

TOWN OF MILFORD
Milford, Massachusetts

NOTICE OF MEETING

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Board, Commission, or Committee **Town Meeting Study and Improvement Committee**

Date and Time of Meeting **Monday, December 21, 2020, via Teleconference at 7:00 P.M.**

Place of Meeting: *Pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, G.L. c. 30A sec. 18, and the Governor's March 15, 2020 Order concerning imposition of strict limitations on the number of people that may gather in one place, this meeting is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provide for in the order. The audio recording of the meeting (minutes) will be posted on the Town website after the conclusion of the meeting.*

*Notice: Members of the public who would like the Committee to address questions, concerns or ideas are advised to email the Committee in advance of the meeting at tmsic@townofmilford.com
Thank you!*

Matters Anticipated being subject of discussion:

AGENDA

1. Approve the previous meeting minutes
2. Communications from the Public
3. Milford Town Meeting Procedural Guide – draft of 12-15-2020

Reno DeLuzio

Reno DeLuzio, Chairman

Dated: 11/16/2020

The listing of matters above are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

**Milford Town Meeting
Procedural Guide
(DRAFT OF 12-15-2020)**



Town Meeting Study and Improvement Committee

Milford Town Meeting Procedural Guide

Prepared by: Town Meeting Study and Improvement Committee
Fall 2020

Introduction

This guide has been developed to present useful information to Town Meeting members and registered voters who attend town meetings. By providing this guide, we hope to educate new and existing members on how town meeting works, and therefore encourage increased attendance and participation.

Sections in this procedural guide.

Purpose: explains what town meeting is and what the participants of town meeting decide.

Participants: explains who takes part in town meeting and what roles they play.

Town Meeting Agenda: outlines the typical agenda of town meeting, with details on the rules for each procedural step.

Glossary of Financial Terms: provides concise definitions of financial terms used by the Finance Committee.

Copies of this Procedural Guide can be obtained on the town website at <http://www.milfordma.gov/> or at the Town Clerk's office in the Milford Town Hall.

Purpose

An act passed by the General Court in 1933 established in the town of Milford a representative town government by limited town meeting.¹ The Town Meeting members act as the town's legislative body and deliberate on wide variety of matters including:

- the type of programs and services that town government offers;
- the amount that the town will spend annually on services including police, fire, education, and a myriad of other activities;
- by-laws and other rules and regulations including state enabling legislation; and,
- other items that impact the quality of life in town.

Every town meeting is called pursuant to a warrant. The warrant must state the time and place of holding the meetings and the subjects (articles) to be acted upon, and no action at a town meeting is valid unless the subject matter is contained in the warrant. This requirement does not mean that the warrant must contain verbatim the language of the votes to be taken, but the warrant must contain a sufficient description of what is proposed so as to constitute an adequate warning to all inhabitants of the town. Every action taken at the meeting must be pursuant to some article in the warrant, and must be within the scope of such article.²

All articles in the warrant for any town meeting are acted upon and determined exclusively by Town Meeting members.³

When reviewing a warrant for a town meeting, Town Meeting members will note that the sponsor of an article is listed parenthetically, for example, if town related (Personnel Board) or (Highway Surveyor) or if by registered voters of the town (Jane Doe, et al.).

Town Meeting members must receive a copy of the warrant by first class mail at least seven (7) days before such meetings.⁴

¹ Town of Milford, Act Establishing Representative Town Meetings, Section 14

² *Town Meeting Time* §§ 4 and 28 and Mass. Gen. Laws c. 39, § 10

³ Town of Milford, Act Establishing Representative Town Meetings, Section 5

⁴ Town of Milford, Act Establishing Representative Town Meetings, Section 3

Participants

*Town Meeting Members*⁵

There are two classes of members – elected members and members at large. The town of Milford is currently divided into eight precincts, and each precinct is represented by thirty elected members. There are twenty-seven members at large. Town Meeting members must sit in their designated precincts or area and can

- make motions;
- propose amendments;
- participate in debate; and
- vote.

The representative town meeting may make such rules consistent with general law as may be considered necessary for conducting its meetings.

The Town Meeting members, elected and at large, are the judges of the election and qualifications of their members.

*Town Moderator*⁶

The Moderator's role is to preside over town meetings. The Moderator directs the flow of the proceedings by calling for motions, directing discussion, deciding all questions of order, administering votes, and declaring vote results. The Moderator conducts the proceedings by following applicable Massachusetts General Laws; the Act Establishing Representative Town Meeting; the Standing Votes of the Town Meeting – Town Meeting Rules; customs and traditions; and, unofficially, the rules and practices contained in *Town Meeting Time: A Handbook of Parliamentary Law*.

No person addresses the meeting without leave of the Moderator, and all persons at the request of the Moderator must be silent. If a person, after warning from the Moderator, persists in disorderly behavior, the Moderator may order that person to voluntarily withdraw from the meeting, and, if that person does not withdraw, may order a constable or any other person to remove and confine that person in some convenient place until the meeting is adjourned.

