

## MEMORANDUM FROM THE MODERATOR

TO: Town Meeting Members

FROM: Michael K. Fee, Town Moderator

SUBJECT: 2021 Special and Annual Town Meetings – Town of Needham

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Greetings Town Meeting Members! I hope you are well and enjoying Spring! Blossoms are bursting, flowers are blooming, green grass is growing, birds are chirping and that can mean only one thing: it is time for Town Meeting.

On May 1, we will once again gather under a bright blue sunlit sky at the Memorial Park parking lot for Special Town Meeting. We have been here before. While we all had hoped that this May, we could return Town Meeting to its customary site -- the beautiful and inspiring James Hugh Powers Hall at Needham Town Hall -- we will once again meet... in a parking lot. A parking lot? Yes, but this is no ordinary parking lot. When we convene as Town Meeting, we turn a parking lot into a hallowed and historic venue. Before your eyes, a mere parking lot is transformed into the same meeting space where for over 300 years, generations of Needham citizens have gathered to govern themselves, no matter the challenges and obstacles. Perhaps while you are there, you will hear the voices of Needham citizens who in April 1775 returned to Town Meeting after fighting the British Regulars at Lexington and Concord. Perhaps you will hear the voices of those whose sacrifice is honored by Memorial Park, men and women who gave their lives so our country, our democracy, indeed our very right to hold a town meeting was preserved. Or perhaps you will hear the voices of women, empowered in the 1970's to participate fully at all levels in government institutions previously dominated by men. Listen for these voices. You are their heirs. As Town Meeting Members, you live their legacy...no matter where we meet.

I congratulate Town Meeting Members who have been reelected and extend a special welcome to our new Members who will experience Town Meeting for the first time. Thank you for volunteering to serve your community in this special role. I know you will enjoy being a citizen legislator, representing the interests of your neighbors and our entire town. You are now part of a three-century-old institution that embodies democracy, citizen empowerment and self-governance, all in a non-partisan forum where civility and mutual respect are the orders of the day.

The Needham League of Women Voters has arranged New Town Meeting Member Orientation via Zoom this year. Unfortunately, we could not hold this event last year. I thank the League for their perseverance and commitment to voter education. The orientation session will take place on **Monday April 19 at 7:00 p.m.** Advance registration is required, and the event is open to any Town Meeting Member, not only newly elected Members. The notice sent by the League states:

Please join us for the New Town Meeting Member Orientation with Moderator Michael Fee on Monday, April 19, at 7:00 p.m. on Zoom. The Orientation, hosted by the League of Women Voters of Needham, is geared toward

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new Town Meeting Members, but is open to new and veteran TMMs. Registration is required in advance, please register at the link below. <http://bit.ly/TMMorientation>

Preparation for Town Meeting consists of much more than simply reading the Warrant, though that always is a good starting point. You should also review all the relevant information available to you through a variety of sources, including the materials distributed through the mail in advance of Town Meeting, the Annual Town Report and other information accessible through the Town's website, [www.needhamma.gov](http://www.needhamma.gov), including recordings of the meetings of town committees and boards leading up to Town Meeting. I also encourage you to gather information from your constituents by speaking to the people in your precinct who elected you. Ask them about their views of the Articles in the Special Town Meeting and Annual Town Meeting Warrants. While social media can be helpful, there is no substitute for a conversation between a representative and his or her constituent. Strive to be an informed and engaged representative.

Given the emergency circumstances under which we are still operating, there will be no live presentations under the Articles in the Special Town Meeting and Annual Town Meeting Warrants. The presentations from Article proponents and from the Finance Committee will be recorded in advance of Town Meeting and uploaded for your viewing. These will be available on the Town's YouTube channel, which is accessible through the Needham website.

In our representative town meeting, you are the all-important "representatives." The interests of the citizens and taxpayers of Needham are vindicated through you. When we all convene as Town Meeting, Massachusetts law and our Town Charter states that there is no higher authority in the town. Be mindful of this role. Respect this role. Stand for citizen government. If you do not protect and exercise your rights, those rights may one day disappear, and you will no longer govern yourself. Instead, you will be on the outside looking in, watching others with the titles of "mayor" or "town council," or "city manager" govern for you. This has happened in several Massachusetts towns that once had town meetings. Please be vigilant. Once right of citizens to participate directly in their governance is gone, it never comes back.

I ask that you discharge your duties as a Town Meeting Member with diligence, respect and prudence. Every time we convene as Town Meeting, let us work together to build the best community possible.

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### The Meeting

We are holding two meetings in succession this year. First, at **1:00 p.m. on Saturday May 1**, we will convene a Special Town Meeting. If the business of the Special Town Meeting is not completed on Saturday, we will resume the next day, **Sunday May 2 at 1:00 p.m.** Rain dates are Saturday May 8 and Sunday May 9. Our Annual Meeting will be held on **Monday May 3 at 5:00 p.m.** While our opening ceremonies will be curtailed, at the commencement of the Special Town Meeting, we will suspend our proceedings briefly to permit the final appearance from the Richard Patton Melick Foundation before Town Meeting. After nearly 25 years of recognizing citizens' contributions to Needham, awarding scholarships to Needham High School students, and other work promoting citizen engagement, the Foundation is winding down its operations. I know you will join me in thanking the Melick Foundation for all the good works they have championed.

