

Citizen's Guide to Hingham Open Town Meeting

The legislative practice of Open Town Meeting is one of the purest forms of democratic governance. In use for over 300 years, Open Town Meeting gives Massachusetts taxpayers a chance to voice their opinions and directly effect change in their communities. Here in Hingham, you can still make your voice heard when you and your neighbors join together on a designated day and time to vote the course of government in our town.

Every town conducts its Town Meeting differently, depending on its bylaws or charter. Sometimes customs and traditions are written, and sometimes they are not. While not intended to be all-inclusive, this guide provides an overview of Open Town Meeting Basics as they are practiced in Hingham. The League of Women Voters of Hingham prepared the guide with assistance from the Massachusetts Secretary of State's Office and Hingham Town Officials. This information is designed to encourage you to find out more and attend our Town Meeting. If you have any questions about Hingham's specific procedures, please contact the Town Clerk or Town Meeting Moderator.

Questions and Answers about Hingham Open Town Meeting

What is a Town Meeting?

A Town Meeting is both an event and an entity. As an event, it is a gathering of the town's eligible voters, and is referred to as "the Town Meeting." As an entity, it is the legislative body of our town, and is referred to simply as "Town Meeting." So you may

say, “I went to the Town Meeting. Town Meeting approved the budget.”

What is an Open Town Meeting?

An open Town Meeting means that all of the town’s voters may vote on all matters.

What is a Representative Town Meeting?

In a representative Town Meeting, also called a limited Town Meeting, all of the town’s voters may vote for what are called Town Meeting Members. After the voters elect the Town Meeting Members, the Town Meeting Members conduct and vote on the rest of the Town Meeting’s business.

Other than who may vote, do open Town Meetings basically operate the same way as representative Town Meetings?

Yes.

What does Hingham Open Town Meeting decide?

Town Meeting is our town government’s Legislative Body and appropriates monies to be expended by the Town, adopts laws such as zoning bylaws and general bylaws, and sets public policy. Throughout the year, elected and appointed officials act within the framework of the Massachusetts General Laws and our Town bylaws and policies. They have discretion and make decisions in the fulfillment of their duties. However, Town Meeting runs the government by voting:

- To appropriate money to run the town such as
 - Town budget—salaries and expenses of all town departments

- Community Preservation Commission expenditures
 - Reserve Fund transfers
 - Stabilization Fund transfers
 - Building Department Revolving Fund
 - Capital expenditures
 - Other investments, disbursements, and transfers
- The town's local statutes, which are called bylaws, such as
 - Town general bylaws
 - Zoning bylaws
- Such other business as may come before the Open Town Meeting
 - Streets or road designations
 - Purchasing or selling public land
 - Special legislation according to state law

Who's Who at Open Town Meeting?

Voters

- All citizens of Hingham 18-years-old or over who reside in the town and have registered to vote may attend, speak, and vote in accordance with the open form of Town Meeting.
- Registration closes 14 days before a Special Open Town Meeting, 20 days before an Annual Open Town Meeting and town election, and 28 days before all other elections. Information is available at the Town Clerk's office or website page.

Moderator

- Generally, a Moderator's job is to run the Open Town Meeting. Specifically, the Moderator declares the outcome of all voice votes. The Moderator observes Hingham town bylaws and general parliamentary practices to conduct the meeting with fairness and expedience.
- Hingham's Town Moderator is elected at the Annual Town Election for which voters go to their regular polling places. The term of office is one year with unlimited re-election.
- The Moderator appoints an Assistant Moderator who relays requests to speak and counts votes in each supplementary meeting room.
- The Moderator rules on all questions of order. Thus, if a voter doubts the presence of a quorum, thinks a motion or discussion is not within the scope of an article, or otherwise questions the proceedings, the voter may state the doubt or objection and the Moderator decides the issue.

Selectmen

- Selectmen are the town's executive officers. Hingham voters elect three members to the Board of Selectmen, each having a three-year term and may be re-elected. Selectmen are authorized to call a Town Meeting provided that they post a Warrant. The Board of Selectmen selects and supervises a Town Administrator, who, in turn, administers town business and supervises town workers.

Town Clerk

- At the Town Meeting, the Town Clerk records all votes and takes minutes. The Hingham Town Clerk is elected to a three-year term and may be re-elected.

Town Counsel

- During the Town Meeting, the Town Counsel answers legal questions that come up. He or she is appointed by the Selectmen. Hingham's Town Counsel is a private attorney who considers the town as one of his or her clients.

