



MASSACHUSETTS MODERATORS ASSOCIATION®
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TOWN MEETING: An Outline

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I. INTRODUCTION

A Moderator who faces his/her first Town Meeting has a formidable task. In the context of a smoothly run, well constructed Town Meeting, the Moderator must learn a body of procedural rules and apply them in a competent, impartial manner as well as understand the substantive issues facing Town Meeting [TM].

This outline has been prepared by the Massachusetts Moderators Association by moderators of both Open and Representative Town Meetings. Its purpose is to assist the reader in understanding the role of the Moderator itself, including the duties and responsibilities, ideas for preparing for a TM, to point out potential pitfalls in the conduct of the meeting, and to suggest a vehicle for a "post-mortem" review of the meeting.

II. PREPARATION TO ACT AS MODERATOR

A. Moderator's Duties

Massachusetts General Laws Chapter 39, Sections 15 and 17, and not infrequently, a Town's bylaws, spell out the Moderator's key powers, duties, and responsibilities.

B. Parliamentary Procedure

1. Handbooks of Procedure

A Moderator must understand the rules of parliamentary procedure which govern his/her town meeting. In some towns, *Robert's Rules of Order* apply. In many towns, *Town Meeting Time, A Handbook of Parliamentary Law* written in 1962 (now in its third edition, ©2001 by the Massachusetts Moderators Association) is the Moderator's bible for the conduct of TM. This handbook has the great advantage of relative simplicity which permits the Moderator to develop a good understanding of parliamentary procedure with reasonable effort. Also, it was written specifically for a Massachusetts TM whereas *Robert's* was not.

2. Open Meeting Law Does Not Apply to Town Meeting

A Moderator should understand that a TM is a legislative body, and not a governmental body according to the definitions contained in the Open Meeting Law, Section 23A of Chapter 39 of the Massachusetts General Laws. Accordingly, TM is specifically exempt from the requirements of the Open Meeting Law.

3. Motions of Doubtful Legality

The standard references on parliamentary procedure are not clear in their guidance as to how to deal with situations in which the town is considering actions of doubtful legality.

Robert's states, unequivocally, that "No motion is in order which conflicts with the laws of the nation, state, or with the assembly's constitution or bylaws, and if such a motion is adopted, even by a unanimous vote, it is null and void." The Moderator may in all good faith believe a motion to be illegal, but s/he does not have the authority to rule on what



is a matter of law rather than of procedure. Accordingly, a wiser course is to advise the meeting of the possible consequences of affirmative action on such motions and allow the chips to fall where they may.

4. Scope of the Article

The purpose of a warrant article is to apprise or "warn" the voters as to the subject matter to be discussed, but the wording of the article need not provide details of the precise action which the meeting will be asked to take. The motion made under an article must spell out the details. To be in order, the ensuing discussion must be germane to the subject matter described in the article. It is the duty of the Moderator to determine whether the motion is within the scope of the article.

AN EXAMPLE - if the warrant article calls for an appropriation to provide handicapped access to a school, a motion to appropriate funds for installation of an elevator would be in order, but a motion to appropriate funds for repairs to the school roof would not be within the scope of the article.

5. Constraints Imposed by Proposition 2½

The 1981 passage of Proposition 2½ limiting the power of towns to appropriate and tax has created the potential for passage of appropriations which in total exceed the limits allowed by the Commonwealth. If that is the situation upon final dissolution of TM, the town will inevitably be faced with the necessity of calling an additional special town meeting or an override vote at the polls to resolve the matter to the satisfaction of the Commonwealth.

6. Additional Guidance

A Moderator may wish to attend a TM in a neighboring community in order to watch an experienced moderator in action.

C. Traditions in the Moderator's Town

The Moderator should become familiar with the town bylaws, written procedures, and guidelines relating to TM. Although it is essential to have a basic understanding of the parliamentary rules and the town's own written procedures on the limits to debate, for example, the Moderator must understand how his/her town has traditionally viewed these matters and others, such as:

- Requirements for a quorum
- Content of opening ceremonies at TM, which may include recognition of citizens for outstanding service, an invocation or moment of meditation, moment of silence for deceased individuals and a flag ceremony, with or without a pledge of allegiance
- Policy on radio and television coverage of the meeting
- Policies on the presentation and speaking to articles by citizens at representative town meetings and for persons who are not registered voters with respect to attendance and permission to speak in open and representative town meetings
- Policy regarding written handouts or display on audio visual equipment or computers of lengthy motions
- Interpretation of the "scope" of warrant articles
- Time limits for presentations and rebuttals
- Methods for bringing prolonged deliberations to a vote



- Methods for taking voice, standing, show of hands, and ballot votes
- Treatment of amendments and motions to reconsider
- Policy on certain procedural matters, such as, "to move the previous question," "to lay on the table," and "to postpone indefinitely," and their use to move along or to interrupt the discourse at TM
- Policy regarding handouts, their contents, and their location
- Policy concerning appeal of a Moderator's ruling when a matter of law is not involved

III. PREPARATION FOR TOWN MEETING

The better prepared the Moderator is for a meeting, the easier it will be for the Moderator to contend with the myriad of issues which undoubtedly will arise.

