

Article III

Town Meetings

Article III: Town Meetings

Section 1. General Provisions

- 1.1** The Annual Town Meeting for the election of the officers and boards designated in Article I, Sections 1.1 and 1.2 shall be held on the first Tuesday in April. No later than December 1st of the preceding year, the Board of Selectmen may upon the recommendation of the Town Clerk, change the date of the election by one week, either to the preceding or succeeding Tuesday.
- 1.2** The polls shall be opened at 7:00 a.m. and shall remain open until 8:00 p.m.
- 1.3** All business of the Annual Meeting other than the election of Town officers and the determination of such matters are by law placed on the ballot, shall be deferred to an adjournment to be held on the fourth Tuesday of April; adjourned sessions when required shall be on the next Wednesday night and Thursday night and on Tuesday, Wednesday and Thursday nights thereafter until final adjournment.
- 1.3.1** At the first Tuesday session of the Annual Town Meeting, or at any subsequent adjourned session, Town Meeting may, by a two-thirds majority of those present and voting, vote to adjourn to a future date certain. That future date certain must be a Tuesday, Wednesday or Thursday.
- 1.3.2** Whenever a Town Meeting session shall adjourn to a future date, the Town Clerk shall cause a notice of the time and place of adjournment to be posted in the Town Hall and on the Town website before 12:00 noon of the day following the opening of the adjourned session.
- 1.4** There shall also be a Fall Town Meeting to be held on the third Tuesday of October. Adjourned sessions when required shall be on the next Wednesday night and Thursday night and on Tuesday, Wednesday and Thursday night thereafter until final adjournment. This does not preclude the Board of Selectmen from calling a Special Town Meeting at any time in accordance with state statutes.
- 1.5** The warrant for a Town Meeting and the motions under warrant articles shall be made available to residents of the town as described below.
- 1.5.1** The warrant for a Town Meeting shall be posted at the Town Hall, at the Town Libraries, and on the Town website at least seven days before the date of the Annual Town Meeting for the election of town officers and determination of ballot questions, and at least fourteen days before the date of a Special Town Meeting.
- 1.5.2** A notice that a Town Meeting Warrant is available on the Town website, at the Town Libraries, and at the Town Manager's office shall be printed in one issue of a newspaper of general circulation in the Town concurrent with the posting of the warrant as stated in 1.5.1 above plus one additional issue of the newspaper.
- 1.5.3** At least twenty-one days before the first adjourned session of the Annual Town Meeting for the election of town officers and determination of ballot question, and at least fourteen days before the date of a Special Town Meeting, the warrant, together with motions and background material for all warrant articles shall be made available to all Town Meeting Members. This material shall be mailed to each Town Meeting Member unless another means of delivery is acceptable to a Town Meeting Member. In addition, this material shall also be available on the town website.
- 1.6** Motions for reconsideration shall be in accordance with the following:
- 1.6.1** A reconsideration vote requires a 2/3 vote to pass except as indicated below. A motion to reconsider an article previously discussed and voted upon shall be in order if any one of the following four conditions is met:
- (a)** If the reconsideration motion is made during the session the original vote was taken:

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Debate and a vote on the motion to reconsider shall be tabled to the first order of business of the next session, unless, by majority vote debate and a vote on the reconsideration motion is tabled to the first order of business of a definite designated session.

- (b) If the reconsideration motion is made at any session after the session at which the original vote was taken:

Debate and a vote on the motion to reconsider however, shall be tabled to the first order of business of the next session, unless by majority vote debate and a vote on the motion is tabled to the first order of business of a definite designated session. The reconsideration vote in this situation requires a 75 percent vote to pass.

- (c) If the reconsideration motion is made after the session the original vote was taken and written notice of such intention was given to the Town Clerk on the day after the original vote:

The Town Clerk shall give immediate notice of pending reconsideration by posting a notice on the town website and sending an email of such posting to all Town Meeting Members who have provide their email to the Town Clerk and to those on the town's email notification system for Town Meeting issues.

