting. In addition, a speaker must wait until all others who wish to speak have been called upon before speaking a second time. If, however, a motion contains distinct sections dealing with dissimilar subjects which are discussed and amended separately (as in the Operating Budget) the rule of speaking only once applies to each new section and not to the entire motion. Speaking to an amendment does not count as time toward speaking to the main motion. Remarks must be relevant to the subject under discussion. It is best to be concise and to limit remarks to points not made by previous speakers. A focused one-minute comment can be more effective than an all-encompassing, and possibly redundant, review. Questions to boards and committees should, whenever possible, be submitted in writing prior to debate on an article. During debate, questions should be asked one at a time, and the answer listened to, before going on to the next question. Answers to questions are not deducted from the time remaining to the questioner.

Personal attacks on individuals, committees, or citizen groups are not allowed. Applause and demonstrations of approval or disapproval are not permitted. All members shall, at the request of the Moderator, be silent.

Interrupting a speaker is only permitted for:

- A point of order -- a member questions a procedure (upon which the Moderator then rules)
- Serving notice of reconsideration of an article which has been previously voted on
- A privileged motion which may be to question the presence of a quorum, to recess, adjourn, dissolve, or a question of privilege (for instance, the microphones need to be adjusted so speakers can be heard)

The Moderator asks, "For what purpose does the Member rise?" The Member replies, for example, "For a point of order, Madam/Mr. Moderator." The Moderator says, "The member will state his (her) point of order." Having heard the point, the Moderator rules on the question. Then the interrupted speaker continues or is requested to reserve further remarks if they have been ruled out of order.

Any citizen may speak at Town Meeting under the same time limits as Town Meeting Members. Those citizens wishing to be heard should notify the Moderator in advance, but it is perfectly proper, if no one has the floor, to stand and seek to be recognized by saying, "Madam/Mr. Moderator." The Moderator is available for consultation for anyone seeking to participate.

Main Motions

All discussion of Article topics first requires a **main motion** offered by a Town Meeting Member. The motion asks for a specific, detailed action on an Article in the Warrant. Warrant

Town Meeting in Lexington

articles are typically written to allow for a reasonably broad range of discussion, giving Town Meeting the flexibility it needs to complete its work. The motion may not propose anything that falls outside the scope of what's described in the Warrant. The motion includes all necessary details to delineate the proposed action. If funding is requested, the amounts and sources of all necessary funds will be specified in the main motion.

The text of a main motion is ideally available for review in advance, but may not be available until the session in which it is considered. Printed copies of motions are provided to all Members and are among the documents distributed at the TMMMA information tables outside the main hall. Occasionally a main motion that was previously distributed will be revised, so always be sure you have the latest version. A main motion may be amended during deliberation. (See later section on subsidiary motions, which includes a discussion of amendments.)

The Moderator introduces an Article by name, and states: "The motion is the one before you dated ... and on file with the Town Clerk." The text of the main motion is projected on a screen at the front of the hall. The Moderator recognizes the proposing member, who then states: "I so move." No second is required.

Additional information about preparing a main motion is available in the section "How to Prepare a Motion for Town Meeting."

Town Meeting in Lexington

Subsidiary Motions

In addition to main motions, Members may make other types of motions in order to affect the process of debate. Debate on a subsidiary motion is limited to ten minutes, and a person may speak only once for no longer than three minutes. If the subsidiary motion is an amendment, however, debate may continue for thirty minutes unless changed by vote of Town Meeting.

The following table summarizes the various kinds of motions and the precedence each receives. The table has been modified for Lexington's practice from *Town Meeting Time* by Johnson, Trustman & Wadsworth, and published by the Massachusetts Moderators Association, as amended.

Parliamentary Motion Guide

Rank	Motions (by type)	Debatable	Amendable	May Reconsider	May Interrupt
	Privileged Motions				
1	Dissolve or adjourn sine die	No	No	No	Yes
2	Adjourn to a fixed time or recess	Yes	Yes	No	Yes
3	Point of no quorum	No	No	No	Yes
4	Fix the time to (or at) which to adjourn	Yes	Yes	Yes	Yes
5	Questions of privilege	No	No	No	Yes
	Subsidiary Motions				
6	Lay on the table	No	No	No	No
7	Move the previous question	No	No	No	No
8	Close debate at a specified time	Yes	Yes	No	No
9	Postpone to a time certain	Yes	Yes	Yes	No
10	Commit or refer	Yes	Yes	Yes	No
11	Amend (or substitute)	Yes	Yes	Yes	No
12	Postpone indefinitely	Yes	Yes	Yes	No
	Incidental Motions				
<i>Note i</i>	Point of order	No	No	No	Yes
	Division of a question	Yes	Yes	No	No *
	Separate consideration	Yes	Yes	No	No
	Fix the method of recording the vote	No	Yes	Yes	No
	Withdraw or modify a motion	No	No	No	No
	Waive limitations of § 15, art. V, i.e. speak more than twice or longer than 10 minutes	No	No	No	No
	Main Motions				
None	Main Motion	Yes	Yes	Yes	No
<i>Note ii</i>	Reconsider or rescind	<i>Note ii</i>	No	No	No
None	Take from the table	No	No	No	No
None	Advance an Article	Yes	Yes	Yes	No

Note i: Same rank as the motion out of which they arise.

Note ii: Same rank and debatable to the same extent as the motion being reconsidered.

