

**Town of Concord
Commonwealth of Massachusetts**

**Final Report
of the
Town Meeting Study Committee**

July 22, 1996

The months that led up to the Spring 1995 Town Election and Annual Town Meeting included a Special Town Meeting the preceding year and a group of citizens unsuccessfully petitioning the Selectmen for the placement of a non-binding, advisory question on the 1995 Town Election ballot. Their proposed ballot question dealt generally with the issue of voting warrant articles at the precinct polls. Citizens also placed a petition article on the Town Meeting warrant to determine whether the Town wanted "Warrant issues presented at Annual and Special Town Meetings ... [to] be voted on by registered voters at the precinct polls one week after the first session of the meeting...." The Board of Selectmen determined that the matter deserved careful study. The result was the appointment of the Town Meeting Study Committee, which was created on March 20, 1995, to explore options that would afford greater opportunity for citizens to participate in the Town's legislative process and that would enhance the effectiveness of that process.¹ The petition sponsors did not move their article at Town Meeting.

The Committee consisted of John H. Clymer, Esq., Dekkers L. Davidson, Tana L. Plauger, George F. Sprott, Carole M. Wayland, Esq., Deena M. Whitfield, and Jerome X. Lewis, Esq. Jerome Lewis served as the Committee Chair, Dekkers Davidson served as its Clerk and Selectman Carolyn C. Flood served as liaison from the Board of Selectmen. The Committee commenced its work on May 11, 1995, and concluded its work under its current charge with the rendering of this report to the Board Of Selectmen on July 22, 1996. The minutes of all meetings of the Committee, as well as various allied papers and other materials considered by or otherwise collected by the Committee, are on file with the Town Clerk. The Committee rendered two interim reports, the first dated October 2, 1995² and the second dated January 16, 1996³.

Throughout its many months of work, the Committee was constantly mindful of the seriousness of its task and the need for ultimate citizen approval of anything it recommended. There is much about the Open Town Meeting form of government of which to be proud. In its various forms, it has served Concord and similar towns well for more than 360 years. It has been said to be the purest form of democracy, where each citizen has the opportunity to be his or her own legislator. At the same time, while retaining the essence of Open Town Meeting, that is to say the notion of coming together to debate and decide issues for the citizenry's own governance, the development of the warrant and much about the meeting itself have undergone marked change from its beginnings. It is, no doubt, this very flexibility that allows a basic process that was born in a vastly simpler, largely agrarian society to remain viable and relevant today. Then, attendance was confined to male property-owners and church-members. At that time, Town government business consisted of little more than Town Meeting business. Attendance was not merely permitted, not merely encouraged, but was required under penalty of fine for non-attendance.

¹ See Town Meeting Study Committee Charge, dated 3/20/95, attached as Appendix I.

² Attached as Appendix II.

³ Attached as Appendix III.

To say that times have changed cannot be gainsaid. It was against this backdrop of reverence for history and tradition with the changing needs and life patterns of today's citizens in the foreground that the Town Meeting Study Committee conducted its work.

The Committee determined early on that, as its work would need to be widely accepted by the citizens of the Town, it would need to be certain that its recommendations reflected their desires to the greatest extent possible. To this end, the Committee set time aside at each of its meetings to solicit comments from the public. Further to this end, the Committee conducted two public forums to hear directly from the public their expressions of concern and satisfaction with the Open Town Meeting Process. One was held on a weekday's evening and the other on a Sunday afternoon in order to maximize the opportunity for citizens to attend. Still further to this end, the Committee mailed a questionnaire to the Town's eligible voters. This questionnaire was intended to assess the level of satisfaction with existing Open Town Meeting practices as well as to obtain demographic data on the respondents. Responses were designed to be anonymous. Over time, 1957 responses were received from the 11,750 questionnaires that were sent. 1905 responses were received in sufficient time to be analyzed. Opinion Dynamics Corporation of Cambridge, Massachusetts, both assisted the Committee in the preparation of the questionnaire and assisted it in tabulating the results *pro bono*.⁴ Given questions as to the nature of the survey's sampling techniques and their impact upon its statistical accuracy as a reflection of the entire Town's voters' positions, the Committee would only use the results as some 1905 data points and not attach any special statistical significance to the data. Having said that, the data was nevertheless invaluable as a reference for the Committee's later work.

