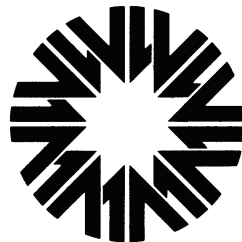


# **TOWN MEETING HANDBOOK**

**AMHERST, MASSACHUSETTS**

**seventh edition, March 2007**



**Prepared by  
the League of Women Voters of Amherst**

# Town of Amherst 2005 Voting Precincts



amherstma.gov

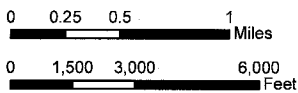
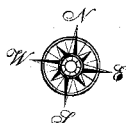
## Precincts and Polling Places

- 1 North Congregational Church  
Church Hall, North Pleasant St
- 2 North Fire Station  
East Pleasant St
- 3 Immanuel Lutheran Church  
Church Lounge, North Pleasant St
- 4 & 5 Bangs Community Center  
70 Boltwood Walk
- 6 Fort River School  
South East St
- 7 Crocker Farm School  
West St (Rt 116)
- 8 Munson Memorial Library  
South East St
- 9 Wildwood School  
Strong St
- 9A New Africa House  
Infirmary Way, UMass
- 10 Bangs Community Center  
70 Boltwood Walk

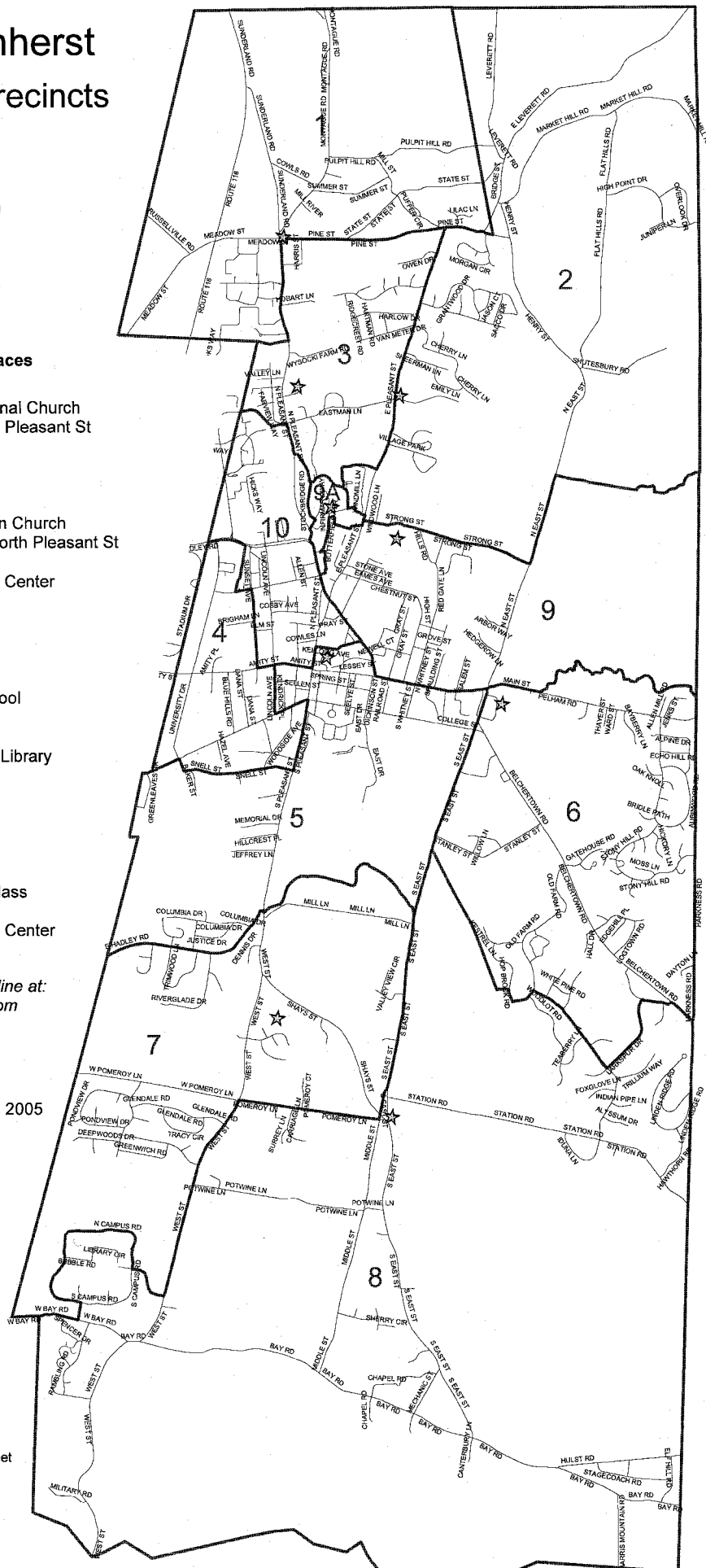
Find your polling place online at:  
[www.WhereDoIVoteMA.com](http://www.WhereDoIVoteMA.com)

## Legend

- ★ Polling Places
- Precinct Boundaries 2005



1 inch equals 3,000 feet  
at 11"x17"

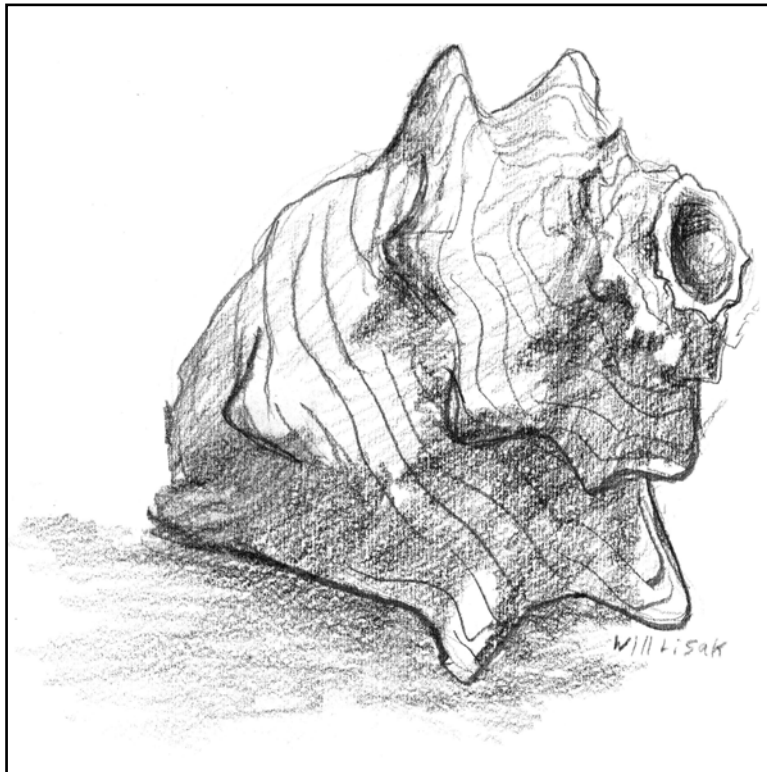


# TOWN MEETING HANDBOOK

Amherst, Massachusetts  
seventh edition, March 2007

prepared by the League of Women Voters of Amherst

published by the League of Women Voters Education Fund, and  
the Diana Romer Memorial Fund



The League of Women Voters gratefully acknowledges the generosity of many Amherst officials, especially the Town Moderator Harrison Gregg, the Town Finance Director John Musante, the Town Planner Jonathan Tucker, and the former Town Manager Barry Del Castilho, as well as members of the community who provided advice and assistance in the preparation of this booklet. Responsibility for errors and omissions rests solely with the League.

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The League of Women Voters of Amherst urges those who would like to know more about the sources of the information contained in this handbook to consult the references listed on page 42.

**Rules of Town Meeting**

**Inside Back Cover**

## **Information about "Ye Auld Kunk"**

### **The Conch Shell pictured on the title page**

The conch shell was used in Amherst, as it was in other colonial parishes, to call 1700's residents to town meetings, celebrations, and worship. It suited the eighteen families that first established the land that would soon become Amherst because bells were expensive and they reminded the puritan settlers of the Catholic churches they once reformed and then left behind. This shell was selected by a "Committee to Hire suitable Parsons to Blow ye Kunk and sweep ye Meeting Hous for this yeare." Nehemiah Strong was hired to blow it for the salary of two pounds fifteen shilling a year.

The Amherst conch shell is now housed in the lobby of the Strong House, built by Nehemiah Strong ca. 1750. The Strong House for over 100 years has been the location of the Amherst Historical Society which provided much of the wording of this description of "Ye Auld Kunk."

The League of Women Voters wishes to acknowledge and thank artist, Will Lisak, for the contribution of his line drawing pictured on the title page.

# TOWN MEETING HANDBOOK

Town Meeting in Amherst consists of 240 elected members, with 24 members chosen from each of the Town's ten precincts. In addition, a number of ex officio members also serve in this legislative branch of Town government.

This handbook introduces new Town Meeting members to the procedures and practices of this body. It can also serve as a reference for all participants in town government, including officials, committee members, and veteran Town Meeting members.

For citizens and Town Meeting members in particular, the League of Women Voters publication *Your Amherst Government* is a companion volume, explaining both the operation of Amherst's government and the services provided by the various departments.

The sources of information used for compiling this handbook, listed at the end, include the Amherst Town Government Act; Amherst Bylaws, especially the Rules of Order, Article I; some relevant Massachusetts General Laws; and the *Amherst Town Meeting Handbook*, 1998.

## I. PARTICIPANTS, ELECTIONS, AND APPOINTMENTS

### A. ELECTED TOWN MEETING MEMBERS (PRECINCT REPRESENTATIVES)

(See precinct map inside front cover.)

**Elections.** Precinct representatives are elected at the nonpartisan town elections held every spring. Any registered voter of Amherst may seek election. Nomination papers, available from the Town Clerk, require at least one signature of a registered voter of the precinct in which the candidate resides and must be filed at least 49 days before the election. The one signature can be that of the candidate.

The full term of office is three years, but there are often unexpired, one-year and two-year terms to be filled. Candidates must specify the term for which they are running when they take out papers.

When redistricting changes precinct boundaries, all seats in the affected precincts must be filled at the next town election. In such cases, the third of those elected from each precinct who receive the highest number of votes serve three-year terms; the next third, two-year terms; and the remaining third, one-year terms.

**Vacancies and Resignations.** A vacancy for precinct representative occurs when a member resigns, becomes an ex officio member, or moves from the town. A member who moves from one precinct to another continues to serve as representative of the original precinct until the next annual election.

A Town Meeting member may resign by filing a signed and dated notice with the Town Clerk. The resignation takes effect immediately.

**Filling Vacancies.** Vacancies that occur after the annual town election are filled until the next annual election by one of three procedures.

1. If the vacancy occurs before Annual Town Meeting, the vacancy shall be filled by the losing candidate at the same election with the largest number of votes in that precinct.

