

ARTICLE 2

LEGISLATIVE BRANCH

Section 2-1 Representative Town Meeting

There shall continue to be a representative form of town meeting limited to those voters who are elected to meet, deliberate, act and vote in the exercise of the legislative powers of the town.

Section 2-2 Composition, Term of Office

The representative town meeting shall consist of one hundred and eighty members elected for terms of three years each, so arranged that the terms of one-third of the members shall expire each year.

Section 2-3 Precincts

The board of selectmen shall divide the town into convenient voting precincts, so established as to consist of as nearly an equal number of inhabitants as is possible, in compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well-defined limits.

The boundaries of the precincts shall be reviewed and wholly or partly revised by the board of selectmen (a) at least once in every ten years, (b) whenever it is directed to do so by a vote of the town meeting, and (c) whenever it is apparent from the street list, census data or other official information that the number of inhabitants in any one precinct varies by five per cent or more from the total number of inhabitants of the town divided by the number of precincts.

The board of selectmen shall within twenty days following any revision of precincts, but not later than January Twentieth of the succeeding year, file a report of its doings with the town clerk, the board of registrars of voters and the board of assessors with a map or description of the precincts and the names and addresses of the voters in each such precinct. The board of selectmen shall cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and addresses of the voters therein. Whenever the precincts are revised, the town clerk shall forthwith give written notice to the state secretary, stating the number and designation of such precincts.

Section 2-4 Candidates

(a) **Eligibility** - Any voter shall be eligible to be a candidate, to be elected and to serve as a town meeting member.

(b) **Nomination Procedure** - Nomination of candidates for the office of town meeting member shall be made by nomination papers signed by not less than ten voters resident in the precinct from which the candidate seeks to be elected. Nomination papers shall be filed with the

town clerk at least twenty-eight days preceding the date of the town election. Every nomination paper shall be submitted to the registrars of voters for certification of the names thereon on or before five o'clock in the afternoon of the fourteenth day preceding the day on which it shall be filed with the town clerk. The written acceptance of the candidate shall be on or attached to the nomination papers when filed in order for it to be valid.

Section 2-5 Election

The voters in each precinct shall, at the first town election held following any revision of precincts which affect them, elect by ballot all of its town meeting members. The first third in order of votes received shall serve for three years; the second third in such order shall serve for two years; and the remaining third in such order shall serve for one year from the date of the annual election and until their successors are chosen and qualified. Thereafter, except as otherwise provided, at each succeeding annual election the voters of each precinct shall elect for three-year terms one-third of its town meeting members, and shall fill for the unexpired terms any vacancies then existing. In case of a tie vote affecting the determination of which candidates are elected or affecting a division into thirds, the town clerk shall conduct a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public.

Section 2-6 Vacancies

(a) **Resignation** - A town meeting member may resign by filing a written resignation with the town clerk; such resignation shall take effect upon the date of such filing unless a date certain is specified in the letter of resignation when it shall otherwise take effect.

(b) **Removal From Town or Precinct** - A town meeting member who removes from the town shall forthwith cease to be a town meeting member. A town meeting member who removes from one precinct in the town to another, or who is so removed by a revision of precinct lines, may continue to serve as a town meeting member from the precinct from which he was elected until the next town election at which the remainder of his term, if any, shall be filled by the voters. Any person so removed from office may be a candidate for election as a town meeting member from the precinct to which he has removed at the same election.

(c) **List of Persons Eligible to Fill Vacancies** - Following each town election, the town clerk shall prepare for each precinct a list of persons who received votes for town meeting member, but who were not elected. Each list shall include names of such persons for elections in the present and previous two calendar years, provided, however, that elections in years prior to the last revision of precincts shall not be considered.. Persons shall be listed at most once, with the highest vote count received. Persons currently serving as elected town meeting members or those no longer eligible to be town meeting members from the precinct shall not be listed. Persons on each list shall be listed in descending order of votes received. If necessary to resolve ties, the town clerk shall determine the ordering on each list by a lottery among those tied. Any such lottery shall be conducted at a time and place open to the public. The town clerk shall maintain the lists until the next town election, removing from the lists the names of persons (1) who are appointed to fill vacancies, (2) who choose not to accept appointment when offered, or (3) who are no longer eligible to be town meeting members.

