



Promoting Civil Discourse at Town Meeting

May 2, 2024, at Noon

Moderated by Carmin C. Reiss, J.D.

Moderator, Town of Concord and President, Massachusetts Moderators Association

Rebecca M. Townsend, Ph.D.

Moderator, Town of Longmeadow Immediate Past President
Mass. Moderators Association

Mark DiSalvo

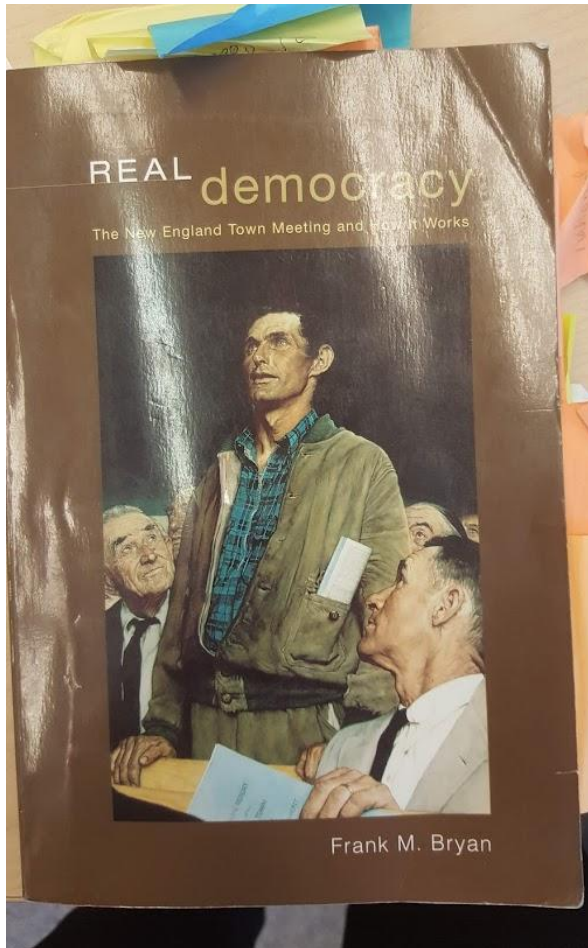
Moderator, Town of North Andover
1st Vice President



Town Meeting Time \neq High Noon

Still....What laws, rules, and traditions guide our talk?

History, Purpose, & Research on Town Meeting



JOURNAL OF
DELIBERATIVE
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Research Article

An Enduring System of Local Deliberative Democracy: The 21st Century Legal and Normative Structure of Massachusetts Town Meeting

Abstract

This essay examines the legal framework for local deliberative democracy in Massachusetts, within the legislature known as “town meeting.” We review the trajectory of this system of local government allowing direct exercise of citizen power via deliberative governance. We focus on the current framework of state and local laws that were created to support and direct local deliberative systems in Massachusetts with greater attention to functional elements of the system in this legal rhetorical history. We explore the powers of town meeting, including its role within state and federal government, the laws and norms enabling and limiting deliberation, and how and why the legal framework for town meeting has allowed it to endure. Throughout our analysis, we include examples, detailing how philosophical principles of inclusion, self-determination, fairness, and fidelity to the common good underpin town meeting. We note the system’s evolution and close with considerations about directions for further changes. The legal framework for town meeting, largely unchanged for close to three centuries, successfully integrates a local community voice into a broader system of deliberative democracy.

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Issue

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“It is the **work people and institutions do together** that promotes democracy. Practice is necessary to build the **mutual trust and experience** required for citizens and public professionals to work in democratic ways.”

Democracy

Shared responsibility creates the **civic muscle** needed for democratic public work where:

- **Problems are named** to capture what is valuable to people, not just expert information
- **Issues are framed** for decision making
- Options are deliberated publicly
- Organizing complementary action—coproduction (Whole > Sum of Parts)
- Community learns how to work together; culture of democratic complementary production

(Lemmie, Bryer, & Shaffer, *The Effective Local Government Manager* 2022 pp. 149-50)



