



TOWN OF WARE CITIZEN'S GUIDE TO TOWN MEETING

What is Town Meeting?

"The purest form of democratic governing is practiced in a Town Meeting. In use for over 300 years and still today, it has proven to be a valuable means for many Massachusetts taxpayers to voice their opinions and directly effect change in their communities. Here in this ancient American assembly, you can make your voice heard as you and your neighbors decide the course of the government closest to you.

Cities according to MA Law, do not have Town Meeting. Most but not all towns have Town Meetings. A few towns are governed by town councils. In sum, no cities have Town Meetings and most towns do have Town Meetings." (2008, Galvin, William Francis, Secretary of the Commonwealth, "Citizen's Guide to Town Meetings"). This Guide is a good reference to more details of motions and general procedures for town meeting and is available on the Mass.gov website.

Open vs Representative Town Meeting

There are two types of Town Meeting: Open Town Meeting and Representative Town Meeting. Towns with fewer than 6,000 inhabitants must have an open Town Meeting. Towns with more than 6,000 inhabitants may adopt either form of Town Meeting at their discretion. "Open" Town Meeting means that all registered voters are eligible to participate and vote. In Representative Town Meeting, the Town is divided into precincts and citizens are elected to represent each precinct at Town Meeting.

The Town of Ware Home Rule Charter states that, "All legislative powers of the Town shall be exercised by an Open Town Meeting". This means that during the meeting, each voter is a legislator. At the meeting, voters are asked to approve Town budgets, capital expenditures, zoning changes, Town By-Law changes, compensation for employees and elected officials, Town acquisition or disposition of land and more.

Each year, Ware must conduct an Annual Town Meeting. Town By-laws require that this meeting be scheduled by the Selectmen to occur the 2nd Monday in May. The Selectmen may call a Special Town Meeting at any time. Special Town Meetings are called as needed if waiting until the next Annual Meeting is not a desired option.

While there is no law or bylaw requiring it; in Ware, Town Meetings are videoed and rebroadcast, at various times, by the Ware Public Access channel; however, by ruling of the Moderator, they are not televised live.

The Warrant

The Warrant is basically the agenda for Town Meeting. It contains a number of articles which set the framework for motions that will be made at Town Meeting. The articles themselves are not necessarily the motions that will be made at Town Meeting. The Board of Selectmen are responsible for determining the appropriate articles and preparing the Warrant, obtaining legal opinion on the validity of proposed articles, gathering input from Town staff and boards, and distribution of the Warrant. Citizens may also petition warrant articles for Town Meeting action. The laws/rules pertaining to petition of warrant articles for any Town Meeting are to be in accordance with MGL C38, s10.

Town Meeting “Cast”

Ware Registered Voters – Each voter is a legislator at Town Meeting. They are full participants in budgeting, allocating funds and law-making. Upon checking in to the Meeting, voters will be given a voting card (or an electronic keypad for Electronic Voting). Cards are held up (either for or against a motion) or the Electronic keypad is used to submit your vote for each motion when the vote is called by the Moderator. Non-voters may attend the Meeting but may not vote, and may address the Meeting only with permission; traditionally, this permission is presumed for Town staff.

Town Moderator – The Town Moderator is elected for a three- (3) year term during Town elections. The Moderator presides over Town Meeting and is responsible for its conduct consistent with Town By-laws and Massachusetts General Laws and parliamentary procedures as defined in **Town Meeting Time: A Handbook of Parliamentary Law** published by the Massachusetts Moderators Association. Massachusetts General Laws grant the Moderator broad authority to accept parliamentary motions, regulate debate and rule speakers in or out of order. A primary role of the Moderator is to ensure that motions (or amendments to motions) remain within the scope of the article published in the Warrant.

Town Clerk – The Town Clerk is an elected official responsible for maintaining Town records. During Town Meeting, the Town Clerk checks in voters and records votes and actions taken at Town Meeting. If the elected moderator is not present at the start of the meeting, the Town Clerk will conduct the meeting until the Town Meeting voters elect a temporary moderator.

Finance Committee – The Finance Committee of five members is appointed by the Board of Selectmen, each member for 3 years. The Finance Committee serves as an Advisory Board to the Town Manager and the Board of Selectmen. The Finance Committee receives the proposed budget from the Town Manager, reviews the proposal, makes recommendations and returns it to the Town Manager who in turn edits, finalizes recommendations and submits it to the Board of Selectmen. Prior to Town Meeting, the Finance Committee reviews the final budget as submitted to the Board of Selectmen and determines support (or not) and prepares a report to the citizens of the town for submission to Annual Town Meeting.

Town Counsel – Town Counsel attends Town Meeting or is available remotely to Town Meeting to provide legal opinions on proposed actions being considered. During the Meeting, the Moderator may consult with Counsel prior to issuing a ruling, if the Moderator is in doubt about the legality of that ruling.

Town Meeting Procedures

The Town of Ware Home Rule Charter states that “A Moderator, elected as provided in section 7-7 of this Charter, shall preside at all sessions of Town Meeting. Furthermore, the Town Charter states that the conduct of the meeting shall be governed by **Town Meeting Time** and such other rules and procedures as, from time to time, may be adopted by Town Meeting vote.

The quorum for Town Meeting in Ware is one hundred (100) voters. The Town Clerk will inform the Moderator once a quorum is present. The Meeting will be called to order by the Moderator, and after opening procedures have been completed, the warrant articles will be taken up in the order prescribed by the Warrant. Generally, only "Consent Agenda" items (description follows) or inter-dependent articles will be taken out of order.

