

**SB 2 Town Meeting  
Moderators Workshop – 2024  
Hypotheticals**

1. Aggravated by loud truck braking noise (jake brakes) the Town of Pleasantville proposed to adopt a noise ordinance under RSA 31:39 (n) that would prohibit the use of jake brakes on Main Street. A copy of the proposed ordinance was made available to those attending the deliberative session, as well as a copy of the ordinance being available at the town clerk's office and on the town's website. A voter who is also an independent, long-haul trucker moves to amend specific provisions of the proposed ordinance that would substantially weaken the ordinance's language prohibiting the use of jake brakes. The select board member who was the primary proponent of the noise ordinance objects to the proposed amendment arguing that the amendment would have the effect of eliminating the subject matter of the article contrary to RSA 40:13, IV (c).

**How should you respond as the moderator?**

2. The following warrant article is on the town warrant:

“To see if the town will vote to establish a Town Hall Restoration Capital Reserve Fund under the provisions of RSA 35:1 for reconstruction and repair of the town's historic town hall and to raise and appropriate the sum of \$20,000 to be placed in this fund.”

At the deliberative session a resident and member of the town's historic district commission moves to amend the article to name the historic district commission as agents to expend this new capital reserve fund.

**What problems might arise if this amendment is approved? How would you counsel the voter on this proposed amendment?**

3. The following warrant article is on the town warrant:

“Shall we adopt the provisions of RSA 31:95-c, Special Revenue Funds, to restrict 100% of revenues from tipping fees paid at the town's solid waste transfer station to expenditures for the purpose of replacing and repairing the trash compactor and front-end loader used at the solid waste transfer station? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Solid Waste Transfer Station Special Revenue Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue.”

At the deliberative session a member of the town's select board moves to amend the article to name the select board as agents to expend this proposed Special Revenue Fund.

**How should the moderator respond to this proposed amendment?**

4. Article 7 on the warrant reads as follows:

To see if the Town will raise and appropriate \$40,000 as the annual compensation for the town clerk-tax collector, in lieu of fees, per RSA 41:25 and RSA 41:33.

When the select board is called upon to present Article 7, the chair asks the moderator if he can “move in” the article with the appropriation stated as \$38,000, rather than \$40,000.

**Is this proper? How should the moderator respond?**

5. The following petitioned warrant article appears on the Cumberland School District Warrant as follows:

“To see if the Cumberland School District will adopt the following personnel policy binding on all school district teachers, administrators, and staff:

The possession of firearms, firearm components, ammunition or knives by school district teachers, administrators, staff and visitors while on school district property is hereby prohibited.”

A voter in attendance moves to strike the petitioned article arguing that under RSA 159:29 the school district is prohibited from regulating the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state. She argues that if the School District adopts the policy and seeks to enforce its provisions the district will be sued, costing thousands of dollars in attorneys fee and fines.

**How do you respond to the motion to strike the article from the warrant?**

6. The Town of Granite Hills SB 2 deliberative session is scheduled for Saturday, February 3, 2024. The National Weather Service office in Gray, ME issues a winter weather warning for the Town Granite Hills on Thursday, February 1<sup>st</sup> projecting winter weather more than 12 inches of snow to fall on Saturday the 3<sup>rd</sup>. After consulting with the select board, town clerk, road agent, and the local emergency management director the moderator decides to postpone the deliberative session to Saturday, February 10<sup>th</sup>. The moderator makes this decision at 5pm on Thursday, and the postponement announcement is posted on the town website, and the police department issues a reverse E911 notice. At the postponed deliberative session on the 10<sup>th</sup> a voter challenges the legality of the postponement and moves to declare the meeting to be an illegal assembly because the voter reports that she was told by the town clerk, police chief and fire chief they were not consulted about the postponement.

**How should the moderator respond to this motion?**

7. A warrant article to raise and appropriate funds to install a new artificial turf field at the High School at a cost of \$750,000 is defeated on a secret ballot vote held pursuant to RSA 40:4-a. The vote as recorded in the secret balloting was 182 Yes, 222 No. 5 voters who are present request a recount under RSA 40:4-a (b).

**Must the Moderator conduct the recount?**

8. An article is presented to the voters at the deliberative session that proposes to make the position of Road Agent an elected position. Five years ago, the town had voted to make the Road Agent an appointed position, and the daughter of the Moderator has been serving as the Town's appointed Road Agent since that time. There are strong feelings in town supporting keeping the Road Agent as an appointed position, and there are also many in attendance who support having an elected road agent. When the article is introduced for discussion and possible amendment (an amendment proposing to retain the appointed road agent position was circulating on Facebook before the meeting) a person supporting returning the position to elected challenges the moderator's impartiality and requests he recuse herself from the handling of that warrant article.

**How do you respond?**

9. When, as required, the elements of the default budget are discussed by the select board, a citizen asks numerous questions about the inclusion of a salary increase for the town manager in the default budget, accurately pointing out that the increase was not previously approved as a contract by a prior town meeting. The voter then moves to remove the amount of the salary increase from the default budget. Upon hearing this motion, the town manager threatens to quit.

**How do you handle the motion?**

10. At this year's town meeting, there is a particularly contentious petitioned warrant article up for discussion. The moderator has implemented strict rules for speaking; each speaker has 2 minutes to talk, everyone must have an opportunity to speak once before anyone may speak a second time, you must line up in an orderly fashion at the microphone and will be allowed to speak in the order in which you are lined up. During one citizen's turn to speak, another individual who has already had their turn, stands up and starts shouting and interrupting. The speaker then turns and starts to engage in an argument with the individual interrupting them.

**What are some steps the moderator can take to deescalate this situation?**

**If the situation continues to escalate, what should the moderator do?**