



TOWN OF WILMINGTON
MASSACHUSETTS

TOWN MODERATOR

Fellow Residents:

On Saturday, May 4, 2019, I respectfully urge all of you to come out and participate in Wilmington's Annual Town Meeting. The 2019 Annual Wilmington Town Meeting will take place in the Joanne M. Benton Auditorium at Wilmington High School, and will commence at 10:30 a.m. As in years past, we will be making a concerted effort to start the meeting on time and, in accordance with the Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 19, we need a quorum of one hundred and fifty (150) voters in order to start the business of Town Meeting. Thus, I ask that you please arrive at such a time, and in such a manner, so as to allow for a 10:30 a.m. start time. I thank you in advance for your consideration and cooperation.

As Town Moderator, I aim to foster a fair, transparent and efficient Town Meeting. In an effort to familiarize the townspeople of Wilmington with the happenings of Town Meeting, I created a handout relative to Town Meeting information and procedures. The handout has been posted to the Town's website and it will be available when you check in at Town Meeting. The handout is aimed to more fully inform Town Meeting attendees as to what Town Meeting is and how it operates. While the handout is not exhaustive by any means, I believe that the information provided therein is aimed at my overall goal of fostering fair, transparent and efficient Town Meeting assembly. If attendees are more familiar with "why" and "how" things are happening, I believe they can better navigate the debate and discussion on any given issue.

Town Meeting is the most pure, direct and inclusive form of the democratic process. However, Town Meeting is not truly representative unless we have an assembly that consists of a cross section of our residents/voters. While our quorum is 150 voters, we should strive to increase attendance to numbers that more appropriately represent our Town. That being the case, the Board of Selectmen and myself will be forming a Town Meeting Review Committee that will examine our current practices and approach to Town Meeting. It is my hope that the Town Meeting Review Committee will come up with ideas aimed at improving our Town Meeting process and increasing attendance. If you would like to be considered to serve on the aforementioned Committee, please contact me at moderator@wilmingtonma.gov.

Your participation in our Town Meeting shows your dedication to Wilmington, and moreover your dedication to your neighbors and friends who will join you in attendance on May 4, 2019. In order to foster a productive environment, I ask that all those attending Town Meeting to conduct themselves with proper decorum and that you treat your fellow attendees with the utmost respect, even in cases of disagreement.

I respectfully ask that you carefully review this warrant booklet before attending Town Meeting. Taking the time to familiarize yourself with the warrant articles will allow you to better follow the meeting and will further allow for more fluid, informed discussion. I cannot stress enough the importance of making informed votes at Town Meeting; each and every vote taken up on May 4, 2019 will have a profound effect on the direction of our town. Your attendance at Town Meeting is crucial to ensure that all votes are a true and accurate reflection of the voice of the townspeople of Wilmington.

Sincerely,

Robert G. Peterson, Jr.



TOWN OF WILMINGTON, MASSACHUSETTS

TOWN MEETING INFORMATION AND PROCEDURES

ROBERT G. PETERSON, JR. – TOWN MODERATOR

(MARCH 2018)

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“There are aspirations behind the town-meeting conception of democracy which must be recognized as indelible parts of the democratic creed. The town-meeting conception of democracy is an idealized way of expressing the democratic hope that those who are governed will be able to reach those who govern them, that they will be able to make their voices heard where it counts and will be recognized as persons and not as faceless cogs in an efficient machine. It speaks for a belief that a society is safer and freer when the bulk of its citizens understand the programs and goals that their government has chosen and when they have achieved this understanding because these programs and goals have been honestly debated in public.”

- American Democracy: The Power of the
Democratic Idea, Rockefeller Panel Report (1960)

I. INTRODUCTION

a. MESSAGE FROM THE MODERATOR

The Town Moderator drafted this document in an effort to help attendees fully participate and understand our Town Meeting process. It is the hope of the Town Moderator that the information contained herein will allow voters, and other attendees, to see how matters are brought before Town Meeting, how issues are debated on the floor of Town Meeting and ultimately how votes are taken at Town Meeting.

