

AGENDA
BOARD OF SELECTMEN
THURSDAY, APRIL 16, 2020
WAQUOIT MEETING ROOM
MASHPEE TOWN HALL
16 GREAT NECK ROAD NORTH
MASHPEE, MA 02649

Virtual / Remote Meeting

Broadcast Live on Local Cable Channel 18

Streamed Live on the Town of Mashpee Website: <https://www.mashpeema.gov/channel-18>

11 a.m. – Convene Meeting in Open Session

NEW BUSINESS

1. Discussion and Approval of Postponement of the Annual Town Election Pursuant to and in Accordance with Chapter 45 of the Acts of 2020
2. Discussion and Approval of Town of Mashpee Annual Election Warrant

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

ADJOURNMENT

MASHPEE TOWN CLERK

APR 14 2020

10AM
RECEIVED BY: _____


"Preserving public trust, providing professional services"

Rodney C. Collins
Town Manager
508-539-1401
rccollins@mashpeema.gov



Office of the Town Manager
Mashpee Town Hall
16 Great Neck Road North
Mashpee, MA 02649

MEMORANDUM

To: Chairman Andrew Gottlieb and Honorable Board of Selectmen
From: Town Manager Rodney C. Collins 
Reference: Mashpee Annual Election Warrant
Date: , April 13, 2020

Description:

At the Board of Selectmen meeting on April 6, 2020, it was initially established that the Town Election be conducted on May 19, 2020 with modified hours and a different polling place. The hours would be 9 am to 4 pm and the polling place would be Town Hall instead of the Quashnet School.

At the April 10, 2020 special Board of Selectmen meeting, Town Clerk Debbie Dami requested to speak with Town Counsel to address some concerns that had been brought to her attention through other Town Clerks.

I spoke with Town Counsel Pat Costello regarding the matter and afforded Town Clerk Dami the opportunity to clarify questions for Town Counsel. The purpose of the consultation was to determine any legal issues that should be resolved in regards to the postponement of the Town Election and the legal authority to carry it out as scheduled but at a different polling place. Specifically, the key questions from the Town Clerk for Town Counsel were:

- With a change to the polling place, is the Town obligated to notify all voters by mail?

Town Counsel states: *"Yes. (See MGL Chapter 54, Section 24 – Designation of Polling Places) When a polling place in a voting precinct is changed from one location to another...the selectmen in any town shall cause printed descriptions of such polling place to be posted in such public places in such precinct as they determine and shall give notice by mail to each residence of one or more registered voters therein. (Emphasis added)"*

- With a change to the election date, is the voter registration deadline 10 or 20 days prior to the election?

Town Counsel states: *"10 days if the rescheduling is COVID-19 related. Per Chapter 45, Acts of 2020, Section 2, the last day to register to vote for any annual or special municipal election postponed pursuant to this act or otherwise postponed in response to COVID-19 shall be ten days before the date to which the rescheduled election has been postponed."*

Description: (Continued)

Subsequently, at some point this week, the Board of Selectmen should conduct another special meeting to make a decision relative to the Town Election.

Background:

As a direct result of the coronavirus (COVID-19) pandemic, Town facilities are closed until May 4, 2020 and it is possible, if not probable, that an extension may be imposed to June 1, 2020. Various public health officials are suggesting that "social distancing" shall be necessary until at least June 1, 2020. The Town Election is currently scheduled for Tuesday, May 19, 2020. The Board of Selectmen had contemplated leaving the date as is but changing the location and hours of the polling place. (See Description) The rescheduling of municipal elections was authorized pursuant to Chapter 45 of the Acts of 2020 and adopted on March 23, 2020. The Act authorized the Board to reschedule or postpone any municipal election scheduled between March 23 and May 30 of 2020. It further expanded the use of early voting by mail for "any annual or special municipal election held on or before June 30, 2020."

Pros/Cons:

Holding an election with a Prop 2 ½ debt exclusion ballot question is technically legal prior to the Town Meeting appropriation/debt authorization vote. However, there are disadvantages (cons) inherent in that voting sequence from the voter's perspective because the form of the ballot question is prescribed by statute and only states the purpose for which the debt exclusion is sought, according to Town Counsel. In other words, it does not specify the borrowing amount and may confuse voters. Again, according to Town Counsel, the amount of debt to be temporarily excluded from the Town's property tax levy limit is determined pursuant to the motion made under the Town Meeting Warrant Article. When the debt exclusion ballot election takes place prior to the Town Meeting, voters are asked to vote at the ballot on a finance question that has not been afforded the opportunity for discussion and/or debate on the Town Meeting floor and for which no specific borrowing amount has been identified. Town Counsel reminds us that an appropriation cannot exceed the amount stated in a Warrant Article but a lower amount can be proposed and approved by Town Meeting. After consultation with the School Superintendent, any date after June 18, 2020 for the use of the Quashnet School would be supported because it would not conflict with any school activities. Given the fact that the Town could save thousands of dollars by not changing the polling place and any date after June 18th is acceptable to the Superintendent, the first Tuesday after June 18th was considered. (See Recommendation)