The Moderator may speak in debate; however, the Moderator should step down and let some else preside while addressing the meeting, unless the relevant and significant information to impart to the meeting is of a thoroughly objective nature.¹⁴

As a member at large, the Moderator may also vote in a meeting.

If a Moderator is absent, a Moderator pro tempore may be elected by the Town Meeting members.

Prior to the commencement of a town meeting, the Moderator appoints Monitors for each precinct and the membership at large, and the Monitors serve in that capacity until the warrant for that meeting is dissolved. In the event of the absence of any such Monitor from any session of a town meeting, the Moderator shall appoint an acting Monitor to act in place of the absent Monitor.

Town Moderator is an elected position whose term of office is three (3) years.

*Monitors*⁷

The Monitors are responsible for

- taking the attendance from a list provided by the Town Clerk of their respective precincts and members at large by roll call for purposes of determining the presence of a quorum and filing said list with the Town Clerk;
- record the presence of Town Meeting members, from a second list provided by the Town Clerk, who arrive at the meeting after the "quorum" list has been filed and file the second attendance list at the end of each town meeting session;

⁵ Town of Milford, Act Establishing Representative Town Meetings, Sections 1, 2, 3, and 10

⁶ Mass. Gen. Laws c. 39, §§15 and 17; Town Meeting Time §6; Town of Milford, Act Establishing Representative Town Meetings, Section 6; Mass. Gen. Laws c. 43A, §8; and Town of Milford, Rules and Regulations Governing Town, Standing Votes of the Town Meeting - Town Meeting Rules Section 1.1

⁷ Town of Milford, Rules and Regulations Governing Town, Standing Votes of the Town Meeting - Town Meeting Rules Sections 1.2, 1.3, 1.4 and 2, and *Town Meeting Time* §13

- counting and reporting the number of affirmative and negative votes when the Moderator calls for a standing vote; and
- issuing and collecting ballot votes.

*Town Clerk*⁸

The Town Clerk's role is to administer the attendance lists provided to the Monitors, take minutes of the meeting, record all votes, and verify all motions and reports submitted during the meeting. The Town Clerk is responsible for filing meeting minutes and results of the meeting with the Attorney General's office.

The Town Clerk, at the close of each session of the Town Meeting, compiles from the lists provided by the Monitors an attendance record of the representative Town Meeting members for that session. Such attendance record must be made available, by the Town Clerk, for public inspection not later than two working days after the date on which said sessions were adjourned.

After election of Town Meeting members, the Town Clerk notifies each such member by mail of their election. The Town Clerk is also responsible for notifying the Town Meeting members of the time and place at which town meetings are to be held, the warrant to be sent by mail at least seven (7) days prior to a town meeting.

The Town Clerk presides at every town meeting until a Moderator or Moderator pro tempore is elected.

Town Clerk is an elected position whose term of office is three (3) years.

*Finance Committee*⁹

The Finance Committee is an advisory board established by Town Meeting that considers matters relating to the appropriation and expenditure of money by the Town, its indebtedness, the administration of its various departments, property valuations and assessments, and other municipal affairs of the Town.

The Finance Committee must submit a budget at the Annual Town Meeting.

The Finance Committee publishes a report of its recommendations on the Articles for a town meeting Warrant. These recommendations are purely advisory. The Finance Committee can make recommendations on all the Articles in a Warrant; however, by tradition, the Finance Committee limits its recommendations on Articles that have a direct impact on the Town's finances. The Finance Committee's report is included in the mailing of the Warrant.

The Finance Committee is a fifteen-member board appointed by the Board of Selectmen. Each member's term of office is three years.

*Town Counsel*¹⁰

The Town Counsel prepares and reviews warrants for town meetings, as well as preparing the main motions for articles sponsored by Town boards and officers. Also, Town Counsel answers legal questions that may be directed to him or her on town meeting floor. The Moderator may consult Town Counsel on a procedural ruling but is not bound by his opinion.

The Town Counsel is appointed by the Board of Selectmen to serve a three-year term of office.

*Board of Selectmen*¹¹

The Selectmen are the Town's executive officers. The Board of Selectmen sets the place, date, and time of all town meetings, and prepare and issue the warrant pursuant to which these meetings are called.

The town of Milford must have one (1) Annual Town Meeting each year. The Annual Town Meeting is usually scheduled in May; however, it must conclude by June 30th (the end of the fiscal year). At the Annual Town Meeting, the Town Meeting members are asked to approve the town's annual operating budget.

