

COVID-19:
Baker-Polito Administration Answers to Questions Raised
During the Municipal CEO Briefing Call with MMA on
3/24/20

(In addition, the Administration will soon be posting a Municipal FAQ section on the state's COVID-19 webpage, and that link will be provided as soon as it becomes available.)

Municipal Workforce:

- **What can be done to mitigate potential municipal workforce disruption?**
 - The Baker-Polito Administration filed legislation, “*An Act to Further Address Challenges Faced by Municipalities and School Districts Resulting from COVID-19*”, which proposes a method to allow municipalities to utilize retirees during the current state of emergency. For work conducted in calendar year 2020 during the current state of emergency, the legislation proposes lifting restrictions which limit how many hours retirees collecting a pension may work and the compensation they may earn. The legislation may be accessed [here](#).

- **Which municipal employees are considered essential?**
 - The list of designated essential employees may be accessed [here](#).
 - Frequently Asked Questions regarding the Baker-Polito Administration's Executive Order on Essential Services may be accessed [here](#).
 - According to the Order, for government employees, the employer has discretion to define who is critical.
 - Individuals with positions designated as essential are urged to follow social distancing protocols for workers in accordance with guidance from the Department of Public Health.

Municipal Finance:

- **What may cities and towns expect with regard to receiving local aid payments in the immediate months?**

- Cities and towns can expect that local aid payments for March and April will be provided in the anticipated amount and via the customary wire procedure at the end of the month.
- **For municipalities concerned with cash flow, what resources are available?**
 - Options currently exist for municipalities with cash flow issues to utilize, including the State House Notes Program.
 - Municipalities are encouraged to consult their financial advisors.
 - The Division of Local Services' Emergency Expenditures and Borrowing Bulletin may be accessed [here](#).
- **What municipal financial relief measures have been proposed?**
 - On March 16, 2020 the Baker-Polito Administration filed "*An Act to Address Challenges in Town Governance Resulting from COVID-19*", to propose municipal relief and flexibility. The legislation may be accessed [here](#). It proposes the following:
 - Permits Moderators to postpone Town Meetings by thirty days.
 - Permits local Select Boards to postpone Town Meetings beyond the statutory June 30 deadline.
 - Permits local Select Boards to temporarily adopt lower quorum rules.
 - Permits continued month-to-month spending into FY21 by towns based on the prior fiscal year budget with approval of the Division of Local Services during states of emergency.
 - Permit towns to access their free cash balance for FY21 spending with approval of the Division of Local Services.
 - Permit municipal spending from revolving funds at the level set by their Fiscal Year 2020 appropriation until an FY21 budget is adopted.
 - Authorizes a three-year amortization period for deficit spending incurred as a result of COVID-19 crisis.
 - On March 24, 2020 the Baker-Polito Administration filed "*An Act to Further Address Challenges Faced by Municipalities and School Districts Resulting from COVID-19*", to propose municipal relief and flexibility. The legislation may be accessed [here](#). It proposes the following local options:
 - Authorizes municipalities to waive the payment of interest and other penalties in the event of late payment of any excise, tax, betterment assessment, water rate or annual sewer use or other charge added to a tax
 - Authorizes municipalities to change their tax bill due date from May 1 to June 1, 2020

- Authorizes municipalities to extend the deadline for property tax exemptions and deferrals from April 1 to June 1, 2020
 - The bodies responsible for authorizing the local options proposed in the above legislation are the Select Board in a town and Mayor in a city.
- **For financial purposes, should cities and towns declare a local state of emergency?**
 - Cities and towns should consult with their respective city solicitor or town counsel on this matter.
- **What measures have been taken to address Regional School Districts budgets for fiscal year 2021?**
 - The Baker-Polito Administration's legislation, "*An Act to Further Address Challenges Faced by Municipalities and School Districts Resulting from COVID-19*", addresses this matter by proposing that Regional School Districts be permitted to suspend the statutorily-required vote on the approval of their fiscal year 2021 budget and allow the Department of Elementary and Secondary Education (DESE) to certify an amount sufficient for the operation of the district until a budget can be adopted. The legislation may be accessed [here](#).

Municipal Permitting:

- **Have any modifications to the local permitting process been proposed?**
 - The Baker-Polito Administration's legislation, "*An Act to Further Address Challenges Faced by Municipalities and School Districts Resulting from COVID-19*", proposes several changes to the permitting process to help provide cities and towns with relief from disruptions in permit processing caused by the state of emergency.
 - "*An Act to Further Address Challenges Faced by Municipalities and School Districts Resulting from COVID-19*" proposes the following changes to permitting:
 - Provides that no permit is automatically granted, approved, or denied because a local permitting authority does not act within a time period required by law
 - Provides that any permit that is currently valid will not lapse or expire during the state of emergency, and suspends any time limitation on such permits during the emergency

- Allows applications for permits to be filed electronically, so as to eliminate the need for in-person filing
- Suspends any requirement that a hearing on a permit application be held within a certain period of time until 45 days after the end of the state of emergency
- As filed, permits pending and filed before the state of emergency are included, and must be provided with a decision within 45 days following the end of the state of emergency.
- The legislation may be accessed [here](#).

