

TOWN OF PLYMOUTH

CHARTER REVIEW COMMITTEE

MINUTES OF THE MEETING

April 16, 2024

*Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18 and further updates, this meeting was conducted in a **Hybrid format**. A Zoom Meeting link was provided.*

These minutes are not verbatim – they are the recording secretary's interpretation of what took place at the meeting, per Open Meeting Law, G.L. C 30A, § 22.

The Charter Review Committee held a scheduled meeting on Tuesday, April 16, 2024, 6 PM, at the Plymouth Townhall, Ropewalk Meeting Room, 2nd Floor, 26 Court Street, Plymouth, MA 02360.

In attendance: David Golden, Chair, members Joseph Hutchinson, Tim Lawlor, Len Levin, Laurence Pizer, Martha Vautrain, and Robert Zupperoli, Clerk

Alternates in attendance: Steve Bolotin and Mike Hanlon.

Absent: Betty Cavacco and Alan Costello

Staff assistant, Michelle Turner, was also present, via Zoom.

CALL TO ORDER

David Golden, Chair, called the meeting to order at 6 PM, followed by the Pledge of Allegiance.

In the absence of 2 members, the alternates Steve Bolotin and Michael Hanlon were acting as full-voting members for this meeting.

MINUTES OF THE MEETING

Minutes of April 2, 2024

Laurence Pizer MOTIONED to approve the Minutes, as presented, 2nd Martha Vautrain.

| | YES | NO | ABSTAIN | | YES | NO | ABSTAIN |
|----------------|-----|----|---------|---|-----|----|---------|
| Betty Cavacco | | | | Martha Vautrain | X | | |
| Alan Costello | | | | Robert Zupperoli | X | | |
| Joe Hutchinson | | | X | David Golden-CHAIR | X | | |
| Tim Lawlor | | | X | Steve Bolotin | X | | |
| Len Levin | X | | | Mike Hanlon | | | X |
| Larry Pizer | X | | | *Alternate votes are taken but their vote is not included in the vote tally unless the alternate replaces an absent full standing member. | | | |

MOTION PASSED 6-0-3

PUBLIC COMMENT – None offered at this time.

Discussion Items:

Section 5 - ELECTIONS

Section 1 Town Elections

5-1-1 The regular election for all town offices shall be by official ballot held on the third Saturday of May of each year.

No Changes made to Section 5-1-1

5-1-2 The order in which names of candidates appear on election ballots for any office, including that of representative town meeting member, shall be determined by a drawing by lot conducted by the town clerk which shall be open to the public. Notification to the candidates and to the public shall be by publication in a local newspaper during the week preceding the week in which the day of the drawing is to take place. The ballot shall identify candidates seeking re-election with the phrase "Candidate for Re-election" placed next to the candidate's name.

Discussion ensued over how "notification" is made.

The Town Clerk, Kelly McElreath attended the meeting for a short period of time and offered some suggestions for the discussion about how the public would be notified. After much discussion, 5-1-2 was resolved as follows:

5-1-2 The order in which names of candidates appear on the local election ballots ~~for any office, including that of representative town meeting member,~~ shall be determined by a ~~drawing lottery by lot conducted by the town clerk~~ which shall be open to the public, conducted by the town clerk. ~~Notification of the date, time, and place of the lottery shall be made public to the candidates and to the public shall be by publication in a local newspaper during the week preceding the week in which the day of the drawing is to take place. The ballot shall identify candidates seeking re-election with the phrase "Candidate for Re-election" placed next to the candidate's name.~~

Steve Bolotin MOTIONED to approve 5-1-2, 2nd Laurence Pizer

Additional discussion ensued to change the word "lot" to "lottery".

Mr. Bolotin MOTIONED to approve 5-1-2 as shown above, Mr. Pizer did not maintain his second, 2nd by Mike Hanlon

| | YES | NO | ABSTAIN | | YES | NO | ABSTAIN |
|----------------|-----|----|---------|---|-----|----|---------|
| Betty Cavacco | | | | Martha Vautrain | X | | |
| Alan Costello | | | | Robert Zupperoli | X | | |
| Joe Hutchinson | X | | | David Golden-CHAIR | | X | |
| Tim Lawlor | X | | | Steve Bolotin | X | | |
| Len Levin | | X | | Mike Hanlon | X | | |
| Larry Pizer | X | | | *Alternate votes are taken but their vote is not included in the vote tally unless the alternate replaces an absent full standing member. | | | |

MOTION PASSED 7-2-0

5-1-3 Information for Voters

Notwithstanding section 22A of chapter 55 of the General Laws, section 21C of chapter 59 of the General Laws or any other general or special law to the contrary, the official election ballot in the town of Plymouth shall include a fair and concise summary of any binding or non-binding question to be submitted solely to the voters of the town, along with a 1-sentence statement describing the effect of a yes or no vote, both prepared by town counsel and approved by the Select Board. Submission to the town clerk of the summary and 1-sentence statement shall be governed by section 42C of chapter 54 of the General Laws. The Select Board shall, not less than 7 nor more than 14 days before an election at which a question is to be voted upon, publish the following in a newspaper of general circulation in the town: (1) the full text of the question; (2) a fair and concise summary of the question; and (3) the 1-sentence statement describing the effect of a yes or no vote on the question; provided, however, that failure to timely publish such information shall not affect the validity of the election. The Select Board shall also post the full text of each ballot question, the summary and the 1-sentence statement in at least 1 location in the town or on the town's official website and shall make the same available at each polling place on the day of the election. The town may, by by-law, require additional posting or publishing of such information, subject to available funds and any other conditions that may be imposed by by-law.

