



Report to Town Meeting

**The Needham Town Meeting Study Committee
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FINAL REPORT OF NEEDHAM'S TOWN MEETING STUDY COMMITTEE

INTRODUCTION

The mandate of the Town Meeting Study Committee was to investigate ways of strengthening Needham's Representative Town Meeting. We were asked specifically to look at the advisability of creating additional standing committees, to consider ways to improve the procedures of Town Meeting and to curb excessive absenteeism.

Since its first meeting in June 2007, the Committee has gathered a substantial amount of information and a wide scope of opinions regarding the strengths and weaknesses of Town Meeting. We contacted officials from virtually all of the approximately thirty-seven other Representative town meetings in Massachusetts and reviewed the by-laws and websites of those towns. Our Committee sent current and past Town Meeting Members (TMMs) detailed questionnaires and received helpful responses, including written comments. Fifty-nine percent of current TMMs and forty-six percent of former recent TMMs responded to the questionnaires. We also interviewed representatives of the Board of Selectmen, the School Committee and the Finance Committee, and we spoke at length with the Moderator, as well as TMMs. On October 1, 2008, the Committee held a public hearing at the Broadmeadow School to which all Needham residents were invited. A small but articulate group responded and provided us with valuable insights.

The Committee also met publicly approximately once a month to analyze the information received and to weigh our responses. Minutes of our meetings are and have been available at the Town website. The interim report of the Committee delivered to Town Meeting in May 2008 is also available at the website.

Our nine-member Committee has concluded its work with the firm conviction that Town Meeting in Needham is a vital, strong voice for the citizens of our town. We reject the notion that Town Meeting is an obsolete institution in a complex and rapidly changing world. Truly democratic institutions such as Town Meeting have an increasingly important role today when so many institutions under whose shadow we live provide us as citizens with little opportunity to be heard and taken seriously. We are elected by our neighbors and responsible to them.

Despite the core strength of Town Meeting, current and past members, as well as others, have thoughtfully, creatively and in good faith recommended ways in which to improve an institution which has flourished for nearly 300 years. We wish to thank all of the individuals and committees for their helpful contributions.

This report is organized around the various topics which have engaged our Committee. Although discussion of those topics necessarily risks some repetition because of their overlapping nature, we have tried to avoid redundancy. Our goal is to provoke discussion and, where appropriate, change in Needham's Town Meeting.

TOWN MEETING PROCEDURES

The Committee perceives a tension between the goals of efficiency and thoroughness in achieving the purposes of Town Meeting, the legislative branch of Needham. Virtually all questionnaire respondents recognized that certain issues require substantial time for analysis and discussion. Avoidance of being or becoming a "rubber stamp", that is, approving recommendations without thorough scrutiny, is a high value.

On the other hand, TMMs have complained loudly about activities which they consider to be a waste of their time. Our comments should be taken in that context.

INFORMATION TO TOWN MEETING MEMBERS MUST BE TIMELY

A fundamental premise of Town Meeting is that members are informed about the issues before them. Many Town Meeting Members have criticized receiving necessary information too late, often on the date of discussions. TMMs have an obligation to review the warrant and the warrant explanations before discussions at Town Meeting. The Town's Annual Report, another source of valuable information, and other reports are also mailed to TMMs before our sessions. This Committee recommends that TMMs not only become familiar with these sources of information, but also utilize the Town website throughout the year, call knowledgeable town officials with questions, and participate in the League of Women Voters Warrant Meetings held prior to Town Meeting. Attendance at Warrant Meetings has declined recently. Efforts have been made to streamline that forum, and TMMs should be expected to attend in order to increase their understanding of the various issues before them. This forum is organized by precinct (two precincts to a room), and it is therefore a good opportunity for TMMs to acquaint themselves with others in their precincts.

Whenever possible, advocates and presenters should avoid providing written materials to members for the first time at Town Meeting sessions. Wherever possible, those materials should be mailed to TMMs and/or posted on the Town website at least seven days before the materials are to be discussed. Votes of town committees, including the Finance Committee, should, where feasible, be provided to TMMs at least seven days before discussions to which they are pertinent. As explained below, the Committee believes that the Town website can be instrumental in distributing necessary information. The Committee does understand that information is not always available before the day of Town Meeting, particularly, for example, with regard to contract negotiations. However, distribution of written materials at Town Meeting sessions, rather than before the sessions, should be very much the exception.