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### **The Warrants**

There are two Warrants. The truncated Warrants of last year are gone. We have a considerable amount of work to do. The Special Town Meeting Warrant contains 50 Articles. With most of the business requiring your attention in the Special Town Meeting, the Annual Town Meeting Warrant contains eight (8) Articles, including three Articles relating to zoning. As always, the Warrants contain a wealth of useful information.

Each Warrant opens with an extremely thorough report from the Finance Committee. The Operating Budget for FY 2022 will be presented in the Special Town Meeting. In keeping with our tradition, I will guide a discussion of the budget on a line item-by-line item basis. While questions submitted in advance are strongly encouraged, Town Meeting Members will have the opportunity to ask questions about every department, service or other item funded as we proceed through each line of the budget. Consistent with our rules of procedure, when we pause at a particular line item, Town Meeting Members may ask for relevant information or offer amendments. Once we pass by a line item, however, discussion on that line item is closed.

The Articles in the Warrants will be addressed in numerical sequence unless there is a successful vote on a motion to alter the order in which the Articles are arranged. It is also possible that a motion may be made to address two or more Articles jointly but vote on them separately. At times, this consolidation process can promote efficiency, but your vote on such a request will control whether it occurs.

### **Consent Calendar**

Main Motions under all Articles have been prepared by the Town Counsel and will be available for inspection at the Town Clerk's Office at least one week prior to our first session. These motions typically contain the same language as the Warrant Articles to which they correspond. Main Motions are the operative documents signed by a proponent and placed on the floor for your consideration. During my opening remarks, I will inform you of any permissible differences between the wording of a Main Motion and the wording of a corresponding Article.

To construct our Consent Calendar, I will present the Articles in each Warrant by number and I will ask you to state whether you desire to discuss and debate a given Article by exclaiming "Question" after I read the Article's number. If no one calls out "Question," the Main Motion under that Article will be placed on our Consent Calendar. In keeping with our custom, the Main Motions so designated will be adopted by unanimous consent and never discussed. Those Articles for which one or more Members exclaim "Question" after I call its number or are identified by the Moderator as subject to motions from their sponsors, will be taken up in numerical order by Town Meeting.

The Consent Calendar has proven to be a useful tool in the past, streamlining our agenda so it will consist of only those topics that you -- the Members -- identify as worthy of the time needed for explanation, discussion and debate at Town Meeting. Please remember, however, that the determination of which Main Motions we discuss is controlled by you, not by the Moderator or anyone else. Through the selections you make for our Consent Calendar, you control how we will spend our time together.

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### Procedure

I ask that each of you observe the conventions and traditional procedures that govern our meeting so that we can complete our work effectively and efficiently. Our proceedings are governed by Massachusetts law, Needham's Charter and By-Laws, *Town Meeting Time* (3rd Edition), the parliamentary manual (our "rulebook") from which we draw guidance for our proceedings, and by tradition. A brief summary of some of our procedures and rules is set forth below.

In addition, after I became Moderator, I authored the *Needham Town Meeting Handbook* which has been in circulation and available on the Town of Needham website. The *Handbook* was well received and this year, I revised it rather extensively. Please review the April 2021 revised edition and feel free to consult this *Handbook* to become better informed about the laws, rules and procedures that apply to Town Meeting.

Here is a brief summary of some of our procedures and rules:

1. Proposed amendments of affirmative main motions should be well thought out and carefully drafted well in advance of the meeting. *This especially applies to proposed amendments of zoning Articles.* Blank forms that may be used for a motion will be available at the Select Board's table prior to each session. I encourage you to put anything other than simple amendments in writing and seek drafting assistance from Town Counsel prior to the meeting. In addition, I will be at the venue early to assist you if you wish. I would like to have as much notice as possible about the motions to amend so I may provide assistance and ensure a smooth presentation and debate.
2. As mentioned above, under current public health emergency conditions, there will be no affirmative presentations by proponents or the Finance Committee at the meeting. We have traditionally enacted a rule at the meeting that imposes a **15-minute time limit (in total) for presentations by the proponents of an Article.** For the last two meetings held under these same special conditions, proponents have graciously honored the spirit of this rule when preparing the video presentations that may be viewed in advance of Town Meeting. Once again, I ask proponents to honor the spirit of this traditional rule and limit their video presentations to no more than 15 minutes. When we convene at Memorial Park, I will seek your unanimous consent to adopt a **5-minute limit (inclusive: per article, per person)** for individual Members and non-members to speak to a particular Article. In the past, these rules have greatly increased the efficiency of our meetings, while at the same time ensuring the opportunity for access and participation by a wide range of Members, not just a few.
3. All speakers are reminded that our proceedings are televised by The Needham Channel. This is a great service to our community. The courtesy of a live telecast, however, must not be abused. Any speaker who refers to the cameras, or whose behavior, in the sole judgment of the Moderator, appears to be affected or influenced by the presence of the cameras will be ruled out of order by the Moderator and asked to cease immediately.
4. In keeping with our longstanding practice, I intend to ask the Meeting to adopt by unanimous consent a rule of procedure for debate under Article 20 of the Special Town Meeting Warrant, the Fiscal Year 2022 Operating Budget, as well debate under the enterprise fund articles in that Warrant, Articles 21 and 22, and the budget for General Fund Cash Capital, Article 35 of the Special Town Meeting Warrant. Under this rule, a motion to amend an appropriation under these budget Articles that adds funds to a particular line item is not in order unless the movant identifies another line item or line items within the budget that will be reduced to fund the increase. This rule has always worked well in Needham.

