

Call to Order

Town Clerk Mr. Simko called the meeting to order at 2:02 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.

The subcommittee began its conversation by differentiating remote *voting* from remote *participation* at Open Town Meeting. The former is presently illegal and therefore not part of the subcommittee's immediate recommendations. Remote participation is legal, provided it can be distinct from (i.e., "bifurcated" from) the voting process.

The committee discussed written feedback from a resident inquiring into the feasibility of 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 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.

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.

The subcommittee discussed whether participation in deliberative sessions would significantly decrease if residents would vote on articles at separate voting sessions. Some felt participation would increase because remote participation in the deliberative session would be possible. Others felt that participation in the deliberative sessions would decrease because the actual decision-making would occur at the subsequent voting session.

The subcommittee then turned to other solutions, or variations of bifurcation, that might achieve beneficial outcomes through less extreme alterations to the conduct of Town Meeting. 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 support for the use of “Town Meeting 101” sessions before Town Meeting and that this could be implemented notwithstanding adoption of any particular form of bifurcation. This would help educate residents on, among other things, the procedures and practices of Town Meeting.

The subcommittee also raised the idea of a “Resident Advocacy Board” that could act as a conduit for residents who are unable to attend Town Meeting to have their views expressed/advocated for.

The subcommittee decided to present to the full committee on Monday (1) a clarification that it is not recommending remote voting at Open Town Meeting not because it is without merit but because it is not presently legal,¹ (2) the rationale for not recommending an SB-2 model, and (3) the four bifurcation variations. The committee would then convene after Monday’s meeting to consider public and committee member feedback on these variations.

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 3:30 p.m.

Respectfully submitted,

Austin Simko, Town Clerk

¹ The subcommittee discussed that the Town should monitor discussions within the Legislature regarding legalization of fully remote Open Town Meetings, and efforts within peer communities such as Wayland to initiate fully remote Open Town Meetings through community-specific special legislation.