



TOWN OF TRURO

BOARD OF REGISTRARS Meeting Minutes November 6, 2023 – 4:00 pm BOARD OF REGISTRARS MEETING



Members Present (Quorum): Elisabeth Verde (Chair); Elizabeth Sturdy (Vice Chair), Heather Harper (Clerk); Julie Cataldo (Member)

Members Absent:

Other Participants: Town Manager Darrin Tangeman; Lauren Goldberg (Town Counsel and Managing Attorney at KP Law); Raphael Richter (Complainant and Truro Voter); Attorney Donna Brewer (Counsel to Specific Respondents); Attorney Andrew Bettinelli (Counsel to Specific Respondents); Susan Rocca (Respondent); Gonzalo Castro (Respondent); Brian Boyle (Appearing on Behalf of Rosemary Boyle – Respondent); Diedra Dietter (Respondent); Roberta Kinsella (Respondent); Karen Kinsella (Respondent and Appearing on Behalf of Roberta Kinsella - Respondent); Gail Pisapio (Respondent); Lawrence Pisapio (Respondent); Ernest Jacob (Appearing on Behalf of James Armstrong – Respondent)

The meeting convened at 4:00 pm, Monday, November 6, 2023, by Chair Verde who opened the meeting via the Zoom videoconference platform, at the Community Center, and further announced that the hearings would take place from 4:00 pm to 8:00 pm over the next consecutive days. These hearings were scheduled following Mr. Raphael Richter's written complaints regarding the Truro voting registry status of 66 individuals.

Chair Verde read aloud the process for these hearings as well as housekeeping rules for those in attendance. Chair Verde noted that there would be no public comment this evening and this meeting was not being livestreamed. Chair Verde stated that all documentation (also referred to as "exhibits") were provided to the complainant, the respondent, Town Counsel, and each member of the Board of Registrars). Any other exhibits introduced this evening by either the complainant or the respondent would be added to that specific hearing file.

Scheduling of Hearings:

Chair Verde read aloud the list of individuals who requested specific dates for their hearings and they were approved by "all in favor" voting by the Members.

Chair Verde noted that she had received correspondence from individuals who wanted to represent other individuals during the hearings and the Members agreed to this by unanimous consent.

Public Hearings:

Prior to the commencement of the public hearings, Chair Verde swore in Mr. Richter.

Polly Guggenheim – Chair Verde announced that Ms. Guggenheim had changed her voter registration so there was no hearing in this matter.

Rose Bayani – Chair Verde announced Ms. Bayani’s name and invited Ms. Bayani to come forward. There was no reply.

Steven Pinker – Chair Verde announced that he had withdrawn from the Truro voter rolls voluntarily so there was no hearing in this matter. Chair Verde cited this as a proper example as Mr. Pinker has submitted his voter registration application to the City of Boston and submitted a copy of that registration application to the Town of Truro. It will take approximately 2-3 weeks for that application process to be completed so Chair Verde noted that the removal from the Truro voting rolls is not with immediate effect. Chair Verde noted that it was helpful for an individual to submit a copy of the paperwork to the Town of Truro.

Susan Rocca – Chair Verde announced Ms. Rocca’s name and Ms. Rocca came forward accompanied by Attorney Brewer.

Chair Verde swore in Ms. Rocca and recognized Mr. Richter who read aloud a prepared statement regarding the significant number of new voter registrations since July 1, 2023 and its applicability to each complaint.

Mr. Richter presented his evidence and Attorney Brewer responded on behalf of Ms. Rocca.

After Attorney Brewer’s response, Chair Verde asked Attorney Brewer how many of the respondents she represented and she replied that she represented approximately 27 respondents but the number was changing frequently.

Ms. Rocca read aloud a prepared statement regarding her right to vote as well as a summary of her transition from part-time to full-time resident of Truro.

Mr. Richter asked Ms. Rocca several questions which Ms. Rocca answered. Mr. Richter then summarized his challenges to the legitimacy of Ms. Rocca’s voter status in Truro.

Following several questions by Chair Verde, the Members reviewed the exhibits submitted and then discussed this matter prior to voting on the respondent’s voter status.

