

CHAPTER 541

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Forty-seven

AN ACT ESTABLISHING REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS IN THE TOWN OF NORWOOD.

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

SECTION 2. Upon the acceptance 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 Norwood and what is a practical number of districts 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 Norwood shall determine by by-laws the number of districts into which the town shall be divided and the percentage of the registered voters which shall constitute the representative town meeting.

SECTION 4. Upon the adoption of the by-laws required by section three the town of Norwood shall be divided, by a committee consisting of its selectmen and six registered voters appointed by the moderator, into districts which shall be so established as to consist of compact and contiguous territory, and 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 such a committee in September, once in five years, or in September of any year when directed by vote of the preceding annual meeting of the town.

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

SECTION 6. Meetings of the registered voters of the several districts for the election of town officers, and for voting upon any question to be submitted to all the registered voters of the town under any provision of this act, 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 meeting direct.

SECTION 7. Each of the existing town meeting districts shall be represented in the representative town meeting by elected representatives, the number of which shall bear the same proportion to the total elected membership as the number of inhabitants in the district bears to the total number of inhabitants in the town as nearly may be. The representative town meeting membership shall, in each district, consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of inhabitants therein bears to the total number of inhabitants in the town and which will cause the total elected membership to be not more than three hundred.

SECTION 8. Nomination of candidates for town meeting members from any district, to be elected under this act, shall be from among the registered voters of the district. Nomination papers shall bear no political designation, shall be signed by not less than ten registered voters of the district 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 reelection 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. No nomination

papers shall be valid in respect to any candidate unless his written acceptance is endorsed thereon or attached thereto.

SECTION 9. 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 district at the first annual town election following the establishment or revision of such district 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 division into thirds, the members elected from the district shall by ballot determine the same. Thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each district shall similarly elect for the term of three years one third of the number of town meeting representatives to which such district 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 district. The terms of office of all town meeting representatives from every revised district shall cease upon the qualification of their successors elected 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. In the event of any vacancy in the full number of elected town meeting members from any district the remaining elected members of the district may choose from among the registered voters thereof a successor to serve until the next annual election. The town clerk may, and upon a petition therefor signed by not less than one third of the elected town meeting members from the district shall, call a special meeting of the remaining members from such district for the purpose of filling such vacancy and mail notice thereof to each member from the district specifying the object and the time and place of such meeting which shall be held not less than four days after the mailing of such notice. At such meeting a majority of such members shall constitute a quorum and shall elect from their own number a chairman and a clerk. The election to fill such vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The clerk shall forthwith file with the town clerk a certificate of such election, together with a written acceptance by the member so elected, who shall thereupon be deemed elected and qualified as a town meeting member, subject to the right of all the town meeting members to judge of the election and qualification of the members as set forth in section fourteen.

SECTION 11. A moderator shall be elected by the registered voters of the town by ballot at each annual town election and shall serve as the moderator of all town meetings, except as otherwise provided by law, until his successor is qualified. The moderator, the chairman of the board of selectmen, the chairman of the finance commission, the chairman of the school committee, and the town clerk and accountant, shall be members at large 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.

SECTION 12. 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. 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 fifteen.

SECTION 13. 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. 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. A majority of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. 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.

SECTION 14. The town meeting members, as aforesaid, shall be the judges of the election and qualifications 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 district from which he was elected to another district may serve only until the next annual town meeting.

SECTION 15. 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 seven days exclusive of Sundays and holidays, from the dissolution of the meeting.

If, within said seven 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 five 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 same manner as in the election of town officers.

The questions so submitted shall be determined by a vote of the same proportion of the registered 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 so vote. 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 seven days, the vote of the representative town meeting shall become operative and effective upon the expiration of said period.

SECTION 16. 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 meeting, 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 a town meeting open to all the registered voters of the town as organized and conducted before the establishment

in said town of representative town meeting government.

SECTION 17. 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 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 registered voters of the town at large, using the ballot and the check list therefor.

SECTION 18. This act shall be submitted to the registered voters of the town of Norwood for acceptance at its next annual town 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 official ballot to be used in said town at said election: "Shall an act passed by the general court in the year nineteen hundred and forty-seven, entitled 'An Act to establish representative town government by limited town meetings in the town of Norwood' be accepted by this town?"

SECTION 19. Sections two and three shall take effect upon acceptance of this act 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 20. If this act is rejected by the registered voters of the town of Norwood when first submitted to said voters under section eighteen, it may be submitted for acceptance in like manner from time to time to such voters at any annual town meeting in said town within three years thereafter.

Approved June 18, 1947.

Amended by Chapter 461, Acts of 1966;
Chapter 954, Acts of 1973
Chapter 286, Acts of 1975
Chapter 156, Acts of 1984