

GLOSSARY of TOWN MEETING TERMS

Editor's Note: This glossary is compiled in an order which relates to the stages of a Town Meeting, rather than strictly alphabetical. This affords the opportunity to show the association of these terms within the context of the course presentation. These categories are: Town Government Organization, Documentation, Floor Action, Financial and Legal

TOWN GOVERNMENT ORGANIZATION

Board of Selectmen: The Board of Selectmen is responsible for calling the annual town meeting and any special town meetings. The Board is the Town's Executive Department. Three or five persons are elected by the voters of the Town to serve as a policy-making board and administer the votes authorized by the town meetings; to enforce the local by-laws and uphold those statutes which apply to local governments; to appoint certain boards and officials, to enter into contracts for services rendered to the town; A Board of Selectmen may delegate some of these business management duties to an Executive Secretary, Town Administrator or Town Manager. The Board of Selectmen is also required to issue an annual report of the financial status and activities of the various town boards.

Town Clerk is the keeper of all records of the business of the Town; to record births, marriages and deaths of its citizens; to conduct census of residents; to oversee the election of town officers; to issue, for fees, those licenses allowed by the state that can be issued by a town; to preserve all documents related to the organization and administration of town business. Town Clerks may be elected or appointed. Town Clerks are required to keep records of the proceedings and votes of town meeting. Town Clerks do not have to be residents of the Town.

Registrars of Voters are responsible for keeping accurate voting and resident lists and enrolling citizens to vote. They are usually appointed by the Board of Selectmen, with recommendations from the Democratic and Republican Town Committees. One member of the Board of Registrars is the Town Clerk. Registrars are called to settle disputes over elections, qualifications of voters, and certify the signatures on petitions for Town Meeting articles and nomination papers of candidates for town and state officers.

Town Administrators or Managers are appointed by the Board of Selectmen to be a full-time paid business manager for the operations of all town departments, excepting the School Department. A Town Manager or Administrator has certain agency powers allowing them to enter into contracts for services for the Town. Managers or Administrators are responsible for preparing a proposed town budget to be presented to a Finance or Advisory Committee.

Town Moderator is the presiding officer of Town Meeting. He or she determines who speaks at a town meeting; enforces the rules of order; may be responsible for appointing Town Meeting committee members and tellers. Moderators have authority to swear-in persons elected at a Town Meeting and Town Clerks. Terms are either one or three years. Originally, Moderators were chosen by the first order of business at a Town Meeting, today the majority of larger towns elect Moderators by ballot.

Town Crier: Now primarily a ceremonial position, in Colonial days, when there was no mass mailing and few voters could read, a man with a loud voice and carrying a bell went roving through the streets of the town announcing events in the community, in particular "town" meetings.

Tellers: Voters in attendance at a Town Meeting who are selected by either the Moderator or Town Clerk, to count standing voters in a sections of the town meeting seating area.

Town Meeting Representatives: Towns with a population over 6,000 that have adopted a Representative or “Limited” town meeting elect a specific number of registered voters who are committed to attending town meeting. Usually these Representatives are chosen to represent the precinct or district where they live.

Advisory or Finance Committee(s): Nearly every town with a Town Meeting Legislature has a committee or commission which reviews the financial and political impact of issues placed before town meeting. These advisory committees are required to review all warrant articles including the budget as well as zoning and general by-laws and to make recommendations to the town meeting voters on what action it believes is in the best interest of the townspeople. These committees hold public comment sessions where any citizen of the town can voice his or her suggestions on how the town meeting should vote on specific warrant articles.

Constable: A law enforcement officer who is stationed within the town meeting voting area or polling area to maintain order. In a Town Meeting he is directed by the Moderator as to when someone has to be removed from the meeting, when to usher in voters to be seated, to close doors when voting is to take place. A Constable is also required to post notices and warrants in public places announcing when voters are to attend a Town Meeting.

Standing or Permanent Committees: Many towns have special purpose committees written into their charters, legislative acts or by-laws that are appointed by Selectmen, Town Manager or Moderator to investigate, advise or study recurring issues that require more thorough review than can be given by the Advisory or Finance Committee. Examples are Government Study Committee, Permanent Building Committee, or Capital Planning Committee.

