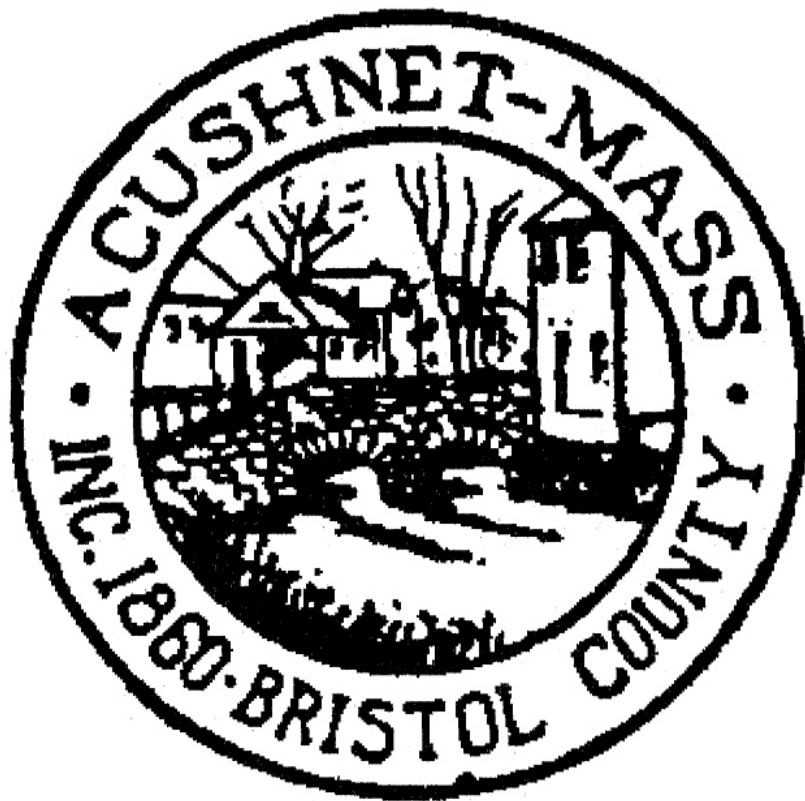


# **Town Meeting**

## **Handbook**



**Acushnet, Massachusetts**

*A special thank you to the elected and  
appointed officials of the Town of  
Acushnet who helped edit the Town  
Meeting Handbook. Also special thank  
you to the Massachusetts Moderators  
Association and its members for their  
help and guidance.*

**Robert E. Francis  
Acushnet Town Moderator**

## **Town Meeting Proceedings**

### **What is a Town Meeting and how do you participate?**

The Town of Acushnet has an Open Town Meeting form of government, meaning all registered voters may attend. Town Meeting is the legislative body of the Town. It convenes, at least annually at the time and place designed by the Selectmen. Town Meeting considers and adopts an annual operating budget. It also considers and acts upon matters which require Town Meeting action such as zoning changes, street acceptances, by-law additions and amendments. The business of each Town Meeting is contained in a document known as “the warrant” which includes all matters on which the Town must act. Articles are inserted in the warrant by the Board of Selectmen and by Citizen Petition. The order is determined by the Selectmen.

A warrant is literally a warning: to ensure that voters are alerted to when and where a town meeting will take place and what issues will be addressed. Town meetings can only act on issues that are included on the warrant, and the actions of town meeting are valid only if voters have adequately been “warned.”

Town Meeting is unique to New England. The following information is provided to help you become an informed participant in this basic democratic process that is our legislative form of government.

### **Town Meeting Procedures**

#### **How to place an article on the Town Meeting Warrant**

To place a private partition onto the Annual Town Meeting Warrant or a Special Town Meeting Warrant, a resident must submit the warrant article in proper form to the Selectmen’s Office. Help with writing the article and number so signatures needed may be obtained at the Town Clerk’s Office. This form is used as a petition that registered voters may sign to have an article appear on the warrant. The warrant for the Annual Town Meeting or a Special Town Meeting is opened and closed by the Board of Selectmen. The articles are filed and stamped by the Board of Selectmen, transferred to the Town Clerk’s Office for certification and returned to the Board of Selectmen for processing.

