

FOREWORD

When the Town Meeting was last revised in 1988, the Commonwealth of Massachusetts was marking the 200th Anniversary of the state constitution. This year we celebrate the 250th Anniversary of the establishment of our town. The revision of the handbook is a fitting contribution to the occasion, as the Town Meeting has always been an integral part of our government. Our Town Seal memorializes the importance of the Town Meeting with a depiction of the Town Meeting and the words “The Town Meeting – the strongest of Citadels of Civil Liberty – the Purest of all Democracies”.

The 2002 Town Meeting Handbook is dedicated to the civic spirit of all those who have come before us – the members, the moderators, the public officials, and most importantly, the citizens of our community. The contributions of interested and concerned members of our community throughout the course of the history of the town have been great. Danvers has been well served by its informed and enlightened citizens.

This revised Handbook will serve as a helpful guide to all those who are interested in the workings of Town Government, especially the Town Meeting. Many thanks to Joseph Collins, Town Clerk, and Kathleen Woytovich, Assistant Town Clerk, who prepared this revision.

Patricia C. Fraizer
Town Moderator

November, 2002

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Chapter 1

Prelude to the Town Meeting

Perspective

History:

The Town is the basic unit of government in New England, and the Town Meeting the traditional legislative body. In the early part of the 20th century many towns became so big as to have trouble obtaining a quorum or to have an unwieldy body. Some of these larger towns became cities to solve these problems; others, including Danvers, adopted a Representative Town Meeting form of government. This form was established in Danvers in 1930. In 1949, the voters of the Town responded to the increasing demand for town services and the growing complexity of governmental structure by accepting the Town Manager Act; and in 1950, the first Town Manager was appointed. The basic Town Meeting form of government, however, has otherwise remained unchanged.

Business:

No moneys may be used for any Town purpose unless such funds have been appropriated by the Town Meeting. Other examples of business include:

- The purchase of land
- amendments to zoning by-laws
- creation of special committees

Basis for Procedures:

State Statutes and Danvers' Town By-Laws provide a minimal basis for all procedures and requirements. Much is left to the discretion of the Moderator who uses a combination of common sense, "ancient custom and

usage”, and a variety of Parliamentary manuals. A particularly helpful guide is **Town Meeting Time: A Handbook of Parliamentary Law**, prepared by a committee of the Massachusetts Moderators Association (1962) and revised in 1984.

The Moderator may rule by his own judgment on any matter not regulated by law. As a practical matter, the Moderator reviews the law applicable to all articles with the Town Counsel prior to every Town Meeting.

Preparations

Elections:

Annual Town Elections, which are historically and traditionally a part of the Annual Town Meeting, are held on the first Tuesday in May with those elected taking office immediately. The Annual Town Meeting is then held on the third Monday of May.

To vote in Danvers, one must be a United States citizen at least 18 years old, a resident of Danvers, and registered to vote.

Warrant

The Warrant is a “warning” issued to the people of the Town by the Selectmen stating the time, place and subject matter to be discussed. Each item of business is a Warrant Article (Massachusetts General Laws C. 39, § 10). Most Warrant Articles are developed by the Board of Selectmen, who draw up the Warrant, but Citizens may also petition for the insertion of Articles by obtaining ten signatures for an Annual Town Meeting and 100 for a Special Town Meeting. The Town Counsel reviews all proposed Warrant Articles to be certain of proper phrasing and legality. A Special Town Meeting may be called by citizens by obtaining 200 signatures.

Copies of the Warrant must be posted at the Town Hall and at all precinct polling places at least seven days before the annual meeting date. A copy of the Warrant is sent to Town Meeting Members prior to Finance Committee hearings. For a special Town Meeting the posting period is fourteen days. No action can be taken on any matter unless an Article concerning it is contained

in the Warrant, and any action, which may be taken, is limited to the scope of the specific Article. The Warrant is incorporated into the “Finance Committee Recommendations” which are published after the Finance Committee’s hearings and deliberations, but prior to any Town Meeting.

Hearings:

When the Warrant is complete it is submitted to the Finance Committee, which then schedules public hearings on the Warrant Articles so that all Citizens may have the opportunity to express themselves. Public hearings on the Annual Town Budget (which itself is a warrant article) are announced and held prior to the completion of the Warrant for the Annual Town Meeting. Notice of all hearings to be held is published in the local newspapers and is posted at the Town Hall.

Subsequent to public hearings, the Finance Committee deliberates on all Warrant Articles and publishes its recommendations at least one day prior to the Town Meeting. A copy of the Finance Committee Recommendations is delivered or mailed to the home of each Town Meeting Member. The Finance Committee may modify its recommendations at the Town Meeting. The Finance Committee makes a reasonable and prudent recommendation on each article after consultation with the Town Manager and Selectmen, and listening to the public at hearings. It must be remembered that at the hearing on the budget, the Selectmen are presenting their budget to the Finance Committee, an elected body making a presentation to an appointed body.

Chapter 2

Participants at the Meeting

Town Meeting Members:

There are 18 Town Meeting Members from each of eight precincts serving staggered three-year terms. Each May, at the Annual Town Elections, the voters of each precinct elect six Town Meeting Members. The five

Selectmen also serve as Town Meeting Members, ex-officio, making a total of 149 voting members when all seats are filled. Town Meeting Members, as such receive no compensation.

Moderator:

The Moderator is elected for a one-year term, and is paid a modest salary. He is the presiding officer of the Town Meeting and appoints the members of the Finance Committee and of other special committees created by the Town Meeting. He calls the meeting to order at the designated time, determines that a quorum is present and announces the results of all voting. The Moderator's duty is to conduct the transaction of the Town's business in an orderly manner, and in such a way that the will of the assembled Town Meeting members is clearly expressed. He has complete authority over all matters of rules, procedure, regulation, and the preservation of decorum, including the power to remove (after warning) any disorderly or unruly person. The Moderator's rulings on procedure are final, subject only to State Law and the Town By-laws; there is no appeal. The Moderator does not engage in any debate, does not vote, and must be totally impartial in all matters at the Town Meeting. (Massachusetts General Laws C. 39 § 15 & 17)

In order to maintain impartiality, the Moderator does not volunteer information on procedural strategy; however, he may be consulted concerning procedures before the meeting and during recess or adjournment.

Town Clerk:

The Town Clerk is appointed by the Town Manager to a full-time paid position. He records the proceedings of all Town Meetings and Elections, notifies Town Meeting Members of all Town Meetings, prepares the ballot and materials for Town Elections, and has complete responsibility for the counting of votes in Town Elections. The Town Clerk does not vote.

