

Board of Selectmen and Town Moderator: ATM 2020 Discussion

May 27, 2020

ATM 2020 Date:

- Currently postponed to May 30.
- Discussed for June 15, within 7 days of election as required by Town Code.
- Special legislation provides that the Code may be suspended as a result of the COVID-19 public health emergency.
- Town Moderator's determination pursuant to M.G.L. ch. 39, sec. 10A.

Quorum:

- The Governor's order regarding Phase 1 reopening of the Commonwealth excludes local legislative bodies.
- Wayland Town Code sets the quorum for Town Meeting at 100.
- The Board cannot limit attendance at Town Meeting.

ATM Warrant:

- Every residence in Wayland has received a copy of the warrant.
- Additional FY21 Budget information is not anticipated until the summer (likely July-August).
- DOR recommends that, if a Town holds a Town Meeting, Town Meeting vote the FY21 Budget based on current information and amend the budget later in the year.

Conducting Town Meeting

- Massachusetts Moderators Association Planning Guide for Town Meeting During a Pandemic
 - Timing
 - Location
 - Voting
 - Parking
 - Bathrooms
 - Check-In
 - Personal Protective Equipment
 - Seating/Layout/Physical Distancing/Time of Day
 - ADA Accessibility

Post June 30 ATM:

- Follow DOR/DLS guidance for submitting a 1/12th budget (based on FY2020 budget) for July and August expenditures.
- FY2021 Budget will be determined at Town Meeting.



Planning Guide for Town Meeting During a Pandemic

Version: May 22, 2020

Note: This Guide is not legal advice.

Massachusetts towns with either open town meeting or representative town meeting legislatures face a challenge in their ability to conduct their democratic mission because of the COVID-19 public health crisis. Massachusetts town Moderators are experts in town meeting. We, as a group, are not public health experts. If our judgment about how to plan and conduct town meeting is informed by public health experts' wisdom, and the unique knowledge of our own communities, we can help create a safe and legitimate meeting for the people whose very presence and purpose we serve. The physical co-presence of citizens has been essential to the conduct of town meeting history. Frank Bryan, a political scientist who studied town meeting, argues that "Real democracy demands first the presence of citizens. Then comes deliberation. Third, real democracy requires that no cohort of society be excluded. Finally, the amount of time devoted to deliberation needs to be sufficient." He adds that "The fundamental purpose of town meeting is to make decisions for the commonweal based on principles of due process and equal protection--but on a human scale"¹ The Massachusetts Moderators Association 2040 Committee Remote Participation task force white paper (2019 draft) explains that there currently exists no legal framework for remote participation with the open town meeting.

This Planning Guide outlines the exigent questions Moderators and towns need to consider as they plan. Can we conduct a safe and legitimate town meeting? The best counsel we can offer is asking questions and considering options. Beyond that, best practices may differ by community. Therefore, we offer suggestions for planning purposes that may help Moderators to prepare and conduct a meeting under COVID-19 conditions. This document offers other

¹ See F. M. Bryan, *Real Democracy: The New England Town Meeting and How It Works* (U of Chicago P, 2004), p. 255 and 288.

resources town officials can use to guide their decisions. It is not legal advice. It is not public health advice. It is simply practitioner-oriented guidance for Moderators to use as they plan their local town meetings with public health in mind, consulting with their own town counsel and public health and safety officials as they deem appropriate.

As of this writing, the Commonwealth of Massachusetts Department of Public Health is expected to issue guidance to towns for the safe conduct of town meeting, but has not yet done so. We urge that it be utilized, along with this document and other counsel, in your planning. We have asked a set of questions of the MA DPH and the MA Association of Health Boards. As of this writing we do not have the answers. We will supplement this document with answers or any DPH guidance once we receive them.

The State of Emergency, issued on March 10, 2020, remains in effect. Governor Charlie Baker, in his “Safer At Home” advisory of May 18, 2020, proclaimed, “People over the age of 65 and people who have underlying health conditions – who are at high risk for COVID-19 – should continue to stay home except for essential errands such as going to the grocery store and to attend to healthcare needs.” Although, by specific exception, this order does not include town meeting legislatures, there may be confusion among the public about the scope of the order. We recognize that local governments have varying needs. Each citizen is obligated to make the personal decision whether they can or should attend town meeting. It is our obligation to provide the safest environment reasonably crafted with advice and consent of public health authorities. It has been the mutual obligation of citizens and moderators to assure that this 17th Century tradition - conducted during war time, influenza pandemic, pestilence, the Depression, and many other threats – continues unfettered. We are committed to conducting a safe, fair, open and efficient town meeting and to do so in good faith. Local context and epidemiological data should guide Moderators in their decisions.

Massachusetts Moderators Association President Steve Fors proposed that the MMA create an ad hoc committee to identify best practices for conducting safe and legitimate town meetings during the COVID-19 crisis, as a way to consolidate and organize information, minimize duplication of effort and effectively address this as a group. Our collective wisdom, enhanced with extant guidance from public health professionals, can help us navigate the decisions we as individuals in our different communities will have to make.

We approach our mission with particular understandings of the primacy of safety and legitimacy. We have local boards of health (BOH) in our communities. Their experiences and expertise should guide what safety means in each of our localities. They should be relied upon to determine the parameters necessary to maintain safety. After the Select Board determines when and where a meeting will be held, if, indeed, any meeting should be held and what the contents of the warrant will be, we, as Moderators, can then adapt the structure of town meeting as it is locally practiced to comply with the BOH guidance. The only public health guidance on conducting town meetings currently available is from the Berkshire County Boards of Health Association. There is draft guidance from the Massachusetts Association of Health Boards.