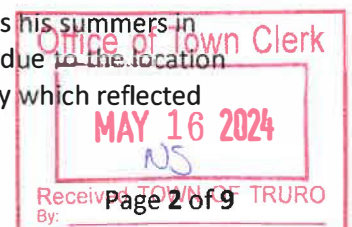
Chair Verde made a motion that the complainant has failed to provide sufficient evidence to remove Ms. Rocca from the voter rolls in Truro and that the complaint be dismissed.

Vice Chair Sturdy seconded the motion.

By a vote of all in favor, 4-0-0, motion carries.

Gonzalo Castro – Chair Verde announced Mr. Castro’s name. Mr. Castro came forward and was accompanied by Attorney Brewer. Chair Verde swore in Mr. Castro.

Mr. Richter presented his evidence and Mr. Castro responded and said that he spends his summers in Truro where he has his mail forwarded but he remains in Lexington most of the time due to the location of his family in the surrounding area. Chair Verde reviewed Mr. Castro’s voting history which reflected



that he had voted in Lexington since 1996 and last voted in 2022. Mr. Castro said that he changed his voter registration to Truro within the last year as he became more interested in what was going on in Truro. Mr. Castro said that he wanted to have an influence as to what happens in Truro in the future. Mr. Castro stated that he intended to move to Truro as a permanent resident but it took time to do so. Mr. Castro also stated that his Massachusetts driver's license listed his address in Lexington and not the address in Truro. Mr. Castro noted that his excise tax bill is mailed to his address in Lexington.

Mr. Richter had no additional questions.

Chair Verde asked Town Counsel Goldberg if she had anything to say and Town Counsel Goldberg reminded the Members what the legal standards were for legal residence for the purpose of voting.

Chair Verde asked Mr. Castro if he is currently receiving mail in Truro and Mr. Castro said that he is not.

Chair Verde and the Members deliberated on this matter before a motion was made. The Members agreed that the only step taken by Mr. Castro to establish residency in Truro was his voter registration.

Chair Verde made a motion that the complainant has provided adequate evidence to strike Mr. Castro from the Truro Registry of Voters.

By a vote of all in favor, 4-0-0, motion carries.

After the vote was recorded, Attorney Brewer stated her objection to the finding and noted that her client would preserve his right to appeal. Chair Verde noted that the appeal process was through Superior Court.

Rose Bayani – Chair Verde announced Ms. Bayani's name for the second time and there was no reply.

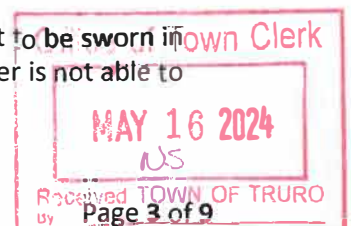
Rosemary Boyle – Chair Verde announced Ms. Boyle's name and Mr. Boyle and Attorney Bettinelli came forward. Chair Verde swore in Mr. Boyle.

Mr. Richter presented his evidence and Mr. Boyle responded on behalf of his ex-wife, Rosemary, with whom he shares his life with their children and grandchildren.

Chair Verde provided a copy of Ms. Boyle's voter history in Massachusetts since 1996 to Mr. Boyle and noted that Ms. Boyle's voter registration changed on November 8, 2022. Mr. Boyle stated that Ms. Boyle became more interested in Truro and the issues affecting it. When Chair Verde asked Mr. Boyle if Ms. Boyle was a member of the Truro Part-Time Resident Taxpayer's Association, Mr. Boyle replied that he did not know. Attorney Bettinelli objected to that question from Chair Verde.

Mr. Boyle then presented documents to the Members indicating Ms. Boyle's intent to establish her primary residency in Truro. These documents included an updated Street Listing form, an updated insurance document reflecting the garaging of her vehicle in Truro, a letter to the City of Boston Assessor's Department requesting the cancellation of her Residential Tax Exemption, the submission of a request for a Residential Tax Exemption from the Assessor's Department in Truro.

Mr. Richter noted that this was an unusual situation as the respondent was not present to be sworn in nor provided any written and sworn statements in her absence. Additionally, Mr. Richter is not able to



ask the respondent any questions. Mr. Richter stated that there was a preponderance of evidence that Ms. Boyle was not a valid voter in Truro as Ms. Boyle is not domiciled in Truro.

