

The Board of Selectmen met on Tuesday June 16, 2020 remotely at 6:30pm. The following members were absent David Salvatore, Nancy Mackenzie. The following members were present.

James O'Neil, Chairman
Benjamin Barrett, Clerk
Mark Gallivan

Also present:
Town Administrator, James Johnson
Lauren Goldberg, Town Counsel
Dan Bruce, Town Moderator
Patrick Shield, Asst. Town Administrator
Liz Gaffey, Town Clerk

Mr. O'Neil called for the Pledge of Allegiance. We are operating, as we have been for weeks now under the remote mechanism as recommended by the Governor and as such we will be taking roll call votes tonight and of course we will follow the same level what we always do around discussion.

Our first order of business is to talk about the upcoming June 20th Town Meeting and the quorum requirements for that Town meeting. So this is a very unusual situation we find ourselves in it was precipitated by the Covid-19 situation and we are going to be holding Town meeting outdoors Saturday June 20th at 10am on the football field so we can distance the town meeting members appropriately so everyone will be safe. We have done our best to work with the Town Moderator and the Finance Committee to reduce the warrant size done just those articles that really need to be voted and really what that comes down to three budget articles we need to vote. So one of things that the governor and legislators have allowed given the uncertainty around town meeting quorums is the ability to reduce the town meeting quorum requirement as an insurance policy for Town Meeting. The law that was passed allows us to reduce the town meeting quorum to 10% of the regular quorum and what we will do tonight is to talk about what the appropriate number is. 10% is much too low. So we are going to have discussion among the Select Board and with the Town Moderator. Ultimately the decision rests with the Select Board with the concurrence of the Town Moderator. So as we go through the discussion we will decide whether we want to reduce the quorum and just make sure that we are able to vote these budget items and Dan of course will participate in the conversation and concur or not as the discussion ensues. The reason this is actually very important is that we have a budget we have a balanced budget we prepared through are usual processes. It reflects the expected reduction in state revenue but it's our budget and it's a budget that has gone through the Finance Committee process the Selectmen process. So the next step along the way is the Town Meeting, which as you all know is the appropriation body for the budgets. If we were not to have a quorum the down side of that we would fall under the 12th budget process with the state would allow us to do. We have concerns about the 12th budget process given the curious nature of the reporting required and just in fact how that would actually work and our preference is to have a budget that the town has worked on that the town has approved and that we would use that budget to manage our financials going into the next year. So it's my preference that we actually have a budget that we developed. Before I go on and start having the conversation. Jim let me turn it to you and ask is there anything that you would add to what I have said so far from your perspective as Town Administrator.

Mr. Johnson from my perspective obviously we need a balanced budget we need to pass the budget and the best way to get that done is not to go with the one-twelfth budget. It's to go with Town Meeting that is the government we have in Walpole. I think we are able to do it responsibly. We had a meeting on site today it was attended by department heads and we were all able to practice social distancing required and we are going to have plenty of space on Saturday morning. But just in case people aren't comfortable or something else comes up. I think it is important to have this discussion this evening and I asked Lauren to sit in to kind of advise both Board and Dan as to how what our legal options are. How low can we go what's the minimum and we can have some back and forth.

Mr. O'Neil Lauren why don't I turn it to you now is there anything else you would add to it. To what either I have said or Jim has said? Before we get into the discussion.

Lauren thank you Mr. Chairman the one thing that I would want to emphasize is that a reduction of the quorum is not a limitation on how many people can come to Town meeting. Instead it's a floor as to how many people we can have Town meeting with. But certainly as many people that are willing and able to come out to Town Meeting would still be welcome. So the reduction in the quorum isn't a limitation on the number of people that can attend. It's simply a reduction in the number essentially to do our business. I will say that I have seen good results in other towns and people are excited to attend town meeting because people have not been doing as much. The amount of planning, preparation and work to get to this point is also something that needs to be considered and so one of the things that a reduction in the quorum would do is ensure that the town would be able to conduct town meeting after it has gone through these significant planning process.

