

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

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

Meeting Minutes

A special meeting of the Town Meeting Study and Improvement Committee was held on Monday, September 9, 2019, in Room 14 of the Town Hall. 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: Chairman Renaldo A. DeLuzio, Clerk Michelangelo Bon Tempo, Charles M. Clark, Sr., Susan Marie Hastert, Vice-chairman Bartholomew R. Lawless, Kathryn L. Mastroianni, Jose M. Morais and Steven J. Trettel. One member of the Committee was absent: Richard A. Heller. Four Participating Applicants to the Committee was present: Christine Crean, Keith M. Gattozzi, Sr., B. Gregory Johnson and Brian W. Long. One Consultant Volunteer was present: Gerald M. Moody, Sr. No one from the public was present.

Chairman Deluzio welcomed and introduced Messrs. Gattozzi and Long, two new Participating Applicants, as well as a new Consultant Volunteer, Atty. Moody to the Committee.

For the benefit of the new Participating Applicants and Consultant Volunteer, Chairman DeLuzio reviewed the Committee's ground rules for speaking at the meeting.

[Mrs. Crean entered the meeting at 7:20 p.m.]

Chairman Deluzio welcomed and introduced to the Committee another new Participating Applicant: Mrs. Crean.

1. Atty. Moody reviewed and commented on the Conflict of Interest By-law Article the Committee voted to sponsor for the Warrant of the October 28, 2019 Special Town Meeting at the August 19, 2019 regular meeting. Atty. Moody stated that M.G.L. Chapter 268A, the so-called Conflict of Interest By-law, does not apply to town meetings. (In fact, town meeting members are expressly excluded from the statute.) He also commented that there is no statute preventing a Town Meeting from adopting a similar by-law for its members. (Town meeting members are the judges of the election and qualification of their members; and, representative town meeting may make such rules consistent with general law as may be considered necessary for conducting its meetings.)

However, Atty. Moody commented that a Conflict of Interest By-law would be impossible to enforce, and that its enforcement could create chaos. For example, an amendment to a motion on a zoning article may create a conflict of interest for several Town Meeting members that did not exist when the original motion was made. Or, a Town Meeting member may rise to challenge the validity of a vote (voice or standing) when he/she perceives that another member voted without declaring a conflict of interest.

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Atty. Moody commented that by and large Town Meeting members know who has a conflict of interest when a motion on an article comes before Town Meeting. In his forty-year association with both open and representative town meetings, Atty. Moody could recall only one instance where the members were unaware of a member's conflict of interest. (Ultimately, town meeting acts in a legislative, not a judicial capacity, and individuals have a right to vote their own interests.)

Lastly, with respect to the Framingham Town Meeting Conflict of Interest By-law, Atty. Moody conferred with Framingham Town Counsel and found that that by-law was never utilized in its two-year history.

Please note that parenthetical remarks are taken from *Town Meeting Time* Chapter 10 (copies of which were distributed to the Committee members prior to the regular meeting) and Sections 3 and 10 of Chapter 271 of the Acts of 1933.

[Mr. Johnson entered the meeting at 7:33 p.m.]

Mr. Bon Tempo moved to rescind the action taken at the August 19, 2019 regular meeting at which the Committee voted to sponsor a Conflict of Interest By-law Article for the Warrant of the October 28, 2019 Special Town Meeting. Mr. Bon Tempo voted in favor of the motion on August 19<sup>th</sup>.

The motion to rescind was carried: 8 in favor, 0 opposed.

2. Chairman DeLuzio recalled a conversation he had with Michael J. Noferi, Esq., Town Moderator, on conducting a demonstration of electronic voting at the October 28, 2019 Special Town Meeting – the Town Meeting can only be called to address what is on the Warrant and cannot address items that are not on the Warrant. (Therefore, the conclusion was made that if the Committee wanted a demonstration at the October 28th Special Town Meeting, the Committee should have requested it with an Article in the May 20, 2019 Annual Town Meeting Warrant.) – and questioned Atty. Moody as to the validity of the language for the Electronic Voting Article the Committee voted favorably to sponsor for the October 28th Special Town Meeting at its August 19<sup>th</sup> regular meeting.

Atty. Moody confirmed Atty. Noferi's opinion on the need for an Article and responded that he found no issues with the motion as worded.

Mr. Trettel reported on the expenses associated with Option Technologies International conducting a demonstration of electronic voting. The cost of one session is \$2,734.21 and any additional session is \$1,843.

Chairman DeLuzio moved to spend no more than \$2,800 from the Committee's general expenses account for a demonstration of electronic voting for one session of the 2020 Annual Town Meeting.

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The motion was carried: 6 in favor, 2 opposed.

Chairman DeLuzio moved to reconsider the action taken at the August 19, 2019 regular meeting at which the Committee voted to sponsor an Article on Electronic Voting Demonstration for the Warrant of the October 28, 2019 Special Town Meeting. Chairman DeLuzio voted in favor of the motion on August 19<sup>th</sup>.

The motion was carried: 8 in favor, 0 opposed.

Chairman DeLuzio moved to amend the motion by adding the sentence "Town Meeting members' names shall not be included for electronic votes," so that the Article shall read as follows:

To see if the Town will vote to authorize the Town Meeting Study and Improvement Committee to engage services and do all that is necessary for the purpose of a one-time trial use of Electronic Voting by conducting the 2020 Annual Town Meeting using electronic voting. Town Meeting members' names shall not be included for electronic votes.

The amendment to the motion was carried: 8 in favor, 0 opposed.

Mr. Bon Tempo moved to accept the motion as amended.

The motion as amended was carried: 8 in favor, 0 opposed.

3. The Pre-Town Meeting Forum Sub-committee reviewed and made some changes to the media information for the Forum. By unanimous consent, the Committee approved the changes to the Forum press release and flyer.

4. Chairman DeLuzio confirmed the remaining dates for the Committee's regular meetings for 2019 as October 10<sup>th</sup>, November 18<sup>th</sup> and December 16<sup>th</sup>.

5. There was no citizen participation.

The meeting adjourned at 8:35 p.m.

Michelangelo Bon Tempo  
Clerk

Approved  
9/16/2019