

**THE MODERATOR'S  
HANDBOOK**

**FOR WAYLAND  
TOWN MEETINGS**

(Second Edition)

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## INTRODUCTION

In March, 1980, the League of Women Voters published the third and last revision of its Handbook for Wayland Town Meeting. A great deal has happened during the last twenty-nine years, including the following innovations:

1. The Moderator has, for the first time, codified and published, thanks to the generosity of the Selectmen, the rules and regulations that govern Wayland's town meetings in every town warrant;

2. Time limits have been established for those who wish to address town meeting;

3. A one hour limit has been established for debate on every article, except for the omnibus budget article;

4. Opponents are now recognized immediately after the presentation in support of the main motion under each article and given equal time at the Procedural Microphone;

5. Three microphones have been placed at the front of the room, including a microphone for the proponents and another for the opponents, instead of having students running up and down the aisles to bring traveling mikes to speakers recognized by the Moderator. This allows the Moderator to encourage a more balanced and interesting debate by recognizing the pros and cons in alternate order. Formerly, there were often two or more speakers in a row who spoke to the same side of an issue.

6. Those offering a main motion that differs from the article by more than twenty-five words must now provide a printed copy for everyone attending town meeting.

7. As a result of these and other innovations, the time required to dispose of the average article in the Warrant has been cut almost in half as compared to the time required thirty years ago.

8. Town meetings are now broadcast in their entirety as they occur on Channel 9 for Comcast customers and Channel 37 for Verizon customers for the benefit of those who can not attend in person.

I hope that this new handbook will be informative and useful to Wayland's voters and encourage them to attend and participate fully in our town meetings.

## WAYLAND'S TOWN GOVERNMENT

Wayland's government has only two branches, unlike our federal and state governments, which are described as having three branches. There is, of course, no judicial branch.

### \* \* **WAYLAND'S EXECUTIVE OFFICERS** \* \*

Wayland's executive branch may be thought of as the Board of Selectmen, the School Committee, the Board of Assessors, the Planning Board, the Board of Health, the Recreation Commission, the Housing Authority, the Trust Fund Commissioners and Library Trustees. Candidates for these boards, committees and commissions are elected by ballot at the annual town election in April for a term of three years, although members of the Planning Board and the Housing Authority are elected for a term of five years. Successful candidates serve without pay, except for the Town Clerk, who holds a full time position.

Among the boards, committees and commissions listed above, who are largely concerned with providing services financed by vote of town meeting, the Board of Selectmen has become the principal executive organ of the Town, because they are responsible for appointing members of most committees, including the Finance Committee, filling vacancies and calling town meetings "in pursuance of a warrant under the hands of the selectmen." The other elected boards and committees nevertheless function independently of the Selectmen, their duties defined by statute or By-Law, a term derived from the old English words for town law. The School Committee is responsible for a budget that is far greater than that appropriated for the Selectmen and all the other town boards and committees combined. For a more complete description of the duties of Wayland's elected town officers, please take a look at last year's Annual Reports, which is always available at the Town Building.

The Annual Reports also contains a list of hundreds of residents who serve on all kinds of committees appointed by elected public officials. These include the Cable TV

Committee, the Community Preservation Committee, the Conservation Commission, the Council on Aging, the Finance Committee, the Historical Commission, the Personnel Board, the Board of Registrars (of voters), the Wayland High School Building Committee and the Zoning Board of Appeals among many others. Without the contributions of these volunteers, Wayland would be served by professional politicians. It would not be the wonderful community we cherish.

And if you will look carefully at the Annual Reports, Wayland's website, [www.wayland.ma.us](http://www.wayland.ma.us), the Wayland Town Crier (our local newspaper), Metrowest Daily News, Wayland's cable TV station, Channel 9 for Comcast customers and Channel 37 for Verizon customers, [info@waylandnews.com](mailto:info@waylandnews.com), [waylandvoters1@yahoo.com](mailto:waylandvoters1@yahoo.com), or even the bulletin boards at the Wayland Town Building, you will find that there are always vacancies on town committees looking for volunteers like you, who may be interested in helping us to make Wayland a better place to live. And there are many committees and boards looking for help! So, when you have found a committee that appeals to you, I suggest that you contact our Town Administrator to see how you may apply to fill a vacancy. Applications may be found on the last page of each warrant and the Annual Reports.

\* \* \* **WAYLAND'S LEGISLATURE** \* \* \*

Wayland's legislature is our town meeting, which is open to participation by all residents registered to vote.

Suppose, however, that you are too shy or busy (or both) to run for office or to apply for appointment to one of Wayland's boards or committees, I invite you, I urge you, to exercise your franchise as a resident of Wayland by attending our annual town meetings, which are held in the Field House at Wayland High School late in April and early May. There are also special town meetings held on one or more occasions during the year, which welcome your participation.

