

TOWN OF KINGSTON

TOWN MEETING: A GUIDE FOR RESIDENTS

A SHORT GUIDE TO TOWN MEETING

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What is Town Meeting?

Settlers in New England formed in villages and towns. The citizens grouped together with common interest. A need arose to govern them. This gave birth to the New England Town Meeting. The Annual Town Meeting continues to be a vital part of today's political landscape and continues to be an example of direct democracy in operation.

Town Meetings serve as the legislative component of local municipal government. Town Meeting operates in accordance with rules of procedure established by Massachusetts General Laws, Kingston By-Laws, and by local customs and traditions.

Kingston has an Open Town Meeting form of government where each resident has the right to be heard in a respectful and civil manner and each registered voter has the right to have his vote counted. This is the residents chance to make their voices heard and make their vote count for the operation of their municipal government. Open Town Meeting government gives primary power to the citizens.

The Town Meeting sets the Town's budget, appropriates funds, votes on capital expenditures for equipment and buildings, approves compensation for employees and elected officials, acquires roads and property and enacts the town's governing laws, known as by-laws. The Selectmen, on the other hand, head the Town's executive branch. The Selectmen are responsible for the overall management, policy-making and day-to-day operation of the municipality.

The Town Clerk manages all elections, maintains all of the town records and documents and all actions and votes of the Town Meeting. The Moderator presides over and regulates the Town Meeting proceedings, decides all questions of order and makes public declaration of all votes. Anyone wishing to address Town Meeting raises their hand and is called upon by the Moderator.

Unlike the Selectmen, Town Clerk and Moderator, who are all elected, the Moderator appoints the Finance Committee. The Finance Committee consists of seven (7) members. The duties of the Finance Committee are to consider and report upon all requests for appropriations made by all of the departments of the Town and make recommendations for action at the Town Meeting as it deems is in the financial best interest of the Town. The Finance Committee spends extensive time reviewing and balancing the budget.

Our By-Laws provide that the “Annual” Town Meeting must take place on the first Saturday in April each year, or on another date in the months of April or May as the Selectmen may vote. Our Town Meetings are held at the Kingston Intermediate School unless otherwise advertised. The Selectmen may call “Special” Town Meetings at any time with notice to the residents. The Selectmen always set the warrant. The Town Meeting warrant is a compilation of all “articles” or subjects that will be addressed at the meeting. Motions move the warrant articles for action.

Publication of the warrant gives legal notice to the voters of all subjects that may be discussed. No actions may be taken at a Town Meeting that is not covered by a warrant article. A quorum of 100 voters is required to pass upon appropriations, to act on the transfer of monies between accounts and on transfers from available funds to the treasury, to act on all zoning matters and to increase the bonded indebtedness of the town.

Participants at Town Meeting

Registered voters are the primary participants. Voters are legislators, with full power to participate in budgeting, allocating of funds and law making. The voters’ job at Town Meeting is to listen, ask questions, offer arguments for or against a motion and to vote to decide each article on the warrant. Non-registered residents are welcome to attend Town Meeting but may not vote or may only address Town Meeting with permission. Non-registered residents sit in a designated section of the hall.

The Moderator presides over Town Meeting, regulating debates and is responsible for Town Meeting conduct consistent with general laws, by-laws and parliamentary procedures as set forth in *Town Meeting Time*.

The Town Clerk maintains all Town Meeting records and records the votes and action taken at the Town Meeting. The Town Clerk's record of a vote may not be attacked collaterally or varied by other evidence. The Town Clerk is required to certify each appropriation to the Accountant, Assessors and Town Treasurer.

The Selectmen prepare and issue the warrant. The Selectmen will make the motion on many of the articles, which after seconded, opens debate on articles. The Selectmen also report their position for or against each article.

The Finance Committee makes the motion on the budget articles and other financial articles. The Finance Committee reports their position for or against each article.

The Town Counsel, who typically has assisted the Selectmen in the preparation of the Town Meeting warrant, may state an opinion to the meeting. Town Counsel will answer legal questions that are directed to him by or through the Moderator.

Boards and Committees will address questions that arise regarding their area; and when applicable, report their position for or against articles that address issues in their respective areas. Examples are the School Committee may address the school budget; the Planning Board may address zoning by-laws.

Citizens may file an article to be placed on a warrant. Citizen petitioners make the motion that moves their own articles. Any ten (10) voters have the right to petition the Selectmen to put an article on the Annual Town Meeting Warrant. This number of voters increases to 100 voters to place an article on a scheduled Special Town Meeting and 200 voters to petition the Selectmen to call a Special Town Meeting. After a Citizen petitioner makes the motion to move his article, a second must be made and then a petitioner offers a statement in favor of his article or provides information necessary to educate the voters on his article.

Any speaker at Town Meeting must address the Moderator; and after having been recognized, must confine all statements to the motion under debate and avoid personalities. All town reports are taken in at Town Meeting. All motions, reports and resolutions submitted to the Town Meeting for consideration involving expenditures of money shall be in writing. If a voter wants to amend a motion for expenditure of money, they must do so in writing. Typically, this is done simultaneously with raising the amendment verbally on the floor.

What Happens at Town Meeting?