At the session following such posting when the motion to reconsider is made, debate and a vote on the motion to reconsider shall be taken when the motion is made; unless, by a majority vote debate and a vote on the motion to reconsider is tabled to the first order of business of a definite designated session.

- (d) If the reconsideration motion is made for during the final session of any matter previously voted during the same session or during the immediately previous session:

Debate and a vote on this motion to reconsider may only be taken after all other articles have been acted upon, unless in the Moderator's discretion, debate and a vote on the reconsider motion made at another point in the session would expedite the conduct of Town Meeting.

If a reconsideration vote is passed, the article reconsidered is then discussed and voted upon in the usual manner.

- 1.6.2** Debate for or against reconsideration will be limited by the Moderator to discussion as to why reconsideration should or should not prevail.

- 1.6.3** The duration of each speech shall not exceed three minutes; however, any registered voter not a Town Meeting Member may speak at least once for a maximum of three minutes but not more than once unless permitted by the Town Meeting Members. Any one speaking a second time shall not exceed one minute.

- 1.6.4** (Deleted – February 7, 2017 Special Town Meeting)

- 1.6.5** Only one motion for reconsideration on any separately voted question shall be accepted by the Moderator whether such motion does or does not prevail.

1.7 Voting

Voting in Town Meeting shall be by a show of hands except for a ballot vote or a roll call vote, or by use of an electronic tally and display system.

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The results of a vote shall be announced following the vote in terms of the numbers of “yes” and “no” votes cast.

The Town Moderator may call for the use of an electronic tally and display system to take a vote on any motion, amendment, or resolution. Votes taken using an electronic display system shall be visible to Town Meeting Members and the public after a vote. The display shall show each Town Meeting Member’s name, his/her precinct, his/her “yes”, “no” or “abstain” vote and the final tally of the votes.

The electronic tally and display system shall embody reasonable means to ensure secure collection and accurate display of each Town Meeting Member’s vote.

- 1.7.1** If the result from a show of raised hands is in doubt or if the result is questioned by seven or more Town Meeting Members, the Moderator shall count or cause to be counted the uplifted hands by appointing tellers who shall verify the vote, or shall make use of an electronic tally and display system to obtain a count of the vote.
- 1.7.2** If immediately after a vote is taken by a show of hands or by electronic tally and display system, a request is made for a roll call vote on that question, the Moderator shall ask how many members support that request. If supported by 40 members, a roll call vote shall immediately be taken by the Town Clerk or his/her designee, and the count from such recorded roll call vote shall be the official count of the vote on that question.
- 1.7.3** 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) a ballot vote shall be taken using paper ballots or by use of an electronic tally and display system to obtain a record of the vote, which shall be published, in such form as will in the opinion of the Town Clerk indicate how individual Town Meeting Members have voted on a question. Town Meeting Members must be present and shall cast only his/her ballot. All paper ballots must be signed to be valid.
- 1.7.4** The Town Clerk shall post within a reasonable time after the session in which a ballot vote was taken on a question a list which shall disclose how each member voted. Said list shall become a permanent record of the Town and be included in the Town Meeting Journal for the year in which it was voted.
- 1.7.5** Original paper ballots or electronic files shall be open to public inspection so that the public shall be able to determine the way in which each Town Meeting Member votes on a question and shall be preserved for at least 3 years.

1.8 Distribution of literature to Town Meeting Members.

- 1.8.1** Any committee, board or officer of the Town of Framingham or any sponsor of a warrant article shall submit background material to the Board of Selectmen at the time and in the manner specified by the Board of Selectmen for inclusion in the Warrant and Background Material. Any material so submitted must bear the number of the warrant article to which it refers, and the name of the entity that submits the material. The Board of Selectmen shall be responsible for delivery of the Warrant and Background Material to each Town Meeting Member not less than 14 days before the commencement of Town Meeting. The Warrant and Background Material may be delivered electronically to Town Meeting Members who consent to such delivery. Electronic delivery of materials will continue for all Town Meetings to any Town Meeting Member who has consented to such delivery unless the consent is revoked.
- 1.8.2** Any committee, board, officer or resident of the Town of Framingham may distribute literature pertinent to any article in the Warrant within the Town Meeting room on the Town Meeting Information Table provided that:

