

TOWN OF BECKET

Public Hearing on
Revised Town Meeting ByLaw
January 15, 2014
6:00 pm

Attendees: Bruce Garlow, Ann Krawet, Jeanne Pryor, Ed Gibson, Bill Elovirta, Colleen O'Connor, Beth VanNess.

Bruce Garlow, Chair of the Town Meeting Bylaw Review Committee, introduced Committee members present at the hearing. The public hearing notice (copy attached) was read.

Mr. Garlow explained that the bylaw was being revised to ensure a clear, fair and concise bylaw that places all voters on the same footing, leaving less to chance or tradition. A Town Meeting Handbook is also being prepared by the Committee. He highlighted the following items included in the revised bylaw:

- Ensures availability of moderator, clerk and other board and committee members for every town meeting
- Requires notification of town meetings (annual and special) to all full time and part time households and explanations for all articles
- Clarifies and makes uniform the process for getting a petitioned article on the town meeting warrant; a form has been developed by the Committee
- Requires a succinct financial summary annually of the town's finances by the Finance Committee including a capital plan
- Requires every town official body to have a representative at Town Meeting if subject matter affecting that body is under consideration
- Sets guidelines for the distribution of informational materials outside of the town meeting hall
- Clarifies the role of the moderator
- Establishes "Town Meeting Time" as the parliamentary guide; it was written specifically for Massachusetts town meetings
- Establishes who may speak; includes part time residents
- Clarifies certain motions (i.e. Reconsideration; no appeal of Moderator's ruling per MGL 39:15) and limits increases to financial articles to five percent above the Finance Committee's recommendation
- Establishes voting by voter card as first method to be employed; non voters sit in separate sections
- Restricts the moderator from membership on standing committees and boards, but allows membership on ad hoc committees; ethical issues
- Requires voters and other speakers to disclose conflicts of interest; no sanctions, self reporting
- Establishes position of deputy moderator; requires town charter change

- Ensures all articles are disposed prior to meeting dissolution; guarantees legal requirement that we take care of the business at town meeting that is before the voters at town meeting
- Requires town clerk to notify appropriate boards and officers of appropriations affecting those boards and officers and to take accurate minutes

Public comments:

Mr. Elovirta asked if the Committee has someone in mind to serve as Deputy Moderator; Mr. Garlow responded not at this time. He also asked when the bylaw would be presented to the town and Mr. Garlow responded that it will be presented at a Special Town Meeting tentatively scheduled for March.

Mr. Gibson had a question about Section 3, "*No Town Board, Committee, Commission, Department, or Officer shall hold a meeting outside of Town Meeting while a Town Meeting is in session.*" He asked if this would preclude a Finance Committee or Selectmen's meeting before an annual town meeting. Bruce said that it is meant to mean not holding meetings concurrently. Mr. Gibson explained his experience in a former position that both FinCom and the Select Board would post meeting notices to meet prior to a town meeting. They would then recess those meetings in case something came up during town meeting that either of those two boards had to take any committee vote on to take back to town meeting they could. Town meeting would recess so that the committee(s) could come back to town meeting with a board decision. Bruce will research this. Since our town meeting is normally on Saturday and other town committees don't meet on that day, it should not be a problem.

Mr. Gibson asked a question about Section 5, "*The Selectmen shall insert in the warrant for the annual Town Meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the Town and in the warrant for every Special Town Meeting by one hundred registered voters or by ten percent of the total number of registered voters of the Town...*" He asked if this is for a petitioned article. Mr. Garlow noted that this section is part of the current bylaw and the Committee has made no changes to it. Section 5 does concern petitioned articles and the wording stated comes directly from Massachusetts General Law 39:10. Mr. Elovirta asked if it would be clearer in section 5 line 2 if you changed "subjects" to "articles"? Mr. Garlow noted that the General Law says subjects. He wants it to be clear in Becket that we indeed go by the General Law and that we deal with subjects. So, if someone comes in with a citizen's petition and they have a general idea about what they want to do, and they get a sufficient number of signatures, they can then work with the Moderator or the Town Administrator or with Town Counsel's advice. We will write that article and put it on the warrant so that, if indeed it passes, it has effective law.

Mr. Garlow noted that in Section 8a he has the words [**Quantum? 2/3?**] that will be turned into a sentence saying it will require a two thirds vote to take no action on an article. He gave an update on the Town Meeting Handbook that the Committee is working on and noted that they will reprint the parliamentary grid from "Town Meeting

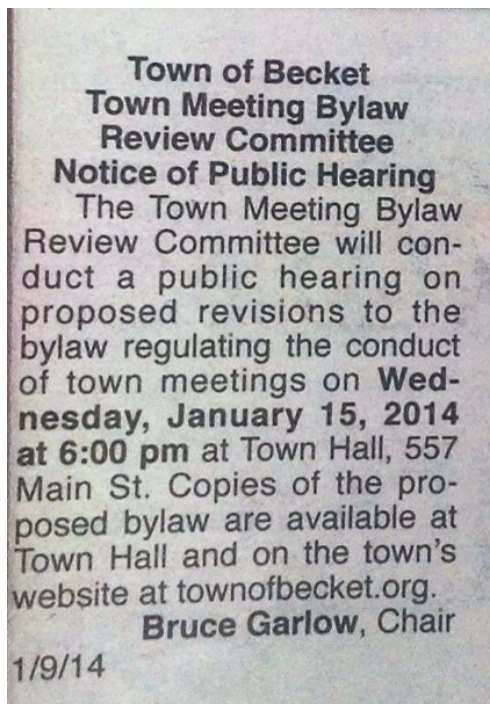
Time" with just a couple of exceptions that will be good for our town meeting. A Glossary will also be included. The completed handbook will be made available to town residents.

Ms. O'Connor stated that, although she does appreciate Mr. Garlow's intention that the moderator is infallible and "shall decide all questions of order and make any ruling of parliamentary law without appeal", there is something about that that makes her feel uncomfortable. Mr. Garlow stated that he appreciates that and commented on it. First of all the General Laws establishes no appeal of the moderator's parliamentary rulings. Second, no court has overturned a moderator's parliamentary ruling. They will turn over cases of law but if a moderator makes a ruling and someone appeals that to court, the court will look at that and say, No, the moderator gets his way unless you have something in the bylaw that will contradict the General Law. The Massachusetts Moderators Association is pretty firm that moderators, as a group, are supposed to be fair and objective and knowledgeable about parliamentary practice. Voters can always get relief by petitioning for another town meeting.

The hearing was adjourned at 6:48 pm.

Respectfully submitted,

Jeanne W. Pryor



Appeared in the Jan. 9, 2014, COUNTRY JOURNAL

