

Pursuant to the foregoing warrant, the Special Town Meeting was called on April 5, 2014 at 7:00 p.m. at the Becket Town Hall, 557 Main Street, Becket, MA 01223. There being a quorum present, the meeting was called to order at 7:00 p.m. by the Moderator. There were 32 registered voters present (2% of 1,374 registered voters) and a total of 34 people attended the meeting. Town Officials Present: Bruce Garlow, Moderator; Jeanne Pryor, William Elovirta, and Angela Hilton, Selectmen; Jeremy Dunn, Finance Committee Member; George E. Roberts, Town Clerk; Edward Gibson, Town Administrator.

The Moderator opened the meeting stating the rules to be followed. He asked for a showing of hands of non-voters and welcomed them, indicating that they could address the meeting but could not vote. The Moderator noted measures he would take to speed up the meeting, including paraphrasing each article (as the articles are available in written form) and not having the Town Clerk read the call of the meeting and officer's return of service. The Moderator reviewed the warrant and noted it as having been duly posted. The Moderator also noted that he would need to recuse himself for Articles 5 and 6 as he was conflicted, and he explained the procedure for electing a temporary Moderator for those Articles.

The following articles were voted on:

Article 1: To see if the Town will vote to amend the Town Bylaws by creating a new ARTICLE 16B-- BYLAW REVIEW COMMITTEE as shown on a document on file with the Town Clerk and on the Town's website.

Majority Vote Required.

Article 1 Was moved and seconded from the floor. Selectman Jeanne Pryor gave a brief explanation of the need for a BYLAW REVIEW COMMITTEE. Madeline Swindlehurst moved that Section 4 be amended to read "The Committee shall meet on a regular basis in compliance with the Open Meeting Law. George Roberts and Jeremy Dunn observed that such an addition would be redundant as the Law requires that all meetings be conducted pursuant to the Open Meeting Law. Mr. Dunn observed further that her objective could be achieved by deleting the word "public" from the Sentence "Minutes shall be kept of all public meetings." Ms. Swindlehurst withdrew her first motion to amend and moved that the word "public" be removed as set forth *supra*. The motion to amend was seconded from the floor. There was no further discussion on the motion to amend. A vote was taken on the motion to amend and the motion to amend passed unanimously. Ms. Kay-Grace moved to change the appointment members of BYLAW REVIEW COMMITTEE from being appointed by the Board of Selectmen to being elected at the first Annual Town Election after the election of the selectboard. The Moderator declared the motion out of order as it was far astray from the intent of the Article to create an appointed board. He observed that any proposed article that sought to create a new elected board would have to be in a different form, seeking a change to the Town's Charter. There was no further discussion.

A vote was taken and the motion on
Article 1 as Amended Passed Unanimously.

Article 2: To see if the Town will vote to amend the Town Bylaws by creating a new ARTICLE 21-- COMMUNITY PRESERVATION COMMITTEE BYLAW as shown on a document on file with the Town Clerk and on the Town's website.

Majority Vote Required

Article 2 Was moved and seconded from the floor. Selectman Jeanne Pryor gave a brief background of the Community Preservation Committee history noting that the ballot question in the May 17th 2008 Annual Town Election that approved the formation of the Committee, required that the Community Preservation

Committee be established by By-law. Selectman Pryor noted that such a By-law had not been proposed until now. There was no further discussion.

A vote was taken and the motion on
Article 2 Passed Unanimously.

Article 3: To see if the Town will vote, pursuant to the provisions of Section 8 of Article 89 of the Massachusetts Constitution, to authorize the Selectmen to petition the General Court for special legislation to amend Chapter 662 of the Acts of 1989, as most recently amended, with said amendments to become effective upon the passage of the Act by the Legislature, as follows:

To delete from ARTICLE 2B, SECTION 4 (the list of officers and boards appointed by the Selectmen) Items **(n) Parks Commission** and **(p) Recreation Committee** and renumber the remaining items to take into account those deletions,

and to

add to ARTICLE 2B, SECTION 4 (the list of officers and boards appointed by the Selectmen) an Item **Parks and Recreation Committee** and renumber items to take into account this addition.

Majority Vote Required

Article 3 Was moved and seconded from the floor. Selectman Jeanne Pryor explained that the Parks Commission and Recreation Committee started working together because there was only one member of the Recreation Committee, and there was no way to establish a quorum. She explained that by combining the functions of the two into a single committee would streamline their operations and ensure that there were enough members to establish a quorum. Rita Furlong wanted to know what the difference between a committee and a commission was. The Moderator stated that he was not able to determine if there was any distinction between a committee and a commission. There was no further discussion.

