

TOWN OF ACTON BOARD OF SELECTMEN

TEMPORARY EMERGENCY POLICY DIRECTIVE AND GUIDELINES FOR PUBLIC EMPLOYEES AND PUBLIC MEETINGS AND PUBLIC HEARINGS CONDUCTED VIA REMOTE PARTICIPATION DUE TO COVID-19 STATE OF EMERGENCY

March 24, 2020

In response to Governor Baker's Executive Order of March 12, 2020, entitled "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c.30A, §20" ("Open Meeting Order"), Governor Baker's Executive Order of March 23, 2020, entitled "Order Assuring Continued Operations of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More than Ten People," (the "March 23 Order") and the recent public health emergency declarations by the Board of Selectmen and the Board of Health, and to reduce the possibility of exposure and proliferation of COVID-19, Town offices shall, until further notice, be open for essential Town staff and employees only.

Pursuant to Section 4-1(b) of the Acton Town Charter, the Board of Selectmen therefore adopts the following policy directives concerning continuation of essential governmental functions by Town Staff and guidelines for all public meetings and public hearings conducted by a Town public body in Acton until further notice:

I. DETERMINATION OF ESSENTIAL AND CRITICAL GOVERNMENT WORKERS

The March 23 Order issued by Governor Baker required the temporary closure of all workplaces that are not deemed to be "COVID-19 Essential Services." With respect to municipal government workplaces, the March 23 Order deems certain categories of municipal employees to be COVID-19 Essential Services, as listed on Exhibit A. In addition to those categories, the March 23 Order also deems essential "critical government workers, as defined by the employer and consistent with Continuity of Operations Plans."

In order to promote clarity and in furtherance of Governor Baker's March 23 Order, the Board of Selectmen determine that the categories of employees listed in Exhibit B – BOS Motion and Vote on COVID-19 Essential Services, as may be amended from time to time, shall be considered to be "critical government workers" within the meaning of the March 23 Order, in addition to the categories listed on Exhibit A.

II. GENERAL GUIDELINES FOR PUBLIC MEETINGS

1. Public meetings and public hearings shall be limited to those that are considered necessary for purposes of maintaining essential governmental functions and are mandated under federal, state, or local law or regulation or required under pre-existing contractual obligations. If the head of a Town department or the chair of a Town board, commission, or committee is uncertain whether a particular meeting or hearing meets this criteria, please contact the Town Manager at jmangiaratti@acton-ma.gov or (978) 929-6611.

2. Pursuant to the Open Meeting Order, the requirement that public bodies meet in a public place that is open and physically accessible to the public has been temporarily suspended, provided that public access to the body's deliberations is made available through adequate alternative means. The requirement that a quorum of the public body be physically present for purposes of remote participation has also been suspended.
3. Effective immediately, all public meetings and public hearings shall be conducted through web/video conferencing, with the exception of the Board of Selectmen and the Board of Health, which may choose to meet in person (provided that the Town deems both Boards "critical government workers"), as long as all recommended precautions are taken to prevent the spread of COVID-19, and the meeting itself is publicly accessible by web/video conferencing.
4. Further, effective immediately, all public meetings of Town advisory committees, advisory groups, community meetings and the like that are not issuing permits or licenses, or taking actions required within certain time frames as required by statute or contractual obligation will be cancelled or postponed until further notice by the Board of Selectmen.
5. On a case-by-case basis, the Board of Selectmen may authorize exceptions to the requirements of Section II.4 for good cause shown.
6. The Board has identified Zoom.us as the web/video conferencing platform for conducting remote participation in Acton public meetings and public hearings. The Town Manager in consultation with the IT Director may from time-to-time issue instructions for using Zoom and/or identify other acceptable web/video conferencing platforms for use by Acton public bodies for public meeting and public hearings.
7. For public meetings, all Acton public bodies shall follow the directions in Section III of this guidance. For public hearings, all Acton quasi-judicial public bodies (identified below) shall follow the directions in Section IV of this guidance.
8. These temporary restrictions will remain in effect until further modified by vote of the Board of Selectmen.

