

TOWN OF BECKET

Minutes

Town Meeting ByLaw Review Committee

1/14/2013

(APPROVED 2/11/13)

Members Present: Bruce Garlow (Chair), Rob Gorden, Ann Krawet, Jeanne Pryor

The meeting began at 1:00 p.m. It was moved and seconded to approve the minutes of 12/04/12 and the motion passed unanimously.

The committee reviewed and discussed “Bylaws from Other Towns Master List” and indicated with a Y (yes) or N (no) as to whether or not the item, with possible changes in wording, should be included in the Committee’s proposed bylaw changes. The list below notes the result of the review and relevant comments in bold.

SCHEDULING

Y 1-No Town Board, Committee, Commission, Department, or Officer shall hold a meeting on any date that a Town, State, or Federal Election is being held. No Town Board, Committee, Commission, Department, or Officer shall hold a meeting outside of Town Meeting while a Town Meeting is in session **[wording]**

NOTIFICATION BEFORE AND AFTER MEETING

Y 1-The Constable or other person duly appointed to serve the warrant for a Town Meeting or Election shall, within twenty-four (24) hours, deliver to the Town Clerk the original warrant with his return endorsed thereon stating fully the manner in which he served the same.

N 2-Seven days before Town Meeting a post card is to be mailed to all residents as a reminder that the Town Report is on the Website and to request in writing if you would like a Town Report mailed to you. **[combine with mailing info below]**

N 3-The Town voted to direct the Select Board to mail the Warrants for all Annual and Special Town Meetings to all registered voter households of the Town by the cheapest mailing through the U.S. Post Office, and to set aside monies for this mailing by means of a separate line item in the Town’s budget.

Y 4-It shall be the duty of the Town Clerk ~~immediately~~ **within 30 days** after every Town Meeting to furnish the **Town Administrator, Treasurer,** Town Accountant, Board of Assessors, Board of Selectmen and Finance Committee with a ~~statement of all monies~~ **certified copy of the minutes of the Town Meeting noting the funds** appropriated by the Town at such meeting, and of the purposes for which monies were respectively appropriated.

Y 5-Distribution. The Board of Selectmen shall cause a ~~copy of the articles in the warrant~~ **press release notifying voters of the meeting** for each Town Meeting to be published in a newspaper of general circulation within the Town. ~~to be~~ **The warrant shall be** posted on the Town website, and to be delivered ~~in~~ **by** hand, or mailed, either separately or as a part of the Combined Reports, to the Moderator and to the representative Town Meeting members, and shall cause the posting of copies of the same in ten public places in the Town, **to all voters.** at least seven (7) days before a Special Town Meeting is to convene and at least fifteen (15) days before an Annual Town Meeting is to convene. [The requirements provided in this subsection (B) shall not be deemed to be a part of the legal notification of such meeting or the legal service of such warrant and the failure to comply with the provisions of this subsection (B) shall not serve to invalidate the proceedings of any Town Meeting. leave this section in]

Y 6-Require the Selectmen to ascertain availability of Moderator and Town Clerk before scheduling STM.

ARTICLES AND PETITIONS

1-All petitions to call a Special Town Meeting or to insert a subject in the Warrant for any Annual or Special Town Meeting shall be submitted on a form meeting the following requirements:

Y HYPERLINK "<http://www.ecode360.com/15616086>" \l "16121485" (a) The subject to be inserted in the Warrant shall be prepared by the petitioner(s) and shall appear on the front page of each petition. If space is insufficient the text shall begin on the front page of each petition and be continued on additional pages to be attached to each petition before signatures are gathered.

Y HYPERLINK "<http://www.ecode360.com/15616086>" \l "16121486" (b) Each petition shall include boxes for the gathering of signatures, with residence, street and number, of registered voters of the Town of Andover on the front and/or the back of the petition. Separate signature pages shall not be accepted for filing, nor shall they be stapled or otherwise attached to a petition. All signatures submitted for certification must appear on the petition with the text of the subject to be inserted in the Warrant. The petitioner(s) may submit as many petitions as necessary to meet the required number of signatures.

