

Town of Hopkinton

Guide for Citizen Petitioners Getting to and through Town Meeting

Articles may be submitted into the warrants for town meetings by town boards, committees, officials, and citizens. This Guide is intended to provide information on the process, time limits inherent in the process, and advice for citizen petitioners.

I have an idea - what do I do?



- Talk to someone. What town department handles the related subject matter? Talk to the department head or board chairman to start a dialogue. Explain your idea and ask for feedback. Discuss how this would fit within the existing framework of what the board or department is already doing and how this change could be accommodated. This needs to be a conversation which not only explores your idea, but the larger context in which the board or department operates and other possible options or solutions. Be prepared to listen to both positive and negative comments and regard them as constructive criticism.
- Refine your idea based on the feedback you receive, both positive and negative.
- Ask what changes need to occur for the idea to be implemented. Is a bylaw change necessary or is an administrative change all that is necessary? Is it just a matter of changing board policy?

The Board/department likes my idea - what do I do now?

Work with the board or department to develop the idea and determine how it can be implemented. They may offer to take on and implement your idea, and if so, congratulations, because you do not need to undertake this process on your own! Monitor their progress and offer your help during the process.

The Board/department doesn't seem very favorable: What do I do now?

Think about the reasons cited by the Board and whether a town meeting article can overcome or address them. Was there a legal reason cited? If the proposal would be contrary to existing statutes or regulations, then it is best to look for other ways to accomplish the goal rather than a town meeting article. Sometimes an idea may seem good, but is prevented by established legal restrictions.

Sometimes people may feel somewhat threatened or fearful of change or new ideas. This doesn't mean that your idea is a bad one, but it does mean that you will need to address those concerns during the process. Put your proposal in a positive light – what goal will it accomplish? How will this further the overall goals and vision for the Town? Very often, town officials disagree about the methods to be used to achieve a goal, but just as often they agree on the overall goal itself. Focus on the positive change your proposal will accomplish.

The bylaws need to be changed to implement my idea:

How does this happen?



Amendments to the General and Zoning Bylaws are voted by Town Meeting. The process for getting to that Town Meeting vote is described in greater detail below. As a practical matter, to increase your chances for success you will need to work within the town government system that has been established. None of the articles on a town meeting warrant, whether submitted by a board or a petitioner, have any guarantee of success. A lot of hard work must be done by any proponent throughout this process.

Town Meetings

The Annual Town Meeting occurs once a year, beginning on the first Monday in May at 7:00 PM. Because of the number of articles on the Warrant, it typically continues for the next two weeknights. The Town has an Open Town Meeting form of government, which means that any registered voter may attend, speak, and vote. The Annual Town Meeting is where funding is appropriated for the next fiscal year and where zoning and general bylaw changes are voted, among other things.

Hopkinton may hold a Special Town Meeting within the Annual Town Meeting every year, which begins on the first Tuesday of May in the evening. At this Town Meeting, financial appropriations are made for the current fiscal year. Other business may also be considered on the warrant.

The Town may hold a Special Town Meeting during the year at any time if necessary, or if a petition of 200 registered voters calls for a Special Town Meeting.

The Town Meetings referred to here should not be confused with the frequent meetings held throughout the year by Town boards and committees.

The Annual and Special Town Meetings are considered the legislative body of the community, and the registered voters who attend are the legislators.

Warrant Articles

For every Town Meeting, a “warrant”, similar to an agenda, is created. A warrant is a warning of what topics will be discussed. There is a period of time during which the Board of Selectmen will open and close a warrant, which means that during this time articles may be submitted for

inclusion on the warrant. If an article is not submitted, the item will not appear before Town Meeting.

The deadline for submission of articles into the Annual Town Meeting warrant is established in the Town Charter as 60 days prior to the date of the Annual Town Meeting, which falls within the first week of March. The deadline for submission of Special Town Meeting articles is within 10 days of when a notice is published in a local newspaper of the Board of Selectmen's intention to hold a Special Town Meeting.



How do I get my proposal on the warrant?

