

TOWN MEETING STUDY AND IMPROVEMENT COMMITTEE

(TMSIC)

Meeting Minutes

The regular meeting of the Town Meeting Study and Improvement Committee was held on Monday, February 14, 2022. Renaldo A. DeLuzio being in the chair called the meeting to order at 7:15 p.m.

Present at the meeting were eight members of the Committee: Charles M. Clark, Sr., Renaldo A. DeLuzio, Christine Crean, Richard A. Heller, Michael Visconti, and Jose M. Morais. Three members of the Committee were absent: Katherine Mastroianni, Catherine Porter and Michael B. Aghajanian. One Participating Applicant to the Committee was present: B. Gregory Johnson. Michaelangelo Bon Tempo, Consultant Volunteer, was also present.

Administrative Items:

Chairman DeLuzio announced that the meeting was being recorded and asked if anyone had objection. There were no objections.

1. Approve Previous Meeting Minutes

The January 10, 2022 meeting minutes were not available.

2. Invitation to Speak: No requests.

3. Town Meeting Member Survey 2022 Development

Chairman DeLuzio sent the draft Questionnaire (1-11-22A) to Town Administrator Richard Villani to solicit questions for consideration from him, the Select Board, and others that he deems appropriate. He forwarded it to the Select Board, Town Treasurer, Finance Director, and Town Counsel. No questions or comments were received. He did not forward it to the Town Clerk.

Chairman DeLuzio referred the Committee to Questionnaire dated (1-11-22) markup as a result of the January 10, 2022 meeting comments [sent via email dated (2-12-22) to all].

Chairman DeLuzio did not include question D5 because he had concerns with the language. He proposed the question be changed from “Should the Select Board provide justification for considering Non-Capital Expenditure Articles ... ?” to “Should the Select Board adopt a policy to justify consideration of Non-Capital Expenditure Articles ...? . There was no objection to the proposed change. Chairman DeLuzio will send question D5 to Mr. Villani to complete the set of questions provided to him.

Mr. Visconti questioned the dollar value of a capital expenditure and that Town Meeting Members may not know what constitutes a capital expenditure. Chairman DeLuzio opined the dollar value is only one aspect of what constitutes a capital expense and that the definition is too long to include it in the survey. These survey questions assume the Town Meeting Members have some basic knowledge of financial terms used at town meeting.

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Discussion ensued regarding Question E3: “In addition to these requirements, do you favor the last 3-year attendance record of Town Meeting Members seeking re-election (who have served for at least 3 years) posted on the Town Website?”

Mr. Bon Tempo suggested question E3 be modified to include anyone up for election irrespective of the number of years served should be included. Chairman DeLuzio commented that members who may be serving a 1-year expired term and may have missed one of two meetings, is not an indication of poor attendance. An attendance record over at least a 3-year period (e.g., 6 or more sessions) would be a meaningful indicator of attendance. The question remained unchanged.

Mr. Bon Tempo also noted that this additional requirement may require a change to the Standing Vote rule. Chairman DeLuzio will check with Town Counsel. Since Mr. Villani did not include the Town Clerk in his email requesting questions from Select Board and others, Chairman DeLuzio will do so and go over Question E3 with Ms. Neves.

Question E4: Chairman DeLuzio suggested this question be addressed after agenda item 4. No objection.

The following question was added as a result of a suggestion made at the January 10th meeting:

G. Incentivizing Citizens to Seek Election to Town Meeting

G.1 Would you support reducing the number of required signatures to be placed on the ballot, or to fill a vacancy, from 30 signatures to:

10 ☐ 15 ☐

Mr. Johnson suggested adding another option: No Change ☐

It will be added in the next revision.

Hearing no other comments/changes shown in the markup (except E4) will be incorporated in the next revision.

Regarding the development of the questionnaire into survey format utilizing Survey Monkey:

At the January 10th meeting, Mr. Heller suggested Chairman DeLuzio consider reaching out to the staff and students at Milford High School for assistance in developing the Survey Monkey Survey. In going through a 1.5 hour you tube tutorial; Chairman DeLuzio became familiar with how to use the program and that the process requires numerous decisions in formulating the questions. This would require continuous interaction with the staff and students. Chairman DeLuzio concluded that the most efficient use of his time would be for him to prepare the survey. He will be using Survey Monkey’s free version for initial development and testing.

Item 4(a). Town Meeting Attendance Rule

Mr. Visconti proposed an Article regarding Town Meeting Attendance for the Committee’s consideration as the Committee membership has changed from his first proposal on Dec. 16, 2019.

Chairman DeLuzio referred the Committee to the following attachments of a February 9, 2022 email to all: Mr. Visconti’s proposed Article, Attorney Moody’s (Consultant Volunteer) opinion, and an excerpt from Dec. 16, 2019 TMSIC meeting Minutes.

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Mr. Visconti requested the TMSIC support some facsimile of an article which found in Framingham's By-Law as approved by the AG. His conversation with the Framingham Town Clerk indicated she had to notify delinquent town meeting members on several occasions that their seat had been vacated. Mr. Visconti noted that the Article would have to be modified by defining what is meant by attendance. He questioned the validity of Mr. Brian Cole's (Consultant Volunteer) 5-year Town Meeting Member attendance analysis because it does not include those who leave early.

