

**ARTICLE 10                    AMEND GENERAL BY-LAW ARTICLE I and ARTICLE III**  
**SPONSORED BY: Governance Committee**

**Color Key: Black = Original - Green = New - Red = Deleted**

**ARTICLE I**  
**TOWN MEETINGS**

**#1. DATE AND TIME OF ANNUAL MEETING.** ~~The Town shall have an Annual Town Meeting where registered voters may transact business not required to be determined by official ballot.~~ The Town will hold two regularly scheduled Annual Town Meetings. The **first such meeting, which shall be deemed to be the** Spring Annual Town Meeting shall ~~commence~~ **be held** on the ~~first~~ **second** Monday ~~following the first Friday in~~ **of May and shall continue on the evenings of successive business days until all the Articles in the warrant have been addressed. The Spring Town Meeting shall be primarily concerned with the determination of matters involving the expenditure of town funds, including, but not limited to, the adoption of an annual operating budget for all town agencies, the capital improvement program and for the purpose of electing officers and for the determination of all other matters to be decided by ballot of the voters. The second such meeting, the** Fall Annual Town Meeting ~~will~~ **shall** be held on the ~~last~~ **third** Monday in October, ~~unless the last Monday in October is October 31, in which case the Fall Special Town Meeting will be held on the fourth Monday in October.~~ **and shall continue on the evenings of successive business days until the warrant has been dissolved. The first four sessions shall be known as "Town Meeting Week".** ~~Notwithstanding the above, whenever an election by official ballot is to be held within Town Meeting Week or it is likely that a significant number of the Town's voters will observe a religious holiday within Town Meeting Week, the Select Board shall change the date of the first session of Town Meeting and Town Meeting Week to the first Monday of the week thereafter in which Town Meeting Week can be held without the likelihood of such a conflict.~~

**#2. WARRANT OF ANNUAL MEETING.** The warrant for the Annual Meeting shall state the time and place of holding the ~~M~~**m**meeting and the subjects to be acted upon. No action shall be valid and no motion shall be entertained unless the subject matter thereof is contained in the warrant. The Select Board may insert in the warrant for the Annual Meeting any subject the Select Board may deem appropriate and shall insert in the warrant all subjects, ~~the insertion of which shall be~~ requested of ~~them~~ **it** in writing by ten (10) or more registered voters of the Town.

**#3. NOTICE OF ANNUAL MEETING.** The Select Board shall give notice of the Annual Town Meeting by:

- a. announcing publicly and posting notice of the date of the first session in a conspicuous place or places on or within the Town Hall **and on the Town's website four months before** ~~on or before January 1 of each year in which~~ the ~~M~~**m**meeting is to be held; and
- b. sending a copy of the warrant to the Moderator and the Chairperson of the Finance Committee forthwith after the completion of the warrant by the Select Board; and

- c. posting an attested copy of the warrant **on the Town's website and** in a conspicuous place or places on or within the Town Hall at least seven (7) days before the date of the ~~M~~meeting; and
- d. distributing printed copies of the warrant and the Finance Committee's recommendations to voters at the Senior Center, the Town Hall and the Public Library; and posting the warrant and Finance Committee's recommendations to voters on the Town's website in a form capable of being copied; both at least seven (7) days prior to the date of the meeting.  
~~;~~ **and**

**#4. CALLING OF SPECIAL MEETINGS.** The Select Board may call Special Town Meetings ~~from time to time at such times~~ as ~~they it may~~ deem necessary **in accordance with the General Laws**. In addition, the Select Board shall call a Special Town Meeting upon the request in writing of two hundred (200) registered voters or twenty (20%) percent of the total number of registered voters of the Town, whichever number is the lesser. Such ~~M~~meeting shall be held not later than forty-five (45) days after the receipt of such request.

**#5. WARRANT OF SPECIAL MEETINGS.** The warrant for a Special Meeting shall state the time and place of holding the ~~M~~meeting and the subjects to be acted upon. No action shall be valid and no motion shall be entertained unless the subject matter thereof is contained in the warrant. The Select Board may insert in the warrant for a Special Town Meeting any subject ~~they~~ **it** deems appropriate and shall insert all **subjects legal articles;** ~~the insertion of which shall be requested of them in writing by the petition calling the Meeting and all subjects, the insertion of which shall be requested of them in writing by~~ **requested of it by petition in writing from** (100) registered voters of the Town or by ten (10%) percent of the total registered voters of the Town, whichever number is the lesser. Once the warrant for a Special Town Meeting is opened by the Select Board, the warrant shall remain open for at least forty-eight (48) hours. No article proposing to amend, alter or in any way change the General By-laws or Zoning By-laws will be included in any warrant for a Special Town Meeting unless the requirements of Section 10 of Chapter 39 of the General By-laws have been met or unless the Select Board initiate such proposal.

