

Topsham's Form of Government: Town Meeting

An Important Message for all Topsham Residents

The purest form of democratic governing is practiced in a Town Meeting. As Thomas Jefferson said in a letter to Joseph C. Cabell in 1816:

Town meeting is the wisest invention ever devised by the wit of man for the perfect exercise of self-government.

In use for over 300 years, Town Meeting Government has proven to be a valuable means for many Maine taxpayers to voice their opinions and directly effect change in their communities. Here in this ancient American assembly, you can make your voice heard as you and your neighbors decide the course of the government closest to you.

Newcomers to Topsham may be unfamiliar with this form of government. Television is full of “town meeting” debates, especially during national campaign cycles. Those “town meetings” are not what Town Meeting government is. As a form of government, Town Meeting is a legislature, a policy making institution. Every registered voter in Topsham is a legislator. Town Meeting government is a “no excuses” government. You are the government is Topsham.

	Executive	Legislative
National	President	US Congress
State	Governor	State Legislature
City	Mayor	City Council
Town	Selectboard	You and your neighbors who attend town meeting

Attendance at Town Meeting is important for several reasons including:

- Face to face participation teaches forbearance and tolerance. It teaches respect for others' views. It teaches citizenship.
- Town Meeting allows citizens to hear “both sides of the story.” It builds appreciation for the complications often involved in the simplest of policies.
- By allowing citizens to actually fashion the law themselves, it creates a sense of

“ownership” of the town’s business not present when decisions are made by others.

- Town Meeting builds community by bringing people together. Sometimes difficult personalities hold the floor. Sometime conflict occurs—and it should. But when successfully resolved, in an open and honest manner, wounds heal more quickly and leave the body politic stronger.
- Town Meeting strengthens civil society. There is a correlation between the use of traditional town meeting and stronger democracy at the state level.
- Town Meeting brings politics to life. Town Meeting can be interesting, exciting and fun.

Here is an outline of the forms and procedures used in Town Meetings. This may provide helpful tips to participate more fully in Town Meeting debates and votes that shape our community!

Introduction to Town Meeting

Each town has a different way of running its Town Meeting, depending on its administrative code. Topsham does not have a charter or bylaws. What follows is a general outline of Town Meeting Basics. This is not intended to be an all inclusive text, but a broad overview designed to encourage you to find out more and attend Town Meeting.

If you have any questions regarding the specific procedures employed by our town, please contact the Town Clerk.

Questions and Answers about Town Meetings

Town Meeting Basics

What is a Town Meeting?

A Town Meeting is both an event and an entity. As an event, it is a gathering of a town’s eligible voters, and is referred to as “the Town Meeting.” As an entity, it is the legislative body for towns in Maine, and is referred to simply as “Town Meeting.” So you may say, “I went to the Town Meeting. Town Meeting approved the budget.” In Topsham, we have a Special Town Meeting in May to adopt the budget and conduct other business, such as, adopt or revise municipal ordinances.

We schedule Special Town Meetings throughout the year, usually quarterly, on an add-needed basis. Our Annual Town Meeting occurs in November on election day and doesn’t involve an actual meeting.

Do all towns have Town Meetings?

Most but not all towns in Maine have Town Meetings. A few towns, such as Brunswick, are governed by town councils. In sum, no cities have Town Meetings but most towns have Town Meetings.

What does Town Meeting decide?

Town Meeting decides the following major things:

- It votes to appropriate money to run the town.
- It votes on the town's local statutes, which are called ordinances and codes.

Topsham has an Open Town Meeting

An open Town Meeting means that all of the town's voters may vote on all matters.

What's a moderator?

Generally, a moderator's job is to run the Town Meeting. Specifically, the moderator declares the outcome of all voice votes. Our town meeting is governed by our administrative code. We can override the provisions of that code at Town Meeting because we are the legislature. We can do this by making a motion and obtaining a majority vote in favor of the motion.

Moderators are elected in Article 1 of our Town Meeting warrant. The Town Clerk asks a small number for Town Meeting participants to cast written ballots for the Moderator.

What's a selectman or selectwoman?

Voters elect a selectman or selectwoman to the Board of Selectmen, which has five members. Selectmen are a town's executive officers. Selectmen are authorized to call a Town Meeting provided that they have posted a warrant. In Topsham, our Board of Selectmen hires and supervises a person, who, in turn, runs the day-to-day operations of the town and supervises town workers. This person is known as the town manager.

Some towns elect their selectmen at town meeting. We elect our selectmen at the November Town Meeting which is not an actual meeting but is in fact an election by ballot that takes place at the polls. The November election technically satisfies State requirements for holding an “annual town meeting to elect officials”.