The warrant is the agenda of the meeting. Articles tend to be general in nature. Motions made under the articles are specific. The articles in the warrant are acted upon in the order of their arrangement, having been set by the Selectmen, unless the meeting, by majority vote, determines to take any article out of order. This is done by a Motion to Take an Article Out of Order. This Motion must be seconded. Then a debate is held as to whether the article requested should be called out of order. The Motion must carry to move the article requested out of order.

The Moderator calls the meeting to order after declaring a quorum is present. There is usually an opening ceremony, acknowledgement of distinguished visitors and introductory comments. The Moderator may call upon any department, committee or board to report. Traditionally, in Kingston, the reading of the warrant is procedurally waived by the Moderator. The Moderator then calls for a motion concerning the first article. A motion is made generally by the person who put the article on the warrant. The motion recommends action to be taken with regard to the article. The motion must then be seconded to open debate on the motion and eventually voted.

Voters should listen closely to the motion as stated since the vote and debate will be on that motion. The motion may be different than the article in the warrant, but must be within the scope of the article. The mover of the motion takes the floor and offers information on the article and supporting reasons why the motion should be passed.

The Moderator will then ask for recommendations on the article from the Finance Committee, Board of Selectmen and other Boards and Committees.

Debate then commences on the motion. Speakers must be recognized by the Moderator. Speakers should raise their hand to be acknowledged by the Moderator. The Moderator traditionally starts a list of all individuals who raise their hands in the order they raise their hands. The Moderator then calls people from this list first.

Once called upon by the Moderator, the speaker should step to a microphone and state his name and address before speaking. Any registered voter may speak to an article, ask questions, voice comments or criticism or offer other relevant information to the article. All statements must be limited to the scope of the article. All speakers must be civil, respectful and not participate in attacks on

individuals or raise personalities. No one may interrupt a speaker other than the Moderator.

A voter may stand and raise a “Point of Order.” A Point of Order is limited to raising limited points, such as: rights of speaker to the floor, i.e., non-voter; is the speaker saying or proposing indecorous, frivolous, irrelevant, illegal or contrary to proper procedure; is pending action frivolous, irrelevant, illegal or contrary to proper procedure; or an error on the part of the Moderator. A voter should stand and state “I raise a Point of Order.” The voter should then wait to be recognized by the Moderator. Once recognized, the voter shall state their Point of Order.

A Point of Order is decided solely by the Moderator. A Point of Order does not have to be seconded.

A voter may stand and raise a “Question of Privilege”. A Question of Privilege relates to the rights and privileges of the meeting, its safety, dignity and the integrity of its proceedings; and second to the rights, reputation and conduct of the voters or town meeting members individually or in their capacity as voters.

A voter should stand and state “I raise a Question of Privilege”. The voter should then wait to be recognized by the Moderator. Once recognized, the voter should state his Question of Privilege.

A Question of Privilege is limited to such matters as the comfort and convenience of the members i.e., temperature or ventilation of the meeting hall; matters of noise; or if you have been personally attacked. A Question of Privilege is addressed by the Moderator. A Question of Privilege does not require a second.

It is typically recommended that voters do not interrupt a debate to raise a question of privilege unless the voter is prevented from hearing the debate due to noise or acoustics or in the event of personalities.

The operating budget for the Town will be handled somewhat different than other articles. The mover of the budget makes the motion, it is seconded and then the Moderator will read the budget by line items. Voters, who choose, should state loudly “hold” after the Moderator reads a line item to designate they wish to debate that line item.

After completion of the Moderator’s reading the budget by line items, the Moderator will then proceed to call the first held item and request the voter who held the item to step to the microphone; and after stating his name and address,

address why he held that item. During debate, the Moderator will call upon the individual departments to speak to their budget. Please note that, while detailed information regarding the school budget may be outlined in the warrant, state law provides that Town Meeting may vote only the bottom line of the school budget.

The Town Meeting body has the right to: move the question (call for an immediate vote on an article); move to take an article out of order; move to limit how long a speaker may speak; and pass over an article and other such motions.

When the Moderator calls for a vote, pay attention to whether you are for or against the motion then being addressed. The Moderator will usually call for a voice vote. In the event the Moderator is unable to determine a voice vote, the Moderator will call for a show of hands. The voters must then hold up their numbered entrance card. The tellers will count the votes and verbally report the vote count to the Moderator. Infrequently, the vote may be taken by paper ballot. The Moderator declares the vote. The Town Clerk records the vote. If seven voters rise and question a voice vote, then a count by the tellers will be made.

Most articles are decided by a simple majority. Some articles require a higher vote. Zoning by-laws require a two-thirds vote. The Moderator will usually announce if an article requires more than a simple majority.

An article may be reconsidered on any night of Town Meeting in which the article was originally voted before the adjournment of the session, or by a written notice to reconsider filed with the Town Clerk by 10:00 a.m. on the next regular business day following the adjournment of the session the article was originally voted. An article cannot be reconsidered a second time or after a motion to reconsider has failed to pass. The motion to reconsider nullifies the previous original vote of Town Meeting and brings the article back to the floor for debate a second time.

Town Meeting votes to continue the meeting to a specific date and time if the hour has grown late for debate. Town Meeting votes to adjourn the meeting permanently after all articles have been disposed of in some way. No debate or amendment is taken on a Motion to Adjourn without Day the Meeting.