The Committee members, after extensive public discussion and individual reflection, determined that the Town appeared to desire to retain Open Town Meeting in some form, whether as the vehicle of legislative disposition or only legislative discussion. In this regard, while there was an occasional voice in support of some form of representational government, including representative town meeting, the Committee detected no strong feeling in the town for it. To the contrary, the clear majority sentiment was in favor of more direct citizen participation in the legislative process, not less. But as between the extremes of retaining Open Town Meeting as the vehicle of legislative disposition or solely legislative discussion, the Committee could not determine the Town's view as to how, where or when votes should be taken. Some citizens placed a higher value on the opportunity to vote, while others stressed participation in the deliberative process as a necessary, immediate precursor to voting. To attempt to clarify the Town's position, Committee members proposed that five options be placed on the March 26th Town Election ballot. The options ranged from retaining the present practice of voting at Open Town Meeting at the one extreme to a practice of moving all voting to a secret ballot at the precinct polls several weeks following the last session of the deliberations at Open Town Meeting at the other. The wording of the options, as they appeared on the Town Election ballot, are at Appendix V.

The Committee framed the options as philosophical outlines of alternatives that needed some explanation. The Committee saw the requirement for additional study of the full legal and practical ramifications of some of them, particularly in the area of the applicability of the Massachusetts Campaign and Political Finance laws, should the Town express a preference for them. While legislation might be required to implement some of them, the Committee determined that this should not be a deterrent to further consideration if that was what the Town desired. The Committee believed that each of the options was reasonable on its face; but, if the Town had no taste for a particular option, research efforts that could be both time-consuming and expensive would be unneeded. The Committee conducted three public forums wherein Committee members assumed roles that advocated each of the options. These forums were conducted at various sites in Town on two weekday evenings and one Sunday

⁴ See Concord Massachusetts Town Meeting Survey, ODC #4033, and Tabulations, attached as Appendix IV.

afternoon again to afford the greatest opportunity for citizens to attend. The purpose of the forums was to explain the philosophical basis that underlay each option with, to the extent that they were known, some of the legal and practical ramifications of the option. Keen interest and outspokenness by citizens was in great evidence.

The five options of the Committee were voted on by the Town at its Election of March 26 as non-binding and advisory only. There was a sixth ballot question placed on the ballot by petition. The results appear at Appendix VI. While the majority of the voters at the Election supported no change, a large minority supported some form of voting on some or all warrant articles at the polls. Accordingly, there being no clear mandate to remove the vote from the Open Town Meeting, we recommend there be no change in this regard at this time. Given the considerable interest in the voting issue, however, this report concludes with a recommendation for further study in this area.

Coincident with its work on the voting issues, the Committee also considered ways to improve Open Town Meeting sessions to make them more accessible, less daunting and intimidating, less physically taxing and generally more "user-friendly" while maintaining that which is good about the process. The Committee's recommendations in this area follow below.

Recommendations

I. Within Open Town Meeting:

Prefatory note: While the Committee understands that it is the prerogative of each Town Meeting to set its own rules, subject to certain constraints of superior law and the Town's own by-laws, Concord has a tradition of fair-mindedness and a strong sense of fair-play. Accordingly, the Committee is confident that Concord's voters at Town Meetings, in this same spirit of fair-mindedness and fair-play, will abide by the procedural norms and expectations set by earlier Town Meetings as it has in the past, as well as show a willingness to adopt well-reasoned recommended changes. A recent example is Town Meeting's embrace of the consent calendar process. As is stated in Concord Town Meeting Traditions and Procedures, the Meeting sensibly decides ... to follow a reasonable and well-reasoned suggestion.

A. The Consent Calendar should be continued and expanded where possible

Problem: To balance the expeditious disposition of the Town's legislative business with its full and unhurried consideration.

Detail: This process is designed to deal with non-controversial, administrative-type actions that Town Meeting is required to take under the General Laws. It provides for a single vote on all items included in the Consent Calendar unless five voters at the meeting request that any particular item be removed.

