

**SOME PRACTICAL AND LEGAL TIPS ABOUT TOWN MEETING  
AND HOW TO UNDERSTAND WHAT IS GOING ON  
(EVEN IF THE MODERATOR DOES NOT)  
BY MICHAEL V. CAPLETTE, MODERATOR  
TOWN OF STURBRIDGE  
MAY, 2013**

I. BACKGROUND

The Town Meeting is a long established icon of New England democracy. Sturbridge held its first Town Meeting on April 3, 1739. This year will be the 275<sup>th</sup> Annual Town Meeting for Sturbridge, originally known as New Medfield. Town Meetings provide an opportunity for every voter of the Town of Sturbridge to not only decide issues that affect his or her town, but express an opinion on them. Issues can range from multimillion dollar budgets to leash laws. The importance of any issue is unique to the individual voter and he or she can express that importance at the Town Meeting.

The procedures which govern Town Meetings come from four (4) sources: Massachusetts General Laws (M.G.L.) Chapter 39, Sturbridge By-Laws, local custom and tradition, and parliamentary procedure. Sturbridge has adopted Town Meeting Time, presently in its Third Edition, as its guide for parliamentary procedure. The Moderator also employs his discretion when needed. Most importantly, however, the Town Meeting is within the control of the voters, not the Selectmen, Finance Committee, Town Administrator, Town Clerk, or even the Moderator (just don't tell him that!).

II. FORMAT

The Annual Town Meeting, by Town By-Laws, is presently held on the first Monday of June, this year June 3, beginning at 7:00 p.m at the Tantasqua Regional High School Auditorium. A Warrant containing articles is prepared by the Board of Selectmen and posted in several locations in Town. The warrant is an agenda listing the topics of Town business that will be discussed and acted upon. All warrants may include articles placed by the Selectmen or by citizens' petition. Town Departments generally submit articles to the Selectmen for placement on the Warrant and traditionally the Selectmen have placed all such articles on the Town Meeting Warrant although they are not required to do so. Articles submitted by Citizens' petition must be placed on the warrant as is and can not be changed or reworded. Special Town Meetings can be held at any time, again with a warrant containing articles placed by the Board of Selectmen or by Citizens' petition. Special Town Meetings also begin at 7:00 p.m., again subject to change. Sturbridge traditionally has a Special Town Meeting occurring the same night as the Annual Town Meeting. When that occurs, Town by-laws now state that the Special Town Meeting begins upon the completion of the Annual Town Meeting. Special Town Meetings have a shorter voter registration period prior to the meeting and sometimes issues arise after the Annual Town Meeting warrant has closed which need to be decided as quickly as possible so a Special Town Meeting is scheduled on the same night as the Annual Town Meeting. Sturbridge generally does not prefer to do by-

law or zoning changes at Special Town Meetings although there is no prohibition to doing this.

Some frequently asked questions:

1. How many voters do you need for a Town Meeting?

None. Sturbridge has no quorum by-law, so only the Moderator and Town Clerk have to be there. Attendance can vary, depending on the issues presented, generally between 200 and 800 voters. As long as the Moderator and the Town Clerk attend, there can be a meeting.

2. Can Citizens petition for an article or a Special Town Meeting?

Yes, 10 voters can request insertion of an Article at the Annual Town Meeting and 100 voters can request a certain article be placed on the warrant for an already scheduled Special Town meeting, provided that they submit their article while the warrant is still open. Past practice in Sturbridge has been to include all petitioned articles on a warrant without any changes, corrections or deletions.

200 Voters may request a Special Town Meeting be held, if not already scheduled. If the Selectmen “unreasonably” refuses to call a Special Town Meeting after being requested to do so, then 100 voters may apply to a Justice of the Peace and the JP shall call the meeting.

The Moderator is available to assist any voter or Town Board in preparing the wording of an article or a motion so as to present the issue fairly to the voters and to make sure the intent of the petitioners is properly presented. Feel free to call him. Some preparation may prevent voter confusion or legal impossibility.