2. If a vacancy cannot be filled by using the list of losing candidates, the Town Clerk mails notices to the precinct's remaining members and publishes a notice in a local newspaper. Any registered voter of the precinct may file nomination papers. The Town Clerk certifies the qualified candidate(s) and mails a ballot to the precinct's remaining town meeting members. Completed ballots are returned to the Town Clerk who opens envelopes at a public meeting and certifies the election of those with the largest number of votes, ties to be resolved by lot.

3. If a vacancy cannot be filled by either of the first two procedures, the remaining elected members of the precinct may choose a successor from among the registered voters of the precinct. After receiving a petition signed by ten elected town meeting members of the precinct, the Town Clerk calls a meeting of the remaining town meeting members to fill the vacancy. A majority of the elected town meeting members from the precinct constitutes a quorum. Election is by ballot and a majority of votes cast shall be required for a choice.

The Town Clerk should be contacted in all cases for procedural details prescribed by the Amherst Town Government Act.

## **B. OFFICIAL PARTICIPANTS**

Serving as ex officio members of Amherst Town Meeting are the Town Moderator, the members of the Select Board and the Amherst School Committee, the President of the Jones Library Trustees, the Town Manager, and the Chair of the Finance Committee. The former Finance Committee chair serves until the next town election.

The Moderator does not participate in debate on issues. All ex officio members are entitled to vote, but the Moderator and Town Manager traditionally have not done so.

**The Town Moderator** is elected at each annual town election for a one-year term. The moderator presides over Town Meeting and is the final arbiter of all procedures. The Moderator appoints the Finance Committee and may be authorized by Town Meeting to appoint special committees. If the Moderator is absent or steps down because of a conflict of interest, the meeting elects a temporary Moderator.

**The Town Clerk** is appointed by the Town Manager. In addition to performing the other duties of that office, the clerk records the votes of town meetings and elections, notifies members of town meetings, and works with the Moderator at the meetings. The Town Clerk's records are final and official.

**The Select Board** has five members who are elected at large by all the town's voters and who serve staggered three-year terms. As the town's chief elected officials, they set policy guidelines for the proposed municipal budget. They appoint and supervise the Town Manager. The Select Board calls town meetings, issues warrants for town meetings and plays an important role at the meetings, making procedural motions, presenting some articles, and making recommendations to the town on the annual operating budget and the capital program.

**The Town Manager** is appointed by the Select Board. The Manager is the chief administrative and fiscal officer of the Town, except for the schools and libraries. The Town Manager works throughout the year with town staff preparing for Town Meeting and is available at each session to answer questions or to clarify material presented in the warrant.

### **C. TOWN MEETING COMMITTEES**

**The Finance Committee** is a standing committee of Amherst Town Meeting. It reviews the capital and operating budgets of the town, libraries, and schools, presents the operating budget to Annual Town Meeting, and studies and makes recommendations on all articles on the warrant that, in its judgment, may affect the finances of the town. It also acts between Town Meetings to make transfers from the Reserve Fund to cover extraordinary and unforeseen expenses.

The seven members of the committee are appointed by the Moderator and serve staggered three-year terms. The chair, who is elected by the committee, is an ex officio member of Town Meeting. The other members need not be elected Town Meeting members.

**The Town Meeting Coordinating Committee** consists of seven Town Meeting members elected by Town Meeting members to staggered two-year terms. Its charge is to provide continuing leadership and organization to Town Meeting and to extend outreach to the community on behalf of Town Meeting. The duties of the committee include, but are not limited to, organizing warrant forums open to the public prior to Town Meeting, communicating to the public about Town Meeting, improving the education and orientation of new members, and researching ways for recording votes at Town Meeting.

#### **D. OTHER COMMITTEES**

**The Joint Capital Planning Committee** is made up of two representatives each from the Select Board, the School Committee, the Library Board of Trustees, and the Finance Committee. Representatives are designated by the committees or boards they represent. This committee periodically updates a long-range funding plan for town-wide capital needs, reviews and prioritizes the capital spending needs of the town, and makes recommendations to the Town Manager. It also presents its report to Town Meeting and speaks to its recommendations.

**The Budget Coordinating Group** is an informal group that meets periodically and is charged by its own members to serve as a clearinghouse for budget information, to refine a master budget calendar for the town, schools, and libraries, and to review a long-range financial projection.

The Committee's purpose is to develop a common understanding of issues related to budget priorities and to develop methods of sharing resources ultimately leading to a recommended course of action, and to disseminate the group's recommendations and conclusions to the public.

The Committee is made up of two representatives each from the Select Board, School Committee, Library Trustees, and Finance Committee, as well as the Regional School Committee Chair, Town Manager, Finance Director/Treasurer, Superintendent of Schools, School Business Manager, and Library Director. The Committee operates by consensus only with no votes taken.

## **II. THE JOB OF TOWN MEETING MEMBER**

One of the earliest descriptions of the duties of town meeting members is found in the 1950 edition of this handbook. The job of town meeting member has changed little, although today Amherst is much larger, town meetings are longer and more frequent, and the turnover rate in membership is greater. This edition

updates certain details of the earlier description and includes a note on the customs of large deliberative assemblies.

### **A. INDIVIDUAL RESPONSIBILITIES**

The job of the Town Meeting member may be said to consist of the following:

1. to attend, if possible, all sessions of Town Meeting;
2. to elect members of the Town Meeting Coordinating Committee;
3. to fill Town meeting member vacancies under certain circumstances;
4. to vote on all issues; (Failure to vote implies acquiescence in the majority opinion.)
5. to learn about the major issues prior to the meeting; (Sources of information include the Finance Committee Report, email from the Town Meeting Coordinating Committee, the Warrant Meeting, other material distributed to Town Meeting members, articles in the local press, hearings, and informational meetings.)
6. to speak when having a question or statement that might affect a decision; if intending to participate in the debate on an issue, to obtain as much information as possible in advance of the meeting; (The Town Manager and other officials welcome requests for information and, to the extent time permits, will discuss the issues with individual Town Meeting members.)
7. to listen carefully to residents of the precinct and to weigh their interests with those of the Town as a whole.

Members' votes are their own decisions as to what is right for Amherst. For many issues, this implies the need for careful study by minds free of fear and prejudice and capable of change on the basis of facts.

### **B. CUSTOMS OF LARGE ASSEMBLIES**

Town Meeting members also need to understand and observe the customs and rules of order of large deliberative assemblies. Legislatures and other large deliberative assemblies cannot debate every issue in full or work out the details of budgets, zoning, and other legislation. Members take into consideration that in the months prior to the meeting, officials and committees have deliberated upon the major issues, considered the needs of those affected

directly, and listened to the concerns of the public at large. Extensive discussion is reserved for questions that are both important and controversial.

Failure to hear all sides of a controversial issue may result in a bad decision. Members are ready to end debate when the major points have been made, but should avoid doing so prematurely. When the meeting is divided on ending debate, a vote to end debate may be required.

### **III. REPRESENTATIVE TOWN MEETING STEP-BY-STEP**

#### **A. CALL OF THE MEETING**

The Select Board calls a Town Meeting by issuing a **warrant**, which is a "warning" to the people of the Town stating the time and place of the meeting and the issues to be acted upon.

Each item of business is called an **article**. The Select Board places articles on the warrant at its own initiative, at the request of other officials and committees, or upon petition. The business of a Town Meeting is limited to the articles on the warrant.

The Select Board sends the warrant to Town Meeting members as soon as possible after it is signed. The Town Clerk notifies each member of the date, time, and place, by mail at least ten days before the meeting.

State law requires the town to hold an **Annual Town Meeting** for the purpose of adopting a budget; the meeting usually begins in late April or early May. By custom the Select Board calls a special **Fall Town Meeting**, usually in October.

**Sessions of Town Meeting** are held in the auditorium of the Regional Middle School. They begin at 7:30 p.m.

Each town meeting convenes for as many sessions as are required to act upon all articles on the warrant. In general, the Select Board recommends the following pattern for meetings: Monday and Wednesday of the first and second weeks, and Monday, Wednesday, Thursday of any subsequent weeks. The actual schedule is determined by the availability of the auditorium and, after the first night, by vote of the meeting. Usually the Select Board Chair makes a motion to adjourn around 10 p.m. No motion under any article other than the article under debate may be made after 10 p.m. except by majority vote of the meeting.

## B. OPENING THE MEETING

Before the appointed hour, the members gather in the auditorium. They enter the reserved section from a hallway on the south side of the auditorium. Checkers check off each member's name from a list, distribute cards for tallied votes, maintain a count, and report to the Moderator when a quorum is achieved.

The main section of the auditorium is reserved for Town Meeting members. Others, including officials, committee members, and the press, may sit in the front row of this section when their business so requires, provided they wear a badge identifying them as non-voters. These badges may be obtained from the Town Clerk or a checker. Spectators and interested citizens must sit in tiered seats in the rear.

Several officials and committees have special seats. The Moderator and Clerk are on the stage. The Finance Committee sits at the front of the auditorium on the south side. The Select Board and Town Manager, together with staff members assisting the Manager, are similarly situated on the north side. The Planning Board sits in place of the Finance Committee for planning articles and the School Committee sits in place of the Select Board for school articles.

**Call to Order.** The Moderator calls the meeting to order as soon as the checkers report a quorum. **A quorum** is a majority of the members; vacant positions are not counted. For example, if there are 252 members at the time of the meeting, 127 will constitute a quorum. On the rare occasion when a quorum is not present within a few minutes of the scheduled time, appeals may be made to absent members through the cable television channel and by telephone. If a quorum is not achieved within a reasonable time, the members present adjourn the meeting to a later date.

**Consent Calendar.** At least five days before Town Meeting the Moderator proposes to all members a "Consent Calendar" listing all articles and budget areas which the Moderator expects will pass unanimously. At the first session, at the request of five members, any article can be removed from the Consent Calendar so that it can be debated and voted in accordance with the provisions of the Rules of Order. All items remaining in the Consent Calendar are then voted upon by a single vote without debate. (Rule 1)

At the beginning of the meeting, the Moderator also makes announcements, reviews other rules of Town Meeting and swears in new members.

## C. ORDER OF THE MEETING

**Motions.** The Moderator reads each article as printed, or summarizes it and calls attention to its full text in the warrant, in the Finance Committee booklet,

and on the projection screen. The Moderator then asks, "Is there a motion under the article?" A Town Meeting member, usually the sponsor of the article, then makes a motion. A second is asked for and given, again only by a Town Meeting member.

The initial or main motion under each article is ordinarily planned in advance and printed on a motion sheet. A new motion sheet, covering all of the articles which might be considered that evening, is prepared for each session by the Town Manager's office and distributed to Town Meeting members.

It is advisable for sponsors to let the Town Manager's office know, at least two days in advance, the intended wording of motions and amendments and who will be moving them. Sponsors should consult the Town Manager's office for advice about the preparation of visual materials to be projected at Town Meeting.