After the articles have been placed on the Warrant for a Town Meeting, the articles go through a series of committees and department reviews and hearings. Different boards and

committees are responsible for a report at Town Meeting of their findings depending on whose jurisdiction the article falls under.

All articles are reviewed by the Finance Committee. A report on their findings is given at Town Meeting when the article is addressed. Residents are welcome to attend these hearings to explain their article to the committee. More discussion will be generated on the floor of Town Meeting before any action is taken by the Town Meeting members.

### **How to enter Town Meeting**

Town Meetings are generally held at the Acushnet Middle School. The school is located at 708 Middle Road, Acushnet. All registered voters may attend the meeting. Please enter through the north side of the school. Upon entering, please note the exits leading from the room that are to be used in the event of a fire or emergency.

### **Who's Who at Town Meeting**

**Town Meeting Members** – Registered voters of the Town of Acushnet. Nonregistered voters may attend at the digression of the Town Moderator and are assigned a separate section to sit in. They are not allowed to participate in the proceedings. A person who is not a registered Acushnet voter may address town meeting only if invited to do so by a two-thirds vote of the meeting.

**The Moderator** – presides over and conducts the meeting. S/He is an elected official with a three year term. The moderator reads each article aloud, deciding all questions of order, and declaring the outcome of all votes. The Moderator aims to conduct the meeting as fairly and expeditiously as possible, protecting the rights of all to be heard while at the same time ensuring that the meeting moves efficiently through the warrant.

**Town Clerk** – The chief election official, custodian of the Town's records, and recording secretary of the meeting.

**Board of Selectmen** – (3) Elected policy making body, appoints the Town Administrator and compiles the warrant.

**Town Administrator** – Appointed by the Board of Selectmen, the Administrator is the Chief Executive Officer who prepares and submits the budget to the Selectmen and Finance Committee on or before a certain date.

**Finance Committee** – Reviews the budget, makes recommendations and relevant information to assist the Town Meeting in making a final decision.

**Director of Finance/ Town Accountant** – Ensures that Town Funds are properly disbursed and municipal budgets are balanced at all times.

**Treasurer** – Ensures that Town Funds are properly secured and that the best return is received on these funds.

**Town Council** – Chief legal officer and legal advisor to the Town Meeting. S/He is appointed by the Selectmen. All opinions of the Town Council are advisory and not binding on the Town, any person, or town meeting.

**Tellers** – Appointed by the Moderator. Their function is to sign in the voters and count votes as requested by the Moderator or by town meeting.

### **At the Meeting**

**Order of Consideration** – All articles appearing on the warrant must be acted on before town meeting can adjourn. Town meeting takes up the articles in the numerical order in which they appear on the warrant. However, in special cases an article may be taken out of order if there is a majority vote to do so.

**Debate** – Town meeting proceedings are governed by the rules contained in *Town Meeting Time: A Handbook of Parliamentary Law*, most recent addition, except as modified by law (mainly Massachusetts General Laws, chapters 39 and 43A), Town by-laws, vote of town meeting and local customs and traditions. Don't let a lack of knowledge about town meeting procedures stop you from participating: If you're puzzled, feel free to ask the Moderator for help.

Copies of *Town meeting Time: A handbook of Parliamentary Law* is also available at the public library or may be purchased from the Massachusetts Moderators Association either through mail or on the internet at <http://www.massmoderators.org>

Copies of Massachusetts General Laws, chapters 39 and 43A may be found on the internet at <http://www.mass.gov/legis/law/mgl/>.

The town charter, the town bylaws and votes of town meetings may be found in the Town Clerk's office at 122 Main Street, Acushnet.