⁸ Town of Milford, Rules and Regulations Governing Town, Standing Votes of the Town Meeting - Town Meeting Rules Section 1.2; Mass. Gen. Laws c. 39, §15 and c. 41, §15; Town of Milford, Rules and Regulations Governing Town, Standing Votes of the Town Meeting - Town Meeting Rules Section 1.5; Town of Milford, Act Establishing Representative Town Meetings, Sections 2 and 3, and Town of Milford, Rules and Regulations Governing Town, Notice of Town Meetings; Mass. Gen. Laws c. 39, §14

⁹ Town of Milford, General By-laws, Article 2, §4; Mass. Gen. Laws c. 39, §10; and *Town Meeting Time* §10

¹⁰ Town of Milford, General By-laws, Article 3A, §3(f) and *Town Meeting Time* §9

¹¹ *Town Meeting Time* §§4 and 8; Mass. Gen. Laws c. 39, §§9-12; and Town of Milford, Rules and Regulations Governing Town, Standing Votes of the Town Meeting - Town Meeting Rules Section 1.6

Town Meeting members may also be called to any number of Special Town Meetings. Traditionally, the Board calls for a Special Town Meeting in October to address the capital expenditures of the town.

Also, a Special Town Meeting may be called upon request in writing of two hundred registered voters of the town. Such a meeting must be held not later than forty-five (45) days after the receipt of the request; furthermore, the articles for that warrant are limited to the requests of the petition.

The warrant is usually issued by the Board, and they insert articles either on their own motion or upon the written request of a specified minimum number of registered voters of the town, filed before the Board “close” the warrant. An article sponsored by registered voters of the town for the Annual Town Meeting requires ten (10) signatures; and such an article for a Special Town Meeting called by the Board requires an hundred (100) signatures.

The Board of Selectmen causes each attendance record of a town meeting session, compiled by the Town Clerk, to be published in the Annual Town Report, and otherwise cause such record to be distributed to the public as the Board of Selectmen determines to be appropriate.

The Board of Selectman is a three-member elected board. Each member’s term of office is three (3) years.

*Planning Board*¹²

The Planning Board makes careful studies of the resources, possibilities and needs of the Town, particularly with respect to conditions injurious to the public health or otherwise in and about rented dwellings, and make plans for the development of the municipality, with special reference to proper housing of its inhabitants.

The Planning Board must conduct public hearings prior to town meeting consideration of any zoning articles. At town meetings, the Planning Board gives reports on articles pertaining to the acceptance of streets as town ways and articles on zone changes and revisions to the Zoning By-law.

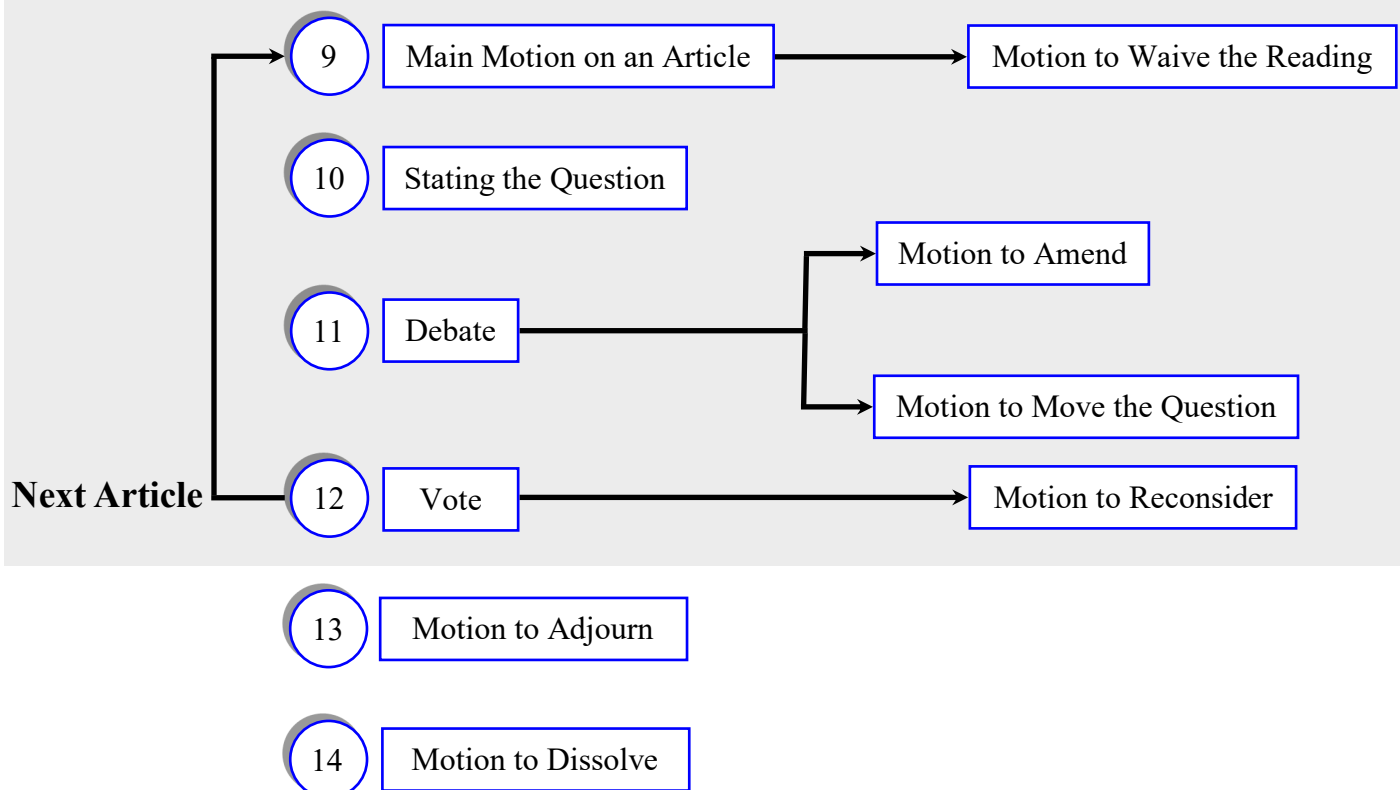
The Planning Board is a five-member elected board. Each member’s term of office is three (3) years.