Finance Committee:

The Finance Committee is an advisory body required by State Law. In Danvers the nine members of the Finance Committee are appointed by

the Moderator. They serve staggered three-year terms without compensation. The Committee elects its own Chairman, Vice-Chairman and Secretary. Members may be re-appointed by the Moderator. The three-year term of a Finance Committee Member expires at the conclusion of the Annual Town Meeting. Members of the Finance Committee do not vote at Town Meeting or engage in debate. The recommendation reported by the Finance Committee under any article in the Warrant is treated in the Town Meeting as a Main Motion under that article.

Town Counsel:

The Town Counsel is on retainer, appointed by the Town Manager. He is present at all Town Meetings to answer questions from the floor and to give his opinion on the legality of action proposed by the Meeting. Prior to the Town Meeting, he reviews all proposed Warrant articles for legality and proper phrasing and is also available to all Members for advance advice concerning proposed amendments and other matters. He does not vote.

Board of Selectmen:

There are five Selectmen, serving staggered three-year terms with modest salaries. They set the time and place of the Town Meeting and prepare and issue the Warrant, including the Annual Town Budget for which they are responsible. They determine the order in which Articles are taken up, subject to change by the Town Meeting. In Danvers they are also voting members of the Town Meeting Body, ex officio.

Town Manager:

The Town Manager is appointed by the Selectmen for a term of five years and is paid a salary as the Selectmen shall determine, but not in excess of the amount appropriated therefore by the Town. He is the Chief Fiscal Officer of the Town and supervises and directs the administration of all Departments, Commissions, Boards and Offices except the Board of Selectmen, the School Committee, the Trustees of the Peabody Institute Library (who are all elected), the Town Accountant, the Board of Appeals, Election Officers, the Registrars of Voters (who are all appointed by the Selectmen), and the Finance Committee, whose members are appointed by the Moderator.

The Town Manager is present at all Town Meetings to respond to questions from the floor concerning all the areas of Government, which he administers. He does not vote at Town Meetings. (See Town Manager Act - Chapter 13 of this Handbook)

Citizens:

In addition to electing Town Meeting Members and Selectmen, Citizens who are not Town Meeting Members may petition to insert Articles in the Warrant, speak at all hearings, and speak at the Town Meeting after Town Meeting Members have had a chance to do so and with the permission of the Moderator. They may also overrule the decisions of the Town Meeting by means of a referendum. They may and should contact their elected and appointed officials about their views and concerns. It is possible for a citizen to obtain a copy of the Town Budget, the Warrant or the recommendations of the Finance Committee at the Town Hall. Citizens who are not town Meeting Members may not vote at the Town Meeting, however.

Visitors:

Visitors are welcome at all Town Proceedings. Special visitors, such as Scouts, classes or students, or foreign visitors, may be briefly introduced by the Moderator if he is informed of their presence.

Chapter 3

The Meeting

Opening

Quorum:

No Town Meeting action is legal unless a quorum is present. A quorum consists of a majority of Town Meeting Members (including Selectmen)

holding office on the day of the meeting. A quorum shall constitute of 1 more than 50% of the members being present.

Once a quorum is determined by means of a roll call, the Moderator may assume the presence of a quorum from then on. However, the presence of a quorum may be questioned at any time (except that a speaker may not be interrupted to do so). If it is then determined that a quorum is not present, the only further action the Meeting may take is adjournment or adjournment to a fixed time, the Moderator will entertain either motion.

Such action, however, does not affect any business complete before the point of no quorum is raised. Although it is unnecessary, anyone doubting the validity of the previously taken votes may, when the Meeting reconvenes, propose ratification of previous actions.

Formalities:

All Town Meetings begin at 7:30 P.M. by a roll call of Town Meeting Members recited alphabetically by the Town Clerk. All members, seated in a separate section of the hall, and by precincts, respond "Present" or "Here" as their names are read. Later arriving Members notify the Town Clerk of their presence.

After the roll call, the Moderator announces a quorum present. Without a quorum, the Meeting cannot begin.

At the Annual Town Meeting the Town Clerk swears-in newly elected Town Meeting Members, who stand in place for this brief ceremony.

The Moderator then introduces a clergyman to recite prayer, with all in attendance standing in respectful silence.

All present remain standing and join in a salute to the Flag, usually led by one of the Town's Boy or Girl Scout groups.

Guests, if any, are then introduced to the Meeting. These may include scout troops, history classes, foreign visitors, etc.

The meeting now comes to order.

As appropriate, complimentary or memorial resolutions are now presented.

Brief instructions in rules and procedures are recited by the Moderator. The main business of the meeting then begins.

Resolutions:

The Town Meeting may wish to thank or honor a person or group for a service to the Town or for other reasons. The Meeting may also wish to extend condolences and honor the memory of Town employees, Town officials, Armed Services personnel or others who have passed away. Such expressions are offered through resolutions. Whether or not they are entertained at all is at the discretion of the Moderator, who should be consulted prior to the Meeting.

Instructions on Debate:

At the beginning of every Town Meeting the Moderator recites certain “rules of the road”, regarding the conduct of the meeting. The principal rules are as follows:

Any person desiring to address the Town Meeting shall stand, address the Moderator, and wait until he or she is recognized.

Once recognized, the person should state his name and precinct. He then may discuss the matter at hand, or ask for information. A Town Meeting Member may also make a motion, propose an amendment or pose a question of order.

Town Meeting Members shall speak on all subject matters before any others, but any voter may also speak thereafter.

The Chair may recognize the Chairman of a Board, or of a Committee, to speak on a subject prior to discussion by others.

Reference to personalities, interruption of a speaker, cross-examination of another person, all represent affronts to the dignity of the assembly and shall be promptly ruled out of order by the Moderator.

All proposed amendments must be in writing. The reason for this is simple: Frequently, an amendment represents a substitution for a main motion, i.e., will replace the main motion. If such an amendment passes, it becomes the main motion, and exact words and numbers can become very important, particularly where appropriations are involved.

Any person must cease speaking and yield the floor at the request of the Moderator.

Debate under the motion is limited to the subject matter at hand. Extraneous, irrelevant or frivolous discussion, not pertinent to the motion, frequently obscures the subject and unnecessarily prolongs the Meeting.

The Moderator may limit discussion on any subject if, in his judgment, the subject matter has been adequately (or excessively) discussed, to the point where much of the debate represents repetition.

Chapter 4

Motions

Before any action can be taken under a Warrant Article, it is necessary that a motion under the Article be placed before the Town Meeting.

