

TOWN OF PLYMOUTH

CHARTER REVIEW COMMITTEE

MINUTES OF THE MEETING

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

In attendance: Alan Costello, Chair, Steve Bolotin, Vice Chair, Len Levin, Clerk and members, Betty Cavacco via Zoom, Joseph Hutchinson, Tim Lawlor, Laurence Pizer via Zoom and Martha Vautrain.

Mike Hanlon was absent.

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

CALL TO ORDER

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

MINUTES OF THE MEETING

Minutes of June 18, 2024 – not prepared for a vote at this meeting.

No action taken.

PUBLIC COMMENT

There was no PUBLIC COMMENT made at this time.

Discussion that the next meeting will be July 16, 2026.

Len Levin presented the newest redline document Version 240628. Each member was provided with a copy. He explained that he has been reviewing meeting minutes and adding all approved changes, but the job is intense and not yet completed.

Mr. Hutchinson suggested preparing a timeline needed for completion.

Mr. Lawlor encouraged Mr. Hutchinson to join the subcommittee.

Mr. Costello described the work that needs to be accomplished. The subcommittee (aka working group) will meet one more time before the next meeting on July 16th – all are invited to attend.

Betty Cavacco hoped that all members would support the majority votes taken.

Laurence Pizer reminded the Committee members that whether or not votes were taken, any subject can be brought back to the table for more discussion.

A discussion ensued whether a vote was taken on a renumbered charter.

Martha Vautrain presented her draft of a reordered charter and submitted another version of Table of Contents (shown below). She would like to see the Legislative Branch in Chapter 2 and the Executive Branch in Chapter 3 (as it is in the current Charter). In her opinion, keeping the proposed charter's organization similar to the current charter can be explained more easily to town meeting.

Charter Version 240628 with Table of Contents changes suggested by Martha for July 2, 2024, meeting

Preamble- no changes

Chapter 1 Powers of the Town – no changes

Chapter 2 Legislative Branch: Representative Town Meeting – keep in Chapter 2 as in Current C.

 Section 1 Composition, Membership, Eligibility – no changes

 2 Powers - keep after Composition, etc., as in Current C.

 3 Moderator – keep in Chapter 2 Legislative Branch as in Current C.

 4 Responsibilities of Town Clerk... - move to Section 4 after Moderator

 5 Procedures – no changes

 6 Compulsory Attendance – no changes

 7 COI – no changes

 8 Rights of Non-Members – no changes

 9 Caucuses – no changes

Chapter 3 Executive Branch: Select Board (SB), Planning Board (PB), School Committee (SC) – keep title as Ex. Branch and SB & PB in Chapter 3 as in Current C.

 Section 1 SB: Composition – no changes

 2 SB: General Powers and duties – no changes

 3 SB: Appointments – no changes

 4 PB – no changes

 5 SC – no changes

Chapter 4 Elected Town Boards and Offices – Keep in Chapter 4 with same title as in Current C.

 Section 1 General Provisions – no changes

 2 Simultaneous Elected Offices – no changes (Of note this provision refers to town-wide and non-town-wide elected offices.)

Chapter 5 Elections – no changes

Chapter 6 Town Administration – no changes (except consider reorganizing list of Town Manager Powers and Duties)

Chapter 7 Statutorily Bodies– no changes

 Com Con and ZBA

Chapter 8 Charter Created Bodies – no changes

 COPC, B of H, Open Space, LUAC, Building, Precinct Advisory, Charter Review

Chapter 9 Operation of Town Bodies – no changes

Chapter 10 General Provisions – no changes

Betty Cavacco MOTIONED to accept Ms. Vautrain's proposed reorganization of the charter, (as shown above in the Table of Contents) 2nd Tim Lawlor.

The discussion continued

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Steve Bolotin		X		Len Levin		X	
Betty Cavacco		X		Laurence Pizer		X	
Alan Costello		X		Martha Vautrain	X		
Mike Hanlon							
Joe Hutchinson	X			All members are full standing members.			
Tim Lawlor		X					

MOTION FAILED 2-6-0

Steve Bolotin MOTIONED to accept the Table of Contents, as shown in Charter Version 240628, 2nd by Laurence Pizer

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Steve Bolotin	X			Len Levin	X		
Betty Cavacco	X			Laurence Pizer	X		
Alan Costello	X			Martha Vautrain		X	
Mike Hanlon							
Joe Hutchinson		X		All members are full standing members.			
Tim Lawlor	X						

MOTION PASSED 6-2-0

Ms. Vautrain presented a revised Section 3-5-1, Town Manager: Powers and Duties, grouping the duties into categories (as shown below)

Section 5 Town Manager: Powers and Duties

3-5-1 The Town Manager shall be the chief administrative officer of the town. The Town Manager shall be responsible to the Select Board for the effective management of all town affairs placed in the Town Manager's charge by this Charter, the Select Board, by-law, or vote of the representative Town Meeting. The Town Manager shall be responsible for the implementation of town policies established by the Select Board.

