

ARTICLE 8. TOWN MEETING

Part I. GENERAL PROVISIONS

8.1. Definitions. For the purposes of this article,

- a. The term "Annual Town Election" refers to the annual election of Town Board members, Officials, and Town Meeting Members;
- b. The term "Annual Town Meeting" refers to the meeting of Town Meeting Members required by the General Laws to be held in the month of February, March, April or May; and
- c. The term "Special Town Meeting" refers to all other meetings of Town Meeting Members.

Part II. TOWN ELECTIONS

8.2. Date for Annual Town Election. The Annual Town Election shall be held on the first Tuesday in March of each year. In any year in which presidential primaries are to be held, the date of the Annual Town Election shall be held on a date to be announced by the Select Board. The announcement shall be made not later than December 31 of the year preceding the year in which such primary elections are to be held.

8.3 Notice of Elections. At least 35 days before the date of any Town Election, the Select Board shall give notice of their intention to call such Town Election by notifying the Town Clerk. The Select Board shall also, as soon as practicable, place a notice of the Town Election in a newspaper generally circulated in the Town and publish the notice on the Town's website. At least seven days before a Annual Election and fourteen days before a Special Election the Select Board shall post copies of the warrant in not less than two conspicuous places in the Town including but not limited to the Town Hall and the Police Station. The warrant shall also be made available on the Town's website. (*Amended ATM 2008. Amended ATM 2019.*)

8.4. Special Election. The following procedure shall apply in the event that a vacancy occurs in the full number of Town Meeting Members of any precinct whether arising from a tie vote among those who received the highest vote as defeated candidates at the last preceding Annual Town Election or for any other cause which requires an election by the other Members of the precinct. Whenever such vacancy occurs, the Town Clerk shall promptly notify the Members of the precinct that a vacancy in the full number of Members of the precinct has occurred and that a special meeting of said Members will be called no earlier than fourteen days from the date of such notification for the purpose of filling said vacancy. The Town Clerk shall include in such notification a copy of Chapter 202, Sections 2, 8 and 8A of the Acts of 1932 as amended, and the time, place and date of the special meeting.

In the event such election is held for any reason other than a tie vote among candidates who received the highest vote as defeated candidates, the Town Clerk shall in said notification also inform the Members that they may file nominations for said vacancy with the Town Clerk up to seven days before the meeting and that any registered voter in the precinct may be so nominated. Following expiration of the said seven day period, the Town Clerk shall then notify the Members of the precinct of the nominations that have been filed.

At the meeting a majority of the Members from such precinct shall constitute a quorum. The Town Clerk shall preside, conducting the meeting in two parts. In the first part, the candidates among whom there is a tie vote or the nominees, if the election is held for a reason other than a tie vote, may address the meeting and answer any questions. In the second part, said candidates or nominees shall leave the meeting and the Members shall vote by ballot. A majority of the votes cast shall be required for a choice. If no candidate or nominee receives a majority of the votes cast on the first ballot or any succeeding ballot, then there shall be a run-off vote between the two candidates or nominees who received the highest number of votes cast on the preceding ballot. The Town Clerk shall count the ballots, make a certificate of the choice for the records and notify the person so chosen.

8.5. Termination, Resignation. Any elected Member shall cease to be an elected Member upon becoming a "Town Meeting Member ex officio" and shall cease to be a Member upon moving from the Town. A Member may resign by filing a written resignation with the Town Clerk; the resignation shall take effect on the date of filing. A Member who moves from the precinct from which the Member was elected to another precinct may serve only until the next Annual Town Election.

Part III. TOWN MEETINGS

8.6. Date of Annual Town Meeting. The Annual Town Meeting shall commence no earlier *than the last Monday in March* and no later than the last day of May. The Select Board shall fix the time and place for the Meeting. (Amended ATM 2004.)

8.7. Membership. There shall be 240 Town Meeting Members, exclusive of Town Meeting Members ex officii, elected from the residents of the Town, or such lesser number as may be required by Chapter 202, Section 2 of the Acts of 1932 as amended.

8.8. Town Meeting Members, Ex Officiis. The Moderator, Town Clerk and Town Counsel shall be "Town Meeting Members, ex officii" and shall be non-voting Members of the Meeting.

8.9. Duties. The Town Meeting shall be the legislative body of the Town. It shall meet, deliberate, act, and vote in the exercise of the corporate powers of the Town.

8.10. Notice of Town Meeting. Notice of each Town Meeting, whether Annual or Special, shall be given by the Select Board by publishing a copy of the notice in a newspaper generally circulated in the Town at least seven days before the date on which the Annual Town Meeting, and at least fourteen days before the date on which a Special Town Meeting, is to commence. Said notice shall state the time and place of the meeting and that the full text of the warrant shall be published on the Town's website and be available from the Select Board's office. Additionally, the Select Board shall post attested copies of the warrant for that Meeting in not less than two conspicuous places in the Town including but not limited to the Town Hall and the Police Station and shall make the warrant available on the Town's website. (Amended ATM 2008. Amended STM May 2019.)

8.11. Calling Special Meeting. The Select Board shall call a Special Town Meeting upon request in writing of 200 registered voters. The Special Town Meeting shall commence not later than 45 days after receipt of such request, in accordance with G.L. c. 39, § 10. The Select Board may also call a Special Town Meeting on their own initiative.