The Town Clerk stayed in attendance.

Mr. Hutchinson stated that the title of the section was a misnomer - this Section refers to ballot questions. The Chair stated the heading could be removed.

Laurence Pizer spoke of the "red book" received for state elections gives the pro and cons on questions. Plymouth went to legislature and got a home rule petition that allows this process . His suggestion was to leave it as is.

The Town Clerk believes that MGL now allows this (without a home rule petition). She recommended removal of any language stating, "publish in a newspaper".

Laurence Pizer MOTIONED to table 5-1-3 to a future meeting, and MGL will be researched, 2nd Robert Zupperoli.

| | YES | NO | ABSTAIN | | YES | NO | ABSTAIN |
|----------------|-----|----|---------|---|-----|----|---------|
| Betty Cavacco | | | | Martha Vautrain | X | | |
| Alan Costello | | | | Robert Zupperoli | X | | |
| Joe Hutchinson | X | | | David Golden-CHAIR | X | | |
| Tim Lawlor | X | | | Steve Bolotin | X | | |
| Len Levin | X | | | Mike Hanlon | X | | |
| Larry Pizer | X | | | *Alternate votes are taken but their vote is not included in the vote tally unless the alternate replaces an absent full standing member. | | | |

MOTION PASSED 9-0-0

Section 2 Elections to be Nonpartisan

5-2-1 All town elections shall be nonpartisan, and election ballots for town offices shall be printed without any party mark, emblem, vignette, or designation whatsoever.

No changes made to Section 5-2-1

Section 3 Time of Taking Office

5-3-1 Any person duly elected to any office or board shall take up the duties of the office immediately upon certification, provided that such person shall first have been sworn to the faithful performance of the duties of that office ~~by the Town Clerk~~.

Laurence Pizer MOTIONED to strike the words "by the Town Clerk" as shown above, 2nd Tim Lawlor

| | YES | NO | ABSTAIN | | YES | NO | ABSTAIN |
|----------------|-----|----|---------|---|-----|----|---------|
| Betty Cavacco | | | | Martha Vautrain | X | | |
| Alan Costello | | | | Robert Zupperoli | X | | |
| Joe Hutchinson | X | | | David Golden-CHAIR | X | | |
| Tim Lawlor | X | | | Steve Bolotin | X | | |
| Len Levin | X | | | Mike Hanlon | X | | |
| Larry Pizer | X | | | *Alternate votes are taken but their vote is not included in the vote tally unless the alternate replaces an absent full standing member. | | | |

MOTION PASSED 9-0-0

5-3-2 Elected Town Meeting Members shall present themselves within ~~20 30~~ days of election, to the office of the Town Clerk for the administering of the Oath of Office or make alternate arrangements with the Town Clerk. Failure to comply with the previous sentence shall result in a vacancy. ~~An elected official cannot act in any capacity until the Oath of Office is taken.~~

Robert Zupperoli MOTIONED to approve 5-3-2 as written above, 2nd Tim Lawlor
The Town Clerk agreed with this change.
The Town Clerk left the meeting.

| | YES | NO | ABSTAIN | | YES | NO | ABSTAIN |
|----------------|-----|----|---------|---|-----|----|---------|
| Betty Cavacco | | | | Martha Vautrain | X | | |
| Alan Costello | | | | Robert Zupperoli | X | | |
| Joe Hutchinson | X | | | David Golden-CHAIR | X | | |
| Tim Lawlor | X | | | Steve Bolotin | X | | |
| Len Levin | X | | | Mike Hanlon | X | | |
| Larry Pizer | X | | | *Alternate votes are taken but their vote is not included in the vote tally unless the alternate replaces an absent full standing member. | | | |

MOTION PASSED 9-0-0

Section 4 Nomination of Candidates for Election to Representative Town Meeting

~~5-4-1 The nomination of a candidate for election or reelection as representative town meeting member shall be made by separate nomination papers signed by not less than ten (10) registered voters of the precinct in which the candidate resides, or in accordance with the requirements of G.L.C. 43A, Section 6 to the extent applicable. Nomination papers shall be filed with the Town Clerk no later than the last day on which the nomination papers of candidates for other offices must be filed.~~

~~5-4-2 Nomination papers shall identify representative town meeting members seeking re-election with the phrase "Candidate for Re-election" placed next to each candidate's name.~~

5-4-3 The nomination procedure for all other elected positions shall be as set forth in general or special law.