(d) **Filling of Vacancies** - Whenever a vacancy has been declared to exist either (1) by a letter of resignation filed with the town clerk, or (2) by the issuance of a certificate from the town clerk that such person has died or has removed from the town, or has failed to take the oath of office, such vacancy shall be filled until the next town election from the list of persons eligible to fill vacancies in the precinct. The town clerk shall make appointments in accordance with the ordering of names on the lists. In the event, there are no persons eligible, the vacancy shall remain unfilled until the next town election

Section 2-7 Compensation

Representative town meeting members shall receive no salary for their services as members of the town legislative body.

Section 2-8 Presiding Officer

A town moderator, chosen as provided in Section 3-10, shall preside at all sessions of the town meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declarations of all votes and may, in open session, administer the oath to any town officer.

Section 2-9 General Powers

All powers of the town shall be vested in the representative town meeting, except as otherwise provided by law or the charter. The town meeting shall provide for the exercise of all powers of the town and for the performance of all duties and obligations imposed upon the town.

Section 2-10 Participation by Non-Town Meeting Members

(a) **Representatives of Town Agencies** - A designated representative of each town agency shall attend all sessions of the representative town meeting for the purpose of providing the town meeting members with information pertinent to warrant articles concerning such agencies. If any such person is deterred by illness or other reasonable cause from attending, he shall designate a deputy to attend in his place. All representatives of town agencies, including any who may not be town residents, shall, during the consideration of articles affecting said agencies, have the same right to speak as a town meeting member, but shall have no right to make motions, or to vote.

(b) **Town Officers and Employees** - Any town officer or town employee, whether a town resident or not, who has information pertinent to the subject matter of any warrant article shall be entitled to speak, but shall have no right to make motions, or to vote.

(c) **Residents and Taxpayers** - Any resident or taxpayer of the town may attend the sessions of the town meeting and, subject to such rules as may from time to time be adopted shall have a right to participate in the proceedings, but shall have no right to vote.

Section 2-11 Town Meeting Warrants

- (a) **In General** - Every town meeting shall be called by a warrant issued by the board of selectmen which shall state the time and place of the meeting and, by separate articles, the subjects which are to be acted upon.
- (b) **Initiation of Articles** - The board of selectmen shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative town meeting and which are filed by: (1) any elected town officer, (2) any multiple member body, acting by a majority of its members, (3) any ten voters, (4) such other persons or agencies as may be authorized by law, or by by-law. All such requests for submission of matters shall be in writing, but they shall not be required to conform to any particular style or form. The board of selectmen shall within fourteen days of receipt of a proposed zoning by-law amendment submit the same to the planning board for review.
- (c) **Time Requirements** - The board of selectmen shall place on the warrant for spring and fall town meetings the subject matter of all petitions which are received by it, in accordance with the provisions of this section, sixty or more days before the date, fixed by by-law, on which the representative town meeting is scheduled to meet. Whenever the board of selectmen shall determine it to be necessary to call a special town meeting, it shall by publication in a local newspaper give public notice of its intention. All requests for the inclusion of subjects, as provided above, which are received in the office of the board of selectmen prior to five o'clock in the afternoon of the second business day following such publication, or such longer period as may be authorized by a by-law adopted to further implement this provision, shall be included in the warrant for the said special town meeting.
- (d) **Publication** - Within five days following the date the warrant for any town meeting shall close the board of selectmen shall cause copies of the warrant articles for such meeting to be posted in each precinct of the town and copies of said warrant articles to be mailed to the town moderator, the chairman of the finance committee, and to such other persons as may be designated by by-law. Additional copies of the warrant articles shall be made available for general distribution in the office of the town clerk.
- (e) **Committees** - The representative town meeting may, by by-law, provide for the establishment of standing committees to which shall be referred the subject matter of warrant articles for study, review and report in advance of town meeting action. Such committees may consist wholly of persons elected as town meeting members or of a combination of elected town meeting members and voters.