It should be noted that this document is not meant to be exhaustive, and there is a great deal of information and procedure that is not covered herein. Should you seek further guidance on Town Meeting, please feel free to contact the Moderator directly.

b. WHAT IS TOWN MEETING?

Town Meeting is the legislative body for the Town of Wilmington. Moreover, Town Meeting is a forum for the townspeople of Wilmington to come together and debate the issues facing the town relative to fiscal spending, the operation of town government, the town by-laws (inhabitant and zoning) and miscellaneous other issues.

Registered voters of the Town of Wilmington are afforded the opportunity, by and through Town Meeting, to decide how the town will spend money and for what purpose. Town Meeting also authorizes where the money to be spent will be derived from (i.e., current tax receipts, borrowing and/or other sources).

Adopting, amending and/or repealing town by-laws (inhabitant and/or zoning) is another key function of Town Meeting.

The impact of the votes taken at Town Meeting will have a great effect on the Town of Wilmington. If you are unsure as to the impact of any given vote, please direct your questions to the Moderator, and he will either answer your question directly or further direct your question to the appropriate person(s).

c. WHEN AND WHERE IS TOWN MEETING?

i. ANNUAL TOWN MEETING

Massachusetts calls for the annual meeting of each town to be held in February, March, April, May or June; it further states that other meetings may be held at such times as the Selectmen may order, or otherwise if the charter or by-laws prescribe¹ (see below under "Special Town Meeting"). However, notwithstanding the aforementioned or any other law, by-law, or charter to the contrary, Massachusetts law further states that the town, by the vote of its Board of Selectmen or Town Council, may delay the annual town meeting provided that such a delay cannot cause the business of the annual town meeting to be completed any later than June 30th of a given year².

In Wilmington, our Annual Town Meeting is held every year at 10:30 A.M. on the Saturday following the Election of Town Officers (the election of Town Officers is held on the fourth Saturday in April of each year). Unless otherwise noted, The Town of Wilmington holds its Annual Town Meeting in the Wilmington High School Auditorium. Notice of every Annual Town Meeting is given not less than fourteen (14) days before the date and time stated in the Warrant for the meeting.

ii. SPECIAL TOWN MEETING

The Board of Selectmen may, in their sole discretion, call a Special Town Meeting.

Registered voters may also call a Special Town Meeting. To do so, at least two hundred registered voters must request a Special Town Meeting³. Said voters must sign a written request for a Special Town Meeting, and within the request the voters should include

¹ Mass. Gen. Laws, c. 39, § 9

² *Id.*

³ Mass. Gen. Laws, c. 39, § 10

their addresses after their signatures. Voters must thereafter deliver the written request to the Board of Selectmen. If the aforementioned steps are followed, the Special Town Meeting must be held no later than forty-five (45) days after the Board of Selectmen receive said request.

If the Board of Selectmen so desire to call a Special Town Meeting, or if the voters call for a Special Town Meeting as detailed above, the Board of Selectmen must publish, in one or more newspapers circulated in the Town of Wilmington, notice of the intention to call said meeting. The aforementioned publication must be made at least twenty (20) days prior to the date of the Special Town Meeting.

A Special Town Meeting may be held for more than one reason. For example, a Special Town Meeting may be called to amend a zoning by-law and to authorize the town to purchase a parcel of land.

*** Unless otherwise specifically denoted herein, the term "Town Meeting" shall be taken to refer to both Special and Annual Town Meetings. ***

d. WHO CAN ATTEND TOWN MEETING?

Wilmington Town Meeting is open to all persons who wish to attend and observe. All attendees are expected to carry themselves with proper decorum.

The Moderator may direct all "non-voters" to an area of the meeting hall in which they are to sit; such direction shall be at the sole discretion of the Moderator.

Children are welcome to attend Town Meeting with their parent(s) or legal guardian(s). Children shall be allowed to sit among the voters so long as they are with their parent(s) or legal guardian(s).

e. WHO MAY SPEAK AT THE MEETING?