Articles by themselves are not motions. They only describe and define the subject matter. It is not necessary that the motion follow the precise wording of the article, but it is necessary that the motion fall within the scope or confines of the article. (Massachusetts General Laws C. 39, § 20) This is because the publishing and posting of the Warrant for the Information of the voters does in fact prescribe the limits within which action may be taken at and by the Town Meeting.

All main motions and most other motions must be seconded to be recognized. After a motion has been made and seconded and put before

the meeting by the Moderator, then - and only then - is discussion permissible.

There are four types of motions, which may be made:

- main motions
- subsidiary motions
- privileged motions
- incidental motions

Main Motions:

Main motions are the basic motions under the Articles. Only one main motion may be pending at any one time.

The Finance Committee traditionally offers the main motion under all Articles. The Chairman recites the committee's recommendation immediately following the reading of the Article by the Moderator. The recommendation is that the Meeting takes either affirmative or negative action on the subject matter contained in the Article. After the Finance Committee has made its recommendation on the Article, no other motions may be made except by Town Meeting Members, except amendments pursuant to a Finance Committee Minority Report, which may be made by a Finance Committee member.

There are other types of motions which are classified as main motions but which are not proposed by the Finance Committee:

- Reconsideration (or rescission)
- Take from the Table (or remove)
- Advance an Article (or Defer)

Reconsideration: (or to Rescind)

The Town By-Laws (C. 2, § 4) state: “When a vote is passed, it shall be in order to move a reconsideration thereof at the same meeting.” Accordingly, “to reconsider” is a main motion, which is in order until the close of the Meeting with the following restriction: Only a Member who initially voted on that side of the question, which prevailed, is entitled to move for a reconsideration. A motion for reconsideration should be made only if a motion has been adopted or rejected or postponed indefinitely, and afterwards one or more Town Meeting members believe that by further discussion on the subject the Town Meeting may modify or reverse its action. Upon motion for reconsideration, the Town Meeting shall vote whether or not to reconsider. Successful passage of the motion effectively means that the subject matter is re-opened for discussion and a new vote. A motion for reconsideration is not amendable, may or may not be debatable, and requires a majority vote for passage.

Take from the Table:

Prior to final legal adjournment of the Town Meeting (properly called “Dissolution”) all subject matter previously “laid on the table” must be recovered from the “table” and acted upon. (By-Laws, Chapter II, Section 3) The motion made to “take from the table” is a main motion. It is unamendable and undebatable, and requires a majority vote for passage.

Advance an Article:

The Town By-Laws (Chapter II, Section 1) state “Articles in the Warrant shall be acted upon in the order in which they stand unless the Meeting shall otherwise vote.” Accordingly, when no other action is pending, a motion may be made to advance the order of discussion of an article, out of the order as listed in the Warrant. The motion is debatable and amendable, and requires a majority vote for passage. Inversely, a motion may be made to defer discussion of an article, with the same parliamentary requirements applied.

Subsidiary Motions:

Motions relating to and applicable to the main motion, which calls for action other than a direct vote, are called “subsidiary motions”, and may be made before a vote is taken on the main motion before the assembly. These

motions are listed below in the order of their precedence, and are presented as a guide to assist in determining which motion has precedence over another.

Undebatable, unamendable and requiring a 2/3 vote:

1. Lay on the Table
2. The Previous Question
3. Limit or Extend Debate

Debatable, amendable, requiring a majority vote:

4. Postpone to a Certain Time
5. Commit or Refer
6. Amend (or Substitute)

Debatable, unamendable, requiring a majority vote:

7. Postpone Indefinitely

A brief explanation of each of these subsidiary motions follows:

1. Lay on the Table: This motion is made to temporarily defer the issue. It is not amendable or debatable and it requires a 2/3 vote for passage. Passage requires that action on pending matters (main motions, amendments, etc.) be postponed until brought back before the meeting. The corollary motion “to Remove from the Table” is a main motion, which may not be debated, amended or reconsidered. It is not in order until some other business has transacted after laying the matter on the table, nor when another main motion is on the floor.
2. The Previous Question: This is a motion used to end debate and to bring an immediate vote on the issue. It is not amendable or debatable and it requires a second and 2/3 vote for passage.

Passage demands that the Moderator place before the body for immediate vote the motion, which has been under discussion.

3. Limit or Extend Debate: This motion, when made to limit debate, is intended to establish a maximum time period for discussion of a particular matter. It is a seldom used, however. (The “Previous Question” motion, which has the effect of immediate termination of discussion is more frequently utilized.) The Moderator may, on his own, limit debate, by stating a time or limiting “to one or two more speakers.” The action to extend date, also infrequently used, is intended to establish a minimum time period for discussion of a subject. Both motions are undebatable, unamendable and require a 2/3 affirmative vote for passage.
4. Postpone to a Certain Time: This is the proper motion for deferring consideration of a question to a later time. The “certain time” must be reasonable, and not have the effect of an indefinite postponement. This motion may be amended only as to the time fixed, and the merits of the question to be postponed may be debated only insofar as they affect the question of postponement. A majority vote is required for passage.
5. Commit or Refer: This motion is used when, in the judgment of the Member proposing it, the subject matter needs further study before it is put to the vote of the Meeting. The motion may be debated and amended, and may be carried by a majority vote. A Member making this motion should include provisions for how the committee is to be appointed, the number of members, and when, where and to whom the committee is to report. If this motion is successfully carried, all other motions then pending, including the main motion, become subject to action by the committee.
6. Amend: A main motion may be amended or changed providing the amendment falls within the scope of the Article in the Warrant. This may be done by striking out, inserting, adding, striking out and inserting, or substituting words. All proposed amendments must be in writing to avoid misunderstanding and confusion. The motion to amend may itself be amended (a secondary amendment) but two amendments are the maximum, which may be before the Meeting at

any one time (one primary amendment and one secondary amendment). All amendments require only a majority vote for passage, regardless of the required quantum of vote for passage of the main motion as subsequently amended.

7. Postpone Indefinitely: This motion is offered when it is desired that the Meeting take no action on an Article. Positive action under this motion fulfills the requirement that each Article in the Warrant shall be acted upon before the Meeting is adjourned (Danvers By-laws, Chapter II, Section 2). The motion is debatable but not amendable, and requires a majority vote for passage.

Privileged Motions:

These motions relate to the conduct of the Meeting. They are not in order at any time and must be disposed of before the Meeting may proceed. Motions for Adjournment (see below), for a Recess or for a Point of No Quorum fall in this class.

