

Jeffrey Bannon, Chair person  
Jonathan Anderson, Vice Chair  
David Hall, Clerk  
Jesse Limanek  
Wendy M. Mead



Sutton Town Hall  
4 Uxbridge Road  
Sutton, MA 01590  
Telephone (508)865-8727  
Fax :( 508)865-8721

James A. Smith, Town Manager

Town of Sutton  
Select Board

Meeting Minutes

Minutes Accepted and filed with the Town Clerk 10/4/2022 by a roll call vote of 5-0  
6:00 p.m. – September 27, 2022

Roll Call vote taken:

Members in Attendance in person:

Chairperson Jeff Bannon, Vice Chair Jonathan Anderson, Clerk David Hall & Select members Jesse Limanek and Wendy Mead  
Also in attendance in person: Town Manager James Smith, Town Accountant Tim Harrison & Deb Jacques, secretary

Pledge of Allegiance

Chairperson Bannon recites the following: Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, this meeting of the Sutton Select Board is in a hybrid format with both in-person and Zoom component. To join the meeting visit [www.zoom.us/join](https://www.zoom.us/join) and enter Meeting ID 898 3695 2066/Passcode: 285803. The meeting will be broadcast and recorded on local public access station (Verizon 31 & Charter/Spectrum 191) and live streamed on the Towns YouTube channel when available.

Public Forum – Jim Stevenson of 212 Putnam Hill Road asks if the Select Board meetings can be moved to 7pm as 6 pm does not give people chance to get there. Chairperson Bannon said it will be tabled but it is at the Boards discretion.

Jim LaPlante 26 Heritage Road emailed Town Manager Smith and Town Planner Jen Hager over the weekend regarding the Unified project and reports of an underground storage tank that was damaged which caused groundwater contamination. Also mentioned were the recent adaptation of new Earth Removal bylaw changes the Town Planner is presenting- Mr. LaPlante said it is what he has been talking about for the past 9 months. Town Manager Smith said he will reply back to Mr. LaPlante once due diligence has been done.

Select person Hall motions to accept as presented the September 6, 2022 Select Board meeting minutes, Select person Limanek seconds passes 4-0-1 - roll call vote (Select person Mead abstains-absent from 9/6/22 meeting)

Select person Hall motions to accept as presented the Executive Session September 6, 2022 Select Board meeting minutes not to be released at this time- Vice Chair Anderson seconds passes 4-0-1 Roll call vote (Select person Mead abstains- absent from 9/6/22 meeting)

Review draft Fall Town Meeting Warrant: Town Manager Smith states the Town Meeting is scheduled for October 17<sup>th</sup>, 2022 at 7pm. At this time Town Manager Smith reviews the 14 articles. #1 is to amend the May 2022 vote adjusting the FY23 budget, #2 is to appropriate funds received from the sale of the cell tower on Stone School Rd to American Tower, #3 is OPEB, #4 the SPED Stabilization Fund, #5 is to raise & appropriate money to the FY23 Sick and vacation buyback, #6 appropriate funds for appraisals for Depot St Bridge repairs, # 7 appropriate funds for the 23 Hough Rd park improvement's, #8- 3 prior year bills, #9 Wilkinsonville Sewer project, #10 acquire funds for a sewer pump station at 60 Providence Rd., #11 waive connection fees for 4 units at 60 Providence Rd., #12 the purchase of a new generator for pump station at 40 Whitins Rd., #13 is to amend the general Earth Removal Bylaw by removing in entirety and replacing with new Earth Removal Bylaw- Town Planner Jen Hager is present as it is a Planning Board sponsored article. Jen explains this is for earth removal operations greater then 3000 cubic yards (currently 300 cubic yards) that do not fall within set categories- this would require a public hearing process for removal over 3,000 cubic yards that is not covered under uses that require permits, there will be exemptions for single family/agricultural uses when al earth stays on site, additional requirements may be required if blasting is involved. A few items that won't change- anything for pre-existing commercial operations, existing minimum permit provisions or operating standards. Jen states this was discussed with the Building Commissioner as well as the Fire Chief. #14 is a citizens petition to include a requirement for a quorum of 1.5% of registered voters with a minimum of 100 voters at Spring and Fall Town Meetings (there has never been a quorum for Town Meetings) – this is sponsored by Christine Watkins

