

TOWN OF PLYMOUTH

CHARTER REVIEW COMMITTEE

MINUTES OF THE MEETING

April 23, 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 23, 2024, 6 PM, at the Plymouth Townhall, Ropewalk Meeting Room, 2nd Floor, 26 Court Street, Plymouth, MA 02360.

In attendance: David Golden, Chair, Alan Costello, Vice Chair and members, Len Levin, Laurence Pizer, Martha Vautrain, and Robert Zupperoli, Clerk

Alternates in attendance: Steve Bolotin.

Absent: Betty Cavacco, Joseph Hutchinson, Tim Lawlor and Mike Hanlon

Staff assistant, Michelle Turner, was 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, alternate Steve Bolotin became a full-voting member for this meeting.

MINUTES OF THE MEETING

Minutes of April 16, 2024

Len Levin MOTIONED to approve the Minutes, as amended, 2nd Laurence Pizer.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain	X		
Alan Costello	X			Robert Zupperoli	X		
Joe Hutchinson				David Golden-CHAIR	X		
Tim Lawlor				Steve Bolotin	X		
Len Levin	X			Mike Hanlon			
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 7-0-0

PUBLIC COMMENT

William Abbott asked when the Committee would be publishing a draft copy of the Charter on the Committee's web page.

The Chair stated that it will be published on the website at the final review. Interested citizens can contact Michelle Turner, 2nd Floor in the Procurement office for an emailed copy or email the Committee at chartercommittee@plymouth-ma.gov.

No other public comment was made.

Guest Speaker: Stephanie Silva, Chair-Open Space Committee (OSC)

Ms. Silva had a handout for members and proposed the following changes. Her handout also included statements about the Committee's charge and mission.

3-14-8 An Open Space Committee comprised of nine (9) persons to act in an advisory capacity to the Planning Board and the Town Meeting with respect to the preservation of natural open space in order to protect the environment and to ensure appropriate access to public lands. The committee shall be appointed as follows: Five (5) members shall be appointed by the Planning Board; two (2) by the Select Board and two (2) by the Conservation Commission. The Open Space Committee shall report its activities and recommendations directly to Town Meeting at least once each calendar year.

Laurence Pizer asked if an Open Space Committee was adopted under a state statute.

Another speaker – Deb Laquinto stated that many towns have an Open Space Committee.

Steve Bolotin noted that there is no state statute for Towns to adopt an OSC.

Discussion ended with Stephanie Silva. No discussion by the Committee and no changes were made to Section 3-14-8 at this time.

Guest Speaker: Michelle Badger, Chair-School Committee

The Committee is pleased with the current language in the Charter. One recommendation was to note where the School Committee gets its charge from...Chapter 71, Section 37.

Mr. Bolotin explained that the Charter Committee was striving to streamline the Charter, by removing Sections of the Charter that were already mandated by state statute.

Ms. Badger said that another School Committee idea being discussed is a budget subcommittee (which includes Select Board and A & F Committee).

The Chair spoke briefly about the budget timelines.

Rob Zupperoli also commented on the A & F timeline.

Brief discussion ensued over the School budget process.

4-3-1 The School Committee shall have all powers which are conferred on School Committees by law, this Charter, bylaw, or otherwise and are not inconsistent with the grant of powers conferred by the General Laws.

4-3-2 The powers and duties of the School Committee shall include the following:

(a) To appoint a superintendent of the schools who shall manage the school system in a fashion consistent with law and the policy determinations of the School Committee and, upon the recommendation of the Superintendent, the School Committee may also establish and appoint positions of assistant or associate superintendents as provided by law.

(b) To establish educational goals and policies for the schools in the Town consistent with the requirements of law and statewide goals and standards established by the State Board of Education.

(c) To propose and to oversee the administration of an annual operating budget for the School Department, subject to appropriation at the Town Meeting.

(d) To have general charge and superintendence of all school buildings and grounds and furnish all school buildings with proper fixtures, furniture and equipment.

4-3-3 The School Committee shall report on the state of the schools directly to Town Meeting at least once each calendar year and shall meet jointly with the Select Board as directed by section 3-2-8 of this Charter.

Discussion ended with Michelle Badger. No discussion by the Committee and no changes were made to Ch. 4, Section 3 School Committee, at this time.

At the meeting of August 16, Section 5-1-3 was tabled. The Chair called for a motion to reopen for discussion.

Laurence Pizer MOTIONED to reopen Section 5-1-3 for discussion, 2nd Martha Vautrain.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain	X		
Alan Costello	X			Robert Zupperoli	X		
Joe Hutchinson				David Golden-CHAIR	X		
Tim Lawlor				Steve Bolotin	X		
Len Levin	X			Mike Hanlon			
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 7-0-0

Discussion ensued over 5-1-3

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.