**How to be recognized to speak** – A voter may be recognized by coming to the microphone or by standing and asking for the moderator's attention usually by raising their hand. Upon recognition by the Moderator the voter must give their name for the record. The speaker should not be interrupted except in an extreme case to raise a point of order. Any person must cease and yield the floor at the moderator's request. During debate, the speaker is required to address the moderator. Questions may be asked only through the moderator.

**How to make a motion and amend an article** – The moderator may request that amendments be presented in writing. After discussion on the amendment the Moderator calls for a vote on the amendment only. If passed the original motion, as amended, is voted upon. Amendments to amendments are usually ruled out of order. Motions or amendments which differ materially from that printed in the warrant may not be permitted by the moderator.

**Budget questions** – The procedure used is that we go through the budget department by department. If there is a question or amendment you are asked to call out "HOLD" and give your name. After all the departments are read we go back and make changes to those which were held. Then we vote the whole article at the same time.

**Majority Vote** – Unless otherwise provided all motions require a majority vote to carry.

**Declaring the Vote** – The moderator may decide the sense of the meeting by a voice vote. If in doubt, or, if the decision is questioned, a hand vote or a standing vote may be called for.

**Privileged Motions** – A speaker may be interrupted only for a point of order. On a point of order, a voter may raise one or more of the following questions and no others: 1. Is the speaker entitled to the floor? 2. Is what the speaker is saying or proposing indecorous, frivolous, irrelevant, illegal or contrary to proper procedure? and 3. Is the pending action frivolous, irrelevant, or contrary to proper procedure?

**Move the Question** – Previous question (Move the Question) is a formal motion which, if passed, cuts off debate. The motion is not debatable. It is allowed by the Moderator when in his/her judgment the matter has been adequately discussed.

**Display** – Presenters who wish to show slides or present other visual material should make arrangement before the meeting and have the approval of the moderator.

**Adjourn** – A meeting may adjourn to a later time and a different place. The meeting cannot do a final adjournment until every article in the warrant has been acted upon.

# Parliamentary Procedure

Points of Motions	2 <sup>nd</sup>	Debatable	Amendable	Vote	Reconsider	May Interrupt
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## PRIVILEGED MOTIONS

Dissolve or adjourn	Yes	No	No	Maj.	No	No
Adjourn to fixed time						
Or recess	Yes	Yes	Yes	Maj.	No	No
Point of no quorum	No	No	No	None	No	No
Fix the time to (or at)						
Which to adjourn	Yes	Yes	Yes	Maj.	Yes	No
Question of privilege	No	No	No	None	No	Yes

## SUBSIDIARY MOTIONS

Lay on the table	Yes	No	No	2/3	Yes	No
Move the question	Yes	No	No	2/3	No	No
Limit or extend debate	Yes	No	No	2/3	Yes	No
Postpone to a time						
Certain	Yes	Yes	Yes	Maj.	Yes	No
Commit or refer	Yes	Yes	Yes	Maj.	Yes	No
Amend (or substitute)	Yes	Yes	Yes	Maj.	Yes	No
Postpone indefinitely	Yes	Yes	No	Maj.	Yes	No

## INCIDENTAL MOTIONS

Point of order	No	No	No	None	No	Yes
Appeal	Yes	Yes	No	Maj.	Yes	No
Object to the						
Consideration						
Of the question	No	No	No	2/3	**	No



Division of a question	Yes	Yes	Yes	Maj.	No	No
Separate consideration	Yes	Yes	Yes	Maj.	No	No

<b>Points of Motions</b>	<b>2<sup>nd</sup></b>	<b>Debatable</b>	<b>Amendable</b>	<b>Vote</b>	<b>Reconsider</b>	<b>May Interrupt</b>
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### **INCIDENTAL MOTIONS (continued)**

Consideration by						
Paragraph	Yes	No	Yes	Maj.	No	No
Fix the method of voting	Yes	Yes	Yes	Maj.	Yes	No
Nominations to						
Committee	No	No	No	Plur.	No	No
Withdraw or modify						
A motion	No	No	No	Maj.	No	No
Suspension of rules	Yes	No	No	2/3	No	No
Request for any other						
Privileges						
(Nonmember speaker)	Yes	Yes	No	Maj.	No	Yes

### **MAIN MOTIONS**

Main motion	Yes	Yes	Yes	Var.	Yes	No
Reconsider or rescind	Yes	*	No	Maj.	No	No
Take from the table	Yes	No	No	Maj.	No	No
Advance an article	Yes	Yes	Yes	Maj.	Yes	No

\*Same rank and debatable to same extent as motion being reconsidered.