\* \* The Call for Town Meetings \* \*

Town meetings are called by the Selectmen pursuant to their warrant, which must be served on all registered voters, to notify them of the time and place when each town election and annual meeting shall be held as well as the subjects to be acted upon. Article 23 of Wayland's Code provides that our Annual Town Meeting shall commence on a day between April 1 and May 15. Special Town Meetings may be called by the Selectmen at a time of their choosing or in response to a request by 200 of Wayland's voters. Notice of each meeting must also be published in a newspaper of general circulation in the town as well as on Wayland's sign boards. A copy of the Warrant must also be posted at the Town Building, the Public Library at the Cochituate Fire Station or Post Office and at the Happy Hollow School. The Selectmen are also required by G.L. c. 39, sec. 10 to call a Special Town Meeting upon request in writing of two hundred registered voters, which must be held no later than forty-five days after they receive such a request, and they must insert all subjects requested by those voters in the warrant. For more information about this, see chapter 36 of the By-Laws of the Town of Wayland, which is referred to herein as "Section 36 of the Code" and may be seen at the office of the Town Clerk and at [www.wayland.ma.us](http://www.wayland.ma.us).

\* \* The Warrant \* \*

Approximately two weeks before each town meeting, you will receive a booklet in the mail entitled, "Town of Wayland Warrant with Report of the Finance Committee," which contains all of the subjects or proposals (we call them "articles") that will be presented for action to you and every other resident attending the meeting announced by the Warrant. Under each article you will see comments by the Finance Committee as well as their recommendations, a summary of the arguments in favor of each proposal, a summary of the arguments against each proposal and a statement of whether more than a majority vote will be required to pass the motion(s) that may be offered under each article. See Chapter 36-5 of the Code. The Warrant contains the Report of the Finance Committee, which contains a great deal of information about the way that our taxes have been

spent during the past five years as well as a report showing Wayland's capital plans for the next five years and a great deal of other information, including the Moderator's Rules and Regulations, which are hereinafter referred to as "the Moderator's Rules", to help you prepare for Town Meeting.

The Warrant also includes reports of various town boards, including reports of the Planning Board upon articles contemplating amendments to Wayland's Zoning By-Laws, which are required by G.L. c. 40A, sec. 5 before the Town Meeting can approve any such amendment.

\* \* The Authority of Wayland's Town Meetings \* \*

If you look at the Warrant for the 2009 Annual Town Meeting for example, you will note that Wayland's Selectmen insert an article in the Warrant each year (usually Article 6) entitled "Omnibus Budget", which contains a detailed description of what they, the School Committee and the other committees and boards hope to spend in the fiscal year starting on July 1 of that year. Article 6 of the 2009 Warrant, for example, presented a six page budget for Wayland's fiscal year ending June 30, 2010 calling for the expenditure of more than 62 million dollars and a capital budget of \$2,415,000, of which more than 57 million dollars was to be raised by taxation of your real estate and mine. You will note that the 2009 Warrant also contains articles (5, 7,15 and 16, for example) proposing the expenditure of moneys above the omnibus budget, because our town officers and committees can not tax us to raise the moneys that they propose to spend for any purpose, without a majority vote of the registered voters in town meeting assembled.

As a result of votes taken at the 2009 Annual Town Meeting, the School Committee was authorized to spend more than 31 million dollars to provide us with an excellent school system, while other boards and committees were authorized to spend the money they had requested for fire and police protection, roads, snow removal, the sanitary landfill for your refuse, an outstanding public library with access to many other libraries in the Minuteman Library Network, recreational programs at the Town beach and elsewhere as well as facilities

and programs for the seniors among us and many other services described in the Warrant, the Annual Reports and the media.

The authority of town meetings is not limited to deciding how much our officers and committees may spend. Town meetings, for example, determine how we may use our land by enacting and amending our zoning by-laws. (See articles 28 of the Warrant for the 2009 Annual Meeting and Article 6 of the Warrant for the April 15, 2009 Special Town Meeting). Town meetings must also authorize the Treasurer to borrow, approve the purchase, sale and lease of land and property by the Town (See Articles 29 and 30 of the Warrant for the 2009 Annual Meeting and Article 3 of the April 15, 2009 Special Town Meeting), the acceptance of gifts of land (Article 18) as well as the by-laws governing Wayland's employees and their compensation (Articles 10 and 15). In addition to all of the foregoing powers, town meetings can also adopt by-laws governing non-criminal disposition of by-law violations (Article 20), the deadline for submission of annual town meeting articles (Article 34) and the imposition of fines for tobacco law violations (Article 32). Town Meetings can even enact by-laws that govern our private conduct, insofar as it pertains to our animals, our fire alarms, our boats (in Wayland), hunting, our swimming pools, lawn irrigation systems, the consumption of alcoholic beverages on public property and many other ways. See Chapters 83 to 196 of Wayland's Code. Although Wayland no longer elects its executive officers at town meetings, as it did during colonial times, we still elect our Fence Viewers, Field Drivers, Measurers of Wood and Bark and Surveyors of Lumber at town meeting. See Article 3 of the 2006 Warrant.

