



TOWN OF MARBLEHEAD

Meeting Minutes

Approved unanimously by the Article 44 committee at its November 16, 2022 meeting

Moderator's Committee to Report on the Costs of Implementing Article 44

Wednesday, October 19, 2022, 9:00 AM, Hybrid Meeting, Abbot Hall

Present: Amy Drinker, Vice Chair; Thatcher Kezer; Rosalind Nadeau; Nancy Powell; Katharine Redmond; Laurie Blaisdell

Online: Jeff Shribman, chair, logged in remotely at 9:28 AM

Absent: Pat Franklin

Amy Drinker, acting as Chair, called the meeting to order at 9:05 AM.

September 29, 2022 meeting minutes: Minutes were distributed. It was agreed that the minutes would be tabled until the next meeting in order to provide members an opportunity to review them before voting.

Moving forward: There was consensus among committee members that an agenda, draft minutes, and any documents for discussion will be distributed to committee members a week in advance of posted meetings in order to provide committee members an opportunity to review materials prior to the posted meeting.

Report to the committee by Thatcher Kezer: On October 18, Thatcher Kezer, Town Administrator and Kyle Wiley, Select Board Administrative Aide, went to the Eveleth School (temporary location of Abbot Public Library) to meet with Kim Grad, Director of Abbot Public Library. Kim's cost breakdown (between \$5,000 and \$6,000) for hybrid meeting technology was similar to the costs identified by Joe Kowalik, Marblehead Municipal Light Department (Joe's spreadsheet was distributed to the Article 44 committee at the October 19 meeting). The library's costs for remote meeting technology include: a large-screen monitor, a rolling stand, video camera with built in audio speakers, and a laptop. The rolling stand permits the library to hold hybrid/remote meetings in several rooms, the caveat being that meeting locations need to have either functioning Wi-Fi or hardwired connectivity.

Thatcher explained that in general the town is moving to laptops (which are portable) vs. desktop computers, (which can't be moved).

The committee discussed how members of the public attending an open meeting online may experience the meeting: can they see/hear who is speaking, can they identify the speaker, do they see the entire committee, can they see the members of the public attending the meeting, and how is the room set up for remote/hybrid meetings?

Town Meeting, 2023: It was noted that the *Moderator's Committee to Report on the Costs of Implementing Article 44* will submit a report to the moderator regarding what technology and best practices for remote/hybrid meetings should include. Prior to that, the Article 44 committee will reach out to the Finance Committee and the Select Board regarding a warrant article for Town Meeting 2023 to ask for funds to cover the cost(s) of implementation of technology for remote/hybrid meetings at designated sites.

Should the Town of Marblehead adopt requirements for open meetings above and beyond what is specified by Massachusetts law: If members of the public attending an open meeting by remote technology lose access to the meeting because of a technology failure at the meeting site, should the committee members cease to make any motions, take any votes, or deliberate?

The chair asked for thoughts from committee members, which included the following diverse opinions:

- The process of government should go on even if onsite technology for remote public attendance fails. This is the standard set forth in Massachusetts law per An Act Relative to Extending Certain State of Emergency Accommodations for open meetings.
- On July 16, 2022, Governor Baker signed into law An Act Relative to Extending Certain State of Emergency Accommodations for open meetings. This Act, extended to March 31, 2023, permits a committee member to

attend a committee meeting remotely, including being part of a quorum for said meeting (be it hybrid or remote). If onsite technology fails, and the loss of online committee member(s) results in a lack of a quorum that is challenged, then the committee may not make any motions, take any votes, or deliberate. However, if the committee's remaining in-person/connected remote members still satisfy a quorum, then the committee may continue to make any motions, take any votes, or deliberate.

- The spirit of open meeting is to make it accessible to the public. This should include the public's ability to attend open meetings remotely. If members of the public cannot do so due to a technology failure at the meeting site, the committee should cease to make any motions, take any votes, or deliberate. The public's ability to observe a committee meeting, either in-person or remotely, is key to being informed.
- Per the Act Relative to Extending Certain State of Emergency Accommodations for open meetings, meetings are considered open as long as meetings are posted, and meeting minutes (once voted on by the committee) are made available.
- An open meeting, in accordance with the Act Relative to Extending Certain State of Emergency Accommodations, is for the committee to do its business. A committee may post a meeting to serve as a public hearing so that a committee may gather input from the public on a given topic. The use of hybrid/remote technology is to increase members of the public's ability to *attend* an open meeting. Members of the public may only *participate* in a meeting when recognized by the chair. There may be a "public participation" component of a meeting for members of the public to ask questions or make comments, but it is not mandatory.
- Disability Committees are allowed more flexibility to conduct remote meetings under the standard open meeting laws. But, in consideration of members of the public with disabilities, if they cannot attend an open meeting either in person or remotely because of a technology failure at the meeting site, the committee should cease to make any motions, take any votes, or deliberate.
- Robust technology is now available; onsite technology failures should be eliminated. But in the case that onsite technology fails, it should not be for a significant amount of time.
- The Town of Marblehead should be pushing for robust onsite technology for hybrid/remote meetings. It is not acceptable for technology be "down" for an extended period of time. But as the Town moves through technology implementation, there will be bumps in the road to achieve technology connectivity: committees need to be able to meet to do their work as long as they follow the Act Relative to Extending Certain State of Emergency Accommodations for open meetings.

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>

Video recording of a public meeting: Video recording a meeting is not a requirement of current open meeting law but is possible. However, posting recordings online and having online storage capacity for these video files will take additional resources. The Town of Marblehead is currently upgrading its storage capacity and adding a dedicated technology staff position to support its daily operations.

Town of Marblehead ARPA funding for hybrid/remote meeting technology: Thatcher Kezer noted that \$50,110 is allocated towards hybrid technology needs. The school department has asked for an additional \$7,000 to cover hybrid technology needs.

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

Remote Town Meeting: There was consensus of committee members that this topic is outside the purview of the *Moderator's Committee to Report on the Costs of Implementing Article 44*.

The Chair took public participation questions from Megan Sweeney, and Jenn Schaeffner.

The committee's next meeting is scheduled for Wednesday, November 16, 2022, 9:00 AM at Abbot Hall.

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

By a motion and second from the committee, passed unanimously, the meeting was adjourned at 10:41 AM. Meeting minutes submitted by Amy Drinker, committee recording secretary