

TOWN OF BECKET

Minutes  
Town Meeting ByLaw Review Committee  
10/21/13  
(APPROVED 12/2/13)

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

The meeting began at 1:00 p.m. Rob told committee members of his intention to resign from the Town Meeting ByLaw Review Committee as of this meeting. He would like to continue to attend our meetings when possible. The committee thanked him for his service.

Jeanne reported that she had reviewed the town records and found that the first Becket Town Meeting was held on July 15, 1765.

It was moved and seconded to approve the minutes of 9/16/13 and the motion passed unanimously.

Bruce noted that the proposed amended town meeting bylaw was discussed by the Finance Committee at their 10/17/13 meeting. They discussed Section 5E and requested the additions (underlined) as noted below.

**SECTION 5E.** The Finance Committee shall prepare for each Annual Town Meeting a report, to be delivered orally or in writing, that shall provide a succinct summary of the financial condition of the Town, including the amount available in free cash and the status of stabilization funds, the anticipated impact of the budget on the tax rate, reasons for its budget recommendations in the context of its fiscal policy, and an updated capital plan detailing estimated future major purchases and expenditures and the anticipated sources of funding for those purchases and expenditures.

The committee agreed that the Finance Committee changes would be included. Jeanne suggested that the online version of the proposed amended bylaw needs review for typographical errors.

Ann reported that she met with the town administrator and that he would follow up on the purchase of the public address system.

Bruce noted that we should discuss scheduling the required public hearing for the amended town meeting bylaw. The Town Administrator should be asked if there will be a Special Town Meeting prior to the 2014 Annual Town Meeting.

To accommodate Rob, the next meeting of the Town Meeting ByLaw Review Committee was scheduled for November 18 at 1:00 pm.

The draft Town Meeting Handbook was reviewed and the following changes/comments were made:

Ann suggested that, in the Budget Calendar, ATM (annual town meeting) be spelled out and it was agreed that the chart be formatted for one page.

### **Preliminary Matters**, 3rd paragraph

The Moderator assumes that there continues to be a quorum throughout the meeting, but the presence of a quorum may be questioned by any voter at any time. Thereupon all business comes to a halt while the ~~house is~~ **voters are** counted. If a counted quorum is not present and a quorum cannot be attained promptly by calling back voters in the vicinity of the room, Town Meeting may only vote to adjourn to a later date or, if the Moderator considers it appropriate, to dissolve the meeting.

### **General Conduct of Meeting**

The Moderator ~~has absolute~~ controls of the conduct of the meeting within the limits of relevant Massachusetts statutes and Town Bylaws. The Moderator is guided by common sense, by Becket traditions, and to the extent applicable, by Town Meeting Time. The latter is a book of **New England town meeting** parliamentary procedures ~~applicable to New England town meetings~~, edited by eminent Massachusetts moderators and a controlling procedural authority according to the Town By laws. Town Meeting Time is presently in its third edition, and a copy is available at the Becket Athenaeum. Copies may also be purchased from the publisher, the Massachusetts Moderators Association, by contacting the Moderator.

When called upon to speak, the speaker should ~~proceed to an appropriate~~ **use the** microphone (to which he or she may be directed by the Moderator) and, ~~as his or her first words, provide~~ **introduce himself or herself**. ~~Town Meeting with his or her name and address~~. If a speaker is representing a political organization or Town board, commission or committee, the speaker should inform Town Meeting that he or she is speaking in that capacity. Speakers should avoid identifying themselves as members of such an organization unless they are acting as a spokespersons for the organization. During the debate, each speaker is required to address the Moderator and may ask questions only through the Moderator. Although a speaker may request a response to a question from a particular person or body, the Moderator designates the person or body to respond. Debate must be confined to material relevant to the subject matter of the Article being debated, and the Moderator may in his discretion also confine debate to the

particular motion under consideration.

With regard to conduct during Town Meetings, by long-standing tradition no political demonstrations or activities may take place within or immediately outside of the meeting auditorium. No political signs, banners, flags or oversized badges are permitted within the auditorium. ~~Smoking is not permitted anywhere on school property (or town hall property?).~~ Town Meeting attendees will be asked by the Moderator at the beginning of each session to silence cell phones, and no cell phone use will be permitted in the auditorium once the meeting has convened.

The principal purpose of all of these rules and traditions is to promote impersonal discussion and proper decorum at Town Meetings. The Moderator has the statutory power, ~~which is exercised extremely judiciously and only on very rare occasions and after a suitable warning,~~ to have removed from the meeting any person who materially interferes with its proper decorum and good order. ***[ADA concerns should be addressed.]***

While the Moderator may in the interest of fairness permit the suspension of an established rule of the meeting in a particular instance, a motion from the floor for a "suspension of the rules" is not permissible in our Town Meeting. Nor, in our Town Meeting, is there any appeal from the Moderator's rulings on questions of order and procedure. Points of order may be made (see below), but the Moderator's ruling on a point of order is likewise not appealable.

***[This paragraph needs additional consideration and review.]***

#### **Ethical Considerations** 1st paragraph

Voters at Town Meeting are exempt from the provisions of the Massachusetts conflict of interest law, Chapter 268A of the General Laws, which covers all other municipal employees and elected officials. This exemption exists because of the special status of Town Meeting voters vs. elected **and appointed** officials. However, under well recognized principles of ethics and according to the Town Bylaws, any person should, prior to addressing Town Meeting, disclose any material economic interest that he or she or any member of his or her immediate family or any close business associate has in the particular matter under consideration. Similarly, any person who is employed in any capacity, such as attorney, architect, broker, etc., by another interested in the article under discussion should disclose his or her employment and relationship before speaking. ***[add that Town Meeting is not covered by the Open Meeting Law]***

#### **Motions Generally** 1st paragraph

A motion must first be made and seconded for an article to be debated. Only voters may make and second motions. The article itself is not a motion, but

only notice of the general subject matter that will be discussed. Any motion may be offered which, in the opinion of the Moderator, is germane to the Article and within its scope [**Bruce may add definition**]. In Becket usually the initial substantive motion-the main motion- is accomplished by a voter who simply says “so moved”, indicating the motion is identical to the wording in the article. In circumstances where a desired motion may differ from the exact language in the article the motion will be read or summarized by the Moderator. In most cases, the main motion is the motion proposed under the Article by either the Board of Selectmen or Finance Committee. In case of a petition article, the main motion will ordinarily be that proposed or approved by the principal petitioner. Once the main motion is before the ~~house~~ **voters**, it can be passed, substituted for or amended, referred to a committee, postponed or defeated. Action on a motion may only be postponed to a later time or session within the Town Meeting at which it is being considered. A Town Meeting does not have the power to bind a future Town Meeting to consider specific subject matter or take a specific action, since no subject matter or action may be considered or effected other than pursuant to an Article on the warrant for such future Town Meeting.

The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Jeanne W. Pryor

List of documents discussed and/or distributed at meeting:

1. Town Meeting Bylaw Review Committee minutes of 9/16/13
2. Town Meeting Handbook draft w/ budget calendar