A motion may or may not follow the exact wording of the article, but it **must** fall within **the scope of the article**; that is, the motion must address the same issue as the article and may not call for greater expenditures or more extensive measures than are specified on the warrant. It is the Moderator's decision as to whether a motion is within the scope of the article. The Moderator should be consulted in advance if there is any doubt, and may also be called on for help in crafting an acceptable motion.

A sponsor sometimes decides not to make a substantive motion, but instead moves **to dismiss the article**. If no one comes forward on behalf of the article, someone, usually a Select Board member, moves for dismissal. Such a motion is debatable.

**Debate.** After a motion has been seconded, the Moderator calls upon the person who made the motion to speak in its support. The initial speech supporting any debatable motion - whether it is the initial motion under an article or a subsequent motion to amend, refer, postpone, or dismiss - is limited to five minutes. All other speeches are limited to three minutes. Any speaker, after being recognized but before beginning the statement, may request additional time. The moderator calls for a vote on this request.

When the maker of a motion has completed the initial statement, the Moderator calls on each board or committee that may be expected to have a recommendation for or against the motion. The Select Board normally takes a position on every article on the Warrant and the Finance Committee is required by law to offer a recommendation on every proposal that may have a financial impact on the Town. The Planning Board must present a report on every proposed Zoning Bylaw amendment. Other bodies such as the School Committee, the Library Board, and the Conservation Commission, may be called upon regarding articles that lie within their areas of responsibility. The Town

Manager is often called upon for explanations and may refer questions to other staff members.

When all of the appropriate boards and committees have been heard from, the Moderator asks, "Is there any discussion?" This is the time when members argue pros and cons.

Any registered Amherst voter may speak, upon recognition by the Moderator. Other residents and non-residents may speak after the Moderator has obtained the permission of the meeting by means of a vote. Non-resident members of Town staff and of town committees who have information to offer are permitted to speak without such a vote.

The Moderator strictly enforces time limits and the rule that limits each member to two speeches on the same subject. (Rule 6) The latter rule does not apply to those responding to questions. The Moderator normally treats any clarifying or explanatory statement from a Town official or staff member as a response to a question.

**Amendments and Other Motions.** At any time during the debate, amendments may be offered, procedural motions made, and points of order raised.

When the point is reached that no member is seeking recognition, the Moderator may call for a vote. More often, if the debate is cut off by a positive vote on the motion for "the previous question," the Moderator immediately calls for a vote on the motion that was being considered. If a two-thirds vote on the motion for the previous question is not attained, debate resumes.

**Voting.** Before asking for the members' votes, the Moderator repeats the motion or otherwise attempts to ensure that every member understands what is being voted on. Any member who does not understand may, without recognition, call "Point of Order" and ask for clarification. Votes may be registered by voice, by standing, or by tally card. In most cases the Moderator can tell from a voice vote whether the required majority or supermajority agrees. If the Moderator or at least one member is in doubt, a standing or tally vote will be taken.

**Order of the Articles.** Each article normally is dealt with in its turn. No article may be omitted, but an article may be considered out of turn by vote of the meeting. Reasons should be compelling because it is possible that the proponents or opponents of the article - or of other articles affected by the change - will be unable to discuss the issue at a new time.

**Adjournment.** Town Meeting usually adjourns shortly after 10 p.m. After that hour Town Meeting may finish its work on the current article but may not proceed to another article unless a majority votes to do so. (Rule 13) The **motion to adjourn** is not debatable. (Rule 10) It is customarily made by a Select

Board member and it must name a date and time for the reconvening of the meeting. It is considered a courtesy for a member wishing to adjourn early to ask the Select Board their plans, rather than make a motion directly.

**Dissolving the Meeting.** When all articles on the warrant are acted upon, someone, by tradition a Select Board member, will say, "I move that the meeting be dissolved." A vote to dissolve ends the meeting. Town Meeting will convene again only upon another call to meeting under another Warrant.

#### **D. THE REFERENDUM ON TOWN MEETING VOTES**

Most votes do not take effect until the expiration of five business days after the dissolution of Town Meeting. During this interval a petition may be addressed to the Select Board asking that the question be submitted to all the registered voters of the town. Procedural votes and votes declared by a preamble to be emergency measures are not subject to referendum. Zoning Bylaw amendments that are not reversed by referendum are considered to have taken effect on the date of passage. Section 2.41 of the Amherst Town Government Act lists the measures that are excluded from referendum.

**Petition and Call for Referendum.** A petition for a referendum must be signed by 5% of the active registered voters of the town and filed with the Town Clerk within five days (excluding Saturdays, Sundays and legal holidays) of the dissolution of the meeting. The filing suspends the action of Town Meeting cited in the petition. The town clerk must verify all signatures on the petition and issue a notice of certification.

Within ten days of receiving the notice of certification, the Select Board must call the election on the referendum. The election must be held as soon as practical in accordance with the law and must be for the sole purpose of presenting the referendum question or questions. The schedule for this election is sometimes affected by the Select Board policy of scheduling all local elections on dates that avoid academic vacations.

**The Vote on a Referendum.** Voting takes place in the precincts as in a town election. The vote is on the question as finally voted on by Town Meeting. A referendum question is carried by the same proportion of votes as would be required at Town Meeting (e.g., two-thirds for a bond issue). No decision of the Town Meeting can be reversed, however, unless at least eighteen percent of all the registered active voters vote for reversal.

## IV. PARLIAMENTARY PROCEDURES AT AMHERST TOWN MEETING

(See also the step-by-step description above)

### A. BASIS FOR PROCEDURES

The conduct of the Town Meeting is governed by state laws, town bylaws, some fundamental rules of parliamentary procedure, and tradition. In general, town meetings do not adhere to the complexities used by more formal assemblies. **The Moderator is the final arbiter of all procedures.**

### B. OBTAINING RECOGNITION

A Town Meeting member wishing to be recognized raises a hand. A tally card may be held in the hand to indicate an intention to speak in favor of (green card) or against (red card) the motion. The Moderator signifies recognition either by pointing or by calling the member's name. The member rises, waits for the portable microphone or moves to the front podium, states name and precinct (or title), and may then either make a motion or speak to the motion that is currently before the meeting.

**Anyone who is not a Town Meeting member** may seek recognition by standing just behind the reserved section and raising a hand. Any Amherst registered voter may speak upon recognition of the Moderator. Unregistered residents and non-residents of the Town may speak with permission by vote of the Town Meeting. It is advisable to consult with the Moderator prior to Town Meeting.

No one may speak without recognition except

- to second a motion,
- to call for division of a motion,
- to question the Moderator's ruling on a voice vote,
- to request a tally vote,
- to object to an item on the consent calendar, or
- to raise a point of order.

### C. MOTIONS

#### Placing A Motion Before The Meeting

**The article.** Before any subject is open to debate it is necessary that

1. the Moderator read the warrant article,
2. a motion be made by a member who has obtained the floor,
3. the motion be seconded,
4. the question be stated by the Moderator.

**The motion.** To make a motion, the member says:

"I move that," stating the action proposed,

or

"I move in terms of the article," for a main motion under a warrant article, where the wording of the motion and article is exactly the same,

or

"I move in terms of the article, except for the following changes...," in the case of a long article where the differences between the article and the motion are minor,

or

"I move in terms of the motion..." followed by a reference to a written motion that has been distributed to members and is displayed on the screen.

**The second.** To second, a member says, "I second the motion," or simply, "Second." Recognition by the Moderator is not necessary.

**Statement of the question.** The Moderator repeats the motion or takes some other measure to assure that members are aware of its exact wording. The subject is then before the meeting for debate and voting.

## **General Rules And Restrictions Governing Motions<sup>1</sup>**

1. A motion must be in writing if requested by the Moderator. (Rule 2)
2. The sponsor of a petition article has the right to designate a mover who must be a Town Meeting member. When the moderator calls for a motion, this member should ask to be recognized.
3. A member recognized to make the main motion under an article may choose instead to move that the article be dismissed. If this motion passes, no further action can be taken under the article. The meeting shall not vote to dismiss an article without having heard a voter speak in its favor unless no one seeks to do so.

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<sup>1</sup> In the discussion of motions, voting, and debate, rules that are based on the Town Bylaws are referred to by their numbers. (See inside back cover.) All other rules are based on general parliamentary procedure and tradition.

4. A member may not preface a motion, request, or inquiry by a presentation or by remarks of any kind, but must make the motion immediately after being recognized. A member who makes a debatable motion is always recognized first in the discussion.

5. Once a motion is on the floor, it belongs to the assembly. It may not be modified or withdrawn by the mover, but remains before the meeting until it has been voted on, referred to a board or committee, postponed, or dismissed.

6. While a question is under debate, only the following motions, listed in order of precedence, are in order: (Rule 5)

- a. to adjourn to a specific time;
- b. to dismiss;
- c. to call for the previous question;
- d. to delay consideration until a set date;
- e. to refer to a committee;
- f. to amend.

**Procedures and Votes Required For Action.** Motions and questions fall into several categories:

1. main motions,
2. subsidiary motions,
3. procedural motions,
4. motions to reconsider, and
5. points of order.

### **1. Main Motions**

**Original main motion (debatable, proportion of vote varies).** This is the basic motion that introduces a subject for discussion. It must be within the scope of the article under which it is made.

Most motions require a simple majority to pass. Some of the most common of those requiring a higher proportion are

- to amend the Zoning Bylaw, to take land by eminent domain, to buy land generally, to sell town land, to transfer money to and from the stabilization fund, and with certain exceptions, to borrow ..... 2/3 vote
- to appropriate funds for unpaid bills at annual meeting ..... 4/5 vote
- to appropriate funds for unpaid bills at special meetings ..... .9/10 vote

**New main motion (debatable, proportion of vote as above).** After a vote is taken under an article, another motion on the same subject may be entertained, but it must be significantly different in substance.

## **2. Subsidiary Motions (those related to the main motion)**

**To divide (not debatable, no vote required).** If a main motion contains several provisions, any member may ask that one or more of these provisions be considered separately. (Rule 3) If the Moderator determines that no possible combination of outcomes would be inconsistent, the division is accomplished without a vote and each of the separated sections is debated and voted on in turn. Unlike other subsidiary motions, the motion to divide requires no recognition, it should, however, be made when no one else has the floor.

**To dismiss (debatable, majority vote).** If adopted, a motion to dismiss kills the main motion without a direct vote on the question. Such a motion is made when neither a positive nor negative vote is considered desirable. The motion to dismiss outranks all other debatable motions.

A motion to dismiss need not be subsidiary to a main motion. It is often made instead of a substantive motion under an article. No motion to dismiss may be made, however, until after the meeting has heard a voter speak in favor of the main motion, unless no one seeks to do so. (Rule 5)

No article on the warrant may be ignored, passed over by a vote to table, or postponed indefinitely. (Rule 11) Action must be taken on all warrant articles. A motion to dismiss, however, is allowed under the Town Bylaws since it is debatable.

**For the previous question (not debatable, 2/3 vote).** A vote for the previous question ends debate and brings the motion on the floor to an immediate vote.