65 McClellan Road- present tonight-handout attached to final minutes. Christine states boards and committees require quorums and was surprised that Sutton Town Meetings did not. She is requesting to amend the general bylaw 3 to include the 1.5% with a minimum of 100 voters and adjust the count yearly on January 1. In the handout Christine provided a compiled list showing attendance at town meetings from Oct. 2009-Oct. 2020. The Spring Town meeting has more attendees- could it be residents are not familiar with the 2 meetings required yearly under the Town Charter. Sutton only has one community board- not all residents travel though the center of town where this is located. She went on to suggest using the reverse 911 calls, send postcards out to all households or include in the annual census mailings. Christine says the Town Hall needs to do a better job getting the word out about meetings- we are looking for a check and balance. Select person Hall says it worries him if a quorum is needed- and we do not have a quorum- what then- what problem are we trying to solve. Dave says our Communications Dept is not the quorum issue- looking at the information provided Dave states if there was a quorum in place- 14 out of the 26 meetings would not have taken place. Select person Limanek says he will not vote in favor of this- Jesse goes on to cite our constitution- it is the duties and responsibility of citizens to be informed and participate- if we as a town try to compel we could have a negative impact. We could have issues with continuances- putting this burden on forced participation is anti-democratic. If concern is communication- our cable dept. goes above and beyond getting the message out- people have the ability to be informed. Select person Mead feels this is a bifurcated issue. Attendance vs getting word out- some good ideas (reverse 911) legitimate great ideas but mandating a minimum requirement- if this was in place now and we do not get the required number of voters the current warrant would not have its budget issues cleaned up. If people want to get involved they will get involved. Causing the failure of a meeting will cause people to not vote- you can't force people to go. If we mandate the percentage, we are undoing the process that has served this community. The dates are out there- maybe we should do a better job getting the word out there but not by mandating attendance. Those are two separate issues. People have a duty to be informed- a quorum for attendance goes against the essence of town open meeting. Also an issue is the one issue voters- after warrant article they get up and leave- then the quorum is not met. Vice Chair Anderson says you have highlighted some concerns we should look at as a town around communication- I am a believer as a republic we have to be responsible on issues especially local communities- the town also has the requirement that the people are communicated to – the idea of quorum- but where is the perfect representation of 7100 voters- we are a direct democracy system- one of the few places we can go to a meeting and affect the outcome. This puts some urgency on the town to make sure communication is out there, from the board side there is concern around not meeting the number will prevent meeting from happening. Chairperson Bannon shares the sentiments with other board members and does not feel that it is possible to legislate civic engagement. Jeff states there are 6 meetings shown in the paperwork that would not have happened if we had a quorum limit. If we have to reschedule that could do more harm than good as well as added expense. Christine Watkins states without any quorum requirement the Town Clerk and Town Moderator could pass a 35-million-dollar budget with just 2 people in a room - Town Manager Smith states that's not the case as there are many individuals required to be at the meeting. Jeff says our Town Meetings are twice a year- we do a lot with communicating the meetings- the Select Board, Dept heads. Jeff states what drives people to meetings are issues they are concerned about.

Town Manager Evaluation: Select person Dave Hall reads the summary of Jim Smiths 2022 performance evaluation. Jim scored a 95.8 out of a possible 100. Also read were the comments of each board member (copy attached to final minutes). Jim takes this time to thank all the Dept Heads, Deb Jacques and Tim Harrison- Jim thanks the board for the review. Select person Hall states every year Jim faces new challenges yet his score is always consistent. He never fails to get out in front of issues to direct the town. Select person Limanek says another A- a grade well earned. We as a town are the beneficiaries of your diligence and enjoy your service here. Select person Mead says there is consistency year after year, there are crises you have pulled us through- Wendy is thankful and impressed. Vice Chair Anderson says Jim has an overall vision he would like to leave the town in when he retires- all of the policies point to it including his long term strategic planning. Chairperson Bannon feels when the board has questions such as 61A procedures- Jim makes sure to answer any of our questions/concerns or provide information. Jeff thanks Jim for another great year.

