

“CARVER - TOWN MEETING PROCEDURES”

NOTE: Smoking is prohibited in the School and on School Grounds.

The following shall constitute the official rules of procedure for this meeting, unless objection is received by the Moderator prior to the opening of the Meeting:

A. PURPOSE OF TOWN MEETING:

Whereas the Board of Selectmen is the executive branch of Town government, the Town Meeting is the legislative branch and has the power to make local laws (bylaws) and the power to approve the Town budget of expenditures following proper notice to inhabitants of the Town of Carver qualified to vote in Town affairs. As the legislative branch, these Town Meeting procedures are designed for an orderly and dignified way of proceeding with its business and to protect the rights of individuals to have a fair opportunity to express their opinions and propose alternatives.

B. REGISTRATION:

Voters must register upon entering the Meeting. Non-voters may attend, but must sit in a separate area.

C. QUORUM:

Seventy-five (75) qualified voters shall be necessary to constitute a quorum at any town meeting, including special town meetings; provided, however, that one hundred fifty (150) qualified voters shall be necessary to constitute a quorum at any town meeting where bonded indebtedness is to be voted upon and provided also, that a number less than a quorum may from time to time adjourn the same.

D. TO SPEAK AT TOWN MEETING:

No person shall speak at the meeting without leave of the Moderator. Unless physically unable to do so, a voter wishing to speak should rise and get in line with others behind a designated microphone or microphones. Those physically unable to approach a microphone should obtain a red card from the registration table upon entering the Meeting and may raise it to signify to the Moderator that they wish to speak. The Moderator will recognize the voter and they may then state their business. The first time a voter is recognized at a Meeting, the voter should state their name and street address. Without first obtaining approval of the Moderator, no person shall speak more than once on any article, and no person shall speak for more than 3 minutes at a time, except to correct a mistake or misstatement and then for no more than one minute after being recognized by the Moderator.

All speakers shall address their remarks through the Moderator and may only address others through the Moderator. No speaker shall make personal remarks about others or impugn or question the character or motives of others. No speaker shall use profanity or vulgarity or otherwise be rude or disrespectful and all speakers shall observe proper decorum and respect when addressing the meeting. Non-speakers shall refrain from interrupting the speaker or disturbing the assembly by whispering or talking.

No Person shall be recognized while another person is speaking except to raise a “point of order.” A point of order may be used to question the conduct, procedure or legality of the discussion at hand or of a ruling of the Moderator. However, a “point of order” may not be used to address the subject matter being discussed, and any attempt to use a point of order for such purposes shall be ruled out of order.

The Moderator has the duty and responsibility to preserve order and decorum in a Town Meeting. The failure to abide by the orders of the Moderator may result in removal from the meeting and any and all appropriate legal consequences, including criminal prosecution. M.G.L. c. 39, §17.

E. MOTIONS:

No person may speak regarding an article on the warrant unless a motion has been made and seconded.

To be debatable, a motion must be seconded and be in writing and given to the Moderator before the maker may speak on the subject of the motion. The maker of a motion is always entitled to begin the debate as soon as the Moderator has received the motion in writing and has again recognized the maker of the motion. In an effort to avoid unnecessary delays at town meeting, it is strongly recommended that any proposed motion or amendment be given to the Moderator prior to the start of the Meeting (preferred 72 hours in advance to Town Clerk) so it can be reviewed with Town Counsel to make sure it is in proper legal form and within scope of advertised warrant article.

Until the vote is called by the Moderator, any voter may follow the procedure to speak (Section D, above) and request the opportunity to debate, make motions for amendments, or otherwise, but the voter must be recognized by the Moderator before speaking.

If a warrant article for the expenditure of money contains a specific dollar amount, no motion shall be in order if it proposes an expenditure that exceeds the sum presented in the warrant article, unless the amount is followed by the words "or such other sum" or other similar language.

The following list contains samples of the forms of common motions:

1. CONDUCTING BUSINESS AT THE TOWN MEETING:

"I move _____", or "I move the adoption of _____".