A vote was taken and the motion on
Article 3 Passed Unanimously.

Article 4: To see if the Town will vote to amend the Town Bylaws by creating a new ARTICLE 16C-- PARKS AND RECREATION COMMITTEE as shown on a document on file with the Town Clerk and on the Town's website.

Majority Vote Required

Article 4 Was moved and seconded from the floor.

A motion was made to amend Section 4 to delete the word "public" from the sentence "Minutes shall be kept of all public meetings." The motion to amend was seconded. Kristine O'Mally – Levy inquired as to whether minutes at "private meetings" would be kept. The moderator explained that in "executive sessions" could be held under specific circumstances, and minutes were required to be kept, but the minutes of an executive session could be secluded from the public for periods of time, depending on the nature of the subject of the executive session. A vote was taken and the motion to amend passed unanimously. There was no further discussion.

A vote was taken and the motion on
Article 4 as amended Passed Unanimously.

Article 5: To see if the Town will vote to amend ARTICLE 1--TOWN MEETINGS of the Town Bylaws by substituting the existing article with a new Article 1 as shown on a document on file with the Town Clerk and on the Town's website.

Majority Vote Required.

The Moderator, Bruce Garlow stepped down for Article 5 and Article 6. Town Clerk George Roberts solicited nominations for Moderator pro-tem from the floor. Selectman Jeanne Pryor nominated Ethan Klepetar, and the nomination was seconded. There were no other nominations. A motion was made that the nominations be closed, and seconded from the floor. A vote was taken and the motion to close nominations passed unanimously. A motion was made to allow the Town Clerk to cast one ballot for Ethan Klepetar, and was seconded from the floor. A vote was taken and the motion to have the Town Clerk cast the ballot passed unanimously. The Town Clerk cast a single ballot for Ethan Klepetar for Moderator pro-tem. The Town Clerk administered the Oath of Office to Ethan Klepetar for Moderator pro-tem. Bruce Garlow moved to amend the article to reflect changes recommended by Town Counsel as follows:

“Section 5A. All petitions to call a Special Town Meeting or to insert a subject in the warrant for any Annual or Special Town Meeting shall be submitted on a form meeting the following requirements.”

Changed to:

“Section 5A. The Town Clerk shall prepare forms for petitions to call a Special Town Meeting or to insert a subject in the warrant for any Annual or Special Town Meeting which form shall meet the following requirements.”

Delete the paragraph numbered “(3)” in Section 5A.

Delete the word “checking” from Section 5B.

“Section 6. At all Town Meetings, the Board of Selectmen shall be directed to use a checklist of registered voters for admission of all persons to said meeting.”

Changed to:

“Section 6. At all Town Meetings, the Town Clerk shall be directed to use a checklist of registered voters for admission of all persons to said meeting.”

The motion was seconded from the floor. A vote was taken and the amendments as proposed passed unanimously. Mr. Garlow gave a presentation to meeting explaining that the proposed changes would formalize procedures that have been in place for the last 17 years, and ensure that everyone had an equal footing at Town Meetings. He gave a brief synopsis of the purposes of the proposed changes. Madeline Swindlehurst moved that the question be divided to enable each proposed change to be addressed separately. The motion to divide was seconded. A vote was taken on the motion to divide. The motion to divide failed. Madeline Swindlehurst then moved to amend Section 8 from:

“Section 8. The Moderator shall preserve decorum and order and, per Massachusetts General Law Chapter 39 Section 15, shall decide all questions of order and make any ruling of parliamentary law without appeal.”

To:

“Section 8. The Moderator shall preserve decorum and order and, per Massachusetts General Law Chapter 39 Section 15, shall decide all questions of order and make any ruling of parliamentary law. An appeal from the ruling of the Moderator must be preceded by a Point of Order as a foundation of the Appeal. The Appeal requires a “second,” requires majority vote, may be debated, but cannot be amended. In the case of a tie vote, the Moderator's ruling is sustained.”

The motion to amend was seconded from the floor. Mr. Dunn asked for an example of when a Moderator's ruling would be appealed. Ms. O'Mally-Levy spoke in support of the motion. George Roberts spoke against the proposed amendment. Ms. Swindlehurst commended the Moderators Robert Gurner and Bruce Garlow.