Copies of both are available to Moderators as supplements to this document. We each may ask our own BOH about the applicability of available guidance to our own communities. We may ask BOH advice whether one approach to handling a problem is better than another.

The legitimacy of our local town meeting legislatures is determined, in part, by the people that practice it and by the structure of the process. If a preponderance of voters feel they cannot safely attend without unduly risking their own health or the public health, the legitimacy of the meeting is in question. Each judgment made at such a meeting risks credibility of both the matter and town meeting itself.

A fair process begins before the actual event, and also includes the preparations for it. Moderators, in collaboration with town officials, should publish widely the descriptions of protocols that will be used for the meeting. We should inform the public of the efforts we are taking to ensure the safety of the meeting, including our consultations with, and, we hope, the imprimatur of, the local BOH. We need to consider whether voters will leave the meeting feeling that the quality of town meeting (with all the precautions we take) is consistent with the town meetings they already know.

The Moderator needs to be confident that the safety protocols will allow town meeting to preserve its defining deliberative function. Avoiding the inclusion of controversial articles in the warrant for a meeting that might feel constrained by public safety measures likely will help preserve the meeting's legitimacy. Reducing the number of articles to consider, thus lessening meeting time, also may help. The meeting must be deliberative in a way that is consistent with local practice.

The primary questions to ask are:

- Does the Moderator judge that the meeting, as it will be conducted with appropriate public health protections, preserves an adequate deliberative process? The standard for the judgement is one of good faith - that a reasonable effort has been made. The Moderator's judgement is exclusive to the meeting process, not on the public health protections (which are standards dictated by the BOH to which the Moderator must adhere). The principal tenet is that the democratic process in which our local legislatures operate must be preserved, even amidst change necessary to make the process a safe one in which to engage.
- Does the meeting look/feel close enough to the way it usually does to make voters feel comfortable?
- Does the new manner in which the meeting is conducted disenfranchise voters? All voters that could attend in more normal circumstances should have the opportunity to attend under reasonable safeguards if they choose to attend.
- Will participants have confidence in the voting process? The level of confidence in the manner of vote counting and reporting must be consistent with normal practices exhibited in non-COVID times. Any significant change in the manner of voting should be avoided unless the new process is structured to ensure higher levels of confidence in the

result. For instance, do not revert to voice votes when a standing vote is generally utilized, or don't abandon electronic voting if it is your usual method.

- Will participants have the ability to see, hear, speak, make amendments and vote, consistent with past practice?

We have prepared a checklist of topics to aid Moderators and their towns in preparing for town meetings during the pandemic. This is not an exhaustive list. Some items are logistical, like check-in procedures. Others are more social-emotional², focusing on the communicative climate of the meeting, such as ensuring that everyone has had ample opportunity to learn issues prior to the meeting and helping the participants remember they are neighbors in a community experiencing a traumatic event. We can help each other to create the logistics and climate that foster deliberation and a sound voting process. Each topic has a list of questions to ask and several ideas and options to consider in response to each question.

We hope that this Planning Guide helps Moderators and towns think through what will be necessary to conduct a safe and legitimate town meeting.

Respectfully submitted,
Rebecca Townsend, Chair
Cathy Cordes
Mark DiSalvo
Carmin Reiss
Barry R. Shapiro
Michael Forbes Wilcox
Alan Wilson

CAVEAT:

Consider carefully the potential ramifications of instituting new practices in your town meeting. Your community may prefer a new practice intended to be temporary over the traditional practice. As you consider using new protocols to adapt to the pandemic, be mindful that they may be perceived as precedent, changing your town meeting traditions.

² Because Massachusetts residents have experienced significant and sudden trauma due to the thousands of deaths and illness from COVID-19, local governments need to be mindful of the social and emotional context in which voters will decide to come to town meeting. Since “[t]rauma, anxiety, and despair reduce the capacity of people to take control over their lives and engage in collective action,” it is up to local officials to create the environment that will reduce exacerbation of that. (N. Curato, *Democracy in a Time of Misery: From Spectacular Tragedies to Deliberative Action*, Oxford UP, 2019, p. 1).

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Timing

Questions to consider:

1. Should we have our town meeting during a full or partial stay-at-home advisory?
 - a. Who makes the decision? (Prevailing wisdom: If the warrant has been posted, recess and continuance of the meeting is the province of the Moderator pursuant to Mass. Gen. Laws, ch. 39, sec. 10A. If the warrant has not been posted, scheduling the meeting is the province of the Select Board pursuant to Mass. Gen. Laws, ch. 39, sec. 9)
 - b. What if the full or partial stay-at-home order remains in force past June 30?

Ideas and Considerations:

- Choosing when to hold a town meeting is a local decision. Each community needs to assess the conditions and context and make a decision for itself.
- If Annual town meeting (ATM) is delayed beyond June 30, recent amendments by the Legislature ([MAlegislature.gov/Laws/SessionLaws/Acts/2020/Chapter 53](http://MAlegislature.gov/Laws/SessionLaws/Acts/2020/Chapter%2053)) permit towns, with DOR approval for each thirty day period, to continue operations on an emergency expenditure basis at not less than 1/12 of the prior year's appropriated budget, up until the 30th day after the Governor has lifted the Declaration of Emergency.
- Regional school districts have a parallel mechanism for continuing operations with approval of DESE (Mass. Gen. Laws, ch. 71, sec. 16B and 603 C.M.R. 41.05).
- Massachusetts Ch. 39, sec. 10A, as amended by Acts 2020 Chapter 53 section 2a, provides that:
 - *Notwithstanding any general or special law, charter provision or by-law to the contrary, during and for a period of 5 days after the termination of any weather-related, public safety or public health emergency, the town moderator or person designated to perform the duties of town moderator may, in consultation with local public safety or public health officials and the board of selectmen, recess and continue a town meeting previously called pursuant to a warrant issued pursuant to section 10 to a time, date and place certain; provided, however, that any such recess and continuance period shall not exceed 30 days. The moderator or person designated to perform the duties of town moderator may renew the declaration of recess and continuance period for*

up to 30 days at a time but not more than 30 days following the date of rescission of a state of emergency declared by the governor.

