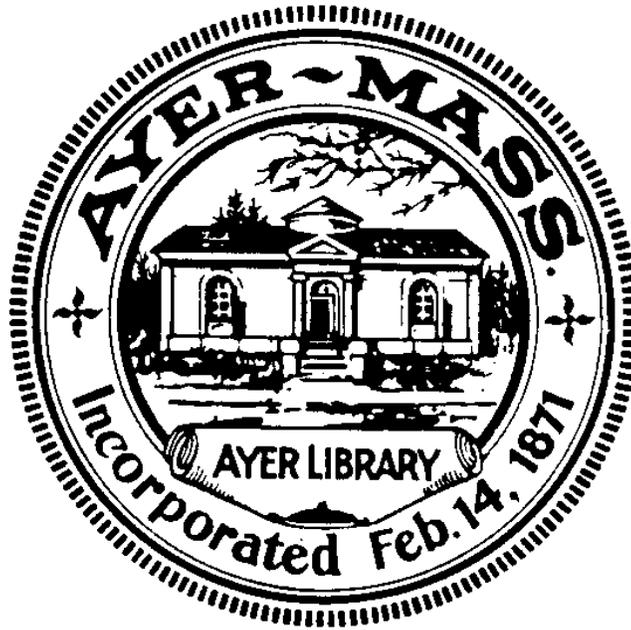


Town of Ayer



Residents Guide to Town Meetings

An Important Message for all Massachusetts Town Residents

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. This booklet outlines the forms and procedures used in Massachusetts Town Meetings. As the Commonwealth's information officer, I urge you to read it and make use of it as you engage in the debates and votes that give shape to your Town Government.

William Francis Galvin

Secretary of the Commonwealth

Introduction

Each town has a different way of running its Town Meeting, depending on its bylaws or charter. Sometimes the customs and traditions are written down; sometimes they are not. This guide is a general outline of the Town Meeting Basics, some of the procedures may be used in one town and not another. This guide is not intended to be an all-inclusive text, but a broad overview designed to encourage you to find out more and attend your own Town Meeting. If you have any questions regarding the specific procedures employed by your town, please contact your Town Clerk or Town Meeting Moderator.

A Brief History of Open Town Meeting

All throughout New England, in some thousand small towns, people participate in the oldest and what some call the truest form of local government: the Open Town Meeting. With only slight variations, it is the kind of government that the Massachusetts Bay Colony set up in contrast to European imperialism. It is government of and for the people, but mostly it is government by the people. It is now, as it was hundreds of years ago, true democracy at work. At these meetings, the towns business is conducted by you.

The Practices of Open Town Meeting

The agenda for Town Meeting is set out in a document called a warrant, and each item of business in the warrant is numbered and referred to as an article. There are both financial and non-financial articles that are voted on at Town Meeting.

Financial Articles: The voters can allocate funds to any town department to fund their operating expenses for the following fiscal year by voting on financial articles in the warrant. Requests for the purchase of capital equipment for various departments, such as trucks and police cruisers, are usually separate articles called either "special" or "capital" articles. These types of articles must be voted on individually on their own merits. At the close of Town Meeting, all departments are bound by your votes.

It is a popular misconception that the Selectmen or School Committee controls the spending of your tax dollars. This is not true. They only get to spend what you give them at Town Meeting.

Non-Financial Articles: As noted above, non-financial decisions are also reached at Town Meeting. These decisions also affect your day to day living. All zoning by-law proposals and revisions, street acceptances, license fees, and penalties must be approved by your vote at Open Town Meeting.

Questions and Answers about Town Meetings Town Meeting Basics

What is a Town Meeting?

A Town Meeting is both an event and an entity. As an event, it is a gathering of a town's eligible voters, and is referred to as "the Town Meeting." As an entity, it is the legislative body for towns in Massachusetts, and is referred to simply as "Town Meeting." So you may say, "I went to the Town Meeting. Town Meeting approved the budget."

Do cities have Town Meetings?

No. A city's legislative body is called a city council or a board of aldermen. Citizens do not govern a city directly.

What's the difference between cities and towns? Size?

Municipalities decide whether to have a city or town form of government. Size is one factor in the decision. Towns with less than 12,000 inhabitants cannot adopt a city form of government.

Do all towns have Town Meetings?

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.

What does Town Meeting decide?