3. One Night or more:

In recent years, the Town Meeting has usually been completed in one night and sometimes has stayed until 12-1 a.m. to do so. Occasionally the meeting may go a second night. Based on the number and complexity of this year’s articles, it is not anticipated that the 2013 Annual Town Meeting will go more than one night. The date of the second night, if needed, is usually dictated by the availability of the hall being used and is tentatively set for June 10, subject to the voters’ wishes. The Moderator will raise the topic of recessing around 10:00 - 10:30 p.m. unless the meeting is very close to finishing.

4. Why do I have to go to the microphone and identify myself to speak?

One reason is obvious: to allow your voice to be amplified so that everyone can hear. Also, the meeting is being video recorded and audio recorded. Viewers at home may not be able to hear the speakers or may not recognize them by face. The Town Clerk uses the audio tape to prepare her Minutes, which are the sole and undisputable record of the proceedings. Also, a voter may

want to assess the content of any presentation by who is saying it. Johnny Jones may have more credibility than Darlene Devious and the voters may weigh a speaker's arguments accordingly. The only exception to this requirement is that a voter may remain in his seat to place a "hold" on a budget line item. New this year, the Moderator will require the person placing the "hold" to identify herself to make it easier to address the line item when it is returned to.

### III. PARLIAMENTARY PROCEDURE

A Town Meeting needs some "rules" to govern its meetings. Sturbridge uses Town Meeting Time, now in its Third Edition, supplemented when necessary by Robert's Rules of Orders and tradition in Sturbridge.

Voters often get mystified by parliamentary "maneuvers". Here are some of the more commonly heard words and phrases:

#### 1. Articles and Motions:

Town Meetings can only act on matters set out in the various articles on the Town Meeting Warrant. To deal with any topic set out in an article, the Town Meeting needs a Motion. Motions are approved, not Articles. In Sturbridge, bylaws have provided for over 20 years that the recommendation of the Finance Committee is the main motion calling for action on any particular article. The Finance Committee is required to supply its main motion prior to Meeting or it may lose its precedence as the Main Motion. All this means is that this is the motion which will be discussed unless a substitute motion, also called a motion to amend, is made. More on that later. A recommendation may be as simple as "approve the article as written." That is pretty clear. Another common one is "take no action". In Sturbridge, "take no action" means that the Article will be defeated unless someone makes a substitute motion seeking some affirmative action which is subsequently passed by the meeting.

All Motions made at any time need to be seconded. Recently, the Moderator has begun the practice of requesting that the meeting waive the necessity of a second for Finance Committee recommendations which are the main motions for each article, as they have already been discussed, with motions made, seconded and adopted at the committee level.

Some articles which deal with the Town borrowing money for various projects can require special "bond" language in the motion.

The Quantum or amount of votes needed for any Motion may vary depending upon the subject of the Article or the type of motion. It may be controlled by statute or Town Meeting Time. The Moderator always announces the quantum necessary in advance which may range from simple majority to 9/10.

2. Motion to Move the Question:

A voter may, at any time, may make a Motion to “move the question”. He or she does this by being recognized by the Moderator, approaching the microphone, and make the motion. If seconded, there is no debate or discussion on this Motion. It takes a 2/3 vote to pass. If passed, a Motion to move the question cuts off all discussion on the main or substitute motion on the floor, and will lead to an immediate vote on that motion.

Because Sturbridge Town Meetings frequently have many citizens seeking to get the “floor”, the Moderator may not always allow a Motion to Move the Question if other citizens have been waiting to speak.

The Moderator will not allow a speaker to make a speech for or against a motion and conclude with a call to “move the question”. If a voter wishes to do so, it must be the sole topic of his speech, and may require a second trip to the microphone.

3. Motion for Reconsideration:

Once a Motion is approved or rejected, the Moderator turns to the next article. At any time prior to the close of the meeting, a voter may make a Motion to Reconsider the meeting’s action on any prior article. Town Meeting Time recommends against the practice of requiring a moving party of a Motion to Reconsider be on the prevailing side in the original vote. Repetitive motions to reconsider are not allowed unless there has been a change in circumstances or sufficient time has transpired to give reason to believe the Town may have changed its collective mind. The Moderator will inquire as to the grounds of any Motion for Reconsideration to ensure they are advanced only in good faith.