Recommendation:

After consultation with Town Counsel, the Town Clerk and School Superintendent, I strongly recommend that the Town Election be changed to **Tuesday, June 23, 2020** and held at the Quashnet School between the hours of **12 pm and 8 pm** and that voters be encouraged to vote early and via absentee ballots. This ensures a transparent and traditional process relating to significant debt exclusions that can be debated and discussed at Town Meeting prior to voting for an exclusion that would not identify a dollar amount at the Town Meeting. An alternative for the Board of Selectmen to consider is the national election date of **Tuesday, November 3, 2020**. The advantage to November 3rd would be a likely higher voter turnout while the disadvantage to it could be the lack of fresh knowledge concerning the debt exclusion, although that could be addressed at the October Town Meeting.

Note, however, that General Law provides that no election at which the debt exclusion question appears on the ballot shall take place later than the September 15 following the date of an appropriation vote adopted at an annual town meeting, or 90 days after the date of the close of any other town meeting at which an appropriation vote was adopted. We must be mindful of this statutory requirement in scheduling the ballot question vote. The option of voting the wastewater appropriation Article at the Fall Annual Town Meeting in October, with the ballot question being voted at the November 3 election would be a viable option from a scheduling perspective.

RCC

New Business

1. Town Election (Postponement)

Chapter 45 of the Acts of 2020, adopted on March 23, 2020, allows municipalities which have annual or special elections scheduled between March 23rd and May 30, 2020 to postpone such elections. The Board of Selectmen may vote on any day prior to the scheduled election to postpone it to a date certain on or before June 30, 2020. Such a vote must follow consultation with Town election officials (Board of Registrars and Town Clerk) and the Town Manager relative to the logistics and feasibility of holding the election on the rescheduled date. A copy of Chapter 45 of the Acts of 2020, the vote of the Selectmen and a sample ballot must be placed on the official Town website no later than 20 days before the rescheduled election date. Notice to the public must also be provided in ways "reasonably calculated to enable eligible voters to learn of the rescheduled election date and to cast ballots therein".

A motion for Board of Selectmen action to reschedule the Annual Election would read as follows:

"I move that the Board vote pursuant to and in accordance with Chapter 45 of the Acts of 2020 to postpone the Annual Town Election from May 19, 2020 to _____, 2020 and that the time for the opening and closing of the polls for said Annual Town Election be _____ and _____, respectively."

TOWN OF MASHPEE
Annual Election Warrant
_____, 2020

SS BARNSTABLE:

To the Constable of the Town of Mashpee

Greetings:

In the name of the Commonwealth you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the Election to be held on Tuesday, _____, 2020, at the Quashnet School 150 Old Barnstable Road, Mashpee, MA. The hours will be from _____ until _____.

HOUSING AUTHORITY Vote for One for 5 Years
LIBRARY TRUSTEE Vote for Three for 3 Years
PLANNING BOARD Vote for One for 3 Years
SCHOOL COMMITTEE Vote for Two for 3 Years
SELECTMEN Vote for Two for 3 Years
TOWN CLERK Vote for One for 3 Years
WATER COMMISSIONER Vote for One for 3 Years

Question 1:

Ballot Question for Debt Exclusion for Design of Wastewater Plant and Collection System:

Shall the Town of Mashpee be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to be used for the planning and design of wastewater collection, treatment and disposal initiatives of the Town?

Yes ____ No ____

Question 2:

Non-Binding Referendum Ballot Question for Plymouth Nuclear Station Safeguards:

Shall the Town of Mashpee direct the Board of Selectmen to communicate to Governor Baker and the State Legislature with respect to the Pilgrim Nuclear Power Station on Cape Cod Bay that the Governor and Legislature employ all means available to ensure that: (1) spent nuclear fuel is secured in better quality dry casks and hardened onsite storage; and (2) spent fuel pool and casks are protected with heightened security to prevent intrusion in order to protect the health, welfare, and economic interests of the Town of Mashpee, its inhabitants and visitors?

Yes ____ No ____

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 16th day of April, 2020.

Andrew R. Gottlieb, Chairman
John J. Cotton, Vice-Chairman
Thomas F. O'Hara, Clerk
Carol A. Sherman
David W. Weeden
Mashpee Board of Selectmen