8.12. Warrant Articles. The Select Board may insert subjects in the warrant on their own initiative, and shall also insert in the warrant all subjects requested of them in writing by:

- a. Any Board;
- b. Any Official;
- c. Ten or more registered voters, for an Annual Town Meeting;
- d. 100 or more registered voters, for a Special Town Meeting; and
- e. Those persons or Boards authorized by G.L. c. 40A, § 5 to initiate adoption of or changes in Zoning Bylaws.

8.13. Motions. The Select Board shall include, in the notice given under Section 8.10, a date by which motions to be offered to the Town Meeting must be submitted to the Select Board. The Select Board shall forward copies of motions to the Advisory Committee, Town Counsel, and any other Board, Officer or Official they deem appropriate.

No motion or amendment thereof shall be voted on by Town Meeting unless the exact form of the motion or amendment being voted on shall have been distributed generally to Town Meeting Members or at the time of the vote the exact form is projected on a screen at Town Meeting. This paragraph shall not apply to procedural motions and amendments thereof.

Nothing herein shall preclude a sponsor or other person who has filed a copy of a draft of a motion with the Select Board from making any change therein prior to or at the Town Meeting, compel the sponsor or other person to make any motion whatsoever under such article, or prevent any person other than a sponsor from making a motion at Town Meeting even though a copy thereof was not previously filed with the Select Board.

Motions for the acquisition and improvement of land, buildings, or other physical assets valued over \$5,000, excluding replacement of similar equipment, whether by purchase, gift or otherwise, shall be accompanied by financial estimates showing the impact of annual maintenance costs thereto.

After the initial call to order of any Annual or Special Town Meeting, if a proponent informs the Moderator of an intention to present any amendment or substitute motion or resolution, such proponent shall thereafter post

a notice of same at the place provided therefor, along with a text of what is being proposed. Such notice shall be posted as soon as practicable and in advance of when action is to be taken on the article to which it relates.

8.14. Compensation. No Town Meeting Member shall receive compensation for serving as such.

8.15. Quorum. A quorum shall be a majority of the voting Members, but a lesser number may adjourn the meeting to another time.

8.16. Persons Authorized to Address Meeting. All residents of the Town, whether or not Town Meeting Members or registered voters, may address a Town Meeting. Non-residents may address a Town Meeting with the approval of the Moderator or a majority of Town Meeting Members present and voting.

8.17. Conflict of Interest. A Member who has a personal or financial interest in any matter before the Meeting may speak or vote thereon, but if the Member does speak, the Member shall disclose such interest. Failure to comply with the provisions of this section shall not affect the validity of any action taken by the Meeting.

8.18. Motions by Members. Motions may be made only by a Member of the Meeting. All motions other than procedural motions must be in writing signed by the sponsoring Member. No seconds are needed for any motion.

8.19. Secret Ballots. There shall be no secret ballots or other secret votes at Town Meeting.

8.20. Vote Questioned at Meeting. If a vote declared by the Moderator is immediately questioned by seven or more Members, the Moderator shall verify it by taking a standing vote.

8.21. Vote.

- a. Vote By Ballot: Upon a motion supported by not less than 20 members made prior to a vote on any question (whether required by law to be a counted vote or not), the vote shall be taken by ballot in such form as will in the opinion of the Moderator indicate how individual Town Meeting Members have voted on a question. The results of such vote shall be announced in terms of the numbers of aye, nay or abstain votes cast. The Town Clerk shall, within a reasonable time after the session has been adjourned, compile a list of members voting on the question, which list shall disclose how each member voted. Said list, together with the original ballots, shall be open to public inspection so that the public shall be able to determine the way in which each Town Meeting Member voted on the question, and shall be preserved for at least three years.
- b. Declaring the Vote: If a law or a bylaw requires a two-thirds vote for action by the Meeting, the Moderator is authorized pursuant to G.L. c. 39, §15 to declare the vote without taking a count, subject to Sections 8.20, 8.21(a) and 8.22; and if more than a two-thirds vote is required the Moderator may first determine whether the vote is unanimous, and if it is not, the vote shall be counted either by means of a standing vote or by a roll call, or by ballot as provided in said bylaws.

8.22. Roll Call Votes. Upon motion supported by not less than 60 Members made prior to a counted vote on any question, there shall be a roll call of Members. The Town Clerk shall record the vote of each Member "Aye", "Nay", "Abstain", or "Not Present" as the case may be. Abstentions shall not be included in the tally.

8.23. Reconsideration. No action taken at any session of a Town Meeting shall be reconsidered at any subsequent session, unless notice of intention to move for reconsideration shall have been given at the session at which such action was taken. If action taken at the final session is to be reconsidered, debate and a vote on a motion for reconsideration may occur at the same session only after all articles have been acted upon unless, in the Moderator's discretion, debate and a vote on the motion at an earlier point in the session would expedite the conduct of the session. Any vote which requires more than a simple majority for passage shall require a three-fifths vote in order to be reconsidered by the Town Meeting.

8.24. Park Land. No action at any Town Meeting authorizing the sale, grant, lease, license, abandonment or use for any other purpose of land acquired for park purposes shall be valid unless it shall be approved by a two-thirds vote.

8.25. Electronic Voting. Notwithstanding any provision of these bylaws to the contrary, subject to the availability of a system to enable electronic voting by Town Meeting Members using handheld mobile devices,

the Moderator may count the vote, or conduct a roll call vote, on any matter before the Town Meeting by the use of such system. (ATM 2019.)