Any person, voter or otherwise, may be granted permission to address the Town Meeting assembly; such permission shall be at the sole discretion of the Moderator⁴. Any person wishing to address the meeting shall forthwith approach a microphone (which will customarily be stationed at the front and the back of the auditorium) and wait for the Moderator to so recognize them. Upon being recognized by the Moderator, the speaker shall identify him or herself by his or her first name, last name and residential address; this procedure is for voters and non-voters alike, and shall be followed each and every time a person is recognized by the Moderator.

f. WHO CAN VOTE AT TOWN MEETING?

All duly registered voters of the Town of Wilmington may attend Town Meeting and vote on the motions taken on the Warrant articles. All voters should check in with the Town officials before entering the assembly hall in order to receive their voter designation lanyard. Any person present in the assembly hall who does not have a town issued lanyard, designating him/her as a registered voter, shall not be able to vote on any motion brought before Town Meeting.

g. ROLES AND DUTIES AT TOWN MEETING

i. MODERATOR

The presiding officer at Town Meeting is the Moderator. The Moderator is elected by the townspeople of Wilmington and serves a three-year term.

The Moderator presides over and regulates the proceedings of Town Meeting, decides all questions of order and makes public declarations of all the votes taken at Town Meeting.⁵ All persons attending Town Meeting shall address the moderator as "Mr. Moderator", and no person shall address the meeting without leave of the Moderator.⁶ The Moderator is charged with maintaining order at Town Meeting. Should the Moderator feel that an attendee is persisting in disorderly conduct, and the Moderator

⁴ Mass. Gen. Laws, c. 39, § 17

⁵ Mass. Gen. Laws, c. 39, § 15

⁶ Mass. Gen. Laws, c. 39, § 17

shall have warned the attendee to desist from such conduct, the Moderator may order said attendee to withdraw from the meeting⁷.

There are only two circumstances in which a Moderator may cast a vote at Town Meeting. The Moderator may vote in the case of a tie (in which case the Moderator would be the deciding vote). The Moderator may also vote if a motion the Moderator opposes would otherwise carry by one vote (in this scenario the Moderator's vote would cause a tie and thus defeat the motion).

ii. SELECTMEN

The Selectmen prepare and issue the Warrant, which sets the time and place of Town Meeting and further sets forth the issues to be taken up at the meeting. The Selectmen sponsor many of the articles in the Warrant, so you will notice that the Selectmen will bring forth the main motion on the articles they sponsor when those articles are called to the floor of the meeting.

iii. TOWN CLERK

The Town Clerk's duty at Town Meeting is to record all votes that are declared by the Moderator. Further, the Town Clerk records the happenings of the meeting, specifically denoting who spoke on each motion, the topics of discussion, etc.

iv. TOWN COUNSEL

While it is the Selectmen who are charged with putting articles in the Warrant, thus preliminarily preparing it, it is Town Counsel who ensures that the town-sponsored articles are in proper legal form and nothing vital is missing from the Warrant. Town Counsel is present at Town Meeting to address any and all legal questions that may be addressed to him or her, by and through the moderator, from the floor of the meeting.

v. FINANCE COMMITTEE

The Town of Wilmington Inhabitant By-laws, Chapter 4, Section 1, calls for a Finance Committee to be formed in the Town of Wilmington in accordance with Massachusetts Law⁸. The Finance Committee consists of nine registered voters, and each member serves a three-year term (with three members having their term expire each year at the final adjournment of the annual Town Meeting).

The Finance Committee reviews the Budget as it is brought to them by the Town Manager. After being presented with the Town Manager's budget, the Finance Committee painstakingly vets the appropriations that are suggested by the Town Manager, and thereafter makes their own recommendations as to the appropriations for each line item. Ultimately, Town Meeting votes on the recommended appropriations of the Finance Committee.

The Finance Committee is also charged with recommending "approval" or "disapproval" of the articles (both town sponsored and petitioned) in the Warrant. There are also circumstances where the Finance Committee may take "no action" on a given article.

vi. SCHOOL COMMITTEE

The School Committee's participatory role in Town Meeting is quite limited, but their impact on the business of Town Meeting is very important – for the sole reason that the school department's budget is a very large portion of the town's overall budget⁹.

