

Chapter 48

MEETINGS

[HISTORY: Adopted by the Town Meeting of the Town of Lee as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Records and reports — See Ch. 65.

ARTICLE I

Town Meetings

[Adopted 5-6-1971 by Art. 10 as Ch. 2, Art. II, of the 1971 Code]

§ 48-1. Annual Town Meeting. [Added 2-22-1973 STM by Art. 35]

- A. The Annual Town Meeting for the transaction of all business except the election of such officers and determination of such matters as are required to be elected or determined by ballot shall be held on the second Thursday of May of each year at 7:30 p.m., except that when said Thursday falls on a holiday, the meeting shall be held on the following day at 7:30 p.m. (Friday).
- B. The Annual Town Meeting for the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot shall be held on the Monday next following the business meeting.

§ 48-2. Voting machines.

The Town may use voting machines for primaries and elections. The Selectmen may acquire the required number of voting machines as approved by the State Board of Voting Examiners.

§ 48-3. Hours of polls.

The polls shall be opened at 7:00 a.m. and shall remain open until 7:00 p.m.

§ 48-4. Notice of Town Meeting.

Notice of every Town Meeting shall be given by posting attested copies of the warrant thereof in at least three public places in the Town not less than seven days before the day fixed for such meeting.

§ 48-5. Annual Report. [Amended 9-26-1991 STM by Art. 9]

At least seven days before the day fixed in the warrant for the Annual Town Meeting, the Selectmen shall cause to be placed in three convenient locations within the Town copies of the Annual Town Report to be picked up by residents desiring to do so.

§ 48-6. Notice of adjourned meeting.

As soon as practicable after adjournment of any Town Meeting on a vote to adjourn to another day, the Clerk shall cause a brief statement of the day and hour to which the adjournment was voted, and of the business remaining to come before the meeting, to be posted in three public places. If the period of adjournment will permit, the Clerk shall cause a similar notice to be published in the Berkshire Eagle.

§ 48-7. Quorum.

A majority of the members of the Representative Town Meeting shall constitute a quorum for the transaction of business.

§ 48-8. Order of warrant articles.

The articles of the warrant of any Town Meeting shall be acted upon in the order in which they appear, unless otherwise determined by vote of the meeting.

§ 48-9. Motions made in writing.

Motions shall be in writing if so directed by the Moderator.

§ 48-10. Division of motions.

If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each part thereof, if four representatives so request.

§ 48-11. Precedence of motions; motions decided without debate.

A. When a question is before the meeting, the following motions shall be received and shall have precedence in the following order:

- (1) To adjourn.
- (2) To lay on the table or to pass over.
- (3) For the previous question.
- (4) To postpone to a time certain.
- (5) To commit, recommit or refer.
- (6) To amend.
- (7) To postpone indefinitely.

B. The first three shall be decided without debate.

§ 48-12. Proposed amendments involving sums of money.

On proposed amendments involving sums of money, the last amendment shall be put to the question first, and an affirmative vote thereon shall be a negative vote on any preceding

amendment and/or motion.

§ 48-13. Disclosure of interest.

Any person who is employed as an attorney or agent by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his or her employment before speaking thereon.

§ 48-14. Determination of vote.

When a question is put, the sense of the meeting shall be determined by the voices of the voters, and the Moderator shall declare the vote as it appears to him or her. If the Moderator is unable to decide the vote by the sound of the voices or if his or her decision is immediately questioned, he or she shall determine the vote by ordering a show of hands, and he or she may appoint tellers to make and return the count.

§ 48-14.1. Votes requiring two-thirds vote. [Added 5-12-2005 ATM by Art. 46]

The Moderator may take votes requiring a two-thirds vote in the same manner in which he/she conducts the taking of a vote when a majority is required. If the Moderator declares that there is a two-thirds majority, it shall be recorded as such, unless his or her decision is immediately questioned.

§ 48-15. Voting ballot.

The meeting may order that the vote of any motion shall be taken by a "yes" or "no" ballot.

§ 48-16. Votes on appropriation or transfer of funds.

All votes on the appropriation or transfer of funds shall be taken by written ballot, unless such appropriation or transfer shall be recommended or approved by the Finance Committee.

§ 48-17. Number of times person may speak.

No person shall speak more than once on any question to the exclusion of any other person who may desire to speak thereon, nor more than twice without first obtaining leave of the meeting, except, in either case, for the brief correction of an error or misunderstanding of his or her previous statement.

§ 48-18. Time limit on speaking.

No person shall speak for more than 10 minutes on any question, unless his or her time shall be extended by vote of the meeting.

§ 48-19. Motion to dissolve meeting.

No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant therefor has been duly considered and acted upon, but this requirement shall not preclude the postponement of consideration of any article to an adjournment of the

meeting at a stated time and place.

§ 48-20. Election of officers.

All boards and committees shall, without delay after the Town Meeting, elect a Chairperson and Secretary and give notice, in writing, of such election to the Town Clerk.

§ 48-21. Committee reports.

All committees shall report as directed. If no report is made within a year after its appointment, a committee shall be discharged, unless granted an extension of time.

ARTICLE II
Meeting Attendance Requirements
[Adopted 5-10-2007 ATM by Art. 54]

§ 48-22. Absences.

Notwithstanding any general or special law to the contrary, for one or more types of adjudicatory hearings, a member of any municipal board, committee, or commission, when holding an adjudicatory hearing, shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate, or otherwise supersede applicable quorum requirements.