¹² Mass. Gen. Laws c. 41, §70 and c. 40A, §5

Town Meeting Agenda

- 1 Quorum and Call to Order
- 2 The Pledge of Allegiance and the National Anthem
- 3 Swearing in New Members
- 4 The Warrant and the Return of Service
- 5 Distinguished Visitors
- 6 Complimentary Resolutions
- 7 Meeting Instructions
- 8 Reports of Committees, Boards and Town Officers

Warrant Articles



Town Meeting Agenda

1 Quorum and Call to Order¹³

The Annual Town Meeting and any of its adjourned sessions must commence by 7:00 p.m. By policy, the Board of Selectmen have adopted the same commencement time for any Special Town Meeting and its adjourned sessions. Town Meeting sessions are generally scheduled to be held on a Monday and Wednesday.

All Town Meeting members, elected and at large, assemble, at their respective areas so that the Monitors may take attendance by roll call. To start the meeting, the Moderator must confirm that a quorum is present. A majority of the Town Meeting members present constitutes a quorum for doing business, that is, to act on the articles in the warrant. In the event that a quorum is not present, the Moderator may temporarily recess to allow more members to arrive. If the lack of a quorum persists, then the meeting must adjourn to another date and time.

The Moderator confirms with the Town Clerk that a quorum is present and calls the meeting to order.

2 The Pledge of Allegiance and the National Anthem¹⁴

Immediately after the call to order at the opening session of any town meeting, the Moderator asks all present to rise and recite the Pledge of Allegiance to the United States of America. At the discretion of the Moderator, a choir may be invited to sing the National Anthem at the opening session of the Annual Town or October Special Town Meeting.

No obligation or requirement can be imposed upon any individual Town Meeting member or other person present to participate in any way if they desire not to do so.

3 Swearing in New Members¹⁵

At the Annual Town Meeting, the Moderator directs the Town Clerk to swear in newly elected members and newly appointed at large members. At Special Town Meetings, after a member vacancy has been filled by a special meeting of the respective precinct(s), the Town Clerk conducts a swearing in ceremony before the Moderator confirms a quorum is present.

4 The Warrant and the Return of Service¹⁶

The Moderator requests that the Town Clerk read the warrant and officer's return of service. A member of the Board of Selectmen moves to waive the reading of the articles. After the motion is accepted by the Town Meeting members, the Town Clerk reads the constable's report that lawfully attested copies of the warrant have been posted at least seven (7) days before the town meeting in ten (10) or more public places in the town of Milford, that is, that the warrant has been properly executed.

The warrant and the return of service must become part of the record of the meeting.

5 Distinguished Visitors¹⁷

The Moderator may wish to make known guests to the meeting. Typical guests would be a local scout troop or students seated in the gallery to observe democracy in action. The Moderator may also request, with the unanimous consent of the members, that a guest be allowed to sit in the area designated for members.

6 Complimentary Resolutions¹⁸

The Moderator asks if the Board of Selectmen have any resolutions to offer to express the Town's appreciation of some achievement

¹³ Town of Milford, General By-laws, Article 1 amended Annual Town Meeting May 14, 2018; Town of Milford, Rules and Regulations Governing Town, Standing Votes of the Town Meeting - Town Meeting Rules Section 1.2; Town of Milford, Act Establishing Representative Town Meetings, Section 3; and Mass. Gen. Laws c. 43A, §5

¹⁴ Town of Milford, Rules and Regulations Governing Town, Standing Vote of the Town Meeting - Town Meeting Rule adopted Special Town Meeting October 15, 2018

¹⁵ Customary practice of Milford Town Meeting; *Town Meeting Time* §16.2; and Town of Milford, Act Establishing Representative Town Meetings, Section 7

¹⁶ Customary practice of Milford Town Meeting; *Town Meeting Time* §16.1; Mass. Gen. Laws c. 39, § 10; and Town of Milford, Rules and Regulations Governing Town, Notice of Town Meetings

¹⁷ *Town Meeting Time* §16.4 and customary practice of Milford Town Meeting (see minutes of Annual Town Meeting May 20, 2013)

¹⁸ Customary practice of Milford Town Meeting and *Town Meeting Time* §16.5

or service on the part of a citizen, or sympathy on a death.