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- (a) literature shall be placed on the table 30 minutes before the posted starting time of a Town Meeting session, preferably at a session before the session when the article for which the literature refers is discussed, and
 - (b) literature shall be provided in sufficient quantity for all Town Meeting Members plus a reasonable number of extra copies for the audience, and
 - (c) the literature bears the name of the person or organization who provides it, and
 - (d) the number of the article to which it refers and the date the document was prepared be clearly indicated at the top of each page and if literature is included for different articles the literature for each article shall begin on a separate page, and
 - (e) any applicable professional, or financial interest on the part of the provider is so stated on the literature.
 - 1.8.3** The Moderator or Moderator's designee shall manage the distribution of literature within the Town Meeting Room.
 - 1.8.4** There shall be another location provided within the Town Meeting Room for distribution of literature which does not conform to the provisions of this bylaw as set forth in section 1.8.2
 - 1.8.5** The Moderator shall announce, prior to the debate on each article, what written literature was included in the mailing by the Board of Selectmen or placed on a table in the Town Meeting Room.
 - 1.8.6** For each session of Town Meeting the Moderator or the Moderator's designee shall supply a package containing a copy of each handout to both the Town Clerk and the Town Library for archival purposes. These packages shall be made accessible to those who would like to view the contents.
- 1.9** The Moderator may decline to accept obviously frivolous motions. Motions shall be presented in writing upon request of the Moderator.
- 1.9.1** Except with the consent of two-thirds of the Town Meeting Members present and voting, initial presentations of articles by sponsors shall not exceed 10 minutes in total, whether presented by one individual or several. The vote to extend a presentation will be for another ten-minute period.
 - 1.9.2** Except with the consent of two-thirds of the Town Meeting Members present and voting, no person addressing the Town Meeting for the first time on any article shall speak for more than five minutes, and subsequent speeches by the same person shall not exceed three minutes each nor exceed three in number. A speaker's concise response to a question directed to him by the Moderator shall not be considered a speech for the purpose of the Bylaw.
- 1.10** No motion, the effect of which would be to dissolve the Town Meeting, shall be in order until every article in the warrant has been duly considered and acted on, but this shall not preclude the postponement of consideration of any article to an adjournment of the Town Meeting at a stated time.
- 1.11** No person shall address the meeting unless recognized by the Moderator, nor speak more than once on the same subject to the exclusion of any other who may desire to speak.
- 1.12** Any person who is employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose such employment before speaking thereon.

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- 1.13** Town Departments, Boards, Committees and Commissions shall prepare reports for Annual Town Meetings and for Fall Town Meetings as listed in the following sections. All reports shall be posted on the town website in the folder for that town meeting before the town meeting begins.
- 1.13.1** All permanent committees and non-permanent committees appointed by the Moderator or by a motion of Town Meeting shall report annually to the Town Meeting. If no report is made within a year after the appointment of a non-permanent committee appointed by the Moderator or by a motion of Town Meeting, the committee shall be discharged unless, in the meantime, the Town Meeting grants an extension of time for the report or for the committee to perform the function for which it was created.
- 1.13.2** Whenever Town Meeting passes a motion to appropriate funds for a special purpose, other than in the operating budget or capital budget, the Town department, board, committee or commission responsible for the expenditure shall report at each Annual Town Meeting on the status of the project's progress and expenditures made to date. A final report shall be provided at the next Annual or Fall Town Meeting held immediately after the project has been completed.
- 1.13.3** At each Fall Town Meeting the Chief Financial Officer shall report to the Town Meeting on the long-term financial forecast of revenue and major expense increases.
- 1.13.4** At each Annual Town Meeting the Planning Board shall report to Town Meeting regarding the condition of the town and any plans or proposals for its development and estimates of the cost thereof, per the Massachusetts General Laws Chapter 41, Section 71.
- 1.13.5** At each Town Meeting the following reports shall be made:
- a. The Town Clerk shall report on approvals or rejections of Town General Bylaw changes sent to the Attorney General since the previous Annual Town Meeting,
 - b. The Planning Board shall report on Town Zoning Bylaw changes sent to the Attorney General since the previous Annual Town Meeting, and
 - c. The Board of Selectmen shall report on petitions made since the previous Annual Town Meeting to the General Court for a special act on behalf of Framingham.
- 1.13.6** At each Annual or Fall Town Meeting the Chief Financial Officer shall report on the following financial matters not otherwise reported on:
- a. Transfers made by the Finance Committee from the Reserve Fund during the previous fiscal year,
 - b. Land acquisition costs for land acquired during the previous fiscal year,
 - c. Use of mitigation funds received during the previous fiscal year and the status of unexpended mitigation funds,
 - d. Status of authorized but not completed Capital Budget projects.
- 1.14** No appropriation shall be made under the report of any committee of the Town unless the report has been previously submitted to the Finance Committee and to the Chief Financial Officer.
- 1.15** A record available for public inspection shall be kept by the Town Clerk of the attendance of Town Meeting Members at each Town Meeting or adjourned Town Meeting thereafter.
- 1.15.1** No later than thirty (30) calendar days before nomination papers for Town Meeting representatives are due, the Town Clerk shall post on the Town website the attendance records of all Town Meeting Members for the previous year.