* If the Moderator deems it appropriate, or at the request of 25 members

Town Meeting in Lexington

Additional explanation of some of the subsidiary motions are noted below:

The following **incidental motions** are in order at any time and are not subject to debate: to **waive the limitations on speaking** (more than twice or more than ten minutes), to **dissolve the meeting**, and to **have the vote be recorded** (by electronic vote, roll call vote or written ballot). The latter motion must be made *before* the voting begins.

To **lay upon the table** means to adjourn debate on the question to such time as a member moves to **take from the table** and debate resumes. These motions are not debatable.

To **move the previous question** is also not debatable. If the majority is in favor, debate ends, except for the three minutes allowed to the maker of the main motion or amendment.

To **close the debate at a specified time** sets a limit to the length of debate. To date this has been used rarely in Lexington.

To **postpone to a time certain** is to postpone action until a specified time or until a specific article has been acted upon. This is used to provide time for gathering further information or to delay action on a question.

To **commit**, or **re-commit**, or **refer** sends the article to a specified Town board, commission, or committee for further consideration, usually with directions to report to a future session of the meeting or to a future Town Meeting.

A motion that is susceptible to **division** may be divided if the Moderator deems it best or 25 members present so request. It means that a vote can be taken on each part separately.

To **amend** is to change the main motion in some way. The amendment may not exceed the scope of the article. Amendments must be submitted, in writing, in triplicate, to the Town Clerk. The Moderator, Town Counsel, and the maker of the main motion should be given as much advance notice as possible. A Member proposing an amendment to a financial motion should, if possible, notify the Appropriation Committee and (if appropriate) the Capital Expenditures Committee and/or the Community Preservation Committee before the session to give these committees time to consider an opinion on the amendment. Likewise, amendments to Zoning motions should consult with the Planning Board as early as possible. Advance consultation with the Moderator can be extremely helpful, as he or she can suggest appropriate wording and the relevant boards/committees to notify. Copies of the amendments (unless spontaneously composed during debate) should be made available on the TMMA information table.

Debate on a **motion to amend** shall be thirty minutes unless changed by a vote of Town Meeting. No person may speak for more than three minutes nor more than once. A simple majority vote carries an amendment, whereupon it becomes part of the main motion and debate resumes on the main motion as amended. If the amendment fails, discussion reverts to the main motion.

A **substitute motion** is an amendment that replaces the entire original motion. When there are two or more competing motions dealing with numbers, amounts of money, or lengths of time, the Town Meeting must vote first on the largest number, the greatest amount, or the longest time. Only if the largest figure is defeated can the meeting vote on a lesser figure.

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 sponsors when they have decided not to bring the matter before the meeting after all.

Town Meeting in Lexington

The motions to **table**, to **take from the table**, and to **move the previous question** are valid only if there are no introductory or concluding remarks made with the motion.

Moving the previous question is used to end the debate. The previous question may be moved on the main motion alone, an amendment alone, or on the main motion and any pending amendments. *For a valid motion, the speaker may only say, "I move the previous question." Introductory and/or concluding remarks are out of order and will invalidate the motion.* The Moderator then says, "Shall the question now be put?" A vote in favor will terminate debate, and the speaker who offered the main motion or the amendment on which the previous question was voted has three minutes to speak that may be used, refused, or relinquished to another member. If the question is voted on the main motion and amendment together, the makers of both the amendment and the main motion each have three minutes to speak, after which the question is voted upon. Alternatively one can move to close debate at a specified time, a motion which, unlike moving the previous question, is debatable.

Voting

The **quorum** for transaction of Town Meeting business is 100 members. The presence of a quorum is assumed, and all votes are 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.

All subsidiary motions and most main motions require a simple majority vote for passage. However, a two-thirds vote is required to authorize the Town to take land by eminent domain, to change the zoning bylaw, and to authorize a bond issue.

In 2014 the Town acquired an electronic vote recording system and adopted a set of operating rules for its use. Modifications to these rules may be suggested by the moderator but must be ratified by two-thirds vote of Town Meeting.

At check-in, each Town Meeting Member is issued a numbered, labeled hand-held device and will use that same device for the duration of Town Meeting. However, a Town Meeting member may report any malfunction by rising to a point of personal privilege, and will be issued a replacement device if necessary.

Votes may be taken electronically at the discretion of the Moderator or at the request of 20 Members who rise for the purpose. In practice, voice votes are used for procedural motions such as receiving reports, adjournment and taking articles out of order; electronic votes are used for all other substantive main motions and amendments. In either case, Town Meeting Members must vote from their seats, either with their precinct or their board or committee.

When an electronic vote is called for, a countdown clock is displayed on the projection screen, and Town Meeting Members must vote during the indicated voting period by pressing 1 for *Yes*, 2 for *No*, or 3 to *Abstain*. One's vote may be revised by pressing a different number at any time before the countdown clock expires. At the end of the voting period, the projection screen will display, by precinct and in alphabetical order, the vote recorded for each member. Members can thus verify that their votes registered correctly, and issue challenges if either their vote appears incorrect or if it appears that someone voted who is not present. The recorded votes of each Town Meeting session will be published on the Town's website within 24 hours.

Town Meeting in Lexington

Members must keep their voting devices with them at all time during a session and must never use a voting device other than their own. At the end of each session of Town Meeting, *members must return their voting devices* to the designated checkers.

