

Public Meeting of the Bylaw Review Committee

October 30, 2019

Town Clerk's Conference Room Ground Floor, Town Hall, 455 Concord Avenue, Belmont, MA

Members present: Charles Hamann, Chair, Robert McGaw, Mark Thurber, Bob Schafer, Ellen O'Brien
Cushman

7:35 PM Meeting called to order

**RECEIVED
TOWN CLERK
BELMONT, MA**

DATE: April 20, 2021

TIME: 9:24 AM

Article 5, Town Meeting Procedures for the Special Town Meeting to be held November 13, 2019

General - Bob McGaw submitted for review a printed version of the Warrant Article a memo on serial commas and capitalization, see attached. Committee members used this document as the basis for discussion of the details of the proposed Bylaw amendment. Bylaw Review Committee members summarized that internal references to a section in the General Bylaws should be lower case, consistent with the General Bylaws as they currently exist. References to specified sections should be initial capital, for example Paragraph F (4) or Section 7 of the Zoning Bylaw.

The Committee members then collectively reviewed an each word of the warrant article as submitted, making the following edits

To item (1) language in the warrant article for §30-115F:

F. (1) lower case s in section, approved unanimously

F. (2) lower case s in section, approved unanimously

Bob Schafer referred to an email he had sent to Town Counsel George Hall. He said that he believes the way that the Town Meeting currently utilizes electronic voting should be changed because there is no allowance in the MGL for a "secret ballot" for Representative Town Meeting. Specifically referencing MGL Ch. 39, § 15 Bob said he believes that every vote must be a roll call vote and that the results of the roll call must be displayed during the session of Town Meeting. He then made a motion to add the following at the end of F(2), "provided that the individual votes of Town Meeting Members are displayed contemporaneously to the meeting."

Bob McGaw then offered alternative language, to add " At the beginning of each session Town Meeting, there shall be a motion to allow the electronic counting of votes that are not roll call votes, which will require a two-thirds vote, and such motion, if adopted, shall be a "rule of the meeting," applicable to all sessions of the Town Meeting."

Motion by Charles Hamann not to add this language here, seconded by Mark Thurber. Vote 4 in favor not to rescind, 1 opposed, motion to add the language failed. Chair Charles Hamann indicated that he believes there is a better way to discuss and take care of this issue by having a "blanket -style" vote at the start of the Town Meeting.

Bob Schafer stated that in order to have any secret (aggregate) votes, 2/3 of the session of Town Meeting must vote to allow this before every motion in front of Town Meeting. The Committee discussed the possibility of a "blanket" vote at the start of the Town Meeting session basically converts the Representative Town Meeting to an Open Town Meeting, that allows secret ballots. Every vote must be by a roll call vote and a display of the roll call results contemporaneous with the meeting.

A brief discussion of the mechanism of electronic voting occurred, Ellen describing that our technology allows us to conduct roll call voting without any obstruction. By declaration of the Moderator, after the spring Annual Town Meeting had resulted in some Town Meeting Members feeling bullied for the way they chose to vote, the displays

of the roll call votes were not displayed during the session. Results of roll call votes are available at the Town Clerk's office the following day and posted to the website and included in the Annual Town Report.

Bob McGaw and Charles Hamann believe that one 2/3 "blanket" vote at the start of the Town Meeting session would cover us and be consistent with MGL. The Committee then focused on writing a new ending to F(2), as follows: ", provided that at the beginning of each session of Town Meeting, at least two-thirds of the Town Meeting Members present and voting have approved a motion to allow electronic counting of non-roll call votes for that session of Town Meeting."

Vote: 4 in favor, 1 (Schafer) opposed.

F. (3)

Initial Capitalize in Town Meeting Members approved unanimously

Add comma after the word "incidental" approved unanimously

Add a space after the close parenthesis (or substitute) that

F.(4)

Lower case s in section, approved unanimously

Second from the last sentence, Bob Schafer moved to delete the word "not" so that the sentence reads " The individual roll call votes of Town Meeting Members shall be displayed contemporaneously to the Meeting." approved unanimously, with several members remarking that this is consistent with the MGL.

F.(5)(b)

Add a comma after the word "NO" to be parallel with the Yes and change the word Subsection F(4) to Paragraph F (4) so that the phrase reads as follows: " "YES", "NO", or "ABSTAIN" of each Town Meeting Member and make such record available as provided in Paragraph F(4)." approved unanimously.