Ad Hoc Committees: From time to time complex issues come before a town meeting needing review by specially qualified voters to advise town meeting. Generally, these Committees are created as a result of a formal motion from the floor of Town Meeting or by the Board of Selectmen. Once their task has been completed they are formally dismissed by a vote of Town Meeting. Examples of *Ad Hoc* committees: Municipal Building Siting Committee, membership in a regional inter-governmental program; or hosting a casino.

Non-voting members: These are town officers, department heads or professional personnel who are required to be present at a Town Meeting, but either by non-residency or local by-law can not vote in the affairs of the Town. State statutes specifically banned towns from prohibiting a non-resident Superintendent of School’s right to speak at an Open Town Meeting.

At-Large Town Meeting Members: This more particularly applies to Representative Town Meetings, whereby certain Town Officials by virtue of their position are automatically a voting member of Town Meeting, provided they are a registered voter in the town. Many Representative Town Meetings have discontinued at-large members.

Town Counsel is the legal advisor primarily for the Board of Selectmen and then to Town Meeting. Town Counsel is available to the Town Moderator before Town Meeting as well as being seated in Town Meeting, usually at arm’s length, there to answer legal questions arising during deliberations. Questions anticipated by the Moderator on borrowing or by-law articles are reviewed by Town Counsel before town meeting votes on these issues.

Attorney-General and Bond Counsel: These are the two most important state-related offices involved with approving actions of town meeting. The Attorney-General’s office reviews votes regarding local by-laws and charter amendments for compliance with state laws. The Attorney-General can reject all or part of the action of town meeting as well as approve without comment. Bond Counsel requires specific documentation of town meeting action before a town can borrow any monies.

Town Accountant and Town Treasurer: Both of these financial managers serve as advisors to financial matters coming before Town Meeting. The Town Accountant keeps track of the expenditure of Town funds and reviews all bills to the Town before the monies are dispersed. The Town Treasurer is responsible for paying all bills sent to the Town that have been approved for payment by the Town Accountant. The Town Treasurer also manages all borrowing on behalf of the Town as authorized by votes of Town Meeting.

Ethics Commission and Conflict-of-Interest Laws: Generally speaking, Town Meeting Representatives do not get involved with these matters, unless they are members of a finance advisory committee, executive officers, administrative personnel.

DOCUMENTATION

Annual and Special Town Meetings: All towns are required to have an Annual Town Meeting and Election of Town Officers. The Town Election is a part of business of the Annual Town Meeting. Some towns may have the local election either precede or follow Town Meeting sessions. Special Town Meetings may be called anytime by the Board of Selectmen. There are state and local by-laws that govern the manner in which these meetings are called, such as public petitions or emergency declarations. The primary document for the holding of a town meeting is the town meeting Warrant.

Warrant: The Board of Selectmen will notify the “inhabitants of the Town qualified to vote in affairs of the Town” with a Warrant or “warning”. The warrant sets the date, time, place and an agenda of issues called “articles” that are to be voted on at a Town Meeting. The warrant has to contain sufficient information for the voter to know what is being voted or the “scope.” Warrant articles seek AUTHORIZATION to raise taxes and pay for goods and services or ADOPT by-laws or regulations for the community.

Opening and Closing of Warrant: The first step in calling a Town Meeting is for the Board of Selectmen to declare a warrant “Open” to receiving citizens’ petitions or requests from town officers to fund a special appropriation or adopt a by-law. The Selectmen may have its own issues that require Town Meeting approval. The Board also sets a deadline for closing the Warrant. The closing date for receiving warrant articles is customarily stated a certain number of days before a Town Meeting will convene.

Warrant Article: Each agenda item on a Town Meeting Warrant is called an ARTICLE. Although local customs and by-laws vary as to what is to be included in a warrant article. Warrant articles have to be broadly written with enough information to determine the scope of the request and detailed enough to get what you want done correctly. Some towns have by-laws and practices that require the name and address of the petitioner of record, the date submitted and perhaps an estimated cost. The state statutes, if not otherwise stated in local by-law, the petitioner of record is considered the first signatory of the petition. If the subject comes from the Board of Selectmen, it is identified “Selectmen”. Warrant articles may be written by anyone, however, petitioners are strongly advised to seek help from someone familiar with writing articles and local by-laws. This may be a Town Clerk, an Attorney, Town Moderator, Town Manager and if a Town Officer, assistance from Town Counsel. Town Clerks may have available a standard petition form available which specifies what the Town requires in a warrant article.