With all that power available to those who attend our town meetings, why doesn't everyone attend our town meetings, which are scheduled on average for only four or five nights (7:30-10:30 p.m.) per year? (In 2007, the Selectmen scheduled Wayland's first Sunday afternoon session of our town meeting on April 29 in the hope of reducing the time for our meetings, but the experiment has not been repeated, even though we completed the entire 23 article warrant that afternoon.)

Apart from the usual reasons that keep us from leaving home on a cool weekday evening, there are other reasons why more people don't attend our town meetings: (1) The voters at town meeting can not vote on matters that have not been included in the Warrant by the Selectmen or certain petitioners; (2) town meetings may not approve spending that would increase the total taxes assessed on Wayland's residents by more than two and a half percent over the preceding year, without the prior approval of an override at the annual town election. (See G.L. c. 59 and sec. 21C(3)). There are also constitutional and statutory limits on the authority of town meetings and their power to legislate and borrow moneys. So, if you think that the Town should consider and vote on a matter or proposal that you think is important at a future town meeting, try to persuade the Selectmen to insert your article in the warrant for the next annual meeting before January 15 or consult with the Town Administrator to see how you may get an article into the warrant as a petitioner. You may also want to refer to Chapters 36 and 37 of the Code as well as Chapter 39, Section 10 of the Massachusetts General Laws, a copy of which is in the Library as well as in the Selectmen's room at the Town Building.

\* \* Arriving at Town Meeting \* \*

When you arrive at the Wayland High School Field House to participate in a town meeting, you will encounter a group of checkers sitting behind a row of tables, who will ask you for your name and address and check it against the list of registered voters before them. Registered voters may bring their child(ren) to sit on town meeting floor so long as the child(ren) sit(s) quietly beside his or her parent at all times. You will then see tables on both sides of the checkers topped with additional copies of the Warrant for those, who may have forgotten to bring theirs, as well as stacks of reports and additional information concerning the articles in the Warrant, including plans, photographs and illustrations to help you consider and vote on the motions that will be offered under each article.

After you have picked up the documents that provoked your interest, you will soon find yourself in a large domed room built in 1960 that covers nearly an acre and seats

approximately 1800 people on folding chairs and bleachers that are normally available to spectators at Wayland High School basketball games and track meets. You will note that there is a podium for the Moderator, who presides at town meetings, and a desk for the Town Clerk, who records the proceedings at town meetings and maintains a recording of everything that is said and done at town meetings, on a raised platform at the far end of the Field House. There are tables below the Moderator's podium for the Selectmen and the Town Administrator (on your right) and other tables on your left for the Finance Committee. Feel free to take any seat on the floor or the bleachers, except for the section reserved for nonresidents. There are no reserved seats, although the members of the School Committee and the Superintendent of Schools usually arrive early to claim most of the first row facing the Moderator on your left.

Non-residents and those who have not registered to vote will find excellent seats reserved for them at the front of the room on the left-hand side. By vote of the Town at the 2009 Town Meeting, the Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works and Superintendent of Schools have the right to attend and sit on the floor of town meetings. The Moderator usually permits certain other senior town employees to sit on town meeting floor with members of the Board or Committee they serve, even though those employees are not registered to vote.

Town meetings are usually called to order at 7:30 p.m. sharp, or as soon thereafter as a quorum of 100 voters has been checked in. See Chapter 36.12 of the Code. If you are among those who arrive before 7:30, you may even be asked to serve as a teller to help the Moderator count the votes when a voice vote is so close that it is difficult to discern which side is more numerous. On May 3, 2006, for example, more than 2313 voters (46% of Wayland's households) attended a special town meeting to vote on a proposal to change the zoning of a certain parcel of land near the center of town bounded by the Sudbury River, Routes 20 and 27 near the center of town. In order to accommodate all of those attending that town meeting, nearly five hundred voters were seated in the High School Little

Theater, which was connected to the Field House by television cameras, microphones, video screens and loudspeakers so that everyone could hear and see what was going on in the other venue. In order to control the proceedings, the Moderator appointed an assistant moderator to preside in the Little Theater and twenty-two tellers to help him count the vote.