III. REMOTE PARTICIPATION GUIDELINES FOR ALL PUBLIC BODIES

1. The Town will utilize technology to stream audio and possibly video of the meeting over the internet. The technology will allow for remote participation by the members of the public body, board or commission, and allow for remote participation by the public.
2. The Town will post instructions to access and participate remotely in the meeting or meetings in advance on the Town's website at <https://www.acton-ma.gov/>.
3. Except as set forth in Section II.3, the Chair, all other members of the public body, and relevant staff shall participate in the meeting remotely. At the start of the meeting, the chair and each other participating member will announce his or her presence at the

meeting. When speaking, each member will state his or her name before speaking. During the course of the meeting, all votes will be conducted by roll call.

4. Subject to the authority of the Chair under the Open Meeting Law to set the agenda and control the meeting, members of the public may address the public body, board or commission during the meeting. Each person will state his or her name before speaking. All existing time limits on public comments remain in effect unless changed by the public body, board or commission.
5. Other Open Meeting Law requirements including those regarding the posting of meeting notices, keeping of minutes, identifying and maintaining documents used at the meeting, and going into executive session continue to apply.
6. If an executive session is convened for a valid purpose under the Open Meeting Law, it will be held by web/video conferencing using a separate meeting number and password made known only to the members of the public body, and to town staff and other individuals invited to the executive session by the public body consistent with the purpose of the executive session
7. At the conclusion of the executive session, the public body will return in open session to the web/video conferencing bridge for the public meeting to conduct further business or to adjourn.

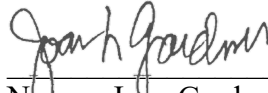
IV. REMOTE PARTICIPATION GUIDELINES FOR QUASI-JUDICIAL BOARDS AND COMMISSIONS

1. The Town's quasi-judicial boards and commissions subject to this order include the Board of Selectmen, Zoning Board of Appeals, Conservation Commission, Planning Board, Board of Health, Historic District Commission, to the extent that each are acting at any time as a quasi-judicial body, and any other Town boards or commissions when acting in a quasi-judicial capacity.
2. Quasi-judicial public hearings will temporarily not be conducted in a public place that is open and physically accessible to the public. Instead, public hearings will be remotely accessible to the public and applicants, and subject to the authority of the Chair under the OML shall allow for active, real-time participation by the public and applicants.
3. Applicants are encouraged to seek continuances and grant extensions of any matters before a quasi-judicial public body, board or commission. In advance of any hearing, staff may reach out to the applicant via phone or email to determine whether the applicant will agree to a continuance and extension of any applicable deadline.
4. If an applicant will agree to a continuance and extension, the quasi-judicial public body, board or commission will open the hearing at a public meeting, vote on the continuance and continue the hearing until a later date and time. Staff will obtain a signed written consent to a continuance and a waiver or extension of the statutory time to act by the applicant. When possible, this signed written consent shall be transmitted electronically to the appropriate staff member and filed with the Town Clerk.

5. Meetings where no applications are on the agenda and where no other necessary business must be conducted may be cancelled.

The foregoing directives and guidelines were duly adopted at a meeting of the Acton Board of Selectmen duly noticed and held on March 24, 2020, pursuant to the Governor's Order Suspending Certain Provisions of the Open Meeting Law dated March 12, 2020.

Dated: March 24, 2020



Name: Joan Gardner

Title: Chair, Acton Board of Selectmen

EXHIBIT A

Categories of Municipal Employees Considered “Essential” by Governor Baker’s March 23 Order:

- **Public Health Workers:**
 - Public health / community health workers, including those who compile, model, analyze and communicate public health information
 - Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely
 - Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely
- **First Responders and Law Enforcement**
 - Personnel in emergency management, law enforcement, Emergency Management Systems, fire, and corrections, including front line and management required to maintain operations
 - Hazardous material responders from government and the private sector.
 - Workers – including contracted vendors -- who maintain digital systems infrastructure supporting law enforcement and emergency service operations.
- **Public Works and Construction**
 - Workers essential for assistance programs and government payments
 - Vegetation management crews and traffic workers
 - Environmental remediation/monitoring technicians
 - Operational staff at water authorities
 - Operational staff at community water systems
 - Operational staff at wastewater treatment facilities
 - Workers repairing water and wastewater conveyances and performing required sampling or monitoring
 - Operational staff for water distribution and testing
 - Operational staff at wastewater collection facilities
 - Operational staff and technical support for SCADA Control systems
 - Chemical disinfectant suppliers for wastewater and personnel protection
 - Workers that maintain digital systems infrastructure supporting water and wastewater operations
 - Workers who respond to and clear traffic crashes, including contracted vendors and dispatchers

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including roads and bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers – including contracted vendors – involved in the construction of critical or strategic infrastructure including public works construction, airport operations, water, sewer, gas, electrical, nuclear, oil refining and other critical energy services, roads and highways, public transportation, solid waste collection and removal, and internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services)
- Workers such as plumbers, electricians, exterminators, inspectors and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, construction sites and projects, and needed facilities
- Support, such as road and line clearing and utility relocation, to ensure the availability of needed facilities, transportation, energy and communications
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste
- Licensed site clean-up professionals and other workers addressing hazardous spills, waste sites, and remediation.
- Workers who support the operation, maintenance and public safety of state parks, forests, wildlife management areas, water supply protection lands, and other critical natural resources.
- Workers who support storm clean-up operations (e.g., foresters).
- Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)
- **Town Hall**
 - Workers to ensure continuity of building functions, including local and state inspectors and administrative support of inspection services who are responsible for the inspection of elevators, escalators, lifts, buildings, plumbing and gas fitting, electrical work, and other safety related professional work
 - Security staff to maintain building access control and physical security measures
 - Elections personnel
 - Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks

- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who are critical to facilitating trade in support of the national, state and local emergency response supply chain
- Critical government workers, as defined by the employer and consistent with Continuity of Operations Plans
- Workers that provide services for or determine eligibility for public benefits such as subsidized health care, food and feeding programs, residential and congregate care programs, shelter, in-home supportive services, child welfare, juvenile justice programs, adult protective services and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including family members)
- Professional services (such as legal and accounting services) and payroll and employee benefit services, when necessary to assist in compliance with legally mandated activities and critical sector services or where failure to provide such services during the time of the order would result in significant prejudice
- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who support financial operations, such as those staffing data and security operations centers

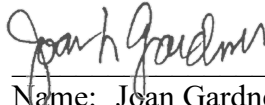
EXHIBIT B

**BOARD OF SELECTMEN MOTION AND VOTE TO DESIGNATE
CRITICAL GOVERNMENT WORKERS OF THE TOWN OF ACTON**

The Board of Selectmen of the Town of Acton, acting pursuant to Governor Baker’s Executive Order of March 23, 2020, entitled “Order Assuring Continued Operations of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More than Ten People,” (the “March 23 Order”), Exhibit A to the March 23 Order, Section 4-1(b) of the Acton Town Charter, and the recent public health emergency declarations by the Board of Selectmen and the Board of Health, and consistent with sound continuity of operations plans, moves (a) to designate as critical government workers of the Town of Acton the public employees and personnel listed on Exhibit 1 to this motion, and (b) to authorize and direct the Town Manager to take all actions necessary and proper to implement the vote on this motion.

I hereby certify that the foregoing motion was duly made, seconded, and adopted by a vote of 5 in favor and 0 opposed at a meeting of the Acton Board of Selectmen duly noticed and held on March 24, 2020, pursuant to the Governor’s Order Suspending Certain Provisions of the Open Meeting Law dated March 12, 2020.

Dated: March 24, 2020



Name: Joan Gardner

Title: Chair, Acton Board of Selectmen

Exhibit 1
As of March 24, 2020

Categories of Critical Governmental Workers:

1. All Department and Division Heads