The motion "To Adjourn" is not debatable. It may be made at any time, even though other motions may be pending, and takes precedence over all other motions. However, the Moderator has the authority to rule such a motion out of order unless the Warrant has been completed or other provision has been made for the completion of the Warrant.

Incidental Motions:

These motions relate to Meeting methods, such as to fix the method of voting, division of a question for voting purposes, nominations to committees, etc.

A good example of an incidental motion is the motion for a Roll Call Vote. The motion is made before voting commences, or, at the latest, after a voice vote has been taken but before a standing vote has been taken. It applies to the particular proposition then before the Meeting and requires a majority vote to pass. The motion requires action before a vote is taken on the other motions pending.

A point of order (in reality a question) is also an incidental motion, which must be ruled upon by the Moderator before the Meeting can proceed. At any time during the Meeting, a Member may question the legality or propriety of the proceedings. The member may rise, interrupt the speaker and say, "Mr. Moderator, I rise to a point of order." After being recognized, the Member states his point of order and waits for the Moderator to rule upon it. No second is necessary, and no vote is taken. Whatever ruling the Moderator makes is final. All points or order should be raised immediately whenever the problem arises.

Chapter 5

The Vote

The usual methods of voting at Town Meeting are:

- a) Voice Vote
- b) Standing Vote
- c) Roll Call Vote

The Meeting may also vote for a secret ballot, if it wishes. the vote is taken after debate is ended and the Moderator has repeated the motion. Once voting has commenced, by any method, interruption is not permitted.

Voice Vote:

When a question is put to the Town Meeting for vote, the sense of the meeting is usually first determined by a voice vote of the Town Meeting Members, and the Moderator declares the vote as it appears to him.

Standing Vote:

If, in the judgment of the Moderator, the voice response indicates a possible doubt, he will put the question to a standing vote, to be counted by

the tellers, first in the affirmative, and second in the negative. The tellers recite their count aloud by precinct, in sequence, beginning with Precinct 1.

Regardless of whether the Moderator is in doubt, if seven or more Town Meeting Members stand and declare that they doubt the vote, the Moderator will put the question to a standing vote as described above. In all instances where a statutory or other requirements demand a vote of 2/3 or more for passage, the Moderator will ask for a standing vote unless the voice vote is unanimous.

After a standing vote has been taken and the Moderator has announced the results, the vote may not be questioned.

Roll Call Vote:

A roll call vote on any question is taken only upon request of a majority of the Town Meeting Members present and voting. A motion for a roll call vote is in order before or after a voice vote is heard. A motion for a roll call vote is out of order after a standing vote has been taken and the results announced.

Once the standing vote has been taken and the results announced, the only remaining recourse is for a member who voted on the side, which prevailed to move for reconsideration. If the motion for reconsideration passes the original motion is now in the posture of not having been voted on at all. Any member can then move for a roll call vote.

The motion for a roll call vote may be debated, amended, or reconsidered, and requires a majority vote to pass.

Tie Votes:

In the event of a tie vote, either standing or roll call, the motion has been defeated.

Tellers:

In order to expedite standing votes, and to preserve impartiality, the Moderator, at each Meeting, appoints one teller from each precinct to count

and report votes. Those voting in the affirmative are asked to stand and be counted. The negative count follows. The Town Clerk and Moderator record the vote, by precinct, and check with each other for accuracy. The Moderator then recites the results.

The teller from Precinct One counts the vote of the Members of the Board of Selectmen who are present. Tellers are reminded to include their own vote in their report.

Quantum of Vote:

A majority vote of Town Meeting Members present and voting is sufficient for the passage of any main motion unless otherwise provided by law. There are many such provisions, notably the State requirements of 2/3 to amend zoning by-laws, incur debt (other than temporary loans), and sell or purchase land. 4/5 is required to pay unpaid bills of previous years, which may be unenforceable due to the insufficiency of an appropriation (this requirement rises to 9/10 at a Special Town Meeting). Whenever the requirement is other than a simple majority, the Moderator announces the required quantum in advance of the vote.

Chapter 6

Adjournment and Dissolution

When the Moderator is satisfied that all Articles in the Warrant have been disposed of, he entertains a motion to dissolve the Meeting. After passage, he announces “I declare this Town Meeting to be dissolved.”

There are fine distinctions between “adjourn” and “dissolve” which are important to our Town Meeting. The term “adjourn”, in effect, means that we are taking an overnight recess, to return to resume debate and discussion. The term “dissolve” means that the Meeting has been concluded, and that there will not be another meeting until a new Warrant has been issued.

According to the Limited Town Meeting Act of 1930 (Chapter 294), no action by the meeting is legally effective until five days after the Meeting has been dissolved (excluding Sundays and holidays).

Chapter 7

Referenda

The referendum procedure is an extension of the Town Meeting, allowing the citizenry at large to vote on any question providing the required number of signatures are obtained during the five-day interim described above. Danvers' Town By-laws require that petitioners acquire certified signatures equal in number to 4% of the registered voters. Such signatures must appear exactly as the voter is registered. If a sufficient number of valid signatures is obtained, the question must go before the voters of the Town by ballot at a time set by the Board of Selectmen and described in Chapter 294, Section 8 of the Massachusetts General Laws as "forthwith". This may be during a coming Town or State Election, or a special election may be held for this purpose. The percentage of votes required for passage of the question is the same as that required for passage of the initial action at the Town Meeting.

The adequacy of signatures on the petition is the equivalent of a successful motion for reconsideration, thus placing the motion before the people for action. Upholding the action of the Meeting is, in effect, a ratification of the vote. Negating the action of the Meeting results in the motion being indefinitely postponed. No new action on the motion may then be taken unless and until an article is inserted in the Warrant for another Town Meeting. In substance, the referendum on any issue temporarily creates an "open town meeting by secret ballot."

Chapter 8

Special Town Meetings

There may be as many or as few Special Town Meetings as the Selectmen deem necessary. It has been usual for Danvers to have 1-4 Special Town Meetings per year. These Meetings are prepared for, called, and conducted in precisely the same manner as the Annual Meeting as described previously.

Chapter 9

How to become a Town Meeting Member

Election:

Any registered voter may seek election as a Town Meeting Member from his precinct at the Annual Town Election. A minimum of ten signatures of registered voters from the candidate's precinct are required on nomination papers, which may be obtained from the Town Clerk at Town Hall in early March. (Candidates usually seek extra signatures, to be safe.)