Branches of Government

Separation
of powers
applies to
local
executive &
legislative
branches

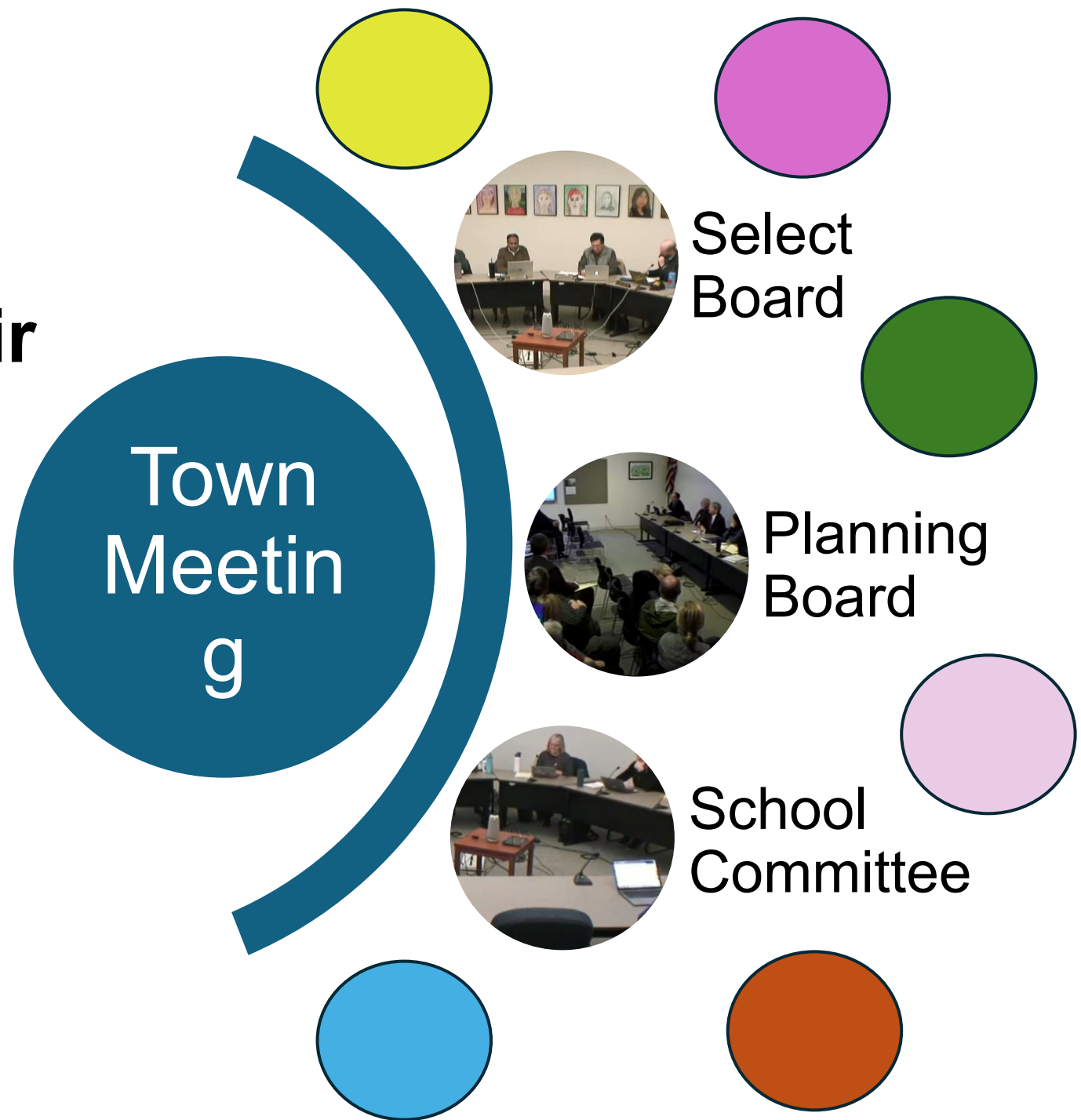




Context: increase in hate speech, misinformation, disinformation, attacks on officials