Attorney Bettinelli responded that the Board of Registrars had already heard testimony from individuals representing respondents who could not appear, it was not Ms. Boyle's burden to prove that she was a voter in Truro and it was Mr. Richter's burden to prove that Ms. Boyle was not, and finally, the Residential Tax Exemption demonstrated her intent to make Truro her primary residence.

Chair Verde and Members discussed the need for more evidence as Ms. Boyle took the more recent steps taken after she registered to vote in Truro.

Vice Chair Sturdy made a motion that there is a preponderance of evidence provided by the objector that Rosemary Boyle be struck from the Truro Registry of Voters.

By vote of all in favor, 4-0-0, the motion carries.

After the vote, Attorney Bettinelli said that he and his client objected to the finding and reserved the right to appeal.

Rose Bayani – Chair Verde announced Ms. Bayani's name for a third time and there was no reply.

Peter Weiss – Chair Verde announced Mr. Weiss' name and there was no reply.

Tobin Gerhart – Chair Verde announced Mr. Gerhart's name and there was no reply.

Lawrence Cetrulo – Chair Verde announced that Mr. Cetrulo had changed his voter registration so there was no hearing in this matter.

Joan Boratis – Chair Verde announced that Ms. Boratis was in Florida but that her attorney was present. Attorney Brewer came forward and stated that she was not yet Ms. Boratis' counsel.

The Board unanimously supported moving forward in this matter.

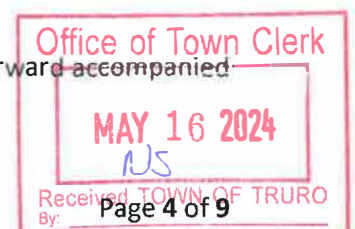
Mr. Richter presented his evidence and Chair Verde read aloud Ms. Boratis' voting history in Chicopee, Massachusetts.

Chair Verde and the Members had no comments and Town Counsel Goldberg reminded the Members what the legal standards were for legal residence for the purpose of voting. Chair Verde said that Ms. Boratis' principal residence was in Chicopee, Massachusetts and the Members unanimously concurred. Town Counsel Goldberg noted that the Massachusetts statute says that if a respondent is not present and the Board votes to remove that respondent from the Registry of Voters, the respondent has the right to reappear for good cause within two weeks.

Chair Verde made a motion that there is sufficient evidence provided by the objector that Joan Boratis be struck from the Truro Registry of Voters.

By vote of all in favor, 4-0-0, the motion carries.

Diedra Dietter – Chair Verde announced Ms. Dietter's name and Ms. Dietter came forward accompanied by Attorney Brewer.



Chair Verde swore in Ms. Dietter.

Mr. Richter presented his evidence.

Ms. Dietter responded to the complaint and stated that her primary domicile is in Truro although her husband is a caretaker in Connecticut for his 97-year-old mother. Ms. Dietter said that she retired in June 2021 from the West Hartford (Connecticut) Public Schools and provided information regarding her year-round association and participation with organizations in Truro and Provincetown.

Mr. Richter asked if Ms. Dietter had her driver's license and she said that she did not have it with her. Ms. Dietter confirmed that she had a Connecticut driver's license.

Attorney Brewer responded that the burden of proof lies with the objector and not the voter. Attorney Brewer added that the courts have ruled that whenever possible in favor of the voter. The driver's license address was inappropriate may be considered as the court has ruled that a driver's license address may be considered but it is more important of where the voter's social, civic, and domestic life occurs.

Chair Verde noted that there was not any voter information for Ms. Dietter on the Massachusetts Voter Registry and Ms. Dietter responded that she has voted regularly in Connecticut. Chair Verde responded that she did not have access to the Connecticut Voter Registry.

During the Board's deliberations, Members unanimously agreed that there was not sufficient evidence to remove Ms. Dietter from the Truro voter rolls.

Chair Verde made a motion that there was not sufficient evidence provided by the objector that Diedra Dietter be struck from the Truro Registry of Voters and that the complaint be dismissed. By vote of all in favor, 4-0-0, the motion carries.