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Meeting Instructions¹⁹

The Moderator takes a few minutes to explain some basic rules and procedures, such as

- what are the meets and bounds of the meeting, in other words, the areas designated, respectively, for Town Meeting members and the public
- how to be recognized by the Moderator: by rising in place and exclaiming “Mr. or Madam Moderator” until recognized, or by standing in one of the two lines at the head of the two main aisles
- who can speak at town meeting: members; registered voters in the town of Milford; and others only with the unanimous consent of the Town Meeting members
- only Town Meeting members may make motions and vote on motions
- limitations on a speaker’s time

Often times, the Moderator explains procedural rules as they are encountered during the meeting, such as

- dispensing with a mandatory 2/3 standing vote count if a voice vote appears to be unanimous because no member has spoken in opposition to a main motion on an article; and
- a majority vote to continue a town meeting session after 10:00 p.m.

8

Reports of Committees, Boards and Town Officers

Committees, boards and town officers can, respectively, give a report to the town meeting under Article 1 of the Annual Town Meeting warrant. By custom, the Moderator allows for the same at Special Town Meetings even if the warrant does not contain a specific article for the hearing and acceptance of reports.

The Handling of a Motion²⁰

Ordinarily, there are six essential steps by which a motion is handled—three by which a motion is *brought before a meeting*, and three in the *consideration* of the motion. In most instances, an individual cannot interrupt a speaker to make a motion.

How a Motion is Brought before Town Meeting

1. A Town Meeting members “makes” the motion by stating, “*I move that...*”
2. The Town Meeting member “seconds” the motion.²¹
3. The Moderator “states the question on the motion” by stating, “*Motion’s been made and seconded that...*” and repeats the exact motion that the maker has made and indicates that it is open to debate by stating, “*Does any voter care to be heard?*”

The Consideration of a Motion

1. Town Meeting members “debate” the motion.
2. The Moderator “puts the question” (that is, puts the motion to a vote). This happens when no Town Meeting member rises to be recognized after the Moderator inquires, “*Does any other voter care to be heard?*” The Moderator further states, “*If not, then the question comes upon the motion to...*” and proceeds to poll the members on the motion by a voice or standing vote.
3. The Moderator “announces the result” of the vote, that is whether the motion was “*carried*” or “*defeated*.”

¹⁹ Customary practice of Milford Town Meeting; *Town Meeting Time* §14; Town of Milford, Act Establishing Representative Town Meetings, Section 5; Town of Milford, Rules and Regulations Governing Town, Standing Vote of the Town Meeting - Town Meeting Rule adopted May 14, 2018; and Mass. Gen. Laws c. 39, §15

²⁰ *Robert’s Rules of Order* §4

²¹ Customary practice of Milford Town Meeting is not to second a motion. The only exception to this practice is to second a nomination for a Moderator pro tempore.

Warrant Articles

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Main Motion on an Article²¹

The Moderator announces the article number under consideration. The sponsor of the article should rise and exclaim, “*Mr. or Madam Moderator.*” in order to be recognized. Once recognized by the Moderator, the sponsor should proceed to the podium, give copies of the main motion to the Town Clerk and Moderator, and then address the body by making the main motion on the article. The form of address used should be as follows:

“*Mr. Moderator.* [Sponsor states name and status as a member (precinct number or at large)] *I move that the Town vote to* [continues reading the main motion].”

While the article gives a sufficient description of what is proposed so as to constitute an adequate warning to all inhabitants of the town, the main motion provides the specific details to be voted on and must be within the scope of the article. For example,

Warrant article: To see if the Town will vote to amend the pay rates for Milford Water Department employees as set under Article 8 of the October 30, 2017 Special Town Meeting, or take any other or take any other action in relation thereto.

(Board of Selectmen)

Main motion: “I move that the Town vote to amend the pay rates for the Milford Water Department employees as set forth under Article 8 of the October 30, 2017 Special Town Meeting by increasing each pay rate thereunder by two (2.0%) percent, otherwise the vote under said Article 8 to remain in full force and effect.”

Conversely to the above, the sponsor may make a motion to “*pass over the article.*” This is an attempt to take no action on an article, in other words not to bring the article before the meeting for debate and a vote. This main motion is debatable. For the benefit of the Town Meeting members, the sponsor should give a short explanation for why no action is being taken.

Motion to Waive the Reading²²

For articles and main motions with more wording, the customary practice is to waive or dispense with the reading of the complete motion. The form used should be as follows:

Sponsor: “*Mr. Moderator.* [Sponsor states name and status as a member (precinct number or at large)] *I move that the Town vote to* [reads the preamble of the main motion].”

