

MINUTES
Warrant Committee Meeting
April 25, 2023

Warrant Committee Members	Steve Callahan, Bob Sliney, Ed Vozzella, Brent Nelson, Peter Michelson Mather Eldred Participating Remotely: Sharon Tatro, Jill Rafter Absent: Jeremy Marsette
Guests	In Person: Mark Cerel, Town Counsel Tim Knight, and Kristin Simonini -Medfield School Committee Chris Potts – Sponsor of Citizen Petition Article 28 Rich Ryder – Member of Board, Council on Aging Sarah Hanifan – Council on Aging Director Bill Harvey – Water and Sewer Board Jeff Hyman – Sponsor of Citizen Petition Article 30 Teresa Prego – Sponsor of Citizen Petition Article 30 Kristine Trierweiler, Town Administrator Frank Gervasio, Deputy Town Administrator Andrew Foster, Town Accountant
Meeting Location	Town House Chenery Hall
Meeting Times	7:05 p.m. to 9:53 p.m.
Approval of Previous Meeting Minutes	March 28 th , April 6 th , and April 11 th
Operational Budgets (including votes taken)	N/A
Warrant Articles (including votes taken)	Article 19 – Construction of Garage at the Center at Medfield Article 27 – Water Conservation: Private Well Restrictions Article 28 – Citizens Petition: School Committee Public Hearings Article 29 – Citizens Petition: Compensation Transparency Article 30 – Citizens Petition: Creation of Groundwater Protection Committee Above articles addressed in narrative that follows:
List of all documents and exhibits used	Agenda for Meeting Email from Eileen Murphy on Article 27 Chris Potts Draft Motion for Article 28 WC questions submitted to School Committee Chair Tim Knight

	<p>Various pieces of information submitted by Chris Potts – for Article 28 Legal Opinion from counsel for SC on Article 28 Email from Tim Knight – SC Chair Various Massachusetts Municipal Law Unit decisions on Town Meeting actions of various towns in Massachusetts Material related to various requests for Transfers from the Reserve Fund Minutes of WC meeting March 28th, April 6th, and April 11th</p>
Other Business	n/a
Follow-ups	
Dates for Meetings including WC	May 1st
Discussion	<p>https://www.youtube.com/watch?v=2FP5gDUq3bk&t=84s</p> <p>Following a roll call of those members participating in the meeting, Steve declared a quorum of 8 of 9 Committee members in attendance and called the meeting to order. Steve made a disclosure that the meeting was being recorded and would be made available.</p> <p>The first order of business was the approval of meeting minutes. A motion to approve the meeting minutes for March 28th, April 6th and April 11th was made, seconded, and voted (7 in favor, 1 abstention) by a roll call vote of all WC members participating in the meeting.</p> <p>The next order of business was a discussion with Town Counsel, Mark Cerel. Steve asked Mark to educate the WC on various legal and procedural matters including the Moderator’s role, Town Meeting procedures, warrant article formats, and related motions as well as his legal views on certain citizen petition articles. Mark commented on the legal context of MGL, Medfield Charter and Bylaws for Town Meeting. He indicated that the moderator maintains extremely broad discretion and is only required to be impartial and fair. He reviewed related guidance and the difference between warrant articles and motions. The warrant article is considered “notice,” however, as the meeting proceeds the action is on a “motion” under an article. The motion can be significantly narrower than an article but not broader than the related article. The focus of the town meeting is on proper process and procedure. Legality of actions is secondary. Town Meeting has authority to approve projects, authorize budgets, amend town bylaws, and may play a part in a charter amendment. Mark discussed limits on Town Meeting authority and indicated the final say on the legality of any action (consistent with state and federal law) rests with the Attorney General. Mark mentioned that if Town Meeting does not have authority over an action, you could always do a “sense” of the meeting with a non-binding action.</p>