TMMs also have the opportunity to attend or watch on local television pertinent hearings and meetings of various boards and Town committees. Meetings of the Board of Selectmen and the School Committee are routinely televised. However, the meetings of the Finance Committee are not televised. Despite the recent creation of a Finance Committee website, it is the suggestion of our Committee that Finance Committee meetings, which are public, be televised if the technical capacity of our local channel permits. Since the Finance Committee addresses virtually every financial request or issue facing the Town, their meetings are highly informative for TMMs. Those TMMs will be able to stay abreast of financial developments much more conveniently than is the case now, if the meetings are televised.

PRESENTATIONS AND COMMENTS AT TOWN MEETING

The Committee recommends that those who comment about and advocate for warrant articles present their views briefly to Town Meeting without redundancy and respond, under the direction of the Moderator, succinctly. Written explanations of articles in the warrant have become highly detailed over the years and presenters should assume that TMMs have read them. Members of the Board of Selectmen and Finance Committee

should make every effort to communicate with each other before presentations and avoid redundancy. Questions and comments from TMMs are also more effective if stated briefly and clearly. The Committee suggests that members generally avoid restating views which others have already made clear.

ORDER OF WARRANT ARTICLES

The Committee discussed the possibility of recommending that the budget warrant article be moved later in the warrant. Doing so would give more time for the Finance Committee to review specifics in the budget, and could improve attendance at later sessions of the Annual Town Meeting. However, our Committee is not recommending this change at this time, but instead, suggests discussion of this potential approach at TM.

The Committee suggests that, if possible, Town Meeting Members be told why articles are withdrawn from consideration.

The Committee recommends that only in the most compelling circumstances should a capital item be brought up at a Special Town Meeting.

THE OMNIBUS ARTICLE

One part of Town Meeting which has been troublesome to the Committee is the inappropriate use of the Omnibus article, the final article considered at Annual Town Meeting. This article has traditionally been an instrument to permit Town Meeting to revisit and "tidy up" a variety of matters, including the correction of calculation errors in fiscal matters. It has also been used for resolutions which recognize outstanding individuals and has effected the creation of study committees, including ours. However, the Committee does not believe that the Omnibus article should be used to bring issues to Town Meeting floor that have not been previously discussed. Doing so undermines the purpose of the warrant: to provide notice to Town Meeting Members and other citizens of all issues to be discussed at Town Meeting. Proposing new substantive discussions through the Omnibus article creates unfair and inappropriate surprise to the detriment of our citizens. Several years ago, this article was used to introduce without notice a resolution pertaining to national politics. It is the Committee's view that such a use of the article is inappropriate. Therefore, the Committee has placed before Town Meeting for consideration the attached by-law for the use of the Omnibus article.

TOWN MEETING SCHEDULING

Town Meeting scheduling is a live issue. In response to our questionnaires, some members expressed interest in starting sessions at 7:00 p.m. rather than 7:30 p.m. However, our Committee, on balance, continues to believe that the starting time should not be changed, considering that many members must commute to and from Boston and should have an opportunity for supper before engaging for several hours at Town Meeting. The Committee has also considered whether a break is needed at approximately 9:00 p.m., as is the custom. On balance, we recommend that the break continue, but that every effort is made to limit it to fifteen minutes. Our rationale is that such a short break between sessions of approximately 90 minutes each is not unreasonable, helps to keep people refreshed, and allows members to mingle.

However, we believe that our sessions at times extend too late into the night. Well over 50% of Town Meeting Members recommended, in questionnaire responses, that no new matter should be brought before Town Meeting after 10:30 p.m. Late sessions can be exhausting and can lessen the interest of members in having full and necessary discussions about articles. We endorse this proposition, with the caveat that this rule will be waived upon motion approved by two thirds of those present. Some flexibility in this rule is necessary in order to permit extended meetings on the last night of Town Meeting or in other circumstances which might arise.