- While the MMA takes no official position on whether a town should delay, most communities, in response to a member survey, responded that they are delaying their meetings or have delayed them.
- Those who will wait until after the stay at home advisory ends may be doing so to minimize risk of virus transmission from a large gathering.
- Those who have met or will meet while the advisory is in effect may feel the particular legislative decision could not wait until an undetermined time when the advisory is removed.

Location

Questions to consider:

1. When we hold our town meeting, where should we hold it to reduce chances of spread? How much space is necessary for the number of individuals anticipated for safe conduct of the meeting?
2. Will outside be feasible?
3. Will inside be feasible?
4. If inside, would a dispersed meeting inside a single structure with multiple rooms be feasible? What about use of multiple locations in physically separated buildings?
5. How do size of attendance, hours of attendance, number of nights of attendance impact the answers to these questions?

Ideas and Considerations:

- Public health officials are in accord that outdoor locations are safer than indoors. The formula for risk to public health, especially in an enclosed space, is: Risk of Infection = Exposure x Time.³

³ E. Bromage, "The Risks--Know Them--Avoid Them," 6 May 2020.

https://www.erinbromage.com/post/the-risks-know-them-avoid-them?campaign_id=9&emc=edit_nn_20200511&instance_id=18384&nl=the-morning®i_id=123588584&segment_id=27239&te=1&user_id=3c62f0245633acd37740b47806e59a1c

- According to an informal survey of MMA a large number of moderators are considering or planning for a meeting outside. The balance are considering multiple indoor rooms or a larger indoor space than they usually use.
- Given that a shorter meeting translates directly to a lesser public health risk, consideration should be given to streamlining the warrant, taking up only essential articles (e.g., operating budgets, critical capital items, regional school district assessments, and other time-sensitive or urgent matters).
- If a town chooses to hold an outdoor meeting in a parking lot or field, chairs should be placed with a minimum 6' radius of space around each, perhaps with pairs of chairs placed with 6' radius of space around each pair in a portion of the meeting area, with additional space provision for movement within the venue. Consideration should be given to potential bottlenecks at ingress and egress. Holding the meeting during daylight hours minimizes insects and makes logistics easier. A tented area might be provided for persons with medical conditions making them sensitive to heat and sun. Advance preparation will be necessary to place signage, put out supplies, mark pathways, flow direction, chair locations, etc. Have enough trained staff on hand for smooth management.
- If a town chooses to hold an outdoor meeting with voters remaining inside their cars and a large outdoor screen, care should be taken to place larger vehicles in the rear of the lot to avoid obstructing the view from smaller cars. Attendees should be advised against idling their engines and honking. Provision should be made for voters without cars to attend. Again, advance preparation will be necessary.
- If a town chooses to hold an indoor meeting, a large venue with significant outside airflow is preferable for mitigation of virus transmission risk. Consideration should be given to potential bottlenecks at ingress and egress. Provision might be made for separate spaces for voters over 65 or otherwise at greater health risk, voters with accompanying children, and voters with reason not to wear a mask.
- The Berkshire County Board of Health Associations suggests, "Consider using multiple, smaller rooms for town meeting connected by closed circuit TVs and microphones to reduce the exposure to large groups. Have one room for people who will not wear a mask. Have additional rooms for those who arrive with children, are over 65 or have underlying health conditions" (p. 2).
Pros: Sheltered from weather, unconfigured space allows positioning of chairs and demarcation of traffic patterns to maintain social distance; higher ceiling allows greater ventilation, mitigating virus transmission risk, easier audio-visual set-up.
Cons: Potential bottlenecks on ingress and egress making social distancing difficult to maintain; uncertain impact of HVAC system on virus transmission. Data show that an

enclosed space is inherently less safe than outdoors.⁴

- Indoor meeting in multiple rooms or multiple buildings.
Pros: Separation of voters into cohorts mitigates virus transmission risk and facilitates contact tracing in the event an attendee subsequently is confirmed to have the virus; voters may feel more secure being in a smaller assembly or having a choice of meeting space.
Cons: Requires more coordination, deputy/assistant Moderators, deputy/assistant town clerks, communication between meeting spaces, more complex and possibly more expensive audio-visual set-up, multiple check-in operations if multiple buildings used, and the complexity of multiple rooms will increase the length of the meeting and the time participants are exposed to each other.
- If outside, mark all spaces for parking or sitting with chalk on the ground and, if providing them, place chairs in the circle, one per circle. All circles are appropriately physically distanced. Family members sitting together can grab an extra chair on their way to the circle if needed or one can be brought to them.
- Depending on town resources (e.g., overtime pay), consider holding the town meeting when there is a clear expectation of lots of daylight. Otherwise an area with sufficient lighting will be required. This may be on a weekend. Consider avoiding religious holidays.
- Plan for weather contingencies, weather warnings, and weather go or no go's. Rain dates should also be incorporated. A contingency should also be considered if an event is stopped while in process, how will it be resumed. The weather safety of participants should also be considered.
- Both heat and cold should have appropriate contingencies. Do shade or tents need to be provided in an emergency respite area? (See DESE Guidelines for graduations) Does drinking water need to be provided? If so, follow CDC Guidelines regarding individual serving. If it is cold, is there space for participants to warm themselves? Should the outdoor space be fogged for mosquitos prior to the meeting? Is it possible to provide everyone with repellent and sunscreen?
- Consideration should be made for pre-check-in screen questions about symptoms by BOH personnel.