As mentioned earlier, the article itself is not the motion; however often they are much the same with the addition language specific to amounts and/or funding means and sources, for example. However, the motion associated with an article must be within the scope of that article as presented in the Warrant. Motions are submitted, signed by two registered voters and thus representing the proposed motion and a second, to the Moderator ahead of the meeting and are presented by the Moderator. A “reasonable” voter who has read the article should not be surprised by the content of the motion. Motions that expand upon the article or materially change it will be ruled out of order by the Moderator. Any voter may make a motion related to the article being taken up, or an Amendment. Amendments must be submitted in writing and be seconded in order to be considered by the body. Once there is a motion and a second, the proponents and opponents of the article may make a presentation to Town Meeting.

In order to provide a balanced meeting, particularly on projects/proposals that are highly controversial, costly or otherwise high impact to the Town the Moderator will permit formal presentations, up to and including those using a projector. However, the Moderator expects to be notified of both pro and con presentations and to approve their content and duration in advance.

Speaking at Town Meeting

After the presentations, Town voters may ask questions or argue in support or opposition to the motion.

- Any voter wishing to speak must raise his/her hand to be recognized to speak by the Moderator. No person shall speak until or unless recognized by the Moderator. Once recognized, speakers should state their names and addresses. Town employees need not provide their address, but they should let Town Meeting know whether or not they are a Ware voter.
- Speakers and presenters are encouraged to carefully think through what they wish to say, to limit themselves to the subject/motion under discussion, to be brief, to the point and to avoid repetition.
- Generally, a limit of 5 minutes per person on a motion is suggested by the Moderator. As the Moderator is charged with assuring the meeting attends to the business as presented in the warrant efficiently, he/she may also end discussion should speakers become repetitive .

As one James Doherty, Town Moderator of Andover, Massachusetts to his age of 91 once stated:
“Shorter is better. 3 minutes is enough for everyone. After 5 minutes people are falling asleep. After 7 minutes people will vote against you even if they originally agreed with you”.

- Debate is encouraged, but personal attacks are not. All debate will be conducted in a respectful and courteous manner. Debate is presented as speaking your thoughts through to the body through the Moderator and not between two (or more) individuals. All speakers must be recognized each and every time they speak and back and forth between speakers may not be encouraged or continued by the Moderator.
- Comments will be limited to the content of the motion, not the merits of those presenting their viewpoints.
- No comments of a personal nature are to be made
- MGL CH.39 s17 , **Town Meeting Time** and the Town of Ware Home Rule Charter all provide that the Moderator shall regulate the proceedings, decide all questions of order, make public

declaration of all votes, and may exercise such additional powers and duties as may be given to Moderators under the constitution and state law of the Commonwealth.” The Moderator’s authority and duties are defined in Massachusetts General Laws (Part I, Title VII, Chapter 39, s15 and 17). Section 17 specifically states that:

“no person shall address a town meeting without leave of the moderator, and all persons shall, at the request of the moderator, be silent. If a person, after warning from the moderator, persists in disorderly behavior, the moderator may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him in some convenient place until the meeting is adjourned”.

This is not debatable, subject to any opinion or interpretation. If the Moderator orders a person to be removed it is understood that such removal is for the remainder of the meeting session, unless otherwise stated by the Moderator.

A "Consent Agenda" is a series of articles that are voted in a single motion and vote. The Selectmen, with input from the Moderator, Town Counsel and the Finance Committee, identify articles that they feel will not generate controversy or debate. These often tend to be "housekeeping" types of articles. After the Consent Agenda motions are read, the Moderator will announce the article numbers that are included. If any voter wishes to discuss an article, he or she should shout "hold" or "question" as the article number is announced by the Moderator. This article will be removed from the Consent Agenda and moved and discussed in its normal position in the Warrant. Any voter may offer an amendment to an article. However, like the main motion, the amendment must not go beyond the scope of the article that was published in the Warrant. A voter may also offer an amendment to an amendment. An amendment requires a simple majority vote to pass, regardless of the quantum of vote required for the original motion. If the amendment passes, the original motion is replaced by the amended motion. The vote is then held on this amended motion, and the required quantum of vote returns to that of the original motion.

Town Meeting voting is generally done by voters holding up their voting card. When voters check in, their voter registration will be confirmed. They will then be given a colored card which they will hold up when asked for their vote. Different types of motions require different quanta of votes to pass. Most motions require a simple majority. If the vote were tied, a motion would fail. A lesser number requires a two-thirds (2/3) vote, (borrowing and zoning articles are the most common in this group.) Finally, in rare occasions, the requirement may call for a four-fifths (4/5) or nine-tenths (9/10) majority vote to pass. For votes that require a simple majority or two-thirds, the Moderator may declare the results based upon observation. If any seven (7) voters stand to challenge the Moderator's declaration of vote, a count will be made by the election tellers. For those articles that require four-fifths or nine-tenths majority, a count must be taken unless the vote is unanimous. As a registered voter, the Moderator is entitled to vote. However, the Moderator will only vote if a count has been made, and the Moderator's vote affects the result.

Secret Ballot

A secret ballot may be requested for any article by a majority of the voters. A secret ballot may be requested by 10 or more voters for articles pertaining to raising and appropriating, borrowing or transfer of funds in amounts of \$75,000 or more.

Adjournment

Town Meeting shall not be adjourned until all warrant articles have been dealt with.

The following quote is attributed to Reginald Brown, Boxborough Town Moderator 1977 -2005:

“We were all friends and neighbors before this meeting; after this meeting we will still be neighbors; hopefully, we will still be friends.”

Respectfully submitted by:

Kathleen Coulombe, Town Moderator
2007-present