

# A Guide to Acton's Town Meeting

“Government by the people”

*How to be an effective participant at Town Meeting*

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Moderator

## Introduction

If you are a registered voter in Acton, or are a member of Town Meeting and have the opportunity to participate in the decisions that the town makes each year. But to participate, you must register to vote, so please do so. Attendance at Town Meeting must be in person. State law does not permit absentee voting at Town Meeting. We must have at least one Town Meeting each year, designated as Annual Town Meeting. It is at this Town Meeting where the voters pass the annual budgets for the town and the schools...Acton's By-Laws specify that it convenes on the first Monday in April, typically at 7:00 pm. Special Town Meetings may be called by the Selectmen or by 200 or more registered voters, and typically deal with specific issues.

Town Meeting acts as the legislative branch of town government and considers a wide variety of decisions including:

- the type of programs and services that town government offers,
- the amount that the Town will spend annually on services including police, fire, education, and a myriad of other activities,
- by-laws and other rules and regulations including state enabling legislation,
- Other items that impact the quality of life in town.

## The Warrant

The Warrant is the notice and agenda for Town Meeting and must be posted by the Board of Selectmen at least 14 days before the commencement of the Town Meeting in 6 public places. The Warrant is typically posted on the town web site (<http://www.acton-ma.gov/>) and mailed to each household. It is the responsibility of Town Meeting members to review the warrant ahead of Town Meeting in order to be prepared to discuss and vote on each article.

The Warrant includes each article that will be voted on at Town Meeting, a summary description of the article and recommendations from the Selectmen, the Finance Committee and the Planning Board where appropriate as well as contact information should you have questions about an article in advance of the meeting. The Warrant is intended to serve as a “warning” notification to all citizens of the actions that Town Meeting may take. Town Meeting cannot legally take any action that is not described in the warrant. Town Meeting votes on a motion, not the article itself. Typically the motion, which is read to Town Meeting, describes the specific action proposed to be taken under an article. The article merely describes the item under discussion.

## Role of the Moderator

The Moderator is elected by the town for a term of one year to preside over Town Meeting. The town Charter and By-Laws give wide latitude to the role of the Moderator and the rules of procedure at Town Meeting. As a result, the rules of procedure for Acton Town Meeting stem largely from three sources:

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<sup>1</sup> The Moderator would like to thank the Acton Area League of Women Voters for assistance in putting together this Guide as well as in ensuring its widespread distribution.

Massachusetts General Laws (chapter 39, sections 10A, 15, 17 and 18), *Town Meeting Time*, and the Moderator's judgment and customary practice. *Town Meeting Time* is a handbook of parliamentary law prepared by the Massachusetts Moderators Association. This book guides the Moderator in the conduct of Town Meeting under procedures that are far simpler and more understandable than Robert's Rules of Order. Generally the less Town Meeting becomes involved in parliamentary maneuvers, the better our citizens understand what the meeting is doing.

The Moderator presides over and regulates the proceedings at Town Meeting, decides all questions of order and declares the result of all votes. No one may address Town Meeting without being recognized by the Moderator and all persons shall be silent at the request of the Moderator. A separate publication by the Moderator lists the rules and procedures followed at Acton Town Meeting ([link](#)).

### **Other Participants at Town Meeting**

#### ***Board of Selectmen***

The Selectmen is a five person Board elected for three year terms and acts as the executive branch of town government. The Selectmen set the time and place for Town Meeting and prepare and issue the Warrant. In Acton, the Selectmen take an active role in presenting motions for various articles, present the town budget, and make recommendations to Town Meeting on virtually all articles.

#### ***Finance Committee***

The Finance Committee is a nine-member board, appointed by the Moderator with responsibility to consider any and all municipal questions for the purpose of making reports and recommendations including but not limited to the annual budget and any other matters of a financial nature before Town Meeting. The Finance Committee is also tasked with the preparation of long range fiscal plans for the town. (Chapter B, Section B3 of the Bylaws of the Town of Acton)

#### ***Town Counsel***

The Town's attorney provides legal advice and answers questions of a legal nature at Town Meeting. Counsel also typically drafts both warrant articles and motions.

#### ***Town Clerk***

The Town Clerk keeps the official record of Town Meeting and records all votes of the meeting as declared by the Moderator.

#### ***Town Manager***

The Town Manager is the chief operating officer of the town and is appointed by the Selectmen. The Town Manager is responsible for the day-to-day operations and management of the town.

#### ***The Voters***

The most important participants at Town Meeting are you the voters who are responsible for making all decisions on the warrant at Town Meeting.

### **How Town Meeting Works**

Annual Town Meeting focuses largely on budgetary and other financial issues, although we do routinely take up zoning, CPA and other by-laws as well as citizen's petitions. Special Town Meeting is usually focused on one or a few issues that the town must deal with in a timely manner and therefore cannot wait until Annual Town Meeting.