⁴ E. Bromage, "The Risks--Know Them--Avoid Them," 6 May 2020.

https://www.erinbromage.com/post/the-risks-know-them-avoid-them?campaign_id=9&emc=edit_nn_20200511&instance_id=18384&nl=the-morning®i_id=123588584&segment_id=27239&te=1&user_id=3c62f0245633acd37740b47806e59a1c

- Consideration should be made for timely access to emergency medical services. Physical safety should also be considered. Elimination of trip, slip and fall hazards. Ensure seating is appropriate and stable. Ensure the seating surface is firm and chair legs will not sink or fall over. Conduct a full site review several points prior to the meeting.

Communication Before the Event

Questions to consider:

1. We communicate with a variety of people and institutions: internally with local government officials and staff and externally with the voting public. What are some communication practices we can use to collaborate internally and externally?

Ideas and Considerations:

- Communication modes used by towns include the following:
 - town website
 - social media (twitter, facebook)
 - email to enrollees in town notice programs
 - reverse 911 recorded telephone messages/"Code Red" notifications
 - press releases to local newspaper
 - local access cable television (which may have an associated YouTube channel and a website)
 - radio
 - direct mail
- Once the meeting date has been set by the Select Board, communicate to residents in detail the special rules to be followed at the meeting so everyone can come prepared.
- Communicate as much as possible about the substance of articles, including motions if they're complicated or long, etc, so as to minimize, or perhaps eliminate, handouts at the meeting.
- Communicate how logistics and procedures for this meeting will differ from those the voters are accustomed to.
- Consider having local community access TV stations air presentations of articles. Consider recording ZOOM meetings with presentations and questions/answers, and making the recordings available on the town website. Recordings could include an

interview format with Select Board member/chair or Finance Committee chair. Measures like these should shorten the time needed for questions.

- Communicate that anyone who is sick, in quarantine or isolation, or recently exposed to an COVID-19-positive person should not attend the event. Be clear that masks or face coverings will be required, and that anyone with a medical reason not to wear a mask will be seated in a separate area. All participants must adhere to social distancing principles. If more specific protective measures will be put into place, these should also be communicated. so participants will understand the expectations to attend the event.
- Attendees should be provided electronically (via the website) a self-evaluation checklist to determine their own health status in regard to COVID-19 symptoms, test results, and recent exposure history. If there is a positive response to any item, the person should not come to the meeting to protect others. Messaging should provide notice that participants should avoid close socializing (gathering of groups of people) on the way into, during, and immediately after town meeting.
- Discourage solicitation at the meeting site (e.g. for candidates, issues, etc).
- Urge all attendees to arrive early!

Communication During the Event

Questions to consider:

1. How will you organize voter speaking turns?
2. How will all the officials be physically arranged?
3. What kinds of safety messages will you share?
4. What kind of signage will you have?

Ideas and Considerations:

- Consider that speaking, especially without masks contributes to transmission.⁵
- Consider modifying the standard practice on how long presenters and voters may speak to reduce the time and the duration of the meeting.
- Consider providing a safety message, including location of fire exits and the locations of bathrooms, making participants aware of new safety parameters, like the use of masks and seating and how to do certain functions, during the event.
- Consider signage (in all languages as needed) with safety messages. Examples may be found on the CDC website:
<https://www.cdc.gov/coronavirus/2019-ncov/communication/print-resources.html?Sort=Date%3A%3Adesc>
- Be aware that having speakers lining up at a microphone presents additional risk and management challenges in the increased movement of persons within the venue, and the potential transmission of virus on and around the microphone. Consider consulting the local BOH on whether it is reasonable to have speakers address the meeting from a microphone, if appropriate safeguards are in place (e.g., socially distanced queueing, marked one-way traffic patterns, being masked while speaking, having each speaker clean the microphone with an alcohol wipe after speaking).
- Consider providing a protectively attired staff person or volunteer to wipe the microphone after each use.
- The Moderator should be on a raised platform so they can see everyone. Since the attendees will be spread out, whether inside or outside, in or out of cars, it may be necessary to appoint checkers to assist in identifying people who wish to speak (perhaps signified by holding up a red flag or card) and to help with any vote counts.
- In an outdoor meeting where voters remain in cars, attendees who do not wish to leave their car to speak should be given the option to write their question down and have it delivered to the Moderator by a PPE-clad staff member.
- Being mindful of the Open Meeting Law, consider establishing private chat rooms for

⁵ “Talking can also launch thousands of droplets so small they can remain suspended in the air for eight to 14 minutes, according to a new study. The research published ... in The Proceedings of the National Academy of Sciences, could help explain how people with mild or no symptoms may infect others in close quarters such as offices, nursing homes, cruise ships and other confined spaces. The study’s experimental conditions will need to be replicated in more real-world circumstances, and researchers still don’t know how much virus has to be transmitted from one person to another to cause infection. But its findings strengthen the case for wearing masks and taking other precautions in such environments to reduce the spread of the coronavirus.” (Sheikh, 2020)

boards to speak with one another within their group and the Moderator to speak with a proscribed wider group.

