

Moderator Musings

Even after 40 years of attending – and more recently, presiding over – Shutesbury’s Town Meetings, I still find certain aspects of parliamentary procedure to be confusing or subjective. I’d like to address one of those in this issue, but first, an announcement: A vacancy has recently opened on the Finance Committee that I plan on filling prior to July 1 (i.e., the start of the new fiscal year). If you’d like to be considered for the vacancy, please email me by June 1 at Moderator@Shutesbury.org with a statement of your interest. If you don’t have access to email, you can mail a letter of interest to: Paul Lyons, 7 Old Orchard Rd., Shutesbury MA 01072.

Now, on to the exciting stuff – parliamentary procedure! An important role that the Moderator plays at Town Meetings is determining when a motion or an amendment is “outside the scope” of an article. And oftentimes, that’s not a straightforward call. Here’s some background: When the Warrant (the “agenda”) for a Town Meeting is posted (which by law, has to happen at least 7 days before the meeting), it serves as an “adequate warning” to voters about what topics will be discussed and voted on at that meeting. Such notice allows voters to prepare for the meeting (maybe by studying the budget proposal, reviewing the wording of a proposed bylaw change, or reading through committee meeting minutes), or they might decide that those topics are not important enough for them to miss their child’s soccer game. So, it’s important that the wording of the warrant articles provides enough detail to give voters a good idea of the types of decisions that are likely to be made at the meeting.

But, by design, that wording usually isn’t so specific that Town Meeting doesn’t have some “flexibility” in deciding the specifics of the matter. (That’s why the phrase “or take any other action relative thereto” is often included at the end of the article wording.) The specifics are generally spelled out in the actual **motion** that is presented on the floor of Town Meeting for an article, and/or in proposed amendments. But, the motion or amendments cannot deviate too much from the wording in the posted article.

Here’s an example: Let’s say that a warrant article proposes that the town spend \$25,000 on a sedan for the town’s tree warden. On the floor of Town Meeting, a motion might be made to transfer \$25,000 from Stabilization for the purchase of a 2-wheel drive sedan. But someone might argue that the tree warden really needs a 4-wheel drive vehicle, which would cost \$27,000, and further, that the money should be taken from Free Cash rather than Stabilization. Those are reasonable changes that would likely be allowed (i.e., considered “within scope”). But a proposed amendment to spend \$50,000 on a HumVee would likely be ruled “out of scope,” because it’s substantially different from the article wording, and also because a voter who chose not to attend the meeting could effectively argue that he/she did not receive “adequate warning” that such a purchase might be approved at the meeting. Here are a couple other “out of scope” examples: 1) A motion to amend a zoning bylaw would not be permissible under an article to repeal the bylaw; 2) An amendment to include funds for a new recycling shed would not be within the scope of an article to improve handicapped access at the school.

In Moderator parlance, questions about Scope are usually thought of in terms of a “Four Corners” perspective. That is, “Does the proposed change fall within the bounds, or four corners, of the intent, purpose and wording of the article?” Such determinations often involve on-the-spot judgement calls, which are not always easy. And different Moderators may very well rule differently on similar questions of scope. In the end, it’s just one more reason why New England Town Meetings are so wonderfully intriguing and entertaining – and worth attending!