Petitions are requests for Town Meeting approval of a specific action, signed by a number of registered voters of the town. The Massachusetts General Laws grant the right of voters to petition the selectmen to place an article in a Town Meeting. For an Annual Town Meeting petitions with a minimum of ten certified signatures of registered voters of the town. If the Board of Selectmen has called a Special Town Meeting, they are required to accept a petition for a warrant article bearing in excess of 100 certified signatures of registered voters. If an urgent issue arises and a citizen believes it essential that his request for Town Meeting action be taken

before the Annual Town Meeting, upon the presentation of 200 certified signatures of registered voters of the Town, they are required to call a Special Town Meeting within 45 days.

Time Lines and Deadlines: The action of town meeting has an impact on every resident of the Town. There many preparatory events that occur before a town meeting convenes. Town officers and boards are required to inform citizens about any meetings that discuss issues in a warrant in a timely manner to protect the rights of all citizens. Hearings and “civic engagement” sessions have to be posted, advertised and held to rigid schedules. There are also requirements for distribution of the warrant and advisory reports that have to be considered when scheduling a Town Meeting. It is up to the Board of Selectmen to review these dates and deadlines and availability of facilities before setting the date of a Town Meeting.

Posting of the Warrant: The Town Clerk is obligated to have a Constable “post” the warrant in public access locations, such as neighborhood stores, Post Office, and Town Hall. There is usually a posting location in every precinct, if a town has two or more precincts. Unless a local by-law states differently, warrants for a Special Town Meeting have to be posted two weeks before the town meeting convenes. For an Annual Town Meeting the posting is not less than seven days. The Constable has to make a “return” or signed statement that the warrant has been properly posted within these times. When warrants and advisory reports are distributed by courier, mailed or published in a local newspaper, that act is also considered a posting. A town may also have policies and practices which include posting notices on a web site in addition to the wider distribution of hard copy.

Legal Notice: In addition to posting copies of the Town Meeting Warrant, some articles require public hearings by the Board of Selectmen, special boards or committees. These hearings have to be advertised in a local newspaper. The statutes and local by-laws specify the number of times published; how far in advance the notice has to appear; and extent of details of the warrant article that are to be in the notice. Generally, legal notices deal with zoning, government organization changes, land acquisitions and eminent domain issues. Some towns publish an entire Town Meeting warrant in the newspaper as a legal notice. Voters should routinely check these advertisements and attend these hearings to have an understanding of the issues coming before town meeting.

Agendas: An agenda is a calendar stating the date, place time and schedule of topics to be presented and discussed at a meeting of a board or committee. Open Meeting Laws require that agendas for Town Boards be posted in the Town Offices not less than 48 hours before the meeting. If there are matters directly related to town meeting, copies of these agendas have to be kept in the records of town meeting.

Minutes are records of town board or committee meeting. Depending on statutes and by-laws certain specific items are recorded in minutes. By original definition, the time when the meeting opened and certain action was taken. Other essentials are attendance and quorum count, motions and vote tally. Town records also have to show topics discussed, usually the items on the agenda. Generally, only judicial proceedings require verbatim transcription of meetings. The Town Clerk, *per se*, does not take minutes of a town meeting, more accurately makes a record of the proceedings. The Clerk may review audio recordings and videotapes to verify the action of a Town Meeting.

Advisory Reports to Voters: The Finance Committee or Advisory Committee and other town boards, such as Planning Boards, Community Preservation Committees are required by state and local by-laws to make recommendations and deliver them to the voters or Town Meeting Representatives less than seven or 14 before a town meeting. These reports make comments on all financial articles in the warrant, and contain motions for each article. Some reports include detailed information such as charts, explanations and proposed amendments or substitute motions.

Voting Records: For articles requiring a recorded “standing” count, the Town Clerk is has to keep written documentation of the final vote. Towns using electronic voting to tally votes are required to obtain a computer print-out of these numbers. In a Representative Town Meeting, when a roll call vote is taken, elected individual member names are programmed into the hand-held devices. A manual procedure for tallying roll call votes the clerk reads off individual members names asking his or her vote while logging them on the lists of precinct members.

