



# TOWN OF MARBLEHEAD

## Meeting Minutes

*Moderator's Committee to Report on the Costs of Implementing Article 44*  
Wednesday, January 25, 2023, 9:00 AM, Hybrid Meeting, Abbot Hall

**Present:** Amy Drinker, Thatcher Kezer, Rosalind Nadeau, Katharine Redmond, Laurie Blaisdell, Nancy Powell

**Remote:** Jeff Shribman, Chair

**Absent:** Pat Franklin

Amy Drinker, Vice Chair, called the meeting to order at 9:02 AM.

Amy Drinker made brief remarks noting that the Article 44 committee is assisted in running the Polycom/Zoom hybrid meeting technology by Kyle Wiley, Select Board Administrative Aide. Further discussion ensued regarding how a committee may monitor how many members of the public are listening to/watching a meeting.

On January 23, Amy Drinker emailed Lynn Nadeau questions from the Article 44 committee regarding Lynn's draft warrant articles. The draft article language and Article 44 questions (in blue) were as follows:

**1) Accessible Meetings:** To see if the Town will vote to amend Chapter 24 Section 1 of the Town bylaws by adding a requirement of the Select Board, School Committee, Board of Health, Town Planning Board, Zoning Board of Appeals, Marblehead Municipal Light Commission, Water & Sewer Commission, Harbors & Waters Board, Recreation & Parks Commission and Old & Historic Commission to fully implement best practices related to 940 CMR 29.10 of the Massachusetts Open Meeting Law governing remote participation by ensuring the use of hybrid meeting platforms or remote platforms for all body members and for the public at all public meetings.

**Article 44 committee questions:**

- Can you explain how and why you chose those groups to be included in Part One of accessible meetings?
- What do you mean by "best practices?"
- By "ensuring" do you mean that the site of any in-person meeting place must accommodate internet connectivity?
- If these committees/boards are already posting meetings as hybrid or remote, and are including those links in the posting of their meetings, is the intent of this article already being met?

Discussion included: The motion for a proposed article may be amended on the floor at Town Meeting. What criteria are used for identifying committees/boards that are included in the proposed article—elected boards, appointed boards? Some boards/committees have town staff support to run hybrid technology. Some boards/committees have adjudicatory (regulatory) responsibilities, while others have town finance responsibilities. Most of these committees/boards currently meet using hybrid technology; it's important that a committee be able to continue to hold its meeting even if the hybrid technology link is lost (as long as the committee remains in compliance with the commonwealth's Open Meeting Law). Lynn noted that she included the phrase "best practices" because it "evokes the spirit of the right way of doing things." It was noted that a broad phrase without specific definition is subject to different interpretations: does "best practices" mean audio? Audio/visual? It is a goal to make the town's hybrid meeting technology more reliable. Marblehead bylaws may be more restrictive than state law but not more liberal; a town bylaw that mandates hybrid meetings would be in conflict with the commonwealth's Open Meeting Law if the Covid-19 exemptions are removed. If the town bylaw is passed, who is responsible for enforcing it?

**2) Accessible Meetings:** To see if the Town will vote to amend Chapter 24 Section 1 of the Town bylaws by adding a requirement of the Select Board, School Committee, Board of Health, Town Planning Board, Zoning Board of Appeals, Marblehead Municipal Light Commission, Water & Sewer Commission, Harbors & Waters Board, Recreation & Parks Commission and Old & Historic Commission to record their meetings, with the

recordings and or meeting transcripts easily accessible along with official minutes linked from the Town Website after the meeting.

**Article 44 committee questions:**

- Does “record” mean audio? Video? Both?
- How is it determined if the meeting’s audio recording should be transcribed, and, if so, by whom?
- Who will pay for the storage of digital meeting recordings, audio and/or video?

Discussion included: “record” could mean audio, or audio/visual, or close-captioning. Generating a transcript of a meeting may be tedious but software (including Otter.ai) is improving the ease of creating a transcript. Lynn Nadeau intends that the town should pay for the costs of storing meeting recordings (or transcripts), for some period of time that was not specified. Training to use hybrid technology and submit meeting recordings should be provided to committees.

**Other business:** Jeff Shribman informed the committee that he had spoken to Lisa Manning, Marblehead Public Schools Facilities Administrative Assistant, regarding availability of school buildings for town committees to hold their hybrid open meetings. The schools currently rent space to groups for evening use. The charge for custodial services is \$39/hour. Lisa Manning indicated that CORI checks are required for adults in schools buildings because there are always students in the schools. (CORI requirements will be researched further.)

There was discussion re: next steps in writing the Article 44 committee’s report to be submitted to the Moderator at May 2023 Town Meeting. Amy Drinker requested that committee members send her topics for consideration to include in the report so that they may be discussed at the next meeting.

**Public Comment:** Megan Sweeney

The committee’s next meeting is scheduled for Wednesday, February 8, 2023, 9:15 AM at Abbot Hall.

<https://www.marblehead.org/minutes-and-agendas>

By a **MOTION** and second from the committee, and voted unanimously, the meeting was adjourned at 10:05 AM. Meeting minutes submitted by Amy Drinker, committee recording secretary

**NOTES:**

The deadline for submission of warrant articles for Marblehead Town Meeting 2023 is as follows:

Friday, January 20, 2023 (noon): department and town committee articles

Friday, January 27, 2023 (noon): citizen petition articles

**Information regarding Massachusetts open meeting law can be found on the mass.gov website:**

<https://www.mass.gov/doc/open-meeting-law-guide-and-educational-materials>

<https://www.mass.gov/the-open-meeting-law>

The Town of Marblehead ARPA Spending Plan as of October 12, 2022 can be found at:

[https://www.marblehead.org/sites/g/files/vyhlf4661f/uploads/2022-10-12\\_select\\_board\\_arpa\\_presentation.pdf](https://www.marblehead.org/sites/g/files/vyhlf4661f/uploads/2022-10-12_select_board_arpa_presentation.pdf)