A number of members expressed some frustration about time taken up at the beginning of meetings for invocations and other purposes. Some even suggested that such matters should begin at 7:00 p.m., prior to the 7:30 p.m. commencement of meetings. However, the Committee believes that ceremonies are appropriate at the beginning of our meetings, but urges that the ceremonies be brief, so that the work of Town Meeting can begin. The Committee recommends that the clergy who are invited to speak be instructed that this is not a bully pulpit; they are there simply to provide spiritual guidance, and their remarks should be limited to less than five minutes.

It is not possible to recommend or pre-determine how many sessions will be necessary for any single Town Meeting. One nearby town does all of its work in a single evening, while another municipality devoted fourteen evenings to Town Meeting last year. However, like most members, the Committee endorses reasonable steps to expedite Town Meeting. For example, the Committee supports the use of the consent agenda to save time. The current consent procedure is useful, but TMMs should anticipate its use and should know before they enter the session whether they wish to raise a question. Shortening the time for debate has also been proposed, but the Committee believes that the Moderator, who controls debate, has been effective and has reasonably exercised his discretion to extend debate for good reason. Instead of formally limiting debate through further rules, the Committee urges TMMs to be mindful, when they speak, that Town Meeting has much to do within a limited amount of time.

MOVING THE PREVIOUS QUESTION

One time-saving procedure criticized by some members is the motion to move the previous question, also known as “calling the question”. Requiring a two-thirds vote, the motion, if approved, cuts off all debate. By its nature, the motion prevents people who may have something to say from speaking. The Committee believes that the motion continues to serve a useful purpose, but urges members to invoke it conservatively in order to allow fellow members to speak their minds. In other words, Town Meeting should err on the side of having an overly lengthy debate rather than a short-circuited discussion. Despite the occasional misuse of the motion in the past, eliminating it from Town Meeting would remove any means to stop unreasonable filibustering.

RECOGNIZING SPEAKERS

Some Town Meeting Members have also suggested that the method for recognizing speakers at Town Meeting is less than ideal. Currently, individuals are recognized by the Moderator when they raise their hands, stand up, and/or call out to the Moderator. They can also inform the Moderator before debate about their wish to speak. Members have suggested that it is difficult to be recognized at times, that it appears that

same individuals are repeatedly called upon, and that new members particularly feel left out. The Moderator has assured the Committee that his practice is to recognize all members who wish to speak. It appears that more experienced members have an advantage in that they are more aggressive than others in seeking recognition. In other places in this report, the Committee recommends more intensive orientation of new TMMs to our traditions, including how to be recognized to speak. The Committee urges new members to be aggressive in seeking such recognition.

However, the Committee has also considered one particular logistical change to address this issue. If, instead of passing the microphone to individuals in their seats, we required speakers to come into the aisles where microphones would be set up, anyone who wished to speak could come to the microphone and no one would be overlooked. Other towns have adopted this approach. The Committee recommends that Town Meeting give this method a trial in order to determine how well it works.

APPOINTMENT OF COMMITTEE MEMBERS

The Committee has concluded that delay in the appointment or replacement of members of Town Meeting committees has, from time to time, hindered the work of those committees, including the Finance Committee. We therefore recommend that appointments to newly created committees be completed within one month of the conclusion of the Town Meeting which created such committees. The Study Committee also recommends that vacancies in committees be filled within one month of the vacancy.

The Committee recognizes that the lack of volunteers or qualified volunteers may well have led to appointment delays in the past. We recommend that the Procedures Committee, which we have proposed (see below) solicit the names and qualifications of potential volunteers for TM committees in order to be able to identify and recommend such individuals quickly and efficiently to the appointing authority, including the Moderator, as soon as the need develops.

PRECINCTS AND THEIR ROLE AT TOWN MEETING

Under our state Constitution and laws, precincts in towns play an important role in state and local elections. They are critical to our republican form of government with its reliance on the choice of elected legislative bodies, including U.S. Congressmen and other elected officials on a “one person, one vote” basis. Every town of more than 2,500 inhabitants, whether it has an open town meeting or a representative town meeting, is required to divide itself into new population-equal precincts following each federal decennial census. No such precinct may contain more than 4,000 inhabitants.

Town Meeting Members chosen from precincts have a dual responsibility, first to the well-being of the Town at large, and then to the concerns and interests of their respective precincts.