Select Committees

- A Select Committee (also called a Committee of the Town) is assigned to research and report back to the Town Meeting on a certain topic, or to undertake a certain substantive task. These committees are formed following the adoption by Town Meeting of a Warrant Article to appoint a committee. The Town Moderator appoints residents to Select Committees. For example, a former committee appointed to convert Central Middle School into our Town Hall was a Select Committee. The committee assigned to take the South Shore Country Club by eminent domain was a Committee of the Town. An article at the beginning of each Annual Open Town Meeting Warrant asks Town Meeting to accept the reports of various select committees.
- The Board of Selectmen may also appoint some committees to support town initiatives, for example, the 375th Committee and the Water Company Acquisition Study Committee. These appointed committees report back to the Selectmen, our executive branch. They are

not responsible to Town Meeting. This is a very important distinction.

Standing Committees

- A standing committee is a permanent committee and is often required by Massachusetts General Laws, for example, the Planning Board, the School Committee, and the Board of Health. For these committees, voters elect the committee members and Massachusetts General Laws assign these boards certain responsibilities and provide some oversight over their decisions. The Moderator appoints members of the Personnel Committee and the Advisory Committee, both standing committees which perform background work intended to advise and help Town Meeting with its decision-making.

Advisory Committee

- The Advisory Committee makes recommendations to voters at Town Meeting for action (support) or no action (rejection) on all articles in the Town Warrant, including the budget. The Advisory Committee serves as the town's finance committee and reviews the town's annual operating and capital budgets as submitted by the Board of Selectmen and School Committee.
- The Advisory Committee prepares a 'Report to Town Meeting' which is included in the Town Meeting Warrant. This report contains all of its recommendations, general commentary and background information on the State of the Town.
- Throughout the year, the Advisory Committee serves as a liaison to and stays informed about the activities of all town boards, committees, and agencies whose activities may be related to past, present, or future Advisory Committee responsibilities.

- Article 14 of Hingham's Town By-laws outlines the powers and reporting requirements of the Advisory Committee. The Town Moderator appoints the 15-member Advisory Committee. Each person serves a three-year term and may be reappointed to one additional term.

Annual and Special Town Meetings

What is the difference between Annual and Special Town Meetings?

- Hingham must hold an Annual Town Meeting according to the Town Bylaws. Additional Town Meetings are called Special Town Meetings. They may be called as many times during the year as necessary.

When are Town Meetings?

- Hingham's Annual Town Meeting is the 4th Monday in April at 7:00 p.m. Historically, when additional time is required, the meeting has continued to Tuesday evening. If still more time is required, it continues on the following Monday evening.

Where are Town Meetings held?

- The meetings are convened at Hingham High School.
- To enter the meeting, a voter gives his or her name and address to a checker who has a list of registered voters by precinct.
- Voters are seated in the gymnasium with additional seating available in the auditorium and, if necessary, the

cafeteria. A sound system connects these rooms, and a video system connects the gymnasium and auditorium.

How do I find out when the Annual Meeting will take place?

- Hingham notifies residents of the Town Meeting in several ways:
 - A notice is posted at Town Hall at least seven days before Town Meeting.
 - The Hingham Journal includes notice of the meeting.
 - A copy of the Town Meeting Warrant with the Advisory Committee report is delivered to each household at least seven days before the meeting.
 - And you can always check the town website or 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 Town Meetings?

- Special Town Meetings, by their very nature, are not held at the same time every year.
- For Special Town Meetings, notice must be provided fourteen (14) days before the meeting date:
 - A notice is posted at Town Hall.
 - The Hingham Journal includes a copy of the entire Warrant of the meeting.
 - A copy of the Town Meeting Warrant is delivered to each home.
 - And you can always check the town website or call town hall, ask for the clerk's office, and ask when the Special Town Meeting will take place.

Who calls Special Town Meetings?

- Generally, the Selectmen call Special Town Meetings.

Can voters call a Special Town Meeting?

- Yes, voters can call a Special Town Meeting. Two hundred (200) registered voters, or 20% of the total number of registered voters, whichever is less, can 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 residences after their signatures.
- Voters deliver the written request to the Board of Selectmen. The Board of Selectmen must then call a Special Town 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.

The Warrant

What's a Warrant?

- A Warrant is also known as a warning. The Warrant lists a meeting's time, place, and agenda. A Town Meeting's action on an item is not valid unless it was listed in the Warrant.

When is the Warrant available?

- For the Annual Town Meeting , no later than 10 days after the January 20th deadline for receipt of Warrant Articles, the Selectmen will post the submitted Warrant articles on the Town website (www.hingham-ma.com) and make a hard copy available at Town Hall.
- For a Special Town Meeting, the Selectmen will post the submitted Warrant articles on the Town website (www.hingham-ma.com) and make a hard copy available at Town Hall no later than 10 days after the Warrant has closed.
- The Warrant is available at least seven days before an Annual Town Meeting, and at least 14 days before a Special Town Meeting.

How do I see the Warrant?

- Warrants are posted on the Town website (www.hingham-ma.com) and at Town Hall, published in the Hingham Journal, delivered to every residence, or a combination of all three.