**To postpone (debatable, majority vote).** A motion to postpone further consideration to a specified time prior to the dissolution of Town Meeting or until after another article may be made during debate on a motion. (Rule 5) Since postponement to a specific day may cause scheduling problems, the preferred motion is usually "to postpone further consideration of this article until after article number \_\_\_."

**To refer to a board or committee (debatable, majority vote).** A vote to refer, unlike a vote to amend, is a final action; if the motion passes, no vote is taken on the main motion or any amendments. This motion is sometimes called a motion "to commit." The board or committee is expected to consider the subject

matter of the motion, but is under no legal obligation to do so. It may, at its discretion, bring an article relating to the subject before a future Town Meeting.

**To amend a motion.** A motion to amend seeks to modify a motion that is on the floor by adding, deleting, or substituting text. A motion that takes the place of the entire text of the original motion is called a **substitute motion**. The Moderator will not accept a motion to amend if it would cause the main motion to exceed the scope of the article. Once on the floor, a motion to amend may be amended, but that amendment may not be amended.

The bylaws provide for two types of amendments with different rules of debate and voting. (Rule 7)

**a. Ordinary amendments (debatable, majority vote).** An ordinary amendment must come to a vote before there can be discussion or a vote on the main motion. A simple majority vote carries the amendment, whereupon it becomes part of the previous motion. After the vote on the amendment, debate reverts to the previous motion.

**b. Amendments dealing with numbers (debatable, proportion of vote varies).** When there are two or more motions dealing with numbers, amounts of money, or lengths of time, the meeting votes first on the largest number, the greatest amount, or the longest time. (Rule 7) Any vote taken under this rule must have the same proportional requirement (e.g. majority or two-thirds) as the original motion.

This rule, although somewhat confusing, assures that final votes on sums of money, numbers, and times reflect the will of the meeting.

### **3. Procedural Motions (those related to the conduct of business)**

**To consider an article out of turn (debatable, majority vote).** A motion to consider an article out of turn takes the form, "I move that article number \_\_\_ be considered before (or after) article number \_\_\_." A member planning to make such a motion should arrange in advance to be recognized by the moderator at a time when no other motion is on the floor.

**To adjourn to a certain date (not debatable, majority vote).** A motion to adjourn to a certain date is in order at any time. The time of convening must be included in the motion. This motion is normally made by the chair of the Select Board.

**To dissolve (debatable, majority vote).** A motion to dissolve ends the meeting; it is in order only after all articles on the warrant have been acted upon (Rule 11).

#### **4. Motions to reconsider (debatable, majority vote)**

A motion to reconsider a vote may be entertained at any time that no other question is pending. The motion, which is debatable, is: "I move to reconsider the vote taken under article number \_\_\_." This motion must refer to an earlier vote of the current town meeting; actions of previous town meetings are not subject to reconsideration under this motion. A vote of a previous Town Meeting may be reversed, but only if an article to that effect is included in the current warrant and only if no significant action has been taken under the original vote.

A majority vote in favor of a motion to reconsider nullifies the vote to which it refers. Debate reopens at a point just prior to the point at which the vote was taken or, if applicable, at the point just before the motion for the previous question was made. The motion that was on the floor at that time is on the floor once again, subject to further debate, amendment, postponement, referral, dismissal, or disposition by another vote.

Under Rule 9 of Town Meeting, a vote may be reconsidered only on a motion of a member who voted with the prevailing side, abstained, or was not present at the time of the previous vote. Once a vote has been reconsidered, it may not be reconsidered again.

#### **5. Point of Order (not debatable, no vote taken)**

A point of order may interrupt the current speaker. To raise a point of order, a member must rise or raise a hand and call out the words "Point of Order." Then the member should wait to be recognized by the Moderator before speaking further. A point of order may

- question the propriety of a procedure or speech that is underway,
- seek an explanation of the current procedure,
- request clarification as to the precise wording of a question being debated or voted on,
- ask whether a particular motion would be in order,
- call attention to a circumstance that is interfering with the conduct of the meeting, or
- question the presence of a quorum.

In other bodies these points of order may be referred to by other terms; in Amherst they are all called points of order.

A point of order may not be used to ask questions or make statements of substance about the question being debated.

Points of order are ruled on by the Moderator, whose decisions are not subject to appeal. They are directed only to the Moderator, never to another member through the Moderator.

It is sometimes possible to avoid making a request or inquiry by instead seeking the assistance of **the Constable**, who maintains order by taking such actions as quieting those talking so as to disturb the meeting, or removing unauthorized persons from the reserved section.

**Quorum Call.** A member who believes that a quorum is not present may ask for a count by calling a point of order.

If a count shows no quorum, the Town Meeting may act only to adjourn to a fixed time. Once a quorum has been established - either by the checkers at the start of the session or by a subsequent quorum call - it is presumed to continue unless challenged. Lack of a quorum does not affect action taken before the quorum is doubted. It is rare that a quorum is not present at Amherst Town Meeting. A counted vote that adds up to less than a quorum does not prove the absence of a quorum.

#### **D. RULES OF DEBATE AND GENERAL CONDUCT**

The pattern of formality observed at meetings helps to preserve the Moderator's position of impartiality and to maintain an objective approach if serious divisions arise.

**The Rules of Decorum** require that speakers

- confine all remarks to the merits of the question pending,
- refrain from characterizing a member's motives or impugning the character of other members,
- address only the Moderator and address each other through the Moderator,
- as much as possible, avoid using the names of members and other participants, substituting, when available, titles and such terms as "the previous speaker,"
- refrain from profanity and vulgarity,
- refrain from making motions with the intention of opposing them,
- refrain from disturbing the assembly by whispering, talking, or walking about,
- refrain from audible signs of approval or disapproval such as applauding.

Amherst Town Meeting has a long tradition of civil debate. The occasional member who breaks a rule is usually called to order by the Moderator. If this

does not happen, and if the breach is serious or occurs repeatedly, any member may raise a point of order.

**Personal Interest Disclosure.** Although members are not required to disclose personal interest when they rise to speak on an issue, they are encouraged to do so.

**Limits on Speaking.** The Rules of Order provide that no one may speak for more than three minutes, except that the sponsor may speak initially for five minutes. No one may speak more than twice on a subject, without permission of the meeting, except to raise a point of order or to answer a question. (Rule 6) Additional minutes, if needed, must be requested at the beginning of the three or five minute presentation.

**Electioneering and Distribution of Materials.** By custom, electioneering and the distribution of materials unrelated to the articles before Town Meeting are prohibited within the auditorium, including on the back table. These activities may be carried out in the lobby. Written material pertinent to the business before Town Meeting may be placed on the back table. The number of the article to which it pertains should appear at the top of the first page. Although it is not required, it is helpful if the name of the person or persons responsible for its preparation and the date are included.

**Smoking** is prohibited in all public buildings in the Commonwealth.

## E. VOTING

Procedures for voting at Town Meeting are prescribed by Rules 1, 4 and 8 of Town Meeting. There are three forms of voting: the uncounted voice vote, the counted standing vote, and the tallied vote in which each vote is counted, recorded with the member's name, and later reported publicly on the Town's website or in the press. Amherst Town Meeting does not use roll call votes or secret ballots. The Moderator appoints tellers, usually two for each block of seats, to conduct standing and tallied votes.

**Voice Vote.** (Rule 8) A voice vote is taken first. If the vote seems clear, the Moderator says, "The ayes (noes) seem to have it." and pauses briefly to allow any member to request a standing or tallied vote. No prior recognition is required, the member simply calls out "I doubt it!" for a standing vote or "Tally!" for a tallied vote. If no one does so, the moderator then says, "The ayes (noes) have it," and the vote is recorded by the Clerk. In matters requiring a two-thirds vote by State statute, the Moderator allows voice votes to stand unless questioned.

**Standing Vote.** (Rule 8) If the Moderator is in doubt as to the voice vote, or if any member questions the voice vote, or if a four-fifths or nine-tenths vote is required by statute and the vote is not unanimous, the moderator calls for a standing vote (unless a tallied vote has been agreed upon, see below). The ayes rise first, and then the noes. Each member voting rises and remains standing until counted. The tellers announce the results for each block of seats. The Moderator repeats each count and, after all votes are counted, announces the final results.

**Tallied Vote.** (Rule 8) Upon checking in at each session, each member is issued six green "yes" cards and six red "no" cards. Each of these cards bears the date of the session, the member's name, and the number of the vote for which the card is to be used.

Any member may request a tallied vote immediately after the Moderator announces the tentative results of a voice vote. After hearing the request, the Moderator asks those favoring a tallied vote to rise. If fifteen members rise promptly, the Moderator calls for a tallied vote and indicates the date and number of the cards to be used.

"Yes" (green) and "No" (red) cards are collected. The member selects the appropriate card and passes it to the end of the row. Tellers move from row to row, collecting the cards. The tellers then count the cards and their count, recorded by the Town Clerk and announced by the Moderator, determines the outcome.

Members may cast only their own votes, no one may hand in a card on behalf of someone else. Members must stay in place until all votes have been collected and counted and the outcome has been announced.

## **V. THE BUSINESS OF THE MEETING**

### **A. THE FINANCE COMMITTEE REPORT AND OTHER INFORMATION**

As Amherst's legislative assembly, Town Meeting must approve the annual capital and operating budgets, transfers from one department to another, and other transfers. The report of the Finance Committee explains and makes recommendations on the annual budget and other articles with financial implications. *Your Amherst Government* describes the most important aspects of town finance, including borrowing, property taxation, limits on taxes, as well as municipal, library, and school budgets.

Prior to each Town Meeting, members receive the warrant and information about the business of the meeting. For annual meeting, the most important document is the Finance Committee Report, which includes the warrant, the municipal operating budget as proposed by the committee, the committee's recommendations on other articles on the warrant, and the report of the Joint Capital Planning Committee. Other boards and committees may prepare written reports, depending on the business of the meeting. Special reports may explain major capital projects and other major proposals.

Public meetings and hearings also provide opportunities to learn about issues. Among the more important resources are hearings on the municipal, school, and library budgets and on proposed amendments to the Zoning Bylaw; orientation meetings for new Town Meeting members; warrant meetings; precinct meetings; informational meetings on major issues; and meetings on the capital plan held weekly during the budget season. Some meetings and hearings may be broadcast on cable television.

### **B. FINANCIAL ARTICLES ON THE WARRANT**

**(See also Glossary of Financial Terms)**

Most of the financial business of Town Meeting is conducted in the spring at the annual meeting, which must approve the operating and capital budgets for the ensuing fiscal year. Most financial articles are part of the comprehensive budget, comprised of municipal, school, and library budgets. The Town Manager organizes the comprehensive budget for review by the Finance Committee and the Select Board. Budget requests may also be submitted by petition.

The budget may be adjusted at special town meetings, and major capital projects may be brought before special meetings. Such projects are included in the comprehensive budget, but may require action later in the year, for example, when the cost of the project cannot be estimated accurately in time for the annual meeting.

The major financial articles on the warrant may be divided into several categories.