- Consider communicating, before the meeting adjourns, how voters will be asked to exit, e.g., orderly exit rows giving folks the opportunity to proceed walking to their cars before the next row of seated individuals begins to exit.

Community engagement

Questions to consider:

1. What options exist for residents to learn more about the protocols you are implementing?
2. What options exist for voters to learn more about issues on the warrant?
3. What options do residents have to become involved in discussing issues?

Ideas and Considerations:

- Enhance voter knowledge and discussion of issues before the meeting. Asking the local community television station to air presentations about warrant articles can help residents become informed.
- Ideally, all procedural information should be posted on the town website.
- Use of community facebook and other social media platforms to share issues can help participants learn more and they offer chances for discussion.
- The Moderator, Select Board, or Finance Committee can host an online forum on warrant articles.

Board Management

Questions to consider:

1. How will the Moderator communicate with boards and committees to solicit ideas, opinions, reactions, collaborations, or to share information and decisions?

2. How can the Moderator enlist the aid of Boards in sharing information with the public?

Ideas and Considerations:

- The Select Board should communicate with voters in advance of the meeting about the substance of the articles and hold a telephonic or Zoom information meeting to attempt to reduce questions at the ATM.
- During town meeting, the Select Board, Clerk, Town Counsel, Town Manager or Administrator could sit at different, or a very long table, so they are appropriately physically distanced; each to have their own microphone, if possible.
- Boards and committees include community members with their own networks. It will be important to ask them to share information with their own networks.

Voting Mechanisms & Technology

Questions to consider:

1. What mechanisms and protocols does town meeting regularly use? Will those methods work with any adaptations for this extraordinary circumstance?
2. If you are trying a new method, have you rehearsed it with a small group of fellow officials or volunteers?

Ideas and Considerations:

- If you use voice votes, will you be able to hear everyone? If not, consider moving to card-raising.
- If you are distributing voting cards, consider having PPE-clad staff distribute them.
- If you use electronic voting, test it in the venue you will use. Consider having PPE clad staff distribute sanitized clickers and having voters return clickers to bins without contact with other persons.
- If the vote needs to go to a hand-count, be sure to have trained the tellers on-site with plenty of advance notice.
- If you have vote counters who work in pairs, enforce the 6' distance.

Bathrooms

Questions to consider:

1. How can bathrooms be made safe and accessible both at the start and during the meeting?

Ideas and Considerations:

- Consult with the local Disability Commission on accessibility issues.
- Consider arranging for professional cleaning service to sanitize bathrooms before the meeting and to maintain their cleanliness during the meeting.
- Provide antiseptic wipes and hand sanitizers as appropriate.
- Provide portable toilets if necessary given the location of the meeting and the size of the projected crowd; make certain toilets are accessible.
- Consider limiting the number of people who may occupy the bathroom.
- Mark six-foot intervals outside the bathroom and post a sign reminding people to observe appropriate distancing, wash their hands, and avoid touching their faces.

Media-Press, Social Media

Questions to consider:

1. Have you or your town informed local newspapers, newsletters, civic groups and organizations about your plans for town meeting, even if they are in draft form?

Ideas and Considerations:

- Sharing plans can help alleviate concerns. Some draft plans may cause people concern, so think carefully about what you share. Do consider that people usually like to know what is going on, so more openness about plans--even in the draft stage,

marked as such--can help people know that you are taking steps to safeguard everyone while still providing an opportunity for deliberation.

Check-in Procedures

Questions to consider:

1. Will you have some kind of screening for Covid symptoms?
2. Is voter registration enough for contact tracing if needed?

Ideas and Considerations:

- Before the meeting, post on your town website a self-evaluation checklist for participants to determine their own health status in regard to COVID symptoms, test results, and recent exposure history. Advise voters that, if there is a positive response to any item, the voter should not come to the meeting to protect others.
- Determine whether people will be screened by safety officials for COVID on arrival (e.g., thermal temperature reading).
- The MA Secretary of State debuted ePol Books by ELECTEC, Inc. for voter check-in for the national primary election, which towns may rent. <https://www.electecinc.com/election-services>. Consider renting such iPads if you believe it would speed check-in and reduce the number of check-in staff necessary.
- Have signage as drivers or walkers approach the check in table to the effect of
 - if you have any of the Covid symptoms (list), please do not attend the meeting,
 - obey the directions of the staff as to where to park or sit,
 - wear a mask at all times (unless in your car or speaking with consent of the Moderator).
- Identify how lines will be managed. Waiting lines should use the six-foot rule. Participants standing in line should stand six feet front to back.
 - In other words, the person in front of them should be six feet in front of them and the person behind them should be six feet behind them.
 - Mark the floor/ground with tape or spray chalk to indicate the appropriate spacing.
 - Signage should be posted reminding participants of the rule and consider having a monitor (police or otherwise) posted to enforce this.
 - If lines must be run side by side, the six-foot spacing should be used.

- People to the right or left should be six feet away.
 - This can be reduced if a non-porous liquid resistant shield is used as a physical separation of the lines.
 - This can be supported by using rope lines, marking the floor or other means.
 - Every voter to be checked in and handed a yellow voter card or electronic voting handset, if being used, and ballots along with pencil to mark their ballot by a glove wearing staff member. Voters will also be given a red flag or card which they can raise if they wish to speak (to facilitate recognition by the Moderator).
 - Police should be present to assist and enforce any guidelines.
- Consider using “customer service shields” to position staff behind. These plexiglass partitions have a small opening at the bottom to pass documents back and forth. Both the voter and the worker should wear masks. The worker should also wear light weight gloves. The worker should also engage in frequent hand washing or use appropriate hand sanitizer. The public should not be allowed to “linger.” They should conduct their transaction then re-engage in personal distancing.
- Consider limiting non-voter visitors to town meeting to Press only, and others who must be there as experts for a warrant article. Direct people accompanied by children to a separate area.