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- 1.15.2** A Town Meeting Member who does not attend at least twenty-five (25) per cent of the Town Meeting sessions for which the person is qualified during the period beginning from the first day of the year, or beginning from the time the person is qualified, and ending on the last day of the year shall be deemed to have abandoned that office as of the last day of such period.
- 1.16** A record of Town Meeting actions shall be posted on the town website in the folder for that town meeting within 10 days after the votes by Town Meeting have become effective. A record of Town Meeting actions shall also be made a part of the Annual Town Report.
- 1.16.1** A record of attendance of Town Meeting Members at each Town Meeting shall be made a part of the Annual Town Report.
- 1.16.2** A record of all motions made under each warrant article, except procedural motions, along with a record of votes taken, including those that pass and those that fail, shall be made a part of the Town Meeting Journal for each Town Meeting. Additional language and information (e.g., Background Material or Handouts) shall be a part of the record when specifically referenced in a motion.
- 1.16.3** Resolutions made under an article at Town Meeting, or independently by a Town Meeting Member, shall be made part of the Town Meeting Journal for each Town Meeting, including those that pass and those that fail.
- 1.16.4** Election results for Town Meeting Members shall be made part of the Annual Town Report.
- 1.17** A motion to table an article requires a two-thirds majority of those present and voting. A short statement as to why the motion is made may precede the motion to table, but the motion is not debatable.
- 1.17.1** When a motion is made to table an article without a specification as to the date on which the article will be considered, the motion is not debatable and the vote must be immediately taken. A two-thirds vote of those present and voting is required to table an article.
- 1.17.2** When a motion is made to table an article without a specification as to the date on which the article will be considered, the article may be brought up for discussion at any future session by a motion to remove the article from the table. Such motion to remove the article from the table requires a two-thirds vote of those present and voting. This requires a two-thirds vote instead of majority vote since the public is not aware of when the article will be discussed.
- 1.17.3** When a motion is made to table an article to a date certain, only the date may be discussed and the date may be amended by a majority vote. When the main motion is voted it requires a two-thirds vote of those present and voting. A motion to table an article with a specification that the article will be discussed after another specified article is discussed is considered to be a motion to table to a date certain.
- 1.17.4** When a motion has been made to table an article with a specification as to the date on which the article will be considered and it is desired to remove the article from the table before the specified date, such motion requires a two-thirds vote of those present and voting.
- 1.17.5** When a motion has been made to table an article with a specification as to the date on which the article will be considered, the motion to remove the article from the table on or after the specified date requires a majority vote of those present and voting.
- 1.18** A Town Meeting Member or his or her immediate family member who has a financial interest in any matter that is the subject of a Town Meeting Warrant Article or serves as an officer, director, partner or employee in any business or organization that has an interest in any matter that is the subject of a Town Meeting Warrant

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Article, such Town Meeting Member shall file a written Notice of Conflict of Interest with the Town Clerk at least seven (7) days prior to the start of a Town Meeting session indicating the Warrant Article and/or line item and the financial interest in which the relationship or financial interest exists.

