

**Date: March 25, 2013 ( Town Meeting Review)**

***Date Minutes Approved: April 22, 2013***

## **BOARD OF SELECTMEN MINUTES**

**Present:** Theodore J. Flynn, Chair; and Shawn Dahlen, Vice Chair; and David J. Madigan, Clerk.

**Absent:**

**Staff:** John Madden, Finance Director; Susan C. Kelley, Executive Assistant; and C. Anne Murray, Administrative Assistant.

### **CONVENED IN OPEN SESSION**

The meeting was called to order at 8:07 AM in the Town Hall (Mural Room).

This was an administrative meeting focusing on a review of the 2013 Special Town Meeting and Annual Town Meeting with an emphasis on what might be done differently to improve the meetings. The running of Town Meeting falls under the jurisdiction of the Town Moderator. Accordingly, after convening the Board of Selectmen, Mr. Flynn turned the meeting over to Mr. Friend Weiler, Duxbury Town Moderator.

*[For the purposes of this discussion, hereafter, Annual Town Meeting will be abbreviated as ATM and Special Town Meeting will be abbreviated as STM.]*

Also in attendance were:

- Mr. Friend Weiler, Town Moderator
- Mr. Theodore J. Flynn, Board of Selectmen
- Mr. Shawn Dahlen, Board of Selectmen
- Mr. David J. Madigan, Board of Selectmen
- Kevin Batt, Esq., of Anderson & Kreiger (Town Counsel)
- John Madden, Finance Director
- Ms. Elizabeth H. Sullivan, Chair of Finance Committee
- Ms. Nancy von Shackelberg, Chair of Fiscal Advisory Committee
- Mr. Jim Lampert, Vice Chair of Fiscal Advisory Committee
- Mr. Frank Mangione, Chair of Town Building Committee & Member of Finance Committee
- Mr. René Read, Newly-Selected Town Manager
- Ms. Susan C. Kelley, Executive Assistant to Town Manager
- Ms. C. Anne Murray, Administrative Asst. to Town Manager/ Board of Selectmen
- Ms. Susanna Sheehan, Reporter for *The Duxbury Clipper*
- Ms. Kathy Gallerani, Reporter for *The Duxbury Reporter*

As he was not able to attend, Atty. Art Kreiger sent a memorandum regarding “Town Meeting Procedures – Potential Modifications for 2014, which was used to guide the meeting.

The suggestions made for consideration were as follows:

- Incorporate most of the STM articles into the ATM, with the exception of unanticipated late articles.

*Comments: Reaction of the attendees was mixed. Atty. Batt explained the advantage is that you can get your ATM warrant /motions out earlier. Some felt it was a good idea, but others felt it help distinguish actions requiring funding in the current fiscal year from items requiring funding in the*

*next fiscal year. Plus some felt that it really would not shorten the proceedings, but just move items from one meeting to the other.*

- Waive the reading of the motions, but instead provide the motions in a handout, which could be published in advance of Town Meeting and projected the motions on an overhead screen during the meeting. And have the Finance Committee Chair just give the gist of the article/motion.

*Comments: General consensus seemed to be in favor of this, but there was recognition that the mechanics would have to be worked out and there would be a need for stricter adherence to set deadlines.*

*Mr. Weiler asked Atty. Kevin Batt "Is there is a legal requirement that the motions be read?" In response Atty. Batt indicated that there is not a legal requirement, but it is more town practice that governs this. He mentioned that other towns he works with have both a handout and an overhead projection of the motions.*

- Calendar of deadlines: A calendar of deadlines was prepared and distributed, but it was recognized that there is a need to get those involved in the Town Meeting to stick to the dates.

*Comments: General consensus seemed to be in favor of this. (In fairness it was pointed out that this year the weather did not help so perhaps in developing the calendar the parties need to prepare for such contingencies.)*

- Pre-Town Meeting Motions Meeting: Have a smaller group about 5 people: Town Counsel, Finance Director, 1 Selectmen, Finance Committee Chair, Fiscal Adv. Comm. Chair, and Executive Assistant, meet to do the "wordsmithing" of the motions.

*Comments: General consensus seemed to be in favor of this.*

- Second Pre-Town Meeting: Have a larger group meeting prior to Town Meeting to organized and coordinate Board and Committee members and other article proponents to review/schedule time limits for presentations, speakers, amendments, handouts, PowerPoint presentations, etc.