While the by-laws still provide for standing votes and roll-call votes, it is expected that unless significant problems develop with the electronic system, those methods will be functionally replaced by electronic vote recording.

The following paragraphs describe the voting procedure if, for any reason, electronic voting is not used.

A **voice vote** is called first. The Moderator announces, “The ayes have it,” or “The nays have it,” and the Town Clerk records the vote. A **standing vote** is called if the Moderator is in doubt, or if 20 members question the Moderator’s interpretation of the voice vote for a motion requiring a majority vote or 7 members for a motion requiring a two-thirds vote. If a standing vote is called, tellers are used to count the vote in each precinct. The tellers are selected by the Moderator, who usually calls on the precinct clerks to report the count for their precinct to the Town Clerk. The Moderator calls for members to rise and remain standing until counted, first for “yes” and next for “no” votes. The Moderator announces the votes as they are reported from each precinct. The Town Clerk computes the totals and the Moderator announces the result.

A **recorded vote** may be requested by any member who must specify whether it is to be taken by a poll of the meeting (roll-call) or in writing. If 50 members agree, a recorded vote is ordered. In the case of a **roll-call vote**, the Town Clerk calls the name of each member, alphabetically by precinct. Members call out “Yes”, “No”, or “Abstain”, and the Clerk records each vote. The totals are added by the Town Clerk and announced by the Moderator. In the case of a **written vote**, 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 signed list constitutes the official vote of the meeting. In either case, the recorded votes must be posted in the Town Office Building within 24 hours of the vote and must remain posted for two weeks.

Reconsideration

Any member may serve **notice of reconsideration** (the intention to re-open debate and voting on an article). The notice of reconsideration must be given within 30 minutes of the vote on the article’s motion, at the same session of the meeting. The member says, “Madam/Mr. Moderator, I serve notice of reconsideration of Article ...”. The Moderator acknowledges this by announcing, “Notice of reconsideration is timely and duly noted”, and the Clerk records that fact and the time.

To ensure the budget is balanced when Town Meeting is dissolved, it must be possible to reconsider all financial and capital articles. In 2011, Town Meeting amended its bylaws to permit reconsideration without prior notice, for the purpose of balancing the budget.

Although the Moderator usually first allows the server of notice of reconsideration to make the actual motion if he or she chooses, any member who believes that new information might change the vote may make the motion. It has been a long-standing tradition that those who serve notice of reconsideration give advance notice at least one session before they plan to bring an article back for reconsideration.

Debate on a motion to reconsider is limited to 30 minutes, and while the bylaw specifies that no one may speak more than five minutes at one time or more than once without permission of the

Town Meeting in Lexington

meeting, as a practical matter, reconsideration debate is also subject to the moderator's three-minute rule. A vote on a motion to reconsider is not itself subject to reconsideration.

The vote on the following motions may not be reconsidered: to adjourn, for the previous question, to lay upon the table, to take from the table, and to close debate at a specified time. No question may be reconsidered more than once except that an article may be re-opened with a $\frac{2}{3}$ vote. Traditionally, this procedure has been used only to correct a technical error in the motion.

Adjournment

The Selectmen will customarily make the motion to adjourn, though any member may move adjournment. The motion to adjourn must include the date, time, and location of the next proposed session, and the motion is debatable. Occasionally, the Members will choose to remain long enough to take up one or two more articles by defeating the motion to adjourn.

Town Meeting Members are all volunteers and most have regular jobs. Many of them must sacrifice evenings with their family to participate in Town Meeting, and many have real time constraints due to the need for babysitters while they are considering the Town's business. Therefore, as a courtesy to Members, a motion to adjourn is usually made no later than 10:45 p.m. In respect of this goal, no article for which prolonged debate is anticipated should be brought up after 10:00 p.m., and no article of any magnitude should be brought up after 10:15 p.m.

Dissolution

When every article on the Warrant has been considered and disposed of, the Selectmen will make a motion to dissolve the meeting. Once that motion passes, the Moderator announces: "I hereby declare this meeting dissolved."

After Town Meeting is Dissolved

Referenda

Private citizens may still have “the last word” even after the close of Town Meeting. Certain actions of Town Meeting do not take effect until five days, exclusive of Sundays and holidays, after final dissolution of the meeting. During these five days, a petition for a referendum signed by not less than three percent of the registered voters may be filed with the Selectmen. If a petition contains the necessary valid signatures, the Selectmen must within 10 days set a date for a special election which must be held within 35 days. The right of referendum is limited to challenging an *affirmative vote* of Town Meeting.

Only certain types of Town Meeting actions are subject to a referendum:

1. A vote authorizing an expenditure of \$20,000 or more as a special appropriation.
2. A vote establishing a new board or office or abolishing an old board or office or merging two or more boards or offices; a vote fixing the term of office of Town officers where such term is optional, or changing the number of members of a board.
3. A vote to adopt or amend a Town by-law.

A vote of Town Meeting cannot be overturned unless a majority of the people voting in the referendum vote to do so, and this majority must comprise at least 20 percent of the registered voters of the Town.

Proposition 2½ and Overrides

The statute MGL Chap. 59, Sec. 21C, commonly known as Proposition 2½, limits the total annual tax levy to be at or below the Town’s **levy limit**, and establishes the annual increase in the levy limit to be the sum of the current fiscal year’s “new growth” plus 2.5% of the previous year’s levy limit. “New growth” is comprised of the assessed value of property added to the tax rolls and property which has had an increase in its assessed valuation over the prior year’s valuation, other than as part of a general revaluation. Note that the levy limit continues to grow according to the Proposition 2½ formula, independent of the actual tax levy set by municipal government. The difference, if any, between the levy limit and the tax levy is known as “excess levy capacity”.