Different bodies & their meetings have different

- Forms
 - Functions
 - Laws
 - Regulations



**Town Meeting is
the Legislature**

**Town
Meetin
g**



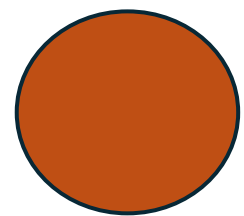
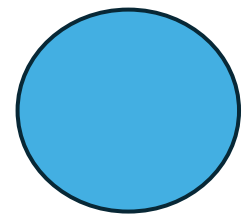
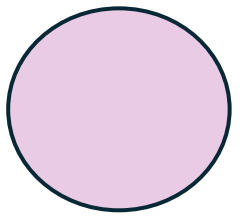
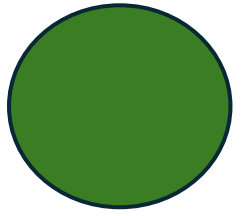
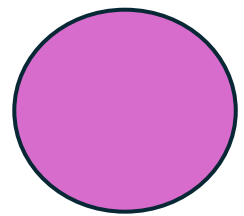
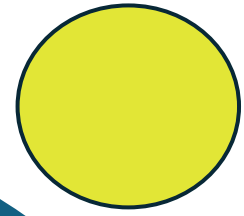
**Select
Board**



**Planning
Board**



**School
Committee**





Longmeadow Town Meeting FAQs and Policies

Longmeadow Town Meeting is a municipal legislature conducted in accordance with the Commonwealth of Massachusetts General Laws, our Charter, Bylaws, *Town Meeting Time*, tradition, and Moderator discretion and policies. This is a non-exhaustive summary of frequently asked questions and policies.

During the meeting, wherever possible the Moderator will explain to Town Meeting her rulings, keeping in mind the flow of the deliberation and an eye on the clock. For a listing of relevant laws, please see:

- [Town Charter](#)
- Longmeadow's [Town Code \(Bylaws\)](#) | [Longmeadow, MA](#)
 - [General Bylaws](#)
 - [Zoning](#)
- "Massachusetts Laws About Town Meetings" [Massachusetts law about town meetings | Mass.gov](#)

Citizens may also consult the following resources:

- Secretary of State's Office "Citizen's Guide to Town Meetings" [An Important Message for all Massachusetts Town Residents](#) (PDF)
- [Town Meeting Time](#) (available at [Sturrs Library](#))

For additional questions, contact the Moderator, Rebecca M. Townsend at rtownsend@longmeadow.org. Email to ask questions or request a confidential call.

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Each Town: Different Traditions, Policies, (Charters), Bylaws, & Moderator Discretion

The Charter

- Ch C Home Rule Charter
- Ch C Art 2 Legislative Branch
 - § C2-1 Open Town Meeting
 - § C2-2 Presiding Officer
 - § C2-3 Clerk of the Meeting
 - § C2-4 Time of Meetings
 - § C2-5 Rules of Procedure
 - § C2-6 General Powers and Duties
 - § C2-7 Warrants and Articles
 - § C2-8 Publication of Warrants
 - § C2-9 Referendum Procedures on Town Meeting Votes
 - § C2-10 Finance Committee

The Code

- Division 1: General Bylaws
- Part I: Administrative Bylaws
 - Ch 1 General Provisions
 - Ch 8 Boards, Commissions, Committees and Councils
 - Ch 14 Claims of or Against Town
 - Ch 22 Elections
 - Ch 25 Emergency Management
 - Ch 31 Finance and Budget
 - Ch 34 Fire Department
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 - Ch 85 Records and Reports
 - Ch 92 Select Board
 - Ch 101 Town Meeting

Article 2 Legislative Branch

- Section 2-1 **Open Town Meeting.** >
- Section 2-2 **Presiding Officer.** >
- Section 2-3 **Clerk of the Meeting.** >
- Section 2-4 **Time of Meetings.** >
- Section 2-5 **Rules of Procedure.** >
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- Section 2-10 **Finance Committee.** >

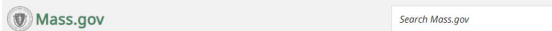
Section 2-1 **Open Town Meeting.**
The legislative powers of the town shall be exercised by a town meeting open to all registered voters of the Town of Longmeadow.

Section 2-2 **Presiding Officer.**
A moderator, elected as provided in section 3-4, shall preside at all sessions of the town meeting. The moderator shall regulate the proceedings, decide all questions of order, make public declaration of all votes and may exercise such additional powers and duties as may be given to moderators under the constitution and general laws of the Commonwealth, by this charter, by by-law, or by other

Chapter 101 Town Meeting

[HISTORY: Adopted by the Town Meeting of the Town of Longmeadow as §§ 3-104 and 3-105 and Art. 3, Ch. 300, of the General Bylaws. Amendments noted where applicable.]