#### Town Manager Update:

- Grants received- MVP grant- \$75,000. To conduct hydrologic evaluation of the village in Manchaug to help improve the water flow and mitigate the threat of flooding. The Parkland (PARC) Grant \$85,800. To improve the Van Dyke Playground. Thank you to Jen Hager.
- Fiber Project- after further discussion we have decided to move forward on the entire project- this will complete a loop around the whole town. We will need assistance from NGrid to install poles at certain sections along Central Tpk. There is a meeting with all parties involved this Friday. The quote to run to Wilks is \$479,000. Thanks to Ryan Fattman & Joe McKenna we received \$250,000. As an earmark \$200,000. In a state fiber grant (Pam Nichols/Paul Maynard) and \$150,000. As a capital plan appropriation.
- Fall Chapter 90 – portions of Smith Rd, Lincoln Rd., Carr St., Barnett Rd., & Waters Rd are scheduled to be paved.
- NGrids winter rates were announced Wednesday- effective Nov. 1<sup>st</sup> their basic supply rates will go from 11.49 to 33.89 cents per kwh. The Atty. General's office is looking into this jump. Sutton continues to offer through Sutton Power Choice 10.65 per kwh until January 2023.
- COVID Booster clinic to be held on Sat. October 2- 10AM-12noon. All must pre-register – the link may be found on [www.suttonma.org](http://www.suttonma.org)

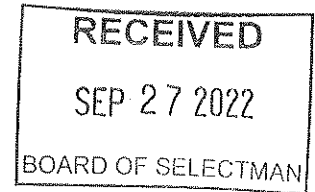
- Employee Appreciation Day Tuesday Oct. 4 at the Sutton Sr. Center 11:30am-1pm.
- Brush Chipping to be held at the Transfer Station Sat. Oct 15<sup>th</sup> 8am-noon.

#### Announcement's/Round Table

- Select person Hall thanks all that were in the audience tonight.
- Select person Limanek thanks all involved in the recent Dudley Gendron Chicken Barbecue (boy scouts, the park group, Chiefs Towle and Belsito, Ryann Fattman) Sutton was 1 of 3 towns with in Senator Fattmans area that remembered 9/11. Veterans Day this year will have something new- Our cable dept has asked for any veteran to forward them a picture, a memory that will be aired on our cable channel.
- Select person Mead reminds all to be kind, respectful and thoughtful of others.

Select person Limanek motions to adjourn, Select person Mead seconds- Roll Call vote taken- passes 5-0  
Meeting adjourned 8:43pm

65 McClellan Road  
Sutton, MA 01590



Select Board  
Town of Sutton  
4 Uxbridge Road  
Sutton, MA 01590

Dear Members,

The Citizen's Petition for a quorum resulted from conversations between citizens at various local events in the spring. Many citizens were surprised to learn that our annual town meetings do not require a quorum whereas all town boards and governing bodies of 501(c)3 organizations throughout town do require quorums. The petition language is as follows: To see if the Town will vote to amend the General Bylaws, Bylaw 3 Town Meeting/Town election to include the requirement for a quorum of 1.5% of the registered voters, with a minimum of 100 registered voters, for all annual spring and fall town meetings adjusted annually on January 1 of each year.

Why is a quorum needed?