Operating Budget Overrides

The citizens may vote to **override** the annual growth limit of 2.5%, allowing a larger increase in the levy limit. The amount of the override is then added to the current levy limit to establish a new levy limit. This becomes the new base on which the 2.5% increase is calculated for the following fiscal year.

If Town Meeting votes funds contingent on an override for the operating budget and a majority of the Selectmen vote to hold an override vote, then an override election is held. The question to be placed on the ballot must state the purpose of the override and the dollar amount. To pass an override requires a majority vote of approval. The Town’s tax levy limit will be permanently

Town Meeting in Lexington

increased by the override amount if the override is approved. Once the levy limit has been raised, the Town is free to set the tax levy to any amount at or below the new levy limit.

Note that the Selectmen have the sole power, by a majority vote, to call for an override vote. The vote may be called before or after Town Meeting. It should be noted that even though a Town Meeting may vote funds contingent on an override, if the Selectmen do not vote to hold the override vote, then the appropriations in the articles revert to the non-contingency values.

Debt Exclusions

A **debt exclusion** is an authorization to set the tax levy higher than the levy limit in order to cover the cost of a specific project. A super-majority (four of five) of the Selectmen must first vote to place a debt exclusion question on the ballot for an upcoming election, and the question must then be approved by a majority of the citizens. By state law, the wording of a debt exclusion question may not specify a dollar amount.

The Town's levy limit is not increased by a successful debt exclusion, but the Town may set a total tax levy above the levy limit until the specified project is fully funded.

The additional funds are typically used to cover debt service on bonds issued for the specified project. This is referred to as "**excluded debt service**" because it is excluded from the standard Proposition 2½ limits.

In concert with a debt exclusion referendum, Town Meeting must also appropriate funds for the specific project. This appropriation will be contingent on a successful debt exclusion referendum, unless the necessary referendum has already been approved by the citizens. As with all motions that involve issuing bonds, the appropriation requires a two-thirds vote of Town Meeting.

In summary, voters in a debt exclusion referendum decide whether to allow a tax levy in excess of the levy limit for a specific purpose, and Town Meeting approves the actual amount that may be spent for that purpose. Note that, depending on the project, the debt may be incurred in one or more stages, and this will impact the amount and timing of the corresponding debt service.

Finances

One of the primary functions of the Town Meeting is the appropriation of money from various sources for the operation of the Town. The primary funding sources are property taxes, borrowing, enterprise funds, state aid, stabilization funds, and other revenues. Funds for the fiscal year can be appropriated only by vote of the Town Meeting. The fiscal year begins on July 1 following the Annual Town Meeting and ends June 30 of the following year.

One of the articles on the Warrant of the Annual Town Meeting is the operating budget of the Town. This budget includes personnel services (salaries of all Town employees, including school personnel) and expenses (supplies, energy, postage, etc.) for all departments of the Town. It also includes the cost of the Town's debt service and funding for the Town's pension system.

Components of the operating budget of the Town are listed as separate line items. A separate vote is taken on a line item if a motion is made to amend, delete, or postpone it or if it is divided into a separate main motion. After each line item has been read, the operating budget is voted as a whole.

Other financial articles on the Warrant may involve funds for special projects or capital projects involving major or unusual expenditures.

The Budget Process

This section describes the process by which Lexington's annual operating budget is developed and prepared for presentation to the Annual Town Meeting, where it may be modified by a vote of the Town Meeting.

The process of developing the financial requests which lead to the annual operating budget involves the simultaneous efforts of a number of elected and appointed Town officials. The timetable and regulations for development of the annual Town budget are specified in the Selectmen-Town Manager Act (Chapter 753 of the Acts of 1968, amended). All boards, departments, committees, commissions and officers of the Town (except the school department) annually prepare and submit budget requests for the following fiscal year to the Town Manager. A detailed estimate of capital expenditures for the next five years must also be submitted to the Manager, as well as to the Capital Expenditures Committee.

At the Town Manager's request the School Committee must submit a total budget estimate for the following fiscal year. The Superintendent of Schools, in consultation with staff, prepares a budget and submits it to the School Committee, which then prepares its proposed school budget. State law requires that the School Committee hold a public hearing on its proposed budget. The Lexington Public School budget then appears as a single line item to be voted as part of the annual Town operating budget. Lexington's assessment for the Minuteman Regional High School appears as a separate line item.

The Town Manager prepares the annual budget for the Town based on these requests. The proposed budget, along with the original requests on which the recommendations are based, is submitted to the Board of Selectmen for its consideration. The Town Manager must also include his estimate of the School budget and of the expected tax rate for the following fiscal year.

Meetings are scheduled with the Selectmen and the Town Manager for those departments or organizations making the requests. Recently the Appropriation Committee and, when appropriate, the Capital Expenditures Committee have been included in these meetings so that all who must report their final recommendations to the Town Meeting can ask questions at the same meeting.

A series of Budget Collaboration or "Summit" meetings consisting of the Selectmen, School Committee, Appropriations Committee, and Capital Expenditures Committee also precedes the submitting of the budget to Town Meeting.