- 1.18.1** For purposes of this Section, “immediate family member” shall be defined as the spouse, parents, children, brothers and sisters of the Town Meeting Member and the parents, children, brothers and sisters of the Town Meeting Member’s spouse.
- 1.18.2** A Town Meeting Member shall abstain from voting on any Article or line item in which he or she has a financial interest. Nothing in this Section 1.18 shall prohibit a Town Meeting Member from voting on the overall budget appropriation for his or her department or business or organization despite the inclusion of a line item where there is such a conflict, or from participating in the consideration of articles involving a determination of general policy where the interest of the Town Meeting Member or his or her immediate family members is shared with a substantial segment of the population of the Town.
- 1.18.3** The Town Clerk shall maintain a list of all notices of conflict of interest filed by Town Meeting Members and make copies of it available on the Town Meeting literature table at least 30 minutes before the posted starting time of the first Town Meeting session.
- 1.18.4** Town Meeting Members wishing to speak on an Article or line item shall first disclose any financial conflict of interest to Town Meeting.

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Section 2. Standing Committees

- 2.1** There shall be the following seven Standing Committees of the Town Meeting: Public Works, Planning and Zoning, Community Services, Public Safety, Ways and Means, Education and Rules.
- 2.1.1** Each Standing Committee shall be responsible for informing itself of the related activities of those governmental units listed below and for other activities indicated by the names of the respective Committee.
- 2.1.2** Each Standing Committee shall report to the Town Meeting on those activities and upon the merits of Warrant Articles relating to those activities.
- (a) Public Works Standing Committee will be responsible for the Public Works Division and for the Capital Projects and Facilities Division.
 - (b) Planning and Zoning Standing Committee will be responsible for the Community and Economic Development Division, the Zoning Board of Appeals, the Planning Board, the Conservation Commission, the Historical Commission, the Metrowest Growth Management Commission, the Economic Development and Industrial Corporation and the Historical District Commission.
 - (c) Community Services Standing Committee will be responsible for the Parks, Recreation and Cultural Affairs Division, the Veteran Services Department, the Edgell Grove Cemetery, the Community Development Block Grant appropriations, Council on Aging, Human Relations Commission, and Fair Housing Committee.
 - (d) Public Safety Standing Committee will be responsible for the Police Division, the Fire Division, and the Inspection Services Division and the Public Health Division.
 - (e) Ways and Means Standing Committee will be responsible for the Finance Committee, the Finance Division, the Human Resources Division, the Information Services Division, the Selectmen, the Town Clerk, Town Elections, the Legal Department, the Retirement Board, Capital Budget Committee, and Government Study Committee.
 - (f) Education Standing Committee will be responsible for the Library, the Framingham School Department and the Keefe Vocational School.
 - (g) Rules Standing Committee will be responsible for the procedures of conducting Town Meeting.
- 2.2** Each Standing Committee shall consist of Town Meeting Members, one from each precinct, who shall be elected during the Annual Town Meeting by a majority vote of the representatives from the respective precincts. Within thirty (30) days following the election of Standing Committee Members, an organization meeting of each newly elected Standing Committee shall be called by the Town Clerk at which time the Committee Members shall elect a Chairman, Vice Chairman and Clerk. The term of Committee members shall begin at the final adjournment of the Annual Town Meeting at which they are elected and expire at the final adjournment of the following Annual Town Meeting.
- 2.3** Vacancies on the Standing Committees may be filled by a Town Meeting Member from the appropriate precinct appointed by the Precinct Chairman whenever a vacancy occurs. The term of said appointed member shall expire at the final adjournment of the following Annual Town Meeting.
- 2.4** A Standing Committee shall meet at the call of the Chairman or of any three (3) members thereof and at such other times as are specified in this Bylaw. The quorum for such meetings shall be five (5) in number.