Rationale: The process greatly expedites action on the type matters for which it was designed, thereby affording more time for the full and careful discussion and deliberation of more complex or controversial matters. This year's Town Meeting took up a Consent Calendar with twelve articles on it. One was removed at the request of five voters. The remaining eleven articles were disposed of within some fifteen minutes, start to finish, thereby reducing the number of articles for individual disposition from 55 to 44. Approximately one-third of the remainder were either petition articles or zoning by-law amendments that did not permit of Consent Calendar treatment.

B. High-interest warrant articles should be taken up at times certain announced prior to Town Meeting.

Problem: Many voters cannot find the time in their schedules to attend all sessions of Town Meeting, yet they greatly desire to attend the debate and vote on selected articles of particular interest to them.

Detail: The selectmen and the moderator should be able to determine from various sources those articles that have generated high levels of interest in the Town. These articles, once identified, should be scheduled to be taken up at a time certain. To more accurately predict those times, they should be toward the beginning of a session, if not the first article taken up then perhaps the second. If the Committee's later recommendation regarding a 7:00 p.m. start time for evening sessions is adopted, high-interest articles should not be taken up prior to 7:30 p.m. If business proceeds more rapidly than expected, other non-high-interest articles should be moved forward to fill in available meeting time or the session should be recessed early. No high-interest article should be taken up at a time earlier than that announced in advance of Town Meeting. Notice of this schedule should be published via all available public means beginning not

later than two weeks in advance of Town Meeting.

Rationale: Certainly, it can be anticipated that more voters will want to cast their votes on high-interest articles than on others. In these cases, voters who may be unable to attend entire Town Meeting sessions might be able to attend a portion of one if they knew in advance when the article of their interest would be taken up. They should be accommodated. So doing would afford a greater decision-base for the disposition of the article and increase the likelihood of wider acceptance of the outcome. The Selectmen and the Moderator of the 1996 Town Meeting so scheduled one high-interest article and are to be congratulated for their efforts to this end. As it happened, the article was on the Warrant by petition and the petitioner did not move the article. Nonetheless, the scheduling practice is sound and should be utilized wherever there is a high-interest matter at issue.

C. "Pro" and "Con" microphones should continue to be used during Town Meeting debate

Problem: Where speakers from the floor merely queue up at any microphone, it is more difficult for the Moderator and the Meeting to gain a sense of the mood of the Meeting to continue the debate or vote. Moreover, the Moderator does not know whether a speaker is going to speak in favor of or against a motion, making it difficult to create a sense of fairness by giving equal time to both sides of an issue.

Detail: The Moderator of the 1996 Town Meeting required speakers to use certain microphones denoted "pro" and "con" during the discussion of the various articles. If they were speaking in favor of an issue before the Meeting, they used the "pro" microphone. If they were speaking in opposition, they used the "con". Those raising procedural matters could use either. This should be continued.

Rationale: This practice permitted all present to tell from a glance at the length of the lines at the two microphones the mood of the Meeting and its closeness to a vote. In this manner, the Moderator was better able to manage the conduct of the Meeting, move it along expeditiously without cutting off meaningful debate, and give proponents and opponents equal access to "air time".

D. Greater publicity should be given of the opportunity for opponents of an article to have additional time to speak at Town Meeting.

Problem: Many citizens seem to be unaware of their opportunity to speak for more than four minutes in opposition to a motion and thereby feel that matters are "steamrolled" through Town Meeting.

Detail: Current practice is to allow eight minutes for the presenter of a motion to speak and four minutes for all others. There is a long tradition in Concord for its Moderator to be generous in granting reasonable additional time, upon prior application, to anyone who wishes to speak. This opportunity should be continued, but its availability must be much better publicized and should be expressly addressed in the next edition of *Concord Town Meeting Traditions and Procedures*.

Rationale: While the Moderator must remain in full charge of the conduct of the Meeting, allowing additional time over four minutes to individuals upon prior

application goes a long way toward enhancing a sense of fairness. The Committee is aware of no occasion when this was not done. Notwithstanding, many citizens are apparently unaware of the opportunity to request additional time and feel the standard time limits are unfair.

E. A Town Meeting Procedure Resource Person should be appointed to assist voters with Meeting procedural questions during the course of the Meeting.

