

### **Call to Order**

Town Clerk Mr. Simko called the meeting to order at 4:08 p.m. TGSC members and other participants all participated remotely via WebEx, with each member able to see and hear one other and share documents for all to see.

### **Participants**

The following members were online for the meeting: Town Clerk Austin Simko (ex-officio); Dara Obbard; Paula Colby-Clements; Andrew McBrien; David Floreen; and Sheila Doherty (ex-officio).

### **Discussion**

The subcommittee, as charged by the TGSC, discussed methods by which the public could be more robustly engaged regarding Town Meeting. The subcommittee focused almost exclusively on the issue of bifurcating Town Meeting's deliberation and voting functions.

Mr. Simko and Mr. McBrien provided an update to the subcommittee on a presentation given by a member of Wayland's Electronic Voting Subcommittee. In this presentation, the gentleman from Wayland explained Wayland's positive experience with in-person electronic voting, and then shared information about the technical and legal impediments to remote electronic voting at Open Town Meeting. Wayland is reaching out to like-minded, innovative communities to gauge interest in a multi-year effort to (1) develop technology facilitating remote electronic voting and (2) push for legislative authorization of this practice. The subcommittee noted that this nascent effort by Wayland is a new development that renders remote electronic voting in Open Town Meeting a more mature possibility than it had previously been.

The subcommittee reiterated its view of adopting an SB-2 form of government, which is used in New Hampshire. Under this model, in essence, Town Meeting would deliberate on articles and then residents would vote by ballot in a local election to approve or disapprove of articles. The subcommittee had discussed this topic in previous meetings, drawing on resident feedback, research into New Hampshire's experience with SB-2, advice from Town Counsel, advice from outside counsel specializing in Massachusetts municipal law, and the committee's consultants, Paradigm Associates.

The subcommittee had decided to recommend to the full committee that this model not be adopted for the following reasons:

This is currently illegal under the Town's charter and would require Special Legislation from the Legislature. Obtaining this legislative approval may be difficult given that the Legislature may object to a charter revision that is inconsistent with the authority of Town Meeting as embodied in the Town's charter. Such a change alters the very foundation of the Town's Town Meeting government.

Another potential objection could be that an SB-2 system would create a local legislature that, unlike Town Meetings and councils across the Commonwealth, relies on nameless local legislators. No community in Massachusetts operates through nameless legislators that operate in an electoral (that is, non-deliberative) context. Put differently, every community has a legislative body in the form of an Open Town Meeting, Representative Town Meeting, or council.

Importantly, the subcommittee also objects to the SB-2 form because it would render Town Meeting participation a nullity and therefore drive down Town Meeting participation over time. Data from New Hampshire's SB-2 communities underscores this trend.

The subcommittee learned that no Massachusetts community has adopted an SB-2 form, and, to the subcommittee's knowledge, no community has considered it seriously. The former chair of the Massachusetts Municipal Association (MMA) Fiscal Policy Board notes that this board has never considered this form and cautioned that the MMA may object strenuously to implementation of SB-2 in the Commonwealth.

The subcommittee then clarified that bifurcation, as previously contemplated by the subcommittee, is distinct from SB-2. Under the subcommittee's conception, debate and deliberation would be limited to certain Town Meeting sessions and voting would be limited to separate Town Meeting sessions. Both aspects of the bifurcated Town Meeting would occur in a Town Meeting, non-election context.

Some on the subcommittee observed that, given the possibility of full remote Open Town Meetings in the future, which is uncertain, it may not be wise to adopt an awkward, poorly-understood bifurcation model.

The subcommittee then turned to previously identified variations of bifurcation, that might achieve beneficial outcomes. After thorough discussion of the public engagement, efficiency, efficacy, and convenience dimensions of Town Meeting reforms, the subcommittee clarified four distinct variations of bifurcation. They are summarized as follows:

- A. Option A – Synchronous remote debate/deliberation sessions of Town Meeting, which could also include an in-person option, would be followed by separate and subsequent in-person voting sessions of Town Meeting.

- B. Option B –Town Meetings would begin with televised/streamed consecutive presentations on every article without deliberation and voting, followed by debate/deliberation on each article and an immediate vote.
- C. Option C – Recorded/asynchronous presentations on every article would be made available for resident viewing days or a week before Town Meeting, followed by in-person debate/deliberation on each article and an immediate vote.
- D. Option D – The current conduct of Town Meeting would not be not altered. Each article would be presented, debated, and voted upon. But before Town Meeting, there would be made available to residents days or a week before Town Meeting a remote (recorded/asynchronous) proponent presentations for every article and the opportunity to send questions to article proponents.

The subcommittee expressed a lack of enthusiasm for Options A and B because those options create an awkward, potentially disruptive, and perhaps unworkable division between debate and voting. Options C and D were deemed most favored and were discussed at length.

Option C has the potential of promoting efficiency at Town Meeting by completely extracting article presentations from the Town Meetings and offering them before Town Meeting even begins. Option D may promote efficiency by shortening the article presentations at Town Meeting because they would have been offered before Town Meeting.

The subcommittee discussed, under either Option C or D, how to define an article presentation and who a proponent is. For example, would only the sponsor of the article be allowed to present? Or might boards and committees offer their recommendations? And should residents be allowed to offer presentations in opposition? With inclusion of those who are not the article proponents/sponsors, the monitoring of content may be a challenge. And allowing statements by those who pre-wrote their material rather those acting in rebuttal could be a difficult standard to enforce.

The subcommittee attempted to address these nuances by modifying Option D to allow for presentations by article proponents/sponsors and also remote and in-person questions & answers. Here are the key features of the concept:

- The current conduct of Town Meeting would not be not altered. Each article would be presented, debated, and voted upon.
- But before Town Meeting, there would be made available to residents days or a week before Town Meeting a session or series of sessions wherein public and private article proponents would present on their articles and answer questions from residents.
- The session(s) would be live-streamed so that remote and in-person residents could ask questions and make comments.

- The session(s) would also be recorded so that residents could listen to the material on their own schedule. Those residents would be able to email questions to article proponents. The recordings could have time markings to allow residents to “jump” to the articles that interest them.
- Multiple sessions could be held to allow for the grouping of financial articles, zoning/planning articles, bylaw amendments, etc.

This adapted Option D would effectively provide remote deliberation before the commencement of Town Meeting. This would promote transparency, perhaps make Town Meeting more efficient, allow more residents to engage, and serve good governance by more fully vetting articles. The sessions would be a consolidation of a public forum practice used ad hoc, and would guarantee a remote aspect (which did not exist pre-Covid). This bifurcation might also give the community insight into the advantages and disadvantages of a fully remote Open Town Meeting, should that ever be legalized and chosen by the community.

The subcommittee decided to meet again before the full committee’s March 29<sup>th</sup> meeting to reach a consensus recommendation for the full committee’s consideration.

### **Adjournment**

Ms. Obbard moved that the meeting adjourn, and Mr. Floreen seconded. The subcommittee voted by roll call (5-0-1) in favor and the meeting was adjourned at 5:31 p.m.

Respectfully submitted,

Austin Simko, Town Clerk