If a Board or town official will not submit the article, you will need to submit a petition to the Board of Selectmen. Petitions which request a vote by town meeting on a specific matter may be submitted to the Board of Selectmen for inclusion in a town meeting warrant. Once submitted, no language changes will be permitted by the Board of Selectmen, so it is very important that the wording of a petition has been carefully considered and reviewed. It is advised that those considering submitting a petition seek feedback from town officials, department heads and/or your legal counsel on the wording and intent of a proposed article. A petition that is not written correctly may not be considered at the town meeting. A petition that contains a provision which Town Counsel considers not legal or likely to be rejected by the Attorney General will probably not be considered at the town meeting. Since town meeting may only occur once a year, the opportunity to bring an issue to town meeting could be lost on a technicality. Therefore, potential petitioners should seek advice from town department heads, appropriate boards and committees and others well before the deadline, so that all changes that need to be made can be accommodated before it is submitted to the Board of Selectmen. This means that petitioners have to meet a higher standard than boards and town officials, who can make language changes in their own articles until the warrant is printed in order to respond to public comment.

Before beginning the petition process, it is strongly recommended that proponents meet with the board which has jurisdiction over the subject matter in order to seek feedback, advice, and support. Often, the board may agree that the issue needs to be addressed and may decide to undertake the process of proposing and supporting it. This will make a petition unnecessary and begin to garner support for the idea. If the board will not propose the idea itself, submitting a petition is an option still available. However, it is important to start this process early enough to leave sufficient time for review and modifications before the article is submitted. Think twice about submitting a petition at the last minute if the ideas have not been discussed with those having jurisdiction over the subject matter, or you have not had time to write and re-write the language. Make sure there has been enough time to adequately research the topic and how the change would affect or interact with other existing laws and regulations.

A petition of 10 registered voters is required to submit an article into the Annual Town Meeting warrant.

A petition of 100 registered voters is required to submit an article into the Special Town Meeting warrant.

A petition of 200 registered voters is necessary to require the Town to hold a Special Town Meeting which is different than the one held every May.

Owners of property who seek a rezoning of their property may submit a petition to re-zone their land without additional signatures.

What does a petition look like?



At a minimum, a petition must include the following information:

- If the petition seeks a modification to an existing bylaw, it must clearly cite the bylaw which is being modified and whether it is a general or zoning bylaw. The Bylaws of the Town of Hopkinton are available at the Town Clerk's office at Town Hall and are posted at www.hopkinton.org.
- If the petition seeks to add a new bylaw, it must clearly state the title, section, and any other information necessary in which to place it within the other existing bylaws.
- If the petition seeks to amend the Zoning Map, it must clearly identify the parcel or parcels which are subject of the petition, both by street address and Assessors Map, Block and Lot designation. The article could also reference a specific plan that has been prepared. The Assessors maps are available for viewing at the Assessors office in Town Hall and are also posted at www.hopkinton.org.
- If the petition seeks to amend the Zoning Map, it must clearly indicate the current zoning district and the proposed zoning district which would apply to the property. The current Zoning Map is available at the Town Clerk's office and on www.hopkinton.org.
- A clearly written request for the legislative body (town meeting) on which to vote. If you are modifying an existing bylaw, get a copy of it and draft your proposed language. Then write your article specifically indicating the language to be added or deleted. If you are proposing a new bylaw, your petition must include all of the proposed language.
- Printed name, signature, and address of those signing the petition.

A sample petition is contained in Appendix A. Sample articles are contained in Appendix B.

What happens after the petition is submitted?



Once a petition has been submitted, it will be included on the warrant by the Board of Selectmen without modification. The sponsor of the article will be listed in the warrant as the first name which appears on the list of signatures, and this will be the person expected to present the article at Town Meeting. After submission, the Board of Selectmen typically requests that article sponsors appear at a meeting of the Board to explain the article. In fact, sponsors of petitioned

articles should expect to be contacted by one or more town boards, depending on the subject matter, to appear and provide explanation of the article. If they don't contact you, call and arrange to be placed on an agenda to discuss the proposal. This should be viewed as an opportunity to seek support. Ideally, however, this would not be the first time the board has heard of the idea, since it is strongly recommended that early contact and discussion take place before language is written in its final form. Remember that no changes to the warrant article language of a petitioned article will be entertained by the Board of Selectmen.

If the petition is on a subject for which a public hearing must be held by a board or committee, one will be scheduled without further action on the part of the sponsors. For example, if the petition requests a rezoning of land, the Planning Board will hold a public hearing. The hearing will be advertised in a local newspaper as required by statute, and abutters and owners of the property will be notified of the public hearing. Sponsors will be expected to appear, present the idea, and answer questions.

The warrant will be printed about a month prior to Town Meeting. Before printing, the sponsor may be contacted by the Town Manager's office to proofread the article.