Laurence Pizer noted this information is covered under state statute (Ch. 50 of the acts of 2008) This was inserted into our Charter as a Home Rule Petition.

The Chair noted that after a discussion with the Town Clerk, Kelly McElreath, the Committee cannot make changes to the existing provision without going back to the special legislation process.

Mr. Levin expressed concern with its removal, asking where then would citizens go to find the information. Mr. Pizer noted that it should be a part of the "user guide".

Rob Zupperoli could not support removing this vital information.

Alan Costello was also not supportive of removing the section. Concerned that it could be forgotten.

Steve Bolotin thought this to be ministerial

The Chair read a section of the Session Law, Chapter 50 of the Acts (2008) which stated that the language of 5-1-3 needed to be inserted into the Charter.

Removal of the Section would be in violation.

AN ACT FURTHER REGULATING ELECTIONS IN THE TOWN OF PLYMOUTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Chapter 5 of the home rule charter of the town of Plymouth, which is on file with the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, **is hereby amended by inserting after subsection 5-1-2 the following subsection:-**

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 board of selectmen. 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 board of selectmen 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 board of selectmen 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.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 2008

There was no further action taken on Section 5-1-3.

Discussion Section 5-6 Referendum

Section 6 Referendum

5-6-1 A vote of the town meeting under any article in the warrant shall not be operative until ten (10) days after its final passage other than the following: (a) to adjourn; (b) to appropriate money for the payment of principal and interest of bonds and notes of the town; (c) to authorize the temporary borrowing of money in anticipation of revenues and (d) to amend zoning bylaws or as otherwise provided by statute.

No comments.

5-6-2 If within ten (10) days of an affirmative vote of final passage by the Town Meeting, a referendum petition is filed with the Town Clerk signed by not less than three (3) percent of the registered voters in the Town as of the date of the most recent annual Town election asking that any question involved in such a vote be submitted to the voters of the Town at an election, then the Town shall hold a referendum election for such purposes. Within 5 days after receipt of the petition the Town Clerk shall determine whether the petition contains a sufficient number of signatures and provide notice to the Select Board ~~of~~ such determination. If there are sufficient number of signatures, the Select Board shall provide for a referendum election to be held no less than 35 days from its vote and provision of written notice to the Town Clerk and no more than 90 days after the Town Clerk's determination, provided, however, that if there is another election already scheduled within 100 days of the Clerk's determination, the referendum question may appear on the ballot at such election. The referendum question shall take the following form: "Shall the Town vote to approve the action of the [date] Town Meeting under Article [#] whereby it was voted that (here insert a brief summary of the substance of the vote)?"

Discussion ensued

Consensus was the language should remain as written.

Public Comment – Al Denardo, Precinct 17 – supports the provision as written.

Alan Costello MOTIONED to remove the dangling period (.) as shown above, 2nd Robert Zupperoli. No other changes to Section 5-6-2

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain	X		
Alan Costello	X			Robert Zupperoli	X		
Joe Hutchinson				David Golden-CHAIR	X		
Tim Lawlor				Steve Bolotin	X		
Len Levin	X			Mike Hanlon			
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 7-0-0

Len Levin quickly noted that the state has a Municipal Ballot Question Committee Guide, referenced below:

CAMPAIGN FINANCE GUIDE

*Municipal Ballot Question
Committees*



Office of Campaign and Political Finance
Commonwealth of Massachusetts

This booklet is designed to introduce the Commonwealth's campaign finance law to treasurers and other officials of political committees organized to favor or oppose a question appearing on a municipal ballot. The Office of Campaign and Political Finance (OCPF) is responsible for administering Massachusetts General Laws Chapter 55, the campaign finance law. OCPF is available to assist individuals in understanding and complying with the statute and encourages candidates, treasurers, committee members, campaign workers and any interested persons to familiarize themselves with these laws and regulations.