**1. Routine budget adjustments** usually appear at the beginning of the warrant. They include

- payment of unpaid bills of prior years,
- transfers of funds within the current budget,
- supplementary appropriations for the current year.

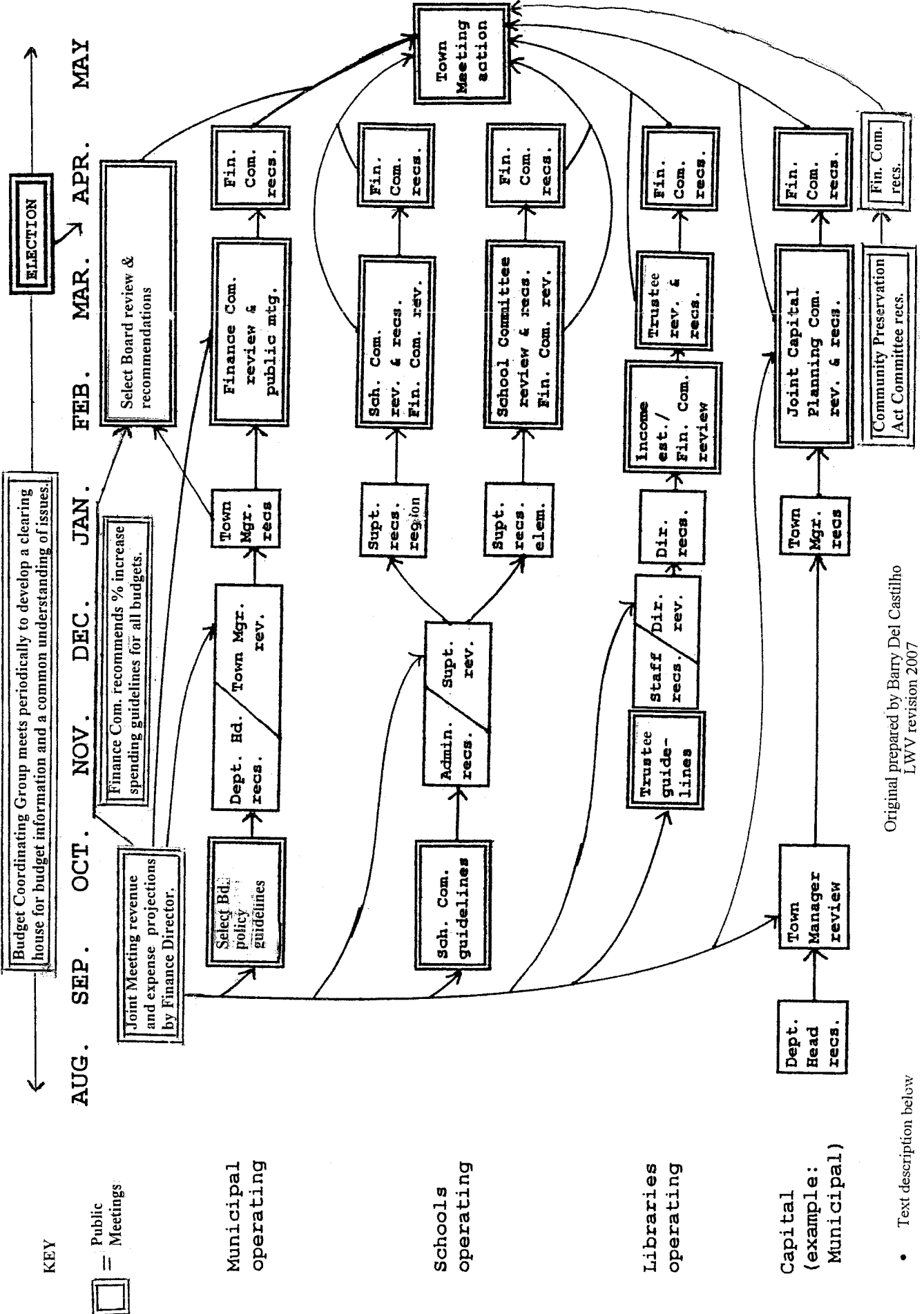
**2. The annual budget for the ensuing year**, together with related actions, appears as a series of articles on the warrant in the order listed below.

- authority to borrow in anticipation of revenue
- the operating budget
- appropriations for capital and special projects
- appropriations from free cash and/or the stabilization fund to balance the budget or, when applicable, appropriations to the stabilization fund to increase the Town's savings. Depending on needs, Town Meeting may be asked for an appropriation from free cash as a cushion against fluctuations in the tax rate.

**3. Endorsements or acceptances** of grant applications, grants, and expenditures that do not require appropriation. Town Meeting votes on many, but not all, such matters. Some such votes are binding while others are merely advisory.

\*Table 1

# TOWN OF AMHERST BUDGET PROCESS



Original prepared by Barry Del Castillo  
LWV revision 2007

• Text description below

## TOWN OF AMHERST BUDGET PROCESS

### **October**

The Select Board hosts a joint meeting of the Select Board, Finance Committee, School Committee, and Library Trustees to review preliminary revenue and expense projections for the next several budget cycles. The Budget Coordinating Group made up of Town, School, Library and Finance Committee officials will meet periodically throughout the budget development process to serve as a clearinghouse for budget information, to refine a master town/school/library budget development calendar, to review a long-range financial projection that includes prior years' results, current year approved budget, revenues/expenditures for the current and next three fiscal years, and reserves, and to develop a common understanding of issues related to budget priorities and of methods of sharing resources ultimately leading to a recommended course of action. The Budget Coordinating Group will disseminate the group's recommendations and conclusions to the public, will take no votes, and work to achieve consensus.

### **November**

The Finance Committee recommends spending guidelines for the next fiscal year (FY) to Town Manager, Select Board, School Committee, Superintendent of Schools, Library Trustees, and Library Director.

### **November - January**

Town Manager, Superintendent of Schools, and Library Director develop proposed operating budgets and capital recommendations. On January 16, as specified in section 5.1 of the Amherst Town Government Act, "the town manager shall submit to each member of the select board and finance committee a recommendation in writing of the appropriations for the town government for the ensuing fiscal year, ...showing specifically the amount recommended to be provided for each fund and department, ...{and} an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year..."

The Superintendent of Schools submits to the School Committee a spending proposal for the elementary schools and a budget for the Regional School District that includes an estimate of revenues from all sources and an estimate of probable expenditures. Proposals are presented to the respective School Committees and to the Finance Committee.

The Library Director presents a budget to Library Trustees that includes estimates of revenues from all sources and proposed expenditures for the ensuing fiscal year. The proposal is presented to the Library Trustees and the Finance Committee.

### **January – April**

Finance Committee reviews the proposed Capital and Operating Budgets for the next FY and formulates its recommendations, which will be presented to Town Meeting. The Select Board will also review the Finance Committee's recommendations so that it can make recommendations to Town Meeting regarding the Finance Committee's recommendations. The public is invited to attend any of these meetings and to voice its opinions. The Finance Committee generally meets on Thursday evenings. The Select Board meets on selected Mondays. [The Joint Capital Planning Committee \(JCPC\)](#) reviews and formulates recommendations for capital spending in the ensuing fiscal year. The JCPC generally meets on Thursdays at Noon. The [Community Preservation Act Committee \(CPAC\)](#) makes recommendations to the Town Meeting annually for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing, and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in the Community Preservation Act. Notices of meetings are published in the Daily Hampshire Gazette. The Town's website [www.amherstma.gov](http://www.amherstma.gov) posts meeting agendas and minutes, the Town Manager's proposed budget document, and budget-related committee reports.

### **April – May**

Town Meeting considers recommendations for town, school, and library operating and capital budgets and adopts the budget for the next FY.

### **July 1- June 30 (The Fiscal Year)**

Amendments to the budget may be made at any Town Meeting held during the fiscal year. Such amendments follow the same process of review by the Finance Committee, Select Board and Joint Capital Planning Committee where appropriate.

## C. SOURCES OF FUNDS

Every appropriation must include a source of funds. Town Meeting may raise money from taxation or transfer it from another account, or the meeting may authorize borrowing or the acceptance of gifts or grants. Many programs and projects are funded from several sources.

**Taxation.** Town Meeting votes to "raise from taxation" the money for town government, the schools, and the libraries. Most of the money appropriated in this way comes from property taxes. According to state law, general state aid, state aid for education, motor vehicle excises, and certain other revenues are used to reduce the amount raised from property taxation.

Proposition 2 ½ sets limits on taxation and therefore limits amounts that may be expended. In order to spend beyond these limits, Town Meeting may vote expenditures contingent upon passage of an override by town-wide vote. (See Glossary of Financial Terms)

After the assessors set the tax rate for the year, no additional funds may be raised from taxation. The assessors usually act shortly after the Fall Town Meeting. Appropriations at special town meetings are almost always funded from sources other than taxation.

**Transfers.** Appropriations may be funded by transfers from within the current operating budget, from unexpended balances of capital projects, and from reserves, including free cash, the stabilization fund, and available funds from special revenue funds.

**Borrowing.** Major capital projects are usually financed by borrowing, through either notes or bonds; a two-thirds vote of Town Meeting is required for such long-term borrowing. A simple majority is required for debt that is to be repaid within the current year. The special case of regional school debt is explained below.

**Grants and Gifts.** Federal, state, and private funds are sometimes available to cover all or part of the cost of a program or project. Whenever there is such a possibility, the motion for the appropriation authorizes the application for and acceptance of grants and contributions. Sometimes the motion makes the appropriation conditional, subject to receipt of the grant or gift. Conditional appropriations are not allowed in the case of bonding and certain grants; in such instances, town officials will tell the meeting whether or not they intend to spend the money if the grant is not received.

**Unexpended Balances.** State law tightly regulates the disposition of unexpended balances, thus assuring that Town Meeting retains authority in budgetary matters.

1. Unexpended balances of the operating budget - at the end of the fiscal year, unexpended balances of the operating budget are returned to the appropriate fund, for example, the General Fund or Sewer Fund.
2. Unexpended balances in capital accounts - where no borrowing is authorized. Prior to the completion of a capital project, Town Meeting may amend the initial vote or transfer the funds to another account. Once the project is completed, any unexpended balance is returned to the appropriate fund.
3. Unexpended balances - where the funds have been borrowed, but are not needed for the purpose specified in the original appropriation. Such balances must be used for major capital projects.
4. Debt authorized but not incurred - unexercised authority for long-term borrowing remains in effect until Town Meeting rescinds or amends the original vote.

#### **D. APPROPRIATIONS FOR SCHOOLS AND LIBRARIES**

The School and Library departments are both administered under independently elected boards. The appropriations process for these departments differs somewhat from that for departments supervised by the Town Manager. The differences are outlined below.

For **the elementary schools**, Town Meeting approves only the total appropriation; the Amherst School Committee determines the funding for individual programs within the total.

For the **libraries**, the situation is complicated because the Trustees of the Town Library also serve as Trustees of the Jones Library, Incorporated, a private corporation. Endowment income partially offsets the annual budget, and Town Meeting appropriates a net sum. In addition, the Trustees of the Jones Library, Incorporated, have authority, within the limits set forth in the Jones Library Act and the Amherst Town Government Act to spend money from the endowment and from gifts without appropriation by Town Meeting.