Motions: A motion is the statement which presents the detail of the action requested in the printed warrant article; “*I move* that the town appropriate the sum of. . . to purchase a . . . and to meet this appropriation that \$000.00 be raised on the tax levy.” Town meeting votes on motions for a warrant article. *Appropriate* is the action word. Motions, may look like an article, especially if the subject is a by-law, however the “authorization to modify” clause in an article is NEVER read in a motion. The motion IS the SPECIFIC ACTION taken relative thereto, which is to be voted on by town meeting. The Moderator may have to determine if a motion is “within the scope” of the original article description.

Voter Registration: In order to participate and vote in Town Meeting you have to be a registered voter living within the town. The Board of Registrars and Town Clerk are required to take an annual census each year. This census lists every resident over the age of 17, and whether they are Registered Voters. To become a registered voter you have to have reached your 18th birthday before the date of a town election, have to be a US citizen, and have your domicile within the corporate bounds of the town. The Registrars of Voters are required to have special registrations sessions not less than 21 days before an election or Town Meeting. To register to vote one can go to the Town Clerk’s office during regular business hours. When you register to vote you will be informed of your voting precinct, poll location, and the date of the Annual Town Elections and Annual Town Meeting.

Nomination Papers: In towns with a Representative Town Meeting, a certain number of residents are elected from each precinct who are the qualified voting members in the local legislature. To run for town meeting you must file nomination papers with a minimum number of signatures of registered voters from your precinct. The Clerk has a certain number of days nomination papers are circulated and a filing deadline. A candidate is required to sign a statement on the nomination paper declaring that he or she will accept election to town meeting. Local by-laws or Charters may vary on the nominating and election procedures.

State Statutes, formally known as the Massachusetts General Laws, are the working laws for all cities and towns as guided by the state constitution. When a town wishes to adopt a local by-law or zoning by-law, adopt or amend a Home Rule Charter the action of Town Meeting must be approved by the Attorney-General to determine if change conforms to statutes. Depending on the importance of these changes, in addition to a vote of town meeting, the AG may require the adoption of an amendment to be a question placed on a ballot.

C. M. R.—Commonwealth Regulations: These are volumes of administrative regulations promulgated to direct and guide the implementation of state statutes. While Commonwealth of Massachusetts Regulations are often cited in warrant articles or reference material, very rarely are state regulations directly involved with town meeting votes.

Charters and Legislative Acts are documents issued through the General Court which establish the organization of the local government. The Massachusetts Constitution grants to citizens of a township the right to choose its local government organization either through Special Legislative Acts, as has been done since the 1600s, or by election of a Charter Commission. Most amendments to a Town’s Incorporation Legislative Act or a Town Charter have to be adopted by a ballot vote of both Town Meeting and by all voters.

Local General By-laws: All towns may adopt by-laws to guide the administration of their Charters or Legislative Act Incorporation, that apply to local matters and do not conflict with the state statutes. General by-laws usually pertain to local government services, taxation and financial administration, public health services, licenses and permits, building codes, wetland protection, town meeting rules, etc. General by-laws require a simple majority vote of Town Meeting.

Local Zoning By-laws: Nearly all towns and cities within the Commonwealth have adopted zoning by-laws that designate infrastructure usages for privately and public owned property located within the town. Zoning by-laws define where residential or commercial buildings are to be located, heights of buildings, roadway layouts and construction. Zoning by-law amendments require advertised public hearings with the Planning Board whenever a zoning-related article appears in a warrant. Zoning by-law amendments require a two-thirds vote of Town Meeting.

Resolutions: There are times when the Town Meeting needs to address unique issues that may not be a subject of an article in the warrant, nor need a formal vote of the body, but more of a consensus or “sense of the meeting” vote. Resolutions may honor individual citizens, take a position on social issues that extend beyond the town or give direction to Town officials. Presentation of a resolution at a Town Meeting is subject to local tradition, by-laws or the Moderator’s rules of order.