Town Meeting decides three major things:

It sets the salaries for the elected officials.

It votes to appropriate money to run the town.

It votes on the town's local statutes, which are called by-laws.

Open Town Meetings and Representative Town Meetings

What's an open Town Meeting?

An open Town Meeting means that all of the town's voters may vote on all matters. The Town of Ayer has an Open Town Meeting.

What is a moderator?

Generally, a moderator's job is to run the Town Meeting. Specifically, the moderator declares the outcome of all voice votes. Some towns have detailed by-laws governing Town Meeting procedure. Other towns leave a lot of discretion to the moderator.

Moderators are usually elected at the Town Election at which voters go to their regular polling places. The term of office is one or three years. When the elected moderator is absent, a temporary moderator may be elected at the Town Meeting.

What's a selectman or selectwoman?

Selectmen are a town's executive officers. Voters elect them to the Board of Selectmen, which usually has three or five members. Selectmen are authorized to call a Town Meeting provided that they have posted a warrant. In small towns, the Board of Selectmen runs the town and supervises town workers. In larger towns, the Board of Selectmen picks and supervises a person, who, in turn, runs the town and supervises town workers. Depending on the town, that person has various authority, duties, and title. That person is known as the town manager, town administrator, executive secretary, or administrative secretary.

What does the town clerk do?

At the Town Meeting, the clerk records all votes and takes minutes. Town clerks are elected or appointed. In the event of all of the selectman/selectwomen resigning, the town clerk is authorized to call a town meeting.

What is a town counsel?

The town counsel is a lawyer who either works for the town as an employee, or is a private lawyer who counts the town among his or her clients. The Town Administrator in consultation with town counsel

often prepares the warrant (the Town Meeting's agenda). During the Town Meeting, the town counsel answers legal questions that come up. He or she is appointed by the selectmen.

What's a select committee?

A select committee is assigned to investigate and report back to the Town Meeting on a certain subject, or to undertake a certain substantive task. The moderator frequently appoints its chairperson and members. Select committees are also called special committees.

What's a standing committee?

A standing committee is a permanent committee. A town might have standing committees for the following areas: public works, planning and zoning, recreation, and personnel. The most important standing committee is the finance committee.

What does the finance committee do?

The finance committee prepares the budget in the months before the annual Town Meeting starts. It also prepares financial articles (which are agenda items). Its recommendations are advisory. In some towns, the committee is known as the warrant committee or the advisory committee. Depending on a town's by-laws, members of the finance committee are appointed by the selectmen or moderator, or elected by voters or the Town Meeting. In many towns, the finance committee's report is distributed to all residences.

Annual and Special Town Meetings

What's the difference between annual and special meetings?

Each town must hold an annual Town Meeting. Additional Town Meetings are called special meetings. They may be called as many times during the year as necessary.

When are Town Meetings?

Currently, the Ayer Annual Town Meeting (ATM) is held on the first Monday in May after the Town Elections. The Special Fall Town Meeting (STM) is currently held on the fourth Monday of October. Additional Special Town Meetings may be called throughout the year.

How do I find out when the annual meeting will take place?

Watch your local newspaper. Signs are posted around town. Currently every household in Ayer is mailed a Town Meeting Warrant at least ten days in advance of the said meeting. Check the Town's Website at www.ayer.ma.us website. And you may always call Town Hall, ask for the Clerk's office, and ask when the annual meeting will take place.

How do I find out about special meetings?

Special meetings, by their very nature, are not held at the same time every year. Watch your local newspaper and watch for signs posted around town. Currently every household in Ayer is mailed a Town Meeting Warrant at least fourteen days in advance of the said meeting. Check the Town's Website at www.ayer.ma.us website. And you may always call Town Hall, ask for the Clerk's office, and ask when the annual meeting will take place.

Who calls special Town Meetings?

Generally, the Ayer Board of Selectmen call Special Town Meetings.

May voters call a special Town Meeting?

Yes, voters may call a special Town Meeting. Two hundred registered voters or 20% of the total number of registered voters, whichever is less in number, may request a special Town Meeting. The special Town Meeting must be held no later than 45 days after the Board of Selectmen receive the request.

What's the procedure for voters calling a special Town Meeting?

The requisite number of voters must sign a written request for a special Town Meeting. The format of the written request is flexible. Voters should include their addresses after their signatures.