- § 101-1 **Town Meeting action.** >
- § 101-2 **Town Meeting record.** >
- § 101-3 **Annual Town Meeting.** >
- § 101-4 **Notice of business.** >
- § 101-5 **Warrant.** >
- § 101-6 **Issuance of warrant.** >
- § 101-7 **Special Meeting.** >
- § 101-8 **Meeting not properly called.** >
- § 101-9 **Admission to Meeting.** >
- § 101-10 **Attendance by nonvoters.** >
- § 101-11 **Audio and video equipment.** >
- § 101-12 **No smoking.** >
- § 101-13 **Opening prayer.** >
- § 101-14 **Rules of procedure.** >



Legal & Justice > Laws by Subject > Law about A to Z index

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Massachusetts law about cities and towns >

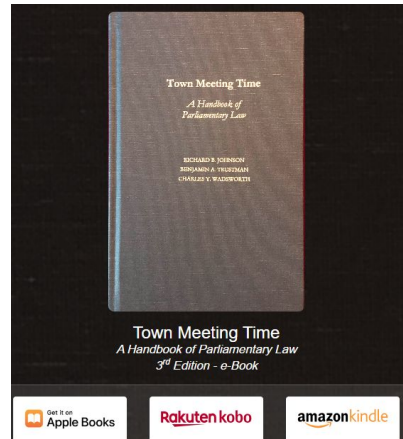
Massachusetts law about town meetings

Laws, rules, and web sources on Massachusetts town meeting law.

If you are unable to find the information you are looking for, or if you have a specific question, please contact our law librarians for assistance.

TABLE OF CONTENTS

- Best bet
- Massachusetts laws
- Rules of procedure
- Web sources
- Contact



State Laws: Same

Rules: *TMT* or Robert's Rules

Town Meeting ≠ Public Comment Time

Town Meeting ≠ Forum

Ch. 244 of the Massachusetts Acts of 1715 outlines the power of the moderator to limit debate and the requirement that nothing shall be voted at town meeting unless it is included in the warrant.

MGL Chapter 39 Sections 9 -17 outline the moderator's powers.

- Section 15 “The Moderator shall preside and regulate the proceedings (of town meeting), decide all questions of order and make public declaration of all votes”
- Section 17 “No person shall address a town meeting without leave of the moderator and all persons shall, at the request of the moderator, be silent. If a person, after warning from the moderator, persists in disorderly behavior, the moderator may order him to withdraw from the meeting”

Dodgett v. Hooper, MacKeen v. Canton, Ellis v. Barnstable, Village Houses v. Kingston; US Federal First Circuit's Curnin v. Egremont.

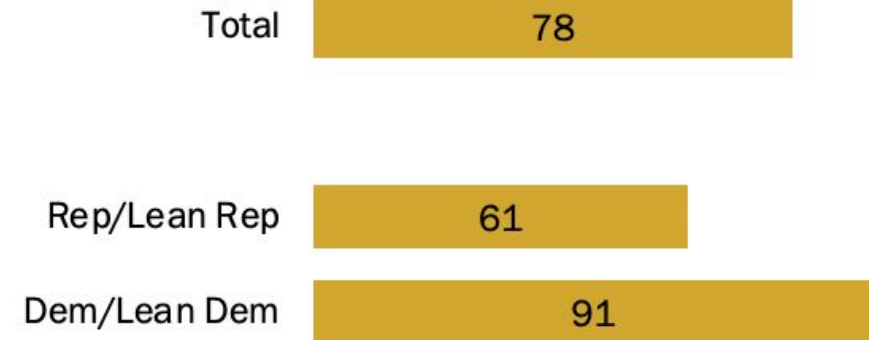
With appreciation to Moderator John Fallon

Barron v. Kolenda: People are Watching



Large majority says ‘heated’ rhetoric by politicians raises risk of violence

% who say elected officials using heated or aggressive language to talk about certain people or groups makes violence against those groups more likely ...



Source: Survey of U.S. adults conducted April 29-May 13, 2019.