FLOOR ACTION

Warrant Advisory Reports: Between the closing of a warrant and a week or two before the Town Meeting, various town committees, particularly the Finance Committee or Warrant Advisory Committee meets and holds public hearings in order to gain information about the warrant articles. The advisory committee(s) issue a report to the Voters or Town Meeting Representatives explaining their support or lack of support, the financial recommendations, etc. for each article. These reports are issued about one or two weeks before the Town Meeting. Every voter and Town Meeting Representative should read over this report and make notes of questions and comments on this material and attend informational meetings and public hearings before attending a town meeting.

Quorum: A quorum is the number of qualified voters who have to be present in order to commence the official business. This may be a fixed number or a percentage of elected town meeting representatives. The Registrars of Voters or tellers record attendees before they are admitted to the session rooms. A quorum count is taken or presented to the Moderator by the Town Clerk before the gavel is sounded to convene the meeting. Some open town meeting towns, have a “no quorum” by-law which allows all business to be conducted regardless of the number of voters remaining after the opening quorum count has been declared.

Rules of Order: The Moderator guides the meeting by a published set of Rules of Order such as *Roberts Rules of Order* or *Town Meeting Time* along with local by-laws and traditions. A Moderator will often highlight essential rules of order at the beginning of Town Meeting.

Reading of Warrant: A common practice continues in many town meetings is to read the entire warrant or a summary of all articles in the warrant. This harkens back to the days when there were no printed warrants and many illiterate voters. To avoid long readings of the warrant, the Moderator calls for a motion to “Dispense with reading the warrant and return thereof.”

Return of Warrant: This is the statement made by the Constable that the warrant for the town meeting has been posted in compliance with the state statutes. Unless there is some valid reason to do otherwise, a procedural motion is made to dispense with reading the return.

Procedural Motions: At the opening of a Town Meeting, the Moderator will announce and seek a motion, such as advancing action on certain articles, length of time voters will be allowed to speak, practices of reconsideration, etc.

Presenting a Main Motion: Before any discussion or debate on a warrant article there has to be a Main Motion read from the floor which encompasses the scope of what is requested in a the warrant article. The presenter may be the petitioner, the chairman of the Board of Selectmen, the chairman of the Finance or Advisory committee. The Moderator will inform the voters of local practices of who can present what motions, the order of recognizing speakers and when a negative main motion is appropriate.

Main Motion: The main motion is the statement which puts in all the details that the warrant article asks town meeting to vote on. This includes method of funding, such as borrowing, appropriate from tax levy and dollar amounts. It also includes naming the purpose of and exact wording of a by-law which may be the same text as printed in the warrant article or edited to reflect recommendations made as a result of advisory committee deliberations.

“Seconding” a Motion: Upon the conclusion of the presentation of the main motion, the Moderator will ask if any other person in the assembly wants to take action on that motion. A simple response with “second” is all that is necessary. If a “second” is not called, the Moderator will ask for a motion to “dismiss” the article.

Substitute Motion: Prior to the town meeting, if as a result of deliberations either at an advisory committee meeting or by mutual agreement with interested parties and the petitioner a substitute motion may be presented instead of the motion recommended and printed in the advisory report. A substitute motion becomes the main motion on an article if the original motion is withdrawn. Voters wishing to prepare substitute motions should work with the Moderator to ascertain that the wording of the alternate or substitute motion is within the scope of the warrant article. Substitute motions are recommended when several changes from a main motion differs significantly from the warrant article or what had been published in an advisory report. Individual towns and moderators have rules regarding use of substitute motions.

Amending a Main Motion: Amending the Main Motion after it has been read and seconded should be for simple and short changes to what had been read or printed in the advisory report. These are usually corrections or last minute alterations that do not expand upon the scope of the posted and reviewed warrant article. As small as these changes may be, they should be made in writing with copies for the Moderator, Clerk and presenter of the amendment. Unless the maker of the main motion agrees to adding such an amendment and including it as the main motion, the amendment requires separate debate and vote. Debate on the main motion resumes after the vote on the amendment has been declared. Amendments should be reviewed by the Moderator, perhaps Town Counsel and advisory committee before it is brought on the floor.

Personal Privilege: Any person who has been directly named or referred to by another speaker, may correct or refute a speaker by rising to a “point of personal privilege.” The moderator has to interrupt the speaker to recognize the standing party. The challenging party is entitled to state briefly his point of personal privilege, but not cross debate with the speaker and be seated.

