

# A Guide To Winchester Town Meeting

Prepared by The League of  
Women Voters of Winchester,  
Massachusetts in collaboration  
with the Winchester  
Cooperative Bank, the  
Winchester Town Moderator  
and Town Clerk

2012 Edition



# A GUIDE TO WINCHESTER TOWN MEETING

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The 1994 and 2012 printing of *A Guide to Winchester Town Meeting* have been joint efforts of the Town Moderator, the Town Clerk's Office, the Winchester League of Women Voters and both editions were printed as a Community Service by Winchester Co-Operative Bank.

The League of Women Voters is a non-partisan organization established to provide political responsibility through informed and active participation of citizens. The League hopes that this guide will encourage citizens to attend Town Meeting, and to run for Town Meeting, and that it will be a useful tool for all Town Meeting Members.

## **REPRESENTATIVE TOWN MEETING**

All powers of the town are vested in the representative Town Meeting, except as otherwise provided by law of the Town Charter.

### **MEMBERS**

#### **Composition**

Town Meeting is composed of 192 members divided between the eight precincts. Each precinct is, therefore, represented by 24 Town Meeting members, so elected that the terms of office of one-third of the members shall expire each year.

#### **Membership**

Any registered voter is eligible to be a candidate for election to Town Meeting membership. Nomination of candidates is done by taking out nomination papers, obtained at the Office of the Town Clerk, the first week in January and which must then be signed by not less than 10 voters from the precinct in which the candidate resides. Nomination papers must be filed with the Town Clerk by a deadline which is approximately 35 days before the town election

Any elected Town Meeting member may become a candidate for re-election by filing written notice with the Town Clerk at least 21 days before the deadline for filing nomination papers.

#### **Term of Office**

At the town election, the date of which is established in the By-Laws as the 4<sup>th</sup> Tuesday in March, eight Town Meeting members are elected from each precinct to serve a three year term. Any unexpired terms are also filled at this time.

#### **Resignation of a Member**

A Town Meeting member may resign by filing a written resignation with the Town Clerk; such resignation shall take effect upon the date of such filing unless a date is specified as to when it will take effect.

#### **Moving from Town or Precinct**

A Town Meeting member who moves from town will no longer be a member of Town Meeting.

A Town Meeting member who moves to another precinct during the term of office will continue to serve from the former precinct until the next annual town election, at which time the remainder of that term, if any, will be filled through the regular election process. The member who moved to another precinct can be a candidate from the new precinct at the same town election.

**Forfeiture of Office**

If any person elected as a Town Meeting member fails to take oath of office within 30 days following election, or fails to attend one-half or more of the total number of sessions of the Town Meeting held in any twelve-month period, said members place may be declared vacant by a two-thirds vote of the Town Meeting. A letter stating an intention to take such action must be mailed to the member at least 7 days preceding the date the vote is to be taken.

**Filling of Vacancies**

A vacancy in a precinct is filled until the next annual town election by the elected members from that precinct meeting in a separate session. If the term has not expired, the remainder of the term is filled at that town election through the regular election process.

**MEETING PROCEDURES****Time of Meeting**

Town Meeting is convened at least twice in each calendar year. The first meeting, known as Spring Town Meeting, is held in the first six calendar months, at a time fixed by by-law, and is primarily concerned with matters that have a fiscal effect on the town, including but not limited to the adoption of an annual operating budget for all town agencies. The second meeting, known as Fall Town Meeting, is held during the last four calendar months, at a time fixed by by-law, and generally deals with non-fiscal matters.

In addition to these two required meetings, Special Town Meetings may be called by the Board of Selectmen as they deem necessary. The Selectmen must call a Special Town Meeting upon the request in writing of 200 registered voters.

**The Warrant**

Notice of the time and place of a Town Meeting and the business to be considered is given in a Warrant, which must be delivered or mailed to every home at least 10 days beforehand. By state law, the Town Meeting's actions are valid only if the public has been adequately warned in the warrant.

The Warrant is drawn up by the Selectmen. The Selectmen place on the Warrant all subjects requested in writing by an elected town board, an appointed town committee or by petition of ten registered voters.

**General Procedures of the Meeting**

Town Meeting members must present themselves to the election officers before each session of Town Meeting so their names can be checked with the Town Meeting member list prepared by the Town Clerk. A card is given to each member, which must be signed and handed to the police officer stationed at the entrance of the place the meeting is to be held. The members are seated together in a pre-designated section.

**The Moderator**

The Moderator is the presiding officer of the Town Meeting and regulates its proceedings. The Moderator decides all questions of order and makes public declaration of all votes. All persons address the Meeting by leave of the Moderator and if anyone, after due warning, persists in disorderly conduct, the Moderator has the authority to have the person removed.