**The Amherst-Pelham Regional School District** is an independent unit of government that operates the secondary schools according to the Amherst-Pelham Regional School agreement. Its annual budget requires approval of three of the four towns - Amherst, Pelham, Leverett, and Shutesbury - in the

district. Amherst's net share is called its assessment and is included in the town's operating budget.

The regional school committee has authority to borrow for capital expenses. The debt may not be incurred, however, if any town in the district disapproves the proposal by majority vote within thirty days of the vote by the regional committee.

### **E. ZONING AND LAND USE** (See also Glossary of Zoning Terms)

State laws grant to Town Meeting the power to establish the broad framework of Amherst's policies on land use through

- amendments to the Zoning Bylaw and Official Zoning Map,
- the acquisition of property and development rights, and
- approval of redevelopment projects.

State and local laws also give several boards, commissions, and officers of the town direct authority to regulate certain aspects of land use. Under state law, the Planning Board is responsible for developing and adopting the community's master plan. The Planning Board also regulates the subdivisions of land and development of residential subdivisions. It must review, hold a public hearing, and offer recommendations to Town Meeting on all zoning amendments. It issues permits for a range of types of development allowed by the Zoning Bylaw. The Zoning Board of Appeals, Conservation Commission, Building Commissioner, and other committees and officials issue a variety of permits or make recommendations.

The Planning Department has developed a Zoning Primer to assist Town Meeting members in understanding the entire process. (See the Amherst Town Government web site at [www.amherstma.gov](http://www.amherstma.gov) for a copy.)

**Authority of the Town.** Zoning is essentially an exercise of police power, to protect the public's health, safety, convenience, and general welfare. Under such authority, no compensation to the owners is required when a zoning decision diminishes the value of property.<sup>2</sup> Historically, zoning has served primarily to prevent inappropriate use of property rather than to bar development or give it direction. Today, local zoning bylaws, together with other state and local regulations, give towns limited control over the design of subdivisions,

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2. The Supreme Court of the United States held that generally any land use regulation that deprives the owner of all economic use of his property requires compensation from the regulating body.

developments requiring special permits, Planned Unit Residential Developments (PURDs), and some other types of development. Zoning bylaws may also require that certain uses allowed by right have site plan review. Nonetheless, the laws determine only the general framework for development; within that framework, individual property owners generally determine when and where development occurs and what is built.

Many requests for amendments to the Zoning Bylaw are accompanied by specific proposals for development. As indicated above, passage of such an amendment neither restricts the developer to the particular plan nor ensures that development will occur. While defeat of the amendment blocks the specific proposal, it leaves open the possibility of development under the existing zoning.

**Procedures for Amending the Zoning Bylaw.** Proposals to amend the Zoning Bylaw may be initiated by the Planning Board, the Select Board, Zoning Board of Appeals, certain other town committees, affected property owners, or citizens at large. In every case, the Planning Board is required to hold a public hearing and submit a report to Town Meeting. Amendments to the Zoning Bylaw, including the Official Zoning Map, require a two-thirds vote of Town Meeting for adoption, and are effective as of the date of the vote if approved by the Attorney General of the Commonwealth.

A proposed amendment that is defeated or dismissed by vote of Town Meeting may not be brought before the meeting again within two years unless the Planning Board votes to support the reconsideration of the amendment. A proposal that is referred to committee may be reintroduced without restriction.

## **F. OTHER LOCAL BYLAWS AND STATE LAWS THAT APPLY TO AMHERST**

Town Meeting may change the laws and bylaws governing Amherst by:

- enacting local bylaws,
- accepting the provisions of certain state statutes, or
- petitioning the Massachusetts General Court for special legislation.

Extensive study and wide discussion usually precede such action. Special committees may be formed to study the proposals.

**Bylaws.** In addition to the Zoning Bylaw, and Rules of Town Meeting mentioned earlier, Town Bylaws establish committees and regulate many activities, including for example, animal welfare, and use of the highways.

Every Town Bylaw and every amendment to a bylaw must be submitted to the state Attorney General, who may approve the proposal, disapprove all or part

of it, or take no action. The bylaw takes effect upon approval by the Attorney General or, if the Attorney General fails to act, ninety days after the submission.

**Local-acceptance statutes.** Many state laws are applicable to a town only upon acceptance by Town Meeting. Examples include establishment of conservation commissions, regulation of hitchhiking, and incentive pay for police officers who obtain college credits.

**Special acts of the legislature.** The authority of Town Meeting is determined by state law and is limited in many respects. For example, Town Meeting may not enact bylaws in areas preempted by state legislation; it may not change the form of town government; and it may not regulate private contracts unless a state statute grants specific authority to do so. When such actions are desired, Town Meeting may petition the Legislature for a special act. Special legislative acts for Amherst now cover a wide range of subjects, including the Amherst Town Government Act and the Jones Library Act.

## **G. OTHER ACTION BY THE TOWN MEETING**

**Specific action.** Town Meeting takes many other kinds of action, including accepting reports, approving the sale of town property, accepting and discontinuing town ways, approving amendments to the regional school agreement, and establishing study committees.

**Advisory articles addressed to local officials.** Town Meeting may advise town and school officials in matters where the final authority rests with the officials. The Select Board may seek the advice of Town Meeting on major policy questions and on commitments of significant sums of money. Petition articles also may ask Town Meeting to advise local officials.

Although town and school officials are not required to follow the advice of Town Meeting, nor is the advice legally binding, they customarily make every effort to do so.

**Advisory articles on other issues.** Most Town Meeting business deals with matters where the Town has authority to act, but advisory articles may address state, national, or any other issues.

## **VI. ADVICE TO SPONSORS OF WARRANT ARTICLES**

The suggestions and recommendations that follow are intended to help maintain and improve the efficiency of the Town Meeting while aiding petitioners and other sponsors of articles to present their cases effectively.

### **A. NEED FOR ACTION BY TOWN MEETING?**

The following questions should be considered before placing an article on the warrant and while preparing a case for its adoption.

- Has the problem been carefully defined and analyzed? Have alternative solutions been considered? Is more study required?
- How does the proposed action fit into the framework of state and local studies currently underway? Is state action pending?
- Can the matter be handled more effectively by a town committee or official? Have the Select Board and Town Manager had an opportunity to address the issue before bringing it to Town Meeting?
- Is a vote of Town Meeting as effective as citizens' letters, telephone calls, or petitions in the case of state and national issues?

### **B. INITIAL STEPS**

Preliminary discussions of proposed warrant articles should begin early, if possible at least three months before the meeting. They should begin in October for budget articles, which are normally considered at the annual meeting. Early discussion allows town officials to give a suggestion careful consideration and, if they are favorably disposed, to incorporate it into their own proposals.

The Select Board advises anyone considering placing an article on the warrant to call the Town Manager for an appointment and consultation. In addition, sponsors may request preliminary meetings with the Moderator, the Select Board, and other committees and officials.

If after such consultation, those proposing action decide to sponsor a warrant article, the next step is drafting the article. Care in this step is critical; if an article is poorly worded, it may be impossible to draft a motion that will achieve the intended purpose.

Sponsors will find that the Moderator, Select Board, and Manager are willing to aid them in drafting the final wording of their articles and motions to the

extent that time permits. Amherst's officials share a desire to help citizens present their cases effectively. Even if the article seems critical of town officials or their policies, their advice on technical questions may be of value to the petitioner. Amherst has a tradition of civil personal relations in such matters.

**Legal advice.** Town officials and committees who need legal advice in drafting warrant articles or motions may request the assistance of Town Counsel; all such requests must be made through the Town Manager. Petitioners are normally expected to seek legal assistance from private sources. However, the Manager sometimes seeks Town Counsel's advice on petition articles and is normally willing to share Counsel's opinions with the petitioners.

### **C. PLACING AN ARTICLE ON THE WARRANT**

All warrant articles must be submitted to the Select Board before the warrant closes, normally at least 45 days before town meetings, and earlier for zoning articles. The actual dates are available from the Select Board's office. Petitioners may call for a Special Town Meeting if none is scheduled.

**Articles sponsored by Town and School officials.** Most articles are placed on the warrant on the initiative of committees and officers of the Town and Schools. These officials give careful consideration to the suggestions and opinions of citizens' committees and individual citizens before deciding on proposals.

**Zoning articles placed on the warrant by request of a landowner.** Articles asking for amendments to the Zoning Bylaw may be submitted to the Select Board by an individual owning land affected by the amendment. Because of the need for public hearings, the deadline for submitting zoning articles is earlier than for other articles.

**Articles placed on the warrant by petition.** An article may be placed on the warrant by petition of registered Amherst voters. The text of the article and the required signatures must be filed with the Select Board's office before the deadline. Signature requirements for warrant articles and Town Meetings are

- to place an article on the warrant
  - 10 valid signatures for Annual Town Meeting
  - 100 valid signatures for special town meetings
- to call for a special town meeting
  - 200 valid signatures

The town meeting warrant lists the sponsor of each article. For petition articles, the name of an individual is always given, and the name of the

organization may be added if the petitioner so desires. Petitioners should include the appropriate names, addresses, and telephone numbers with their petitions.

#### **D. PRESENTING ONE'S CASE**

Sponsors of articles should be prepared to defend their proposals at Town Meeting and at special forums prior to Town Meeting.

The spirit and letter of the laws and rules governing Town Meeting require that the members be informed well in advance of the meeting as to what they will be asked to decide. Sponsors are urged to provide town meeting members and the press with clear, concise explanations of their proposals. The text or the substance of motions should be made public as far in advance as possible.

Prior to Town Meeting, sponsors may be asked for information by representatives of the media, by the League of Women Voters and other organizations, and by town committees who are preparing recommendations to Town Meeting. Sponsors may take the initiative by asking to appear before the appropriate committees.

Finally, sponsors should prepare their presentations for Town Meeting and give the Moderator the names of the movers and presenters and copies of the motion. Movers must be town meeting members.

A **video tape**, "Action Packed Politics, How to make an effective presentation at Town Meeting" about presenting articles at Town Meeting, prepared by the League of Women Voters of Amherst, is available at Jones Library.

**Mailings.** The town will include in its mailing to Town Meeting members, sponsors' statements on their articles. The Select Board sometimes approves other requests to enclose material. There is no charge.

Petitioners must comply with the following requirements:

1. the material must be on 8 ½ " by 11" paper,
2. the petitioner must prepare a minimum of 350 copies,
3. the material must be in the Select Board's office in accordance with deadlines established for each mailing.

Petitioners and other citizens who wish to mail material directly to Town Meeting members may obtain address labels from the Town Clerk for a small fee.