Gloves/Handwashing

- Questions to consider:**
1. What procedures are established for clean hands?
 2. What facilities are available?

- Ideas and Considerations:**
- Any interaction that requires actual sign-in or completing forms provides an opportunity of transmission from hand-to-hand contact. Consider using disposable or writing utensils that may be given away.
 - If documents must be shared with workers and participants, gloves are recommended for the worker when handling the documents. Frequent hand-washing and/or use of hand sanitizer will help.

Staff: Clerk's Office, Public Safety, Public Health, Fire, EMTs/Paramedics

Questions to consider:

1. How can we ensure the participants adhere to the rules?

Ideas and Considerations:

- Police officers can monitor physical distancing and mask-wearing at check-in stations, during the meeting and exits.
- Tellers become de facto physical distance monitors as well as adherence to other requirements such as face coverings.
- Consider having an onsite ambulance and EMTs.
- Consult with the town's emergency management directors who can assist with public health and safety procedures for large events.

Light

Questions to consider:

1. Does the venue have adequate lighting...
 - a. for the Moderator to see all voters?
 - b. for participants to move about safely upon entrance, to use the bathroom or to approach the microphones, to exit, and in case of emergency?

Ideas and Considerations:

- If the location has lighting, this should be tested before the event.
- Towns may wish to share resources like portable lighting. Departments of Public Works can facilitate this.

Audio-Visual

Questions to consider:

1. What mechanism will there be for amplification of sound?

Ideas and Considerations:

- Consider working with an outdoor-event/concert production company for a high-quality sound system. This will add cost to the meeting, but it will allow for an expert to ensure all participants can hear the proceedings.
- Any sound system that depends on personal technology must have an easy-to-use and free-to-voters alternative.
- If you are using microphones for questions and statements from voters, ask the vendor/staff that set up the sound system for their recommendations on sanitizing the microphones between speakers. Will alcohol wipes suffice and be available? Who will be responsible for wiping them? Is there a covering for the microphone that can be changed between speakers?
- Consider utilizing overhead boom microphones indoors only. There will be too much wind for use outdoors.
- Consider if wireless microphones being brought to each attendee may be preferable in terms of safety.
- Towns may share resources for inflatable outdoor screens. Back up generators can support this equipment.
- Having speakers lining up at a microphone presents additional risk and management challenges in the increased movement of persons within the venue, and the potential transmission of virus on and around the microphone.
 - Ask public health dept whether measures exist that would reduce this additional risk enough to make it reasonable to have speakers address the meeting from a microphone (e.g., socially distanced queueing, marked one-way traffic patterns, being masked while speaking, having each speaker clean the microphone with an alcohol wipe after speaking).
- When an event is set up and just before the participants arrive the space should

receive a thorough cleaning. During the event staff should be available to do periodic wiping of frequently touched surfaces, such as door handles, touch screens and bathrooms.

- After the event the facility should receive a deep thorough cleaning. This should include any equipment that is going to be stored.
- If attendees are going to remain in their cars for the duration of the meeting except when recognized to come to the microphone(s) and speak, all cars will be turned off and an FM transmitter will be used so they can hear the Moderator and any other speaker using one of the microphones, including members of the Select Board. There are A/V companies which can effectuate this. Those people who don't have cars and who are seated outside, will need to be provided with some connectivity.
- Voters are to remain in their cars or seated unless recognized by the Moderator. They can then approach the microphone and speak. They must wear a mask at all times. A staff person wearing PPE will be present to wipe down the microphone after every speaker.

Physical (Social) Distancing

Questions to consider:

1. How will physical distancing be enforced?

Ideas and considerations:

- Eliminate close physical contact between individuals to include hand shaking, hugs and other close interactions. Distancing guidance recommends a minimum six foot separation to reduce the spread of the virus. It is acceptable for individuals to be closer than six feet but this should only be when passing while masked and should be for the shortest time possible.
- Town officials should model this behavior, train volunteers and staff, and support members of the public in enacting this behavior.
- Consider creating a plan and having guides available for safe exiting at the end of the meeting. Include dismissing by sections, no socializing, go directly to cars, etc.

Masks

Questions to consider:

1. If you are meeting outdoors, will you require masks?
2. How will you handle participants who do not wish to wear masks, whether for medical reasons or other reasons?

Ideas and Considerations:

- Local BOH enforcement will determine whether people without masks may participate in the meeting and, if so, where they should be seated. The Berkshire County Board of Health Associations recommends, “Anyone without a mask should be seated in a section with a separate microphone or in a separate room with closed circuit TV and a microphone. Consider having the local Board of Health pass a local regulation requiring masks in all public places where 10 or more unrelated people gather with violation fines of up to \$500.” (p. 2)
- If people are in cars, they may remove masks.
- Whether or not people should wear masks at a microphone should be determined by the local BOH.
- The Moderator should follow the same rules as all attendees.
- As of May 6, 2020, the governor has issued an order requiring mask and face coverings when in public places and instances when physical distancing cannot be maintained. At town events or “gatherings” masks shall be a requirement for all participants. Mask and face covering are for the protection of the person wearing the mask and for the protection of those around them. Mask and face coverings must be worn properly covering both the mouth and nose.
- Many towns have their own orders requiring masks.
- If attendees can not wear a mask for medical reasons, consider requiring a doctor’s note, if this is legally permitted, and seat them separately (see Appendix A).