Mark pointed out that it is not up to the Moderator to determine if the meeting has the authority, but he may get advice. Procedurally, the Moderator has authority to declare a motion as out of order. Moderator cannot rule on the legality of a motion and therefore cannot rule a motion as out of order if it were not legal but could rule a motion out of order if it were not procedurally correct. Ed asked with regards to citizen petitions if anything was not procedurally correct and out of order. Mark reviewed the town policy for citizen petitions and stated they previously met with each citizen petitioner. He pointed out that Town Meeting has authority to amend a bylaw or create a new bylaw. Mark stated that there were several issues with the format of the citizen petitions. There was a general discussion on Article 29 and how Mark collaborated with the petitioner to get the motion in proper format. He also discussed his concerns with Article 28, the required process for amending the charter, and differences in the process for charter amendments originated by citizen petitions. He stated that the draft motion on a charter amendment under Article 28 did not satisfy the six-month rule. MGL requires that charter amendments considered by Town Meeting must occur at a Town Meeting held six months or later after the original filing of petition (not earlier). He also stated his views that either a bylaw or charter amendment for Article 28 at the Town Meeting would not be viewed as consistent with MGL by the Attorney General and be viewed as impinging on the statutory authority of the School Committee. There was a general discussion on the authority of Town Meeting and those circumstances where the Mass Municipal Law Unit has ruled that Town Meeting has infringed on statutory executive authority of elected boards and committees. Peter asked about a hypothetical situation regarding whether the article was adopted, and the School Committee ignored a request to hold a public hearing on the superintendent's performance requested by a group of twenty-five citizens. What is the mechanism for enforcing? Mark answered that while such a scenario was unlikely, the remedy would be a court declaratory judgement. There being no further questions, Steve thanked Mark for his informative discussion.

The next order of business was a discussion of Article 19, construction of Garage at the Center at Medfield. Steve turned the discussion over to Rich Ryder and Sarah Hanifan who gave a presentation to the WC. Rich took the WC through a general discussion of the history and reasons for the requested \$300,000 funding under Article 19 for construction of a garage to protect expensive town assets. The vehicles are used in COA programming to transport seniors in town. The COA did request use of the DPW garage during snowstorms but was denied. In connection with the Hinkley housing project, a certain parcel of land under the care custody and control of the COA was needed for the project. The Selectboard and COA reached an agreement to sell this parcel of land to the Hinkley developer and designate proceeds from the sale (up to \$300,000) for the purpose of constructing a garage. Rich reviewed pictures and preliminary

schematic of proposed garage and answered several questions from WC members.

A motion to approve Article 19 as it appears in the Warrant was made, seconded, and unanimously voted by all WC members participating in the meeting.

The next order of business was Article 29, Compensation Transparency. This article was previously reviewed with the sponsor at a prior WC meeting. A motion to approve the draft motion on Article 29 was made, seconded, and unanimously voted by all WC members participating in the meeting.

The next order of business was Article 28, School Committee Public Hearing. Steve welcomed Tim Knight and Kristin Simonini as representatives from the School Committee. Steve indicated that questions for Tim and Kristen were sent in advance. These questions were made available to WC members along with additional information and materials received from Tim Knight and Chris Potts. Steve went through each question and solicited responses from Tim and Kristin. Tim stated that they were not aware of any other town or municipality where a similar charter provision or bylaw existed. The SC legal counsel opinion on Article 28 was shared with WC members. Tim did reach out to the AG office but was unsuccessful in reaching anyone. Peter mentioned the AG office had particularly good attorneys and he has spoken to one. He shared his insight that he learned that the AG office has dealt with this issue for Selectboards (town meeting infringing on executive branch authority), but that it had not come up in the context of a School Committee. However, he shared that they would most probably be viewed as consistent.

Tim then turned to policy matters and answered questions on the SC policy on public input, hearings and the separate ways and methods the SC stays informed and hears from members of the community. Kristin Simonini asked if there was any reason to believe the SC was behaving differently or was not consistent with other boards or committees in town. Bob stated that SC members have a different level of accountability because they are elected officials and asked if the question of transparency or ability to raise issues before the school committee came up in the recent elections. Kristin answered that these matters were not raised to her during the recent election. In response to a question if a request for hearing was ever denied, Tim indicated not to his knowledge. Tim and Kristin responded to additional questions raised from WC members around implications to how SC might conduct its meetings if this article were to be adopted. Tim also said that most decisions the SC makes are 60/40 decisions and very rarely is their unanimity on decisions. Tim mentioned that during the pandemic the SC was more internally focused and that they have intentionally focused more outwardly recently to ensure they are proactively connecting with the community. Kristin

mentioned there was an opportunity to be more forth coming with data and information. She gave example of the topic of looking into trends for private school enrollment. Tim also mentioned that the evaluation process of the superintendent is public information and provided in a public meeting. The SC follows the NASC process, and the chair brings information together for public dissemination. Steve and Bob thanked Tim and Kristin for their time answering questions for the WC.