*Comments: General consensus seemed to be in favor of this.*

- Reduce the time limits for presentations. It was suggested to distinguish those presentations that are reports to the Town Meeting, such as the budget presentation or reports on a major building project (e.g., the school building project) to allow them reasonable longer timeframes versus presentations from proponents or opponents speaking for or against an article to a reasonable shorter timeframe.

*Comments: This recommendation prompted some discussion. Many felt that the budget and reports on major Town undertakings were deserving of a 30-45 minute presentation. Many felt that timeframes taken by proponents and opponents speaking for or against an article needed to be managed better.*

*The Moderator expressed his concern that equal opportunity is given to both proponents and opponents, but suggested that perhaps more proactively communicating the expectations and limitations in advance of Town Meeting would help.*

- Require all floor amendments to be submitted in writing in quadruplicate (on a quadruplicate form available at TM) to the Moderator, Clerk, Finance Committee and Town Counsel. Amendments

planned prior to the meeting should also be submitted to the Moderator in quadruplicate on a similar form.

*Comments: General consensus seemed to be in favor of this. (Moderator will work out the details regarding the form and how they will be made available. Moderator should also include mention of this in any pre-Town Meeting meetings and communications to be published in local papers.)*

- Consolidate budget motions appearing under one article into one motion; any participant would be entitled to call for any particular line item or transfer to be held for a separate vote.

*Comments: This was briefly discussed, but the consensus seemed to be that there is a comfort level among the residents as to the way the Operating and Capital Budgets are broken out and categorized in Department groupings. There were also concerns expressed that potentially could result in a group of items being defeated when there might just be an issue with one or more of the individual requests.*

- Eliminate Article 1 (appointment of Boards/Committees by Moderator/Selectmen) because the appointments already authorized in By-Laws.

*Comments: Some felt Article 1 should be kept because people are used to the numbering of the articles, esp. for the Operating Budget and the Capital Budget as is. Atty. Batt mentioned that if Article 1 is defeated, then it would create a legal issue because the Town Meeting vote is not in compliance with the Town Bylaw. So from his perspective eliminating Article 1 eliminates the potential for that problem.*

- Reconsideration: Moderator explained that in Duxbury it has been used as a parliamentary procedure so that an article that has been vote on can't be brought up again. He added that technically the call for reconsideration should come from a speaker who is in favor of the article and who has new information and that reconsideration can only occur in the current town meeting session or the next session and can only be done once. He asked Atty. Batt if he had any recommendations regarding reconsideration.

Atty. Batt suggested that the Town would have to modify its bylaws for any changes. He also suggested that the Moderator set the rules for the meeting at the beginning of the meeting. He mentioned that some of the Towns he deals with use a "Notice of Reconsideration", which preserves the right for an article to be reconsidered, esp. if a change in the budget is needed based on funding be approved during the meeting.

A follow up question asked "Does the same person have to move reconsideration be the one who gives notice of reconsideration?" Atty. Batt suggested that it would have to be clarified in the rules.

*Comments: The general consensus seemed to be a lot more consideration needed to be given before changes are adopted.*

- Finance and Fiscal Advisory Committees: Suggestion was made that the Finance and Fiscal Advisory Committees need to have full membership and the commitment of the members early in the fall so that review of any articles can begin sooner. Chairs also need to set a schedule for when articles will be heard and to keep presenters on a stricter timetable as a domino effect happens when they say they are not ready when scheduled.

*Comments: General agreement that this will make the process go more smoothly in the future.*

- Modern Technology – ipads and iphones – It was asked if there were more plans to integrate use of modern technology.

*Comments: The Moderator indicated that there are no plans to allow for remote voting from electronic devices as there is concern for who is actually voting. A committee has been formed to look into electronic balloting at the Town Meeting. The motions were posted on the Town website this year and the Moderator suggested that posting to the Town website would be the most reasonable action.*

Mr. Weiler thanked everyone for coming and participating. He will take some time to think about the suggestions made and then will let others know his decisions for any changes.

At 9:20 A.M. Mr. Madigan moved that the Board of Selectmen adjourn. Second by Mr. Dahlen. Vote: 3:0:0.

Minutes prepared by: C. Anne Murray

**LIST OF DOCUMENTS FOR OPEN SESSION MEETING**

*A memorandum from Atty. Art Krieger dated March 25, 2013 regarding “Town Meeting Procedures – Potential Modifications for 2014.”*