Section 2-12 Proceedings of Town Meetings

- (a) **Time of Meetings** - The representative town meeting shall meet at least twice in each calendar year. The first such meeting shall be held during February, March, April, or May, on a date fixed by by-law, and shall be primarily concerned with the determination of matters involving the expenditure and commitment of town funds, including but not limited to the adoption of an annual operating budget for all town agencies and which shall be deemed to be

the annual meeting of the town. The second such meeting, the powers of which shall also be deemed to be those of an annual meeting, except that it shall not be construed to include the time for election of town officers and of other matters to be determined by ballots, shall be held during the last four calendar months, on a date fixed by by-law. In addition to these meetings, the board of selectmen may, in their sole discretion, for the purpose of acting on the legislative business of the town in an orderly and expeditious manner, call the representative town meeting into session at other times by the issuance of warrants for that purpose.

(b) **Open Meeting** - All sessions of the representative town meeting shall at all times be open and public.

(c) **Quorum** - Ninety-one town meeting members shall constitute a quorum for the transaction of all business to come before the town meeting, but a lesser number may meet and adjourn from time to time, but no town meeting shall adjourn over the date of an election for town meeting members.

(d) **Clerk of the Meeting** - The town clerk or his designee shall serve as the clerk of the representative town meeting. The clerk shall give notice of all meetings to the town meeting members and to the public, keep the journal of its proceedings and perform such other functions as may be provided by the charter, by by-law or by other town meeting vote.

(e) **Meetings of Multiple Member Bodies During Town Meeting** - No multiple member body of the town shall schedule a meeting to be held during the time the town meeting is in session for the transaction of business. This provision shall not be construed as to prohibit an emergency meeting of a multiple member body held in the same building in which the town meeting is in session.

Section 2-13 Referendum Procedure

(a) **Effective Date of Final Votes** - No final vote of the representative town meeting under any warrant article, but not including a vote to adjourn or to dissolve a town meeting, a vote appropriating money for the payment of notes or bonds of the town and interest thereon coming due, a vote appropriating money in anticipation of taxes or other revenue, or a vote declared by preamble to be an emergency measure, necessary for the immediate preservation of the peace, health, safety or a convenience of the town, shall be operative until the expiration of seven days following the dissolution of the meeting. If a petition, as hereafter provided in this section, is not filed within the said seven days, the votes of the representative town meeting shall then become operative.

(b) **Non-Final Votes** - Any article disposed of by vote to lay upon the table, or, to postpone indefinitely, or by other procedural device which avoids a vote upon the merits of the principal question, shall be deemed to have been rejected in the form of an affirmative main motion to accomplish the result envisioned by the framers of the article.

(c) **Petition** - If, within said seven days, a petition signed by not less than five per cent of the total number of voters as of the date of the most recent town election, containing their names and

addresses, is filed with the board of selectmen requesting that any question as voted by the representative town meeting be referred to the voters for a final determination, then, the operation of such vote shall be further suspended pending its determination by the voters as provided in this section. The board of selectmen shall, within ten days following the filing of such petition, call a special election to be held on a date fixed by it not less than fourteen nor more than twenty-one days later for submission of such question, or questions, to the voters for a final determination.

(d) **Form of Question** - Questions submitted to the voters under this section shall be stated on the ballot in substantially the same language and form in which it was stated when presented to the town meeting members by the moderator, as appears from the records of such meeting, provided, however, the question shall always be stated in the affirmative form.

(e) **Election** - All votes taken on questions so submitted shall be by ballot, and the conduct of such election shall be in accordance with the provisions of other laws relating to elections, generally. The questions so submitted shall be determined by majority vote, provided, however, that no vote which results in a different result than that as voted by the representative town meeting members shall be valid unless at least twenty per cent of the voters participate at such special election.