This publication is meant only to be an introductory guide to the campaign finance law, not a substitute for it. It is the responsibility of all those participating in political campaign financing in Massachusetts to become familiar with the provisions of the law and regulations. Violations of the law carry serious penalties of fines, imprisonment or both. For additional information, please contact:

Office of Campaign and Political Finance
One Ashburton Place, Room 411
Boston, MA 02108
(617) 979-8300/(800) 462-OCPF
Fax: (617) 727-6549
E-mail: ocpf@cpf.state.ma.us
Web site: www.ocpf.us
Twitter: [@OCPFreports](https://twitter.com/OCPFreports)

Discussion on 5-6-3

5-6-3 A non-binding public opinion advisory question may be placed on the ballot at an annual or special town election by vote of the Select Board with no less than thirty-five (35) days written notice to the Town Clerk of the form of the question. A non-binding question may also appear on the ballot at a regular town election by vote of the annual Town Meeting under a warrant article for such purpose, or in conformity with the following procedure: A proposal to place a nonbinding public opinion advisory question on the ballot for a regular Town election may be presented to the Select Board no less than 100 days prior to the date of the next regular election on a petition signed by at least ten registered voters of the Town. If such Select Board shall not approve said petition at least ninety days before said election, then the question may be so placed on said ballot when a petition signed by at least three (3) per cent of the registered voters in the Town requesting such action is filed with the Board of Registrars no less than 42 days prior to the date of the next annual election. Upon certification of the required number of signatures, the Town Clerk shall cause the question to be placed on the ballot at the next regular Town election held more than thirty-five days after such certification.

Laurence Pizer stated that this is also state law.

He MOTIONED to delete in its entirety, 2nd Martha Vautrain.

Discussion ensued

Alan Costello had the same concerns, if deleted, the information is forgotten.

The creation of the "User Guide" is an ongoing discussion.

Mr. Pizer has repeatedly noted that he believes state law does not belong in the Charter.

For comparison of the Charter vs state statute, the Chair read Ch. 53, Section 18A, as follows:

Ch. 53, Section 18A: Nonbinding public opinion advisory questions on local ballots

Section 18A. As used in this section "governing body" shall mean, in a city, the city council acting with the approval of the mayor subject to the provisions of the charter of said city, in a town having a town council, the town council, and in every other town the board of selectmen.

A nonbinding public opinion advisory question may be placed on the ballot for a regular municipal election in any city or town no later than the thirty-fifth day preceding such election: by vote of the city council of such city, with approval of its mayor where so required by the city charter; by vote of the board of selectmen of a town or by vote of the town council of a town having a town council or by vote of the annual town meeting; or in conformity with the following provision of this section:

A proposal to place a nonbinding public opinion advisory question on the ballot for a regular municipal election in any city or town may be presented to the governing body thereof on a petition signed by at least ten registered voters of the city or town. If such governing body shall not approve said petition at least ninety days before said election, then the question may be so placed on said ballot when a petition signed by at least ten per cent of the registered voters of the city or town, but in no case less than twenty such voters, requesting such action is filed with the registrars, who shall have seven days after receipt of such a petition to certify the signatures. Upon certification of the signatures, the city or town clerk shall cause the question to be placed on the ballot at the next regular municipal election held more than thirty-five days after such certification.

The procedures established by this section shall be available to any city or town; provided, however, that if an alternative procedure is prescribed by a home rule charter, optional plan of government, or special act applying to such city or town, relative to the placing of public opinion questions upon the local ballot, then such alternative procedure shall apply.

It was acknowledged that there is a difference in the local provision vs. the state.

Mr. Pizer withdrew the MOTION to strike Section 5-6-3, Mr. Zupperoli withdrew his 2nd on the motion.

No further action taken on 5-6-3

Discussion on 5-6-4

~~5-6-4 The vote on a referendum question shall be in accordance with the provisions of general law relating to special Town elections.~~

Laurence Pizer MOTIONED to delete 5-6-4, 2nd Steve Bolotin

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain	X		
Alan Costello	X			Robert Zupperoli	X		
Joe Hutchinson				David Golden-CHAIR	X		
Tim Lawlor				Steve Bolotin	X		
Len Levin	X			Mike Hanlon			
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 7-0-0

Discussion began on Sections 5-7-1; 5-7-2; 5-7-3; 5-704

Section 7 Recall of Elective Officeholders

5-7-1 Voters may recall any elected townwide officeholder as herein provided.

No comments.

5-7-2 ~~An initial petition signed by no fewer than Fivetwo hundred fifty hundred (500250) registered voters of the Town may be filed with the Town Clerk an initial petition signed under the penalty of perjury~~ containing the name of the officeholder sought to be recalled and a statement of the grounds for recall. ~~No more than twentyfive fifty (5025) names shall be counted from from~~ any one (1) precinct of the Town. One (1) voter shall be identified as the "lead petitioner" ~~and the lead petitioner shall notify the Town Clerk of the names of the registered voters listed thereon who shall be deemed to be the "first ten (10) signers" for purposes of section 5-7-3.~~

Discussion ensued on 5-7-2 , 5-7-3 and 5-7-4

It was noted by the Chair, in discussion with Town Council, that local election Recalls are not governed under state statute.