The Appropriation Committee has the responsibility to make recommendations to the Town Meeting on all funding questions. Members of the Appropriation Committee attend meetings of various Town bodies likely to have articles on the Warrant requesting money, in order to keep the full Appropriation Committee informed and prepared to analyze and evaluate the requests to be made at Town Meeting. The Appropriation Committee publishes its recommendations to the Town, providing the Selectmen's budget figures and identifying those items on which it disagrees with the recommendations of the Selectmen. As additional information becomes available the report may be frequently updated and supplemented before and during the Annual Town Meeting.

The Capital Expenditures Committee has the responsibility to review capital requests that are submitted to it in order to make a five-year projection of capital expenses for the Town. Capital

Town Meeting in Lexington

expenses are those that do not recur annually and whose benefits accrue to the Town over an extended period of time. Examples include sewer and street construction, building construction, public works equipment, and land acquisition. The Committee studies and evaluates all requested capital items. In addition, the Town Manager and the Board of Selectmen are required to submit a copy of the capital budget, together with their recommendations, to the Committee. The Committee then makes its own recommendations about the current capital items on the Warrant. These recommendations and estimates of anticipated future capital projects are included in the Annual Report of the Capital Expenditures Committee.

The Board of Selectmen makes the final decision about the form and presentation of department requests to the Town Meeting. The Board presents the budget articles at the Annual Town Meeting, except for the two school budgets. The Lexington School budget is presented by the School Committee, and Lexington's share of the Minuteman Regional High School budget is presented by Lexington's representative to the Minuteman School Committee. In its capacity as the Town's Board of Public Works, the Selectmen also present the articles proposed for the Department of Public Works.

After any article on the Warrant involving an appropriation of funds has been presented to the Town Meeting, the Appropriation Committee and/or the Capital Expenditures Committee are required to report their recommendations to the Town Meeting before a vote is taken. Any member of the Town Meeting may discuss or debate the article prior to the vote.

The Lexington school budget includes some items which are mandated by the Commonwealth, and yet are only partially funded or even completely unfunded by the Commonwealth. Assessments for those specified state services and mandates must be funded by the Town which results in new or additional local services or cost obligations over which the Town Meeting has little or no control.

Revenues

Over 80% of Town revenue is raised through residential and commercial property taxes.

Some local receipts come from fines, investment income, license fees, and excise taxes. Revenue from the School Department's fees for student athletics and bus transportation is also included in this category.

Enterprise funds have been created for water, wastewater, and recreation. These accounts are supported by user fees for a given service and do not depend on taxes for operating revenue.

The Commonwealth is another source of revenue for the Town. Significant state aid partially supports roads (Chapter 90), the school system (Chapter 70), along with various smaller grants. In most cases these funds do not completely offset the costs of these programs. The Commonwealth also makes payments in lieu of taxes for some tax-exempt property.

The federal government also contributes in a minor way to the Town's revenue through grants for specific purposes.

Borrowing

The Town engages in both short-term and long-term borrowing. Long-term loans (greater than one year) are usually secured with a bond to finance major Town projects such as the construction of buildings or sewers or the acquisition of real estate. An article for which

Town Meeting in Lexington

borrowing is proposed must be passed by at least two-thirds of the Town Meeting. Borrowing for major expenditures allows the cost of the project to be spread over several years.

Short-term loans are those which must be repaid within one year. Such loans are sometimes used to finance expenditures or purchases which will later be incorporated into a major long-term bond issue.

Reserve Fund

The **Reserve Fund** is appropriated by Town Meeting each year in an amount not to exceed 5% of the tax levy of the preceding year. Money in the Reserve Fund may be transferred by the Appropriation Committee to pay for “extraordinary or unforeseen expenditures” that arise during the year. Any amount left over at the end of the year becomes part of available funds, which may later be certified as “free cash”.

The **Overlay** account is a sum of money that is added by the Assessors to the total amount appropriated by Town Meeting before the tax rate is set in order to provide the Town a cushion against possible tax abatements. (Tax abatements are granted where exempt real estate or personal property has been assessed or where taxable real estate or personal property has been overvalued or disproportionately valued. The assessors may abate real estate and personal property taxes on broad grounds, including inability to pay, with the approval of the State Commissioner of Revenue.) Any amount left in the Overlay account after the tax accounts of the fiscal year are settled is transferred to the **Overlay Surplus Account**. The overlay surplus may be appropriated by Town Meeting for specific purposes.

Under Massachusetts law, an amount known as “free cash” (or, in Lexington, the **Unreserved Fund Balance**) is certified as of the beginning of each fiscal year by the State Bureau of Accounts. Together with certain subsequent tax receipts, free cash is used as the basis for appropriations by Town Meeting from available funds, which are not required to be included in the annual tax levy. Subject to certain adjustments, **free cash** is surplus revenue less uncollected and overdue property taxes from prior years.

In emergency situations the Board of Selectmen may make expenditures from available funds, but these are limited to matters of public health and safety and are subject to the approval of the Commonwealth.

Tax Rate

Each year the Assessors make a new estimate of the total assessed value of all taxable property in Town for the following fiscal year. They then calculate a uniform single tax rate based upon the appropriations voted by the Town Meeting, state assessments, and overlay. From this gross amount are deducted the estimated receipts from all sources.

The Selectmen then set both the residential and commercial real estate tax rates for the year at a Tax Classification Hearing where they decide how much of the tax burden, if any, will be shifted onto the commercial and industrial class of property.