Steve read some public comments received on-line. Steve then took public comments from those present at the meeting on Article 28. Teresa Prego and Chris Potts (sponsor of Article 28) provided their comments on the discussion on Article 28.

Steve invited WC members to express their views on the Article prior to entertaining a motion on Article 28. After WC members expressed their views, a motion to dismiss the proposed citizen petition's written motion for a charter amendment under Article 28 was made, seconded, and unanimously voted by all WC members participating in the meeting.

The next order of business was Article 27, water conservation private well restrictions. Steve referenced an email from Eileen Murphy, the sponsor of Article 27 and indicated that for the various reasons expressed in the email, it was the intention of Eileen to ask the selectboard to revote their position on Article 27 at the selectboard meeting on May 1st (current vote was a positive motion 2-1 in favor). With Eileen changing her vote the revote would be at least a 2-1 vote to dismiss. A motion to dismiss Article 27 as presented in the warrant was made, seconded, and voted unanimously by all WC members participating in the meeting (point of preference was made by Peter that while he was supportive of the article, he was voting to dismiss because the sponsor was going to dismiss the article).

The next order of business was Article 30, Creation of Groundwater Protection Committee. Steve asked Jeff Hyman and Teresa Prego to present to the WC about Article 30. Jeff reviewed the history of the meetings they had with the town administrator, counsel and the selectboard. It was noted the selectboard was not supportive of the article. Jeff and Teresa are going to move forward as a private committee and prioritize education of water issues for the community. Teresa expressed a concern that in the future the Town may be having discussions on water issues without everyone knowing what is going on, etc.

Steve asked Jeff and Teresa if they had investigated joining some of the many boards and committees involved in water issues given their background and interest in this topic. Jeff indicated they are looking to get on the agenda of these committees.

Bill Harvey indicated that the Water & Sewer board has recently created liaisons with other boards and committees in town that have responsibility

	<p>for water. Bob thanked Jeff and Teresa for being a catalyst to raise awareness on water issues.</p> <p>Steve also pointed out concerns with potential legal issues of the Town Meeting acting on an article not within their authority and infringing on the executive authority of the selectboard.</p> <p>Jeff and Teresa answered additional questions from WC members on the article and water issues.</p> <p>Steve and Bob thanked Jeff and Teresa for their time and interest in this topic. WC members expressed their views on Article 30.</p> <p>A motion to dismiss Article 30 as written in the warrant was made, seconded, and voted unanimously by all WC members participating in the meeting.</p> <p>Steve indicated an informational item that he was going to present to the School Building Committee on Thursday, April 27th, regarding Big Picture Financial Planning and Modeling for a New School Building.</p> <p>The last order of business was consideration of requests for transfers from the Reserve Fund.</p> <p>The first request was \$3,000 for costs of the Town Clerk for books and holding elections. A motion was made, seconded, and voted unanimously by all WC members participating in the meeting.</p> <p>The second request was \$15,322.62 for costs for town meeting warrants and printing the annual town reports for 2019, 2020, 2021 and 2022. A motion was made, seconded, and voted unanimously by all WC members participating in the meeting.</p> <p>The third request was \$50,000 for legal fees associated with various matters involving police arbitration, investigation, and an HR related matter. A motion was made, seconded, and voted unanimously by all WC members participating in the meeting.</p> <p>Kristine gave a brief update on annual town reports status and those reports that will be on-line before the town meeting.</p> <p>There being no further business a motion to adjourn was made, seconded, and unanimously voted by all WC members participating in the meeting.</p>
Attachments	See list of documents and exhibits

Respectfully Submitted: Stephen Callahan

Approved minutes to be sent to: branklin@medfield.net, fgervasio@medfield.net