Voters deliver the written request to the Board of Selectmen. The Board of Selectmen must then call a special meeting within 45 days.

May a special Town Meeting be called for more than one reason?

Yes, a special Town Meeting may be called for more than one reason. For example, a special Town Meeting could be called to consider amending the zoning code and buying a new fire truck.

The Warrant

What is a warrant?

The warrant lists a meeting's time, place, and agenda. A warrant is also known as a warning. A Town Meeting's action is not valid unless the subject was listed on the warrant.

When is the warrant available?

A warrant is available at least 10 days before an annual meeting, and at least 14 days before a special meeting.

How do I see the warrant?

Warrants are posted in public places (i.e. Town Hall, Ayer Post Office, etc.); mailed to every residence;

posted on the Town's Website at www.ayer.ma.us or a combination of all three.

Who makes up the warrant?

The Board of Selectmen, who "issue" it.

What are articles?

Articles are items on the warrant. Appropriations for each town function or department may be in separate articles. Or one article on the warrant may propose appropriations for all necessary town expenses.

May voters place articles on the warrant?

Yes, voters may "insert" articles in the warrant. They have to do it before selectmen "close" the warrant.

To insert an article in the warrant for an annual Town Meeting, at least 10 registered voters of the town must sign a written request. The Town Clerk has a Citizen's Petition Form available on the Town's website or from the Town Clerk's Office. The written request of registered voters for the insertion of subjects in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any. Voters do not have to include their addresses after their signatures, but it is a good idea. If you want a sample of an article to use to draft your article, go to town hall and ask for a copy of the annual report, or check the Town's Website for the annual report. The annual report will have warrants from the previous year's Town Meeting, which you can use as samples. For further assistance, contact the Town Clerk and/or the Town Administrator.

Citizens may insert an article in the warrant for a special Town Meeting. Selectmen shall insert in the warrant for every special town meeting all subjects which shall be requested by 100 registered voters or 10% of the total number of voters, whichever is lesser.

What is the quorum for a Town Meeting?

In an open Town Meeting, the minimum number of voters who may conduct business is established by the individual town's by-laws. For the Town of Ayer the quorum for Open Town Meeting is fifty (50) registered voters in attendance.

Who may attend?

Any member of the public may attend a Town Meeting. Registered Voters attending Town Meeting must sign in upon entrance to the Town Meeting and will be given a voting card. Non-voter's may attend but are required to sit in the non-voting section of Town Meeting. This is to facilitate the process and counting of votes.

Who may speak?

All of a town's registered voters may speak in an Open Town Meeting. Non-voters who are

employees of the Town may speak at the discretion of the Town Moderator. Non-voters who are not employees of the Town may only speak by unanimous consent of the Open Town Meeting.

Who may vote?

In an open Town Meeting, the town's voters may vote.

Is the warrant the agenda?

Yes, the warrant generally states the things to be voted on, but the moderator may interpret the articles liberally.

Usually, the Town Meeting considers the warrant's articles in order. However, the moderator or Town Meeting itself may change the order.

How do I know which article the Town Meeting is considering?

The moderator summarizes each article or reads it entirely before starting debate.

How is the budget considered?

The selectmen and/or finance committee must print and distribute information regarding appropriations at or before the annual Town Meeting. Different towns handle the budget article (referred to as the Omnibus Budget) differently. Ayer Town Meeting handles it in this manner:

The moderator reads each budget item, but doesn't stop for debate. If a voter wants to debate an item, he or she calls out, "PASS" or a similar word, depending on the Town Meeting. The moderator will "lay aside" that item, and get back to it later. After reading all budget items, the moderator calls for a vote on all items that were not laid aside. Then the moderator takes up budget items that were laid aside. The moderator calls for debate, possible amendments, and a vote on each item.

Participating in Town Meetings

How do I vote?

Voters in open Town Meeting vote by various methods.

Voice vote. Many Town Meeting votes are by voice. The moderator asks that all in favor (everyone voting "yes") say, "Yea" (which is pronounced "yay"). Then the moderator asks that all opposed (everyone voting "no") say, "Nay." The moderator listens and decides which side prevailed. Voters who are unfamiliar with the difference between "yea" and "nay" may find this reminder useful: "Yea" and "yes" both start with "y." "Nay" and "no" both start with "n."