What does the town clerk do at Town Meeting?

The clerk calls the meeting and records all votes. Topsham’s Town Clerk is appointed. In the event of all of the selectman/selectwomen resigning, the Town Clerk is authorized to call a town meeting.

What’s a standing committee?

A standing committee is a permanent committee established by the Board of Selectmen or by voters at Town Meeting. Topsham has many standing committees including: planning board, history committee, comprehensive plan implementation committee.

What does the finance committee do?

The finance committee reviews and makes recommendations on the selectmen’s budget in the months before the Spring Special Town Meeting starts. Its recommendations are advisory. Members of the finance committee are appointed by the selectmen.

ANNUAL AND SPECIAL TOWN MEETINGS

What’s the difference between annual and special meetings?

Town’s are required to hold an annual Town Meeting. Topsham’s annual town meeting is actually the November elections at the polls and does not involve an actual meeting of the entity we refer to as “Town Meeting”. Additional Town Meetings are called special meetings. They may be called as many times during the year as necessary, but in our Topsham, we try to hold them on a quarterly basis.

When are Town Meetings?

Topsham's Annual Town Meeting is held in November. Special Town Meetings are held on an as needed basis and are usually tentatively scheduled on a quarterly basis as needed. We generally hold a town meeting in May to set our budget.

Can Topsham divide its business into two Town Meetings?

Yes. A town may divide its business meeting into two meetings. Towns that do so hold one business meeting at the beginning of the year to focus primarily on the budget, finances, and taxes. The second business meeting can be held in the fall and focus is on zoning, planning and ordinance changes/adoption.

How do I find out when the annual meeting will take place?

Check the Town of Topsham's webpage at www.topshammaine.com/townmeeting.. Watch your local newspaper. And you may always call town hall at 725-5821, ask for the Clerk's office, and ask when the annual meeting will take place.

How do I find out about special meetings?

Special meetings, by their very nature, are not held at the same time every year but in Topsham, we do try and schedule them quarterly. Watch our community televised Board of Selectmen's meetings on the first and third Thursday of every month. Read your local newspaper and or check the town's website for special town meeting announcements.

Who calls special Town Meetings?

Generally, the selectmen call Special Town Meetings. Residents can petition the Board to schedule a Town Meeting or bring a matter to Town Meeting. A petition to call a Town Meeting would have to follow the State statutes contained in Title 30-A. State law requires 10% of the voters of the prior gubernatorial election would have to validly sign the petition.

May voters call a special Town Meeting?

Yes, voters may call a Special Town Meeting by petition.

What's the procedure for voters calling a Special Town Meeting?

The procedure is the same as that for any petition of the voters. A written petition signed by 10% or more of registered voters voting during the most recent gubernatorial election. Voters should include their addresses after their signatures.

Voters deliver the written request to the Town Clerk to verify the signatures. Once the signatures have been verified, the Town Clerk will report the petition to the Board of Selectmen. The Board of Selectmen must then call a meeting within the timeframe established by town ordinances and or state statute.

May a special Town Meeting be called for more than one reason?

Yes, a Special Town Meeting may be called for more than one reason. For example, a special Town Meeting could be called to consider amending the zoning code and buying a new fire truck.

THE WARRANT

What's a warrant?

The warrant lists a meeting's time, place, and agenda. A warrant is also known as a warning. A Town Meeting's action is not valid unless the subject was listed on the warrant.

When is the warrant available?

A warrant is available at least 7 days before an annual meeting.

How do I see the warrant?

Topsham publishes the warrant and posts it at town hall and on the town's website. The warrant containing the annual budget is mailed it to every household in Topsham. It is also available at Town Hall and is on the Town's website.

Who makes up the warrant?

The selectmen, who “issue” it.

What are articles?

An article is a written description in the town meeting warrant of the item(s) that the voters are being asked to vote on.

May voters place articles on the warrant?

To insert an article in the warrant for a Town Meeting, registered voters of the town would need to appear before the selectmen and make their case. If the selectmen do not place the article on the warrant, the voters may petition to insert their article on the warrant by following the petition requirements (valid signatures of 10% or more of registered voters who voted in the most recent gubernatorial election must sign a written petition).

How Town Meetings Operate

What is the quorum for a Town Meeting?

In an open Town Meeting, there is no minimum number of voters who may conduct business. If only a single citizen appears, the Town Meeting may start and conduct business.

Who may attend?

Any member of the public may attend a Town Meeting.

Who may speak?