Y HYPERLINK "<http://www.ecode360.com/15616086>" \l "16121487" (c) The Town Clerk shall prepare and make available to the public petition forms meeting the minimum requirements of this bylaw

[For a, b and c above, Bruce will incorporate into existing bylaw language.]

Y 2- All petitioned articles, when received by the Board of Selectmen, shall be referred to the Town Clerk and Registrars of Voters for checking as to the correctness of signatures.

Y 3- Sponsor of Articles. Each article submitted to the town meeting for vote shall at the conclusion thereof state the identity of its sponsor. In the case of a town board or committee: its name shall be so stated, in the case of a town official: his or her name and title or position shall be so stated, in the case of a private petition on behalf of a firm, organization or other entity: its name shall be stated: and in all other cases: the first signatory to the petition shall be considered the sponsor thereof. **[wording]**

N 4-There shall be filed with each Article intended for the Warrant a brief statement or explanation by the proponent. The Selectmen shall prepare a report on the Articles in the Warrant to be included in the combined reports described in Section 2.5.2. An Article submitted by the Board of Selectmen, or other Town Board, Commission or Department, shall be deemed to be incomplete and not acceptable for insertion in the Warrant unless all plans, specifications and estimates and other supporting data necessary for its consideration by Town Meeting, as well as the explanation of the purpose of the Article, are submitted prior to said deadlines. The insertion of such an Article in the Warrant by the Board of Selectmen shall be conclusive evidence of compliance with the condition set forth in the preceding sentence.

Y Committee should deal with article explanations for voters so that they are more complete.

N 5-Petitioned articles dealing with appropriations must first be filed with affected department

N 6-The Warrant for the Annual Town Meeting shall include an Article providing the opportunity to terminate and close out accounts for special appropriations of prior years that were authorized at a Town Meeting beginning 22 or more months before the start of said Annual Town Meeting. The requirements of sections 2.1.2 through 2.1.4, inclusive, may be waived when the Selectmen determine that emergency conditions, or a situation requiring immediate action or the provisions of any general or special law require such a waiver.

Y 7-The Warrant for that part of the Annual Town Meeting for the transaction of business shall close for the acceptance of petitioned Articles on ~~March~~ **April 1**, and for all Articles as determined by the Board of Selectmen. (Amended 5-17-2010)

N 8-All petitioned articles calling for an appropriation of money to be inserted in the Warrant shall be submitted to the Town department involved by the petitioners on or before November 15. The department shall examine the request contained in the article and submit a recommendation as to the feasibility of the project requested and the reasonableness of the price stated therein. Said recommendation, in writing, shall be attached to the petition and be returned to the sponsor within 10 days for filing with the Board of Selectmen. Failure to obtain the recommendation of the department in question through no fault of the petitioner shall not constitute a bar to the filing of such petition with the Selectmen.

N 9-The maker of any article requesting any change, deletion or addition to an existing bylaw or adoption of any existing state statute must furnish to town meeting, either by written handout or on the warrant, a copy of that portion of the law to which the amendment is being made.

N 10-Select Board or Town Administrator make sure petitioned article will affect what the petitioners actually wants; consult with town counsel? **[Note: Select Board considering Town Counsel policy]**

CHECKING IN VOTERS

Y 1-At all Town Meetings, the Board of Selectmen shall be directed to use a checklist of registered voters for admission of all persons to said meeting.

Y 2-Upon check in, voters shall be issued a voting card for that meeting which must be held up for all hand votes on articles, whenever a hand count is required. Only those voters holding cards shall be included in the count.

ATTENDANCE

Y 1-It shall be the duty of every official body, by a member thereof, to be in attendance at all Town Meetings for the information thereof while any subject matter is under consideration affecting such official body.

N 2-All boards and committees are to keep a record of attendance for all town meetings and make them available to the Board of Selectmen

N 3-Every town officer, or in the case of a multiple member body a designated representative of such multiple member body, the head of each department and the head of each division within the said departments shall attend all sessions of the town meeting for the purpose of providing the town meeting with information pertinent to matters appearing in the warrant. Any town officer, department head or division head who is to be absent due to illness or other reasonable cause, shall designate a deputy to attend to represent the office, department or division. If any person required to attend the sessions of town meeting under the preceding provisions of this section is not a voter such person shall, notwithstanding such fact, be entitled to speak to provide the town meeting with information on pertinent warrant articles.