Municipal Construction:

- **What guidance has been offered surrounding construction in the Commonwealth?**
 - Guidance surrounding construction and public works has been issued, and may be accessed [here](#).
 - Construction is essential and shall continue during the state of emergency, provided that social distancing protocols consistent with the guidance issued by DPH is allowed for.
 - Inspectional services are considered essential, provided that social distancing protocols consistent with the guidance issued by DPH is allowed for.

Municipal Elections and Open Meeting Law:

- **What changes have been proposed to the Open Meeting Law as a result of the challenges posed by COVID-19?**
 - On March 12, the Governor issued an Executive Order pertaining to the Commonwealth's Open Meeting Law. The Order may be accessed [here](#).
 - The Order directs the following changes:
 - Suspends the requirement for public access to the physical location where a public meeting is taking place, provided there are other means of access available. This includes the use of a phone conference line for members of the public, social media or other internet streaming services, on-line meeting services, or methods of access.
 - Relieves the requirement that a quorum of members be physically present at a public meeting. During this period, members may all participate by remote or virtual means.
 - This order is applicable to meetings of public bodies including commissions, boards, and committees that engage in policy making at the

- state, quasi and local level, and it does not apply to Town Meetings or judicial and quasi-judicial hearings.
- The best way to address the postponement of a meeting is through MGL Ch. 39, Sec. 9
 - Consult Town Counsel and Section 9 of Chapter 39 of the Massachusetts General Laws for information regarding postponement of Town Meetings.
 - Section 9 of Chapter 39 of MGL may be accessed [here](#).
- **Has any legislation regarding the postponement of elections been signed into law?**
- Chapter 45 of the Acts of 2020 was signed into law by Governor Baker on March 23, 2020 and grants municipalities the authority to postpone municipal elections.
 - The law authorizes the following:
 - Any city or town with a municipal caucus or annual or special municipal election scheduled between the effective date of this act and May 30, 2020, may postpone such municipal caucus or municipal election.
 - The select board, town council, board of registrars or city council of the city or town may vote on any day prior to the date of their scheduled municipal caucus or municipal election to postpone the municipal caucus or municipal election to a date certain on or before June 30, 2020.
 - Any eligible voter may vote early by mail for any annual or special municipal or state election held on or before June 30, 2020.
- **What may be done with respect to amending the deadline for submitting nominating papers in light of COVID-19?**
- Consult with the Elections Division of the Commonwealth's Secretary of State.

Essential Services and Gatherings Enforcement:

- **Who is responsible for enforcing the March 23, 2020 Executive Order issued by Governor Baker, which requires the temporary closure of physical businesses providing non-essential services and prohibits gatherings of more than ten people? Who can issue the fines for violations of said Executive Order?**
- The language and specifics of the Executive Order may be accessed [here](#)

- The Order can be enforced by the Department of Public Health and Local Boards of Health or their authorized agents. If necessary, Local Boards of Health may request the assistance of municipal police.
- **What is the distinction between a stated “Advisory” and a written “Order”?**
 - Residents are advised to stay home and avoid unnecessary travel and other unnecessary activities during this two-week time period. Residents over 70 years of age or with underlying health conditions, who are considered at high risk when exposed to COVID-19, should limit social interactions with other people as much as possible.
 - The Baker-Polito Administration does not believe Massachusetts residents can be confined to their homes and does not support home confinement for public health reasons.
 - The Public Health Advisory is available [here](#).

Supporting our Municipal First Responders:

- **Can first responders be provided with information so they are aware of their exposure to persons who have tested positive for COVID-19?**
 - The Commissioner of the Department of Public Health (DPH) issued an Order to allow DPH to share the addresses where individuals have tested positive for COVID-19, so responders may be prepared when responding to assist said addresses. The language of the Order may be accessed [here](#).
- **Can first responders be provided with any priority for receiving testing?**
 - The First Responder Work Group in the State Emergency Operations Center is working with DPH to develop options for first responder testing.
- **Are there any proposals which would provide local aid to support the rooming of first responders who were exposed to COVID-19 and need to quarantine, so as not to expose their families?**
 - The Mass Care Work Group within the State Emergency Operations Center is working on housing for first responders. The Massachusetts Emergency Management Agency (MEMA) has applied for special approval from the Federal Emergency Management Agency to implement non-congregate housing and is the necessary response.

- **How can municipalities find out the process of requesting Personal Protective Equipment (PPE) from MEMA?**
 - Local communities and first responders should request PPE through MEMA's Regional Offices. Local Emergency Management Directors are regularly in communication with MEMA. The list for Local Emergency Management Directors may be accessed [here](#).

- **Is there a federal/state stockpile of PPE and if so, when can we expect them?**
 - Yes. The Strategic National Stockpile comes from the federal government to a warehouse managed by the Department of Public Health. DPH has requests several allotments of supplies. Some supplies are already in state with others being delivered soon. The state is also procuring items and exploring new manufacturing capabilities. Now that the PEP supply chain is reopened and accessible, local communities are encouraged to attempt to procure, as well.

Other:

- If you are the owner of a non-essential business, you may go to your business facility as needed to take care of crucial tasks that cannot be done remotely or to retrieve necessary materials or documents. Your employees may not go to your bricks-and-mortar place.
- Information on license reciprocity can be found [here](#). DPH has also provided information related to [Pharmacies](#) and [Nursing](#).
- Guidance regarding grocery store vulnerabilities can be found [here](#).
- For changes regarding Conflict of Interest laws please refer to the State Ethics Commission.