The nomination papers must be filed with the Board of Registrars 42 days before the election, a deadline which is well publicized in the local newspapers. The procedure is to take the signed nomination papers to the Town Clerk's Office (the Town Clerk also serves as the representative of the Board of Registrars). Another trip to Town Hall is necessary 28 days before the election, to file the nomination papers (which are already there) with the Town Clerk.

The term of office is three years, but for various reasons there are frequently two-year and one-year unexpired terms to be filled from many precincts. The candidate must specify whether he is seeking a one or two-year term if such openings exist.

All candidates run without party designation. The placement of names on the ballot of a local election is drawn by lot. Chapter 89, Acts of 1974.

Re-election:

A Town Meeting Member who wishes to run for re-election may do so without gathering signatures on nomination papers if he files an affirmation of intent to run with the Town Clerk seven days before the first regular filing deadline.

Write-ins:

Candidates for Town Meeting Member may be elected by write-in votes, and the person who receives the most votes is the winner. In effect this provides for late filing. Write-in votes must include the candidate's name, substantially as registered, and his street address, entered on the ballot under the office sought. The voter must also fill in the bubble next to the name.

A Town Meeting Member who moves out of the precinct from which he was elected but who still resides in the Town may continue to serve his former precinct until the next Annual Town Election, at which time the remainder of this term is filled by ballot.

A Town Meeting Member who moves from the Town shall cease to be a Member and his seat becomes vacant immediately.

Resignations:

A Town Meeting member may resign by filing a written resignation with the Town Clerk, and his resignation shall take effect on the date of such filing.

Vacancies:

Vacancies may be filled until the next Annual Town Election by a caucus of the precinct's Town Meeting Members. Ten of these Town Meeting Members must sign such a request, which the precinct chairman (elected at a previous caucus) must file with the Town Clerk in sufficient time for the

Clerk to give the precinct members a five day notice. The precinct caucus is held immediately before the Town Meeting and must include a quorum (a simple majority of Precinct Town Meeting Members already holding office).

At the next Annual Town Election, the remaining term is filled by the voters. The person appointed in the interim is entitled to be listed on the ballot as a candidate for re-election.

Chapter 10

Excerpt of the By-Laws of the Town of Danvers

CHAPTER I Town Meetings

Section 1. All warrants for Town Meetings shall be served by posting up attested copies thereof at the precinct voting places in the Town at least seven days before an Annual Town Meeting and fourteen days before a Special Town Meeting. No notice of adjournment need be posted.

Section 1A. The Town of Danvers shall hold its Annual Town Meeting for the purpose of **election of officers only on the first Tuesday of May in each year.** The polls for the election of officers shall open not later than ten o'clock in the forenoon and shall be closed at eight o'clock in the evening. The Town of Danvers shall hold its **annual meeting for the transaction of municipal business in pursuance of the warrant for the Annual Town Meeting, except the election of officers, on the third Monday of May at thirty minutes past seven o'clock in the evening.** If the said business of the Annual Town Meeting is not completed on the evening on the third Monday of May, the said meeting may be adjourned to thirty minutes past seven o'clock of any evening or to as many evenings as the meeting votes, during the week of the third Monday of May as are necessary to complete said business. (AUTH; ARTICLE 1, TM 10/15/73, CHAPTER 50.)

This section of the By-laws shall supersede Section 12 of the provisions of Chapter 294 of the Acts of 1930 entitled "An Act Establishing in the Town of Danvers Representative Town Government by Limited Town Meetings".

Section 2. No Special Representative Town Meeting shall be called to assemble earlier than thirty minutes past seven o'clock in the evening.

Section 3. After holding the public hearing on the articles of any warrant, the Finance Committee shall announce and file its recommendations with the Town Clerk at least one day before the day of the meeting. This requirement shall not prevent the Finance Committee from amending its own recommendations up to and at the time of the Town Meeting. Failure to announce and file the Finance Committee's recommendations with the Town Clerk shall not make the action taken by the Town illegal which otherwise would be legal.

Section 4. A majority of the Town Meeting Members shall constitute a quorum at a Town Meeting. Unless it otherwise specifically appears on the records of the Town Clerk, a quorum shall be deemed to have been present.

CHAPTER II **Conduct of Town Meetings**

Section 1: Articles in the Warrant shall be acted upon in the order in which they stand unless the Meeting shall otherwise vote.

Section 2. When the Recommendation of the Finance Committee under a particular article is before the Meeting, the Moderator shall entertain no motion that does not relate to the same. He may entertain a motion to indefinitely postpone, to postpone to a day certain, to appoint a committee or to recommit to a committee, for the previous question and to amend.

Section 3. No motion to adjourn, the effect of which would be to dissolve the Town Meeting, shall be in order until every article in the Warrant has been considered and acted upon.

Section 4. When a vote is passed, it shall be in order to move a reconsideration thereof at the same meeting.

CHAPTER III **Committees**

Section 1. Whenever any matter has been referred to a committee, the committee shall make a temporary or partial report either orally or in writing at every Annual Town Meeting until the task with which it has been charged has been completed and a final report as hereinafter provided has been made. If an appropriation has been made for the work of the committees, the report shall contain an accounting therefore.

Section 2. Pursuant to a proper article in a warrant, a Town Meeting may discharge a committee at its pleasure, whether a committee has completed its task or not.

Section 3. When a committee has completed its task, it shall prepare a final written report and mail a copy of the same to every Town Meeting Member, at least seven days before the Town Meeting in which an article accepting the committee's report is up for consideration. The report shall also be filed with the Town Clerk. It shall not be necessary to read the report at the Town Meeting. A vote to accept the committee's report shall discharge the committee unless the Town specifically votes otherwise and assigns to the committee continuing or additional duties. A vote to accept the committee's report shall not be deemed to be affirmative action by the Town on the recommendations contained in the report. To accomplish this result, appropriate articles must be inserted in the Warrant and affirmative action taken there under.