If the Moderator is absent, a Moderator Pro Tempore is elected by the Town Meeting members. If a vacancy occurs in the office of Moderator, Town Meeting members elect a new one at a meeting held for that purpose.

**The Town Clerk**

The Town Clerk keeps minutes of the meetings and records all action on and disposition of the articles in the Warrant, including all votes declared by the Moderator. The Town Clerk tallies all standing votes and, in the event of a roll call vote, of each member.

If the Town Clerk, or the assistant is absent from a Town Meeting, a temporary Clerk is elected.

**The Town Counsel**

The Town Counsel is appointed by the Board of Selectmen to serve as the legal advisor to the Town. Town Meeting members may address a question to the Town Counsel from the floor, but always through the Moderator. Town Counsel is available to assist in drafting articles, motions or amendments.

**The Selectmen**

The Board of Selectmen set the time and place for the Town Meeting and prepares and issues the Warrant. During the course of debate on the articles at Town Meeting, the Moderator traditionally asks if the chairperson will give the recommendation of the Board.

**The Finance Committee**

The Finance Committee considers all of the Warrant articles and issues a report on each article, together with its recommendation for action. As in the case of the Warrant, this report must go to every Town Meeting member at least 10 days prior to the Meeting.

In the course of debating articles on the floor of Town Meeting, the Moderator always calls upon the chairperson of the Finance Committee to state its recommendations on all motions having a financial impact on the town.

### **Proceedings of the Meeting**

The proceedings of Town Meeting are governed by the town's By-Laws and by the rules of parliamentary procedure as contained in Robert's Rules of Order Revised.

The initial proponent of an article is allowed 10 minutes to speak and may be granted an extension for additional time if approved by the Town Meeting. Subsequent speakers are allowed 5 minutes with the same extension privileges. Each speaker may only speak twice on the same motion.

The articles set forth in the Warrant are introduced by the Moderator, usually by reading an abbreviated form of the article, on the assumption that each member has a copy of the Warrant in hand.

To make a motion, to ask a question or to be heard in debate, the member must raise a hand and, when recognized by the Moderator, rise to speak. Everything is addressed to the Moderator, or through the Moderator, to the person who should respond, and should be confined to the motion under consideration. It is always a member's privilege to ask procedural questions of the Moderator.

### **Non-Town Meeting Member Participation**

Any resident, not a Town Meeting member, may attend sessions of Town Meeting and participate in the proceedings, but may not make motions or vote.

A representative from a town agency, who is not a resident of Winchester, may speak at Town Meeting to convey information on matters pertinent to the responsibilities of that agency and relevant to the Warrant article being discussed. All representatives of town agencies have all the rights and privileges of Town Meeting members, except the right to vote.

### **Referendum Procedures**

No final vote of a Town Meeting on any article, except votes appropriating money for the payment of notes or bonds of the town or votes for the temporary borrowing of money in anticipation of revenue or a vote declared by preamble by a two-thirds vote of the Town Meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of 5 days from the dissolution of the Town Meeting. If a petition is not filed within the said 5 days, the votes of the Town Meeting shall then become operative.

If, within 5 days, a petition signed with the names and addresses of at least 3% of the registered voters is submitted to the Board of Selectmen requesting that an action of the Town Meeting be submitted to the voters of the town at large, the Selectmen shall, within 10 days after the filing of such petition, call a special election that shall be held within 35 days after issuing the call for the purpose of a town-wide vote on the question.

Any question so submitted shall be determined by a majority vote of the voters voting thereon, but no action of the Town Meeting shall be reversed unless at least 20% of the registered voters vote on the question.

## PARLIAMENTARY PROCEDURES

For a Town Meeting to act, a quorum must be present. Any member may at any time question whether a quorum is present. The Moderator will then determine by count whether one hundred members are present in the hall.

### **Main Motions**

Main motions are the essential motions basic to action contemplated by the Town Meeting; all other motions revolve around them. Main motions may be amended; only one amendment is allowed to a pending amendment. A substitute motion replaces the main motion and must be perfected before being substituted.

### **Other motions**

A main motion is a question to the Town Meeting requiring a “yes” or “no” answer (i.e. should the Town spend \$1,000 for...). This main motion may be amended as indicated above. In addition, other motions can be made; some popular motions are:

*Move to Postpone Further Consideration to a Time Certain:*

This motion allows the Town Meeting to delay the vote until a predetermined time.

*Move to Indefinitely Postpone:*

This motion allows the Town Meeting to stop debate, if carried, and discontinue further consideration.

*Move the Question:*

This motion allows the Town Meeting to shut off debate and vote immediately.

