

## KEY TERMS AND MAJOR PLAYERS AT TOWN MEETING

### INTRODUCTION

Open town meeting has been the basic form of local government in New England for hundreds of years and its origins have been traced back for almost 1000 years in the Old World. This is pure democracy; where citizens directly administer the affairs of the town.<sup>1</sup> Registered voters are invited (technically “warned” by the **Warrant**) to assemble as citizen-legislators to transact the business of the Town.

Our by-laws provide that the Annual Town Meeting is the second Tuesday in May and typically we have a Special Town Meeting in October. Additionally, with 200 signatures a citizen can have the **Board of Selectmen** call a meeting. Only registered voters may vote in town meetings; non-registered visitors may attend and are seated in a separate section.

Following is a brief explanation of the key terms used in Ipswich town meetings as well as a short description of the major players involved. More detail is available in the Town Charter, our by-laws, and the manual which our by-laws require us to follow, *Town Meeting Time, A Handbook of Parliamentary Law*.<sup>2</sup> For more background information see the **Moderator’s** page on the Town’s website ([www.ipswichma.gov](http://www.ipswichma.gov)) or *Citizen’s Guide to Town Meeting* on the Citizen Information Service page of the Secretary of the Commonwealth’s website.

### THE TERMS

#### WARRANT:

The essence of any town meeting, the **Warrant** is the agenda. It has any number of **Articles**, each describing some general subject to be discussed. State law provides that it is under the control of the **Board of Selectmen** which sets the time and place of the meeting. It must be posted by the Constable at least seven days before the Annual Town Meeting and fourteen days before a Special Town Meeting. A copy of the **Warrant** is available on the Town’s website and published in the local newspaper. **Articles** are typically proposed by Town officials, although anyone is entitled to insert an **Article** if at least ten registered voters sign a citizen’s petition. The purpose of a **Warrant** is simply to give everyone fair warning of what to expect at the meeting.

#### ARTICLE:

An **Article** on the **Warrant** is not by itself a self-starting “motion” but simply defines the scope of the **Main Motion** to be addressed, debated, and voted. *We never vote on an Article; we vote on motions; an Article is usually general while a motion must be specific. An Article usually begins with the words “To see if the Town will ...” and goes on to outline the limits of the subject matter for the Main Motion in the meeting. For example, the Article may simply read “To see if the Town will buy a police cruiser using up to \$50,000 from free cash, or take some other action thereto.”*

#### MAIN MOTION:

---

<sup>1</sup> Thomas Jefferson called it the "wisest invention ever devised by the wit of man for the perfect exercise of self government and for its preservation."

<sup>2</sup> Fun fact: *Town Meeting Time* repeatedly relies on *The Body of Liberties*, written in 1641 by Ipswich’s own Rev. Nathaniel Ward, which is said to be the first law book in the New World.

When a sponsor announces an **Article**, she usually does so by saying “I move that the Town ...” For example, she might say “I move that the Town of Ipswich buy a *brand-new* police cruiser.” That then becomes the **Main Motion** under the **Article** and the **Moderator** will ask for a second. If seconded, the motion may be debated or amended before voting (yes or no), postponed, or otherwise disposed of. When we finish the **Main Motion** we go to the next **Article**. The **Main Motion** may also be to take no action under the **Article**, known as “indefinite postponement.”

Other motions fall into three groups which are ranked in order of priority: Subsidiary Motions deal directly with the **Main Motion** at hand (e.g., someone moves to amend a pending motion); Incidental Motions deal with the conduct of the meeting as it relates to the *pending business* (e.g., a point of order or suspension of the rules); Privileged Motions deal with the conduct of the meeting *generally* (e.g., a motion to dissolve or point of no quorum).

#### **FOUR CORNERS:**

State law regarding town meeting provides that “no action shall be valid unless the subject matter thereof is contained in the **Warrant**.” This is the source of the “**Four Corners**” rule: it limits the scope of motions and arguments under an **Article**. Because the **Warrant** is a warning to voters of the topics to be decided by the meeting, the discussion must be within the **Four Corners** of an Article; anything “outside” the **Four Corners** would be unfair to discuss because it had not been in the **Warrant** and therefore some folks, not expecting it to come up, may not have gone to the meeting. Also, anyone addressing the meeting must speak directly to the topic; within the **Four Corners** of the **Article** as if it were written on a piece of paper.