4. Scope of the Article:

Any Motion must be within the scope of the original Article. This requirement gives all voters fair notice of the potential impact of an article, whether they are at the meeting or not. An example might be an Article to purchase a new fire truck for \$50,000.00. It would be outside the scope of the article for a Motion be made to appropriate \$500,000.00 for a whole fleet of fire trucks. Voters would never have been notified this was being considered. Most money articles in Sturbridge seek the appropriation of a specific amount of money for a purpose. This sets somewhat of a ceiling on what the Town can appropriate. The Moderator may exercise some minor discretion here. One exception is the annual budget article which seeks to appropriate a “sum of money” for the various municipal department budgets. By means of the Finance Committee recommendations or substitute motions, there are no limits except Proposition 2 1/2 or Debt Override appropriation limits.

5. “Holds” on the Town Budget:

In order to expedite the reading and consideration of the Town Budget, the Moderator reads it each line item at a time. Any voter may request a hold on any item. As stated earlier, starting this year the Moderator will require the person placing the “hold” to identify herself so the Moderator will know who to call on later. After the entire budget is read, the uncontested line items are approved as a group. Each line item which has a “hold” is then individually discussed and acted on. If one line item affects another, the items may be grouped together for action.

6. Substitute Motions:

This could also be called a Motion to Amend. Any voter may make a Substitute Motion on any article to replace the Finance Committee recommendation. Substitute Motions are heard before the Main Motion. With a few exceptions, however, passage of a Substitute Motion generally ends consideration of that Article. Some articles generate multiple Substitute Motions. The Moderator accepts them and acts upon them in the order received. The Moderator will not accept a Substitute Motion for filing before the night of a Town Meeting but is happy to go over drafts or proposed language in advance with any Town official, Board or voter. In fact, the Moderator will help any party draft an article for a Town Meeting warrant or a motion on an article. Of course, this does not mean that the Moderator supports or opposes any article or motion but only does it to ensure that the voters get a chance to properly present and discuss the issues.

To help the oft beleaguered Moderator and Town Clerk, it is helpful to submit the Substitute Motion in writing, in duplicate. It clarifies any questions about exact language and precise figures. It does make life easier for everyone involved.

7. Order of Articles:

The Board of Selectmen sets up the original order of articles in the warrant. The meeting may rearrange the order of articles, but this power should be used sparingly and only for good reason. Sometimes articles should be lumped together or taken in a particular order to make for a smoother flow. In that case, the Moderator may make some suggestions, but it is up to the voters to change the order. Without a Motion to Advance (or Postpone) a certain article, the original order holds. It should be remembered that all of the articles are of importance to the Town and voters should plan on staying for the entire meeting in any event. The Moderator will require a sufficient reason to advance or postpone an article before accepting the Motion. Never forget the possibility of a Motion to reconsider later in the evening, or even another night in the case of a multi night meeting.

8. Consent Agenda

In order to move a meeting more quickly, the Moderator may entertain a motion to have several articles heard all together requiring only one vote, called a Consent Agenda.

These normally would be non controversial articles, all having the same main motion, most probably “To approve the article as written.” The Moderator would identify each article, read the recommendation and voters, similar to the budget article, could have any one or more articles excluded from the Consent Agenda by asking for a “hold”. The remaining Consent Agenda articles are dealt with as a whole and the “holds” are dealt with individually.

#### IV. VOTING

The Moderator has the authority to initially determine the method of voting: show of hands or cards, standing count or secret ballot.

In Sturbridge, the tradition is for all voters to be given colored cards which they hold up to vote. The Moderator counts the votes. By State law, he may declare how the vote came out, without stating the precise vote, in a majority type vote. By Sturbridge By-law, the Moderator may declare whether an article passed or failed on a 2/3 vote, without stating the vote. He does state the vote, however, when he thinks it helpful to the meeting.

After the vote is announced, if the Moderator is unsure of the vote, or if 7 voters request it, he may do a vote by “divisions”, commonly called a recount. It is generally done by counters appointed by the Moderator who record the vote in several sections of the room, and report it to the Moderator who tabulates it and announces it to the Meeting. Voters generally vote, in this situation, by standing or raising their cards appropriately when “yea” or “nay” is called for. The Moderator is always seeking interested voters to be counters. Anyone interested in volunteering should contact the Moderator.