Massachusetts law sets forth a statutory obligation of the many towns of the Commonwealth to appropriate a sum of money that is sufficient to support and maintain our public schools¹⁰. The aforementioned statute goes on to state that no town

⁷ Id.

⁸ Mass. Gen. Laws, c. 39, § 16

⁹ Johnson, Trustman & Wadsworth, *Town Meeting Time*, 34 (3rd Edition 2001)

¹⁰ Mass. Gen. Laws, c. 71, §34

is required to provide more money for the support of the public schools than is appropriated by the vote of town meeting. Further, in acting on appropriations for educational costs, town meeting shall vote only on the total amount of the appropriation and shall not have the authority to allocate appropriations among accounts, place any restriction on appropriations or otherwise limit the authority of the school committee to determine expenditures within the total appropriation. Town meeting is allowed, however, to make non-binding recommendations to increase or decrease particular items.

It is worth noting that The Massachusetts Education Reform Act of 1993¹¹ included a provision establishing a minimum amount that shall be appropriated by each town of the Commonwealth for the support of its public schools (in Wilmington, this also includes our duty to separately appropriate for Shawsheen Valley Regional Vocational Technical High School District). If Town Meeting fails to appropriate the minimum required amount, the Commissioner of Revenue has the authority to refuse to approve the Town's tax rate for the next fiscal year¹². Additionally, state school aid may be reduced for the fiscal year following any year in which a town does not spend at least the minimum appropriation¹³.

vii. PLANNING BOARD

The Planning Board's role in Town Meeting is limited to articles dealing with the sale of town owned land and articles that seek to amend and/or augment the zoning by-laws of the Town of Wilmington. In such cases, the Planning Board recommends the approval or disapproval of such articles. The Planning Board also sponsors articles aimed at amending and/or augmenting the zoning by-laws of the Town of Wilmington.

II. THE WARRANT

a. WHAT IS THE WARRANT?

Every Town Meeting is called pursuant to a Warrant¹⁴. The Warrant must state the time and place for the meeting and the subjects to be acted upon (the articles). The Warrant must contain a sufficient description of what is proposed to be acted upon so as to constitute adequate notice to all inhabitants of the town¹⁵.

b. HOW DO ARTICLES GET ON THE WARRANT?

The Selectmen are charged with inserting articles in the Warrant, and they receive suggestions, requests and guidance from other town officials, departments, boards and committees.

Voters of the Town of Wilmington may also submit articles to be included on the Warrant for both special and annual town meetings. For an Annual Town Meeting, ten or more voters must submit a written request to the Board of Selectmen, before the selectmen close the Warrant, in order for an article to be included on the Warrant¹⁶. For a Special Town Meeting, one hundred registered voters must submit a written request to the Board of Selectmen, before the selectmen close the Warrant, in order for an article to be included on the Warrant.¹⁷

c. IN WHAT ORDER ARE ARTICLES CALLED AT TOWN MEETING?

The Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 10A, states that the Annual Town Meeting shall act upon the following matters as Warrant articles in such order as shall be prescribed by the Board of Selectmen:

- 1. Conduct of Town elections.*
- 2. Committee reports and any action thereon.*
- 3. For purpose of paying unpaid bills.*

¹¹ Mass. Acts of 1993, c. 71

¹² Mass. Gen. Laws, c. 70, § 1K

¹³ Mass. Gen. Laws, c. 70, § 11

¹⁴ Mass. Gen. Laws, c. 39, § 10

¹⁵ Woodlawn Cemetery v. Everett, 118 Mass. 354 (1875)

¹⁶ Mass. Gen. Laws, c. 39, § 10

¹⁷ Id.

4. *To authorize the Town Treasurer, with the approval of the Board of Selectmen, to enter into compensating balance agreements, under the provisions of M.G.L. Chapter 44, Section 53F.*
5. *To appropriate monies for expenses of the Town and salaries of Town officers and departments and determine how the same shall be raised.*
6. *To appropriate monies for capital expenditures.*

Articles relative to the above referenced matters will be taken up in order and will be placed at the beginning of the Warrant; the Moderator will announce, at the onset of the meeting, the articles that will be taken up in order.

The Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 10B states that all other articles are to be drawn by the Moderator via random selection. However, if certain articles are of such a relation to one another, whereby the passage of the first article is dependent upon the action of another article, those two articles may be taken up together, one after the other.

III. THE BUDGET

One of the most important functions of the Annual Town Meeting is adoption of the town's operating budget. The operating budget for the Town of Wilmington is large and complex. Months of time and effort are put into ensuring that the figures brought to the floor of Town Meeting are an accurate reflection of the many needs of our town.

It has been the practice in the Town of Wilmington, since 2011, for the Budget to be taken up by department. Thus, we no longer vote on every line item. The aforementioned being the case, at the Annual Town Meeting the voters will be charged with undertaking eleven (11) separate votes on the budget, including votes on the appropriation for: (i) Total General Government; (ii) Total Public Safety; (iii) Total Public Works; (iv) Total Community Development; (v) Total Public Buildings; (vi) Total Human Services; (vii) Wilmington School Department; (viii) Shawsheen Valley Regional Vocational Technical High School District; (ix) Total Maturing Debt and Interest; (x) Total Unclassified & Reserve; and (xi) Total Statutory Charges. Those votes, taken in aggregate, will constitute the next fiscal year's operating budget (i.e. the 2018 Town Meeting will vote on the FY 2019 budget).

While the Moderator may allow questions relative to the budget on the floor of Town Meeting (if the questioning is within the scope of the motion being discussed), it should be noted that the best time to influence the budget is while it is still being formulated. Voters are strongly encouraged to attend the public meetings of the various town boards and committees, especially the Finance Committee meetings and/or the Board of Selectmen meetings at which the line items in the budget are discussed and vetted at length.

Voters may make a motion to amend the Budget on the floor of Town Meeting, but should be mindful of the impact of any increase and/or decrease in funding to a specific line item and the department within which it falls.

IV. PROCEDURES OF TOWN MEETING

a. HOW MANY VOTERS ARE NEEDED FOR A QUORUM?

In accordance with the Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 19, one hundred and fifty (150) voters shall be required to start the business of Town Meeting, and no other quorum shall be required to conduct business (i.e. once a quorum is reached at a given meeting, the business of Town Meeting may continue even if said quorum shall dissipate at any point during the same meeting).

b. AUTHORITY FOR THE RULES OF TOWN MEETING

The Authority for the rules and regulations of Town Meeting come from the Town of Wilmington Inhabitant By-Laws and the laws of the Commonwealth of Massachusetts.

It should be noted that the Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 24, state that the rules contained in "Roberts Rules of Order, Revised" shall govern Town Meeting in all cases where applicable and not inconsistent with said by-laws.

c. THE MAIN MOTION - BRINGING ARTICLES TO THE FLOOR OF TOWN MEETING

The articles listed in the Warrant for Town Meeting are not “self-starting” – i.e. they are not motions, but merely a subject matter inserted in the Warrant to firmly establish an area within which the meeting may act¹⁸. No action may be taken relative to a specific Warrant Article unless and until someone makes a motion on the floor of Town Meeting to bring a matter before the assembly to be acted upon (this motion is known as the “Main Motion”). After the Main Motion has been made it must be seconded before any further action can be taken relative thereto. No action may be taken on any main motion that fails to be “seconded”.

d. PROCEDURAL MOTIONS

There are many motions available to an attendee of Town Meeting. As such, I would direct all persons to *Roberts Rules of Order, Revised*¹⁹, for a complete and exhaustive list of the motions and detailed explanations thereof. However, highlighted below are a few of the motions that are most often used at Town Meeting.

i. SUBSIDIARY MOTIONS

AMEND (OR SUBSTITUTE) – A motion to amend or substitute requires a second and a majority vote (even if the main motion requires a 2/3 vote). A motion to amend or substitute may be debated, further amended and reconsidered.

