

There was further discussion about the context of Section 2-7-5, which reads:

"No person shall speak twice on the same question until all those wishing to speak thereon have done so, nor shall any person speak for more than five two minutes at one time, except by permission of the Moderator, provided, however, that the restrictions shall apply neither to those persons required to be in attendance under provisions of 2-7-3, nor to those persons making the original motion or amendments thereto under the article. A motion to terminate debate requires a second, is not debatable and shall require a 2/3 majority to prevail."

Mr Runyon asked if this section meant that if there was a multi-member body of seven people, each of them would be given two minutes to speak? Charter Review Committee members and Town Administrator John Kelly responded that the section really referred to the "audience" speaking from the floor; but Mr Runyon recalled times when multiple members of a committee got up to speak during a contentious Town Meeting and wondered if the two-minute limit could be more inclusive. Ms Reed noted the distinction between presenter and audience member, observing that 2-7-3 identified those who were exempt from the section:

"2-7-3 Town officers, members of multi-member bodies, department heads, or their duly designated representatives, shall attend any Town Meeting for the purpose of furnishing information when proposals affecting their particular office, multi-member body, or department are included in the Warrant."

Mr Fuller suggested that the Select Board could make a policy which informed its multi-member bodies that the Chair or a spokesperson should be selected ahead of time to get up to speak on the relevant issue, and Select Board members liked that suggestion, also suggesting that it could be put in the Charge. Mr Kelly added that this could be coordinated with the Town Moderator ahead of time.

DRAFT ARTICLE J – 2-1-3 QUORUM: Select Board members commented on the proposed article and the goal of making the Town Meeting run as efficiently as possible. Mr Runyon mentioned that with the advent of the "clickers," the votes can be totaled within seconds without the need for the longer hand count, but that he had heard over and over people saying they did not come to Town Meeting because it took too long to complete. Michael Herman commented that he understood why lowering the quorum was being suggested, more efficient, faster, etc.; but he felt strongly that lowering it to zero for the types of major issues and expense the Town was discussing, the thought of having 5 or even 10 people voting on it was not acceptable. He stated that there should be at least 100 voters.

Mr Fuller emphasized that the most important rationale for lowering the quorum after the start of the meeting was to avoid losing all the votes previously taken if, for example, 90% of the meeting was completed, someone called for a quorum count, and it could not be met. He said that at the Public Hearing one person had stated that Town Meeting could just go on for a second night (or day) in those circumstances; but he said, if a quorum was not reached, all of the previous work done would be lost and a new Town Meeting Warrant would have to be issued. Ms Fallender added that Town Counsel said that with a zero quorum, if the Town did have to go to the second night in an emergency like the lights going out, etc., the Meeting's business would be able to continue immediately and on time without waiting. Robin Hubbard noted that in Yarmouth, more people showed up after a zero quorum was introduced than ever before and this had continued. Ms Fallender gave a report on the survey to other Town Clerks Kelly Darling had done, and of the 50 who responded, 14 had a zero quorum, 29 towns had 100 or less, 4 had between 100 and 200, and 3 towns had 5% of all voters, which would make Orleans' quorum around 300. She also advised that relying on the vote count was not always an accurate measure of voters present because, even if present, some people did not vote every article.

Mark Mathison said that he had always been concerned about people not showing up and had understood that people could not come if they were working or had young children, and he continued to want to provide childcare at every Town Meeting to alleviate the latter concern. He added that when he had people complaining to him about why Town Meeting did this or that, his response to these people was that Town Meeting took place one time a year, and that they had chosen not to be there. He concluded that he liked the 100 people to start and then going to zero and reiterated that if people are there and there was important stuff going on, they should not leave. He used the phrase "waving the red flag in front of the bull" – and said that in this case, if they do not come, things will get done without them and the onus is on them. Mr Runyon agreed, noting that his

primary reason for wanting to make Town Meeting more efficient was to get more people to attend, and so many people have told him that they just cannot bear to spend all that time. He said that by lowering the speaking time, not having unnecessary reports, etc. and establishing a zero quorum will put the responsibility squarely on the citizens, and they should be accepting it.

Kevin Galligan stated that he had had the same initial reaction as Mr Herman when he attended the hearing, that a zero quorum went against everything he believed in about citizen participation; but then he realized that the point was to get people to BE there, and he had changed now to believe that the boomerang effect would be beneficial. He said that he appreciated the words in the article that once the Meeting had been called to order by the Moderator, "the quorum necessary to continue Town Meeting business becomes zero," and suggested that the explanation that the Meeting did not just pick up where it was left off be emphasized.

Mr Fuller pointed out that the Select Board had the power to change the article into a number of different alternatives and remarked that the quorum could never really go to zero because the Board, the Town Clerk, committee members, etc. would always remain until the end; but the bottom line will be how the voters receive it. Ms Fallender added that it would certainly generate an interesting conversation – and suggested that members might want to be ready with amendments that might be more acceptable. She read out the West Boylston quorum language:

"One-hundred (100) legal voters, including the presiding officer and the clerk, shall constitute a quorum, provided that a number less than a quorum may vote an adjournment, and that no more than seventy-five (75) shall be required to maintain a quorum once the meeting has been called to order by the Moderator and that a quorum of seventy-five (75) be required to reconvene any adjourned session of any such meeting."

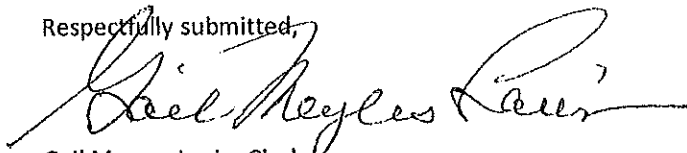
Mr Herman noted that lowering the quorum to 100 did help get the meeting started on time, and he now understood that it was about making sure they stay.

DRAFT ARTICLE L – OMNIBUS TITLE CHANGE FROM TOWN ADMINISTRATOR TO TOWN MANAGER

Mr Fuller pointed out that the Charter Review Committee was only suggesting a change to the Title at this time, and that there was a lot of discussion that needed to take place, but the plan was to present changes to the job description in the Fall after a lot of input. Ms Reed said that the Select Board had researched the title change as well and confirmed that the Commonwealth acknowledged that there was no difference among the various professional titles. Ms Reed commented that in their discussions they recognized clearly that their function was to be a policy-making body as opposed to a daily operational one with exclusions. All agreed that it was critical to come to an understanding of where the day-to-day tasks could shift to a Town Manager. Ms Fallender added that in researching other towns, she learned that the duties differed considerably by Town rather than by title, and several, including Mr Kelly, noted that in terms of advertising for a new professional, the title of Town Manager tended to be the "ultimate" for job seekers.

It was moved by Gail Meyers Lavin, seconded by Robin Hubbard to adjourn the meeting and voted unanimously in person and by roll call 6-0-0 at 8:49 pm.

Respectfully submitted,



Gail Meyers Lavin, Clerk

The next CRC Meeting will be held in the Nauset Room with the hybrid/Zoom option on MONDAY, March 7, 2022 at 5:30 pm.

Attached: CRC printed presentation of Draft Articles in Select Board packet