Problem: Many citizens are inhibited from fuller participation in Town Meeting activities because they are uncertain as to proper meeting procedures.

Detail: A person knowledgeable in Town Meeting procedure should be appointed by the Moderator and his or her identity and location announced in order to be available to voters for consultation on process issues, assistance in drafting and presentation of motions, amendments, etc.

Rationale: Many people, new voters particularly, who want to make a motion or otherwise more fully participate in the process may feel inhibited in interrupting the Moderator for advice during the course of Town Meeting. Too, any interruption of the Moderator for assistance in procedural matters impedes the flow of the meeting. While admitting some risk that the Resource Person and the Moderator may view a matter differently and a motion based upon the Resource Person's advice could be ruled out of order, this could be expected to be extremely rare. The Committee believes the appointment and announcement of a Resource Person would make Town Meetings considerably more "user-friendly".

F. Town boards and committees to whom questions are posed in the course of debate at Open Town Meeting should make every effort to answer them.

Problem: Now and again, a citizen's question at Town Meeting will either go unanswered or be answered incompletely where listeners are not as informed on a subject as committee or board members may be. While this does not occur frequently, it has happened and is always quite visible and leaves citizens on both sides of an issue unsettled.

Detail: Committees and board members should make every effort fully to answer for the benefit of all listeners at Town Meeting all questions of a non-rhetorical, non-argumentative nature.

Rationale: While there is a constant conflict between moving the Meeting forward in the interest of efficiency and full and unlimited debate, the Moderator should continue to encourage direct answers to all good-faith questions raised at Town Meeting. All parties should be guided by the precept that a salient feature of Town Meeting debate is to inform.

G. Weeknight Town Meeting sessions should start at 7:00 p.m.

Problem: Weeknight sessions of Town Meeting adjourn at too late an hour.

Detail: None

Rationale: In an effort to end sessions slightly earlier while, at the same time, affording a reasonable length of time for the meeting, Meetings should begin 30 minutes sooner than at present. Some voters may find it a modest hardship to arrive at this earlier time, but the Committee believes that most voters will be able to accommodate to it and would appreciate the earlier ending time this would permit.

H. Weeknight Town Meeting session should take up no new business after 10:00 p.m.

Problem: Weeknight sessions of Town Meeting adjourn too late, adding to the difficulty of arranging business and personal schedules so as to permit attendance and adding to the physical toll on attendees.

Detail: None

Rationale: The Committee understands that each legislative body, in this case Town Meeting, may decide when it should recess or adjourn. Notwithstanding, it is the Committee's opinion that voters would be amenable to a suggestion that responds to the needs of those who have baby-sitters, those who have to go to school the next day, those who need to get up early for work the next day and those who are just too tired to continue intelligently to conduct business at a late hour.

I. The opportunity to vote by secret ballot at Open Town Meeting should be expanded and the voting mechanism streamlined.

Problem: Many citizens are reluctant to be seen to take an unpopular position at Town Meeting and are also reluctant to initiate the present procedure for secret ballot. Accordingly, they feel disenfranchised from the process.

Detail: There should be two alternative "triggers" to require secret ballot on a particular article — a signed petition submitted anytime at the session at which the article is to be taken up and containing the names of at least 25 voters then present; and a request made just prior to taking a vote on the main motion and supported by at least 24 others standing in support. Secret voting procedures at Town Meetings should be perceptively improved so as to increase the speed and efficiency of taking the vote without jeopardizing its integrity. The Town's neighbors in Maynard utilize a relatively efficient secret ballot procedure and could afford suggestions as to how Concord might want to do it.

Rationale: Many voters, far from being timid regarding their votes, are proud to "stand and be counted". Others are uncomfortable in doing so in front of friends, family, neighbors and, possibly, business colleagues and supervisors. While Concord has a secret ballot process for its Town Meeting, its triggers and procedure are scarcely known. Many voters, looking at the length of time a standing "head-count" requires, are extremely reluctant to request a secret ballot, particularly when to do so would require a majority vote of the Meeting. While the Committee has detailed views as to what the mechanics of a secret ballot process might be, it will defer to the knowledge, experience and initiative of the Moderator and his tellers to develop a process that will satisfy the criteria of speed, efficiency and integrity of the vote.

