

APPENDIX A

Chapter 553

AN ACT TO ESTABLISH IN THE TOWN OF SHREWSBURY REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS

SECTION 1. There is hereby established in the town of Shrewsbury the form of representative town government by limited town meeting hereinafter set forth.

SECTION 2. Within thirty days after the adoption of this act there shall be created a temporary committee consisting of the selectmen and six registered voters of the town appointed by the moderator. Such committee shall study the provisions of this act and shall determine what in its opinion is a practicable percentage of the total registered voters to constitute a representative town meeting in the town of Shrewsbury and what is a practical number of precincts into which the town should be divided for the purpose of this act. Such committee shall submit its report together with recommended by-laws to the next annual town meeting or to a special town meeting called for the purpose of acting on such report and proposed by-laws.

SECTION 3. Within the limits established by this act the town of Shrewsbury shall determine by by-law the number of precincts into which the town shall be divided and the percentage of the registered voters which shall constitute the representative town meeting.

Sec. 3, Repealed by Ch 81, Acts of 1981

SECTION 4. Precincts. - Upon the adoption of the by-laws required by section three, the town of Shrewsbury shall be divided by its selectmen into precincts which shall be composed as nearly as practicable of homogenous neighborhoods. They shall be bounded whenever possible by the center line of known streets and ways or by other well-defined limits. These boundaries shall be reviewed, and if need be, wholly or partly revised, by the selectmen in December, once in five years, or in December of any year when directed by a vote of the preceding annual meeting of the town.

SECTION 5. Precinct Boundaries Publicized. - Within ten days after any establishment or revision of precincts, the selectmen shall file a report of their doings with the town clerk, the registrars of voters and the assessors, with a map or maps or description of the precincts and the names and residences of the registered voters therein. The selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time with the names and residences of the registered voters therein; and they shall also cause to be posted in at least one public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary stating the number and designation of the precincts.

SECTION 6. Elections. - Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meetings direct. The provisions of chapters fifty

to fifty-six inclusive, of the General Laws relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

SECTION 7. Precinct Representation. - Each precinct shall be represented in the representative town meeting by elected representatives the number of which shall be the largest number divisible by three and which shall bear the same proportion to the total elected membership as the number of residents in the precinct bears to the total number of residents in the town as nearly as may be.

The number and size of precincts shall be such that the number of elected representatives shall not exceed two hundred and forty.

Amended by Ch 81, Acts of 1981

SECTION 8. Nomination. - Nominations of candidates for town meeting members to be elected under this act shall be from among the registered voters of the precinct. Nomination papers shall bear no political designation, shall be signed by not less than ten registered voters of the precinct in which the candidate resides, and shall be filed with the town clerk on the same day that nomination papers of candidates for other town offices must be filed. Any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk on or before the last day for filing nomination papers. The words "Candidate for re-election" shall be printed on the ballot opposite the names of such candidates, except those candidates who have been chosen as provided for in section eleven.

No nomination papers shall be valid in respect to any candidate unless his written acceptance is endorsed thereon or attached thereto.

SECTION 9. Election and Terms of Representative Town Meeting Members. - The Representative town meeting members, whose number shall have been determined as provided in this act, shall be elected by ballot by the registered voters in every precinct at the first annual town election following the establishment or revision of such precinct in conformity with the laws relative to elections not inconsistent with this act.

The first third, in the order of votes received, of members so elected, shall serve three years, the second third, in such order shall serve two years, and the remaining third, in such order shall serve one year from the first day of the annual town meeting. In case of a tie vote affecting the divisions into thirds, the members elected from the precinct shall by ballot determine the same.

Thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall similarly elect for the term of three years one third of the number of town meeting members to which such precinct is entitled; and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct. The terms of office of all town meeting members from every revised precinct shall cease upon the election of their successors at the first annual town election after revision.

The Town Clerk shall, after election of town meeting members, forthwith notify by mail each such member of his election.

SECTION 10. Members-At-Large. - The chairman of the Board of Selectmen, the chairman of the Finance Committee and the Town Clerk shall be members-at-large of the town meeting.

SECTION 11. Vacancies. - In the event of any vacancy in the full number of elected town meeting members from any precinct the vacancy shall be filled until the next annual town election from the list of defeated candidates for town meeting member from that precinct in the order of their recorded vote in the preceding town election. The defeated candidate having the highest number of recorded votes, and who otherwise qualifies, shall be deemed elected until all vacancies are filled. The Town Clerk shall forthwith on the occurrence of any vacancy notify such defeated candidate of his election and shall secure his written acceptance of his election. Failure to obtain such a written acceptance within ten days shall constitute a declination, and the Town Clerk shall thereupon notify whichever of the defeated candidates who are eligible and willing to serve and who received the next highest number of votes at such election until all vacancies are filled. In the event of a tie vote among such defeated candidates, and if there are fewer vacancies than such candidates whose votes are tied, the Town Clerk shall call together the town meeting members of the precinct where the vacancy occurs and they shall by majority vote of those members present, and by ballot, elect one of such defeated candidates to fill said vacancy. In the event there are no such defeated candidates, eligible and willing to serve, the Town Clerk shall call together the town meeting members of the precinct who shall elect by majority vote of those members present, and by ballot, any registered voter of the precinct to fill said vacancy. At such meetings a majority of such members shall constitute a quorum, and they shall elect from their own number a chairman and clerk. The clerk shall forthwith file with the Town Clerk a certificate of such election together with the written acceptance by the member so chosen, who shall thereupon be deemed elected and qualified as a town meeting member, subject to the provisions of those sections of this act respecting the election and qualification of elected town meeting members.