Ms. Swindlehurst related a historical example of when an appeal from a ruling would be helpful. A vote on the amendment was taken. The amendment failed. Mr. Dunn spoke against Section 4A, specifically the requirement that notification of Annual and Special Town Meetings be mailed to both full time and part time households. Mr. Dunn moved to strike full and part time households and replace that language with all registered voters. The motion was seconded from the floor. George Roberts spoke against the motion noting that the number of registered voters was greater than the number of households in Town. Mr. Dunn withdrew his motion and restated it as to replace the language requiring mailing to all full and part time house hold to requiring mailing to all households containing at least one registered voter. The motion was seconded. Meredyth Babcock spoke against the proposed amendment. Ms. O'Mally-Levy suggested that post cards might be a more cost effective way to give part time residents notice. Mr. Garlow spoke against the proposed amendment noting that part time residents contribute greatly to the support of the Town and are taxed on personal property as well as real property. A vote was taken on the proposed amendment. The amendment failed. Ms. Swindlehurst moved to amend Section 8A, paragraph 2 from:

“2-No motion to increase an appropriation more than five percent of the Finance Committee’s recommendation shall be in order.” To:

“2-Any motion to increase an appropriation more than five percent of the Finance Committee’s recommendation shall be out of order.”

The motion to amend was seconded. A vote on the motion to amend was taken. The motion to amend passed. There was no further discussion.

A vote was taken on the motion as amended.

Article 5 as amended passed unanimously.

Article 6: To see if the Town will vote to amend Section 3 of Article 2—ELECTED TOWN OFFICIALS of the Town Bylaws by deleting the second sentence as follows- “In the absence of the Moderator one shall be elected from the voters for that meeting only” and by adding a new Section 1A in ARTICLE 3-- APPOINTED TOWN OFFICIALS of the Town Bylaws as follows:

ARTICLE 3--APPOINTED TOWN OFFICIALS

Section 1A. The Moderator shall appoint by May 1 a Deputy Moderator for a one year term. The Deputy Moderator shall preside in the absence of the Moderator, or when the Moderator recuses himself for reason of conflict of interest, or to assist the Moderator when the number in attendance or physical layout of the room(s) requires an additional Moderator. In the absence of the Moderator or Deputy Moderator one shall be elected from the voters for that meeting only.

Majority Vote Required

Article 6 was moved and seconded from the floor. Ms. Swindlehurst asked if the this didn’t need a change to the Town Charter. The Deputy Moderator observed that this article was not changing an elected position to an appointed position, but rather was creating a new appointed position, and thus, a change to the Town’s Charter was not necessary. Ms. Pryor noted the Town’s Charter only describes elected positions and positions that the Board of Selectmen appoint to; it does not reference or control appointments of assistants or deputies by boards or officers. Ms. Swindlehurst spoke against the Article, suggesting that electing a Temporary Moderator from the participants of the meeting was preferable to an appointed Deputy Moderator. Rita Furlong spoke in favor of the Article. George Roberts spoke in favor of the Article.

A vote was taken on the motion.

Article 6 passed.

Article 7: To see if the Town will vote to transfer a sum of money – Twenty Thousand Dollars (\$20,000.00) from the Vocational Tuition Account to the Vocational Transportation Account for the balance of the 2014 fiscal year.

Majority Vote Required

Temporary Moderator Ethan Klepetar stepped down. Moderator Bruce Garlow returned to the podium. The Article was moved and seconded from the floor. There was no discussion.

A vote was taken on the motion.

Article 7 passed unanimously.

Article 8: To see if the Town will vote to appropriate and Transfer from Free Cash the sum of Nine Thousand Dollars (\$9,000.00) to the Municipal Building Repair Account for installation of a water filtration system required by the Massachusetts Department of Environmental Protection at the Mullen House and other design and repairs to various municipally owned buildings.

Majority Vote Required

The Article was moved and seconded from the floor. Jeremy Dunn, a member of the Finance Committee noted that there was approximately \$197,000.00 in free cash, and that our financial reserves policy is that we should take at least half of that money and move it into the stabilization fund which is going to be an article on the Annual Town Meeting warrant in May. He noted that the Finance Committee recommends that the Town funds a number of these urgent repairs out of the remaining free cash balance so we don't have to raise funds next year. There was no further discussion.

A vote was taken on the motion.

Article 8 passed unanimously.

Article 9: To see if the Town will vote to appropriate and Transfer from Free Cash the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) to the Highway Department Machinery Account for repairs to departmental vehicles and equipment.

Majority Vote Required

The Article was moved and seconded. There was no discussion.

A vote was taken on the motion.

Article 9 passed unanimously.

A motion to dissolve the meeting was moved and seconded from the floor. A vote was taken and the motion to dissolve the meeting passed.

Respectfully submitted,

George E. Roberts
Town Clerk