Mr. Pizer MOTIONED to strike Section 4 in its entirety, stating that this Section was a restatement of state statute language Ch. 43A, Section 6 (shown below), 2nd Len Levin.

Ch. 43A, Section 6: Nominations

Section 6. Nomination of candidates for town meeting members to be elected under this chapter shall be made by nomination papers, which shall show clearly whether he has been a former town meeting member, and, if an elected incumbent of such office, that he is a candidate for re-election and shall bear no other political designation. Such papers shall be signed by not less than ten voters of the precinct in which the candidate resides, shall be filed with the town clerk at least ten days before the election or, in towns which have accepted section one hundred and three A of chapter fifty-four, within the time provided by section ten of chapter fifty-three. They shall be submitted to the registrars of voters and shall be certified in the manner provided in section seven of said chapter fifty-three; provided, however, that any town meeting member, including any town meeting member in office under the provisions of a special statute under which such town is operating immediately prior to the taking effect therein of the standard form of representative town meeting government provided by this chapter, may become a candidate for election by giving written notice thereof to the town clerk not later than twenty-one days prior to the last day and hour for filing nomination papers. If a town meeting member is a candidate for re-election, the words "Candidate for Re-election" shall be printed against his name as it appears on the ballot for the election of town officers; provided, that if a town meeting member who has been chosen by the remaining members from the precinct to fill a vacancy under the provisions of section nine is a candidate for election, the words "Candidate for Re-election" shall not be printed against his name as it appears on the ballot. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

Discussion ensued with Charter language stating "*separate nomination papers signed by not less than ten (10) registered voters of the precinct in which the candidate resides...*"

Mr. Bolotin did not believe Section 6 was equal to the Charter requirement and more discussion ensued.

The vote was taken.

| | YES | NO | ABSTAIN | | YES | NO | ABSTAIN |
|----------------|-----|----|---------|---|-----|----|---------|
| Betty Cavacco | | | | Martha Vautrain | | X | |
| Alan Costello | | | | Robert Zupperoli | | X | |
| Joe Hutchinson | | X | | David Golden-CHAIR | X | | |
| Tim Lawlor | X | | | Steve Bolotin | X | | |
| Len Levin | X | | | Mike Hanlon | | X | |
| Larry Pizer | X | | | *Alternate votes are taken but their vote is not included in the vote tally unless the alternate replaces an absent full standing member. | | | |

MOTION PASSED 5-4-0

Discussion began on Section 5

Section 5 Initiative

5-5-1 Any ten (10) registered voters of the town may secure the inclusion of an article in the warrant for either of the annual representative town meetings by written petition to the Select Board. At least one hundred (100) registered voters may secure the same for any special town meeting.

Laurence Pizer motioned to remove Section 5 in its entirety, 2nd Steve Bolotin.

A short discussion ensued about the removal of this Section and the anticipated “User Guide” containing this information for voters on citizen’s petitions.

David Golden noted that Section 5 is covered in State law and read from Ch 39, Section 10 as follows,

The selectmen shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters or by ten per cent of the total number of registered voters of the town whichever number is the lesser.

The vote was taken.

| | YES | NO | ABSTAIN | | YES | NO | ABSTAIN |
|----------------|-----|----|---------|---|-----|----|---------|
| Betty Cavacco | | | | Martha Vautrain | X | | |
| Alan Costello | | | | Robert Zupperoli | X | | |
| Joe Hutchinson | | | | David Golden-CHAIR | X | | |
| Tim Lawlor | X | | | Steve Bolotin | X | | |
| Len Levin | X | | | Mike Hanlon | | X | |
| Larry Pizer | X | | | *Alternate votes are taken but their vote is not included in the vote tally unless the alternate replaces an absent full standing member. | | | |

MOTION PASSED 7-2-0

Robert Zupperoli MOTIONED to table the remaining agenda items, Sections 5-6, 5-7 and 5-8, 2nd Steve Bolotin.

| | YES | NO | ABSTAIN | | YES | NO | ABSTAIN |
|----------------|-----|----|---------|---|-----|----|---------|
| Betty Cavacco | | | | Martha Vautrain | X | | |
| Alan Costello | | | | Robert Zupperoli | X | | |
| Joe Hutchinson | X | X | | David Golden-CHAIR | | X | |
| Tim Lawlor | X | | | Steve Bolotin | X | | |
| Len Levin | X | | | Mike Hanlon | X | | |
| Larry Pizer | X | | | *Alternate votes are taken but their vote is not included in the vote tally unless the alternate replaces an absent full standing member. | | | |

MOTION PASSED 8-1-0

No New Business/No Old Business

The meeting adjourned at 7:58 PM

Respectfully submitted,

Michelle A. Turner

Michelle A. Turner

Minutes Approved on: April 23, 2024