\* \* The Moderator \* \*

The Moderator, who is elected by ballot for a term of three years, presides, regulates the proceedings, decides all questions of order and declares all votes at town meeting. And, unless seven or more voters immediately question the Moderator's declaration, the vote stands as declared. (G.L. c. 39, sec. 15) "No person shall address a town meeting without leave of the moderator and all persons shall, at the request of the moderator, be silent." If a person, after a warning from the moderator, persists in disorderly behavior, the moderator may order a constable to remove and confine him (or her) until the meeting shall be adjourned. (G.L. c. 39, sec. 17)

\* \* The Moderator's Rules and Regulations \* \*

Unlike some towns, which look to Robert's Rules of Order, which is based on English parliamentary procedure, or even "Town Meeting Time," a manual published by the Massachusetts Moderators' Association, Wayland's town meetings were formerly conducted according to unwritten rules of its moderators. The current moderator has adapted, codified and published updated Rules and Regulations governing Wayland's Town Meetings in each warrant since 1989. If you are in doubt as to what you must or can do in a specific situation, you may ask the Moderator before or after the meeting or rise to a point of information during the course of the meeting. Meanwhile, please read the Rules during the meeting when you have decided on how you will vote on the motion under consideration.

\* \* The Call to Order \* \*

The Moderator will call the meeting to order with three taps of his gavel saying, "The meeting will be in order. I note that a quorum is present and the Clerk will so record," as soon as the Town Clerk has told him or her that a quorum is present. If there is a long line of voters waiting to be checked in, the Moderator may wait to call the meeting to order until the line has shrunk. The Moderator has sometimes called the meeting to order and asked for the unanimous vote of the meeting to consider one or more noncontroversial articles, as he did on May 3, 2006, while the voters were being checked in.

We have exceeded the capacity of the Field House on only two occasions: in 1969 and 2006. On such occasions, the Moderator must suspend the proceedings immediately and consult with the Selectmen before he or she can announce an alternate means or location and time, if necessary, where all registered voters, who wish to attend, can participate fully in the proceedings. See Chapter 36-17 of the Code.

\* \* Articles and Motions \* \*

After the Moderator has completed certain preliminaries, he or she will ask if there is a motion under Article 1. Someone will then rise, proceed to the Procedural Microphone at the front of the room just below the Moderator's lectern and address the Moderator behind her as she faces the voters:

"Mr. Moderator, (she might say) my name is Susan Burke. I live at 33 Hampshire Road. I move that the Town accept the provisions of Chapter 25 of the Acts of 2005 exactly as printed in the Warrant."

The form of address illustrated above is designed to accomplish two objectives: (1) to identify the speaker and (2) to address all motions, questions and arguments to the Moderator in order to avoid quarrels among voters, which are strictly forbidden at Town Meeting.

The Moderator will then ask if there is a “second” to see if anyone, other than the person who has offered the motion, has any interest in its adoption. Absent a second, the Moderator will not permit debate or a vote on the merits of the motion. But there always seems to be someone who will call out, “second,” to permit debate on the motion.

Quite a lot of people are confused about the difference between an article and a motion. As I have pointed out above, the articles in the warrants may be compared to an agenda, which is designed to notify the public of “the subjects to be acted upon” at town meeting. If the subject is not in the Warrant, it can not be proposed for action at that meeting, because voters might have stayed home thinking that the subject would not be raised. G.L. c. 39, sec. 10 puts it more succinctly, No action shall be valid unless the subject matter thereof is contained in the Warrant.”

A motion may then be defined as a proposal to act on any aspect of the subject matter described in the article then under consideration.

That sounds simple enough, but the definition of “subject matter” is more complex than it seems: Suppose an article reads as follows,

“To determine whether the Town will vote to appropriate \$7,000.00 to be expended by Wayland Beautification to beautify the Town.” See Article 26 of the 2006 Warrant.

Since that article was submitted to the Selectmen on or before December 15, more than four months before the annual town meeting, the Wayland Beautification Committee may have found that it needed much more money to do the job proposed. So, a member of the Committee may rise and move from the Procedural Mike that the Town appropriate \$10,000.00 under the article. After the motion has been seconded, a voter may rise to a point of order. In response to the Moderator’s question, “What is your point of order?,” the voter may reply that the motion violates Section IV.C.4.f. of the Moderator’s Rules, because it asks the Town to appropriate more than 115% of the

amount set forth in the Warrant. The Moderator will then rule the motion out of order and permit no further debate or vote on it. Wayland Beautification may, of course, offer another motion proposing an appropriation of \$8050.00, or less. Such a motion would be in order.

