

**TOWN OF MILFORD
Milford, Massachusetts**

NOTICE OF MEETING

RECEIVED
MILFORD TOWN CLERK
2020 AUG 12 PM 2:15

Board, Commission, or Committee **Town Meeting Study and Improvement Committee**

Date and Time of Meeting **Monday, August 17, 2020, via Teleconference at 7:00 P.M.**

Place of Meeting: Pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, G.L. c. 30A sec. 18, this meeting is being conducted via remote participation and is being recorded.

*Notice: Members of the public who would like the Committee to address questions, concerns or ideas are advised to email the Committee in advance of the meeting at tmsic@townofmilford.com
Thank you!*

Matters Anticipated being subject of discussion:

AGENDA

1. Approve the previous meeting minutes
2. Vice Chair Election
3. Committee Appointments to fill vacancies.
4. Communications from the Public
5. October 26, 2020 Special Town Meeting
(TMSIC approved Articles removed from the June 29th TM Warrant)
6. October 20, 2020 Pre-Town Meeting Forum Planning
7. Twice Reading of Motions Status

Reno DeLuzio
Reno DeLuzio, Chairman

Dated: 8/12/2020

The listing of matters above are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

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June 5, 2020

Michael Noferi, Town Moderator
Milford Town Hall
52 Main St.
Milford, MA 01757

RE: Town Meeting

BY EMAIL AND HAND-DELIVERED

Dear Mr. Noferi,

We are writing in response to the Town Clerk's email of June 2nd as to whether town meeting members will attend or absent themselves from the Town Meeting. We, the undersigned, offer for consideration the following to the Covid-19 task force:

We understand that the Governor's executive order banning large gatherings of more than 250 people does not apply to municipal legislative bodies. But as a practical matter, if every one of the 255 town meeting members attended the meeting, indoors and socially distanced as proposed, it is unclear which Milford venue would be big enough.

More importantly, the CDC, DPH and Milford Board of Health have advised high-risk individuals, including those over age 60, pregnant women and anyone with underlying health conditions or a weakened immune system, to avoid large gatherings. People with the virus are the most contagious in the 48 hours before they become symptomatic. Masks and social distancing lower, but do not eliminate, the risk level.

Many TM members are high risk. Some can't wear masks due to underlying health conditions or don't know how to properly wear one. It is easy to envision a speaker pulling their mask away from their face in order to be heard. A few won't wear a mask on principle and will be asked to leave. Others will not attend out of fear that, despite the Town's best efforts, the virus could spread.

Why jeopardize health, diminish participation, and possibly require contact tracing after the fact, when the meeting can be held in an alternative way that presents zero or lower risk?

The Governor has already signed a bill (H.4617) to ease municipal challenges resulting from the Covid-19 crisis. Towns have pursued a range of alternatives to traditional town meetings, as a result.

For example, some towns such as Hingham and Southwick, held their town meetings outdoors. See, <https://www.hingham-ma.gov/241/Town-Meeting> and <https://www.southwickma.org/board-health/events/40424>. In Auburn, members were

given the option to remain in their cars listening on loudspeakers or car radios and holding up paddles to vote. See, <https://www.mma.org/with-time-running-short-towns-pursue-range-of-town-meeting-and-election-options/> Since a drive-in is located in the adjoining town of Mendon, it is notable that South Hadley held its Town Meeting at a drive-in, with a public access live feed.

See, <https://www.masslive.com/news/2020/06/south-hadley-readies-for-drive-in-town-meeting.html>. The Open Meeting law MGL Ch. 39, s 10A allows the Board of Selectmen to “move the meeting location to a suitable meeting place in a contiguous municipality.” See, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter39/Section10A>

But the ideal solution is a zero risk option in the form of a virtual town meeting via Internet and Telephone. Any concerns that Town Counsel Boddy had in his memo advising against remote meetings (See, <https://www.milfordma.gov/home/pages/public-participation-remote-meetings>) should be alleviated by reports that Zoom not only updated its security measures but has a specific program for Municipalities entitled Zoom for Government. See, <https://zoom.us/government>

Under bills passed by the Massachusetts House and Senate (S.2680/H. 4752), Milford could host a virtual or hybrid physical/virtual town meeting, if approved by the Milford Selectmen and Town Moderator. The Massachusetts Municipal Association has requested reconciliation of these bills for the Governor’s signature as soon as possible. See, <https://www.mma.org/house-oks-bill-addressing-municipal-finance-and-voting-challenges/>. In the interest of time, Milford should proceed as if the finalized bill will pass. A court order is always a backup option. Examples of towns utilizing Virtual Town Meetings are Milton, Lexington, Winchester, Brookline, North Andover and Holland. See, <https://www.townofmilton.org/town-moderator/pages/town-meeting>; <https://lexington.wickedlocal.com/news/20200501/how-exactly-would-virtual-town-meeting-work-in-lexington>; <https://www.govtech.com/gov-experience/Town-Meetings-Get-Remote-Voting-Option-in-North-Andover-Mass.html>; and <https://town.holland.ma.us/home/news/urgent-virtual-public-meeting-guidelines-remote-participation>.

The solutions proposed above pose no financial hardship to the town. Any expense must be balanced against safe and timely administration of town business with an eye toward full Town Meeting member participation. A virtual town meeting could have prevented the removal of citizen initiatives from the Warrant.

In full disclosure: I consented to passing over the two articles I submitted, not because I agree that a somewhat shorter meeting is safer, but because I do not feel that my duty as a town meeting member requires my physical attendance when it poses an unnecessary health risk.

In summary, please consider this email a formal request that the Town host a virtual or hybrid virtual town meeting to provide all members the option to participate in the physical meeting remotely.

The undersigned also requests virtual participation as a reasonable accommodation under the Americans with Disabilities Act for town meeting members in the high-risk category, who would have otherwise attended the physical town meeting, but for the safety risk it poses. I, for example, request remote participation as a reasonable accommodation because I have asthma, in addition to a high-risk elderly household member. Lack of remote participation puts people like myself in the untenable position of choosing between civic engagement and possible contraction of deadly virus.

We reserve the right to decide whether to attend Town Meeting until after the Covid-19 task force responds to this letter. We are gathering signatures from other Town Meeting Members, to be incorporated by reference into this letter, via a separate email, in the interest of time.

Very truly yours,

Lauren M. Wilton, Precinct 5 Co-

Signed by:

RJ Sheedy, Precinct 5 Brendan

Rickert, Precinct 6

Bryan Cole, Precinct, Precinct 8

/lw

cc: Town Clerk