**#6. NOTICE OF SPECIAL MEETING.** The Select Board shall give notice of all Special Town Meetings at least fourteen (14) days before the date of the ~~M~~meeting by:

- a. sending a copy of the warrant to the Moderator and to the Chairperson of the Finance Committee forthwith after the completion of the warrant by the Select Board; and
- b. ~~publishing~~ **posting** notice of the ~~M~~meeting ~~in one or more newspaper having a substantial circulation in the Town including therein the notice of the Meeting and on the Town's website including~~ a summary of each article in the warrant in numerical order; and
- c. posting notice of the ~~M~~meeting and an attested copy of the warrant in a conspicuous place or places on or within the Town Hall and, at the discretion of the Select Board, other public places in the Town; ~~and;~~ **and**

- d. distributing printed copies of the warrant and the Finance Committee's recommendations to voters at the Senior Center, the Town Hall and the Public Library; and posting the warrant and Finance Committee's recommendations to voters on the Town's website in a form capable of being copied; both at least seven (7) days prior to the date of the meeting. ~~and~~

**#7. DISTRIBUTION OF WARRANT AT SPECIAL MEETINGS.** The Select Board shall make available at each session of any Special Town Meeting, copies of the warrant for distribution at the Meeting. In lieu of including on such copies a complete description of all parcels of land mentioned in the warrant, the Select Board may substitute a brief description of any such parcel.

**#8. RECORDING OF MINUTES.** In addition to the taking of minutes, all sessions of the Annual and Special Town Meetings shall be recorded by tape or other similar means and such recordings shall be kept in the custody of the Town Clerk for a period of no less than ten (10) years.

**#9. QUORUMS.** At all Town Meetings one hundred (100) registered voters of the Town shall be necessary to constitute a quorum for the transaction of Town business; but a lesser number may from time to time adjourn any such Meeting. Notwithstanding the above, whenever an article at a Special Town Meeting involves only the transfer of funds within Town accounts, forty (40) registered voters of the Town shall be necessary to constitute a quorum for the transaction of such article or to postpone an article requiring a quorum of one hundred (100) to a time certain. For the purposes of this Section "free cash" shall not be considered a Town account.

**#10. ORDER OF ARTICLES.** All articles in the warrant shall be taken up in the order of their arrangement unless otherwise decided by a two-thirds (2/3) vote of the voters present and voting.

**#11. LENGTH OF SPEECHES.** Except in the discretion of the Moderator, no person shall speak more than two times or more than a total of fifteen (15) minutes upon any question without obtaining leave of the Meeting unless to correct an error or answer a question.

**#12. MOTIONS.** Any action taken by a Town Meeting shall be by vote upon a motion. All motions, if required by the Moderator, shall be reduced to writing before being submitted to the Meeting. Any motions included in the Finance Committee Report on the warrant shall be considered as motions presented to the Meeting, but any registered voter may present a different motion on a question and this motion shall take precedence over any prepared motion in the Finance Committee Report.

**#13. RULES FOR MOTIONS OR POINTS.** For the purposes of establishing rules for the most common motions or points, the following schedule shall be controlling:

Rank of Motion in Order of Precedence	Motions or Points	Second Required	Debatable	Amendable	Vote Required	May Reconsider	May Interrupt Debate to make a motion
1	Adjourn to a fixed time or recess	Yes	Yes	Yes	Majority	No	No
2	Point of no quorum	No	No	No	None	No	Yes
3	Fix time and date to which to adjourn	Yes	Yes	Yes	Majority	Yes	No
4	Point of personal privilege	No	No	No	None	No	Yes
5	Reconsideration (see S. 15)	Yes	Yes	No	Majority	No	Yes
6	Lay on the table	Yes	Yes	No	Majority	Yes	No
7	Move the question (see S. 14)	Yes	No	No	Majority	No	No
8	Extend the speaker's time (see S. 11)	Yes	No	No	2/3	No	No
9	Postpone an article to a time certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or refer a matter	Yes	Yes	Yes	Majority	Yes	No
11	Amend (not amendable more than twice)	Yes	Yes	Yes	Majority	Yes	No
12	Postpone indefinitely (if not main motion)	Yes	Yes	No	Majority	Yes	No
None	Main motion	Yes	Yes	Yes	Variable	Yes	No
None	Take from the table	Yes	No	No	Majority	No	No
None	Advance an article from order in Warrant	Yes	Yes	Yes	2/3	No	No
*	Point of order or procedural information	No	No	No	None	No	Yes
*	Appeal ruling of Moderator	Yes	Yes	No	3/4	No	Yes
*	Divide a question	Yes	Yes	Yes	Majority	Yes	No

\*Same rank as motion out of which it arises.

**#14. MOVING THE QUESTION.** A motion to move the question need not be recognized by the Moderator unless the Moderator is satisfied that various views on the subject have had an opportunity to be heard. A motion to move the question shall not be made by the last speaker on the question under debate.

**#15. RECONSIDERATION.** Any voter may make a motion to reconsider. No vote shall be reconsidered unless the motion to reconsider is made at the same session and within one-half hour of the original vote. No question shall be twice reconsidered except by a two-thirds (2/3) vote of the voters present and voting. If a motion to reconsider passes, the subject question must be voted upon at the same session as the original vote.