A second example might involve a proposal to purchase, sell or rezone one or more parcels of land, which may be described in an article. See Article 19 of the 2006 Warrant. If a motion proposes to purchase, sell or rezone any land that is not included in the legal description set forth in the article, the Moderator will declare it to be out of order.

Similarly, a motion to change the zoning district or regulations described in an article will not be accepted, unless the Moderator determines that

“it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposals set forth in the article.”

See Section IV. C.4.d. of the Moderator’s Rules.

\* \* The Debate \* \*

After a motion has been made and seconded, the Moderator will usually ask the moving party whether the motion is identical word for word with the substantive portion of the article then under consideration as printed in the warrant. If the moving party responds that it is not identical, the Moderator will ask him or her to describe the differences in wording. See Chapter 36-14 of the Code.

The Moderator will then invite a proponent of the motion to present his or her arguments in support of said motion from the Procedural Mike within the next ten minutes. When

the proponent has completed the presentation, the Moderator will grant an opponent equal time to present arguments in opposition to said motion from the same mike, except that the opponent will be entitled to a response of three minutes if the proponent shall have used less time. The Moderator and the voters usually appreciate a short summary of the arguments from both sides.

The time remaining for each speaker's presentation is shown on electrical scoreboard at the front of the room above the Moderator's podium, on both sides of the Field House and in the rear. The crew that works so hard to set up and manage the audio system that facilitates our meetings has jury rigged a red light visible to the speaker and everyone else in the room that warns him or her that the speaker has only one minute left. When it begins to flash, there are ten seconds left. A speaker's time is up when he or she finishes the sentence interrupted by the bell.

In the event that a motion proposes to amend the Town's Zoning By-Laws, the Moderator will invite the Planning Board to present its report concerning the proposal before permitting debate or a vote on the motion. See G.L. c. 40A, sec. 5.

When the Moderator recognizes a voter, that person is said to have obtained "the floor" and may then offer a presentation, a question or make a point of order within the three minutes provided by the Moderator's Rules. No one may interrupt a speaker, except for a voter rising to a point of order, a point of personal privilege, or if he or she can not hear the speaker. Upon such interruption, the speaker must stop speaking and yield the floor at the Moderator's request, until the issue shall have been decided. The speaker may also be interrupted by the Moderator, if the speaker drifts too far from the motion under debate or engages in any kind of attack on a person or a person's character or integrity.

Upon the conclusion of the opening arguments, the Moderator will recognize other proponents and opponents of

the motion then under consideration and permit them to address the town meeting from the “Pro” and “Con” microphones at the front of the room respectively for a period of three minutes each. “Traveling” handheld mikes will be brought to voters, who find it difficult to walk to the standing mikes or to stand in line waiting to be recognized.

If a person, who is not registered to vote, wishes to address the meeting, the Moderator will ask if there are any objections. If there is an objection, the Moderator will immediately call for a vote. If the majority shall vote to hear that person, the Moderator will give him or her the floor. By vote under Article 25 of the 2009 Town Meeting, the Town Administrator, Assistant Town Administrator, Police Chief, Fire Chief, Finance Director, Director of Public Works and Superintendent of Schools shall have the right to answer questions, but they shall not be counted as part of a quorum, nor shall they be permitted to vote or engage in debate.

Voters wishing to address the meeting will usually be recognized in alternating order, but the Moderator is not obliged to do so, especially if the pro or con line is longer than the other. And no one can present more than three, three-minute arguments to the meeting upon any one motion.

If you have never attended Wayland’s town meetings or watched them on Channels 9 or 37, you may be surprised at how Wayland manages to debate even the most controversial issues in a civilized and respectful manner. There are several reasons for this: (1) Wayland’s voters are courteous, civilized people, who respect each other and the diverse views we present to each other, even when we disagree; (2) The Moderator tries to recognize each voter by name and treats everyone with courtesy and respect, as he or she expects us to treat each other; (3) The Moderator insists that every voter, who has been given the floor, address the issues before the meeting, not the personalities of those who may have had a role in the issue or previously spoken to the issue; (4) The Moderator listens carefully to everything that is said and will interrupt any speaker, who tries to denigrate or attack another person or raise questions about that person’s character or integrity, instead of addressing

that person's conduct, and (5) the Moderator will not permit applause or any other form of approval by those who support the remarks of a speaker or those who wish to celebrate their victory when the vote has been declared.

How many other towns could have managed to conduct a town meeting attended by more than 2300 voters, who came on May 3, 2006 because they felt strongly about the issues, and disposed of eleven articles in four hours and thirty-eight minutes, without rancor, acrimony or bad feelings about the process?

