

**TOWN MEETING STUDY AND IMPROVEMENT COMMITTEE
(TMSIC)**

**TOWN HALL
52 MAIN STREET
MILFORD, MA 01757**

Meeting Minutes

The regular meeting of the Town Meeting Study and Improvement Committee was held on Monday, September 21, 2020, via a Vast conference call. Renaldo A. DeLuzio being in the chair called the meeting to order at 7:05 p.m.

Present at the meeting were eight members of the Committee: Michelangelo Bon Tempo, Charles M. Clark, Sr., Renaldo A. DeLuzio, Susan Marie Hastert, Richard A. Heller, Kathryn L. Mastroianni, Jose M. Morais, and Justin Redden. One Participating Applicant to the Committee was present: Brian W. Long.

Administrative Items

Chairman DeLuzio requested that Mr. Bon Tempo take a roll call of members of the Committee present. Present for the roll call were Mr. Bon Tempo, Mr. Clark, Chairman DeLuzio, Ms. Hastert, Dr. Heller, Ms. Mastroianni, Mr. Morais, and Mr. Redden.

Chairman DeLuzio read a statement from Charles D. Boddy, Jr., Esq., Town Counsel, regarding the conduct of public meetings via remote participation post COVID-19 under Governor Charlie Baker's March 12, 2020 Executive Order modifying certain requirements of the Open Meeting Law.

Chairman DeLuzio reviewed the protocol for a meeting being held via a Vast conference call.

1. Approve Previous Meeting Minutes

Chairman DeLuzio moved and the minutes of the regular meeting of August 17, 2020 were accepted as read.

2. Communications from the Public

No communication (e-mail or U.S. mail) from the public was received in advance of the meeting by the Committee.

3. October 20, 2020 Pre-Town Meeting Forum Planning

Chairman DeLuzio informed the Committee that a decision needs to be made tonight whether to conduct a pre-Town Meeting forum for the October 20, 2020 Special Town Meeting. As a preface, Chairman DeLuzio presented the following for the Committee to consider in its deliberations.

- i. Pursuant to Governor Baker's COVID-19 Order No. 46, Section 3, a pre-Town Meeting forum would be considered an indoor gathering for political expression and be subject to

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- ii. the following limitations: indoor gatherings are limited to 8 persons per 1,000 square feet of accessible, indoor floor space, and never more than 25 persons in a single enclosed, indoor space; furthermore, all participants must maintain at least 6 feet of physical distance from every other participant.
- iii. From correspondence with Richard A. Villani, Esq., Town Administrator, it was ascertained that a pre-Town Meeting forum at upper Town Hall would require facilities preparation (cleaning and sterilization) of the meeting place before and after the event.
- iv. Town department heads, Article sponsors, Town Meeting members, and the public would be subjected to additional risk for attending another meeting to address Articles that can be addressed at the Special Town Meeting.
- v. Provided correspondence from Michael J. Noferi, Esq., Town Moderator, who advised that “given the low turnouts in the past, I think the risk outweigh the rewards of having a pre-Town Meeting forum; but if it is to happen I would be willing to help by moderating.”
- vi. Reiterated the opinion of Charles D. Boddy, Jr., Esq., Town Counsel, from the Committee’s previous discussion on whether to conduct a forum for the June 29, 2020 Annual Town Meeting, which held that a pre-Town Meeting forum is not required for every town meeting.
- vii. Atty. Villani’s information that the Warrant would be approved by September 28th and not September 21st as indicated on the Town Meeting timeline on the Town’s website, which significantly impacts the Committee’s timeline for conducting a forum.
- viii. Christopher George, Director of Information Technology, informed the Chairman that the Committee cannot directly e-mail Town Meeting members to request Articles for consideration as such an activity is contrary to the federal CAN-SPAM Act, in that a Town Meeting member must be given the ability to “opt out” of receiving these e-mails. Currently, the Town does not have the service to provide that capability; the cost of such a service would be \$20 to \$40 per month.

Chairman DeLuzio opened the floor for comments. Mr. Bon Tempo moved to not conduct the pre-Town Meeting forum for the October 20, 2020 Special Town Meeting.

Dr. Heller agreed with Atty. Noferi’s advice and added that the risk or what people perceive as the risk associated with the coronavirus would further depress turnout for the forum. Chairman DeLuzio, Mr. Clark and Ms. Mastroianni concurred.