"I wish to present the following resolution _____. I move its adoption."

2. INDEFINITELY POSTPONE (A NEGATIVE VOTE):

"I move to postpone this article indefinitely." (Can be main motion or proposal to defeat a pending main motion).

3. AMEND MOTION (must be within scope of advertised article):

"I move to amend the motion by _____."

"I move to amend by striking out the motion and substituting this motion _____."

4. CHANGE ORDER OF ARTICLE:

"I move Article #__ be considered before (or after) Article #__." (Can't be moved while any other motion pending). (2/3 vote required)

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F. LIMITING, EXTENDING, OR STOPPING DEBATE:

1. STOP DEBATE AND ORDER AN IMMEDIATE VOTE:

"I move the question." (2/3 vote required – no debate - Generally the Moderator will allow anyone already standing in line to speak after the motion has been voted)

2. LIMIT OR EXTEND DEBATE:

"I move to limit (or extend) the debate on this motion to (specify time)." (2/3 vote required – no debate)

G. RECONSIDERATION OR RESCISSION:

"I move to reconsider the vote on the motion _____. (If reconsideration passes, it is followed by another vote on the original motion.)

"I move to rescind the vote on the motion _____."

NOTE: "Reconsideration" or "Rescission" can be moved only by a person who was on the prevailing side of the earlier vote as determined by the moderator immediately following the article on the same day of the Town Meeting in which the action to be reconsidered occurred, but can only be moved once (2/3 vote required to reconsider or rescind).

H. DISSOLVE A MEETING:

“I move that we dissolve the meeting” or “I move that we adjourn without a day” (No motion to dissolve or adjourn without scheduling a day shall be in order until all articles in the warrant have been acted upon).

I. ADJOURN TO CONTINUE MEETING LATER:

“I move that we adjourn to meet on (date) at (time).” (Privileged – has priority over any pending motion)

J. PRIVILEGE OR POINT OF ORDER:

“I rise to a question of privilege. (State issue – comfort and convenience or personal slur or slander.)” (Privileged – no debate)

“I rise to a point of order. (State question of procedure).” (No debate)

K. VOTES:

1. The Moderator may announce a vote as it appears by the sound of voices and/or number of hands, including votes requiring 2/3. If s/he is in doubt, or if his/her announcement is doubted by 7 or more voters rising, s/he shall order a rising vote for a count. If vote is not challenged prior to the making of a motion under the next article it shall be binding on Town Meeting.
2. Passing Vote (other than Majority) Required of Voters Present:
 - Zoning Bylaw Amendment (MGL c. 40A § 5) - 2/3
 - Transfer to or from Stabilization Fund (MGL c. 40 § 5B) - 2/3
 - Appropriation for purchase or eminent domain acquisition of land or easement (MGL c. 40 § 14) 2/3
 - Real estate transfer votes when land acquired by eminent domain (MGL c. 40 § 15) - 2/3
 - Note: Land acquired for parkland or watershed purposes requires legislative approval. Sale or lease of land may be subject to Procurement Act (MGL c. 30B) unless exempted by legislature.
 - Most borrowing votes (except temporary loans, leases, or highway construction anticipating reimbursement, which require majority only) - 2/3
 - Reconsideration - 2/3
 - Limit, Extend, or Stop Debate (Including Previous Question) - 2/3
 - Suspension of Rules or Lay on Table - 2/3
 - Previous Years' Bills (MGL c. 44 § 64): Annual Town Meeting - 4/5; Special Town Meeting - 9/10
3. Secret Ballots:

If directed by the moderator or requested by 20% or more of voters present, a secret ballot shall be taken in form chosen by moderator

L. OFFICIAL RULES OF THE MEETING:

The conduct of any town meeting not prescribed by the Massachusetts General Laws, the Town's Bylaws, these procedures or by the majority of voters present at the meeting shall be determined by the rules of practice contained in TOWN MEETING TIME, most recently revised.