### Amendments

Sometimes a voter will offer an amendment to the main motion offered by the proponent. If the amendment offered exceeds ten words, the Moderator will demand a written copy before a second is invited. See Chapter 36-8 of the Code. If an amendment is seconded, the Moderator will give the proponent three minutes to present his or her arguments and an opponent a similar period to state the case for opposing such amendment. All subsequent debate will be limited to the amendment proposed, until a vote shall have been taken. Whereupon, debate on the main motion will continue in its amended or original form depending on the outcome of the vote. A vote to amend a motion requires a majority vote, even though the main motion, such as a motion to borrow money, may require a two-thirds vote.

Occasionally, a voter will move to amend a proposed amendment. If that amendment is seconded, the Moderator will permit debate on the amendment to the amendment proposed until that proposal has been decided by vote, whereupon the Moderator will permit debate on the first amendment to continue until that proposal has been decided.

In no event, however, will the Moderator permit an amendment to the second amendment to be considered.

### Motions to Pass Over

You will sometimes hear someone move to “pass over” an article. This unusual motion is Wayland’s way of disposing of an article without actually voting against a motion to act on the subject matter or objectives described in the article. The usual reason for such a motion is to avoid the provisions of G.L. c. 40A, sec. 5, which provides that no proposed zoning bylaw that has been defeated at town meeting can be considered again within two years without a favorable recommendation by the Planning Board; but motions to “pass over” have been offered for other purposes as well, especially where Town committees need more time to draft proposed by-laws.

If a motion to pass over the article before the meeting is made after a main motion under the article has been made and seconded, it will be deemed to have amended the main motion by striking it in its entirety and substituting the pass over language. Therefore, if the motion to pass over shall pass by a majority vote, the Moderator will declare the article “disposed of”.

### Interruptions of Debate

Voters who wish to present a point of order, ask a question of the Moderator, move to adjourn or terminate debate by “calling the question” may proceed to the Procedural Mike and will usually be recognized on a priority basis. Only persons rising to a point of order or personal privilege can interrupt a speaker, however.

A voter may rise to a point of order, for example, (1) if he or she believes that a motion is not within the scope of the article, (2) that the speaker has strayed too far from the issues raised by the motion, (3) that there is no quorum present or (4) if he or she believes that the proceedings somehow violate the laws of the Commonwealth of Massachusetts, the By-Laws of Wayland or the Moderator’s Rules. When the voter has been recognized, the Moderator will ask the voter, “What is your point of order?” Upon hearing the voter’s reply, the Moderator will rule on the voter’s point of order and give his or her reasons

therefor. The Moderator's ruling is final and will not be reconsidered, unless significant new information that was not previously brought to the Moderator's attention shall be disclosed or a patent error of law or these Rules shall have been brought to his or her attention.

#### Termination of Debate

In any event, debate on every article, except the omnibus budget article, concludes upon the expiration of sixty minutes after the main motion of each article has been seconded, unless the meeting shall vote, during said hour, to extend the time for debate upon the article.

Debate upon any motion can always be terminated before the expiration of sixty minutes, if a voter is recognized by the Moderator, moves the question (or previous question) and gains a second for his motion. Such a motion to terminate debate is not debatable. If a motion to terminate receives a second, the Moderator may ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon the motion without permitting any amendment or debate; but if one or more persons, who have not spoken to said motion, raise their hand, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a two-thirds vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a two-thirds vote, the Moderator will permit debate to continue until the expiration of the sixty minute time period.

There is an important exception to the foregoing rules: Debate under the omnibus budget article is not limited to sixty minutes, although it may be limited by a two-thirds vote of the meeting in response to a motion to terminate debate. The scope of debate is also more informal, because Wayland has always given the voters in town meeting assembled a generous opportunity to ask their elected town officers how they have

spent their tax money in the past and how they plan to spend it in the future, thereby contributing some balance to our two branches of government and some oversight over the conduct of our elected officers and committees.

\* \* The Vote \* \*

Motions at Wayland's town meeting are normally decided by voice vote or by standing counted vote. Sometimes, however, a voter will move that the meeting be polled by secret ballot. The procedure for secret ballots is set forth in the Moderator's Rules, but such a motion has carried on only two occasions during the last forty-four years, if I am not mistaken.

Upon the termination of debate under each article, the Moderator will ask all those in favor of the motion to indicate their support by saying "aye" and those opposed to say, "no." If the Moderator is satisfied that the motion has passed by the majority or super majority required by law, he or she will declare that the motion has carried; or if it has failed to gain the support needed, that the motion has not carried. The quantum of the vote needed to carry a motion under each article is printed under each article in the Warrant. See Chapter 36-5A of the Code.