The Committee’s research found that in many towns, precinct organization is an important aspect of Town Meeting. In some towns, precinct members may meet together and with other precinct residents prior to town meeting to discuss the warrant and its impact on the precinct, thus educating and involving them from the grass roots. Precinct members may choose leaders, who then play various roles at Town Meeting and for the Town Meeting Members of their precinct, such as disseminating information in meetings

or via email. Having a smaller group can allow more voices to be heard than when the whole body is in session or online.

Our precinct system should be utilized to encourage citizens to know and communicate with their TMMs. Based upon our research, it is quite clear that most Needham TMMs are seldom approached by other residents about the business of the Town. In fact, it is our view that most Needham residents do not know who their Town Meeting representatives are and many do not know in any detail how Town Meeting works.

For many years the League of Women Voters of Needham held Warrant Meetings at homes in each precinct. During the last few years Warrant Meetings have been held in one location (the Pollard Middle School) with TMMs from two precincts doubling up in each classroom. The reason for this change was to make it easier for the Town officials (Selectmen, School Committee members, etc.) to move around, not because of a conflict concern.

Changing the role of the precincts could affect Needham Town Meeting significantly and should not be done lightly. For example, it has the potential to encourage TMMs to weigh the interests of a particular precinct over the concerns of the Town as a whole. This was mentioned as a concern in some of the towns that we researched and our Committee would not welcome that development. However, precinct organization also has the potential for good. Our Committee has recommended elsewhere in this report that an additional standing committee, a Procedures Committee, be created. That Committee, among other things, would constantly monitor the strengths and weaknesses of Town Meeting and recommend appropriate changes to the Moderator and/or Town Meeting. Our Committee recommends that the Procedures Committee study the role of precincts and provide its considered recommendations to Town Meeting in the near future regarding this issue.

ABSENTEEISM

Since the mid 1990's there have been numerous articles, editorials and letters in the Needham newspapers that focused on and were very critical of absenteeism at annual and special Town Meetings. In 2007 an individual was quoted as saying "There is an outrageous degree of absenteeism at Town Meeting." The first mandate to the Town Meeting Study Committee was to examine the amount and nature of Town Meeting absenteeism; is it a serious problem, and, if it is, what recommendations should be made to deal with it?

In order to analyze and place in perspective Town Meeting attendance, old Town reports and current files were researched. Committee members also contacted other towns with representative town meetings to ascertain their levels of attendance.

Average Needham Town Meeting attendance for each of three periods of time:

FY1934-FY1986---86% for 54 meetings (at five year intervals)

FY1990-FY1999---84% for 70 meetings

FY2000-FY2008---84% for 45 meetings

Average Needham Town Meeting attendance for FY2000-FY2008

FY2000---80%	FY2005---78%
FY2001---84%	FY2006---84%
FY2002---87%	FY2007---85%
FY2003---88%	FY2008---84%
FY2004---86%	

Average Town Meeting attendance in other Towns (years vary):

Dedham-----86%-90%
Lexington----86%-91%
Norwood-----52%-64%
Wellesley-----86%-88%
Winchester---83%

Based on this information, the Committee has concluded that there is not a Town Meeting attendance crisis and therefore, there is no need to enact Charter or By-Law change to address absenteeism. In comparing recent Town Meeting attendance numbers with those from previous decades and with those from other towns, the average Town Meeting attendance of 84%-86% is reasonable and not a cause for concern. Since 1934, when representative town meeting was first introduced in Needham, there has never been a “golden age” when attendance was regularly 95%-100%. It is unrealistic to expect, in Needham or in any other town, near perfect attendance at town meetings with 250 members.

Nevertheless, the Committee would like to address two issues: Some members are chronically absent from sessions and others leave during the break or before adjournment. During the five Town Meeting sessions in May 2008, sixteen individuals missed all of them, four missed four of the five meetings and fourteen were absent for three of the five meetings. Statistics for previous years also show similar numbers of Town Meeting Members who were not present for 50%-100% of the sessions. There are no records to indicate how many individuals leave before a session is adjourned.

The Committee is recommending that individuals who miss 50% or more of the meetings during the year should be personally contacted by someone from the newly established Procedures Committee (or by the Moderator or Town Clerk) and their attendance reviewed. Town Meeting attendance records should be made available on the Town’s website. We recommend that the Needham Times/LWVN Voters Guide should also publish the three, two or one year attendance records (as well as the year first elected) of those TMMs who are up for reelection. With this information residents can cast a more informed vote.