Edward Kinsella – Chair Verde announced Mr. Kinsella and noted that he was unable to attend due to a medical issue with a family pet. Attorney Brewer stated that was indeed the case but that Mr. Kinsella would contact the Town Clerk's office to request a hearing date later this week. Chair Verde said that she was comfortable scheduling Mr. Kinsella's hearing for later this week but he needed to contact the Town Clerk's office to schedule it.

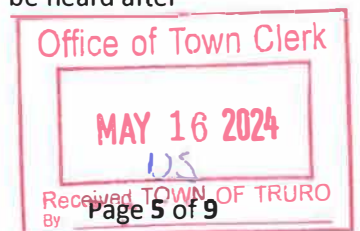
Chair Verde announced Roberta Kinsella's name and then announced a 15-minute recess.

Roberta Kinsella – Chair Verde announced Ms. Kinsella's name and Ms. Kinsella and her daughter, Karen, came forward accompanied by Attorney Brewer.

Chair Verde swore in Roberta Kinsella and Karen Kinsella.

At Karen Kinsella's request, Chair Verde agreed to hear her case first as her mother's case was predicated upon her case. There were no objections and Roberta Kinsella's case would be heard after her daughter's case.

Karen Kinsella – Chair Verde agreed to hear Ms. Kinsella's case first.



Mr. Richter presented his evidence.

Mr. Richter then asked Ms. Kinsella if she had received the summons for the hearing and Ms. Kinsella replied in the affirmative. Mr. Richter asked Ms. Kinsella if she brought the requested documents contained in the summons to the hearing. Attorney Brewer then objected as she opined that the documents requested in Exhibit A was legally defective and unenforceable. Attorney Brewer added that she will continue to object to this question for all of her clients during their appearances or the Board can consider it as a continuing objection. Mr. Richter asked if Ms. Kinsella could show her driver's license to which Chair Verde said that an answer had already been provided. Mr. Richter concluded that Ms. Kinsella was domiciled in Scituate, Massachusetts, and Ms. Kinsella should be removed from the Truro Registry of Voters.

Ms. Kinsella responded to the complainant who said that she was speaking on behalf of herself and her mother. Ms. Kinsella provided background information to include the offer of the previous owner who offered the Kinsella family an opportunity to make an offer on the home, in 2015, prior to the home being listed for sale. Ms. Kinsella added that her siblings pooled their money together to purchase the home and noted that her family was not wealthy but they could not believe their good fortune to have received such an opportunity from the previous owner. Ms. Kinsella noted that COVID-19 allowed her to work remotely from Truro as her employer required full remote work. This allowed her to create a social network in Truro.

Ms. Kinsella noted that she is currently negotiating her transition from employment and she said that she became a new Truro voter in 2023 as she made her decision to make Truro her home this year. Ms. Kinsella said that she and her mother have updated their information with the Registry of Motor Vehicles so they expect to receive excise tax bills from the Town of Truro in January 2024. The two respondents have a mailbox in North Truro. Ms. Kinsella said that she would like to know more about the Residential Tax Exemption and she has regularly attended Select Board meetings in person or remotely as well as provided public comments during meetings. Ms. Kinsella noted that she had documentation to submit to the Board which was sent to the Registry of Motor Vehicles and the mailbox information. Ms. Kinsella added that she has given up her voter registration in Scituate.

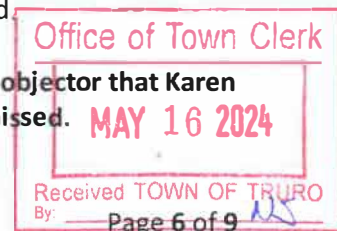
Chair Verde read aloud Ms. Kinsella's voter history in Massachusetts commencing from 1996.

Chair Verde asked if Members had any questions and there were none.

Mr. Richter commented that Ms. Kinsella realized in July 2023 that she had to take certain actions to legitimize her voter registration in Truro. Ms. Kinsella responded that once she was made aware of the actions necessary to remedy any issues, she took immediate action.

Chair Verde asked Ms. Kinsella to provide examples of how her daily life is conducted in Truro and she provided those examples including local grocery stores and Montano's. Chair Verde asked Ms. Kinsella if she was a member of the Truro Part-Time Resident Taxpayers' Association and Ms. Kinsella stated that she was not. Chair Verde commented that there did not appear to be enough compelling evidence to remove Ms. Kinsella from the Truro Registry of Voters. Members unanimously agreed.