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2.5 The Standing Committee shall meet following the receipt of the Warrant Articles from the Board of Selectmen, but prior to the start of a Town Meeting.

2.5.1 A Standing Committee shall consider all articles within the scope of the Committees' authority and shall prepare recommendations to the Town Meeting as to the action to be taken thereon.

2.5.2 If a Town Meeting Member on a Standing Committee also is a member of a board, commission, committee or other governmental unit associated with that Standing Committee as set forth in Article III, Section 2.1.2, then the member shall notify the members of the Standing Committee of this dual membership. Employees of a Town Department that comes under the area of interest of the Standing Committee should also declare their employment status. The member shall give this notification at the first meeting of the Standing Committee following each Annual Town Meeting or at the first meeting after such a condition exists.

2.6 The Board of Selectmen shall, as soon as practicable after Warrant Articles for a Town Meeting have been filed, refer each article to an appropriate committee by transmitting a copy to the Chairman thereof.

2.7 The initial organization of any additional Standing Committees created by amendment of this Bylaw shall be accomplished in the following manner:

The Town Clerk shall, within seven (7) days after the effective date of any amendment to this Bylaw creating a new Standing Committee, notify the Chairman of each precinct of the creation of such new committee. Within seven (7) days of receipt of such notice, each Chairman shall call a meeting of the Town Meeting Members of his precinct to be held as soon as is reasonably possible thereafter. At such meeting the precinct representatives shall elect a member of such Standing Committee and within seven (7) days thereafter each Chairman shall notify the Town Clerk of the name of the person so elected. The initial meeting of such Standing Committee shall be called by the Town Clerk by written notice mailed to each Committee Member and shall be held within fourteen (14) days after receipt by the Town Clerk of the names of the Committee Members. At the initial meeting of such Standing Committee there shall be elected a Chairman, Vice-Chairman and Clerk. Thereafter the Committee shall meet at the call of the Chairman or of any three (3) members thereof, and at such other times as are specified in the Bylaw.

2.8 A meeting of the Town Meeting Members from each precinct shall be held during the Annual Town Meeting for the purpose of electing a Chairman, Vice-Chairman, Clerk and one member to each Standing Committee. Within seven (7) days after this meeting, the Chairman elected thereat shall notify the Town Clerk of the names of all persons so elected.

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Section 3: Government Study Committee

3.1 Purpose

The Committee shall review all proposed bylaw changes with the exceptions of Zoning Bylaw changes, and make recommendations to Town Meeting. The Committee may also initiate a study of Town government and propose changes that the Committee deems appropriate to improve the functioning of Town Government.

3.2 Membership

The Government Study Committee shall consist of nine members appointed by the Moderator. Vacancies will be filled by the Moderator for the balance of the unexpired term.

3.3 Term of Office

Each member shall be appointed for a term of three years or until a successor has been appointed.

3.4 Quorum and Organization

Quorum shall be 5 of the appointed members. At the first meeting of each fiscal year, a chair, vice chair, and clerk shall be elected by the members of the committee.

Section 4: Technology Advisory Committee

4.1 Purpose: The purpose of the Technology Advisory Committee is to provide technical advice to the Town Meeting Standing Committees, the Finance Committee, and the Capital Budget Committee relating to the acquisition by the Town of technology. The committee shall also review budget articles in the warrant which relate to technology, and report their recommendations to Town Meeting. The committee may also serve as a resource for the Town to review and recommend the use of technology in the operations of Town functions.

4.2 Membership: The Technology Advisory Committee shall be appointed by the Town Moderator and shall consist of six (6) members with a term of 3 years, 2 appointed per year.

4.3 Qualifications: Each member should have educational background, job experience or technical expertise in areas of information technology and be a resident of the Town.

4.4 Quorum and Organization: The quorum for meetings shall be four members and the Committee shall choose a chairman at the first meeting after July 1 of each year.