#### **MOTION TO AMEND:**

This is an example of a Subsidiary Motion because it addresses the **Main Motion** (e.g., “I move to amend the **Main Motion** and limit the purchase of the police cruiser to a *second-hand* police cruiser with no more than \$25,000 from free cash.”) Someone making this motion cannot interrupt a speaker, must have a second, and if after enough debate a majority of the voters agree, the motion carries. Like a **Main Motion**, a motion to amend must be within the **Four Corners** of the **Article** under which the presenter made the **Main Motion**.

#### **MOVE THE QUESTION:**

This is another Subsidiary Motion. (The exact term is to **Move the Previous Question** but the shorthand – **Move the Question** – will do.) It simply means the speaker has heard enough and wants to stop the debate. She cannot interrupt a speaker, there must be a second, and if two-thirds of the voters agree we stop debate and vote on the topic we just finished debating. This is a judgment call for the **Moderator** who need not accept the motion, especially if voters are already in line with *new* information (as opposed to wanting to repeat what someone else has already said).

#### **POINT OF ORDER:**

An example of an Incidental Motion, this is a fancy way to say somebody has a question about the conduct of the meeting (maybe she can’t hear, or another speaker isn’t entitled to speak, or the topic discussed is frivolous). Technically, it is not a motion so there is no need for a second or debate and someone *can* interrupt the speaker with this tool. The **Moderator** will decide the point without debate but will not entertain it simply to interrupt a speaker.

#### **ADDRESSING THE MEETING:**

The long-standing tradition in Ipswich is for speakers to line up at a microphone, wait to be recognized, state their names and addresses, and say what they have to say.

A speaker may continue, usually for a few minutes, as long as she speaks directly to the **Article** under discussion (i.e., within its **Four Corners**). More complicated matters may require more time, at the discretion of the **Moderator**. Comments and questions are to be addressed to the **Moderator**; speakers who address another member directly are out of order.

#### **RECOUNTING THE VOTE:**

By State statute and local by-law, if after the **Moderator** declares the result of a voice vote “at least seven voters” stand up to question the declaration, the **Moderator** must then count the votes. After that there is no further challenge.

#### **THE PLAYERS**

In addition to the **Warrant** described above, a meeting requires, at a minimum, a **Quorum**, **Moderator**, and **Clerk**, defined below. Usually, however, some of these other players are also involved in the meeting:

- **QUORUM:** Our by-laws require a quorum of two-hundred registered voters. They are the ultimate decision makers; their decisions are binding on the Town, including elected officials, unless there is a requirement for a ballot vote such as a Proposition 2½ override.
- **MODERATOR:** The presiding officer at all town meetings, state law provides that the Moderator’s primary responsibility is to “preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes.” In practice, that means making sure the meeting runs smoothly, the members understand what they are voting on, and there is no disruption.
- **CLERK:** Appointed by the Town Manager, the Town Clerk is responsible for distributing the Warrant, keeping a tally of the votes, and producing a record of town meeting votes.
- **BOARD OF SELECTMEN:** A five-member board, each elected for a three-year term, this executive board is responsible for setting the time and place of town meetings and acts on the Town’s behalf on various matters between the town meetings.
- **SCHOOL COMMITTEE:** A seven-member committee, each elected for a three-year term, this executive board is required by state law to be responsible for various matters affecting our public school system.
- **FINANCE COMMITTEE:** A nine-member committee appointed by the Moderator, Selectmen, and Annual Town Meeting, this advisory committee is responsible for investigating costs, maintenance, and expenditures of the different departments of the Town and to consider all Articles on the Warrant (except those providing for the election of Town officers). Its charge is to advise the town meeting on all matters before it.
- **PLANNING BOARD:** State law requires this Board to make plans for the development of the municipality and also to provide the Board of Selectmen with a report and recommendations.
- **TOWN MANAGER:** The chief fiscal officer of the Town, she supervises and directs the administration of all departments, boards, and offices subject to her appointment.

- **TOWN COUNSEL:** Retained by the Town Manager, Town Counsel is responsible for advising the Town as well as town meeting on questions of law.

### CONCLUSION

I hope this summary has been useful in providing a better understanding of the town meeting process, the long-term goal being to encourage more people to participate. Town meeting is a critical part of our local government and keeping it alive and well will go a long way to maintaining the character and improving the governance of the Town of Ipswich. If anyone has any questions, please feel free to contact me.

Tom Murphy, Town Moderator

[trmurphy@trmlaw.net](mailto:trmurphy@trmlaw.net)

Rev: 3/8/2013