Last, the Moderator may even determine that a secret ballot be taken, or prior to a vote, a voter may make a Motion to Fix the Method of Voting by Secret Ballot. This motion would require a second and would have to pass by majority rule. Because Sturbridge has not used this method in a long time, if ever, the Moderator would be reluctant to employ it. Voters should be careful in doing it as well, as it will substantially delay the meeting to do the voting and count the ballots.

#### V. ROLE OF THE MODERATOR

The Moderator’s job, as described in M.G.L.A.c.39§15, is to “...regulate the proceedings, decide all questions of order, and make public declaration of all votes...” Not many specifics there. One thing he must do is provide a fair forum for discussion, debate and voting. He uses his discretion sparingly, but fairly, to accomplish this goal. He also has the right to remove, after a warning, any person who is disruptive to the meeting. The Moderator can have the person held until the meeting is over. This Moderator has never had to do this, but intends to always maintain control and civility. Ad hominem attacks will never be tolerated. Passion should be directed at the issues, not the person.

## VI. SPEAKERS AND PRESENTATIONS

Speakers are selected by raising their hands and being called upon by the Moderator. Shouting out something from your seat is not acceptable and just is not courteous. Recognized speakers approach the microphone, give their name and address, and make their comments. This allows the voters to know who is speaking and give the speaker whatever credence they may wish to attach to the individual. If a speaker is asking a question, he or she should direct it through the Moderator to whatever Town Board or Official he or she chooses. If it is addressed to no one in particular, the Moderator may aid in suggesting an Official or Board to respond.

Sturbridge has no by-law limiting the length on speeches or comments, but courtesy and brevity should control. A good rule of thumb is that if you can't say it in 3 minutes, you can't say it at all. Abraham Lincoln delivered the Gettysburg address in 2 minutes. Another speaker that day spoke for over two hours, but few people remember him or his speech. In a discussion, the Moderator seeks to alternate between "pros" and "cons" for a full discussion and will seek new speakers before allowing a person to make a second comment. This makes for a fuller discussion of the issues and maximizes participation. Recently, Sturbridge has been adopting 3 – 4 minute limits on speakers, with the Moderator having discretion to allow reasonable extension if necessary. The Moderator will allow nonvoters to speak, particularly if they have a unique interest in the matter at hand. Nonvoters may be limited in the number of times they may speak and the length of their presentations.

All audio, video, Power Point, computer or slide presentations or other "Magic Lantern" type shows MUST be reviewed with the Moderator before the meeting and cannot exceed ten minutes in length. The Moderator may exclude any presentations which have not been vetted. The Moderator may give the other side some means of providing a response, even if they have no such presentation themselves.

No handouts may be made within the building where the meeting is being held, but can be distributed outside so long as voters are not disturbed as they enter or leave the building.

## VII. MASS MODERATOR ASSOCIATION DVD

In addition to this handout there is a DVD produced by the Massachusetts Moderators Association, Town Meeting and You, which is available for rental at the Joshua Hyde Library. There is also a six part series entitled Town Meeting Tidbits prepared by the Moderator that appears occasionally on Sturbridge Cable Access.

## VIII. FINANCE COMMITTEE APPOINTMENTS

In addition to handling the Town Meeting and helping voters prepare Articles and/or Motions, the Moderator also appoints the nine member Finance Committee. Vacancies arise

from time to time and there is presently one opening. Interested voters should submit a letter of interest or a resume to the Moderator by mail at Town Hall, 308 Main Street, Sturbridge, MA 01566 or by e-mail at [mvc@caplettelaw.com](mailto:mvc@caplettelaw.com).

## IX. CONCLUSION

This is not meant to have been an exhaustive analysis of Town Meeting procedure, but a collection of some random points.

Please attend the Town Meeting. Remember, this is your meeting and your opportunity to discuss and vote on the many issues facing Sturbridge.

Thank you for the opportunity to be your Moderator for the past twelve years. I have enjoyed the experience and the chance to meet many of you. Sturbridge is a special place and Town Meeting adds to it. Attend, participate and enjoy the process, which is uniquely yours and uniquely New England.

Michael V. Caplette, Moderator  
May, 2013

W - 508-765-0885  
H - 508-347-3310  
e-mail: [mvc@caplettelaw.com](mailto:mvc@caplettelaw.com)

2013.1 Town Mtg Tips