The Chair called for a consensus vote to declare (1) voter as the lead petitioner, remain at 500 voters or called for suggestions for another number. Consensus was more than one.

Robert Zupperoli was not supportive of any changes to 5-7-2.

Public Comment"

Al Denardo – commented on past experience in another town in recalling several sitting Select Board members. He appreciated the dozens of others assisting him with the process and he advised against working against local government because they tried everything to stop the recall process.
Consensus supported changing from 500 to 250 voters.

5-7-3 The Town Clerk shall thereupon prepare recall petition blanks and notify the lead petitioner that a sufficient number of such blanks may be picked up at the Town Clerk's office containing the number of signature lines required, plus at least two-fifths (2/5ths) more. ~~The Town Clerk shall keep these printed forms available.~~ The Town Clerk shall sign and affix the official seal to the recall petition blanks that are issued. ~~Photocopies of recall petitions shall not be accepted by the Town Clerk.~~ The recall petition blanks shall be dated and addressed to the Select Board, demanding the election of a successor to such office. The recall petition blanks shall contain ~~the names of the first ten (10) signers, the number of recall petitions issued,~~ the name and office of the officeholder whose recall is sought, and the grounds for recall as stated in the initial petition

5-7-4 The Town Clerk shall enter a copy of the recall petition in the town records. The recall petition shall bear the signatures and residential addresses of at least fifteen (15) percent of the registered voters as of the date of the most recent annual town election and shall be returned to the Town Clerk within ~~twenty~~~~thirty~~ (320) ~~calendar business~~ days after the notification to the lead petitioner

of the availability of the recall petitions. All completed recall petitions containing the signatures requesting a recall election need not be submitted simultaneously.

Len Levin MOTIONED to accept Sections 5-7-2, 5-7-3 and 5-7-4 as written above, 2nd Steve Bolotin.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Betty Cavacco				Martha Vautrain	X		
Alan Costello	X			Robert Zupperoli		X	
Joe Hutchinson				David Golden-CHAIR	X		
Tim Lawlor				Steve Bolotin	X		
Len Levin	X			Mike Hanlon			
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 6-1-0

Robert Zupperoli MOTIONED to table the remaining Agenda items for a future meeting (Sections 5-7-5, 5-7-6, 5-7-7 and 5-7-8

Betty Cavacco				Martha Vautrain	X		
Alan Costello		X		Robert Zupperoli	X		
Joe Hutchinson				David Golden-CHAIR		X	
Tim Lawlor				Steve Bolotin		X	
Len Levin	X			Mike Hanlon			
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 4-3-0

No New Business/No Old Business

Mr. Pizer will be absent for the next two weeks.

Future Agenda - After Chapter 7, return to discussions on the School Committee.

Martha Vautrain would like to discuss timelines and other committees called out in the Charter that have not yet been discussed.

The Chair reviewed discussions with Town Counsel on Section 3-10 Conservation Commission and specifically the appointment of associate members.

Legal opinion is that Conservation Commission size of membership is set by State statute.

Next question to Counsel was the appointments to the Conservation Commission.

Legal opinion is that the Town Manager has the authority to make appointments to the Commission, however the Charter deems the Select Board as the appointing authority.

Next questions to Counsel focused on Sections 4-1-1, 4-1-2, 4-1-3

Section 1 General Provisions

4-1-1 Beginning with the first town election held **after the effective date of this Charter**, the town shall elect the following boards and offices:
a select board of five (5) members;
a school committee of seven (7) members who shall be elected for three-year (3) overlapping terms;
a housing authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms;
a planning board of five (5) members; and
a redevelopment authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms.

Legal opinion is to make no edits to 4-1-1

4-1-2 The terms of office of multiple-member boards shall overlap, except as general or special law may provide otherwise. **Representative town meeting members shall be elected in accordance with Section 2-2-1 of this Charter.**

Legal opinion – not necessary to remove the sentence

4-1-3 During the term for which a member is elected, and for one (1) year following expiration of such term, no member of any elected board under this Charter shall be eligible to accept any paid position under such board or in the same department.

The Chair spoke with State Ethics Commission and stated there are no restrictions on working for the Town from an elected position. However, an ethics violation occurs when an elected person leaves their position and works for someone that will appear before the Board they left.
This provision can be left as is or strengthened .

These opinions conclude the review of Chapter 4.

The meeting adjourned at 8:20 PM

Respectfully submitted,

Michelle A. Turner

Michelle A. Turner

Minutes Approved on: May 7, 2024