A. Preparation of the Warrant

Although the statutes place the responsibility for the warrant in the hands of the Board of Selectmen, in some towns the Selectmen welcome the input of the Moderator on such matters as the order of articles and a detailed review of the language of the articles by the Moderator as well as by the Town Counsel prior to publication of the warrant.

B. Understand the Issues

Familiarity with the issues, without taking sides, and knowing the identity of the chief proponents and opponents helps the Moderator to understand the likely course of discussion of the motions. To obtain this information, the Moderator should attend hearings where warrant articles are discussed. The Planning Board is required by statute to hold a public hearing on all zoning articles. The Finance Committee, the Selectmen, the local League of Women Voters and town meeting groups frequently host hearings or information meetings prior to a town meeting.

C. Communications with Sponsors of Articles Prior to the Meeting

The Moderator may wish to contact sponsors of the articles in order to inform them of requirements, if any, concerning:

- time allowed for presentations
- responsibility for and content of handouts
- types of audio-visual materials which can or must be used

D. Preparation and Distribution of Policies, Practices and Procedures

If none exist, the Moderator should develop and distribute policies or guidelines for such matters as:

- constraints imposed by Proposition 2½
- admission of children accompanied by parents
- media coverage of town meeting
- content and location of handouts
- recognition of outstanding citizens/young people
- smoking in the building
- refreshments on the TM floor



Some moderators have found it useful to publish an article in the local newspaper prior to TM explaining the protocol regarding citizen participation.

E. Meeting Prior to Town Meeting for Sponsors and "Other Players"

In some towns, the Moderator holds a special session several days before TM as a "dry run." Its purpose is to generally prepare board, committee and citizen sponsors of all articles for TM, and to identify where problems may arise.

F. Supporting Cast

In some towns, the Moderator is assisted by a head teller or warden who is responsible for organizing tellers to count standing and ballot votes. In open town meetings there may be an assistant moderator to serve in the event that overflow facilities have to be used (Sections 10 and 14 of Chapter 39 of the Massachusetts General Laws

G. Orientation for New Representative Town Meeting [RTM] Members

In some representative town meeting towns, the moderator, finance committee chair, and town counsel hold an orientation meeting for new town meeting members to answer questions, clarify financial terms and concepts, legal issues and parliamentary procedures.

H. Moderator's Notebook - A Very Useful Tool

To assist the Moderator in running TM, a notebook prepared by the Moderator in advance of the meeting is an invaluable tool. Suggested contents include:

- introductory remarks to provide guidance regarding the procedures likely to be used during the meeting; a copy of each article, the main motion, and amendments known in advance, with special notations on the quantum of vote, the identity of the mover of the motion, the time allotted and persons involved in the initial presentation and with space to record procedural actions and the results of votes;
- a copy of the town bylaws, or written guidelines or rules, as they relate to the conduct of town meeting;
- a copy of the ranking and debatability of motions;
- a list of standard phrases to be used in the conduct of the meeting; and
- a section with documentation of legal notices, hearing and meeting agendas, and reference material distributed to the voters, especially those which have proposed motions.

IV. PHYSICAL PREPARATIONS AND FACILITIES

A. Scheduling Responsibilities

The date for the opening session of TM is either set forth in the Town's bylaws or established by the Selectmen. Dates for adjourned sessions may be established by bylaw, by the Selectmen or by vote of the TM. All dates should be widely publicized. There should be consultation between the Selectmen and the Moderator to assure that enough sessions are scheduled so that the meeting can complete action on the entire warrant and that the Moderator will be available on each scheduled date.



B. Facilities

Facilities for orderly conduct of the TM are provided by the Selectmen, generally in accordance with requirements established by the Moderator after consultation with the Selectmen, Town Manager, administrative assistant, or executive secretary, as appropriate. In the case of Open TM, facilities must be adequate to accommodate the maximum probable turnout; this may require the provision of overflow facilities linked by appropriate sound systems if the main hall cannot accommodate everyone safely and in accordance with applicable building and fire safety codes. (Section 10 of Chapter 39 of the Massachusetts General Laws).

Within the meeting hall there should be

- seating and tables for the selectmen, finance committee, planning board, town clerk, town counsel, other boards and committees as required, and the press
- a lectern should be provided for the moderator, equipped with a microphone and reading light, and perhaps a clock/timer, and a gavel
- a separate lectern should be provided for use by persons presenting articles.