Committee members and others are critical of TMMs (often the same ones) who leave at the break or before the end of the meeting. At this time, the Committee does not recommend establishing a formal check-out procedure at adjournment; the benefit would be outweighed by the inconvenience. We suggest that the Procedures Committee monitor this.

In conclusion, an analysis of Town Meeting attendance records in Needham and a comparison of Needham with other towns show that attendance at Town Meetings is not

a problem. However, the Committee would like to have the small number of those who are chronically absent dealt with.

TOWN MEETING MEMBER EDUCATION

It is a privilege to be a Town Meeting Member. Members are making a commitment to attend all town meetings after reviewing the warrant and information from various town committees. One duty of the Town Meeting Member is to be informed of current happenings, which can be accomplished by attending town committee meetings and hearings, watching televised hearings, and communicating with town officials when necessary. The Committee recognizes that conflicts can occasionally cause a necessary absence, but since Needham has a representative form of Town Meeting, attendance is important. It is also imperative to communicate with one's constituents, if at all possible, to learn about their concerns.

A public meeting revealed what the Committee has discussed – that new TMMs do not realize the extent of their obligations when they become a TMM. Currently, a packet with information is sent to all newly-elected TMMs which includes an invitation to attend a new Town Meeting Member orientation given by Michael Fee, the Moderator. Also included is the Needham Town Meeting Handbook, which Michael Fee compiled in 1998 as a guidebook which contains some practical information about our representative town meeting's history and rules. Information includes: how to prepare articles for the Warrant, duties of finance and standing committees, and order of business and procedure. There is also an article written by James Hugh Powers entitled "Preparing for Town Meeting – a Matter of 'Homework'".

The Committee has discussed how to help new TMMs understand the extent and importance of their commitment. The Committee recommends that an informational video with the Moderator giving his orientation about the history of Needham's Town Meeting and the rules and procedures be developed and given to all newly-elected TMMs. This information would be a resource for further questions to be asked at the mandatory orientation meeting for new TMMs.

Increased use of the Town website should be encouraged as an excellent source of information for all TMMs, new and old.

CODE OF CONDUCT

It became evident during our discussions and research that the duties and responsibilities of a Town Meeting Member are not clear, especially to newer members. Therefore, the Committee recommends adoption of the attached by-law to set forth expectations of TMMs without ambiguity. In brief, TMMs need to educate themselves throughout the year about the issues that are likely to come before Town Meeting. Staying informed by attending hearings on key issues, watching televised hearings, communicating with Town officials and reviewing governmental reports is necessary to be an effective TMM. In Needham's representative form of Town Meeting, absence by an elected member disenfranchises a larger portion of the population than the single member. Attendance at all Annual and Special Town Meeting sessions is imperative. The Committee recognizes that conflicts occasionally will cause a necessary absence, but emphasizes the importance of attending.

WEBSITE AND COMMUNICATION

The Committee supports the efforts made by the Town to post information, meeting minutes for committees (ours included), the entire warrant, and information that the departments have prepared. The Town should continue to support the use of the Internet and monitor the usage of the various sites and pages of its website. This monitoring will indicate if greater efforts are needed to promote Internet usage by Town Meeting Members.

We recognize the legal requirements placed on the Town to mail certain materials and do not suggest that those practices be abandoned, but we do recommend that all information be posted to the website with sufficient instruction to citizens on how to find the information either on their own computers, at the library, or other places allowing public use of the Internet.

As noted above, as much as possible, departments and committees should provide information that can be read and absorbed prior to Town Meeting instead of distributing paper versions as members enter the hall. A TM website could advance this goal. Citizens wishing to offer amendments or other supporting information could have them posted. The Moderator's materials for the orientation of new members could also be placed on the website.

We also recommend that the Town Clerk collect email addresses from TMMs wishing to be notified of new information. Those without email could request mail notification if they wish advance information before Town Meeting.

PROCEDURES COMMITTEES IN OTHER TOWNS

Many towns in Massachusetts with representative Town Meeting have Town Meeting procedure committees. The membership of these committees is chosen exclusively from Town Meeting Members from precincts. The members are either elected by the other members of their precinct or appointed by the moderator. These towns include: Amherst, Arlington, Billerica, Burlington, Dedham, Framingham, Norwood, Plymouth, Reading, Stoughton, Winchester, Brookline, Holbrook, Lexington, and Wellesley.