**Quorum:** Acton has no formal requirement for a set number of people to constitute a quorum. Therefore, Town Meeting may begin at the appointed hour as long as one or more voting members are present.

### ***The Motion***

The warrant acts as the agenda for Town Meeting and the moderator will typically follow the order of articles as contained in the warrant unless Town Meeting members act to take up an article out of order. This may be done at the outset of Town Meeting to give voters some advanced notice that one or more articles will be taken up out of order and/or at a time certain. A motion is made from the floor to take up an article or articles at a time certain or directly after another numbered article. This motion requires a majority vote to pass.

After some introductory remarks, Town Meeting begins its business of considering the articles in the warrant. The Moderator will read the motion that relates to the article under consideration, identifying the mover, and then ask for a second to the motion. Once a second is received, the Moderator will recognize the mover who will speak to his or her motion. The Selectmen and the Finance Committee (and the Planning Board if it is a zoning matter) will give its recommendation on the motion to Town Meeting, and then debate proceeds with anyone who wishes to speak on the motion.

### ***Debate***

Town Meeting members must approach one of the microphones set up in the hall, or if unable to go to a microphone, raise your hand and request a mobile mike be brought to you. You may speak only when recognized by the Moderator. Once you are recognized by the Moderator, state your name and address. Then you may make a brief comment on the motion or ask a question. Make your comments to the Moderator not to Town Meeting and not to specific Town Meeting members. You may disagree with a previous speaker's argument, but do not attack a previous speaker. Civility is a hallmark of Acton Town Meeting. If you have a question, the Moderator will determine who can answer the question. The Moderator may allow you to make a follow-up statement or ask another question. Speakers are encouraged to be brief, not repeat the comments of others, and are limited to no more than two minutes. Timing devices display the elapsed time for each speaker.

During debate other motions may be made to the main motion including amendments to the main motion. If someone is contemplating amending a motion, the Moderator and Town Counsel request that if possible the amendment be provided in advance of the debate, and in any event that the amendment be provided in writing to ensure its legality. An amendment is made by approaching a microphone and being recognized by the Moderator. Once an amendment is made and seconded, Town Meeting considers the amendment to the main motion first and after a vote is taken on the amendment, returns to consideration of the main motion (or the amended main motion, if the amendment passes).

Another important motion is the motion to cut off debate. If debate has gone on for an extended period of time and is repetitious any member of Town Meeting may move to end debate by going to a microphone and "move to cut off debate" or "move the previous question." This motion is NOT debatable, and if seconded, the motion is voted on immediately and requires a two-thirds affirmative vote to end debate. If a two-thirds vote is in favor, then the Meeting proceeds immediately to vote on the motion. If two-thirds is not obtained, debate on the motion resumes. Please note that you may not speak to the motion, and then finish your remarks by calling the question - a motion to call the question must be the ONLY thing one can say on that trip to the microphone.

### ***The Vote***

Once debate is concluded, the Moderator will call for a vote on the motion. A simple majority is required for passage of a motion unless otherwise specified. Some motions require a two-thirds majority and the Moderator will so indicate before the vote is taken. Votes that require a two-thirds majority for passage include zoning changes, borrowing authorizations, and property acquisition and transfers.

The Moderator will first call for a voice vote on the motion. The Moderator will say "All those in favor of the motion, please say 'aye.'" If you want to vote in favor of the motion, say "aye" at your normal conversational volume. The Moderator will then say "All those opposed, please say 'nay.'" If you wish to vote against the motion, then say "nay" at your normal conversational volume. The Moderator judges which side had the greater number of votes and declares whether the motion has carried or been defeated. If the Moderator is uncertain which side has won, he will call for a hand vote using the card you were given when you entered Town Meeting. If the Moderator still cannot determine the outcome, tellers will be used to physically count the vote.

Beginning April 2017, the Moderator hopes to replace this form of voting with electronic voting, if and only if, the outcome from a voice vote is uncertain. Electronic voting is used in several other towns with open Town Meeting and is a more efficient, accurate, and private means of voting when the outcome is in doubt.

If you think the Moderator has incorrectly declared the vote, you may question the vote and if six others join you, a counted vote will be taken (or retaken).

This process outlined above regarding the motion, debate and voting is typically followed for all articles on the warrant.

In recent years, it has become custom that no new article will be taken up after 10:30 p.m. unless Town Meeting votes otherwise (which is often done if only a few articles remain before Town Meeting is dissolved). Town Meeting may adjourn following approval of a motion to adjourn which specifies the time, date and place where Town Meeting will resume. Adjournment does not end Town Meeting, but simply recesses the meeting until the stated time and date in the motion to adjourn. Once all articles have been disposed of, a final motion is made to dissolve Town Meeting.