If the Article was passed the Town Clerk would have to come up with an accurate method of taking attendance. Chairman DeLuzio noted that not accounting for those few who leave early does not materially discredit the validity of the analysis. Mr. Heller noted that it is the only data we have. Mr. Marais and Mr. Johnson noted that it is valid data. Ms. Crean noted that even though some may leave early, the Town Meeting is still able to conduct business. Chairman DeLuzio's evaluation of the data showed that we do not have a chronic absentee problem.

Chairman Deluzio also noted the following:

- a) This issue was deliberated extensively at the Dec 16, 2019 meeting with the same documentation presented here. The Committee was of the unanimous consensus that removing a Town Meeting member from office was a decision best left to the electorate.
- b) A pattern of town meeting attendance cannot be done on an annual basis. It has to be over several years. It may have worked for Framingham who have numerous town meeting sessions per year -- as many as 9. The math does not work for Milford where we have 2 town meeting sessions per year (on average).
- c) No new information was presented by Mr. Visconti nor did he know of any other towns that have adopted a similar By-Law.
- e) It does not solve the problem of leaving early.
- e) May discourage citizens from running for Town Meeting.
- f) Framingham has adopted a city form of government. If this Article passed, we would now be the only representative town meeting with such a By-Law.
- g) Mr. Visconti's inquiry of Framingham's former Town Clerk regarding enforcement is in disagreement with Attorney Moody's inquiry of the Town attorney who was aware of the provision indicated that since its inception the provision was never utilized to declare anyone to have abandoned their seat.
- h) Mr. Visconti's emphasis on the importance of the AG's approval is in disagreement with Attorney Moody's opinion.

Chairman DeLuzio concluded that he could find no basis for supporting the proposed Article.

Mr. Visconti moved that the TMSIC sponsor his proposed Article with revisions as may be required. No discussion.

1 in favor, 5 opposed. Motion was defeated.

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4(b) Conflict of Interest Rule.

Mr. Visconti presented an Article regarding Town Meeting Member Conflict of Interest for the Committee's consideration as the Committee membership has changed since his initial proposal on February 28, 2019. The Article is identical to the Framingham By-Law as approved by the AG.

(Background: The Committee voted on August 19, 2019 to sponsor an Article for the Oct. 28, 2019 Special Town Meeting. Upon further review, the Committee voted to rescind its August 19, 2019 vote on September 9, 2019 and took no further action.)

Mr. Visconti moved that the TMSIC sponsor an Article to amend the General Bylaws by adding a provision to prevent Town Meeting Members from participating in the consideration of articles in which they have a financial conflict of interest.

Chairman DeLuzio referred the Committee to the following attachments of a February 9, 2022 email to all: Mr. Visconti's proposed Article, Attorney Moody's (Consultant Volunteer) opinion, and the September 9, 2019 TMSIC decision not to sponsor the Article.

Chairman DeLuzio noted the following:

- a) No new information was presented by Mr. Visconti nor did he know of any other towns that have adopted a similar By-Law.
- b) Town Meeting Members are exempt from M.G.L. Chapter 268A (Conduct of Public Officials and Employees).
- c) Mr. Visconti's emphasis on the importance of the AG's approval is in disagreement with Attorney Moody's opinion.
- d) Attorney Moody's September 2019 inquiry with Framingham's Town Attorney indicated it was in effect for the two years prior to Framingham's change to a city form of Government and never utilized during that time.

Mr. Visconti provided some unsubstantiated examples of conflicts of interest. No evidence of widespread conflict of interest was provided, only the perception by many that it is widespread.

Some issues and concerns raised:

- a) Could adopting a town rule in the procedural guide bypass the state statute? Would still violate the state statute.
- a) How do you enforce it?
- b) What happens if a person does not declare? Does the vote then become invalid?
- c) Is it a solution to a problem that is not pervasive?
- d) Places an undue burden on Town Meeting members in having to determine who amongst their "immediate family members" (e.g., spouse, parents, children, ... spouse's parents, children, ... etc.) may have a conflict of interest.

Question came upon the motion to sponsor an Article to amend the General Bylaws by adding a provision to prevent Town Meeting Members from participating in the consideration of articles in which they have a financial conflict of interest. 1 in favor, 5 opposed. Motion was defeated.

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Return to Item 3: Town Meeting Member Survey Development:

E4. Would you prefer a rule to remove Town Meeting Members for chronic absenteeism?

Based on the discussion and vote on Item 4(a), Chairman DeLuzio moved to remove question E4.

5 in favor, 1 abstention. Motion passed.

Item 5. Town Meeting Procedural Guide

Mr. Bon Tempo reported that he has made over 50 changes of various degrees since the last revision. He will provide a markup for the March 14th meeting. Chairman DeLuzio noted that he sent the Committee the draft of 2-9-22 for review and comment (email dated 2-10-22) along with the Review Criteria and the Initial Reviewers names (12) for next round of review. Mr. Visconti was on that list. However, he is now a TMSIC member and gets to review it as a committee member. Chairman DeLuzio recommended Angelo A. Calagione (Pct. 6) be added to the reviewers list.

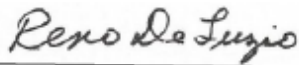
No Objections.

Item 6: Electronic Voting for the May 23, 2022 Annual Town Meeting.

In accordance with Town Meeting authorization for the Committee to decide when an Electronic Voting demonstration will be held, I move the May 23, 2022 Annual Town Meeting be designated to conduct an Electronic Voting Demonstration provided it is an in-person meeting.

Motion approved unanimously.

Meeting adjourned at 8:50 PM



Reno DeLuzio, Chairman

Approved: 5/4/2022