If seven or more voters shall immediately question the Moderator's declaration of the vote based on his reading of a voice vote or a standing vote by rising and calling out, "I question the vote", the Moderator will verify the vote he or she has declared by conducting a standing counted vote with the help of tellers that the Moderator has appointed.

When the tellers have come forward, the Town Clerk will supply each teller with a sheet of paper, a pencil and a calculator. The Moderator will then assign two tellers to count each section of the hall and invite "all those in favor of the motion to rise and remain standing (at their seats) until they have been counted." As each team of tellers has finished counting a row, they will ask the voters they have counted to be seated and count the next row until they have counted all the ayes in their section. The tellers will then add and compare their individual count. When they have agreed, the Moderator will invite a member of each team to

announce the result of their count from the Procedural Microphone. When all of the tellers have reported the result of their count, the Moderator will invite “all those opposed to the motion to rise and remain standing until you have been counted.” When the tellers have completed and announced their count of the “no” votes, the Moderator will add the result of the several counts, compare his calculations with those of the Town Clerk and declare, for example,

“435 having voted in the affirmative and 279 having voted in the negative, the motion has carried (or has not carried),”

depending on whether a majority or super majority is required.

The result of that standing counted vote and the Moderator’s declaration of the vote thereafter is final, unless clear and convincing evidence shall have been submitted to the Moderator immediately after the declaration that fraud, errors by one or more tellers or some other irregularity has infected the accuracy of the vote count just completed; in which event the Moderator will repeat the standing counted vote procedure outlined above. See G.L. c. 39, § 15.

\* \* Disposition of Each Article \* \*

After declaring the vote on every motion under the article, the Moderator will ask whether there is anything more to be said under the article under consideration, thereby giving each voter an opportunity to offer another motion or to ask questions. You must be quick to respond, however, because the Moderator will soon say, “There being no further business under this article, I declare that article disposed of” and give his lectern a sharp blow with his gavel.

The Moderator’s declaration that an article has been “disposed of” is very important for three reasons: (1) a two-thirds vote will be required thereafter if someone moves that the Town reconsider its vote under that article, whereas only a majority vote to reconsider such vote is required before the Moderator’s gavel has fallen; (2) Town Meeting can not consider

any other article in the Warrant until the prior article has been “disposed of;” and (3) Town Meeting can not adjourn sine die (or dissolve) until every article in the Warrant has been “disposed of.” See Chapter 36-11 of the Code.

Upon the disposition of Article 1, the Moderator will invite a motion under Article 2 following the same procedure described above. Then, on to Article 3, 4 and beyond in the order specified in the Warrant.

Sometimes, however, a voter may move that the Town advance or postpone consideration of an article in the Warrant. Such a motion is debatable, but it requires a two-thirds vote to prevail. See Chapter 36-9 of the Code.

\* \* Reconsideration \* \*

One of the more controversial issues at Town Meeting are motions for reconsideration. Such motions to return to an article to reconsider the vote that was duly declared at the time it was first considered are sometimes prompted by important new information that was not known or made available to the voters at the time. At other times, it has been used as a parliamentary device to permit those who lost the first vote to gain the majority they need at a subsequent session of town meeting when their adversaries may be fewer in number and their supporters have been encouraged to come in greater numbers. Unlike other towns which require a mere majority to pass a motion to reconsider, Wayland requires those offering such a motion to disclose

“significant new information to the Town Meeting concerning said article, which had not been disclosed or made available to the meetings when the motion under that article was debated.” See Chapter 36-10 of the Code.

In the event that a moving party has disclosed such significant new information and obtained a second, the proponents must then wait until all of the articles in the Warrant have been disposed of before debate upon their motion to reconsider will be

permitted. Upon the conclusion of that debate, the proponents must muster a two-thirds majority before the prior vote under the original article is deemed void, even though the motion under the original article was approved by only a majority. If the proponents achieve such a two-thirds majority, new motions under the article may be accepted, debated and voted.

\* \* Adjournment \* \*

Each session of a town meeting will be adjourned by the Moderator at 10:30 p.m. or as soon thereafter as the article then being considered has been disposed of, unless the voters shall have voted prior to 10:30 p.m. to extend the time for adjournment.

If the Selectmen shall schedule a session of town meeting for a Sunday afternoon, the Moderator will adjourn that session at 6:00 p.m. subject to the same conditions that apply to evening sessions.

If all of the articles in the Warrant have not been disposed of upon adjournment of the first or a subsequent session of Town Meeting, the meeting will reconvene at the time announced in the Warrant or at a time voted by Town Meeting and consider each of the remaining articles in numerical order, unless the meeting shall have voted to change that order. See Chapter 36-11 of the Code.