Chapter 11

Representative Town Government

The following pages contain a listing of current Town Meeting Members:

Chapter 12

Town Manager Act

An Act Relative To The Form of Government in the Town of Danvers

Passed to be enacted: House of Representatives: 12/04/97

Senate: 12/08/97

Governor Approved: 12/18/97

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- Section 2. Board of Selectmen
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- Section 18. Appointment of Assessors
- Section 19. Appointment of Town Clerk
- Section 20. Appointment of Town Treasurer
- Section 21. Appointment of Collector of Taxes
- Section 22. Appointment of Water & Sewer Commissioners
- Section 23. Appointment of Trust Fund Commissioners

- Section 24. Appointment of Tree Warden
- Section 25. Appointment of Town Counsel
- Section 26. Chief Fiscal Officer
- Section 27. Review of Payments
- Section 28. Receipts of Town
- Section 29. Limitation of Annual Compensations
- Section 30. M.G.L. Chapter 268A
- Section 31. Estimate of Expenditures
- Section 32. Submission of (Tentative) Budget
- Section 33. Finance Committee
- Section 34. Repeal of Chapter 13 of Acts of 1949
- Section 35. Effective Date, Town Manager Act

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. The regular town election in the Town of Danvers for the purpose of electing selectmen and members of the school committee required to be elected under this act, the trustees of the Peabody Institute Library and the moderator and town meeting members required to be elected under the provisions of chapter 294 of the acts of 1930, shall be held annually on the first Tuesday in May and shall be part of the annual town meeting. All articles in the warrant to be decided otherwise than by ballot shall be considered at the annual town meeting to be held on the third Monday in May. Any vacancies on the board of trustees of said Peabody Institute Library caused by death, resignation, disqualification or otherwise shall be promptly filled by vote of the remaining members of said board of trustees until the next annual election.

Section 2. The board of selectmen shall consist of five members who shall be elected for staggered three-year terms. At each town election, the voters shall elect one or more selectmen, as the case may be, for three-year terms to replace those whose terms are about to expire. When a vacancy occurs among the selectmen by reason of death, resignation, change of residence from the town or other disability, the remaining selectmen shall have the power to fill the vacancy until the next annual town election, at which the voters shall elect a selectman for the remainder of the unexpired term. Before entering upon the duties of their

office, the selectmen shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

Section 3. The board of selectmen shall appoint and may remove the town accountant, members of the board of appeals, election officers and registrars of voters, except the town clerk, and shall carry out all other powers conferred on them by law. Said board of selectmen shall appoint and may remove a town manager or temporary town manager in accordance with the provisions of sections 8, 9, and 11. Selectmen shall be *ex-officio* town meeting members.

Section 4. The school committee shall consist of five members, elected for staggered three-year terms. At each town election, the voters shall elect one or more school committee members, as the case may be, for three-year terms to replace those whose terms are about to expire. When a vacancy occurs among the members of the school committee by reason of death, resignation, change of residence from the town or other disability, the remaining members of the school committee shall have the power to fill the vacancy until the next annual election, at which the voters shall elect a member of the school committee for the remainder of the unexpired term. Before entering upon the duties of their office, the school committee members shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

Section 5. All of the powers, rights, duties and liabilities, except as hereinafter provided, now or hereafter conferred or imposed by law upon the school committee shall be exercised and performed by the school committee. Nothing in this act shall be construed to affect the powers and duties of the school committee as provided by law, except as specifically provided herein.

Section 6. No person shall hold more than one elected or appointed position in the town unless multiple office holding is in accordance with the provisions of section 20 of chapter 268A of the General Laws. The town manager, subject to any applicable provision of the General Laws relating thereto, may assume the duties of any office, which said town manager is authorized to fill by appointment.

Section 7. For the purpose of making investigations or surveys, the board of selectmen may employ such experts, counsel and other assistants and incur such other expenses, not exceeding in any year the sum of \$10,000 or such larger sum as may be appropriated for the purpose by the town, as they may deem necessary, and the same shall be paid by the treasurer upon a warrant signed by the majority of said board of selectmen.

Section 8. The selectmen elected as provided herein shall appoint, as soon as practicable, for a term of five years a town manager who shall be a person especially fitted by education, training and experience to perform the duties of the office. Said town manager shall be appointed without regard to his political beliefs. Said town manager shall not be required to be a resident of the town or of the commonwealth when appointed but shall be a resident of the town during the term of office thereof. Said town manager may be appointed for successive terms of office. Before entering upon the duties of the office of town manager, said town manager shall be sworn to the faithful and impartial performance thereof by the chairman of the board of selectmen, and town clerk or a justice of the peace. Said town manager shall execute a bond in favor of the town for the faithful performance of the duties of said office in such sum and with such surety as might be fixed or approved by said board of selectmen.

Section 9. In the event the town manager position becomes vacant, the position shall be filled as soon as possible by the board of selectmen. Pending the appointment of a town manager or the filling of any such vacancy, said board of selectmen may appoint a suitable person to perform the duties of the office. A person appointed to serve as temporary town manager may be appointed to an initial term as such temporary manager not to exceed six months and may be re-appointed to one additional term not to exceed six months.

Section 10. The town manager may designate, by letter filed with the town clerk, a qualified officer of the town to perform the duties of the town manager during a temporary absence or disability. In the event of the failure of said town manager to make such designation, the board of selectmen may, by resolution, designate an officer of the town to perform the duties of the town manager until said town manager resumes full responsibilities of the office.

Section 11. The board of selectmen, by a majority vote of the full membership of the board, may remove the town manager. At least 30 days before such proposed removal shall become effective, said board of selectmen shall file a preliminary written resolution with the town clerk setting forth in detail the specific reasons for such proposed removal and a copy of such resolution shall be delivered to the town manager. Said town manager may reply in writing to the resolution and may request a public hearing. If said town manager so requests, said board of selectmen shall hold a public hearing not earlier than 20 nor later than 30 days after the filing of such request. After such public hearing, if any, otherwise at the expiration of 30 days following the filing of the preliminary resolution and after full consideration, the selectmen by a majority vote of the full membership of said board may adopt a final resolution of removal. In the preliminary resolution, said board of selectmen may suspend said town manager from duty but shall, in any case, cause to be paid to him forthwith any unpaid balance of the salary due at the time of such suspension together with the salary thereof for the next three calendar months following the filing of the preliminary resolution.

Section 12. The town manager shall receive such compensation for services as town manager as the board of selectmen shall determine but such compensation shall not exceed the amount appropriated therefore by the town.

Section 13. In addition to the specific powers and duties provided in this act, the town manager shall have the general powers and duties set forth below:

- a) The town manager shall supervise and direct the administration of all departments, commissions, boards and offices, except the board of selectmen, the school committee, the town accountant, the board of appeals, the trustees of the Peabody Institute Library, election officers and the registrars of voters.
- b) Said town manager, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may reorganize, consolidate or abolish departments, commissions, board or offices under the direction and supervision of said town manager,

in whole or in part, and may establish such new departments, commissions, boards or offices as may be deemed necessary by said town manager and, in so doing, said town manager may transfer the duties, powers and appropriation of one department, commission, board or officer to another.

