

Minutes: Selectmen's Meeting – Monday, February 1, 2010

Present: Walter F. Alterisio, Clerk and Procurement Officer and Member Kevin Welch; Chairman Wesley D. Goss absent

Meeting called to order at 7:00PM with quorum present. Selectman Alterisio drew attention to Fincom's budget requests noting that he felt Board could probably stop by & meet with them tonight to start to walk through. One of the items will be Town Accountant, where we are with that and projections for next year, noting that Town Accountant came on with the position as it stood at the time. The board noted they'd originally looked at \$27K with a component for grant writer included in the package but will have to sit with Town Accountant and Fincom to see where we'll go for next fiscal year.

The board briefly noted the request from plumbing & gas inspector for the 7:15PM hearing on amendments to his schedule.

In answer to inquiry, Selectman Alterisio advised Mr. Raymond on the agenda for the evening. At 7:15PM the hearing was called to order. Selectman Alterisio advised that Plumbing & Gas Inspector James L. Dow has requested a re-inspection fee of \$25.00 and inclusion of a stipulation that the permit fee would be doubled if work is started without permit. The board reviewed the present permit fee schedule. Their main reservation was that for doubling the fee if work is started without a permit. With no public input – Selectman Alterisio didn't have a problem with the re-inspection fee, motion for approval was held for determination by counsel.

Selectman Welch called attention to request for use of the Town Hall on 2/13 for the Democratic Town Committee meeting from 9:30-11:00AM – unanimous approval granted; He further noted request for acknowledgement of DRLT's donation of \$30K. Board signed to acknowledge and will return to conservation for their signature.

The Board noted in the future Town Accountant will flag any police payroll which includes payroll for Special Police Officer Downes so that the Board can sign those schedules as well.

The board discussed meeting plans for February. The Board noted some conflicts in their schedules, and suggested, dependent on Chairman Goss's availability, could hold a meeting on the 16th with Selectman Alterisio, then the next week with Selectman Welch. Secretary will check with Chairman Goss to see whether he can be available.

Selectman Alterisio inquired where the renovations program for GLTHS was from last discussion and David Tully advised they're getting everything together to meet application requirements etc. for State school building assistance – right now state has committed for 77% in SBAB funds.

Board asked Town Counsel about the plumbing & gas schedule modifications, Town Counsel expressed some concerns relative to the provision for doubling permit fees and secretary was asked to scan and e-mail to him for further research.

The board then met with Town Counsel, Town Clerk and members of the Caucus committee – Bob Kennedy, David Tully and David Webber. Selectman Alterisio reflected on the establishment of the caucus and noted we've come up with a scheme that will meet election requirements – date would be March 30th. Town Clerk noted the date was voted on at town meeting last May. Selectman Alterisio

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advised that basically Town Clerk would open meeting on whichever date – quorum of 25 – if attendees are unregistered, they'd have to certify their eligibility for participation. Checkers would use the registered voter list – but individuals could sign under pains & penalties of eligibility. See attached text for process presented::: nominations presented – no problem with opening nominations but when nominations end, the voting would take place. Nominations would be recorded so they're prominently displayed within the room so all would know who had been nominated.

Town Counsel indicated that if Caucus Committee were to collect list of individuals, they could scribe & nominate those individuals who would appear on the blackboard, posting board, computer generated screen, etc., or some other means which would provide the voters the names. Any resident can be nominated and do not have to be there. Blank votes will be available. Voters would have to write in each name on the ballot. Bob Kennedy questioned the size of the ballot required to provide slots for writing in names, etc.: i.e., need 3 lines for each single office. Discussion continued on how it might be handled with hand votes, ballots or nomination papers. Bob Kennedy confirmed with Town Clerk that it would be more expeditious to just go with nomination papers – indicating the whole purpose of caucus is somewhat defeated. He asked what the role of the caucus committee would be – Selectman Alterisio indicated it would basically be to solicit interest in positions. Rich indicated it occurred to him that as soon as you start establishing rules for what happens outside the caucus, you risk stepping on election laws and generating trouble as there's no legal authority to do that. Town Counsel explains the authority given by Town Meeting vote, etc. – each caucus is a separate caucus noting that caucus committee could be appointed but the caucus committee elected for the next year doesn't meet state regulations & election regulations. While discussion continued, Bob Kennedy advised it seems to him it's more economical to just go with nomination papers and do away with the caucus. David Tully inquired when it came to a point that we were doing things illegally – without the caucus ballot. Rich advised there is no law or case that he knows of that says they can't do what they're doing, soliciting nominees, etc. but if challenge came up that the person got on the ballot in an unlawful manner, with a pre-printed ballot, there would be a problem. Purpose of the caucus is to place people on the ballot so therefore, series of procedures that aren't written down but used by Dunstable caucus for years – Rich doesn't feel there's a basis to do it. Bob Kennedy indicated that he felt a lot of towns must have simply decided it was much more economical to do away with the caucus and simply use nomination papers.