When every article in the Warrant has been duly considered, acted upon and disposed of, including all articles that the meeting has voted to reconsider, a motion to dissolve the Town Meeting can be offered by a motion to adjourn the meeting "sine die" meaning that the moving party does not mean to adjourn the meeting to a specified time. The Moderator will accept that motion and ask all those in favor to rise and go home. There is never anyone in the building who opposes that motion.

\* \* \* **EXHORTATION** \* \* \*

As registered voters living in Wayland, we have the unusual opportunity to help make the political decisions that affect our property, bank accounts and freedoms by participating fully in Wayland's open town meetings, instead of delegating that power to an elected representative, whose name may adorn the lawns of our neighbors and whose portrait may appear in the paper. We even have the right on Town Meeting floor personally to question the conduct of our elected leaders and the officials they appoint about how Wayland spends the money it raises from our taxes and any other subject in the Warrant. This is a right that residents of towns with representative town meetings, like Natick and Framingham, and cities like Newton do not have.

If you value and wish to preserve Wayland's town government, which has functioned as a pure democracy since 1638, I urge you to attend and participate in our Town Meetings. And, if you have the time and inclination, I invite you to offer your skills and services to one or more of the committees and boards whose activities appeal to you. I assure you that your offers will be welcome and that you will find your contributions to be surprisingly rewarding, even if the rewards are not monetary. Who, after all, can contribute more to the Town of Wayland than you can?

You have been invited; so come and join us to do the Town's business.

Respectfully submitted,

C. Peter R. Gossels  
Moderator of the Town of Wayland

March 18, 2010

SOME STATISTICS CONCERNING  
WAYLAND'S ANNUAL TOWN MEETINGS  
DURING THE LAST TWENTY-FIVE YEARS

BY C. PETER R. GOSSELS, MODERATOR

<u>Year</u>	<u>Number of Articles</u>	<u>Number of Nights</u>	<u>Time in Minutes</u>	<u>Time Per Article</u>	<u>Average Attendance</u>
1986	39	7*	1045	27	299
New Rules of Procedure Instituted					
1987	37	4*	595	16	422
1988	42	5	870	21	215
1989	28	4*	598	21	590
Live TV Coverage Instituted					
1990	35	4*	647	18	247
1991	33	4*	575	17	282
1992	31	3*	456	15	160
1993	31	3	494	19	255
1994	40	3	575	14	373
1995	41	4*	672	16	213
1996	46	7*	1055	23	199
1997	51	6*	852	17	312
1998	66	7*	1198	18	370
1999	68	7*	1153	17	233
2000	51	5	917	18	203
2001	44	5	754	17	157
2002	44	3*	545	12	231
2003	45	5	937	21	301
2004	62	6*	1126	18	237
2005	46	4*	789	17	469
2006	27	2*	304	11	867
2007 (Sunday)	23	1 (day)	290	13	644
2008	28	3	534	20	634
2009	39	3*	563	14	326
2010	<u>29</u>	<u>3</u>	<u>641</u>	<u>22</u>	<u>465</u>
25-Year Average	41	4	727	18	348

\* Includes a Special Town Meeting within the Annual Town Meeting.

STATISTICS CONCERNING WAYLAND'S SPECIAL TOWN MEETINGS  
 THAT WERE NOT INCORPORATED IN THE ANNUAL  
TOWN MEETING DURING THE LAST TWENTY-FIVE YEARS

BY C. PETER R. GOSSELS, MODERATOR

	<u>Number of Articles</u>	<u>Number of Nights</u>	<u>Time in Minutes</u>	<u>Time Per Article</u>	<u>Average Attendance</u>
5/1983	11	1	188	17.1	238
4/1984	9	2	290	32.2	905
3/1985	6	1	173	28.8	205
6	--	-	---	--	---
7 Rules of Procedure Instituted					
7	--	-	---	--	---
8	--	-	---	--	---
9	--	-	---	--	---
10 TV Coverage Instituted					
10	--	-	---	--	---
1	--	-	---	--	---
2	--	-	---	--	---
3	--	-	---	--	---
4	--	-	---	--	---
5	--	-	---	--	---
3/1996	9	1	195	21.7	133
7	--	-	---	--	---
14/1998	9	1	130	14.4	461
12/1998	19	2	341	17.9	471
7/1999	11	1	208	18.9	637
8/2001	4	1	125	31.3	481
10/2003	11	2	410	37	1,052
7/2005	6	1	175	29	892
11/2005	7	1	234	33.4	1,656
13/2006	11	1	263	24	2,313
19/2006	8	1	153	19.1	471
18/2007	9	1	123	13.7	338
2/2008	19	1	125	7.0	242
Year Average	9.9	1.2	208.8	23	699.7