Show of hands. The moderator asks that all in favor raise their hands. Then the moderator asks that all opposed raise their hands. The moderator looks at the number of hands in general and decides which side prevailed. Or hands are counted.

Roll call. Voters are called by name and answer "Yea" or "Nay."

Standing vote or rising vote. All in favor are asked to stand or rise. They are counted. Next, all voters who are opposed are asked to stand. They are counted. This form of vote is also known as dividing the meeting.

Secret ballots. When voters vote by secret ballot is determined by a town's by-laws. In some towns, the moderator can call for a secret ballot. In some towns, if a certain number of voters request it, a vote will be by secret ballot. In other towns, a vote will be by secret ballot if 25 % percent of the voters present and voting ask for it.

Are there votes that cannot be taken by voice?

Yes, there are votes that cannot be taken by voice. Suppose that a town's by-laws require that 2/3 of the voters, not a simple majority, vote to approve the budget for it to pass. Unless the voice vote is unanimous in favor of the budget, the moderator will find it hard to determine if more than 2/3 of the voters said "yea." A vote requiring a super-majority (more than a simple majority) is usually decided by a vote other than voice vote.

What if I think that the moderator did not decide correctly a voice vote or an informal show of hands?

Stand immediately and say "I question the vote." The tradition of Ayer Town Meeting is that only one voter need to question the vote in order to require a standing count. The moderator must then verify the vote by polling the voters or by dividing the meeting or by the method provided for by the municipal by-laws.

How do I speak in debate?

If you wish to speak, stand up and wait for the moderator to acknowledge you. When the moderator acknowledges you, proceed to microphone and state your name and your address.

Speak about the topic being discussed. Don't speak about a previous topic (unless there is a motion to rescind or reconsider).

Make your comments to the moderator, not to the Town Meeting or individual Town Meeting Members.

For example, do not say, "I have something to say to the Town Meeting," or "Mr. Smith, you said something as a Town Meeting Member that I want to respond to." Instead, say something like, "Mr. Moderator, these are my thoughts on this article."

You may attack a previous speaker's argument, but do not attack a previous speaker. For example, do not say, "The previous speaker is dead wrong." Instead, say something like, "I disagree with the argument we just heard."

Try to avoid referring to previous speakers by name. For example, try not to say, "I agree with Mr. Jones' argument." Instead, say something like, "I agree with the argument that we can afford this budget item."

Since you make your comments to the moderator, you may not directly debate or ask questions of a previous speaker. For example, do not say, "Mr. Johnson, you say that we should make another exception to the zoning law. I'm asking you: When do we draw the line and stop making exceptions?" Instead, say something like, "Mr. Moderator, we have heard the argument that we should make just one more exception to the zoning law. But I say it's time to stop making exceptions."

Procedure and Motions

Do I need to know "parliamentary procedure to attend a Town Meeting?"

No, you do not need to know "parliamentary" procedure to attend a Town Meeting. The moderator will take care of it.

Are Town Meetings run according to Roberts' Rules of Order?

Some are; some are not. The Town of Ayer uses Robert's Rules of Order (similar to Demeter's Rules Order). Please consult your town clerk.

Does the majority always rule?

No, the majority does not always rule. Sometimes a super-majority (more than a simple majority) is needed for votes on some specific issues. For example, authorizing selectmen to purchase or take land by eminent domain requires a 2/3 vote.

Are a town's by-laws the final word on how the Town Meeting runs?

No, by-laws may be suspended in some circumstances. A town's by-laws themselves explain how to suspend them. It might require a 2/3 vote or a unanimous vote to suspend a provision in the bylaws. Please consult the Town Clerk.

Are the moderator's rulings final?

In some areas, yes, the moderator's rulings are final. In other areas, it is unclear whether a moderator's ruling can be appealed. It depends on the practice of the moderator and Town Meeting. In Ayer Town Meeting the Moderator's rulings are final.

What do the following terms mean?

The term...	means...
dismiss an article	to defeat it
postpone an article indefinitely	to defeat it
take no action on an article	to defeat it
lay the question on the table	to kill or postpone (depending on the town) a measure
table the question	to kill or postpone (depending on the town) a measure
move the previous question	to cut off debate and vote on the issue at hand

What does a motion to take from the table mean?

Tabling a motion or laying a question on the table generally means to kill it, but it does not mean to kill it finally. To take an issue from the table means to consider an issue that the Town Meeting previously tabled.