Warrant

Questions to consider:

1. How can the town prepare the warrant so that the essential legislation of the town gets accomplished with time exposure at a minimum?
2. How can the town condense a warrant which already has been posted to address only those articles that are most pressing?

Ideas and Considerations:

- The warrant should be limited to only essential articles and consent agenda used if possible (although if the articles are essential, it doesn't seem that a consent agenda will be appropriate in many cases).
- Procedures to consolidate the warrant include Indefinite Postponement, Consent Agenda (Calendar).
 - If the motion to delay the articles is "to take no action" or "for indefinite postponement" (which requires a simple majority) or "to lay on the table" (requires a 2/3 majority), normally, these motions effectively kill the article. The Select Board should ensure voters that they will indeed place the article on a future warrant.
 - For zoning articles, however, the Select Board may consider "to move to refer to the planning board (or some other committee) for further study." (See *Town Meeting Time*, p. 119, fn. 10).
 - These motions should be printed in the warrant or a separate motion sheet to be distributed to the voters.
 - If the article is a citizen petition, the Select Board should speak with the petitioner prior to the meeting.

Distribution of Information

Questions to ask:

1. How are data to be made available?
2. Should there be handouts? If so, how will they be distributed?
3. Will you use video, radio, mailed materials?
4. Will you use online material?

Ideas and Considerations:

- Information on articles could be available on-line beforehand, and accessible on-line during the meeting.
- Packets of information could be put on chairs.
- Materials could be physically distributed by mail or by volunteers.
- Materials could be physically delivered at check-in, by glove-wearing volunteers.
- It may not be advisable for materials to be left on a table for people to take.

Seating

Questions to consider:

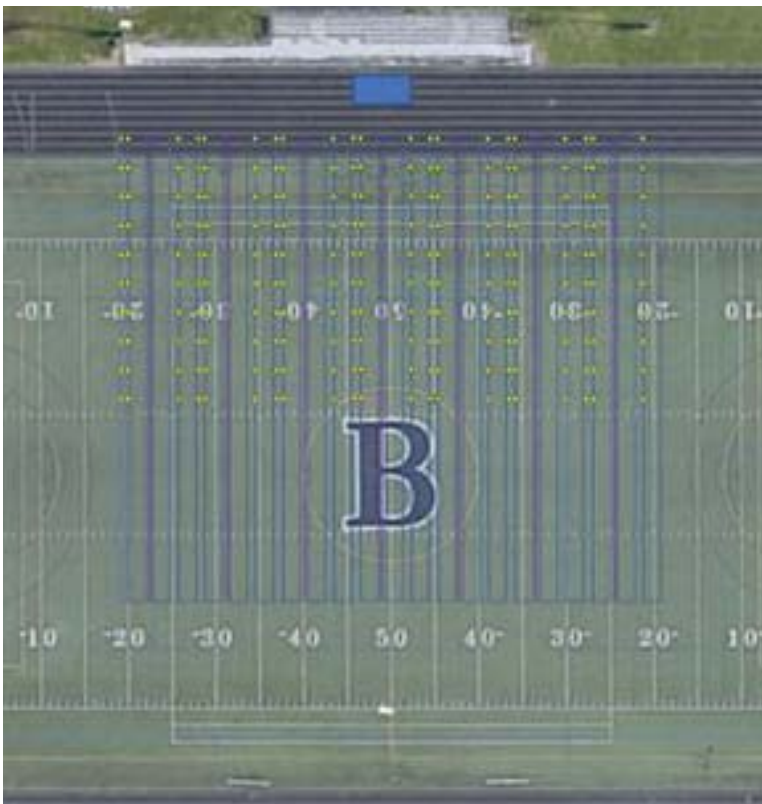
1. How will you separate participants?
2. Who will prepare seating?
3. Will members of the same household be permitted to sit together? Where?
4. Should a family area, given the inadvisability of sponsored child care, be provided in either an indoor (separate classrooms with a Zoom connection) or outdoor (a dedicated “blanket bring your own chairs” area) venue.
5. Will a tent be available for the respite area for anyone who has a medical emergency?

Ideas and Considerations:

- Chalk out spaces for chairs, dotting where chairs are to be placed.
- Physical distancing while setting up seating should use **at least** a six-foot rule, setting a six-foot square around a seated position.
- The website Safe-meeting.org can be used to determine square footage required for the expected number of attendees to be seated at a safe distance.
- Members of the same household may be able to sit together.
- Consider setting up alternating rows of double chairs and single chairs with **at least** six-foot aisles in between. Household members can sit in the double chair rows, all others in the single chair rows. Flow of persons walking is directional on one-way

paths.

- Advise attendees that chairs must not be moved under any circumstances.
- See the sample designs for a football field and for a parking lot.
- Exiting must be planned and monitored.



This sample set-up shows 200 seats. It can be expanded to 900 seats.

Each yellow dot is a chair.

Each purple line is an aisle.

Microphones could be set up at the end of the aisle.



210 Seats



A close-up view

Foot Traffic/Pathways

Questions to consider:

1. How will people walk to different destinations, like seating, microphones, bathrooms?
2. How should one-way paths be laid out?

Ideas and Considerations:

- Plan for the flow of participants through lines or pathways to establish a non-crossing traffic pattern. Consider using separate entry and exit points.
- Plan for a row-by-row dismissal process so that not everyone gets to the exit points at the same time.

Mobility/ADA Access

Questions to consider:

1. What provisions will be necessary to ensure that the meeting is structured so that it is accessible to those with mobility issues or other disabilities?

