

**REVISED GENERAL BY-LAWS
OF THE
TOWN OF FOXBOROUGH**

ARTICLE I

TOWN MEETINGS

Section 1 Preparation of Warrant and Articles

Every town meeting shall be called by a warrant under the hands of the board of selectmen. The warrant shall state the time and place of the meeting and all the subjects to be acted upon.

The selectmen shall insert in the warrant for the annual meeting each subject requested of them in writing by ten (10) registered voters of the town no later than February fifteenth (15th). The warrant shall close on February fifteenth (15th) or the next closest Friday at four o'clock (4:00) p.m. All items to be included in a budgetary appropriation must be submitted to the office of the town accountant no later than February first (1st) or the next closest Friday at four o'clock (4:00) p.m.

Subject to the provisions of the General Laws; in order to ensure that balanced budgetary appropriations, matching expected revenues with expenditures, are submitted to Town Meeting the following procedures will be followed: during the first week of November prior to the Annual Town Meeting, the Town Manager¹ and the Finance Director will communicate budgetary guidelines from the Board of Selectmen to all town departments; preliminary budget requests are to be returned to the Town Manager and Finance Director by the first week in December; during December and January all budget requests will be analyzed with requesting departments; and by the first selectmen's meeting in February a balanced summary of budgetary appropriations will be presented for preliminary approval. Departments and warrant articles not following this process will receive estimated funding to maintain a balanced budget presentation².

The selectmen shall call a special town meeting to be held not later than forty-five (45) days after receipt of a request for same in writing by two hundred (200) registered voters. They shall insert in the warrant all subjects requested of them by the petition and all other subjects requested in writing by one hundred (100) registered voters, any time prior to the closing of the warrant.

Section 2 Time, Place and Notice of Meeting

The polls for all town meetings, including elections, shall be open for such hours, not less than four (4), between six o'clock (6:00) a.m. and eight o'clock (8:00) p.m., as shall be determined by the board of selectmen.

The annual meeting for the election of town officers shall be held on the first Monday of May in each year at suitable and convenient polling place(s) designated by the selectmen. The same meeting shall reassemble at seven-thirty (7:30) p.m. on the following Monday at a suitable and convenient place designated by the selectmen to consider the remaining articles of the warrant.

The selectmen shall give notice of the annual meeting by directing the constables to post an attested copy of the warrant at the town office and at each place where the meeting is to be held at least seven (7) days prior to the meeting day. The selectmen shall give notice of any special town meeting in like manner,³ and in addition, shall cause an attested copy of the warrant to be published in a local paper prior to the meeting day.

¹ Chapter 5 of the Acts of 2004 provided for a Town Manager Form of Government. All references to Town Administrator have been changed to Town Manager.

² ATM May 10, 1999, Article #12.

³ A 1976 amendment to Massachusetts General Laws, Chapter 39, Section 10, requires fourteen (14) days notice for a special town meeting.

Section 3 Conduct of Meetings

Except for the election of officers, a quorum of any town meeting shall consist of one hundred (100) registered voters. In the absence of a quorum a smaller number may organize only to adjourn the meeting to a time and place certain.

In all matters of parliamentary procedure not provided for in the constitution and laws of the Commonwealth, the town by-laws, town policies, procedures and practices, the town moderator (and the voters) shall be guided by the principles of fairness, clarity, and efficiency, in that order. In determining any parliamentary question, the town moderator shall give due regard to the entire body of scholarship encompassing parliamentary procedure, but with particular emphasis on the most recently published edition of *Town Meeting Time*, a manual of parliamentary procedure published by the Massachusetts Moderators Association, but resort may also be had for guidance to other authorities and examples of parliamentary procedure, including reference to rules and rulings of state and local legislative bodies.⁴ No vote shall be taken to increase a sum of money specified in any article of appropriation. Any special article involving the appropriation of ten thousand (\$10,000.00) dollars or more shall be voted by a secret ballot and voting list if previously moved by twenty-five percent (25%) of those present and voting at either an annual or special town meeting.

No vote shall be reconsidered at the same meeting except upon motion duly made and voted within one hour after such vote, or thereafter upon order of two-thirds of those present and voting. At any adjourned meeting no vote taken previously shall be reconsidered in the absence of a written notice of intent so to move filed with the town clerk not later than noon (12:00) of the day of adjournment.

No meeting shall dissolve or take action with like effect until after it has acted upon each article in the warrant.

The moderator shall preside at each town meeting, except elections, and s/he shall determine the bounds of the hall for the purpose of admitting or excluding visitors. S/he may require any motion to be presented in writing, and s/he may waive the seconding of motions whenever s/he shall refuse to put any questions obviously frivolous or immaterial to the matter at hand. Unless otherwise provided by law or by vote at the meeting, s/he shall take all votes by a show of hands; if the result be in doubt, s/he shall count or cause to be counted the uplifted hands; if still in doubt or if the result is questioned by ten percent (10%) of those present and voting, s/he shall appoint tellers who shall verify the vote.

Whenever a two-thirds vote is required by statute, such vote may be declared as such by the moderator without a count and be recorded as such by the Clerk upon such declaration; provided, however, that seven or more members of a Town Meeting may challenge such declaration, all as provided by MGL Ch. 39, § 15, at which time a count shall be held.⁵

Section 4 Precedence of Motions

Whenever a question is under debate, the following motions shall have precedence in the order given:

1. To adjourn the meeting to a time and place certain.
2. To lay on the table. (Non-debatable)
3. The previous questions. (Non-debatable)*
4. To commit, re-commit or refer to a committee.
5. To amend.
6. To postpone action on the article to a day certain.
7. To postpone action on the article indefinitely.

* A motion on the previous question shall be put to the meeting as:
"Shall the main question now be put?"

⁴ STM December 15, 2008, Article #14, deleted sentence, inserted new sentence

⁵ STM December 15, 2008, Article #14.

A negative vote shall permit debate and motions for amendment to continue.

An affirmative vote shall effect: (a) an end to all debate on the main questions and on any proposed amendments then pending before the meeting; and (b) the putting to a vote each pending proposed amendment in the reverse order of presentment, i.e. the most recently made shall be considered first; then (c) the putting to a vote the main questions, either in its original or amended form, depending upon whether a motion to amend has already carried.