The annual increase in real estate taxes is limited by law, which in turn limits the increase in the Town’s expenditures unless an override is voted. For more information, see the section titled “Proposition 2½ and Overrides”.

Fiscal Administration

The **Town Comptroller**, appointed by the Board of Selectmen for a three-year term, is responsible for maintaining the official accounting records for the entire Town including the school department. All payments for bills as well as the payrolls are prepared by the Comptroller's office.

The **Revenue Officer**, appointed by the Town Manager, manages the Town's bank accounts. The Revenue Officer collects and deposits receipts and pays the bills and salaries which have been processed by the Comptroller. The Revenue Officer decides where Town funds are deposited and may invest excess revenues pending their use for operating expenses. With the approval of the Selectmen, the Revenue Officer may incur short-term loans in anticipation of tax receipts, although Lexington has not borrowed in anticipation of real estate taxes in over twenty years. The Revenue Officer also acts for the Selectmen in the sale of Lexington's bonds.

The **Board of Assessors** is composed of three members appointed by the Town Manager for three-year terms. With the aid of a computerized database the Assessors assess the value of each parcel of property in Town and report the total value as of January 1 each year. This basic information is used in computing the tax rate. The Board of Assessors is responsible to the state Department of Revenue.

How to...

How to Run for Election

Any registered voter may run for election to Town Meeting. A new candidate must obtain nomination papers from the Town Clerk's office, which is in the Town Office Building, 1625 Massachusetts Avenue, on the first floor just opposite the main entrance. These papers must be signed by ten registered voters who live in the candidate's precinct. Precinct voters may sign papers for as many candidates as they wish. Papers must have valid signatures, that is, the signatures must correspond exactly to the names on the voting list with the correct address. To compensate for possible errors, it is recommended that one obtain at least fifteen signatures. These nomination papers must be submitted to the Board of Registrars at the Town Clerk's office at least 49 days before the election.

An incumbent Town Meeting Member may become a candidate for re-election by giving written notice thereof to the Town Clerk at least 56 days before Election Day. The Town Clerk issues a courtesy inquiry for Town Meeting Members to complete and return, indicating their intent to run for reelection. Incumbents do not have to file nomination papers if notification of their intent to run for office is submitted to the Town Clerk by the designated deadline.

How to Run a Campaign

Town Meeting candidates often create campaign flyers promoting themselves. Campaign literature should be signed with the name and address of a citizen, usually the candidate. Campaign literature may be distributed in public places. Door-to-door distribution of handbills or flyers is customary. Material placed in home mail boxes without postage affixed may result in substantial charges by the postal services. Posted signs on public property are illegal in Lexington. Political signs on private property are subject to the Town's sign bylaw.

Town Meeting in Lexington

Several weeks in advance of Election Day, the local newspapers, the *Lexington Minuteman* and *The Colonial Times*, print information about the Town-wide candidates. The Minuteman also publishes an election guide with each candidate's response to questions asked by the League of Women Voters.

The League of Women Voters usually sponsors a Candidates' Night one or two weeks before the election, at which Town Meeting candidates may present their views to the attending citizens from their precinct. Other organizations, such as neighborhood associations, sometimes hold similar meetings. Other groups may also solicit written statements from candidates on their positions on issues.

In addition to distributing flyers, candidates often hold campaign signs outside the polls. Campaigning within 150 feet of the entrance to a polling place on Election Day is illegal. Hand-held or car-top signs outside the 150-foot limit are common on Election Day.

How to Prepare an Article for the Warrant

An article may be placed in the Warrant by petition. For an annual Town Meeting ten registered voters must sign the petition. For a special Town Meeting 100 registered voters must sign the petition. To compensate for possible errors, it is recommended that more than the minimum number of signatures be obtained. The wording of an article for the Warrant should be carefully written to meet legal requirements while fulfilling the intent of the petition. Advice may be obtained from TMMA members and Town Counsel.

The article petition must be received at the Selectmen's Office before the closing date for the Warrant, usually in late December, as set by the Selectmen. It is helpful to have Town Counsel review language for any citizen-petitioned warrant article to ensure that the language accomplishes the article intent. The deadline set for a Special Town Meeting is at least one month before the first session of the meeting.

If the article requires the expenditure of money, a meeting should be scheduled with the Selectmen and the Appropriation Committee (and if a capital item, with the Capital Expenditures committee) before mid-January. If the article requires a public hearing, the appropriate board should be contacted far enough in advance to allow for the hearing and the required public notice for the hearing.

How to Prepare a Motion for Town Meeting

The draft of an article sponsor's motion should be submitted to the Moderator and Town Counsel well in advance of the first session of Town Meeting so that it can be reviewed for wording, legality, and scope. The final version of the motion will be printed by the Selectmen's Office for distribution to Town Meeting Members.

How to Become Informed

Preparation is an asset to effective participation. Considerable information can be obtained by reviewing available publications of the Town, by attending some meetings, and through discussions with members of the Town Meeting. Information may also be found on the TMMA website at <http://www.lexingtontmma.org/>.

Town Meeting in Lexington

Most relevant published information about the Town is available in the reference section of the Cary Library and on the Town's web page at <http://www.lexingtonma.gov/>. Some information can be examined or is for sale at the Town office building.

The **Annual Report** of the Town contains information about the Town, its boards and committees, and how it is operating. It provides the missions of the boards and committees and tells what each has been doing during the past year. It also lists members, and often includes photographs.