The procedures committees have names such as Town Meeting Procedures Committee, Town Meeting Coordinating Committee, Town Meeting Rules Committee, and Precinct Organization and Caucuses.

These committees have many different roles:

- take responsibility for the education and orientation of new TMMs
- hold precinct warrant review meetings before Town Meeting
- advise the Moderator and Town Meeting on procedures and rules
- advise the Town Meeting on warrant articles
- propose changes in the Town Charter and By-Laws
- sponsor bus tours of sites related to warrant articles
- assist the Moderator in the selection of appointees to committees of Town Meeting
- review and make recommendations regarding all matters referred by Town Meeting
- review all aspects of the operation of Town Meeting and make an Annual Report in writing

Lexington has an independent Town Meeting Members Association which maintains its own website (at <http://www.lexingtonmma.org>). Its mission is to support, encourage and inform discussion among Town Meeting Members.

PROPOSED PROCEDURES COMMITTEE FOR NEEDHAM

The Committee has researched and discussed many issues regarding the in-session operations and procedures of the Town Meeting and has summarized its findings and recommendations above. However, the Committee believes that issues such as information flow, discussion process, proponent presentations, and other subjects mentioned in this report need ongoing monitoring and management by a Procedures Committee.

The Committee met with the Moderator and discussed some of the concerns regarding these issues. The Moderator, working with the Town Clerk, tries to monitor problems and issues, and has made modifications to procedures in the past. After discussion with the Moderator, the Committee reviewed the feasibility of forming a Procedures Committee and a wide range of possible duties for it. We recommend adoption of the attached by-law creating such a committee. Duties discussed ranged from website management to monitoring the length of the mid-session break.

The following duties are recommended for the Procedures Committee, the details of which are more extensively reviewed in other sections of this report.

- Review and monitor attendance.
Formulate and implement methods for dealing with chronic absenteeism and other attendance issues.
- Develop rules and distribution methods for warrant article information distribution.
The distribution of information on tables outside the meeting hall is universally seen as poor practice by the Committee and by those commenting to them. The new Procedures Committee would set rules and assist with distribution of information.
- Study the use of the Town website and how it could serve the needs of Town Meeting. Members of the Procedures Committee will consider establishing an additional standing committee of Town Meeting to implement and manage electronic information distribution.
- Monitor and make recommendations regarding the rules and procedures in place during Town Meeting.
The Study Committee questionnaire asked about the session's starting and ending times. This issue needs ongoing review. The desire for thorough discussion of the warrant articles conflicts with the desire for efficiency; and discussion procedures need ongoing monitoring and recommendations for improvement.
- Assist Moderator and Town Clerk in new member education and orientation.
It is important that members understand how Town Meeting operates. How to be recognized to question or comment during discussion, types of questions allowed, moving the question, are all of critical importance and not always understood clearly. Town Meeting Members need to understand the overall Town government structure and Town Meeting's important role as the legislative body in Town government.
- Enforce Town Meeting Member Code of Conduct.

As noted, the Study Committee has developed a warrant article by law amendment regarding expectations and requirements for members.

- Provide general assistance to the Moderator in Town Meeting operations.
- Consult with the Warrant Committee on the organization of the Warrant Articles.
As observed earlier, some other towns place their main budget articles later in the warrant. This and other warrant organization issues need ongoing review.

The Committee discussed various methods for appointment of the Procedures Committee. The recommendation is that the Procedures Committee consists of seven members, serving staggered 3-year terms appointed by the Moderator.

CONCLUSION

The Committee offers its recommendations and comments to Town Meeting in an effort to strengthen an already vibrant institution. Throughout our deliberations, our goal has been not to criticize, but to improve. We have been cautious in considering sudden, dramatic changes to a three-hundred year old body which has served us well. Nevertheless, we see merit in continuing to consider potential reforms in the future, a task which we believe our proposed Procedures Committee can perform well.

We thank the many citizens of Needham who shared their thoughts with us about the many issues which we have discussed. We trust that our views, as expressed in this report, will lead to that most characteristic activity of Town Meeting: full-throated, thoughtful debate.

The Town Meeting Study Committee