Any registered voter of Topsham may speak in an open Town Meeting. Topsham’s administrative code provides that a person cannot speak more than twice on any given question and cannot speak for longer than 5 minutes unless the moderator allows for additional opportunities to speak or for longer time to speak. Most moderators agree that the Town Meeting can vote for unique rules at Town Meeting and suspend or modify the code with a majority vote of those in attendance.

Non-voters may speak at the discretion of the voters attending Town Meeting.

Who may vote?

In an open Town Meeting, the town's voters may vote.

Is the warrant the agenda?

Yes, the warrant generally states the things to be voted on, but the moderator may interpret the articles liberally. Usually, the Town Meeting considers the warrant's articles in order. However, the moderator or Town Meeting itself may change the order.

How do I know which article the Town Meeting is considering?

The moderator summarizes each article or reads it entirely before starting debate.

How is the budget considered?

The selectmen must print and distribute information regarding appropriations at or before the Spring Town Meeting that approves the municipal budget. Each financial article has a selectmen recommendation and a finance committee recommendation. The recommendations may be the same or different. The moderator reads the warrant article. Usually, the Chairman of the Finance Committee or member of the Board of Selectmen moves one of the recommendations. Then discussion and debate ensues, particularly if the recommendations are different.

Town Meeting voters can make amendments from the floor. There has to be a "second" and then the Moderator calls for a vote to see if the assembled voters want to amend the warrant article and modify the numbers. If the vote for the amendment succeeds, the warrant article is amended and the Moderator calls for a vote. If the amendment vote fails, the Moderator will call for a vote on the recommendation that has been moved. Then the moderator does the same with the next budget item.

PARTICIPATING IN TOWN MEETINGS

How do I vote?

Voters in open Town Meeting can vote by various methods.

Voice vote. Town Meeting votes can be voice votes. The moderator asks that all in favor (everyone voting "yes") say, "Yea" (which is pronounced "yay"). Then the moderator asks

that all opposed (everyone voting “no”) say, “Nay.” The moderator listens and decides which side prevailed. Voters who are unfamiliar with the difference between “yea” and “nay” may find this reminder useful: “Yea” and “yes” both start with “y.” “Nay” and “no” both start with “n.”

Show of hands. In Topsham, the usual manner of voting is by show of hands. When you first come to the Town Meeting, you register with the Town Clerk and are given a small square of colored paper. The moderator asks that all in favor raise their squares of colored paper. Then the moderator asks that all opposed raise their paper squares. The moderator looks at the number of hands in general and decides which side prevailed. Or hands are counted. The Moderator can call for members to Town Meeting to assist him in counting the votes.

Roll call. Voters are called by name and answer “Yea” or “Nay.”

Standing vote or rising vote. All in favor are asked to stand or rise. They are counted. Next, all voters who are opposed are asked to stand. They are counted. This form of vote is also known as dividing the meeting.

Secret ballots. Voters at the Town Meeting can call for a secret ballot. In some situations, State statute requires secret ballot voting. In that case, ballots will be handed out by the Town Clerk and assistants. Voters will mark their ballots and come forward to deposit the ballots in ballot boxes. The Town Clerk and assistants will count the ballots and announce the results. Town Meeting can motion to move onto other warrant articles while the ballots are being counted.

What if I think that the moderator did not decide correctly a voice vote or an informal show of hands?

Stand immediately and say one of the following: “I doubt it,” “I doubt the vote,” or “I question it.” The moderator will follow the rules of the meeting as announced at the outset of the meeting (usually the Maine Moderators Manual). The moderator must then verify the vote by polling the voters or by dividing the meeting or by the method provided for by the municipal by-laws.

How do I speak in debate?

If you wish to speak, stand up and wait for the moderator to acknowledge you. When the moderator acknowledges you, state your name, and your address.

Speak about the topic being discussed. Don't speak about a previous topic (unless there is a motion to rescind or reconsider).

Make your comments to the moderator, not to the Town Meeting or individual Town Meeting Members.

For example, do not say, "I have something to say to the Town Meeting," or "Mr. Smith, you said something as a Town Meeting Member that I want to respond to." Instead, say something like, "Mr. Moderator, these are my thoughts on this article."

You may attack a previous speaker's argument, but do not attack a previous speaker. For example, do not say, "The previous speaker is dead wrong." Instead, say something like, "I disagree with the argument we just heard."

Try to avoid referring to previous speakers by name. For example, try not to say, "I agree with Mr. Jones' argument." Instead, say something like, "I agree with the argument that we can afford this budget item."