- c) Except as otherwise provided in this act, said town manager shall appoint upon merit and fitness alone and, subject to the provisions of chapter 31 of the General Laws where applicable, may remove all officers and employees of the town, except employees of the school department and the Peabody Institute Library; provided, however, that town officers and employees not subject to the provisions of said chapter 31 shall not be removed by said town manager except on five days' notice in writing setting forth cause for such removal.
- d) Notwithstanding the provisions of section 108 of chapter 41 of the General Laws but subject to all applicable provisions of chapter 31 of the General Laws, said town manager shall fix the compensation of all town officers and employees subject to removal by said town manager.
- e) Said town manager shall attend all regular meetings of the board of selectmen except meetings at which removal of the town manager is being considered.
- f) Said town manager shall keep full and complete records of the office of town manager and shall render as often as may be required by the board of selectmen a full report of all operations during the period reported on.
- g) Said town manager shall keep the board of selectmen fully advised as to the needs of the town and shall recommend to said board of selectmen for adoption such measures requiring action by them or by the town as may be deemed necessary or expedient by said town manager.
- h) Said town manager shall have jurisdiction over the rental and use of all town property, except schools, and shall be responsible for: (i) the maintenance and repair of all town buildings, including school

buildings; (ii) the preparation of plans for work on existing buildings and on new buildings, except schools; and (iii) the supervision of all work on existing buildings and new buildings, including work on schools done in accordance with plans and specifications prepared by the school committee.

- i) Said town manager shall purchase all supplies and materials and equipment, except books for schools, and shall award all contracts for all departments of the town and for the Peabody Institute Library. Said town manager shall make purchases for departments not under the supervision of said town manager only upon requisition duly signed by the head of such department.
- j) Said town manager shall administer either directly or through persons appointed by him in accordance with this act all provisions of general and special laws applicable to said town, all by-laws and all regulations established by the board of selectmen.
- k) Said town manager shall have the authority to prosecute, defend and compromise all litigation to which the town is a party and to employ special counsel to assist the town counsel whenever, in the judgment of said town manager, it may be necessary.
- l) Said town manager shall perform such other duties, consistent with the office, as may be required by the by-laws or by vote of the town or by vote of said board of selectmen.

Section 14. The town manager may, without notice, cause the affairs of any division or department under his control or the conduct of any officer or employee thereof to be examined. Said town manager shall have access to all town books and papers for information necessary for the proper performance of his duties.

Section 15. The town manager shall appoint a planning board to consist of five members who shall serve for staggered three-year terms. If for any reason a vacancy occurs in the membership of the planning board, the vacancy shall be filled forthwith by said town manager for the unexpired term. The members of the planning board appointed hereunder shall organize for the proper conduct of their duties and shall possess all of the

powers and duties of planning boards established in accordance with section 81A of chapter 41 of the General Laws. Before entering upon the duties of their office, planning board members shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

Section 16. Pursuant to this act and chapter 111 of the General Laws, the town manager shall appoint a board of health to consist of three suitably qualified persons who shall serve for staggered three-year terms. If for any reason a vacancy occurs in the membership of the board of health, such vacancy shall be filled forthwith by said town manager for the unexpired term. The members of the board of health appointed hereunder shall organize for the proper conduct of their duties and shall possess all of the powers and rights and shall be subject to all of the duties and liabilities conferred or imposed by law upon boards of health of towns but, in the performance of their duties, they shall be subject to the general supervision and direction of said town manager. Before entering upon the duties of their office, members of said board of health shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

Section 17. The town manager shall appoint a municipal light board to consist of three suitably qualified persons to serve for staggered three-year terms. If for any reason a vacancy occurs in the membership of the municipal light board, the vacancy shall be filled forthwith by said town manager for the unexpired term. The members of the municipal light board appointed hereunder shall organize for the proper conduct of their duties and shall possess all of the powers and rights and shall be subject to all of the duties and liabilities conferred or imposed by law upon municipal light boards but, in the performance of their duties, they shall be subject to the general supervision and direction of said town manager. Before entering upon the duties of their office, members of the municipal light board shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

Section 18. Pursuant to section 24 of chapter 41 of the General Laws, the town manager shall appoint a principal assessor and two other assessors who shall serve for staggered three-year terms. The principal assessor shall devote full time and attention to the duties of the office of principal assessor and shall be the chairperson of the board of assessors. If for any reason a vacancy occurs in the membership of said board, such

vacancy shall be filled forthwith by said town manager for the unexpired term. Said principal assessor and assessors appointed hereunder shall organize for the proper conduct of their duties and shall possess all of the powers and rights and shall be subject to all of the duties and liabilities conferred or imposed by law upon assessors of towns but, in the performance of their duties, they shall be subject to the general supervision and direction of the town manager. Before entering upon the duties of their office, assessors shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

Section 19. The town manager shall appoint a suitably qualified person to the office of town clerk. Said town clerk shall have the powers, perform all of the duties and be subject to all of the liabilities and penalties now or hereafter conferred or imposed by law upon town clerks. Said town clerk shall be subject to the general supervision and direction of said town manager in the performance of said duties. Said town clerk shall serve *ex-officio* as clerk of the board of selectmen. Before entering upon the duties of said office, said town clerk shall be sworn to the faithful performance thereof by the chairperson of said board of selectmen or a justice of the peace.

Section 20. The town manager shall appoint a suitably qualified person to the office of town treasurer. Said town treasurer shall have all of the powers, perform all of the duties and be subject to all of the liabilities and penalties now or hereafter conferred or imposed by law upon town treasurers; provided, however, that in the conduct of said office, said town treasurer shall be subject to the supervision and direction of said town manager. Whenever it shall be necessary to execute any deed conveying land or any other instrument required to effect any vote of the town, the same shall be executed by said town treasurer on behalf of the town unless the town shall vote otherwise. Before entering upon the duties of said office, said town treasurer shall be sworn to the faithful performance thereof by said town clerk or a justice of the peace.