### **The Consent Calendar**

There are various articles on the warrant that are legally required, but are generally routine and non-controversial. These include road acceptances, annual reauthorization of revolving and enterprise accounts, and appropriation of recurring funds such as state highway funding and insurance proceeds. To help streamline Town Meeting, these articles are typically combined into two Consent Calendar groups: those of a financial nature and those not involving finances. The financial Consent Calendar is handled just prior to consideration of the operating budgets and the nonfinancial Consent Calendar is typically taken up near the end of Town Meeting. The Consent Calendar is initiated by a motion from a member of the board of Selectmen and includes a series of articles. The Moderator will then read each article under the Consent Calendar, and if two or more Town Meeting members voice an objection, that article will be removed from the Consent Calendar. Once the consent articles have been read by the Moderator, a vote is taken on those articles remaining on the Consent Calendar. There is no debate on these articles. Immediately thereafter the "held" articles will be handled in order where the person holding the article will be asked to give a reason why it was held. Often it is a simple question that can be answered and then these remaining articles can be disposed of quickly.

### **How to Prepare for Town Meeting**

Town staff, town boards and committees spend considerable time preparing for Town Meeting. In order to make Town Meeting as efficient as possible, it is important that you, a town meeting member, also prepare for the meeting. You should read the warrant completely ahead of time, and focus on any articles that may be of specific interest to you. If you have a question ahead of time, contact information is included for each article in the warrant, and you should feel free to contact that person with a question. In addition, for important articles, Power-point presentations will be available on the town web site at least 10 days in advance of Town Meeting to provide more information. It is also the intent of the Moderator to ensure that all motions are available on the town web site at least three days ahead of Town Meeting. In addition, in recent years the Selectmen and Town Manager have filmed a short video that appears on

ActonTV summarizing the major issues at Town Meeting. The Moderator will also be providing information on the upcoming Town Meeting on ActonTV.

If you wish to amend an article, you should prepare the amendment in writing ahead of time and consult with the Moderator and town staff regarding your amendment. The Moderator typically holds a “pre-Town Meeting meeting” approximately a week ahead of Town Meeting and you can discuss your amendment and any presentation that might go with it at that time. The time and date of the “pre-Town Meeting meeting” will be published on the town web site. The meeting is open to the public and although its primary purpose is to review the timing related to each article as well as to review any presentations, it is also a helpful way to learn more about what will be discussed at Town Meeting.

Once you check-in and arrive at Town Meeting, make sure you have a copy of the warrant, the motions and other relevant handouts that have been prepared for the meeting. Then as you enter the auditorium take notice of where the microphones are placed. It has been practice for the last several years to have “Pro” and “Con” microphones. These microphones are clearly labelled and if you are to speak favorably on a motion, you should use a “pro” microphone and vice versa. If you have a question or wish to cut off debate, you may use any microphone.

If you have a question or want to do something you don’t know how to do, go to a microphone, be recognized and say what it is you would like to do. If it is legal and proper, the Moderator will advise you of the correct procedure. He may consult with Town Counsel, and it may be the case that what you want to do is not legal or outside the authority of Town Meeting. If so the Moderator will so advise you. Either way you will be treated with respect and not be intentionally embarrassed.

In addition, the Moderator WILL make mistakes. Sometimes (hopefully often) they are trivial, but other times they require a Town Meeting member to point them out. Rise from your seat and say with a loud voice “I Rise to a Point of Order, Mr. Moderator.” The Moderator will recognize you immediately (a point of order may interrupt a speaker) and ask you what your point of order is. A point of order typically covers one of the following:

1. Is the speaker entitled to the floor?
2. Is what the speaker saying frivolous, irrelevant, or contrary to proper procedure?
3. Is any pending action frivolous, irrelevant, illegal, or contrary to proper procedure?

The Moderator will reflect on the point of order and make a ruling, either agreeing with you and modifying the proceedings accordingly or disagreeing with you and continuing as before. The Moderator’s ruling is final and not open to debate.

## **Other Rules and Procedures**

As noted above Town Meeting operates according to the rules and procedures set forth in *Town Meeting Time* as well as the Moderator’s judgment and Massachusetts General Laws. This guide has covered the most frequently used procedures at Town Meeting. A more complete version is included in a separate publication “Rules and Parliamentary Procedures for Acton Town Meeting.” [[link](#)]

Town Meeting is an old and honored tradition in New England. While it has changed in many ways over the years, the fundamental principle of democratic government continues on today where all the voters have the opportunity to participate in the process and decision-making of government. My goal as Moderator is to make Town Meeting interesting, informative, and interactive while conducting our business as efficiently as possible. Any suggestions as to how to better achieve these goals is welcome.

Peter K. Ashton, Moderator