The Town Manager shall:

General:

- ea. supervise all town departments under the jurisdiction of the Select Board and direct the operations of the town;
- eb. establish, reorganize, consolidate, or abolish any department or position under the Town Manager's direction and supervision with the approval of the Select Board;
- ec. administer, either directly or through designated persons, all provisions of general and special laws applicable to the town, and all by-laws and regulations established by the Select Board;
- fd. coordinate the operational and strategic planning for the town;
- re. represent the town at local, state, and regional meetings, and undertake public relations activities for the Select Board;
- sf. have authority to examine, without notice, the activities of any agency under the Town Manager's

control, or the conduct of any officer or employee thereof;

tg. have access to all town books and records necessary for the performance of the duties of Town Manager;

uh. conduct periodic operational and staffing evaluations of selected town departments, and provide a written report of the assessments performed to the Select Board and to the representative Town Meeting; and

vi. perform any other duties required by town by-laws, the Select Board, or vote of the representative Town Meeting.

Personnel, hiring, and bargaining:

aj. unless otherwise provided herein and in Section 2 of Chapter 6 of this Charter, and except as may be otherwise provided in Civil Service Law, appoint, suspend, or remove all department heads, a Board of Assessors, and all officers, subordinates, and employees of the town, including those under grant funding, except employees of the school department.

The Town Manager shall appoint a Town Clerk, whose duties shall be as specified in general or special legislation.

In the case of an employee who works with a multiple-member board or the Plymouth Public Library Corporation, the Town Manager shall act in accordance with this Section only after consultation with that multiple-member board, or the Plymouth Public Library Corporation, as the case may be.

Except as may be otherwise provided in Civil Service Law, appointments, suspension, or removals of Department and Division Heads, or equivalents regardless of title, shall take effect on the fifteenth (15) day after the Town Manager files notice of the action with the Select Board unless the Board shall within that period, by a vote of four members veto the action. The Select Board may, by a majority vote, waive this fifteen (15) day period, whereupon the action shall become effective forthwith. This same authority to veto the actions of the Town Manager provided herein to the Select Board shall accrue to the Planning Board in the case of the appointment, suspension or removal of the Director of Planning and Development. The above-referenced fifteen-day period and any veto by the Select Board shall not apply to a decision to place an employee on paid administrative leave.

bk. fix the compensation of all town officers and employees appointed by the Town Manager within the limits of existing appropriations and personnel bylaws;

kl. administer and enforce collective bargaining contracts, and personnel rules, regulations, and by-laws adopted by the town;

qm. negotiate collective bargaining contracts on behalf of the Select Board, unless the Town Manager specifically designates another negotiator or negotiating team;

Financial:

gn. administer all grants received by the town;

ho. submit to the Select Board a written proposed operating budget for the ensuing fiscal year, providing in detail the estimated revenue from all sources and all expenditures, including debt services, for the previous, current, and ensuing year;

ip. submit annually to the Select Board a five-year (5) capital improvements program, including a list of all capital improvements proposed for the next five (5) fiscal years with supporting data, cost estimates, methods of financing, recommended time schedules, and the effect on the operating budget or revenues for each proposed capital improvement;

jq. keep full and complete records of the financial and administrative activities of the town and render a detailed written report on all operations as often and for such periods as may be required by the Select Board;

pr. approve all warrants or vouchers for payment of town funds submitted by the Town Accountant;

Property, facilities, and procurement:

ls. develop and maintain a complete inventory of real and personal property of the town, except school property, at least annually.

mt. procure from the school department, a detailed written report of the complete inventory of real and personal school property for annual submission to the Select Board. The school department shall be obligated to prepare the detailed written report;

• have full jurisdiction over the lease, rental, disposal, and use of all Town property, except schools, after approval of the Select Board, and shall be responsible for the maintenance and repair of all Town property;

• be the Chief Procurement Officer under the provisions of G.L. c. 30B, responsible for the purchasing of all supplies, materials, and equipment for the town, including the bidding and awarding of all contracts, except for the school department.

Discussion ensued.

Martha Vautrain MOTIONED to accept the revised Section 3-5-1 per her proposal, 2nd Steve Bolotin.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Steve Bolotin, VCH	X			Len Levin	X		
Betty Cavacco	X			Laurence Pizer	X		
Alan Costello	X			Martha Vautrain	X		
Mike Hanlon							
Joe Hutchinson	X			All members are full standing members.			
Tim Lawlor	X						

MOTION PASSED 8-0-0

Steve Bolotin would like to see a definition of “Town Meeting” – the event, as opposed to “Town Meeting:” Representatives.