Section 21. The town manager shall appoint a suitably qualified person to the office of collector of taxes. Said collector of taxes shall have the powers, perform all of the duties and be subject to all of the liabilities and penalties now or hereafter conferred or imposed by law upon collectors of taxes; provided, however, that in the performance of such duties, said

collector of taxes shall be subject to the general supervision and direction of said town manager. Before entering upon the duties of said office, said collector of taxes shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

Section 22. The town manager shall appoint a board of water and sewer commissioners to consist of three suitably qualified persons to serve for staggered three-year terms. If for any reason a vacancy occurs in the membership, such vacancy shall be filled forthwith by said town manager for the unexpired term. Said water and sewer commissioners appointed hereunder shall organize for the proper conduct of their duties and shall possess all of the powers and rights and be subject to all of the duties and liabilities conferred or imposed upon water and sewer commissioners by chapter 229 of the Special Acts of 1916, and chapter 191 of the acts of 1874 but, in the performance of their duties, the board of water and sewer commissioners shall be subject to the general supervision and direction of said town manager. Before entering upon the duties of their office, said board of water and sewer commissioners shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

Section 23. The town manager shall appoint a board of commissioners of trust funds to consist of three suitably qualified persons to serve for staggered three-year terms. If for any reason a vacancy occurs in the membership of said board of commissioners of trust funds, such vacancy shall be filled forthwith by said town manager for the unexpired term. The members of said board of commissioners of trust funds appointed hereunder shall organize for the proper conduct of their duties and shall possess all of the powers and rights and be subject to all of the duties and liabilities conferred or imposed by section 45 of chapter 41 of the General Laws or any other applicable provisions imposed upon boards of commissioners of trust funds of towns but, in the performance of their duties, said board of commissioners of trust funds shall be subject to the general supervision and direction of said town manager. Before entering upon the duties of their office, said board of commissioners of trust funds shall be sworn to the faithful performance of their duties by the town clerk or a justice of the peace.

Section 24. The town manager shall appoint a suitably qualified person to the office of tree warden. Said tree warden shall have all of the

powers, perform the duties and be subject to all of the liabilities and penalties now or hereafter conferred or imposed by law upon tree wardens but, in the conduct of said office, the tree warden shall be subject to the supervision and direction of said town manager. Before entering upon the duties of said office, said tree warden shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

Section 25. The town manager shall appoint an attorney or law firm to act as town counsel for a term not to exceed three years. Upon initial appointment and once in each subsequent three-year period, said town manager's appointment of said town counsel shall be subject to ratification by the board of selectmen. Said town counsel shall perform such legal services, including written opinions, as may be required by law, by vote of the town meeting, by said town manager or by any board of town officers. Said town counsel shall at all times, upon request of said town manager, furnish legal advice, counsel and an opinion to any officer of the town who may require advice upon any subject concerning the duties of such officer. Said town counsel shall prosecute all suits and other legal proceedings ordered to be brought by the town or by said town manager and shall defend all actions or suits brought against the town or its officers in their official capacity and shall try and argue any and all causes in which the town shall be a party before any court, board of referees or commission and shall appear at any and all hearings on behalf of the town whenever such services may be required. Before entering upon the duties of said office, said town counsel shall be sworn to the faithful performance thereof by the town clerk or a justice of the peace.

Section 26. The town manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provisions of section 56 of chapter 41 of the General Laws shall be submitted to said town manager. The approval of such warrant by said town manager shall be sufficient authority to authorize payment by the town treasurer but the board of selectmen shall approve all warrants in the event of the absence of said town manager or a vacancy in the office of town manager.

Section 27. Whenever any payroll, bill or other claim against the town is presented to the town manager, said town manager shall, if the same seems to be of doubtful validity, excessive in amount or otherwise

contrary to the interests of the town, refer it to the board of selectmen who shall immediately investigate the facts and determine what, if any, payment shall be made. Pending such investigation and determination by said board of selectmen, payment shall be withheld.

Section 28. Every officer shall pay into the treasury of the town all amounts received on behalf of the town and shall make a true return thereof to the town accountant stating the amounts upon which such amounts were received.

Section 29. The aggregate annual compensation of each town employee appointed by the town manager shall be limited to the amount established in accordance with the provisions of this act and all fees received in accordance with the provisions of any general or special law shall be paid in to the treasury of the town.

Section 30. All officers, board and committee members and employees, whether elected or appointed, shall comply with the provisions of chapter 268A of the General Laws.

Section 31. On or before March 1 of each year, the town manager shall submit to the board of selectmen a careful, detailed estimate in writing of the probable expenditures of the town government for the ensuing year stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the town for the same purposes in the two preceding years and an estimate of the expenditures for the current year. Said town manager shall also submit a statement showing all revenues received by the town in the preceding fiscal year and an estimate of the amount of income from all sources of revenue exclusive of taxes on property in the ensuing year. Said town manager shall report the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town together with an estimate of the tax rate necessary to raise such amount. For the purpose of enabling said town manager to make up the annual estimate of expenditures, all boards, officers and committees of the town shall, upon said town manager's written request, furnish all information in their possession and submit to said town manager a detailed written estimate of

the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.

Section 32. The board of selectmen shall consider the tentative budget submitted by the town manager and make such recommendations relative thereto as they deem expedient and proper in the interests of the town. On or before April 1 of each year, said board of selectmen shall transmit a copy of the budget, together with the recommendations relative thereto, to each member of the finance committee.

Section 33. There shall be a finance committee to consist of nine persons who shall not be town meeting members, to be appointed by the moderator at the first annual town meeting held after the effective date of this act who shall hold office, three until the expiration of three years, three until the expiration of two years and three until the expiration of one year from said annual town meeting and thereafter at each annual town meeting three members of said committee shall be appointed by the moderator to serve for three-year terms. Before entering upon the duties of the office, finance committee members shall be sworn to the faithful and impartial performance thereof by the town clerk or a justice of the peace.

All questions pertaining to the appropriation or expenditure of money, the creation of debt, the disposition of town property and all other questions affecting the town shall be referred to the finance committee for the purpose of making recommendations but nothing in this section shall be construed to prohibit the appointment of special committees to investigate matters pertaining to the town or to execute work authorized by it. Said finance committee shall have the power to consult with such departments, officers, employees and committees as may have information concerning any matters under consideration and it shall be the duty of all departments, officers, employees or committees to furnish such information as they possess that may be required by said finance committee. Said finance committee shall also have the power to examine, in connection with any subject under investigation or consideration, all books, vouchers, papers and other instruments in the custody or possession of any officer, employee or agent of the town.

Before making recommendations under each article of the warrant, the finance committee shall hold public hearings in relation thereto after

first notifying the selectmen, town manager and town meeting members of the time and place of such hearing. The finance committee shall report in writing to the town meeting all of its recommendations under the various articles of the warrant. The recommendation reported by the finance committee under any article shall be treated in the town meeting as a motion under the article. The recommendation shall be subject to amendment by a majority of the town meeting members voting on the motion to amend. If there shall be a majority and a minority report of the finance committee, the minority report shall have precedence over all other motions to amend the report of the committee.

Section 34. Chapter 13 of the acts of 1949 is hereby repealed.

Section 35. This act shall take effect upon its passage.