Town Counsel: “*Mr. or Madam Moderator.*”

Moderator: “*Town Counsel.*”

Town Counsel: “*I move that we waive the reading of the remainder of the motion if it is exactly as appears in the Warrant.*”

Moderator: “*Motion’s been made and second that we waive the reading of the remainder of the motion if it is exactly as appears in the Warrant. Is it the same,* [name of sponsor]?”

Sponsor: “*Yes, it is.*”

Moderator: “*It is. Any voter cared to be heard on the motion to dispense?*”

If no voter rises to be recognized, then the Moderator will proceed to a voice vote, which is usually carried unanimously [See (12) Vote]. At this point the question on the main motion has been stated, and the Moderator will ask for the recommendation of the Finance Committee on the main motion [See (10) Stating the Question].

10

Stating the Question²³

The Moderator does not ask for a second on the motion, but proceeds to state the question on the main motion by stating, “*Motion’s been made and seconded that...*” and repeats the exact main motion that the sponsor has made. The Moderator will then ask for the recommendation of the Finance Committee.

If the main motion under question has a direct financial impact on the town, the spokesperson for the Finance Committee should respond, “*Favorable.*” or “*Unfavorable.*” For all other main motions, the response should be “*Refer to sponsor.*” The Moderator repeats the recommendation to ensure that the entire meeting hears the recommendation.

²¹ *Town Meeting Time* §§28 and 30 and Town of Milford, Rules and Regulations Governing Town, Standing Votes of the Town Meeting - Town Meeting Rules Section 3

²² Customary practice of Milford Town Meeting

²³ Customary practice of Milford Town Meeting

If the main motion under consideration involves a zoning change, Zoning By-law, or street acceptance, the Moderator will inquire if the Planning Board has a report or recommendation. The Moderator will allow the spokesperson for the Planning Board to give their report or recommendation, and repeat the recommendation to ensure that the meeting hears the recommendation.

The Moderator will open debate on the question by asking if “*Any voter cares to be heard?*”, and gives preference to the sponsor to speak first.

11

Debate²⁴

The sponsor of an article is allowed to speak first in debate. The sponsor, whether an individual or several, is allowed ten (10) minutes for a presentation. A 2/3 majority vote is needed to extend a presentation for another 10-minute period.

Following the sponsor’s presentation, the Moderator opens the floor for additional debate by stating, “*Does any other voter care to be heard?*”

Town Meeting members may by rise in place and exclaim “*Mr. or Madam Moderator.*”, or stand in one of the two lines at the head of the two main aisles to be recognized by the Moderator.

Once recognized, the speaker should proceed to the podium in order to address the meeting. The following form of address should be used if speaking in favor of the main motion:

Voter: “*Mr. Moderator*, [Speaker states name and status as a member (precinct number or at large); or name and address if a registered voter of the town] *I rise to speak in favor of the motion* [continue by giving reasons for].”

Or, the following form should be used if speaking against the main motion:

Voter: “*Mr. Moderator*, [states name and precinct number or member at large status; or name and address if a registered voter of the town] *I rise to speak in opposition to the motion* [continue by giving reasons against].”

No person addressing town meeting on a main motion for the first time shall speak for more than five (5) minutes and subsequent statements or presentations by the same person shall not exceed three (3) minutes each nor exceed three (3) in number. A 2/3 majority vote is needed to extend a person’s speaking time in duration or number.

If a speaker is not a registered voter of the town, the unanimous consent of the Town Meeting members is required for that individual to address town meeting. If any Town Meeting member objects, then the Moderator will call for a recess to allow the objecting party to temporarily leave the meeting floor, before allowing that individual to address town meeting.

Furthermore, a speaker’s concise response to a question directed to him through the Moderator shall not be considered a speech for purposes of calculating the amount of time used in speaking.

With respect to the asking of questions, town meeting is a deliberative assembly and should not devolve into a question and answer session. However, if a speaker has a question on the merits or content of the main motion, it must be asked through the Moderator. The Moderator will then refer the question to the sponsor or maker of the motion. Please be advised that the sponsor is under no obligation to answer the question.

Decorum in Debate

- Town meeting members should confine their comments to the merits or content of the motion in question.
- Discourse should be civil in tone and manner at all times.
- Town Meeting members, registered voters, and any other individual should only address the Moderator, and not another individual.
- No one is to speak impertinently or beside the question, superfluously or tediously.
- No person is to use indecent language against the proceedings of the meeting, and no vote already passed is to be reflected on by anyone.
- No one is to disturb another during a speech except for a point of order or question of privilege.

²⁴ Town of Milford, Rules and Regulations Governing Town, Standing Vote of the Town Meeting - Town Meeting Rule adopted Annual Town Meeting May 14, 2018; *Town Meeting Time* §§6, 14, and 62

Motion to Amend²⁵

During debate, only Town Meeting members can make a motion to amend a main motion on an article. The maker of the motion to amend should rise and exclaim, “*Mr. or Madam Moderator.*”, or stand in one of the two lines at the head of the two main aisles in order to be recognized by the Moderator. Once recognized, the member should proceed to the podium and give copies of the motion to amend to the Town Clerk and Moderator.