The Annual Report also summarizes the action of Town Meeting on the previous year's Warrant and provides information about Town income and expenditures.

Meetings of all Town boards and committees are open to the public. Notice of meetings of Town committees, such as the School Committee, Board of Selectmen, Planning Board, and Conservation Commission are posted in the Town Office Building opposite the Town Clerk's office and are published in the *Lexington Minuteman* newspaper and on the town's website. Reports of the Appropriation Committee, Capital Expenditures Committee, and Planning Board, as well as the Annual Report of the Town are available at Cary Library.

The Code of Lexington includes the Town's General Bylaws, which describe the structure of Town government and many basic laws and include the rules under which Town Meeting is conducted; the Zoning Bylaws, and Regulations. You can access the Code of Lexington via the Town website: <http://www.lexingtonma.gov/>

The Selectmen's Policy and Procedures Manual may be seen at the office of the Selectmen or the Town Manager. Other laws affecting Lexington such as the zoning by-laws, plumbing and building codes established by the state, and the state statutes, are referred to at the end of that manual.

The Selectmen-Town Manager Act (Chapter 753 of the Acts of 1968, amended) describes the governmental structure unique to Lexington.

Chapter 215, Acts of 1929, established and defines Lexington's representative Town Meeting and referendum process.

Public hearings required by law on Warrant articles are held preceding Town Meeting. Notices for these hearings are posted in the Town Office Building and are published in the *Lexington Minuteman* newspaper. During February and March, the Planning Board holds public hearings on all pertinent Warrant articles involving that board.

The Town Meeting Members Association (TMMA) usually holds public Warrant Information meetings between the election and the first deliberative session of Town Meeting. At these sessions, sponsors of the articles often provide additional information. A calendar of relevant events is distributed to all Town Meeting Members well in advance and is published in the local newspaper and the Warrant.

The TMMA also prepares a Warrant Information Report on the Warrant articles prior to Town Meeting. The TMMA usually sponsors a bus tour, generally on the Sunday before the first deliberative session, to visit sites and obtain additional information relevant to articles on the Warrant. The Tour also provides an opportunity to meet informally with other members of Town Meeting.

Town Meeting in Lexington

The TMMA maintains an email list for the discussion of Warrant articles and other issues affecting the Town. All Town Meeting Members, members of Town Committees and Town staff may join the list and post to it. The general public may read all of the posts on <https://groups.google.com/d/forum/1extmma>.

How to Resign from Town Meeting

A Town Meeting member resigns by filing a written notice of resignation with the Town Clerk. Resignation is effective as of the date of filing. A formal letter of resignation is required so that the vacancy can be filled in accordance with Lexington's Representative Town Meeting Act – Chapter 215, Acts of 1929, identifying when unsuccessful candidates for election qualify and when a vote of the precinct members is required. Typically, vacancies are filled from the list of unsuccessful candidates at the most recent election, in descending order of votes received. If there is no “candidate in waiting”, or if there is a tie, the vacancy is filled by nomination and vote of the Town Meeting Members of the precinct.

Town Meeting Members Association

All Town Meeting Members are ex officio members of the Town Meeting Members Association (TMMA). The goal of this organization is to establish the factual basis necessary for intelligent decisions and to assist in other constructive ways in the government of Lexington. Not an official Town body, it is a private volunteer group operating under its own by-laws and supported primarily by annual dues. The members from each precinct annually select three precinct officers, Chair, Vice-Chair, and Clerk. These 27 people, together with the six Town-wide TMMA officers, compose the executive committee of the association. The six Town-wide officers of the TMMA (Chair, Vice-Chair, Secretary, Treasurer, webmaster, and Communications Officer) are elected at the annual meeting of the TMMA, which is usually held just before one of the Warrant Information Meetings.

Activities of the TMMA include preparation of the Warrant Information Report and the sponsorship of several Warrant Information Meetings which are open to the public as well as to the TMMA membership. Just before each Town Meeting, the organization sponsors a bus tour for its members of sites particularly affected by the Warrant articles. TMMA sponsors its own website at <http://www.lexingtontmma.org/>. The TMMA also supports an e-mail list that provides information and a forum for extended discussion of Town Government issues year round.

The TMMA email list is available on a website (see above) that is readable by anyone. However, only Town Meeting Members and members of various committees can post to it. The TMMA has established a mail-forwarding system that allows residents to communicate by email with their Town Meeting members, but does not expose the Members' actual email addresses. The TMMA website <http://www.lexingtontmma.org/> lists "email names" for Town Meeting Members. Appending "@lexingtontmma.org" to an email name produces an email address for the member, for example: `edith.sandy@lexingtontmma.org`

The TMMA Executive Committee usually meets on the second Wednesday of each month in the Town Office Building or Cary Memorial Building, at 7:30 p.m. There are no meetings when Town Meeting is in session and during the months of July and August. The Executive Committee plans and schedules the TMMA activities, hears reports from subcommittees, hears updates on budget and other Town matters from Town officials and others with relevant expertise, and discusses recommendations for improvements in the operation of local government. It also controls the disbursement of TMMA funds for the TMMA activities, such as the information booklet and bus tour. All Town Meeting Members are invited to attend and participate in these meetings on a non-voting basis. The Executive Committee Members receive copies of the minutes of these monthly meetings.