Who makes up the Warrant?

- The Selectmen, who "issue" it.

What are articles?

- Articles are items in the Warrant.
- The Board of Selectmen inserts articles into the Warrant, in some cases at the request of other town officials, committees, boards, or citizens.

Is anything else included in the Warrant?

- The Hingham Town Meeting Warrant includes the Reports from the Advisory Committee, Board of Selectmen, Capital Outlay Committee, Personnel Board and School Committee.
- The Advisory Committee carefully studies all Warrant articles, including an article for appropriations for town departments, and makes “such recommendations to each article as it deems best for the interest of the town.” Most of the recommended motions of the Advisory Committee are printed in this Report.

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 or petition. The first person signing the petition becomes the “proponent” of the article. That person’s name and the words “and others” will appear in conjunction with the article in the Warrant. The petition signers must include their complete name and address.
- All submitted articles should include the complete text of the proposed article as well as the full name and contact

information of the proponent. The proponent is deemed the knowledgeable representative for the article.

- If you need assistance, please go to Town Hall or the Town web-site (www.hingham-ma.com). Staff can help you by providing samples of an article to use as a model for drafting an article, a copy of the annual report, or past copies of the Warrant. You can also review the Board of Selectmen section of the town website. In addition, the Town Clerk or Town Counsel can help.
- For a Special Town Meeting, citizens may insert an article in the Warrant with at least 100 registered voters signing a petition of support.
- Immediately after insertion of any article in the Warrant for any Annual or Special Town Meeting, the Selectmen forward copies of the article to the Advisory Committee.

When must articles for the Warrant be submitted?

- An article for Hingham's Annual Town Meeting must be submitted to the Board of Selectmen by January 15. The Annual Town Meeting Warrant closes on January 20.
- Any zoning articles must be submitted by December 1.
- A petition for acceptance of a street must be submitted by October 1.
- The selectmen may open the Warrant before Town Meeting to insert additional articles to the extent that they comply with the law and allow sufficient time for compliance with meeting notices and postings.
- The Warrant for a Special Town Meeting closes on the day determined by the Selectmen. Notice of the date is posted at Town Hall.

How Town Meetings Operate

What is the quorum for a Town Meeting?

- A quorum is the minimum number of voters who must be present to conduct business. Hingham requires 300 voters to constitute a quorum at the first session of a Regular or Special Town Meeting. Once convened, the quorum needs to be 200.
- For the second or any subsequent sessions, 200 voters constitutes a quorum. Before calling the meeting to order, the Moderator must determine that a quorum is present. If a quorum of 200 is lacking, the meeting may take no official action except to adjourn to a later time.

Who may attend?

- Any voter registered in Hingham may attend a Town Meeting.
- Persons who are not registered voters of the Town may be admitted to the meeting as guests of the Moderator but may not vote.

Who may speak?

- Any of the town's registered voters may speak at Town Meeting. The Town Moderator will recognize speakers and direct the discussion according to meeting procedures.
- A guest of the meeting may be granted permission to address the meeting at the discretion of the Town Moderator and by a majority vote of the meeting.

Who may vote?

- Any voter registered in Hingham may attend a Town Meeting and vote.

Is the Warrant the agenda?

- Yes, the Warrant generally states the items to be voted. Usually, the Town Meeting considers the Warrant articles in the order they appear. However, the Moderator or a vote of the 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 all of it before starting debate.

How is the budget considered?

- The Advisory Committee provides a report recommending a budget for the coming fiscal year for Town Meeting approval. The report is printed and distributed in the Town Meeting Warrant.
- The chairman of the Advisory Committee moves that the Town Meeting appropriate the money recommended in the Advisory Committee's report. The Moderator then reads each line item and entertains motions to amend the budget article. Voters ask the Moderator to "hold" those items they wish to amend. The town votes on all items that have not been held and then considers and votes on each held item.

How is an article presented?

- A Warrant article states a question asking for the Town Meeting's decision on the matter. A proposed answer to the question is in the form of a "motion," which is usually the recommendation of the Advisory Committee. The first discussion is the "main motion." If the Advisory Committee's recommendation calls for affirmative action under the article, but a voter proposes a different course of action, the Moderator recognizes the Advisory Committee's motion as the main motion, and the voter's motion is received as a "motion to amend." The proposed amendment is debated and voted on first, followed by the Advisory Committee's main motion, as it may have been amended.

How do I vote?