Point-of-Order: A voter or town meeting member may interrupt the meeting when he believes a speaker has strayed from the rules of order. Like the point-of-order call the Moderator has to determine whether this is a legitimate challenge and bring the proceedings back to order.

Move Previous Question: This is a call from any town meeting member to end debate and take a vote. The Moderator will determine whether this is an appropriate time to accept a second, if there are a significant number of voters waiting to speak. It is out-of-order for a speaker to conclude his comments with a motion to move the previous question.

Voting Methods: There are four different ways to take a vote, depending on what the General Laws may require. Generally most votes in town meeting require only a majority vote. Tradition and local by-laws will determine when it is acceptable to use a voice vote, raised hands, color cards, or standing. Those articles that require a recorded, super majority vote the moderator will direct the voters to stand. Tellers will count sections of standing voters and relay their results to the Clerk. Controversial issues may require a secret ballot. Representative Town Meetings can also take a Roll Call vote, whereby each individual town meeting members vote is recorded. The introduction of electronic voting has significantly reduced the time of taking a roll call vote. If the moderator can't clearly see or hear a simple majority vote, then a the voters will be directed to stand and be counted by the tellers.

Majority vote: This means at least one more person has voted for a motion than those opposed.

Super Majority vote: Except for one or two types of Articles, a super majority vote is two-thirds of those voting in favor. There is a local option General Law that allows a moderator to use a visual count to determine and declare a two-thirds vote.

Unanimous vote: All votes in favor and no votes opposed.

Question of Count: Any seven, or a number designated by local by-law, voters may stand immediately after the vote has been declared. Usually applied to a voice vote, a multiple venue, or if there has been some irregularity in the voting process. This action has to be taken immediately after the vote is called and no further business of the meeting can ensue until the Moderator has resolved the challenge.

Hold or Challenge: This is a practice employed by many town meetings when preparing to discuss a long article with many subsections which may be subject to amendment or a vote by dividing the question, such as the individual department budgets or on a consent calendar.

Recess: To take a break from the proceedings of a session. The Moderator may declare a recess or receive a motion from a voter. Usually the recess is set for a length of time such as 10 or 15 minutes or in towns that have an entire day for town meeting, for lunch or dinner.

Recessed Session: The Moderator, in order to allow presentations, public interest matters, or pending issues that may be impacted by action of the present or future town meeting, may declare a recess where no motions are made regarding warrant articles, but voters may participate in the discussion.

Table to time certain: Whenever the voters or petitioners may find it expedient to delay voting on the main motion for an article,

Causes for Removal: There are times when debate gets emotionally charged and a voter enters into personalities, disrupts the meeting, using profanity, physically attacks or harasses someone within the meeting room or defies the moderator's ruling, the Moderator after three warnings, can have the Constable remove the offending party from the meeting.

Charters/Legislative Acts: Since Colonial days, the General Court has adopted Special Acts which establish the corporate land area of a township, and the organization and structure of town governments. When the first settlers in New England set foot on this continent, the Monarch of the nation from where these settlers emigrated, would grant a charter or franchise agreement which would establish a branch of the native country governed by “selected men” to manage the civic affairs of the colony. After 1776, the individual states, former colonies, took it upon themselves to grant a number of citizens living in a common area, a warrant to organize a “Township” and have its local government structure. In those days all towns had a town meeting consisting of all resident male property owners. The town meeting could raise and appropriate taxes, collect fees and fines and continue to elect town officers. To this day, many towns continue to function under the original Acts of the General Court with all amendments to these acts individually drafted and approved by the state. Although these Acts are often referred to as a “Charters,” in the late 1960s the Commonwealth officially granted “Home Rule Charters.” Those towns that petitioned, elected a Charter Commission and voted to adopt a Charter which brought town governments into the 20th Century technically speaking have a Town Charter. However, more recently some towns have skirted the “Home Rule Charter” process and have successfully petitioned the General Court to adopt “Special Legislative Act Charters.”

“Town Hall” Meetings: This is a term created by the press and public media to portray a group of voters assembling to discuss or debate local issues, such as in a campaign for public office. It is not a Town Meeting legally assembled called by a warrant posted by a constable. The term is used outside of New England to implicate that such a meeting has the quaint character of Town Meetings that have been a part of the our American heritage since 1633.