The time between the close of the warrant and the date of town meeting should be used to provide information to town officials and the public about the proposed article. Local media and attendance at town board meetings and the meetings of other local organizations can be used to get the message out. The town meeting discussion will be much easier if some of the people attending town meeting have heard of the idea and have received some information. Town meeting is not a good forum for providing information, due to its formal and legislative nature. Sufficient groundwork needs to be provided ahead of time.

Sponsors of petitioned articles will be expected to appear at town meeting, make a motion for adoption of the article, provide a succinct explanation, and answer questions. Power Point presentations may be used, but sponsors need to contact the Moderator, HCAM-TV and the Town Manager's office ahead of time.

Modifications to the language of an article (an amendment) may be proposed at town meeting. However, they need to be within the scope of the original article, or they will not be entertained by the Moderator, and they need to be in writing. The Moderator determines whether any changes are within the "four corners" of the original article. Amendments may be offered by any registered voter. If you want to amend your own article, it is recommended that sufficient copies of the change be made available at or before town meeting. The motion you make will include your amended language. It is strongly recommended that sponsors meet with the Moderator prior to town meeting to discuss the process and the viability of the amendment in the context of the original language of the article. It is better to have this discussion before rather than during town meeting.

Handouts may be distributed at town meeting. Tables are set up outside the room for handouts, and should be brought at least 30 minutes before town meeting begins. Displays may also be set up outside the room. Please contact the Town Clerk and the Moderator with respect to the

handouts and displays. There should be sufficient copies for all attendees, and the Town Clerk can provide advice on the number.

At town meeting, when the article number is announced by the Moderator, no discussion will occur on the article until a motion is made. The sponsor should approach the microphone and move that the article be adopted. Be prepared with your motion. The motion does not necessarily have to be the same wording as the warrant article, and simple changes can be accommodated by the language of the motion. If no changes will be made to your article, the motion could request that the article be adopted as printed in the warrant. If you wish to amend the printed language in the warrant, the new language needs to be read aloud in your motion. In order to make sure that the form of the motion is proper, the sponsor should consult the Moderator, Town Clerk, or Town Manager with regard to the proper wording. Remember that paper copies must also be available. At the very least, the Town Clerk and Moderator must have them in writing. Sample motions are included in Appendix C.

After a motion is properly made, someone will second the motion. After this, the sponsor will be asked to provide a brief explanation. The Moderator typically requests that the length of speaking time be limited to 5 minutes. Therefore, be brief and to the point. Explain what the change would do and why it is proposed.

After the explanation, town meeting members may approach the microphones and ask questions. All questions and answers are provided to the Moderator, no debate between others is permitted. The Moderator will direct the proceedings, and will indicate when answers can be provided by the sponsor. The Moderator may also call on other Town officials to provide information or clarification of points which arise.

Town Meeting will first vote on any amendments that have been offered, then on the main motion, and the votes will occur when the debate has concluded.



At the end...

This is not an easy process. Whether your proposal passes at town meeting or not, you have probably raised awareness of a problem or issue. Bylaw changes at town meeting are not the only way that things can change, and sometimes it takes time. A defeat at town meeting may give you direction in the future – maybe it wasn't so much what you wanted to accomplish, but the proposed method you selected or some specific language that should be revisited. If feedback was generally positive during the process, think about pursuing it further, maybe in another form. This is a democratic process where everyone has an equal opportunity to try and make things better.

References:

Bylaws of the Town of Hopkinton, Chapter 47, Town Meetings

Bylaws of the Town of Hopkinton, Chapter 28, Officers and Employees

Massachusetts General Laws Chapter 39, Section 10

Home Rule Charter, Town of Hopkinton, Massachusetts

Resources:

Massachusetts Citizen Planner Training Collaborative – www.umass.edu/masscptc/

Massachusetts Attorney General, Municipal Law Unit –
www.ago.state.ma.us/sp.cfm?pageid=1022

Massachusetts General Laws – www.mass.gov/legis/laws/mgl/index.htm

Town of Hopkinton web site – www.hopkinton.org

Appendix B Sample Articles

Zoning Bylaw Articles

Sample Article – Adopt a new Zoning Bylaw

To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton by inserting therefor a new Article [*insert new article number*], [*insert title of bylaw*], as follows:

Article _____
Title

Write text of the article here, keeping in mind that this is the final language that will be voted at town meeting. For assistance in writing a zoning bylaw, take advantage of resources such as the Mass. Citizen Planner Training Collaborative web site (www.umass.edu/masscptc) which posts a memo entitled “Tips on Drafting” by Robert W. Ritchie, Assistant Attorney General, Director, Municipal Law Unit, (www.umass.edu/masscptc/tips_on_drafting.html). Also posted on the web site are sample bylaws for various topics. Also review the way Hopkinton’s existing bylaws are written, talk to the board or department head involved with this subject matter, the Planning Director at 508-497-9755 and/or your legal counsel. Research the subject matter, review Massachusetts General Laws Chapter 40A (The Zoning Act) and make sure that the language you have written will accomplish your goal. Review the existing bylaws for conflicts with the proposed language. Think of how people in the future will interpret what you have written – is it clear?

Sample Article – Modify an existing Zoning Bylaw

To see if the Town will vote to amend the Zoning Bylaws of the Town of Hopkinton in the following manner:

To delete existing language and replace with new language -

By deleting present Subsection X from Article L, Residence D District, Section 210-50, Permitted Uses, and inserting therefor a new Subsection X. as follows:

X. *Write your language here.*

To add a word or words -

By inserting the word “_____” before “natural and scenic resources” in the first sentence of Section 210-55 of Article M, Residence E District.

These are just examples of how the articles are worded to accommodate a proposed change. Please contact the board or department head involved with the subject matter, the Planning Director and/or your legal counsel for the actual wording needed. When the draft is done, re-

write the bylaw with your change as indicated in the language you have written. Does it read correctly? Would it do what you want? What unintended consequences might there be? Can someone interpret your language differently than you intended? Are there any conflicts with other sections of the bylaws? You will need to spend time on this before submitting a petition.

Sample Article – Zoning Map Amendment

To see if the Town will vote to amend the Zoning Map of the Town of Hopkinton by changing the zoning of land at [*insert street address(s)*] shown on Assessors Map ____, Block ____, Lot ____ from [*insert current zoning district name*] District to [*insert proposed zoning district name*] District.

Before deciding which district to rezone property to, please read the zoning regulations for that district thoroughly to make sure it will accommodate the desired result.

General Bylaw Articles

Sample Article – Adopt a new General Bylaw

To see if the Town will vote to amend the General Bylaws of the Town of Hopkinton by inserting a new Chapter [*insert new chapter number*], [*insert title of new chapter*], as set forth below:

Write the text of the proposed bylaw here, keeping in mind that this is the final language that will be voted by town meeting. For assistance in writing the bylaw, review the way the existing bylaws are written, talk to the board or department head involved with this subject matter and/or your legal counsel. Review “Tips on Drafting” by Robert W. Ritchie, Assistant Attorney General, Director, Municipal Law Unit, posted at www.umass.edu/masscptc/tips_on_drafting.html.

Sample Article – Amend an existing General Bylaw

To see if the Town will vote to amend Chapter [insert chapter number], [insert title of chapter], in the following manner:

To delete and replace a section -

By deleting present Subsection X from Section 300-10, Purpose, and inserting therefor a new Subsection X. as follows:

X. Write the proposed language here.

To insert a word or words -

By inserting the word “_____” before “natural and scenic resources” in the first sentence of Section 300-10, Purpose.

These are just examples of how the articles are worded to accommodate a proposed change. Please contact the department head or board which has jurisdiction over the subject matter or your legal counsel for the actual wording needed. When the draft is done, re-write the bylaw with your change as indicated in the language you have written. Does it read correctly? Would it do what you want? Can you language be interpreted differently than you intended? Are there any conflicts with other sections of the bylaws? Who will enforce the bylaw? Does it include enforcement provisions? You will need to do spend time on this before submitting a petition.

Appendix C
Sample Motions

Motions do not repeat what is printed in the warrant already. They only formally bring the article before town meeting for its action. Without a motion, town meeting does not act on an article.

Motion to adopt the article without changes:

I move that Article [*insert the article number from the warrant*] be adopted as printed in the warrant.

Motion to adopt the article with a modification:

I move that Article [*insert the article number from the warrant*] be adopted as printed in the warrant with the following modification:

Write the proposed change to the petition language here, specifically describing what sections, sentences, words, etc. will be changed. The changes must be within the scope of the original article and cannot introduce a new concept or idea not contained in the article before.