A motion to amend may consist of adding, deleting or substituting words in the motion to be amended.

The Moderator will require that all motions to amend or substitute be submitted to the Moderator in writing and be signed by the mover of the motion (the written request should also list the residential address of the mover – i.e. the person submitting the motion).

During debate on a motion to amend, the discussion may deal only with the merits of the amendment. Discussion as to the merits of the main motion will not be permitted during debate on a motion to amend, unless the Moderator gives express permission for such.

A vote on a motion to amend does not decide whether the main motion will be adopted, but rather simply decides if the meeting will adopt or reject the proffered amendment. After a motion to amend has been dealt with, the main motion (which, if the amendment was successful, would be the amended main motion) must thereafter be returned to the floor for further debate (if any) and then be voted on.

In accordance with the Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 14, on a motion to amend, no person shall speak more than five (5) minutes; nor more than once. Debate on a motion to amend or substitute shall be limited to twenty (20) minutes.

PREVIOUS QUESTION – A motion to move the previous question requires a second and a two-thirds vote. A motion to move the previous question may not be debated, amended or reconsidered.

If a person wishes not only to limit debate, but to dispense with it altogether relative to a pending motion, that person will seek to move the previous question; the adoption of a motion to move the previous question (which requires a second and a 2/3 vote) immediately closes debate. If the motion to move the previous question is successful, a vote is thereafter taken on the main motion.

In accordance with the Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 14, when debate is closed by the ordering of the previous question, the maker (or mover) of the main motion under consideration shall be allowed to speak for ten (10) minutes, and may grant, to any other voter, a part or whole of his time, or give his time to the meeting.

¹⁸ Johnson, Trustman & Wadsworth, *supra* note 8, at 61

¹⁹ RONR (11th ed.)

ii. INCIDENTAL MOTIONS

POINT OF ORDER – A point of order does not require a second and does not require a vote. A motion for a point of order may not be debated, amended and/or reconsidered.

A point of order is not really a motion, but rather a question and/or assertion. The person seeking the point of order is actually asking a question of or about the rules of order of the meeting by directing his or her point of order to the Moderator.

Any person who seeks a point of order shall rise, approach a microphone, and address the moderator as follows: “Mr. Moderator, I rise to a point of order”. The person seeking the point of order shall thereafter be silent until the Moderator directs him or her to state his or her point of order.

A point of order may be sought if a voter believes the rules of order have been violated and they are thus calling upon the Moderator to make a ruling and to further enforce the regular rules.

iii. MOTIONS THAT BRING A QUESTION BEFORE THE ASSEMBLY AGAIN

RECONSIDER - A motion to reconsider requires a second and a majority a vote. A motion to reconsider may be debated if the main motion to be reconsidered was debatable (in which case debate can go into the merits of that motion), but it may not be amended and/or further reconsidered.

For a motion to reconsider to be in order, a member who voted on the prevailing side must be the moving party (if the motion was adopted, the motion to reconsider must be made by a voter who voted in favor of the motion; if the motion was defeated, then only a voter who voted against the defeated motion can bring forth a motion to reconsider). However, any voter can second the motion (regardless of how they voted).

If a motion to reconsider is successfully made and seconded, debate is allowed (per above). After debate, a vote is taken on the motion to reconsider. If the motion to reconsider passes by a majority vote, the main motion (which had already been voted on previously in the meeting) will be brought back before the meeting for subsequent debate and a vote.

The Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 18, states that when a motion for reconsideration is decided, that decision shall be reconsidered, and no question shall be reconsidered more than once; nor shall any vote be reconsidered on a motion to adjourn, to lie on the table, or to move the previous question. No vote passed at any meeting shall be reconsidered at an adjournment thereof unless notice be given to the voters at the same session of the meeting that a motion to reconsider will be made at the adjournment.

e. RULES OF DEBATE

Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 14, states that:

When a question is before the meeting, the following motions, if seconded, shall be received and shall have precedence according to the foregoing order and provisions for debate, namely:

A. Shall be decided without debate:

- 1. To adjourn*
- 2. To lay on the table*
- 3. To move the previous question*

B. No person shall speak more than three (3) minutes and no person shall speak more than once. Debate shall be limited to ten (10) minutes:

- 1. To close debate at a specific time*
- 2. To postpone to a certain time*
- 3. To commit, recommit or refer*

C. No person shall speak more than five (5) minutes; nor more than once. Debate shall be limited to twenty (20) minutes:

1. To amend or substitute

D. No person shall speak more than three (3) minutes and no person shall speak more than once. Debate shall be limited to ten (10) minutes:

1. To postpone indefinitely

E. When debate is closed by ordering the previous question or by vote to close debate at a specified time, the maker of the main motion under consideration shall be allowed to speak ten (10) minutes and may grant to any other voter a part or whole of his time, or give his time to the meeting.

F. On proposed amendments involving amounts or dates, the largest amount and longest time shall be put first.

Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 15, states the following:

Except for the maker of the main motion, who shall be permitted to speak for no more than ten (10) minutes on the question, no person shall speak for more than five (5) minutes on any question prior to the closing of debate without first obtaining leave of the meeting, nor more than twice except to correct a mistake or make an explanation. The maker of the main motion may grant to any other person a part or whole of his time or give his time to the meeting. These limits include time used for showing charts, movies, slides, maps, etc. which may enhance a presentation.

As was hereinbefore stated, any person wishing to address the meeting shall forthwith approach a microphone (which will customarily be stationed at the front and the back of the auditorium) and wait for the Moderator to so recognize him or her. Upon being recognized by the Moderator, the speaker shall identify him or herself by his or her first name, last name and residential address. This procedure is for voters and non-voters alike, and shall be followed each and every time a person seeks to address the meeting.

The Moderator will not entertain a speaker whose sole purpose is to delay, disrupt or otherwise unlawfully infringe upon the business of Town Meeting. No speaker shall address any other person directly, nor by name, and all conversation shall be directed towards the Moderator. If a speaker wants to refer to another attendee who has spoken before him/her, he or she shall refer to that person as “the previous speaker”; civility will be maintained at all times, even in cases of disagreement.

f. VOTING

Town of Wilmington Inhabitant By-Laws, Chapter 2, Section 17, states that the sense of the meeting shall be determined by the voices of the voters (voice vote – see below), and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by the sound of voices, or if his decision is immediately questioned by seven or more voters rising in their places for that purpose, the Moderator shall, without debate, determine the vote by appointing tellers to make and return the count (standing vote – see below).

A voice vote, or a calling of the “yeas and nays”, is the most common form of voting at Wilmington Town Meeting. In such case, the Moderator will ask all those in favor to respond “yea” or “I” if they wish to vote in the affirmative. The Moderator will then ask the voters in opposition to a motion to respond with “nay” or “no” if they wish to vote in opposition to the motion. After the voice vote, the Moderator will announce the results of the vote to the meeting and the vote will be entered into the record.

If the Moderator senses that an issue is contested, he may call for a standing vote. Under this scenario, the Moderator will ask everyone to take his or her seat so that a standing vote can be taken. The Moderator will ask that all voters in favor of the motion to rise; those rising in favor shall remain standing until the tellers have a chance to ensure that all votes are counted. Once the Moderator is confident that all votes have been counted and the Town Clerk is in receipt of the tallies thereof, the Moderator will direct those voting in favor of the motion to take their seats. The same protocol will follow for those who wish to vote in opposition to a motion. The Town Clerk will thereafter tally the votes and report the results to the Moderator, who will then announce the results to the meeting.

The Moderator will announce the voting thresholds of the various motions as they are taken up for a vote (i.e. majority, two-thirds).

g. USE OF AUDIO/VISUAL

Use of audio/visual aid is permitted at Wilmington Town Meeting. The Moderator requests that anyone seeking to use audio/visual aid alert him before the meeting so that he can ensure the meeting forum is properly prepared and equipped.

V. CONTACT INFORMATION

If you have any questions and/or concerns relative to the process of Town Meeting, please direct those questions to the official Town Moderator email address: moderator@wilmingtonma.gov.