Chair Verde made a motion that there was not sufficient evidence provided by the objector that Karen Kinsella be struck from the Truro Registry of Voters and that the complaint be dismissed.



Vice Chair Sturdy seconded the motion.
By vote of all in favor, 4-0-0, the motion carries.

Roberta Kinsella – Chair Verde reintroduced the matter of Ms. Kinsella.

Mr. Richter provided his evidence.

Mr. Richter noted that to save time he would assume that the objections previously stated by Attorney Brewer were still in effect and that the requested documents contained in the summons were not provided. Mr. Richter said that Ms. Kinsella is domiciled in Scituate, Massachusetts and is not properly registered to vote in Truro.

Chair Verde invited Ms. Karen Kinsella to speak on behalf of her mother and Ms. Kinsella provided a summary of her mother's permanent living situation with her since 2005 after her father passed away unexpectedly.

Chair Verde read aloud Ms. Kinsella's voting history and asked if Members had any questions for the respondent or any comments. There were none.

Chair Verde made a motion that there was not sufficient evidence provided by the objector that Roberta Kinsella be struck from the Truro Registry of Voters and that the complaint be dismissed.
Vice Chair Sturdy seconded the motion.
By vote of all in favor, 4-0-0, the motion carries.

Attorney Brewer noted that Gail Pisapio was the next respondent but that her husband, Lawrence Pisapio, was also present this evening. Chair Verde agreed to hear both matters this evening.

Gail Pisapio – Chair Verde announced Ms. Pisapio's name and Ms. Pisapio came forward with Attorney Brewer and Mr. Pisapio.

Chair Verde swore in Ms. Pisapio.

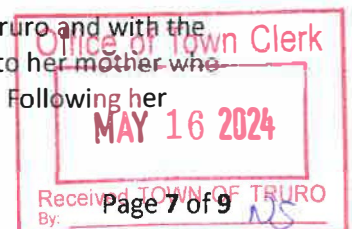
Mr. Richter presented his evidence.

Mr. Richter asked Ms. Pisapio to present her address on her driver's license and Attorney Brewer confirmed her that her address with the Registry of Motor Vehicles was a Truro address. Ms. Pisapio stated that she changed her driver's license address on October 21, 2023. Mr. Richter asked the Members to disregard Exhibit 14E as he had intended to remove it from the documentation. Mr. Richter said that Ms. Pisapio has a primary address in Holliston, Massachusetts, and is not properly registered to vote in Truro.

Ms. Pisapio provided documentation submitted to the Registry of Motor Vehicles to the Members.

Chair Verde read aloud Ms. Pisapio's voting record and gave Ms. Pisapio an opportunity to respond.

Ms. Pisapio said that they bought their Truro home in 1996 after falling in love with Truro and with the intention of making Truro their principal home upon their retirement. As a caregiver to her mother who resided near Holliston, Ms. Pisapio said that her mother passed away in August 2023. Following her



mother's death, the family made the decision to fully transition to live in Truro as their primary residence. Ms. Pisapio said that they took the steps to make Truro their primary residence including registering to vote in Truro in August 2023, changing their drivers' licenses address to Truro, changed their motor vehicle registrations to the Truro address, changed their motor vehicle insurance to the Truro address, filed the Truro address as their principal address under the Homestead Act, changed their address with the Town of Truro for tax assessment and tax collection purposes, and they expect an excise tax bill in 2024 from the Town of Truro. Ms. Pisapio then provided examples of her and her husband's social and civic participation in Truro for over twenty years to include her membership in the Truro Part-Time Resident Taxpayers' Association. Ms. Pisapio noted that Mr. Pisapio had previously served for several years on the Board of Health in Truro. Ms. Pisapio provided documentation to the Board that was referenced during her response to the complaint.

When asked by Vice Chair Sturdy if the family still owned a home in Holliston, Ms. Pisapio replied in the affirmative. Chair Verde confirmed with Ms. Pisapio that she and her husband were retired. Vice Chair Sturdy asked where the family received their mail and Ms. Pisapio replied that mail is received in both Truro and Holliston. Chair Verde noted that she did not see sufficient evidence provided by the objector to strike Ms. Pisapio from the Truro Registry of Voters.