Rich advised a committee could be appointed or elected at Town Meeting for the following year and described procedures that could be used for annual caucus and suggested approach that might be somewhat similar to that used before. Question continued on whether the newly elected caucus committee could adopt some guidelines, etc. – only an adjunct committee that could solicit individuals for interest but cannot print names on a ballot; so they could basically do the same thing they have but not printing names on the caucus ballot. Rich noted we have to have what's in the statute. Carol was asked what Concord does and she advised that Concord does a hand vote. Carlisle does the same – hand vote & take a count and in the rare case that ballot is needed, they work with blanks. Rich advised can plan the whole process but nominations, etc. must happen at the caucus. It's run by the chairman of the caucus – caucus determines who counts, etc. Names are given to Town Clerk once count is completed and all nominees must confirm their interest to Town Clerk within 72 hours. Bob Kennedy asked whether Carol thought, from her

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point of view, it would be more efficient to just have nomination papers. Carol noted that every town is having a struggle pulling people forward to serve so she's uncertain that nomination papers only is the answer.

The group was uncertain that one hour would be sufficient with individuals having to write names into the ballot. Point is the caucus has been soliciting interest – could do the same way they've been doing it – difference is would not be printing names on the ballot. Only a few towns continue to hold a non-partisan caucus. Town Counsel noted they could do everything else they've ever done except for providing a printed ballot. Dave Webber noted that often times when they speak with people they fully intend to run for office it's just the timetable conflicts with their schedules, etc. Rich noted that if you're looking for efficiency and results as they've had along the line – he suggested nominating a caucus committee at the caucus and have that committee nominated at Town Meeting and appointed by either the Moderator or the Board of Selectmen. Carol asked whether since she was running, she could open caucus, etc. and Rich confirmed it was her duty to take care of administrative tasks required by the job.

Committee will be basically doing the same as have done in previous years, with the exception of a printed ballot. Rich advised this informal committee could pull together all the procedures they'd like to follow at the caucus. Carol advised that in looking at everything and speaking with Anita, we need to have our caucus before the nomination papers deadline. Nomination papers deadline are set by law – no tinkering with that deadline. Discussion continued on the efforts put together – and Carol noted during the caucus people are always asking her if people have taken out nomination papers and she feels it influences who might be nominated or decide to run or not.

While the group felt she had erred toward being fair, the information is public knowledge. Discussion continued on the nominating process and whether it made sense to vote off the floor as it would limit access to vote if vote has been taken. With some of the caucus members suggesting eliminating the caucus, Selectman Alterisio advised he believed that Selectmen can call off the caucus as long as it is done 60 days before.

Discussion continued on each of the processes and what's best. Rich advised the vote to have a town caucus makes it an annual fixture. If town wants to get out of the caucus – to rescind the former action is at a Town Meeting 60 days before so it's a vote of the town voters not the Board of Selectmen – could be done at the next annual town meeting for the following years.

Question is – can we operate in the scenario put together, barring the date. The mechanics are what needs to be straightened out and accepted. Procedure is acceptable and doesn't violate any election laws. David asked what we have to do to decide the time caucus meeting would begin. Must be completed by 8PM but did not set the opening time. If process is continued, must set open time as well.

Town Clerk suggested she rewrite the script into a workable form and run it before Town Counsel; discussion continued on the process. Date for caucus is set – can't be changed now. Town Clerk will accept anything that comes from the caucus as she has in the past. Town Clerk will use a press release, etc. to get the word out; basically now looking at 6:30PM as the tentative start time. Rich indicated that 2 hours might be better – especially since this is the 1st time using this process.

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Town Clerk noted that costs could be somewhat reduced as we wouldn't need a police officer since there's no printed ballots. Selectman Alterisio will make arrangements for a white board, easel or some form of recording media for the list of nominees at the caucus.

David Tully recalled the notice that's sent out to write-ins and nominees, regarding the 72 hour confirmation requirement, required before the ballot is printed.

The board briefly discussed the financial situation in Groton noting it was much like what happened last year. Selectman Welch noted it's much like what happens with Boxboro & Acton with the school district.

Town Clerk updated the board on the ethics update – she advised that charge was put to them – director was asked to look into changing into duration of term not every year – they're not willing to provide to provide town clerks with a tracking program. They want all town clerks to goad people into completing the required documents. She noted the ethics commission plans to make spot checks, etc. to bring attention to violators. The attorney general is taking over the enforcement for open meeting law – refuse to allow website for the postings and personnel are being hired to facilitate this new division of enforcement.

Meeting adjourned at 8:50PM after appropriate motions and vote.

Respectfully submitted,

Danice N. Palumbo,
Board Secretary