Thanks' Lauren so what I want to do know is move to discussion. I'll start with this I personally think we are going to have well over the usual quorum. So 150 town meeting members and the quorum with reduction would be around 76. I fully expect that we will achieve the 76 and exceed it. I haven't heard from anybody who was not planning to be there at this point and I have talked to enough people that there will be a good turnout at Town meeting. I am really convinced that we will have a quorum as usual but at least 76. That said I also believe we need to make sure that we can have this Town Meeting. We do not want to end up in the one-Twelfth budget. We want to be able to manage our own budgets and maintain control of the budgets. I think it is prudent on our part to reduce the quorum as an insurance policy in the event that we do have a low turnout. One other factor that has come up it appears it will be a very warm day on Saturday and I don't know if that will influence people's decision to come or not but it is going to be in the High 80's from what I have been reading. So my own view I think we should be reducing the quorum only as an insurance policy so we conduct the business of the town. I do fully expect we will have more than a quorum. Ben go to you next.

Mr. Barrett I would like to hear what Dan Bruce Town Moderator has to say. It's all part of the conversation. I would say that I agree and echo everything you have said so far Jim. But I don't know if it is going to be necessary. I think that the town budget is important enough that we have a belt and suspenders approach so we need to assess it and I think 10% is to far to low as well but I'm open to other suggestions.

Mr. Gallivan I agree with everything that you and Ben have said I think it's important that we have the budget at Town Meeting rather than fall into the one-Twelve process that has been set up. I also think 10% is to low. I fully expect and encourage RTM's to come on Saturday participate vote the budgets. I would like to see percentage drop not all the way to 10% but somewhere in between.

Mr. Bruce thank you Mr. Chairman I have done a lot of analysis and studying at this. I initially had a couple of thoughts on it what I came down to I think it makes sense. A lot of my studies have shown that reducing a quorum actually improves attendance. In this case I'm thinking it's not going to have an impact on decisions one way or the other. If we reduce it to protect us I think it's a good thing. Jim I would actually like to hear what the one-twelve budget means for the town and I would make a move like this but I have given some thought to this and I agree with everybody whole heartily that 10% is to low that's 8 people. But I do think there is some reasonable limit that we can find for starters I'll throw out a lot of the votes are done are simple majority votes. So when you look at that and take 76 people that means you need 39 to vote for it. Conversation starter what if we reduced it by 50% of the current quorum to basically allow us to not get to lot but not go to far. Really it's just a number to start talking about. That is about the lowest honestly myself that I could consent or acknowledge and go to this Board and say there. Again I have seen the results of other towns that Lauren alluded to. They are getting success getting out of the house and doing it. I have been watching the weather and it is going to be a hot day. Eventually there could be thunderstorms in the afternoon. Again Jim and I talked about this quite a bit and we move it to the morning so I think this provides us with protection. But my goal is get in get out get our votes done get our budgets done and go home. I think that is everybody's goal as well. The last comment I will make I received one email from an RTM member that they would not attend for their own health reason. They actually commended Jim and his town officials. Other members for their planning and precautions that went into this and they regret not being able to attend. But do appreciate and wanted to commend members on that. I would like to hear more on the one twelfth and I'm sure others would like to hear about it.

Mr. Johnson I actually made up a little chart for myself and tell me if I miss anything. It's part of the local relief legislation that was recently past and allows a town to transition over to a one-twelve budget which basically mean that you take the fiscal 20 budget and divide by 12. The town operates month-to-month budget approved every month by the Board and submitted to the DOR. A one-twelve budget is not a one-Twelfth in addition to estimating the one-Twelfth budget. It's going to include things like lump sum payments, assessments, service payment, my insurance payments that typically come out in July, contract and software licensing, lump sum payments that come up. In Walpole we typically we spend 10 and 12% of our total budget in the first month of the fiscal year between Norfolk County, transfers to OPEB and stabilization and insurance, workers comp, our software. If we go to the one-Twelfth budget we need to notify the DOR and that's actually one of the reasons it's on select Board's agenda in case something happens with town meeting we provide the notification to them. Again we would submit it to the Select Board for review and approval then Town Clerk would need to certify it and then submit it to DOR. Just some general concerns bullet points at this point obviously it circumvents town meeting it will need to be created and approved each month and will go month to month until we can actually have a town meeting. There is a concern with minus that the software could have a difficult time. I have asked Jodi and Marilyn to give me some more feedback on that. On the top of my head those are my first three concerns. Lauren did I miss anything? Lauren No.