PEW RESEARCH CENTER

Barron v. Kolenda Impacts:

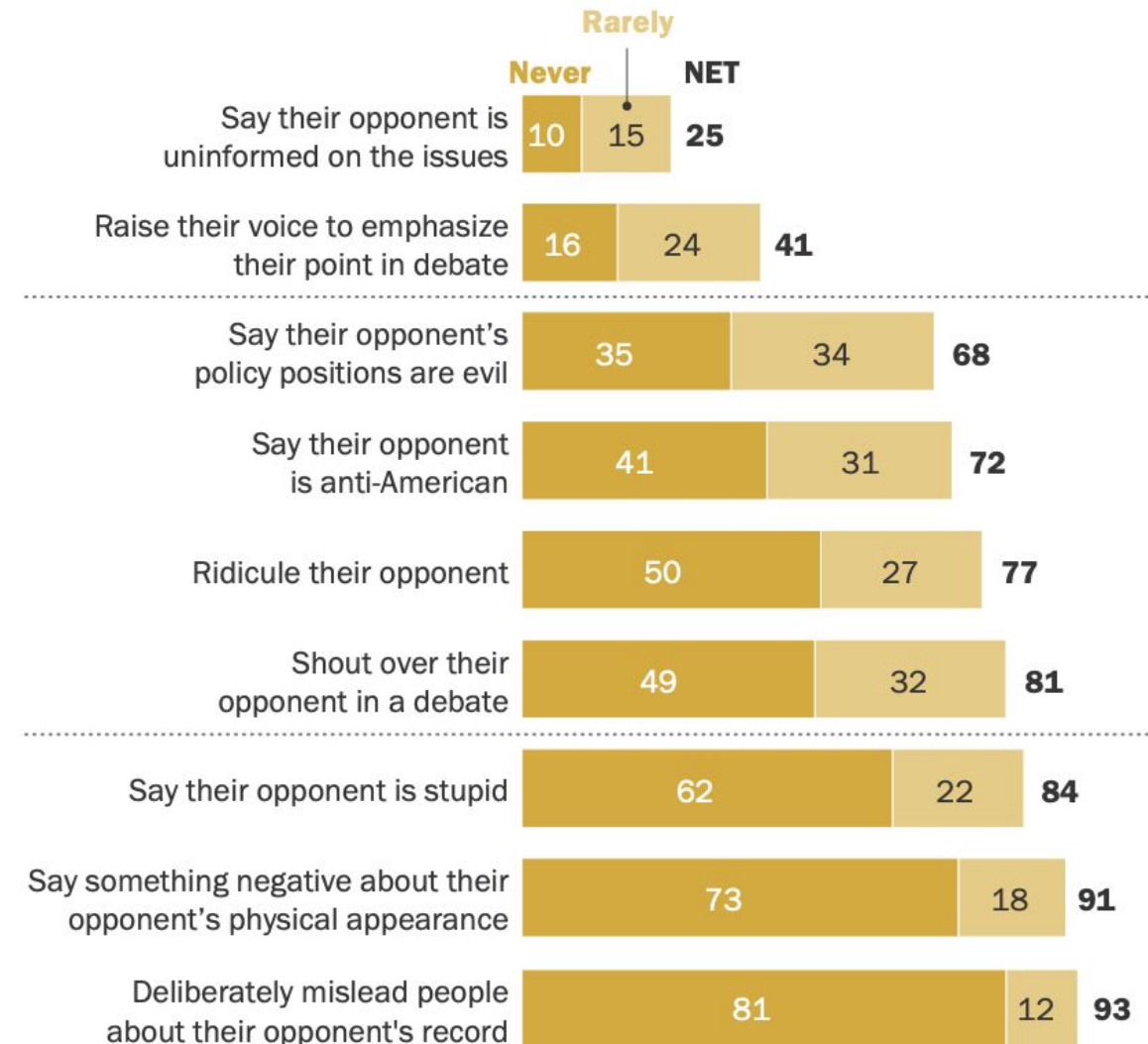
1. Limited to Public Comment Time in Committees
2. Public Perception
 - Officials play a role in public's understanding of the difference
 - May try to test the limits



What is over the line?

Insulting an opponent's appearance is widely viewed as *never* acceptable; less agreement on use of 'evil'

% who say it is ___ acceptable for elected officials to ...



Source: Survey of U.S. adults conducted April 29-May 13, 2019.

Take a recess. Cool things down