According to Robert's Rules of Order Newly Revised, the "requirement for a quorum is protection against totally unrepresentative action in the name of the body by an unduly small number of persons." The Select Board understands this concept as evidenced during the recent COVID pandemic when the Select Board opted to not include controversial items in the October 2020 Town Meeting for three reasons with the third reason stated "with a limited attendance town meeting a vote for or against an article can be easily stacked." (<https://www.suttonma.org/sites/g/files/vyhlif3901/f/minutes/20-08-31.pdf>)

Review of the Massachusetts' Citizen's Guide to Town Meetings published by the Secretary of State, noted on Page 6, "In an open Town Meeting, the minimum number of voters who may conduct business is established by the individual town's by-laws. The quorum in some towns is zero; if only a single citizen appears, the Town Meeting may start and conduct business." ([https://www.sec.state.ma.us/cis/cispdf/Guide\\_to\\_Town\\_Meetings.pdf](https://www.sec.state.ma.us/cis/cispdf/Guide_to_Town_Meetings.pdf)).

Could this happen in Sutton? Sutton's Home Rule Charter, General Bylaws, and historic annual town meeting attendance were reviewed for the answer. For Sutton, at a minimum, the Town Clerk and Town Moderator must be in attendance for the meeting to begin. Our Home Rule Charter, Section 2-8, also states "Every town official shall attend all sessions of a town meeting in order to provide information pertinent to matters appearing in the warrant." If any town official is also a voting resident, this group could be considered a de facto quorum; however, no specified quorum is part of the Home Rule Charter or General Bylaws.

Do other towns in Massachusetts have a quorum? To answer this, the petitioners reached out to the Secretary of State. This department does not maintain a list, but directed the petitioners to the Attorney General, who also does not maintain a list. A query to the Massachusetts Town Moderators' Association received no response. A compilation of annual meeting quorums of other Massachusetts towns was then completed with the assistance of a member of the Massachusetts Town Clerk's Association, who completed a survey of 82 towns approximately 18 months ago. This was added to the

petitioner's survey of 23 towns completed in August 2022. Repeated towns and towns with representative town meetings were removed leaving 89 towns with open town meetings surveyed. Of these, 67, or 75%, have an annual town meeting quorum, including Millbury (100), Oxford (100), Northbridge (50), Douglas (15) and Mendon, which has a defined 0 quorum. Massachusetts has 312 towns having either an open or representative town meeting and 39 cities which do not have town meetings.

The petitioners considered requesting a quorum based on a representative statistical sample of registered voters. As the subset of the population who both know about the meeting and care about the issue enough to attend does not represent a true cross-section of the population and is not a true minimum random sample, the quorum size would have been unrealistic.

The petitioners then reviewed the compiled attendance at Town Meetings from October 2009-May 2022. Removing the June 2020 and October 2020 town meetings during the height of COVID, left 12 spring and 12 fall town meetings. For the spring, 8/12 meetings were at or above the requested quorum. Two additional meetings were close with 96 and 89 voters. For fall, only 4/12 met this mark. Why the difference? The petitioners then set out to determine if Sutton's two "Annual" meetings differ from other towns in Massachusetts and could be causing the low fall town meeting attendance as residents simply do not realize there is a second "Annual" meeting. The July 2000 Citizen's Guide to Town Meetings on file at the State Archives was the only list of all towns and their annual meeting dates which could be found through consultation with the Secretary of State. This list, although outdated, did highlight how the majority of towns have one true Annual Town Meeting in the spring with only 7 towns having a meeting broken out between two dates.

<https://archives.lib.state.ma.us/bitstream/handle/2452/845467/ocm45124904.pdf?sequence=1&isAllowed=y>).

How can we encourage more voters to attend the town meeting if a quorum is put in place? Currently, Sutton has only one community bulletin board in the center of Town. With 34 miles of roadway, not all residents travel past this bulletin board. Placement of additional community boards, or installation of electronic boards, in key cross roads of Sutton, could make communication with all residents easier. Utilization of a reverse 911 call system to remind voters of the upcoming Annual meeting, inclusion with the annual town census of the upcoming town meeting dates, or a resident postcard mailing to remind voters, could all help to increase participation.