Since you make your comments to the moderator, you may not directly debate or ask questions of a previous speaker. For example, do not say, "Mr. Johnson, you say that we should make another exception to the zoning law. I'm asking you: When do we draw the line and stop making exceptions?"

Instead, say something like, "Mr. Moderator, we have heard the argument that we should make just one more exception to the zoning law. But I say it's time to stop making exceptions."

Procedure and Motions

Do I need to know "parliamentary" procedure to attend a Town Meeting?

No, you do not need to know "parliamentary" procedure to attend a Town Meeting. The moderator will take care of it.

Are Town Meetings run according to Roberts' Rules of Order?

Topsham's Moderator usually follows the Maine Moderator's rules.

Does the majority always rule?

No, the majority does not always rule. For example, Topsham’s municipal code requires ¾ of the Town Meeting Voters to vote to reconsider a vote on a warrant article. State Statute may govern certain votes.

Does Topsham’s municipal code have the final word on how the Town Meeting runs?

No, the municipal code may be suspended in some circumstances by voters at the Town meeting. Also if the code is silent on procedural issues, the Maine Moderator’s rules may govern how Town Meeting runs.

Are the moderator’s rulings final?

In some areas, yes, the moderator’s rulings are final. In other areas, it is unclear whether a moderator’s ruling can be appealed. It depends on the practice of the moderator and Town Meeting. In Town Meetings where a moderator’s rulings are appealed, here is the usual procedure.

A voter or Town Meeting Members makes a point of order. The moderator rules on the point of order. A voter or Town Meeting Member then says, “I appeal from the ruling of the moderator.” Someone else seconds the appeal. The moderator then announces a vote on the question, “Should the decision of the moderator be reversed?” Then there is a vote on whether to reverse the moderator’s decision.

What do the following terms mean?

The term...	means...
dismiss an article	to defeat it
postpone an article indefinitely	to defeat it
take no action on an article	to defeat it
lay the question on the table	to kill or postpone a measure
table the question	to kill or postpone a measure
move the previous question	to cut off debate and vote on the issue at hand

What does a motion to take from the table mean?

Tabling a motion or laying a question on the table generally means to kill it, but it does not mean to kill it finally. To take an issue from the table means to consider an issue that the Town Meeting previously tabled.

If I'm not familiar with making motions, how do I make one?

Rather than make a motion that may require the moderator to untangle and decode it, stand up and ask the moderator from the floor how to make a motion to achieve what you want to do.

How do I call for a vote?

Move the previous question, which means to call for a vote.

What's the difference between reconsideration and rescission?

A vote to reconsider a previous vote temporarily postpones final action on that vote. A vote to rescind a previous vote cancels it.

What's the difference among adjourning, recessing, and dissolving?

Dissolving the Town Meeting means that it is over until the next Town Meeting, which must be called by a new warrant. If the Town Meeting has not dissolved, but is taking a break, and will resume on the same day, it has recessed. For example, Town Meeting could recess for a meal.

“Adjourning” is an imprecise word. It is sometimes used to mean “dissolving”; sometimes “recessing”; and sometimes that one day of the Town Meeting has ended, and that the Town Meeting will resume on a later day.

What does it mean to adjourn without day?

Adjourning without day means that the Town Meeting has dissolved. Adjourning without day is also called adjourning sine day (pronounced “si-nee day” or “si-nee die”). In other words, the Town Meeting has adjourned without setting another day to reconvene. A new warrant is needed to reconvene.

Where do I find the statutes governing Town Meetings?

Go to your local library. Ask to see the Maine laws governing Town Meeting. You may find information on the Maine Municipal Association’s website. The Town Clerk can assist you as well. Generally, municipal laws are found in Title 30-A of Maine’s Statutes.

Where do I get Topsham’s municipal code?

You can visit town hall and ask at the Clerk’s office. You can also find it on the Town’s website.

Does Topsham have a charter?

No. We formed a charter commission in 2007 and they produced a proposal to the Town to adopt a charter. In 2008, the town voted not to adopt the proposed charter.

Can I see a video of a previous Town Meeting?

Yes. Topsham usually videotapes Town Meeting for re-broadcast on community television. Copies of previous Town Meetings can be purchased at Town Hall.

Is there anything else I should do to be prepared for Town Meeting?

Talk to your neighbors about the issues on the warrant. Consider holding a social event to foster interest in and discussion about community affairs. Attend public forums on important issues coming before the voters. Topsham Library in conjunction with other organizations like Topsham’s Future and the League of Womens’ Voters frequently sponsor debates and forums on timely topics.

Should I check Topsham's website?

Yes! The town's website will contain the warrant, notices of meetings, and other information about your form of government and how to participate.