STATE OF THE TOWN

N 1-The Selectmen shall, at each Annual Town Meeting, give to the members information on the "State of the Town."

[Suggestion that "state of the town" should be included by Select Board in Annual Report and be available for informational town meeting. Discussed possibility of regular STM at which bylaws were considered; budget items.]

POWER OF FINANCE COMMITTEE

Y 1-In preparation for town meeting, the (finance) committee shall have authority to summon before it for such information and investigation as it shall deem necessary, any of the Town officials and reports, for such examination considered by it necessary to the proper discharge of its duties.

RECONSIDERATION

N 1-A motion to be reconsidered must be made at the same or next immediate meeting that the Article is considered, the reconsideration to be taken up at the end of the warrant.

Y 2-A motion to reconsider any prior votes of town meeting shall not be accepted, except when, in the best judgment of the Moderator, a significant error or omission occurred in the language or process of the original action on the article, or a significant change of circumstances has occurred, such that there is a substantial likelihood that the outcome could change upon reconsideration or that reconsideration would be in the Town's best interest. Such errors, omission or change of circumstances shall be brought to the Moderator's attention as soon as they are known, and the Moderator shall determine if and when the matter will be taken up. The Moderator shall announce this decision to the Town Meeting. If the Moderator determines that the matter may be taken up pursuant to this Section, a ~~majority~~ **2/3** vote shall be necessary in order to proceed with reconsideration. **No motion shall be considered more than once.**

N 3-In conducting Town Meeting, when a motion for reconsideration is decided, that decision shall not be reconsidered and no question shall twice be reconsidered. No motion to reconsider a vote shall be in order after the meeting has been adjourned for any period of time subsequent to the passing of the vote which is sought to be reconsidered.

N 4-A vote shall be reconsidered only upon a motion by a voter who was present at the vote on the article in question. Any motion to reconsider a vote shall be made within 30 minutes of the time the result of that vote is announced. A vote of two-thirds of the voters present and voting is necessary in order to reconsider an article previously voted upon. No article can be moved for reconsideration more than once during any given town meeting. The result of a vote on a motion for reconsideration shall be final

N 5-The Moderator shall permit only one motion to reconsider any vote of the Town taken at the same meeting. Any subsequent motion for the reconsideration of the same vote shall not be received.

N 6-If a motion to reconsider shall be allowed by the Moderator, it shall require a two-thirds affirmative vote of those present and entitled to vote and voting upon the motion for reconsideration. No vote passed at any meeting shall be reconsidered at any adjournment thereof unless such reconsideration be ordered at the meeting at which it was adopted by two-thirds of

the voters present and voting upon such motion for reconsideration. No question shall be reconsidered more than once.

ETHICS

Y 1-The Moderator shall hold no other elective or appointive Town office **except serving on an ad hoc or special purpose committee.** (~~Would this apply to a standing or ad hoc committee? Check ethics for Moderator.~~)

Y 2-Any person having a monetary or equitable interest in any matter under discussion at any Town Meeting and any person employed by another having such an interest shall disclose the fact of his interest or employment before speaking thereon **[wording ?]**

N 3-The Moderator shall not appoint himself or herself to any board or committee in Town

N 4-Agents or attorneys paid for their appearances must identify themselves as such

N 5-Any person who is employed as an attorney (or agent) of another, interested in any matter under discussion at a town meeting, shall disclose the fact of his employment before speaking.

