

TOWN MEETING PROCEDURE

Priority shall be given to Registered Voters of the Town for admission to all Town Meetings, whether annual or special meetings

1. Prior to admission to the hall, persons desiring admittance shall check in with the Registrars of Voters who shall be present at the main entrance with Voter Registration Lists.

2. Voters who desire to have a non-voter present to speak on any article of which they may have special knowledge or expertise or resident non-voters who wish to speak on any article must request the Moderator in writing at least 7 days prior to the meeting that the non-voter be allowed to be present and briefly state the subject matter and article to which the non-voter desires to address the meeting. If the Moderator allows the non-voter to be present for the purpose of speaking, he shall so inform the Registrar of Voters.

3. The Registrar of Voters shall admit to the meeting all duly registered voters of the Town and all persons who the Moderator has informed them to admit.

4. Five minutes prior to the time the meeting is scheduled to begin, if there are sufficient seats for the registered voters present, plus an adequate reserve for later arriving voters, the Registrar may admit non-voters. Admitted non-voters shall not mingle with registered voters, and shall be seated in an area distinguishable from the remainder of the meeting and so that the Tellers (vote counters) and Moderator can easily determine those who have a right to vote and those who do not.

5. Non-voters admitted to a Town Meeting shall not address the Meeting without the permission of the Moderator and shall make no remarks or comments during debate or participate in voting.

The Moderator retains the right to have any voter or non-voter removed from the Meeting, in accordance with the provisions of Massachusetts General Laws.

Unless brought forward or deferred by the Moderator each article in the Warrant shall be taken up in the order in which it appears on the Warrant, unless otherwise voted by the Meeting.

After any action, except to postpone to a certain time, has been taken on the subject matter of any article in the warrant such article shall be deemed to be closed and no further action thereon, except after the adoption of a motion to reconsider, shall be taken.

The Moderator is charged with control of the Town Meeting.

The General Laws Chapter 39, Section 15: The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. The Moderator recognizes speakers from the floor, and while they are speaking, allows no interruptions except when a point of order is raised.

When a voter wishes to speak he may rise, say, "Mr. Moderator," and wait for recognition. Then, Standing, he should give his name. The voter may continue with due regard to reasonable brevity, as long as he speaks directly to the question under discussion.

MOTIONS

MAIN MOTIONS

The Advisory Board will be recognized first for the Main Motion on all articles. Any person wishing to make a substitute motion or an amendment will be recognized after the Advisory Board statement in support of its motion if the motion is presented to the Moderator in writing prior to the Advisory Board Motion with the name of the person to present the motion.

SECONDARY motions are motions which refer to main motions. The Meeting is usually limited to the discussion of 2 secondary motions at one time. Secondary motions usually amend, postpone, or limit discussions.

AMENDMENTS may be offered by any voter to the motion under discussion, provided the scope of the original motion is not enlarged or altered. Amendments are seconded and discussed; they require a majority vote to carry (pass). Proponents must submit amendments in writing.

POSTPONE

1. To refer to committee: "Commit." If changes in a main motion are numerous, take much time, or require additional information, it is wise to commit the article to a committee. This secondary motion should specify which board or committee. If proposing a new committee, specify how many members, how appointments are to be made and when the committee should report. The motion may request an appropriation for the committee's expenses to the extent the article permits.

2. "Postpone indefinitely" is a debatable motion and requires a majority vote. The intent is to defeat the motion. A vote to indefinitely postpone is a "no" vote.

LIMIT DISCUSSION

1. "Limit Debate", or cut off debate. This secondary motion requests vote to be taken at a specified time. Requires a 2/3 vote. Acceptance of this motion is at the discretion of the Moderator and the Moderator will take into consideration the amount of time the question has been debated, the information which has been presented, and the persons who have indicated a desire to be heard but have not yet had the opportunity to do so. This motion, when accepted may not be debated or amended.

2. "Move the Previous Question". This secondary motion is not an acceptable motion.

RECONSIDERATION

1. Reconsideration is merely a vote to give further attention and more deliberation to the action to be reconsidered. If a motion to reconsider carries the original motion is still pending and awaiting a new vote.

A Motion to Reconsider any article on the Warrant may be made only once and must be made at the same session on which the article was voted.

COUNTED VOTES

1. The Moderator will count the vote any time it appears that the voice vote is too close to call.

2. After declaring a voice vote or a 2/3rds voice vote the Moderator will count any vote if seven people stand and request a counted vote.

POINTS OF ORDER

If a voter questions the legality of the proceedings, he may rise, interrupt the speaker and say "Mr. Moderator, I rise to a point of order." The Moderator will ask "what is your point of order?" and an immediate ruling will be made following voter response.

VOTES ON MAIN MOTIONS

1. Usually majority of those attending carries.

EXCEPTIONS:

2/3 vote required for borrowing of money; appropriation from the stabilization fund; appropriation for land purchase; land purchase for public domain; sale or abandonment of projects for which money has been borrowed; appropriation for celebration of settlement or incorporation; zoning by-laws.