Special note: As this would constitute a marked change in our Town Meeting procedure, the Committee recommends that the Town first submit this procedure to a trial period by the vote of the next Town Meeting as a procedural matter at the start of the first session. That the Town Meeting will take up a procedural motion to this effect should be well publicized in advance in order that voters be prepared both to vote intelligently on the motion and to act under the trial procedure at the Meeting if it is adopted. The Committee recommends this trial procedure be followed at two Town Meetings, after which it should be considered for adoption as a by-law. The Committee appreciates that by-laws, after passage by Town Meeting, would need the approval of the Attorney General.

II. Town Meeting matters outside the conduct of the sessions

A. Two Town Meetings per year.

Problem: Disposing of a single, long warrant in fewer than four sessions of Town Meeting typically results in marathon sessions.

Detail: Concord should have two warrants and should convene two Open Town Meetings to dispose of those warrants. The Spring warrant should be confined, to the extent possible, to fiscal issues, and the Fall Warrant should be confined, to the extent possible, to all other issues. It is understood that citizens have a right to place petition articles on any warrant, and this right would remain unaffected. It is also understood that the Town government may need to have Town Meeting act on a matter that falls out of cycle. This, too, could be accommodated.

Rationale: The existing single warrant contains too much business to dispose of in less than four sessions of a typical Town Meeting. Four sessions conducted within a short time-span is simply too physically taxing for many citizens and requires unnecessary business and personal trade-offs for others. Dividing the Town's legislative business into two meetings would entail some increase in cost to the Town but, in the view of the Committee, the additional cost would be worth bearing. Moreover, according to the Town Manager, two Town Meetings each year might actually ease the burden on the various Town departments and committees to do their work in preparation for each meeting.

B. Convene Town Meeting on Sunday afternoon, with ensuing sessions on successive weekday evenings.

Problem: Some citizens find it exceedingly difficult to attend Town Meeting on weekday evenings by reason of business and personal schedules or dependent care issues.

Detail: The first session of Town Meeting should convene at approximately 2:00 p.m. and run until approximately 6:00 p.m., Sunday. The present Town by-law that proscribes beginning any session of Town Meeting before 7:00 p.m. would need to be changed. The Committee recommends simple repeal, which repeal will likely not require review and approval by the Attorney General.

Rationale: Many citizens have stated that they cannot arrange their business and personal

affairs so as to attend successive weekday evening sessions of Town Meeting. Issues ranging from business travel to baby-sitters during the weekday were cited as impediments to Town Meeting attendance. Too, weekday evening sessions following a full workday is physically taxing for many citizens. Accordingly, one weekend session of a given Town Meeting appears to be highly desirable. Saturday during the day was avoided by the Committee as a clear conflict with the Jewish sabbath. Saturday evening is to be avoided as in too great a conflict with many other personal commitments. Sunday morning was avoided as in conflict with most Christian worship services. While the Committee did not poll every religious denomination in Concord, it is believed that Sunday afternoon would not pose an obstacle, as an article of faith, to any significant number of citizens who desired to attend Town Meeting at that time.

C. Continue the existing Child Care program for Town Meeting attendees

Problem: Citizens with young families cannot always find affordable, qualified child-care during Town Meeting time.

Detail: The concept of child care provided by the Recreation Department is sound and affords significant assistance for the two Town Meetings where done. If the Committee's recommendation for a Sunday afternoon session is adopted, more citizens are likely to avail themselves of this service. It is also noted that, this Spring, the Girl Scouts furnished in-home child-care service. The Committee recommends that other community groups be strongly encouraged to do the same. Additionally, the Administration of the Concord-Carlisle High School should be approached with the recommendation that they consider granting community service credit for high school students to organize and manage (under appropriate adult supervision) the Town Meeting In-home Child-care Service.

Rationale: Child care at the Town Meeting site, though initially sparsely utilized, can be expected to grow in utilization, particularly if the Town were to conduct some of its meetings during a weekend afternoon. It is a service with little overhead or cost and may mean the difference between some citizens being able to attend or not. In-home baby-sitting or child care should not become a direct undertaking of the Town but should be encouraged as a very worthwhile community service for the scouts or, at a more senior, quasi-management level, high school students.