If I'm not familiar with making motions, how do I make one?

Rather than make a motion that may require the moderator to untangle and decode it, stand up and ask the moderator from the floor how to make a motion to achieve what you want to do.

How do I call for a vote?

Move the previous question, which means to call for a vote. Under the by-laws of many towns, you must make certain motions, such as those involving money, in writing.

What's the difference between reconsideration and rescission?

A vote to reconsider a previous vote temporarily postpones final action on that vote. A vote to rescind a previous vote cancels it.

What's the difference between adjourning and recessing?

"Adjourning" is an imprecise word. It is sometimes used to mean "recessing"; and sometimes, that one day of the Town Meeting has ended, and that the Town Meeting will resume on a later day.

What does it mean to adjourn without day?

Adjourning without day means that the Town Meeting has dissolved. Adjourning without day is also called adjourning *sine day* (pronounced "si-nee day" or "si-nee die"). In other words, the Town Meeting has adjourned without setting another day to reconvene. A new warrant is needed to reconvene.

Where do I find the statutes governing Town Meetings?

Massachusetts General Laws, chapters 39 and 43A. Parts of other chapters apply to Town Meetings, but chapters 39 and 43A are the major ones. Check with your town clerk if your Town Meeting is governed by special act or town charter.

Where do I get my town's by-laws?

Call your town hall and ask the clerk's office. When you ask for the by-laws, also ask if the Massachusetts Legislature has passed any law that applies specifically to your town or if your town has accepted any specific Massachusetts General Laws.

Where do I get my town's charter?

The Town of Ayer does not have Charter but instead a document called the Articles of Incorporation. Ask the clerk's office or check your town's website.

Can I see a video of a previous Town Meeting?

Yes. Contact the Ayer Board of Selectmen's Office for assistance.

Should I check my town's website?

Yes. Your town's website at www.ayer.ma.us will contain the warrant, minutes of past meetings, notices of special meetings, and a primer, such as this one.

GLOSSARY OF TOWN MEETING TERMS

The following is a glossary of terms that are used in conjunction with Town Meeting. Any time someone uses a term at Town Meeting that you do not understand you may rise to a Point of Information and ask for an explanation or definition.

APPROPRIATION: An authorization by Town Meeting to make obligations and payments from the treasury for a specific purpose.

ASSESSED VALUATION: The value set on real or personal property by the Board of Assessors as a basis for setting tax rate.

CAPITAL BUDGET: A multi-year plan of spending for large capital items requested by Town Departments. Most of these items are voted on individually as special or capital warrant articles.

CHERRY SHEET: A form from the Massachusetts Department of Revenue showing all the State and County charges and reimbursements to the Town as certified for the following year.

DEBT SERVICE: Payment of interest and principle to holders of the Town's debt instruments.

FISCAL YEAR: A 12 month period, commencing July 1, to which the Annual Budget applies. The monies appropriated at the May Town Meeting are for the next fiscal year starting July 1st.

FREE CASH: Free cash is neither free nor cash. This is a dollar value, usually certified by the State in late summer, that represents unspent and unencumbered income and receivables from the previous year. Once certified, this money may be appropriated at a Town Meeting.

GENERAL FUND: The major town fund created with town receipts and tax revenues from which the majority of town expenses are met.

GROWTH FUND: The amount of property tax revenue that the town can add to its allowable tax levy as a result of new construction in the town. These are tax dollars added to the tax base.

OPERATING BUDGET: A plan of proposed spending and the means of paying for it for the next fiscal year. The towns request of an amount of funds to operate all departments for the next fiscal year.

OVERLAY ACCOUNT: An amount, raised by the assessors, in taxes to be used for potential abatement of property taxes. The Overlay Surplus is the money left unspent from the previous year's account.

RESERVE FUND: A fund appropriated each year to be used by the Advisory Board to meet extraordinary or unforeseen expenditures that do not warrant the calling of a Special Town Meeting.

REVOLVING FUND: Monies, usually derived from fees or tuition, that may be used without formal appropriation for special use. The School and the Police Department, among others, maintain revolving funds.

STABILIZATION FUND: A rainy day fund set aside to meet future expenses in the town (example: a fire engine). It must be appropriated at a town meeting by a majority vote and can only be spent from by a 2/3 vote.