



# TOWN OF MARBLEHEAD

Abbot Hall  
188 Washington Street  
Marblehead, MA 01945

## **A practical guide to Marblehead Town Meeting** **Gary Spiess, Town Moderator**

This document is intended to be a complementary document *to the "Town Meeting Guide"* and describes how I, as Town Moderator, will actually conduct the Meeting.

### **GENERAL**

As Moderator, my role is to run the Town Meeting in accordance with the Warrant published by the Board of Selectmen. I cannot adjourn the meeting until all Articles in the warrant have been acted on. However, within the meeting itself the Moderator has very broad authority.

Below is an outline of how I will deal with certain situations which have regularly come up during my 15 plus years as Moderator.

First as a strong believer that Town Meeting is the purest form of democracy, my goal is to run the meeting in an orderly fashion that ensures all sides are heard on each article. The presenters of an article, whether Town Officials or Citizen presenters, will be given adequate time to explain their proposals.

Second, a very important ingredient for anyone attending Town Meeting is that you will hear positions expressed that you don't necessarily agree with, but my expectation is that Town Meeting attendees treat others with respect, hear them out and wait their turn to express themselves. If you wish to speak, go to one of the microphones in the aisle and wait until you are called upon. To facilitate the business of the meeting keep your remarks focused, brief and non-repetitive. I also believe you can say a great deal in one or two minutes, and my informal stopwatch is working.

Third, only registered Marblehead voters may speak and when you are recognized you must state your name and address before addressing the questions under discussion. Non-resident Town employees and outside experts, employed by the Town, may also speak.

### **THE MEETING**

The order of items in the warrant is set by the Board of Selectmen and in recent years the meeting has evolved into several distinct parts.

After the pledge of allegiance, The **FIRST PART** is made up of routine housekeeping and reports which are virtually unchanged from year to year. In the interest of time, I move through these quickly.

The **SECOND PART** consists of annual proposals from various Town departments and committees setting forth their plans and requests for the coming year. These in total form a major part of the Town budget for the coming year. These have been reviewed by the Town Finance Committee and a recommendation is included in the Finance Committee Report which is published and is available before the meeting.

The meeting then reviews the **OVERAL BUDGET** after hearing an overview report from the Finance Committee. As there are more than 100 separate items, I read to Town Meeting only the budget item. You should follow the copy set forth in the Finance Committee Report. Any voter may place a hold on an individual item for further discussion. (For example, I will identify an item by saying "Highway Department". A voter will call "hold" from their seat and that item will be set aside) while I complete the entire budget. If no hold is called, the item is considered as approved. After any hold items are discussed, the meeting votes on the budget as a whole, and thereby approves the individual items. The Annual budget currently totals close to \$100 million.

The **THIRD PART** is made up of non-recurring requests by a Town Department or Commission (e.g., the Library Renovation Project presented by the Library Trustees or the rewriting of the Town Bylaw of the Old and Historic District presented by the Old and Historic District Commission, the Fort Sewall project). These involve a detailed presentation, often including information presented by an outside consultant, and often with significant questions and statements by voters present at the meeting. These can be controversial and time consuming with everyone having a chance to be heard. As Moderator, I can limit discussion if it becomes repetitive, and I will limit it if it becomes unruly, disrespectful, or devolves into inappropriate language.

**CITIZEN PETITIONS** are welcome at the meeting if properly included in the Warrant as a Warrant Article. If a matter is not in the Warrant, it cannot be considered at Town Meeting. The warrant is managed by the Board of Selectmen, with the help from the Special Town Counsel. The date the Warrant is closed is a key finish line. This date is publicly announced when the Warrant is opened.

Neither the Special Town Counsel, nor any elected Town Official is authorized to provide legal advice on a citizen's petition. There are a number of able lawyers in Town or close by who are quite capable to advise on municipal law matters as private attorneys.

My only formal "lawyer" role as moderator is to make sure that the item is in proper form for action at the meeting. This requires a written motion from the presenter which I will be happy to discuss, along with such guidance as to form; however in order to do this I must be provided the motion ahead of time. For communications by phone and electronically, I would like to have them by 6:00 p.m. on the day before Town Meeting. They may also be presented to me in person before the meeting starts, although this may not leave adequate time for an effective review. In the end each motion should be in writing signed by a presenter or other registered voter. (For example, "moved and seconded that Article 21 as set forth in the warrant be approved")

Depending on the complexity of a particular item, I will allow up to 10 minutes for the proponents to make their presentation. That time can be allocated among presenters as they see fit, but only 10 minutes for the group total. If an item is particularly complex, I may allow more than 10 minutes by pre-agreement, and announce that to the meeting before the presentation. The presenters must come to the microphone at the front to the hall nearest to me, on my right. This will enable the presenter to address the meeting while facing the audience from a prominent location.

In the case of both Special Town requests and Citizens' Petitions, there will then be questions and statements presented by other citizens. All comments on a Proposal must be addressed to me as the Moderator. I will direct those as appropriate. However, direct debate between speakers at the meeting is not permitted, nor are personal attacks or disorderly conduct and I will rule them and inappropriate language out of order. After questions and comments have been made, we will proceed to vote on the question presented.

**VOTING.** Most items at the meeting are determined by the Moderator on a show of hands vote. If I am in doubt as to the outcome, I will ask the tellers from the League of Women Voters to come forward and count the individual votes. The Tellers report to me and after consulting with the Town Finance Director or other officials on the numbers, I announce the result, which is final. We also may require a counted vote if a super majority is required (usually bonding or eminent domain issues) to satisfy legal requirements. Sometimes I will ask for a unanimous vote, which obviates the necessity of a counted vote, which is time consuming. A vote by written ballot can be requested in writing signed by 9 voters present at the meeting. The tellers provided by the League are sworn in at the beginning of the meeting, and I think, do a very good job.

#### **TYPES OF VOTES**

**Amendments** are permitted from the floor, so long as there is a proper motion in writing signed by the proposer, so that I can read it to the meeting. Amendments are generally voted on before any other motion.

**A vote on the motion as presented.** A straight up or down vote.

**Indefinite Postponement.** This is often used to eliminate votes that are unnecessary and occasionally to block an affirmative vote. It is a priority motion under the Town's Bylaws and must be voted on before the main motion. If adopted, the item in the main motion is effectively dead.

**A Motion for Reconsideration.** This must be brought on the same night as the original action was taken. It asks that the prior vote be taken again. The presenter must have voted on the prevailing side in the original vote (i.e. they are trying to reverse a vote they supported. The theory is that there was a misunderstanding or the discovery of new and relevant facts). A 2/3 vote is required. If reconsideration is approved, the original motion is voted on again. An item can be reconsidered only once.

**Call the Question or Move the Previous Question.** These are also a priority motion and must be voted on immediately without discussion. This is essentially a motion to cut off discussion and if

adopted the meeting will immediately vote on the original motion under discussion. If the Call the Question is defeated, discussion resumes on the original motion.

**To suspend the meeting until a time certain.** If it is getting late, in deference to parents with babysitters, older voters and cold weather, I will ask for a motion to suspend the meeting until the following night. I try to to make that assessment early on the first night and state my intentions clearly so that voters may be guided accordingly.

**To Adjourn.** This vote is in order only after all items in the warrant have been dealt with and is usually adopted by a show of coats and jackets and an increase in conversation among the voters.

Gary Spiess, Town Moderator  
March 2022

March 28, 2022  
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