4/5 usually requires payment of -a bill for which insufficient appropriations made in previous year.

9/10 if at a Special Town Meeting.

TERMINOLOGY WHICH YOU SHOULD KNOW FOR TOWN MEETING

Cherry Sheet

This is a cherry red form sent out by the Department of Revenue which shows all of the State and County charges and reimbursements to the town as certified by the state director of accounts.

Chapter 70 Funds

Monies collected by the State and reimbursed to the towns for offsetting education expenses.

Chapter 90

This is a statute law of the Commonwealth of Massachusetts and pertains to the construction, reconstruction and repair of town roads.

OVERLAY/ALLOWANCE FOR ABATEMENTS & EXEMPTIONS

The Overlay is the amount raised by the Assessors in excess of appropriations and other changes for the purpose of creating a fund to cover abatements granted and avoiding fractions. Any balance in the Overlay account of a given year in excess of the amount of taxes

for such year not collected or abated is transferred to Overlay Reserve, by vote of the Board of Assessors.

OVERLAY RESERVE

This is the accumulated amount of the overlay for various years not used or required to be held in the specific Overlay account for a given year and may be used by vote of the Town for extraordinary or unforeseen purposes. If not used/appropriated by June 30 closes to Surplus Revenue/Free Cash.

SURPLUS REVENUE/FREE CASH

(Generally referred to as Free Cash, though that phrase nowhere appears in the statutes). This fund represents the amount by which Cash, Accounts Receivable and other floating assets exceed the liabilities and reserves. This amount of the Excess and Deficiency account over and above the uncollected taxes for prior years constitutes "Free Cash" or "Available Funds."

DEFINITIONS

ADVISORY BOARD

Nine citizens of the Town approved by the Moderator who make recommendations to the Town on all budgets and Town Meeting Warrant Articles. The Advisory Board (called Finance Committee in other town) also administers the Reserve Fund, which is for extraordinary and unforeseen expenses which may come up during the fiscal year. Members of this Board are not permitted to hold any other town office, either elected or appointed, except the Capital Outlay Committee, and may not receive pay from the Town.

RESERVE FUND

A fund established by the Annual Town Meeting to provide for extraordinary and unforeseen expenses, administered by the Advisory Board. It cannot exceed 5% of the tax levy of the current fiscal year. Transfers are made from this fund to cover items arising from emergencies or unable to be foreseen at the time of the Annual Town Meeting.

STABILIZATION FUND

A special account created to provide for capital expenditures, which is invested until used. It may be appropriated for any legal purpose.

PROPOSITION 2 1/2 LIMITS

Proposition 2 1/2 comprises two distinct limits and a growth factor:

1. Overall limit. Maximum property tax levy 2 1/2 of the full and fair valuation of the Town each year.

2. Year to year increase limit. 2 1/2 increase each year on a straight line basis references to 1982 levy. For example, if a town had a levy of one million dollars in Fiscal 1982, then the maximum levy would be \$1,025,000 in Fiscal 1983, \$1,050,625 in Fiscal 1984, and so on.

3. Growth factor. This allows towns to increase the tax levy over and above the constraints defined in 1 and 2 above. The factor is calculated by the Assessors, estimating the increase in total property valuation for the next year due to growth and multiplying by the tax rate. In recent years, this factor has been the dominant increase in the revenues collected by the Town of Norfolk from property taxes.

PROPOSITION 2 1/2 EXEMPTION OR EXCLUSION

A vote by referendum of the town to exclude a bond issue or one time Capital Acquisition from the limits of Proposition 2 1/2. This needs to be done in anticipation of an upcoming expenditure on a major project, to allow the funds to be appropriated at the Town Meeting and not be included under the 2 1/2 limits. The tax increase is temporary and expires when the Exemption or Exclusion is paid.

PROPOSITION 2 1/2 OVERRIDE

A vote by referendum of the town to override the year to year increase limit of Proposition 2 1/2. This would become necessary in a situation when a town voted to appropriate more funds than could be raised within the limits of Prop 2 1/2. Overrides are always budget related and result in a permanent tax increase.

ZONING DEFINITIONS

NONCONFORMING USE OR STRUCTURE

A use or structure which was in existence prior to the adoption of zoning by laws or a use or structure which conformed to the zoning by law at the time the use came into being or the structure was built.

SPECIAL PERMIT

An allowed use granted by authority of the under stated conditions of the zoning by law.

VARIANCE

A variance from the terms of the zoning by law.

DIFFERENCE BETWEEN SPECIAL PERMIT AND VARIANCE

In the case of a special permit, the law itself has foreseen the possibility that a departure from its provisions may be desirable if certain specified facts or circumstances are found to exist. A variance, on the other hand, involves an overriding of the law itself, based upon a finding that the law as written would inflict unnecessary hardship on the property/owner.