- All votes are taken in the first instance by voice vote. The Moderator asks that all in favor (everyone voting "yes") say "Aye" (which is pronounced "eye"). Then the Moderator asks that all opposed (everyone voting "no") say "Nay." The Moderator listens and decides which side prevailed.
- If the Moderator is in doubt about the results of the vote or if seven (7) voters rise and express doubt as to the result declared by the Moderator, a standing vote is taken, except that a ballot vote is taken (instead of a standing vote) if either the Advisory Committee or fifty (50) voters promptly call for a ballot vote. As a ballot vote takes considerable time, Hingham's practice has been not to request a ballot vote in the absence of compelling reasons.

How do I speak in debate?

- If you wish to speak, raise your hand and wait for the Moderator to acknowledge you. When the Moderator acknowledges you, go to a microphone and state your name and address.
- Speak about the topic being discussed. Don't speak about a previous topic (unless there is a motion to rescind or reconsider).

Are there limits to speaking?

- Each person may speak on any subject for six (6) minutes for the first time and three (3) minutes for the second time. The Moderator has the authority to manage the discussion including how often a speaker addresses the meeting and how many people speak.
- Speakers are expected not to *indulge in personalities* but must confine their remarks to the matter before the meeting. Please make your comments to the Town Meeting, not individual Town Meeting members.
 - For example, do not say, "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 Ms. Jones' argument." Instead, say something

like, “I agree with the argument that we can afford this budget item.”

- 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.

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, the adoption of changes in the town’s zoning bylaw, borrowing money, or authorizing the Board of Selectmen to purchase or take land by eminent domain require a 2/3 vote. The Moderator advises the Town Meeting when a 2/3 vote is required before the vote. If you wish to know ahead of time whether a 2/3 vote is needed, consult the Moderator.

Are the Moderator's rulings final?

- The parliamentary rules that the Moderator follows in the conduct of Town Meeting are based on Town Meeting Notes, standard operating procedures drafted by the Massachusetts Town Moderators Association. In Town Meetings where a Moderator's rulings are appealed, the procedure is as follows:
- A voter makes a point of order. The Moderator rules on the point of order. A voter then says, "I appeal from the ruling of the Moderator/Chair." The appeal requires a second. The Moderator then declares a vote on the question, "Should the decision of the Moderator be reversed?"

What do the following terms mean?

<u>The term...</u>	<u>means...</u>
<i>dismiss an article</i>	<i>defeat it</i>
<i>postpone an article indefinitely</i>	<i>defeat it</i>
<i>take no action on an article</i>	<i>defeat it</i>
<i>lay the question on the table</i>	<i>kill or postpone a measure (depending on the town)</i>
<i>table the question</i>	<i>kill or postpone a measure (depending on the town)</i>
<i>move the previous question</i>	<i>end debate and vote on the issue at hand</i>

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

- Rather than make a motion that the Moderator might need to untangle and decode, stand up and ask the Moderator from the floor how to make a motion to achieve what you want.

How do I call for a vote?

- Raise your hand and seek the attention of the Moderator. When recognized by the Moderator, say “Move the previous question,” which means to call for a vote. Although a voter can move the previous question, the Moderator does not have to receive the motion if he feels that voters still want to speak. A motion to “move the previous question” is not debatable and requires a majority vote.

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 reconsider must occur at the Town Meeting at which the Article has been voted and may not be voted upon at a later session. A motion to reconsider is debatable and no vote may be reconsidered without a two-thirds (2/3) vote on the motion. A vote may not be reconsidered a second time or after a motion to reconsider has failed to pass.
- *A vote to rescind a previous vote* cancels it. A motion to rescind a previous vote usually involves a decision made at a previous Town Meeting. For example, if the 1996 Town Meeting allocated money for the Sewer Commission to build a sewer connection and the money was never spent, the 2009 Town Meeting could vote to rescind the appropriation of that money.

What is the difference among adjourning, recessing, and dissolving?

- *Dissolving* the Town Meeting means that it is over until the next Town Meeting, which must be called by a new

Warrant. If the Town Meeting has not dissolved, but is taking a break, and will resume on the same day, it has *recessed*.

- “*Adjourning*” is an imprecise word. It sometimes refers to “dissolving,” sometimes “recessing,” and sometimes to the Town Meeting resuming 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?

- Go to your local library. Ask to see the 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.
- You can also look on-line including the Massachusetts Secretary of State’s office <http://www.sec.state.ma.us/cis/cistwn/twnidx.htm> and Massachusetts Trial Court Law Library at <http://www.lawlib.state.ma.us/subject/about/townmeetin g.html>

Where do I get my town's bylaws?

- The town's bylaws are on the town website at www.hingham-ma.com/townclerk/
- You can call the Town Clerk's office. When you ask for the bylaws, also ask whether the Massachusetts Legislature has passed any law that applies specifically to Hingham or if Hingham has accepted any specific Massachusetts General Laws.

Should I check my town's website?

- Yes! www.hingham-ma.com Hingham's website contains the Warrant, minutes of past Town Meetings, notices of Special Town Meetings, and a primer, such as this one.