\*\*A negative vote-that is, a vote sustaining the objection- can be reconsidered, but not an affirmative vote.

# GLOSSARY OF TERMS

## **Amendment**

This is technically a secondary motion and must be acted on before the main motion is voted upon. It must be seconded and allow for discussion before it is voted upon.

## **Annual Meeting**

The election of officers shall be held on the first Monday of April in each year and the annual meeting for the transaction of business shall be held on the fourth (4<sup>th</sup>) Monday in April. Opening and closing at such hours as may be determined by the Board of Selectmen. No law requires that the annual Town budget be voted on at this meeting, although many towns do.

## **Appropriation**

An authorization by the town meeting to spend money.

## **Assessed valuation**

The value set on real property (that is land or buildings) or personal property by the Board of Assessors as a basis for setting the tax rate.

## **Audit**

An examination of the financial statements of the Town by a public accountant to see if they fairly reflect the financial condition of the Town. State law requires that audits be conducted annually.

## **Bonds**

Municipal bonds are issued by a municipality for large expenditures such as schools or other buildings. With certain exceptions, including school bonds approved by the State Finance Office, a municipality's total borrowing may not exceed 5% of its assessed valuation. The period within which the bonds must be retired varies according to the type of capital project being financed.

## **Budget**

A plan of financial operation embodying an estimate of proposed revenue and expenditure for a given period and the proposed means of financing them.

## **Chapter 90**

The cost of construction on roads that are approved by the State is eligible for "Chapter 90" reimbursement from the State, which has been at the rate of 90% in recent years.

**Cherry Sheet**

A report by the Commonwealth of Massachusetts (on cherry-colored paper) containing a statement of monies the Town must pay to the county, MBTA, and Commonwealth, and an estimate of monies to be received from the Commonwealth. These figures must be used when calculating the tax rate.

**CIP**

The Town's Capital Improvement Program, which is revised each year and which shows the proposed expenditures for capital projects for the ensuing several years.

**Debt Exclusion**

A vote by which a town at an election to exclude debt service payments for a particular capital project from the levy limit, which allows the Town to increase its total property tax levy above the limit set by Proposition 2 ½. The amount of the annual debt service payment is added to the levy limit for the life of the debt only.

**Debt Service**

The cost of payment of interest and principal to holders of the Town's bonds and notes.

**Encumbrance**

Obligations in the form of purchase orders or contract or salary commitments that are chargeable to an appropriation and for which a part of the appropriation is reserved from one fiscal year to the next fiscal year

**Enterprise Funds**

An accounting procedure allowing a town to have a separate fund where revenue used to meet these expenses is recovered through user charges. Examples would be the water enterprise fund or the sewer enterprise fund. These funds are only subsidized by the tax levy if the article fails.

**Excise Tax**

There is a motor vehicle excise tax and a watercraft excise tax. They are for the privilege of operating the equipment on public ways.

**Fiscal Year**

Acushnet's fiscal year like all municipalities runs from July 1 through June 30. The moneys appropriated at the Annual Town Meeting are for the fiscal year starting the following July 1.

**Free Cash**

A dollar value, certified by the state usually in late summer, that represents unspent and unencumbered income and receivables from the previous fiscal year. Town meeting can spend this money once free cash is certified by the Department of Revenue.

**General Fund**

The fund used to account for most financial resources, including town receipts and tax revenues, and operating activities governed by the town meeting appropriation process.