To item (2) language in the warrant article for §30-115H

Lower case s in section, approved unanimously

Bob McGaw suggested that the following language be added after the new sentence " The procedural rules in this Subsection H shall also apply to a motion to rescind." A discussion ensued about the necessity of adding this sentence, with all members ultimately deciding that it was redundant and not needed. Bob McGaw withdrew his suggestion.

Motion by Ellen O'Brien Cushman that the language of the warrant article be approved as to form and placement with the edits detailed as a Substitute Motion by the Bylaw Review Committee; she read them for all to follow.

Vote 4 in favor, 1 (Schafer) opposed.

Amendments submitted by Town Meeting Members:

1. Donald Mercier 5-0 approved unanimously as to form and placement, changing the number of Town Meeting Members from 35 back to 50.
2. Scott Stratford #1 5-0 approved unanimously as to form and placement, changing the number of Town Meeting Members from 50 to 75
3. Scott Stratford #2 5-0 approved unanimously as redrafted by the Committee. The Committee added the word "non-binding," before the word privileged in the fourth sentence so that it reads:
"Roll call votes shall not be taken on "non-binding", privileged, incidental, or subsidiary motions except for:" in place of the language submitted by Scott Stratford : " Roll call votes shall not be taken on main motions that have been designated as "non-binding" that was to be added between the third and fourth sentence.

9:30 PM Adjourn

Respectfully submitted,

Ellen O'Brien Cushman

ARTICLE 5: Amend General Bylaw: Town Meeting, Chapter 30, Procedural Rules

REDLINE OF SUBSTITUTE MOTION BY THE BYLAW REVIEW COMMITTEE

MOVED:

(1) To delete said § 30-115F and replacing it in its entirety with the following:

F. Counting and Recording of Votes:

(1) As used in this ~~S~~section, the words "electronic" and "electronically," when used in reference to voting or the counting of votes at Town Meeting, shall refer to the use of computer software to record votes transmitted from wireless handheld mobile devices distributed and assigned to each Town Meeting Member in attendance. The Moderator shall review proper use of the mobile devices and direct a test of the electronic system at the beginning of each Town Meeting session.

(2) Except as otherwise provided in this ~~S~~section or by any other applicable law, all votes shall be taken in the first instance by a "YES" and "NO" voice vote. If the Moderator is in doubt as to the vote, or if any Town Meeting Member immediately doubts the vote, the Moderator shall count the vote electronically. provided that at the beginning of each session of Town Meeting, at least two-thirds of the Town Meeting Members present and voting have approved a motion to allow electronic counting of non-roll call votes for that session of Town Meeting.

(3) Electronic Roll Call Votes Required.

Any main motion that requires at least a two-thirds vote to be adopted by the Meeting shall be taken in the first instance by electronic roll call vote.

Any electronic vote on a main motion or amendment to a main motion that passes or fails by 10 votes or fewer shall be retaken by electronic roll call vote.

In all other cases, an electronic roll call vote shall be taken only on a motion supported by at least 50 Town Meeting ~~m~~Members.

Roll call votes shall not be taken on privileged, incidental, or subsidiary motions except for:

- (a) motions to postpone indefinitely that result in final action on the main motion; and
- (b) motions to amend (or substitute) that, in the sole judgment of the Moderator, would substantially alter the purpose of the main motion.

(4) If an electronic roll call vote is taken as provided in this Subsection, the Town Clerk shall cause the operator of the electronic voting system to preserve the electronic file recording the "YES," "NO," and "ABSTAIN" votes of each individual Town Meeting Member who shall have voted, and such record shall be made available to the public at the office of the Town Clerk and on the Town's web page within two business days of the vote, and shall be printed in the Town Annual Report. The individual roll call votes of Town Meeting Members shall ~~not~~ be displayed contemporaneously to the Meeting. The Town Clerk shall cause the operator of the electronic voting system not to generate or preserve an electronic file

recording the individual vote results unless the Moderator has duly called for an electronic roll call vote.

- (5) In the event that an electronic voting system is not available, then:
- (a) in all cases where an electronic vote would otherwise be required under these Bylaws, the Moderator shall direct the "YES" and "NO" voters to stand and be counted by the tellers; and
 - (b) in all cases where an electronic roll call vote is required under these Bylaws, the Town Clerk shall call the roll, record the vote, "YES", "NO," or "ABSTAIN" of each Town Meeting Member and make such record available as provided in Paragraph~~Subsection~~F(4).

AND

- (2) By inserting the following new sentence into § 30-115H between the first and second sentences of that section:

If the vote to be reconsidered was taken by roll call vote, a motion to reconsider will not be in order unless it is made by a Town Meeting Member who had voted with the prevailing side.