CONSENT CALENDAR

N 1-Moderator may establish consent calendar (put together 4 or 5 articles that are usually approved without debate in one article)

N 2-Before any Annual Town Meeting, the Moderator may select from the Warrant those articles which in the Moderator's judgment are likely to be adopted without debate and cause such articles and the motions to be made under each one to be published in a Consent Calendar. At least seven (7) days before the Annual meeting, the Moderator shall cause an adequate supply of copies of the Consent Calendar to be made available at the Town Hall, Library, Police Station, Fire Station and the Memorial School, and cause a copy to be published in a newspaper having a circulation in the Town. At an appropriate time in the Annual Meeting, the Moderator may announce consideration of the Consent Calendar. Notwithstanding the provisions of Sections 7 and 10 of this Article, a motion will then be in order to adopt the motions in the Consent Calendar without debate. After the motion is seconded, the Moderator shall recognize any voter for the purpose of holding any article in the Consent Calendar, and shall cause any such article to be deleted from the motion to adopt. When all requests for holds have been received, the Moderator shall put the motion as modified to a vote, without further debate. Adoption of the motion by unanimous vote shall constitute adoption of all the motions contained therein. Thereafter, all articles held, or if the motion to adopt is not voted unanimously, all articles in the Consent Calendar, shall be acted upon in accordance with the other provisions of this Article. A vote to adopt the Consent Calendar shall not be subject to reconsideration, but each motion contained in the Consent Calendar as adopted may be reconsidered individually in accordance with Section 15 of this Article.

APPEALS

N 1-Moderator rulings may not be appealed (see MGL 39:15; ~~needs further discussion~~)

Y 2-The Moderator **per MGL 39:15** shall preserve decorum and order and he shall decide all questions of order and he may make any ruling of parliamentary law without appeal.

WHO MAY SPEAK?

Y 1-Non-voters may speak at a town meeting only by permission of the Moderator and ~~with proper identification~~ **must identify themselves.**

CONDUCT OF VOTERS

Y 1-Every motion ~~shall address the Moderator, standing with uncovered head~~

Y 2- **and** all questions asked of any person shall be asked through the Moderator
[1 & 2 combined]

N 3-No one shall be allowed to stand up to the interruption of another, except for an incidental motion, or pass unnecessarily between the Moderator and the person

Y 4-Limits on number of times and length of remarks (i.e. the moderator may impose time limits)

N 5-No person's vote counted unless he/she is seated

N 6-Every person when about to speak shall rise, respectfully address the chair and wait until he is recognized by the Moderator, and in speaking he shall refrain from mentioning by name any other person present, shall confine himself to the question under consideration and avoid personalities.

Y 7- No person shall be counted who does not occupy a seat, provided that the tellers, under the direction of the Moderator, may count the voters of those who are unable to obtain seats.

MANNER OF VOTING

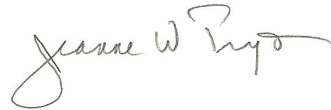
N 1-Manner of voting- show of hands is always done first (Each vote shall be by raised card vote.)

Y 2-”When a question is put, the sense of the meeting shall be determined by a show of **hands voter cards**, and the Moderator shall declare the vote as it appears to him”. **[add to Sec. 8]**
~~If the decision of the chair is doubted, or a division of the house is called for by seven or more voters, the Moderator shall request all persons in the house be seated, and may appoint tellers. The question shall then be distinctly stated, and those voting in the affirmative and negative respectively, shall raise one of their hands and hold it aloft until they have been counted by the Moderator or tellers.~~

The Committee will continue review of “Bylaws from Other Towns Master List” at the next meeting. Bruce is working on developing a list of other bylaws not found in other towns. Ann provided cost estimates for sound equipment from Cutting Edge Video, Inc. and Wood Brothers. Rob reported on the possible use of Scouts for babysitting and other tasks at town meeting. He spoke with Sally Ross and Bonnie Smith (Boy Scouts) and Kathy Defoe (Girl Scouts). The Committee discussed the possible use of the vocational transportation van, BRTA, or the town vehicle (Tahoe) for driving seniors to town meeting and/or polls. Obtaining volunteers to drive (i.e. Town Democratic Committee members) was also discussed.

The next meeting was scheduled for February 11, 2013, at 1:00 p.m. The meeting was adjourned at 3:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jeanne W. Pryor".

Jeanne W. Pryor

List of documents discussed and/or distributed at meeting:

1. Other Town Bylaws Master List, January 14, 2013
2. Cutting Edge Video, Inc., estimate #206, 1/2/2013
3. Wood Brothers estimate, email dated 1/8/13