D. Transportation for the elderly should be continued

Problem: Many elderly citizens who desire to attend Town Meeting require transportation assistance, particularly for evening events.

Detail: The Council on Aging presently provides transportation for the elderly to Town Meeting sessions. The Council has the necessary equipment, and this task fits precisely within its present mission. Moreover, the elderly are already acquainted with other similar services provided by the Council on Aging and are comfortable in calling upon them for this service as well. The Committee recommends that this be continued and expanded to include, to the extent that it does not interfere with the full accommodation of the elderly, any citizen of any age who needs transportation to or from Town Meeting. This could be done on a stand-by basis when it is certain that all elderly will have been transported.

Rationale: This is another service of small cost that may make the difference between a citizen's being able to attend Town Meeting or not. Any service of this nature should be continued and expanded within the limits of present resources.

III. Matters pertaining to Town government generally

A. **The Board and Committee hearing processes leading up to Town Meeting should be improved so that more citizens are encouraged to attend and participate.**

Problem: One complaint was that Town government was in the grip of a small number of citizens who controlled both the committees and boards and, to a lesser extent, Town Meeting. A related complaint was that Town Meeting was merely a ratification process for the work of the committees and boards. Still another related complaint was that, on some occasions, citizens were not well received at committee and board meetings.

Detail: Open Town Meeting is the natural culmination of the considerable legislative preliminary work done at the Board and Committee level of Town government. The hearing process for those boards and committees, without exception, must continue to generate a feeling of openness and welcome to citizens. Sufficient time should be scheduled into all meetings and hearings to allow for citizen questions and comment. Citizen input gathered at meetings and hearing should be acknowledged and, to the extent possible, responded to.

Rationale: One of the strongest features of local government should be its closeness to its citizens. In Concord, a large portion of the Town's government is directly in the hands of its citizens in the form of boards and committees on which citizens serve. Notwithstanding this, it is still vital that no "us" and "they" feelings be permitted to arise between those who serve and those who are served. In the view of the Committee, Open Town Meeting indeed usually does "ratify" the work of committees and boards, such is the quality of their work. The Town should be disappointed were this not the case. Given this fact, however, it is all the more important that committees and boards stay connected to our citizens. The admittedly extra time that is required to listen, *and be shown to be listening*, to other citizens is time well invested.

B. **A Communications Committee should be appointed to develop and implement a Communications Coordination Master Plan.**

Problem: The Town could take greater advantage of the myriad of technological means available to inform the citizens of the Town about its Town government.

Detail: This committee would assess the needs and seek opportunities to keep citizens informed about their Town government utilizing a wide variety of available means of public communications while applying strict measures of cost-effectiveness. To this end, they would develop and implement a master plan. The hallmark of the Town's communications effort must be that all information be delivered in the fullest, fairest, least edited manner possible. A non-comprehensive, illustrative short list of recommendations in this area immediately follows.

Rationale: While the Town is doing some things in the area of communications with its citizens, Concord is a town that is capable of far more. Citizens take considerable, justifiable pride in the education and training their children receive in the schools in various form of electronic media. A very high percentage of households in Concord have computers linked in various fashions to wide-area networks. Notwithstanding, Town government utilizes little more than broadcasting Selectmen Meetings and, most recently, a Town Manager forum.

1. Board of Selectmen's meetings should be broadcast both by television and radio.

Problem: As many as one-third of the households in Concord do not have cable television. They should have a means to passively "participate" in Board of Selectmen's hearings, just as do those with cable.

Detail: The audio from the present Channel 8 taping of Board of Selectmen's sessions should be capable of being broadcast over local radio, whether "live" or in later broadcast. This should incur little if any additional cost to the Town.

Rationale: For little, if any, additional cost to the Town, any interested citizen would be able to hear Board of Selectmen's proceedings without the necessity of attending. This would greatly aid the elderly or those who otherwise would find it difficult to attend Selectmen's meetings.

2. Publish a weekly Concord Community Calendar that would utilize a very wide range of outlets.

Problem: There is no single source from which to learn of all official and unofficial community events. The source should have wide access and dissemination, ideally in near real-time.