Amended by Ch 5, Acts of 1963

SECTION 12. Moderator. - A Moderator shall be elected, for a term of three years, by the registered voters of the town by ballot at every third annual town election and shall serve as the Moderator of all town meetings except as otherwise provided by law until his successor is elected and qualified.

The Moderator shall be a member of the Town meeting. Nominations for Moderator and his election shall be as in the case of other elective town officers, and any vacancy in such office may be filled by the town meeting members at a representative town meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members. The moderator shall be entitled to vote in case of a tie.

Amended by Ch 6, Acts of 1963

SECTION 13. Powers. - The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, and town meeting members, and as herein provided, to referenda and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town in their respective precincts. All other articles in the warrant for any town meeting shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section sixteen.

SECTION 14. Town Meeting. All town meetings shall be public. Subject to such conditions as may be determined from time to time by the members of the representative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote.

A majority of the town meeting members shall constitute a quorum for doing business; provided, that a less number may organize temporarily and may adjourn from time to time, but no town meeting shall adjourn over the date of an election of town meeting members.

The town clerk shall notify the town meeting members of the time and place at which the representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting to each town meeting member at his address as it appears on the list of registered voters.

Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the town meeting members elected under the provisions of this act.

SECTION 15. Provisions Relative to Town Meeting Members. - The town meeting members, as aforesaid, shall be the judges of the election and qualification of their members. The town meeting members as such shall receive no compensation. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town shall cease to be a town meeting member and a town meeting member who removes from the precinct from which he was elected to another precinct may serve only until the next annual town election.

SECTION 16. Referendum. - No article in the warrant shall at any representative town meeting be finally disposed of by a vote to lay upon the table, indefinitely to postpone, or to take no action thereunder. No vote passed at any representative town meeting under any article in the warrant, except a vote to adjourn, or a vote authorizing the expenditure of less than ten thousand dollars or votes appropriating money for the payment of notes or bonds of the town and interest becoming due in the then current financial year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two thirds vote of the town meeting members present and voting thereon to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of ten days, exclusive of Sundays and legal holidays, from the date of such vote. If, within said ten days, a petition, signed by not less than five per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of seven days shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers.

The questions so submitted shall be determined by a vote of the same proportion of voters at large voting thereon as would have been required by law had the question or questions been finally determined at a representative town meeting, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the registered voters shall vote in favor of reversing

such action. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot:--"Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote)?" If such petition is not filed within said period of ten days, the vote of the representative town meeting shall become operative and effective upon the expiration of said period.

SECTION 17. Powers of Town and its Town Meeting Members. - The town, after the acceptance of this act, shall have the capacity to act through and to be bound by its town meeting members who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings, shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in town meeting open to all the voters of the town as organized and conducted before the establishment in said town of representative town meeting government.

SECTION 18. Certain Rights not Abridged. - This act shall not abridge the right of the inhabitants of the town to hold general meetings as secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Shrewsbury the power finally to commit the town to any measure affecting its municipal existence or substantially changing its form of government without action thereon by the voters of the town at large, using the ballot and the check list therefor.

SECTION 19. Submission of Act. - This act shall be submitted for acceptance to the qualified voters of the town of Shrewsbury at the first annual town election after passage of this act, or at a special town election called for the purpose not less than ninety days before the date of said annual election. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the ballot to be used at said election:--"Shall an act passed by the General Court in the year nineteen hundred and fifty-three entitled 'An Act to establish in the town of Shrewsbury representative town government by limited town meetings' be accepted by this town?"

SECTION 20. Time of Taking Effect. - So much of this act as authorizes its submission to the registered voters of the town shall take effect upon its passage. Sections two and three shall take effect upon acceptance by a majority of the voters voting thereon, and the remainder shall take effect upon the effective date of the by-laws provided for by section three.

SECTION 21. Resubmission after Rejection. - If this act is rejected when first submitted it shall be again submitted at the next following state election in the year nineteen hundred and fifty-four and if accepted shall take effect as hereinbefore provided.

If this act is rejected for the second time when so submitted it shall be again submitted at the annual town election in the year nineteen hundred and fifty-six and if accepted shall take effect as hereinbefore provided. If this act is again rejected when so submitted for the third time, it shall thereupon become void.

Approved June 29, 1953

Amended by Chapter 5 of 1963 (vacancies)

Chapter 6 of 1963 (moderator)

Amended by Chapter 81 of 1981 (precincts)