## **E. CHECKLIST FOR SPONSORS OF WARRANT ARTICLES**

1. Start early (before November for budget proposals and at least three months before Town Meeting for other matters).
2. Meet first with the Town Manager. Consult with the Moderator. Meet with other officials if necessary. Consider alternatives to town meeting action.
3. If funds are requested to support human service agencies, fill out a budget application form.
4. Prepare a draft of the article - taking into account potential motions under the article. Consult experts before deciding on the final wording.
5. For petitions only, obtain the necessary signatures and prepare other information requested by the Select Board.
6. Submit the article to the Select Board's office before the warrant closes. Town committees may submit the final wording after the warrant is closed, but must notify the Select Board by the deadline.
7. Explain the proposal to town meeting members through the media, by direct mailing, and at public meetings.
8. Prepare a motion and a brief presentation for Town Meeting. Discuss the motion with the Town Manager.
9. Discuss the presentation with the Moderator. Give the Moderator two copies of the motion and the names of the mover and presenter. Arrange for any special visual aids such as overheads.
10. Come to the town meeting; give a concise explanation of the proposal not to exceed five minutes; be well prepared for questions from the floor.
11. Provide copies for the Town Meeting Coordinating Committee's email distribution List.

## Table 2. GLOSSARY OF FINANCIAL TERMS

**Appropriation.** The authorization by Town Meeting of an expenditure for a specified purpose using money from one or more specified sources (taxation, borrowing, gifts, grants, etc.). In most cases, a simple majority vote is required; appropriations for land acquisitions, authorization to borrow, and appropriations from the Stabilization Fund require a two-thirds vote.

If the expenditure turns out to be less than the appropriation, the remainder is called an appropriation balance. An appropriation balance from a specific capital project or use can be made available for similar or related purposes by subsequent votes of appropriation transfers by Town Meeting.

Appropriation balances in the General Fund which stem from the Town's operating budget revert to Free Cash at the end of the fiscal year.

**Borrowing in anticipation of revenue.** The securing of temporary loans to meet expenses incurred prior to the receipt of current revenues (e.g., taxes, state aid, water receipts), grants, or reimbursements. A debt in anticipation of current revenues must be repaid during the fiscal year in which it is incurred.

**Budget.** A plan for allocating resources to support particular services, purposes, and functions over a specified period of time.

**Capital Budget.** The current year's spending for such projects as land acquisition, construction, and major equipment.

**Capital expenditure exclusion - See Levy Exclusions.**

**Capital Plan.** A multi-year projection of proposed expenditures and funding sources for needs such as land acquisition, construction, major equipment, and other special projects that add to the value of the Town's assets.

**Chapter 70 School Aid.** Chapter 70 refers to the school funding formula created under the Education Reform Act of 1993 by which state aid is distributed through the Cherry Sheet to help establish educational equity among municipal and regional school districts.

**Chapter 90 Highway Funds.** State funds derived from periodic transportation bond authorizations and apportioned to communities for highway projects based on a formula under the provisions of MGL Ch. 90 §34. The Chapter

90 formula comprises three variables: local road mileage, local employment level, and population.

**Cherry Sheet.** Named for the cherry colored paper on which they were originally printed, it is the official notification from the State of the amounts and types of aid the State will provide to each municipality in a fiscal year, and the amounts each municipality must pay the State and regional entities for a variety of services provided.

**Community Preservation Funds.** In spring 2001, Amherst Town Meeting adopted the Community Preservation Act (CPA), levying a 1% surcharge on local real estate taxes. In 2006, voters approved a referendum to increase the local surcharge to 1.5%, effective in FY08. The first \$100,000 of valuation for residential property is exempt from the surcharge. This surcharge funding is matched by state funding (to date, 100% each year) and is annually authorized or appropriated by Town Meeting to pay for projects that meet any of four specific community preservation purposes – open space, recreation, affordable housing, and historic preservation. CPA funding cannot be used for any other community purposes. State law mandates that, each year, at least 10% of the annual CPA funding must be spent or set aside for each of the identified purposes except recreation. CPA funds can also be "banked" for anticipated future projects. A committee (CPAC) appointed by the Select Board recommends the projects for CPA funding to Town Meeting. Town Meeting can appropriate CPA funds only for CPAC's recommended projects.

**Contingent Appropriation.** An appropriation voted by Town Meeting that becomes effective only if the amount is approved by a town-wide Proposition 2 ½ override election.

**Debt Exclusion - See Levy Exclusions.**

**Enterprise Fund.** A fund established to provide specific services. The State allows enterprise funds only for water, sewer, solid waste, hospital, recreation services, and transportation. Amherst has four: water, sewer, solid waste, and transportation. Both the costs and the revenues of the enterprise are segregated from other finances of the Town. The costs of the operation are intended to be financed totally or primarily from user charges. Surplus funds, called unreserved retained earnings, may accumulate in the fund for future use by the enterprise. Surpluses result primarily from revenues in excess of estimates and from unexpended appropriations.

**Excess Levy (taxing) capacity.** The difference between actual real and personal property taxes levied in any given year and the maximum amount allowed to be levied under Proposition 2 ½ .

**Exemption.** A discharge, established by statute, from the obligation to pay all or a portion of a property tax. The exemption is available to particular categories of property or persons upon the timely submission and approval of an application to the assessors. Properties exempt from taxation include hospitals, schools, houses of worship, and cultural institutions. Persons who may qualify for exemptions include disabled veterans, blind individuals, surviving spouses, and seniors.

**Fees/User Charges.** A municipal funding source where payment is collected from the user of a service to help defray the cost of providing the service.

**Fiscal Year (FY).** Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends.

**Free Cash.** The unreserved, undesignated fund balance of the General Fund that accumulates from revenues collected in excess of estimates and from unexpended appropriation balances. These are the only sources of Free Cash; money cannot be appropriated to Free Cash. The amount is calculated and certified by the State's Department of Revenue each year as of July 1, the first day of the fiscal year. Free Cash may be spent by Town Meeting appropriation only, by majority vote.

**General Fund.** The general operating fund of the Town; including revenues from taxation, general State aid, school aid, and all other financial resources that are not held for specific purposes. Expenditures from the General Fund may be for any purpose for which a municipality may legally appropriate funds. Enterprise Fund money is not part of the General Fund.

**Levy.** *Verb:* To impose a tax. *Noun:* The total amount of real and personal property taxes imposed in any given year, referred to as "the levy."

**Levy ceiling.** The limit imposed by Proposition 2 ½ which equals 2 ½ % of the total full and fair cash value of all property in the Town. The levy may not exceed this amount; taxpayers may not vote a higher amount in an override. The levy ceiling is equal to a tax rate of \$25 per \$1,000 of valuation.

**Levy limit.** The amount that a town may raise in taxes each year without approval by the voters in a referendum. The levy limit is the prior year's limit plus 2 ½ % of that amount plus an amount approved by the State that resulted from "new growth."

Referenda of three types may be used: to increase the limit with override and exclusion or decrease the limit with an underride. These are defined below.

**Levy Exclusions.** Exclusions allow, by referendum, an increase in the amount of property taxes that a community may levy, for a limited period of time, and only for capital purposes. The revenue is in addition to the levy limit, but it neither increases the levy limit nor becomes part of the base for calculating levy limits of future years. "Capital purposes," in this context, are those for which the Town is authorized to borrow under *Massachusetts General Laws*, Chapter 44, sections 7 and 8. Generally, this includes public building and public works projects and land and equipment acquisitions.

The money to pay for these projects is authorized by Town Meeting, but only the Select Board, by a two-thirds majority, can place exclusion questions by referendum on the ballot to raise money by increasing the levy.

**Capital expenditure exclusion.** A one-year increase in the levy limit approved by the voters in a referendum for the purpose of funding a capital project. The referendum question defines the project, states the maximum amount of the exclusion, and specifies the fiscal year in which the payment will occur.

**Debt exclusion.** A temporary increase in the levy limit approved by the voters in a referendum for the purpose of funding a capital project by means of debt. Both principal and interest are excluded from the levy limit until the debt is retired. The referendum question defines the project, but it does not state the amount of money to be excluded or the years of debt payments. Estimated amounts are publicized prior to the referendum.

**Levy Override.** A permanent increase in the levy limit approved by the voters in a referendum. The increase becomes part of the base for calculating levy limits of future years.

An override ballot question requests funding for expenses that are expected to continue into the future. The purpose stated in the question

may be broad (for example, “general operating expenses”) or narrow (for example, “two fire fighters”). The amount of money is also stated in the question, along with the fiscal year in which the increase is to become effective. Money from an override is earmarked for the purpose stated in the ballot question in the first year the override is in effect. Funding for this purpose can be expected to continue, even though, in subsequent years, the money is considered to be an undifferentiated part of the General Fund.

Overrides may be structured in any of three forms:

- a single ballot question stating a single purpose and related amount of money;
- a “pyramid” consisting of two or more separate ballot questions stating the same purpose but different amounts of money in each question; or
- a “menu” of separate questions, each stating a different purpose along with its related amount of money.

Override questions can be put on the ballot only by majority vote of the Select Board. The form of the override and the wording of the question or questions is also determined by the Select Board.

**Levy Underride.** A permanent decrease in the levy limit approved by the voters in a referendum. The decrease reduces the base upon which levy limits are calculated for future years.

**New Growth.** The increased value in a given year of new development and other growth in the tax base that is not the result of revaluation. Included are physical additions or improvements to taxable property, exempt real property returned to the tax roll, new personal property, and new subdivision parcels and condominium conversions. New growth of one year becomes part of the base for calculating the levy limit for future years.

**Operating Budget.** A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year. It appears as a single warrant article, "To see if the Town will adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefore." (See also “Budget” and "Capital budget.")

**Overlay/Reserve for abatements and exemptions.** Tax abatements and exemptions are allowed for a variety of reasons specified in the *Massachusetts General Laws*. At the time the levy is assessed, the amount of qualifying abatements that will be granted is not determinable; therefore an amount of money must be set aside to

provide for these abatements. If at the end of a fiscal year a balance remains in the reserve and the Assessors determine that no further claims are pending, the amount remaining may be reappropriated for other purposes or closed to Free Cash.

**Payments in Lieu of Taxes.** An agreement between a municipality and an entity not subject to taxation, such as charitable or educational organizations, in which the payer agrees to make a voluntary payment to the municipality. By law, a city or town must make such a payment to any other community in which it owns land used for public purposes.

**Proposition 2 ½.** A state law enacted in 1980, Proposition 2 ½, revolutionized tax administration and is a fundamental feature of the Massachusetts municipal landscape. Proposition 2 ½ places constraints on the amount of the levy raised by a city or town and on how much the levy can be increased from year to year.

As a result, levy limits and levy ceilings were imposed, leading to the possibility of overrides and levy exclusions.

**Regional Assessment.** Each of the four district towns - Amherst, Leverett, Pelham, and Shutesbury - is assessed a share of operating and capital costs as specified in the Amherst-Pelham Regional School District Agreement. The district's annual budget requires appropriation of the assessment and approval of the budget by at least three of the four towns.

**Reserve Fund.** An account voted annually by Town Meeting to be used for extraordinary and unforeseen expenses that may occur during a fiscal year. The appropriation may not exceed 5% of the previous year's tax levy. Transfers from this fund are made by vote of a majority of the Finance Committee.