Detail: The Concord Community Calendar should be posted in the Town House and the Libraries, as well as broadcast over radio and Channel 8 as public service messages, and placed on the Concord World-wide Web homepage on the Internet. The Calendar should contain notices of all board and committee meetings, as well as other civic information for the week.

Rationale: Citizens should be encouraged by every reasonable means to participate in the political life of the Town. Dissemination of accurate and timely information of meetings and other civic events is an indispensable first step to greater public participation.

3. Produce a Town Meeting Procedures and Process information video and, annually, produce a Warrant Articles Preview video.

Problem: Currently, only print media is available to describe Town Meeting processes and procedures. Though the material is excellent, better, more contemporary means should also be made available to educate and inform citizens. The same applies to annual Town Meeting Warrant articles.

Detail: A video outlining Concord's Town Meeting Procedures and Processes should be produced and made available for loan from all town and school libraries. Additionally, it should be aired over Channel 8 in the weeks leading up to Town Meeting. Similarly, each year, a Warrant Articles Preview video should be produced. This would be an opportunity for both proponents and opponents of measures to be heard.

Rationale: Scores of new families arrive in Concord each year. Many are unfamiliar with the Town Meeting process. Additionally, old and new residents alike would benefit from being afforded a glimpse, in easily digestible format, of what the various warrant articles involve.

4. Make accessible, via electronic means, significant public documents of the Town whether by the Internet or otherwise.

Problem: Citizens presently have to call or write to request various public documents. The Town has to incur the expense of having employees—or committee or board members have to make the time to— find, copy and mail those documents. Furthermore, to make a request requires some threshold description of the document.

Detail: Public documents of the Town for which there have been repeated requests or for which such requests can reasonably be anticipated should be made available on the Internet, by FAXback or by other electronic means.

Rationale: A growing number of households in Concord have access to the Internet and obtain increasing amounts of their information via that means. In seeming acknowledgment of the role electronic media now plays in the average household, Concord has a World Wide Web Home Page. The Town should take advantage of the ease and very low incremental expense to make documents in high demand available for downloading, thereby affording citizens the opportunity to browse for what they need and receive it nearly instantaneously without the need for hands-on assistance by Town employees or committee and board members.

5. A Media Specialist should be appointed to execute the Communications Coordination Master Plan.

Problem: A single person is needed (though it could be an additional duty of an existing staff person) to execute the Master Plan in a wholly coordinated fashion.

Detail: A person knowledgeable in information systems and the dissemination of public information should be appointed to execute the Master Plan on a day-to-day basis. This person would build and maintain the Town's various computer electronic sites accessible by the public.

Rationale: Where the Communication Coordination Committee would develop and oversee the implementation of its Master Plan, there will need to be a single

“hands-on” executor of that plan.

C. All procedures surrounding the general conduct of the Town’s legislative processes including the work of committees and boards, the inputting of articles into the Warrant, and Town elections should be reviewed periodically.

Problem: When issues that trouble significant numbers of citizens are not addressed at early stages, they may become major problems or sources of division within the Town.

Detail: While the Committee does not recommend adoption of any “sunset” rule, it does recommend regular, periodic review of all legislative processes and procedures in the Town. The first such review should be undertaken in approximately three years to review the working of those recommendations of this Committee that the Board of Selectmen, the Moderator and the Town Meeting may adopt. Successive reviews should be conducted at approximately five year intervals.

Rationale: It has been said that, in politics, perception is reality. It is essential that Town government, particularly its legislative processes, remain connected with and responsive to its citizens. Knowledge of the fact that there is a periodic review — a vehicle to address the reasonable concerns of any significant segment of the Town who feel alienated from the political processes of the Town — will itself serve to maintain the connection between the Town and its citizens. Indeed, while no one needs to “fix what ain’t broke”, there is occasional disagreement about whether something may be “broke”. The early identification and addressing of these issues fosters resolution in an atmosphere of cooperation as opposed to confrontation. Where demographics are shifting rapidly, this “safety valve” of periodic review is indispensable to ensure the Town’s processes meet the changing needs of its citizens. Finally, periodic review would be most useful to ascertain whether the Town’s legislative processes might benefit from advances in technology (as, for example, voting mechanisms *at* Town Meeting) or in considering the practices and experiences of sister towns in the Commonwealth.