Given the above, the petitioners determined a quorum of 1.5% was similar to a majority of other towns having open meetings, was already being attained at 67% of our spring town meetings, was attainable for fall town meetings with voter outreach, and is not unreasonable as a check and balance to ensure a minimum level of representation of the voting public.

Attached for the Select Board's review is a listing of Town Meeting attendance from October 2009-May 2022 compiled by the petitioners using the Annual Reports available at Suttonma.org., and the Petitioner's and Massachusetts' Town Clerk's Association surveys of town's with and without quorums.

Sincerely,

Christine M. Watkins

## Sutton Massachusetts Annual Town Meeting Attendance

		Spring	Fall
5/1/2022		102	
10/1/2021			67
5/15/2021		96	
10/18/2020	COVID		17
6/22/2020	COVID	44	
10/21/2019			111
5/31/2019		160	
10/15/2018			70
5/14/2018		610	
10/16/2017			693
5/8/2017		220	
10/17/2016			114
5/9/2016		89	
10/19/2015			48
5/11/2015		125	
10/20/2014			58
5/12/2014		122	
10/21/2013			76
5/13/2013		84	
10/15/2012			42
5/14/2012		101	
10/17/2011			145
5/9/2011		52	
10/18/2010			56
5/10/2010		534	
10/19/2009			79

Source: Annual Reports – [suttonma.org](http://suttonma.org)

Survey of Massachusetts Towns with Open Annual Town Meeting Quorum  
Conducted August 2022 by Christine Watkins


TOWN	REGISTERED VOTERS	OPEN MEETING	QUORUM	QUORUM NUMBER	Quorum % of Registered Voters	
Carlisle	3951	Y	Y	150	3.80%	
Charlton	10100	Y	N			averages 200 in Spring and 100 in Fall
Concord	13861	Y	N			
Douglas	7060	Y	Y	15	0.21%	
Dover	4396	Y	Y	175	3.98%	
Grafton	14019	Y	N			
Harvard	4543	Y	Y	50	1.10%	
Hopkinton	12800	Y	Y	128	1.00%	1% of registered voters to be calculated every 5 years (2022)
Hubbardston	3351	Y	Y	50	1.49%	
Leicester	8120	Y	Y	50	0.62%	
Mendon	4500	Y	Y	0	0.00%	5/8/1998 voted a 0 quorum
Milbury	13000	Y	Y	100	0.77%	
Northbridge	11736	Y	Y	50	0.43%	
Oxford	9846	Y	Y	100	1.02%	
Paxton	3544	Y	Y	50	1.41%	
Princeton	2918	Y	Y	87.54	3.00%	3% of registered voters as of January 1 of every year
Spencer	8600	Y	Y	100	1.16%	
Sudbury	13680	Y	Y	100	0.73%	
Upton		Y	Y	40		
Uxbridge	10993	Y	Y	50	0.45%	
West Boylston	5548	Y	Y	100	1.80%	
Auburn		N				REPRESENTATIVE Town Meeting
Shrewsbury		N				REPRESENTATIVE Town Meeting

## Survey Conducted by Member of Massachusetts' Town Clerk's Association

 Kelly McElreath (kmcclreath@plymouth-ma.gov)

Fri, Aug 5, 2022 8:16 am

To: you + 1 more   Details ▾

 ma\_towns\_and\_quorum.pdf (69 KB)

Good morning,

Please be advised the Clerk's Association does not track this information. We are an organization supporting Town Clerks for training purposes. However, a Town Clerk did a survey of Towns about 18 months ago about quorum requirements. Attached is the result of that survey. Please note this is not a complete list and it is 18 months old so changes could have been made.