Thanks Jim I really appreciate that. I wasn't aware of the Munis challenge that's just one more reason why I'd really prefer to have our budget that we work through our processes and manage to that. So Dan you have an idea of taking the quorum and apply the simply majority formula to it basically. Which I think you said that number was 39. So that sounds like a good number to me. I don't like the 10% number at all that's way to low. But I do think that a number like 39 is a pretty good number. I believe we are going to get full quorum. I 'm actually not terribly worried. We really out to be able to get to the 39 and allow us to conduct business so I'm totally good with that as a starting point to conversation.

Mr. Gallivan I think that's a reasonable number I can get on that number so half the normal quorum would be good.

Mr. Barrett I don't really have a comment on the issue Jim.

Mr. O'Neil so Dan it sounds like the three members that are here are concurring with the simple majority methodology the 76 reduce it by the 51% and I think that number is 39. So if we are all good with that and Dan you obviously brought it up so you must concur with it but let me just check with you and make sure that's right.

Dan I put some thought into it tried to figure out what's the number to go with. I'm with you I think we are not going to have a problem meeting our quorum. I'll be interested our numbers have been in the low 130's consistently over the years but this is unprecedented we'll see what shows up. Dan Lauren last question any thoughts with that number or anything else you've been hearing. Mostly I've seen open town meetings I think I've seen a couple of RTM considering but I think we are a little out in front. There have been a couple of RTM's that have met so far.

Lauren so that's the case there have only been a few that have met they are definitely further out. Stoughton is having one on June 29th most likely the Town of Plymouth is having one on August 11th. Lexington had theirs remotely and Needham had an outdoor meeting and I don't think they reduced the quorum and I know there was a lot of planning involved with that and they had a great turnout. So I think as you all are talking I agree I think it is highly likely that there would be no issue. However the methodology that you are using seems quite reasonable and the only other town participated in the discussion of reducing the quorum had the same reaction as you with the 10% they thought that was much to low.

Dan I'm good Jim.

MOTION moved by Mr. Barrett in accordance with the provisions of chapter 92 of the acts of 2020 to reduce the quorum for the June 20th 2020 Town Meeting to 39 RTM, seconded by Mr. Gallivan

Jim before we take a vote Liz to you have any comments you would like to make. Liz no everything sounds good to me and I'm with all the rest of you I do believe we'll get more than 39 we'll get the quorum easily.

Voted by roll call vote Mr. Barrett-Aye, Mr. Gallivan-Aye, Mr. O'Neil-Aye (3-0-0)

Mr. O'Neil thanks very much for being here I appreciate your help and I look forward to seeing you Saturday. Lauren thank you for being here for the help.

Jim Johnson just one last reminder Dan sent this out we are not going to have a tent on hand but if people good bring sun hats or umbrellas . We are going to have lots of water on hand each town meeting member is going to get a gift bag just with sunscreen lotion water, masks so we'll have that prepared for everyone but if they could have an umbrella or whatever I know Dan already sent that out.

Jim I know we have a second potential agenda item is there anything in that falls under that Agenda item for temporary amendments to existing license. Jim Johnson the only one that has come in and I let the board know is Texas Roadhouse they have requested it and you indicated you were fine with it and I let all the other Board members know about the request. Right know that's it and Jalapeno's is asking for something out front of his restaurant in addition to the back

area and we haven't gotten the site plan yet. Texas Roadhouse has been approved but Mike Yanovitch he wanted them to weigh the tent down. Jim so nothing else on the agenda? Mr. Johnson No.

Motion moved by Mr. Gallivan to adjourn, seconded by Mr. O'Neil vote by roll call Mr. Barrett-Aye, Mr. Gallivan-Aye and Mr. O'Neil-Aye