The Moderator will declare a motion to amend out of order if the maker does not provide copies of the amendment. Copies of the motion to amend are necessary for the Moderator to properly state the question, and for the Town Clerk to keep an accurate record of the proceedings of town meeting. The Moderator will review the motion to see if the content of the motion are in order. A motion to amend follows the same rule as a motion for a warrant article—it must be within the scope of the article.

The form of address used by the Town Meeting member making the motion to amend should be as follows:

“*Mr. Moderator.* [Maker states name and status as a member (precinct number or at large)] *I move that the Town vote to amend the main motion by* [continues reading the changes to the main motion].”

The amendment may consist of adding, deleting or substituting words in the main motion to be amended.

The Moderator will state question by repeating the amendment to the motion verbatim, and asks if “*Any voter care to be heard on the motion to amend?*”, before giving preference to the maker of the motion to speak first. Following the maker’s presentation on the motion to amend, the Moderator opens the floor for additional debate by stating, “*Does any other voter care to be heard?*” After proper recognition by the Moderator, other voters can speak and should limit their comments to the merits of the amendment. However, since it is not always easy to impose a strict limit, the Moderator may permit debate on the merits of the main motion as well.

When debate is concluded, the Moderator will call for a vote on the motion to amend the main motion [see (12) Vote]. If the motion to amend is carried, then debate will continue on the main motion when the Moderator declares, “*Does any other voter care to be heard on the main motion as amended?*”

Conversely, if the motion to amend the main motion is defeated, then debate will continue on the main motion when the Moderator declares, “*Does any other voter care to be heard on the main motion as originally presented?*”

Debate continues as explained in (11) Debate, before proceeding to (12) Vote.

Additional Information

An amendment to a motion can also be amended. Given this fact, it can get confusing if there are too many amendments on the floor at one time. Therefore, amendments are limited to two (2) amendments at any given time, with only one (1) at a time allowed on the main motion.

Motion to Move the Question²⁶

A Town Meeting member has the right after hearing debate on a main motion to call for a vote on the question. A Town Meeting member can make the motion from the floor, but must be recognized by the Moderator in order to move a question. If a member exclaims “*Move the question*” or “*Move the previous question*” or “*Call the question*” without being recognized, the motion will be ruled out of order and disregarded.

The form of address used by a Town Meeting member making a motion to move the question should be as follows:

“*Mr. Moderator.* [Maker states name and status as a member (precinct number or at large)] *I move the previous question.*”

The maker of the motion should refrain from commenting on the merits of the pending motion. The effect of a contrary rule would be to permit a speaker to state an opinion while attempting to prevent others from stating theirs.

The Moderator states the question as follows: “*Motion’s been made and seconded to move the previous question in an attempt to shut off debate. It is not debatable and requires a two-thirds majority vote.*” The Moderator will usually poll the Town Meeting members by a standing vote. [See (12) Vote.]

If the motion to move the question is carried, a vote on the main motion is held without delay. If the motion is defeated, then debate on the main motion continues.

²⁵ Customary practice of Milford Town Meeting and *Town Meeting Time* §40

²⁶ *Town Meeting Time* §44

When no Town Meeting member rises to be recognized after the Moderator inquires, “*Does any other voter care to be heard?*”, then the Moderator will put the motion to a vote by stating, “*If not, then the question comes upon the motion.*” This statement by the Moderator ends debate on the motion.

The vote required to pass a main motion depends on substantive law. As a rule it is a majority of those present and voting, but there are many instances in which a statute requires some other proportion, most commonly two-thirds. Votes are taken by voice, standing or ballot.

The Moderator will:

- indicate what percentage of votes are needed to pass the main motion, and
- make a decision on whether to take a voice vote or standing vote.

Town meeting members can request an alternate method of voting by making a motion to “Fix the Method of Voting” – see **Additional Motions**.

Only Town Meeting members may request a vote by ballot.

Voice Vote

1. The Moderator will ask for, “*All those in favor [of the motion], manifest by saying ‘Aye.’*” Town meeting members who wish to vote in favor of the motion will vote by saying “*Aye*”.
2. The Moderator will then ask for, “*All those opposed [to the motion], manifest by saying ‘No’.*” Town meeting members who wish to vote against the motion will vote by saying “*No*”.
3. The Moderator will then declare the decision of the vote by stating, “*The motion is carried.*”, or “*The motion is defeated.*”
4. If a voice vote is immediately questioned by seven or more Town Meeting members, the Moderator must verify the vote through a standing vote. To doubt the vote, a member should rise and exclaim, “*Mr. Moderator, I doubt the vote.*” The member and any other member who rises and doubts the vote should remain standing until their names and precinct numbers or at large status are verified by the Town Clerk.
5. If the Moderator is unsure or in doubt of which way to declare a voice vote, he or she may simply state that “*the chair is in doubt,*” and order a standing vote.