A discussion ensued between Mr. Bon Tempo, Chairman DeLuzio and Ms. Mastroianni on the information provided by Mr. George.

Chairman DeLuzio requested that Mr. Bon Tempo take a roll call vote on the motion not to conduct the pre-Town Meeting forum for the October 20, 2020 Special Town Meeting.

Mr. Bon Tempo	aye	Dr. Heller	aye
Mr. Clark	aye	Ms. Mastroianni	aye
Chairman DeLuzio	aye	Mr. Morais	aye
Ms. Hastert	aye	Mr. Redden	aye

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The motion was carried unanimously, 8 in favor; 0 opposed.

4. Proposed Twice Reading of Motions Status

Chairman DeLuzio informed the Committee that a memorandum on the twice reading of motions was sent to Atty. Noferi on September 5th and a red-line corrected version on September 16th; so far, there has been no response. Chairman DeLuzio stated that he would contact Atty. Noferi before the end of the month to see if he is amenable to the Committee's recommendations.

5. Electronic Voting Initiative

Chairman DeLuzio stated that the initiative on electronic voting has not progressed since the passing of Steven J. Trettel and would require someone to pick up the effort. Since the initiative is not under the purview of a sub-committee, it does not require a Committee member; an Applicant, Consultant Volunteer, or even a consultant could lead the effort. Chairman DeLuzio asked for the Committee member's opinions on the matter.

Dr. Heller suggested that the initiative be tabled until a clearer picture emerges time-wise relative to the COVID-19 pandemic.

Chairman DeLuzio mentioned that Mr. Trettel, Bryan Cole (Consultant Volunteer), and himself have been working on the initiative since the Committee decided to proceed with it, and that a detailed plan was developed that shows all the work that needs to be done ahead of presenting this new feature to Town Meeting members. While it is true that the electronic voting demonstration will have to be postponed due to the pandemic, there is still a lot of upfront work that will keep the Committee busy. Chairman DeLuzio opined that the Committee should not wait and that the initiative should continue, but it is a question of at what pace and who should lead the initiative.

Ms. Mastroianni asked what specific items of the plan the Committee could tackle ahead of the demonstration. Mr. Bon Tempo requested that the Chair prepare a list for the next regular meeting. Chairman DeLuzio stated that rather than waiting for the next meeting, he would e-mail the electronic voting initiative plan to the Committee members highlighting the incomplete tasks.

Chairman DeLuzio returned to the issue of compliance with the CAN-SPAM Act. He supposed that engaging the services of a firm to enable compliance would be required if the Committee were to send an e-mail to Town Meeting members that required a response. To that end, Chairman DeLuzio said he would entertain a motion to spend no more than \$500 (the high-end estimate of \$40 per month plus any additional feature) for a firm to provide email list management software.

Mr. Redden moved to spend the \$500 as requested by the Chair.

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A discussion ensued between Dr. Heller, Chairman DeLuzio, Mr. Bon Tempo, Ms. Mastroianni, Mr. Redden, and Ms. Hastert on the CAN-SPAM Act and the e-mail activities of the Committee. The result of the discussion was a lot of unanswered questions.

Mr. Redden moved to withdraw his motion to spend no more than \$500 on an email list management software program, which was carried by unanimous consent.

Chairman DeLuzio stated that the issue would be an action item and would seek the opinion of Atty. Boddy, Town Counsel.

6. Status of proposed Finance Committee amendments to Standing Votes of Town Meeting Section 5 and General By-laws Article 2

Chairman DeLuzio reviewed the history of the proposed Finance Committee amendments to Section 5 of the Standing Votes of Town Meeting and Article 2 of the General By-laws. The proposed amendments would update issues surrounding capital expenditures (dollar amount of \$500 since 1961) and capital improvements (since the dissolution of the Capital Improvement Committee in 2016).

Chairman DeLuzio read the following statement from the Sub-committee on Capital Improvements: “We have decided that there is not enough time between now and the [Special] Town Meeting to perform the evaluation that we require for proper due diligence on this article. We will recommend to the full Committee we pass over for this meeting and deal with it at the Annual Town Meeting.”

Chairman DeLuzio noted that the Sub-committee on Capital Improvements agrees with the issues addressed in the memorandum prepared by the Committee.

The meeting adjourned at 7:51 p.m.

Michelangelo Bon Tempo
Clerk

Approved

11-16-2020