**Reserves.** Money accumulated for future expenditure. Free Cash and the Stabilization Fund are general reserves that may be used for a wide variety of purposes. Some reserves are available only for restricted purposes, for example, the Ambulance Account, the Conservation Fund, the Parking Meter Receipt Account, and the Sale of Real Estate Account.

**Revolving Fund.** A special purpose account that accumulates revenues based on charges for services. Expenditures are made from the Revolving Fund without Town Meeting appropriation for uses for which the revenue was collected. The purposes for which the *Massachusetts General Laws* authorize such accounts to be established are recreation, adult education, and school lunch. These funds differ from enterprise funds in that they do not accumulate and capitalize assets, there are restrictions on the size of

fund balances they may retain from year to year, and some restrictions are placed on the purposes for which funds may be expended.

**Stabilization Fund.** An account established to save funds for future needs. Town Meeting may appropriate funds to the account, subject to limits imposed by State law. Transfers from the account may be made at Annual or Special Town Meetings for any lawful purposes. A two-thirds vote of Town Meeting is required to transfer money out of the fund. The State originally limited use of this fund to capital purposes only, a restriction that no longer exists.

### Table 3. GLOSSARY OF ZONING TERMS

**Allowed by Right Zoning.** Provisions of the bylaw permitting specific uses in certain zones without either site plan approval or a special permit. These uses are, however, subject to certain minimums of lot size, frontage on roads, and distance from buildings to property lines. Right allows a standard subdivision (the division of a parcel of land for the purpose of creating new residential building lots) as long as the subdivision and zoning regulations are followed. Any construction requires a building permit obtained from the Inspection Services Department.

**Cluster Development.** A residential subdivision development in which single-family, two-family, and potentially multi-family building lots and dwellings are clustered together into one or more groups for the purpose of retaining common open land within the development; the maximum density of a cluster development, except for an affordable cluster, shall not exceed the allowed density (lot count) for a standard subdivision in any zoning district. Cluster development is sometimes confused with Open Space Community Development (OSCD) and Planned Unit Residential Development (PURD), which are defined below. A cluster development is permitted by right with Site Plan Review (SPR) approval from the Planning Board.

**Dimensional Requirements.** Regulations of the Zoning Bylaw concerning site design - including lot area, frontage, setbacks, and building height.

**Open Space Community Development.** A residential development created either by an intentional community (as in a co-housing development) or a private developer which results in the preservation of a minimum (no less than 50%) of preserved open space and a mixture of residential and related complementary uses. An OSCD allows for significant flexibility in terms of development design and layout, and may - but need not - be a subdivision development with a public or private statutory road. An OSCD allows a wide variety of housing types, including multi-family buildings. Allowed under a Special Permit from the Planning Board in any residential zoning district.

**Overlay District.** An area for which there are special requirements or other provisions, in addition to those of the underlying zoning district. In Amherst the current overlay districts are aquifer recharge protection, farmland preservation, Planned Unit Residential Development (PURD), and watershed protection districts.

**Planned Unit Residential Development (PURD).** A residential development to be developed as an entity by a landowner. It contains a mixture of residential, open space and other uses, and a variety of building types. The major purpose of the Planned Unit Residential Development is to provide for a variety of housing types at a greater density than would normally be allowed without detracting from the livability and aesthetic qualities of the environment. It is the intent of the PURD that common lands remain as undeveloped open space. For a PURD to be possible, a PURD overlay district must be in place on the subject property. A PURD requires a Special Permit from the Zoning Board of Appeals.

**Site Plan Review (SPR).** Many uses permitted by right are shown on the Zoning Bylaw use chart as requiring a Site Plan Review approval from the Planning Board. The Board holds a public hearing and reviews the applicable sections of the Zoning Bylaw. The Board can impose conditions to mitigate potential site impacts of the use.

**Special Permit.** When a use is neither prohibited nor allowed by right, it is shown on the use chart as requiring a Special Permit from the Zoning Board of Appeals or the Planning Board. The Board holds a public hearing and reviews applicable sections of the Zoning Bylaw and other regulations to consider the proposal's potential impact on its surroundings. The Board's written ruling can either deny the use or grant the permit with conditions of how the site should be developed.

**Variance.** Relief from certain requirements of the Zoning Bylaw that is granted in cases of hardship after a public hearing by the Zoning Board of Appeals. Only density and other dimensional requirements may be modified. (Non-conforming uses are permitted if they pre-dated the provisions of the Zoning Bylaw that make them non-conforming.)

**Zoning District.** A distinct area of town, recognized on the Official Zoning Map, for which there are uniform building and development standards that differ from those of other zoning districts. In Amherst, there are fifteen regular (underlying) zoning districts and four overlay districts.

**Zoning Map.** The Official Zoning Map delineates the boundaries of the town's zoning districts. The Official Zoning Map, located in Town Hall, is incorporated into and functions as part of the Zoning Bylaw.

## **SOURCES OF INFORMATION AND ASSISTANCE**

All references are available in the Jones Library and/or Town Hall. Some may be available on the Town website: [www.amherstma.gov](http://www.amherstma.gov).

### **THE BUSINESS OF TOWN MEETING**

**Amherst Finance Committee Report** to Annual Town Meeting

Special reports on articles on the warrant and related issues

### **TOWN GOVERNMENT**

**Acts of the Massachusetts General Court for the Town of Amherst** include:

**Amherst Town Government Act** (Chapter 216, Acts of 2001)

**Jones Library Act** (Chapter 96, Acts of 1919 as amended by Chap. 512, 1972)

**Amherst town reports** (annual)

**Amherst-Pelham Regional School Agreement**

**Bylaws of the Town of Amherst**

**General Bylaws, especially Rules of Order for Town Meeting, Article I.**

**Zoning Bylaw**

**Comprehensive Planning – Information Booklet, 1997**

**Zoning Primer: Everything You Always Wanted to Know About Zoning, 1996**

**Town of Amherst Data Book – Amherst Planning Department – December 2002**

**Massachusetts Finance Committee Handbook**

**Massachusetts General Laws Annotated**

**Your Amherst Government**, by the League of Women Voters of Amherst, 1992

**Levy Limits: A Primer on Proposition 2 ½**

**Massachusetts General Laws, C. 59, S 21C Taxation, Assessment of Local Taxes**

**PARLIAMENTARY PROCEDURE**

**Town Meeting Time: A Handbook of Parliamentary Law**, by Richard B. Johnson, Benjamin A. Trustman, and Charles Y. Wadsworth, 1984

**Robert's Rules of Order**

**WHERE TO OBTAIN ASSISTANCE**

Amherst town officials are ready to listen and, where feasible, to give assistance. People who may be helpful to those preparing articles, motions, or presentations for Town Meeting include the Moderator, Select Board members, Amherst School Committee members, Town Manager, Superintendent of Schools, and Town Clerk. Requests for the assistance of Town Counsel must be made through the Town Manager.



## RULES OF ORDER FOR TOWN MEETING

1. **CONSENT CALENDAR.** At least five business days prior to the opening of the first session of the Annual Town Meeting or any Special Town Meeting, the moderator shall propose to all members a "Consent Calendar" listing all articles and budget areas which, based on the records of recent town meetings, the moderator deems to be noncontroversial. At the first session of the meeting, at the request of five (5) members, any article or budget area shall be removed from the Consent Calendar so that it can be debated and voted upon in accordance with the provisions of these Rules of Order. All items remaining in the Consent Calendar shall then be voted upon by a single vote without debate.
2. **WRITTEN MOTION.** Any motions shall be in writing if requested by the moderator.
3. **DIVIDING A MOTION.** Any question may be divided on call of a member when the sense will admit of such division.
4. **GREEN AND RED CARDS DURING DEBATE.** To assist the moderator in shaping an orderly and equitable debate, green and red cards shall be used by members to indicate a desire to speak for or against the current motion on the floor. A desire to speak without advocacy or to ask a question shall be indicated by raising a hand without a green or red card.
5. **MOTIONS DURING DEBATE.** When a question is under debate, the moderator shall receive no motion but to adjourn, to dismiss, for the previous question, to postpone for a day certain, to commit, or to amend, which several motions shall have precedence in the order herein mentioned. The meeting shall not vote to dismiss an article without having heard a voter speak in its favor, unless no one seeks to do so.
6. **LIMITS ON SPEAKING.** Following a motion under any article, the Moderator shall first recognize the proponent thereof to speak for up to five (5) minutes in favor of the motion, or with leave of Town Meeting, for additional time. Thereafter, and in the absence of leave of Town Meeting granting additional time, each subsequent speaker shall be limited to three (3) minutes. No person shall speak more than twice on the same subject, without leave of the meeting, except to raise a point of order or to answer a question.
7. **VOTING ON AMENDMENTS RELATING TO NUMBERS.** When two or more motions are made with regard to the same subject relating to sums of money, numbers or times, the question shall first be put upon the largest sum or number, and the longest time.
8. **VOICE VOTES, TALLIED VOTES, AND STANDING VOTES.** All votes unless otherwise provided for by law shall in the first instance be taken by 'ayes' and 'noes' voice vote. If any member questions the voice vote, or if a four-fifths or nine-tenths vote is required by statute and the vote is not unanimous, the vote shall be taken by counted standing vote. When a two-thirds vote is required by statute, a counted standing vote shall not be taken unless the voice vote is doubted by the moderator or questioned by a member. If, within a short but reasonable period of time following the voice vote, which period of time shall be fixed by the moderator, any member requests a tally vote and if 15 members manifest their concurrence with that member, the vote of each member shall be tallied by the use of a color-coded (green for aye, red for no) cards. Each such card shall bear the member's name and indicate his/her vote. Each member shall cast his/her own vote only. Such cards shall be collected and counted by the tellers, which count shall be determinative of the question.
9. **RECONSIDERATION.** A vote may be reconsidered only on motion of a member who did not vote with the minority. When a motion for reconsideration is decided that decision shall not be reconsidered, and no question shall be twice reconsidered.
10. **RULES OF DEBATE GOVERNING MOTIONS TO DISSOLVE AND TO ADJOURN.** A motion to dissolve shall be debatable, but a motion to adjourn to a day certain shall not be debatable.
11. **REQUIREMENT TO ACT ON ALL ARTICLES.** No motion to dissolve a town meeting shall be in order until every article on the warrant therefor has been acted upon.
12. **FINANCE COMMITTEE CHAIR.** A registered voter of the town who ceased to be an elected town meeting member upon election as chair of the finance committee and who subsequently ceases to be a town meeting member at large upon ceasing to be chair of the finance committee shall be a town meeting member at large for a period ending on the date of the next annual town election.
13. **ADJOURNMENT TIME.** After 10:00 PM, and in the absence of a majority vote of Town Meeting so permitting, no motion under any article other than the article then under debate may be made.

The League of Women Voters is a nonpartisan political organization.  
Membership is open to all citizens of voting age.

League of Women Voters of Amherst  
P.O. Box 2372, Amherst, Massachusetts 01004-2372