Chair Verde made a motion that there was not sufficient evidence provided by the objector that Gail Pisapio be struck from the Truro Registry of Voters and that the complaint be dismissed.

Vice Chair Sturdy seconded the motion.

By vote of all in favor, 4-0-0, the motion carries.

After the vote was taken, Mr. Richter requested to withdraw the complaint against Mr. Pisapio and the complaint was withdrawn without objection.

Katherine Burroughs – Chair Verde announced Ms. Burroughs' name and said that the respondent had withdrawn her name from the Truro Registry of Voters so there will not be a hearing in the matter.

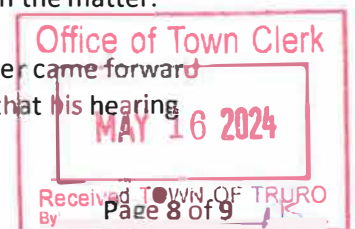
James Armstrong – Chair Verde announced Mr. Armstrong's name and Ernest Jacob appeared on Mr. Armstrong's behalf. Mr. Jacob said that he was a friend of the respondent and that the respondent had intended to appear but he had to take his wife to the hospital following an accident. Mr. Jacob asked Chair Verde if the hearing could be rescheduled for next week and Chair Verde said that she had been in contact with Mr. Armstrong via email. Chair Verde asked Mr. Jacob to provide any documentation to the Board and that she will coordinate the hearing directly with Mr. Armstrong. Mr. Jacob provided the documentation to the Board.

David Hammerman – Chair Verde announced Mr. Hammerman's name and noted that Mr. Hammerman and his wife, Sylvia (also a respondent), could not attend tonight's hearing so it will be rescheduled.

Theodore Kurland – Chair Verde announced Mr. Kurland's name and said that his hearing was rescheduled for this Thursday, November 9, 2023.

Barry Donahue – Chair Verde announced Mr. Donahue's name and said that Mr. Donahue had withdrawn his name from the Truro Registry of Voters so there will not be a hearing in the matter.

Joseph Kinnealey – Chair Verde announced Mr. Kinnealey's name and Attorney Brewer came forward and said that it was anticipated due to the number of cases on this evening's docket that his hearing



would be tomorrow evening and he would attend then. Attorney Brewer did say that she did have other clients who were present and prepared to move forward this evening if the Board was prepared to do so.

Chair Verde consulted with the Members and announced that the hearings for this evening would conclude. The hearings on the docket would resume tomorrow at 4 pm at the same location.

Vice Chair Sturdy made a motion to adjourn at 7:35 pm.

Member Cataldo seconded the motion.

Voted all in favor, 4-0-0, motion carries.

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

Attachment:

Legal Notice





TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666
Tel: 508-349-7004, Extension: 110 or 124 Fax: 508-349-5505

PUBLIC MEETING NOTICE

NAME OF BOARD/
COMMITTEE: Board of Registrars

DATE OF MEETING: Monday, November 6, 2023

TIME OF MEETING: 4:00 pm

LOCATION OF MEETING:
Truro Community Center, 7 Standish Way, North Truro, MA 02652

AGENDA TOPIC:

1. Public hearings to answer to the matters set forth in the 66 complaints filed by Raphael Richter related to voter residency in the Town of Truro. Copies of the complaints are posted on the Town web site. The objections will be reviewed in the order that they were received by the Town. It is not possible to know how long each hearing will take, so to keep the public informed about the process, the Town will post the progress of the hearings on the Town web site (www.truro-ma.gov).

The following are the first 9 complaints filed by Raphael Richter and it is anticipated that there is a reasonable likelihood that they will be heard at the November 6, 2023 Board of Registrars meeting if the challenged voter remains registered to vote in the Town of Truro. Time permitting, more than these 9 may be heard.

1. Polly Guggenheim- No longer registered to vote in Truro at the time of this posting
2. Rose Bayani
3. Steven Pinker
4. Susan Rocca
5. Rosemary Boyle
6. Peter Weiss
7. Tobin Gerhart
8. Lawrence Cetrulo- No longer registered to vote in Truro at the time of this posting
9. Joan Boratis

Office of Town Clerk

MAY 16 2024

Received TOWN OF TRURO
By: *JS*