A public address system will generally be required with a microphone for the Moderator, a second microphone at the lectern used by those presenting articles and usually several microphones readily accessible to persons wishing to address the meeting.

A slide projector, an overhead projector for transparencies and capability for power point presentations may be needed.

At the entrance to the meeting hall there should be check-in tables for voters and authorized visitors, tables for handouts, facilities to display maps, charts, and photographs relevant to town meeting issues, signs designating refreshment and smoking areas, and specifying the doors to the main hall that should be kept closed.

Provision should be made to conduct ballot votes, if required. In some towns, ballot votes are frequent. In others they are unusual, but the voters can always require a ballot vote so it is important to be prepared.

C. Media Coverage

If there is to be cable or network television coverage of the TM, placement of cameras and provision of auxiliary lighting should be worked out with the provider of the coverage ahead of the TM with a view to minimizing any intrusion. Coordination of the sound pickup between the public address system, and TV broadcasts is desirable. Reporters from the press should be seated in an area designated by the moderator.

D. Supporting Personnel

The Selectmen are responsible for actually providing the supporting personnel in accordance with the needs identified by the Moderator. People who know how the systems work should be present to handle heating, lighting, audio, and similar problems. A police officer /or Constable should be present at all times.

E. Checking out of Facilities before the Meeting



It is generally a good idea to make sure that the required arrangements have actually been lined up ahead of the TM. Once in place, the actual facilities should be checked out by the Moderator prior to the start of each session, especially to be sure that the public address system is working properly, and that overheads and power point projections project images of adequate size.

The Moderator should also check to be sure that no unauthorized displays or materials have been set up in the lobby or entrance to the meeting hall.

V. CONDUCT OF THE MEETING

A. Preliminary Procedures

The Moderator should plan to arrive at the meeting at least a half an hour before each session to answer last minute questions, review proposed amendments, check the audio visual system, and help anyone learning to use the microphones and projectors.

B. Opening Ceremonies

The TM should start promptly at the posted hour, or as soon thereafter as a quorum is present. Those involved in any opening ceremonies will have been briefed by the Moderator regarding order of ceremonies and timing. It is up to the Moderator to see that events move smoothly and that those in attendance are quiet, attentive, and respectful.

C. Introductory Remarks at the Beginning of Town Meeting

The Moderator's introductory remarks can set the tone for the entire TM. They should cover such housekeeping items as:

- seating arrangements
- the location and use of microphones
- dates of subsequent meetings
- the proposed order of the articles

The remarks should also cover the authority for the parliamentary procedures to be used and the most significant practices and procedures that will be followed such as how to obtain recognition and ask questions; who may make motions and amendments; limits on debate; termination of debate; adjournment customs; and limits on applause and demonstrations. It is often helpful if the Moderator makes a few brief comments regarding the importance of full and open discussion, fair play, goodwill, and a respect for differing viewpoints, especially if controversial issues are scheduled for debate.

D. The Meeting

The Moderator **should**:

- Be prepared. If TM customarily lasts for only one session, there may be several attempts at testing by self-styled parliamentary experts, and in those towns which have several sessions the testing may occur on and off over the course of the meeting.
- Be fair and impartial, firm but cordial.



- Rule on all issues of procedure. In some towns, but not all, tradition allows for an appeal to the meeting of a moderator's ruling.
- Apply rules evenhandedly.
- Keep procedures simple.
- Explain the effect of a YES or NO vote in complicated situations.
- Alternate viewpoints to the extent people's positions are known
- Encourage the meeting to stop deliberating and vote when no new information is being presented on the subject under discussion.
- In towns where the previous question is permitted, point out to the meeting, when, in the Moderator's judgment, it appears the question has been moved prematurely, how many more persons were seeking to be recognized.
- Try to control, within the limits of the community's tolerance, persons who stray from the subject at hand or become unduly repetitious.
- Use a bit of humor to relax a tense situation.

The Moderator **should not**:

- Hesitate or equivocate.
- Allow slurs on the motives or character of meeting participants, town officials, or employees.
- Allow participants to cross-examine. All questions and remarks must be addressed to and through the Moderator.
- Permit any appeal from a ruling when the result of reversing the ruling that is being appealed may put the Town in the position of taking an illegal action, or any appeal that affects the rights of minorities or absentees.

VI. AFTER TOWN MEETING

A. Critique of the Town Meeting Process

Some towns hold a meeting after the conclusion of the annual town meeting to critique the TM process. It may be convened by the Moderator, Selectmen, group of TM members, or a nongovernmental body such as the League of Women Voters and cover such topics as: the physical arrangements; information provided by finance committees, moderator, and article proponents; scheduling of TM; length and frequency of sessions; order and presentation of articles; debate process; procedural rules; and citizen participation.

The Moderator then may revise procedures as appropriate based on the critique and personal observation while the selectmen may decide to request approval of changes to bylaws regulating certain town meeting matters.