### **Privileged Motions**

Privileged motions relate to the conduct of the Town Meeting and the convenience or comfort of the members. Privileged motions have precedence over substantive motions. Examples are: to question a quorum, to take a recess, to adjourn.

### **Reconsideration**

If a motion has been disposed of, it is subject to reconsideration up to the dissolution of the Town Meeting. A motion can only be reconsidered once. The first vote is on whether the motion should be reconsidered and a two-thirds vote is required. If this passes, the second vote is on the motion itself.

### **The Vote**

When all the members and others wishing to be heard on a question have spoken, the Moderator repeats the motion and calls for a vote. Most votes taken at Town Meeting are voice votes. If the Moderator is uncertain because a voice vote sounds close, he will call for a standing vote. A standing vote is required if seven or more members so request by rising to their feet. The Moderator appoints and swears in tellers for each section of the hall to count votes.

As a further determination, a roll call vote may be taken upon a motion by a vote of a majority of the members. The chief purpose of calling the roll is to protect the right of voters to know how their elected Town Meeting members voted on major issues, but it is rarely used in Winchester.

### **Questions Requiring a Two-Thirds Vote**

By statute of the Commonwealth of Massachusetts, certain questions require a two-thirds vote, in which case there must be a counted vote unless the voice vote is unanimous. The most common are:

1. Borrowing money or incurring indebtedness, except temporary loans in anticipation of revenue in a year in which the debt occurred.
2. Appropriation for purchase or taking of land for municipal purposes.
3. Adoption or amendment of Zoning By-Laws.
4. Transfer of care, custody, management and control of land from one Town department to another.
5. Sale or abandonment of unneeded land.

### **Dissolution**

When all business in the Warrant has been acted upon, the Moderator says, "A motion for dissolution is now in order".

## PARLIAMENTARY PROCEDURE

Here are some motions you might make, ... at a glance  
how to make them, and what to expect of the rules.

TO DO THIS	YOU SAY THIS	May you interrupt speaker?	Do you need a second?	Is it debatable?	Can it be amended?	What vote is needed?	Can it be reconsidered?
Amend a motion	“I move to amend the motion by...”	No	Yes	Yes	Yes	Majority	Yes
Suspend further consideration on an issue	“I move to table the motion”	No	Yes	Yes	No	Majority	No
Postpone discussion for a certain time	“I move to postpone the discussion until...”	No	Yes	Yes	Yes	Majority	Yes
End debate and amendments	“I move to postpone question”	No	Yes	Yes	No	2/3	No
Request information	“Point of information”	No	Yes	No	No	No Vote	No
Complain about heat, noise, etc.	“I rise to a question of privilege”	No	No	No	No	No Vote	No (usually)
Protest breach of rules or conduct	“I rise to a point of order”	Yes	No	No	No	No Vote	No
Take up a matter previously tabled	“I move to take from the table”	No	No	No	No	Majority	No
Reconsideration	“I move to reconsider the vote on...”	No	Yes	No	No	2/3	No
Adjourn Meeting	“I move that we adjourn”	No	Yes	Yes	No	Majority	No

## **GLOSSARY OF SOME FINANCIAL TERMS USED AT TOWN MEETING**

### **Bonds**

A means to raise money through the issuance of debt. A bond issuer/borrower promises in writing to repay a specific sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specific future date (maturity date), together with periodic interest as a specific rate. The term of a bond is always greater than one year.

### **Cherry Sheet**

Named for the cherry colored paper on which they were originally printed, the Cherry Sheet is the official notification to cities and towns and regional school districts of the next fiscal year's state aid and assessments. The aid is in the form of distributions which provide funds based on formulas and reimbursements which provide funds for costs incurred during a prior period from certain programs or services.

### **Free Cash**

Remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulating sheet, and unspent amounts in budget in-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's auditor, accountant, or comptroller.

### **Reserve Fund**

An amount set aside annually within the budget of a town (not to exceed 5 percent of the tax levy for the preceding year) to provide a funding source for extraordinary or unforeseen expenditures. In a town, the finance committee can authorize transfers from this fund for "extraordinary or unforeseen" expenditures. Other uses of the fund require budgetary transfers by town meeting.

### **Stabilization Fund**

A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. (MGL Ch. 40 Section 5B). Communities may appropriate into this fund in any year an amount not to exceed ten percent of the community's equalized value, and any interest shall be added to and become a part of the fund. A two-thirds vote of town meeting or city council is required to appropriate money from the stabilization fund.

### **Current Overlay**

The amount of money raised by the assessors to provide for tax abatements of the current year. It is also used to round off the tax rates to even units.

### **Overlay Reserve**

An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve is not established by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet.

### **Tax Levy**

The amount a community raises through the property tax. The levy can be any amount up to the levy limit which is re-established every year in accordance with Proposition 2 ½ provisions.