



Commonwealth of Massachusetts
STATE ETHICS COMMISSION

One Ashburton Place - Room 619
Boston, Massachusetts 02108

Maria J. Krokidas
Chair

David A. Wilson
Executive Director

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DEC 12 2022

TOWN OF WESTWOOD
OFFICE OF SELECT BOARD

December 7, 2022

BY EMAIL (brian@mtclawyers.com)

Brian Winner
Mead, Talerman & Costa, LLC
730 Main Street, Suite 1F
Millis, MA 02054

Re: Robert R. Gotti, Chair
Town of Westwood Select Board

Dear Mr. Winner:

Pursuant to the Commission's municipal advisory opinion regulation, 930 CMR 1.03(3), I have reviewed your opinion to Town of Westwood Select Board Chair Robert R. Gotti dated November 8, 2022, which we received on November 10, 2022. I agree with your conclusion that Mr. Gotti is prohibited from participating in the proposed Conservation Restriction designating the majority of the so-called "Hale Reservation" as conservation land unless he can meet the requirements of the exemption under § 19(b)(3). See Advisory 05-2: Voting on Matters Affecting Abutting or Nearby Property (presuming financial interest whenever the matter would otherwise alter property values).

However, I do not concur that Mr. Gotti may meet the exemption if the number of home owners in the surrounding neighborhood of the Hale Reservation comprise 10% or more of home owners in Westwood. Instead, in order to meet the requirements of the exemption under § 19(b)(3), Mr. Gotti would need to demonstrate that at least 10% of the *population* of Westwood (as determined by the most recent federal census) held the same kind of financial interest in the designation of Hale Reservation as conservation land. See G.L. c. 268A, § 19(b)(3) (financial interest must be shared with "a substantial segment of the population of the municipality"); Advisory 05-2 (citing example of residential tax rate affecting all homeowners being shared by at least 10% of population); EC-COI-92-34 (opining exemption applied for participation in tax rate of commercial property where more than 10% of town's population had personal ownership interest in commercial property in town). In other words, Mr. Gotti could comply with § 19(b)(3) if he can demonstrate that at least 10% of the population of Westwood owned a home in the surrounding neighborhood of Hale Reservation.

Brian Winner, Esq.
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If you have any additional questions or need any further assistance, please do not hesitate to contact the Commission. Thank you.

Very truly yours,

/s/ Eve Slattery

Eve Slattery
General Counsel

cc: Robert R. Gotti (by regular mail)
Dottie Powers, Town Clerk, Westwood, Mass. (by email - dpowers@town.westwood.ma.us)