

Moderator's Committee on Public Hearings (amended)
Minutes
July 12, 2012

The meeting of the Moderator's Committee on Public Hearings was held at 7 p.m. on Thursday, July 12, 2012 in Room 408 in Town Hall.

Attendees: Sean Lynn-Jones, Harry Friedman, Helen Herman, Richard Leary, and Donna Kalikow

Public attendees: Jennifer Dopazo Gilbert, Town Counsel; Regina Frawley and Jonathan Davis (petitioners of warrant article 9); Betsy DeWitt, Board of Selectmen; Harry Bohrs, Advisory Committee; Kate Bowditch, Conservation Commission; and Jim Batchelor, Preservation Commission

The Chair opened the meeting asking for amendments to the minutes. Amendments were noted and approved unanimously by the Committee. The Chair also provided several handouts.

Jennifer Dopazo Gilbert provided an overview of the definition of distinction between public hearing and public comment. She confirmed there is no definition of public hearing in Mass. State law. She described different types of public hearings conducted by the Board of Selectmen and other boards and commissions. She indicated that she would be amenable to some language change in the by-laws in Section 2.5.2. In her opinion, this would not be burdensome as a by-law. She also indicated that a standing policy on public hearings for warrant articles similar to Article 9 could be issued and approved by the Board of Selectmen. It would then be distributed to all staff and boards/commissions for implementation.

The Chair indicated that the School Committee and Planning Board had submitted written comments to the Moderator's Committee. The Chair of the Board of Selectmen was asked to comment. Betsy DeWitt stated that the board's practice is to take public comment, but time constraints can limit that discussion. They always hear from the petitioner on every warrant article. The concept of selectmen subcommittees was discussed. Because of the small size of the board, she did not think a subcommittee approach would be feasible. She indicated that the board would be amenable to a policy on public hearings for warrant articles. There was discussion about notice on re-consideration of warrant articles.

The petitioners spoke about the background behind the warrant article and cited the Advisory Committee policy on public hearings to be exemplary. The vast majority of boards and commissions will not consider warrant articles on a routine basis. It was also suggested that the moderator's committee could go beyond this warrant article and require every board and commission to open up each of their meetings with a public comment period, such as the town of Wellesley. It was then emphasized that the warrant article's intent was to restrict the public input to warrant articles because that affects every single resident of the town.

The Advisory Committee Chair summarized their process by stating that they were legally charged to render an opinion for Town Meeting and provide information and salient arguments pro and con for each article. They might invite other boards and commissions for technical input.

The Preservation Commission Chair stated that they conducted public hearings as required because of their regulatory responsibilities. A discussion ensued about land use and the distinction between adjudicatory authority vested by the state and non-adjudicatory led by Town Counsel. She stated that the Board of Selectmen could not implement a public hearing policy for the School Committee, Library Trustees, and Retirement Board. She wanted to do some more research about the Retirement Board.

The Conservation Commission Chair indicated that their hearings and procedures were spelled out under the Wetlands Protection Act. Regarding warrant articles, their practice guided by staff was to discuss whether they should weigh in on the content and then follow normal procedures for public comment. They do not always vote on every article.

The Chair stated that the School Committee's practice is for subcommittees to hold public hearings on warrant articles. The Planning Board stated that they already conduct public hearings on warrant articles.

It was noted that it would be helpful to have any examples of policies pertaining to public hearings for boards and commissions. Town Counsel indicated that if a new policy was adopted, guidelines would be issued in accordance with their office.

We thanked all public attendees for their input. The committee discussed the content of and dates for future meetings.

Thursday, July 19, 2012 (Room 209 – Town Hall) to evaluate and discuss potential proposals pertaining to the charge of this committee.

Thursday, August 16, 2012 (Town Hall Room 103) to conduct a public hearing.

Besides the public, all committees, boards and commissions would be invited to the public hearing.

Monday, August 27, 2012 (Town Hall Room 214) for final meeting and wrapup.

There was a motion to adjourn.