Ethics

Elected Town Meeting Members are not covered by the Massachusetts Conflict of Interest Laws in G. L. Chapter 268A, which covers all other municipal employees and elected officials. The exclusion of elected Town Meeting Members is because of their special status as elected “voters” rather than elected officials. They have been elected to exercise the right to vote on Town matters. Town Meeting adopted the following non-binding conflict of interest resolution under Article 81, April 2, 1976:

Resolved that the Town Meeting Member 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 organizations with whom he is negotiating or has any arrangement concerning prospective employment has any economic interest in the particular matter under consideration.

This resolution constitutes a moral obligation on the part of all Town Meeting Members. It is neither a regulation nor a part of the Town’s General By-laws. It does not have the force of law and is thus not enforceable. In practice, some Town Meeting Members notify the Town Clerk in writing of their intentions to abstain from voting on certain articles because of possible conflict of interest, and the Moderator so reports to the meeting at the time the votes are taken on such articles. Other members rise and state their intentions at the time of debate. The resolution had been preceded by a set of recommendations made by an *ad hoc* TMMA committee, which suggested the following Code of Ethics, which was adopted by the Association on June 9, 1971.

Code of Ethics

1. Any person who is employed in any capacity (e.g., attorney, architect, broker, etc.) by another interested in the article under discussion should disclose his or her employment and relationship before speaking.
2. Any person who has a financial interest in the article under discussion should disclose his financial interest before speaking thereon.
3. Any person who is the spouse, parent, child, brother or sister of a person who has a financial interest in the article under discussion should disclose such relationship before speaking thereon.
4. Any Town Meeting Member who is referred to in the above paragraphs 1, 2, or 3 should consider a voluntary abstention from voting on the article in question. Notification of such abstention should, if possible, be given to the Moderator in writing before the session in which the article is considered, but at least before debate on the article.

Index

A

Acts of 1929	22
amendment	11
Annual Report	22
Appropriation Committee	3
Responsibilities	17
Article 2	7

B

Board of Assessors.....	20
Board of Public Works.....	2
Board of Registrars	20
Board of Selectmen.....	2
Bonding.....	18
Borrowing	18
Budget Process.....	17

C

Campaign literature.....	20
Candidates' Night	21
Capital budget	3
Capital Expenditures Committee	3
Responsibilities	17
Capital expenses.....	18
Code of Ethics.....	25
Community Preservation Committee....	3
Comptroller	20
Conflict of Interest Laws	25
Conservation Commission	3

D

Debate	
rules of	7
time limits	8
Debt exclusion	16
Dissolution	14
Distribution of handbills or flyers.....	20

E

Enterprise funds	18
Ethics.....	25
Expenditures	18

F

Finances	16
Fiscal Administration.....	20
Fiscal year	16
Funding sources	16

H

Housing Authority	4
How to	
Resign from Town Meeting	23
Run a Campaign.....	20
Run for Election.....	20

I

incidental motions.....	11
Interrupting a speaker	8

L

LexHAB	4
Local receipts	18

M

Main Motions.....	8
microphone	7
Minuteman Regional High School.....	18
Moderator.....	2
Motion to	
Adjourn	14
Amend.....	11
Close the debate at a specified time	11
Commit	11
Lay upon the table.....	11
Move the previous question	11, 12
Postpone indefinitely	11
Postpone to a time certain.....	11
Re-commit.....	11
Refer.....	11
Table	12
Take from the table	11, 12

Motions

Dividing	11
Moving the previous question.....	12

Index

<i>N</i>		Substitute motion	11
Nomination papers	20	<i>T</i>	
Notice of reconsideration	13	Tax rate	19
<i>O</i>		TMMA	24
Operating budget.....	16	Bus tour.....	22
Overlay.....	19	Executive Committee.....	24
Overlay Surplus Account.....	19	Warrant Information Meetings	22
Override	15	Warrant Information Report	22
<i>P</i>		Town Clerk	2
Planning Board.....	4	Town Counsel	2
Public hearings.....	22	Town Manager	3
Political signs	20	Budget proposal	17
Proposition 2½.....	15	Town Meeting	
Public hearings.....	22	Call to order	7
Public Works.....	18	Opening.....	7
<i>Q</i>		Participants.....	2
Quorum	12	Procedures.....	6
<i>R</i>		Purpose.....	6
Reconsideration.....	13	Rules of order.....	6
Recorded vote	13	Speaking at.....	7
Recreation Committee	4	Special.....	21
Referendum.....	15	Visitors at.....	4
Actions subject to.....	15	When and Where.....	5
Refreshments.....	6	Town Meeting Members Association.	24
Registered Voters.....	4	Town web page.....	22
Report of the Capital Expenditures		<i>V</i>	
Committee.....	18	Voice vote	13
Reserve Fund	19	Votes	
Resigning from Town Meeting.....	23	Recorded vote	13
Revenue Officer	20	Roll-call vote.....	13
Revenues	18	Voice vote	13
Roll-call vote.....	13	Written vote	13
<i>S</i>		<i>W</i>	
School Budget.....	17	Warrant	4
School Committee.....	3	Closing date	21
Selectmen’s Policy and Procedures		Information Meetings.....	22
Manual	22	Order of articles	5
Selectmen-Town Manager Act	22	Warrant Article	
Speaking Guidelines	8	By petition.....	21
Subsidiary motions		Warrant Articles	
Order of precedence	11	Order of consideration	7
		Warrant Information Report	22
		Written vote	13