**#16. VOTING PROCEDURE.** After the voters have had the opportunity to be heard on a motion, the Moderator may call for a voice vote, hand vote and/or secret ballot. A hand vote shall be used if requested by three (3) or more voters. Notwithstanding the above, a secret ballot shall be used if so voted by a majority prior to the initial vote on the motion or if requested by three (3) voters after a preceding hand vote on the motion is decided by five percent (5%) or less of the total

votes cast. Any vote tellers required shall first be selected from the members of the Board of Registrars present and then from such other registered voters appointed by the Moderator who have not previously spoken at the Meeting on the subject to be voted. The Town Clerk shall have ready at each Town Meeting an up-to-date voter registration list and a sufficient supply of ballots. All ballots used on any vote shall be identical. Ballots used on subsequent votes shall be easily distinguishable from ballots used in a previous vote.

**#17. ADJOURNMENT.** No new article or line item may be considered at any Town Meeting after ~~11:00~~ 11:00 p.m. unless two-thirds (2/3) of the voters present and voting vote to continue the session. Any adjournment shall be to a date, time and place specified by vote of the ~~M~~meeting unless the warrant is completely acted upon or unless otherwise provided by these By-laws.

### **ARTICLE III SELECT BOARD**

**#1. MEMBERSHIP AND TERM OF OFFICE.** The Town shall have a Select Board, consisting of three (3) members, elected for a term of three (3) years each, and so elected that the term of only one (1) shall expire in any one year.

**#2. GENERAL POWERS & DUTIES.** The Select Board shall have any and all powers granted to them under General Laws and shall serve as the Chief Executive Board of the Town. They shall have general supervision over all matters not assigned by the General Laws or these By-laws to other Town officers, boards, committees or commissions.

**#3. POWER TO ENFORCE BY-LAWS.** The Select Board shall have the power and responsibility to enforce the provisions of these By-laws.

**#4. POWER TO APPOINT.** The Select Board shall have the power to appoint various officers, constables and members of Town boards, commissions and committees as provided or allowed by the General Laws, **legislative special acts** and these By-laws.

**#5. POWER OVER POLICE DEPT.** The Select Board shall be responsible for the direction of the police department and shall appoint a chief of police and such other officers and special officers as the Board deems necessary, **subject to legislative special acts**.

**#6. POWER OVER FIRE DEPT.** The Select Board shall be responsible for the direction of the fire department and shall appoint a chief of the fire department and such other officers and ~~firemen~~ **firefighters** as the Board deems necessary, **subject to legislative special acts**.

**#7. POWER TO INVESTIGATE.** The Select Board may investigate the conduct and operation of any Town department and may hold hearings on matters within its authority at which the Board shall have the power to summon witnesses to testify and produce records concerning any Town office or department.

**#8. PROPERTY.** The Select Board shall have control over all Town owned real and personal property except that property which by law or vote of the Town is placed in charge of any other board, officer or department and shall have control over land acquired by the Town through foreclosure of tax titles.

**#9. LICENSING AUTHORITY.** The Select Board may issue permits and licenses for a variety of purposes as provided by the General Laws and these By-laws and shall act as the licensing authority of the Town except where otherwise provided by law or the zoning By-laws. The Select Board may license suitable persons to act as pawnbrokers or as dealers in junk, old metals or second-hand articles and may make rules and regulations relative to such businesses and their supervision.

**#10. POWER TO SET FEES.** The Select Board shall determine the fees or fee schedules for all licenses and permits to be granted by the Town unless otherwise provided by law or these By-laws.

**#11. TOWN COUNSEL.** The Select Board shall employ an attorney to act as Town Counsel and may employ such special or additional counsel as the Board deems in the best interest of the Town.

**#12. LEGAL CLAIMS.** The Select Board shall act as the agents of the Town to institute and prosecute legal actions in the name of the Town and to defend legal actions against the Town in all matters where no other provision is provided. The Select Board may settle claims when authorized by vote of the Town or, if a claim or offer of settlement is not in excess of two thousand (\$2,000) dollars, when advised by the Town Counsel that the claim is valid or the proposed settlement is advisable and reasonable.

**#13. LOW VALUE PERSONAL PROPERTY.** The Select Board may authorize any board or officer in charge of a department to sell on behalf of the Town any departmental personal property or material no longer required by such department and not exceeding \$400 in value.

**#14. HIGHWAY SURVEYORS.** The Select Board shall be elected Highway Surveyors simultaneously with their election as Select Board. As Highway Surveyors, they shall have the exclusive control of the ordinary repair of public ways within the Town and shall be responsible for the removal of snow and other obstructions on said ways.

**#15. The Select Board shall organize and manage an electronic Talent Bank site to identify registered voters who are interested in serving the community on a Town committee, board, commission or task force and to identify and describe the opportunities to serve.**