He proposed a definition for Town Meeting, as follows:

Town Meeting – Any meeting of the full body of Representative Town Meeting members called for under this Charter.

Steve Bolotin MOTIONED to accept the definition of Town Meeting, 2nd Tim Lawlor.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Steve Bolotin, VCH	X			Len Levin	X		
Betty Cavacco	X			Laurence Pizer	X		
Alan Costello	X			Martha Vautrain	X		
Mike Hanlon							
Joe Hutchinson	X			All members are full standing members.			
Tim Lawlor	X						

MOTION PASSED 8-0-0

Mr. Bolotin mentioned other miscellaneous corrections:

Capitalization of Town, when referring to Town of Plymouth.

Mr. Bolotin MOTIONED to allow the capitalization of Town when referring to Town of Plymouth, 2nd Laurence Pizer.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Steve Bolotin, VCH	X			Len Levin	X		
Betty Cavacco	X			Laurence Pizer	X		
Alan Costello	X			Martha Vautrain	X		
Mike Hanlon							
Joe Hutchinson	X			All members are full standing members.			
Tim Lawlor	X						

MOTION PASSED 8-0-0

Capitalization of Town offices and Town positions, i.e., Planning Board, Select Board, Town Meeting Member, Committee Member, Town Clerk, etc.

Mr. Bolotin MOTIONED to allow the capitalization of Town offices and Town positions, 2nd Joseph Hutchinson.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Steve Bolotin, VCH	X			Len Levin	X		
Betty Cavacco	X			Laurence Pizer	X		
Alan Costello	X			Martha Vautrain	X		
Mike Hanlon							
Joe Hutchinson	X			All members are full standing members.			
Tim Lawlor	X						

MOTION PASSED 8-0-0

Mr. Bolotin proposed to strike the 2nd sentence of Section 4-1-2, 2nd Laurence Pizer.

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~~ ~~Representative Town Meeting~~ members shall be elected in accordance with Section 2-2-1 [to be renumbered per Town Meeting vote] of this Charter.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Steve Bolotin, VCH	X			Len Levin	X		
Betty Cavacco	X			Laurence Pizer	X		
Alan Costello	X			Martha Vautrain	X		
Mike Hanlon							
Joe Hutchinson	X			All members are full standing members.			
Tim Lawlor	X						

MOTION PASSED 8-0-0

Ms. Vautrain noted that Chapter 2 is titled **Town Wide Elected Town Board and Officers**, however Representative Town Meeting members are not elected townwide. Mr. Bolotin added that this was done so as not to repeat the same language twice (in Ch. 3).

Mr. Bolotin proposed to show this revised language in both Chapters 2 and 3 –as shown below.,, 2nd Laurence Pizer

(line 164) Chapter 2/Section 4-2-1

4-2-1 An ~~representative town meeting~~ Representative Town Meeting member or Elected Town official representing the entire Town shall not simultaneously hold another elected town office other than member of a charter commission.

<no changes in the remaining text>

A person who holds multiple offices in violation of this section shall promptly inform the town clerk of which office that person will vacate. Election to a county, state or federal office other than a county charter commission shall be an event disqualifying an elected town official, including, but not limited to, ~~representative town meeting~~ Representative Town Meeting member, from continuing in an elected town office beginning the day the individual is sworn in to the county, state or federal office.

(add new Section after line 311) Chapter 3

X-X-X A ~~representative town meeting~~ Representative Town Meeting member or ~~elected town official~~ ~~representing the entire town~~ shall not simultaneously hold another elected town office other than member of a charter commission.

A person who holds multiple offices in violation of this section shall promptly inform the town clerk of which office that person will vacate. Election to a county, state or federal office other than a county charter commission shall be an event disqualifying a ~~Representative Town Meeting member~~ ~~elected town official~~, ~~including, but not limited to, representative town meeting~~ ~~Representative Town Meeting member~~, from continuing in an elected town office beginning the day the individual is sworn in to the county, state or federal office.

	YES	NO	ABSTAIN		YES	NO	ABSTAIN
Steve Bolotin, VCH	X			Len Levin	X		
Betty Cavacco	X			Laurence Pizer	X		
Alan Costello	X			Martha Vautrain	X		
Mike Hanlon							
Joe Hutchinson	X			All members are full standing members.			
Tim Lawlor	X						

MOTION PASSED 8-0-0

Alan Costello asked for a discussion once again related to the definition of in the Multi-Member Board – and holding 2 elected positions. He would like a stated exemption for Town Meeting Members.

Discussion ensued and consensus was it was not necessary.

No further action.

Betty Cavacco left the meeting moments before the meeting adjourned.

The next meeting is Tuesday, July 16, 2024. Tentative meeting on July 23rd.

The meeting adjourned at 7:50 PM

Respectfully submitted,

Michelle A. Turner

Michelle A. Turner

Minutes Approved on: July 16, 2024