Standing Vote

1. The Moderator will ask for, “*All those in favor of the motion, rise and remain standing until counted by the Monitors.*” The Monitors will then count those voters standing in the affirmative for their respective precincts and members at large.
2. The Moderator will ask for, “*All those opposed to the motion, rise and remain standing until counted by the Monitors.*” The Monitors will then count those voters standing in the affirmative for their respective precincts and members at large.
3. The Moderator will then poll the individual Monitors, who will declare the number of voters “*in favor*” and “*opposed*” to the motion.
4. The Moderator will verify the results with the Town Clerk, and then declare the results with respect to the total number of voters “*in favor*” and “*opposed*”, and whether the motion is “*carried*” or “*defeated*”. If the vote requires a 2/3 majority, the Moderator will indicate if this threshold has been met by stating, “*the necessary two-thirds has been [or not been] acquired.*”
5. The results of a standing vote cannot be doubted.

Ballot Vote

A vote by ballot is a method of voting that is usually requested when there is a very controversial motion and complete anonymity is desired on the way Town Meeting members cast their vote. The use of a vote by ballot requires a two thirds (2/3) vote of the Town Meeting members present and voting thereon.

If the motion to vote by ballot is passed the attendance or check list will be used in the following manner:

- The monitor of each precinct and of the delegates at large shall furnish the members of his division with ballots;
- as each ballot is deposited the voter’s name shall be checked by the monitors;
- when all have voted who wish to do so, the monitor shall deliver the ballots to a committee appointed by the Moderator;
- said ballots shall be deposited in one receptacle and thereupon said committee shall proceed to sort and count the ballots and report the accumulated result to the Town Clerk.

²⁷ Mass. Gen. Laws c. 39, §15; *Town Meeting Time* §§ 27 and 67; and Town of Milford, Rules and Regulations Governing Town, Standing Votes of the Town Meeting - Town Meeting Rules Section 2

The Town Clerk will convey the results to the Moderator, who will then declare the results as stipulated above in Standing Vote 4.

This rule shall not be altered, suspended or repealed except by a vote taken by ballot.

Motion to Reconsider²⁸

After proper recognition by the Moderator, a Town Meeting member may move to reconsider an article that has already been voted on. Reconsideration is a vote to give further reflection, renewed attention, and more careful deliberation to the action to be reconsidered. It involves temporary postponement of final action and, if the motion is carried, a new vote on the original question after more mature deliberation. What may be the result of that new vote, whether affirmative, negative, or different, as compared with the earlier vote depends on the judgment of the Town Meeting members when it is taken. Therefore, the original motion is still pending and awaiting a new vote.

The form of address used by the Town Meeting member making the motion to reconsider should be as follows:

“Mr. Moderator. [Maker states name and status as a member (precinct number or at large)] I move that the Town vote to reconsider Article 6.

The Moderator will state the question and allow the maker to state the reasons for reconsideration. In the absence of some compelling circumstance to justify considering the article anew, the Moderator may rule the motion out of order.

Reconsideration of any motion or article or any amendment to any motion or article will be allowed if:

- The first motion for reconsideration is approved by a majority vote of the members present.
- The second motion for reconsideration is approved by a two-thirds (2/3) majority vote of the members present.
- The third motion for reconsideration is approved by a two-thirds (2/3) majority vote of the members present and said third motion for reconsideration be allowed for vote at a time after all other articles in the warrant have been acted upon.

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Motion to Adjourn²⁹

If the business of the town meeting cannot be completed during one session or if there is a need to recess, a motion to adjourn until another day/time will be made.

Debate on a motion introduced before 10:00 P.M. shall continue to the motion’s disposition. After 10:00 P.M., and in the absence of a majority vote of Town Meeting so permitting, no motion under any article other than the article than under debate may be made.

Absent a majority vote to continue, after 10:00 p.m. a town meeting session must adjourn to another day and time. A meeting session thus adjourned will typically resume on the Wednesday of that week.

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Motion to Dissolve³⁰

When all of the articles in the warrant have been acted upon, a motion to dissolve the town meeting is in order. A motion to dissolve the meeting is not in order as long as any article in the town warrant has not been acted upon, in other words a main motion on an article was “*carried*” or “*defeated*”, or an article “*was passed over*”.

The form used by a Town Meeting member from the floor is “*Mr. Moderator, [Maker states name and status as a member (precinct number or at large)] I move that we dissolve the warrant.*”

When the motion is put to a vote and passed, the Moderator will declare the meeting dissolved.

²⁸ Customary practice of Milford Town Meeting; *Town Meeting Time* §§ 31 and 37; and Town of Milford, Rules and Regulations Governing Town, Standing Votes of the Town Meeting - Town Meeting Rules Section 4

²⁹ *Town Meeting Time* §60 and Town of Milford, Rules and Regulations Governing Town, Standing Vote of the Town Meeting - Town Meeting Rule adopted Annual Town Meeting May 14, 2018

³⁰ *Town Meeting Time* §61