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5. I offer the following abbreviated information on procedure. Further information may be found in the *Needham Town Meeting Handbook* (April 2021 Revised Edition) and in *Town Meeting Time* (3rd Edition), available at the Needham Public Library. Some of the motions that may be made at Town Meeting are:

- (A) To Adjourn - Not debatable, majority vote required.
- (B) Moving the Previous Question - Not debatable, 2/3 vote required. This motion is a device used to stop any further debate or discussion of an identified motion or motions. It is not debatable and requires a supermajority of 2/3 for passage. At times, the motion can be useful and may promote the efficient disposition of issues. I sometimes receive inquiries from individuals who very much wanted to speak on an issue raised under an Article but were unable to do so because before they could be recognized, someone "moved the question" and the motion was approved by Town Meeting. If the motion is properly made, the rules require that I must accept it and present it to Town Meeting for consideration. The motion can be rejected – and in the past it has been rejected– in situations in which Town Meeting Members collectively decide that they need to hear more information or wish to have additional discussion before voting. If someone wishes to continue discussion, therefore, it is their obligation to vote against this motion. If the motion passes, all discussion ends, and we move to an immediate vote.
- (C) To Lay on the Table - Not debatable, 2/3 vote required. While the motion was once used to temporarily defer consideration of motions until they were “taken from the table,” in more recent years, it has been used to end discussion of the motion permanently and avoid any vote.
- (D) To Postpone to a Time Certain - Debatable, majority vote required. The moving party must state a reason for this motion. For example, sometimes an essential speaker is not available when we reach an Article. Or proponents may want to have action taken on another Article before reaching the Article to be postponed. Whatever the reason, Town Meeting must approve the motion by a majority vote and the motion must specify with certainty the time when discussion will resume.
- (E) To Commit, Recommit or Refer Back - Debatable, majority vote required. We call this a “Motion to Refer.” It may be used to send the subject matter of an Article back to an existing board or committee for further work, or it may refer the subject matter to a study committee that is described in the motion. If approved by Town Meeting, the subject matter is referred and not the subject of a vote at Town Meeting.
- (F) To Amend - Debatable, majority vote required. Amendments change to the wording of a Main Motion. Motions to amend themselves may be amended, though the process is supervised by the Moderator to prevent confusion. Whenever possible, motions to amend the language of a Main Motion should, as discussed above, be in writing.
- (G) To Postpone Indefinitely - Debatable, majority vote required. This motion is in essence, a motion to dismiss.

6. Please remember that "points of information," "points of order," and "points of personal privilege" raised by Members during debate will be strictly construed in accordance with their definitions and they will not be used as

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a means of enlarging the time for debate, especially after a motion to move the previous question has been voted in the affirmative, or after an Article has been disposed of.

7. I also remind everyone about our very important "four corners of the Article" rule. Under this rule, a speaker recognized during discussion under an Article must confine his or her remarks to the subject matter of the Article. In addition, any proposed amendment must fall within the "four corners" of the Article under which it is offered or it will not be in order.

8. All Town Meeting Members must rise and seek recognition by calling out to the Moderator in a clear audible voice. If a Member only raises a hand from a seated position, it is very difficult for me to see you. Any Members who have physical limitations that prevent the person from standing up, raising their hand or calling out for recognition should inform me prior to the start of the meeting so that reasonable accommodations may be made.

9. It is vitally important that any Member who wishes to address the meeting be able to do so. At our outdoor meeting, Members are dispersed over a wide area and masks can muffle calls for recognition. Accordingly, I will once again enlist the assistance of the Marshal who will roam the meeting space and help me identify Members or registered voters who wish to be recognized, but I may not be able to see.

10. Members are reminded to address their remarks to the Moderator as Chair of the Meeting, not to any other person. Members also must refrain from references to other speakers, engaging in personal attacks or other uncivil behavior. Civility is the hallmark of our Town Meeting and we must display it.

### Conclusion

I am looking forward to seeing you all on May 1. With your help, we have shown that a well-planned, safely designed outdoor Town Meeting is possible. As recently as 18 months ago, who would have thought this could be done? It reminds me of a quote from Nelson Mandela that I keep on my desk: "It always seems impossible until it's done."

Good luck with your preparation. Stay safe and please let me know if I may be of any assistance. See you all soon!

With very best wishes,

*Michael K. Fee*

Needham Town Moderator