Ideas and Considerations:

- Consider consulting with the local Council on Disabilities for suggestions applicable to the chosen venue.
- Consider having a signer for deaf and hard-of-hearing voters, or live-captioning if there is video.
- If the meeting is outside on a grass surface that may be challenging for some to walk on, consider having appropriately located seating on a firm surface adjacent to the restrooms and microphone.
- Whether outdoors or indoors, if the new meeting space or adaptation to maintain physical distancing creates longer lines or variable entry and exits, plan for accommodations for any people who may not be able to participate in new safety procedures.

Tone/Climate

Questions to consider:

1. People have experienced trauma; we all are experiencing some form of it. How might your community plan for a trauma-informed meeting? How will it affect people?
2. How might you adapt your usual approach to be sensitive to community members under stress?

Ideas and Considerations:

- Recognizing, at the beginning of the meeting, of the losses suffered by many members.
- Consider emphasizing the nature of town meeting as coming together historically under duress, to take care of each other and the community at large.
- Attempt to strike a hopeful tone that expresses resiliency. We have all tried to find strength and bonds and community in innovative ways, adapting to our new situation.

Ceremony

Questions to consider:

1. Will you or are you required to, include ceremonial opening practices, like the Pledge of Allegiance? Invocations? Scouts carrying flags?

Ideas and Considerations:

- Including traditional ceremonial activity makes the meeting “feel” like what the voters are used to and sets a respectful tone.
- However, eliminating ceremonial activity saves time and therefore reduces risk.
- Consider televising and putting online a full recognition of any extended ceremonial

recognitions and modifying it for time at the live event.

- Pledge of Allegiance--if voters are in cars, they should not get out and stand. Consider having someone (Veteran, Medical Professional, First Responder, Teacher, Grocery store) act as proxies for everyone by reciting the Pledge. Alternatively, consider arranging for voters to hear a broadcast version of America the Beautiful or the Star Spangled Banner (which should put everyone in the right frame of mind).
- Consider recognizing who is in the audience and what their involvement with this pandemic has been (including anyone who comes to town meeting).

Resources

Outside Guidance

Berkshire County Boards of Health Association. "Safer Voting during COVID-19 (Coronavirus)" April 20, 2020.

Center for Disease Control. "DRAFT Interim COVID Guidance for Communities of Faith," *New York Times*, May 7, 2020.

<https://int.nyt.com/data/documenthelper/6935-CDC-opening-guidelines/e1a8802d0d76b3eb43a8/optimized/full.pdf#page=1>

Center for Disease Control. "Interim Guidance on Mass Gatherings," April 5, 2020.

https://www.cdc.gov/coronavirus/2019-ncov/downloads/Mass-Gatherings-Document_FINAL.pdf

Department of Elementary and Secondary Education (DESE). "High School Graduation Guidelines from DPH/HHS to Help Prevent the Spread of COVID-19," May 21, 2020.

<https://www.mass.gov/doc/a-message-from-anf-secretary-heffernan-regarding-coronavirus-relief-funds/download>

Massachusetts Association of Boards of Health, "Semi-final Guidance, COVID-19 The Role of the Board of Health in the Postponement/Continuance of Town Meeting" May 12, 2020.

Public Health Information

Bromage, E. "The Risks--Know Them--Avoid Them," 6 May 2020, and references cited therein.

https://www.erinbromage.com/post/the-risks-know-them-avoid-them?campaign_id=9&emc=edit_nn_20200511&instance_id=18384&nl=the-morning®i_id=123588584&segment_id=27239&te=1&user_id=3c62f0245633acd37740b47806e59a1c

Sheikh, K. "Talking Can Generate Coronavirus Droplets That Linger Up to 14 Minutes." *New York Times*, May 14, 2020.

https://www.nytimes.com/2020/05/14/health/coronavirus-infections.html?fbclid=IwAR32DDEtsiD-oBYD_9mqg_atWhQ-hEocw56-YvPvt1W01zIVUvLFmDEI9Yk

Other

Bryan, F. M. *Real Democracy: The New England Town Meeting and How It Works* (U of Chicago P, 2004).

Curato, N. *Democracy in a Time of Misery: From Spectacular Tragedies to Deliberative Action* (Oxford UP, 2019).

APPENDIX

**QUESTIONS SUBMITTED BY
MASSACHUSETTS MODERATORS ASSOCIATION
TO
MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH
AND
MASSACHUSETTS ASSOCIATION OF BOARDS OF HEALTH**

These questions pertain to the conduct of town meetings during Governor Baker's Declaration of Emergency.

1. Should temperature checks be performed as voters are checking in for the meeting?
2. Should written materials for voters be left on tables to be picked up, or should they be handed to voters by volunteers?
3. If handed to them by volunteers, what protective equipment do you recommend?
4. Should children be permitted to attend?
5. If children are permitted to attend, should a family seating area be provided?
6. Is it legally permissible to ask an individual who is not wearing a mask why he or she is not?
7. Is it legally permissible to request an individual not wearing a mask to provide documentation of a medical reason not to wear one?
8. Is it legally permissible to require an individual not wearing a mask to provide documentation of a medical reason not to wear one?
9. Do you recommend that individuals who do not wear masks for medical reasons be seated separately from other voters wearing masks?
10. Do you recommend that special seating provisions or other measures be implemented for people who are 65 or older or who are otherwise subject to increased risk factors?
11. What method do you recommend to protect against viral transmission from microphones used by multiple speakers?
12. What method do you recommend to protect against viral transmission from microphones with foam coverings used to reduce wind interference?