Further Paths

There are two major areas that the Committee believes warrant further study:

- Where to vote on Warrant articles

Problem: It is abundantly clear from the non-binding, advisory vote at the recent Town Election and public discussion both before and after that vote that the Town is divided over the issue of voting Warrant Articles at the polls or at Open Town Meeting. Citizens on each side of the issue have made statements urging this Committee to assume a leadership role. The Committee proposes a compromise solution that addresses the core needs of each side.

A possible path: The Town might adopt a procedure wherein Open Town Meeting votes do not become final until a specified, short period after the last session, during which period voters may petition for a vote on any specified article at the precinct polls. The petition period would be short, perhaps on the order of seven days. The number of petitioners required might be on the order of 5% to 10% of the registered voters. A procedure of this nature would address many of the concerns of a significant number of citizens who believe that Open Town Meeting does not reflect the will of the Town on many matters. This type of procedure would allow Open Town Meeting to continue to serve as the Town's principal and ordinary legislature for virtually all matters, but would allow consideration, by a wider voter base, of those matters that are considered to be of special importance to the Town. The present Town Meeting Study Committee recommends (voting 6-1) that this matter receive further study.

- Limited proxy voting at Open Town Meeting

Problem: Participation in the legislative process still requires physical presence at Open Town Meeting when a vote is taken. For a myriad of valid reasons, many citizens cannot attend some or all sessions of Town Meeting, but they would nevertheless like their view, as expressed by their vote, counted.

A possible path: The Town might adopt a procedure that would allow voting by very limited proxy at Open Town Meeting. The idea here would be to permit a registered voter to designate in advance of Town Meeting another registered voter to be his or her proxy at a specified session. No voter would be able to carry more than one proxy. The designation would have to be on a form personally submitted to the Town Clerk or her deputy. In this connection, proxy voting is a common practice in many legislatures. The Committee recognizes the specially sensitive aspect of the integrity of the vote and would need to specifically address this. The present Town Meeting Study Committee recommends (voting 5-2) that this matter receive further study.

Given more time fully to study the practical and legal ramifications of these proposals, the Committee is of the view that it could very well have found itself recommending their adoption. The expiration of the Committee's Charge should not necessarily result in their abandonment. Accordingly, the Committee recommends that its Charge be extended *solely* to study and report upon these two matters. Alternatively, a follow-on committee should be appointed. The Charge or Amended Charge to either committee would have it focus on the narrowest means to accomplish their recommendations with special sensitivity to

charter issues.

This Committee has appreciated the opportunity to serve the Town and its citizens by examining one of its most cherished traditions — Open Town Meeting — and considering its improvement. It has endeavored throughout its term to reflect its profound sensitivity to very strong, legitimate feelings of pride in this tradition while, at the same time, crafting recommended improvements to meet the changing needs of Concord's citizens.

Respectfully submitted,

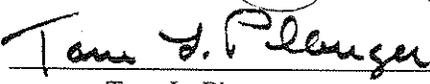


John H. Clymer, Esq.

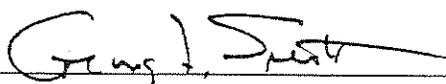


Dekkers L. Davidson
Clerk

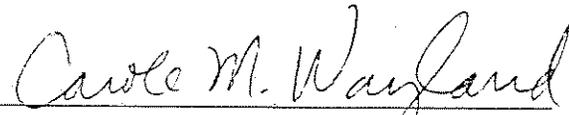
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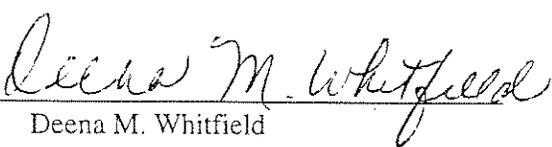
Tana L. Plauger



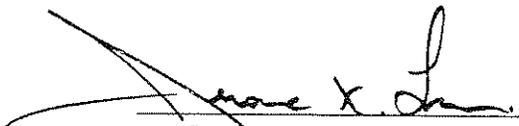
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