

MEMORANDUM

To: Select Board
From: Jonathan Freedman, Chair
Date: August 5, 2020
Subject: ***Proposals Related to 2020 Fall Annual Town Meeting***

Under Article 1, Section 1(c) of the Natick By-Laws, the date for the Fall Annual Town Meeting (“FATM”) is set for the third Tuesday in October at 7:30 pm; in 2020 that date is October 20.

The following proposals are for the Board’s consideration with respect to the 2020 FATM, and are made following discussions with Town Administration, the Director of Public Health, the Town Moderator, Town Clerk, Town Counsel, and the Chair of the Finance Committee.

I. Venue of FATM

The consensus is that public health concerns relating to COVID-19 are not likely to abate in the near future. In light of this factor, as well as the success of the recently-concluded Spring Annual Town Meeting (“SATM”), a prudent approach is to plan for a remote FATM. The Moderator and the Board will have an opportunity to consult on this factor at the Board’s meeting on August 5th, and the Board’s announcement of the FATM at its August 5th meeting is predicated on this approach.

II. Adjourned Sessions of FATM

The Town’s By-Laws also specify that adjourned sessions of Town Meeting shall be held, when required, on consecutive Tuesdays and Thursdays at 7:30 pm, and that a 2/3 majority of Town Meeting members present and voting at a session of Town Meeting may vote to adjourn to any date and time (Natick By-Laws Article 1, Section 3). Board members will recall that the bulk of the 2020 SATM was held on a Saturday.

The 2020 FATM is likely to be significantly longer than the 2020 SATM due to the likelihood that there will be a variety of proposed Zoning By-Law amendments and other proposals on the warrant, many of which were deferred from the 2020 SATM (note that the Moderator has already communicated his intention to place any SATM articles of which he was a party of a referral on the FATM warrant, and that the Board will have an opportunity at its August 5th meeting to determine if it wants to sponsor any of the SATM articles for the FATM). The potential impacts of additional sessions on Town officials and Town Meeting members is likely to be significant.

This topic was discussed at a recent FATM planning meeting, and participants at that meeting agreed that additional research was needed to assess the potential costs and other factors in order to develop a recommendation to Town Meeting. This recommendation does not have to be made at this time.

III. Special Town Meeting

For full transparency, it is necessary to note that an overarching Town priority is to dispose of any financial matters in an expedited manner so as to enable Town Administration and the Board to consider and set the tax rate for FY 2022. The reason for this is that the financial impacts of the COVID-19

pandemic may require an elongated rate-setting process and discussion compared to previous years. In addition, the potential financial impacts in and of themselves may be significant although not specifically known at this time.

This objective can be accomplished by calling a Special Town Meeting (“STM”) solely for the purpose of considering financial matters. Town Counsel has reviewed the Town’s Charter and By-Laws and is of the opinion that financial matters may be placed on a STM warrant and, more importantly, are not *required* to be placed on a FATM warrant. In short, the idea is for Town Meeting to take up and dispose of articles on the STM before considering FATM articles; once the seven-day period following the dissolution of the STM has passed, the Administration and the Board may begin the process of setting the tax rate at the same time that FATM is underway.

In order for this strategy to be successful it is necessary that all spending proposals be addressed by the STM, and must account for the possibility of a Citizens Petition warrant article with an appropriation request.

The following proposals are intended to address these variables in pursuit of this objective:

- Plan for an STM to address all financial warrant articles, but do not call the STM until shortly before or after the FATM warrant has closed on August 20, 2020; this decision does not need to be made at this point in time but should be determined no later than the Board’s meeting on August 19th.
- Once the FATM warrant has closed but before an STM warrant has closed, consider whether to sponsor for the STM, purely for the administrative purpose of placing any financial articles on the STM warrant, any financially-related Citizens Petitions submitted for the FATM; such sponsorship is neither intended to assign any obligations associated with a Citizens Petition to the Board nor to relieve any Citizen Petitioner of any obligations associated with the Citizens Petition. Note that depending on the timing of when the STM is called, this may require an off-cycle Select Board meeting for this purpose.
- This administrative action should be accompanied by the disclaimer that such action does not constitute endorsement, recommendation, or precedent, and is neither intended nor should be construed as the executive branch of the Town acting to unduly or improperly influence the actions of the legislative branch.

Parenthetically, I would note that this proposal eases the signature requirements needed for Citizens Petitions to be added to a warrant, as the number of signatures needed to place an article on a FATM warrant is significantly fewer than is needed for a STM warrant. This, too, should not be considered a precedent-setting action, as there are good and sound reasons for the signature thresholds which are codified in the Town’s By-Laws (Article 2, Section 2-11(b)).

It is critically important that town bodies and Citizen Petitioners place all financial articles and only financial articles on the STM Warrant. This will ensure the Town has sufficient time for the time-bound financial processes that can only start after STM concludes. For this reason, when calling the STM, the Board should ask residents to respect the importance and intent of this proposal and to not place non-financial articles on the STM warrant.

Thank you for your consideration.

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