Thank you,

Kelly

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From: Massachusetts Town Clerks Association via Massachusetts Town Clerks Association <cmsmailer@civicplus.com>

Sent: Thursday, August 4, 2022 7:00 AM

To: Kelly McElreath <kmcclreath@plymouth-ma.gov>

Subject: Form submission from:

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Submitted on Thursday, August 4, 2022 - 6:59am

Submitted by anonymous user: 74.104.117.200

Submitted values are:

Please include any questions or comments: I am seeking a summary of which towns in Massachusetts have a general bylaw requiring an annual town meeting quorum, and if so what is the required quorum. I have attempted to obtain this info from the Secretary of State who referred me to the Atty General. The Mendon town clerk recommended I reach out to your organization

==Please provide the following information==

Your Name: Christine Watkins

Your E-mail Address: jcwatkins@aol.com

Organization: self

Phone Number: 774-245-3504

==Address==

Street: 65 McClellan Road

City: Sutton

State: Massachusetts

Zipcode: 01560



Annual Town

Special Town

<b>Town</b>	<b>Population</b>	<b>Voters</b>	<b>ATM Quorum</b>	<b>STM Quorum</b>
Acton	23,500		0	0
Andover	35,000		0	
Avon	4,356		50	50
Barre	5,398		50	
Belmont	25,000		100	100
Berlin	3,000		0	0
Blandford	1,200		0	
Bolton	5,500	3,851	75	75
Boxborough	5,000		0	
Buckland	1,800		7	7
Canton	21,696	16,425	0	0
Carver			75	75/150
Chatham	6,125	5,500	100	
Clinton	13,606	9,800	200	150
Dennis	14,000		150	75
Douglas	8,500		15	
Dover	6,100		175	
Eastham	5,100		5%	5%
Egremont	1,225	986	60	60
Erving	1,500		17	17
Essex	3,504		30	
Foxborough	17,000	11,872	100	100
Georgetown	8,500	6,200	100	100
Gill	1,450	1,043	0	0
Grafton	18,000	12,548	0	0
Hadley	5,000		100	
Halifax	7,500	5,500	100	100
Hamilton	8,300	5,990	75	75
Hampden	5,000		50	50
Hatfield	3,400		75	75
Heath			10%	5%
Holbrook	10,791	7,634	1/2 +1	1/2 +1
Hubbardston	4,500		50	50
Hudson			150	150
Ipswich	13,000		200	200
Lancaster	8,000	5,140	0	0
Lincoln	6,700		100	100
Lynnfield	12,500		175	175
Manchester	5,000		100	100
Mansfield	23,694		200	200
Mattapoisett	6,250	5,000	50	
Mendon	5,839		0	0
Millville	3,000	2,000	40	40
Monroe	120		14	14
Montague			64	64

	Population	Voters	Annual Town Meeting Quorum	Special Town Meeting Quorum
Nahant	3,500		75	
Nantucket	15,000	9,100	0	3%; 5%
New Marlborough		1,068	0	0
North Andover	32,100	20,101	0	0
North Reading	15,500	11,008	0	150
Northfield	3,000		0	
Orange	7,800		75	75
Orleans	6,000		200	
Plainville	8,800		60	
Raynham	13,000	11,250	25	25
Rehoboth	12,568	8,643	90	60
Rockland	17,800	12,000	150	150
Rockport	6,993	5,619	0	150
Rowley	6,400		100	
Rutland	8,500		10	10
Saugus	24,444	18,964	two thirds	
Sharon	18,000	12,852	0	0
Sherborn	4,500		100	100
Somerset	17,255	13,278	0	0
Southborough	10,000		100	100
Southborough			100	100
Stow	7,000		0	0
Sunderland	4,000		0	
Swansea	15,000		75	
Tisbury	4,500		100	
Townsend	8,787	6,556	75	75
Ware	9,872	6,320	100	100
Wellfleet	3,200	2,743	6%	6%
Wenham	5,000	2,700	5%	2%
Westborough	19,000	12,200	0%	0%
West Bridgewater	7,104		0	0
West Tisbury	3,169	2,568	5%	
Westport	15,000	11,687	0	0
Westwood	16,000		175	175
Whately	1,523	1,121	0	0
Wilbraham	14,500	10,000	50	50
Williamsburg	2,600	2,009	60	60
Wrentham	11,500		0	0