**Home Rule**

It is the constitutionally guaranteed right of towns to adopt and amend their charters, choose their form of government, and adopt laws that are not already covered by state law or which state law does not prohibit towns from adopting. Home rule is intended to ensure local control.

**Indirect Costs**

Costs of a service not reflected in the service's operating budget. Health insurance costs for employees is an example of an indirect cost of providing Town services.

**Local Receipts**

Town revenues other than property tax and enterprise fund revenues. Examples are motor vehicle excise taxes, investment income, and fees.

**Mandate**

Federal or state laws which require towns to undertake specific actions or provide specific services. For instance, the requirement that municipalities build salt-sand storage sheds is a mandate that must be paid for with local funds as well as state funds.

**New Growth**

Under Proposition 2 ½, the taxing capacity added by new construction and other increases in the property tax base. New growth is calculated by multiplying the value associated with new construction by the tax rate of the previous fiscal year.

**Operating Budget**

The plan of proposed spending for the upcoming fiscal year. It is the Town's "best guess" on what it will cost to operate.

**Ordinance**

A law or a regulation enacted by a town, usually targeting a specific subject, as in a dog control ordinance or a parking ordinance, or zoning ordinance. Most ordinances must be posted in a public place at least seven days before Town Meeting. No ordinance may be amended on the floor of town meeting; they may only be voted up or down.

**Overlay Account**

An account established annually to fund anticipated property tax abatements, and exemptions. Also called Allowance for Abatements and Exemptions.

### **Overlay Surplus**

Any balance in the overlay account of a given fiscal year in excess of the amount remaining to be collected or abated can be transferred into this account. Overlay surplus may be appropriated for any lawful purpose.

### **Override**

A vote by a Town in an election to permanently increase the levy limit (see Proposition 2 ½ below).

### **Proposition 2 ½**

A tax limitation measure adopted by state-wide referendum in 1980 which limits the ability of the Town to increase its budget from year to year. The principal operative provision limits total property taxes levied to 2 ½% of the full cash value of the property in the community and limits any increase in the tax levy not attributable to new growth to 2 ½% of the prior year's tax levy. To override these tax limitations requires a Town-wide referendum.

### **Reserve Fund**

An amount of money voted by the voters at a Town Meeting (not to exceed 5% of the prior year's tax levy) for appropriation by the Finance Committee for any unforeseen or emergency expenses during the course of the year.

### **Revenues and Expenditures**

Revenue is just a fancy word for incoming monies; most of the money spent by town meeting comes from property taxes; other monies come from excise taxes on vehicles, and from the state in the form of revenue sharing and road assistance. Expenditures is just a fancy word for outgoing monies or on what the money is spent; most of the money is spent on waste disposal, roads, and schools.

### **Revolving Fund**

Monies usually derived from fees, that may be used by a Town department for special use without town meeting appropriation.

### **Special Town Meeting**

A "special" town meeting is any town meeting other than the annual town meeting called by the selectmen

### **Stabilization Fund**

Essentially a "rainy day" fund. It is a special reserve account created primarily to provide for capital improvements and unforeseen circumstances. It requires a two-thirds vote of town meeting to take money from this fund and appropriate it for expenditure.

**Surplus Revenue**

Funds that derive from: (1) the difference between estimates and actual receipts of departmental collections and revenue (for example, licenses and permits) and (2) any unexpected funds of departmental budgets. When uncollected taxes are subtracted from the surplus revenue, the total is called Free Cash, which may be a positive or negative number. Positive Free Cash is available for appropriation by Town Meeting, but only after it has been certified by the State Department of Revenue.

**Tax Anticipation Note (TAN)**

Often referred to as “hired money” it is the money borrowed from a bank to run the town while waiting for taxes to be collected.

**Tax Rate**

The tax rate determines how much you pay in property taxes. It is stated in “so many dollars per thousand dollars of valuation.”

**Tax Levy**

The amount of money to be raised through real and personal property taxes.

**Warrant**

The notice sent out by the Selectmen calling a Town Meeting and listing the Articles to be considered.